



2011年7月18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)号决议委员会主席给安全理事会主席的信

我谨根据安全理事会第1916(2010)号决议第6(k)段，代表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)号决议委员会在此转递索马里和厄立特里亚问题监察组的报告。

为此，委员会希望提请安全理事会成员注意本信及其附文，并将其作为安理会文件分发为荷。

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
委员会

主席

普里(签名)



2011年6月20日索马里和厄立特里亚问题监察组成员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)号决议委员会主席的信

谨随函转递索马里和厄立特里亚问题监察组依照安全理事会第1916(2010)号决议第6(k)段提交的报告。

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索马里和厄立特里亚问题监察组根据安全理事会第 1916(2010)号决议提交的报告

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简称

非索特派团	非洲联盟驻索马里特派团
解阵	厄立特里亚人民解放阵线
团结民主阵线	恢复团结和民主阵线
国际民航组织	国际民用航空组织
海事组织	国际海事组织
奥阵	奥罗莫解放阵线
欧阵	欧加登民族解放阵线
和研所	斯德哥尔摩国际和平研究所
苏人解	苏丹人民解放运动
开发署	联合国开发计划署
联索政治处	联合国索马里政治事务处
乌国防军	乌干达人民国防军
非索特派团支助办	联合国非索特派团支助办事处
索西联阵	索马里西部联合解放阵线
粮食署	世界粮食计划署

摘要

很难想象有什么国家比索马里和厄立特里亚反差更大了：索马里是一个已经崩溃 20 多年的国家，没有正常运作的国家机构；厄立特里亚则拥有非洲大陆中央集权程度最高的军事化独裁政府系统。但从监察制裁情况的角度来看，这两个国家带来的挑战非常相似：在这两个国家中，权力都集中在个人而不是机构手中，而且主要通过非正规、常常是非法的政治和财政控制网络来行使。两个国家领导人通常更多地依靠外国政府和侨民网络而不是自己国家的人民来提供政治和经济支持。它们都以非常不同的方式，成为日益严重紧迫威胁非洲之角和东非和平与安全的外国武装集团的平台。

索马里一半以上领土由负责任的相对稳定的当局控制，这些当局在不同程度上表明它们能够让它们的民众享有相对的和平与安全。索马里兰、邦特兰、贾穆杜格和 Himan iyo Heeb 行政当局没有采取中央集权建国举措，而是煞费苦心通过内部地方政治进程取得发展。Galguduud 区大部分由反青年党部落民兵控制，松散地团结在“先知的信徒”组织的保护伞下，缺少一个有效的当局。巩固这些实体和它们之间的合作，是在索马里拓展和平与安全的同时消除极端主义和海盗等威胁的唯一的更有效战略。

南部其他反青年党民兵，包括“先知的信徒”组织各派系、“阿扎尼亚国”和“谢贝利河谷国”，似乎是邻国的代理，而不是新成立的地方当局，不清楚它们能在多大程度上带来持久和平和安全。在某种程度上，外国政府使用索马里代理部队的情况表明，1990 年代和 2000 年代初“军阀割据”局面有可能重现，而历史证明，这种局面会产生不利影响。

任期 2011 年 8 月届满的索马里过渡联邦政府把国家的大部分地区交给青年党掌控，青年党控制着位于与肯尼亚的边界和穆杜格和加尔加杜德区南部之间的大部分索马里领土。在摩加迪沙，非洲联盟驻索马里特派团（非索特派团）和支持过渡联邦政府的民兵一道，在打击青年党方面取得了有限进展，但军民伤亡很大。在没有一个统一的安全部门的情况下，非索特派团在本地最有效的同盟是部落民兵，这些民兵效忠个别指挥官，向非洲联盟（非盟）而不是向过渡联邦政府寻求领导和支持。激烈的战斗、严重的干旱和青年党对人道主义组织出入的限制引发了新一轮严重人道主义危机，包括大批难民再次涌入邻国。

索马里南部安全和稳定的主要障碍是过渡联邦政府领导人缺乏远见或凝聚力，自身腐败，不推进政治进程。造成更大破坏的或许是，过渡联邦政府积极反对同索马里其他地区事实上的地方政治和军事力量进行接触或

赋予它们权力。政府领导人垄断权力和资源的企图加剧了过渡联邦机构的内部摩擦，阻碍过渡进程，削弱打击青年党的力度，同时转移对其他地方的积极事态的注意和援助。

在摩加迪沙、中部各区和朱巴河谷遭受军事挫败后，青年党大力扩大对南索马里经济的控制。由于它得不到民众支持，政治上好斗不羁，军事能力有限，经济实力目前是青年党的最大资产。索马里和厄立特里亚问题监察组估计，青年党目前每年通过在其控制地区内征税和勒索，特别是出口木炭和跨界向肯尼亚运送违禁品，获得 7 000 万至 1 亿美元的收入。由于过渡联邦政府腐败盛行和进行掠夺，许多索马里商人认为青年党对商业更有利，他们从纯商业角度出发，不希望过渡联邦政府取代青年党。

青年党主要领导人通过加强同国外圣战实体的结盟来处理国内的困难，并为区内与其看法一致的团体提供平台。2010 年 7 月坎帕拉爆炸事件是青年党在索马里境外的首次成功行动。这些事件也表明一个令人不安的新趋势，即青年党催生和培养的东非极端分子，包括肯尼亚穆斯林青年中心，可能成为东非和更大区域的下一代的极端主义威胁。

海盗仍然是索马里对区域和国际安全的另一威胁。在控制海盗袭击和劫持次数方面，国际打击海盗的努力进展甚微或毫无进展，但这些努力促使海盗威胁进一步远离索马里海岸，威胁更大的地区。在离海岸更远的地方活动增加了海盗的相关风险和费用，促使赎金价码提高，延长为被劫船只获释进行谈判的时间。

无论是为了威慑海盗，还是在陆地上保障安全，索马里私人安保公司的不断增加都令人日益感到关注。私人安保行业没有有力的监管框架，许多私人安保公司的行动方式不透明。监察小组认为，至少有 2 个此类实体严重违反武器禁运，未经授权训练和装备索马里民兵，其中 1 个实体打算走私武器和麻醉药品。

厄立特里亚继续插手索马里事务，在整个力量平衡中的份量不大，但令人担忧。例如，阿斯马拉继续同青年党保持关系，似乎是为了让青年党合法化和给它壮胆，而不是遏制其极端主义倾向，也不是鼓励它参加政治进程。此外，厄立特里亚插手索马里事务表明有范围更大的情报和特种作战活动，包括违反安全理事会第 1907(2009)号决议，训练吉布提、埃塞俄比亚和苏丹可能还有乌干达的武装反对派团体，并为其提供财政和后勤支持。

只有从厄立特里亚与埃塞俄比亚有未获解决的边境争端的角度，才能理解厄立特里亚对这些集团的支持。但它也象征着，人数相对较少的政治、军事和情报官员在有系统地颠覆厄立特里亚政府和政党机构，他们宁

愿通过非正规且往往是非法的机制来处理国家事务，包括偷运人口、贩运军火、洗钱和勒索。

这些不合法的金融做法、执政党支持者和境外一些国家的直接财政捐助以及对海外的厄立特里亚人和厄立特里亚籍外国人征收的“侨民税”，有助于说明像厄立特里亚这样穷的国家是如何不断支持该区域各地的武装反对派团体的。但 2011 年以后，厄立特里亚新设立的采矿部门，特别是金矿，可能成为该国硬通货的主要来源。

在本次任务期间，监察组的评估意见是，厄立特里亚领导人多次违反安全理事会第 1844(2008) 号和第 1907(2009) 号决议。最重要的是，2011 年 1 月，厄立特里亚政府通过制造针对各种民用和政府目标的爆炸事件，谋划、组织和指挥了一起旨在扰乱非盟在亚的斯亚贝巴举行的峰会的未遂事件。许多厄立特里亚人对埃塞俄比亚不执行正式结束两国 1998 年至 2000 年边界战争的划界决定深感不满，或许这可能情有可原，但阿斯马拉领导人为实现其目标而打算采用的手段是不相称和不合理的。此外，由于密谋扰乱非盟峰会的厄立特里亚情报机构在肯尼亚、索马里、苏丹和乌干达也非常活跃，因此必须重新评价该机构对这些国家构成多大威胁。

一. 引言

A. 任务规定

1. 索马里和厄立特里亚问题监察小组(监察组)的任务规定见 2010 年 3 月 19 日通过的安全理事会第 1916(2010)号决议第 6 段。
2. 根据第 1916(2010)号决议第 6(j)段, 监察组在整个任务期限内随时向安全理事会及其关于索马里和厄立特里亚的第 751(1992)号和第 1907(2009)号决议委员会通报情况, 通过联合国秘书长处提交每月进度报告, 并于 2011 年 2 月 9 日提交中期简报。
3. 监察组成员在调查过程中曾前往比利时、加拿大、吉布提、厄立特里亚、埃塞俄比亚、法国、德国、意大利、黎巴嫩、荷兰、挪威、卡塔尔、罗马尼亚、索马里、南非、塞舌尔、苏丹、瑞典、坦桑尼亚、乌干达、阿拉伯联合酋长国、大不列颠及北爱尔兰联合王国、美利坚合众国和也门。
4. 监察组设在内罗毕, 由下列专家组成: 马特·布赖登(协调员)、卡洛琳娜·雷耶斯(人道主义事务)、¹ 约尔格·鲁夫托福特(海事)、加桑·施博雷(财务)和巴巴通德·塔伊沃(武装团体)。
5. 由于行政方面的原因, 监察组下列成员未被任命为专家, 因此没有在监察组最后报告上署名: Lynn Fredriksson、Jonah Leff、Aurélien Llorca 和 Dinesh Mahtani。但实际上他们都作为调查队正式成员开展工作, 参加了对所有证据和调查结果进行的集体审查和评估, 并共同编写最后报告。监察组希望感谢他们对这一工作的宝贵参与和贡献。
6. 监察组还希望感谢 Guillermo Bedoya 自愿作出贡献, 编制了附件 3.2. a 和 b 中的青年党税收图表。

B. 方法

7. 监察组前几份报告中概述的证据标准和核查程序适用于本次任务期间开展的工作。监察组根据它以前的报告(最近一份是 S/2010/91)重申其方法。本报告采用的方法如下:
 - (a) 尽可能从多个来源收集关于事件和议题的信息;
 - (b) 尽可能从有关事件的第一手资料来源收集信息;
 - (c) 确定信息方式是否一致, 将已经了解的情况与新信息和新趋势进行比较;

¹ 卡洛琳娜·雷耶斯 2010 年 12 月参加监察组, 2011 年 3 月辞职。

(d) 在信息可信度和信息来源可靠性方面始终把监察组有关专家的专业知识和判断以及全组成员的集体评估意见考虑在内；

(e) 收集实物、照片、录像和/或书面证据来证明收集到的信息。

8. 监察组特意系统做出努力，通过接触直接了解违禁详情的人或知道有谁直接了解违禁详情的人，来接触参与违禁的人。

9. 监察组约谈了拥有有关信息的各方面消息来源，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。监察组成员会晤了一些过渡联邦政府官员，包括总理、外交部长、国防部长、财政部长、卫生部长、国际合作和规划部长、环境部长、妇女和家庭事务部长、国家安全局局长和摩加迪沙港口主管。小组还会见许多索马里兰和邦特兰行政当局官员和索马里兰民间社会、政治团体和武装团体的许多成员，或与之进行联系。

10. 就收集信息而言，厄立特里亚是一个特别的挑战。由于外国人，包括境内联合国人员和外交人员行动受限制，根本没有独立的媒体或非政府组织，监察组主要靠侨民消息来源获得必要信息。具体而言，监察组同许多以前就了解人民民主和正义阵线(人阵)和军事机构的前厄立特里亚军事、情报和外交官员进行接触。监察组的许多前政府消息人士目前仍然与厄立特里亚和人阵保持接触，有时能够从现任厄立特里亚官员那里获得信息。监察组在与厄立特里亚政治反对派团体或与这些团体有关联的个人进行接触时保持谨慎，因为他们可能出于政治动机提供信息。

11. 能够用多种地方语言监测公开消息来源的顾问提供的信息也让监察组获益匪浅，监察组希望在今后任期内继续这样做。索马里语、提格里尼亚和阿拉伯语对监察组开展工作尤为重要。

索马里

二. 背景：安全环境

12. 自 1990 年代后期以来，索马里领土一分为二，北方在负责任的当局治理下相对稳定和安全，南方长期频现暴力，缺乏有效治理。监察组 2010 年 3 月提交上份报告后，安全趋势不平稳，有时好坏各半。

13. 索马里南部安全和稳定的主要障碍是过渡联邦政府领导人缺乏远见或凝聚力，自身腐败，不推进政治进程。造成更大破坏的或许是，过渡联邦政府积极反对同索马里其他地区事实上的地方政治和军事力量进行接触或赋予它们权力。政府领导人垄断权力和资源的企图加剧了过渡联邦机构的内部摩擦，阻碍过渡进程，削弱打击青年党的力度，同时转移对其他地方的积极事态的注意和援助。

14. 索马里兰当局维持安全和稳定，其海岸线上没有海盗，巩固了新生民主机构，2010年6月举行了人们普遍认为是自由、公平和和平的总统选举。邦特兰行政当局也维持了相对和平和稳定——但主要城镇中有目标的杀人事件有所增加，并在打击海盗方面取得进展。但这两个当局都在有争议的索勒州和萨纳格州东部面临越来越多的共同威胁，因为索勒、萨纳格和卡因部队在这些地区的目标是增加地方政治和社会紧张局面，引发暴力，且穆罕默德·赛义德·阿塔姆民兵实际上已经与青年党合并。

15. 在索马里中部，新成立的当局，如穆杜格州“Gaal mudg 国”、穆杜格州“Himan iyo Heeb”和加尔加杜德州“先知的信徒”组织等，也在实现地方安全和稳定方面取得了一些进展。但索马里南部其他地区的趋势大体消极。青年党仍然控制大部分领土，非索特派团、过渡联邦政府和同盟民兵与青年党的冲突导致暴力不断升级，人道主义环境不断恶化。同时，过渡联邦政府安全部队及其地方同盟仍然只效忠个别指挥官，并向非洲联盟（非盟）而不是向过渡联邦政府寻求领导和支持。

16. 南部其他反青年党民兵，包括“先知的信徒”组织各派系、“阿扎尼亚国”和“谢贝利河谷国”，似乎是邻国的代理，而不是新成立的地方当局，不清楚它们能在多大程度上带来持久和平和安全。在某种程度上，外国政府使用索马里代理部队的情况表明，1990年代和2000年代初“军阀割据”局面有可能重现，而历史证明，这种局面会产生不利影响。

三. 威胁索马里和平、安全和稳定的行为*

17. 自伊斯兰党于2010年12月解体以来，青年党仍然是对索马里和平与安全的主要威胁。但监察组在其2011年2月的中期简报中指出，“过渡联邦政府长期虚弱，特别是其安全部队混乱，扩大了青年党的威胁”。与青年党不同的是，政府仍然主要依靠外来资源和保护。过渡联邦政府安全部门的情况近几个月出现恶化，许多表面上是过渡联邦政府部队的部队实际上是自治民兵，他们与非索特派团的关系比与过渡联邦政府领导人的关系更密切（截至2011年3月的非索特派团和联邦过渡政府在摩加迪沙的位置图见附件1.1.a）。过渡联邦政府内主要人物仍在阻碍政治进程，转移或挪用政府收入或不愿意将其民兵部队置于统一指挥下，起“内部破坏者”的作用。

* 安全理事会第1844(2008)号决议第8(a)段禁止“威胁索马里和平、安全或稳定的行为，包括威胁2008年8月18日《吉布提协议》或政治进程或以武力威胁过渡联邦政府或非索特派团的行为。”

A. 青年圣战运动

18. 青年圣战运动(通常称为青年党)仍然是索马里南部唯一重要的反对派武装团体,是和平、安全和稳定的主要威胁。² 青年党继续不断对过渡联邦机构及其安全部队和非索特派团发动攻击,威胁政治进程。

斋月攻势

19. 2010年8月22日,青年党启动自2009年5月以来最大的军事行动。该行动名为“斋月攻势”,估计有2 500至5 000名青年党作战人员参加,目标包括夺取位于Villa Somalia的总统府,象征性推翻过渡联邦政府。在摩加迪沙的其他地方,青年党设法扩大对Hodan、Hawlwadaag、Boondere和Abdi Aziz等主要地区的控制。

20. 发起进攻两天后,青年党2010年8月24日在穆纳酒店发动精心筹划的自杀袭击,至少致使33人丧生,其中包括4名议员。

21. 两周后,青年党在2010年9月9日午后在摩加迪沙国际机场发动双重袭击。爆炸时正好有一个高级别国际代表团,包括联合国秘书长索马里问题特别代表和非盟索马里问题特别代表,抵达机场。2名非索特派团维和人员和至少5名平民在爆炸和同时进行的枪战中丧生。

22. 虽然青年党最初在首都夺取了一些领土,造成非索特派团部队数十人伤亡,但由于及时增派了2 000名乌干达维和人员和过渡联邦政府和先知的信徒部队积极进行反攻,“斋月攻势”最终受阻并被击退。监察组认为,这可能还表明青年党过渡依靠儿童兵,而儿童兵无法抵挡非索特派团部队,在某种程度上也无法抵挡联邦过渡政府和先知的信徒民兵。³

23. 面对在首都不断增加的压力,为了维持早先的战势,青年党开始接受增援,主要是来自加尔古杜德州中部地区的哈维耶族/阿布加尔族成员。青年党把这些作战人员部署在阿布加尔族聚集区及Abdi Aziz、Boondheere和Shangaani地区,显然是利用部落力量来扭转它在这些战略地区的损失。

24. 2011年2月22日,非索特派团联手过渡联邦政府和先知的信徒组织民兵发起反攻。在这次行动中,非索特派团布隆迪分遣队和过渡联邦政府部队一起成功地将青年党赶出前国防部和前牛奶厂的重要据点。虽然非索特派团部队及过渡联邦政府和所属民兵在这次进攻中伤亡巨大,但它们成功地将非索特派团

² 监察组在其2010年3月报告(S/2010/91)中指出,伊斯兰党是经常违反第1844(2008)号决议的实体之一,已被严重削弱,基本靠边站。2010年12月伊斯兰党消亡,青年党有效吸收其残余人员。监察组现在认为,联合国安全理事会关于索马里和厄立特里亚的委员会2010年4月12日列入名单的Hassan Turki和Hassan Dahir Aweys是青年党成员而不是伊斯兰党成员。2010年4月12日,委员会还将青年党列为定向措施对象。目标个人和实体完整名单见:http://www.un.org/sc/committees/751/pdf/1844_cons_list.pdf。

³ 联合国安全简报/报告,以及2011年1月20日在摩加迪沙约谈1名青年党逃兵。

在首都的控制区由 5 个增至 7 个，使前线更加远离 Villa Somalia，并使驻扎在 Bakaara 市场和 Dayniile 的青年党部队感受到压力。

青年党的战术、方法和程序

25. 监察组在任期内系统编制了安全事件图，以便深入了解青年党进行不对称战争的战术、方法和程序。有记录的事件摘要见附件 1.1.b、1.1.c 和 1.1.d。

手榴弹

26. 监察组估计，在其任期内，摩加迪沙至少发生了 155 起投掷手榴弹事件。这些事件的目标不仅仅是非索特派团和前过渡联邦政府部队，还有国际组织。虽然没有总体趋势或方式，但在非索特派团主导的 2011 年 2 月攻势中，投掷手榴弹事件激增，2011 年 1 月发生 9 起，而 2011 年 2 月至少发生 34 起。

简易爆炸装置

27. 2010 年 4 月至 2011 年 4 月，根据监察组的记录，摩加迪沙发生了 98 起涉及简易爆炸装置的事件，主要以非索特派团和过渡联邦政府部队为目标，但也有一些平民丧生。至少 9 起此类事件是未遂自杀攻击(人体携带简易爆炸装置)，其中 4 起被挫败。2010 年 7 月 1 日在 Villa Somalia 发生 1 起自杀攻击。

28. 总体而言，过去几年中非索特派团和过渡联邦政府人员因简易爆炸装置死亡的人数有所减少，可能是因为采取措施加强对简易爆炸物的防护，改进了人工收集情报工作，便于预先挫败这些袭击。同时，从战场回收爆炸简易爆炸装置的工作也取得重大进展。

狙击手

29. 反对派部队成功利用狙击手骚扰非索特派团和过渡联邦政府部队，阻止他们向摩加迪沙战略要地挺进。监察组估计在其任期内至少发生 130 起致使非索特派团和过渡联邦政府人员伤亡的狙击手射击事件。根据多个消息来源，在其中许多事件中利用了青年党外国作战人员的专长。在 2010 年 8 月和 9 月青年党发动斋月攻势期间，狙击手射击事件增加了一倍。

青年党北进

30. 在报告所述期间，索马里兰和邦特兰北部地区相对安全。但是，它们的稳定面临内部和外部的挑战，两个最严重的挑战是青年党人和同情者，包括穆罕默德·赛义德·阿塔姆领导的民兵。

穆罕默德·赛义德·阿塔姆

31. 监察组在 2010 年 3 月的报告(S/2010/91)中谈到穆罕默德·赛义德·阿塔姆民兵出现在萨纳格东部，与青年党发展联系。⁴

32. 2010 年初，在瓦尔森格利部落长老调解下，阿塔姆同邦特兰行政当局进行间接谈判。根据一名密切接触谈判的消息人士，摩加迪沙青年党领导人派出特使，迫使阿塔姆中断会谈。⁵ 其中一名特使 Yasiin Kilwe 是青年党“埃米尔”Ahmed Abdi Godane 的瓦尔森格利族副手，曾在哈尔格萨监狱服刑六年，2009 年获释；另一名特使 Mohamud Mohamed Nur ‘Faruur 是 Togheer 东部地区哈巴尔吉迪尔艾尔部落的青年党主要人物。

33. 2010 年 3 月，阿塔姆中断会谈，恢复军事筹备行动，包括(据监察组约谈的一名目击证人说)在萨纳格东部战略地点之间建造土路。⁶ 阿塔姆还继续积累武器和弹药。据说 2010 年 4 月和 5 月在 Cadcaddow 海滩“港口”(Ceelayo 以西约 35 公里)进行了武器交付，有几次被人看到。⁷ 当地消息来源告诉监察组说，虽然在该地点交付的武器过去主要来自厄立特里亚(交付给欧阵)，但现在主要来自也门。⁸

34. 在 2010 年 7 月至 9 月间，邦特兰安全部队对 Galgala 高地的阿塔姆民兵发起进攻。阿塔姆作战人员早期拥有优势：在自己家乡有准备地作战，采用打了就跑的策略及 7 月底和 9 月中旬获得用单桅帆船运送的武器、弹药和医疗用品。⁹ 据上船卸货的当地人说，9 月的货物在 Saliid 附近海滩港口 Durdurdi 交货，有大约 25 公吨的武器和弹药。¹⁰

35. 2010 年 9 月，邦特兰部队成功击退阿塔姆部队并占领了它的 Galgal 基地。至少一名阿塔姆高级指挥官(Jaama’ Osman Du’ ale)和其他几十名作战人员在战斗中丧生，据报阿塔姆本人上臂/肩膀受伤。¹¹

⁴ S/2010/91，第 146 段至 150 段。

⁵ 2010 年 11 月 14 日的约谈。

⁶ 2010 年 10 月和 2011 年 5 月同曾去过这条路的索马里可靠消息人士的约谈。

⁷ 2010 年 10 月约谈 Laas Qoray 商人。据称，其中一批货物包括阿塔姆代表索勒、萨纳格和卡因部队购买的 7 公吨武器和弹药，已在 Dhahar 附近转交后者，但监察组无法证实这一举报。

⁸ 2011 年 10 月约谈 3 名索马里军火交易商和独立消息人士。2011 年 10 月，交易商让监察组检查其武器和弹药样品。

⁹ 2010 年 10 月约谈 Laas Qoray 军火交易商和贸易商。一些报道还表明，索马里和外国作战人员可能护送了这些货物，但监察组无法核实这一信息。

¹⁰ 2011 年 4 月约谈 Laas Qoray 贸易商。

¹¹ 邦特兰部队声称打死 96 名作战人员，但向监察组提供的其他数字低得多。见 <http://www>。

36. 从阿塔姆 Galgala 基地没收的物品似乎证实他与青年党有联系的说法。邦特兰部队展示了黑色青年党旗帜，更重要的是，展示了青年党用于制造无线电控制简易爆炸装置的 11 个摩托车保镖防盗装置(见下文四.C 节个案研究)。邦特兰部队从阿塔姆民兵没收的其他物品照片见附件 1.2。

图一
在阿塔姆 Galgala 基地兵营发现的保镖防盗装置



37. 阿塔姆被击败后不得不与青年党走得更近，他前往摩加迪沙就医，2011 年上半年往返于摩加迪沙和基斯马尤之间，为其部队寻求军事和财政援助。虽然青年党在此期间一直进行激战，本身物资短缺，但据说 2011 年 1 月在 Laas Qoray 附近为阿塔姆部队提供了大批(四辆卡车)武器和弹药，阿塔姆据信在 2011 年 2 月从基斯马尤派一只单桅帆船到他剩余的部队，主要运送小武器和迫击炮弹药。¹²

garoweonline.com/artman2/publish/Somalia_27/Somalia_Puntland_says_96_militants_killed_urges_Somaliland_to_act_against_terror_printer.shtml.

¹² 在最近同阿塔姆一名官员直接联系的基础上于 2011 年 4 月约谈可靠的索马里消息人士。

图二
邦特兰安全部队在 Galgala 拍摄的照片，显示据说从阿塔姆基地兵营没收的青年党旗帜



38. 失败使阿塔姆的网络部分转入地下，致使邦特兰主要城镇、特别是 Bosaaso 有目标杀人事件剧增。一些受害人与 Saracen 有联系，其中包括 Ali Saleebaan 部落有头衔的长老、邦特兰发展团体创始成员 Sultan Isse Hassan Omar，这绝非偶然，许多瓦尔森格利人认为 Saracen 打算加强邦特兰对 Majiyahan 地区自然资源的控制。¹³

39. 2011 年 5 月初，阿塔姆民兵重新聚集在 Galgala，攻击邦特兰部队，冲突中有 20 人丧生。¹⁴ 阿塔姆本人据说在交战前不久回到萨纳格东部，向媒体发表声明，否认与青年党有联系，声称他的部队只是保护瓦尔森格利部落领土和石油资源。“他们 [邦特兰行政当局] 希望我们逃离 [原文如此] 我们的住区，让他们开发我们的资源；这是冲突的根源……我们可以谈判”。¹⁵

财政和后勤支持

40. 如果没有当地的政治和财政支持网络，阿塔姆不可能坚持下来，特别是在邦特兰和索马里兰安全部队不断施加压力的情况下。

¹³ 2006 年阿塔姆首次作为民兵领导人出现，要捍卫 Majiyahan 地区 Warsengeli 部落领土和资源，不让它们受被认为是来自邦特兰的侵吞(见 S/2008/769，第 148 段至 151 段)。

¹⁴ 美国之音，“20 多人在索马里北部战斗中丧生”，2011 年 5 月 11 日，<http://www.voanews.com/english/news/africa/east/More-Than-20-Killed-in-Northern-Somalia-Fighting-121635299.html>。

¹⁵ somaliaonline，“阿塔姆否认同青年党有联系；民兵领导人说邦特兰冲突事关自然资源”(2011 年 5 月 18 日)。见 <http://www.somaliaonline.com/community/showthread.php/56861-Mohamed-Said-Atam-denies-Al-Shabaab-Links>。

41. 邦特兰官员指控阿塔姆得到索马里兰行政当局的支持，索马里兰为他的一些作战人员发薪。2011 年 1 月，邦特兰行政当局发表声明，对“索马里兰同青年党……”、特别是穆罕默德·赛义德·阿塔姆“……的联系不断增强”，表示关切。¹⁶

42. 索马里兰当局强烈否认这些指控，称阿塔姆是“恐怖分子”。¹⁷ 但消息灵通人士告诉监察组说，阿塔姆可能与前索马里兰行政当局的一些人有联系，包括前青年和体育部长和驻 Eerigaabo 索马里兰武装部队区指挥官。¹⁸ 如果过去曾提供这种支持，现在似乎没有任何证据显示在 2010 年 6 月当选的新索马里兰行政当局领导下继续提供这一支持。

43. 阿塔姆还获得本部落宗教领袖和商界领袖的庇护和 Bosaaso 商界名人的支持。监察组收到关于向阿塔姆提供财政支持的具体信息，并正继续进行调查。

分析

44. 2010 年初，阿塔姆民兵是一个青年党的“附属团体”，监察组现在认为它基本上已经与青年党合并。尽管 2010 年底遭到失败，四处分散，并在邦特兰武装部队掌控中，但该团体仍持续威胁该区域和平与安全，并表明它能在公开和秘密行动之间进行转换。除非也查明他在部落和商界精英人士中的支持者并予以打击，否则就不可能消灭阿塔姆和他的民兵。

45. 对索马里南部青年党部队的军事压力不断增大，这可能对阿塔姆有利。尽管迄今这意味着青年党不能或不愿意向他提供大量财政或军事支持，但萨纳格东部偏远山区通往亚丁湾而且靠近也门，似乎日益成为一个替代青年党最近处于守势的索马里南部的吸引人的选择。

B. 青年党对区域和国际社会的威胁

46. 青年党也是该区域和国际社会面临的一个日益严重的威胁。埃塞俄比亚政府曾在 2009 年声称，青年党基层组织“计划对亚的斯亚贝巴的 10 个目标发动攻击”，不过，监察组未能独立核实这一信息。¹⁹ 2010 年 7 月 11 日，该团

¹⁶ Garoweonline, “邦特兰称 96 名民兵丧生，敦促索马里兰“抗击恐怖行动”(2010 年 11 月 5 日)。http://www.garoweonline.com/artman2/publish/Somalia_27/Somalia_Puntland_says_96_militants_killed_urges_Somaliland_to_act_against_terror_printer.shtml; 索马里邦特兰州, “邦特兰深为关切索马里兰同青年党的关系不断增强”, 新闻稿, 2011 年 1 月 1 日。

¹⁷ Garoweonline, “在邦特兰提出指控后, 索马里兰称阿塔姆是恐怖分子”(2010 年 11 月 9 日)。见 http://allafrica.com/stories/201011100501.html。

¹⁸ 2010 年 10 月和 2011 年 4 月在 Hargeysa 分别约谈 3 名 Warsengeli 部落的长老, 包括 1 名政府官员。监察组无法独立核实这一信息。

¹⁹ 埃塞俄比亚政府向“联合国基地组织和塔利班分析支助和制裁监察组”所做的介绍, 题为“基地组织在该区域的威胁”, 2011 年 2 月。

体在索马里境外成功采取了第一次重大行动，在坎帕拉两家夜总会协调制造自杀爆炸事件，炸死 79 人，炸伤数十人。值得注意的是，坎帕拉行动主要是由乌干达人和肯尼亚人进行的，其中只有几个人是索马里裔人，他们都是由青年党在索马里培训的(坎帕拉爆炸案更详细的案例研究，见附件 2.1)。同样，监察组已查明有当地网络代表青年党在肯尼亚进行招募、煽动和资金筹集工作。

47. 坎帕拉爆炸事件所凸显的这一令人不安的趋势，表明青年党不仅拥有进行这种攻击的意志和能力，而且还在催生新一代东非圣战组织团体，对该地区乃至整个国际社会的安全产生新的挑战。

48. 监察组还了解到肯尼亚有与青年党有关系的广泛网络，不仅为该组织招募成员和筹集资金，而且还在肯尼亚境内进行指导和培训活动。据信，东非其他地方也有类似、但规模较小的网络。青年党还在非洲北部、西部和南部同圣战团体建立了实际联系。

49. 青年党在肯尼亚的人员过去主要集中在索马里裔社区。但自 2009 年以来，该团体已迅速扩大其影响力，其成员已扩大到非索马里裔的肯尼亚人。据监察组估计，这些肯尼亚人如今是青年党内人数最多、而且最有组织的非索马里人群体。²⁰

50. 在本次任务期间，监察组重点调查了穆斯林青年中心的活动，该中心俗称普姆瓦尼穆斯林青年组织，有关该组织的详细案例研究见附件 2.2。普姆瓦尼穆斯林青年组织是肯尼亚当地几个亲青年党的团体之一，它已成为青年党在肯尼亚境内的一个最大支助网络。²¹ 该团体成员公开在肯尼亚为青年党招募成员，协助个人前往索马里培训和参加“圣战”。其主要成员和领导人也被认为与 2010 年 7 月在乌干达坎帕拉爆炸事件有关。该组织的发展是一个新的令人不安趋势，表明青年党催生和培养的东非极端主义团体可能成为东非和更大区域的下一代恐怖威胁。

51. 关于青年党及其附属团体可能对东非地区构成威胁的更详细评估，参见附件 2。

C. 被青年党利用的贩运人口网络

52. 监察组在 2010 年 3 月的报告(S/2010/91)中，阐述了移民和虚假签证可能为包括青年党在内的武装反对派团体成员往返索马里提供方便的情况。²² 在本次任务期间，监察组获悉仍有这种情况，并集中调查了一个有名蛇头的活

²⁰ 根据一名 2009 年曾在索马里参战、并在 2010 年返回肯尼亚的原普姆瓦尼穆斯林青年组织成员所述，这个非洲“外国战斗人员”的核心团体早在 2006 年或 2007 年便积极参与索马里的战斗。2011 年 3 月 9 日的约谈。

²¹ 监察组正在调查肯尼亚当地其他两个据说与青年党有联系的团体。

²² 见 S/2010/91，第 109-120 段。

动。蛇头名叫 Abdirahman Abdi “Salawat”，据说是索马里国民，但通过弄虚作假获得肯尼亚公民证件。Salawat 还有肯尼亚护照（号码：A739601 和 A183790），使用的假名是“Abdi Warsame Dirie”，这是他在出国旅行时使用的姓名。无论是在 Eastleigh(内罗毕)被警方搜查而扣留的人，还是希望偷渡到欧洲的索马里移民或出入索马里的可能是青年党成员的人，都知道 Salawat，他已经成为那些在肯尼亚可能有移民问题的人首选的“能帮忙的人”。

53. Salawat 至少自 2004 年 10 月起便开始参与偷渡活动，当时他和一个名叫 Abdullahi Abdinur “Topolino” 的同伙签约租赁了一栋位于 Eastleigh 第 10 街的大楼，每月租金 350 000 肯尼亚先令。该大楼后来被称作“第十大酒店”（现称为 Gaman 酒店），由 Salawat 和 Topolino 联合管理，在 2008 年年底前是一个贩卖偷窃或伪造的护照、旅行证件或肯尼亚国民身份证件的中转站，据一些消息来源说，它也是贩运毒品的中转站。²³ 2009 年，随着索马里中南部武装冲突的加剧，该酒店也开始接受在 Salawat 协助下偷渡进入肯尼亚的反对派武装团体成员，包括受伤的战士。监察组了解到，在此期间，常常能发现受伤的索马里人住在 Eastleigh 和内罗毕其他地方的酒店，包括接受治疗后进行休养的过渡政府士兵；但是，索马里驻肯尼亚大使向监察组确认，过渡政府没有让任何受伤人员住在第十大酒店。²⁴

54. “Topolino” 向监察组承认，他是 Salawat 的“合伙人”和“表兄”，但不愿证实酒店中有受伤的青年党战士，声称酒店管理人员无法知道受伤的索马里人是否为青年党战斗人员。Topolino 也承认，酒店是购买和出售护照和非法获得签证的中心，称这是移民经纪人“mukalas”所为，但声称没有向青年党成员及其家人提供这种服务。

55. Salawat 也参与了将索马里武装反对派团体成员及其同情者偷渡到欧洲和其他国际目的地的行动。例如，监察组已约谈了一名索马里男子，他在 2009 年底从索马里前往内罗毕，与 Salawat 讨论偷渡到欧洲的条件。他们在见面时商定，当“客户”到达欧洲时，需要将 19 000 美元汇入一个“小商家”名下的托管账户，最终转给 Salawat。²⁵

²³ 约谈多位独立消息来源人士，包括 2011 年 3 月 9 日约谈现任“移民中介人”，以及 2011 年 2 月 12 日约谈包括警察联络人在内的官方消息来源人士，他们均表示知道第十大酒店是贩卖偷窃证件和毒品的中转站。

²⁴ 2011 年 4 月 27 日在内罗毕的约谈。由于一名肯尼亚警官打断约谈，指责监察组威胁 Topolino，在“没有许可证”情况下进行非法调查，因此约谈很快结束。监察组认为，Topolino 故意误导和要求一名肯尼亚安全局官员进行干预，以便阻挠监察组的调查。

²⁵ 2010 年 10 月 22 日与 Salawat 以前的顾客的约谈。

56. 2009 年 12 月 14 日, Salawat 的客户, 使用一本以 Mohammed Yassin Gaal 为名的瑞典护照离开内罗毕前往荷兰。²⁶ 但在抵达阿姆斯特丹的第二天, 他被荷兰当局拘留, 因为一份安全提示名单中显然有他借用的身份。²⁷ 之后, 他经伊斯坦布尔被递解到内罗毕。在接受监察组约谈时, “客户” 承认, 他知道 Gaal 是青年党成员, 但否认与他或这个极端主义团体有任何联系。监察组认为, “Mohammed Yassin Gaal” 确实是青年党成员, 在 Hassan Abdillahi Hirsi “Turki” 领导下在索马里下朱巴地区活动。²⁸

57. 2010 年 10 月, Salawat 协助三个人从欧洲经内罗毕前往索马里, 以便为青年党作战。据信, 其中的两人, Ali Dahir Osman 和 Abubakar Yusuf, 分别持有荷兰和丹麦的护照。²⁹ 据 Salawat 的一名亲密助手和合作者所述, 在到达内罗毕后, Salawat 安排这三个人住在 Eastleigh 的 Andalus 酒店, 之后, 协助他们取道肯尼亚东北部省份从陆路前往索马里。³⁰ 不过, 他坚称, 这三个人找 Salawat 帮忙, 只是要前往索马里 “度假”, 而且会返回。迄今为止, 还没有迹象表明, Ali Dahir Osman 或 Abubakar Yusuf 回到内罗毕。

58. Salawat 常常安排从欧洲以及欧洲以外地方来的索马里人途经乌干达通过非常容易通过的布西亚边境哨所前往索马里。³¹ 在大多数情况下, 偷渡客由一名中介代理人伴随, 在必要时, 此人会与边境移民官员协商。一旦到了肯尼亚, 偷渡客会被安排在一个安全房屋等待新的证件, 通常是肯尼亚国民的身份证, 以便前往索马里。有人告诉监察组, 内罗毕 Katarina 酒店是专门用来接待青年党成员的。³²

59. 据一位直接了解 Salawat 活动的人说,³³ 2011 年 4 月 5 日, 包括 Salawat 在内的一批索马里商人, 在 LAICO Regency 公司在内罗毕的 “Grand

²⁶ 据顾客所述, Salawat 给了他一张土耳其航空公司的电子票(票号 2353601788656)。监察组获知, Salawat 通常选用土耳其航空公司。

²⁷ 2010 年 10 月 22 日的约谈。2010 年 10 月 4 日, 一群 Habr Gidir 族长老在伊斯来尔聚会, 讨论如何说服 Salawat 退还客户的钱(19 000 美元)。

²⁸ 2011 年 1 月与熟悉青年党尤其是 Mohammed Yassin Gaal 的一名奥阵前战斗人员的约谈。2010 年 4 月 12 日, 联合国安全理事会根据第 1844(2008) 号决议对 Turki 进行指认。

²⁹ 在与一名通过 Salawat 于 2010 年 11 月 5 日偷渡成功的保密人士的会面时, 他谈到 Salawat 如何向三名索马里人提供住宿, 其中有一人是荷兰国民, 一人是丹麦国民。

³⁰ 2010 年 11 月 5 日与 Salawat 昔日顾客的约谈, 2010 年 11 月 6 日得到一名中介和 Salawat 昔日一名助手的证实。

³¹ 2010 年 11 月 6 日与一名同 Salawat 有联系的现任移民中介的约谈。厄立特里亚情报官员和 2010 年 7 月坎帕拉爆炸案的策划者也使用该边境哨所, 说明该哨所的安保十分松懈。

³² 2011 年 1 月 12 日与 Salawat 的一名临时雇员以及与 Katarina 旅馆经理的约谈。旅馆经理无法证实旅馆中有青年党成员, 但他承认, 旅馆常常有一些 “可疑” 的索马里人, 他们只在很晚才进入旅馆, 并拒绝出示所需的证件。

³³ 2011 年 4 月 22 日在内罗毕同出席会议者以及一名独立消息来源人士的约谈。

Regency”酒店会面，而当时索马里长老也在该酒店开会讨论索马里局势。他们的会议旨在相互商定共同的方式和手段，规定为主要的想偷渡到欧洲以及欧洲以外目的地的索马里人客户办理签证和旅行证件的费用。这表明，Salawat 和他的同伙打算扩大和巩固他们的走私活动，而这些活动在可预见的将来仍然会起帮助青年党及其同情者的作用。

D. 青年党的财政

60. 尽管出现军事僵局，而且据说领导层内部出现分裂，青年党的经济状况比以往任何时候都要好。它继续巩固用于支付作战人员薪金、武器和弹药和维持军事行动的多个收入来源。根据监察组的保守估计，青年党每年从下列来源获得 7 000 万到 1 亿美元：机场和港口的关税和收费、货物和服务税、以实物形式对国内产品征收的税、“圣战捐款”、检查站收费和以宗教义务或教会税形式进行的各种形式勒索。

61. 青年党的收入来源按照其重要性递减顺序大致可以分为：

- 征税和敲诈
- 商业、贸易和走私
- 散居在海外的索马里人的支助
- 外部援助

62. 与此同时，青年党正从一个武装派别发展成一个在索马里和国外均有商业利益的财团，其成员通过卡特尔式的交易、税收减免和相互协助获益。此外，还有一些迹象表明，青年党交易网络也被用来掩盖海湾国家的同情者提供的慈善捐款。

税务和勒索

63. 青年党的税务制度比索马里任何其他当局、包括邦特兰和索马里兰行政部门的税务制度更加复杂更加全面。青年党收集在其辖区经营的商家的详细资料，包括从电信和汇款机构，到一般商品和食品商店、农业和畜牧业。青年党的代表定期走访这些商家，进行估值并收税。青年党至少以六种不同方式征税，包括：

- (a) 对从一般商店购买的商品征收消费税；
- (b) 根据规模和盈利能力对商家征税；
- (c) 向农民和牧民征收数千吨玉米、芝麻、牲畜和其他产品的实物税；
- (d) 每亩可耕地向农民征收 10 美元；
- (e) 每年征收占公司利润总额 2.5% 的税，称作教会税；

(f) 为具体军事行动收取临时捐款，称作圣战捐款。³⁴

64. 2009 年 10 月，青年党在与 Ras Kamboni 部队的作战中赢得了决定性胜利，控制了港口城市基斯马尤以及二级口岸马尔卡和巴拉维，自此以来，这些港口城市一直是它最重要的收入来源。青年党每年从港口获得 3 500 万至 5 000 万美元的收入，其中至少有 1 500 万美元来自木炭和食糖的贸易。³⁵

65. 通过基斯马尤港进口的绝大多数商品不是供当地居民使用，而是运往索马里南部其他可由摩加迪沙提供同样或更好的服务的地区，或是作为违禁品走私到邻国。

66. Bakaara 和 Suuq Ba' ad 市场的商业税收估计每月在 250 万美元至 500 万美元之间，或每年 3 000 万美元和 6 000 万美元。³⁶ 除了这些商业税之外，青年党还有一个很大的由移动军事检查站组成的网络，在这些检查站，司机和乘客都必须付税才能自由通行。关于青年党征税情况的更详细分析见附件 3。

67. 虽然青年党的官方态度是不鼓励咀嚼 qaad，一些地方甚至明文禁止，但它曾允许通过其控制的机场进口 qaad，估计是为了征收更多的税。直到 2010 年 10 月 16 号，蓝鸟航空有限公司和自由航空快运有限公司还平均每天经营一个飞往摩加迪沙西机场的航班。该机场通常被称为“50 公里”或“K50”，位于青年党武装分子控制的地区，由有名的索马里商人 Ahmed Du' ale Gelle “Heef” 拥有和经营。虽然“Heef”告诉监察组说，通过 K50 交易“qaad”产生的全部收入交给过渡政府中央银行，但监察组估计，在 2010 年 1 月至 10 月中旬期间，通过 K50 开展 qaad 贸易的商人付给青年党的税款应当在 50 万美元左右。³⁷

68. 2010 年 10 月 16 日，青年党接管了 K50 设施，³⁸ 据说，他们驱逐艾哈迈德杜阿莱的民兵，并导致肯尼亚当局禁止飞机降落在该机场。据肯尼亚运营商

³⁴ 2011 年 2 月在迪拜与索马里商业界人士的约谈，另见 2010 年 8 月 3 日在路透社网站上查到的一篇由 Mohamed Ahmed 和 Abdi Sheikh 编写的报道，题为“索马里伊斯兰人为圣战索取现金和珠宝”。见 <http://ca.reuters.com/article/topNews/idCATRE67220I20100803? pageNumber= 2&virtualBrandChannel=0&sp=true>。

³⁵ 其中基斯马尤港每年产生 800 万至 900 万美元，马尔卡、巴拉维港和 ‘Eel Ma’ aan 港共又产生 600 万至 700 万美元。港口收入因气候和商品价格而变。2010 年 11 月与 2011 年 3 月期间与设在迪拜的几家索马里贸易公司的约谈，以及 2011 年 4 月 27 日与内罗毕一家基斯马尤港贸易商的约谈。

³⁶ 根据监察组与一家当地研究机构的约谈，这项税收基础包括每月向 500 家餐馆收税 70 美元；每月向 21 000 家商店收税 100 至 500 美元；每月向 50 000 个报亭和小贩收税 50 至 120 美元；向每辆从附近农场运载农产品的卡车收税 100 美元。

³⁷ 2010 年 5 月 9 日与 Ahmed Du' ale Gelle “Heef” 的约谈。另外，在内罗毕和摩加迪沙与多位航空界人士的约谈。

³⁸ 据索马里媒体报道，青年党于 2010 年 10 月 12 日接管了 K50，见“青年党暂停了索马里南部 KM-50 的航班”，2010 年 10 月 13 日，Shabelle 媒体网络。

所述，青年党提出在 K50 进行货运活动，但蓝鸟公司拒绝了，并从这一个天起，将所有航班转到摩加迪沙国际机场。³⁹ 因此，青年党似乎不再能够从空运 qaad 获得税收。但是，监察组估计，截至编写本报告时，仍然从陆路通过青年党控制地区从肯尼亚进口 qaad。

青年党的贸易循环过程：食糖、走私品和木炭

69. 与青年党控制地区有固定资产的电信和哈瓦拉汇款系统等商家不同，进口/出口贸易商可以选择其他港口来做生意。因此，监察组认为，使用基斯马尤港的许多主要贸易商和运输商是知情自愿参与能给青年党这个被安理会指认的实体产生大量经济利益的商业交易的，因此，它们有可能违反安理会第 1844(2008)号决议。

70. 青年党每月通过一个经过协调的贸易循环获得数百万美元的收入，这一循环以出口木炭为基础，通过出口木炭获取进口食糖的资金，而进口的食糖大部分随后作为违禁品走私到邻国，尤其是肯尼亚。运输公司将食糖运到基斯马尤港，回程运送木炭。这项贸易所获利润存入的海湾国家银行账户，可以通过假造发票、提高进口值和降低出口值来清洗自愿捐给青年党的钱。⁴⁰

71. 这种贸易循环主要由那些在索马里与海湾合作委员会国家(特别是在阿联酋迪拜)之间经营贸易的索马里有名商人网络进行。⁴¹ 青年党不仅通过在基斯马尤港征收比过渡联邦政府控制的港口更低的税率来吸引业务，还通过向与青年党有关系的商业公司提供优惠准入和税收减免来积极推动大量进口食糖和出口木炭。在这个网络中最为显要的两个人是与索马里激进伊斯兰团体有传统联系的商人：Abukar Omar Adaani⁴² 和 Ahmed Nur Jim' aale。⁴³ 关于青年党的食糖和木炭贸易循环的更详细分析，见附件 3.1。

摩加迪沙港与基斯马尤港：过渡政府是如何帮助青年党的贸易循环的

72. 具有讽刺意味的是，过渡政府是维持基斯马尤贸易走廊的同谋，而这一走廊在青年党筹集作战经费过程中发挥着极为重要的作用。监察组已证实，大多数运送货物到摩加迪沙港的商业机动船舶只卸下部分货物，以便将其余部分送到基斯马尤港，并在摩加迪沙港口当局完全知情情况下接收将运往海湾合作

³⁹ 2010 年 12 月 23 日在内罗毕与蓝鸟航空公司管理人员的约谈。

⁴⁰ 根据 2010 年 4 月 22 日在网上获得的美国移民和海关执法当局的数据，题为“以贸易为基础的洗钱”，可参阅 <http://www.ice.gov/cornerstone/money-laundering.htm>。

⁴¹ 海湾合作委员会国家包括沙特阿拉伯、科威特、巴林、阿联酋、阿曼和卡塔尔。这些国家在 1990 年代初禁止毁坏当地的森林。索马里外交部长于 2010 年 9 月 27 日在马德里举行的一次会议上确认，“青年党向……阿拉伯半岛出口大量木炭”。

⁴² S/2010/91，第 254 段。

⁴³ Ahmed Nur Jim' aale 因原先同 Al-Itihaad Al-Islami 这个与基地组织有关的索马里组织有联系，已按安全理事会第 1267(1999)号决议受到指认。

委员会国家的木炭。⁴⁴ 摩加迪沙港经理 Sayid Ali 是 Abukar Omar Adaani 的长期雇员，他在接受目前的职位前，一直在肯尼亚代表 Adaani 的商业利益。⁴⁵

73. 一种通行的做法是，前往索马里南部船舶在提货单和舱单中申报摩加迪沙港为交货港口，但刻意避免提及基斯马尤港。运输商和货主之间的非正式协议决定如何在摩加迪沙港和基斯马尤港之间分货。

74. 过渡政府当局征收的高额进口税款据信是该地区最高的，使得上述问题更加严重。⁴⁶ 2011 年年初，摩加迪沙港口当局与索马里商人发生争端，因为商人们认为税太高和港口当局效率低下。⁴⁷ 因此，许多贸易商避免使用摩加迪沙港，而更愿意将货物卸在基斯马尤港或进口关税较低的其他港口。例如，摩加迪沙港口当局对中型汽车征收 1 300 美元的进口关税。在基斯马尤港，青年党只收 200 美元。即使运输商希望在摩加迪沙港交车，也只增加 200 美元，这包括从基斯马尤港将该汽车开到摩加迪沙港的司机费、燃料及杂项费用。⁴⁸

75. 2011 年 3 月 1 日，大概是为了结束这种适得其反的情况，过渡政府“批准了一项禁止国际海运货物出入基斯马尤、马尔卡和巴拉维港口的决定”，但监察组获悉，摩加迪沙港口当局目前没有执行这一决定，进口税和各种征税仍然没有竞争力。⁴⁹

跨境走私

76. 基斯马尤贸易走廊得以存在在很大程度上是因为它离肯尼亚不远，长达 682 公里的边界线位于偏远地区和易于穿越，走私贸易有利可图。此外，监察组认为，与青年党有联系的、组织严密的犯罪网络正在利用边界易于穿越偷渡人口、商品和武器。参与走私的一些人在肯尼亚是有名商人和房地产投资商。这些犯罪网络与青年党伺机建立了一种互利的“商业和平”。

77. 2011 年 1 月 25 日、27 日和 28 日以及 2011 年 2 月 1 日，肯尼亚警察局 (Dadaab 分局) 查到从基斯马尤港走私的 450 麻袋食糖和 129 箱奶粉。根据肯尼亚一项法院命令，这些货物转交给肯尼亚税务局处理，支付税款后才能放

⁴⁴ 2010 年 11 月至 2011 年 3 月期间与迪拜索马里商人的约谈，2011 年 4 月与摩加迪沙港官员的约谈。

⁴⁵ 见 S/2010/91，脚注 137。

⁴⁶ Mohamed Ahmed, “税收使得索马里商人离开摩加迪沙港”，路透社，2011 年 2 月 2 日，2011 年 4 月 22 日查阅，<http://uk.reuters.com/article/2011/02/02/uk-somalia-ports-idUKTRE7112 CA20110202>。

⁴⁷ 同上。

⁴⁸ 2011 年 2 月 19 日在迪拜进行的约谈。

⁴⁹ 根据“巴库兰”电台的消息，2011 年在网络上查到，<http://www.bar-kulan.com/2011/03/01/cabinet-puts-a-ban-on-ports-controlled-by-al-shabab/>，以及 2011 年 4 月 6 日与摩加迪沙港务局的约谈。

行。肯尼亚税务局向检查组证实，“(除一些救济食品之外)大多数没收的货物来自迪拜，途经索马里，通过易于穿越的边界走私到肯尼亚，因为肯尼亚关闭了与索马里的边界。”⁵⁰

78. 2011年4月，肯尼亚一袋50公斤的食糖的售价介于4 800至4 900肯尼亚先令之间(约合58至60美元)，而在Garissa出售的从基斯马尤港走私的食糖即便加价大约20%后，仍介于4 350至4 450肯尼亚先令之间(约合53至55美元)。⁵¹毫不奇怪，据肯尼亚东北省的一位资深海关官员说，每天可能约有10 000袋走私食糖从索马里进入肯尼亚。⁵²肯尼亚当局还发现装运的一些食糖中藏有轻武器和弹药。⁵³

散居国外索马里人对青年党的支持

79. 在2010年3月的报告中(S/2010/91)，监察组详细记载了散居国外索马里人支持青年党的网络。⁵⁴毫无疑问，许多居住在国外索马里裔人继续为青年党从事煽动、招募和筹集资金活动，但本任务期内一直未能从数量上确定这种财政援助渠道的重要性是增加还是减少了。

80. 在本次任务期内，有一些被指控在挪威、瑞典、英国以及美国向青年党提供物质和财政支持的人被起诉和接受司法诉讼。这些案件大都发生在2007年和2009年年初之间，无法表明当前的趋势。

E. 苏勒、萨纳格和卡因军

81. 苏勒、萨纳格和卡因军与青年党没有联系，是一个在苏尔一些地区活动的部族民兵组织，是和平与稳定的另一个威胁。苏勒、萨纳格和卡因军是由多勒巴汉特部族散居在国外者建立、资助和领导的，可以认为它是一个投机、甚至可以说有雇佣性质的民兵部队，成功地利用当地人合理的不满情绪和散居在国外者的激进情绪，以谋求其自身的政治和经济利益。

82. 索马里兰和邦特兰对苏尔地区有争议，该地区局势一直紧张，时有暴力。多勒巴汉特部族精英人士已分为两派，一派支持1998年在哈尔格萨成立的管理当局，另一派支持在加洛威的管理当局。然而，近年来，多勒巴汉特部族对索马里兰和邦特兰都不满意，因此有越来越多的部族成员不支持这两个管

⁵⁰ 根据2011年3月29日与肯尼亚税务局官员的电子邮件。

⁵¹ 2011年4月28日与几位Garissa安保干事和居民的面谈。

⁵² Ken Opala, “可怕的恐怖团体利用非法买卖的食糖”，2009年4月10日，2011年4月22日在网络上查到，<http://www.nation.co.ke/News/-/1056/559404/-/view/printVersion/-/vke76t/-/index.html>。

⁵³ 同上。

⁵⁴ 见S/2010/91号，第71至108段。

理当局，而寻求在一个统一的索马里国家内拥有自主权。与索马里其他地方一样，这种选择往往反映部族内地方派系精英人士对权力和资源的争夺。

83. 苏勒、萨纳格和卡因军是在亲索马里兰部队占领了苏尔地区首府 LAAS Aanood 后，于 2007 年年底成立的，是北索马里工会运动的军事分支。北索马里工会运动是一个以多勒巴汉特部族成员为主的散居国外者网络，自称是“索马里基层组织”，反对“由一个部族主导的、自称‘索马里兰’的分裂国家行为”，“主张推动长期遭受苦难的索马里人民创建和平与团结。”⁵⁵

84. 2009 年 10 月 16 日，多勒巴汉特部族知名人士在内罗毕召开会议，将苏勒、萨纳格和卡因军改名为“Hoggaanka Mideynta iyo Badbaadinta Gobolada SSC ee Soomaaliya”（“索马里苏勒、萨纳格和卡因地区统一和救国当局”），由 Suliman Ahmed Issa ‘Hagle-Toosiye’ 担任“总统”，Ali Hassan Ahmed ‘Sabarey’ 担任他的“副总统”。这两个领导人分别是美国和加拿大公民。随后，苏尔地区的暴力升级，2010 年年底和 2011 年年初 Kaalshaale 附近发生严重冲突，造成数十人死亡，数以万计的人流离失所。

图三

苏勒、萨纳格和卡因军“总统” Suliman Ahmed Issa ‘Hagle-Toosiye’



85. 虽然不是北索马里工会运动/苏勒、萨纳格和卡因军挑起 Kaalshaale 事件的，但是其领导人故意促使暴力升级，煽动更多的社区间冲突。索马里兰的政治阴谋家马上大肆渲染冲突，将其视为军事升级的理由，阻碍和解。

86. 关于苏勒、萨纳格和卡因军的更详细案例研究，见附件 1.3。

⁵⁵ 可查阅 <http://www.n-sum.org/?q=node/7>。

F. 海盗活动

87. 2010 年索马里海盗活动仍很猖獗，国际海洋局海盗行为报告中心记录了 219 起事件和 49 起劫持事件。⁵⁶ 国际打击海盗行动在遏制海盗活动数量方面收效甚微，与 2009 年相比，海盗事件发生次数和 27% 的劫持成功率几乎没有改变，⁵⁷ 但这些行动促使海盗行动及其策略发生重大变化。

88. 2010 年一个重大变化是亚丁湾袭击事件减少 50%，各方面的原因包括开展海军行动，航运业采用“最佳做法”，也可能是因为越来越多地使用私营海事安保公司为商船和私营船只提供武装保护。但是，在海军巡逻能力较弱或没有巡逻能力的地方，如红海和更广阔的印度洋地区，袭击和劫持事件显著增加。北至阿曼沿岸(阿拉伯海)，南至莫桑比克海峡的 Ilha Magaruque，东至米尼科伊岛(印度)，都发生过海盗袭击事件。

89. 海盗的战术、方法和步骤也根据国际压力不断改变。为了在离基地更远的地方采取行动，海盗越来越多地使用“母船”(例如独桅帆船、渔船、⁵⁸ 游艇、⁵⁹ 甚至被劫持的商船)，把它们用作发动袭击的平台。一些海盗袭击团伙还使用速度更快和行驶距离更远的改装快艇。⁶⁰ 采用此类措施使索马里海盗的行动区域变得非常巨大，使国际海军无法进行适当巡航。

战术、方法和步骤

90. 近年来，标准海盗袭击的基本作案手法没有什么重大变化。尽管有报告称，海盗行动通过先进的大范围情报网络获得情报，但海盗对目标的选择和使用的策略表明，情况并非如此。⁶¹ 海盗袭击团伙一般仍驻留在繁忙航道上，寻找可以袭击的目标，这些团伙发动袭击显然是随机的。海盗袭击外国军舰的次数(无一次成功)表明，充其量只能说海盗收集情报的能力是不稳定的。⁶²

⁵⁶ 其他来源的数据可能不同。例如，欧洲联盟海军部队(欧盟海上行动)记录了 47 起劫持事件。

⁵⁷ 2009 年劫持成功率为 28%。

⁵⁸ 包括 Tai Yuan 227 号渔船、Prantalay 11 号和 14 号渔船、Jih Chun Tsai 68 号渔船、Vega 5 号渔船、Monteza 号渔船等。

⁵⁹ SV Felix(2010 年 12 月 14 日左右被劫持)。

⁶⁰ 例如，一艘被缴获的海盗快艇安装了 3 个各自独立且非常隐蔽的 500 公升油箱，油箱安装在艇身内部并与 2 个 60HP 雅马哈船外机相连。

⁶¹ 迄今为止，佳明牌标准全球定位系统仍是海盗为确定位置和航线使用最普遍的最先进装置。

⁶² 2010 年海盗袭击团伙误袭了以下舰只：HMS Tromp (2010 年 3 月 29 日——印度洋)；USS Nicholas (2010 年 3 月 31 日——印度洋)；USS Ashland(2010 年 4 月 10 日——亚丁湾)；FS Somme(2010 年 4 月 19 日——印度洋)；Kenyan Navy(2010 年 11 月 6 日——印度洋)。

91. 海盗袭击团伙通常由 2 或 3 艘快艇组成，⁶³ 每艘快艇上有 4 至 7 名武装海盗，⁶⁴ 快艇常常从母船上放下。在 2008 年 12 月后登记的所有袭击事件中，海盗在 92% 的袭击事件中据说对被袭船只及船员使用了武器。⁶⁵

92. 要离岸进行时间更长距离更远的行动，就必须更多地使用母船。迄今为止，捕鲸船、独桅帆船和渔船已被成功用作母船，成为后勤、部署平台，并在必要时支援受困海盗袭击团伙。自 2010 年以来，索马里海盗也开始将被劫商船用作母船。2010 年 2 月，首次报告海盗将一艘商船用于这一用途。自那时以来，使用商船作为母船并将船员作为人质的情况(包括一艘“超大型油轮”)⁶⁶ 稳步增加，最终在 2010 年底剧增(见附件 4)。

93. 2010 年 11 月首次发生用商船母船直接袭击另一艘船只的情况，一个月后，发现 Motivator 号商船⁶⁷ 参与劫持 EMS River 号商船。⁶⁸ 在其中一些袭击中，海盗直接从母船甲板上猛烈射击目标船只和船员。⁶⁹ 共记录了 16 起据说用商船母船发动袭击的事件，但已发生的此类袭击次数可能更多。迄今为止，共有 19 艘被劫商船已被用作海盗母船，⁷⁰ 但这些较大型船只的燃料费用更高，国际海军也成功收回一艘商船母船，这些情况似乎促使海盗重新转用独桅帆船和渔船等较小的船只。

94. 海盗采用各种方法和手段来逃避逮捕和起诉，以适应打击海盗的行动。这些方法和手段包括：使用暗板或将梯子用作长凳，⁷¹ 在快艇中藏匿武器和装备，逃避空中监测；在即将发生登船检查或逮捕情况时，将武器和海盗用品扔出船外。

⁶³ 安装功率非常强大的 40-60 HP 雅马哈船外机的小船。

⁶⁴ 海盗的年龄通常介于 17 至 32 岁之间，有一些例外情况。未成年人和老年海盗“偶尔”参加海盗行动，但他们的参与不普遍。迄今为止，仍不清楚未成年人在何种程度上参与海盗行为(而不仅仅是警卫或船员)。

⁶⁵ 根据欧盟打击海盗海上行动的记录，2008 年 12 月至 2011 年 4 月期间发生 413 次袭击。在 380 次袭击中，海盗使用了武器，占有所有袭击的 92%。

⁶⁶ Samho Dream 号商船，2010 年 9 月在海上被发现。

⁶⁷ 2010 年 7 月 4 日被劫。

⁶⁸ 2010 年 12 月 27 日被劫。

⁶⁹ 例如，2010 年 11 月 5 日海盗使用 Uzumi 号商船袭击 Torm Kansas 号商船。

⁷⁰ Iceberg 号商船、Motivator 号商船、Suez 号商船、Uzumi 号商船、York 号商船、Polar 号商船、Hannibal 二号商船、Yuan Xiang 号商船、Albedo 号商船、Jahan Moni 号商船、MSC Panama 号商船、Renuar 号商船、Orna 号商船、Blida 号商船、Samho Jewellery 号商船、Sinar Kudus 号商船、Irene SL 号商船、Aly Zoulfecar 号商船和 Golden Wave 号商船。

⁷¹ 从保密军事来源得到的改装快艇图片见附件 4.1.b。

95. 近期的媒体和其他报道也指出，海盗越来越多地对船员和船只使用暴力。⁷² 例如，Marida Marguerite 号商船船员受到的折磨就是使用残忍和极端暴力的一个骇人事例。然而，尽管有这样令人震惊的事件，但没有证据表明，与前几年相比，2010 年索马里海盗对人质使用暴力或虐待人质的情况逐步升级或变得更加普遍。⁷³ 实际情况仍然是，在最初的追逐和登船过程中通常会使用暴力，但是为了不增加与航运公司谈判的难度，此后保护被劫船员和船只对海盗有利。然而，如果海盗感觉受到威胁，如果有任何试图抢回被劫船只和(或)解救船员的努力，海盗会毫不犹豫地使用致命暴力手段。⁷⁴

96. 最后，在海上进行距离更远时间更长的航行增加了海盗行动的成本，这是海盗提出更高赎金要求的部分原因。⁷⁵ 这增加了谈判的难度和时间，可能加剧海盗与被劫船员之间的紧张关系，海盗可能因此对船员进行威胁或虐待。⁷⁶

97. 附件 4.1.a 和 4.1.b 分别详细阐述了一次袭击和一次劫持(对象为 Almezaan 号商船和 Victoria 号商船)，以表明海盗采用的战术、方法和步骤。

海盗谈判人员

98. 另一事态发展是，海盗谈判人员(又称“译员”)在海盗网络中的重要性与日俱增。谈判人员负责执行海盗活动中最重要的一个任务：让航运公司被劫船只为获释支付最高数额的赎金。一些谈判人员可能同时涉足两艘或更多船只的谈判，有时为不同的网络效力。⁷⁷ 在撰写本报告时，约 14 名海盗谈判人员正在为释放 25 艘商船和拖网渔船以及 1 艘游艇进行谈判，索取数百万美元赎金。

99. 由于谈判人员必须掌握外语，特别是英文，这些人员通常从海盗网络外招聘，他们基本上是海盗民兵的“顾问”，但常常与海盗民兵有部族联系。许多谈判人员曾在索马里境外工作或学习过，并继续往返于境外。2009 和 2010

⁷² <http://www.bbc.co.uk/news/world-africa-13486015>; 2010 年 10 月 27 日秘书长报告 S/2010/556; <http://marineinsurance2u.com/maritime-news/the-itf-international-transport-workers-federation-is-recommending-the-carrying-of-military-guards-on-ships/>; http://articles.boston.com/2011-01-19/news/29343494_1_somali-coast-somali-pirates-maritime-watchdog <http://www.globenews24.com/EN/news,somalia-pirates-increasing-violence-to-raise-stakes>。

⁷³ 2009 年对船员使用暴力情况：867 名人质，其中 10 人受伤(1.15%)、4 人被杀害/1 人失踪(0.57%)；2010 年：1016 名人质，其中 13 人受伤(1.2%)、8 人被杀害(0.78%)。

⁷⁴ 例如 Beluga Nomination 号商船事件。

⁷⁵ 赎金额大幅增加，每艘获释船只估计需要支付 426 万美元，即 2010 年支付的赎金估计为 1.02 亿美元。在执行任务期间，据报支付的最高赎金为 1 100 万美元(Irene SL 号商业油轮——2011 年 4 月 7 日——Enesel 公司)，最低赎金额为 700 000 美元(DN127 号驳船——Jan De Nul Dredging 公司)。

⁷⁶ 这一结论是根据 2010 年 1 月 4 和 5 日在阿曼塞拉莱船员介绍的情况做出的。

⁷⁷ 在一个案例中，一名谈判人员同时涉足 4 至 5 起劫持案件的谈判。

年的重要谈判人员包括 Ali Hassan Sharmarke、Looyaan Si' id Barte、Mohamed Saaili Shibin 和 Ahmed Saneeq。

100. 更详细的海盗谈判人员分析资料，包括有关 Looyaan Si' id Barte 的案例研究，见附件 4.2。

海盗的武器和弹药

101. 海盗不持有大量的不同武器，但他们需要有稳定的武器供应，更重要的是，有稳定的弹药供应才能持久进行海上行动。武器弹药要么是从博萨索、加尔卡约和摩加迪沙的军火商那里获得的，要么是海盗自己提供的，在一些情况下，提供武器和弹药的海盗会因此分到额外赎金份额(见附件 4.1.d)。⁷⁸ 海盗袭击团伙的武器通常包括：手枪、⁷⁹ 卡拉什尼科夫式突击步枪、PKM 轻机枪、或同等武器以及火箭榴弹(见附件 4.1.e)。海盗有几次还在停泊的被劫船只甲板上架起 12.7 毫米重机枪，防止其他海盗团伙或海军发动攻击。⁸⁰

102. 监察组在执行任务期间，收到打击海盗行动缴获的武器的图片和文件证据，并能实际检查一些武器。在大多数情况下，有关武器要么太老，要么缺乏足够信息，让监察组查明武器的掌管链。但在少数情况下，监察组获得足够信息，发出追查请求，这些武器是在 2010 年 3 月 4 次打击海盗行动中从海盗船上缴获的火箭榴弹和卡拉什尼科夫型突击步枪(见附件 4.1.a)。

103. 2010 年 3 月，欧盟打击海盗海上行动部队在印度洋打击海盗行动中共缴获了 18 枚中国制造的 69 式 40 毫米火箭筒，⁸¹ 批量编号为 01-08-5823。⁸² 此外，在其中 2 次行动中，缴获了 2 个中国制造的火箭榴弹抛射药装置，批量编号为 01-08-5822。⁸³ 二者的序列号次序以及在同一时间内使用的事实表明，这些武器可能是一个来源提供的。中国政府称，上述火箭榴弹“……是一家中国公司于 2008 年生产的，通过正常双边军事贸易渠道，向东非某个非洲国家

⁷⁸ 2011 年 1 月至 4 月在摩加迪沙约谈与海盗关系密切的索马里同伙；2011 年 4 月 18 日在内罗毕约谈以前的海盗；2011 年 5 月 14 日在哈尔格萨约谈被定罪的海盗。

⁷⁹ 海盗最常用的手枪是马卡洛夫式和托加列夫(TT)式手枪。

⁸⁰ 在罗马尼亚康斯坦察，2011 年 3 月 23 日约谈 Victoria 号商船船员，2011 年 3 月 23 日约谈 RIM 号商船船员，2011 年 3 月 24 日约谈 Buccaneer 号商船船员。2010 年 9 月 15 日在阿曼塞拉莱听 Panega 号商船船员汇报情况。2011 年 5 月 14 日在索马里约谈被监禁的海盗。

⁸¹ 相当于 RPG-7 式榴弹。

⁸² 2010 年 3 月 5 日缴获 10 枚火箭榴弹(FS Nivôse 号军舰)；2010 年 3 月 15 日缴获 4 枚火箭榴弹(Hr. Ms. Tromp 号军舰)；2010 年 3 月 20 日缴获 1 枚火箭榴弹(FGS Emden 号军舰)；2010 年 3 月 23 日缴获 3 枚火箭榴弹(ESPS Navarra 号军舰)。

⁸³ 2010 年 3 月 15 日(Hr. Ms Tromp 号军舰)和 2010 年 3 月 20 日(FGS Emden 号军舰)。

政府出口。”⁸⁴ 监察组随后再次致函，要求中国提供相关物项销售的更具体的细节，但中国尚未答复。⁸⁵

104. 2010年3月15日和20日，欧盟打击海盗海上行动部队从两个不同的海盗袭击团伙那里缴获带有第三个批量编号(3-91-93)的2枚火箭榴弹。这些弹药的标识与从索马里兰欧阵战斗人员手中缴获的火箭榴弹的标识完全一样(见下文274-279段和附件8.3的个案研究)。欧阵的火箭榴弹是厄立特里亚供应的，因此可以确信，2010年3月15日和20日缴获的火箭榴弹是在某一时间从厄立特里亚流入索马里的。⁸⁶

图四

从海盗手中缴获的火箭榴弹(3-91-93) 从欧阵缴获的火箭榴弹(3-91-93)



105. 此外，监察组还记录2010年3月20日从一个海盗袭击团伙那里缴获2支中国生产的56式突击步枪。⁸⁷ 中国政府通知监察组说，步枪是“……一家

⁸⁴ 2011年1月14日中国政府的信。

⁸⁵ 2011年1月28日紧急情况高级管理小组给中国政府的信。

⁸⁶ 中国政府在2011年1月14日的信中称，由于工厂关闭，无法找到销售记录，但间接证据表明所涉火箭榴弹是厄立特里亚供应给欧阵的。

⁸⁷ 中国56式突击步枪为仿制俄罗斯AK-47型步枪。

中国工厂在 1976 年和 1991 年生产的。现在由于工厂关闭，无法找到销售记录。”⁸⁸

106. 最后，监察组确定 2010 年 3 月 20 日同一次行动缴获了 3 个苏联制造的火箭榴弹抛射药装置，标识为 П Г -70М、НБ Л-42 4/87、22-87。俄罗斯联邦确认这些火箭抛射药装置为苏联生产，但指出“此类榴弹于 1987 年停产，因此无法用这一标识来确定生产国。”⁸⁹

主要海盗网络

107. 如监察组先前报告所述，索马里海盗活动历史上一直由两个主要网络进行，两个网络的基地在索马里东北部(邦特兰)以及南部穆杜格州的哈拉尔代雷区和霍比奥区。⁹⁰ 第三个海盗网络以东部萨纳格州的 Las Qoray 为据点开展活动，但该网络的活动 2009 年 10 月在也门政府逮捕其头目 Fu' ad Hanaano 与其他若干海盗后便终止了。⁹¹

108. 尽管邦特兰海盗网络和霍比奥-哈拉尔代雷海盗网络有鲜明的部族和区域特点，但一直有迹象表明，这两个网络相互开展合作：网络头目相互接触，共同参与一些海上行动，合作将被劫船只从一个锚泊地移动到另一锚泊地，共用谈判人员以及有共同的供应方等等。2010 年底，双方达成协议，联手采取行动并在加拉阿德建立一处基地，在那里协调行动和分享获利，取代了这一种看似临时性质的合作。⁹²

109. 然而，2011 年 1 月底，在地方长老和邦特兰行政当局不断施加压力的情况下，海盗突然放弃了加拉阿德的基地，停泊在那里的所有被劫船只大都被转移到 Ceel Dhaanaan，这是一个再往南约 24 海里的渔民居住区，靠近吉利班区和霍比奥区的边界。一个月后，“Galmuduug”当局向霍比奥部署了 100 名警察，通过谈判，成功让海盗离开，去往其他地点。⁹³ 在这些谈判后，停泊在霍比奥附近的船只被转移到另一个被称为 Caduur 的锚泊地，该地位于霍比奥以北约 10 海里的地方。⁹⁴

⁸⁸ 2011 年 1 月 14 日中国政府的信。

⁸⁹ 2011 年 1 月 17 日俄罗斯联邦政府的信。

⁹⁰ 监察组报告 S/2008/769(2008 年 12 月 10 日)、S/2008/274(2008 年 4 月 24 日)和 S/2010/91(2010 年 3 月 10 日)。

⁹¹ 自 2009 年 10 月 13 日以来，海盗民兵头目 Fuad Hanaano 及其同伙被关押在也门亚丁，因海盗和贩运人口的指控被判刑 5 年。最近有报告提及 Hanaano 在也门获释出狱，称他回到了东部萨纳格州的 Buran，但该报告未被证实。

⁹² 2010 年 12 月 5 日一处军事来源的电子邮件；2010 年 10 月 14 日索马里官员的电子邮件。

⁹³ 2011 年 3 月 5 日内罗毕约谈秘密信息来源。

⁹⁴ 见 http://www.markacadeey.com/january2011/20110129_1e.htm 和 2011 年 1 月 30 日联合国发展系统的安全报告。2011 年 4 月 4 日的局势以及从军事来源获得的资料。

110. 现在，两个海盗网络的人员似乎已合并在一起，主要从 Ceel Dhanaan 的最大锚泊地开展行动，霍比奥-哈拉尔代雷海盗网络还有些人员继续从 Caduur 和哈拉尔代雷以南的一个海盗营地开展行动。⁹⁵

111. 尽管海盗锚泊地的地域空间一直在萎缩，但海盗活动范围已急剧扩大。除索马里兰外，现在，海盗从索马里海岸各地的海盗营地，从 Ceelayo(博萨索以西)到基斯马尤以南地区，发动行动，海盗民兵中来自摩加迪沙、默尔卡、巴拉韦和基斯马尤的人越来越多。

112. 在哈拉尔代雷、马安、巴拉韦、默尔卡、基斯马尤和 Komaya 岛等青年党控制区，海盗活动(但不是锚泊地)的情况表明，青年党内部越来越容忍海盗活动，虽然该党一直表示反对海盗。一个尤其明显的表现是海盗民兵与青年党在霍比奥/哈拉尔代雷地区和平共处，该地区的青年党首领 Sheikh Hassan Afrah(与海盗网络多数重要的小团伙一样，此人来自 Hagar Gidir Saleebaan 分部族)据说负责确保地方青年党部队分到一份赎金，⁹⁶ 并负责调停海盗和青年党民兵之间的摩擦。⁹⁷

113. 监察组估计，这种安排是地方性的，在很大程度上以部族为基础，没有证据表明青年党在更大范围或更加系统性地参与海盗活动。然而，青年党对海盗活动的模棱两可态度日益增强，这是一个令人不安的趋势，说明无法在今后排除两个团伙之间进行更紧密和更有组织合作的可能性。

邦特兰和海盗问题

114. 邦特兰一直是海盗活动的主要中心地，许多海盗头目和民兵仍来自邦特兰。至 2010 年底，海盗锚泊地一直位于 Xabo、巴尔加勒、Bandar Bayla、埃勒和加拉阿德，加拉阿德和埃勒之间有一个海岸海盗营地。⁹⁸ 如监察组先前报告所述，邦特兰当局的态度极不明确，各级官员都从海盗活动收益中渔利。⁹⁹

115. 然而，2010 年邦特兰行政部门开始对海盗活动采取更坚决的态度，在这一年期间，海盗锚泊地开始向南转移，从臭名昭著的海盗据点埃勒转移到北部穆杜格州的加拉阿德村。2010 年 5 月 18 日，邦特兰当局在邦特兰安全部队在加罗韦郊外开展的一次行动中，逮捕了海盗头目 Abshir Abdillahi

⁹⁵ 2011 年 4 月 25 日局势。

⁹⁶ 在内罗毕约谈了一个直接了解霍比奥/哈拉尔代雷海盗网络情况的索马里信息来源(2010 年 11 月至 2011 年 1 月)，约谈内容表明，地方青年党部队得到为停泊在哈拉尔代雷的船只获释支付的赎金的 10%至 20%。

⁹⁷ 如见 <http://www.demotix.com/news/495081/teenage-al-shabaab-soldiers-training>。又见 2010 年 11 月联合国文件以及 2011 年 1 月 21 日在内罗毕同一个可靠的索马里信息来源进行约谈的资料。

⁹⁸ 埃勒西南偏南 40 公里、加拉阿德东北偏北约 60 公里处。

⁹⁹ 监察组报告 S/2008/769(2008 年 12 月 10 日)和 S/2010/91(2010 年 3 月 10 日)。

“Boyah”以及其他 10 名海盗，监察组 2008 年 12 月和 2010 年 3 月的报告曾提到 Abshir Abdillahi “Boyah”。¹⁰⁰ 2011 年 5 月，监察组得到信息，称 Boyah 已在 2011 年 1 月被判入狱 5 年并处罚金 5 000 万索马里先令，¹⁰¹ 他被监禁在博萨索，但监察组无法得到邦特兰行政部门关于 Boyah 情况的正式确认。

116. 尽管有这一明显进步，但仍应密切监测邦特兰打击海盗活动的承诺，并不断施加压力。一些著名的邦特兰海盗高级首领和谈判人员或继续往返于邦特兰，或继续在那里活动，没有受到惩罚，这些人包括 Mohamed Abdi Garaad、Abdullahi Ahmed Haji Farah (Abdi Yare)、¹⁰² Mohamed Saaili Shibin (Ali Jamaa)、¹⁰³ Abdulkadir Musse Hirsi Nur (Computer)、“Bakeyle”和 Looyaan Si’ id Barte (Loyan)，他们都曾参与多起劫持事件。同样，被定罪的海盗以难以成立的理由获释，例如 Abdirashid Muse Mohamed，他因参与 2008 年 10 月劫持 Awail 号商船被判刑 20 年，但在 2010 年底开斋节的时候，因发放给 42 名囚犯的“总统赦免令”获释。¹⁰⁴

117. 虽然邦特兰当局在一系列其他问题上与监察组进行合作，但当局未答复监察组就海盗问题提出的询问，例如关闭加拉阿德基地、邦特兰海盗 Abshir Abdullahi Boyah 被捕和据说已被定罪一事以及 2009 年 10 月从埃及向邦特兰引渡 8 名被监禁海盗一事。¹⁰⁵

118. 此外，监察组还获悉，自 2009 年 5 月以来，经常并屡次看到 4 艘大韩民国渔船在邦特兰沿岸进行捕捞，并向 Bosaaso 港交付渔获物。¹⁰⁶ 尽管索马里海盗声称保护索马里海洋资源，但这些船只在索马里水域无所顾忌地进行作业，广播 AIS 信号并在海岸可视距离内慢速行使，放下艇跳板，没有采取可见的防范措施。据监察组收到的资料，经营这些船只的公司已得到在邦特兰领水进行捕捞的“捕捞许可证”。这些船只无一报告遭受索马里海盗袭击，这一情况似可证实监察组先前的意见，即“向外国船舶出售许可证、以捕鱼权作交

¹⁰⁰ 见邦特兰行政部门官方网站：<http://puntland-gov.net/viewnews.asp?nwtype=News&nid=News201551815102146706>。

¹⁰¹ 相当于约 30 000 美元。

¹⁰² 又名 Abdullahi Farah Hassan。

¹⁰³ 4 月第一周因参与 SY Quest 案件被美国逮捕。送往美国诺福克受审。

¹⁰⁴ 2009 年 4 月定罪 (<http://www.dhnet.be/infos/monde/article/257508/somalie-dix-pirates-condamnes-a-20-ans-de-prison.html>)，一秘密消息来源 (2010 年 2 月 12 日电子邮件) 确认有关释放的消息。监察组不清楚被释放的 42 名囚犯中有多少人先前是海盗。

¹⁰⁵ 2011 年 4 月 27 日向邦特兰海运、港口和打击海盗事务部长 Saeed Mohamed Rage 先生发出的电子邮件。2011 年 3 月 21 日监察组还致函埃及政府，要求提供引渡的详细信息。埃及政府在 2011 年 3 月 28 日的答复中没有按要求提供资料。

¹⁰⁶ Aurola 7 号渔船、Aurola 9 号渔船、Golden Lake 808 号渔船和 Ixthus 7 号渔船。

换，借‘保护’之名，大行勒索之实，在大多数情况下同普通海盗行为无异。”¹⁰⁷

霍比奥/哈拉尔代雷海盗网络

119. 2010年，虽然青年党驻扎在哈拉尔代雷镇，但霍比奥/哈拉尔代雷海盗网络仍极为活跃。共有17艘被劫船只被带到该网络的主要锚泊地——哈拉尔代雷和霍比奥。¹⁰⁸

120. 活跃在霍比奥/哈拉尔代雷地区的最大海盗民兵团伙之一的头目是Mohamed Abdi “Garfanji”。另一个关键人物是Ahmed “Saneeg”，他是一个年龄介于40至45岁之间在哈拉尔代雷非常活跃的海盗谈判人员，在摩加迪沙学会英文，似乎化名“Ali”参与谈判。¹⁰⁹ Saneeg拒绝加入Garfanji的民兵团伙，随后，他显然投入了足够多的谈判收入，自己成为一名军阀，组建了一个约有200人的民兵团伙。其他知名的海盗头目包括“Abshir Geesoweyne”、¹¹⁰ Talil Hashi和“Suhufi”。¹¹¹

121. 据信，海盗网络的创始者和前头目Mohamed Abdi Hassan “Afweyne”已不再掌管日常行动，有报告说，他的儿子Abdiqadir已经接手。¹¹² 不过，Afweyne继续从海盗活动中渔利，因为他控制着当地利润丰厚的qaad交易。更详细的海盗财务信息，包括qaad交易的信息，见附件4.3

四. 违反全面彻底军火禁运的行为*

122. 出于实际考虑，监察组对技术性违反和实质性违反禁运的行为加以区分。技术性违反行为为监察组认为可享受豁免的活动，如对索马里安全部门机构的支助，但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)号决议所设委员会未授权进行这些活动。实质性违反行为，监察组认为在任何情况下都无法享受豁免的活动。

* 安全理事会第1844(2008)号决议第8(b)段禁止违反第733(1992)号决议规定的“全面彻底军火禁运”的行为。

¹⁰⁷ S/2003/1035。

¹⁰⁸ 哈拉尔代雷(11艘)和霍比奥(6艘)。

¹⁰⁹ 例如Thai Union号商船。

¹¹⁰ 又名Abshir “Geesoweyne” Abdullahi, “Geeseoweyne”是绰号，意为“大角”。

¹¹¹ 2011年1月21日在内罗毕约谈直接了解霍比奥/哈拉尔代雷海盗网络情况的索马里信息来源。

¹¹² Abdiqadir Mohamed Abdi。

123. 武器和弹药继续进入并经由索马里贩运，违反了全面彻底军火禁运。在任务期间，与监察组以前报告相比，监察组始终没有发现武器和弹药或战场上使用的那些种类武器的流通有任何有显见的变化。

124. 接近军火贸易的索马里消息人士表示，大部分武器来自也门，经海上运送，但无法确定所说武器有多少，而也门政府也否认武器和弹药是从其海岸偷运出的。113 索马里东北海岸、特别是博萨索港，历来是从也门经海路运送武器的最常见的目的地。沿索马里北部和东部海岸的较小的港口，也被用来非法运输武器，但次数较少。

125. 虽然索马里大部分地区对武器都有稳定的需求，武器大部分最后运到摩加迪沙交货，那里每天都在发生冲突。抵达博萨索港的武器和弹药的 80%继续经公路贩运到摩加迪沙和邦特兰以南的其他青年党据点。¹¹⁴ 剩余的则用于来支持海盗行动、摩加迪沙以外地区的武装冲突和索马里其他地方的族裔间争端。

126. 基斯马尤港运往青年党控制地区的武器和弹药的另一个常用入境港口。基斯马尤港位于摩加迪沙以南大约 400 公里处，两城之间的地区几乎全部由青年党控制，使他们能够轻松有效地用陆路向它在摩加迪沙的部队运送武器。例如，在 2010 年 8 月和 9 月间的斋月攻势期间，在一批武器据说抵达基斯马尤机场几天后，就有几卡车的武器和弹药抵达摩加迪沙。¹¹⁵

127. (摩加迪沙西南 178 公里处的)巴拉维港和(摩加迪沙西南 70 公里处的)马尔卡港不像基斯马尤港那样活跃，但是给青年党运武器的次要入境点。

A. Bakaara 军火市场

128. 如监测组以前的报告所述。Bakaara 市场仍然是摩加迪沙而且很可能是整个索马里最有影响力的军火市场。Bakaara 市场买卖军火的地方又称 Cirtoogte，意即“对空射手”，因为购买者在决定是否购买时常常对空试射武器。虽然 Bakaara 市场的军火商严格来讲都是商人，但许多人都与青年党过从甚密，他们至少此刻绝对是主要购买者并设定武器和弹药价格的上限。¹¹⁶

129. 虽然武器价格往往很稳定，但冲突激烈程度等需求因素会诱发弹药价格的波动——尽管青年党试图对市场进行监管。对非索特派团/过渡联邦政府在

¹¹³ 2011 年 1 月 20 日在萨那与也门政府官员的约谈。

¹¹⁴ 2011 年 4 月 14 日在肯尼亚内罗毕同与摩加迪沙和加尔卡约的军火交易商关系密切的索马里消息人士的约谈。

¹¹⁵ 2011 年 1 月在索马里摩加迪沙同包括一名就在斋月攻势后叛逃的青年党指挥官在内的多个消息人士的约谈。

¹¹⁶ 2011 年 1 月至 4 月在索马里摩加迪沙同与军火交易保持密切关系的多方消息人士的约谈。

2011年2月22日在摩加迪沙发动攻势前和攻势中 Bakaara 市场武器和弹药的价格进行比较即表明这种情况。¹¹⁷ 虽然一支卡拉什尼科夫式冲锋枪在攻势前和中的平均售价为 400 美元，但一发 7.62×39 毫米子弹(用于卡拉什尼科夫式冲锋枪)的价格从攻势前的 0.29 美元涨到攻势开始后不久的 0.33 美元。¹¹⁸ 随着攻势的持续，子弹的价格继续上涨，但武器价格不变。以 2011 年 3 月初为例，一发 7.62×39 毫米子弹售价为 0.40 美元，比攻势开始时增长了 7%。此外，到 2011 年 3 月底，同样子弹的售价为 0.42 美元。

130. 在同一时期，轻机枪使用的 7.62×54R 毫米子弹的定价情况与此类似。就这种口径的子弹而言，价格从攻势之前的 0.30 美元涨到 2011 年 2 月底的 0.40 美元，一个月后激增至每发 0.50 美元，比两个月前增长 66%。同样，火箭筒弹药从 2011 年 1 月的 200 美元增加至 2011 年 3 月的 285 美元。

131. 由于非索特派团和过渡联邦政府在 2011 年 2 月的攻势中取得了领土，Bakaara 市场的军火商因担心很快会接管市场，把商店中的所有武器和弹药全部腾空。交易商据说仍然经营其店铺，但他们货物已经转移到摩加迪沙以北 Daynile 的储存设施和摩加迪沙市内青年党控制的地区。¹¹⁹

B. 过渡联邦政府及其所属民兵的武器和弹药的外流

132. 过渡联邦政府及其所属民兵武器和弹药的外流一直是摩加迪沙军火商因而也是青年党的另一重要供货来源。¹²⁰ 由于政府缺乏国际支持，部委一级腐败盛行，士兵薪金不足(每个月 100-150 美元)，且薪金支付时有时无，因此弹药成了士兵的唯一货币，经常用弹药来换取食物、药品和其他生活必需品，用于养活多个孩子，有时还用于养活一个以上的妻子。摩加迪沙过渡联邦政府控制的名为 4 公里(K4)的路口，是政府出售弹药的一个主要地点之一，通常在那里换取 K4 街头到处都有 Qaad。贩卖 Qaad 的人往往充当军火商和 Bakaara 市场中间商之间的经纪人，在某些情况下弹药直接出售给青年党。¹²¹

¹¹⁷ 三个不同的独立消息人士于 2011 年 1 月至 4 月期间每两周从 Bakaara 市场共六个不同的军火交易商那里收集价格数据。所有报价均根据所收集数据的美元平均价。大多数弹药价格之间的差额因出售商而异，每发仅介于 0.01 至 0.02 美元之间。离群值未计入平均价格。

¹¹⁸ 卡拉什尼科夫式冲锋枪的价格差异取决于一些因素，包括枪的制造厂商、产地和枪龄。子弹价格为索马里先令兑换成美元后的价格。子弹大宗购买会降低价格。例如，在攻势期间，一箱 1 500 发 7.62×39 毫米子弹售价 450 美元(每发 0.30 美元)。

¹¹⁹ 2011 年 3 月在索马里摩加迪沙同与军火交易保持密切关系的多方消息人士的约谈。

¹²⁰ 2011 年 1 月至 4 月在索马里摩加迪沙同包括军火交易商、非索特派团官员和过渡联邦政府及亲过渡联邦政府民兵的官员的约谈。

¹²¹ 2011 年 1 月至 4 月在索马里摩加迪沙同非索特派团和过渡联邦政府官员及与军火交易保持密切关系的多方消息人士的约谈。

133. 2010 年初，非索特派团开始监督过渡联邦政府武器和弹药的储存和分发。实行这一制度是为了抑制过渡联邦政府前几年出现的腐败。实际做法是，过渡联邦政府向非索特派团提出武器和弹药的订单，后者在评估需求后满足有关要求。到 2010 年末，所有分配给过渡联邦政府的小武器、轻武器和弹药已分发。¹²² 因此，在捐助国不继续提供支持的情况下，非索特派团开始从用自己的库存为政府及其附属单位提供小武器和轻武器弹药。截至 2011 年 4 月，非索特派团部队总部向十多个区总部分发弹药。非索特派团各地的区指挥官监管向过渡联邦政府和前线民兵指挥官分发弹药，由后者负责将其交给自己的部队。¹²³

134. 2010 年 12 月，过渡联邦政府逮捕了一名士兵，因为他从前线士兵手中购买武器和弹药，卖给摩加迪沙军火商以从中获利。索马里国家安全局展开了一次盯梢行动，从此人手中购买了 6 000 多美元的武器和弹药。此外，国家安全局指控其策划过渡联邦政府士兵向青年党倒戈，以便在他们叛逃前购买其武器。¹²⁴

135. 尽管非索特派团进行监督以及过渡联邦政府努力进行自我监督，弹药继续从政府和民兵指挥官的监管中流向非法市场。在摩加迪沙，人们的主要看法是，过渡政府和亲政府部队出售了三分之一到一半的弹药。¹²⁵ 监察组虽然无法证实这一数量，但发现，发给政府和亲政府民兵的弹药、Bakaara 市场上出售的弹药和从青年党收缴的弹药之间有很大的关联。2011 年 1 月至 4 月期间，监察组进行了一项证据研究，将非索特派团库存中总共 15 个不同种类的 7.62×39、7.62×54R 和 12.7×108 毫米子弹同 Bakaara 市场上看到的 11 种子弹和从青年党那里缴获的 6 种子弹进行了比较。¹²⁶ 在 Bakaara 市场看到的 11 种子弹中，有 8 种与非索特派团库存子弹批号相同。此外，在从青年党缴获的 6 种子弹中，有 4 种与非索特派团的弹药批号相同。¹²⁷ 这项研究的更详细结论见附件 5.1。

¹²² 监察组于 2011 年 1 月 25 日在索马里摩加迪沙检查了非索特派团持有的过渡联邦政府储存并约谈了储备主管。

¹²³ 2011 年 1 月至 4 月在索马里摩加迪沙同非索特派团和过渡联邦政府官员的约谈。

¹²⁴ 2011 年 4 月 7 日在索马里摩加迪沙同国家安全局官员和嫌疑人的约谈。

¹²⁵ 2011 年 1 月至 4 月在索马里摩加迪沙同多方消息人士的约谈。

¹²⁶ 2011 年 1 月至 4 月期间，监察组登记了非索特派团射击场的弹壳，后者证实这些弹壳与其正常库存是一样的。三个独立的消息人士从 Bakaara 市场共 6 个不同的军火交易商那里收集了关于弹药的数据。非索特派团和过渡联邦政府让监察组查看在战场上从青年党手中收缴的弹药。每种弹药都有一个特定的批号或弹头印记，每个具体批号都有数百个样品。

¹²⁷ 尽管监察组发现子弹样品有相同的批号，Bakaara 市场上的子弹和青年党子弹样品有可能因不是政府提供的而相互混杂一起，但在大多数情况下，由于从其他来源进口的子弹有多个批号，不太可能出现混杂。

C. 简易爆炸装置

136. 简易爆炸装置仍在索马里各地用作一种战争手段。不仅青年党用它来对付非索特派团、过渡联邦政府及其所属民兵，而且在邦特兰和索马里兰也出现用简易爆炸装置暗杀当地官员的事件。

137. 在整个任务期间，在摩加迪沙用简易爆炸装置发动袭击的次数上下浮动。当非索特派团和过渡联邦政府在战场上取得明显进展时，青年党往往会用一次或多次简易爆炸装置袭击来反击，以表明他们有能力造成大规模伤亡。2011年2月，当非索特派团、政府及其所属部队展开大规模攻势时，青年党更多地采用车载简易爆炸装置(汽车炸弹)和人体携带简易爆炸装置等非对称战术来攻击战略要地。¹²⁸ 2010年4月至2011年4月期间，索马里发生了137起简易爆炸装置事件，其中一半以上发生在摩加迪沙。

图五

2010年4月至2011年4月期间索马里按地区分列的简易爆炸装置事件

Bakool	1	Lower Juba	2
Banaadir	98	Lower Shabelle	1
Bari	15	Middle Shabelle	1
Bay	1	Mudug	5
Galgaduud	1	Sool	1
Gedo	5	Togdheer	2
Hiraan	3	Waqooyi Galbeed	1
共计		137	

138. 与其他冲突地区相比，索马里的简易爆炸装置技术含量较低。其部分原因是非索特派团和过渡联邦政府缺少迫使青年党采用更先进装置的电子对抗手段。大多数攻击都是为了造成人员伤亡，而不是造成建筑物的结构性损坏。简易爆炸装置攻击中最常用的炸药为三硝基甲苯和速爆炸药，这可以从迫击炮和其他高爆炸弹中提取。更基本的简易爆炸装置，包括反坦克地雷和中高口径炮弹，可改装后远程引爆。简易碎片爆炸装置在制作方法是把周围裹有树脂的3至10厘米厚的钢筋、螺母和螺栓及球轴承放在炸药的上端。

¹²⁸ 在2011年2月10日摩加迪沙以北的一个青年党据点 Daynille 举行的一次会议上，Ahmed Abdi Godane 据说告诉青年党领导人：一般的冲突不足以削弱非索特派团和过渡联邦政府的部队。他鼓励他们另外开展辅助活动，例如用车载简易爆炸装置发动攻击、进行暗杀和在路边埋置炸弹。2011年2月14日的安全情况机密评估。

图六

定向钢筋破片简易爆炸装置

(2010年10月, Hargeysa)

各种简易爆炸装置

(2011年4月, 摩加迪沙)



139. 在索马里, 经常把手机用作发动进攻的发射器, 最常见的是诺基亚 1200 系列。然而在索马里, 由于网络信号不可靠, 这种方法并非总是有效。

案例分析: 台州市保镖防盗设备有限公司的 BM-518 摩托车防盗系统

140. 索马里境内简易爆炸装置攻击中最常用的触发系统是台州市保镖防盗设备有限公司的 BM-518 摩托车防盗系统。“保镖”系统由一个发射器和一个带有振动/冲击传感器的接收器组成。该系统经久耐用, 价格便宜, 批发售价只有 8.00 美元。监察组已检查了 10 个“保镖”装置, 并收到 2008 年 8 月至 2011 年 4 月间在索马里收缴的另外 32 台装置的单据(见附件 5.2 表)。分析索马里简易爆炸装置事件的一个执法机构报告说, 在同一时间内, 发现在所有收缴了简易爆炸装置的与简易爆炸装置有关的事件中, 有 70% 事件使用了保镖防盗系统件, 包括在 2009 年 9 月对摩加迪沙非索特派团部队总部发动的自杀炸弹袭击。¹²⁹ 已从索马里兰和邦特兰的非国家武装团体手中没收了若干这种装置。¹³⁰

141. “保镖”发射器如有一个匹配的接收器, 就可作为一个无线电控制的简易爆炸装置。操作人员必须在接收器 168 米范围内启动发射器才能发出有效信号。“保镖”也可以是一个由被炸者引爆的简易爆炸装置, 即操作人员先用发射器接通接收器, 当接收器受到足够摇动或摆弄时, 会引爆雷管。¹³¹

142. 2010 年 10 月, 监察组检查了在 Hargeysa 从青年党的一个下属部队没收的 6 个“保镖”发射器。监察组 2010 年 11 月 12 日写信给中国政府并附上

¹²⁹ 机密执法文件。

¹³⁰ 2010 年 10 月在 Galgala 地区的邦特兰安全行动期间从 Said Atom 的民兵手中得到的 11 个“保镖”装置。

¹³¹ 机密执法文件。

物品的照片和序列号，以获得中国台州市保镖防盗设备公司的销售记录，从而确定“保镖”公司向哪些买方提供了这些装置。中国于 2011 年 1 月 25 日作出答复，指出“保镖”公司从未向海外任何国家、实体或个人出口过 BM-518 装置。

143. 此外，监察组还检查了过渡联邦政府/非索特派团 2011 年在摩加迪沙从未遂简易爆炸装置攻击现场找到的另外 4 个“保镖”接收器和 1 个发射器。

144. 在 2011 年 4 月 12 日的信中，监察组要求提供有关装置国内买家的资料，并在查录更多装置后第三次写信给中国。中国在其 2011 年 6 月 1 日的答复中重申，该公司仅销售给国内买家，且“……不便做任何进一步调查……”。

图七

公司网站上的“保镖”
BM-518 摩托车防盗装置¹³²

2011 年 4 月在摩加迪沙的
“保镖”装置



D. 空运武器

145. 在撰写本报告时，青年党控制着两座有沥青跑道的“国际”机场(基斯马尤和拜多阿)，一个有沥青跑道的前空军基地(Baledogley)，以及索马里南部和中部大约 20 个中小型机场(见附件 5.3. a)。因此，青年党理论上具有包租和卸载可运载多达 47 吨武器和(或)弹药的宽体飞机(如波音 B727-200、伊尔-76“Candid”)的能力。大多数飞往索马里的宽体货机始发于阿拉伯联合酋长国，也常常转道穆卡拉国际机场(亦称瑞恩-穆卡拉或瑞安国际机场)以及也门亚丁国际机场。两地的民航部门管理松散，监察组已发现使用这条路线的几个航空服务运营商有可疑活动。

¹³² 台州市保镖防盗设备有限公司网站。2011 年 2 月 14 日查阅以下网页：http://baobiao.en.alibaba.com/product/373374140-209851977/Motorcycle_Alarm_BM_518.html 和 http://www.baobiaochina.com/en_product.asp?code=19。

146. 在整个任务期间，监察组收到许多关于飞机向青年党控制地区运送乘客和货物的可靠报告，有时搭载青年党官员和受伤的战士。但是，出入青年党地区——特别是港口和机场周围——受限制，且索马里境内没有正常工作的雷达设施，给核查工作带来重大困难。

147. 索马里领空无人控制，给不向索马里民航事务代管机构(索民航代管机构)提交飞行计划，或只提交部分飞行计划的飞机在索马里几乎所有的机场降落提供了机会。¹³³ 因此，一架飞机可提交飞行计划，将摩加迪沙国际机场作为最终目的地，但可以中途暗中在青年党控制的机场起降。

148. 监察组了解到，不向索马里递交飞行计划在各航空包机公司中间司空见惯，主要是以此来避免向索民航代管机构支付航空费用。¹³⁴ 但多个消息来源提供的可信信息显示，有些飞机也为青年党向拜多阿、Baledogley 和基斯马尤运送武器、弹药、装备、民兵指挥官和受伤的战士。在某些情况下，据说这些航班始发于或前往厄立特里亚。

149. 2010年11月23日，在控制加尔古杜德地区 Ceelbur 的青年党与 ASWJ 部队在该地爆发激烈战斗后，监察组收到了未经证实的有关一架飞机向基斯马尤疏散青年党伤员的报告。2010年12月2日，索马里境内非索特派团行动的有关人员在马尔卡机场发现一架加拿大 De Havilland 的 DHC-8 型飞机，他们后来得知一个武装反对派团体曾使用该飞机将伤员运离该地区。¹³⁵

150. 据两名独立消息人士说，2011年3月30日至4月4日期间，一架不明飞机往返于厄立特里亚和基斯马尤之间，为青年党提供支助。内罗毕的情报官员提供的信息表明，3月30日来自厄立特里亚的25名外国作战人员在基斯马尤机场降落。¹³⁶ 这些人先被带到基斯马尤酒店，然后分成3个组。包括培训师在内的第一组留在基斯马尤，而另外两组在“技术人员”护送下前往下谢贝利和海湾及巴科勒。另一个摩加迪沙的独立消息人士告知监察组说，驻扎在基斯马尤的一个青年党官员说，2011年4月4日一架载有受伤战士的飞机离开基斯马尤飞往厄立特里亚。¹³⁷ 监察组尚无法独立核实这些报告，因此不认为它们“确信无疑”。

151. 厄立特里亚政府承认有一些出于外交和“人道主义”目的飞往索马里的航班——监察组知道这些航班以及定期商业航班，但拒绝回答监察组关于提供

¹³³ 索民航代管机构经由国际民用航空组织(民航组织)授权成立和管理。

¹³⁴ 2011年1月21日在摩加迪沙的一次约谈中，一名过渡联邦政府的官员强调，这是索马里航空部门的长期做法，特别是对“miraa 航班”而言。

¹³⁵ 2010年12月同非索特派团官员的约谈。

¹³⁶ 2010年4月26日在内罗毕同内罗毕的外交消息人士的约谈。

¹³⁷ 2011年4月8日在摩加迪沙同军方消息人士的约谈。

涉及军事航班的资料的要求，理由是这“远远超出监察组的权限并严重侵害厄立特里亚的主权。”¹³⁸ 对于关于往来于厄立特里亚的航班的其他报告，监察组无法进行核实。

152. 与人道主义行动无关的两家航空运营商，要求正式批准它们在任务期间在青年党控制的地区降落。首先，设在内罗毕威尔逊机场的一家肯尼亚航空运营商 Capital 航空公司，显然在事先得到索马里驻肯尼亚大使馆批准的情况下于 2010 年 4 月 22 日提出申请，要求在北摩加迪沙机场(也称为 Isaley)降落，以从内罗毕威尔逊机场运送“miraa”(Qaad)。¹³⁹

153. Isaley 虽然由一个反对派武装团体控制，但它与“Eel Ma’ aan 港口一起，由一个索马里商人财团共同拥有，Capital 航空公司已正式研究可否用 Isaley 来替代 K50 机场，后者由 Ahmed D’ uale “Heef” 拥有，它与蓝鸟和自由航空公司签有 miraa 航班的独家合同。¹⁴⁰ 监察组从多方面收到消息，称 2010 年 8 月和 9 月有飞机降落在 Islaey，尽管索马里民航和气象局(SCAMA)并没有批准这样做。¹⁴¹ 然而，没有迹象表明 Capital 航空公司是这些航班的运营商。

154. 第二个申请批准的要求是由设在迪拜的 AVJET ROUTING 航空服务公司 2010 年 10 月 19 日提出的，要求批准它在基斯马尤降落，为一个客户营运一架 Hawker 800×P 型飞机。AVJET ROUTING 拒绝向监察组披露其客户的名字，反而声称申请“是向索马里民航局提出的，完全是为了建立与一个国际机场有关的数据库[原文如此]。”¹⁴² 然而，AVJET ROUTING 并没有向过渡联邦政府提出允许它在其他索马里机场降落的类似要求，使人对其要建立一个数据库的声称产生怀疑。¹⁴³ 未经证实的信息显示，实际上可能已经进行了飞行。由于这一可疑的活动和未能提供合作，监察组建议今后严密审视 AVJET ROUTING 的业务活动。

155. 在青年党 2010 年 8 月和 9 月间于摩加迪沙展开“斋月攻势”期间，监察组收到了关于涉嫌向青年党空运军火的具体可信报告。同时，监察组注意到从也门飞往索马里的货运航班数量增加。为了更好地了解“斋月攻势”期间的民用航空活动，并有可能核实一些这类报告，监察组对在报告所述期间提交索马里民航事务代管机构(索民航代管机构)的飞行计划进行了调查。调查结果见附件 5.3. b。

¹³⁸ 2011 年 5 月 17 日厄立特里亚常驻联合国代表的信。

¹³⁹ 2011 年 2 月 15 日在内罗毕同资本航空公司总经理的约谈。

¹⁴⁰ 2011 年 4 月 9 日在内罗毕同 Ahmed D’ uale 的约谈。

¹⁴¹ 2010 年 12 月 10 日和 11 日在摩加迪沙同联合国、情报部门和过渡联邦政府官员的约谈。

¹⁴² 2010 年 12 月 15 日 AVJET Routing 给监察组的电子邮件。

¹⁴³ 2011 年 1 月 21 日在摩加迪沙同过渡联邦政府官员的约谈。

156. 索马里的航空业正在扩大，公司和航班的数目越来越多。¹⁴⁴ 但这种活动不断增加的同时，并没有加强对飞机运营商的监管和控制，或用雷达监控索马里的领空。鉴于这一情况为青年党提供机会，加强对过渡联邦机构和非索特派团的军事威胁，以及仍然有劫持飞机或自杀攻击的威胁，¹⁴⁵ 监察组认为，需要在索马里和这些航班的始发国提高警惕。

E. 单兵携带防空系统(便携式导弹)

157. 单兵携带防空系统或称便携式导弹，是用于对付低空飞行飞机的地对空导弹。大部分型号采用了红外制导装置，锁定海拔 2 000 米至 8 000 米高度范围内的飞机。全世界大约有 500 000 至 750 000 枚便携式导弹。虽然其中绝大多数均安全存放在各国仓库中，但估计有 10 000 多枚导弹目前在非国家行为体中间流通。¹⁴⁶

158. 索马里几十年处于混乱状态，境内各地贩运武器不受任何阻碍，因此它也受到便携式导弹的威胁。据开源数据库和若干证词提供的资料显示，索马里自 1970 年代中期以来至少得到 450 枚便携式导弹。¹⁴⁷ 其中大多数已被用掉、出售或不能再维修。¹⁴⁸ 虽然 2008 年后没有已知的使用便携式导弹的企图，但监察组收集到的证据表明，仍有一定数量的便携式导弹在索马里流通，其中一些在青年党手中。

159. 附件 5.4 有对便携式导弹在索马里造成的威胁程度的详细评估。

F. 埃塞俄比亚在索马里的援助、行动和存在

160. 埃塞俄比亚联邦民主共和国政府长期以来一直赞助索马里各地当局和武装团体。¹⁴⁹ 过渡联邦政府 2004 年成立后，埃塞俄比亚政府一直是其

¹⁴⁴ “索马里领空的空中交通在去年一年中增加了 5.7%，预计在今后 3 年中增加 8%”，国际民航组织(NPF/SIP/2010-WP/22)，2010 年 12 月 15 日。

¹⁴⁵ 联合国安全和安保部设在索马里单位，“Security Advisory: Aviation Threat”，2010 年 9 月 20 日。

¹⁴⁶ 流通的便携式导弹数量自利比亚爆发冲突以来有所增加，那里政府储存中的数百枚、乃至数千枚便携式导弹被盗走。“双边便携式导弹和中介活动研讨会”的介绍，2011 年 4 月 13 日，肯尼亚内罗毕。Eric G. Berman 和 Jonah Leff, “Light Weapons: Products, Producers, and Proliferation,” Small Arms Survey 2008: Risk and Resilience, Cambridge: Cambridge University Press, pp.7 - 41。

¹⁴⁷ 见 http://armstrade.sipri.org/armstrade/page/trade_register.php(2011 年 4 月 8 日查阅)。

¹⁴⁸ 便携式导弹的平均保质期约为 20 年，如不妥善保存则会大大缩短。

¹⁴⁹ 监察组在 S/2002/722、S/2003/223、S/2004/604、S/2005/625、S/2006/229、S/2006/913、S/2007/436、S/2008/274、S/2008/769 和 S/2010/91 号文件中全面报告了埃塞俄比亚正式违反武器禁运的情况，包括提供武器和弹药，在索马里采取军事行动和派驻人员。

主要同盟和资助方，同时为各种其他团体提供政治、外交、经济和军事援助——至少部分是为了破坏、瓦解和击败青年党。

161. 近几年，埃塞俄比亚援助的主要受益方是过渡联邦政府、邦特兰和索马里兰；根据安全理事会第 1772(2007)号决议，这些机构是“索马里安保部门机构”，因此有资格获得外部援助。埃塞俄比亚的另一重要客户是“先知的信徒”组织；监察组指出，在“先知的信徒”组织(加尔古杜德派别)连续与过渡联邦政府签署了 3 份协议后，可认为该组织有资格获得外部援助。但是，埃塞俄比亚政府为这些团体提供支持从未向安全理事会关于索马里和厄立特里亚的委员会寻求或获得授权，因此在技术上违反了对索马里实行的全面彻底禁运。

162. 监察组关注的另一问题是埃塞俄比亚国防军在索马里领土开展的安全行动的频率。监察组知道，这些行动有时得到过渡联邦政府的默许，但更多时候是为了支持“先知的信徒”组织——一个建立在部族基础上、反对青年党的由传统苏菲派民兵组成的松散联盟。埃塞俄比亚的军事入侵在盖多州、拜州、巴科勒州和希兰州最为频繁；据说，埃塞俄比亚国防军在这些州建立了临时基地。¹⁵⁰

163. 2010 年 8 月，监察组得到可靠信息表明，埃塞俄比亚国防军至少两次进入索马里，对青年党发起袭击。据报，2010 年 8 月 29 日，在与“先知的信徒”组织展开的一次联合行动中，大批乘坐军车的埃塞俄比亚士兵穿过与索马里希兰州的共同边界，前往贝莱德文，参与对青年党的反击。

164. 2010 年 10 月，支持过渡联邦政府和“先知的信徒”组织的联合部族民兵试图从盖多州、巴科勒州和希兰州发动袭击，开辟打击青年党和伊斯兰党的新军事战线。监察组获得明确信息表明，埃塞俄比亚官员也承认，这次基本不成功的行动是在埃塞俄比亚政府在军事上参与的情况下规划实施的。2010 年 10 月 17 日，过渡联邦政府部队、埃塞俄比亚国防军和“谢贝利河谷行政当局”的哈瓦德尔小部族民兵从埃塞俄比亚的边境镇 Kalabaydh 进击，在贝莱德文的 Eel Gaal 和 Qowlad 村与青年党民兵部队发生冲突。据报，一辆埃塞俄比亚军用卡车在冲突中被遥控简易爆炸装置炸毁。埃塞俄比亚军队在 Rabdhure(巴科勒州)与青年党的冲突中同样被重炮击退。¹⁵¹

165. 2011 年 3 月 5 日，为防止青年党可能把势力扩大到中部各州，埃塞俄比亚部队与据说由“先知的信徒”组织 800 名战斗人员(由埃塞俄比亚洲

¹⁵⁰ 2011 年 2 月非政府组织的报告。

¹⁵¹ 2010 年 8 月 30 日非政府组织的报告。另见 <http://www.gedonet.com/index.php?news=3770>。

练并提供轻武器)组成的部队一起,在杜萨马雷布第 21 军营建立了一个基地。几天后,在青年党部队从该地区撤离时,埃塞俄比亚国防军部队和“先知的信徒”组织的民兵袭击了青年党部队在 God Dhorwaay 和 God Waraabe 的剩余阵地,然后于 2011 年 3 月 14 日在 Balanbaale 跨越边境撤回。

166. 2011 年初,为进一步对青年党施加军事压力和保护本国边境,埃塞俄比亚为行动和利益各不相同的民兵发起的另一次联合攻击提供了支持。这些民兵包括 Barre “Hiiraale” 的马雷汉人部族民兵、打着“先知的信徒”组织旗号的 Sheikh Hassan Qoryooley 小规模多部族部队(据说获得埃塞俄比亚的训练和武器)以及“谢贝利河谷州”。¹⁵² 2011 年 2 月 23 日,据说埃塞俄比亚国防军部队与“先知的信徒”组织的部队联合进攻青年党在 Belet Xawo 的一个据点,动用了地面部队并进行了间接射击。

167. 埃塞俄比亚对索马里安保部门机构的支持应按照安全理事会第 1772(2007)号决议,作为是否遵守规定问题来处理,但埃塞俄比亚军事部队进入索马里领土违反了对索马里实行的全面彻底武器禁运。

G. 私营安保公司

168. 在对索马里实行全面彻底武器禁运方面,私营安保公司的活动是一个日益严重且时常令人不安的趋势。越来越多的私营安保公司提供陆上安保服务,包括为非索特派团、过渡联邦政府和邦特兰行政当局提供支持,为私营企业提供保护;目前,几十家私营海上安保公司为索马里海域或附近航行的船只提供反海盗服务。

169. 正如监察组 2010 年 3 月的报告(S/2010/91)指出,知道武器禁运的私营安保公司不多,因此许多公司在运营时可能违反了禁运(在本次任务期间,引起监察组注意的私营安保公司名单见附件 6.1)。但是,少数私营安保公司,不仅知道在实行禁运,而且故意藐视或试图规避禁运规定。在本次任务期间, Southern Ace 和 Saracen International 是违规最严重的 2 家公司。

Southern Ace

170. 在 2009 年 4 月至 2011 年初这一期间,一家总部在香港的公司 Southern Ace 协同名为 GalSom 和 Iidan Fishing Companyd 两个当地伙伴在穆杜格州南部开展活动。在此期间, Southern Ace 和它在当地联营公

¹⁵² “谢贝利河谷州”是一个自封的政权,由希兰地区与埃塞俄比亚有密切联系的前过渡联邦政府行政官员组成。“谢贝利河谷州”控制着 Jawiil 和 Kalabaydh 周围的小片区域。另见 <http://www.allvoices.com/contributed-news/8662061-forces-loyal-ahlu-sunna-join-to-shabelle-valley-forces-in-central-somalia>。和 <http://allafrica.com/stories/201101311015.html>。

司从 Habar Gidir/Sa' ad/Reer Nim' aale 小部族招募了 220 名装备精良的民兵开展活动；这些民兵由十几名津巴布韦人和 3 名西方人负责，估计支付薪酬 100 万美元，武器和弹药费用至少 150 000 美元。这些民兵由此发展成穆杜格州南部实力最强的部队之一，有可能改变该地区力量的力量平衡。

171. Southern Ace 还开始探索贩运军火的前景，并从事园艺实验，以便生产包括大麻、可卡因和鸦片在内的麻醉药品。有关 Southern Ace 活动的详细案例研究见附件 6.2。

Saracen International

172. 虽然 Southern Ace 的军火交易和贩毒活动时间不长且未获成功，Saracen International 是一家在监察组本次任务期内有最严重违反武器禁运行为的私营安保公司，它与一些关联实体、幌子公司和一个或多个匿名捐助者一起违反禁运。监察组还认为，Saracen 迄今为止的活动威胁到索马里的和平与安全。

173. 在 2010 年 5 月至 2011 年 2 月期间，Saracen 在一次除非索特派团外由外部提供支持的索马里最大军事行动的初期，为一民兵部队提供了军事训练、装备和车辆。Saracen 在摩加迪沙为过渡联邦政府安保部队、包括新的总统警卫队制订了反恐、要人保护和其他各种技能的训练方案。在邦特兰，该公司着手建立一支有 1 000 人的全副武装的“海岸警卫”队，配有固定翼飞机、直升机和各种船只。这些计划如果全面实施，将会建立索马里境内装备最精良的本地军事力量。

174. 虽然监察组自 2010 年 12 月 9 日起多次发函询问，但 Saracen 的捐助方未向安全理事会关于索马里和厄立特里亚问题的第 751(1992)号和第 1907(2009)号决议所设委员会寻求授权。由于 Saracen 在支持索马里安保部门的所有国际、多边框架之外运作，因此无法确保 Saracen 训练和装备的部队实际上将用于有关方案宣称的目的。事实上，早期迹象表明，邦特兰行政当局可能对部队的使用另有打算。这种不明确性在邦特兰和周围地区之间并在邦特兰内部造成紧张。

175. 过渡联邦机构、非索特派团以及国际社会一些成员呼吁停止该方案。面对这些压力，Saracen 于 2011 年 2 月暂停了在摩加迪沙的行动。邦特兰行政当局于 2011 年 5 月终止了与 Saracen 的协议。在编写本报告时，博萨索仍有 Saracen 的人。

176. 关于 Saracen 的组织结构和活动的更详细评估见附件 6.3。

私营海上安保公司

177. 鉴于国际社会消除索马里海盗威胁的努力产生的影响有限，2010 年初后，船主更多地依靠“私营海上安保公司”为穿越红海、亚丁湾和广大印度洋海域的船只和船员提供武装保护人员，这些人有时被称为“船舶搭乘者”。

178. 迄今为止，还没一艘有武装警卫保护的船只被实际劫持——这一统计数字有助于说明为什么私营海上安保公司越来越受欢迎。¹⁵³ 武装安全护送还有助于节省公司的燃油和保险费用，由于私营海上安保公司数量不断增加，彼此之间的竞争可使价格降低，对海上武装安保的需求可能会进一步增加。

179. 该区域内外一些国家的政府也已开始利用这一繁荣发展的业务，按照客户要求提供价格不菲的许可证，允许私营海上安保公司使用武器、安保人员和装备在港口开展行动，有时还使用私人巡逻艇。¹⁵⁴ 一些政府通过向获得许可的私营海上安保公司出租国有武器来获取额外收入。

180. 但是，这种做法也存在弊病。¹⁵⁵ 第一，海盗将如何应对越来越多的‘船舶搭乘者’还不得而知，海盗可能会更多地使用武力，采购更好和更先进的武器和装备。更可能出现的情况或许是，在难度和风险不断增加的情况下，海盗会采用更强硬的谈判立场，向被劫船只索取更高赎金。在 2010 年期间，谈判需要的时间一般长于往年，支付赎金的平均额是 2009 年的两倍。

181. 这一基本不受管制的部门的快速发展还带来了法律和监管方面的挑战。以下方面的数据很少：正在运营的私营海上安保公司的数目、公司拥有的武器和弹药、行动区或使用的护卫船只等。即便接受这些公司登记的政府颁布了条例，可能的结果是条例未执行或无法执行。依照《联合国海洋法公约》的规定，武装私营海上安保公司没有正式地位，因此它们在能否为可能采取的行动以及可能造成的损害、伤害或死亡承担责任方面有很大问题。

¹⁵³ 2011 年 3 月 2 日，虽然有私营海上安保公司 Naval Guards 公司一艘私营安保船只的护送，Capricorn 号游艇在邦特兰以东 729 海里的阿拉伯海遭到索马里海盗袭击，海盗随后登艇。2 名船员躲在游艇内，一艘护送船与海盗短暂交火后夺回游艇。据报双方均无伤亡。

¹⁵⁴ 这种港口许可证的费用依期限长短而定，每年可达 150 000 美元或更高。

¹⁵⁵ 虽然 2010 年和 2011 年使用海上武装保护服务的情况有所增加，但索马里海盗的攻击和劫持次数并未减少。

182. 从制裁监察的角度来看，在索马里沿海越来越多地使用私营海上安保公司带来了一些挑战，引起了关注。2010 年间，监察组发现一家私营海上安保公司的行动违反了对厄立特里亚的武器禁运(见附件 6.5)。其他情况下，一些有武装保护的船只，包括一艘装载国有武器的船只，穿越了索马里专属经济区。¹⁵⁶

183. 为了积累关于在亚丁湾、红海和印度洋运作的私营海上安保公司活动的基准数据，监察组与 29 家公司联系，要求它们回答一组标准问题。这些答复还可以让监察组评估公司它们遵守规定、透明度和合作的情况。对监察组问题答复的总结见附件 6.6。¹⁵⁷

184. 监察组致函的 9 家实际提供海上“武装”保护的公司未回复监察组的信函，其他 9 家未提供资料或提供的资料有限。只有 5 家公司与监察组充分合作，提供了所有要求资料，这些公司是：Drum Cussac(英国)、Group 4 Securicor(吉布提)、Gulf of Aden Group Transits(塞舌尔)、Neptune Maritime Security(英国)和 Triskel Services (英国)。

185. 因此，在监察组致函的私营海上安保公司中，78%以上的公司业务几乎完全不透明，表明私营安保行业的这项专业服务需要有全面和有力的监管框架。

H. 违规行为

186. 尽管过去几年遵守规定情况有所改善，但为索马里安保部门提供的外部援助大都没有通知委员会或获得委员会授权。虽然监察组试图追踪这些援助的情况，但并非总能如愿。一些国家似乎不了解自己的义务，另一些国家似乎抵制透明度和问责制。无论其原因或意图为何，这些国家在技术上违反了对索马里的全面彻底禁运(见上文第 122 段)。

187. 监察组知道有几个国家未履行第 1772(2007)号决议规定的义务。在其他一些情况下，有国家未按照监察组要求，说明公司活动性质。

188. 违规国家和组织的名单见附件 5.5。

¹⁵⁶1982 年《联合国海洋法公约》规定，领海指不超过沿海国海岸 12 海里(22 公里；14 英里)的水域。专属经济区是一个国家对该区域海洋资源的勘探和开发拥有特别权力的海区。从一国领海边缘向外延伸 200 海里以内的海域为专属经济区。相关安全理事会决议未规定对索马里和厄立特里亚的武器禁运是适用于专属经济区，还是仅适用于领海。

¹⁵⁷总共同 29 家公司进行了接触，其中 6 家公司未参与提供“武装”保护。一家公司，Mercator 国际公司，称仅租船给私营海上安保公司，但发现它也负责提供安保人员、武器和弹药。

五. 阻碍人道主义援助*

A. 人道主义活动的行动环境

189. 联合国机构、国际人道主义组织和索马里当地非政府组织 2010 年的安全情况和人道主义行动环境始终是全球最糟糕的。由于国际社会限制提供资金和进出索马里以及有青年党的威胁，人道主义行动面临困难，行动旨在满足的需求因长期冲突和严重干旱而进一步增加。因此，2010 年出现索马里南部地区和中部一些地区得不到国际人道主义援助和发展援助的令人吃惊情况，邦特兰和索马里兰等北部地区情况好一些，但也不令人满意。许多组织被迫转移行动或完全终止行动——主要原因是受到武装反对团体青年党分子的威胁，但一些联合国和国际方案依与数百名勇敢的当地援助人员一起继续开展活动。

190. 造成这种困难情况的外部因素包括国际社会提供的资金全面大幅减少，捐助国政府的规定限制开展行动和进出。许多国际捐助方和组织担心会无意中违反安全理事会第 1844(2008)号决议第 3 段、美国政府外国资产管制处的条例和其他限制它们在青年党控制区活动的双边措施。同时，对安全理事会第 1916(2010)号决议第 5 段的“人道主义方面的例外规定”的确切含义的理解也相当混乱。大多数组织和机构认为，除了青年党进行的限制外，资金不足过去和现在都是索马里人道主义援助面临的障碍。¹⁵⁸

191. 国内的压力包括索马里长期没有有效的法治，青年党领导人设立一系列阻碍国际援助的障碍，支持过渡联邦政府的民兵和区域民兵采取的行动以及武装冲突对各个社区产生的持久影响。青年党不允许进入索马里，影响到多数试图为索马里南部弱势平民提供援助的联合国机构、国际组织和当地非政府组织的行动。2010 年 1 月，青年党命令世界粮食计划署(粮食署)停止行动并离开索马里。

192. 同时，“先知的信徒”组织的内部分裂危及其辖区内的人道主义行动。加尔古杜德、Himan iyo Heeb、阿瓦达勒和阿扎尼亚(朱巴兰)等新的区域当局的增加带来了一定的不确定性，也使各地方当局控制区内的援助行动处境不稳。

193. 最后，由于尚未评估有关安全条件，支持过渡联邦政府的力量在肯尼亚和埃塞俄比亚边境和摩加迪沙取得的军事胜利尚未导致援助行动的增

* 安全理事会第 1844(2008)号决议第 8(c)段有效禁止阻碍“向索马里运送人道主义援助物资，或阻碍在索马里境内提供和分发人道主义援助。”

¹⁵⁸ 2011 年 4 月 2 日在内罗毕与世界卫生组织官员和一些其他人道主义官员进行的约谈。

加。计划今后在 2011 年在索马里采取行动的组织迫切需要有排雷和安保及保护方面的准确评估。

194. 为完成安全理事会第 1844(2008)号决议第 8(c)段规定的任务，监察组利用数百个渠道提供的各种信息，对 2010 年全年和 2011 年初阻碍向索马里运送人道主义援助物资，或阻碍在索马里境内分发和提供人道主义援助的情况进行了调查。这些信息包括发表和未经发表的报告，约谈许多联合国机构、国际组织、当地非政府组织和难民及其他人员，约谈的人几乎都要求不公开其名字，以保障援助行动的安全。

B. 青年党不准援助进入

195. 提供、分发和获得援助遇到的障碍因时间和地区而异。然而，在本次任务期间，在索马里提供人道主义援助的最大一个障碍始终是武装反对派团伙、主要是青年党分子不准援助进入。

196. 人道主义组织 2010 年初还能够在青年党控制的许多地区开展工作，因为它们利用长期以来与当地社区建立的关系，进行了有青年党本地领导人参加的积极对话。但是到了 2010 年中期，这种情况发生了很大变化。设在摩加迪沙、基斯马尤和拜多阿的青年党舒拉委员会进行了合并、重组和扩展，将势力范围扩展到索马里主要城市中心以外的地区。

197. 在“人道主义协调员”或“教会税办公室主任”的指导下，索马里南部和中部一些地区的“地区人道主义协调员”开始严格控制提供人道主义援助的工作。这些地区协调员很少协助援助工作，却经常设置障碍。监察组认为，这些人负责指挥并直接参与阻挠索马里境内人道主义援助工作的人违反了安全理事会第 1844(2008)号决议，监察组打算提出其中几人，供委员会指认。

198. 2010 年 8 月，舒拉委员会日益集中控制青年党的地方团体，对索马里南部和中部许多地区的人道主义局势产生重大不利影响。还有证据表明，外国人员对那些对运送国际援助阻碍最大的青年党领导人产生了有害影响。

199. 在 2010 年下半年，青年党舒拉委员会因其领导人之间出现明显分歧而分心，人道主义组织再次报告说，青年党领导人之间对援助的态度明显不同，因此它们想方设法在许多地区恢复了工作。但是 2011 年初非索特派团和过渡联邦政府在摩加迪沙发动进攻后，青年党在索马里南部增加了对援助工作者的人身威胁。在同一时期，青年党日益大力拼命开展“筹款”工作，包括对贫困社区强行征收“教会税”和“非伊斯兰行为”的“罚款”。这些筹款行动通常以捐“善款”以应对干旱为由，但是几乎没有证据表明，以这种方式筹集的资金实际上被用于满足当地的需求。

200. 在 2010 年下半年，摩加迪沙的状况出现恶化，以至成千上万人从青年党控制的地区迁移到过渡联邦政府/非索特派团控制的首都地区。新到的境内流离失所者搬迁只是为了获得服务，但是仍在当地开展工作的组织根本无法满足些需求。此外，当地的援助工作人员说，青年党威胁他们并取消了有关方案：学校被关、教材被抢、教师和学生被征召为青年党工作和打仗。¹⁵⁹ 当地医院、诊所和流动医院——包括巴纳迪尔、麦地那、基萨内和哈瓦阿卜迪的医院竭力利用仅有的少量资源向居民和境内流离失所者提供医疗服务。有些医务人员自己没有薪酬，常常无家可归，住在医院附近，因为回家不安全。到 2011 年年初，由于干旱，加之盟军发动进攻和缺乏资源，摩加迪沙及其周围地区平民的生活条件严重恶化。¹⁶⁰

201. 在索马里南部大部分地区，特别是在中下谢贝利，青年党舒拉委员会仍然使人道主义行动几乎无法进行。基斯马尤或许是青年党中央控制得最严密的城镇，该镇和周围的居民尤其受到严重压迫，经济上处于绝望境地。联合国和当地消息来源也报告说，青年党 2011 年年初在摩加迪沙和阿夫戈耶要求父母每星期为每个子女上学支付 1 美元，对拒绝缴款的父母进行威胁并要求教师交钱才能授课。¹⁶¹ 援助组织发现前往阿夫戈耶附近的境内流离失所者营地越来越困难，2010 年下半年青年党与伊斯兰党合并后尤其如此。¹⁶²

202. 目前索马里境内估计有 146 万索马里人流离失所，有 725 000 多人在吉布提、埃塞俄比亚、肯尼亚、也门和其他国家成为难民。¹⁶³ 青年党还不让寻求援助的境内流离失所者迁移，特别是在中下谢贝利、青年党控制的摩加迪沙和阿夫戈耶地区以及下朱巴地区。¹⁶⁴ 一个地方非政府组织对摩加迪沙及其周围地区的 40 个境内流离失所者安置点进行了登记，这些安置点有成千上万需要援助的人，而他们仅仅是推定总数的一部分。

203. 索马里南部人道主义情况日益恶化已经造成大批新的难民流向邻国。2010 年 12 月后到达肯尼亚东北部达达布难民营的难民说，他们在索马里家乡很少获得或根本没有获得人道主义援助。2010 年下半年和 2011 年年初在达达布接受约谈的大多数人说，他们前往达达布就是为了获得援助。

¹⁵⁹ 与索马里非政府组织焦点小组的约谈，摩加迪沙，2010 年 12 月 11 日和 2011 年 1 月 30 日。

¹⁶⁰ 民间社会的声明，摩加迪沙，2010 年 12 月 11 日。

¹⁶¹ 联合国官员，内罗毕，2011 年 4 月 17 日。

¹⁶² 2011 年 1 月 30 日在摩加迪沙与索马里非政府组织焦点小组的约谈；2011 年 1 月下旬在摩加迪沙与非政府组织进行的其他约谈。

¹⁶³ 难民署索马里国内流离失所者分布图，2011 年 4 月。

¹⁶⁴ 2011 年 1 月 27 日在摩加迪沙与少数人权利领导人的约谈。

2010 年 12 月和 2011 年 1 月，新到的索马里难民人数大幅度增加，他们中有些人营养严重不良。¹⁶⁵

威胁、抄查和驱逐

204. 青年党领导人和各派别采用的最普遍和破坏性最大的阻碍措施是：以其涉嫌与“基督教”有联系或由美国提供资金为由，多次驱逐、抄查和关闭国际和地方援助机构；要求支付高额“税金”；试图敲诈勒索；威胁和残暴殴打援助工作者。在索马里南部和中部许多地区关闭和驱逐大型机构和国际组织对许多地方人道主义方案产生毁灭性连锁影响。

205. 报道最多的六个驱逐人道主义组织和抄查办事处的事件都是青年党各派别所为，这些事件 2010 年 8 月和 9 月发生在索马里南部和中部一些地区，针对对象是非洲之角救济组织、国际慈善团、饥荒预警系统网络、世界展望组织、基督复临会发展和救济局和迪亚孔尼亚基金会。其中有几个组织被指控同西方有联系，特别是接受美利坚合众国政府的资助。有些被指控宣传基督教。基斯马尤、谢贝利、希兰和朱巴都发生了驱逐和强迫关闭办事处的事件。¹⁶⁶

206. 对世界粮食计划署进行的威胁、攻击和索要在索马里南部许多地区产生严重后果。粮食署 2010 年 1 月 4 日发表声明，宣布暂时关闭在 Wajid、Buuale、Garbaharey、Afmadow、Jilib 和 Beletweyne 的办事处。它继续在索马里兰、邦特兰和摩加迪沙部分地区开展工作。¹⁶⁷ 青年党对此发表声明，否认自己有责任。¹⁶⁸

207. 2010 年 4 月，青年党在拜多阿的“人道主义协调员”逮捕了一个当地组织的主任兼保护监察员，拜多阿开始出现其他进行阻扰的恶性事件。该主任在恶劣条件下被关押了 7 个月并遭受酷刑。在他设法逃脱后，其他五六个地方非政府组织的代表逃离该国，以避免受牵连被捕，其中有几个人已经受到威胁或恐吓。¹⁶⁹

¹⁶⁵ 2010 年 11 月 27 日和 2011 年 2 月 9 日和 10 日在哈格德拉与难民的约谈；难民署 2011 年 2 月 8 日至 11 日在达达布约谈期间收集的数据。

¹⁶⁶ 2010 年 11 月 19 日在内罗毕与联合国机构方案主任的约谈。

¹⁶⁷ www.garoweonline.com/artman2/publish/Somalia_27/Al-Shabaab_loots_WFP_office_in_southern_Somalia_.shtml03/; <http://allafrica.com/stories/201001050853.html>; http://www.hiiran.com/news2/2010/Jan/un_stops_food_aid_to_1_million_in_southern_Somalia.aspx; http://www.garoweonline.com/artman2/publish/Somalia_27/WFP_halts_food_distribution_in_southern_Somalia.shtml。

¹⁶⁸ http://www.hiiran.com/news2/2010/Jan/somalia_s_al_shabaab_deny_demanding_payments_from_wfp.aspx。

¹⁶⁹ 2011 年 2 月 14 日和 15 日与幸存者及其同事的约谈。

208. 索马里本国工作人员经常报告说，他们的工作条件与未获准在索马里工作的国际工作人员一样不稳定。被发现在摩加迪沙为联合国机构工作是有危险的。他们的行动也受到限制。十多个国家工作人员报告说，尽管他们采取了预防措施，但是他们经常收到电话威胁。¹⁷⁰

209. 2011 年继续发生阻扰事件。4 月青年党部队抄查了在拜多阿的联合国办公室并在基斯马尤逮捕了 1 名当地的联合国工作人员。¹⁷¹

210. 关于威胁、抄查和驱逐的其他调查结果见附件 7.1 和 7.2。

公开声明、注册和征税

211. 青年党实际上早在 2008 年 10 月就企图针对人道主义组织收税，这种企图得到进一步加强，特别是在下朱巴、下谢贝利和海湾地区，2009 年初在那里进一步提出了按项目费用的百分比收费的要求。¹⁷² 制造障碍者包括青年党本地官员、一大批“解决问题者”、自由牟利者和利用青年党谋利者。

212. 到 2010 年年中时，青年党安保部门日益受到青年党中央的控制，而地方州长(青年党地区行政官员)逐渐失去了自主权。青年党舒拉委员会设置了一套由一名高级“人道主义协调员”或“教会税”办公室主任领导的中央集权制度，以监督在索马里南部和中部地区的“地区人道主义协调员”网络。其他人都把这种官僚机构更正式地称为外国机构事务监管办公室。不过，与他们的头衔相反，这些办公室中被任命的人常常在阻碍人道主义援助，而不是协助提供人道主义援助；他们接受青年党中央舒拉委员会的指示并发表相应的公开声明。¹⁷³ 2010 年下半年一名在海湾、巴科勒和盖多地区的青年党地区领导人前往 Galgudud，在那里发表讲话宣布：“任何东西都可以吃，但粮食援助不能吃。”¹⁷⁴

213. 一名在摩加迪沙的地方非政府组织代表开车前往巴卡拉，要求青年党批准他在青年党控制的该市城区工作。他前去的办公室是“青年党人道主义办公室”。该办公室的一个年轻青年党干事告诉他，他必须遵守“12 个

¹⁷⁰ 2010 年 12 月 11 日和 2011 年 1 月 30 日在摩加迪沙与索马里非政府组织焦点小组的约谈；1 月下旬在摩加迪沙与其他本国工作人员的约谈。

¹⁷¹ 与国际组织成员的多次约谈；2011 年 4 月 27 日在内罗毕与联合国方案干事的约谈。

¹⁷² 2011 年 2 月 25 日在哈尔格萨与联合国机构官员的约谈。

¹⁷³ 谢赫·阿里·穆罕默德·拉吉 2010 年 1 月 17 日在摩加迪沙举行了新闻发布会。<http://www.dayniile.com/January2010/17January1.htm> 和 www.jowhar.com/main/news.php?readmore=2545。他 2010 年 12 月 1 日发表声明说，联合国一个机构分发过期食品，并对索马里长老进行违反伊斯兰教的培训。美国谴责青年党禁止提供人道主义援助的行为：见 <http://www.mareeg.com/fidsan.php?sid=17322&tirsan=3>。

¹⁷⁴ 2011 年 1 月 25 日与联合国机构官员的约谈。

条款”，¹⁷⁵ 并告诉他，他会得到一份他不能与之联系的 15 个非政府组织的名单。¹⁷⁶ 然后，他才有可能得到批准。这位干事记下他的姓名和电话号码并告诉他再来办公室。¹⁷⁷

214. 在整个索马里南部和西部，由于青年党领导人企图向仍在其控制地区活动的组织征“税”，进出进一步受到阻碍。舒拉委员会在摩加迪沙发出指示，规定每个区每个组织每 6 个月缴纳可高达 90 000 美元的“税”。有时舒拉委员会通过地方主任宣布其要求；其他时候它则从摩加迪沙派出自己的代表或直接打电话给地方非政府组织。¹⁷⁸ 例如，2010 年 9 月青年党要征收的税据说一般是：

- 10 000 美元初始费用
- 10 000 美元一次性注册费
- 以后每六个月 6 000 美元
- 经青年党控制地区运送的物资价值的 20%
- 所有车辆征税 10%。¹⁷⁹

215. 虽然据说一些援助机构屈服于这些威胁，特别是在海湾、巴科勒、希兰和盖多地区，但是其他大多数机构拒绝了。一些国际组织和联合国机构还得知，它们的一些当地工作人员和执行伙伴为了继续开展工作，代表它们交了税。监察组很难评估有多少人这样做，因为这些组织的国际人员几乎不可能进入实地，进行查问会增加当地工作人员被指控为“间谍”可能性。

216. 若干人道主义组织设法继续开展工作，是因为它们已经在青年党控制的地区建立了关系，而不是因为它们的工作人员交了“税”。它们可以试图说服地方当局接受它们的分发援助标准，但在要求它们交钱时，它们就停止运作。有关组织要么进行了谈判，让它们不交税，要么表示它们将停止工作。¹⁸⁰

¹⁷⁵ 12 个条款包括：限制悬挂旗帜、庆祝国际节日、追求妇女权利和接受“基督教”的资金，必须支付 5 000 美元。

¹⁷⁶ 2011 年 1 月 27 日在摩加迪沙与国际组织国家方案官员的约谈。

¹⁷⁷ 那天晚上，他接到一个身份不明的男子的电话，要他改变电话号码。他被告知，青年党可以使用电话公司找到他。他没有返回该办公室并改变了电话号码。根据 2011 年 1 月 27 日在摩加迪沙与少数人权利领导者的约谈。

¹⁷⁸ 2010 年 10 月 14 日在内罗毕与国际组织国家工作人员的约谈。

¹⁷⁹ 2010 年 10 月和 11 月在内罗毕与人道主义援助人员的约谈。

¹⁸⁰ 2010 年 10 月 28 日在内罗毕与国际组织几名干事的约谈；2010 年 10 月 19 日在内罗毕与国际组织办公室主任的约谈；其他来源。

217. 在社区人民迫切需要援助时，地方当局可能会较灵活一些，试图在自己社区的利益和青年党中央信条之间寻找平衡。¹⁸¹ 海湾和巴科勒地区没有多少援助，也没有什么商业，社区领导人有时发出反对当地青年党官员的呼声。¹⁸² 消息人士一再表示，他们经常可以说服当地青年党官员与中央法令保持距离，但舒拉委员会更直接参与的 2010 年年中的几个月除外。¹⁸³

218. 关于注册和税收的其他调查结果见附件 7.1 和 7.2。

C. 其他行为体阻碍出入

219. 索马里武装冲突中的其他行为体也采取阻碍行动。力图在摩加迪沙提供援助的各方尤其关注过渡联邦政府和非索特派团的部队，特别是在巴卡拉哈军火市场及其周围地区。

非索特派团的民事和军事行动和纠正措施

220. 虽然过渡联邦政府、武装反对派团体、社区长老、一些国际组织和联合国机构 2009 年下半年和 2010 年初批评非索特派团在人口密集的居民区和周围地区作战造成平民伤亡，但是 2010 年中以来，非索特派团的行动程序、与人道主义机构的沟通和问责机制有一些改进。非索特派团的人士还说，部队一些人员因侵犯平民罪已在军事法庭受审和判刑。¹⁸⁴

221. 2010 年 7 月中旬，一份非洲联盟的内部报告建议非盟对有关非索特派团任意炮击居民区的指控做出答复。¹⁸⁵ 7 月中旬“先知的信徒”组织发言人谢赫·阿卜杜拉希·阿卜迪拉赫曼·阿布·优素福（“阿勒卡迪”）谴责了青年党和非索特派团炮击摩加迪沙居民区的行为。¹⁸⁶ 7 月下旬，过渡联邦政府总理与非索特派团官员讨论了“任意炮击”平民居住区的问题。¹⁸⁷ 9 月初“哈维耶族长老理事会”发言人敦促非索特派团停止炮击平民居住区。¹⁸⁸ 过渡联邦政府的一名高级代表 9 月也正式控告非索特派团杀害和伤害平民。¹⁸⁹ 10 月，过渡联邦政府一名官员指出，非索特派团必须改变应对武装反对派团体攻击的政策和接战规则，尤其是在巴卡拉地区。¹⁹⁰

¹⁸¹ 2011 年 11 月 10 日在内罗毕与联合国机构方案干事的约谈。

¹⁸² 2010 年 10 月 14 日在内罗毕与国际组织国家工作人员的约谈。

¹⁸³ 2010 年 10 月 18 日在内罗毕与援助工作者的约谈。

¹⁸⁴ 2011 年 4 月 27 日在内罗毕与非索特派团官员的约谈。

¹⁸⁵ 见 [http://www.google.com/hostednews/ap/article/ALeqM5gPycMf2c99BMkPSwA5Xxk0nPMZ2wD9H3KJK001/Indiscriminate shelling/](http://www.google.com/hostednews/ap/article/ALeqM5gPycMf2c99BMkPSwA5Xxk0nPMZ2wD9H3KJK001/Indiscriminate%20shelling/)。

¹⁸⁶ <http://dayniile.com/July2010/20July7.htm> 01/Civilian targets/。

¹⁸⁷ <http://www.shabelle.net/component/content/article/42-new-in-somali-content/1357-raaisul-wasaare-sharmaarke-waan-kala-hadlay-amisom-duqeynta-shacabka>。

¹⁸⁸ <http://www.baidoanews.com/view.php?id=5669> 01/Strengthening AMISOM/。

¹⁸⁹ 联合国官员 2011 年 5 月 16 日提交的目击者报告。

¹⁹⁰ 2010 年 9 月 23 日与过渡联邦政府官员的约谈。

222. 2010 年下半年，监察组在摩加迪沙会晤了当地一些索马里非政府组织，这些组织呼吁非索特派团控制炮击行动，只限于在前线作战。¹⁹¹ 到 2011 年 1 月下旬时，由于非索特派团开始改变战术，这些非政府组织赞扬非索特派团的行动并呼吁联合国扩大任务范围，增加资源以支持行动。¹⁹² 其他机构和国际组织的官员，包括上述过渡联邦政府官员，也在 2011 年初改变对非索特派团的看法，对特派团予以肯定。¹⁹³

223. 非索特派团承认，如过去报告所述，过渡联邦政府和非索特派团的部队在摩加迪沙部分地区无意但事实上阻碍人道主义援助物资的交付、分发和获取，其部分原因在打击叛乱团体过程中进行互射，但非索特派团在 2010 年中后作出了一些重大改进。非索特派团主动与人道主义组织进行协调以商定如何推动援助的交付和获取，对意外平民伤亡和财产毁坏承担责任，修改行动程序和措施以加强部队的问责制。

224. 不过，还必须指出的是，2011 年初在非索特派团/过渡联邦政府在摩加迪沙，特别是在巴卡拉市场及其周围地区对青年党发动进攻过程中，互射以及有时是任意射击造成的平民伤亡有所增加。¹⁹⁴

225. 关于非索特派团的其他调查结果见附件 7.3。

过渡联邦政府的行动和过渡联邦政府所属民兵检查站

226. 公众对非索特派团行动的支持有所加强，但他们对过渡联邦政府能否为人民提供人道主义援助和为国际组织运送援助提供必要的安全保障的信心，没有发生重大变化。

227. 地方非政府组织告诉监察组说，2010 年过渡联邦政府所属民兵在驻守的路障和检查站敲诈钱财，可能是因为他们一般都没有薪酬。在大多数情况下，这些敲诈者是“过渡联邦政府民兵”，而不是过渡联邦政府士兵。¹⁹⁵ 过渡联邦政府一位官员否认这些指控，说政府一直努力用自己有限的资源来分发人道主义援助，而不是用路障和检查站来阻碍援助。¹⁹⁶

228. 虽然仍然有政治内争，但是过渡联邦政府一般并不关注全国各地最弱势人群的基本需要。然而，据说一些食品是由地方非政府组织代表过渡

¹⁹¹ 2010 年 12 月 10 日在摩加迪沙与索马里非政府组织焦点小组的约谈。

¹⁹² 2011 年 1 月 30 日在摩加迪沙与索马里非政府组织焦点小组的约谈。

¹⁹³ 2011 年 3 月 2 日和 4 月 27 日在内罗毕与联合国机构代表的约谈。

¹⁹⁴ 摩加迪沙的最新暴力行动造成大批五岁以下儿童受伤，2011 年 5 月 31 日，世卫组织新闻发布稿。

¹⁹⁵ 2011 年 12 月 11 日在摩加迪沙与索马里非政府组织焦点小组的约谈；2010 年 11 月 9 日在内罗毕与联合国机构代表的约谈。

¹⁹⁶ 收到的过渡联邦政府官员的电子邮件，2011 年 5 月 27 日。

联邦政府提供给家庭的。另外，据说外国提供了大约 900 顶帐篷，由地方非政府组织代表过渡联邦政府分发。¹⁹⁷

229. 关于过渡联邦政府行动的其他调查结果见附件 7.4。

邦特兰

230. 邦特兰的人道主义状况比索马里南部和中部好得多，有记录的阻碍事件主要发生在与南部各自封的当局接壤的边界上和与西部的苏勒和萨纳格自封的当局接壤的边界上。出现阻碍的主要原因是这些地区局势持续不稳定和不安全。邦特兰政府官员表示，最大的人道主义问题是需要及时广泛提供干旱救济物资。

231. 几个联合国机构报告了一些邦特兰官员强行遣返越境的索马里南部境内流离失所者事件。它们还对加罗韦和博萨索附近的境内流离失所者定居点的总体情况表示关注。邦特兰官员则说，许多越境者不是“真正的境内流离失所者”，而是“经济移民”或“安全隐患”。他们还抱怨说，抗旱援助应该惠及当地社区以及索马里南部的境内流离失所者。

232. 关于邦特兰的其他调查结果见附件 7.5。

索马里兰

233. 相对而言，人道主义行动者在索马里兰提供人道主义援助遇到的阻碍相对较少。未解决的问题一般是因官僚主义设置的障碍和国际行为体与索马里兰部委之间沟通不足，特别是在注册等业务问题上，在 2011 年初索马里兰通过新的法律、即《非政府组织法》后，注册成为一个争议更大的问题。¹⁹⁸

234. 这项法律宣称的目的是：(a) 鼓励非政府组织充分适当参与国家发展；(b) 使非政府组织成为拥有法人资格的合法组建组织；(c) 管理非政府组织的发展活动，使其与该国的国家发展计划保持一致；(d) 鼓励成立更有能力和更独立的社区组织；(e) 增强非政府组织的问责制和透明度。

235. 虽然仍在评估这项新立法产生的影响，但是联合国机构和国际组织对在项目中适用该立法的问题表示关注，有些问题仍需要澄清，特别是第 35.3 条。¹⁹⁹

¹⁹⁷ 2010 年 11 月 10 日在内罗毕与过渡联邦政府前部长的约谈。

¹⁹⁸ 《索马里兰非政府组织法》，英文本《非政府福利组织法》——第 43/2010 号法。(Xeerka Ururada Samafalka ee Aan Dawliga Ahayn(Xeer Lam. 43/2010))。

¹⁹⁹ 第 35.3 条规定，国际非政府组织不应是在该国工作的其他国际非政府组织和联合国组织的实施机构。

236. 另一个问题是在索马里流离失所者和其他流离失所者问题上，缺少一项正式政策。联合国援助人员说，在通过这一政策前，他们无法增加对流离失所者的支持。²⁰⁰

237. 由于局势不安全和政治不稳定，苏尔和萨纳格东部的争议地区长期缺少医疗、教育、就业和干净的水。索马里兰当局和邦特兰当局竞相要求从其领土上发起进入这些地区的人道主义行动，它们的竞争使情况进一步恶化。

238. 有关索马里兰的其他调查结果见附件 7.6。

其他区域当局、自由职业民兵和土匪

239. 据说索马里各地发生了许多抢劫和未遂抢劫，并有许多路障和检查站，特别是在谁主政有争议的地区或领土易手的地区。这些犯罪活动也阻碍了索马里的人道主义援助工作。²⁰¹

240. 在一些新的地方当局声称掌控领土并开始执行自己的安全措施的地区，障碍已开始减少。在其他情况下，自封当局本身就是障碍制造者。

241. 这些地方当局包括(在朱巴谷的)“阿扎尼亚”、谢贝利河流域管理局、Himan iyo Heeb、Galmudug 行政当局、在 Galgudud 的 Ahlu Summah wal Jama' a 和苏勒、萨纳格和卡因军。虽然这些地区当局的掌控程度不同，但安全理事会第 1844(2008)号决议规定，它们同样有责任不阻碍使其控制区平民获益的人道主义活动。

242. 这方面的其他调查结果见附件 7.7。

D. 以往的挪用援助资源行为和纠正措施

243. 各人道主义机构和行为体已采取了许多纠正措施，以解决监察组 2010 年 3 月报告提出的挪用援助资金的问题。

对世界粮食计划署行动的审查和纠正措施

244. 索马里问题监察组就 2010 年报告的后续行动与粮食署进行了交流与合作，讨论了阻碍人道主义行动的问题，包括与粮食署工作人员在纽约、内罗毕、达达布、曼德拉、摩加迪沙和哈尔格萨举行 15 次会议，并会见了粮食署外部审计员和监察主任。监察组还派人与粮食署和安保部的工作人员一起走访了由粮食署提供支助的摩加迪沙 Al-Jazeera I 和 III 的境内流离失所者定居点，并视察了丹麦难民委员会和援手组织(Saacid)在哈马·贾布-贾布开设的 16 个“热餐供应”中心中的一个中心，向 5 000 多名受战争影响的索马里平民提供热饭。

²⁰⁰ 截至编写本报告时，这一法案尚未得到全面审议。

²⁰¹ 2010 年 11 月 9 日在内罗毕与联合国机构几名官员的约谈。

图八
在哈马·贾布-贾布的“热餐供应”中心



245. 粮食署管理部门应监察组的请求提供了粮食署目前在索马里的承包商的资料。²⁰² 监察组按要求就它 2010 年 3 月通过粮食署纽约办事处向粮食署总部提交的报告，提交了相关证据，并澄清说，监察组 2010 年 3 月 10 日报告提到粮食署承包商 Mohamed • Deylaaf，仅是因为他是粮食署主要承包商。报告并没有提出 Deylaaf 可能违反安全理事会第 1844(2008)号和第 1907(2009)号决议的指控，也没有说 Deylaaf 与青年党之间有任何勾结。该报告提到 Deylaaf 的脚注 121 提及前任监察组提出的指控，仅仅是出于前后关联的考虑。不论是编写 2010 年 3 月报告的监察组还是本任监察组都没有充分的依据来提出这些指控。该报告分发后，本监察组没有发现任何证据或指控表明他可能违反安全理事会第 1844(2008)号和第 1907(2009)号决议，或与青年党有任何勾结。

246. 监察组将继续答复粮食署监察长提出的进一步澄清和(或)调查的要求。

247. 关于粮食署的其他调查结果见附件 7.8。

对援手组织(Saacid)行动的审查

248. 监察组 2010 年 3 月报告在提到粮食援助摩加迪沙及其周围地区据说被挪用，提到援助援手组织(Saacid)。²⁰³ 为落实监察组 2010 年报告，与援手组织(Saacid)官员进行了进一步讨论，获得了新的信息。

²⁰² 儿基会、非索特派团支助办和粮食署都向监察组提供了承包商的全部名单。

²⁰³ S/2010/91，第 242 - 253 段。

249. 在本次任务期间，监察组多次在华盛顿、内罗毕和摩加迪沙会见了援手组织(Saacid)官员。他们提供了所有要求提供的信息，包括主管机构、承包商和伙伴组织名单以及预算和审计报告。²⁰⁴

250. 本监察组没有充分依据来提出过去对援手组织(Saacid)提出的指控。在2010年3月报告分发后，本监察组没有发现任何证据或指控表明援手组织(Saacid)可能违反安全理事会第1844(2008)号和第1907(2009)号决议。

联合国索马里国家工作队

251. 联合国还在开发署主持下建立一个风险管理数据库，以便各机构更全面地交流现有和潜在承包商的数据。估计到2011年6月时，至少有六个机构会把完整的承包商信息输入该数据库。

安全理事会第1916(2010)号决议第4和5段的执行情况

252. 2010年3月后，联合国索马里人道主义援助协调员每隔120天要向安全理事会报告第1916(2010)号决议第4和5段的执行情况，并根据第1916(2010)号决议第11段报告在索马里提供人道主义援助遇到的任何障碍。安全理事会关于索马里和厄立特里亚问题的第751(1992)号和第1907(2009)号决议所设委员会讨论了这些报告并把它们作为安全理事会文件(S/2010/372、S/2010/580和S/2011/125)分发。这些报告定期提醒人们注意索马里援助行动遇到的障碍，这些障碍迄今仍然存在。安全理事会2011年3月17日通过了第1972(2011)号决议，把“人道主义例外规定”延长16个月，并要求联合国紧急救济协调员在此期间印发两份报告。

厄立特里亚

六. 背景情况

253. 厄立特里亚国在1993年从埃塞俄比亚正式独立，此前进行了30年的解放战争，于1991年推翻了门格斯图·海尔·马利亚姆上校的军政府(简称“军政府”)，随后举行全民公决。世界银行估计该国人口为510万，人均国民生产总值369美元，是世界上最不发达国家之一。²⁰⁵

²⁰⁴ 2009-2010年援手组织(Saacid)理事会；2010-2011年援手组织(Saacid)理事会；2009年11月援手组织(Saacid)反恐委员会全球定位系统坐标；2009年8月援手组织(Saacid)厨房地地点图。

²⁰⁵ 世界银行网站，<http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/AFRICAEXT/ERITREAEXT/0,,menuPK:351412~pagePK:141132~piPK:141109~theSitePK:351386,00.html>。

254. 厄立特里亚与邻国的关系自独立以来一直动荡不安。在划定新国家边界过程中，厄立特里亚与三个邻国——埃塞俄比亚，也门和吉布提——发生冲突，与苏丹则保持复杂，有点纠缠不清的关系。2009年12月，联合国安全理事会因厄立特里亚被控支持索马里武装反对派团体及其与吉布提发生边界冲突，通过第1907(2009)号决议，对厄立特里亚实施制裁，包括全面彻底的武器禁运(进口和出口)，禁止厄立特里亚支持整个区域的武装团体。如果违反这项决议，可能面对定向制裁措施，包括冻结资产和旅行禁令。不过，截至报告编写时，安理会尚未对任何个人或实体实施这些措施。

厄立特里亚的外交和安全政策

255. 对厄立特里亚的外交和安全政策，包括该国与整个区域的各种武装团体的牵连，只能结合1998年至2000年与埃塞俄比亚的战争来理解。迄今为止，埃塞俄比亚未实施厄立特里亚-埃塞俄比亚边界委员会关于有争议边界的裁决，埃塞俄比亚文职官员和军队继续留在裁决划给厄立特里亚的领土上，经常被厄立特里亚政府作为其支持埃塞俄比亚武装反对派团体，如本报告中点名的欧加登民族解放阵线和奥罗莫解放阵线的借口。厄立特里亚与埃塞俄比亚的“冷和平”还体现在它在该区域其他地方，特别是在索马里采取的行动上。在索马里，埃塞俄比亚和厄立特里亚自1998年以来一直支持各敌对派别和行政当局。

256. 此外，厄立特里亚与埃塞俄比亚的战争极大地改变了厄立特里亚的政治和发展轨迹。1997年批准的宪法被暂停实施，选举无限期推迟，实施了事实上的国家紧急状态。厄立特里亚执政党，人民民主和正义阵线，是1994年从厄立特里亚人民解放阵线(解阵)演变而来，重新成为军事阵线，事实上控制通常由国家行使的职能。因此，国家，甚至党的机构萎缩了，权力和资源日益集中到了少数个人手中，在很大程度上是在政府以外的机构和渠道管理。

257. 在调查本报告所述违反安全理事会第1844(2008)号和第1907(2009)号决议的行为，并确定责任归属时，监察组必须分析统治厄立特里亚的党、军、情报界高级官员的不透明网络，高度依赖于个人好恶和经常是秘密的作出决定和执行决定的方式，以及非正式和通常是非法的筹集和管理必要资源方式。

七. 支持从事暴力、颠覆或恐怖主义的武装团体*

258. 在当前任务期间，监察组获得确凿证据，表明厄立特里亚在整个区域支持武装反对派团体，包括在吉布提、埃塞俄比亚、索马里和苏丹这样做。对这

* 安全理事会第1907(2009)号决议第15(b)段禁止“从厄立特里亚向旨在破坏区域稳定的武装反对派团体提供支助”，第15(d)段禁止“庇护、资助、协助、支持、组织、训练或者煽动个人或团体对该区域其他国家或其公民实施暴力或恐怖行为”。

些团体的支持还涉及厄立特里亚在肯尼亚、乌干达、阿拉伯联合酋长国和其他地方的外交、情报和人民民主和正义阵线下属机构网络。

259. 厄立特里亚政府承认，它保持与索马里武装反对派团体的关系，包括与青年党的关系，但声称这些联系是政治性的（有一次称其为“人道主义”关系），否认提供任何军事、物质或财政支持。监察组得到的证据和证词，包括付款记录、目击者约谈、有关海上和航空运输的记录都表明，厄立特里亚对索马里武装反对派团体的支持不局限在政治和人道主义方面。此外，没有证据显示，无论是通过单方面举措，还是通过多边政治论坛，厄立特里亚利用了与青年党或其他反对派团体的特殊关系来推动对话或和解。

260. 厄立特里亚拒绝答复紧急情况监察组有关其支持吉布提和埃塞俄比亚武装团体的询问，理由是这些都是双边纠纷，对于吉布提的情况，还称有关纠纷要经卡塔尔的主持来调解。因此，监察组无法在其报告中介绍厄立特里亚对这些指控的答复。

A. 对外行动

261. 厄立特里亚对武装反对派团体的支持是由国家安全办公室、厄立特里亚军队和人民民主和正义阵线的一些人数少，但效率高的官员在总统办公室直接领导下进行。这些机构十分秘密，职责范围有些重叠，个人忠诚和非正规权力大于正规结构，这意味着准确的指挥系统刻意保持不透明。此外，许多高级官员履行多种职能，可听从不止一个指挥系统的指挥。监察组收到的最新资料表明，厄立特里亚安全机构目前正在重组，因此更难描述这些结构。

262. 不过，监察组已经确认了负责指挥和进行厄立特里亚在非洲之角区域的对外情报工作的一些主要官员。他们是：

(a) Te' ame Goit' om Kinfu 准将(又名 Wedi Meqele):²⁰⁶ 通常简称 Te' ame 或 Wedi Meqele。他是非洲之角的厄立特里亚对外情报工作首长，监察组以前报告曾称其参与支持索马里武装反对派团体。²⁰⁷ 监察组获得了 Te' ame 将军的照片，核实了其真实性；

²⁰⁶ Te' ame 将军的其他别名是 Te' ame Abraha Selassie、Abraham Te' ame 和 Fitsum Berhane Tewelde。监察组最近获得 Te' ame 将军曾使用的两份旅行证据的详情。

²⁰⁷ 见 S/2010/91 号文件，第 60 段和脚注。

图九
Te'ame Goitom 准将(又名 Wedi Meqele)



(b) Fitsum Yishak 上校, 又名“列宁”: Fitsum 上校是 Te'ame 的对外行动副手, 负责监督区域武装反对派团体的训练。他还直接参与培训埃塞俄比亚高原(即 Tigrayan 和 Amhara)的武装反对派团体。Fitsum 还听从西部军区和边境部队指挥官 Teklai Kifle “Manjus” 将军指挥, 据说与他密切合作, 从事跨境走私活动。监察组获得了 Fitsum 上校的照片, 核对了其真实性;

图十
Fitsum Yishak 上校(又名“列宁”)



(c) Tewelde Habte Negash 上校: Tewelde Habte Negash 上校, 又名“Musa”、“Amanuel Kidane”和“Wedi Kidane”。Tewelde Habte Negash 上校与 Te'ame 关系密切, 负责训练和支持索马里武装反对派团体, 参与一些埃塞俄比亚反对派团体的训练。据报道, 他是炸药专家。他已经不止一次被肯

尼亚驱逐。有关 Negash 上校的活动，及与索马里和埃塞俄比亚武装反对团体的联系，见附件 8.1 和 8.5；

图十一

Tewelde Habte Negash 上校(又名“Musa”)



(d) Gemachew Ayana 又名“Kercho”上校：Gemachew 上校负责训练和支持奥罗莫解放阵线；

(e) “Hasaynet”上校：常驻厄立特里亚东部的 Kiloma，是该区域军事情报负责官员，一直在训练和支持阿法尔和索马里反对派团体。²⁰⁸

263. 参与对外情报行动的其他官员包括：

(a) Tesfalidet Teklai Selassie：总统办公厅主任。他控制伊萨亚斯·阿费沃基总统的日常联络，负责把总统指示传达到党政官员，包括安全机构。他偶尔代表总统到国外从事特殊任务；

(b) Teklai Kifle “Manjus” 将军：厄立特里亚边境部队及西部军区司令，在军事指挥系统是 Fitsum 的直接上级；

(c) Humed Karekare 海军上将：厄立特里亚海军司令，直接参与支持吉布提回复团结和民主阵线(团结民主阵线)。

B. 训练设施

264. 为支持其对外行动，厄立特里亚维持广泛复杂的训练中心、营地和设施网络。外国武装反对派团体的训练是在国家安全局主持下进行，培训中心往往与军事设施同处一处，后勤和物资往往是由军队提供。

²⁰⁸ 一名人士表示，“Hasaynet”上校的确切姓名是，Teklai Girmay，但监察组对此尚未核实。

265. 监察组对训练设施的描述主要是基于对 6 个武装反对派团体 100 多名前成员的约谈，这 6 个团体是：

- 青年党
- 伊斯兰党/索马里伊斯兰阵线²⁰⁹
- 伊斯兰党/索马里再次解放联盟，阿斯马拉
- 欧加登民族解放阵线(欧阵)
- 奥罗莫解放阵线(奥阵)
- 恢复团结和民主阵线(团结民主阵线)

266. 这些约谈中的证词在涉及地点、地名、关键官员身份和训练性质时是一致的，涉及厄立特里亚中部和东部时尤其如此。不过，一些较小设施的功能甚至地点已随时间而变化，因此本报告中一些信息可能已经过时。监察组确定的训练设施清单见附件 8.1。

C. 厄立特里亚违反安全理事会第 1844(2008) 号和第 1907(2009) 号决议对武装团体的援助

267. 在任务期间，监察组观察和调查了厄立特里亚在整个区域支持武装团体的各种活动。概括说，这些活动分为四类：

(a) 支持索马里武装反对派团体，违反了第 1844(2008) 号和第 1907(2009) 号决议；

(b) 通过索马里领土支持埃塞俄比亚武装反对派团体，违反了第 1844(2008) 号和第 1907(2009) 号决议；

(c) 支持从事颠覆或恐怖行为的非索马里武装团体，违反了第 1907(2009) 号决议；

(d) 利用由厄立特里亚直接指挥和控制，谎称为国内反对派的代理人部队，违反了第 1907(2009) 号决议。

²⁰⁹ 也称 Jabhadda Islaamiga Soomaaliyeed 或 JABISO。

D. 吉布提*

268. 2008 年 6 月，厄立特里亚和吉布提部队在两国边界上沿海的 RAS Dumeira 村附近发生战斗。战斗过程中，吉布提称 30 名士兵丧生，19 名士兵失踪，数十人受伤。吉布提还称遭受物质损失，其中包括两架飞机、十几部车辆，包括装甲运兵车以及各种武器、弹药和军用物资等。²¹⁰ 厄立特里亚政府拒绝对争议做出评论。

269. 2010 年 6 月 9 日在卡塔尔主持下宣布正式停火，但厄立特里亚继续支持从团结民主阵线分裂出来的团结民主阵线——战斗组织，²¹¹ 其领导人是据报在法国居住的阿法尔政客，Mohamed Kadd' ami。该团体在吉布提北部 Obock 和 Tadjourah 之间的 Mabla 山区开展军事活动，骚扰吉布提部队。另据吉布提官员表示，该团体还从事抢劫和勒索，以筹集给养。

图十二

厄立特里亚 Humed Karekare 海军上将与团结民主阵线——战斗组织领导人，2009 年 10 月



(从左至右：Humed Karekare 海军上将、Mohamed Kadd' ami 和 Hassan Muqbil)

* 第 1907 (2009) 号决议第 16 段“要求所有会员国、特别是厄立特里亚停止武装、训练和装备包括青年党在内的旨在破坏区域稳定或在吉布提煽动暴力和内乱的武装团体及其成员。”

²¹⁰ 吉布提外交部，*Lourdes Pertes Subies Par l' Armee Djiboutienne*，2010 年 7 月。

²¹¹ 另称团结民主阵线——武装组织。

270. 原先的团结民主阵线是阿法尔族裔反叛运动，在 1991 年 11 月至 1994 年 12 月对吉布提政府发动叛乱，但其中一个派别与政府签署和平协议，阵线两名成员加入内阁。团结民主阵线中一个更激进的派别在 Ahmed Dini Ahmed 领导下继续进行武装斗争，但影响较小，直至 2000 年 2 月 7 日在巴黎签署第二份和平协议。

271. 2000 年至 2008 年，团结民主阵线—战斗组织的军事影响很小，其反政府运动基本上限于其发言人 Mahamed Hassan Muqbil 发表的声明。不过 2008 年，厄立特里亚开始举办支持团结民主阵线——战斗组织的计划，向其提供基地、训练、武器和装备。

272. 厄立特里亚支持的规模有限，自 2008 年团结民主阵线—战斗组织的军事行动一直是小规模，效果不大。不过，厄立特里亚对该团体的支持仍违反了第 1907(2009)号决议，阻碍了安全理事会第 1862(2009)号决议的实施(见下文第 426 至 433 段)。

273. Mohamed Jabhaa 是团结民主阵线——战斗组织的前指挥官，目前被关押在吉布提，他对监察组说，从 2008 年底，他的民兵就得到厄立特里亚的支持。Jabhaa 指挥下的作战人员可使用厄立特里亚的 Ghibdo 军事设施。这是 Assab 和 Bure 之间公路上的一个军事小镇。当厄立特里亚和吉布提沿两国边界爆发战事时，团结民主阵线—战斗组织的基地迁往离边境较远的 Deba Sim，后在 2009 年年底，迁往 Anda' ali。²¹²

274. 在吉布提政府录得的一系列口供中，据称，Jabhaa 描述了厄立特里亚政府提供的武器、弹药和装备。²¹³ 然而，在监察组约谈中，Jabhaa 只承认说，厄立特里亚政府“支持我们，提供食品、药品和治疗我们的伤员”，但否认得到任何武器和军事装备。他声称，他的团体不得不从也门购买军装、武器和弹药。他与厄立特里亚的主要联络人是驻 Assab 的军事情报官 Hasaynet 上校。来自埃塞俄比亚和索马里的武装反对团体众多前战斗人员也向监察组指认了该人。跨境流动发生在 Dada' atu，奥罗莫解放阵线成员(奥阵)也使用这一边界过境点(请参阅下文第七节 E.2 分节的奥阵案例研究)。

²¹² Jabhaa 在监察组获得的一张照片中指认自己，承认参与 2009 年 10 月事件(Jabhaa 担任团结和民主阵线 Combattant 支队指挥官的照片，见附件 8.2)。他还确认了 Humed Karekare 海军上将，Mohamed Kadd' ami 和 Hassan Muqbil。监察组访谈，2010 年 11 月。

²¹³ 吉布提政府报告，2011 年 7 月。

图十三

Mohamed Kadd' ami 向团结民主阵线-战斗组织讲话，2009 年 10 月



275. 据 Jabhaa 表示，至少有两个来自埃塞俄比亚的阿法尔反政府组织，即阿法尔解放阵线和阿法尔革命民主联合阵线，在 Kiloma 附近得到厄立特里亚的支持和训练。他还声称知晓奥罗莫和索马里武装反对团体在 Kiloma 得到训练，这也印证了这些团体前成员的证词（见关于“厄立特里亚与索马里武装反对团体的情报联系”（附件 8.5）和关于欧阵（附件 8.3）的案例研究）。

276. 2011 年 2 月，吉布提军队接到 Tadjourah 地区线人情报，搜索了 Assara' tu 处靠近厄立特里亚的边境地区。据吉布提政府人员表示，搜索中缴获了藏在一个山洞的 50 公斤炸药。据吉布提执法官员表示，当日截获的团结民主阵线-战斗组织的无线电通信提到炸药被发现和没收。²¹⁴ 吉布提政府让监察组查看了炸药，它们是苏联时期制造的，但监察组无法追溯其来源或监管链。

E. 埃塞俄比亚

277. 厄立特里亚支持埃塞俄比亚武装反对派团体是两国之间边界争端悬而未决的征兆。两国都扶持对方国内的反对派力量。厄立特里亚拒绝回答监察组有关支持埃塞俄比亚武装反对派团体的问题，列举国家安全为理由以及埃塞俄比亚部队继续驻留埃塞俄比亚-厄立特里亚边界委员会 2002 年 4 月 13 日的决定裁决归还厄立特里亚的领土上。²¹⁵

²¹⁴ 访谈，吉布提，2011 年 3 月。

²¹⁵ 2010 年 9 月 13 日和 2011 年 1 月 28 日，监察组在阿斯马拉与厄立特里亚政府和政党举行会议。监察组向厄立特里亚政府通报，其任务仅限于技术问题，这些更广泛的政治和法律

278. 在其任务期间，监察组收到有关厄立特里亚支持以下埃塞俄比亚武装反对派团体的可信情报：

- 欧加登民族解放阵线
- 奥罗莫解放阵线
- 阿法尔解放阵线
- 阿法尔革命人民民主阵线，又名 Ugugumo
- 西达摩解放阵线
- Tigrayan 人民民主运动
- 来自埃塞俄比亚阿姆哈拉和甘贝拉地区的身份不明战斗人员。

279. 尤其是在有关欧阵和奥阵的两个案件中，监察组能够独立核实这些指控。

1. 欧加登民族解放阵线

280. 厄立特里亚支持欧加登民族解放阵线约始于埃塞俄比亚-厄立特里亚战争结束时，监察组先前的若干报告已涉及这一问题。²¹⁶ 参加与阿斯马拉早期接触的一名欧阵高级官员告知监察组，经与驻外使馆进行初步接触之后，到 2001 年，欧阵第一个代表团访问阿斯马拉，与伊萨亚斯·阿费沃基总统及其官员举行直接会谈。²¹⁷ 监察组获得的新情报无可置疑地表明，自第 1907(2009)号决议实施以来，这种援助在持续进行。

281. 据欧阵前任和现任高级官员提供的信息，2006 年之前，厄立特里亚对欧阵的援助主要是通过 Bosaaso 送至索马里中部 Abudwaq 地区，然后再穿越边境进入埃塞俄比亚。²¹⁸ 负责这一行动的后勤工作的官员包括厄立特里亚政府方面的 Te' ame' Meqele' 上校(自此晋升为将军衔)和 Tewelde Habte Negash 上校以及欧阵方面的 Abdinur Soyaan 和 Bashir Makhtal。一些武器和弹药货物是从厄立特里亚直接发出，但 2007 年和 2008 年期间开始实行新的安排，其中涉及厄立特里亚向一名也门军火商付款。²¹⁹ 这一安排证明令人不满，因为从也门发运的物资证明不够水准。

方面的考虑因素超出其职权范围。

²¹⁶ 如见 S/2003/223，第 62-73 段；S/2006/913，第 23 和 39 段。

²¹⁷ 2010 年 11 月对前欧阵官员进行的约谈。

²¹⁸ 2010 年 11 月对前欧阵后勤官员进行的约谈；2010 年 11 月对现任欧阵高级官员进行的约谈。

²¹⁹ 2010 年 11 月对前欧阵高级官员进行的约谈。

282. 2006 年，在伊斯兰法院联盟夺取摩加迪沙之后，厄立特里亚向该联盟提供援助起初也是通过现有的欧阵渠道进行，直到可以与该联盟领导层建立军事支持的直接协调。为此，欧阵官员 Bashir Makhtal 和厄立特里亚情报官 Tewelde Habte Negash 被派驻摩加迪沙。当时曾担任 Negash 的翻译的一名欧阵官员向监察组叙述了 Negash 与伊斯兰法院联盟和青年党军官之间在这一期间举行的一系列会议——现任过渡联邦政府国防部长 Yusuf Mohamed Siyaad Inda' adde 当时任伊斯兰法院联盟国防秘书，他随后证实了这一信息。²²⁰ 向伊斯兰法院联盟提供的军事援助随后经由陆路（通过 Bosaaso）送到 Dhuusomareeb，也直接空运送到摩加迪沙。但厄立特里亚政府于 2006 年 9 月指出，它遵循“不干涉索马里内政的政策，并[……]仍全面承诺对索马里实施武器禁运”。²²¹

283. 埃塞俄比亚 2006 年对索马里进行军事干预，解散了伊斯兰法院联盟，而厄立特里亚向欧阵提供援助的主要渠道又转回邦特兰。但 2008 年，埃塞俄比亚与邦特兰当局的情报合作导致欧阵若干官员在邦特兰被捕，其中包括 Abdinur Soyaan，迫使厄立特里亚和欧阵建立一条替代路线。欧阵的主要补给线从而转移到索马里兰西部 Awdal 地区。

284. 2010 年 9 月初，欧加登民族解放阵线(欧阵)一批 200 多名战斗人员抵达港口 Lughaya 村附近索马里兰西北沿海的一个地点。该欧阵部队打算不被发现地穿过索马里，从边界处的 Boraame 镇附近进入埃塞俄比亚。但索马里兰安全部队发现了他们并进行追击，迫使这批人越境进入埃塞俄比亚，因而遭到埃塞俄比亚军队的堵截、击败和驱散。2010 年 11 月，监察组对被拘押在 Jigjiga 的欧阵幸存成员进行约谈，并检查了在边界两边缴获的武器和装备。附件 8.3 载有本次调查收集的证据，其中毋庸置疑地表明，欧阵部队是由厄立特里亚训练、装备和部署的。厄立特里亚支持这一部队，并透过索马里境内进行部署，这违反了安全理事会第 1844(2008)号和第 1907(2009)号决议。

2. 奥罗莫解放阵线

285. 与欧阵一样，奥罗莫解放阵线(奥阵)自 1998-2000 年埃塞俄比亚与厄立特里亚爆发战争以来一直得益于厄立特里亚的资助，以前的监察组对厄立特里亚在索马里范围与奥阵往来的情况都有记录。奥阵十年来在阿斯马拉都设有办事处，其领导层长期以来利用厄立特里亚进行训练，并将其作为行动部署的平台。奥阵一份约 2006 年以来的内部联络名单列出了主要官员的名字、电话号码及其厄立特里亚的主要联络人(见附件 8.4. a)。监察组通过对前奥阵成员进行约谈核实了其中许多情况，并证实其中许多情况在本次任务期间仍然属实。

²²⁰ 2010 年 11 月对前欧阵翻译进行的约谈；2011 年 4 月对 Yusuf Indh' adde 进行的约谈。

²²¹ 2006 年 9 月 6 日厄立特里亚政府对监察组的答复。

案例研究：奥罗莫解放阵线策划扰乱非洲联盟首脑会议的行动

286. 2011 年初，埃塞俄比亚情报部门和联邦警察挫败了一起在定于 2011 年 1 月 30 至 31 日举行非洲联盟首脑会议第十六届大会时，在亚的斯亚贝巴及其周围进行定点爆炸的阴谋。虽然看上去是奥阵的一次行动，但实际是在 Te' ame 将军的领导下，由厄立特里亚政府的对外行动指挥部构想、计划、支持和指挥。如按计划执行，该行动几乎肯定会造成大量平民伤亡，破坏埃塞俄比亚的经济，并扰乱非盟首脑会议。²²²

(a) 行动背景：招募、策划和训练

287. 行动的策划似乎始于 2008 年，当时厄立特里亚国家安全局招募并训练了参与该行动的首批奥阵战斗人员。Fekadu Abdisu Gusu 是奥阵某部队一名幸存者。该部队被埃塞俄比亚军队打败和驱散，损失惨重。他告诉监察组，2008 年，奥阵一名在肯尼亚的成员让其与一个自称“Gemachew Ayana”（又名“Kercho”）的厄立特里亚上校接触。Gemachew 指示 Fekadu 与奥阵其他三名战斗人员经苏丹前往厄立特里亚。²²³

288. Fekadu 抵达厄立特里亚之后，在 Gemachew 的指导下在阿斯马拉周围各不同地点参加了几个星期的爆炸物理论与实践的初步训练。主教官是一名厄立特里亚军官，学生们只知道其绰号为“Wedi Eyasu”。²²⁴ 在完成这次训练后，Fekadu 告诉监察组，他奉命前往亚的斯亚贝巴，以熟悉这个城市。²²⁵

289. 两个月后，Fekadu 被召回厄立特里亚进行一系列军事技能方面更加深入和强化的训练，先是在 Dek' emhare 附近接受训练，后又转到 Een 营地。他和奥阵的其他受训人员在那里度过了 2009 年余下的时光。据 Fekadu 说，同一时期还有一个名称为“Demhit”的 Tigrayan 民兵组织也在 Een 接受训练。²²⁶

290. Fekadu 在 Een 接受训练时，厄立特里亚安全部门通过 Gemachew 上校与奥阵驻吉布提的一个名叫 Omar Idriss Mohamed 的干部进行了接洽，后者最终将成为亚的斯亚贝巴行动的小组头目。在接受监察组的约谈时，Omar 说，他于 2003 年加入奥阵，在厄立特里亚 Mulubera (Gash Barka 附近) 和 Addis

²²² 2011 年 3 月 7 日至 10 日，监察组获准接触埃塞俄比亚政府缴获的证据，其中包括武器、炸药、电话和财务记录以及截获的电话信息。在此期间，监察组还在 3 天内花了多达 22 小时分别对参与行动中的 7 名被拘押的奥阵成员进行约谈，其中包括小组头目 Omar Idriss Mohamed。

²²³ 2011 年 3 月 6 日对 Fekadu Abdisu Gusu 进行的约谈。

²²⁴ 监察组认为此人是国防部一位官员 Solomon Eyasu，他也协助总统办公室有关安全的任务。

²²⁵ 2011 年 3 月 9 日对 Fekadu Abdisu Gusu 进行的约谈。

²²⁶ 2011 年 3 月 9 日对 Fekadu Abdisu Gusu 进行的约谈。此信息与 2010 年 11 月对欧阵一名被拘押者进行约谈时获得的信息一致。

Ma' askar 接受训练，并步步高升。2009 年斋月(8 月/9 月)期间，奥阵主席达乌德·伊布萨与他联络，并告诉他厄立特里亚一军官会打电话给他吩咐一项秘密任务。不久之后，Gemachew 上校与他联络，告诉他带 5 名新兵到厄立特里亚。²²⁷ 他照指示做了，在 Dada' atu 穿越边境，并随后返回吉布提。²²⁸ Imam Sa' id Ahmed 是 5 名新兵的其中一人，他确认该小组后来被分配在 Een 与 Fekadu 一起训练。²²⁹

291. 2010 年 3 月，Omar 又被召回厄立特里亚，在阿斯马拉一酒店与 Gemachew 和 Te' ame 见面。Te' ame 告诉 Omar，他将接受“城市行动”的爆炸物训练，并应在他从吉布提带来的 5 名新兵中选出两人从事这一特殊任务。Omar 前往 Een 出席新兵毕业典礼，他们只知道他的假名' Yahya'。Omar 按照 Te' ame 的要求挑选了其中两人：Abdulqadir' Gurtu' 和 Sa' id Mohamed Yusuf' Drogba'。

292. 2011 年 4 月底或 5 月初，在阿斯马拉附近经过两个星期的理论和实践训练之后，他们三人奉命准备前往吉布提执行任务，目标是炸毁在吉布提镇郊区一仓库的埃塞俄比亚燃料车。他们得知炸药会运送给他们。

293. 由于不明的原因，在行动计划可以实施之前，Te' ame 将 Omar 召回厄立特里亚。Omar 及其两名同伙由陆路前往吉布提，在那里进行几个星期的侦察活动，然后被召回厄立特里亚。他和奥阵另外 10 名战斗人员被送到 Een 接受一个月的步兵基本技能复习训练，由 Een 营地指挥官 Jamal 上校指导，Omar 为小组的头目。训练结束后，奥马尔被召回阿斯马拉。Te' ame 在那里告诉他行动的新目标是亚的斯亚贝巴。

(b) **第 1 组：Fekadu Abdisu Gusu**

294. 2010 年 3 月，作为部署前最后准备，Fekadu 和其他参训人员被送到阿斯马拉，参加 Wedi Eyasu 提供的有关利用移动电话和机械定时器引爆炸药的简明课程。据 Fekadu 的小组一成员 Sifen Chala Bedada 说，他与其他不熟悉爆炸物的成员所接受的基本训练与 Fekadu 接受的基本相同，并接受 Te' ame 有关行动安全和反侦察方面的一些指导。²³⁰ 随后，Gemachew 指示 Fekadu 及其小组返回亚的斯亚贝巴，要他们在那里等待爆炸物运抵和进一步的命令。

²²⁷ 这 5 名新兵是：Sa' id Ali Ahmed “医生”、Imam Sa' id Ahmed(又名 Yemam aka Abu Mohamed Telah aka Abdulwahab)、Abdou Sa' id Mufti(又名' Ali')、Abdulqadir “Gurtu” 以及 Sa' id Mohamed Yusuf “Drogba”。

²²⁸ 团结民主阵线指挥官 Mohamed Jabhaa 也向监察组证实利用 Dada' atu 作为奥阵成员的主要过境点。11 月 30 日在吉布提进行的约谈。

²²⁹ 2011 年 3 月 10 日对 Imam Sa' id Ahmed 进行的约谈。

²³⁰ 2011 年 3 月 10 日对 Sifen Chala Bedada 进行的约谈。

Fekadu 接受部署后仍与 Gemachew 联络，电话记录显示他们至少进行过 27 次交谈。²³¹

295. Fekadu 及其小组在亚的斯亚贝巴的生活费用来自国外定期汇款。Sifen Chala Bedada 告诉监察组，Gemachew 安排他利用奥罗莫和厄立特里亚在肯尼亚和苏丹的各种中介人，通过 Dahabshiil 和 Amal 汇款公司接收汇款。Amal 快汇公司和埃塞俄比亚商业银行发出的正式文件证实了这些交易（见附件 8.4. b）。

(c) **第 2 组：Omar Idriss Mohamed**

296. 2010 年年中，Omar 被派往埃塞俄比亚，Te' ame 指示其侦察经由 Chifra 前往亚的斯亚贝巴的陆上路线，以便其小组进行渗透，并摸清埃塞俄比亚首都若干可能的目标，其中包括非洲联盟总部、伦敦咖啡厅、博乐机场附近地区、Axum 饭店以及喜来登酒店和总理办公室之间的 Filoha 地区。

297. 完成侦察任务后，Omar 回到厄立特里亚，与在 Een 的受训人员会合。2010 年 12 月毕业后，Omar 和“Drogba”一起前往阿萨布，接受 Wadi Eyasu 提供的有关爆炸物的最后课程，并听取 Te' ame 所作说明。在接受监察组的约谈时，Omar 回忆 Te' ame 所作说明如下：

“他布置给我的其中一个目标是非盟首脑会议。我被告知租一辆越野车或与非盟领导人和代表相同标准的汽车。我将准备 2-4 个气瓶，藏在一个如电视一样的箱中，并放在车辆座位后面。我将把引信延伸到汽车的面板。我们将细查非盟领导人休息的时间，并选定他们的某个往返的时间。然后，我们应将移动电话的闹钟设定在那个时间。我们将坐在附近的酒店或咖啡厅，如有领导人在不同的时间出来，我们可以拨响该手机。

“目的不是要杀害这些领导人，而是要让其明白他们是不安全的，埃塞俄比亚对他们来说是不安全的。这样做，有些人可以开始倾听厄立特里亚关于埃塞俄比亚的观点。一些阿拉伯国家会同情这个观点。

“另一个目标是皇宫附近的 Filoha、喜来登饭店和总理办公室。

“第三个目标是在 Merkato[非洲最大的露天市场]进行滥杀。这将使人们抱怨政府没有保护他们安全。我们将爆炸物与瓦斯气瓶一起放置在五十铃皮卡上。这种卡车可装多达 15 个气瓶和 4-6 公斤 C-4 炸药。我们将把气瓶和雷管线包起来，并将雷管线延伸到车的前部。C-4 炸药将包装在 6 个气瓶中，雷管线将绑在另外 9 个气瓶上。引信将放置雷管线的一端，由移动电话引爆。

²³¹ 存档于联合国的机密文件。

“Te’ ame 打开他的手提电脑，用视频录象向我展示伊拉克反叛分子如何利用炸药的巨大威力。他试图激励我[……]，然后关上手提电脑，并告诉我说，我们会把亚的斯亚贝巴变成巴格达。”²³²

298. 第二天，Omar 再次与 Te’ ame 和 Gemachew 见面，讨论可能的后续行动，包括炸毁政府附属银行、公共交通网络以及亚的斯亚贝巴电网。

299. 据 Omar 说，他和 Drogba 从 Gemachew 处收到一袋约 20 公斤的 C-4 炸药、雷管和一卷长 100 米的 RDX 雷管线(从奥阵的该小组处查获的物品的图片载于附件 8.4.c)。

300. 他们徒步前往吉布提，然后坐车越过边界进入埃塞俄比亚。Omar 向监察组细述行程中每个阶段所采取的预防措施，以免被埃塞俄比亚警察和安全部队发现。抵达亚的斯亚贝巴后，Omar 将炸药和物资交给名叫’ Musa’ 的人，此人的任务是保管炸药安全，直到行动需要为止。Omar 还与 Fekadu 联络，Fekadu 的小组已到位等待指示。

301. Fekadu 向 Omar 通报情况说，他们未能找到车辆，因为多数汽车租赁机构提供的汽车都会配上司机，而购买车辆则需要提供身份证。Omar 还指出，Fekadu 曾在一个共用大院租住一座房子，影响了隐私和保密。

(d) 第 3 组：Mohamed Nur “医生”

302. 该小组在亚的斯亚贝巴艰难地准备行动时，在 Een 的其余受训人员已完成了训练，也准备通过陆路部署到埃塞俄比亚。该小组一名成员 Imam 告诉监察组，一名在 Een 的厄立特里亚后勤人员向小组分发武器和装备。作为小组的狙击手，他领到一支德拉贡诺夫型狙击步枪，用其执行任务(见下文第 307 段和图十四以及附件 8.4.d 所载的出口细节情况和最终用户证书)。²³³ 其他人领到了卡拉什尼科夫型突击步枪和弹药。²³⁴ Mohamed Nur “医生”是 Omar 原来从吉布提招募的新兵之一，他被指定为组长。

303. 据 Imam 和 Sa’ id Abdirahman Omar 两人说，小组先前往阿萨布，在那里由 Te’ ame 和 Gemachew 为其提供最后指示和炸药。他们得到的命令是徒步前往 Chifra 地区，并在那里将炸药埋起来，等待 Omar 发出进一步的命令。²³⁵

²³² 对 Omar Idriss Mohamed 进行的约谈，2011 年 3 月 10 日。

²³³ 2011 年 3 月 10 日对 Imam Sa’ id Ahmed 进行的约谈。

²³⁴ 据 Imam Sa’ id Ahmed 说，该小组的成员如下：(1) Sa’ id Ali Ahmedey，又名 Mohamed Nur，又名“医生”；(2) Imam Sa’ id Ahmed，又名 Abdu Mohamed Toleha；(3) Abdu Sa’ id Mufti，又名 Ali；(4) Adem Awel Sa’ id；(5) Adem Idriss；(6) Sa’ id Abdirahman Omar，又名 Sa’ id Kemse aka Bow；(7) Feyera Bekele，又名 Abdi。

²³⁵ 2011 年 3 月 10 日分别对 Imam Sa’ id Ahmed 和 Sa’ id Abdirahman Omar 进行的约谈。

(e) 行动失败

304. 2011年1月初，随着行动日期快到，Omar 要求 Gemachew 提供额外的资金：

“额外的现金是以 Omar Idriss 的名义从肯尼亚通过 Amal 哈瓦拉汇款系统寄往亚的斯亚贝巴。然后，我将新到的钱 3 000 美元给了另外三个家伙，阿斯马拉提供的余下资金我自己留下了。Gemachew 还告诉我，他将寄 500 美元给一个叫 Enani Melesi 的女人，她与其中一个家伙有关联，是 Tesfay [Fekadu] 的一个朋友，以便她能返回阿斯马拉。”²³⁶

305. 监察组随后获得了 2011 年 1 月 8 日进行的这两项交易记录，证实了 Omar 的叙述(见附件 8.4. b)。

306. 在 1 月的最后一个星期，离非盟首脑会议举行的所剩时间不多了，Omar 觉得有必要与 Gemachew 商量。为此，他将前往靠近苏丹边境的 Metemma，在那里他可以用苏丹的 SIM 卡向厄立特里亚打电话。同样，Gemachew 有时也会前往厄立特里亚 Teseney，从那里他可以用苏丹或埃塞俄比亚的 SIM 卡打电话(见附件 8.4. e 所附电话记录)。电话记录似乎显示，在 Omar 部署在埃塞俄比亚期间，他们共联络了 39 次，主要是 Gemachew 发起通话。Omar 在 Te' ame 和达乌德·伊布萨一起在 Te' ame 的办公室时也与他们通过一次电话。²³⁷ 电话记录显示 Te' ame 的办公室的电话号码与在苏丹被捕的另一名前奥阵干部在 2011 年 5 月接受约谈期间向监察组独立提供的是同一个号码。²³⁸ 监察组掌握了 Omar 与 Te' ame 通话的录音(联合国存档)，并已对 Te' ame 的声音进行独立核实)。

307. 在 Metemma 时，Omar 得知“医生”率领的小组在 Bati 附近遭到埃塞俄比亚安全部队截击，其中一个叫 Imam 的人受伤被俘，并在埃塞俄比亚电视上播出。被捕时，Imam 握有罗马尼亚制造的 PSL(德拉贡诺夫型)狙击步枪。他告诉监察组，枪是在 Een 发的。2011 年 4 月 11 日罗马尼亚政府给监察组的信证实 2004 年向厄立特里亚国防部出售该步枪和所附瞄准镜，并提供证明文件，其中包括厄立特里亚政府颁发的最终用户证书(见附件 8.4. d)。

²³⁶ 2011 年 3 月 8 日对 Omar Idriss Mohamed 进行的约谈。

²³⁷ 2011 年 3 月 8 日对 Omar Idriss Mohamed 进行的约谈以及电话记录。

²³⁸ 2011 年 5 月进行的约谈。同一消息来源告诉监察组，他 2010 年前往阿斯马拉期间与' Yahya' (又名 Omar Idriss Mohamed) 见面。2010 年和 2011 年初期间，他两次前往阿斯马拉，期间他还会晤了包括达乌德·伊布萨在内的奥阵领导人。

图十四

从 Imam 缴获的德拉贡诺夫型 PSL 步枪是 2004 年罗马尼亚出售给厄立特里亚



308. “医生”小组的其他成员都逃脱走散了。Omar 告诉监察组，他立即中断亚的斯亚贝巴行动，同时前往巴提寻找和营救小组的其余成员。他只找到其小组的两名成员 Ali 和 Abdi，他们躲进了 Gerba 附近的树丛中；另外两名成员被警方逮走。“医生”身亡。

309. 当 Omar 和幸存者回到亚的斯亚贝巴时，非盟首脑会议正在进行，但找不到合适的车辆，时间又不多了，他放弃非盟作为目标，并决定只用出租车袭击其他两个地点。首脑会议结束后，2011 年 2 月 2 日清晨，他与 Abdi 和 Fekadu 一起侦察了阿克苏姆酒店 Filoha。²³⁹ 然后 Omar 打电话给 Musa，安排下午见面取炸药和雷管。他们在露天广场移交装备，Omar 将材料送到 Fekadu 的住处。

310. 第二天早上，警方在该住处逮捕了 Fekadu 及其同伙。当 Omar 试图联络 Fekadu 并发现他的手机关掉时，他变得紧张了，并将小组其他成员搬到一个新的酒店。

311. 第二天，Omar 坐公共小巴时听到其他乘客在谈论警方逮捕携带炸药的人。他避开 Fekadu 的住所，并告诉小组其他成员转移到 Kombolcha，以免被捕。随后，他去了 Fekadu 的住所，并发现空无一人。在亚的斯亚贝巴又过了几天之后，每天晚上都换酒店，更换假证件和 SIM 卡，并转移到 Nazret。在途中，他被警方拘捕。

(f) 分析

312. 接受监察组约谈的唯一一名被拘押者即小组头目 Omar Idriss Mohamed 似乎与在阿斯马拉的奥阵领导层经常保持联络。小组所有其他成员从被招募一刻起与奥阵各机构没有接触，并直接接受厄立特里亚军官的所有训练和命令。

²³⁹ 2010 年 3 月 9 日分别对 Omar Idriss Mohamed 和 Fekadu Abdisu Gusu 进行的约谈。

据 Omar 说，只有奥阵主席达乌德·伊布萨知道这次特殊行动及其目标，但似乎没有对其行动行使过任何指挥或控制。²⁴⁰ 因此，监察组得出结论认为，这次行动实际上是厄立特里亚的一项情报活动，但表面上却打着奥阵自己行动的旗号。

F. 索马里

313. 厄立特里亚对索马里武装团体的支持起始于 1998–2000 年的边界冲突，当时阿斯马拉力图通过向侯赛因·穆罕默德·法拉赫“Aydiid”为首的民兵派别提供援助，并通过他向包括欧阵和奥阵在内埃塞俄比亚武装反对派提供援助，从而在索马里开辟针对埃塞俄比亚的“第二战场”。随着伊斯兰法院联盟在索马里南部当政，厄立特里亚于 2006 年中期明显增强了在索马里冲突中的参与程度，并且继埃塞俄比亚于 2006 年 12 月底开始在索马里进行军事干预之后，通过设在阿斯马拉的索马里再次解放联盟(ARS)和青年党继续参与。

314. 厄立特里亚一直否认向索马里武装团体提供军事援助，声称坚持“不干涉索马里内政的原则立场”。²⁴¹ 由于外界难以进入索马里南部和大部分地区，要收集确凿证据和目击者证词十分艰难。尽管如此，监察组在执行任务期间获取的最新信息不仅证实了以前关于厄立特里亚军队参与其中的许多指控，而且还提供确凿依据，表明厄立特里亚主要通过上文所述对外行动局继续同索马里各武装团体保持着密切联系。关于厄立特里亚与索马里武装反对派团体情报联系活动的详细案例研究，见附件 8.5。

1. 对青年党成员的财政支持

315. 厄立特里亚支持武装反对派团体，经常向其成员支付现金，监察组以往的报告中对其中一部分做有记录。²⁴² 厄立特里亚政府过去正式否认其曾经“向武装反对派团体的领导人或支持者提供现金”。²⁴³

316. 在当前任务期间，监察组已得到厄立特里亚向与青年党有联系的若干人支付款项的证明文件。所得到这些文件是直接来自厄立特里亚国驻内罗毕使馆收到的，其中包括标有“厄立特里亚国”的支付凭证，印有提格里尼亚语和阿拉伯语文字以及厄立特里亚国国徽的现金收入和支出表列记录(见附件 8.5.a)。²⁴⁴ 熟悉厄立特里亚国大使馆业务的人已经验证这些文件，并解释说，通常做法是将这类非法款项记录在案，因为包括大使在内的一些领事人员被指控挪用款项，因此，现在对驻外使馆与阿斯马拉之间的账目都严格遵守记账规定。

²⁴⁰ 2010 年 3 月 8–9 日对 Omar Idriss Mohamed 进行的约谈。

²⁴¹ 厄立特里亚常驻联合国代表团 2006 年 8 月 22 日给监察组的信。

²⁴² 见 S/2010/91 第 62–65 页。

²⁴³ 厄立特里亚常驻联合国代表团 2008 年 12 月 2 日给监察组的信。

²⁴⁴ 文件样品已拍成照片并纳入附件，而原件则在联合国秘书处存档。

317. 监测组得到的文件涉及 2008 年。不过，目前从厄立特里亚驻内罗毕使馆领取薪金的消息人士已经证实，目前驻内罗毕使馆依然向与青年党保持联系的同一批人支付现金。²⁴⁵ 一位与厄立特里亚政府打交道的厄立特里亚商人向监察组提供了其他可靠资料，确认在内罗毕支付的金额大约是每月 80 000 美元。²⁴⁶

(a) **Ugas Abdi Dahir**

318. 在付款收据上出现的人当中包括 Ugas Abdi Dahir，这是索马里再次解放联盟/阿斯马拉的一位前成员，目前为青年党的一名已知同伙。Dahir 是 Habr Gidir Ayr 家族一个有影响力的政治人物，并在伊斯兰党与青年党于 2010 年 12 月 27 日合并时，在 Afgoye 举行的记者招待会上充当了发言人，²⁴⁷ 两位认识他的消息人士说青年党目前正在利用他争取 Ayr 族人的支持。²⁴⁸

319. 据厄立特里亚大使馆的文件显示，Dahir 于 2008 年收到 1 600 美元的现金，以及作为支付机票的 850 美元。在厄立特里亚国驻内罗毕使馆领取薪金的消息人士说，Dahir 依然从使馆领取财务经费，并持厄立特里亚护照旅行。²⁴⁹ 其中一位索马里人消息人士出示了他自己的厄立特里亚护照，上面盖有移民印章，显示其仍然有效。

(b) **Mohamed Wali Sheikh Ahmed Nuur**

320. 在厄立特里亚大使馆财务文件上出现的另一个人是 Mohamed Wali Sheikh Ahmed Nuur(别名 Ugas Mohamed Wali Sheikh)，监察组前一份报告提到他在 2009 年代表索马里再次解放联盟/阿斯马拉从厄立特里亚领取款项。²⁵⁰ 文件显示 Nuur 于 2008 年 4 月从厄立特里亚大使馆得到 20 000 美元的款项。

321. Nuur 的兄弟 Abdulqadir “SPM” 少校是青年党的一个高级军事指挥官，而自索马里再次解放联盟/阿斯马拉于 2010 年解体之后，Nuur 成为青年党的

²⁴⁵ 2010 年 10 月 29 日和 2011 年 1 月 17 日与两个独立的消息人士在内罗毕约谈；两者均因收取厄立特里亚国驻内罗毕使馆支付的现金而记录在案。

²⁴⁶ 约谈，2010 年 12 月 14 日。

²⁴⁷ 前索马里再次解放联盟-阿斯马拉官员于 2010 年 12 月，前伊斯兰法院联盟将军于 2011 年 4 月提供的信息。

²⁴⁸ 2011 年 1 月 18 日与在厄立特里亚国驻内罗毕使馆领取薪水的消息人士的约谈；2011 年 4 月 7 日在摩加迪沙与前伊斯兰法院联盟将军的约谈。

²⁴⁹ 厄立特里亚政府已告知监察组，在 2008 年 11 月至 2009 年 6 月期间仅仅向索马里人签发和更新了 15 本厄立特里亚护照，而且之后，没有再向索马里人签发厄立特里亚护照。2010 年 4 月，厄立特里亚国家开始采取一种新护照，并已告知监察组没有给索马里人发放这种新证件。索马里-厄立特里亚问题监察组于 2011 年 1 月 28 日在阿斯马拉对厄立特里亚官员的约谈。

²⁵⁰ 见 S/2010/91 第 63 段。

一名政治协调员，并曾于 2010 年前往青年党控制的城市基斯马尤和盖多。²⁵¹ 据与 Nuur 在索马里再次解放联盟/阿斯马拉共事并且经常前往厄立特里亚的消息人士透露，Nuur 在 2010 年曾前往厄立特里亚并在 2010 年 11 月和 2011 年 1 月前往阿斯马拉访问，²⁵² 其间收到厄立特里亚政府的另一大笔现金。²⁵³

(c) **Abdirahman Ahmed Shaakir**

322. 使馆的另一份收据显示 2008 年 4 月向一个名叫 Abdirahman Ahmed Shaakir 的人支付了 2 万美元。该收据表明，他于 2008 年 4 月从厄立特里亚国驻内罗毕使馆获得 20 000 元的款项。大约在同一时间，Shaakir 在内罗毕的索马里哈瓦拉机构开设一个账户。

323. 监察组得以查阅与 Shaakir 账户有关的文件和记录。大多数交易均为 Shaakir 本人所作现金存款或提款，一起明显例外是 2009 年 5 月 10 日向 Ali Mohamed Haashi 转账的 1919 美元，后者在摩加迪沙由青年党控制 Bakaara 居民区从一个哈瓦拉办事处将钱提走。监察组对收款人账户记录的检查表明，账户持有人在交易时使用了伪造或无效的身份证件，他使用的其他名字包括 Maxamed Xaashi Cali、Mohamed Haashi Ali 和 Mohamed Ali Haashi。

324. Shaakir 和 Haashi 登记的联系地址都在肯尼亚的 Hagadheera 难民营。2010 年 1 月 31 日，安全理事会通过第 1907(2009)号决议仅仅一个月时间，Shaakir 便通过 Hagadheera 分支机构，从他的哈瓦拉账户提取了 1 247 美元的余款，实际上关闭了账户。2010 年 10 月，Ali Mohamed Haashi 前往内罗毕，另开了一个哈瓦拉账户。该账户一直维持到 2011 年 3 月 22 日，Haashi 做了为人所知的最后一笔提款 4 660 美元，只留下一个空账户。

325. 2011 年 4 月，在 Hagadheere 难民营接受监察组约谈过程中，Shaakir 证实 Haashi 是他的亲密朋友，而且后者经常前往内罗毕、摩加迪沙和索马里盖多地区。Shaakir 承认，他与 Haashi 有金钱往来，但否认与青年党或与厄立特里亚国使馆有任何联系，尽管收据显示，实际情况恰恰相反。²⁵⁴

326. Shaakir、Haashi 和 Haashi 的兄弟所使用的移动电话都与 2011 年前三个月在执法机构管理的青年党电话号码数据库中出现的号码有过联系。²⁵⁵

²⁵¹ 2011 年 4 月 7 日在摩加迪沙与前伊斯兰法院联盟将军的约谈和 2011 年 4 月与前索马里再次解放联盟-阿斯马拉官员的约谈。

²⁵² 约谈，2011 年 1 月 17 日。

²⁵³ 约谈，2011 年 4 月 13 日。

²⁵⁴ 2011 年 4 月在 Hagadheera 与 Shaakir 的约谈。

²⁵⁵ 监察组自行获得所涉之人的电话号码。

分析

327. 监察组从厄立特里亚国驻内罗毕使馆所得到的文件证据只是监察组可以得到的实际物证的一小部分。监察组已得知有大量此类收据，记录了厄立特里亚国驻内罗毕使馆支付给索马里个人的资金，²⁵⁶ 但一直未能获取全部资料。然而，监察组所掌握的文件显示，在 2008 年向索马里武装反对派团体的成员和同伙提供了资金援助和发放了护照。²⁵⁷ 监察组在其任务期间收集的补充证词以及 Shaakir 和 Haashi 的上述财务记录表明，这种援助一直延续到现在，而且厄立特里亚国驻内罗毕使馆继续维持和利用与在肯尼亚的索马里联络人、情报资产和特工的广泛交往。

G. 苏丹

328. 从 1990 年代中期直至签署《全面和平协议》，厄立特里亚都是苏人解最亲密的一个军事盟友，经常向苏丹人民解放军提供军事教官和装备。厄立特里亚向苏丹人民解放军提供援助的主要渠道是全国民主联盟(民主联盟)，这是设在厄立特里亚的一个反对喀土穆政权的政党联盟和武装运动。物资定期运送给苏丹东部的苏丹人民解放军，苏丹人民解放军和构成全国民主联盟的其他集团一起在这里部署了部队。

329. 然而，自 2009 年以来，厄立特里亚与苏人解的关系出现紧张迹象，伊萨亚斯·阿费沃基总统公开指责苏人解的领导层存在着“腐败”。²⁵⁸ 据苏人解的政治人物和众多厄立特里亚人士透露，这一新出现紧张的背后主要原因是，厄立特里亚表示担心，苏丹南方独立的平稳过渡可能导致喀土穆和一些西方国家政府之间的关系更密切。²⁵⁹ 有些苏人解官员也将与阿斯马拉之间关系越来越多的摩擦归结到苏丹南方领导人与埃塞俄比亚的密切合作。²⁶⁰

330. 与此同时，有迹象表明在厄立特里亚和苏丹之间开始了更为密切的合作，包括厄立特里亚高级别代表团前往喀土穆访问，其中包括 Teklai Habteselassie 将军(厄立特里亚空军司令)和 Teklai Kifle “Manjus” 将军等高级军事官员的访问。²⁶¹ 厄立特里亚于 2011 年 4 月新任命了一位驻喀土穆的大使 Mohamed Mantai，这也被视为是加强关系的一个步骤。

²⁵⁶ 提供证词的是熟悉厄立特里亚国使馆业务或在使馆领取薪资的若干人。与这些人的约谈是分别于 2010 年 9 月 28 日、2010 年 10 月 20 日、2010 年 10 月 27 日、2010 年 10 月 28 日和 2010 年 11 月 10 日进行的。

²⁵⁷ 厄立特里亚政府承认在 2008 年 6 月之前向索马里人签发了护照，见上文脚注 269。

²⁵⁸ <http://www.sudantribune.com/Eritrean-president-accuses-Sudan-s,31201>。

²⁵⁹ 原驻苏丹的厄立特里亚外交官，2010 年 9 月至 2011 年 1 月的约谈。

²⁶⁰ 苏丹人民解放运动高级官员，朱巴，2011 年 4 月 28 日，苏丹人民解放军的高级官员，朱巴，2011 年 4 月 29 日，苏丹人民解放运动的高级外交官 2011 年 5 月 1 日的约谈。

²⁶¹ 2010 年 12 月在喀土穆的约谈，以及 2011 年 4 月在喀土穆从厄立特里亚在喀土穆的军官处得到的信息。

331. 出现这些政治事态发展之际，正值苏丹人民解放军和苏人解官员指责喀土穆提供军事援助给 George Athor Deng 中将与 Peter Gadet 将军，他们是领导着针对苏丹人民解放军叛乱的两名苏人解前高级官员。仅仅在 2011 年 4 月，联合州和琼莱州的冲突中就至少有 165 人丧生。²⁶²

332. 苏人解的高级官员向监察组提出，他们怀疑 Athor 和 Gadet 可能也得到厄立特里亚的援助。当监察组提出这一问题时，厄立特里亚官员断然否认了这一指控。²⁶³ 苏人解官员具体谈到 Athor 在 2010 年至 2011 年之间对阿斯马拉的至少三次访问，并向监察组表示，已经从 Athor 和 Gadet 处缴获厄立特里亚的物资，但却尚未提出证据，而监察组则未能独立核实这一指控。²⁶⁴

333. 为评估所谓厄立特里亚与持不同政见的民兵之间有瓜葛的可信度，一个监察组特派团于 2011 年 4 月前往南苏丹，检查苏丹人民解放军在 2011 年初的战斗中从民兵部队缴获的武器、弹药和装备。特派团检查了 150 多件武器，其中包括卡拉什尼科夫式冲锋枪、PKM 通用机枪、火箭筒、一挺 12.7 毫米重型机枪、218 枚反坦克地雷、手榴弹以及若干箱弹药。监察组已发出多项追查请求，以确定这些装备的出处和监管链。

334. 在收缴物品中有数件中国生产的 69 型火箭榴弹，系列号为“8-91-93”（见下图）。其厂牌和批量号与厄立特里亚提供给欧阵“Alanside 部队”并经监察组于 2010 年 10 月在哈尔格萨检查的火箭榴弹相同（见附件 8.3 关于欧阵的案例研究）。中国已告知监察组，有关这些火箭榴弹的销售记录已经找不到。²⁶⁵

图十五

从 Athor 的民兵处所缴获火箭榴弹上的标记图像



²⁶² <http://www.reuters.com/article/2011/04/26/ozatp-sudan-violence-idAFJ0E73P00W20110426>。

²⁶³ 约谈, 2011 年 4 月。

²⁶⁴ 2011 年 4 月，与苏丹人民解放军的高级情报官员和苏丹人民解放运动官员的约谈。

²⁶⁵ 监察组于 2010 年 11 月 15 日向中国发出信函，要求提供销售项目的细节。中国在 2011 年 1 月 14 日的回信中表示，“由于生产武器的工厂已关闭很久，无法提供进一步的信息。”

分析

335. 在 Athor 和欧阵的库存中都发现“8-91-93”火箭榴弹似乎可以表明，喀土穆和厄立特里亚之间有军事后勤关系。但是，根据这一有限的证据却无法得出结论说，厄立特里亚违反第 1907(2009)号决议向南苏丹制造不稳定局势的团体直接提供了军事援助。建议监察组继续密切跟踪事态发展。

八. 违反武器禁运*

A. 武器进口和外来军事援助

336. 监察组所收到可靠的独立报告表明，自安全理事会第 1907(2009)号决议实施以来，厄立特里亚继续购买武器并得到技术援助。

337. 在 Habteselassie 将军和 Yemane Tesfay 于 2009 年底访问乌克兰(详情见下文第 339 段)以来，监察组认为，厄立特里亚已通过海上通道获得武器和弹药，并获得维修军用飞机所需外国技术援助和备件。但是，监察组一直未能确定，是否有外国政府直接参与，故意违反在这方面对厄立特里亚的武器禁运。

338. 同样，监察组多次获得关于厄立特里亚和伊朗伊斯兰共和国在 2009 年开展军事合作的可靠报告。虽然监察组已经能够证实，自第 1907(2009)号决议通过之后，厄立特里亚和伊朗的军事官员继续保持接触，而且伊朗外交和军事人员前往厄立特里亚访问，但却一直未能确定这些活动是否涉及违反制裁制度。基于直到第 1907(2009)号决议通过前夕的两国军事合作历史，监察组认为，委员会应当在本小组协助下继续密切监测这一关系。有关迄今调查结果的简要介绍见附件 9.1。

339. 一些外国政府向厄立特里亚政府提供了直接财政援助，其中一些可能用于军事目的。据报道，卡塔尔和利比亚最近一段时间是厄立特里亚的两个最重要的经济伙伴。卡塔尔官员向若干外国外交官承认说，该国政府向厄立特里亚政府提供了重要的直接财政援助，但却未说明具体数字。阿拉伯利比亚民众国也早已成为厄立特里亚领导人的靠山，提供直接财政援助和实物捐助，据称其中包括石油产品。监察组没有发现任何这两个政府违反制裁制度的证据，但认为在提供这种援助时应该附上严格的条件，以确保资金不会转用于军事目的。

* 安全理事会第 1907(2009)号决议第 5 段“决定所有会员国应立即采取必要措施，阻止其国民或从其国土或利用悬挂其国旗的船只或飞机，向厄立特里亚出售或供应军火以及各类相关物资，包括武器和弹药、军用车辆和装备、准军事装备及上述物项的备件，以及与军事活动有关的或与提供、制造、维修或使用上述物项(无论是否源自本国境内)有关的技术援助、培训、财政及其他援助；”

向马萨瓦港运送武器

340. 关于 2010 年 11 月 19 日可能有一艘海船向马萨瓦港口运送武器一事，监察组已获得多项独立的可靠证词和有利的旁证。

341. 根据厄立特里亚国防军一名现役成员的说法，这批货物包括 99 挺 12.7 毫米重机枪、12 门 60 毫米迫击炮、36 门 82 毫米迫击炮、48 枚反坦克线导导弹以及 29 支狙击步枪。根据同一消息人士，这一行动的协调人是厄立特里亚国防军海军参谋长海军上将 Humed Karekare。²⁶⁶

342. 另外两个熟悉这一行动的消息人士分别并独立提供了相同的交货日期 (2010 年 11 月 19 日)，指出军方当天从港口的有关地区清除了未经授权进入的人，并限制进入该港口并限制其中的活动。²⁶⁷ 在马萨瓦的第三个消息人士证实，2010 年 11 月 19 至 20 日港区内活动受到限制。²⁶⁸

343. 监察组要求厄立特里亚政府提供关于 2010 年 11 月 18 日至 22 日期间所有停靠或停泊马萨瓦港的船只的信息²⁶⁹ 并得到一份答复，即在此期间只有一条船进入马萨瓦港，这就是 MV Dorratt Jeddah 号，一条悬挂沙特阿拉伯国旗并由该国拥有和经营的“滚装”船，从沙特阿拉伯吉达启程，于 2010 年 11 月 19 日抵达马萨瓦港，运载建筑设备、食品和家用设备。²⁷⁰ 监察组的两个消息人士证实，上述这条船的确在当日到达，并是在厄立特里亚政府作出答复之前提供了信息。²⁷¹ 然而，监察组掌握的确凿证据表明，2010 年 11 月 19 日至少有另外两条船停在马萨瓦港。

344. 2010 年 11 月 19 日在马萨瓦的船只有一条是 MV Nizar 号，一条悬挂格鲁吉亚国旗的普通货船，由一家在巴拿马注册的公司所拥有，并由一家在阿拉伯叙利亚共和国注册的公司经营。²⁷² 信号数据表明，这艘船于 2010 年 11 月

²⁶⁶ 厄立特里亚国防军主动联系人通过厄立特里亚前军事将领和厄立特里亚军事突击队于 2010 年 11 月 24 日提供的信息。

²⁶⁷ 2010 年 11 月 28 日从厄立特里亚政府主动联系的资料来源和 2010 年 12 月 4 日从政府主动单独联系的资料来源所得到的信息。

²⁶⁸ 约谈，2011 年 1 月。

²⁶⁹ 监察组于 2011 年 2 月 18 日向厄立特里亚常驻联合国代表团发出的信函。

²⁷⁰ 厄立特里亚常驻代表团于 2011 年 5 月 17 日给联合国的答复。

²⁷¹ 一条船从吉达出发，于 2010 年 11 月 19 日抵达马萨瓦。马萨瓦的消息人士明确指出，名为 MV Dorratt Jeddah 的船于 11 月 19 日抵达，并在厄立特里亚政府作出正式回应数日之前，于 2011 年 1 月提供了这一信息。

²⁷² 格鲁吉亚内政部 2010 年 3 月 15 日的回复。根据这一回复，巴拿马注册公司是 Tala Maritime 公司，而叙利亚管理公司 is Rayah Maritime 服务集团。由格鲁吉亚提供的巴拿马所有权文件难于辨认，但已经由一个独立的研究机构 TransArms USA 对文件作了澄清。这个文件明确将 Soubhi Mohammed Koussa、Kholoud Khaled Youzbashi 和 Ibrahim Moustafa Abou Hassanin 明确列为 Tala Maritime 公司的董事。见附件 9.2

19 日早上 8 点 24 分位于离马萨瓦海岸 16.8 海里处。²⁷³ 2010 年 11 月 19 日，有人也在马萨瓦看到该船。²⁷⁴ 接下来再一次收到信号则是 11 月 20 日上午 7 时 16 分，在阿萨布港以外 57.4 海里处。²⁷⁵ 监察组曾试图作进一步调查，但未能得到成员国的积极合作。²⁷⁶

345. 监察组已经看到照片证据显示，第三条船是 MV Ryu Gyong 号，这是悬挂朝鲜民主主义人民共和国国旗，并由朝鲜拥有和经营的普通货船，于 2010 年 11 月 19 日停靠在马萨瓦港口。²⁷⁷ MV Ryu Gyong 号于 2010 年 9 月 24 日离开印度根德拉，到 2011 年 1 月 22 日抵达菲律宾八打雁，在此期间没有留下任何可查寻的信号。²⁷⁸

346. MV Ryu Gyong 号属于 Korea Sinhung 船运公司，该公司还拥有 MV Hyang Ro Bong 号。根据监察组获得的资料，MV Hyang Ro Bong 号于 2010 年 12 月抵达索马里，从卡拉奇将 6000 吨水泥和 800 吨大米运送到摩加迪沙港口，然后前往由青年党控制的基斯马尤港。²⁷⁹ 监察组还收到可靠情报，显示 MV Hyang Ro Bong 号还在 2011 年 1 月前往青年党控制的巴拉维港，²⁸⁰ 并且于 2010 年 8 月抵达马萨瓦港。²⁸¹ 虽然监察组没有具体证据表明，这条船的活动涉及违犯制裁规定问题，但是认为其活动性质可疑，值得进一步监测。

厄立特里亚军用飞机的维修

347. 厄立特里亚空军是一支 1 000 人的部队，目前使用从乌克兰购买的 4 至 6 架苏霍伊苏-27 “Flanker” 战斗机，监察组认为这些飞机是 2003 年提交给厄立特里亚的。²⁸² 据在厄立特里亚工作的消息人士所提供机密信息，厄立特

²⁷³ Lloyds List Intelligence 的数据。

²⁷⁴ 马萨瓦消息人士提供的资料，2011 年 1 月。

²⁷⁵ Lloyds List Intelligence 的数据。

²⁷⁶ 监察组从格鲁吉亚政府获悉，该船已于 2011 年 2 月从注册名单中删除。对于监察组关于就船只活动和货物提供文件的要求，巴拿马和叙利亚均为作出回应。监察组还要求坦桑尼亚提供信息，因为该船悬挂的是其国旗，但没有收到任何信息。厄立特里亚政府就监察组关于就 2010 年 11 月 18-22 日停靠或停泊在马萨瓦海岸所有船只细节的要求，没有做出充分回应。

²⁷⁷ 经一名消息人士证实，监察组已证实此人于 2010 年 11 月 19 日在马萨瓦。Ryu Gyong 的照片已经在联合国存档，为保护消息人士，未在这一报告中展示。

²⁷⁸ Lloyds List Intelligence 的数据。

²⁷⁹ 关于运往摩加迪沙货物的收货人 Kafi 控股公司的说明，见附件 9.3。2011 年 4 月 6 日，监察组还展示了摩加迪沙港口的附加文件，表明 Hyang Ro Bong 计划前往基斯马尤，并详细介绍了其官方货物。

²⁸⁰ 2011 年 1 月 28 日，军方人士提供的资料。

²⁸¹ 经一名消息人士证实，监察组已证实此人于 2010 年 11 月 19 日在马萨瓦。Ryu Gyong 的照片已经在联合国存档，为保护消息人士，未在这一报告中展示。

²⁸² 见斯德哥尔摩国际和平研究所武器转让数据库，“厄立特里亚：1993 至 2010 年贸易登记”，斯德哥尔摩国际和平研究所，2011 年 4 月。

里亚的苏-27 飞机由乌克兰一家国有公司维修。根据监察组的评估，这家公司在乌克兰扎波罗热的“AviaRemontny Zavod VVO 713”飞机维修设施内运营，有人在那里见到带有 608 和 609 编号的厄立特里亚苏 27 两架，日期不详(见附件 10.1)。

348. 厄立特里亚空军还使用 5 至 7 架米格 29，其中包括两架米格 29UB “支点-B”型的教练机，这些是由俄罗斯联邦于 1998 年、2001 年和 2004 年交付厄立特里亚的。²⁸³ 从军方消息人士得到的信息表明，厄立特里亚与俄罗斯联邦米格飞机公司分公司就其米格-29 机队签署了维修合同。后者将设在俄罗斯联邦克拉斯诺达尔的“AviaRemontny Zavod VVS 275”飞机维修厂。监察组还证实，2010 年 2 月份俄罗斯军事航空网站²⁸⁴ 张贴的两张带有 ERAF 501 编号的厄立特里亚米格-29 的图片，是在克拉斯诺达尔拍摄的。

图十六

在俄罗斯克拉斯诺达尔的厄立特里亚米格 29



349. 此外，根据简氏评论和监察组 2011 年 5 月 6 日收到的最新信息，由芬兰在 1994 年交付的 8 架维美德 L90TP RediGO 教练机中，有 7 架仍在服役。而且由意大利于 1998 年交付的 6 架 Aermacchi MB-339CE 战机中，有一半仍然可以运作。

350. 最后，根据斯德哥尔摩国际和平研究所和简氏评论的数据，监察组认为，厄立特里亚空军还包括一个由四、五架莫斯科直升机厂的 Mi-8/17 “时髦”直升机、2 至 4 架米-24 “雌鹿”组成的机队(A 型和 D 型)，这两种机型都

²⁸³ 同上。

²⁸⁴ 2011 年 5 月 4 日，摘自 <http://forums.airforce.ru/showthread.php?p=54301#post54301>。

是 1996 年和 1998 年分别从俄罗斯联邦购买的，此外还有 2000 年由意大利交付的四架贝尔 412 直升机。

351. 根据监察组的判断，厄立特里亚空军目前使用着来自六个不同厂家的至少 10 架直升机和 22 架战机的机队。在阿斯马拉的外交人士观察到厄立特里亚空军在 2011 年年初“大幅度”增加了飞行，尤其是米-8 直升机的飞行。这一机队需要有经培训的人员进行定期和高层次的维修作业，并需要具体的高科技维修设备、中修和小修能力以及零配件的供应。在阿斯马拉的外交人士告诉监察组，乌克兰教官在厄立特里亚的 Mai Nefi 技术学院讲授了军用飞机的早期维修，但是这未能得到监察组的独立证实。

352. 监察组无法独立核实飞机维修合同到 2010 年和 2011 年是否仍然有效。针对监察组的要求，乌克兰政府和俄罗斯政府否认与厄立特里亚之间有任何有效的合同。²⁸⁵ 在给厄立特里亚政府发出两封要求切实说明这些可能违反军火禁运服务的信函之后，没有得到任何答复。²⁸⁶

353. 白俄罗斯常驻联合国代表在 2010 年 4 月 5 日给联合国的一封信中，承认直到 2009 年 12 月，在白俄罗斯称为“558 飞机修理厂”的公司²⁸⁷ 和厄立特里亚政府之间存在一项合同。根据白俄罗斯的说法，“在厄立特里亚的所有有关活动已完全停止”，而且“全体所涉员工已返回白俄罗斯”。对于这个问题，监察组注意到，由 Trans Avia Export Cargo 运营的从白俄罗斯明斯克到厄立特里亚马萨瓦的伊尔-76 货运航班飞行自 2009 年 7 月起停止。

354. 厄立特里亚政府还拥有并经营着少量小型民用运输机，包括具有短距起降能力的小型飞机。这支机队包括于 1994 年分别从德国和中国购买的 5 架 Do 28D Skyservant 型飞机和 4 架雅科夫列夫 Yak-12 “Shengyang” 型飞机，²⁸⁸ 一架用于空中摄影的 Pilatus PC-6/B2-H4 Turbo Porter 型飞机，这是 2010 年 6 月从瑞士购买的，编号为 E3-AAS(见附件 10.2)。

Protection Vessels International 公司

355. 2010 年 12 月 17 日，一条名为海蝎号的船运载着安全人员、武器和装备进入了厄立特里亚领海，这是由 Protection Vessels International 公司，一家 2008 年成立的英国私人海上保安公司所拥有和经营的船。一条从船

²⁸⁵ Ukrspecexport 公司 2011 年 5 月 5 日对 98 号公函的答复，俄罗斯联邦常驻代表 2011 年 5 月 6 日对 100 号公函的答复。

²⁸⁶ 2011 年 4 月 8 日和 15 日的信。

²⁸⁷ AviaRemontny Zavod VVS 558, 设在白俄罗斯的巴拉诺维奇，专门从事 Su-27 和米格-29 飞机的维修。

²⁸⁸ SIPRI Arms Transfers Database, “Eritrea: trade register 1993-2010”, 2011 年 4 月。

上放下的硬壳充气艇(RHIB)将武器和装备放在厄立特里亚水域的一个小岛上，然后前往马萨瓦。厄立特里亚当局随后扣押了船只并扣留船员，似乎是因为就付款发生纠纷，但到编写这一报告时尚未正式提出起诉，也没有允许英国政府领事官员进行探视。监察组于 2011 年 2 月在阿斯马拉与厄立特里亚官员举行的会议上，要求提供进一步资料，但没有得到任何答复。

356. 虽然这看来无疑的是一起违反军火禁运的事件，监察组的判断是，海蝎号船上的武器是为该公司反海盗安全护航所用，并不是为了交给厄立特里亚(见附件 6.5 关于保护船舶国际的一项案例研究)。

B. 武器和弹药出口

安全理事会第 1907(2009)号决议第 6 段“决定厄立特里亚不得从本国境内或由其国民或利用悬挂其国旗的船只或飞机，直接或间接供应、出售或转让任何军火或相关物资，所有会员国均应禁止其国民或利用悬挂其国旗的船只或飞机从厄立特里亚采购上文第 5 段所述物项、训练和援助，无论是否源自厄立特里亚境内”。

357. 除上文第七节记录的向整个区域的武装反对派团体提供军事支持外，监察组还确定，厄立特里亚的高级政府官员也参与了经由苏丹和埃及的武器贩运活动，并获得了发生在 2008 至 2011 年间的几起此类事件的独立证人的证词及情报报告。尽管本节描述的一些事件发生在通过安全理事会第 1907(2009)号决议之前，但这些事件反映了直至今日的厄立特里亚武器贩运活动的模式。

358. 从厄立特里亚西部出发的武器贩运活动仅仅是西部军区指挥官 Teklai Kifle “Manjus” 将军管理的范围更广、获利很大的走私活动的一个构成部分(也见上文第 262 和 330 段和下文第 362、416 和 420 段)。他的这一跨境活动的主要苏丹对应方是 Mabrouk Mubarak Salim，苏丹国目前的交通部长，此人也是一名富有的商人，是以前厄立特里亚支持的苏丹“东部阵线”反对派联盟的建制部分之一、现已解散的“自由之狮”叛乱集团的前领导人。Salim 是 Rashaida 族人，与其他根基雄厚的 Rashaida 走私犯交往密切，这些人在两国边界政府官员完全知情的情况下进行走私。²⁸⁹

359. 埃及 1 名高级情报官员透露，2009 年 1 月和 2 月，运送武器的车队企图从苏丹潜入埃及，遭到无人驾驶飞行器的袭击。他(及其他外交渠道)说，这

²⁸⁹ 监察组通过与(a) 位于喀土穆的厄立特里亚 2 名前外交官，2011 年 1 月；(b) 东部阵线的 1 名前苏丹成员，2010 年 12 月；(c) 位于阿斯马拉的 1 名苏丹外交官，2011 年 1 月；(d) Mubarak 先生的 1 名前副手，2011 年 3 月进行约谈，对约谈情况进行相互验证后获得了这一信息。

是埃及和以色列开展的联合行动。²⁹⁰ 监察组约谈的一名苏丹目击证人也证实了这一情况，监察组从车队中的一名司机处得知，这些走私活动是由声称根据 Mabrouk Mubarak Salim 的指示开展行动的个人组织的。²⁹¹ 该名司机以及监察组在苏丹东部约谈的其他厄立特里亚渠道都证实，厄立特里亚政府向在袭击中被杀的 Rashaida 族人的家属提供了补偿。²⁹²

360. 2009 年 3 月 28 日，目前在厄立特里亚国防军内有联络人的 1 名前厄立特里亚军官指出，由一支由多名 Rashaida 族司机、1 个巴勒斯坦人以及多名黎巴嫩乘客组成的车队从埃及阿斯旺出发，前往西奈。除车队警卫使用的个人武器外，车队还运送了 45 件反坦克武器和 25 个地对空导弹。²⁹³ 该消息人士还告诉监察组，该车队由 1 名在阿拉伯叙利亚共和国接受过训练的厄立特里亚军官领导。²⁹⁴ 监察组约谈的多个消息来源分别证明，厄立特里亚有一些或者驻扎在叙利亚或者在叙利亚接受过训练的军官。²⁹⁵

361. 2011 年 2 月 7 日，厄立特里亚一度支持的 1 个苏丹武装团体的 1 名战士在苏丹-埃及边境 Hala' ib 镇附近目睹一个类似车队经过。该车队由约 20 辆四轮驱动车辆组成，分成 3 组，每组间隔距离约为几公里，所有车辆都没挂车牌。车上人员看起来包括 Rashaida 人和中东人，其中许多人配备了个人武器。²⁹⁶

362. 声称长期为 Teklai Kifle “Manjus” 将军从事人员偷渡活动(见下文第 421 至 424 段)的厄立特里亚的一个信息人士告诉监察组，2008 年，他第一次随运送武器的车队被部署到埃及。该消息人士指出，他的联络人证实，驻埃及的厄立特里亚特工人员 2011 年仍在继续协调时通过西奈走私人员和武器的活动。²⁹⁷

²⁹⁰ 2010 年 12 月在喀土穆的约谈情况。媒体广泛报道了这一事件，例如见 http://www.timesonline.co.uk/tol/news/world/middle_east/article6122337.ece。

²⁹¹ 2010 年 12 月在喀土穆进行的约谈。

²⁹² 2010 年 9 月和 2010 年 12 月进行的多次约谈。

²⁹³ 2011 年 1 月从厄立特里亚破译，由专人送至监察组的信息。

²⁹⁴ 2011 年 1 月从厄立特里亚破译，由专人送至监察组的信息。

²⁹⁵ 2010 年 10 月至 2011 年 1 月期间，与 1 名厄立特里亚前将军，1 名厄立特里亚前外交官和 1 名厄立特里亚前情报特工进行的约谈。

²⁹⁶ 监察组于 2011 年 2 月 14 日第一次获得这一资料，2011 年 3 月再次获得更详细资料。

* 第 1907(2009)号决议第 19 段(b)分段指出：[监察组不妨]审议应提请委员会注意的有关上文第 16 和第 17 段执行情况任何资料；

²⁹⁷ 2011 年 3 月与位于埃及的信息人士进行的约谈。

363. 为进一步追查这一调查线索，监察组请埃及当局提供有关封锁此类走私活动的其他细节，包括说明关于埃及部队在 2010 年 3 月袭击了一个车队的媒体报道，²⁹⁸ 但在提交这份报告时还未收到答复。

九. 资助违反第 1907(2009)号决议的行为*

364. 有关厄立特里亚经济的可靠数据极难获得。由于缺乏可以在国际上核证的数据，开发署在 2010 年印发的最新人类发展指数中无法列入厄立特里亚。²⁹⁹ 国际货币基金组织将厄立特里亚列为世界上最不发达国家之一，2008 年人均国内生产总值估计数为 331 美元，2000 至 2009 年间平均增长率为 -0.9%。国民经济易受到严重的外生冲击，易发生严重通胀，自 2005 年以来，政府年度贸易逆差在 15%至 25%之间，公共债务额约为 150%。自 2007 年以来，厄立特里亚开始拖欠向外国双边债权人付款。2010 年底逐渐开始从 Bisha 特许开发区运出的开采的黄金可能会改善厄立特里亚的官方财政。

365. 监察组的评估认为，厄立特里亚尽管相对贫穷，但长期以来一直资助而且继续资助整个区域，甚至区域外的武装反对派团体。³⁰⁰ 对这一明显矛盾现象的解释是，存在庞大、复杂的非正规经济，厄立特里亚政府和人阵高级官员每年从非正规经济中收取和控制数以亿美元计的非官方收入，主要是厄立特里亚侨民和私营企业(其中涉及人阵经营的国外公司或业务伙伴关系)缴纳的税款。

366. 根据在本任务期间获得的信息，监察组能够得出结论认为，支持违反武器禁运活动的秘密资金主要来自情报、军事和执政党官员控制和操作的这一广泛的、境外、大多是非正规金融机制，其中许多人以“非官方”身份开展这一活动。

A. 资助军事采购活动

367. 军事采购一直是通过厄立特里亚正式的国家渠道和通过人阵附属的非正式网络这两个渠道进行。但从财政上一直很容易(有时是故意)模糊政党和国家之间的区别。厄立特里亚政府拒绝与监察组讨论其军事采购做法，交易记录不易获得。

²⁹⁸ 2011 年 3 月 14 日查阅 <http://af.reuters.com/article/egyptNews/idAFLDE72D0VP20110314>。

* 第 1907(2009)号决议第 19 段 (b) 分段指出：[监察组不妨] 审议应提请委员会注意的有关上文第 16 和第 17 段执行情况的任何资料；

²⁹⁹ 由于缺乏国际汇编和可核证的数据，包括安提瓜和巴布达、不丹、古巴、多米尼加、厄立特里亚、格林纳达、黎巴嫩、阿曼、圣基茨和尼维斯、圣卢西亚、圣文森特和格林纳丁斯、萨摩亚、塞舌尔和瓦努阿图以及巴勒斯坦被占领土在内的 14 个国家未被列入人类发展指数。其中许多国家是海外资金避难所。

³⁰⁰ 例如有大量证据表明 1999 至 2008 年间，厄立特里亚接待了斯里兰卡泰米尔猛虎组织成员并为军事援助提供了便利。

368. 人阵官员参与军事采购似乎不是一个新情况。监察组约谈的可靠信息人士指出，Hagos Gebrehiwot Maesho (aka Hagos “Kisha”) 过去一直参与采购军事装备，特别指称他在第 1907(2009)号决议通过前参与购买了战斗机。³⁰¹ 监察组在 2010 年 9 月考察阿斯马拉和 2011 年 1 月再次考察阿斯马拉期间请求会晤 Gebrehiwot 先生，部分原因是听取他对这些指控的回应，但厄立特里亚政府正式拒绝了这一请求。³⁰²

369. 厄立特里亚商业银行管理人员 Yemane Tesfay 向监察组证实，Gebrehiwot 曾参与有关分配硬通货的“硬货币监督理事会”的各项决策，而且自 2009 年该理事会最近一次会议以来对这些决定拥有独家酌处权。³⁰³ 由于采购外国军事商品和服务需要大量硬通货交易，因此政党资源在此类交易中发挥作用以及人阵经济部门主管个人参与其中似乎是毫无疑问的。

370. 2010 年 9 月监察组约谈时，Tesfay 先生否认其银行参与了厄立特里亚国防军的任何采购活动。³⁰⁴ 但在 2011 年 1 月的后续约谈中，他承认 2009 年 12 月，他作为厄立特里亚空军司令 Teklai Habteselassie 将军率领的代表团一员，前往乌克兰，为可能签署的任何合同提供财务帮助，这意味着考察乌克兰的目的的确涉及军事采购。³⁰⁵ 他告诉监察组，他是个人身份，而不是作为厄立特里亚商业银行代表前往的，并坚称未达成任何交易。³⁰⁶

371. 在此方面看来模糊了国家、执政党和个人作用的其他高级官员包括 Weldu Gheresus Barya 上校，即通常所谓厄立特里亚国防军“机械化旅”的指挥官以及国家安全办公室的 Te’ ame Abraha Kinfu 准将。据称，Barya 上校控制了厄立特里亚进口的大量备件、车辆和机械，其中一些可以用于养护军事车辆和其他装备。据信 Te’ ame Abraha (又名 Meqelle) 将军成立了 1 个新的建筑公司，Horn Construction 公司，目前该公司已在厄立特里亚开展业务。³⁰⁷

³⁰¹ 2010 年 8 月进行的约谈和 2011 年 1 月在阿姆斯特丹进行的约谈。

³⁰² 2011 年 1 月 7 日监察组给厄立特里亚常驻代表的信。见附件 12。

³⁰³ 2010 年 1 月 24 日在厄立特里亚商业银行进行的约谈。Tesfay 先生曾是军事情报股“72 旅”的 1 名成员。1980 年代中期厄立特里亚解放战争期间被部署到苏丹，当时该股负责清洗美元假币(见第 xxx 段)，以便努力为解放军筹款(依据的是与多名厄立特里亚前官员的访谈，2010 年 9 月)。

³⁰⁴ 2010 年 9 月 15 日在厄立特里亚商业银行进行的约谈。

³⁰⁵ 厄立特里亚政府拒绝了监察组 2011 年 1 月 7 日提出的会见 Habtesellassie 及其他政府高级官员的请求。见上文第 337 段和附件 12。

³⁰⁶ 2011 年 1 月在厄立特里亚商业银行总部进行的约谈。Tesfay 已经记不起邀请他就何类合同提供咨询，在乌克兰期间会晤了谁或拜访了哪些机构。

³⁰⁷ 2010 年 9 月和 2010 年 12 月与在厄立特里亚经营的厄立特里亚商人进行的约谈。

B. 财政的结构与控制：厄立特里亚的正规和非正规经济体系

372. 根据调查厄立特里亚政府向索马里及更广泛区域提供财政支持，违反武器禁运情况的任务规定，监察组从二、三十个对人阵和厄立特里亚政府财政机构有第一手了解的厄立特里亚信息来源处获得了资料，并从之前获得厄立特里亚政府财政和后勤支持的该地区武装反对派团体成员那里收集了资料。

373. 厄立特里亚实质上管理着两套平行经济：表面上由国家管理的正规经济范畴和一个由执政党及其支持者控制的不透明的、主要是境外的金融系统。厄立特里亚政府官员指出，正规经济体系几乎完全是以不可兑换的本国货币纳克法结算的交易，特点是硬通货长期不足，理论上限制了厄立特里亚向外国武装团体提供财政支持的能力。

374. 由人阵控制的非正规经济在很多方面是厄立特里亚人民解放阵线的金融组织在解放斗争期间的产物。其中涉及的硬通货交易比例比正规经济高得多，而且几乎完全由公司、个人及银行账户错综复杂的多国网络进行境外管理，许多公司、个人和银行账户并未宣称是人阵或厄立特里亚国家的任何附属，但常常参与“灰色”或非法活动。尽管无法获得有关这一非正规经济的可靠数据，但它显然足以开展本报告中描述的外部行动。

375. 财政部和厄立特里亚银行这两大机构对厄立特里亚经济进行官方控制。这两大机构都面临着硬通货长期不足的问题。2010年9月，厄立特里亚商业银行经理 Yemane Tesfay 告诉监察组，厄立特里亚几乎没有外汇储备：银行 95% 的存款都是纳克法，而且“如果厄立特里亚有硬通货储备的话，那么厄立特里亚银行会进行管理，但厄立特里亚没有硬通货。”³⁰⁸

376. 硬通货存款(如果有的话)由国家发展部、财政部、厄立特里亚银行和厄立特里亚商业银行派的代表以及人阵经济事务部主任 Hagos Gebrehiwot (aka Hagos “Kisha”) 组成的一个硬通货监督理事会正式管理。³⁰⁹ 但 2011 年 1 月，厄立特里亚商业银行经理告诉监察组，该理事会自 2009 年以来就没再开过会，而且如何分配硬通货资源实际上由人阵经济事务部主任决定。³¹⁰ 这意味着人阵经济事务部实际上控制着厄立特里亚驻外使馆从侨民处征收的税款以及驻外使馆代表人阵控制的企业处理交易的商务专员取得的收入。³¹¹

³⁰⁸ 2010 年 9 月 14 日在阿斯马拉与 Yemane Tesfay 进行的约谈。

³⁰⁹ 2010 年 9 月 Yemane Tesfay 向监察组所做的解释。

³¹⁰ 2011 年 1 月 25 日在阿斯马拉与 Yemane Tesfay 进行的约谈。

³¹¹ 2011 年 1 月，监察组请求能够有机会会晤人民民主和正义阵线/经济事务部主管，以便核实这一资料，但未获批准。相反，厄立特里亚政府认为红海公司可以代表人民民主和正义阵线/经济事务部回答监察组提出的问题，因此安排监察组与红海公司管理层会晤，但红海公司告诉监察组他们没有资格或未获得授权，无法回答监察组提出的问题。

377. 处理硬通货的机构不透明，从而壮大了 Gebrehiwot 先生和 Tefsay 先生的权力。据参与财政和情报工作的若干厄立特里亚前政府官员透露，Gebrehiwot 先生是与厄立特里亚采购活动(包括支持该区域武装团体的采购活动)相关的所有硬通货业务的总财政协调人，而 Tefsay 先生(曾是厄立特里亚人民解放阵线军事情报股“72 旅”的 1 名军官)负责提供技术咨询，支持 Gebrehiwot 先生管理的财政工作。³¹²

C. 红海公司及人民民主和正义阵线拥有的其他企业

378. 人阵拥有的多家公司是执政党，乃至厄立特里亚国家的主要收入来源之一。其中最重要的一家公司是红海公司，该公司最初成立时是一项秘密开展的金融业务，被称为“09”，公司业务遍布非洲和中东，以便为厄立特里亚的解放斗争筹集资金。³¹³ 今天，红海公司是执政党拥有的贸易公司，正式业务是进口基本食物，并以固定价格销售。据公司官员透露，红海公司的采购活动主要通过厄立特里亚驻迪拜领事馆的商务专员 Mehari Woldeselassie 以及位于伦敦的一家厄立特里亚贸易公司 Ericommerce 进行，³¹⁴ 后者还处理侨民汇款并将资金存入 NatWest 银行和马耳他的第一国际商务银行。³¹⁵

379. 监察组获得了与人阵有关联的多家工程和建筑公司清单，其中包括 Ghedem 建筑公司、Segen 建筑公司、GHEDECC、As.Be 公司、Rodab 股份公司、BDHO 股份公司及 Debaat Eritrea Bldg 公司，其中一些公司在海外活动。³¹⁶ 监察组还获悉，人阵的经济事务部控制了若干以具有双重国籍的厄立特里亚个人，而不是以执政党名字注册的外国公司和海外银行账户。

380. 人阵拥有的各公司大多将钱存入厄立特里亚住宅和商业银行，这家银行本身由执政党拥有，并在纽约花旗银行、DZ 银行、Commerz 银行及美国、德国和意大利的 BNL 银行设有相应的银行账户。³¹⁷

D. 侨民的税款和汇款

381. 可能人阵最重要的收入来源是对居住在国外的厄立特里亚国民征收 2% 的所得税。³¹⁸ 据估计，120 万厄立特里亚人(占总人口的 25%)居住在国外，³¹⁹

³¹² 根据 2010 年 8 月和 9 月与厄立特里亚前情报官员和外交官进行的约谈。

³¹³ 2010 年 8 月与曾在红海公司作为前国家安保人员进行的约谈。

³¹⁴ 2011 年 1 月在阿斯马拉与红海公司官员进行的约谈。

³¹⁵ 有关 Ericommerce 银行网络的资料由 Ericommerce 前雇员提供，2011 年 4 月。根据公司记录和 Ericommerce 1 名前雇员的介绍，该公司由 Amanuel Aman Woldersium 先生、Tewolde Woldekidan 博士和红海公司共同所有。

³¹⁶ 2010 年 9 月外交信息来源提供的资料以及厄立特里亚前情报和财政官员提供的资料。

³¹⁷ 2010 年 9 月在阿斯马拉与住宅和商业银行官员进行的约谈。

³¹⁸ 一些消息人士指出，据称这一税率已经提高至 3%。

主要集中在北美、欧洲和中东。根据多名国家执法官员、厄立特里亚目击证人以及侨居海外的厄立特里亚前政府特工估计，厄立特里亚政府估计每年可以征收数千万，甚至可能数亿美元的税款。

382. 征税理由不一。厄立特里亚 1 名高级官员向监察组介绍说，这是向在祖国拥有土地或财产的海外厄立特里亚人或双重国籍的厄立特里亚人征收的土地税。³²⁰ 居住在不同国家的很多厄立特里亚侨民对监察组说这是“领事服务”。例如，任何厄立特里亚公民申请换护照或持外国护照的厄立特里亚人申请前往厄立特里亚签证时必须提交在厄立特里亚的完税证明。³²¹ 以此为依据计算 2% 的税款，而个人必须以支票或汇票的形式将这一款项付到由厄立特里亚当地使馆控制的一个账户，还要求几年未申请“领事服务”的个人支付多年未缴付的“拖欠”税款。

383. 那些不愿意缴纳这些税款的人被剥夺了进入厄立特里亚的权利，在厄立特里亚的财产被没收或在厄立特里亚的家庭成员遭到骚扰。如果认为东道国的文件不可靠、属非官方，厄立特里亚大使馆或执政党官员可能会监测厄立特里亚侨民社区的活动，评估他们的收入和配合程度。

384. 监察组约谈了人阵和厄立特里亚国的前财政官员，他们指出，这些硬通货存款由人阵管理，具体由 Hagos Gebrehiwot 领导，并不是通过厄立特里亚银行、厄立特里亚商业银行、财政部等国家机构管理。通过此类方法收取的税款汇入厄立特里亚在国外不同使馆的账户，之后再根据业务需求从一使馆账户转至另一使馆账户或转入私人持有的境外账户。³²²

385. 人阵/经济事务部还控制着厄立特里亚侨民寄给厄立特里亚的家人和朋友的成千上百万美元的硬通货。汇款存款是通过 Himbol 公司办理，这是人阵控制的电汇公司，在厄立特里亚各使馆和国外的社区中心设立了官方和非官方的办事处，并利用国际电汇机构作为汇款转账代理机构。

386. 硬通货汇款存在 Himbol 公司和厄立特里亚之外的银行账户，而厄立特里亚的收款人收到以当地纳克法货币支付的汇款。由于 Himbol 公司是一家人阵拥有的公司，因此人阵经济部可以酬情管理国外的硬通货存款。关于各使馆账户收缴的税款，这笔资金或者移交至人阵控制的在相应银行设立的账户，或

³¹⁹ 2009 年，国际货币基金组织根据 2009 年 11 月 30 日“国际货币基金组织执行董事会与厄立特里亚国达成的 2009 年第四条磋商”得出的估计数。

³²⁰ 2011 年 4 月与厄立特里亚官员进行的约谈。

³²¹ 完税证明被视为是比收入证明更可靠的一个指标，因为收入证明可能不全面或低于实际收入。

³²² 2010 年 10 月和 2011 年 1 月与人民民主和正义阵线前官员和厄立特里亚财政官员进行的约谈。

移至(官方或非官方)使馆账户,或以现金形式由厄立特里亚“外交”信使用外交邮袋转移。³²³

387. 尽管厄立特里亚不是唯一一个向其海外公民征税的国家,但这一政策在执行方式上还是存在一些独特性。首先,这一赋税也适用于厄立特里亚出身的公民,不管其是否仍保持双重国籍。这一赋税由厄立特里亚各驻外使团例行收缴,因此可以争论说,这一做法违反了《维也纳领事关系公约》。在厄立特里亚未设立外交或领事代表的地点,这一税款往往由执政党代理人或社会活动分子非正式收取,一些管辖区域会将这些人员的行为视为敲诈。

E. 在散居国外者当中筹措经费与进行人民民主和正义阵线动员

388. 散居在国外的厄立特里亚人举办的社会和政治活动可达到作为人阵筹款平台的又一重目的,人阵每年从这些活动中筹措数百万美元。人阵在瑞典、英国、美国和意大利的分部在这方面尤其重要,成为组织国际人阵会议和青年人阵会议³²⁴的核心小组的骨干。在澳大利亚、加拿大、丹麦、法国、德国、意大利、荷兰、挪威、瑞典、瑞士、英国和美国,厄立特里亚使馆官员和与之有紧密联系的个人经常组织社会、文化和政治筹款活动,包括自2009年底以来组织的反对实施联合国制裁的集会。

389. 作为人阵政治事务部的负责人,Yemane Gebre-ab还负责监管青年人阵的活动,并且是此类活动经常的参与者或嘉宾。³²⁵青年人阵活动的收益被转到人阵,或交给该党派的活动分子,或在一些情况下交给使馆工作人员。这些活动最为有名的一些组织者是:Alem Teklaigiorgis,此人是瑞典的国家假日协调委员会主席;Sirak Bahlbi,此人拥有厄立特里亚和英国双重国籍,是作为青年人阵英国分部协调人之一的Gebrehiwot先生的亲密伙伴。在美国,最著名的人阵活动分子之一是Sophia Tesfamariam,此人在华盛顿哥伦比亚特区的厄立特里亚人社区中心组织在美国的人阵方案,经常参与在欧洲举办的其他国际人阵活动,并是一位多产的网络作者。在意大利的活动是通过厄立特里亚驻意大利大使馆官员组织。

390. 人阵和青年人阵的筹款活动常在下列网站进行广告宣传:www.ypfdj.com、www.meadna.com、www.eritreacompass.com、www.eritrean-smart.org、www.alenalki.com、www.dehai.org和www.raimoq.com,青年人阵在脸书上也有若干社群。

³²³ 监察组从个人获得厄立特里亚服务或申请外交护照处听说了几个情况,作为信使收取现金的目的完全是为了将钱存入外交口袋,其中一个信息人士曾亲自参与管理硬通货和使馆账户,2011年1月。

³²⁴ 2011年的人阵会议于2011年4月在奥斯陆举行。

³²⁵ 在监察组的上一次报告(S/2010/91)中,Gebre-ab先生被指名是向索马里武装反对集团提供支助的主要协调人。

F. 直接的财务捐款

391. 除了税收和汇款，厄立特里亚驻外使馆还收到所在国的厄立特里亚支持者的直接捐款。这些捐款每年可达千百万美元。例如，监察组取得了厄立特里亚财政部的一些文件，其中显示厄立特里亚驻内罗毕使馆在 2010 年期间从住在肯尼亚、乌干达、卢旺达、布隆迪和苏丹南部的很多厄立特里亚商人那里收到了数百万美元(见附件 11.1)。

392. 一些外国政府也向厄立特里亚政府提供直接的财政支持。卡塔尔也许是当前厄立特里亚最重要的经济伙伴，卡塔尔官员向很多外国外交官承认，卡塔尔政府向阿斯马拉政府提供了大笔的直接财务支助。根据监察组对外交官、厄立特里亚前官员和商人的多次约谈，这一支助多是以现金形式提供的。

393. 同样，阿拉伯利比亚民众国长期以来一直在资助厄立特里亚领导层，既提供直接的财务支助，又提供实物捐助，据称包括石油产品。监察组还得到文件证据，显示在阿拉伯利比亚民众国至少有一个秘密银行账户一直由一名厄立特里亚在职高官操控。监察组将继续调查此事。

G. 人民民主和正义阵线在散居国外者中的秘密商业和银行网络

394. 近年来，人阵的财务系统已经变得越来越复杂，越来越不透明。2004 年，美国当局发现 Himbol 公司并未以金融机构的名义进行适当注册后，对 Himbol 公司各办事处进行了突袭并将之关闭，迫使人阵寻找新的途径来经办在美国的厄立特里亚人的汇款。一个选择办法就是利用使馆的银行账号，但在美国政府于 2007 年关闭了坐落在有一个很大的厄立特里亚人社区的加利福尼亚奥克兰的厄立特里亚领馆之后，这种办法受到进一步限制。2009 年 12 月，安全理事会通过第 1907(2009)号决议，据厄立特里亚多个消息来源称，其后 Hagos Gebrehiwot 发布新的指示，要设法掩盖人阵进行财务转移的方式。

395. 有一个办法是利用私人，往往是拥有双重国籍的厄立特里亚人，来为人阵协调现金的收取和转移。这些人包括出租车司机、杂货店老板和旅行从业人员，其中一些人可能实际上为人阵经营起掩护作用的小生意。³²⁶ 他们现在转移的硬通货一般限于不到 1 万美元，这显然是避免引起提出可疑的资金转移报告。³²⁷ 另一种情况是，私人可能被指示携带现金过境，他们有时专门为此获发厄立特里亚外交护照。³²⁸

³²⁶ 与厄立特里亚各使馆二十多名前领事官员的约谈证实了这一情报。

³²⁷ 2010 年 11 月与执法官员的通信。

³²⁸ 2011 年 1 月与人阵前财务官员的约谈、2010 年 8 月与前国家安全官员的约谈、2010 年 9 月至 2011 年 4 月间对若干厄立特里亚前外交官的约谈。

396. 例如，虽然在美国的领事财务是由厄立特里亚驻华盛顿哥伦比亚特区使馆的一名高级官员 Berhane Ghebrehwet 协调的，但驻美国的非领事人员经常携带人阵的现金到迪拜和其他外国目的地。据两名前厄立特里亚驻华盛顿哥伦比亚特区使馆领事官员称，这方面的两名个人是：Tesfay Barrios，此人是在华盛顿哥伦比亚特区的一名商人，据称在哥伦比亚特区为 Hagos Gebrehwet 经营至少一家加油站；Martha Solomon，此人是芝加哥居民，自称在迪拜有生意，在美国有房地产生意。³²⁹ 监察组已经知道据称在加利福尼亚州、内华达州和华盛顿哥伦比亚特区为厄立特里亚使馆提供类似服务的其他若干名厄立特里亚人，并将继续进行调查。

397. 从以往来看，人阵在北美和欧洲收取的款项中至少有一部分是通过厄立特里亚驻意大利使馆传送的，该使馆的账户设在米兰和罗马的意大利联合信贷银行。如同在美国一样，在意大利的若干厄立特里亚商人也在财务上为人阵提供便利。据对这些网络有第一手了解的厄立特里亚政府前官员称，提供便利的最主要的人员之一是 Ghirmai Okbe，此人住在米兰，是伊萨亚斯·阿费沃基总统的亲信，曾在意大利担任解阵/人阵的财务人员和情报人员达近 30 年。Okbe 先生在米兰开了一家小型旅行社，据报告有一名被称作 Haile Zeron 的现任情报官员协助其工作。由 Tzehaye Tukai 拥有的米兰“非洲餐馆”同样被确认为是与人阵有联系的生意，直接向该党派的金库供资。³³⁰ 据意大利政府官员称，据信在 2010 年底，这些个人曾接待过被称作“Kifle”的厄立特里亚军官，时间长达一个月。后者参与军事采购，并向 Weldu Gheresus Barya 上校报告工作(另见上文第 371 段和下文第 403 段)。³³¹

398. 人阵在意大利的财务网络显然与在瑞士的人阵小组有密切联系。根据同样的消息来源，若干住在意大利的人阵特工经常前往瑞士，在那里为人阵开设的类似生意。监察组已见到这些被指为特工的人当中一些人的照片。

399. 在瑞典，人阵财务由 Gemal Abdelalem 协调，此人是厄立特里亚驻斯德哥尔摩使馆的一名官员，负责向散居海外者征税。如同其他地方一样，若干其他并非官员的厄立特里亚人也参与党的财务工作。Ghebrehwet Ghebremedhin 是在瑞典的一位主要的人阵活动分子，他在阿斯马拉人阵侨务办公室的指导下，组织人阵活动，包括组织反对联合国制裁制度的示威，并与在瑞典的索马里和埃塞俄比亚反对派代表进行协调。Abeba Teklai 据报告也协助人阵的资金转移，他在瑞士、厄立特里亚和意大利三国间来往。Michael

³²⁹ 2011 年 3 月与两名厄立特里亚驻华盛顿哥伦比亚特区使馆前领事官员的电子邮件通信。

³³⁰ 2010 年 10 月，一名曾在意大利服役的厄立特里亚已退役军官；2011 年 3 月与厄立特里亚政府前财政官员的约谈。

³³¹ 2011 年 1 月与意大利政府官员的约谈和通信。

Haile 据称是另一名为厄立特里亚政府经办财务的人员，他常常在瑞典与亚洲之间往来。³³²

400. 监察组知道在整个英国³³³ 和其他欧洲国家存在类似的网络，建议如果他们继续参与可能的供资或协助违反制裁的活动，就应对其行为进行调查。

H. 名誉领事和海外商业伙伴

401. 在国外的商人有些被任命为荣誉领事，他们在人阵的国外财务网络中发挥了至关重要的作用。在提请监察组注意的若干案例中，此类个人似乎密切参与了军事采购活动，在一些情况下甚至参与了犯罪活动。

402. Pier Gianni Prosperini 以前曾是意大利伦巴第政府的官员，他担任厄立特里亚在米兰的荣誉领事，直到因欺诈和贪污被意大利当局关押。据被介绍给 Prosperini 先生的一名厄立特里亚前军官称，Prosperini 先生还参与为厄立特里亚购置航海船舶。³³⁴ 在一起涉及向伊朗伊斯兰共和国走私据称的两用设备案件中，他也被指名，目前因涉及厄立特里亚的一个类似案件而正受调查。

403. 厄立特里亚政府还与设在佩鲁贾的意大利企业 Officine Piccini 有着密切联系，该企业经营零部件和机械出口。这个公司的法人代表是 Asmerom Meconnen，他是一名厄立特里亚商人，与人阵密切合作，而且是 Weldu Ghereus Barya 上校的商业伙伴。³³⁵ 伊萨亚斯·阿费沃基总统曾亲自访问过该公司。³³⁶ 根据监察组得到的财务情报，该公司向 100 多个不同国家出口物品，包括在过去 13 年间向厄立特里亚和赤道几内亚各出口了 4 000 多万欧元的物品。监察组得到一个执法来源的可靠情报称，Officine Piccini 的股东之一因洗钱而受到瑞士警方调查。

404. Abdullahi Matraji 是一位富有的商人，他担任厄立特里亚在黎巴嫩的名誉领事。³³⁷ 据在苏丹的一名厄立特里亚前官员称，Matraji 的任命得益于他父亲 Ghassan Matraji 的帮助，后者曾与解阵成员密切合作，在苏丹为“72 旅”清洗美元假钞。³³⁸ Ghassan Matraji 因制造美元假钞并企图在黎巴嫩传播

³³² 2011 年 3 月，与瑞典人阵网络有积极联系的住在瑞典的厄立特里亚消息来源提供的情报。

³³³ 监察组已就一名厄立特里亚人参与有系统地转移资金一事向英国官员提供了有关的详细情况，并正在继续调查此事。

³³⁴ 2010 年 10 月与在瑞典的厄立特里亚军事消息来源的约谈。

³³⁵ 2010 年 9 月和 11 月与厄立特里亚商人的约谈。

³³⁶ 2010 年 10 月在佩鲁贾与意大利消息来源的约谈，以及 <http://www.comune.perugia.it/resources/docs/sindaco/dic06.pdf> 第 5 页。

³³⁷ <http://eritreanconsulate-lb.com/root/aboutconsulate/Honorary.html>。

³³⁸ 2010 年 9 月和 2011 年 1 月与厄立特里亚前外交官的约谈。

这些假钞而于 1997 年在贝鲁特被判刑。³³⁹ 他还显然因从事武器和军事装备交易而于 1995 年遭到贝鲁特一家法院起诉。³⁴⁰

405. 厄立特里亚在巴基斯坦的荣誉领事是 Shakil Kashmirwala, 他是航空业很有名的商人。³⁴¹ 2006 年, 他招待了一个厄立特里亚高级军事代表团访问巴基斯坦, 并宣称同代表团一道在巴基斯坦访问了弹药制造厂或“军械设施”。³⁴²

案例研究: 迪拜作为厄立特里亚在海外的一个财务枢纽

406. 迪拜是人阵海外财务网络的一个主要枢纽, 是以税收、汇款和捐款为形式的很大一部分收入的通道, 这些收入由散居在北美、欧洲和中东的厄立特里亚人收取。这些资金又可用于一系列用途, 包括厄立特里亚的秘密行动。本案例研究审查了人阵资金的一个潜在途径: 从美国经迪拜和内罗毕落入索马里和非洲之角的武装反对派团体手中。

407. 加利福尼亚奥克兰和华盛顿哥伦比亚特区有美国最大的一些厄立特里亚人社区, 因此是人阵的主要资金来源。如上文第 394 至 400 段所述, 这些现金有一部分存在厄立特里亚使馆的银行账户上, 但很多则利用汇款公司和个人信使, 通过越来越不透明的财务网络进行转移。根据厄立特里亚消息来源, Tesfay (或 Adey) Mariam 被怀疑就是这样一名协助进行资金转移的人。同时拥有美国国籍的厄立特里亚公民 Tesfay 在弗吉尼亚阿灵顿是一名出租车司机, 他在从事这一工作期间组织向厄立特里亚的个人和迪拜与人阵有联系的生意汇款数十万美元。执法人员证实, 住在弗吉尼亚的一名出租车司机卷入向迪拜转移非法资金, 但没有提供此人的姓名。

408. 据监察组从调查这些转移的执法来源获得的财务情报, 迪拜的收款人包括:

- Ghebremeskel Tesfamariam Ghidey
- Desbele Abaraha
- Abiel Haileab
- Woldu Kfamariam Habte
- Daniel Abadi
- Biniam Tewelde

³³⁹ 摘自 2011 年 1 月黎巴嫩法庭文件, 该文件列于 <http://www.lebanon.com/news/local/1997/3/21.htm>。

³⁴⁰ 路透社新闻稿, 再印于 1995 年 8 月 12 日的 Winnipeg Free Press。

³⁴¹ <http://www.kashmirwalagroup.com/director.htm>。

³⁴² <http://archives.dawn.com/2006/06/06/local19.htm>。

- Abadi 建筑材料公司
- Miaccom 贸易总公司
- Zara 贸易总公司
- Al Abtal 成衣贸易公司
- 奢侈品贸易总公司
- Abadi 建筑和贸易公司

409. 监察组尚未查明转移的这些资金的用途，或者为什么所有收款人都在渣打银行和迪拜商业银行开设账户。³⁴³ 不过在迪拜和美国的多个厄立特里亚来源告诉监察组，这一清单上的个人和企业与人阵有联系，在洗钱方面可能发挥作用。

410. 根据厄立特里亚前领事官员和在迪拜的厄立特里亚商人说，厄立特里亚驻迪拜的领馆、尤其是商务专员 Mehari Woldeselassie 在这些安排方面发挥着中心作用。领馆将收到的款项存入开在汇丰银行的一个账户。汇丰银行是厄立特里亚政府和人阵喜欢用的一家银行，因为它在世界各地设的分行很多。除了监管该账户的操作外，Woldeselassie 先生还为红海公司代理采购，并通过上文提到的一些起掩护作用的公司协调商务活动。³⁴⁴

411. 厄立特里亚军队的一些高级人员经常前往迪拜，通过驻迪拜的领馆协调其财务交易。³⁴⁵ 例如，2009 年 12 月，Teklai Habtesellassie 将军在前往乌克兰途中经过迪拜，厄立特里亚政府的一名高级官员承认他的这次旅行旨在从事军事采购(见上文第 370 段)。Te' ame Abraha 将军和 Tewelde Habte Negash 上校(见整个第七节)经常前往迪拜。³⁴⁶ 而 Tesfalidet Habtesellassie 作为总统办公厅级别最高的官员经常从迪拜前往中国和东欧。³⁴⁷

412. 这些硬通货至少有一部分从迪拜流到内罗毕，进入厄立特里亚使馆控制的账户。³⁴⁸ 在使馆有机会了解财务交易的消息来源告诉监察组，使馆用开在标准渣打银行和巴克莱银行的美元账户接收国外存入的款项。³⁴⁹

413. 厄立特里亚驻内罗毕使馆是一个中央后勤枢纽，厄立特里亚与索马里有关的情报活动长期以来在那里得到财务和后勤支助(见上文第 315 至 326 段，以及附件 8.5 关于厄立特里亚与索马里武装集团的情报联系的案例研究)，从

³⁴³ 执法官员在 2010 年期间提供的信息。

³⁴⁴ 2011 年 1 月在阿斯马拉与红海公司人员的约谈。

³⁴⁵ 2010 年 12 月，在迪拜的厄立特里亚商人；2011 年 1 月，人阵前财务官员。

³⁴⁶ 2010 年 8 月和 2011 年 1 月与内罗毕和迪拜的 6 个不同的厄立特里亚消息来源的约谈。

³⁴⁷ 2010 年 12 月与厄立特里亚商人的约谈。

³⁴⁸ 2010 年 9 月与厄立特里亚前外交官的约谈，2011 年 1 月与人阵财务官员的约谈。

³⁴⁹ 2010 年 9 月与厄立特里亚前外交官的约谈，2010 年 11 月与厄立特里亚使馆来源的约谈。

那里协调对与青年党有关的个人的支付。厄立特里亚官员被定期派去从内罗毕的使馆银行账户上取钱，然后将把钱交给有关的索马里人，供其在肯尼亚和索马里旅行和开展行动。³⁵⁰ 一个曾亲自参与此类交易的来源告诉监察组说，他经常奉命专门为此目的从厄立特里亚驻内罗毕使馆开在巴克莱银行的账户上取走上万美元。³⁵¹ 本报告第 315 至 326 段记载了对索马里武装反对派团体的付款，更多的证明文件已在联合国存档。

414. 厄立特里亚与苏丹之间的违禁品交易也得到人阵在迪拜的采购结构的支持。这些交易是通过厄立特里亚在那里的领馆和红海公司组织的。人阵和红海公司在迪拜采购的一般物品常作为违禁物品，违反海关法从厄立特里亚走私进入苏丹。³⁵²

I. 与苏丹的违禁品贸易

415. 监察组从厄立特里亚和苏丹数十个来源得到情报说，厄立特里亚与苏丹之间有着数百万美元的违禁品贸易。厄立特里亚驻苏丹使馆在这种非法贸易方面起着至关重要的作用。

416. 在边界的厄立特里亚一侧，走私活动主要是由 Teklai Kifle ‘Manjus’ 将军协调的。他在苏丹一侧的对应方是 Mabrouk Mubarak Salim(见上文第 358 和 359 段)和 Hamid Abdallah，后者是喀土穆的一个富有的商人，也是苏丹和厄立特里亚两国情报部门的间谍，与监控苏丹-厄立特里亚边界的边界警察关系亲密。他经常招待访问喀土穆的厄立特里亚官员，如 Yemane Gebreab、Abdallah Jaber 和 Kifle 将军，并参与 2010 年向苏丹联合大公司 GIAD 出售数百万美元的厄立特里亚废金属。³⁵³

417. 一般物品，包括电子产品、糖和酒等软商品，从阿拉伯联合酋长国和其他地点进口到厄立特里亚的马萨瓦港，提货单的地址则是苏丹。然后集装箱被卸到厄立特里亚边境城市特瑟内，集装箱在那里被打开，其中的货品在当地出售或走私到苏丹，从而规避边境双方的官方海关程序。³⁵⁴ 从这些“免税”的走私活动中筹集的款项在 Hamid Abdallah 帮助下被换成美元，然后汇到厄立

³⁵⁰ 与曾在厄立特里亚驻内罗毕使馆工作过的两个人的约谈，以及与被经常邀入驻内罗毕使馆的另外两人的约谈。

³⁵¹ 2010 年 9 月与厄立特里亚前政府官员的约谈。

³⁵² 2010 年 11 月与在迪拜的厄立特里亚商人的约谈，2011 年 1 月与人阵财务官员的约谈。

³⁵³ 2010 年 12 月在喀土穆进行约谈期间，厄立特里亚驻喀土穆使馆的两名前官员、两名苏丹前政府官员、一名苏丹东部前反叛分子代表提供的情报。

³⁵⁴ 2011 年 1 月与前在喀土穆的厄立特里亚官员的约谈。

特里亚，交给 Kifle 将军，这些资金是通过在喀土穆的厄立特里亚使馆的银行账户转移的，或通过哈瓦拉汇款公司清洗。³⁵⁵

418. 厄立特里亚驻喀土穆使馆利用从违禁品出售中得到的款项购买厄立特里亚所需农产品，并以折扣价格从苏丹购买石油和天然气产品。³⁵⁶ 但资金也被派发给该区域的武装集团，用以购买军事装备。

419. 曾在厄立特里亚驻喀土穆使馆工作的前官员告诉监察组说，使馆的安保主管 Andeberhan Berhe 常常通过哈瓦拉汇款公司，将资金从喀土穆寄给索马里人、奥罗莫人和其他武装反对集团成员，而直到最近一直担任厄立特里亚驻喀土穆大使多年的 Issa Ahmed Issa，曾参与通过东欧洗钱来购买军事装备。³⁵⁷

420. 厄立特里亚情报部门还在很大程度上参与了苏丹南部朱巴的财务活动，人阵在那里伙同当地伙伴，把持着旅馆业、水的分送和保险市场。朱巴也是已知的若干厄立特里亚情报行动人员常去的目的地。

J. 人口走私与人口贩运

421. 厄立特里亚年轻人为了逃避贫穷或者强制性“为国服务”而大批离境，这些已多有载述，而这又是贪污和非法牟利的机会。人口走私非常普遍，但没有政府和人阵官员、尤其是由 Teklai Kifle ‘Manjus’ 将军领导的西部边境地区军官的串谋，是不可能做到的。多个来源向监察组讲述厄立特里亚官员如何与 Rashaida 族的走私者联手，把人当成货物，通过苏丹运到埃及，甚至比埃及更远的地方。在大多数方面这是参与将武器走私到西奈和加沙的同一个网络干的。³⁵⁸

422. 根据厄立特里亚前军官和国际人权活动人士称，参与此事的军官对离开厄立特里亚的人每人收取约 3 000 美元。试图非法离境(即没有出境签证)而又能付得起钱的厄立特里亚人往往选择付钱，而不愿冒遭监禁的风险。

423. 不过，有时走私者可能会勒索更多的钱财，每人多达 20 000 美元，才能放人。直接参与向埃及走私活动的一名厄立特里亚人向监察组解释了如何要

³⁵⁵ 2010 年 12 月与喀土穆的多个厄立特里亚消息来源的约谈，以及 2011 年 1 月与人阵前财务官员的约谈。

³⁵⁶ 2010 年 12 月与苏丹商人和苏丹前政府官员的约谈，以及 2011 年 1 月与人阵前财务官员和在喀土穆的官员的约谈。

³⁵⁷ 2010 年 9 月和 2011 年 1 月的约谈。

* 安全理事会第 1907(2009)号决议第 15(c)段禁止阻碍“执行关于吉布提的第 1862(2009)号决议”。

³⁵⁸ 2011 年 3 月与直接参与人口走私活动的厄立特里亚个人的约谈。

求家人通过汇款公司向在厄立特里亚驻埃及使馆和驻以色列使馆工作的厄立特里亚官员汇款，以使其亲人获释。³⁵⁹

424. 尽管厄立特里亚政府禁止走私人口，而且据报告监禁了参与的一些官员，但政府高级官员和(或)与 Kifle 将军指挥部有联系的人阵官员均从人口走私中获利。³⁶⁰ 监察组取得了走私收益所存入的一个瑞士银行账户的详情，并已向瑞士当局提供了与这个账户有关的情报、这一贩运团伙在瑞士的协调人的个人和联系详情以及协调人在埃及的同伙的详情。

K. 采矿业务

425. 监察组注意到，厄立特里亚已经开始在发展采矿业的过程中生产大量黄金。采矿公司向厄立特里亚财政部上缴特许权使用费和税金，但由于厄立特里亚的财政管理不透明，目前尚不清楚这类资金是否会被转用于资助违反安全理事会第 1907(2009)号决议的行为，即使公司向政府官方账户支付税费。³⁶¹

十. 阻碍执行安全理事会第 1862(2009)号决议的行为*

426. 自从安全理事会第 1862(2009)号决议通过以来，其实施取得了长足进展。这在很大程度上要归功于卡塔尔政府的调停，冲突双方都接受卡塔尔作为调停者。2010 年 6 月，卡塔尔在 Ras Dumeira 附近有争议的边境地区部署了一个小规模维持和平特派团。厄立特里亚已从有争议的地区撤军。自卡塔尔干预以来没有发生过武装冲突。³⁶²

427. 不过，监察组已经确定了两类可能会破坏执行第 1862(2009)号决议的行为：厄立特里亚拒绝讨论吉布提作战失踪军人；支持团结民主阵线-战斗组织。

A. 吉布提作战失踪军人

428. 据吉布提政府称，2009 年边界冲突导致 30 名吉布提士兵死亡。39 人受伤、49 人残废。据报告，19 名吉布提军人，包括 1 名军官在行动中失踪。吉布提当局猜测他们被厄立特里亚当局俘虏。

429. 迄今为止，厄立特里亚政府拒绝向任何第三方提供有关这一问题的信息，并告诉监察组，该国政府将不讨论此问题，因为目前正在卡塔尔国政府的主持下解决这一冲突。吉布提外交部长告诉监察组，吉布提政府已经向卡塔尔

³⁵⁹ 2011 年 3 月与直接参与人口走私活动的厄立特里亚个人的约谈。

³⁶⁰ 2011 年 3 月与瑞士的厄立特里亚消息来源的约谈。

³⁶¹ 监察组与一个在加拿大的采矿公司 Nevsum 进行了接触(该公司与厄立特里亚政府合资勘探 Bisha 矿)，了解到厄立特里亚政府自 2011 年起开始接收价值数百万美元的特许权使用费付款，应在合资经营收回费用后得到其出口份额回报。

³⁶² 吉布提外交部，*Lourdes Pertes Subies Par l' Armee Djiboutienne*，2010 年 7 月。此文件载有被视为作战失踪人员的人员身份辨别资料。

当局提出此问题。³⁶³ 不过，一名卡塔尔高级官员告诉监察组，卡塔尔政府的举措仅限于争端的“法律和制图”层面。³⁶⁴

430. 厄立特里亚在此问题上不合作违反安全理事会 1907(2009)号决议第 4 段，其中要求“厄立特里亚提供关于 2008 年 6 月 10 日至 12 日冲突以来在作战中失踪的吉布提战斗人员的信息，以便有关方面确定吉布提战俘的存在和状况。”不过，监察组认为，得出厄立特里亚的沉默构成破坏安全理事会第 1862(2009)号决议行为的结论为时过早，并建议给予卡塔尔和平倡议更多时间并扩大其范围，以解决争端的所有方面。

B. 厄立特里亚对恢复团结和民主阵线-战斗组织的支持

431. 正如上文第 268 至 276 段所述，至少自 2008 年以来，厄立特里亚一直为吉布提武装反对派团体——团结民主阵线的一个武装派别提供基地和支持。

432. 卡塔尔在吉布提-厄立特里亚边界上的维持和平部队只监督 Ras Dumeira 附近一小段边界(5-6 公里)，因此无法观察或拦截进一步向南的跨境活动。

433. 团结民主阵线-战斗组织的活动虽然迄今规模不大且未造成什么影响，但表明厄立特里亚缺乏对和平进程的承诺，破坏成功解决边界争端的前景，并危害吉布提和厄立特里亚之间关系正常化。因此，监察组认为，厄立特里亚对团结民主阵线-战斗组织的支持构成阻碍执行第 1862(2009)号决议的行为。

意见、结论与建议

十一. 各国与监察组的合作

434. 监察组很高兴地注意到，在本任务期间，一般来说，与各会员国、区域和国际组织的合作水平比过去的经历显著改善。但仍有可能改善的领域，而且监察组总体积极的合作评估有一些值得注意的例外。更多资料载于附件 13。

435. 监察组特别赞赏东道国肯尼亚政府的协助，允许监察组设在联合国内罗毕办事处。

436. 2010 年 12 月至 2011 年 4 月，监察组访问了摩加迪沙六次，十分感谢非索特派团在整个任务期间提供的慷慨后勤和实务支持。

437. 保加利亚政府为配合监察组的协助追查武器和弹药的请求制定了非常高的标准。在所有情况下，保加利亚当局提供的背景资料 and 文件都达到或超过了监察组的要求。

³⁶³ 2010 年 11 月 27 日约谈。

³⁶⁴ 2011 年 2 月 9 日约谈。

438. 同样，监察组要承认罗马尼亚政府的高度合作。罗马尼亚回应了监察组提出的请求，协助提供必要的背景资料 and 文件，使监察组能够追查罗马尼亚制造的武器和弹药。

439. 在本任务期间，监察组会见了来自索马里各当局，特别是过渡联邦政府、索马里兰和邦特兰的官员。在所有情况下，官员愿意与监察组接触，并以透明的方式分享信息。

440. 最后，监察组要感谢秘书处安全和安保部在纽约、肯尼亚和索马里办事处的工作人员在本任务期间提供了出色支持，并确保了监察组的安全。

十二. 意见/结论

A. 索马里

441. 尽管缺乏民众支持和领导人内部长期分裂，青年党仍有恢复力，这主要是因为过渡联邦政府软弱无力，而且不能扩大其政治影响力或与该国其他事实上的政治和军事势力分享权力。

442. 过渡联邦机构领导人贪污成风——以及所引发的过渡联邦政府官员之间在权力和获取资源方面的冲突——是出现有凝聚力的过渡权力机构和有效的国家体制的最大障碍。推而广之，腐败也可以说是战胜青年党及其在索马里的外国附庸的一个最大障碍。

443. 过渡联邦机构的腐败不仅阻碍安全部队的合并，还腐蚀最高层的政治凝聚力，排除与非过渡联邦政府当局(如邦特兰、Gaalimudug 和“先知的信徒”组织)的真正分享权力，并使部长和其他高级官员不忙公务，而是忙于追逐利润丰厚的商业机会和援助项目。因此，政府的营运预算远远低于实际收入，公务员工资欠发，士兵投奔反对党或成为海盗，弹药出售给反对派。

444. 也许更重要的是，这意味着贸易及其产生的重要收入被输送到青年党控制区。这些地区为索马里商业提供了一个更有纪律、更可预测和更加盈利的环境。从一个非常现实的意义上说，青年党正在成为一个企业：一个在索马里、肯尼亚、中东、甚至更远的地方相互支持的利益网络。即使在意识形态上与青年党不一致的商人也没有什么动力看到这些伊斯兰教主义者被掠夺性和腐败的过渡联邦政府取代。如果商界人士也可以对其部族内的政治和军事动态施加影响，那么过渡联邦政府没有任何重大的国内支持基础不足为奇。

445. 除非采取步骤改变这一格局，否则预期的 2011 年 8 月过渡联邦机构重组不可能产生一个能够扩大政府权力或在战场上从青年党夺回主动权的权力机构。因此，监察组在下文第十三节中建议了一些措施，既要限制过渡联邦政府

内部破坏者的腐蚀性影响和做法，又要阻止商业界与青年党勾结，通过掌控索马里经济来夺取权力。

B. 厄立特里亚

446. 厄立特里亚对外国武装反对派团体的支持过去仅限于传统的军事行动，但在破坏 2011 年 1 月在亚的斯亚贝巴举行的非洲联盟首脑会议的阴谋中，计划对平民目标进行大规模的杀伤性进攻，以及战略性地使用炸药来制造恐惧气氛，表明厄立特里亚的战术发生了质变。这种行动不能以厄立特里亚与埃塞俄比亚的双边争端为理由。

447. 负责策划和指挥这次行动的厄立特里亚官员还以监管和实际操作的角色，参与在吉布提、肯尼亚、乌干达、索马里和苏丹的对外行动，意味着对整个区域的威胁水平上升。亚的斯亚贝巴计划看来表明，在这些厄立特里亚官员的监管下，过去从事情报收集、非法金融业务、人口走私和对传统武装团体的其他形式支持的网络现在可用作更加暴力、更具破坏性的行动的支持网络。因此，监察组在下文第十三节中建议了限制厄立特里亚对外行动局今后开展这种性质行动的能力的方式方法。

十三. 建议

A. 索马里

对和平与安全的威胁

448. 监察组建议：

(a) 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) 号决议委员会应毫不拖延地将监察组或会员国提议的应受安理会第 1844(2008) 号和(或)第 1907(2009) 号决议所述定向措施制裁的个人和实体列入名单；

(b) 根据安全理事会第 1844(2008) 号决议第 8(a) 段，凡威胁破坏稳定地区，使政治或社会冲突军事化，或煽动部族间暴力的个人和实体，连同其资助者、协助者和积极支持者，委员会均应考虑对其实行定向措施的制裁；

(c) 任何过渡联邦机构成员，如果以行动威胁和平进程，或破坏过渡联邦政府或其安全部队的凝聚力，或以其他方式减损过渡联邦政府完成任务的能力，委员会均应考虑对其实行定向措施的制裁；

(d) 肯尼亚政府应与社区领袖和民间社会组织合作，紧急考虑采取措施，遏制在肯尼亚的青年党附庸和同情者的激进化、招募和筹集资源活动；

(e) 肯尼亚政府考虑为从索马里返回的肯尼亚战士设立康复中心，并特赦所有同意进入中心的人。

青年党的财政

449. 监察组建议：

(a) 安全理事会和委员会应考虑规定，所有经过青年党控制港口的非本地商业活动均构成对列入名单实体的资助，因此，从事这种商业活动的个人和实体应该受到定向措施的制裁；

(b) 过渡联邦政府应正式禁止大型商船与青年党控制港口，特别是基斯马尤、马尔卡和巴拉维的一切贸易，并寻求邻国，特别是阿拉伯联合酋长国以及在印度洋有海军资产的国家合作；

(c) 过渡联邦政府应要求所有在摩加迪沙港口停泊的商船卸下所有货物，并寻求非索特派团协助监测和执行这一法令；

(d) 阿拉伯联合酋长国政府，特别是迪拜和沙迦当局应考虑对与索马里进行贸易的单桅帆船实行更严格的措施，特别要核实其报关单和(或)货物舱单与货物的一致性；

(e) 海湾合作委员会和(或)其成员国应考虑禁止从索马里进口任何木炭；

(f) 过渡联邦政府，特别摩加迪沙港务局，应审查各项进口税率，以阻止与基斯马尤进行非法贸易；

(g) 过渡联邦政府和索马里其他当局应与了解实情的国际合作伙伴协商，推出电信、银行业务和汇款部门法律架构，规定恪尽职守和更大的透明度(即全面的“了解你的客户”政策)。

海盗行为

450. 监察组建议：

(a) 委员会应毫不拖延地采取行动，把监察组或会员国确定的已知海盗列入定向措施制裁名单；

(b) 安全理事会应考虑是否可能在设立一个国际法庭或其他多边反海盗司法机制之前，作为一项临时措施，成立一个特别调查机构，任务是收集与索马里海盗行为有关的情报、证据和记录证词，特别要查明海盗头目、资助者、谈判者、协助者、支持网络和受益人。这个新机制所收集的情报即可用于制裁目的，又可以最终用于在国家和国际法院起诉；

(c) 委员会应把在索马里主要用于为海盗攻击轴提供动力的 40 马力及以上舷外发动机视为“双重用途”物品。向索马里转让、出售或出口这类舷外发动机，可能破坏全面彻底的武器禁运，并需要委员会授权。然后通过会员国向国家海关当局以及处理舷外发动机的制造商、出口商和零售批发企业通知此事；

(d) 秘书长应通过其索马里问题特别代表与索马里各个当局，特别是过渡联邦政府、邦特兰和索马里兰合作，为签发捕鱼许可证建立一个透明的协调和监管框架，其细节应与包括监察组和欧盟海军部队在内的有关国际行为体分享；

(e) 北大西洋公约组织(北约)设在诺斯伍德的海上部门应考虑指定一名负责官员，接受监察组可能提出的正式的海盗相关问题合作与情报分享请求，并指定适当的沟通渠道；

(f) 安全理事会应考虑备选办法，建立一个国际法律框架，监管为国际水域船只提供武装保护的私人海上安保公司的活动。

武器禁运

451. 监察组建议：

(a) 安全理事会应考虑说明，针对索马里的全面彻底武器禁运到底是适用于索马里领海(12 海里)，还是适用于索马里专属经济区(200 海里)；

(b) 安理会要求拥有索马里境内、或运往索马里、或来自索马里的武器弹药和军事物资的国家和国际组织记录这些物项的识别特征，并按照安理会第 1425(2002) 号决议第 6 段向监察组报告；

(c) 安全理事会、北约、欧洲联盟及在亚丁湾和印度洋开展反海盗行动的会员国应该扩大这些海军的任务，通过登临和检查可疑船只实施对索马里和厄立特里亚的武器禁运；

(d) 秘书长应通过其特别代表应考虑推出一项安全部门方案，以协助索马里当局：

- 保存他们所拥有的一切武器的库存清单
- 记录发给其部队的武器和弹药，并监测其使用
- 安全地存放所有武器和弹药，包括从非国家武装团体和行为体缴获的武器和弹药

(e) 对安全部门体制的任何支持均应包括一个关于安全部门治理的组成部分，包括支付系统的组成部分，以提高透明度、纪律和问责制，同时遏制腐败以及武器和弹药渗透到当地市场或落入武装反对派团体的手中。

阻碍人道主义援助

452. 监察组建议：

(a) 安全理事会应考虑把第 1972 (2011) 号决议第 4 段中规定的对第 1844 (2008) 号决议第 3 段为会员国所规定义务的豁免扩大到“其他中立的人道行为体”；

(b) 联合国索马里人道主义协调员应与监察组协商制定办法，使当地和国际行为体及索马里当局敏感地认识到制裁制度的有关人道主义规定，以及他们对安全理事会有关决议的义务，包括禁止阻碍人道主义援助；

(c) 其现行法规有可能限制在青年党控制区运作的捐助国政府应与联合国系统、国际组织以及国际和当地非政府组织接触，为实施这些措施制定明确的运作准则，并定期予以修改，既考虑到人道主义需要水平，又考虑到有实地运作经验的实体的观点；

(d) 索马里兰行政当局应最后确定一项悬而未决的法律，澄清流离失所者的权利，并澄清行政当局配合国际和当地人道主义行为体在其领土上满足这些行为体的义务；

(e) 邦特兰行政当局应避免任何进一步发生驱逐国内流离失所者的情况；

(f) 联合国安全和保安部和联合国地雷行动处应联合率先加快安保评估（与联合国有关机构一道），并加快在摩加迪沙安全区和肯尼亚-索马里边境沿线的扫雷行动，以协助人道主义准入，并恢复这些地区的人道主义行动。

B. 厄立特里亚

453. 监察组建议：

(a) 安全理事会应考虑鼓励各会员国对国际金融机构，包括为厄立特里亚银行、厄立特里亚国大使馆、人阵实体或分支机构处理资金或开设代理账户的多国银行实行严格的尽职调查准则，并要求它们配合监察组的调查；

(b) 安全理事会应考虑鼓励各会员国在向厄立特里亚政府支付税款和特许权使用费以及矿业生产的任何其他形式的收入方面，对采矿公司实行严格的尽职调查准则，以防止这类资金的使用违反安全理事会有关决议；

(c) 各国政府应要求厄立特里亚政府停止违反《维也纳领事关系公约》，通过其外交官征收域外税的行为，应审查国内立法，以确定政党代理人或社区“督导员”在其地域筹集资金——特别是在伴随恐吓或胁迫的情况下这样做，是否确实合法，如果不合法，应指示执法当局采取适当行动；

(d) 各国政府应考虑取消《维也纳公约》规定的厄立特里亚特权和豁免，直至厄立特里亚国政府正式承认其在该公约下的责任，并将其写入法律予以颁布，这主要是要防止通过外交邮袋转移人阵非法资金；

(e) 各国执法机构和情报机构，特别是在东非区域的这些机构，应使其人员对厄立特里亚对外行动局构成的潜在威胁保持敏感认识，更高度地优先地监测其活动，并加强与其合作伙伴共享情报。

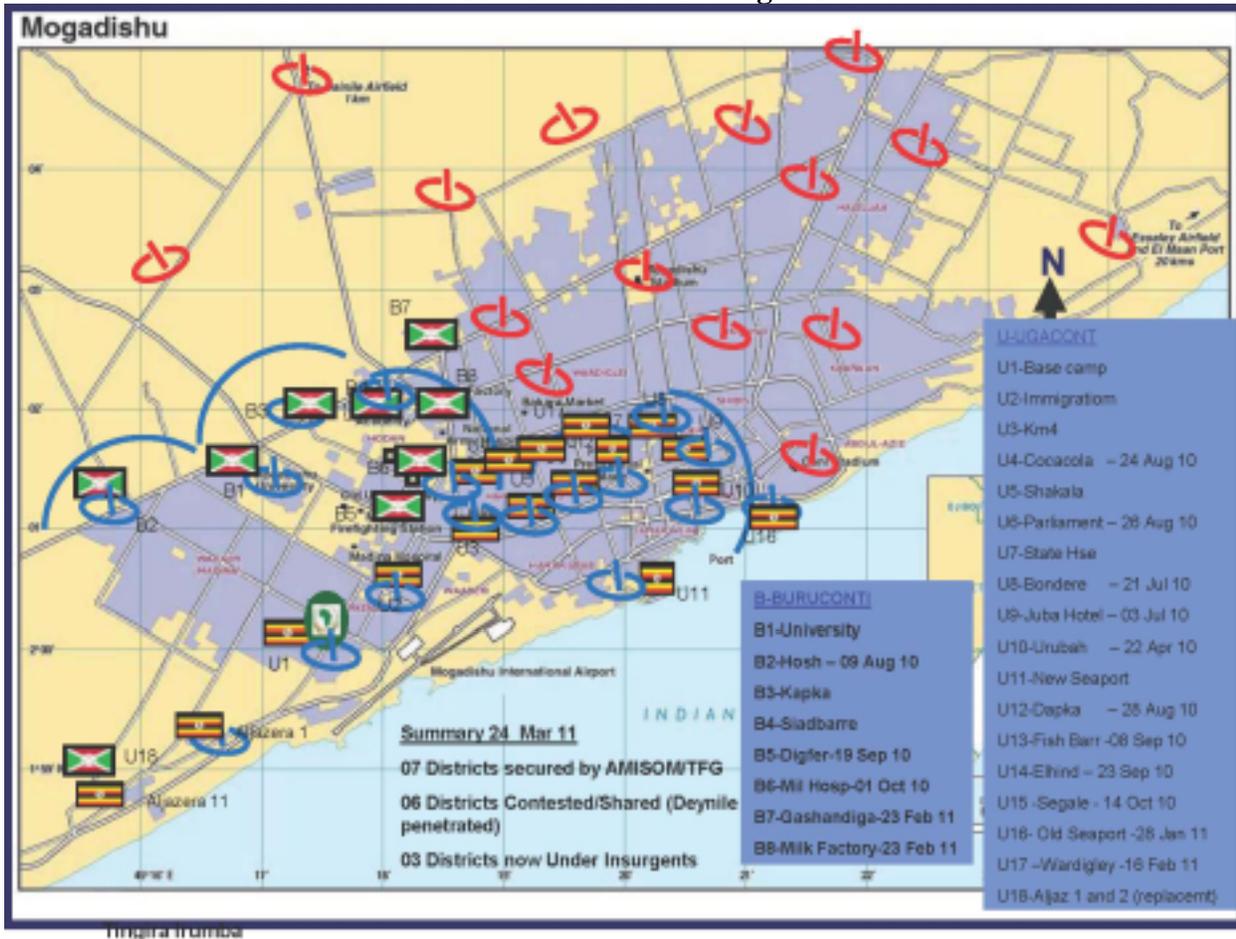
Annex 1

Threats to peace and security

Annex 1.1.: Mogadishu

Annex 1.1.a.: African Union Mission in Somalia area of operations as of 24 March 2011

Current Posture – Mogadishu



Annex 1.1.b.: Mogadishu incident review from April 2010 to April 2011¹

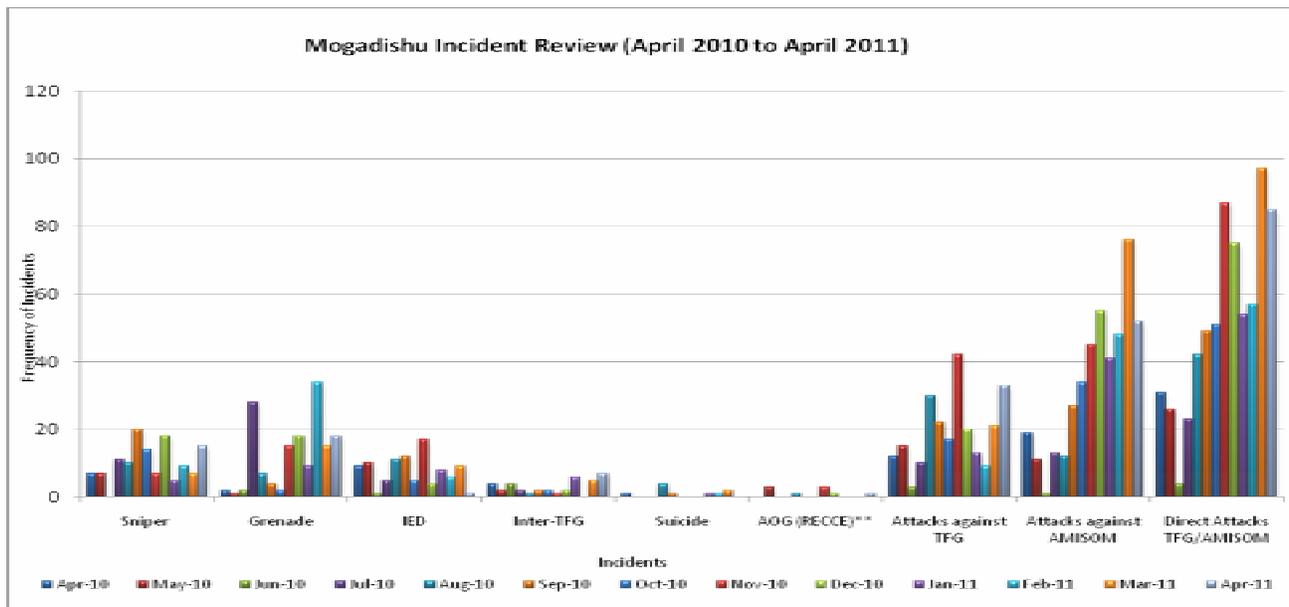
Mogadishu Incident Review (April 2010 to April 2011)*

<i>Incident</i>	<i>Apr-10</i>	<i>May-10</i>	<i>Jun-10***</i>	<i>Jul-10</i>	<i>Aug-10</i>	<i>Sep-10</i>	<i>Oct-10</i>	<i>Nov-10</i>	<i>Dec-10</i>	<i>Jan-11</i>	<i>Feb-11</i>	<i>Mar-11</i>	<i>Apr-11</i>	<i>Total</i>
Sniper	7	7	0	11	10	20	14	7	18	5	9	7	15	130
Grenade	2	1	2	28	7	4	2	15	18	9	34	15	18	155
IED	9	10	1	5	11	12	5	17	4	8	6	9	1	98
Inter-TFG	4	2	4	2	1	2	2	1	2	6	0	5	7	38
Suicide	1	0	0	0	4	1	0	0	0	1	1	2	0	10
AOG (RECCE)**	0	3	0	0	1	0	0	3	1	0	0	0	1	9
Attacks against TFG	12	15	3	10	30	22	17	42	20	13	9	21	33	247
Attacks against AMISOM	19	11	1	13	12	27	34	45	55	41	48	76	52	434
Direct Attacks TFG/AMISOM	31	26	4	23	42	49	51	87	75	54	57	97	85	681

* Data used in preparing this MIR (Mogadishu Incident Review) has been sourced from information provided by AMISOM, UN Agencies International NGOs, including information accessed from open source during the period April 2010 to April 2011.

** AOG (RECCE) is defined as any incident involving an unidentified individual or suspected insurgent who is shot and/or arrested while approaching and/or attempting to gain unauthorized entry into an AMISOM area of control.

***During the month of June 2010, due to information gaps the Monitoring Group was able to record incidents from 01 to 15 June 2010 only.



¹ Compiled by the UN Somalia and Eritrea Monitoring Group 1916 (2010).

Annex 1.1.c.: Civilian improvised explosive device casualties from April 2010 to April 2011**Civilians Casualties by IEDs*¹**

Year	Month	Casualties	Wounded
2010	April	2	2
	May	Several	Several
	June	0	0
	July	8	2
	August	0	Several
	September	0	0
	October	0	0
	November	33	22
	December	5	6
2011	January	0	0
	February	4	6
	March	4	14
	April	0	0
Total		56+	52+

* The number of civilians killed is likely to be more than those stated above.

* Statistics have been retrieved from the Mogadishu Incident Logs from April 2010 to April 2011.

¹ Compiled by the UN Somalia and Eritrea Monitoring Group 1916 (2010).

Annex 1.1.d.: Attacks on African Union Mission in Somalia and Transitional Federal Government forces from April 2010 to April 2011¹

Apr-10					
	Direct Attacks	Snipers	IEDs	Grenades	Suicide
On target	31	7	5	1	
Recovered/premature detonation			4	1	1
AMISOM Casualties					
TFG Casualties	1	3	4		

May-10					
	Direct Attacks	Snipers	IEDs	Grenades	Suicide
On target	26	7	7	1	0
Recovered/premature detonation			3		
AMISOM Casualties	1				
TFG Casualties	4		7		

Jun-10*					
	Direct Attacks	Snipers	IEDs	Grenades	Suicide
On target	4	0	1	2	0
Recovered/premature detonation					
AMISOM Casualties					
TFG Casualties	2		5		

*During the month of June 2010, due to information gaps the Monitoring Group was able to record incidents from 01 – 15 June 2010 only.

Jul-10					
	Direct Attacks	Snipers	IEDs	Grenades	Suicide
On target	23	11	4	11	
Recovered/premature detonation			2	16	
AMISOM Casualties	3	1			
TFG Casualties	7	2	3		

¹ Note: Data used in preparing this “Direct, Snipers, IEDs, Grenades & Suicide attacks Incident Review April 2010 to April 2011” has been sourced from information provided by AMISOM, UN Agencies International NGOs, including information accessed from open source during the period April 2010 to April 2011. Compiled by the UN Somalia and Eritrea Monitoring Group 1916 (2010).

Aug-10					
	Direct Attacks	Snipers	IEDs	Grenades	Suicide
On target	42	10	11	3	2
Recovered/premature detonation*			2	2	1
AMISOM Casualties	4	1			
TFG Casualties	12	5	1		

*On 13 August 2010, a suspected Vehicle Borne IED unsuccessfully attempted to penetrate AMISOM defenses at the Siyad Barre Academy. The suspected vehicles were repulsed.

Sep-10					
	Direct Attacks	Snipers	IEDs	Grenades	Suicide
On target	49	20	9	3	1
Recovered/premature detonation*			4	1	1
AMISOM Casualties	1	6			
TFG Casualties	22	6	1		

*On 09 September 2010, AOG militants attacked Mogadishu International Airport with 02 VBIEDs. 01 VBIED detonated killing 02 TFG officers and 03 civilians. 02 mortar rounds were also concurrently fired at the Airport (Medina) Gate, the attacks were repulsed by AMISOM forces and 04 AOGs were POA. The second VBIED was recovered and demobilized together with 01 walkie - talkie and 02 SMGs.

Oct-10					
	Direct Attacks	Snipers	IEDs	Grenades	Suicide
On target	51	14	2	2	
Recovered/premature detonation			3		
AMISOM Casualties	5				
TFG Casualties	15				

Nov-10					
	Direct Attacks	Snipers	IEDs	Grenades	Suicide
On target	87	7	10	14	
Recovered/premature detonation			7	1	
AMISOM Casualties	6	1			
TFG Casualties	10	1		2	

Dec-10					
	Direct Attacks	Snipers	IEDs	Grenades	Suicide
On target	75	18		16	
Recovered/premature detonation			4	2	
AMISOM Casualties	8	4			
TFG Casualties	3	3			

Jan-11					
	Direct Attacks	Snipers	IEDs	Grenades	Suicide
On target	54	5	7	9	
Recovered/premature detonation*			1		1
AMISOM Casualties	2	2			
TFG Casualties	18	3			

*On 14 January 2011, 1 of 4 VBIEDs prepared to be deployed by AOG elements targeting AMISOM positions exploded prematurely. As a result, 4 AOG militants were killed and 6 others were seriously injured. The dead included Sheik Isse and Sheik Saleh.

Feb-11					
	Direct Attacks	Snipers	IEDs	Grenades	Suicide
On target	57	9	5	34	
Recovered/premature detonation*					1
AMISOM Casualties	26**				
TFG Casualties	25	2			

*On 2 February 2011, 1 VBIED prematurely detonated as it was being prepared.

**Note: While we note that the official number of casualties 26 as recorded in AMISOM Sitreps (for the month of February 2011), we are aware, based on credible information (AU Confidential Report on Fatalities) that 32 casualties are yet to be officially authorized by the AU.

Mar-11					
	Direct Attacks	Snipers	IEDs	Grenades	Suicide
On target	97	7	2	15	1
Recovered/premature detonation*			7		1
AMISOM Casualties	18	1			
TFG Casualties	22	2	10		

*On 07 March 2011, a suicide bomber detonated his vest at the Hotel Walleye in Hawlwadag, when he was challenged by guards. No deaths reported except suicide bomber, though a number of civilians were injured.

Apr-11					
	Direct Attacks	Snipers	IEDs	Grenades	Suicide
On target	85	15	1	18	
Recovered/premature detonation					
AMISOM Casualties	9	1			
TFG Casualties	16	3			

Annex 1.2.: Images of materiel recovered from Atom's militia¹

Mountainous terrain of eastern Sanaag region



Puntland security forces preparing for operations against Atom



¹ Source: Puntland State of Somalia regional administration

Electrical and explosives-related materials, including detonators and Bodyguard motorcycle alarms



Bodyguard alarm remote and receiver



Small arms, ammunition and other materiel



Annex 1.3.: Case Study: the Sool Sanaag Cayn Army

1. In November 2010, fighting erupted in the areas of Kaalshaale, a rural area to the east of Buuhoodle in southern Togdheer region.¹ The violence initially took the form of small scale skirmishes between clan militias from the Isaaq / Habar Je'elo and the Darod / Harti / Dhulbahante, but rapidly escalated into a large scale conflict, involving the Somaliland armed forces, militia elements affiliated with the Puntland administration and an autonomous militia force calling itself the Sool Sanaag Cayn Army (SSCA). By the time a ceasefire was established, over 100 people had been reported killed and over 150,000 displaced. In April 2011, as serious drought gripped the region, tensions in Sool region remained high, the SSCA remained active, and the threat of renewed violence remained very real – all of which conspired against the provision of assistance to the people who needed it most and threatening a serious humanitarian crisis.

2. The Kaalshaale clashes and the emergence of the SSCA are illustrative of a relatively new and disturbing trend: the 'diasporization' of the Somali conflict. Like several other largely notional Somali 'states' and 'authorities', the SSCA is a project largely conceived, funded and led by members of the Somali diaspora, who have appropriated legitimate local grievances to advance personal political ambitions and – in some cases – to enrich themselves.² Although in many cases these entities exist principally in cyberspace and have little or no impact on the ground, in other cases, such as the SSCA, diaspora 'warlords' make effective use of the Internet and social networking media to mobilize and radicalize their constituencies, aggravate hostilities, raise funds and obstruct reconciliation.

Background to the conflict

3. Contested between Somaliland and Puntland, Sool region has long been an area of tension and sporadic violence. Dhulbahante clan elites have been divided between those who support the administration in Hargeysa and — since its establishment in 1998 — the administration in Garowe. In recent years, however, Dhulbahante disaffection with both Somaliland and Puntland has given rise to a growing constituency within the clan that supports neither administration and seeks autonomy within a unitary Somali state. As elsewhere in Somalia, such choices often reflect local competition for power and resources between sub-clan elites.

4. A 2002 visit to the capital of Sool region, Laas 'Anood, by then president of Somaliland, Dahir Rayale Kahin, triggered clashes and the subsequent take-over of the town by pro-Puntland administration. In 2007, shifting politics within the Dhulbahante presented an opportunity for pro-Somaliland forces to recapture the town and establish a new administration. Many Dhulbahante opposed to Somaliland's authority abandoned the town and have yet to return. Sool region has since remained divided but relatively stable, with neither Somaliland nor Puntland eager to engage in direct confrontation with the other for control of the region. But the emergence of the SSCA, which challenges the influence of both administrations, has served as a catalyst for growing tension and

¹ Referred to by the Puntland administration and many members of the Dhulbahante clan as 'Cayn'.

² Other such diaspora projects include Awdal State, Maakhir State, Central State, Banaadirland, Xamar iyo Xamar Daye, Midland Republic and many others.

military escalation, and complicated the prospects of a peaceful, political settlement of the disputed region.

Formation and evolution of the SSCA

5. On 16 October 2009, a conference of eminent personalities from the Dhulbahante clan in Nairobi declared the formation of '*Hoggaanka Mideynta iyo Badbaadinta Gobolada SSC ee Soomaaliya*' ('The Unity and Salvation Authority of the SSC Regions of Somalia'), with Suliman Ahmed Issa 'Hagle-Toosiye' as 'President' and Ali Hassan Ahmed 'Sabarey' as his 'Vice President.' The two leaders are, respectively, American and Canadian citizens.

6. One of the driving forces behind the Nairobi conference was the Northern Somali Unionist Movement (NSUM), a broad Dhulbahante diaspora network, chaired since its inception by a Somali from Sweden named Mohamed Ali Mirreh.³ Formed in 2007, in response to the capture Laas Aanood by a combination of the Somaliland army and affiliated Dhulbahante clan militias, the NSUM moved quickly to declare the formation of a military wing, the Somali Unity Defence Alliance (SOUDA).⁴ In an undated communiqué posted on the NSUM website, the NSUM subsequently announced that the name SOUDA would be changed to Sool, Sanaag, and Cayn Army (NSUM/SSCA).⁵

7. The SSCA's initial military efforts under the leadership of Colonel Abdiaziz Garamgaram were unpromising. During the course of 2008, the militia made no appreciable progress against the Somaliland presence in Sool, and Garamgaram himself was accused of misappropriating US\$50,000 funds collected on behalf of his forces by the NSUM.⁶

8. In late 2008, Suliman Ahmed Issa 'Hagle-Toosiye', a medical professional from Columbus, Ohio, returned to Somalia to contest Puntland's presidential election. When it became apparent that his status as a member of the Dhulbahante clan and a political unknown made his candidacy unrealistic, he lowered his ambition to the post of Vice President. A member of the Faarah Garaad sub-clan of the Dhulbahante, the three other competitors for the post were from the Mohamud Garaad sub-clan, including the eventual winner, Abdisamad Ali Shire, a prominent military commander.⁷ Ten months later, at the Nairobi conference, Xagle Toosiye was elected 'President' of the SSCA instead.

³ In a statement to the press on 17 October 2009, NSUM spokesman Osman Hassan Haji Omar stated that a 42-member delegation of the NSUM had participated in the conference and affirmed his movement's political and financial support for its outcomes, including a pledge of cooperation with the SSCA leadership. Accessed at <http://www.buhodle.net/index.php/component/content/article/1-latest-news/57-afhayeenka-ururka-nsum-oo-ka-war-bixinaya-shirkii-nairobi-.html>.

⁴ See "*Digniin Culus Oo Ka Soo Baxday Ururka SOUDA*" ('Grave warning issued by the SOUDA organization'), accessed at <http://www.n-sum.org/?q=node/29>

⁵ "*Bayaan kasoo baxay gudida fulinta NSUM/SOUDA*" ('Announcement from the Executive Committee of the NSUM/SSCA'), undated. Accessed at <http://www.n-sum.org/?q=node/30>

⁶ Interview with Abdirahman Mohame Osman 'Boobe', NSUM representative in Ohio, USA, 9 May 2009. Accessed at <http://www.xargaga.net/index.php?name=News&file=article&sid=3885>.

⁷ Abdisamad Ali Shire is a member of the Dhulbahante / Mohamud Garaad sub-clan; Hagle-Toosiye is from the Dhulbahante / Faarah Garaad. Competition within and between the elites of these sub-clans has helped to define the evolution of the SSCA.

9. Between 2007 and late 2009, the dispute for control of Sool region had been characterized by constant, but low intensity conflict. But the establishment of the SSCA created heightened tension and hostilities soon escalated. The organization engendered mixed feelings within the Dhulbahante clan (many of whom perceived it as a political platform for disgruntled Faarah Garaad leaders)⁸ and was perceived as a potential threat by leaders in Somaliland, Puntland and Ethiopia. On 21 May 2010, Ethiopian forces launched a raid against SSCA militia in Buuhoodle town, on the Somali-Ethiopian border, an action described by the NSUM as “war crimes and crimes against humanity.”⁹ When the TFG received a delegation of SSCA leaders in mid-December 2010 and, according to unconfirmed media reports, provided a combination of military and/or financial assistance, Puntland President Faroole responded by accusing unnamed TFG Ministers from Puntland of supporting “anti-peace elements.”¹⁰ In return, the NSUM issued a press release pledging its “Unshakable Loyalty to the TFG and Somalia”, accusing President Faroole of “betrayal” of the SSC cause.¹¹

The Kaalshaale Conflict

10. The clashes at Kaalshaale began as a essentially nomadic dispute over pastoral resources. In late 2010, businessmen from the Isaaq / Habar Je’elo sub-clan constructed some cement water reservoirs (known as *berkedo*) in the Kaalshaale area — a grazing area shared between the Habar Je’elo and neighbouring clans of the Dhulbahante / Faarah Garaad. The construction of the reservoirs was interpreted by the local Dhulbahante as an attempt by the Habar Je’elo to lay claim to the territory, and they resisted with armed force. Attempts to calm the situation by local elders were derailed by a series of provocations on both sides. The Somaliland administration rushed forces to the area — a move widely perceived among the Dhulbahante as supporting their Habar Je’elo adversaries — while the SSCA also mobilized militia for the battle

11. By nomadic standards, the violence in Kaalshaale, and the nearby districts of Hagoogane and Meygaagle, was exceptionally serious. Although reliable statistics are not yet available, Dhulbahante elders told the Monitoring Group that more than 100 people are believed to have been killed,¹² and Somaliland government sources provided UNHCR with an estimate that 33,000 households to have been affected by the violence.¹³

12. Parties on all sides nevertheless seized the opportunity to inflame the situation even further. Civil society figures in Hargeysa told the Monitoring Group that the Chairman of the Guurti (Upper House of Parliament), whose sub-clan members had built the reservoirs that triggered the conflict in the first

⁸ Interviews with Dhulbahante leaders and politicians on 4,5, and 7 April, 2011.

⁹ NSUM Press Release, *Ethiopia and Somaliland’s unholy alliance against SSC regions*, 24 May 2010. Accessed at http://wardheernews.com/Organizations/NSUM/05_24_10_NSUM_Press_Release.html

¹⁰ The leader figure within the TFG on the SSCA issue is alleged to be Abdikarim Jaama, the current Minister of Information, who like Hagle-Toosiye is a member of the Faarah Garaad sub clan of the Dhulbahante.

¹¹ NSUM Executive Committee Press Release, *SSC Unshakable Loyalty to the TFG and Somalia*, 24 January 2011. Accessed at <http://www.buzzle.com/articles/nsum-denounces-unrepresentative-regimes-puntland-and-somaliland-supports-unity-peace-in-somalia.html>.

¹² Interview with two Dhulbahante elders from the Buuhoodle area (Farah Garaad / Reer Hagar sub clan), 4 April 2011.

¹³ Email communication, 21 April 2011.

place, had instigated a campaign to label the SSCA as a ‘terrorist’ organization and an ally of Al-Shabaab.¹⁴ The NSUM likewise described the Somaliland administration of being the offspring of a “terrorist organization” and accused it of committing a “war crime” in the Buuhoodle area.¹⁵

13. The SSCA’s description of the situation appears to have been exaggerated for propaganda purposes. In a press release dated 1 March 2011, the “SSC Regional Administration of Somalia” stated:

So far hundreds have been killed in the battleground, more than a thousand are wounded, and tens of thousands are displaced, as a result of the war. The two opposing armies (numbering in the thousands and heavily armed) are holding on their positions with the fighting on and off on a daily basis. However, the SSC forces have achieved consecutive victories as they repulsed the repeated attacks of the secessionist camp in numerous times inflicting them serious casualties.¹⁶

14. This account appears to validate criticism of the SSCA offered by Dhulbahante elders from the Buuhoodle area (including one whose father and uncle were killed by Somaliland forces). By their account, the SSCA has dramatically exaggerated its own size and role in an attempt to attract additional funding from the diaspora:

“They [the SSCA] are entirely dependent on external funding. They get money, cause trouble, and use that to raise more money [...] The fighting at Kaalshaale was really between two clans over land, but the SSCA provided ammunition and fuel [...] Their forces were kept mainly at Dharkeyn, not at Kaalshaale, since no other community will accept them.”¹⁷

15. Ultimately, the Kaalshaale clashes were resolved by a three-point agreement:

- Somaliland forces were withdrawn from the immediate area
- The reservoirs were buried (and the Somaliland authorities offered compensation to their ‘owners’)
- All prisoners on both sides were released

16. The incident has nevertheless further damaged relations between the Dhulbahante and the authorities in Hargeysa, and the root causes of tension in the region remain very much intact. In the absence of genuine political dialogue, the situation in Sool region remains ripe for the SSCA or other spoilers to reignite armed conflict.

¹⁴ Interviews with civil society figures and elders, 3-7 April 2011.

¹⁵ NSUM Press Release, *Somaliland Militia unleash new aggression in Buuhoodle Region*, 1 February 2011. Accessed at <http://www.n-sum.org/?q=node/1>.

¹⁶ SSC Regional Administration of Somalia, *EU Delegation’s Recent Statement on the Conflict in the Sool, Sanaag, and Cayn regions of Somalia Does not Reflect the facts on the Ground*, 1 March 2011. Accessed at <http://www.boocame.com/?p=11329>

¹⁷ Interviews with Dhulbahante elders, 4 April 2011.

Analysis

17. In the assessment of the Monitoring Group, the SSCA can be characterized as an opportunistic and arguably mercenary militia force that has successfully appropriated legitimate local grievances and exploited radical diaspora sentiment for its own political and financial gain. Although not responsible for instigating the Kaalshaale incident, the NSUM/SSCA leadership moved quickly to escalate the conflict and incite inter-communal conflict. Political entrepreneurs in the Somaliland camp were also quick to portray the conflict in terms that would justify military escalation and impede reconciliation.

Annex 2

Al-Shabaab as a regional threat

Annex 2.1.: Case study: the ‘11/7’ Kampala Bombings

1. On 11 July 2010, near-simultaneous bombings killed 79 people at a rugby club and an Ethiopian restaurant in Kampala, where crowds had gathered to watch live broadcasts of the World Cup football championships.¹ A third explosive device failed to detonate.
2. Investigations to date have revealed a complex plot involving mainly Kenyan conspirators operating principally between Kenya and Uganda, including several individuals who allegedly received military training from Al-Shabaab in Somalia.
3. Phone records from a mobile handset attached to a suicide vest that failed to detonate have provided investigators with insights into the communication patterns of the conspirators. Together with testimony from suspects who have been apprehended, a fairly comprehensive picture of the plot has begun to emerge. The Monitoring Group has since been given access to some of the official accounts and criminal files relating to the blasts.
4. The principle suspect and alleged mastermind of the plot is a Kenyan national named Omar Awadh Omar, who was charged by Ugandan prosecutors in September 2010, together with a the Chairman of Kenya’s Muslim Human Rights Forum, Al Amin Kimathi. Another key suspect in the planning of the attacks is a Somali known as “Jabir”, who allegedly served as an explosives instructor for Al-Shabaab under direct command of Ahmed Abdi Godane, the group’s ‘Amir’ who had links to other senior figures in Al-Shabaab and Al-Qaeda East Africa. He is known to have visited Uganda at least four times before the July 2010 attack, and was allegedly captured on CCTV footage in Kampala prior to the attacks.
5. According to investigators, a Kenyan national named Mohamed Ali Mohamed, who is believed to have trained with Al-Shabaab in Somalia,² allegedly brought explosive material from Somalia to Mombasa, where he may have obtained additional components for the bombs. By this account, Mohamed left the explosives with an associate in Kenya, then proceeded to Uganda where he later acted as the focal point for assembly of the explosive devices.
6. Meanwhile, law enforcement officials believe that Hajar Selemen Nyamandondo, a Tanzanian national, travelled by Landcruiser from Tanzania to Kenya in late April 2010, where he collected the suicide vests before proceeding to Kampala in early May.
7. Investigators believe that two Kenyan nationals, Hussein Hassan Agade — also believed to have received training from Al-Shabaab in Somalia — and Idris Christopher Magondu were responsible for arranging safe houses in Uganda, including in the western town of Mbale, and facilitated the transfer of the suicide bombers between Kenya and Uganda.

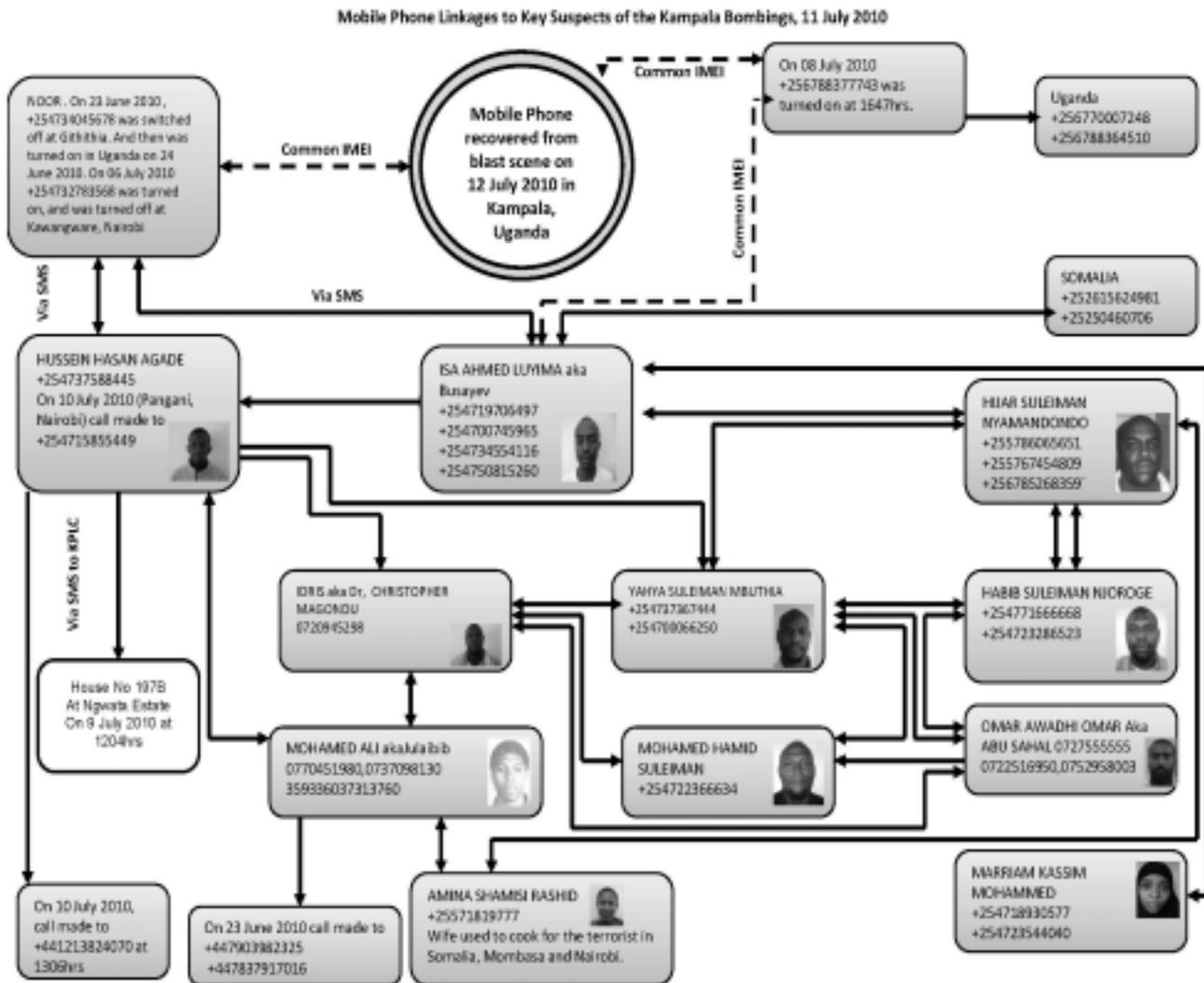
¹ <http://www.bbc.co.uk/news/10593771>

² According to an alleged police report leaked to the media. See, for example, Steven Candia and agencies, *Uganda detains top al-shabaab commander*, New Vision Online, access at <http://www.newvision.co.ug/detail.php?newsCategoryId=12&newsId=732933>

8. The suicide bombers apparently included a Ugandan national named Kakasule, allegedly trained in Somalia in 2009, an unknown male of Somali origin, and Hassan Luyima, another Ugandan national whose explosive device failed to detonate. The phone recovered from his vest belonged to his brother, Issa Ahmed Luyima, who had allegedly been radicalized in Kenya and Tanzania, before training with Al-Shabaab in Somalia. Records from Luyima's phone demonstrate communications between him and Ismael Kaigwa (aka "Dino), who trained with Luyima in Somalia and is believed to have been involved in military operations against AMISOM.

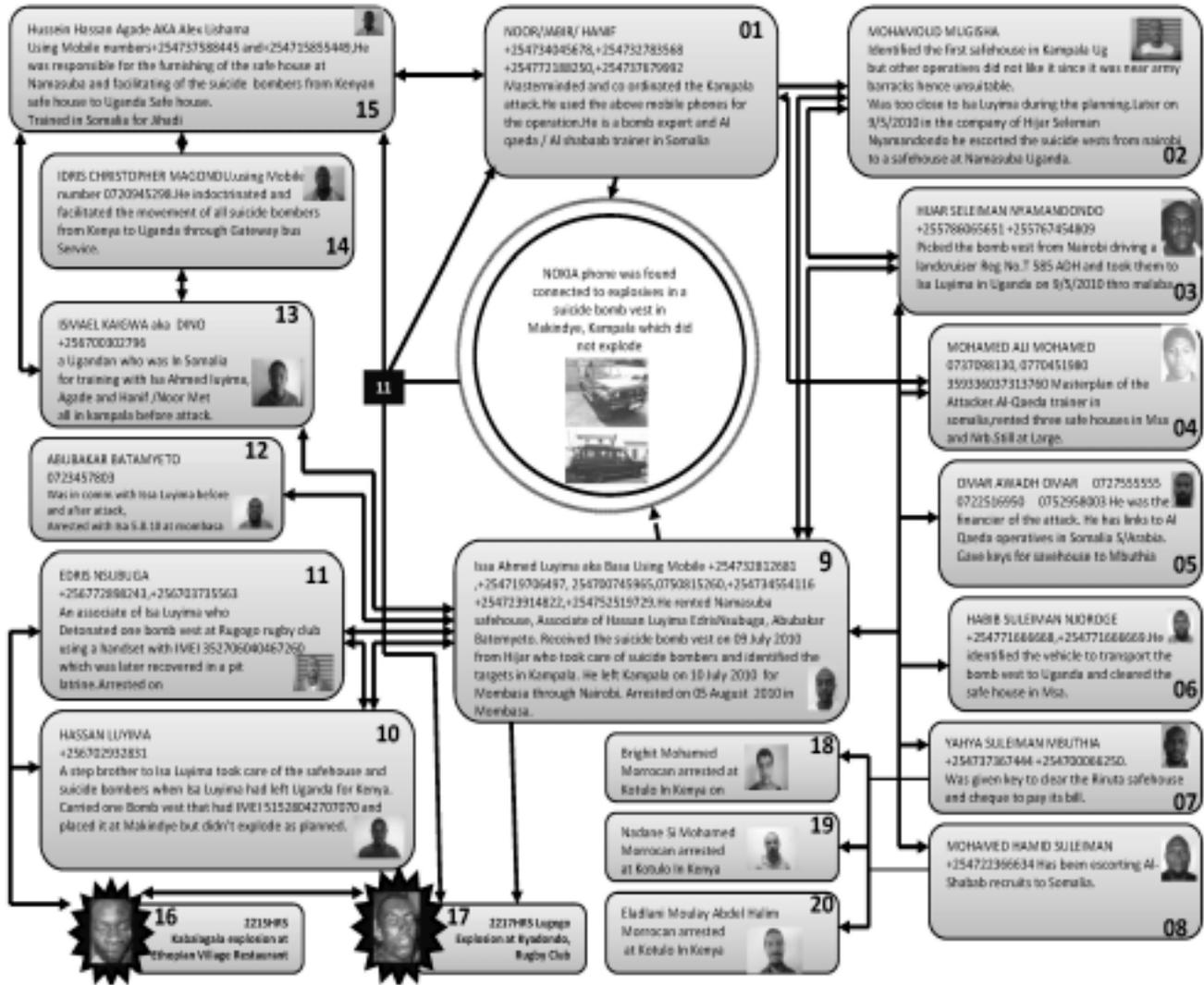
9. Two additional suspects of Tanzanian and Kenyan origin, who are believed to have been involved in the logistical aspects of the operation, and whose phone numbers are linked to the wider network of conspirators, have also been in contact with three Moroccan nationals who were arrested in Kenya while attempting to cross into Somalia between April and May 2010. Such international linkages appear to indicate an even wider network of A-Shabaab cooperation and influence.

Annex 2.1.a:
Mobile phone linkages to key suspects of the Kampala bombings, 11 July 2010



**Annex 2.1.b:
Summary of mobile phone linkages and activities of key suspects of the Kampala bombings,
11 July 2010**

Summary of mobile phone linkages and activities of key suspects of the Kampala Bombings, 11 July 2010



Annex 2.2.: Case study: Muslim Youth Centre

1. The Monitoring Group has learned of extensive Kenyan networks linked to Al-Shabaab, which not only recruit and raise funds for the organization, but also conduct orientation and training events inside Kenya. Similar, but smaller networks, are believed to exist elsewhere in East Africa, and Al-Shabaab has also established functional linkages with jihadist groups in north, west, and southern Africa.

2. In the past, Al-Shabaab's presence in Kenya has been concentrated primarily within the ethnic Somali community. But since 2009, the Group has rapidly expanded its influence and membership to non-Somali Kenyan nationals who, according to Monitoring Group estimates, today constitute the largest and most structurally organized non-Somali group within Al-Shabaab.¹

3. During the course of this mandate, Monitoring Group investigations have focused principally upon the activities of the Muslim Youth Center (MYC), commonly known as Pumwani Muslim Youth (PMY). One of several pro Al-Shabaab indigenous Kenyan groups, the MYC is operationally active both in Kenya and Somalia with strong links to other East African countries.²

4. From its roots as an informal self-help group in the Majengo area of Nairobi, the MYC was officially established in December 2008, and swiftly evolved from a 'rights forum' claiming to articulate the social, economical and religious grievances of impoverished and disaffected young Muslims into one of the largest support networks for Al-Shabaab in Kenya.

5. Officially, the MYC Constitution defines the group as a 'community based-organization' that aims to provide youth with religious counselling; to further the cause of Islam; and to advance and promote peace and peaceful co-existence through the championing of justice, human rights and inclusiveness.³ In practice, members of the group openly engage in recruiting for Al-Shabaab in Kenya and facilitate travel to Somalia for individuals to train and fight for 'jihad' in Somalia.

6. In Nairobi, the principal leaders of MYC include:

- Acting-Chairman/Amiir: Idriss Nyaboga⁴
- Secretary: Hussein Ally
- Organizing Secretary: Abdi Mohamed
- Treasurer: Abdi Mohamed Mbithuka; and
- Coordinator: Mohamed Musa "Bamer"⁵

¹ According to a former MYC member who had fought in Somalia in 2009 and returned to Kenya in 2010, this core group of African 'foreign fighters' has been actively engaged in Somalia as early as 2006 or 2007. Interview, 9 March 2011.

² The Monitoring Group is currently investigating two other indigenous Kenyan groups with reported links to Al-Shabaab.

³ For MYC Constitution, 2.2.a

⁴ The Monitoring Group has learned that since the departure of Ahmad Iman Ali to Somalia in 2009, Muslim Youth Centre (MYC) continues to have acting Chairmen / 'Amiirs' to oversee its affairs in Kenya. To date, there have been four: Jafar Ismail; Ismail Abubakar aka Amiir Mzungu; Abass Mwai; and Idriss Nyaboga.

7. In Somalia, the MYC chain of command comprises:

- Amiir/Chairman: Ahmad Iman Ali;
- Senior Commander: Juma Ayub Otit Were “Taxi driver”;
- Senior Commander: Suleiman Irungo Mwangi “Karongo” aka Habib⁶
- Senior Commander: Mohamed Murithi “General”;
- Senior Commander: Wahome Tajir Ali “Abu Jafar”; and
- Commander: Ramadan Osao “Captain”.

MYC and Al-Shabaab

8. MYC’s ideological orientation appears to have been strongly influenced by Sheikh Aboud Rogo,⁷ a Kenyan Islamic cleric, based in Mombasa, who is an open advocate of Al-Shabaab and is suspected of direct links with the organization. Rogo was charged in 2002 with alleged involvement in the Al-Qaeda bombing of the Paradise Hotel near Mombasa, but acquitted in 2005 for lack of evidence.⁸ In December 2010, he was again arrested and charged in connection with an explosion near a Kampala-bound bus in the capital Nairobi.⁹

9. Rogo’s association with the MYC was initially established by Ahmad Iman Ali, who was a student at Rogo’s religious school in Mombasa, but since Ahmed Iman’s departure for Somali, Togo’s main point of contact has been Sylvester Opiyo Osodo (aka ‘Musa’) who heads MYC’s resource center. Opiyo has made regular visits to Rogo in Mombasa and arranges Rogo’s travel itinerary to and from Majengo, where the Sheikh has delivered lectures to the MYC membership.¹⁰ Rogo’s inspirational videos are distributed widely by MYC members for the purposes of radicalization and recruitment into Al-Shabaab. Prior to his arrest in 2010, Rogo reportedly travelled to Somalia for six months — apparently to bolster his credentials as a ‘jihadist’ — where he was hosted by Al-Shabaab.¹¹

10. Other members and associates of the Pumwani Muslim Youth (PMY), the MYC’s predecessor, are believed to have begun making visits to Somalia as early as 2006.¹² According to multiple sources in Majengo interviewed by the Monitoring Group, among the first of these was Juma Ayub Otit Were

⁵ In a 22 March 2011, interview with the Monitoring Group, “Bamer” claimed to be part of an MYC faction opposed to its members joining Al-Shabaab in Somalia.

⁶ “Karongo” was widely reported killed in early 2009, but a recent audio recording obtained by the Monitoring Group appears to indicate that he is still alive, using the pseudonym “Habib”. Laura Zuena Mwangi, “Karongo’s” sister, positively identified “Habib’s” voice as that of her brother on 14 May 2011.

⁷ On 12 and 13 May 2011, the Monitoring Group was given access to the video archives of MYC and obtained video evidence of Sheikh Ali Bahero, Sheikh Hassan, Abu Katada and Abu Nuseyba offering pro-jihad lectures to MYC members.

⁸ Andrew England, *Kenya struggles to tackle threat of terrorism*, Financial Times July 29 2005, accessed at <http://www.ft.com/cms/s/0/c63a3f3a-ffcd-11d9-86df-00000e2511c8.html#axzz1LwSJ677Q>

⁹ Reuters, *Kenya charges two with al-Shabaab membership*, 22 December 2010, accessed at <http://af.reuters.com/article/worldNews/idAFTRE6BL2S620101222>

¹⁰ Interview with a former MYC member on 9 March 2011, and a serving MYC member on 10 April 2011.

¹¹ Multiple independent sources, and an official Kenyan source on 1 April 2011.

¹² On 14 May 2011, the Monitoring Group interviewed “Zuena” the sister of Suleiman Irungo Mwangi “Karongo” who confirmed that her brother (“Karongo”) had left for Somalia around this period. “Zuena” believes that her brother who at the time had recently converted to Islam was taken to Somalia by the “Taxi driver” (Juma Ayub Otit Were).

“Taxi Driver”¹³, who has since been instrumental in smuggling other MYC members across the border. A number of other ‘brokers’ involved in human smuggling have also aided Kenyan Al-Shabaab supporters to travel to Somalia, using several Eastleigh Hotels, including Royal Hotel in Eastleigh, Nairobi as points of departure.¹⁴ These brokers exploit Kenya’s proximity to Somalia, its porous borders and corrupt border and security officials in order to facilitate the passage of MYC members and other indigenous to travel to Somalia on their ‘*hijra*’ to fight alongside Al-Shabaab.

11. The growing numbers of MYC members and other indigenous Kenyans involved in the Somali conflict has not escaped notice. On 15 July 2008, an Al-Shabaab force of 30-40 fighters, including an MYC member named Mohamed Juma Rajab (aka Qa’Qa “Kadume”), ambushed a column of TFG and Ethiopian forces 60km from Baidoa at Bardaale. In the course of the fighting, Qa’Qa, an RPG shooter, was killed. After the incident, a senior Al-Shabaab commander, Al-Amiriki is seen in a video titled “*Ambush at Bardale*” eulogizing Qa’Qa’s as an ideal Mujahedeen. In a further acknowledgement of the Kenyans’ role within Al-Shabaab ranks, a senior MYC member, Wahome Tajir Ali “Abu Jafar”, is featured in a November 2010 Al-Shabaab video release, which Monitoring Group believes to be a recruitment pitch targeting Swahili-speaking Africans.¹⁵

12. On 20 March 2011, Ras Kamboni militia under the command of Sheikh Ahmed Madobe, together with Kenyan-trained TFG forces, attacked Al-Shabaab militias in the district of Dhobley in Lower Juba. After several hours of heavy fighting Ras Kamboni militia and TFG forces retreated. The Monitoring Group has since learned that several members of the Kenyan contingent in Somalia fought alongside Al-Shabaab during this clash, including an MYC commander named Ramadan Osao “Captain”. In a telephone call from Dhobley to a key Pumwani Riyadhha Mosque Committee (PRMC) member on 21 March 2011, “Captain” described Al-Shabaab’s victory over the Ras Kamboni forces and cited the “victory” as justification for more members of MYC to travel to Somalia to join the ranks of Al-Shabaab.¹⁶

13. The Muslim Youth Center (MYC) is based in Nairobi, but has also developed a strong network of members and sympathizers in areas such as Eldoret, Garissa and Mombasa. The Kenyan chapter’s core responsibilities include addressing the social and economic needs of its membership¹⁷, preparing members to “cross-over”¹⁸ into Somalia for ‘*jihad*’,¹⁹ outreach, and propaganda.

¹³ Interviews with multiple sources, including a relative of Juma Ayub Otit Were “Taxi driver” on 10 April 2011, In March 2011, the Kenyan security agencies issued an arrest alert for Juma Ayub Otit Were “Taxi driver”.

¹⁴ Interview with a Kenyan former Al-Shabaab fighter, Nairobi, 23 March 2011. The source claimed he had been lodged at the hotel en route to Somalia by immigration “broker” in 2009. The Royal Hotel management has provided contradictory responses to Monitoring Group requests for information and has declined request to provide access to its booking and guest records.

¹⁵ Accessed at <http://ia700200.us.archive.org/1/items/t-222/And-Inspire-The-Believers.rm>

¹⁶ Some PRMC members frequently receive updates from MYC members in Somalia. The Monitoring Group has identified one key PRMC official who has received numerous calls from MYC commanders, including ‘Amiir’ Ahmad Iman Ali.

¹⁷ For MYC associates and known members in East Africa, see Annex 2.2.b.

¹⁸ The phrase “cross-over” in Majengo and among MYC members is used to describe when an individual has or is intending to travel to Somalia to join Al-Shabaab.

¹⁹ During the course of 2009, the Monitoring Group learned from both current and former MYC members, that following a decision by its ‘Amiir’, Ahmad Iman Ali to embark on a Hijra to Somalia in 2009, an aggressive attempt ensued to radicalize and recruit for the purposes of supporting Al-Shabaab.

14. Since 2008, the Monitoring Group has learned that a weekly newsletter, Al-Misbah²⁰ published by MYC for its Kenyan audience has disseminated extremist material in support of both Al-Shabaab and Al Qaeda. In a series of weekly issues from 9 October to 26 November 2009, under the headline “*Jihaad is our Religion*”, Al Misbah published a seminal article of Anwar al Awlaki, a senior Al Qaeda figure based in Yemen, entitled “*44 Ways of Supporting Jihaad*”, which encouraged readers to support the ‘mujahideen’ with moral support, by paying their expenses, contributing to their medical needs, and spreading the writings of the Mujahideen and their scholars.²¹

15. The same edition included a number of related articles, including a critique of TFG by a Sheikh Abu Muhammed al-Maqdisi, entitled “*A Message in Support of Mujahideen in Somalia and Exposing The Suspicions of Dajjal Scholars*”,²² which openly praised the leadership of Al-Shabaab and offered an ‘Islamic critique’ of President Sheikh Sharif Ahmad’s ties with the West. In addition to the article, Al-Misbah also advertised the sale of Jihad T-shirts, which included children’s sizes, bearing the inscription “*Jihaad is our Religion*”.

16. Information and video evidence presented to the Monitoring Group confirms that the T-shirts advertised in Al-Misbah were in fact part of a consignment used during a ‘jihad training session’ for young children at Masjid Nur (Nur Mosque) in Kawangware, Nairobi on 20 October 2009.²³ During an initial interview with the Monitoring Group, the Imam of the mosque denied that MYC had used the Mosque to recruit for Al Shabaab. But when presented with a photo of one of the young participants who had attended the MYC session,²⁴ he admitted that such an event must have taken place secretly at the Mosque.²⁵ The Imam also told the Group that Idris Christopher Magondu, an MYC associate who is currently in detention in Kampala for his alleged role in the Kampala bombings of July 2010, had frequented the mosque on numerous occasions.²⁶

17. ‘Jihad training sessions’ typically consist of classroom-based lectures using examples of ‘Islamic struggles’ such as conflicts in Afghanistan, Iraq, and Yemen; profiles of certain radical clerics and their ideologies; and videos of previous MYC events.²⁷ They may also involve outdoor activities. One such event took place on 27 September 2009, at the Sir Ali Muslim Club in Nairobi. Although advertised as an “Eid funfair and celebration” with camel-rides and other entertainment, the Monitoring Group has obtained photographic evidence that MYC held a ‘jihad training exercise’ at the grounds on 27 October 2009, attended by at least 50 MYC members wearing combat style waistcoats

²⁰ For Al-Misbah newsletter and articles, see 2.2.c.

²¹ Al-Misbah newsletter, issue 087, 6 November 2009.

²² Al-Misbah newsletter, issue 085, 23 October 2009.

²³ MYC Training session, “Jihaad Katika Misingi Ya Quraan Na Sunnah”, 20 October 2009, accessed at <http://www.archive.org/details/JihaadKatikaMisingiYaQuraanNaSunnah>. The video depicts approximately 20-30 children in a classroom, listening to Amiin Ahmad Iman’s lecture on jihad. One young is wearing a “Jihad is our Religion” T-shirt.

²⁴ For photo of young boy at jihad recruitment session by MYC, see Annex 2.2.d.

²⁵ Interview, 20 April 2011.

²⁶ According to governmental sources, Idris Christopher Magondu facilitated the movement of the Kampala suicide bombers from Kenya to Uganda through Gateway Bus Service. Monitoring Group sources inside MYC also confirm the close links between Idris and its members.

²⁷ Such as an MYC recruitment session that took place from 24 to 26 December 2009 in Nyeri, organized by Sheikh Ali Bahero and allegedly sponsored in part by PRMC (Pumwani Riyadhha Mosque Committee).

with the inscription “*Jihaad is our Religion*”.²⁸ Rental of the club premises was covered by a deposit of KES 35,000 by an individual named ‘Feisal Musa’ on behalf of the Park Road Youth Group — a partner Muslim youth group with close links to MYC ‘Amiir’ Ahmad Iman Ali.²⁹ After initial denials and contradictory testimonies, the Sir Ali Muslim Club Manager and some Committee members now acknowledge that this event did take place, but do not admit that any para-military training took place.³⁰

18. In January 2010, MYC had a further opportunity to exhibit its commitment to Al-Shabaab. Early in the month, Jamaican Muslim preacher, Abdullah al-Faisal had been arrested by the Kenyan authorities. In response, MYC members led by Mohamed Murithi “General”³¹ planned and participated in violent demonstrations in the Nairobi town centre,³² which were captured in a 45-minute video produced by MYC’s media wing, Hijra Media, entitled “*Nairobi Intifada, 15 January 2010*”. The video is accompanied by a background theme song “*Nairobi Tutafika*” sung by Wahome Tajir Ali “Abu Jafar” an MYC commander based in Somalia and close confidant of ‘Amiir’ Ahmed Iman Ali. The video opens with the Al-Shabaab logo, and a message from MYC pledging that the “Muslim youth of Kenya support our Mujahideen brothers in Somalia...” and includes footage of deceased Kenyan Al Qaeda figure, Saleh Al Saleh Nabhan. The Monitoring Group has positively identified a number of MYC members who appear in the video wearing ‘jihad’ T-shirts and carrying the Al-Shabaab flag while engaging in violence against Kenyan security officials.³³

Extending the ‘jihad’ to Kenya

19. Ahmad Iman Ali, the “Amiir of MYC” and “Amiir of Majengo”³⁴ has more recently emerged as the ‘Amiir’ of East African jihadists in Somalia.³⁵ Having based himself in Somalia since 2009, he is currently believed to command an estimated force of between 200 and 500 fighters, most of whom are Kenyans, and specifically MYC members — including minors³⁶ — from Majengo who have been motivated by his persistent proselytizing.³⁷ Ahmed Iman’s success in recruiting fighters and mobilizing funds for the cause, appear to have earned him steady ascendancy within Al-Shabaab.³⁸ The Monitoring Group believes that he now intends to conduct large-scale attacks in Kenya, and possibly elsewhere in East Africa.

²⁸ See Annex 2.2.e

²⁹ See Annex 2.2.f

³⁰ Interviews on 26 and 31 March 2011. The Monitoring Group also notes that this event did not have a police permit, which would normally be required, for public events at the Club.

³¹ Mohamed Murithi “General” is believed to be a MYC senior commander currently in Somalia and originally from the Dandora Estate in Nairobi.

³² For pictures of MYC members at the al-Faisal demonstrations on 15 January 2010, see Annex 2.2.g.

³³ MYC DVD produced by Hijra media, “Nairobi Intifada, 15 January 2010”, sourced on 17 March 2011

³⁴ The Monitoring Group has been told by numerous MYC informants that the ‘Amiir’ of MYC is by right the ‘Amiir’ of Majengo (Muslim youth).

³⁵ See Annex 2.2.h

³⁶ Interview with two minors from MYC, 21 April 2011

³⁷ Interview on 25 March 2011 with a former MYC combatant who had served four months in Somalia, including in Bardale and Kismayo.

³⁸ Interview on 25 March 2011 with a former MYC fighter who had fought alongside Al-Shabaab in 2010. The source stated he was taken to see ‘Amiir’ Ahmad Iman Ali immediately upon arrival in Somalia.

20. During a 13 September 2010 lecture, addressing MYC combatants and other Swahili-speaking fighters in Somalia, Ahmad Iman dissuaded Kenyan Muslims from engaging in national politics, urging them instead to “*Chinja*” (*cut*), “*Chonga*” (*peel*) and “*Fiyeka*” (*slash*)” the throats of the [Kenyan] infidels and “to hit back and cause blasts [in Kenya]” similar to the Kampala bombings.³⁹

21. In another undated message, uploaded to the Internet on 30 December 2010, Ahmad Iman encouraged MYC members to begin jihad in Kenya by attacking its institutions. Part of the message urged its members to contemplate “...a man who says, strap the bombs on me and let me blow myself up in the Parliament building of Kenya”.⁴⁰

22. On 7 March 2011, Kenyan security officials issued an alert against nine MYC members suspected to have trained in Somalia.⁴¹ Among the MYC members listed in the alert were:

- Juma Ayub Otit Were “Taxi Driver”, a senior MYC commander in Somalia serving with Al-Shabaab;
- Abass Mohamed Mwai a combatant fighting in Somalia alongside Al-Shabaab;
- Sylvester Opiyo Osodo aka ‘Musa’, a close confidant of Kenyan Sheikh Aboud Rogo who serves as MYC’s ‘librarian’ in charge of its resource center; and
- Abdulrahman Mutua Daud.

23. A serving MYC member independently informed the Monitoring Group that members have been returning to Kenya from Somalia since late 2010, with a view to conducting possible operations in Kenya, at the direction of Amiiir Ahmad Iman.⁴² The same sources have indicated that some MYC members not mentioned in the alert are currently in hiding in Mombasa, but continue to be supported financially by MYC and its supporters.⁴³ They have also shown the Monitoring Group an MYC ‘safe house’ 60 kilometers from Nairobi, previously used by MYC senior commander, Juma Ayub Otit Were “Taxi driver” and other MYC members.

24. On 9 October 2009, MYC advertising through its Al-Misbah newsletter urged members to attend a MYC symposium from 10 to 11 October 2009. Among the speakers of the symposium were Sheikh Ali Bahero⁴⁴ and ‘Amiiir’ Ahmad Iman Ali.⁴⁵ On 10 October 2009, Sheikh Ali Bahero delivered a lecture titled “*Role of the Youth in Da’wah*”, which focused primarily on preparing for Jihad and how to reach Somalia. In the video of the symposium viewed by the Monitoring Group, Ali Bahero is seen justifying child recruitment of Al-Shabaab in saying: “...the prophet was recruiting children [for Jihad] from the age of 13. Al-Shabaab is doing the same; similar to what the prophet did”. In addition, he is also featured describing to his MYC audience travel routes to Somalia from Nairobi by telling them:

³⁹ Uploaded to the internet on 23 December 2010. Accessed at <http://www.archive.org/details/UnyongeKatikaUmmahWaKiislamu3>.

⁴⁰ Muslim Youth Center. “Unyonge Katika Ummah Wa Kiislamu part 2”, accessed at <http://www.archive.org/details/UnyongeKatikaUmmahWaKiislamu2>

⁴¹ The Monitoring Group has obtained information indicating that approximately twenty MYC members entered Kenya from Somalia in February 2011.

⁴² Interviews with current and former MYC members, February-April, 2011

⁴³ Interviews with current and former MYC members, February-April, 2011.

⁴⁴ According to Monitoring Group sources in MYC, Sheikh Ali Bahero remains one MYC’s most prolific visiting clerics.

⁴⁵ Al-Misbah newsletter, issue 083, 9 October 2009.

“...let’s not be hasty. We have to have a plan. If I want to get to where [President Sheikh Sharif Ahmad] Sharif is I have to catch a bus from Nairobi to Malindi, and then get to Lamu and then get onto a boat to our final destination [Somalia].”⁴⁶

25. This trend is principally aimed at externalizing the conflict, as the Monitoring Group believes was the primary motive for the Kampala bombings in 2010. Currently, the Monitoring Group is investigating the possible role of MYC in the incident, and has also established a connection between a number of the key suspects involved in the bombings to MYC commanders and Amiirs.

Commerce, Charity and Crime: Al-Shabaab Financial Support Networks in Kenya

26. Al-Shabaab supporters in Kenya have established an extensive and complex financial support system to sustain their own activities, sponsor the travel of recruits to Somalia, support the Kenyan families of Al-Shabaab members in the field, and provide financial contributions to the jihadist cause. The movement considers such funding to be critical to sustaining the presence of east African jihadists fighting alongside Al-Shabaab in Somalia. On 27 March 2011, Ahmad Iman issued a directive to his Kenyan associates, that the organization should “direct all the money to Al-Shabaab because it is their right [...] He [Ahmad Iman] instructed us to stop the construction [of the mosque] and re-direct the money to that side [Somalia].”⁴⁷

27. A key pillar of Kenyan financial support for Al-Shabaab is the Pumwani Riyadhha Mosque Committee (PRMC), which owns a large section of land in Majengo, including Gikomba market — the largest second-hand clothes market in Kenya. Historically, lots in the market place have been leased in order to raise funds for the mosque. But in 2008, under the pretext of establishing a ‘self-help group’, Ahmad Iman succeeded in persuading the PRMC to appoint Pumwani Muslim Youth members as ‘rent collectors’. The negotiation resulted in PMY members receiving a percentage of the rent, thus providing income and employment for a large number of young Muslims in Majengo.⁴⁸ When Ahmad Iman was appointed the PRMC secretary on 7 June 2009, the PMY/MYC, with the tacit blessing of the PRMC, became the de facto ‘owners’ of Gikomba market and appropriated all its revenues.⁴⁹

28. Bank statements and other related documents obtained by the Monitoring Group confirm that MYC also benefits from direct financial contributions by PRMC in support of its Al-Shabaab related activities. Since at least August 2009, the PMY/MYC has been receiving approximately KES20,000 per month from PRMC’s Gulf African Bank account, ostensibly for the publication of Al-Misbah.⁵⁰ At the same time, PRMC supports a number of families in Majengo, Nairobi as part of the Mosque’s

⁴⁶ MYC Symposium CD filmed by O I Video productions in association with Muslim Youth Center, Martib Center, 10 October 2009.

⁴⁷ Confidential audio recording of a PRMC official, dated 27 March 2011, describing discussion dated 26 March 2011 with ‘Amiir’ Ahmad Iman Ali from Somalia using mobile number +252618739735. Audio provided to Monitoring Group on 28 March 2011.

⁴⁸ PMRC financial documents, including audit spreadsheets and voucher-books from Gikomba market, indicate rent payments between KES 3,000 -15,000 per month, part of which is allocated to PMY (later MYC) members. These documents all indicate that a large number of PMY members were receiving monthly payments for acting as “guides”.

⁴⁹ Interview with PRMC Accounting Officer, 31 March 2011

⁵⁰ Interview with former Al-Misbah writer, February 2011, and PRMC bank statements provided to Monitoring Group by Gulf African Bank. Independent sources have told the Monitoring Group that PRMC contributions to Al-Misbah are ongoing.

community support program, including the families of MYC members fighting alongside Al-Shabaab in Somalia.

29. In February 2010, for example, MYC member Ramadan Shuaib “Giggs” travelled to Somalia. However, an 11 April 2010 audio recording of PRMC members discussing the reported “cross over” of Mohamed Said Oribo, an MYC member and a Majengo ‘Amiir’ aspirant, the audio obtained by the Monitoring Group indicates that regular payments continue being made to Giggs.⁵¹ Likewise, a source familiar with MYC member Henry Saidi Irangu “Baba”, who left to join Al-Shabaab in Somalia in February 2011, confirmed to the Monitoring Group that both “Baba” and his family continue to receive financial assistance from PRMC.⁵²

30. PRMC’s funding of MYC also involves the sponsorship of travel to Somalia to join the ranks of Al-Shabaab. An audio recording of a PRMC discussion, reinforced by multiple interviews, confirms PRMC financial assistance for MYC members to join Al-Shabaab.⁵³ Monitoring Group investigations suggest that such funding comes both from PRMC’s ‘official’ Gulf African Bank account (no. 08100025010), and also from a second account with Chase Bank (no. 601259001), whose existence is known only to a select group of PRMC Committee members.⁵⁴

31. Since it was opened on 1 October 2010, the PRMC Chase Bank account has only received ‘internal’ transfers from the PRMC’s Gulf Bank account, with one notable exception: a deposit of KES500,000 on 17 February 2011 from Kenyan Member of Parliament Amina Abdalla.⁵⁵ In an interview with the Monitoring Group, the MP confirmed her close association with Ali Abdulmajid, a senior official of PRMC and Vice Chairman of Riyadhha Mosque Committee,⁵⁶ and acknowledged that she has frequently sought the assistance of MYC members for campaigning purposes. But she described the funds as a contribution to Riyadhha Mosque’s reconstruction fundraising and denied any knowledge of linkages between PRMC or MYC and Al-Shabaab. The Monitoring Group believes that the donation in question was solicited by PRMC members under false pretences, in part for funding MYC activities in Somalia, and has no evidence to suggest wilful wrongdoing on the part of the MP.

32. Other senior Kenyan politicians have also in the past donated funds to PRMC. For example, the Monitoring Group has learned that on 12 September 2009, the Kenyan Minister of Tourism, Najib Balala made a “public cash donation” of KES200,000 to a PRMC’s Riyadhha Mosque reconstruction fundraising event.⁵⁷ The Minister’s donation was deposited into the PRMC’s Development Steering Committee’s account at Habib Bank (account no. 302178-03) — an account that was, at the time,

⁵¹ Audio recording of PRMC members dated 11 April 2011. The Monitoring Group is also aware that a number of PRMC officials have close family members in the MYC who are active in Somalia.

⁵² Interview with a family member of “Baba”, 14 April 2011

⁵³ Audio recording of interview with PRMC Assistant Treasurer and PRMC Office Manager, both officials openly admitted to “sponsoring” MYC, 5 April 2010.

⁵⁴ According to the Monitoring Group’s inspection of PRMC’s Chase Bank account, the following cheques were deposited: cheque for 40,000KES tendered on 17 January 2011; and cheque for 250,000KES tendered on 7 February 2011; cheque for 100,000KES tendered on 16 February 2011

⁵⁵ See Annex 2.2.i

⁵⁶ Ali Abdulmajid is the brother of Abdallah Abdulmajid, an active member of MYC.

⁵⁷ Other senior Kenyan politicians invited to the fundraising event included: Sheikh Muhammad Usman, Hon. Amina Abdallah, Hon. Simon Mbugua (Area MP) and Hon. Sheikh Dor. See Annex 2.2.j.

overseen by ‘Amiir’ Ahmad Iman and other MYC members. The Monitoring Group has received credible information indicating that funds deposited into this and other accounts (PRMC Gulf African Bank) controlled by ‘Amiir’ Ahmad Iman were used at least in part to finance his passage to, and upkeep in, Somalia in late 2009.⁵⁸ The Monitoring Group has no evidence to suggest that Minister Balala was aware that his financial contribution to the PRMC might be used to support Al-Shabaab.

33. The Monitoring Group obtained an audio recording of a 7 May 2011 phone call between members of PRMC and MYC combatants in Somalia that clearly demonstrates PRMC’s continued funding of MYC combatants fighting alongside Al-Shabaab.⁵⁹ During the conversation between Ramadan Osao “Captain” a MYC commander and the PRMC official, “Captain” can be heard persistently appealing to the official to send funds to the combatants and requests for US\$1,000 to be sent to the indigenous Kenyan contingent with Al-Shabaab, noting that “...this is what [they] should contribute to because the material world has no meaning now...”. In response, the PRMC official repeatedly promises to assist in finding a way to send the requested funds.

34. Another reliable source of financial support for the MYC is the Afwan Medical Center (AMC). Since 2008, AMC has paid for advertising space in MYC’s weekly Al-Misbah newsletter, which propagated jihad and openly supports Al-Shabaab. On 21 February 2009, AMC assisted MYC in opening a bank account at the Gulf African Bank, Eastleigh branch, into which regular deposits of KES 15,000 were made over a period of six months (between 2009 and 2010) in the name of Dr. Ali Omar Salim (managing director of AMC) and of the AMC itself.⁶⁰

⁵⁸ According to multiple MYC sources, Monitoring Group, the 12 September 2009 event was conceptualized and organized by Ahmad Iman, and the donations from the event formed a large part of the funds he took to Somali. Interviews on 12 and 13 June 2011.

⁵⁹ See Annex 2.2.k.

⁶⁰ According to MYC bank records from 22 February 2009 to 21 March 2011, Dr. Ali Omar Salim (MD of Afwan Medical Center) last deposited 15,000KES into MYC’s bank account on 24 July 2010. However, confidential sources confirm that Afwan Medical Center continues to fund MYC through regular cash payments.

FUROKH CHACHA
ADVOCATE
P.O. Box 43120 - 00100
NAIROBI - KENYA

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1

TREASURER

S/20:

Drawn by:

Chacha A. Mwita Advocate,

Statehouse Avenue, Gem Apartments - 2B, P.O. Box 43120 - 00100, Nairobi, Kenya.

Am

MUSLIM YOUTH CENTER

CONSTITUTION

Drawn by:

Chacha A. Mwita Advocate

Statehouse Avenue

Gem Apartments, 2B

Box 43120 - 00100

Nairobi, Kenya

I Certify that this is a true
Copy of the Original.

SAAD M. SAAD - ADVOCATE
P. O. Box 25949-00504, NAIROBI

MUSLIM YOUTH CENTER CONSTITUTION

1) NAME:

The name of the Group shall be Muslim Youth Center (hereinafter referred to as MYC)

2) OBJECTS :-

A)

- i. To promote the self-sufficiency of the Muslim Community through identification of the causes of poverty within the Community and undertaking of effective programs to eradicate poverty;
- ii. To give the Basic Foundation of Islam in knowledge, assistance, participation and awareness to the Muslim Youth in particular and to the Community in general;
- iii. To further the Cause of Islam both inside and outside the Mosque.
- iv. To promote and protect the Religious and Communal Rights of the Muslims in our Community;
- v. To conduct or arrange for regular Islamic lectures, classes, sermons by renowned scholars in Mosques, Social Halls, Schools, Institutions within Punwani Division;
- vi. To set up and run Religious and secular schools, libraries, resource centres for youths within the Division for the purpose of nurturing and developing talents among the youth;
- vii. To render assistance for the advancement of the Muslim community in Religion, education, health, training, social & welfare;
- viii. To give Religious counsel to the youth (in particular) and foster social development by strengthening the Spiritual life.
- ix. To wage war against drug abuse, child abuse & molestation, prostitution, gangster terrorism, domestic-violence and AIDS.
- x. To respond effectively to natural and man-made disasters such as diseases, famine, displacement that may befall the Community;
- xi. To advance and promote peace and peaceful co-existence by championing justice, human rights, inclusiveness and integration in national initiatives, mediation and resolution of conflict.
- xii. To network with other Organizations and People sharing the aspirations of MYC for the benefit of the Muslims in particular;
- xiii. To implement any other charitable objectives conforming to Islam and which MYC deem desirable;

B) In furtherance of the said objects MYC shall exercise the following POWERS:-

- xiv. To study, survey and do research on the areas of need;

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SAAD M. SAAD-ADVOCATE
P.O. Box 25949-00504, NAIROBI

- xv. To provide educational services (including setting or/and working with universities, technical and social training establishments and, schools, and in due case provide/supply/distribute library facilities, teachers, books, learning equipment and scholarships for Kenyan students) where the resources otherwise available are adequate;
- xvi. To take such steps as are necessary to assist impoverished communities to combat poverty, malnutrition, hunger, disease and sickness, illiteracy, and promote business and job opportunities;
- xvii. To care and advocate for the needy and victims of disasters, senior citizens and persons with disabilities within the Community;
- xviii. To invite well-wishers to work with MYC on a Voluntary basis but accept any allowance that shall be handed out for any type of work that has been done for MYC;
- xix. To raise funds by inviting and receiving contributions from any person or persons whatsoever by way of Grants, Islamic loan and soft loan, sadaka, subscription, donation and otherwise; PROVIDED THAT MYC shall not engage in any activity or object not permissible in Islam;
- xx. To cooperate and collaborate with communities, legal bodies and statutory authorities operating in similar development and charitable fields and to network and we share and exchange information, advice and ideas;
- xxi. To be able to own property in the name of the group and dispose off the same where need be;
- xxii. To make regulations for the management of any property which may be acquired;
- xxiii. To arrange and provide for any or join in arranging and providing for meetings, lectures, seminars, holding exhibitions, and training courses;
- xxiv. To arrange educational or religious broadcasts by way of publication of educational or religious books and articles in newspapers, magazines, pamphlets, journals and by any other means or mode of dissemination of information;
- xxv. To consult with and seek the opinion of and advice from any individual(s), organizations, societies or institutions;
- xxvi. To do all such other lawful things as are necessary for the attainment of the said objects;

3) MEMBERSHIP QUALIFICATION & REQUIREMENT

- a) Persons of Muslim faith and adherents to Qur'an & Sunnah, with integrity and high standing in the society and above the age of 18 years are eligible for membership of MYC and shall, subject to the approval of the founder members, become a member on payment of an entrance fee to be determined by the executive committee from time to time.

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Saad M. Sand-Adwach
SAAD M. SAND-ADWACH
P. O. Box 29944, Nairobi, Kenya

- b) Every member shall pay a monthly subscription of Kshs 100 not later than the 15th day of each month.
- c) Any member desiring to resign from MYC shall submit his resignation to the secretary, which shall take effect from the date of receipt by the secretary of such notice.
- d) Any member may be expelled from membership if a general meeting of MYC shall resolve by a two third majority of the members present that such a member should be expelled on the grounds that his conduct has adversely affected the reputation or dignity of MYC, or that he/she has contravened any of the provisions of the constitution of MYC.
- e) The executive committee shall have power to suspend a member from his membership until the general meeting of the group following such suspension but notwithstanding such suspension a member whose expulsion is proposed shall have the right to address the general meeting at which his expulsion is to be considered.
- f) Any person who resigns or is removed from membership shall be entitled to a refund of his subscription or any money contributed by him/her at a ratio to be determined by the executive committee.
- g) Any member who falls into arrears with his/her monthly subscription for more than six months shall automatically cease to be a member of MYC and his/her name shall be struck off the register of members. The executive committee may, however at its discretion, reinstate such member on payment of the total amount of subscription outstanding.

4) OFFICE BEARERS

THE EXECUTORS OF THIS CONSTITUTION ARE THE FOUNDER MEMBERS, TO HOLD THE POSITIONS OF CHAIRMAN, SECRETARY AND TREASURER RESPECTIVELY.

- a) The office bearers of MYC shall be :-
 - i) The Chairman
 - ii) The Vice Chairman
 - iii) The Secretary
 - iv) The Assistant Secretary
 - v) The Treasurer

All of whom shall be fully paid up members of MYC and shall be elected after a three year term at the annual general meeting.
- vi) 3 co-opted members on the bases of specialized knowledge and training.
- b) All office bearers shall hold office from the date of election for a period of three years, subject to the conditions contained in sub-paragraphs (c) and (d) of this rule shall be eligible for re-election.
- c) Any office bearer who ceases to be a member of MYC shall automatically cease to be an office bearer thereof.
- d) Office bearers may be removed from office in the same way as is laid down for the expulsion of members in rule 3 (d) and vacancies thus created shall be filled by persons elected at the general meeting resolving the expulsion.

5) DUTIES OF OFFICE BEARERS

- a) Chairman: the chairman shall, unless prevented by illness or other sufficient cause, preside over all meetings of the executive committee and at all general meetings.
- b) Vice Chairman: the Vice chairman shall perform any duties of the Chairman in his absence.
- c) Secretary: the secretary shall deal with all the correspondence of MYC under the general supervision of the executive committee. In case of urgent matters where the executive committee cannot be consulted, he shall consult the Chairman or if he is not available, the Vice chairman. The decisions reached shall be subject to ratification or otherwise at the next executive committee meeting. He shall issue notices convening all meetings of the executive committee and all general meetings of MYC and shall be responsible for keeping minutes of all such meetings and for the preservation of all records of proceedings of MYC and of the executive committee.
- d) Assistant Secretary: if there will be created the position of Assistant Secretary, he shall perform all the duties of the secretary and such other duties as shall be assigned to him by the secretary or executive committee whether the secretary is present or not.
- e) Treasurer: the Treasurer shall receive and shall also disburse, under the directions of the executive committee, all moneys belonging to MYC and shall issue receipts for all moneys received by him and preserve vouchers for all moneys paid by him. The Treasurer is responsible to the executive committee and to members that proper books of account of all moneys received and paid by MYC are written up, preserved and available for inspection.
- f) Assistant Treasurer: if there will be created the position of Assistant Treasurer, he shall perform such duties as may be specifically assigned to him by the Treasurer or by the executive committee and in the absence of the Treasurer shall perform the duties of the Treasurer.

6) THE EXECUTIVE COMMITTEE

- a) The executive committee shall consist of all the office bearers, the three founders of MYC and 3 other co-opted members; such executive committee members shall hold office until the following third annual general meeting. The executive committee shall meet at such times and place as it shall resolve but shall meet not less than once every month.
- b) Any casual vacancies for the members of the executive committee caused by death or resignation shall be filled by the executive committee until the next annual general meeting of the group. Vacancies caused by members of the executive committee removed from office will be dealt with as shown in rule 4 (d).

7) DUTIES OF THE EXECUTIVE COMMITTEE

- a) The executive committee shall be responsible for the management of MYC and for that purpose may give directions to the office bearers as to the manner in which, within the law, they shall perform their duties. The executive committee shall have power to appoint such sub-committees as it may deem desirable to make reports to the executive

committee upon which such action shall be taken as seems to the executive committee desirable.

- b) All moneys disbursed on behalf of MYC shall be authorized by the executive committee except as specified in rule 12 (d).
- c) The quorum for meetings of the executive committee shall be not less than 5 members.

8) GENERAL MEETINGS

- a) There shall be two classes of general meetings; annual general meetings and special general meetings.
- b)
 - i) The annual general meeting shall be held not later than 30th January in each year. Notice in writing of such annual general meeting, accompanied by the annual statement of account and the agenda for the meeting shall be sent to all members not less than 21 days before the date of the meeting and, where practicable, by press advertisement not less than 14 days before the date of the meeting.
 - ii) The agenda for any annual general meeting shall consist of the following:
 - Confirmation of the minutes of the previous annual general meeting.
 - Consideration of the accounts.
 - Confirmation of the founder members.
 - Election of the rest of the office bearers and the board of trustees where necessary in accordance with rule 10 (e) after a period of three years.
 - Appointment of auditors in accordance with rule 11 (a)
 - Such other matters as the executive committee may decide or as to which notice shall have been given in writing by a member or members to the secretary at least four weeks before the date of the meeting.
 - Any other business with the approval of the chairman.
- c) A special general meeting may be called for any specific purpose by the executive committee. Notice in writing of such meeting shall be sent to all members not less than 7 days before the date of such meeting.
- d) A special general meeting may also be requisitioned for a specific purpose by order in writing to the secretary of not less than 7 members and such meeting shall be held within 21 days of the date of the requisition. The notice for such meetings shall be as shown in rule 8 (c) and no matter shall be discussed other than stated in the requisition.
- e) Quorum for general meetings shall be not less than two third of the registered members of MYC.

9) PROCEDURE AT MEETINGS

- a) At all meetings of MYC the Chairman, or in his absence, the Vice Chairman, or in the absence of both these officers, a member selected by the meeting shall take the chair.
- b) The Chairman may at his discretion limit the number of persons permitted to speak in favor of or against any motion.

- c) Resolutions shall be decided by simple voting by a show of hands. In the case of equality of votes, the chairman shall have a second or casting vote.

10) TRUSTEES

- a) As a matter of time, there might be formed a Trust, which will act as the Governing body of MYC and all its activities.
- b) The founder members will be co-opted members with rights to vote in the board of Trustees.
- c) The Trust shall supervise, and manage all the assets of MYC.
- d) All land, buildings and other immovable property and all investments and securities which shall be acquired by the group shall be vested in the name of the Trust, and executed by not less than the three founders and four trustees who shall be members of the group.
- e) The trustees shall pay all income received from properties vested in the Trustees to the treasurer. Any expenditure in respect of such property which in the opinion of the Trustees is necessary or desirable shall do it as outlined for the common good of the Trust and/or MYC.
- f) Tenure of office of the trustees, their retirement, and other management procedure are as will be contained in the Trust Deed to be adopted.

11) AUDITOR

- a) An auditor shall be appointed for the following year by the annual general meeting. All MYC's accounts, records and documents shall be opened to the inspection of the auditor at any time. The treasurer shall produce an account of his receipts and payments and a statement of assets and liabilities made up to a date which shall not be less than six weeks and not more than two months before the date of the annual general meeting. The auditor shall examine such annual accounts and statements and either clarify that they are correct, duly vouched and in accordance with the law or report to MYC in what respect they are found to be incorrect, unvouched or not in accordance with the law.
- b) A copy of the auditor's report on the accounts and statements together with such accounts and statements shall be furnished to all members at the same time as the notice convening the annual general meeting is sent out. An auditor may be paid such honorarium for his duties as may be resolved by the annual general meetings appointing him.
- c) No auditor shall be an office bearer or a member of the executive committee of MYC.

12) FUNDS

- a) The funds of MYC may only be used for the following purposes :
 - i) Meeting running expenses of MYC
 - ii) Supporting all the projects of MYC
 - iii) Remittance of required payments to statutory bodies
 - iv) Any other business subject to the approval of the executive committee

[Handwritten signature]

- b) All moneys and funds shall be received by and paid to the treasurer and shall be deposited by him in the name of MYC in any bank or banks approved by the executive committee.
- c) No payment shall be made out of the bank account without a resolution of the executive committee authorizing such payment and there shall be THREE signatories to the account, whereby any TWO can transact and one of the TWO must be founder members.
- d) Among the THREE signatories a minimum of TWO of them will be founder members, unless otherwise as will be resolved by the executive committee from time to time.
- e) A sum not exceeding Kshs 3,000 may be kept by the Treasurer for petty disbursements of which proper accounts shall be kept.
- f) The executive committee shall have power to suspend any office bearer who it has reasonable cause to believe is not properly accounting for any of the funds or property of MYC and shall have power to appoint another person in his place. Such suspension shall be reported to a general meeting to be convened on a date not later than a month from the date of such suspension and the general meeting shall have full power to decide what further action should be taken in the matter.
- g) The financial year of MYC shall be from 1st January to 31st December.

13) BRANCHES

Branches of MYC may be formed with the approval of the executive committee and the social services and they will adopt the same constitution as that of the headquarters with the following exceptions:

- a) The aims and objects will not include the formation of branches.
- b) Amendments to the constitution can only be made by the headquarters of MYC in accordance with the provisions of rule 14.
- c) The provisions of rule 15 shall apply to branches but, in addition, branches will not be dissolved without consultation with their headquarters.

14) AMENDMENTS TO THE CONSTITUTION

Amendments to the Constitution of MYC must be approved by at least a two-thirds majority of members at a general meeting of MYC. They cannot, however, be implemented without the prior consent in writing of the social services officers, obtained upon application to him made in writing and signed by three of the office bearers.

15) DISSOLUTION

- a) MYC shall not be dissolved except by a resolution passed at a general meeting of members by a vote of two-thirds of the members present. The quorum at the meeting shall be as shown in rule 8(e). If no quorum is obtained, the proposal to dissolve MYC shall be submitted to a further general meeting which shall be held one month later. Notice of this meeting shall be given to all members of the group at least 14 days before the date of the meeting. The quorum for this second meeting shall be the number of members present.

- b) Provided, however, that no dissolution shall be effected without prior permission in writing of the social services office, obtained upon application to them made in writing and signed by three of the office bearers.
- c) When the dissolution of MYC has been approved by the social services office, no further action shall be taken by the executive committee or any office bearer of MYC in connection with the aims of MYC other than to get in and liquidate for cash all the assets of MYC. Subject to the payment of all the debts of MYC, the balance thereof shall be distributed in such other manner as may be resolved by the meeting at which the resolution for dissolution is passed.

16) INSPECTION OF ACCOUNTS AND LIST OF MEMBERS

The books of account and all documents relating thereto and a list of members of MYC shall be available for inspection at the registered office of MYC by any officer or member of MYC on giving not less than seven days notice in writing to MYC.

IN WITNESS WHEREOF the Founder members have hereunto set their respective hands on this 30th day of DECEMBER 2008.

SIGNED by AHMAD IMAN ALI]

Ahmad Iman Ali
30/12

In the presence of:]
FURQAN CHACHA]
ADVOCATE]
P.O. BOX 43120 - 00622]
NAIROBI - KENYA]

CHAIRMAN

SIGNED by HUSSEIN ALLY]

In the presence of:]
FURQAN CHACHA]
ADVOCATE]
P.O. BOX 43120 - 00622]
NAIROBI - KENYA]

Hussein Ally

SECRETARY

SIGNED by ABDI MOHAMED MBITHUKA]

In the presence of:]
FURQAN CHACHA]
ADVOCATE]
P.O. BOX 43120 - 00622]
NAIROBI - KENYA]

Abdi Mohamed Mbithuka

TREASURER

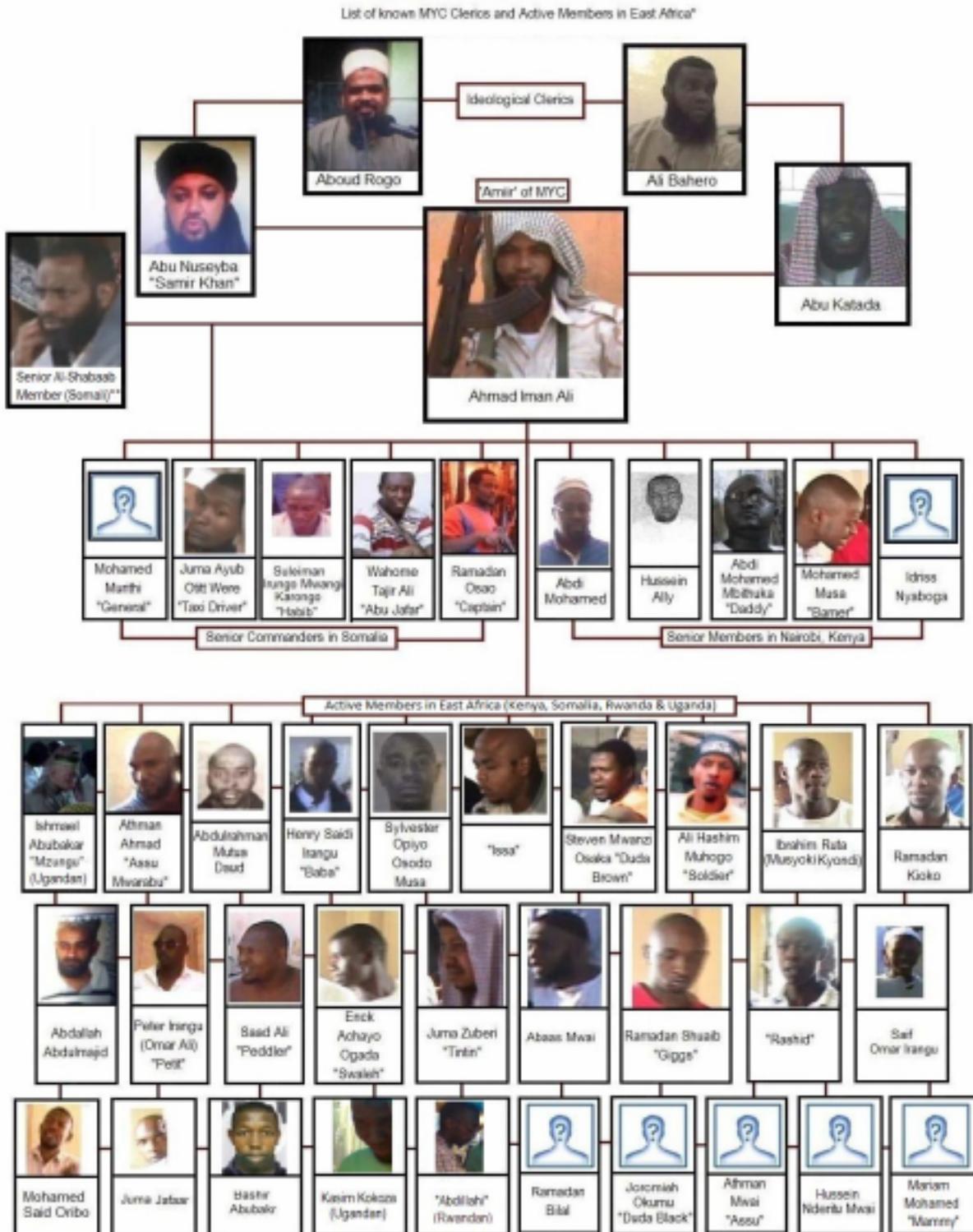
Drawn by:

Chacha A. Mwita Advocate,

Statehouse Avenue, Gem Apartments - 2B, P.O. Box 43120 - 00100, Nairobi, Kenya.

I Certify that this is a true
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Chacha A. Mwita
CHACHA A. MWITA - ADVOCATE
P.O. Box 23949-00104, NAIROBI

Annex 2.2.b.: Muslim Youth Centre organizational chart⁶¹



* The above mentioned names of MYC members in East Africa represent a small fraction of the group that is linked to Al-Shabaab in Somalia. The Monitoring Group is also aware that some of the aforementioned members have been apprehended.

** The Senior Al-Shabaab Member is believed to have overall shared responsibility with Juma Ayub "Taxi driver" and is based in Eastleigh, Nairobi. His name is currently unknown.

Annex 2.2.c.: Al-Misbah weekly newsletters (No. 083, No. 085 and No. 087)



MUSLIM YOUTH CENTER

Issue No. 083

AL-MISBAH

A PUBLICATION OF MUSLIM YOUTH IN MAJERGO, PUNJABI

This weekly contains some of Allah's names. Do not throw it away. Either store, read, or circulate. Madrasa



Thursday 26, 1430/04 Qad. 2009

Jihaad is Our Religion!

Why Calamities and Destructions are Happening to Muslims?

By: Mohamad Sherif Abdul Karim

Dear brothers, one question that may arise in our mind is why are these calamities, and destructions happening to Muslims. Yes, indeed the oppressors are the wrong doers. They make destruction and kill Muslims and steal their properties. On the other side, it is worth for us to look on ourselves so that we can improve our weaknesses. I would like to recite one Hadith... and I don't intend to elaborate on it. Let us read it and we judge it ourselves.

The companion 'Abdullah Ibn 'Abbas r.a. narrated that the Prophet sallallahu 'alaihi wa sallam said: "Five matters result when five things happen: If people break their covenant with Allaah, He will send an enemy against them; If they rule by other than the Law of Allaah, poverty will spread among them; If they are deceptive in trade, Allaah will deprive them of crops and will be struck with famine; And if they withhold the payment of Zakaah, they will be struck with drought" [At-Tabaraani]

In another narration he sallallahu 'alaihi wa sallam said: "If they break the covenant of Allaah and His Messenger, Allaah will send an external enemy against them who will seize some of their possessions; If they do not rule by the Book of Allaah, nor attempt to implement everything in it, Allaah will spread enmity among them."

Conversely, obeying Allaah and His Messenger sallallahu 'alaihi wa sallam is the source of victory. Allaah says "O you who have believed, if you support Allaah, He will support you [by giving you victory]." [Surah Muhammad Ayah 7] Indeed, Allah gives victory to those who deserve it. And most of the times defeat comes from ourselves.

One night, Sa'd Ibn Abi Waqqas, may Allaah be pleased with him, was checking on his army during the battle of Qadisiyyah. He passed by the tent of one group of Mujahideen at night and found the men inside praying Qiyam, or voluntary night-prayer, and remarked: "Victory comes from such a tent" and then he passed by another tent and found the men inside sleeping and remarked: "Defeat comes from such a tent."

This was despite the fact that the men who were sleeping only missed a recommended prayer and not an obligatory one; yet Sa'd

considered missing this recommended act to be a valid reason for defeat.

Let us avoid destructions, disasters and humiliation. Muslims have experienced too many appalling tragedy in their own lands, First it was Palestine, then Afghanistan, then Bosnia, then Chechnya, then Iraq, and now Somalia, and tomorrow we never know whose turn it will be.

The Prophet sallallahu 'alaihi wa sallam was once asked: "Would we be punished by disasters which befall us while we have righteous people amongst us?" he sallallahu 'alaihi wa sallam replied: "Yes, if evil becomes widespread." Allaah says clearly on this issue in al Quraan: "And fear the Fitnah (affliction and trial, etc.) which affects not in particular (only) those of you who do wrong (but it may afflict all the good and the bad people), and know that Allaah is Severe in punishment". [Surah Al-Anfaal: 25]

Therefore, if Muslims truly wish for safety from destruction and attain victory in Jihaad, then they must change and improve what is in themselves as Allaah says that which translates as: "Verily! Allaah will not change the good condition of a people as long as they do not change their state of goodness themselves. But when Allaah wills a people punishment, there can be no turning back from it, and they will find besides Him no protector". [Surah Ar-Ra'd: 11]

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2 English

The Muslim Fortress
Supplication against the enemies

"Allahumma Munzil-il-Kitaabi, Seril'-il-hisaabi, ihzim-il-ahzaaba, Allahumma-hzinhum wazaizihum." (Muslim/1362)

ALIVE HEART
QUR'AN

Allah SW says: "O you who believe! What is the matter with you, that when you are asked to march forth in the Cause of Allah (i.e. Jihad) you cling lazily to the earth? But little is the enjoyment of the life of this world as compared to the Hereafter. If you march not forth, He will punish you with a painful torment and will replace you by another people, and you cannot harm Him at all, and Allah is Able to do all things" (TAUQAH 99:39)

HADITH

"If you treat (interest), be lax with cattle, neglect in farming, and abandon JIHAD, Allah will punish you. He will NOT remove it till you return to your RELIGION" (Tirmidhi)

NOTABLE QUOTES

Supreme power resides in the hands of Allah. He will do what He wills.

America's Terrorism
ROBIN CHAMBERLAIN: Darfur - It's a good question why Darfur is such an issue. I mean, there's a lot of killing in Darfur. The numbers are apparently woefully made up, but it's substantial. On the other hand, it isn't a fraction of the dead in Iraq. Let's say, and it isn't even a tiny fraction of the dead in the Congo fight over it. So why is there a huge emphasis on Darfur, and not one about a hundred times as bad about the Congo, and one a thousand times as bad about Iraq? Because we're doing them. It's not for pretty much, I think...

44 Ways of Supporting Jihaad

By Asrar al Anbali (www.asrar-alanbali.com)

(continued from last week)

6. Taking care of the family of a Mujahid

Taking care of the family of the mujahid could be by protecting them, tending to their needs, providing them with financial assistance and protecting their honor. The Messenger of Allah (sawws) says: "Anyone of you who takes care of the family and wealth of a mujahid will receive half the reward of the mujahid" (Muslim) The duty towards protecting the honor of the wives of the mujahideen on the ones who stay behind is like their duty towards protecting the honor of their mothers. If a person who stays behind promises to take care of the wife of a mujahid but then betrays him, on the Day of Judgment the mujahid will be told that this man betrayed you so take whatever you want from his good deeds. So he will take whatever he likes. (Muslim)



"Whoever does not fight, sponsor a fighter, or take care of the family of a fighter, will be afflicted with a disaster before he dies." (Abu Dawood)

If a person fears for the safety of his family, Shaytan can take advantage of that and prevent that person from going to Jihad. Even if such a person disobeys Shaytan and does go to Jihad, Shaytan can come to him and weaken his heart by whispering to him about the loved ones he left behind. Therefore, taking care of the families of the mujahideen would help their morale and that is why Islam devoted this attention to taking care of the family and wealth of the mujahideen. (To be continued next week)

RIBAAT
MASJID NUUR
SOWETO

Allah SW says: "How often a small group overcame a mighty host by Allah's Leave" [Al-Baqarah 249]

All Shabaab are invited to a one day Ribaat at Masjid Nuur in Soweto, on the 10th of Oct, 2009 from Asr prayers till Fajr the next day.

Several Sheikhs will address various topics.

Theme: Al-Shabaab in the Reawakening of The Ummah!

Make a point to Attend and get to know your duty in This Very Noble Ummah.

The Program Timetable

SATURDAY after Asr:

- Sheikh Ali Bahera: "Verily they are the youth..."
- Sheikh Shaban Ismael: "Wala of the Youth is Da'wah"

SATURDAY after Maghrib:

- Dr. Mohammad Uthman: "The future is for Islam"
- Sheikh Saïd Bafana: "The Methodology of Sunnah"

SUNDAY after Fajr

- Al-AMr Ahmad Iman: "Al-Wala wal Bara"
- Sheikh Hassan Mohamad: "State of the Ummah vs the Salaf and the Sahabah"

MUSLIM YOUTH CENTER
Islamic Center
Mogalese, Soweto, Johannesburg

Workshop - Shaabab al-Jihad

This is a Muslim Youth Center which has several Da'wah activities aimed at offering educational opportunities for the youth. It provides support system for the less fortunate, uplifting the youth in all areas of need, including literacy, parenting and business and much more.

The center is located in Mogalese, Township, Soweto.
Contact: 011 462 211 / 011 462 214
E-mail: muslimyouthcenter@gmail.com
For Da'wah Activities contact: 011 462 214
Mogalese, Soweto, Johannesburg
www.muslimyouthcenter.co.za

Afwan Medical Centre & Nursing Home

Opposite Panwani Maternity, Main Entrance
P. O. Box 46041 - 08100 Harare Tel: 0722 937430/ 0722 187811/ 0722 734732

Services available:

- Children's Clinic
- Hypertension & Heart Specialist Clinic
- Laboratory
- Pharmacy
- Dental Clinic
- Maternity
- Surgery
- Circumcision
- Diabetic Clinic
- Home-based Care
- Ear, Nose, Throat Specialist

Muslim Youth Library

This is a project of Muslim Youth Center and it offers a wide range of learning facilities and programs, Arabic language, Friday Khatba, Al-Misabik, Islamic Literature & Dars, Computers and much more!

The Library is Open Mon-Sun
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Annex 2.2.c.: Al-Misbah Weekly Newsletter, Issue No.085, 23 October 2009



AL-MISBAH

A PUBLICATION OF MUSLIM YOUTH IN MAJENGO, FIMBANI

Issue No.085 This newsletter contains some of Allah's names. Do not throw it in trash, litter, street, or discard. Sheet No.085 d. 1430/13 Oct. 2009

Jihaad is Our Religion!

Fighting Against Government Armies in the Muslim World

July 14, 2009 - 1430 ربيع 23

by [Anwar al-Awlaki](#) Filed under [Imam Anwar's Blog](#)

Any army in the world exists with the sole purpose of defending the people from their enemies. But the armies of the Muslim world exist with the sole purpose of defending the interests of the enemies from the Muslims! This is one of the most ironical situations in our history!

These armies serve two purposes: Defending the King or President along with their associates and secondly, defending the interests of the enemies of the ummah, the Zionists and Crusaders. These armies are blocking each and every attempt to re-establish Khilafah and Islamic law. They stand against those who want to establish Islam through Jihad and they even stand in front of those who seek to reach government through peaceful means as what happened in Algeria in the past. In other words, there can be no Islam with the presence of these armies.

The Islamic rule states that whatever is needed to establish an obligation becomes an obligation. Establishing Islamic sharia is an obligation, and fighting in the cause of Allah is an obligation, and if that cannot be achieved except by fighting against these armies then that becomes an obligation.

These armies are the defenders of apostasy in the Muslim world. They fight against Sharia and kill the Muslims who attempt to bring it back. They are fighting on behalf of America against the mujahideen in Pakistan, Somalia and the Maghrib. If this is the case with these armies how could anyone place the blame on the ones who fight them, accusing them of fighting against Muslims? What kind of twisted fiqh is this? The blame should be placed on the soldier who is willing to follow orders whether the order is to kill Muslims as in Swat, bomb Mosques as with the Red Masjid, or kill women and children as they do in Somalia, just for the sake of a miser salary. This soldier is a heartless beast, bent on evil, who sells his religion for a few dollars. These armies are the number one enemy of the ummah. They are the worst of creation. Blessed are those who fight against them and blessed are those shuhada who are killed by them.

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44 Ways of Supporting Jihad

By Anwar al-Awlaki (www.anwar-awlaki.com) [continuation from last issue]

8. Sponsoring the families of the prisoners of war: Taking care of the family of a prisoner is equal in reward to taking care of the family of a mujahid. It is extremely important for such a practice to become the norm so that in the future when our brothers go out in the path of Allah they would know that if they die or if they are captured their families would be taken care of.

9. Providing Moral support and encouragement for the mujahideen: When the mujahideen hear lemons making dua for them, scholars giving fatwas supporting them and the Muslim masses praising them, this boosts their morale and gives them the strength to carry on. However, we find that many Muslims betray their brothers by speaking against them. We see scholars issuing fatwas in support of the apostate governments in their fight against the mujahideen. One should not underestimate the detrimental effect such betrayal has on the mujahideen.

VACANCY: Secretary cum Receptionist

Allah SWT says: "(Yusuf) said: 'Set me over the store-houses of the land; I will indeed guard them with full knowledge.'" (Yusuf: 55)

REQUIREMENTS: Respectful Muslim Lady; Secondary Certificate; Computer Literate in all packages; Experience in Secretarial and Reception work. (Accounts Experience is an added advantage.) Qualified personnel are requested to apply for the above position.

Deadline: 30th Nov 2009 For more details, Kindly Contact the following numbers: 0722 752 239 / 0715 216 808

Al-Misbah is a Publication of Muslim Youth Center, Majengo, Fimbanko, PO Box 11030 00201, Cap. Town, Nairobi, Kenya. Tel: 01122 228 584 / 01122 647 147 email: anwar@al-misbah.com

2 English

The Muslim Fortress
Supplication against the enemies

"*Allahumma Munzil-il-Kitaabi, Saril-il-hisaabi, ihzim-il-ahzaaba, Allahumma-hzimhum wazalzilhum.*" [Musim3/1362]

ALIVE HEART
QUR'AN

Allah SW says: "O you who believe! This is the matter with you, that when you are asked to march forth in the Cause of Allah (i.e. Jihed) you cling heavily to the earth? But little is the enjoyment of the life of this world as compared to the Hereafter. If you march not forth, We will punish you with a painful torment and will replace you by another people; and you cannot harm Him at all, and Allah is Able to do all things" [TANJAK 38:39]

HADITH

"If you manifest (Jihed), be busy with work, content in fasting, and observe JIKRAH, Allah will battle enemies for you, He will not remove it till you return to your RELIGION" (Tirmidhi)

IMPORTANT NOTICE

TALEEM PROGRAM:

At Parkroad Masjid
(Tombura of Bechara)
Sunday: Sheikh Bilal Moustafid
Subject: Aqeedah
Wednesday: Sheikh Abou Ali
Subject: Fiqh
Friday: Sheikh Ahmed Ibrahm
Subject: Tafseer
Sheikh Hassan Bekhadad (at a Day 14)
Majaza, Masjid Spanish on Saturdays
Subject: Hadith (40 Answers)
All Jams are conducted after Maghrib
At our Welcome, Sincerely

Militants and Algerian Army Clash in Desert [Oct 10, 2009]

ALGIERS (AP) — Ten Islamist militants and three soldiers were killed in a fierce gun battle in the Sahara Desert when a convoy of heavily armed militants was attacked by the Algerian Army, officials said Saturday. The gunmen, crossing the desert in a caravan of several 4-by-4 vehicles, took refuge in remote terrain near the Great Erg, the world's largest sand dune, early Friday when they saw they were being trailed by the army and special police forces, the officials said. They fought off the security forces, killing three and wounding two others, said an elected official in the town of Bechar, 610 miles southwest of Algiers, the capital. A security chief in Bechar said the security forces, supported by army helicopters, killed 10 militants, including three who did not appear to be Algerian nationals. The officials gave no reports of arrests. The authorities seized several heavy machine guns and large quantities of ammunition and medicine after the clash, they said. Both officials spoke on condition of anonymity because Algerian emergency laws forbid discussing developing security matters. Several independent Algerian newspapers also reported the clash on Saturday. There was no comment from the government. While Islamist militants have claimed responsibility for multiple bomb attacks in northern Algeria, the south of the country has largely been spared the violence. But many security experts believe that Algeria's militants use the sprawling southern deserts as rear bases and for trafficking weapons, drugs and illegal migrants over the region's porous borders with sub-Saharan countries like Mali and Niger. The militant group known as Al Qaeda in the Islamic Maghreb also has been blamed for several kidnappings of Western tourists in the desert over the last few years. Its fighters are a leftover from a civil war between radical Islamists and government forces that killed up to 200,000 people in Algeria during the 1990s. The group merged with Al Qaeda in 2006.

The Army of Yemen Confronts the Mujahideen [Aug 1, 2009]

In the first confrontation between the government of Yemen and the Mujahideen, the government suffered a humiliating defeat. The fight began between a military convoy and one of the mujahideen in the area of Marib. The convoy was made up of tanks, artillery, armored vehicles and foot soldiers. When the confrontation began with the mujahid brother, the mujahideen of the surrounding areas poured in and surrounded the army. The army used artillery to bomb the houses of the brothers but the shells fell on houses of members of the tribe who were against the mujahideen. The fight started at noon July 30th and ended at sunset. The result of the battle was five destroyed tanks, two armored vehicles, at least 3 soldiers killed and five soldiers taken prisoners. The brothers also took over an entire truck load of weapons in addition to other pieces of equipment left behind by the fleeing soldiers. Casualties amongst the ranks of the mujahideen: None. None killed, none injured and no damage to their houses or property either. The first face to face fight between the army and the mujahideen ended in a resounding victory for the mujahideen. May Allah bless them with further victories. The army pulled out after asking for a truce from the mujahideen. May this be the beginning of the greatest Jihad, the Jihad of the Arabian Peninsula that would free the heart of the Islamic world from the tyrants who are deceiving the ummah and standing between us and victory.



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Markazi Shaikh-ul-Islam
This is a Muslim Youth Center which has several Da'wah activities aimed at offering educational opportunities for the young, economic empowerment for the less fortunate, upholding the goals of all areas of social, including education, poverty and character and much more.
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Fax: 0535 444 444
Website: muslimyouthcenter.com
Location: Majaza, Morocco

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- Ear, Nose, Throat Specialist



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Annex 2.2.c.: Al-Misbah Weekly Newsletter, Issue No.087, 6 November 2009



MUSLIM YOUTH CENTER
References to Allah

AL-MISBAH

A PUBLICATION OF MUSLIM YOUTH IN WAJENGG. PENWANI



شريعة
الاسلام

Issue No.087

This newsletter contains some of Allah's verses. Do not throw in trash, either store, shred, or circulate. Shaban

Shab-06/Nov. 18, 1430/06 Nov, 2009

Jihaad is Our Religion!

"A Message In Support Of Mujahideen in Somalia And Exposing The Suspicions Of the Dajjal Scholars" - by Sheikh Abu Muhammed al-Maqdhal

Praise be to God, Who glorified Islam and Muslims, and humiliated polytheism and polytheists. Prayers and peace be upon the leader of the mujahideen and the seal of the prophets and messengers, upon his family, his companions, and those who follow his guidance to the Day of Judgment. What delights the eye of every monotheist is the degree of excellence, the purity of the methodology, the clearness of the announcements, and the maturity of the leadership's perceptions. This delighted the monotheists and saddened the polytheists. It gave us hope in an eminent victory, for this ummah, and a manifest conquest. Today, I address my message to the heroes and the mujahideen of Somalia (the Mujahideen Youth Movement) may God grant them victory, and honor them with religion and may He empower their banner. We have followed their news and some of their requests for advisory opinions have reached us. We were delighted to see their eagerness in seeking the truth, and their quest for God's satisfaction. We witnessed the purity of their methodology, the clearness of their banner, and their adherence to It. I ask God, to Whom belong Might and Majesty, to Honor them, Support them, Empower their banner, and Restrain their enemy. And if the state of the mujahideen there is so, then, no wonder America is interfering in the jihad in Somalia, fighting the mujahideen whose vision is clear and methodology is upright, and supporting those who declared war against the mujahideen. The news and statements that emerged from within Somalia and America recently, clearly show that Washington is now meddling in Somalia's affairs, through political and military support to the government of Shaykh Sharif Shaykh Ahmad.

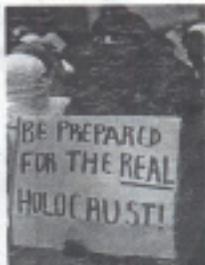
On 23 August, Shaykh Sharif said that his government has political and strategic ties with the United States of America, and on that ground, it is necessary to improve such ties. Moreover, he explained that the country was in need for the US support to restore security and stability in Somalia. In an interview with the Al-Jazeera News Channel, he said that public interest requires cooperation with the United States, because they came under the threats of al-Qaeda and the piracy. He said: "For these reasons, I accepted to shake hands with the US Secretary of State Hillary Clinton, although I am an Islamist president, necessity required taking such a step." I say Shaykh Sharif is aware of the necessities, but he does not give them their right precedence. The truth is that with such excuse he is deceiving the Somali people, and portraying the event as a mere handshake with a woman that was required by necessity, in order to obscure a stark reality and in an attempt to cover it with this manipulation. In fact, with this handshake, he put his hand in the hand of the enemies, and contracted a support deal with them, sided by them, and favored their enmity and outward show over the mujahideen. This is the truth of Shaykh Sharif's handshake with the US Secretary of State. It was not a mere handshake with a passing woman. As for a discussion about the non-permissibility to shake hands with women from a Religious standpoint, this is the view of the Murji'ah (non-righteous scholars) of this era. In that respect, they constrain religion and

BROWSE THE WORLDWIDE WEB AT SATELLITE SPEED WHILE HAVING A CUP OF CAPUCCINO AT
COCOA BERRY CYBERCAFE.
AT AL-AMEEN MASJID IN JUJA, EASTLEIGH.

the Shari'ah. It is well-known that they (the non-righteous scholars) categorize it within the great sins, on which they pour a great deal of talk, a great more thinking than that devoted to matters of infidelity and polytheism, and the handshake is so trivial compared to Sharif's championing the infidels and siding by them against the mujahideen. Prior to that and more specifically, on 6 August last year, the US Secretary of State, Hillary Clinton pledged to continue supporting the transitional government in Mogadishu, financially and militarily. At that time, Clinton met with the Somali President Shaykh Sharif Shaykh Ahmed in the Kenyan capital Nairobi, where she vowed to continue supporting his government in its confrontations with the mujahideen. In a press conference she held with Shaykh Ahmed at the US embassy in Kenya on 6 August, Hillary Clinton said: "The international community and the United States continue to support the Somali transitional government." She warned that the control of the Mujahideen Youth Movement over Mogadishu would provide a safe haven to Al-Qaeda Organization in Somalia, a matter that would threaten the United States. The US Secretary of State added that the United States takes the threats that arise from the extremist Mujahideen Youth Movement very seriously. Thus, in fact, the issue relates to the security of America, which wants to turn or rather it has already turned Shaykh Sharif into a policeman to guard its interests in Somalia. It turned him into a puppet, an authorized agent, or a replica of the tyrants that rule in the other lands of Muslims today, and who are faithful to the core of Israel and US interests in the region. Therefore, he sides with the US enemy, supporting it against the mujahideen, and surely not for Hillary Clinton's blue eyes, Shaykh Sharif attacked al-Qaeda and said "it is a terrorist organization that adopts the Takfiri ideology and makes permissible to shed the people's blood." He added: "Islam and Muslims disavow al-Qaeda's actions." He was acting totally like those heralds at the doors of hellfire, and the imposters, who follow the methodology of the one-eyed Antichrist in their employment of religion. They talk in one-eyed Antichrist's name deceiving the people and confusing truth with falsehood and mixing the path to paradise with the path to hellfire. Last Updated on Mon, 12 October 2009 18:48

For more info visit: www.umsak.org,
www.islamu.wordpress.com,
www.revolutionmuslim.com,
www.anwar-olaw-laki.com

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2 English

The Muslim Fortress
Supplication against the enemies

"Allahumma Munzil-il-Kitaabi, Saril-il-hisabi, ihzim-il-ahzaaba, Allahumma-hzimhum wazalzilhum." [Muslim3/1362]

ALIVE HEART
QUR'AN

Allah SW says: "O you who believe! What is the matter with you, that when you are asked to march forth in the Cause of Allah (i.e. Jihad) you creep heavily to the earth? But little is the enjoyment of the life of this world as compared to the Hereafter. If you march not forth, He will punish you with a painful torment and will replace you by another people; and you cannot harm Him at all, and Allah is Able to do all things" [TAWAR 38-39]

HADITH

"People will come to a time, their hearts will be the hearts of A'yaal in was'adha and what is the hearts of A'yaal The Prophet answered: It is the loss of the world, their way is the way of the nomads whenever Allah bestows upon them they leave it in cattle, THEY SEE JIHAD AS HARBUL, and SADAQAH as an expense" [Majma' Zawa'id]

IMPORTANT NOTICE
TA'LEEM PROGRAM:

At Parkroad Masjid
(courtesy of Kabaar)
Sunday: Sheikh Hassan Mohamed
Subject: Aqeedah
Wednesday: Sheikh Abdelfattah
Subject: Fiqh
Friday: Sheikh Ahmad Uthman
Subject: Tafseer



44 Ways of Supporting Jihaad

By Aswar al Awtaki [www.aswar-alawtaki.com]
[continued from last week]

12. Defending the Mujahideen and standing up for them
The Messenger of Allah (saws) says: "Whoever protects the reputation of his brother, Allah will protect his face from Hell Fire on the Day of Judgment" (Related by al Tirmidhi) He also says: "Any person who betrays a Muslim whose sanctity is being violated and reputation is being dishonored, Allah will betray him when he is in need of help and any person who protects a Muslim whose sanctity is being violated and reputation is being dishonored, Allah will assist him when he is in need of help" (Related by Abu Dawud) It is therefore our Islamic duty to stand up for the ones who are defending us and our religion. As a rule of thumb, we should never side by word or deed against our brothers in Islam especially the ones who have given up their lives for Islam and we should never side by word or deed with the disbelievers who are the enemies of our most beloved, Allah subhanahu wa ta'ala. And if one cannot speak the truth then at least they should remain silent.

13. Fighting the lies of the Western Media

The perceptions of many Muslims are formed by the Western media, Allah says: "O you who have believed, if there comes to you a disobedient one (fasiq) with information, investigate, lest you harm a people out of ignorance and become, over what you have done, regretful" (49:6) So what about when the news is coming from a kafir rather than a fasiq? The danger of the Western media stems from the fact that it puts on the cloak of truth and objectivity when in reality it is no more than the mouthpiece of the devil. Can't you see that the Western media is constantly trying to underplay the atrocities committed by the West while exaggerating the violations - which are few and far in between - committed by Muslims? Can't you see how the Western media succeeded in presenting the awlyaa' (friends) of Allah, the ones who are fighting in His cause, as the followers of evil, while it presents the Pharaoh of this day and his armies as the army of good? The Western media is so good in its deception that its lies pass on a wide section of the Muslim ummah. The fact is that this media demonizes the mujahideen, spreads lies about them, blows out of proportion their mistakes, tries to sow the seeds of disunity amongst them, attempts to ruin the reputations of their leaders, and ignores or demonizes the scholars of truth when on the other hand, it glorifies and promotes the scholars of falsehood. So my dear brothers and sisters part of your duty is to campaign amongst Muslims to raise their awareness regarding this issue. You should encourage them to be careful and critical of the Western media. A Muslim should not believe Western sources unless they are confirmed by a trustworthy Muslim one. I say a "trustworthy" Muslim source because the verse was warning us from accepting the news of a disobeying Muslim. Now that is not to say that we should not believe the media in anything it says even in its weather forecasts! No, what we are saying is that you should not believe what they say about Islam and Muslims. A media source that could otherwise be very objective and truthful could become a fabricator when it comes to covering news on Muslims. That is how the disbelievers dealt with Muslims since the dawn of history...and there is no reason for us to believe why that would change.

MUSLIM YOUTH CENTER

Mechanic: Shaheer-ul-Jaleel
This is a Muslim Youth Center which has several Turkish activities aimed at offering educational opportunities for the nearby students, especially for the less fortunate, spreading the path in all areas of need, such as: Islamic, jewelry and dresses and much more.
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09:00 hrs - 2:00 hrs

Namna 44 za Kusaidia Jihaad

Na Aswar al Awlaki (www.aswar-awlaki.com)

[Kwendelea toka wili jana]

12. Kuwalinda Mujahideen na kusimama nao pamoja
 Mume wa Allah (saw) amesema: "Yeyote atakaye ānda heshima na jina la ndugu yake, Allah ataulinda uso wake kutokana na moto wa Jahannam Siku ya Malipo" (imepokewa na al Tirmidhi)
 Pia Mume (saw) akasema: "Mtu yeyote atakae msaliti Muislamu ambaye heshima yake itaharibiwa na jina lake kuchafuliwa, Allah atamsaliti wakati atakuwa na haja ya usaidizi. Na yeyote atakaye mlima na kumsusuru Muislamu mwenye kuvuqijwa heshima yake na jina lake kularibiwa, Allah atamsaidia wakati atahitaji msaada" (imepokewa na Abu Dawud) Kwa hivyo ni jukumu letu la Uislamu kuwalamania wanacututea sil pamoja na Uislamu. Kwa kawaida, ni lazima tujipushe na kuwapiga vita ndugu zetu, imo kwa maneno au vitendo, khasa waliotoa maisha yao kwa ajili ya Uislamu na pia tustahikiane, imo kwa maneno au vitendo, na makafiri ambao ni maadui wa Allah subhanahu wa ta'ala. Na ikwa mtu hawezi kuzungumza ukweli basi ni bara kwake kunyamaza kinya.

13. Kupiga Vita Uongo wa Khabari za Magharibi

Fikra za Waislamu wengi zinaambetana na khabari za Magharibi. Allah amesema: "Enyi mloamin, ikiwa atawajeni mtu muasi (faasiq) na khabari, zichunguzezi, huenda mukadhuru watu bila ya kujua, na kika mukawa, kwa mliyoyatenda, wenyewe kujuta" (49:6) Je ikiwa khabari zenyewe zataka kwa makafiri na si faasiqi? Hataki ya khabari za magharibi ni kuwa zinadhipuka kutokana na vazi la haki na malengo lakini ukweli khasa ni kwamba ni mdomo unotangaza malengo ya shetani. Je huoni kuwa khabari za kimagharibi daima wanajaribu kufanya mauaji makubwa waliyoyafanya wenyewe kuwa ni mambo sahihi ama mauaji madogo yaliyofanywa na Waislamu kuyafanya ni makubwa na yamepindukia mpaka? Huoni kuwa wanakhabari wa kimagharibi waliyofaulu kuwafanya wapenzi wa Allah wanapigana katika Njia Yaka, kuwa ni wafvasi wa maovu, na kumfanya fir'aun wa zama zetu pamoja na majeshi yake kuwa ndiyo jeshi la wema? Wanakhabari wa Magharibi ni wataalamu katika kuhadua mpaka uongo wao unaoenea wengi katika Waislamu. Ukweli ni kwamba hizi khabari zinawafika doa mujahideen, kueneza uongo kuwakuwa, wanafanya makubwa makasa madogo ya mujahideen, wanajaribu kutia mbeu ya chuki baina yao, wanajaribu kuwafika dosari viingazi wao, na kutawajali ama kutul wasami wa haki, ama katika upande wa pili, inawafukuza na kuwakuwa wasami waovu. Kwa hivyo ndugu zangu moja katika jukumu letu ni kuwaelezea Waislamu, kuwafahamisha kuhusu hii jambo. Ukweli bidi wawe waangalifu na wachunguzi wa khabari za magharibi. Muislamu asiamini khabari za Magharibi mpaka zihitibihiwe na khabari za Waislamu wakweli. Nasema "Waislamu wakweli" kwa sababu aya ilikuwa inatuonya kukubali khabari za Muislamu faasiq. Na haimaanishi kuwa tuisamini khabari zozote za Magharibi hata za hali ya angal la, tunachosema ni kuwa usiamini wanachosema kuhusu Uislamu na Waislamu. Kihuo cha Khabari ambacho huenda kilawa dhenye malengo na ukweli yaweza kuwa ni wazushi wanapazunguzia khabari za Waislamu. Hivyo ndiyo makafiri wamekuwa wakikaa na Waislamu tangu zama za historia... na hama sababu yoyote kuonsha kuwa hilo huenda likabadilika.



2 Kiswahili

Kinga ya Muislamu Dua ya Kuwambea Maadui

"Allahumma Munzil-N-Kitaabi,
Saril'-il-hisaabi, Ihtim-il-
ahzaaba, Allahumma-htimhum
wazalilhum." [Muslim/3/1362]

UHA! MOYONI QUR'AN

Allah amesema: "Enyi Mloamin! Mee nini unapambana? Wadana (Jihad) kwa ajili ya dini ya Allah maejiria wote katika ardhi? Je, mwanakweli weli na waliko ya dunia kuliko ya Akhira? Lakini utaruka za maisha ya dunia kwa Akhira ni kidogo. Kama haentakwada atakwadhitari kwa ulwazi unayorita, na atawala wote wengine badala yao, wote hawawafuru na chache, na Allah ni Mwenye juu ya kila kitu" [TAMBAH 38:39]

HADITH

"Watu watafika zama, nyota zao ita kuwa nyota za A'gha ila'irwa: ni kila nyota za A'gha ila'irwa akadua: ni mapezi ya hii dunia, sifa yao ni sifa ya mabedi, chachote Allah anawawezesha neho wote waliio kutika ulwazi, WANAOMA JIHAD NI WADHIFA, NA SARAH ni 66:24" [Majma'Zawid]

TANGAZO MUHIMU TA'LEEM PROGRAM:

Sheikh Hassan Mohamed has a
Darsa in Mrejengo, Masjid Sunnah
Every Saturday
Subject: Hadith [40 Annawawil]
All Duras are conducted in
Magharib
All are Welkama. Shekran!

Maktabatu-Shabab-Ul-Islam
Huu ni madi wa Markazi-
Shabab-Ul-Islam na inapena
vifaa tofauti pamoja na
baraza ya alama
Leghe ya kiasia, Khatiba za
Juma, Al-Muloh, Vitabu
vya Kitilamu na Dawa,
Kampeta na menginezi
Maktaba irafungubwa
Jamatai hadi Jamajiti
09:00 hia - 2:00 hia

Pumwani Riyadhha Mosque Committee
 Hereby takes this opportunity to remind all its members of the
 Continuing Member Registration Exercise at Maratib offices.
 Please make a point of confirming your Registration.
 The exercise has been extended for one more week.
 Closing date 14th November 2009

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 vifaa tofauti pamoja na
 baraza ya alama
 Leghe ya kiasia, Khatiba za
 Juma, Al-Muloh, Vitabu
 vya Kitilamu na Dawa,
 Kampeta na menginezi
 Maktaba irafungubwa
 Jamatai hadi Jamajiti
 09:00 hia - 2:00 hia

Annex 2.2.d.:

Photograph of minor at a Muslim Youth Centre recruitment session, 20 October 2009⁶²



Unidentified young boy at MYC Jihad training session, Masjid Nuur (Nuur Mosque) in Kawangware, Nairobi on 20 October 2009

⁶² Note: the image has been distorted to protect the subject's identity.

Annex 2.2.e.:

Photo of Muslim Youth Centre “Jihad training” at Sir Ali Muslim Club, Nairobi, 27 September 2009



Annex 2.2.f:
Muslim Youth Centre receipt for "Jihad training" event at Sir Ali Muslim Club, September 2009

Sir Ali Muslim Club
MUSLIM ROAD - OFF PARK ROAD
P.O. Box 41248 - 00100 Nairobi Kenya
Tel: 020 6767087, 2391319 Tel/Fax: 6767087
Email: siralimuslim@yahoo.com

NO. 17045
DATE _____ 200__

RECEIVED FROM _____
ADDRESS _____
THE SUM OF KSHS. _____
BEING PAYMENT OF _____

WITH THANKS

CASH/CHEQUE NO. _____

FOR & ON BEHALF OF
SIR ALI MUSLIM CLUB
HON. TREASURER _____

Sir Ali Muslim Club
MUSLIM ROAD - OFF PARK ROAD
P.O. Box 41248 - 00100 Nairobi Kenya
Tel: 020 6767087, 2391319 Tel/Fax: 6767087
Email: siralimuslim@yahoo.com

NO. 17046
DATE _____ 200__

RECEIVED FROM _____
ADDRESS _____
THE SUM OF KSHS. _____
BEING PAYMENT OF _____

WITH THANKS

CASH/CHEQUE NO. _____

FOR & ON BEHALF OF
SIR ALI MUSLIM CLUB
HON. TREASURER _____

Sir Ali Muslim Club
MUSLIM ROAD - OFF PARK ROAD
P.O. Box 41248 - 00100 Nairobi Kenya
Tel: 020 6767087, 2391319 Tel/Fax: 6767087
Email: siralimuslim@yahoo.com

NO. 17047 ✓
DATE _____ 200__

RECEIVED FROM _____
ADDRESS _____
THE SUM OF KSHS. _____
BEING PAYMENT OF _____

WITH THANKS

CASH/CHEQUE NO. 10,000/- (Ten thousand)

FOR & ON BEHALF OF
SIR ALI MUSLIM CLUB
HON. TREASURER _____

Sir Ali Muslim Club
MUSLIM ROAD - OFF PARK ROAD
P.O. Box 41248 - 00100 Nairobi Kenya
Tel: 020 6767087, 2391319 Tel/Fax: 6767087
Email: siralimuslim@yahoo.com

NO. 17048
DATE _____ 200__

RECEIVED FROM _____
ADDRESS _____
THE SUM OF KSHS. _____
BEING PAYMENT OF _____

WITH THANKS

CASH/CHEQUE NO. _____

FOR & ON BEHALF OF
SIR ALI MUSLIM CLUB
HON. TREASURER _____



Sir Ali Muslim Club

MUSLIM ROAD - OFF PARK ROAD
P.O. Box 41246 - 00100 Nairobi Kenya
Tel: 020 6767687, 2391319 Tel/Fax: 6767687
Email: siralimuslim@yahoo.com

NO. 17049 ✓

DATE 24/9/2009

RECEIVED FROM Kaisan Muzaffar Hussain Young
ADDRESS _____
THE SUM OF KSHS. Ten thousand only
BEING PAYMENT OF Dana

WITH THANKS FOR & ON BEHALF OF
SHS. 10,000/- 10,000/- (Ten thousand) Shan
CASH/CHEQUE NO. HON. TREASURER



Sir Ali Muslim Club

MUSLIM ROAD - OFF PARK ROAD
P.O. Box 41246 - 00100 Nairobi Kenya
Tel: 020 6767687, 2391319 Tel/Fax: 6767687
Email: siralimuslim@yahoo.com

NO. 17050

DATE 24/9/2009

RECEIVED FROM _____
ADDRESS _____
THE SUM OF KSHS. _____
BEING PAYMENT OF _____

WITH THANKS FOR & ON BEHALF OF
SHS. _____
CASH/CHEQUE NO. HON. TREASURER



Sir Ali Muslim Club

MUSLIM ROAD - OFF PARK ROAD
P.O. Box 41246 - 00100 Nairobi Kenya
Tel: 020 6767687, 2391319 Tel/Fax: 6767687
Email: siralimuslim@yahoo.com

NO. 17051 ✓

DATE 23/9/2009

RECEIVED FROM Kaisan Muzaffar Hussain Young
ADDRESS _____
THE SUM OF KSHS. fifteen thousand only
BEING PAYMENT OF Dana

WITH THANKS FOR & ON BEHALF OF
SHS. 15000/- 15000/- (fifteen thousand) Shan
CASH/CHEQUE NO. HON. TREASURER



Sir Ali Muslim Club

MUSLIM ROAD - OFF PARK ROAD
P.O. Box 41246 - 00100 Nairobi Kenya
Tel: 020 6767687, 2391319 Tel/Fax: 6767687
Email: siralimuslim@yahoo.com

NO. 17052

DATE _____

RECEIVED FROM _____
ADDRESS _____
THE SUM OF KSHS. _____
BEING PAYMENT OF _____

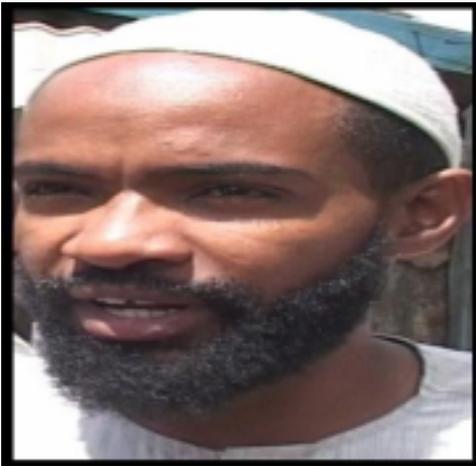
WITH THANKS FOR & ON BEHALF OF
SHS. _____
CASH/CHEQUE NO. HON. TREASURER

Annex 2.2.g.:
Photograph of Muslim Youth Centre members at the Abdullah al-Faisal demonstration,
15 January 2010



Members of MYC at Abdullah al-Fazial demonstrations, Nairobi, 15 January 2010.

Annex 2.2.h.: Photographs of 'Amiir' Ahmad Iman Ali



Annex 2.2.i.: Copy of cheque donation by Honourable Amina Abdullah, Member of Parliament

BANKERS CHEQUE
CO-OPERATIVE BANK OF KENYA
 PARLIAMENT ROAD BRANCH
 P.O. BOX 8772 00200 NAIROBI

17/02/2011
 17 FEB 2011
 RECEIVED
 11-044

Pay PUMWANI RIYADHA MOSQUE or Order
 Kenya Shillings FIVE HUNDRED THOUSAND ONLY.

0134000004400
 0134000004400

KSh - 500,000/-

04921301104450113=4000004400

Pumwani Riyadha Mosque Committee
 Hc N- 601259001



Receipt
Pumwani Riyadha Mosque Committee
 Digo Road - Mejenga, Pumwani P.O. Box 38714 - 00600 Nairobi, Kenya
 Phone: 020-2473098 0720-829031/0733-21870
 E-mail: pumwanriyadhamosque@yahoo.com

No. **667** Date **17 FEBRUARY, 2011**

RECEIVED from: **JAHAT INVESTMENT COMPANY LIMITED**
 the Sum of Shillings: **FIVE HUNDRED THOUSAND SHILLINGS ONLY**
 being payment of: **DONATION TOWARDS THE CONSTRUCTION**

Bank Slip No. **500,000/-** Cheque No. **049213**

Kshs. **500,000/-**

With thanks
 [Signature]

Form: Pumwani Riyadha Mosque Committee

Annex 2.2.j.:

Kenyan Tourism Minister Najib Balala at Pumwani Riyaddha Mosque Committee/Muslim Youth Centre fund-raising event

Minister of Tourism, Najib Balala talking to MYC members including Abdul Karuri “Lovy”, Abdi Mbithuka “Daddy” at the Riyadhha Mosque site



‘Amiir’ Ahmad Iman Ali coordinating the PRMC Fundraising event, with Najib Balala (circled behind on right) in discussion with other PRMC/MYC Members



Minister Najib Balala (left) handing a PRMC Development Steering Committee member a cash donation at the fund raising event



Excerpt from a PRMC flyer for the event

THE COMMITTEE MEMBERS
 The current Pumwani Riadha Mosque Committee consists of the following members:

Chairman	Hamadi Munyi
Vice Chairman	Ali Abdul Majid
Secretary	Ahmad Iman Ali
Assistant secretary	Abdul Karuri
Treasurer	Dr. Abdallah Iddi
Assistant Treasurer	Issa Mohammed
Organising secretary	Abdi Mbithuka

Members:

Asha Kobonde	Suleiman Karanja
Zaituni Hassan	Juma Rajab
Amina Hassan	

The Development Steering committee Members is made up of

Chairman	Abdallah Ndope
Treasurer	Mohammed Muya
Assistant treasurer	Dr. Abdallah Iddi
Secretary	Ahmad Iman Ali
Assistant secretary	Abdul Karuri
Organising Secretary	Abdi Mbithuka

Annex 2.2.k.:

Transcript of audio recording of Ramadan Osao “Captain” and a Pumwani Riyaddha Mosque Committee member, 7 May 2011⁶³

“D”: Yes, yes.

Captain: There is no other better way.

“D”: Yes, I agree.

Captain: You see how hard we are working; you should send us at least 1,000 Mzee. (laughs)

“D”: (laughs) Yes. (Pauses) How are the rest?

Captain: With God’s grace they are all fine.

“D”: Ok. I will find a way to assist.

Captain: Hustle to find a way to get us the money. You know of those men who spend all their dollars on food and women. Find a way to get them to send money for our work.

“D”: Ok, yes, yes.

Captain: This is what they should contribute to because the material world has no meaning now.

“D”: Ok, yes.

Captain: God willing. Hustle, hustle. Work hard to send us the money.

“D”: Ok, fine. I will. How is the Ammir [Ahmad Iman Ali]?

Captain: All are well. In fact, we are together with God’s grace.

“D”: Ok. That is good. Please pass my regards to all of them.

Captain: Ok. Have a word with Habib.⁶⁴ [Speaker 03]

“D”: Thank you.

Karongo: (greeted in Arabic) How are you?

“D”: Fine, fine, with God’s grace.

⁶³ On 7 May 2011, a telephone conversation took place between a PRMC official (using either +254723816658 or +254739714377) to +252 615740396 and a number associated with “Captain” (who also uses +252 618 508 948 and +8824 52909485).

⁶⁴ “Habib” is Suleiman Irungu Mwangi “Karongo”, who is a physical trainer for Al Shabaab recruits. On 14 May 2011, the Monitoring Group interviewed Laura Zuena Mwangi who confirmed the voice of her brother “Karongo” as being “Habib”.

Karongo: We have not heard from you in a long time.

“D”: With God’s grace, we are not complaining.

Karongo: You have heard of that Sheikh [Osama Bin Laden]. After several years he has found his way here.

“D”: Who is that? (Remembers) Oh yes! After how many years?

Karongo: After more than 20 years.

“D”: In that verse (quotes a verse in Arabic) Allah chooses his fighters.

Karongo: Yes, there is also a Hadith (verse) that says that a true Muslim has to find the reason. Without reason, you cannot justify the fight.

“D”: Yes, yes. What happened with Asuu?

Karongo: Asuu, just like you had mentioned. He was chosen. And he was taken to Ethiopia (border of Ethiopia). But there was one of the leaders training them who died in Nairobi when he went there for treatment.

“D”: And I hear that they have gone into hiding there. Are they still there?

Karongo: Yes they are still there. They are determined to smuggle themselves through the Kenya-Somalia border.

“D”: Ok. If they are caught, they will become Shaheed (martyrs).

Karongo: That is where they are training and fighting.

“D”: And where are you? Are you also stationed at the border?

Karongo: No. But I usually frequent the border with the rest every day.

“D”: Ok. That is good.

Karongo: I am here with the Amiir and (name indistinct)

“D”: Aha! That is nice. Let me top up my phone with money and call you back again to talk to the rest.

Karongo: Ok. God be with you.

“D”: Ok.

End.

Annex 3

Al-Shabaab finances

Annex 3.1.: Case study: Al-Shabaab's 'charcoal for sugar' trade cycle

Charcoal Exports: Somalia's 'Black Gold'

1. Southern Somalia's principal export product, charcoal is gathered from pastoralist and agricultural areas, mainly from acacia forests in riverine zones between the Juba and Shabelle rivers.¹ Packaged and sold in sacks weighing 23-25kg each, charcoal has become the most lucrative source of income for Al-Shabaab. An estimated 80% of charcoal produced in Somalia is destined for export, mainly to GCC countries and only the remaining 20% for local population consumption.²

2. The Monitoring Group estimates the total trade volume of charcoal exports from southern Somalia to be in the range of 3.5-4.5 million sacks per year,³ representing revenues for Al-Shabaab in excess of \$15 million a year.⁴

Charcoal being loaded on a vessel in port of Kismaayo on 25 April 2011



CASE STUDY: Saleh Da'ud Abdulla, a privileged exporter of charcoal

The most important charcoal trader operating between Kismaayo and Baraawe, and the largest single exporter of charcoal to the GCC countries is Saleh Da'ud Abdulla (also spelled Dawud). He is the General Manager of Al Baoon Trading Co. L.L.C.⁵ (also spelled Al Baun Trading Co. in Somalia),

¹ The UAE currently enforce a ban on livestock imports from southern Somalia.

² Zach Baxter, The Inventory of Conflict & Environment (ICE) case studies, Number 201, May, 2007, American University, accessed online on 13 April 2011 <http://www1.american.edu/ted/ice/somalia-coal.htm>. The practice of charcoal production in Somalia also causes grave environmental damage and exacerbates community conflicts.

³ Several interviews conducted in the UAE with charcoal traders between November 2010 and March 2011.

⁴ This is a conservative estimate.

⁵ Al Baoon General Trading L.L.C. was registered in the Dubai Chamber of Commerce & Industry on 6 November 1995. Its Dubai License Number is 238116. Al Baoon listed shareholders are Ahmad Saeed Abdulla Al Sharif from the UAE and, Saleh Dawud Abdulla from Somalia (Annex 3.1.a). By law, most registered companies in the UAE need a UAE national partner or sponsor.

a general trading company based in Dubai, and alleged owner of MV Jhowhar (IMO 7707968),⁶ a Panama flagged ‘roll-on roll-off’ (Ro-Ro) cargo vessel with a deadweight tonnage of 9,302 tons that regularly transports around 250,000 sacks of charcoal.⁷ Da’ud also owns a company in Saudi Arabia.⁸

Business associates describe Da’ud as an ideological affiliate of Al-Shabaab, who prefers to collaborate only with partners who share his ideological orientation, mainly in Somalia and Saudi Arabia.⁹ Three of his Somali partners are among the biggest charcoal exporters from Al-Shabaab controlled areas¹⁰, and Hassan Dheere, a high-ranking Al-Shabaab officer at the port of Baraawe¹¹, is also a close business associate of Da’ud.

The Monitoring Group obtained two cargo manifests showing that Al Baoon Trading shipped 148,960 sacks of charcoal from the port of Kismaayo and 65,346 sacks of charcoal from the port of Baraawe to the port of Jizan in Saudi Arabia on 7 and 24 September 2010 respectively (Annex 3.1.b).

According to other charcoal traders from Kismaayo, Da’ud dominates the local market by buying charcoal at inflated prices and selling it at significant discounts in the GCC, incurring heavy losses on his side in return for shutting competitors out of the market.¹² Moreover, several of Da’ud’s shipments between September 2010 and April 2011 burned in transit, incurring additional financial losses on his part.¹³ According to other charcoal traders, Da’ud is able to sustain these losses because Al-Shabaab members and sympathizers in Saudi Arabia launder their contributions to the movement through Da’ud’s accounts abroad, which also permits him to recoup his losses.¹⁴

In an attempt to verify these allegations, the Monitoring Group obtained a cheque issued by Al-Baoon showing its trading account as being domiciled at Mashreq bank in Dubai, United Arab Emirates (Annex 3.1.c). The Monitoring Group has written to the UAE authorities asking for records of Mr Dawud’s accounts as well as his corporate profile in the UAE but received no reply.¹⁵

⁶ The registered owner of MV Jhowhar is Abdullahi/Alzahrani (IMO 5352479), Care of Jerusalem Shipping LLC (IMO 5134270), Hamriya Port Office 81, al-Hamriya Port, PO Box 87650, Dubai, United Arab Emirates. However, according to a Dubai based Somali transporter and trader, Saleh Da’ud is the “real” owner of MV Jhowhar (Interview conducted in Nairobi on 27 April 2011). In addition, the Monitoring Group obtained documentation showing that the consignee of Al Baoon charcoal shipments in Saudi Arabia is AlZahrani (See Annex 3.1.b).

⁷ According to confidential military sources, MV Jhowhar was found present loading charcoal in Baraawe between 01 and 15 January 2011.

⁸ Interviews conducted in Dubai with charcoal traders and transporters on 9 December 2010 and 6 February 2011.

⁹ Interviews conducted in Dubai with Somali commodity and charcoal traders on 13 December 2011 and 6 February 2011.

¹⁰ Interview conducted in Nairobi on 27 April 2011 with a Kismaayo resident and charcoal trader.

¹¹ Interview conducted in Nairobi on 20 April 2011 with a Dubai-based trader and transporter.

¹² Several interviews conducted in the UAE with charcoal traders in the UAE on 13 December 2010 and 6 February 2011.

¹³ According to the transporter, part (about 40%) of the above mentioned cargo that sailed from Kismaayo and Baraawe to Jizan caught fire on the port of Jizan in early October 2010 (interview with the owner of MV QSM Dubai on 09 December 2010). In addition, the Group learned that MV Jhowhar caught fire at least 2 times during the course of the mandate (interview conducted in Nairobi on 20 April 2011 with a Dubai-based trader and transporter).

¹⁴ Several interviews conducted in the UAE with charcoal traders on 06 February 2010.

¹⁵ SEMG Letter to the Permanent Representative (PR) of the UAE, 16 April 2011.

Workers discharging 41,100 sacks of charcoal arriving from Southern Somalia at the creek port at Sharjah, UAE, on 8 February 2011



Imports of sugar and other commodities

3. The charcoal export trade is closely linked to the importation of sugar and other commodities to Al-Shabaab-controlled areas. Many vessels calling at Kismaayo discharge commodities before loading charcoal cargoes.

4. The Monitoring Group conservatively estimates the total volume of sugar imports in southern Somalia to be between 20,000 and 40,000 metric tons per year, most of which is imported via the port of Kismaayo in 50 kilogram sacks, and smuggled overland to neighbouring countries, particularly Kenya.¹⁶ Import taxes on this trade represent estimated revenues of between US\$400,000 and \$800,000 per year for Al-Shabaab.¹⁷ As with the charcoal trade, privileged sugar traders, affiliated with Al-Shabaab, are not taxed.

5. Most of the sugar imported to Somalia is supplied by international sugar and commodity trading houses and coordinated by a relatively small number of Somali traders based in the United Arab Emirates. Other commodities destined for Somalia, such as milk powder, vegetable oil, wheat flour

¹⁶ Commonly imported soft commodities are: sugar, rice, vegetable oil, milk, wheat flower and other consumption products. Commonly imported goods are: vehicles, diesel, and medicines.

¹⁷ In April 2011, the Kismaayo port authorities fixed the sugar and foodstuff commodities import tax at \$1.00 per 50kg sack, up from \$0.50 per sack in mid-2010. In April 2011, the Kismaayo market price of each 50 kg sack of sugar was KES 2,700-3,200 (approximately US\$33-US\$40). Interview conducted in Nairobi on 20 April 2011 with a Dubai-based trader and, on 27 April 2011 with a Kismaayo resident and charcoal trader.

(as well as some high value goods such as electronics and vehicles) are traded by small UAE-based Somali traders who may also deal smaller volumes of sugar.

Privileged sugar importers

6. Like the charcoal trade, some of the major Somali commodity traders appear to benefit from privileged relationships with Al-Shabaab. The Monitoring Group has gathered evidence relating to a network of Somali businessmen who have anchored their operations in Dubai, and are linked to the charcoal trade.

7. The two largest sugar traders exporting to Kismaayo are Nour Mowafaq General Trading LLC (NMFQ)¹⁸ and Sinwan General Trading LLC (SINWAN)¹⁹, both of which are based in Dubai. Officially, NMFQ is managed by three Dubai-based traders from Bossaso and is a well-known exporter of sugar to Somalia (mainly to Bossaso and Mogadishu).²⁰ NMFQ shareholders have informed the Monitoring Group that NMFQ has traded large volumes of sugar with Abdulqadir Haji Abukar Adaani, the son of Abukar Omar Adaani, who was cited in the Monitoring Group's March 2010 report as a financier of Al-Shabaab.²¹ The managers of NMFQ and Abdulqadir Haji Abukar Adaani shared the same office until 2006, and many of its directors have worked as traders in offices in Dubai operated by Abukar Omar Adaani.²²

8. SINWAN is linked to Ahmed Nur Ali Jim'aale, who has been designated under Security Council Resolution 1267 (1999) for his prior association with the Somali Al-Qaeda-affiliated organization, Al-Itihaad Al-Islami.²³ SINWAN's listed shareholders are Abdulrahman Sharafeddin from the UAE and, Abdirahman Ahmed Ali from Djibouti.²⁴ According to SINWAN business partners and former associates, Mr. Abdirahman Ahmed Ali is the son of Ahmed Nur Jim'aale.²⁵ In addition, Mohamud Omar Adaani, brother and business partner of Abukar Omar Adaani, owns at least 12.5 percent of SINWAN.²⁶

9. The Monitoring Group has learned that Mr. Abdilrahman Ahmed Ali and Mr. Mohamud Omar Adaani signed a confidential Memorandum of Understanding establishing the real shareholder

¹⁸ Nour Mowafaq General Trading L.L.C. was registered in the Dubai Chamber of Commerce & Industry on 25 March 2002. Its Dubai License Number is 532731. NMFQ shareholders are Saeed Khalifa Mohamad AlFeqaei from the UAE, Abdul Qader Hassan Saeed from Ethiopia, Jeeli Mahmood Mohamad from Somalia, Ahmed Hassan Saeed from Ethiopia, Farah Hersy Ali from Ethiopia and, Abdulrhman Juma Saleh from Kenya (Annex 3.1.d). By law, most registered companies in the UAE need a UAE national partner or sponsor.

¹⁹ SINWAN General Trading L.L.C. was registered in the Dubai Chamber of Commerce & Industry on 22 December 2009. Its Dubai License Number is 632562 (Annex 3.1.e).

²⁰ The three traders are: Abdul Qader Hassan Saeed (Managing Director), Farah Hersy Ali (Director) and, Jeeli Mahmood Mohamad. Interview conducted in Dubai with Abdul Qader Hassan Saeed and Jeeli Mahmood Mohamad on 5 April 2011.

²¹ S/2010/91, paragraph 254.

²² Interviews conducted in Dubai with several Somali traders on 12 and 13 December 2010 and 05 February 2011.

²³ Interview conducted with SINWAN business partners and former associates in Dubai on 31 March 2011.

²⁴ By law, most registered companies in the UAE need a UAE national partner or sponsor.

²⁵ Interview conducted with SINWAN business partners and former associates in Dubai on 27 and 31 March 2011.

²⁶ Mohamud Omar Adaani, who holds a Djiboutian citizenship, was mentioned in the Somalia Monitoring Group report S/2010/91 dated 10 March 2010 paragraph 254. Interview conducted in Dubai with Abdulqadir Haji Abukar Adaani on 31 March 2011. Abdulqadir Adaani was a shareholder (24%) in SINWAN and sold his shares to Abdirahman Ahmed Ali on 17 March 2011 (Annex 3.1.e).

structure of SINWAN.²⁷ Although this MOU is not legally binding in the UAE, it may be applicable in Djibouti given that both its signatories are Djibouti nationals.²⁸ Dubai-based Somali traders refer to SINWAN as a Jim'aale-Adaani front company.²⁹

10. As proof of NMFQ and SINWAN's commercial relationship, the Monitoring Group has obtained documentation showing that NMFQ sold over 351,300 sacks of sugar (or 17,565 Metric Tons (MTs) of sugar) to SINWAN between May 2010 and March 2011. A NMFQ manager confirmed that SINWAN shipped part of the consignments to Kismaayo.³⁰

11. While the full scale of their trading into Kismaayo is unknown, the Monitoring Group has obtained documentation demonstrating that these two companies traded at least 15,000 MT of sugar via Kismaayo between June 2010 and March 2011.³¹

12. On 2 May 2010 NMFQ chartered the MV Jaikur II³² to transport 75,000 sacks of raw sugar to Kismaayo, and on 7 August 2010, it chartered the MV QSM Dubai³³ to transport a further 117,500 sacks. Although the shipments on MV QSM Dubai failed to declare Kismaayo as a destination on the Bill of Lading, NMFQ Managing Director Abdul Kadir Hassan Said sent a letter to the ship owner asking him to divert part of the shipments to Kismaayo.³⁴ On 24 August 2010 the MV QSM Dubai was effectively spotted at Kismaayo anchorage.³⁵

13. Local purchasers of the 75,000 sacks on the MV Jaikur II paid at least US\$75,000 in import taxes to the Al-Shabaab authorities in Kismaayo. The 117,500 sacks carried by the MV QSM Dubai represented a further \$117,500 to the same authorities.³⁶

14. In early April 2011, SINWAN chartered two motor supply vessels (MSV) vessels, Raj Sagar and Al-Alam, to Mogadishu and Kismaayo. These vessels were each transporting around 10,000 tons of raw sugar purchased from NMFQ.³⁷

15. In addition to operations of SINWAN and NMFQ to Kismaayo, the Monitoring Group has obtained evidence that other sugar importers are shipping their product to Kismaayo, much of which is in turn smuggled into Kenya. In November and December 2010, for example, the Monitoring Group collected in Garissa, the capital of Kenya's North Eastern Province, sugar bags bearing the NMFQ logo smuggled from Kismaayo.

²⁷ Interview conducted in Dubai with Abdulqadir Haji Abukar Adaani on 31 March 2011.

²⁸ Interview conducted in Dubai with a Dubai based Somali trader on 4 April 2011.

²⁹ Interviews with Dubai based Somali traders on 27 March 2011 and on 5 April 2011.

³⁰ Interview conducted in Dubai with Abdul Qader Hassan Saeed and Jeeli Mahmood Mohamad on 5 April 2011.

³¹ Interview conducted in Dubai with Abdul Qader Hassan Saeed and Jeeli Mahmood Mohamad on 5 April 2011.

³² Comoros flagged general cargo vessel (IMO 7420235), operated by Batroun Shipbrokers Co. LLC, Dubai Hamriya Harbour, PO Box 97417, Dubai, United Arab Emirates (registered owner: Emirates Coasts Shipping LLC, al-Hamriya Port, PO Box 99230, Dubai, UAE).

³³ Panama flagged general cargo vessel (IMO 7610062), operated by Qawareb Ship Management LLC, UAE (registered owner: QSM Dubai LTD, UAE).

³⁴ Interview conducted in Dubai with a transporter familiar with MV QSM Dubai on 9 December 2010.

³⁵ Information obtained from confidential military source.

³⁶ As discussed in Annex 3.2 Kismaayo port authority charges \$1 per bag of 50 Kg of sugar.

³⁷ Interview conducted in Dubai with Abdul Qader Hassan Saeed and Jeeli Mahmood Mohamad on 5 April 2011.

A 50 kg sugar sack with NMFQ logo found in Garissa, Kenya



16. In February 2011, the Monitoring Group collected several bags of sugar from the Dagahaley refugee camp in northeastern Kenya that had also been smuggled via Kismaayo. In this case, the sugar had been sold to another Dubai-based company, Mogadishu Stars,³⁸ which is managed by Abdulrazak Ali Warsame and his brother Mohamad Ali Warsame. Two separate sources have told the Monitoring Group that Mr. Mohamad Ali Warsame has a very close working relationship with Mr. Nur Jim'aale.³⁹ Abdulrazak Ali Warsame admitted to the Monitoring Group that Mogadishu Stars chartered MV Rozen⁴⁰ in October 2010 to transport 2,900 metric tons of raw sugar cargo from Madagascar to Kismaayo.⁴¹

³⁸ Mogadishu Stars General Trading L.L.C. was registered in the Dubai Chamber of Commerce & Industry on 1 August 2007. Its Dubai License Number is 587457. It has eight registered shareholders (see annex 3.1.f).

³⁹ Interviews conducted in Dubai with a Dubai based Somali trader on 4 April 2011 and in Nairobi with a Mogadishu-based researcher on 3 April 2011. Mohamad Warsame is from the same sub-clan as General Mohamed Farrah Aidid, and was once known as being General Aidid's representative in Bakaara market. Through his presence in Bakaara, he has developed a working relationship with Mr. Jim'aale.

⁴⁰ St Vincent and Grenadines flagged general cargo vessel (IMO 7510688), operated by Motaku Shipping Agencies Ltd, Tangana Road, PO Box 80419, Mombasa, Kenya (registered owner: Park Navigation).

⁴¹ Mogadishu Stars was responsible to deliver the goods on MV Rozen in Kismaayo. Interview conducted in Dubai on 6 April 2011.

Picture of a 50 Kg brown Sugar sack collected in Dagahaley camp



17. Commodity and charcoal traders work closely together to sustain the profitable charcoal-sugar cycle via Kismaayo. For example, Abdul Kadir Hassan Said, the managing director of NMFQ personally introduced charcoal dealer Saleh Da'ud Abdulla (see Case Study above) to the owner of MV QSM Dubai and encouraged the latter to transport Da'ud's charcoal cargo from Kismaayo to the Saudi Arabian port of Jizan.⁴² Furthermore, when a business dispute erupted between the owner of MV QSM Dubai and Da'ud, Abdul Kadir Hassan Said, the managing director of NMFQ attempted to mediate a settlement between them.⁴³

18. Abdurahman Ali Warsame (also spelled Werseme),⁴⁴ an individual trader based in Dubai, personifies the charcoal-sugar trade cycle through Kismaayo, and contraband trade into Kenya. On 5 May 2010, NMFQ shipped 20,000 sacks of 50 kg of sugar to Abdurahman Ali Warsame. The consignment was shipped to Kismaayo with the MV Jaikur II. On 7 August 2010, NMFQ shipped another 20,000 bags of sugar to Abdurahman Ali Warsame with the MV QSM Dubai to Kismaayo.⁴⁵ In late December 2010, Warsame chartered MSV Rezaqalah to transport charcoal from Kismaayo and Baraawe to Saudi Arabia. In addition, on 3 April 2011 he chartered MV Amal⁴⁶ to transport 123,840 sacks of charcoal from Kismaayo and Baraawe to the port of Jizan in the Saudi Arabia.⁴⁷

⁴² Interview conducted in Dubai with a transporter familiar with MV QSM Dubai on 9 December 2010.

⁴³ Interview conducted in Dubai with a transporter familiar with MV QSM Dubai on 9 December 2010.

⁴⁴ Not related to above mentioned Abdulrazak Ali Warsame and his brother Mohamad Ali Warsame.

⁴⁵ Interview conducted in Dubai with Abdul Qader Hassan Saeed and Jeeli Mahmood Mohamad on 5 April 2011.

⁴⁶ Jordan flagged general cargo vessel (IMO 8204080). Registered owner and manager are unknown on date of writing.

⁴⁷ Interview conducted in Nairobi on 20 April 2011 with a Dubai-based trader and transporter familiar with MV Amal (Annex 3.1.g).

Annex 3.1.a.: Company profile Al Baoon General 2011

DATE 15/12/2010

حرفة دبي
DUBAI CHAMBER

Company Profile

Member Number 34304
 Company Name AL BAOON TRADING CO. (L.L.C.)
 Nationality United Arab Emirates
 License Number 238116 License Issue Auth. Department of Economic Development
 Registration Date 11/06/1995 Commercial Reg No 45014
 Legal Status Limited Liability Company

ADDRESS

Po Box Number 15545 DUBAI
 Phone 2721628 Fax 2721528 Email Address albaoon@emirates.net.ae
 Area Al Daghaya Street N/A
 Building Name MOHAMAD MAHMOOD ALDALAL
 License Issue Date 10/06/1995 License Expiry Date 08/06/2011
 Membership Renewal Date 25/07/2010 Membership Expiry Date 09/06/2011
 No Of Employees Authorized Capital 300,000

ACTIVITIES

General Trading

PARTNERS

AHMAD SAEED ABDULLA AL SHARIF	United Arab Emirates	%	51.000	PARTNER
SALEH DAWUD ABDULLA	Somalia		49.000	PARTNER



More Business Information on the mentioned company available on Credit Rating Unit . Call 800-Rating (728464)

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Dubai Chamber of Commerce & Industry
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Annex 3.1.b.: Kismaayo-Baraawe port manifest for Al Baoon General Trading

This form was received by GFI FAD/Market fax server. For more information, visit: http://www.gfi.com

LAAYADA ISLAAMIGA
EE GOBOLADA
JIBOOWYINKA

KISMAAYO PORT
CARGO MANIFESTS

No. 0044
 Kismaayo, Somalia

Master name: **EMERALD BIRKENSDA**
 Port of discharge: **GENEVA (STADI) AUSA**

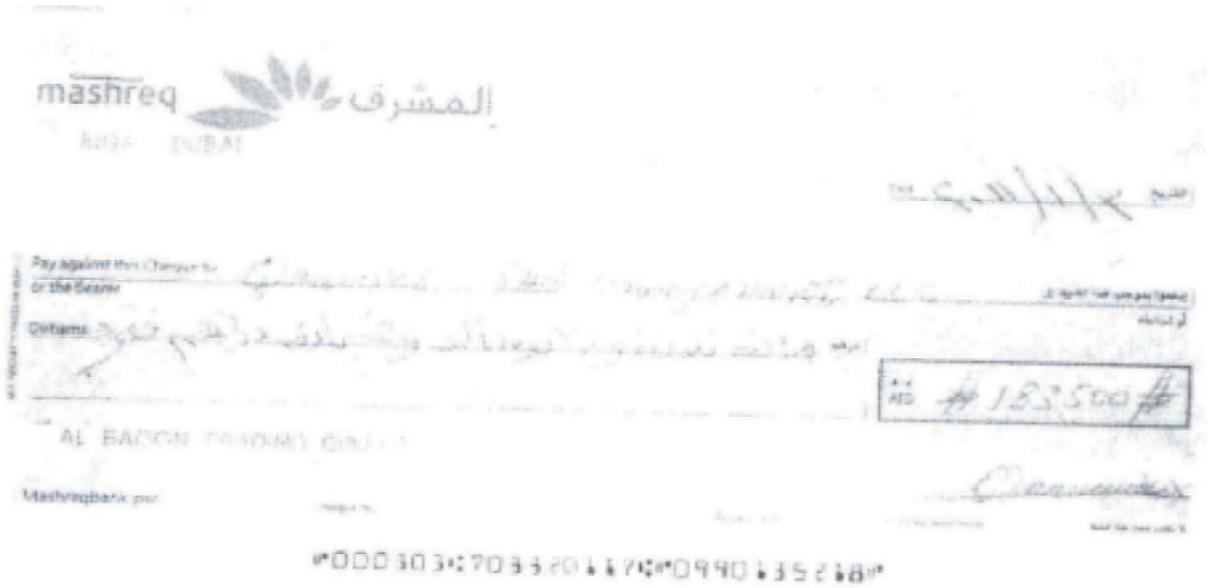
Date: 07/09/2010
 Time: 19:21

Shipper	Consignee	Marks	Description	Weight
BAUN TRADING COMPANY Aljallil FAROL +25261580099	MURASAHU IMAR MUHAMMAD ALE ASAH RANI ATJARI +966504689313		CHIR COIL Bags	148960 Bags of charcoal

Shipper: **BAUN TRADING COMPANY**
 Consignee: **MURASAHU IMAR**
 Marks: **MUHAMMAD ALE**
 Description: **CHIR COIL**
 Weight: **148960**

Operator: **AL BA'ON GENERAL TRADING**

Annex 3.1.c.: Cheque from Al Baoon General Trading



Annex 3.1.d.: Company profile Nour Mowafaq General Trading 2011

DATE 12/12/2010

غرفة دبي
DUBAI CHAMBER

Company Profile

Member Number 67837
 Company Name NOUR MOWAFAQ GENERAL TRADING (L.L.C)
 Nationality United Arab Emirates
 License Number 532731 License Issue Auth. Department of Economic Development
 Registration Date 25/03/2002 Commercial Reg No 58953
 Legal Status Limited Liability Company

ADDRESS

Po Box Number 64467 DUBAI
 Phone 2257973 Fax 2257974 Email Address
 Area Al Riggs Street Al Ras Street.
 Building Name Mohamad Hassan Baba Hassan Bldg.
 License Issue Date 24/03/2002 License Expiry Date 23/03/2011
 Membership Renewal Date 23/03/2010 Membership Expiry Date 23/03/2011
 No Of Employees Authorized Capital 1,000,000

ACTIVITIES

General Trading

PARTNERS

		%	
SAEED KHALIFA MOHAMAD ALFEQAEI	United Arab Emirates	51.000	PARTNER
ABDUL QADER HASSAN SAEED	Ethiopia	24.000	PARTNER
JEELI MAHMOOD MOHAMAD	Somalia	11.000	PARTNER
Ahmed Hassan Saeed	Ethiopia	5.000	PARTNER
Farah Hersy Ali	Ethiopia	5.000	PARTNER
Abdulhman Juma Safeh	Kenya	4.000	PARTNER

More Business information on the mentioned company available on Credit Rating Unit . Call 800-Rating (728464)



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Annex 3.1.e.:
Company profile Sinwan General Trading 2011 & Sinwan-Adaani separation letter

DATE 29/03/2011

غرفة دبي
DUBAI CHAMBER

Company Profile

Member Number 178704
 Company Name SINWAN GENERAL TRADING L.L.C
 Nationality United Arab Emirates
 License Number 832562 License Issue Auth. Department of Economic Development
 Registration Date 22/12/2009 Commercial Reg No 1052074
 Legal Status Limited Liability Company

ADDRESS

Po Box Number 186576

Phone	Fax	Email Address
Area		Street
Building Name	N/A	
License Issue Date	17/12/2008	License Expiry Date 16/12/2011
Membership Renewal Date	17/12/2011	Membership Expiry Date 16/12/2011
No Of Employees		Authorized Capital

ACTIVITIES
General Trading

PARTNERS

		%	
ABDULRAHMAN SHARAFEDDIN	United Arab Emirates	51.000	PARTNER
ABDILRAHMAN AHMED ALI	Djibouti	49.000	PARTNER



More Business Information on the mentioned company available on Credit Rating Unit . Call 800-Rating (728484)

Page 1


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 تلف: (+971) 4 2280000

SHARE SALE DEED & AMENDMENT ON
MEMORANDUM OF ASSOCIATION OF A
SINWAN
GENERAL TRADING L.L.C

It is on / 03 / 2011, this agreement is made
between:

- 1- MISS. SAFYA JUMA KHALFAN MOHD
BIN SUHAIL, U.A.E National, holder of
Passport No. A1558717, Residing in
Dubai, U.A.E. (Represented in signing by
MR. MOHAMED ABDULLAH ABDULLAH
vide a power of attorney)
(Hereinafter called the "First Party")
- 2- MR. ABDILRAHMAN AHMED ALI,
Djibouti National, holder of Passport No:
RD93480, Residing in Dubai, U.A.E.
(Hereinafter called the "Second Party").
- 3- MR. ABDULKADIR ABUKAR OMAR,
Kenyan National, holder of Passport No:
B140846, Residing in Dubai, U.A.E.
(Hereinafter called the "Third Party").
- 4- M/S ALWAHA STAR FACILITIES
MANAGEMENT (LLC) Issued a Trade
License under No: (582936). (Represented
in signing by MR. MOHAMED ABDULLAH
ABDULLAH, vide a power of attorney)
(Hereinafter called the "Fourth Party").

PREAMBLE

Whereas, The First, second & third parties
were signed a memorandum of association
which was authenticated by the notary public
of Dubai courts on 16/11/2009 serial No
:(122041/1/2009) in the trade name **SINWAN**
GENERAL TRADING (LLC) for which a
trade license issued from the department of
economic development. (It would be referred
hereafter the company)



عقد بيع حصص وملحق بتعديل عقد التأسيس
سينوان للتجارة العامة
(شركة ذات مسئولية محدودة)

انه في يوم الموافق / 03 / 2011م، تم الاتفاق
بين كل من-

- 1- الأنسة / صافية جمعة خلفان محمد بن سهيل
المهيري ، إماراتية الجنسية وتحمل جواز سفر رقم :
A1558717 ، مقيما في دبي ، الامارات. (ويمثله
هنا في التوقيع السيد/ محمد عبدالله عبدالله بموجب
الوكالة المصدقة)
(ويشار اليه فيما بعد بـ "الطرف الاول").
- 2- السيد/ عبد الرحمن احمد علي ، جيبوتي الجنسية
ويحمل جواز سفر رقم: RD93480 ، مقيم في دبي ،
الامارات.
(ويشار اليه فيما بعد بـ "الطرف الثاني").
- 3- السيد/ عبد القادر ابوكار عمر، كينيا الجنسية
ويحمل جواز سفر رقم : B140846 ، مقيم في
دبي، الامارات.
(ويشار اليه فيما بعد بـ "الطرف الثالث").
- 4- السادة / نجم الواحة لخدمات ادارة المنشآت
(ش.ذ.م.م) المرخصة من دائرة التنمية الاقتصادية
بدبي برقم 582936 (ويمثله هنا في التوقيع السيد/
محمد عبدالله عبدالله بموجب الوكالة المصدقة)
(ويشار اليها فيما بعد بـ "الطرف الرابع").

تمهيد

سبق سبق للاطراف من الاول والثاني والثالث اعلاه
ان وقعوا عقد تأسيس شركة ذات مسئولية محدودة
تلاسم التجاري سينوان للتجارة العامة (ش.ذ.م.م)
وثق لدى الكاتب العدل بدبي في 16/11/2009 تحت
رقم محرر (122041/1/2009) التي صدر لها
الرخصة التجارية من دائرة التنمية الاقتصادية بذات
الاسم التجاري ويشار اليه هنا وفيما بعد بكلمة الشركة
(ويشار اليها هنا فيما بعد بالشركة)

And now the 1st party wish to sell their full portion totally 51% shares in the capital of the company respectively to the 4th party accepting the sale. As well as the 3rd party wish to sell their full portion of 24% shares in the capital of the company respectively to the 2nd party accepting the sale.

Whereas all the parties are hereby desirous & agreed to amend some articles of the original memorandum.

So they agreed upon the under mentioned terms and conditions:

First: The preamble is an integral part of this amendment agreement.

Second: Sale & Transfer

A) The 1st party sold and transferred full portion of shares totally (51%) of the capital of the company to the 4th party against an amount of DH 510,000/. As well as the 3rd party sold and transferred full portion of shares (24%) of the capital of the company to the 2nd party against an amount of DH 240,000/

b) The represent of the 1st party & the 3rd party himself hereby declares that they received the value of the above mentioned soled shares, and their signatures in this agreement will be considered confirmation of acceptance without any other receipt voucher therefore

c) The 4th party has right to occupy the place of purchased shares from the 1st party and the 2nd party has right to occupy the place of purchased shares from the 3rd party respectively with full liabilities & rights in the company.

THIRD: Amendment to the MOA:

1-Amendment of the Preamble:

The preamble of the main memorandum has been amended adding the name of the 4th party and deleting the name of the 1st & 3rd parties from the main agreement of the association & any other places where the name of partners being mentioned

حيث ان الطرف الاول يرغب في بيع كامل حصصه في الشركة تبلغ (٥١%) وذلك الى الطرف الرابع القابل لذلك.

كما ان الطرف الثالث يرغب في بيع كامل حصصه في الشركة تبلغ (٢٤%) وذلك الى الطرف الثاني القابل لذلك.

وحيث ان الأطراف يرغبون في تعديل بعض مواد عقد التأسيس.

لذا اتفقوا على الأحكام والشروط الآتية :

اولا : يعتبر التمهيد جزء لا يتجزء من هذا الملحق.

ثانيا : التنازل

الف - باع واسقط وتنازل الطرف الاول كامل حصصه في الشركة والبالغة (٥١%) من رأس المال وذلك الى الطرف الرابع القابل لذلك مقابل مبلغ وقدره (٥١٠٠٠٠) درهم . كما باع واسقط وتنازل الطرف الثالث كامل حصصه في الشركة (٢٤%) من رأس المال وذلك الى الطرف الثاني القابل لذلك مقابل مبلغ وقدره (٢٤٠٠٠٠) درهم

ب- ويقر ممثل الطرف الاول والطرف الثالث بنفسه بأنهما قبضا قيمة الحصص المبيعة كاملا ويعتبر توقيعهما على هذا العقد بمثابة اقرار منه بالقبض وعوضا عن أي إيصال آخر

ج- يحل الطرف الرابع محل الطرف الاول والطرف الثاني محل الطرف الثالث في نصيبهما في رأس المال بالقدر الذي ألت اليهما وفي جميع حقوقه والتزاماته في الشركة .

ثالثا : تعديل عقد التأسيس

١- تعديل الديباجية

تعديل ديباجة عقد التأسيس باضافة اسم الطرف الرابع وحذف اسم الطرف الاول والثالث في عقد التأسيس وفي أي مكان آخر ورد اسماء الشركاء بالعقد.



2-Amendment of the Article No: (6) the capital of the company:

Distribution of the capital of the company mentioned in the paragraph no: (6-1) in the Article No: 6 of the main memorandum and the proportion of the shares in the company will be as under:

Name of Partner	No of shares	Value in dirham	Per in capital
Fourth Party	510	510,000	51%
Second party	490	490,000	49%

3-Amendment of Article No: (13) Distribution of net Profit:

Distribution of profits & losses mentioned in the paragraph no: (13-2) in the Article No: 13 of the main agreement of association wherein the profits and loss shall be distributed among the parties as under:

Fourth party	20%
Second party	80%

FOURTH: other rules

The partners agreed to add the main agreement to read as under:
The fourth party or her power of attorney is authorized - in case of the absence second party from U.A.E for the period of six months or more and also in case the second party did not renew the trade license of the company within the 2 months after expiry date- to deal the company in the name of second party and on his behalf in all aspects, to cancel the shares, change the ownership, sign the agreements, and amendments, attest these agreements, to delete the name of the second party from the trade license, commercial register and to cancel the partnership, to do the settlement of the company, to appoint legal officials for the settlement and to do necessary procedures. The fourth party is also authorized to receive the security amount which is deposited to the immigration dept... Dubai, in the name of the company by the second party, in the name of second party and on his behalf. The fourth party has the right to proceed with documents, to receive, to take out intended specimens from the concern office in this regard, to sign and to pay required fees.



٢- تعديل المادة (٦) رأس مال الشركة

بعد توزيع رأس مال الشركة الوارد في الفقرة (٦-١) من المادة السادسة في عقد التأسيس بين الأطراف حسب نصيبه في رأس مال الشركة وذلك على النحو التالي:

اسم الشركة	عدد الحصص	القيمة بالدرهم	النسبة رأس المال
الطرف الرابع	٥١٠	٥١٠.٠٠٠	٥١%
الطرف الثاني	٤٩٠	٤٩٠.٠٠٠	٤٩%

٣- تعديل المادة (١٣) توزيع الأرباح والخسائر

الف- بعد توزيع الأرباح والخسائر الواردة في الفقرة (٢-١٣) من المادة (١٣) في عقد التأسيس حيث يتم توزيع الأرباح والخسائر بين الشركاء بالنسبة التالية:

الطرف الرابع	٢٠%
الطرف الثاني	٨٠%

رابعاً: احكام متفرقة

تم الاتفاق على اضافة في عقد التأسيس لتقرأ على النحو التالي:

الطرف الرابع او لمن ينوب عنه حق - في حالة غياب الطرف الثاني عن الدولة لمدة ستة اشهر واكثر او عدم تجديد الرخصة التجارية للشركة الى مدة شهرين من تاريخ الانتهاء- ان يقوم مقام الطرف الثاني وينوب عنه بالتصرف المطلق في الشركة بكافة اوجه التصرفات والبيع وغير ذلك من الاشكال القانونية ونقل ملكيتها وتوقيع العقود والملاحق وتوثيقها وانسحاب وادخال الشركاء والقيام باجراءات حذف اسم الطرف الثاني من الرخصة التجارية والسجل التجاري وشهادات القيد وفتح الشراكة وحل تصفية الشركة وتعيين المصفي القانوني وعمل ما يلزم في هذا الخصوص والاستلام مبلغ التأمين الخاص بالشركة والمودع لدى ادارة الجنسية والاقلمة بدبي من قبل الطرف الثاني ، وذلك باسم الطرف الثاني ونياية عنه ولتقديم المعاملات واستلامها وسحب النماذج المعدة لهذا الغرض وتوقيعها وسداد الرسوم المقررة

The fourth party has the right to represent and sign on behalf of the second party in front of all authorities, govt. / non govt. departments, including economics dept... ministry of labor, municipality, commercial registration office, chamber of commerce, banks, etisalat, dewa notary public, in front of all personalities and other concern authorities in this regard. The fourth party is also authorized to sign in all necessary documents and agreements in front of the related authorities in this regard and to proceed with all the required procedures accordingly in the name of the second party and on his behalf. The fourth party has the right to appoint anybody to do all or some of these powers.

FIFTH: The other terms and conditions of the main memorandum of association shall remain the same without any alteration & will be continued in affect which shall not violate the conditions of this amendment agreement. **SIXTH:** This amendment agreement shall be considered as an integral part of the main memorandum of association & will be read & described with the same.

SEVENTH: COPIES

This agreement has been made in (6) Similar copies, each parties shall have a copy and 5th copy will be retained by the Notary Public after authentication and rest 6th copy for necessary legal processing . This Agreement is read out before the parties and they understood the terms & conditions and accepting the contains have signed hereunder:

Signature of the First party

Signature of the Second party

Signature of the Third party

Signature of the Fourth party

وان يمثل عن الطرف الثاني والتوقيع نيابة عنه ايام جميع مطالبات والدوائر الرسمية وغير الرسمية ذات العلاقة بما فيها دائرة التنمية الاقتصادية ووزارة العمل والشؤون الاجتماعية والبلدية والسجل التجاري وغرفة التجارة والصناعة والبنوك والاتصالات وهيئة المياه والكهرباء والكتاب العدل والاشخاص الطبيعيين والاعتباريين وأية جهة أخرى ذات علاقة،

وكذلك بالتوقيع نيابة عنه على أية أوراق أو مستندات أو عقود متعلقة بالعمل الموكل به امام المراجع المختصة، وله حق توكيل الغير في كل أو بعضه.

خامسا:

يبقى باقي احكام ومواد عقد التأسيس الاخرى كما هو دون تعديل وتسري الى المدى الذي لا يخالف احكام هذا الملحق.

سادسا:

يعتبر هذا العقد والملحق جزء لا يتجزء من عقد التأسيس ومكملا له ويقرا ويفسر معه.

سابعاً:

حذر هذا العقد من (6) نسخ متطابقة لها ذات القوة في الاثبات يحتفظ كل طرف بنسخة وتودع الخامسة لدى الكاتب العدل لغايات التوثيق والسادسة للاجراءات الرسمية تلي هذا العقد والملحق على اطرافه وتقموا احكامه وقبلوها وعليه وقعوا

..... الطرف الاول :

..... الطرف الثاني :

..... الطرف الثالث :

..... الطرف الرابع :



Annex 3.1.f.: Company profile Mogadishu Stars General Trading 2011

DATE 12/12/2010


 غرفة دبي
DUBAI CHAMBER
Company Profile

Member Number 112332
Company Name MOGADISHU STARS GENERAL TRADING (L.L.C)
Nationality United Arab Emirates
License Number 587457 **License Issue Auth.** Department of Economic Development
Registration Date 08/01/2007 **Commercial Reg No** 1001075
Legal Status Limited Liability Company

ADDRESS

Po Box Number 1471 **DUBAI**
Phone 2279326 **Fax** 2279329 **Email Address**
Area Al Rigga **Street**
Building Name Ahmad Adnan Real Estate
License Issue Date 01/11/2006 **License Expiry Date** 31/10/2011
Membership Renewal Date 02/11/2010 **Membership Expiry Date** 31/10/2011
No Of Employees **Authorized Capital**

ACTIVITIES

General Trading

PARTNERS

Partner Name	Nationality	%	Role
IBRAHIM ALI HEMAED ALMARZOQI	United Arab Emirates	51.000	PARTNER
Abdulrazak Ali Warsame	Netherlands	15.000	PARTNER
Ahmed Noor Ali Jameh	Uganda	10.000	PARTNER
MOHAMAD ALI WARSAME	Djibouti	8.000	PARTNER
Abdulqader Warsame Malon	Uganda	4.000	PARTNER
Abdulrahman Warsame Malon	Uganda	4.000	PARTNER
Ahmed Mahmood Abdi	Uganda	4.000	PARTNER
Ali Warsame Noor	Uganda	4.000	PARTNER

More Business Information on the mentioned company available on Credit Rating Unit . Call 800-Rating (728464)



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 Dubai Chamber of Commerce & Industry
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 فاكس: (+971) 4 2211646
 www.dubai-chamber.ae

Annex 3.1.g.: MV *Ama*/bill of lading Brava-Jizan, 3 April 2010⁴⁸

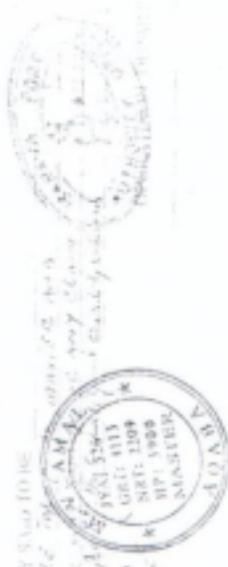
BRAVA SHIPPING AGENCY LTD
CARGO MANIFEST

MV/MSV AMAL CALL SIGN _____ DATE 03/04/2011
 MASTER NAME ANWAR AHMED

PART OF LOADING BRAVA Somalia PORT OF DISCHARGE GIZAN PORT K.S.A

SHIPPER	CONSIGNEE	MARKS	DESCRIPTION	WEIGHT
18 RATHIM P801 HAF	TALAL AL SAIDI EST K.S.A TEL 0096650 4203562	///	DAIRIED Charcoal	23kg per Bags
0025261510 7070			123840 Bags TOTAL BAGGIES	

REMARKS: AS PER CHARTER PARTY'S AND TO BE
 ONE OF THE BILLS OF LADING AS PER ABOVE IS
 ISSUED TO THE SHIPPER'S ORDER BY THE
 AGENT'S AND DISCHARGED AT THE
 PORT OF DISCHARGE AND CARRIED BY THE SHIPPER


 MANAGER

⁴⁸ Brava is also spelt 'Baraawe' in the Somali language.

Annex 3.2.: Case study: Al-Shabaab taxation at ports

1. Charcoal traders with privileged relationships with Shabaab are not directly taxed at export, although producers and transporters of charcoal are taxed up until the point of export and smaller traders with no direct business relationship with Al-Shabaab are also taxed at export locations. Similarly, taxes on imports of sugar are not levied on businessmen who enjoy direct privileged relationship with Al-Shabaab, including those businessmen who are part of the sugar-for-charcoal trading cycle, but are levied on smaller opportunistic traders taking. While Al-Shabaab does not directly control this trade, it nevertheless welcomes it as it generates additional revenues for the armed group.

2. Local charcoal producers pay a “production tax” of 2.5%, in return for which they receive production ‘certificates’. The charcoal is transported to port on trucks, whose owners are also required to pay a tax of 2.5% of the estimated value to Al-Shabaab. In addition, if stopped at a checkpoint, truck owners pay a checkpoint fee per truck (Annex 3.2.a and 3.2.b). Failure to pay taxes can lead to seizure of the consignment and/or imprisonment.¹

3. The six main ports for charcoal export in southern Somalia are all controlled by Al-Shabaab:

- Kismaayo
- Baraawe
- Marka
- Buur Gaabo
- Eel Ma’an
- Qudha

4. The major export points for charcoal are from Kismaayo in Lower Jubba and Baraawe in Lower Shabelle.² From Kismaayo, high-grade charcoal is exported on large vessels, and from Baraawe, low-grade charcoal is exported via barges for transfer into larger vessels anchored offshore. The port of Kismaayo can accommodate vessels up to 180 meters in length with a maximum draft of about 8 meters. It has 2 berths measuring 340 meters and 280 meters respectively and 2 roll-on roll-off (Ro-Ro) ramps. A Kismaayo resident, who declined to be named, told a UN media office that three to four vessels loaded with charcoal left the port every week.³ Baraawe has no infrastructure or facilities and accommodates only small boats or barges to transport charcoal to large vessels anchored offshore.

5. In April 2011, the Group learned that Kismaayo port authorities fixed the charcoal export tax to \$1.20 per sack up from \$0.90 per sack in February 2011 and \$0.50 per sack in December 2010.⁴

¹ As reported by Radio Mogadishu on 24 September 2010 “eight business people involved in the export of charcoal have been arrested by al-Shabaab in the region of Lower Jubba. This after the business people allegedly refused to pay levies to the al-Shabaab administration in the region.” Interview conducted in Nairobi on 27 April 2011 with a Kismaayo resident and charcoal trader.

² The Monitoring Group learned that Abdulkadir Ali Issa, a Hawiyya/Habar Gidir/Suleiman is a leading charcoal producer in Baraawe. He allegedly owns between 16 and 18 charcoal factories and more than 60 trucks. He produces between 5,000 and 8,000 sacks of charcoal per day and employs more than 200 workers.

³ IRIN, “SOMALIA: Charcoal trade booming despite ban”, 20 January 2011, accessed online on 13 April 2011, <http://www.irinnews.org/Report.aspx?ReportId=91679>.

⁴ Interviews conducted in the UAE with charcoal traders between November 2010 and March 2011.

Baraawe port authorities fixed the charcoal export tax to \$0.60 per sack in April 2011 up from \$0.50 per sack in February 2011.⁵

6. Larger motor vessels can export between 75,000 and 250,000 sacks of charcoal. Thus, in addition to docking fees, each vessel generates US\$90,000-\$300,000 in Kismaayo or US\$45,000-US\$150,000 off Baraawe. Smaller vessels, such as dhows, can carry between 15,000 and 55,000 sacks of charcoal. Thus, each dhow generates US\$18,000-US\$66,000 in Kismaayo, or US\$9,000-US\$33,000 in Baraawe.⁶

7. The owners of barges that carry the charcoal from Baraawe to offshore vessels pay a tax of 2.5% of the estimated value of their cargo. While smaller boats are charged \$0.5 per sack of charcoal. Porters employed for loading and discharging charcoals must also pay 2.5% of their salaries to Al-Shabaab.

Table: Tax figures for charcoal production in Al-Shabaab controlled areas in April 2011

Producers	Workers	Transporters	Buyers	Small Boat/ Transporters	Port workers	Dhows/ Vessels	Exporter
2.5% of business	2.5% of income	2.5% of business + checkpoint per truck	2.5% of business	2.5% of business	2.5% of income	Docking fees	Export tax per sacks of charcoal

8. The charcoal trade is affected by seasonal factors. Charcoal is more expensive during the rainy season, and freight costs are more expensive during the monsoon season.⁷ Thus, depending on the season, the C&F (custom and freight) price of charcoal in the UAE or Saudi varies approximately between \$5 and \$7 per sack. A sack of Somali charcoal sells approximately between \$8 and \$11 in the UAE and Saudi Arabia.⁸ These variations are reflected in the taxation table below.

Table: Charcoal Export Tax in Kismaayo and Baraawe in April 2011 (prices are approximated per sack)

List of Exported Goods	Market Price in Somalia	Shipping Cost		ASTax	Small Boat Charge	Lever Charge	Other Expenses	Total Cost C&FGCC		Market Price in UAE in AED		Market Price in UAE in USD	
		Low Season (Oct. to Apr.)	High Season (May to Sep.)					Low Season (Oct. to Apr.)	High Season (May to Sep.)	Low Season (Oct. to Apr.)	High Season (May to Sep.)		
Kismaayo Charcoal (sack 23- 25Kg)	\$3 - \$3.5	\$1.50	\$2.50	\$1.20		\$0.20	\$0.50	\$6.10	\$7.10	AED28-32	AED34-35	Approx. \$7.8-8.9	Approx. \$9.45- 9.72
Barawe Charcoal (sack 23- 25Kg)	\$2 - \$2.5	\$1.50	\$2.50	\$0.60	\$0.50	\$0.40	\$0.10	\$5.00	\$6.00	AED29-34	AED35-37	Approx. \$8.05- 9.45	Approx. \$9.72- 10.38

⁵ Interviews conducted in the UAE with charcoal traders between November 2010 and March 2011.

⁶ Interviews conducted in the UAE with Somali charcoal traders and transporters between November 2010 and March 2011, as well as observation in the creek in Dubai and Sharjah.

⁷ Interviews conducted in the UAE with freighters between November 2010 and March 2011.

⁸ Interviews conducted in the UAE with charcoal traders between November 2010 and March 2011.

9. Some privileged companies are permitted to export charcoal tax free, using green colored sacks reserved exclusively for Al-Shabaab-approved enterprises. These sacks are not available for purchase on the local market, and are usually sourced in Dubai, the UAE.⁹

Picture: Bundle of Green Charcoal Sacks destined to Kismaayo (picture taken on Dubai Creek on 31 March 2011)



10. With regards to sugar and other commodities, large vessels docking in Kismaayo pay a docking fee, and the porters who offload sugar cargoes also contribute 2.5% of their earnings to Al-Shabaab.

11. Al-Shabaab's revenues don't end at the port. Once cleared, sugar is delivered to local warehouses, and then onwards to border areas and smuggled to Kenya or Ethiopia. Local sugar buyers and transporters must pay 2.5% of the estimated value of their commerce to the local Al-Shabaab authorities and, if stopped at an Al-Shabaab checkpoint, transporters must pay an additional 'checkpoint fee' per truck.¹⁰

Table: Sugar Import Tax in Kismaayo in April 2011 (prices are approximated in USD)

Kismaayo: List of Imported Goods	Market Price in April 2011	Shipping Cost		Custom Fees	Handling Charges	Truck Transport + Offloading (not included if product sold on the port)	Total Cost from port to Warehouse (exc. Shipping)	Total Shipping Costs and Custom Fees		Transport to Libol/ Garissa etc.	Wholesale Costs in Garissa in April 2011	
		Low Season (Oct. to Apr.)	High Season (May to Sep.)					Low Season (Oct. to Apr.)	High Season (May to Sep.)		Purchase Price	Sell Price
Rice/ Sugar/ weat/flower (sack of 50kg)	\$33-\$40	\$2-\$2.5	\$3-\$5	\$1.00	\$0.25	\$0.35	\$1.60	\$3.6-\$4.1	\$4.6-\$6.6	\$6.00	\$45.00	\$53-\$55
Rice/ Sugar/ weat/flower Metric Ton	\$660-\$800	\$40-\$50	\$60-\$100	\$20.00	\$5.00	\$7.00	\$32.00	\$72-\$82	\$92-\$132	\$120.00	\$900.00	\$1060-\$1100

⁹ Interview conducted in Nairobi on 27 April 2011 with a Kismaayo resident and charcoal trader. Also on 31 March 2011, the Monitoring Group observed bundles of empty green sacks of charcoal being loaded on MSV Al Arif MNV 2091 and exported to Kismaayo.

¹⁰ Interview conducted in Dubai with a commodity trader on 4 April 2011.

Annex 4

Piracy

Annex 4.1.: Pirate Tactics, Techniques and Procedures

Annex 4.1.a.: Pirate attack on the MV *Almezaan*

1. On 23 March 2010 at 0800 UTC¹, the Panama-flagged and UAE-based general cargo vessel MV *Almezaan* (IMO 7906710)² came under pirate attack while en route to Mogadishu, reportedly at position 0348N.04808E, an estimated 33NM off the coast of Somalia. The vessel issued a distress call.
2. Eight minutes later, at 0808UTC, UKMTO³ confirmed the attack and monitored a radio call from the vessel saying that the 'security team has returned fire' and that the pirates are approaching the vessel for a second attack.⁴
3. Half an hour later, the MV *Almezaan* reported its current position to be 0345N.04807E, roughly 3NM away from its previous position. It also stated that the vessel had been attacked by 3 skiffs carrying pirates armed with AK47's and that the MV *Almezaan*'s 'on board security' had fired parachute flares. No casualties were reported.⁵
4. Spanish EUNAVFOR frigate *ESPS NAVARRA*, patrolling not far from the incident, immediately responded to the distress call from the vessel. At 0916 UTC the helicopter of the *ESPS Navarra* detected a pirate whaler and two skiffs heading towards the Somali coast at position 0354N.04758E, being 11.75NM (course 301°) from the initial reported position of the MV *Almezaan*. The helicopter forced the pirates to stop by firing warning shots, using a 12.7mm heavy machine gun. At 1003 UTC the Spanish Navy vessel deployed a boarding team onto the skiffs and the whaler. At about the same time, two other skiffs were detected in the vicinity and stopped as well.
5. Upon boarding the two skiffs, the Spanish team found a dead body on one of them, with a gunshot wound to the thorax. The boarding team also observed numerous, small calibre bullet holes in the skiff. The bottom of the skiff was found to be full of water, mixed with blood, and contained a large quantity of ammunition and cartridges. Among the weapons were 3 RPG grenades and 3 launchers.
6. At 1300 UTC⁶ the boarding team then boarded the two other skiffs, which had been stopped nearby. As both skiffs contained lots of fishing equipment and none of the usual evidence of piracy activity, they were determined to be genuine fishing boats and fishermen and not part of the PAG. Both fishing skiffs were released and continued on their way.

¹ As reported by the Captain of the MV *Almezaan*, Mr. Syed Sohail Hasan, Pakistani nationality.

² Owned by Shahmir Maritime (IMO 1519448), Care of Biyat International Group of Companies LLC, PO Box 50255, Dubai, UAE.

³ The UK Maritime Trade Operations (UKMTO), based in Dubai, acts as the primary point of contact for merchant vessels and liaison with military forces in the region.

⁴ UKMTO confidential reporting obtained by the Monitoring Group.

⁵ UKMTO confidential reporting obtained by the Monitoring Group.

⁶ After the 1st boarding and securing the crime scene.

7. At the same time (1300 UTC), the medical officer from the ESPS Navarra boarded the skiff with the dead body, confirmed the victim's death and reported that the body had two bullet wounds to the thorax of a small calibre, probably either 5.56mm or 7.62mm. The state of rigor mortis indicated the moment of death to have been 4-5 hours prior to the EU boarding — approximately the same time as the reported attack on the MV Almezaan.
8. At 1900 UTC the bullet-pierced skiff was cast adrift and the 6 pirates and the corpse were taken on board the ESPS Navarra, together with their remaining skiff.
9. The six pirates identified their deceased associate and stated that two other members of their group had been killed and fallen overboard during the shoot-out with the ship they had attacked. All pirates identified the ship as a general cargo vessel and, when in sight of the MV Almezaan, confirmed that it corresponded to the ship they had attacked, but were not able to identify the vessel by name.
10. A day later, on 24 March 2010 at 0800UTC the Captain of the MV Almezaan accepted a request for boarding, permitting an ESPS Navarra team to board his vessel, accompanied by the EUNAVFOR FHQ Legal Advisor.
11. According to the MV Almezaan's Captain, his vessel was bound for Mogadishu when it was attacked at position 0354N, 04806E⁷ by a PAG that had opened fire with AK47 assault rifles. He stated that although the vessel lacked the speed to escape, the crew had managed to repel the PAG by firing parachute rocket flares at them. Asked about the presence of arms or an armed escort on board of the MV Almezaan, the Captain said that he 'assumed' he didn't have any security on board and that the ship wasn't carrying any type of weapons. When shown pictures of the skiffs and the whaler, he said that they were different from the ones involved in the incident and that the pirates apprehended by EUNAVFOR therefore couldn't have been those who had attacked his ship. Consequently, the Captain did not wish to file a formal complaint against the individuals apprehended by the ESPS Navarra.⁸
12. The ESPS Navarra boarding team had no authority to conduct a more thorough search of the MV Almezaan and returned to their vessel, leaving the MV Almezaan to continue its journey to Mogadishu.
13. Since the Captain and crew of the MV Almezaan had not identified the pirates or filed a complaint, they could not be held legally responsible for the assault against the MV Almezaan. Moreover, the pirates' confession and the presence of heavy weaponry in their skiff was considered insufficient evidence to merit sending them to stand trial in Kenya. They were released and returned to the Somali coast. The body of the deceased pirate was handed over to AMISOM in Mogadishu.

⁷ Position is located close (6NM) to initial reported position, and close (8NM) to the position where the pirates were found, 28 NM off the Somali coastline and 46NM off Ceeldheere.

⁸ As per the Captain's written declaration provided to EUNAVFOR.

Analysis

14. The MV Almezaan is a 30-year-old ‘low and slow’⁹ UAE-based general cargo vessel, which routinely sails between the UAE, Yemen and Somalia. The vessel has not adopted any of the ‘best practices’ prescribed by the shipping industry for counter-piracy, and has never registered or reported its journeys with MSCHOA¹⁰ or UKMTO. In the past, it has twice been hijacked by Somali pirates.¹¹

15. The location and position of the reported attack is consistent with the location of the PAG apprehended by the ESPS Navarra, given the timing between the initial distress call and the arrival of the helicopter at the scene. The details of the MV Almezaan’s distress call are also consistent with description of the PAG and its weapons. No other PAG’s were detected in the vicinity of the incident and the pirates identified the MV Almezaan as the vessel they had attacked.

Conclusions

16. The nature of the injuries to the deceased pirate, and the bullet holes in the skiff, indicate that a firefight took place. The time of death of the victim, as determined by the medical officer of ESPS Navarra, is consistent with the timing of the reported attack. In view of the MV Almezaan’s initial report to UKMTO, that the vessel had come under attack by a PAG and that its security team had returned fire, the Monitoring Group believes that a firefight took place between the PAG and the MV Almezaan. The MV Almezaan Captain’s claim that his crew deterred a team of heavily armed pirates only by using parachute flares is not credible.

17. The Monitoring Group therefore believes that the vessel MV Almezaan was indeed carrying weapons on board with the purpose of protecting and defending themselves against Somali pirates. The incident took place inside the Somali Exclusive Economic Zone and the MV Almezaan then continued its journey to Mogadishu, presumably with weapons on board, in violation of the general and complete arms embargo on Somalia.

18. The operator of the vessel, Biyat International Group of Companies LLC¹² and its managing director Mr. Mohammed Iqbal, has not replied to a letter from the Monitoring Group seeking clarification.

⁹ Max 6.2 knots.

¹⁰ Maritime Security Center-Horn of Africa.

¹¹ May and November 2009.

¹² Biyat International Group of Companies LLC., PO Box 50255, Dubai, UAE.

Annex 4.1.b.: Hijacking of the MV *Victoria*

1. In the afternoon of 5 May 2009, approximately 120NM north of Bossaso (Puntland), the German-owned bulk carrier MV *Victoria*¹ was sailing through the calm waters of the ‘Internationally Recommended Transit Corridor’ of the Gulf of Aden (IRTC) in an unescorted convoy. The UKMTO² registered vessel was coming from Kandla (India), where it had loaded 10,000 tons of rice, and was destined for Jeddah, Saudi Arabia, to offload its cargo.
2. The crew, consisting of 11 Romanian seafarers, all between 22 and 64 years old, were well aware of the risk sailing through pirate infested area and had implemented some basic security measures to defend themselves from potential attacks.³ However, loaded to full capacity, and with only a 2-metre high freeboard,⁴ they also realized they were an easy target for pirates.
3. At around 1510PM Local Time (LT), the ship’s radar screen showed a boat approaching the MV *Victoria* at relatively high speed. Three crewmembers present on the bridge had the small boat in sight and described it as a skiff, off the port side of the MV *Victoria* at an approximate distance of 4 miles. The three crewmembers remained on the lookout, positioning themselves on portside, starboard and the head of the bridge.
4. The ship’s Captain was immediately called to the bridge, where he took manual control of the vessel and initiated evasive manoeuvres, turning the ship in starboard direction. However, the evasion tactics significantly slowed the ship speed, from 12.5 knots to 10, and then eventually to only 5 knots. At the same time the First Officer on board reported the incident to nearby naval vessels and informed the crew of the MV *Victoria* via SPA⁵ that the vessel was under pirate attack.
5. As the skiff rapidly drew nearer, the crew counted 8 or 9 armed pirates on board. As a last resort to repel the attackers, the crew started the fire-hoses, but soon realized they couldn’t develop sufficient pressure to direct jets of water against the pirates. A few moments later the first pirate boarded the MV *Victoria* using an aluminium ladder, immediately followed by his armed companions, and the crew heard shots being fired at the forecastle of the ship. As the pirates climbed on board, the Captain pushed the ship’s security button, which sends out a distress signal directly to the owning and managing shipping company.⁶ The MV *Victoria* had now officially been hijacked at position 13°22’00” N 049°23’00” E.⁷

¹ IMO 9290074 — Call sign V2BQ5 — 2004 build — Antigua & Bermuda flagged — German owned and managed.

² The UK Maritime Trade Operations (UKMTO) office in Dubai acts as the primary point of contact for merchant vessels and liaison with military forces in the region.

³ Cutting of the last stair wells leading up to the bridge, welding metal plates to the windows, securing the engine room and positioning some fire-hoses on deck.

⁴ The distance between the level of the water and the upper surface of the *freeboard* deck amidships at the side of a hull.

⁵ Public Address System, communication system for use aboard ships.

⁶ Intersee Schiffahrtsgesellschaft mbH & Co. KG, Weedendamm 26-28, 49733 Haren (Ems)— Germany.

⁷ Ten minutes after being hijacked a naval helicopter arrived at the scene but could do no more than to ascertain itself that the ship had been hijacked.

Towards anchorage at Eyl

6. Having climbed onto the ship's command deck, the pirates fired through the bridge's glass housing, forcing the Captain, the First Officer and one other crewmember present on the bridge, to open the door and surrender. The three were then held at gunpoint, instructed to call all crewmembers to the bridge and told to lie down on the deck.⁸ As soon as all eleven members of the crew were gathered on the bridge and the Captain identified, the latter was escorted to his cabin and instructed to bring back to the bridge a crew list, the crew's passports and a cargo list.

7. Back on the bridge the pirates made it clear to the Captain that they wanted to go to Eyl, a town on the north-eastern coast of Somalia, notorious as a base for pirates. Unfamiliar with the location, the Captain opened an electronic chart of Somalia. The pirate leader, clearly conversant with navigation charts, decisively pointed with his finger at a point on the map and said again, "Eyl". The chief and 2nd engineers were instructed to adopt heading 1.30 and were sent to the engine room to get the vessel moving. All remaining crewmembers were ordered to stay on the bridge, while the MV Victoria set sail for Eyl Somalia, towing the pirate skiff aft.⁹

8. En route to Eyl, an incoming call was received on the ship's satellite phone, which the crew was initially not allowed to answer. However, after repeated calls and some urging from the crew, the pirates were eventually persuaded to allow the call to be answered. The caller turned out to be the shipping company's security officer, to whom the crewmembers were able to officially confirm the hijacking.

9. Over the next 74 days, the pirates made good use of the MV Victoria's satellite phone, reportedly placing 1631 phone calls in total.

73 days anchored off Eyl

10. The journey to Eyl lasted about two days, during which the crew was obliged to spend the entire time, day and night, on the bridge of the vessel and were not allowed to talk to each other.¹⁰ The MV Victoria arrived at Eyl on Thursday, 7 May 2009, at 0925AM LT and anchored approximately 7NM offshore. The pirate attack team then left the ship and were replaced by a new group of pirates.¹¹ Among them was the pirates' senior commander, accompanied by negotiator "Loyan" (see Annex 4.2). Upon arrival, the crew was instructed to hoist one of the new group's skiffs aboard, which they did, using the ship's cranes.¹²

11. The pirate commander spoke only to the MV Victoria's Captain, explaining how things were expected to evolve during the negotiations with the shipping company. He also permitted the crew to

⁸ The pirates were armed with an RPG launcher, machine guns and pistols

⁹ The pirate skiff never made it to Eyl and got lost during the voyage.

¹⁰ It subsequently emerged that between the hijacking and arrival at Eyl the crew's cabins were searched and that some personal belongings were taken.

¹¹ Guards, have a duty to guard and look after the crew and to prevent the ship of being hijacked by other pirate gangs.

¹² By lifting the skiff it accidentally hit the hull of the MV Victoria and got severely damaged

move off the bridge into other quarters. The commander then left and was only seen 2 or 3 more times during the hijacking.¹³

12. The crew spent the next 73 days of the detention and negotiation phase, until 18 July 2009. Overall, they were well treated during that period,¹⁴ with exception of some minor incidents. Water and rice were available on board ship, and the pirates regularly supplied themselves and the crew with fresh rations including flour, potatoes, onions, goat, pineapple compote, juices (guava), and fruits. Towards the end they also brought fresh water in plastic drums, and fuel.

13. The crew estimated the total size of the pirate gang at approximately 32 men, of whom 16 to 18 stayed on board at any one time to guard the crew and vessel. Between 6 and 8 men were always on duty. Three of appeared to enjoy seniority and exercised some authority over the others.¹⁵ One of these three had been involved in the initial hijacking at sea¹⁶ and was the only pirate who ever issued direct threats against the crew.¹⁷ They asked the crew for alcohol and appropriated for themselves the crew's cameras and laptops.¹⁸

14. The pirates appeared to be on constant alert, apparently at the threat of attack by other pirate gangs. For defence they disposed of the following weapons: 2 light machine-guns with bipods, 1 RPG launcher, 14 Kalashnikov-type assault rifles and two pistols. The weapons were shared between the pirates and usually held by the guards on duty. One particular group of guards were seen cleaning their weapons on a daily basis. They also conducted assembly and disassembly competitions with the assault rifles. One of the machine guns was positioned on the deck, right in front of the bridge.

15. The guards were regularly supplied with *qaad*,¹⁹ which sometimes resulted in heated discussions and quarrels, several fistfights and even a shoot out. On one occasion a guard was tied up by his fellow pirates and brought to shore.

16. The crew noticed other hijacked vessels anchored in the vicinity of the MV Victoria.²⁰ One crew member described Eyl like a well-organized parking lot, where each vessel had a dedicated parking area. Once a vessel was released and had left Eyl, the others moved up to the next parking area, making space for the next hijacked vessel to arrive.

¹³ When negotiations moved into their final phase, the commander spent 7 to 10 days on the vessel. However, crewmembers cannot exclude the possibility that there were actually two commanders.

¹⁴ The female First Officer of the MV Victoria was never harmed, a guarantee she received from negotiator Loyan upon arrival in Eyl.

¹⁵ Crew believed they were named (phonetically) Ismail, Barcal and Ferer.

¹⁶ According to a crew debrief in Salalah (Oman) on 23 July 2009 he is believed to have received US\$ 150,000,00 as his share of the ransom, while the other two 'leaders' each received US\$80,000,00.

¹⁷ He told the crew that if the owner did not pay in time, he would kill a crew member every 24 Hrs.

¹⁸ Most of the crew's personal belongings like cell phones, cameras, laptops etc. were returned to them shortly before the end of the hijacking.

¹⁹ Qaad, also known as khat or miraa, is an evergreen shrub (*Catha edulis*) native to East Africa and the Arabian Peninsula, having dark green opposite leaves that are chewed fresh for their stimulating effects.

²⁰ Voices heard on VHF and visual observations refer to hijacked vessels MV Malaspina Castle (Eyl, 6 Apr 2009-9 May 2009), MV Hansa Stavanger (Eyl, 4 Apr 2009-3 Aug 2009) and MV Horizon 1 (8 Jul 2009-8 Oct 2009).

17. On an unknown date, at least two of the MV Victoria's crew heard the sound of an aircraft overflying the vessel, followed by the sound of an object plunging into the water. Shortly afterwards, the pirates were supplied with a package containing fresh t-shirts and bed sheets.²¹

Negotiations and ransom drop

18. Negotiations for the release of the vessel were handled by pirate negotiator 'Loyan', whom crewmembers described as "different", "friendly", and "wise", and apparently not a member of the pirate gang on board the MV Victoria. Loyan appeared instead to be an outsider who was "appointed" by the pirate commander to negotiate with the shipping company. Although Loyan seemed to have no direct authority over the pirates on board of the vessel, he nevertheless appeared to be influential.

19. In the early stage of the negotiations Loyan came and went regularly. The crew was usually not present during the negotiations on the bridge and therefore didn't have much interaction with him. However, as negotiations entered their final phase, Loyan stayed on board the ship day and night.

20. In general, the negotiations for the release of the MV Victoria have been described as fairly smooth, although at the very end they faltered and were delayed for at least 14 days by a disagreement over US\$ 50,000. From an initial demand by the pirates for US\$ 8 million, the ransom demand eventually descended to a mutually agreed sum of US\$ 1.95 million.²² Later, the pirates communicated to the media that they had received US\$ 1.8 million for the release of the vessel. It therefore appears that pirate negotiator Loyan and the pirate commander kept US\$ 150,000 for themselves from the total amount.²³

21. The ransom was due to be air dropped into the water on 17 July 2009. Just prior to that date, all pirates involved in the operation came to the ship to collect their shares.²⁴ All were then supplied with brand new beige military uniforms, boots and belts in order for them to leave the ship dressed like Puntland security forces. Loyan told the crew that the pirates could either leave the ship immediately after the money drop, or that they could stay on board and secure the safety of the crew until the vessel was ready to leave. The crew accepted the second offer.

22. On 17 July 2009 at 11:45AM LT the money was parachuted into the ocean near the MV Victoria. It was quickly recovered and brought on board, where it was divided between the pirates. As agreed with the crew, the pirates remained on board until the early morning of 18 July 2009,²⁵ when the MV Victoria set sail for Salalah, Oman.²⁶

²¹ The aircraft was not visually observed. Nevertheless, the crewmembers firmly believed that the package of T-shirts and sheets was delivered by airdrop.

²² At a very early stage of the negotiations, Loyan shared with the Captain of the MV Victoria his calculation of the final ransom payment and came up with a target figure of US\$ 2 million.

²³ Negotiating a separate amount for themselves is a tactic routinely used by pirate negotiators, as in such cases as the MV Pompei, MV York, Barge DN 127 (Jan De Nul), and others.

²⁴ Crew members estimated their number at about 30.

²⁵ 0500AM local time.

²⁶ On its way to Salalah, north of Socotra, the MV Victoria had a rendez-vous with a tug boat, set up by the shipping company, who provided the crew with medicine, water and other logistical supplies. In Salalah the crew was debriefed on the hijacking and returned home. A forensic team of the German Federal State Investigation Office arrived on 20 July 2009 in Oman in order to record all traces and evidence necessary for the initiated investigation. Later the vessel was brought to Delfzijl, Holland, to conduct necessary repairs due to the vessel's long and immobile stay in the water.

What does a hijacking case cost?

23. The MV Victoria hijacking is illustrative of the costs typically associated with an act of piracy. The total cost of the MV Victoria hijacking represents **€3,219,885.80**, which are broken down as follows:

Direct costs of the hijacking²⁷:

- Company costs (travel, communication, hotel, meetings, etc.)
- Cash stolen by the pirates on board the hijacked vessel
- Communications from the vessel
- Lawyers
- Private security risk company (negotiations, ransom delivery, debrief etc.)
- Ransom payment
- Charter of a tug boat after the hijacking
- Port and agent's fees
- Repairs (hull, machinery, equipment, computers, etc.)
- Medical costs

In the case of the MV Victoria, these direct costs amounted to **€2,585,161.27**.

24. In addition, the shipping company suffers the indirect costs deriving from the loss of hire of the vessel. In the MV Victoria's case these involved 141.5 days, corresponding to a total cost of **€634,724.53**.

25. In most cases, the direct costs of a hijacking may be eligible for coverage under a shipping company's 'Kidnap & Ransom' and 'Hull and Machinery' insurance policies. However, while the ransom payment itself and the fees of the private security companies negotiating and delivering the ransom money are typically covered right away by the responsible underwriter, other costs may be contested. The situation may be further complicated when a policy involve multiple underwriters, or when it is unclear which underwriter or which policy covers which costs.²⁸ In the case of the MV Victoria hijacking, some costs have already been advanced by underwriters, while liability for other costs has yet to be determined.

²⁷ Not limited to the costs mentioned.

²⁸ This could possibly be further complicated by the fact that one policy may be covered by different underwriters.

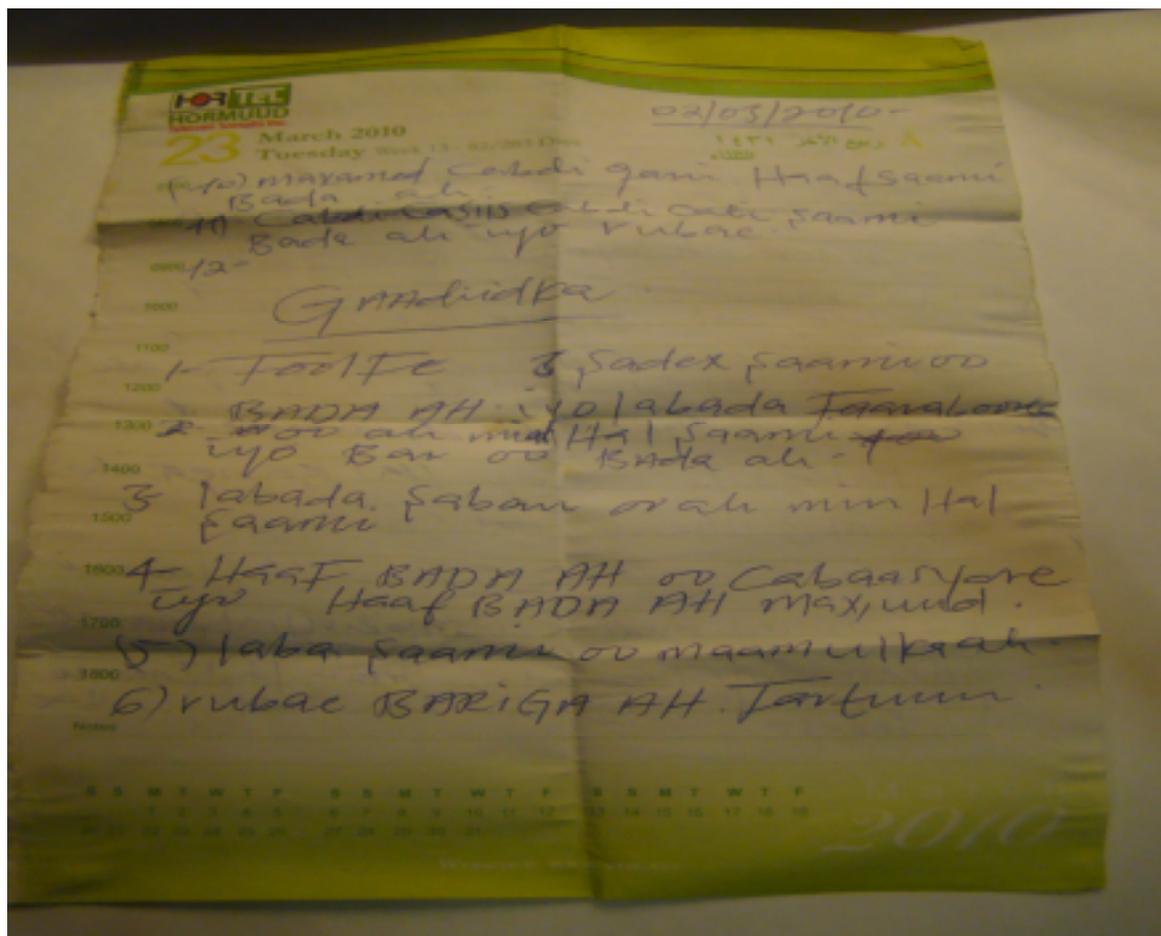
Annex 4.1.c.: Modified skiff

*Modified skiff with storage and universal mount for use of heavy or light machine guns
(2010 seizure)*



Annex 4.1.d.: Seized pirate document (distribution of shares)

This document was recovered from Somali pirates on 5 March 2010 (Indian Ocean). The document shows the distribution of shares according to each pirate's contribution and position within the operation.



Translation

- 10) Mohamed Abdighani one sea share.
 11) Abdiaziz Abdi Ali one and one quarter sea share.

Equipment

- 1) Volvo (whaler): three sea shares.
 2) The two skiffs: one and a half sea shares for each.
 3) The two RPG's: one share each.
 4) Half sea share for Abaas Yare and the same for Mohamud.
 5) Two shares for the administration.
 6) Quarter sea share for Fartuun.

Typical arsenal of RPG grenades (2010 EU NAVFOR seizure), RPG launchers and RPG expulsion charges, commonly used by sea-going pirates during an attack on a merchant vessel



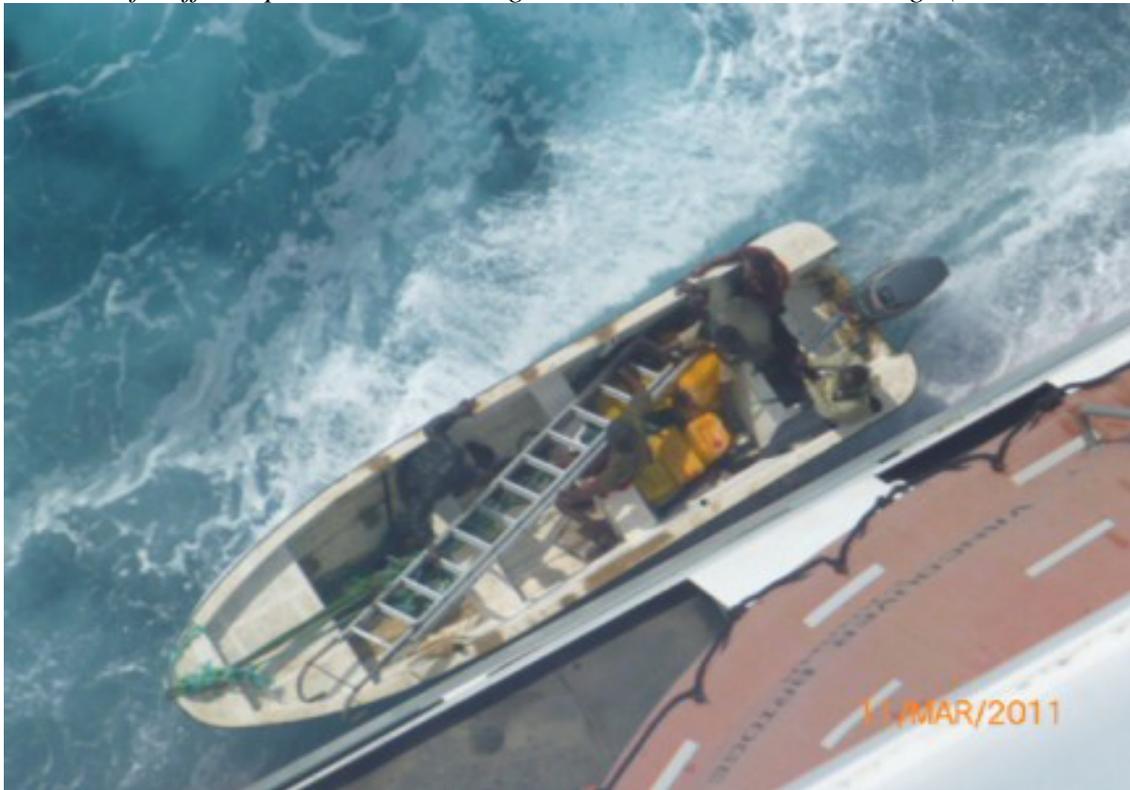
Weapons of sea-going pirates often include knives of various manufacture (2010 seizure)



Typical pirate attack skiffs with 60HP Yamaha outboard engine, ladder with welded bow, grappling hook, ropes, and spare fuel (2010)



Picture of skiff and pirates taken during attack on MV Vancouver Bridge (11 March 2011)



Typical pirate 'whaler' motherships, used as a logistical base and platform from which to launch attacks against merchant vessels (2010)



Typical hijacked 'dhow' mother ships with skiffs on board and towed (2010-2011). Used by pirates as a logistical base² and platform from which to launch attack skiffs against merchant vessels



² For transporting commodities, fuel, weapons, skiffs, outboards, etc.

Pirated fishing vessel used as mothership (February 2011)



Pirated merchant vessel (MV) used as mothership: Al Nisr Al Saudi (October 2010)



Annex 4.2.: Case study: Looyaan Siciid Barte, pirate negotiator

1. Another development has been the growing importance of pirate negotiators, also called ‘interpreters’, within piracy networks. Important negotiators in 2009 and 2010 included Ali Hassan Sharmarke, Looyaan Si’id Barte (see below), Mohamed Saaili Shibin, and Ahmed Saneeg.
2. Negotiators are entrusted with one of the most important tasks in the business: to get the shipping company to pay the maximum amount of ransom for the release of its hijacked vessel. Some negotiators may be involved with two or more ships at the time, sometimes for different networks.¹ At the time of writing, some 14 pirate negotiators are negotiating the release of 25 merchant ships, trawlers and a sailing yacht in exchange for millions of dollars.
3. Since negotiators must master foreign languages, especially English, they are usually recruited from outside pirate networks, operating essentially as ‘consultants’ to pirate militias, although often linked by clan affiliation. Many have worked or studied outside Somalia, and continue to travel abroad.
4. A pirate negotiator must follow his employer’s instructions carefully and any negotiation techniques he employs must be discussed in advance with the pirate leader, but he (and so far, all negotiators have been male) must also possess the social skills required to bring the parties to agreement. Threats to kill the hostages are a common tactic, as is prolonging the negotiations by maintaining long periods of silence.
5. Generally, a negotiator will only spend enough time on board ship to conduct his negotiations, except during the final and decisive phase when he may stay on board day and night. In his communications with the owners or the operators of the hijacked vessel, the negotiator uses a pseudonym to conceal his own identity. He also changes his cell phone number on a regular basis, although many prefer only to use the ship’s satellite phone to engage in communications.
6. Pirate negotiators typically receive twice the share awarded a pirate guard for their services, although this varies across pirate groups. But in a number of cases negotiators have also extracted additional, secret payments from shipping companies either for themselves, or in concert with the pirate militia leader, in some cases giving instructions for funds to be wired to a foreign account.² As their earnings grow, some negotiators have also emerged as investors in pirate operations as well.

Looyaan Si’id Barte

7. On 29 January 2009, just before dawn, the Bahama-flagged and German-operated gas tanker MV Longchamp (IMO 9005106) was hijacked by seven Somali pirates off the southern coast of Yemen at position 14°01’00”N, 049°41’00”E, about 60NM from the port of Al-Mukalla in the Gulf of Aden. The vessel was ordered to sail to the Somali fishing town of Eyl, a notorious hub of pirate activity, where it was subsequently anchored. Soon after its arrival the ship was visited by a Somali pirate negotiator,

¹ In one particular case a negotiator was involved in 4 or 5 hijacking cases simultaneously.

² E.g. MV Pompei (18 April 2009-29 June 2009) – MV Victoria (05 May 2009-18 July 2009), MV York (23 October 2010-09 March 2011).

apparently appointed by the pirate gang, who contacted the Hamburg-based operator of the Longchamp, Bernhard Schulte Shipmanagement GmbH & Co. KG ('BSMD').

8. The hijacking of the Longchamp was the first of 20 Somali hijacking cases in which pirate negotiator 'Loyan' was reportedly involved between January 2009 and April 2011.³ These include:

1. MV Longchamp (29 Jan 2009-28 Mar 2009)
2. MV Malaspina Castle (06 Apr 2009-09 May 2009)
3. MV Win Far 161 (06 Apr 2009-11 Feb 2010)
4. MV Patriot (25 Apr 2009-04 Jun 2009)
5. MV Ariana (02 May 2009-10 Dec 2009)
6. MV Victoria (05 May 2009-18 Jul 2009)⁴
7. MV Navios Apollon (28 Dec 2009-28 Feb 2010)
8. MV St James Park (28 Dec 2009-04 May 2010)
9. MV Asian Glory (01 Jan 2010-11 Jun 2010)
10. MV Al Nisr Al Saudi (02 Mar 2010-07 Dec 2010)
11. MV Frigia (23 Mar 2010-29 Jul 2010)
12. MV Samho Dream (04 Apr 2010-06 Nov 2010)
13. MV Marida Marguerite (08 May 2010-28 Dec 2010)
14. MV Panega (11 May 2010-09 Sep 2010)
15. MV Polar (30 Oct 2010-to present)
16. MV Hannibal II (11 Nov 2010-17 Mar 2011)
17. MV Jahan Moni (05 Dec 2010-14 Mar 2011)
18. MV Thor Nexus (25 Dec 2010-12 Apr 2011)
19. MV Sinin (12 Feb 2011-to present)
20. MV Irene SL (09 Feb 2011-08 Apr 2011)⁵

9. As of April 2011, Loyan was still actively involved in 2 hijacking cases.⁶ It cannot be ruled out that he has been involved in other cases as well, possibly using aliases.

10. In his negotiations with shipping companies and professional negotiators engaged by corporate risk firms, 'Loyan' tries to remain as anonymous as possible, calling himself 'Loyan', "Leon" and "Ali", or sometimes using pseudonyms like "Blue Moon", "Red Sun", "Seabird" or "Bluefish".

11. Loyan's services have been much in demand over the past two years.⁷ Although primarily employed by the Puntland Piracy Network (PPN), he has performed at least 6 negotiations on behalf of the Hobyo-Harardheere (HHN) network as well, suggesting that he has established a solid reputation with leaders of both groups.

³ Of which 17 cases have been corroborated by multiple independent sources.

⁴ In addition to various credible sources Loyan's involvement as a pirate negotiator in the hijacking of the MV Victoria has been reported in an article by Canadian freelance journalist Jay Bahadur in June 2010 who visited Eyl in June 2009 while the MV Victoria was there anchored: <http://www.ft.com/cms/s/0/e5f60614-7d23-11df-8845-00144feabdc0.html#axzz1JHJN0NCU>

⁵ A Greek flagged, owned and managed Crude Oil Tanker, released on 08 April 2011 and ransomed for a record amount of US\$11 million.

⁶ MV Polar (30 Oct 2010) and MV Sinin (12 Feb 2011).

⁷ 8 hijackings in 2009, 9 in 2010 and 2 so far in 2011.

12. In September 2010, while simultaneously involved in 3 hijacking cases, he took on a fourth case, replacing another pirate negotiator called ‘Ali Jama’⁸ as lead negotiator for the ransom of the MV Marida Marguerite. Three months later, however, on 8 December 2010, Loyan made his last phone call to the Marida Marguerite’s owners and was in turn replaced by Ali Jama who, finalized the negotiations and released the vessel on 28 December 2010. Loyan was told that his dismissal was due to a lack of communication with the pirates and the crew on the MV Marida Marguerite but was probably also related to the fact that he was negotiating 5 vessels at the same time.⁹

13. Based on standard pirate business models (see Annex 4.3), the Monitoring Group estimates that, between January 2009 and April 2011, Loyan received at least US\$500,000.00 for his services as a principal negotiator. In addition, given the substantial income he has generated so far and his deep involvement in the piracy ‘business’, it is highly likely that Loyan has also participated in some piracy operations as an investor.

Personal details

14. Loyan is described as being in his early forties, around 1.75 metres tall, medium build, and dark-skinned, with short hair and a goatee. He wears both prescription glasses and sunglasses and has one false eye, reportedly on the left side of his face, and surrounded by a scar. On board a vessel he is usually seen dressed in *macawiis*,¹⁰ a t-shirt and slippers. He sometimes chews *qaad*.

15. Loyan speaks good English and may possess Russian language capabilities¹¹. He is a skilled communicator and negotiator who often manages to finalize the ransom agreement at close to the amount he has targeted from the outset. Shipping company negotiators have described him as generally polite, straightforward, and determined, but also capable of being threatening when he feels the need.¹²

16. In various hijackings Loyan has been described by crewmembers as friendly, polite, clean, and well-mannered. On his occasional visits on board ships, he spends only sufficient time for the conduct of negotiations. However, when negotiations enter the final stage, Loyan stays on board of the vessel day and night. He makes regular phone calls to consult the pirate commander.

17. In his interactions with several crewmembers Loyan has told them that he was born in Dhinowda, Somalia, to a wealthy family, and to have a wife and three children who have lived in Mogadishu.¹³

⁸ Identified by a credible confidential source as ‘Mohammad Saaili Shihin’, approximately 55 years old, born in Qardho, Somalia, from the Osman Mahmud clan.

⁹ MV Al Nisr Al Saudi (2 Mar 2010-7 Dec 2010), MV Marida Marguerite (8 May 2010-28 Dec 2010), MV Polar (20 Oct 2010-to present), MV Hannibal II (11 Nov 2010-17 Mar 2011), MV Jahan Moni (5 Dec 2010-14 Mar 2011).

¹⁰ A *lungi* or wrap commonly worn by Somali men.

¹¹ As reported by crewmembers of the MV Malaspina Castle who claimed that Loyan appeared to be listening and understanding conversations they had in Russian.

¹² In one particular hijacking case, towards the end of the negotiation, Loyan issued the threat that if several million dollars was not agreed to be paid in three days they would start killing a crew member every 24 hrs from the end of that day, as declared by a confidential source to the Monitoring Group.

¹³ Dhinowda is a coastal village, pirate den, between Eyl and Garacad, is part of Nugaal region and is exclusively inhabited by Majerteen / Ciise Mahmoud clan.

He claims to have studied abroad and to have lived in Dubai, India and Djibouti. At times he has mentioned a brother living in the United States. In conversations with the Romanian crew of the MV Victoria, he appeared to be knowledgeable about the country, and spoke of a female cousin who had studied in Romania in a distant past.¹⁴

18. On the basis of its investigations to date, the Monitoring Group believes that Loyan's real name is in fact Looyaan Siciid Barte, and that he is a member of the Darod / Majerteen / 'Iise Mahmud clan, Ahmed Khayre sub-clan. He is married to a woman named Najmo Ali Igal, who possesses Swedish travel documents and is believed to reside in Göteborg, Sweden. She is a member of the Darod / Majerteen / Omar Mahmud clan, Reer Khalaf sub clan, which inhabits parts of northern Mudug region.

19. In September 2009, Loyan was contacted by Sajeeth K., Business Develop Manager at Interman Training & Software Solutions,¹⁵ a company based in Sharjah, UAE, which provides online computer training services. On the basis of its investigations the Monitoring Group believes that it is highly likely that the company had previously sold one of his products to him and therefore may have had access to some of his financial data. Unfortunately, several emails and a letter of the Monitoring Group sent to Sajeeth K. and the company remained unanswered.¹⁶

20. The Monitoring Group also believes that some of Loyan's past travels between 2004 and to date were conducted with Djibouti Airlines. The letter the Monitoring Group has sent to the company requesting for additional information remained unanswered.¹⁷

21. In the recent past, Loyan's presence has been established in Lithuania (22 to 26 April 2009), Djibouti (13 July 2010, and 10 to 12 August 2010), Sweden (24 August 2010) and Kenya (11 October 2010). It is also possible that Loyan has recently travelled to the United Kingdom.¹⁸

Associates of Looyaan Si'id Barte

Cabdiraxmaan Ciise Oomaar

22. In 2010, Loyan was in regular contact with an individual named Cabdiraxmaan Ciise Oomaar, who sent Loyan numerous articles about piracy and ongoing hijacking cases from London, United Kingdom.¹⁹ The information obtained has been communicated to the Government of the United Kingdom to obtain additional identifying information about the individual.

¹⁴ Before 1998.

¹⁵ Postal Code 24075, Sharjah, UAE.

¹⁶ A copy of the letter was shared with the Government of the UAE. A separate letter sent to the Government of the UAE remained unanswered.

¹⁷ A copy of the letter was shared with the Government of Djibouti.

¹⁸ Letters sent by the Monitoring Group to the Governments of Lithuania, Sweden and the UK remained unanswered.

¹⁹ Including articles related to the MV Al Nisr Al Saudi (02 Mar 2010-07 Dec 2010) and the MV Marida Marguerite (08 May 2010-28 Dec 2010).

Abdulkadir Muse Hirsi Nur (Nickname 'Computer')

23. As a senior pirate negotiator Loyan is associated with a well-organized pirate group from the Ciise Mahmoud clan, previously operating from Puntland. The pirate group is allegedly called “The Berets” and is headed by an individual widely known in Puntland as ‘Computer’ or ‘Kumbuyuutar’,²⁰ whose involvement has been established in the MV Victoria, MV Panega and MV Patriot hijackings — all of which were handled by Loyan.

24. Computer has been positively identified as Abdulkadir Muse Hirsi Nur²¹ who calls himself the ‘Colonel of the Berets’.²² He is a resident of Garowe and a member of the Darod / Majerteen / Ciise Mahamud clan, Abokor Ciise sub-clan.

25. In the early months of 2008, the leader of the Puntland Pirate Network Abshir Boyah employed him to work as a psychic with his pirate network.²³ Later Abshir Boyah promoted him to a financier and leader of a 35-member pirate group, which was to become a member gang of the Puntland Pirate Network.

26. In June 2010, a year after a visit to Eyl in June 2009, freelance journalist Jay Bahadur published an article in the Financial Times, wherein he identified an individual named ‘Adulkhadar’, nicknamed ‘Computer’, as a pirate commander and businessman with headquarters in Garowe, who had been involved in the hijacking of the German-operated vessel MV Victoria as principal investor responsible for supplying the start-up capital of the operation.²⁴

27. In September 2010, Abdulkadir Musse Hirsi Nur was reportedly arrested in Garowe on charges of importing alcohol.

Abdi Yare (Nickname 'Small Abdi')

28. Loyan is also associated with one of the major pirate leaders and financiers in the Puntland Pirate Network named Abdullahi Ahmed Haji Farah²⁵, better known as ‘Abdi Yare’, who is in regular contact with the media. Yare runs a heavily armed pirate militia and used to have his base and headquarters in Garacad. He has also been operating in Hobyo and Harardheere and is in contact with both Mohammed Abdi Hassan²⁶ and his son Abdiqadir Mohammed Abdi. He is a member of the Darod / Majerteen / Omar Mahmud clan, Abdi Isse sub-clan.²⁷

²⁰ As mentioned on seized pirate documents in possession of the Monitoring Group.

²¹ Abdulkadir Musse Hirsi Nur a.k.a. Computer is believed to be around 35 years old, married, two children and two brothers of which one is allegedly living in the USA. Speaks good English.

²² As declared by crew members of the MV Panega on 16 Sep 10 who also stated that Loyan called himself the ‘lawyer of the Berets’.

²³ Once a police lieutenant in Mogadishu, Computer returned to Puntland in the wake of the civil war in 1991, where he gained a local reputation as a psychic. (<http://www.ft.com/cms/s/0/e5f60614-7d23-11df-8845-00144feabdc0.html#axzz1JHJN0NCU>).

²⁴ <http://www.ft.com/cms/s/0/e5f60614-7d23-11df-8845-00144feabdc0.html#axzz1JHJN0NCU>.

²⁵ A.k.a. Abdulahi Farah Hassan.

²⁶ A.k.a. ‘Afweyne’, meaning bigmouth. Assumed to be the biggest pirate leader in the Hobyo-Harardheere network but is believed to have retired. His son Abdiqadir has taken over his business.

²⁷ Reer Hirsi sub-clan.

29. Loyan has been acting as a negotiator for Abdi Yare, who has become a major investor. They have been jointly involved in at least 5 hijackings.²⁸

30. In addition, as a pirate leader and/or investor, Abdi Yare was reportedly involved in at least 10 other hijackings between 2008 and 2011.²⁹

²⁸ MV Win Far 161 (06 Apr 2009-11 Feb 2010), Navios Apollon (28 Dec 2009-28 Feb 2010), MV Samho Dream (04 Apr 2010-06 Nov 2010) - MV Marida Marguerite (08 May 2010-28 Dec 2010) and the MV Hannibal II - (11 Nov 2010-17 Mar 2011).

²⁹ MV Bright Ruby (10 Sep 2008-16 Oct 2008), Nipayia (25 Mar 2009-09 May 2009), MV Hansa Stavanger (04 Apr 2009-03 Aug 2009), MV Pompei (18 Apr 2009-29 Jun 2009), MV Alakrana (02 Oct 2009-15 Nov 2009), Dhow Saad 1 (Oct 2009-17 Mar 2010), SV Lynn Rival (23 Oct 2009-14 Nov 2010), MV York (23 Oct 2010-09 Mar 2011), MV Blida (01 Jan 2011-to present), MV Khaled Muhieddine K (20 Jan 2011-26 May 2011).

Annex 4.2.a: Sketch of pirate negotiator Loyaan Siciid Barte



Annex 4.3.:**Case study: pirates and finances – the Hoby-Harardheere ‘business model’**

1. Piracy financing is more complex than widely believed. The notion that ransom payments disappear straight into pirates’ pockets, and are then transferred to Dubai, Nairobi and Mombasa to invest real estate and commerce, is simplistic and in some ways misleading.
2. Pirate finances are usually managed by a ‘Committee’, who organize an operation and are responsible for managing all the costs. The Committee members usually consist of a chair,¹ the two principal investors, the commander of the sea-pirates and the commander of the terrestrial guard force. The Committee is supported in the financial aspects of its work by an accountant who is usually rewarded with a share equal to that of a guard.
3. Ransom payments must cover two types of expense: the ‘cost’ of the operation and the ‘profit’. After a ransom drop, pirate leaders deduct the operational expenses or ‘cost’ from the total amount of ransom, before distributing the remaining money or ‘profit’ to participants in the operation. The profit is generally lower than the cost and is divided between the investors (30%), the guard force (30%) and the sea-pirates (40%).

Operational cost

4. The ‘cost’ of an average pirate operation typically includes the following:
 - Committee members: usually 5 persons who collectively receive 5% of the total ransom amount for their work in the Committee, in addition to the return on their investment;
 - Provisions for pirates and crew, both on board the hijacked ship and onshore, including food, drink, clothes, qaad, vehicles, equipment, weapons, outboard engines, fuel, etc.²;
 - *Shahaad*: a Somali social obligation to share wealth, whether in cash, or by showing generous hospitality, estimated at as much as 20% of the total ransom amount;
 - Somali cook(s);
 - Accountant(s);
 - Logistics coordinator;
 - Interpreter or negotiator³;
 - Payoffs to other local militia groups (to date only in Harardheere)⁴.

¹ Pirate leader and investor.

² Variable cost, paid back at up to 300% of cost. Off duty expenses like cigarettes, phone cards and prostitutes are usually not included in the ‘cost’.

³ 2 shares equivalent to a guard force share

⁴ Estimated at 5 to 10 % of the total ransom amount. Recent reports even speak of 20%

Profits

5. Investors in an operation share roughly 30% of the profit, according to their individual contributions. The remainder of the profit is distributed in the form of ‘shares’ to the participants. An individual can play multiple roles in an operation, organization and therefore collect multiple shares or fees.⁵

The khat business

6. A large proportion of the ransom money is invested by pirate leaders in the ‘*qaad* or ‘*miraa*’ trade through Somali businessmen in Nairobi. Aircraft that fly *qaad* from Kenya into Somalia often return to Nairobi with cash — an important channel for piracy proceeds to leave the country. Pirate leader Mohammed Abdi Hassan ‘Afweyne’,⁶ for example, is said to run such a business for the piracy network in Harardheere/Hobyo.

7. Most young pirates chew *qaad* as a way of passing the time, staying alert and socializing with their fellow pirates. They may spend weeks or months trying to hijack a ship, guarding the crew on board a hijacked ship, or providing protection onshore. Since few can afford the daily consumption of *qaad* for such extended period, *qaad* is usually provided to them on ‘credit’ by the pirate leaders, investors, and businessmen who control both the pirate network and the *qaad* business. Accounts are meticulously recorded, and the return for the *qaad* suppliers is huge, especially because they may charge the pirates as much as three times the market prices for *qaad* bought on credit.⁷ In practice this means that a pirate pays up to US\$150 for one ‘kilo’ of *qaad*, which normally sells for US\$50 on the streets of Harardheere.⁸

8. The symbiotic dynamic between piracy and the *qaad* trade clearly offers some pirate leaders a way both to invest their proceeds and to generate additional profits, which can be invested outside Somalia.

⁵ Pirate leader/investor, negotiator/investor, sea-pirate/guard/investor, etc ...

⁶ Afweyne is a nickname, meaning ‘big mouth’).

⁷ The *qaad* supply to pirates on board hijacked vessels is considered to be an operational cost advanced by the investors, who subsequently reimburse themselves at vastly inflated rates (up to 300%).

⁸ Market prices for *qaad* in Harardheere are reported as US\$25/kg for *laari* (low quality) and US\$50/kg for *caleynle* (higher quality).

Annex 5

Arms embargo violations

Annex 5.1.:**Case study: diversion of arms and ammunition from the Transitional Federal Government and affiliated militia**

1. Despite AMISOM's oversight and TFG efforts at self-policing, ammunition continues to leak from the custody of TFG and militia commanders to the illicit market. The predominant perception in Mogadishu is that the TFG and pro-TFG forces sell between 1/3 to 1/2 of their ammunition.¹ While the Monitoring Group was unable to confirm this quantitatively, it observed a strong correlation between the ammunition issued to TFG and pro-TFG militia, ammunition sold in Bakaara market, and ammunition confiscated from Al-Shabaab. Between January and April 2011, the Monitoring Group undertook an evidentiary study to compare a total of 15 different varieties of 7.62x39, 7.62x54R, and 12.7x108 mm ammunition found in AMISOM stocks with 11 varieties of ammunition observed in Bakaara market and six varieties of ammunition that had been seized from Al-Shabaab.²

Table: Ammunition observed in Mogadishu January-April 2011

Calibre	Lot Number	AMISOM	Bakaara Market	Al-Shabaab
7.62x39	811_08	X	X	X(4) ^a
	323_03	X		
	322_02	X		
	61_77		X	X
	270_73		X	X
	81_07		X	
7.62x54R	AM_02	X	X	
	351_80	X		
	71_99	X	X	
	71_01	X	X	
	71_00	X		
	71_79	X		
	945_08	X	X	
	9611_78	X	X	
	071_704	X		
12.7x108	41_10	X	X	
	41_01	X	X	
	41_99	X		

¹ Interviews with multiple governmental, military, and non-governmental sources in Mogadishu, Somalia January-April 2011.

² Between January and April 2011 the Monitoring Group recorded spent cartridges from AMISOM's firing ranges that AMISOM confirmed were not distinguished from their normal stocks. Three independent sources collected data on ammunition from a total of six different arms dealers in Bakaara market. The TFG and AMISOM granted the Monitoring Group access to ammunition confiscated from Al-Shabaab on the battlefield. Each variety of ammunition constitutes a specific lot number, or head stamp, comprising hundreds of samples.

^a The Monitoring Group inspected four separate samples of this type of ammunition, totalling more than 1,000 rounds.

2. Of the 11 varieties of ammunition observed in Bakaara market, eight of them bore the same lot number as those found in AMISOM ammunition stocks. Moreover, among the six varieties of ammunition seized from Al-Shabaab, four were of the same lot number as AMISOM ammunition.³

3. The Monitoring Group observed three varieties of 7.62x39 mm ammunition in AMISOM stocks between January and April 2011. One particular lot number — Factory 811, produced in 2008 (811_08) — was the most common 7.62x39 round found in AMISOM stocks. Large quantities of this round of ammunition were observed in Bakaara market in February 2011. Moreover, the same lot number was identified in four separate samples of ammunition that had been confiscated from Al-Shabaab, including a sack of 1,000 rounds seized by TFG security forces from Al Shabaab defectors in January 2011.

*7.62x39 mm Factory 811
produced in 2008*



4. During the same time period the Monitoring Group documented nine varieties of 7.62x54R mm ammunition in AMISOM stocks. Observations in Bakaara market reveal that five out of these nine, totalling more than 1,000 rounds were present. The Monitoring Group was not able to chronicle Al-Shabaab-held 7.62x54R mm ammunition.

AMISOM 7.62x54R mm ammunition observed in Bakaara market



5. Further, the Monitoring Group identified three varieties of 12.7x108 mm ammunition (for heavy machine gun) in AMISOM stocks, and recorded the existence of large quantities of two of those three types of ammunition in Bakaara market. The most commonly observed 12.7x108 mm cartridge in AMISOM stocks was the Factory 41, produced in 2010 (41_10). Sources from within Bakaara market

³ Although the Monitoring Group observed matching lot numbers between samples, cross-contamination of ammunition in Bakaara market and Al-Shabaab samples due to non-TFG supply is a possibility, but unlikely in most cases considering the multiplicity of ammunition lot numbers that could have been imported from other sources.

revealed that in April 2011 approximately 90% of all 12.7x108 mm ammunition being sold in Bakaara Market bore lot number 41_10.⁴ Since this type of ammunition was produced in 2010, it is improbable that it would have reached Mogadishu, illegally, in such a short period of time. The prevalence of this variety of ammunition in AMISOM stocks together with its widespread availability in Bakaara market strongly suggests that it was diverted from within Mogadishu. The Monitoring Group did not inspect any Al-Shabaab held 12.7x108 mm ammunition.

12.7x108 mm Factory 41 produced in 2010, 2001



6. Lastly, on 14 February 2011 AMISOM forces confiscated an RPG launcher and its associated ammunition from Al-Shabaab during a takeover of one of its strongholds. The Monitoring Group has been unable to fully trace the RPG launcher and grenade warhead, but was able to confirm that the expulsion charge was produced in Bulgaria by VMZ Co. Sopot in 2008. In November 2009, an End-User Certificate for the item was issued by the Ministry of Defense of Uganda, stating that the delivery was carried out by DynCorp International, a contractor to the US Government. The item was then delivered to the UPDF in accordance with US Department of State Africa Peacekeeping Contract No. 5-LMAQM-03-C-0034.⁵

*RPG Expulsion charge confiscated
from Al-Shabaab*



⁴ Interviews with confidential sources close to the arms trade in Mogadishu, Somalia April 2011.

⁵ Letter of 28 March 2011 from the Government of the Republic of Bulgaria.

7. Since AMISOM and the TFG do not record serial numbers of items that are transferred from one party to the other, it is impossible to determine how this rocket part ended up in the hands of Al-Shabaab. However, experience suggests that this item was likely supplied by AMISOM to the TFG or one of its affiliated militias, and later sold illegally to an arms dealer, who in turn supplied it to Al-Shabaab.

Annex 5.2.: Bodyguard BM-518 receivers recovered in Somalia¹

Serial Number	Location	Date Recovered
B10020202	Unknown, Somalia	01 August 2008
B02221102	Unknown, Somalia	01 September 2008
Not available	Unknown, Somalia	01 October 2008
A00002012	Unknown, Somalia	01 May 2009
D21201022	Galkayo, Somalia	29 April 2009
B10002211	Bur'oo, Somaliland	23 July 2010
B11021110	Bur'oo, Somaliland	23 July 2010
C12210000	Bur'oo, Somaliland	23 July 2010
D21121122	Bur'oo, Somaliland	23 July 2010
D21201010	Bur'oo, Somaliland	23 July 2010
C12220001	Bur'oo, Somaliland	23 July 2010
D21201101	Mogadishu, Somalia	10 August 2010
D22000120	Mogadishu, Somalia	10 August 2010
C12121121	Mogadishu, Somalia	10 August 2010
B10001002	Mogadishu, Somalia	10 August 2010
C11200010	Mogadishu, Somalia	10 August 2010
B10221122	Mogadishu, Somalia	10 August 2010
Not available	Mogadishu, Somalia	10 August 2010
C12122102	Mogadishu, Somalia	10 August 2010
B02112111	Mogadishu, Somalia	10 August 2010
Not available	Mogadishu, Somalia	30 September 2010
A00022110	Mogadishu, Somalia	15 October 2010
A00021111	Mogadishu, Somalia	15 October 2010
C12211011	Mogadishu, Somalia	15 October 2010
Not available	Galgala, Puntland	20 October 2010
Not available	Galgala, Puntland	20 October 2010
Not available	Galgala, Puntland	20 October 2010
Not available	Galgala, Puntland	20 October 2010
Not available	Galgala, Puntland	20 October 2010
Not available	Galgala, Puntland	20 October 2010
Not available	Galgala, Puntland	20 October 2010
Not available	Galgala, Puntland	20 October 2010
Not available	Galgala, Puntland	20 October 2010
Not available	Galgala, Puntland	20 October 2010
Not available	Galgala, Puntland	20 October 2010
B11010112	Bula Hawa, Somalia	27 October 2010
D22220121	Mogadishu, Somalia	30 November 2010

¹ This list includes BM-518 receivers recorded by the Monitoring Group and another agency that conducts analysis of IEDs. It is not exhaustive.

D22110111	Mogadishu, Somalia	15 December, 2010
D22202221	Mogadishu, Somalia	11 January 2011
D22200111	Mogadishu, Somalia	13 January 2011
A00000210	Mogadishu, Somalia	25 February 2011
B11022222	Mogadishu, Somalia	06 March 2011

Annex 5.3.: Aviation

Annex 5.3.a.: List of Somali Airfields controlled by armed opposition groups¹

AIRFIELD	SURFACE	LENGTH	REGION	DISTRICT	ICAO/CACAS CODE
AFMADOW	Loose black soil	700	LOWER JUBA	AFMADOW	HCAM
BAIDOA	Asphalt-deteriorating	3000	BAY	BAIDOA	HCMB
BALEDOGLE	Asphalt	2482	LOWER SHABELE	WANLA WEYN	HCIX
BARDERA	Gravel	1277	GEDO	BARDERA	HCMD
BUALE	Red clay	1000	MIDDLE JUBA	BUALE	HCBU
BURDUUBO	Murram gravel like soil	1000	GEDO	GARBAHARE	
BUULO BURTI	Murram gravel like soil	1000	HIRAN	BULO BURTI	
DAYNILE	Smooth gravel/sand	1800	BANADIR	MOGADISHU	HCDE
DINSOR	Red sandy soil	800	BAY	DINSOR	HCDN
DOLO	Loose Gravel	900	GEDO	DOLO	
EL BERDE	Compact Red soil	885	BAKOL	EL BARDE	
EL BUR		1600	GALGADUG	EL BUR	HCML
ELDERE	Murram gravel like soil	800	GALGADUG	EL DER	HCED
ESALEIGH		2400	BANADIR	MOGADISHU	HCMT
GABAHAREY	Murram gravel like soil	1000	GEDO	GARBAHARE	HCGH
GIALALASSI	Dirt	1000	HIRAN	JALALAQSI	
HARADERA	Sand and Dirt	1000	MUDUG	HARARDHERE	
HODDUR		1200	BAKOL	HUDUR	HCHO
JAMAMME	Hard packed coral	900	LOWER JUBA	JAMAME	H CJM
JILIB		1100	MIDDLE JUBA	JILIB	HCJL
JOWHAR	Loose Gravel	1800	MIDDLE SHABELE	JOWHAR	HCJH
KISMAYO	Asphalt	3700 (-450)	LOWER JUBA	KISMAYO	HCMK
K50	Hard Packed Sand	1850	LOWER SHABELE	AFGOYE	HCMW
LUQ	Dirt surface	1000	GEDO	LUUQ	
MARERRE	Murram gravel like soil	1092	MIDDLE JUBA	JILIB	
MERKA	Coral Sand/gravel	1600	LOWER SHABELE	MARKA	HCEM
QUANSADERE	Red Soil	1500	BAY	QANSAH DERE	
SACCO UEN	Red Clay	1000	MIDDLE JUBA	SAKOW	HCSU
TIEGLO	Hard Gravel		BAKOL	TIEGLO	HCTY
WAJID	Packed sandy gravel	1400	BAKOL	WAJID	HCWJ

¹ Source: ICAO, WFP, FAO/FSAU

Nota bene: At the time of writing, TFG-aligned militias had taken-over GABAHAREY, DOLO and LUQ airfields

Annex 5.3.b.:**Survey of civil aviation movements during Al-Shabaab's 'Ramadan Offensive'**

1. During Al-Shabaab's Mogadishu 'Ramadan Offensive' of August/September 2010, the Monitoring Group received specific and credible reports of alleged arms deliveries by air to Al-Shabaab. At the same time, the Monitoring Group observed an increase in the number of cargo flights to Somalia from Yemen.
2. On 3 September 2010, a credible source with reliable contacts on the ground indicated that two aircraft had landed in Kismayo with military equipment.¹ The next day, a UN confidential internal report mentioned that a "big plane" carrying weapons and ammunitions for Al-Shabaab landed in Kismayo. Both reports — neither of which could be independently verified — cited Eritrea as the origin of the flights.
3. The Monitoring Group has received further credible, detailed and specific information from a former Shabaab commander with residual contacts to the movement,² whose report has been corroborated and elaborated on by an intelligence official,³ that three days later, on 6 September 2010, an aircraft offloaded weapons and ammunition at Kismayo airport. The cargo was reportedly loaded on seven trucks, six of which were destined to Al-Shabaab's Maslah camp in Mogadishu. Given the size of the convoy, it appears that the alleged consignment would have been delivered by a wide-body cargo aircraft, capable of carrying about 50 MT.
4. In an attempt to better understand civil aviation movements during the 'Ramadan Offensive', and possibly to verify some of these reports, the Monitoring Group conducted a survey of flight plans submitted to the Civil Aviation Caretaker Authority for Somalia (CACAS) during this period. The findings are as follows:

V-Berd Aviation

5. This aviation company, owned by South Airlines Co. and based in the Sharjah Airport International Freezone (SAIF), operated five flights to Somalia between 11 August and 9 September 2010 according to CACAS. Two Ilyushin Il-76 bearing registration EK-76592 and EK-76021 transported cargo to Somalia at this time. According to documentation provided by South Airlines main office at the SAIF, the cargo comprised mainly medicines and electronics. Since the end of October 2010, South Airlines and its affiliate companies have provisionally ceased operations to Somalia.⁴

¹ Interview with a former Nairobi-based security adviser on Somalia, 25 November 2010.

² Interview, Mogadishu, 16 December 2010.

³ Interview, October 2011.

⁴ Interview with South Airlines manager, Sharjah, 14 December 2010, and with South Airlines Director General, Sharjah, 22 February 2011.

Mega Aircompany

6. Mega Aircompany, a company registered in Kazakhstan, and which operates a Boeing B-727 Cargo aircraft bearing registration number UP-B2702 in Somalia, provided the Monitoring Group with flight reports and cargo manifests. According to CACAS data, “Mega Air” operated 25 flights to, from or within Somalia between 26 August and 22 September 2010. It appears from these records that the cargo offloaded in different Somali airports authorized by CACAS consisted principally of textiles and shoes.⁵

Air Victory Georgia

7. Registered in Georgia and Sharjah, Air Victory Georgia operates from Djibouti and Entebbe an Antonov An-12 bearing registration 4L-IRA. According to flight plans submitted to CACAS, “Air Victory” operated 20 flights to, from or within Somalia, including Hargeysa, Galkaa’yo, and Mogadishu, between 3 August and 23 September 2010. Despite two official requests sent to the company, no reply has been forthcoming.⁶

8. In addition, the Monitoring Group has identified several gaps in the flight plans submitted by Air Victory Georgia to the CACAS. For example, the above-mentioned An-12 flew from Entebbe to Hargeysa on 3 August 2010, and then from Mogadishu to Djibouti on 17 August 2010. There are indeed no records for any movement for a period of two weeks, considering that at least one flight should be recorded from Hargeysa to Mogadishu. Moreover, similar observations have been made throughout the period under scrutiny.

Examples of incomplete flight plans submitted by Air Victory Georgia to CACAS

Date	Flight No	Aircraft	Registration	From	To
2010/08/03	GVI5555	AN12	4LIRA	HUEN	HCMH
2010/08/17	GVI5555	AN12	4LIRA	HCMM	HDAM
2010/08/17	GVI5555	AN12	4LIRA	HDAM	HCMH
2010/08/23	GIV5555	AN12	4LIRA	HCMM	HDAM
2010/08/23	GIV5555	AN12	4LIRA	HDAM	HCMH
2010/08/26	GIV5555	AN12	4LIRA	HCMR	HDAM
2010/08/26	GVI5555	AN12	4LIRA	HDAM	HCMH
2010/08/29	GIV5555	AN12	4LIRA	HCMM	HDAM
2010/08/29	GIV5555	AN12	4LIRA	HDAM	HCMH
2010/09/02	GVI5555	AN12	4LIRA	HCMM	HDAM
2010/09/02	GIV5555	AN12	4LIRA	HDAM	HCMH

⁵ Reply by Mega Aircompany referenced S/AC.29/2011/SEMG/OC.104.

⁶ The Monitoring group also attempted to visit their premises in Sharjah on 14 December 2010, which were closed down.

2010/09/06	GVI5555	AN12	4LIRA	HCMM	HDAM
2010/09/06	GVI5555	AN12	4LIRA	HDAM	HCMH
2010/09/09	GVI5555	AN12	4LIRA	HDAM	HCMH
2010/09/09	GIV5555	AN12	4LIRA	HCMR	HDAM
2010/09/22	GIV5555	AN12	4LIRA	HCMH	HDAM

HUEN: Entebbe, Uganda / HDAM: Djibouti / HCMM: Mogadishu International Airport /
HCMH: Hargeysa, Somalia / HCMR: Galkaa'yo, Somalia

9. As a result of this suspicious activity and failure to cooperate, the Monitoring Group recommends that Air Victory Georgia and its Antonov An-12 bearing registration 4L-IRA be placed under close scrutiny in the future.

Galex Guinée

10. On 5 September 2010, according to flights plans registered by CACAS, an Antonov An-26 operated by Galex Guinée and bearing registration number 3X-GFD allegedly flew from Ryan-Mukalla to Bosaaso, Puntland. However, official records obtained from the Guinean Civil Aviation Authority in Conakry indicates that Galex Guinée has been deregistered as a certified air operator since 6 December 2007. This was confirmed to the Monitoring Group by one of the main shareholders of another Guinean incorporated company, called Brise Air, whose current business associate used to co-own Galex Guinée.⁷ Brise Air owns a fleet of An-26 aircraft, including the 3X-GFD in question, which it sub-leased to a Sharjah based company called Skyline Air Limited, which could not be reached.

11. The Monitoring Group has since learned of another An-26 bearing Guinean registration, 3X-GEL (which was removed from the registries by Guinean authorities on 13 July 2009) was also flying to Somalia from Ryan-Mukalla in March 2011, allegedly operated by Galex Guinée.

12. As a result of this suspicious activity and failure to cooperate, the Monitoring Group recommends that Galex Guinée and its fleet of aircraft be placed under close scrutiny in the future.

13. The Monitoring Group's survey of cargo flights recorded by CACAS provided no conclusive evidence to substantiate reports of arms deliveries by air into Al-Shabaab controlled areas. It did, however, demonstrate that even in airports controlled by responsible authorities, such as Hargeysa and Mogadishu, operators without proper registration, airworthiness certificates or even genuine flight plans are taking advantage of the absence of controls, and operating without restriction.

⁷ Interview with Tehnoer general director, Dubai, 23 February 2011

Annex 5.4.: Case study: man-portable air defence systems in Somalia — how great is the threat?

1. Man-portable air defence systems, or MANPADS, are surface-to-air missiles intended for use against low-flying aircraft. Most models utilize an infrared (IR) homing device that locks onto aircraft at altitudes ranging from 2,000-8,000 meters, depending on the model. There are approximately 500,000-750,000 MANPADS in existence worldwide. While the vast majority of these are secured in state stockpiles, estimates suggest that more than 10,000 missiles are currently circulating among non-state actors.¹ Since the 1970s, more than 40 civilian aircraft have been hit by MANPADS, resulting in more than 800 deaths. Although governments are undertaking efforts to stem the illicit proliferation of MANPADS, they currently remain in the hands of about 25 non-state armed groups, including Al-Shabaab.²

2. Decades of lawlessness together with unimpeded arms trafficking to and throughout its territory have made Somalia no exception to the threat of MANPADS. According to open source databases and several testimonies, Somalia has received at least 450 MANPADS since the mid-1970s.³ The majority of these have been used, sold on, or are no longer serviceable.⁴ An attack on a Belarusian TransAVIAexport Airlines Ilyushin Il-76 aircraft on 23 March 2007 marks the only confirmed successful MANPADS attack during the current crisis.⁵ Al-Shabaab has claimed that a surface-to-air missile was also used to shoot down an Ethiopian helicopter above Mogadishu on 30 March 2007, but the Monitoring Group has not been able to confirm this.⁶ Lastly, AMISOM neutralized an Al Shabaab fighter near the airport in Mogadishu in October 2008 before he was able to fire an SA-7b.⁷ Although there have been no known attempts to employ MANPADS since 2008, evidence gathered by the Monitoring Group suggests that a number of MANPADS still remain in circulation in Somalia. There are two types of MANPADS in Somalia: the SA-7b Grail and SA-18 Grouse.⁸ While the two missiles have similar effective ranges, the SA-18 travels much faster, has a more advanced guidance system and contains a more powerful warhead.

3. During an Al-Shabaab rally on 21 October 2010 at the Maslah Compound in Mogadishu commemorating Sheikh Mustafa Abu Yazid, an Egyptian born Al Qaeda leader, who had been reported killed in May 2010 by a US missile air strike, Al-Shabaab displayed four SA-7bs, or variants thereof.

¹ The number of MANPADS in circulation has increased since conflict erupted in Libya, where hundreds, if not thousands, of MANPADS were pilfered from state stockpiles. Presentation at “Bilateral MANPADS and Brokering Seminars”, 13 April 2011, Nairobi, Kenya.

² Berman, E, Schroeder, M, and Jonah Leff. “Research Notes: Man-Portable Air Defence Systems (MANPADS).” *Small Arms Survey*. January 2011. See also Eric G. Berman and Jonah Leff, “Light Weapons: Products, Producers, and Proliferation,” *Small Arms Survey 2008: Risk and Resilience*, Cambridge: Cambridge University Press, pp. 7-41.

³ 08 April 2011, accessed at http://armstrade.sipri.org/armstrade/page/trade_register.php

⁴ The average shelf life of a MANPADS is approximately 20 years, and can be considerably less if not stored in proper conditions.

⁵ Report of the Monitoring Group on Somalia, S/2007/436, 18 July 2007.

⁶ Interviews with sources in Mogadishu, Somalia, January-April 2011.

⁷ Report of the Monitoring Group on Somalia, S/2010/91, 10 March 2010.

⁸ SA-7b Grail and SA-18 Grouse are the US and NATO designations for the weapon. The Russian designation is 9K32M Strela-2M and 9K38 Igla, respectively.

Al-Shabaab rally on 21 October 2010 with SA-7bs on display



4. In September 2010, the Monitoring Group received a message via an intermediary, stating that a group of Al-Shabaab militia near ‘Eel Buur in central Somalia was in possession of six MANPADS that they were looking to sell to an interested government. Photographs attached to the message, however, only reveal five missiles — SA-7bs — manufactured in the Soviet Union in the late 1970s. A western government received a similar request in June 2010, but allegedly via ASWJ, requesting US\$200,000 for the missiles.⁹ This discrepancy together with several oral testimonies regarding these MANPADS reveal that they are most likely in the possession of an arms dealer shopping them around for bidders.¹⁰ Because these missiles have been in circulation for more than 30 years, there is no guarantee that they are still functional, which may explain the seller’s intention to dispose of them.

Five SA-7bs being offered for buyback, two with markings



⁹ Interview with western diplomatic source in Nairobi, Kenya on 19 November 2010.

¹⁰ Interviews with various diplomatic and military sources January-April 2011.

5. In its March 2010 report the Monitoring Group provided preliminary details about 10 SA-7b MANPADS that had been confiscated from an arms dealer in Hargeysa, Somaliland. The weapons were reported to be part of an overall consignment of 25 missiles that were delivered by air from Eritrea to Guuri'eel in Central Somalia in April 2008. In contrast, various sources claim that these missiles remained in Somalia from the time of Siad Barre, having leaked out of State control following his demise. The Monitoring Group has not received sufficient evidence to support either claim. It has confirmed, however, that an arms dealer transported ten missiles to Hargeysa, while the rest reportedly remained with another arms dealer in Harardhere. The Monitoring Group inspected eight SA-7bs and their associated thermal batteries in November 2010 in Harar, Ethiopia, that had been confiscated from the arms dealer in Hargeysa (see annex 5.4.b). Coincidentally, four out of the eight missiles bear the same manufacturing marks as the SA-7bs that were attached to the buyback letter (described above). It is conceivable, therefore, that the five SA-7bs included in the buyback letter were part of the original consignment of missiles confiscated in Hargeysa.

6. The Monitoring Group requested export records on the above SA-7bs in November 2010. Russia confirmed that 10 of the SA-7bs described above were produced in the then USSR at the Degterev Plant in 1973-1979, but that "the appropriate inventory is not available."¹¹

7. The Monitoring Group inspected three SA-18s that the Ethiopians had confiscated from Al-Shabaab in 2007 and 2008 (see annex 5.4.b). One of the SA-18s bearing the marks '9П39-1, 03-95, 03267' is in sequence with an SA-18 with marks '9П39-1, 03-95, 03268' recovered by AMISOM in 2008. Russia has confirmed that the two missiles were exported to Eritrea as a pair in the same box as part of an order in 1995.¹² The fact that they were packaged together in the same crate suggests that the two missiles were probably also delivered to Somalia as a pair. Russia further stated that markings on the other two missiles resemble those produced in Russia, but that the missiles were later re-marked, making it impossible to verify the origin.¹³

¹¹ Letter of 26 April 2011 from the Russian Federation.

¹² Letter of 26 April 2011 from the Russian Federation

¹³ The consignment markings on the upper launch tube are '04-94' and '02-97', respectively. Russia, however, states that consignment '04-94' should read '04-94-2', and '02-97' should read '02-97-2'. Additionally, the marking '9П39' on the upper tube should read '9П39-1.' Letter of 26 April 2011 from the Russian Federation.

SA-18 confiscated in Hargeysa in 2009*SA-18 recovered in 2008*

Analysis

8. The MANPADS under review in this section only represent a small sample of the overall MANPADS population in Somalia. While it is impossible to determine the exact number of MANPADS in circulation, information obtained from intelligence and military sources suggest that there exists a sufficient number available to pose a significant threat to aviation assets in Somalia.¹⁴ One Western military official working on the issue estimates that there are up to a dozen MANPADS in Mogadishu alone,¹⁵ which, if employed from the perimeter of Aden Adde International Airport, could have catastrophic results. The Monitoring Group recommends that law enforcement and security officials remain vigilant and cognizant of the threat that MANPADS pose in Somalia.

¹⁴ Interviews and electronic correspondence with diplomatic and military sources, January-April 2011.

¹⁵ Interview with military arms expert on 1 March 2011.

Annex 5.4.a.:**List and photographs of man-portable air defence systems and battery coolant units inspected in Harar, Ethiopia, November 2010**

Item number	Item Type	Markings
1	9P54M/9M32M	Launcher: 9П54М, 12-73-2, 121003 Missile: 9М32М, 121003, ОФК
2	9P54M/9M32M	Launcher: 9П54М, 03-73-2, 03267 Missile: 9М32М, 03267, ОФК
3	9P54M/9M32M	Launcher: 9П54М, 11-76-2, 11375 Missile: 9М32М, 11375, ОФК
4	9P54M/9M32M	Launcher: 9П54М, 07-77, 07116 Missile: 9М32М, 07116, ОФК
5	9P54M/9M32M	Launcher: 9П54М, 01-78, 01633 Missile: 9М32М, 01633, C.H.CH.
6	9P54M/9M32M	Launcher: 9П54М, 01-78, 01384 Missile: 9М32М, 01384, C.H.CH.
7	9P54M/9M32M	Launcher: 9П54М, 11-78, 11125 Missile: 9М32М, 11125, C.H.CH.
8	9P54M/9M32M	Launcher: 9П54М, 08-79, 08347 Missile: 9М32М, 08347, C.H.CH.
9	9P39-1/9M39	Launcher: 9П39-1, 04-94, 04370 Missile: 9М39, 04-94, 04370, 04-94, HE FUZED
10	9P39-1/9M39	Launcher: 9П39-1, 03-95, 03267 Missile: 9М39, 03-95, 03267, 03-95, HE FUZED
11	9P39/9M39	Launcher: 9П39, 02-97, 021577 Missile: 9М39, 02-97-2, 021577, 02-97-2, 0-Φ, 0K.CHAP.

Thermal Batteries	Serial Number(s)
9B17	47203051053
9B17	47311285082
9B17	47507197009
9B17	7711327065
9B17	7711327045
9B17	7808241027
9B17	7808241036
9B17	7703062027
9B17	7902053025
9B17	7703062028
9B17	7902046044
9B17	7709053036
9B238	2-11-1809, 11-97-1
9B238	2-11-2523, 11-97-1
9B238	06-146, 04-95-1
9B238	06-128, 04-95-1
9B238	06-106, 04-95-1
9B238	08-146, 04-95-1

Launchers

SA-18



SA-7b



Item 1



Item 2



Item 3



Item 4



Item 5



Item 6



Item 7



Item 8



Item 9 upper & lower markings



Item 10 upper & lower markings



Item 11 upper & lower markings

Assorted BCUs



Annex 5.4.b: Markings of two SA-7b launchers from buyback request



Annex 5.5.: Non-compliant States and organization

France

1. The International Civil Aviation Office (ICAO) Civil Aviation Caretaker Authority for Somalia (CACAS) recorded one flight conducted by a De Havilland DHC-6, bearing registration FR-ACD and operated by the “Commandement du Transport Aérien Militaire (COTAM)”, in Somalia on 3 September 2010. A second flight, operated by the “Marine Nationale” with an unregistered PUMA helicopter, took place on 14 October 2010.
2. The Monitoring Group is unaware of any notification to the Security Council Committee on Somalia and Eritrea concerning French military operations in Somalia, and on 13 April 2011 sent a letter to the Government of France requesting clarification and additional information.
3. According to information provided by the French government to the Monitoring Group, the first flight operated from Djibouti to Mogadishu was intended to assess Mogadishu land strip and airport facilities, while the helicopter flight from Djibouti to Hargeysa was related to an official visit to Somaliland.

Kenya

4. As described in the Monitoring Group’s March 2010 report, the Kenyan Government has engaged in the training and support of Somali forces intended to confront Al-Shabaab in the Juba Valley and establish a secure buffer zone along its border with Somalia.¹ Although initially established with the endorsement of the TFG, and therefore eligible for external assistance, in the absence of authorization from the Committee, the “Jubaland Initiative”, as it became known, was cited by the Monitoring Group as a technical violation of the arms embargo.
5. In March 2011, as part of a regional strategy to coordinate attacks against Al-Shabaab positions in south central Somalia, the Government of Kenya provided assistance to ‘Jubaland’ forces in conducting incursions in the town of Dhobley. According governmental sources, artillery for these incursions was provided by the Kenyan military, which included military helicopters to provide air support.²
6. By April 2011, the “Jubaland Initiative” appeared to have been subsumed by “Azania”, a self-proclaimed authority established with Kenya’s blessing and headed by former TFG Minister of Defence, Mohamed Abdi Mohamed “Gandhi”. In early April 2011, forces loyal to “Gandhi”, and Ahmed Madobe of the Ras Kamboni forces, armed with “technicals” reportedly provided by the Government of Kenya, launched an offensive to take the town of Dhobley.³

¹ S/2010/91, paragraphs 204-208.

² Communication with military source, May 2011.

³ Communication with military source, May 2011.

7. In the absence of Committee authorization, any Kenyan support for the “Azania” forces continues to constitute a technical violation of the arms embargo.

Sudan

8. On 8 April 2010, a group of TFG recruits landed at Mogadishu International Airport from Khartoum after a training course. They travelled in an Antonov An-74 bearing registration ST-GFF operated by the Government of Sudan.



*Sudanese AN-74 (ST-GFF) at Mogadishu International Airport
on 8 April 2011.*

9. CACAS records show that four Sudan military flights to Mogadishu International Airport took place between 10 October 2010 and 5 February 2011, AN-74 ST-GFF and another AN-74 aircraft bearing registration ST-BDT.

10. The Monitoring Group is unaware of any notification to the Security Council Committee on Somalia and Eritrea concerning this training programme, and on 13 April 2011 sent a letter to the Government of the Sudan requesting clarification and additional information. No reply has been forthcoming.

United States

11. CACAS records show that three flights into Somalia were conducted by “US Air Mobility Command” between 26 July 2010 and 23 November 2010. All of these flights were conducted with an unregistered Beechcraft C-12 Huron and a CASA CN-235 aircraft (registration N-66042).

12. A company called “Prescott Support Co”, which is allegedly linked to the US Government,⁴ has conducted 13 flights to Somalia with a Lockheed L-100-30 (382G) bearing United States registration N-3755P between 14 September 2010 and 20 February 2011.

13. Another operator, “RAM Services”, leasing aircraft owned by “S3B Leasing LLC”, based in Alexandria, Virginia, and possibly linked to the United States Government, also conducted 17 flights to Somalia with a Saab 340 bearing US registration N-703RS between 27 October 2010 and 24 February 2011.

14. The Monitoring Group believes that some of these flights may have been related to United States Government support to Somali security sector institutions, but is unaware of any notification to the Security Council Committee on Somalia and Eritrea, and 12 April 2011 sent letters to the United States Government requesting clarification and additional information concerning all of these flights.

15. The United States government acknowledged in a letter to the Monitoring Group dated 1 June 2011 that 31 of the above-mentioned flights were related to US assistance to the security sector in Somalia. Although the US government received authorization from the Committee on 9 March 2011 to provide the TFG National Security Forces with military equipment and assistance, the information provided in the letter was not sufficient to permit the Monitoring Group to determine whether these flights were related to that exemption.

United Nations

16. The United Nations system, like the European Union, is engaged in a range of programmes and projects involving support to Somali security sector institutions. In resolution 1916 (2010), the Security Council decided that the notification and authorisation requirements described in paragraphs 11 (b) and 12 of resolution 1772 (2007) “also apply to supplies and technical assistance by international, regional and subregional organizations”.⁵

17. The Monitoring Group has obtained additional information concerning a training course for TFG intelligence personnel provided in Uganda by a Ugandan private security company in November/December 2009, financed by the United Nations Trust Fund for Somalia and administered by the United Nations Political Office for Somalia (UNPOS), which was cited in the Group’s March 2010 report as a technical violation.⁶

18. The intelligence training was in fact part of a broader, US\$500,000 project entitled “Security Sector Development” conducted under the auspices of UNPOS senior political officer Bruno Mpondo-Epo through October 2010.

⁴ European Parliament, Temporary Committee on the alleged use of European countries by the CIA for the transport and illegal detention of prisoners, Working document n°8, 16 November 2006, p.16

⁵ S/RES/1916 (2010), paragraph 3

⁶ See S/2010/91, paragraphs 215 and 216

19. According to the memorandum of understanding signed by UNPOS and disbursements vouchers, US\$86,525 was paid in two instalments to a Ugandan company called Captiva Communication Ltd., also known as Captiva Marketing. The first component of the project consisted of a 15-day advanced security course on a range of topics for 15 Somali officers of the TFG National Security Agency in November 2009.⁷ The second component of the project involved US\$188,213 of technical assistance to the TFG, including a consultancy for the Ministry of Internal Security and funding for a Joint Security Committee (JSC) liaison office at the Somali Embassy in Nairobi, Kenya — 70 per cent of which was disbursed directly to the Somali Embassy.

20. As part of this project, General Patrick Karegyeya, former director of the Rwandan intelligence service, was awarded a 6-month contract as consultant to the Somali Ministry of National Security. In this capacity he sent a memorandum to the Minister describing his efforts to “source for security companies in South Africa operating above board and legally that would provide the required capacity on contractual basis”. Their mandate would be to train security services, army and police, but also “to carry out operations aimed at securing and protecting the civilian population and government institutions” in “exceptional circumstances”. In other words, he was seeking to identify PSCs to train TFG security forces and conduct military operations in Somalia, which would have been funded by the United Nations.

21. No authorisation from the Committee was sought or obtained by UNPOS for this project, which is currently subject to internal scrutiny.

22. In a separate case, a training course for 500 Somali TFG Police trainees commenced in Djibouti on 17 January 2011 under UNPOS auspices. The project is funded by a US\$10 million contribution from the government of Japan to the UN trust fund for the Somalia security sector. According to UNPOS, this project includes also “the procurement of equipment and vehicles, the construction of eight police stations and payment of stipends”. No authorization from the Committee has been sought or obtained.

23. On 27 May 2011, the Security Council Committee on Somalia and Eritrea has approved the ongoing training activities of 500 Somali police officers. UNPOS has also been informed that in the future arms embargo exemption requests need to be submitted prior to the commencement of project activities.

⁷ “Training report submitted to UNPOS”, 4 December 2009; the Monitoring Group has also obtained evidence that one of the trainers was a Saracen International (Uganda) employee.

Annex 6

Private security companies

Annex 6.1.: Private security companies operating in Somalia

1. The activities of private security companies (PSCs) represent a disturbing evolution with respect to violation of the general and complete arms embargo on Somalia. This trend has accelerated during the course of the Monitoring Group mandate, as a growing number of companies are now providing onshore security services, including support to AMISOM, support to the Transitional Federal Government and Puntland administration, and protection for private enterprises.
2. The Monitoring Group has engaged directly, during the course of its mandate, with numerous key actors from the private security sector currently deployed or planning to begin operations in Somalia. Few of these actors are aware of the implications of the arms embargo for their operations, especially in the context of support to Somali security sector institutions, or the training of private local security personnel.
3. In its March 2010 report, the Monitoring Group noted the absence of any provision for private security companies to obtain exemptions under resolution 1772 (2007), stating that this “creates ambiguities with respect to their compliance with the arms embargo.” These ambiguities, however, relate only to the question of which authority may request an exemption from the Committee on a private security company’s behalf — not whether an exemption is required. As noted in the Monitoring Group’s March 2010 report, there is an urgent need for greater clarity this issue.¹ In the meantime, the Monitoring Group believes that the Committee should not permit this lacuna to be exploited by PSCs or their financiers as a loophole for circumventing the arms embargo or any other aspect of the sanctions regime.
4. The most egregious violations of the arms embargo during the Monitoring Group’s current mandate were committed by the Hong Kong-registered company Southern Ace, and by the Lebanese-registered company Saracen International, together with affiliated companies registered in South Africa, Australia and Uganda. Case studies on these two companies are attached in Annexes 6.2 and 6.3 respectively.
5. Other PSCs currently active in Somalia include the following:

International Stability Operations Association (ISOA)

6. ISOA, formerly named International Peace Operations Association (IPOA), is a Washington DC based association which represents key actors of the “stability operations industry”, including mainly private military (e.g. Blackwater USA until 2007) and logistics corporations. Founded and directed by Doug Brooks,² it acts as a lobbying group whose promotes its members among decision makers in Washington, through “governmental advocacy”, engaging “key actors involved in the resolution

¹ S/2010/91, paragraph 156.

² Author of many articles promoting private security companies, e.g. “Write a cheque, end a War”, Conflict Trends, n°6, July 2000, “Forum: the dogs of peace”, Post-Gazette, 7 March 1999, “Hope for the ‘Hopeless Continent’: Mercenaries, Traders”, Journal for the Southern African Region, 3, July-October 2000, or more recently “Ruthless humanitarianism: why marginalizing private peacekeeping kills people”, in Private Military and Security Companies: Ethics, Policies and Civil Military Relations, Routledge, 2008.

reconstruction from armed conflict". The association is also aimed at improving the image of contractors specialized in conflicts and post-conflict zones, promoting the role of private companies "operating under the umbrella of United Nations or government-led operations".³

7. Nine members of ISOA are currently or have recently been involved in Somalia: AECOM, Dyncorp, OSPREA logistics and PAE, contracted by the US Department of State to equip, deploy and train AMISOM,⁴ Agility and RA International, contracted by the United Nations also in support of AMISOM, International Armored Group, which provided Saracen International Lebanon with four B6-type armoured vehicles, Hart Security and Threat Management Group, a former branch of Agility, mentioned respectively in the Monitoring Group reports in 2008 and 2010 for previous alleged contracts with the Puntland administration.

Somaliland

8. The Somaliland administration is in the process of introducing specific legislation with regards to activities of private security companies over their territory. In this perspective, a legal consultant funded by UNDP Somalia Rule of law and security program, has proposed that the Somaliland Ministry of Interior promulgate a decree introducing a legal framework to regulate the security sector.⁵

9. At the time of writing, only one private security company is officially operating in Somaliland, although many businesses, hotels and organizations are currently contracting armed individuals to secure their properties. The Special Protection Unit of Somaliland Ministry of Interior is in charge of the safety and security of members of the international community, providing protective escort services and external perimeter security for their staff and premises.

Physical Risk Solutions

10. Physical Risk Solutions (PRS), which existence has been mentioned in 2010 Monitoring Group report, is a private security company registered in Somaliland and managed by a South African former military. According to the company website, PRS is providing "extensive services" to their client, including "armed guarding" and a "PRS team action".

11. However, the company manager emphasized to the Monitoring Group that current restrictions imposed by Somaliland authorities do not allow armed guarding activities.⁶ Consequently, PRS is currently contracted by international organizations and NGOs to provide internal security services

³ ISOA website, accessed at www.stability-operations.org, 24 April 2011.

⁴ DynCorp International, AECOM and Pacific Architects & Engineers (PAE, a Lockheed Martin company) have signed in September 2009 a five-years contract with the US Department of State Africa Peacekeeping Program (AFRICAP) which includes provision of logistics support, construction, military training and advising, maritime security capacity building, equipment procurement, operational deployment for peacekeeping troops, aerial surveillance and conference facilitation; in 2010, Dyncorp, in Somalia since February 2007 when AMISOM landed first in Mogadishu, was replaced by PAE and AECOM.

⁵ Alphonso Gaskins, "Action taken to address the Somaliland Ministry of interior's concerns regarding the operation of private security companies in Somaliland", UNDP Somalia, 7 February 2011.

⁶ Interview with Wayne Hermanson, Nairobi, 2 May 2011.

with trained but unarmed personnel, operating security screening and monitoring compounds security with the relevant equipment, including x-ray machines, metal detectors and CCTV systems.⁷

Select Armor

12. Select Armor is a private security company based in Virginia, USA, specialized in protection and training. According to specialized media, Select Armor was involved in 2006 in planning military operations in support of former TFG President Abdullahi Yusuf.⁸

13. On 15 October 2010, according to Somali media reports and Somaliland government officials, the Chief executive officer of Select Armor, Michele Lynn Golden-Ballarín, notorious in the region for her engagement with Somali pirates who have nicknamed her “Amira”, was expelled from Somaliland.⁹

Michele Ballarín in Djibouti on 13 September 2009 for the appointment of Omar Abdirashid as Prime Minister of the TFG, among other dignitaries including Ethiopian militaries and AMISOM officials



14. A Somaliland Foreign Ministry official confirmed to the Monitoring Group the report,¹⁰ stating that Michele Ballarín had obtained an invitation and visa through contacts in Somaliland parliament and arrived in the territory without the knowledge of the administration. She then sought meetings with various officials, including the Minister of Interior, in which she allegedly proposed a US\$20 million scheme to upgrade Hargeysa airport and improve its security. She did not specify where the funds would come from, but reportedly implied that she represented a branch of the US government.

⁷ Alphonso Gaskins, “Action taken to address the Somaliland Ministry of interior’s concerns regarding the operation of private security companies in Somaliland”, UNDP Somalia, 7 February 2011.

⁸ “Mission Mogadishu”, Africa Confidential, 8 September 2006; during an interview on 1 September 2010 with Voice of America Somali services, she also claimed to have been appointed in 2009 as a Presidential Advisor for Reconstruction and Humanitarian Assistance to the Office of TFG President Sheikh Sharif.

⁹ “Mareykan lagu xanibey Barbera”, Garowe online, 16 October 2010.

¹⁰ Interview by telephone, 16 October 2010.

15. When Somaliland government officials became suspicious and began taking a closer interest in her presence, she and her associates reportedly left Hargeysa for Berbera where they tried to catch a departing flight. They were stopped and detained on the orders of the Minister of Interior. When the Foreign Ministry contacted the US embassy in Nairobi for clarification, they say they were told that she in no way represented the US government, but that the US government nevertheless requested her release in order to avoid diplomatic complications. She and her associates were subsequently permitted to leave.

16. The Monitoring Group has not received further reports of Select Armor activities in Somalia.

Triton International Ltd.

17. In its previous report, the Monitoring Group noted that Triton, a United Kingdom-based company, had been contracted by Somaliland authorities to provide assistance to the Somaliland coastguard, and that this information had been confirmed by the company.¹¹

18. A source based in Somaliland and with direct knowledge of PSC activities in Somalia has since confirmed that the contract was still active.¹² The Monitoring Group has requested several times from Triton additional information, but no reply has been forthcoming.

Puntland

Pathfinder Corporation and Focus Africa

19. Pathfinder and Focus Africa are South-African companies contracted by the Puntland Petroleum and Mineral Agency (PPMA) to supervise the security aspects of the deployment in Puntland of foreign companies involved in oil exploration.¹³

Salama Fikira International

20. Salama Fikira is a private security company based in Kenya and with offices in Mauritius and Puntland, Somalia. They are contracted by Africa Oil Corporation, registered in Canada, to “protect Africa Oil Corp.’s activities in Puntland”.¹⁴ Africa Oil is leading a consortium of foreign oil companies which includes three companies incorporated in Australia (Range Resources,¹⁵ Lion Energy Corporation and Red Emperor). The consortium had its license renewed in January 2011 by the Puntland government, and plans to begin drilling operations in the Dharoor valley, situated between Bosaaso and Garowe, within July 2011.

¹¹ S/2010/91, paragraph 229.

¹² Interview with a confidential source, Nairobi, 2 May 2011.

¹³ Interview with Focus Africa director, Nairobi, 31 March 2011

¹⁴ Letter from Africa Oil chief executive officer to the Monitoring group dated 28 February 2011.

¹⁵ Range resources acquired between October 2005 and June 2006 the exclusive rights for both Dharoor and Nogal blocks from Consort Private. On March and April 2006, international and Somali media reported on heavy fighting between Puntland forces protecting Range Resources exploration team and local militias in Majayahan, west of Bosaaso. On 4 March 2007, Africa Oil has acquired from Range Resources 80% participating interest in the licenses. On June 2008, Somali media reported that Africa Oil expatriates had to be relocated to Bosaaso following new fightings between Puntland forces and local militia in Ufayn, east of Bosaaso.

21. According to Salama Fikira's managing director, they have a permanent representation in Bosaaso, Puntland, providing risk assessment to Africa Oil and coordinating support provided by Puntland military and Police to protect Africa Oil's operations.¹⁶

22. Salama Fikira also offers "maritime crisis response" services, which may involve negotiations with Somali pirates for the release of hijacked vessels. On 24 May 2011, two Cessna aircraft operated by Phoenix Aviation bearing registration 5Y-BYD and 5Y-MJA were grounded on arrival at Mogadishu International Airport and their pilots and passengers, including several Salama Fikira employees, detained.¹⁷

23. According to Kenyan Government officials, the first aircraft registered 5Y-BYD arrived from Seychelles "with a lot of money which was made to pay pirates", and that "the crew of the two aircraft was intercepted while transferring the money to the second aircraft", which bore registration 5Y-MJA and arrived from Wilson Airport in Nairobi, because the operation "had not been declared in the clearance letter".¹⁸

Saracen International

24. See annex 6.3.

Mudug region

Southern Ace

25. See annex 6.2.

Mogadishu

Bancroft Global Development

26. Bancroft provides technical expertise to AMISOM and, under its auspices, to the TFG military. They have assisted AMISOM in modernizing their sight system for mortar fire, and are taking an active part in the training of TFG soldiers, from infantry tactics to administration and accountability, and of the presidential guard in charge of the TFG President personal security details.¹⁹

27. It is the understanding of the Monitoring Group that Bancroft's status as a contractor for AMISOM means that its activities are subject to the exemption to the arms embargo provided for in paragraph 11(a) of UNSCR 1772.

¹⁶ Interview with Salama Fikira managing director, Nairobi, 15 March 2011.

¹⁷ "Brits arrested in Somalia with £2.2 million ransom for pirates", The Daily Telegraph, 26 May 2011.

¹⁸ Email to the Monitoring Group, 8 June 2011.

¹⁹ Interview with Bancroft management, Mogadishu, 10 December 2010

Clear Ocean

28. On 11 August 2010, the TFG Minister of Foreign Affairs, Yusuf Hassan Ibrahim, signed a letter of endorsement for “the implementation of marine resource management in Somali territorial waters and its Exclusive Economic Zone” with a company called Clear Ocean, registered in the Commonwealth of Dominica and based in the UAE. The contract includes the “establishment of immediate monitoring and enforcement mechanisms in order to quell the current illegal fishing activities”.²⁰ According to Clear Ocean internal documentation, the company allegedly signed a similar contract with Somaliland administration on 5 June 2010, and therefore planned to “install and manage a command control center in Berbera and Mogadishu”.

29. On 18 January 2011, Norwegian media reported that the KNM Horten, a 2,664 ton military vessel with a helicopter deck and capacity for 155 crew and passengers, was purchased from the Norwegian Defence Logistics Organization by Clear Ocean for about US\$9 million.

The KNM “Horten” at an unknown date



30. On this occasion, Svein Johnsen, Clear Ocean chief executive officer and co-owner of the company alongside Philippe Banse, declared that the company project was to acquire six other vessels, six helicopters and one surveillance plane, to “manage the fisheries, chase pirates and in general protect the waters as we will now be doing on behalf of the Somali government”.²¹

31. In the same statement, Sven Johnsen, who has a military background, also said that “Clear Ocean vessels will have a weapons system on board that can stop a boat from a distance of two kilometers: if the pirates don’t stop before getting within 800 meters of us, they will be stopped”.²²

²⁰ See Annex 6.1.b.

²¹ “Norwegians to protect Somalia’s fisheries”, The Norway Post, 18 January 2011

²² “Ship owners arm to fight piracy”, Views and News from Norway, 18 January 2011

32. In line with this statement, the internal documentation obtained by the Monitoring Group lists the weaponry that Clear Ocean planned to purchase to undertake its alleged contract with TFG and Somaliland administration. It includes a 20 mm Regimental Ship Gun, an AK630 Gatling machine gun, NSV caliber 12.7mm supported by a laser rangefinder, OSV caliber 12.7mm, sniper rifles, AKM and PKM machine-guns and automatic pistols.

Clear Ocean planned armament according to its own commercial brochure



Heavy machine guns for ships:



NSV cal 12.7 x 108
 Max range on naval pedestal 2500 m
 Supported by laser range finder with
 speed and azimuth for accurate firing
 Night vision and day scope



33. On 21 January 2011, the Norwegian ministry of Foreign affairs decided “not to grant an export licence” for the KNM Horten, since new information was given to the Ministry that Clear Ocean “now plans to arm the vessel so that it can provide security services off the coast of Somalia”.²³

34. In response to a Monitoring Group request for information, Clear Ocean admitted that the company will “at a later stage bring weapons and ammunition for own protection” in Somalia, informing the Monitoring Group “what we are bringing and in what quantities” to undertake “maritime patrol by air and sea of the EEZ”.²⁴

²³ “No export license for KNM Horten”, Minister of Foreign Affairs of Norway, 21 January 2011

²⁴ Letter from Clear Ocean LLC, 15 November 2010

35. However, Clear Ocean's assertion that "FAO will support our operation based on a request from the TFG Minister of Fisheries" has been refuted by the director of fisheries of the United Nations Food and Agriculture Organization, who is specifically named as a reference in Clear Ocean letter.²⁵

Compass Integrated Security Solutions

36. Compass is a Dubai-based private security company contracted by Supreme Group, a global logistics services company supplying food for example to US forces in Afghanistan, to protect their facilities, assets and operations all over the world. In Mogadishu, Supreme Fuels, contracted by UNSOA to provide fuel to AMISOM, subcontracts a local company, Nation Wide Enterprise, which is owned by a Somali businessman called Mohamed Duale.²⁶

37. Compass has deployed in Mogadishu a team of eight expatriates to coordinate Duale's local militia, to secure the Supreme compound and to protect movements of staff within Mogadishu, mainly between their compound, located next to Mogadishu international airport, and AMISOM premises.²⁷

38. A mission from the Monitoring Group was able to visit the Supreme Fuels compound, including the armory used by the local militiamen to store their weapons when off-duty, and was given a presentation by the Compass chief operations officer of the security scheme currently in place. The mission was also informed of the steps taken jointly by Supreme and Compass in order to find an international organization or a state to notify the Committee for an exemption to the importation of security equipment.²⁸

Supreme Compound main gate on 8 April 2011 — Local armed guards are wearing uniforms and bearing badges for identification



²⁵ Interview with FAO director of fisheries, aquaculture policy and economics division by email, 26 January 2011

²⁶ Interview with Supreme fuels Operations support manager, Mogadishu, 8 April 2011

²⁷ Interview with Compass chief operations officer, Dubai, 20 February 2011

²⁸ Visit of the Monitoring group to Supreme fuel compound, Mogadishu, 8 April 2011

Polaris Business Investigation and Intelligence

39. Registered in Singapore, with an office in Nairobi and in the United-Kingdom, this company is co-owned by an American and a British national who claim to work in Mogadishu since the Ethiopian forces seized the capital in January 2007. Their compound is located next to Mogadishu International Airport.²⁹

40. They are mainly contracted for construction works inside AMISOM compound, although they are also known for carrying out investigations, security and risk assessment, under the protection of a small local militia.³⁰

SKA Air and logistics

41. SKA is a Dubai-based provider of aviation services and logistics contracted by the TFG to manage Mogadishu “Adan Adde” International airport. After the signature of a first agreement with former Prime Minister Omar Abdirashid Ali “Sharmarke” including also Mogadishu seaport,³¹ SKA was eventually granted with a ten-year concession to manage airport services on 26 December 2010 by the government of Mohamed Abdullahi Mohamed “Farmajo”.

42. On 30 December 2010, Prime Minister “Farmajo” was challenged by members of the Transitional Federal Parliament over the signature of this contract, given that SKA was widely perceived as being associated at that time with private security companies.³²

SKA offices at Mogadishu “Adan Adde” International Airport on 24 January 2011

²⁹ Interview with PBI2 managing director, Nairobi, 18 May 2011; he also mentioned during the interview that his British partner was leaving the company.

³⁰ Interview with an intelligence official, Mogadishu, 10 December 2010.

³¹ Interview with SKA manager, Mogadishu, 11 December 2010.

³² “Somali MPs call for all foreign companies exit”, Shabelle Media Network, 29 December 2010.

43. Although SKA also provides “safety and security services”,³³ according to its own commercial brochure, it is the assessment of the Monitoring Group that SKA is not involved in activities directly related to security or in support to the security sector in Somalia, even if some members of the SKA “security team” have been spotted by the Monitoring Group in Mogadishu.³⁴

SKA security team in Iraq according to SKA brochure



³³ SKA provides with its “own highly-skilled security team [...] full protection and support for any sensitive mission requirements, as well as personal security detail (PSD), convoy escort and static security for compounds and facilities”.

³⁴ The Monitoring Group visited SKA offices at Mogadishu international airport on 11 December 2010, 22 January 2011 and 9 April 2011.

Annex 6.1.a.: Transitional Federal Government letter of endorsement for Clear Ocean

Jamhuuriyadda Soomaaliya
Dowladda Federaalka KMG ah
Wasaaradda Arrimaha Dibadda
Xafiiska Wasirka



جمهورية الصومال
الحكومة الفدرالية الانتقالية
وزارة الخارجية
مكتب الوزير

Republic of Somalia
Transitional Federal Government
Ministry of Foreign Affairs
Office of the Minister

JS/WAD/X/W/00 /08/10

Date: 11th August 2010

To: Mr. Svein Johnson
Chief Executive Officer
Clear Ocean LLC
8 Coptall, Roseau Valley 00152
The Commonwealth of Dominica

Letter of endorsement for the implementation

of

Marine Resource Management in Somali Territorial waters

and

its Exclusive Economical Zone

A sound marine resource management program that secures income and development of the fishery sector in Somalia is one of the highest priorities for the Transitional Government of Somalia. The absence of control with Somali territorial waters and its Exclusive Economical Zone (EEZ) has resulted in significant damages and loss to the Somali population and its fishery sector which now vertically has been brought to a standstill.

Illegal fishing is currently flourishing due to lack of sustainable quotas, fishing regulations and the issuing of fishing licenses. The TFG welcomes the initiative taken by the Deputy Prime Minister and Minister of Fisheries and Marine Resources to engage with Clear Ocean in the establishment of immediate monitoring and enforcement mechanisms in order to quell the

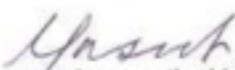
current illegal fishing activities. The TFG further welcomes that Marine pollution in form of unregulated dumping of toxic waste in Somali territorial waters has been addressed and is incorporated in the contractual arrangements between the Ministry of Fisheries and Clear Ocean.

The TFG further endorses the quota regulations and mechanisms for the issuing of sustainable fishing licenses and welcomes the implementation of the Automatic Identification System (AIS) and the Vessel Monitoring System (VMS) which will allow for good control of vessels that operating in Somali waters.

The TFG is further pleased to see that marine conservation and the protection of coastal estuaries and wetlands have been addressed and will be protected through a monitoring and control program.

The TFG realizes that by implementing a sound monitoring and enforcement system that one of the key roots of piracy will be addressed and dealt with. It was exactly for the reasons of lawlessness and lack of monitoring and control that piracy blossomed and has by now brought the whole fishing industry in Somalia to a standstill.

The TFG hereby fully endorses the implementation of a sound Marine Resource Management program in cooperation with Clear Ocean that will be given all necessary authorizations to enforce the MRM program in cooperation with the Ministry of Fisheries.


Hon. Yusuf Hassan Ibrahim
The Minister



Annex 6.2.: Case study: Southern Ace

1. Southern Ace Ltd. was officially established in Hong Kong on May 18, 2007 by owner and director Edgar Van Tonder for the purpose of “import and export of logging trucks and trailers and their spare parts”.¹ Paul Calder Le Roux also known as Bernard John Bowlins is a ‘silent partner’ in the company, and believed by law enforcement officials concerned by the company’s operations to be the actual owner.²

2. In January 2009, in association with a Somali businessman named Liban Mohamed Ahmed “Ottavio”, Southern Ace made a proposal to the ‘Gaalmudug State’ administration, based in Gaalka’yo, presenting itself “traders and importers of fisheries products in Hong-Kong” and “interested in establishing operations in the central and coast of Somalia starting with the Mudug region”.³ Several months later, on 22 April 2009, Erwin Bockstaele, Southern Ace operations officer in Mudug and reportedly a former soldier, signed an agreement with the then President of the Gaalmudug administration, Mohamed Warsame Ali “Kimiko”, establishing the company in association with Ali Hashi Dhoore, owner of the Iidan Fishing Company and candidate in the January 2009 TFG presidential election.⁴

3. By the end of April, Erwin Bockstaele, assisted by Shaun Right, also known as Abed Abu Radi, began recruiting militiamen from “Ottavio”’s subclan (Hawiye/Habr Gedir/Sacad/Reer Nimacale), equipped with Kalashnikov-pattern assault rifles and light machine guns, offering up to US\$300 per month.

¹ On 17 December 2010, Van Tonder was replaced at the head of the company by Richard Warren Talaro, a Philippine national.

² Interview with a military source, February 2011.

³ See Annex 6.2.b.

⁴ Interview with Mohamed Warsame Ali “Kimiko”, Nairobi, 16 March 2011

Erwin Bockstaele, Misheck Dzichaunya and Shaun Right in Southern Ace compound in South-Gaalka'yo, on 13 July 2009



4. At the same time, the company began to purchase weaponry from the Gaalka'yo arms market, acquiring about 70 Kalashnikov-pattern assault rifles, 5 light and heavy machine-guns, 5 rocket-propelled grenade launchers, and one anti-aircraft ZU-23 machine-gun with 2,000 rounds of ammunition, as well as a number of handguns.⁵ Southern Ace's arms purchases were so substantial that local officials in Gaalka'yo noted a significant rise in the price of ammunition and a shortage of ZU-23 rounds.⁶

5. Several of these weapons were mounted on vehicles, including two four-wheel drive vehicles mounted with light machine-guns, three pick-up trucks mounted with heavy machine-guns and two GMC trucks mounted with ZU-23.⁷ Southern Ace also imported to Somalia radio equipment, Philippine army-style uniforms and bullet-proof jackets in support of their operations.

6. Meanwhile, "Ottavio" set up a company called GalSom Limited, and began to experiment with the cultivation of hallucinogenic plants, including opium, coca and cannabis, initially at the Southern Ace compound in south Gaalka'yo. The cultivation was later extended on a larger scale at the premises of the Iidan Fishing Company.⁸ He was assisted in this endeavour by two Philippine nationals, Ian Caballes and Donald Gimeno, a Zimbabwean and a South-African maintenance

⁵ Interview with military official, February 2011.

⁶ Interview with a Galmudug official, Nairobi, 5 March 2011

⁷ Interview with a former employee of Southern Ace in Somalia by email, 29 April 2011. One of the Zu-23 'technical' vehicles was apparently leased.

⁸ Interview with a former employee of Southern Ace in Somalia by email, 18 April 2011. The Monitoring Group has also seen photographic evidence of GalSom's activities.

technician. In support of these activities, Galsom Ltd. and the Iidan fishing company imported generators, green houses, gardening tools, herbicides, fertilizer, a bulldozer, an excavator, a compactor, a drilling machine, and three small trucks from Philippines, China, Hong-Kong, Kenya and UAE.⁹

7. During an interview with the Monitoring Group in Djibouti on 2 December 2010, “Ottavio” admitted owning GalSom, and presented himself as Southern Ace representative in Gaalka’yo. He claimed to be head of a well-paid militia in the Mudug region, assisted by “armed international from different countries”. He also acknowledged having purchased a greenhouse “for agricultural produce”

8. Local start up costs for the period March to June 2009 amounted to at least US\$500,000, wired from Paul Calder Le Roux’s company in Philippines, La Plata Trading, via a money transfer company based in Dubai, UAE.¹⁰

9. Early in 2010, the company established a new compound at Af Bawaarqo, about 180 kilometres east of Gaalka’yo and 50 kilometres north-west of the Iidan fish factory compound, mid-way between Hobyo to Jariiban. By this time, Southern Ace and its local associates operated a well-equipped, 220-strong militia from the Habar Gidir / Sa’ad / Reer Nim’aale sub-clan, supervised by a dozen Zimbabweans — one of the strongest forces in south Mudug region, with the potential to change the balance of power in the area (which may help to explain several grenade attacks on the company headquarters end of 2009 and early 2010). Southern Ace has been consequently engaged in supporting armed groups allied to the Galmudug administration in Gaalka’yo and Ahlu Sunna Wal Jama’a in the Mudug region. On 29 November 2010, in Godod (30 kms south-east of Gaalka’yo), militiamen from the Omar-Mahmud sub-clan of Majerteen, supported by four-wheel drive vehicles mounted with heavy-machine guns, attacked Sa’ad pastoral nomads causing allegedly heavy casualties from both sides. According to UN confidential reports, the fighting lasted several days and Southern Ace militia was engaged in fight and supported Sa’ad militiamen.¹¹

10. Towards the end of March 2010, Le Roux planned to import by air a large quantity of heavy weapons, including 75 kilograms of C4 explosives, 200 land mines, one million rounds of 7.62 mm ammunition, and five AT-3 “Sagger” anti-tank missiles.¹² For this purpose, Mohamad Khalif Dhore, Gaalmudug’s aviation Minister, issued an official letter stating that the Baandiiradley airstrip was suitable for landing of an Antonov 12.¹³

11. According to multiple sources interviewed by the Monitoring Group, the planned delivery never took place. Instead, in mid-2010 a dispute between Le Roux and “Ottavio” erupted, when Le Roux realized that he was paying his militiamen almost twice the market rate. As the crisis deepened, most of Southern Ace international staff left Somalia and in November 2010, “Ottavio”, supported by the militiamen from his sub-clan, took over the leadership of Southern Ace in Gaalka’yo.

⁹ Interview with a former employee of Southern Ace in Somalia by email, 18 April 2011

¹⁰ According to credible, confidential documentation seen by the Monitoring Group.

¹¹ Confidential UN report, 30 November 2010.

¹² Interview with a military source, February 2011.

¹³ See Annex 6.2.c.

12. By January 2011, only two international Southern Ace personnel remained in Gaalka'yo, apparently handling administrative tasks. On 12 January 2011, Jirat Taeko, a Zimbabwean national, was reportedly killed at the gate of the compound in South-Gaalka'yo, following an argument with one of the company militiamen over financial issues.¹⁴ "Ottavio" and three other Southern Ace local staff were subsequently jailed for three weeks by Gaalmudug authorities, and company assets, including weapons, were reportedly divided between local Habr Gedir/Sacad militias and the Gaalmudug authorities.¹⁵

13. By the time Southern Ace ceased operations in early 2011, the Monitoring Group estimates that Le Roux and his associates had spent approximately US\$ 3 million in Somalia, including almost \$1 million in militia salaries and over \$US 150,000 on arms and ammunition.

¹⁴ "Somalia: Zimbabwean Killed in Central Town", Shabelle Media Network, 13 January 2011.

¹⁵ Interview with a Gaalmudug official, Nairobi, 5 March 2011

Annex 6.2.a.: Southern Ace company profile



SOUTHERN ACE LTD
(Company No. 1134007)
Suite 3, 18th Floor, #20 Pedder St, Central,
Hong Kong
Tel: +852-2293-2230 Fax: +852-2293-2232

TO WHOM IT MAY CONCERN

Dear Sir

We thank you for the opportunity to present our company profile to you.

Our company name is Southern Ace Ltd, we are traders and importers of fisheries products in Hong Kong. We are interested in establishing our operations along the central and coast of Somalia starting with the Mudug region. We intend to export Lobster to Dubai, UAE, and later Tuna to the greater Gulf region, and Shark Fin to Asia.

Our proposed operation in Hobyo will consist of:

1. Providing local fishermen: boats, and outboard engines. The boats will be 7-8M boats supplied by a builder in Bosaso, outboard engines we will imported from Hong Kong. These boats and engines will be provided to fishermen in return for an agreed percentage of the catch. Any surplus catch over the agreed percentage we will buy at prevailing market rates.
2. Providing local fishermen: nets, as with the boats and outboard engines this will be done in return for an agreed percentage of the catch. Surplus will be purchased at the market rate.
3. We intend to refurbish the existing landing strip at Hobyo, and export the products to Dubai using our Cargo aircraft
4. We also request permission to establish canning and refrigeration facilities in Hobyo

We anticipate our operations will provide at least 500 jobs in the Hobyo area.

Hoping for your kind consideration.

Thank you

Edgar Van Tonder
Director
Southern Ace Ltd

Annex 6.2.b.: Letter from Gaalmudug Minister of Aviation, 25 January 2010

*Gaalmudug state of Somalia
local Government*



*Dawladda Goboleedka Gaalmudug
Dawladda Hoose*

January 25, 2010

In who this may concern,

At request of the Cargo Company who will use the BAN airstrip located 60km from the city of Gaalkaicyo, Somalia to deliver equipment for the company named Galsom Ltd we, the government of Galmudug state assures and confirms that this airstrip is used for planes type AN12, Fokker 50 on full capacity or load for NGO's like ACRC (red cross) and UN Aircrafts.

The airstrip is covered with fine gravel on a rock surface base that can hold at least double the weight of a fully loaded AN12.

We also inform you that the landing days are Friday, Saturday, Sunday and Monday of every week.

Please be aware that sunset is around 5:30pm or 17:30 and no landing or take off lights are available at the airstrip location.

Galsom Ltd assured us they will handle the full security and transport of the equipment delivery.

Sincerely,




 Mohamed Kalif Dorre
 Minister of Aviation
 Galmudug State, Somalia

Annex 6.3.: Case study: Saracen International

1. Between May 2010 and February 2011, Saracen has provided military training, equipment and vehicles to a military force, and deployed armed, foreign security personnel on Somali territory, in the initial phases of an operation that would have become the largest externally supported military activity in Somalia, after AMISOM.
2. The Monitoring Group believes that Saracen's operations since May 2010 represent a significant violation of the general and complete arms embargo on Somalia, which prohibits "all deliveries of weapons and military equipment"¹ and requires that any "supplies and technical assistance [...] intended solely for the purpose of helping develop security sector institutions"² be authorised by the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea. It is also the opinion of the Monitoring Group that Saracen's activities to date have represented a threat to peace and security in Somalia.
3. Saracen operates independently of all international, multilateral frameworks for support to the Somali security sector. Consequently, there is no way to ensure that forces trained and equipped by Saracen will in fact be employed for the declared purposes of the programme. Indeed, there are already indications that the Puntland authorities may have alternate objectives in mind for the force. Such ambiguity has engendered tensions between Puntland and its neighbours, as well as within Puntland itself. Parts of the Puntland population, neighbouring administrations, the Transitional Federal Government and the Transitional Federal Parliament, as well as parts of the international community have all called for the cessation of the programme.
4. Despite having been informed by the Monitoring Group in December 2010 of the need for Security Council authorization, at the time of writing Saracen's activities in Somalia have not been notified to the Security Council Committee on Somalia and Eritrea. On 17 February 2011, Saracen International reported to the Monitoring Group, through legal counsel, that it had suspended training activities in order to comply with relevant Security Council resolutions.³ However, the Monitoring Group has since learned that uniformed Saracen trainees and Saracen-provided vehicles have been deployed as security details for Puntland officials and Saracen 'humanitarian' operations. Saracen's team subsequently conducted reconnaissance and recruiting activities in new areas of operations.
5. On 19 May 2011, the Puntland administration notified the Monitoring Group that "any agreements between Puntland and Saracen have been terminated, as of April 20, 2011, by mutual agreement," affirming that training could resume "pending a U.N. Security Council waiver which gives Puntland Government mandate to train its anti-piracy marine force (PMF), in line with U.N. Security Council Resolution 1976, of 11 April 2011."⁴ Saracen nevertheless continued to maintain a presence in Puntland and showed no indication of withdrawing its personnel or materiel, pending authorization of the programme.

¹ Security Council resolution 733 (1992), paragraph 5.

² Security Council resolution 1772 (2007), paragraph 11(b).

³ See Annex 6.3.b.

⁴ Electronic communication with the Monitoring Group from the Puntland Presidency via Mohamed H. Barre, Puntland Liaison Officer in Kenya, 19 May 2011.

6. The Monitoring Group welcomes the Puntland administration's actions to rectify the situation with respect to the sanctions regime, as well as its stated commitment to comply with relevant Security Council resolutions, but will continue to monitor Saracen's activities closely.

Background to SARACEN involvement in Somalia

7. Saracen International Ltd was established in the British Virgin Islands in 1995, and has since opened offices in South Africa, Uganda, the DRC and Angola.⁵ In 2005, Willem "Bill" Pelsler, CEO of Saracen International (South Africa) and managing director of Saracen International (Uganda), first began to take an interest in the Puntland region of Somalia.⁶

8. On 28 October 2009, Lafras Luitingh, owner of Saracen International (South Africa) and Pelsler's long-time business partner, reportedly met in Washington DC with former Blackwater and Xe Services Chief Executive Officer and owner, Erik Dean Prince. In December 2009, Luitingh travelled to the Middle East to meet with a consortium of anonymous donors to present a plan to fight piracy in Puntland and to train a personal security detail (PSD) for the President of the Transitional Federal Government (TFG). A confidential intelligence report provided to the Monitoring Group, as well as media reports, allege that this meeting involved Erik Prince and officials from Abu Dhabi in the United Arab Emirates.⁷

9. On 3 March 2010 an offshore company named Saracen International SAL (Société Anonyme Libanaise) was registered in Lebanon by Jamal Muhammad Balassi, a Ukrainian national of Palestinian origin, who serves as both Chairman of the Board of Governors and Managing Director of the company. When questioned by officials from the Lebanese Ministry of Justice, Balassi's partners in Saracen — one Palestinian and one Lebanese partner, both resident in Sidon, Lebanon — claimed to know nothing about the company's activities. Both were also described by the Ministry as apparently having a record for passing bad cheques and breach of fiduciary duty.⁸ Although Balassi could not be reached by the Monitoring Group for comment,⁹ information provided by the UAE Ministry of Interior indicates he is currently employed by Reflex Responses (R2) Management Consultancy,¹⁰ a company linked to Erik Dean Prince.¹¹

⁵ See Annex 6.3.c.

⁶ In July 2005, Bill Pelsler established with two local partners a company called Universal Consultants with headquarters in Bosaaso, and a branch in Kampala, Uganda. According to the articles of association, one of the principal areas of company activity was to be "Consulting, especially in mining, oil exploration, fishing etc.". Universal Consultants subsequently tendered a bid for fishing rights licences and "means of discouraging unlawful fishing within the territorial waters of Puntland", issued by the Ministry of Fisheries of the Puntland Government (see Annex 6.3.d.).

⁷ At the time of writing, the Monitoring Group received no reply to its letter to the Permanent Representative of the UAE to the UN of 4 May 2011 regarding Saracen, seeking additional information.

⁸ Report of Said Mirza, Public Prosecutor at the Court of Cassation (Ministry of Justice), Beirut, 28 March 2011. See Annex 6.3.e.

⁹ Lafras Luitingh and his lawyers, the Washington based law firm Steptoe & Johnson LLP, have not complied with the Monitoring Group's request that they provide Jamal Balassi's contact details.

¹⁰ Reply to SEMG OC.61 from the Permanent representation of the UAE dated 19 May 2011.

¹¹ Mark Mazzetti and Emily B. Hager, "Secret Desert Force Set Up by Blackwater's Founder", *The New York Times*, 14 May 2011; Michael Rumi, R2 company president, confirmed to the *New York Times* after the publication of the article that Erik Dean Prince has been working for his company (accessed at http://www.nytimes.com/2011/05/15/world/middleeast/15prince.html?_r=1 on 7 June 2011).

10. Later the same month, Luitingh, met several times with Somali officials,¹² and signed two Memoranda of Agreement.¹³ One of these memoranda, which Luitingh signed with the TFG on behalf of Saracen International (Lebanon), envisaged a training programme for TFG security forces, including a new presidential security unit, an anti-terrorism elite force, VIP protection, and a range of other skills. The second memorandum was signed with the Puntland administration, and envisaged the establishment of a heavily armed ‘coast guard’. Saracen has failed to comply with Monitoring Group requests that it provide copies of these and other documents.

Saracen plans and operations in Mogadishu

11. On 5 October 2010, Luitingh travelled to Mogadishu together with consultant Michael Shanklin, a former CIA officer with prior experience in Somalia, and four other Saracen personnel. On 17 October 2010, Saracen received three Ford F350 B6-type armoured vehicles purchased in the UAE, with turrets for gun mounts.¹⁴ A fourth armoured vehicle was delivered to Mogadishu on 21 October 2010.¹⁵

Two Saracen Ford F350 armoured vehicles with gun turrets



12. Saracen’s presence and plans in Mogadishu rapidly became a source of contention. The AMISOM Force Commander, Major General Nathan Mugisha, expressed to the TFG his concerns “over unknown armed groups in the Mission area”,¹⁶ and the Transitional Federal Parliament also

¹² Luitingh met on 15 March 2010 with TFG Prime Minister Omar Abdirashid Ali Sharmarke in Saudi Arabia; on 16 March 2010 with Puntland President Abdirahman Mohamed Faroole and Farah Ali Jama, current Puntland Minister of Finance, in Garowe, alongside Bill Pelsler; and a few days later with TFG President H.E. Sheikh Sharif Sheikh Ahmed and Presidential Chief of Staff Abdulkareem Jama.

¹³ Interview with Lafras Luitingh and his lawyers, Pretoria, 13 January 2011.

¹⁴ Flight VBD6019 from Sharjah, UAE, operated by V-Berd Aviation with an Ilyushin Il-76 cargo aircraft bearing registration number EK-76592.

¹⁵ An Ilyushin Il-76 registered EK-76245, operated by RusAviation, transported on 18 October 2010 the fourth vehicle from Sharjah to Djibouti; an Antonov An-12, bearing registration number 4L-IRA, which flew from Djibouti to Mogadishu on 21 October 2010 operated by Hamed Air Cargo, had probably previously delivered the vehicle to Mogadishu, but this could not be confirmed by the Monitoring group despite several requests to the declared operators of this aircraft.

¹⁶ Statement by TFG Information Minister Abdulkareem Jama, “Response to stakeholders concern over unknown armed group in Mission area”, date unknown.

demanded, on 30 December 2010, that the TFG explain to parliament the details of contracts with “foreign companies illegally operating in the country”.¹⁷ Faced with such resistance, Saracen abandoned its plans for Mogadishu and, at the request of the AMISOM Force Commander, redeployed most personnel and their equipment by air to Bosaaso on 29 October 2010, maintaining only a token ‘humanitarian’ presence at the TFG presidency, renovating a medical clinic for TFG officials. On 22 January 2011, then TFG Minister of Information issued a statement to international and Somali media that “the Somali government is to suspend its contract with SARACEN International”.¹⁸ This was followed less than a week later with another statement from the Minister, dated 28 January 2011, that the TFG’s decision to end the relationship with Saracen International “is binding on all Somali territories. That will apply to all parts of Somalia”.¹⁹

Saracen Plans and Operations: Bosaaso

14. By the time of Saracen’s withdrawal from Mogadishu, its operations in Bosaaso were well advanced: to establish a force of approximately 1,000-strong, equipped with 3 transport aircraft, 3 reconnaissance aircraft, 2 transport helicopters and 2 light helicopters. The maritime component of the force would be equipped with 1 command and control vessel, 2 logistical support vessels and 3 rigid-hulled inflatable boats (RHIBs) for rapid deployment and intervention. If fully implemented, these plans would establish the best-equipped indigenous military force anywhere in Somalia.

15. Just two days after the Saracen team redeployed to Bosaaso, on 31 October 2010, the MV NOORA MOON 1 delivered approximately 500 MT of equipment and hardware, including construction vehicles and also 85 pick-up trucks to the port of Bosaaso. Between October 2010 and February 2011, Saracen also chartered fifteen flights to Somalia from the UAE and Uganda, involving two Antonov An-32 cargo aircraft operated by Ayk Avia, carrying supplies for the Saracen training camp in Puntland.²⁰

16. One of these flights, an Antonov An-32 registered EK-32604, was detained at Hargeysa airport, together with its crew and two passengers, by the Somaliland authorities on 10 December 2010. The flight, which had originated Entebbe was chartered by another company owned by Luitingh’s, Australian African Global Investments Pty Ltd (AAGI),²¹ and bore 583 kg of military-style khaki uniforms, including “combat t-shirts” and “SWAT” combat boots, as well as black battle harnesses and belts with magazine pouches destined for the trainees in Bosaaso.²² The flight manifest, issued by Air Armenia, stated only that the cargo comprised clothing and spare parts. In a gesture illustrative of the lack of transparency with which Saracen has managed its Somali operations, the commercial invoice issued by AAGI described the cargo simply as “camping & safari equipment”.²³

¹⁷ “Somali MPs says foreign firms operating in the country illegally”, Shabelle Media Network, 30 December 2010.

¹⁸ Jeffrey Gettleman, “Somalia Is Likely to Cut Ties to Mercenaries, Official Says”, The New York Times, 23 January 2011.

¹⁹ Katharine Houreld, “Somali region defies federal government over Saracen deal”, Associated Press, 28 January 2011.

²⁰ Despite repeated Monitoring Group requests, Saracen has only provided cargo manifests and/or packing lists for 4 of the 15 flights.

²¹ See Annex 6.3.f.

²² See Annex 6.3.g.

²³ See Annex 6.3.h.

Note on Flight EK 32604²⁴

On 10 December 2010 at 0845, an Antonov An-32 with tail registration number EK 32604 contacted Hargeysa tower and requested permission to land. The flight had originated at Entebbe and routed via Ethiopian airspace. The pilot provided a clearance reference for southern Somalia, not Somaliland, so the tower asked him the reason for landing. The pilot stated that he wanted to make a technical stop to upload fuel and permission was granted.

The aircraft entered Somali airspace at AXAPO (Fararweyne) at 0912 at an altitude of 21,000 feet, and landed at 0925. The aircraft landed with 2 hours fuel duration, en route to Bosaaso, which requires 1.5 hours. The onward routing was to Al-Ryan (OYRN) and Sharjah.

The flight manifest (copy on file) is issued by Air Armenia (P.O. Box 8256, Sharjah), and states that the cargo comprised clothing and car parts. Hargeysa civil aviation authorities were suspicious and demanded to inspect the cargo. Upon inspection, they discovered that the clothing included military uniforms, boots and web gear, and that the aircraft was carrying additional cargo not on the manifest. In addition to a six-man Russian crew, the aircraft was also carrying two South African passengers. Somaliland authorities grounded the aircraft and detained the passengers and crew, placing them under 'house arrest' at Ambassador Hotel.

The Somaliland authorities suspected the two South Africans, Chris Everson and Anton van de Merwe, of being military trainers associated with Saracen International's operations in Puntland. In a statement recorded after their arrest, the two described themselves as a freelance television crew employed by Moonlighting Films in Cape Town.

On 10 December 2010, the SEMG Coordinator contacted the Somaliland Foreign Minister, Mohamed Omar, for additional information. On 11 December 2010, Minister Omar invited the SEMG to assist the Somaliland authorities in investigating the incident. A mission comprising M. Bryden and C. Reyes departed for Hargeysa on 12 December 2010, returning to Nairobi on 14 December. The mission succeeded in accomplishing its three principle objectives: inspection of the aircraft and cargo; interviews with the passengers and crew; and review of relevant documentation. The mission also strengthened the working relationship between the SEMG and Somaliland authorities.

Findings

The flight originated in Entebbe and was operated by AYK AVIA, an Armenian aviation company. According to Capt. Boris Antoniv, the aircraft and crew had been based in Entebbe since 1 October 2010, under contract with Australian African Global Investments (AAGI SA (PTY)), a South African-registered company headed by Lafras Luitingh. Luitingh is also the MD or CEO of Saracen International (South Africa), which is currently engaged in training militia at a base at Bandar Siyada, west of Bosaaso in Puntland, Somalia.

²⁴ This note is a narrative summary of events relating to the seizure of AN-32 EK 32604 in Hargeysa on 10 December 2010, based on the mission to Hargeysa of M. Bryden and C. Reyes on 12-14 December 2010.

According to Capt. Antoniv, the aircraft and crew fly 2-3 rotations per month for AAGI, for a total of 6-7 flights since 1 October 2010. Antoniv stated that all flights have been to Bosaaso except for one rotation on 29 October 2010, when he transported 12 passengers from Mogadishu to Bosaaso (names on file with SEMG). One of the cargo boxes was labelled 'Mog'.

Their point of contact in Entebbe is Lood Pepler, AAGI's 'Support Manager' (+27 826565889 / +256 788 572592, loodpepler@gmail.com). According to Everson, Pepler has been working as a construction supervisor at Saracen's facility in Bosaaso, but was temporarily deployed to Entebbe where he was Everson and van der Merwe's point of contact in December 2010. On 13 December 2010, Everson believed that Pepler was in Durban, where a large consignment of approximately 80 containers has been prepared for export to Saracen's facility in Bosaaso. Saracen's vessels MV Seafarer and MV Eaton are expected to call at Durban on 19 December 2010.

The cargo on the flight consisted of 583 kg of military-style khaki uniforms, including "combat t-shirts" and "SWAT" combat boots, as well as black battle harnesses and belts with magazine pouches. Also on the aircraft were a hand-held metal detector and wheeled security mirror for inspecting vehicles. The cargo had initially been shipped from Johannesburg to Entebbe with South African airlines (waybill No. 083JNB08614811) and was destined for Bosaaso. One of the boxes bore a label stating "To: L. Pepler".

The cargo waybill (copy on file), issued in Johannesburg by Global Reach Logistics on 30 November 2010, indicates the consignee as:

Puntland Development Group
1 Issa Avenue
State of Puntland
Bosaso, Somalia

Documents provided to the SEMG by an Arent Fox legal team claiming to represent the TFG in connection with Saracen's operations, indicate that the consignee for other deliveries of cargo to Saracen in Bosaaso is also the Puntland Development Group (contact person Issa Hassan Omer / Mohamoud Shido / Joseph Abdalla).

In addition to the manifested cargo, the flight also carried the two passengers and their camera gear. Journalists Everson and van der Merwe travelled from Johannesburg to Entebbe via Nairobi on Kenya Airways late on 6 December 2010. Acting on the advice of producer Shawn Efran, who was already in Bosaaso at the Saracen camp (local phone +252 90 563807), Everson and van der Merwe's employer, Moonlighting Films (Theresa Ryan van Graan, +27 833302675), had contacted AAGI in South Africa (POC Liesl) who had arranged that they board the cargo flight from Entebbe.

Everson and van der Merwe had been scheduled to depart for Bosaaso with the AAGI-chartered cargo flight on 8 December 2010. However, the delayed arrival of the cargo from Johannesburg delayed their departure until 10 December 2010. While in Uganda, their POC was Pepler, who on 9 December 2010 briefly took them to the Saracen International compound in Kampala.

Everson and van der Merwe claim that this was the first and only time they heard the name Saracen. All arrangements for the shoot had been made by Efran, who had told them only that they were to film a training facility for counter piracy operations in Bosaaso. Information shared with the Monitoring Group by the Somaliland authorities appears to substantiate this account.

According to Captain Antoniv, the original flight plan had been routed via Addis Ababa as a fuel stop, but because of routine 3-4 hour fuelling delays in Addis, Antoniv opted to route via Hargeysa instead, for the first time. Everson's account appears to corroborate Antoniv's, since he told the SEMG that the flight had originally been described to him as being of 8-9 hour duration, but that Antoniv later said there had been a change and it would last only 5 hours.

17. The consignment was officially destined for the Puntland Development Group (PDG), which has been contracted by SARACEN to provide local logistics support, select local personnel and pay trainee salaries. Shipping documents obtained by the Monitoring Group identify one of PDG's contact persons in Bosaaso and Dubai, UAE, as Mohamud Shido, a known associate of Khadar Abdirahman Faroole and Mohamed Abdirahman Faroole, sons of the current president of Puntland. The Monitoring Group has been told that Khadar Abdirahman Faroole is a partner in PDG, but has not been able to independently verify this assertion. According to Luitingh, PDG is directly funded by the "donors", not by Saracen.

18. On 23 December 2010, another logistical consignment, comprising 119 shipping containers, left the South African port of Durban on board the MV Seafarer, destined for the Saracen camp in Bosaaso via the United Arab Emirates. Documentation relating to the shipment again indicated the involvement of Luitingh's logistics company, AAGI, as well as UFA Consultants, a South African company owned by Saracen International (Uganda) CEO, Willem Hendrik Pelser.²⁵

19. The MV Seafarer was escorted on its journey to Durban by the MV Eaton, which had previously been known as the MV McArthur and operated by private security company, Blackwater. Both the MV Eaton and MV Seafarer are currently owned and operated by Afloat Leasing Ltd, a company officially registered in Liberia and possessing offices in Malta, under the maritime directorship of former Blackwater employee, Joseph Russel D'Alfio (see case study on Afloat Leasing in Annex 6.5). Before routing to Durban, the Seafarer and Eaton had called at Djibouti port on 28 September 2010, where they leased automatic weapons for an on-board security team. Despite its military profile and the presence of armed security on board, D'Alfio has repeatedly denied that the MV Eaton serves in an escort role and has described it instead as a 'Offshore Support Vessel (OSV) or Survey Vessel'.²⁶

Training and operations

20. Between 2 October 2010 and 17 February 2011, Saracen carried out basic military training courses for 470 soldiers and drivers selected by Puntland authorities and the PDG. The basic training

²⁵ See Annex 6.3.i.

²⁶ As described in electronic communications authored by Joseph D'Alfio and obtained by the Monitoring Group, as well as in declarations by Afloat Leasing Ltd. to port and customs authorities at Mombasa, Durban, and the Seychelles. See also Annex 6.3.j.

included “fundamental disciplinary aspects of the military” and “training with weapons”. In addition, most of the trainees were provided with a five-week specialized training for section leaders, drivers, signallers, medics and in the use of heavy machine-guns (DShK 12.7mm). Planned training on the use of the 40mm grenade launcher and the 82mm mortar did not take place because of lack of equipment.

21. According to an internal Saracen document obtained by the Monitoring Group, the Puntland government planned to make available to Saracen 195 AK-47 assault rifles with 74,188 rounds of 7.62 calibre ammunition, and 13 PKM light machine-guns with 4,647 rounds of 7.62 calibre ammunition, 2 12.7mm heavy machine-guns, 40mm grenade launchers and 82mm mortars.²⁷ On Thursday, 11 November 2010, most of the small calibre weaponry was delivered to Saracen. However, Saracen’s project management was dissatisfied with the quality of the weapons and described the procurement process as “tedious and costly”, suggesting in an internal document that the company should “pursue other avenues of procuring the needed equipment.”²⁸ Two pictures obtained by the Monitoring Group show two foreigners, probably Saracen trainers, among Puntland Marine Force trainees carrying weapons during a parade on an unknown date.

Saracen trainees carrying weapons during a parade



22. By November 2010, Saracen trainees, personnel and equipment were already adopting a more operational role in Puntland. On 16 November 2010, for example, the four armoured Ford F350 imported airlifted to Bosaaso from Mogadishu were photographed while moving in convoy in the streets of Bosaaso.

²⁷ Puntland Marine Force, Management report, November 2010, pp. 7-8.

²⁸ Puntland Marine Force, Management report, November 2010, pp. 7-8 and 11.

Saracen armoured vehicles with gun turrets in the streets of Bosaaso



23. According to Luitingh, the four vehicles were once deployed as part of the Personal Security Details of Puntland President Faroole, assuring his protection during his travel by road from Bosaaso to Garowe. On this occasion, it is Luitingh's understanding that the turrets were mounted with heavy machine-guns.²⁹

24. Similarly, the Monitoring Group has received multiple reports that most of the 85 vehicles imported by Saracen have been handed over to Puntland authorities, including, according to a UN report, ten vehicles specifically attributed to Puntland Police. Aerial photos taken of the Saracen training camp on February 2011 show only a small number of vehicles, including the four armoured F350, parked inside the compound, lending credence to this report.

Saracen compound, Bandar Siyada, Bosaaso, Puntland



25. On 17 February 2011, in response to Monitoring Group warnings that the company was operating in potential breach of the arms embargo, Saracen's legal counsel notified the Monitoring Group by letter that it had suspended all training activities, pending authorization from the Security Council Committee on Somalia and Eritrea.³⁰ Both this letter and Luitingh indicated that Saracen intended to

²⁹ Interview with Lafras Luitingh and his lawyers, Pretoria, 13 January 2011.

³⁰ See Annex 6.3.b.

resume operations in Puntland with a new appellation, but that in the meantime, Saracen personnel and assets would be used for “humanitarian” purposes.

26. On 24 February 2011, pictures taken in Garowe show Saracen staff and vehicles allegedly deployed in support of humanitarian deliveries to populations affected by the drought. One of these images, taken in the vicinity of the presidency compound in Garowe, shows a Puntland soldier wearing the characteristic Saracen Puntland Marine Force blue uniform, with corresponding headgear, and carrying an AK-47 assault rifle, or similar variant. Although the Monitoring Group has not been able to determine the status of all Saracen trainees, this image appears to indicate that at least some Saracen trainees are considered combat-ready and have been deployed on active duties.

Saracen staff, vehicles, and former trainee deployed on active duty in Garowe



27. On 18 April 2011, during a meeting with the Monitoring Group in Nairobi, Puntland President Faroole identified Saracen’s ‘anonymous’ sponsor as the Government of the United Arab Emirates, and stated that he had been expecting the donor to apply for an exemption to the Security Council Committee on Somalia and Eritrea for Saracen operations in Puntland since February 2011.³¹

Potential threats to peace and security

28. It is the assessment of the Monitoring Group that Saracen’s programme not only violates the arms embargo, but also constitutes a threat to peace and security. Saracen’s presence has increased tension in north-eastern Somalia because its operations are perceived as a military threat by Puntland’s neighbours, as well as by some parts of the Puntland population.

29. On 6 December 2010, the leader of the Gaalmudug regional administration, which borders Puntland to the south, alleged that Saracen’s activities were part of a Puntland campaign to disrupt and destabilize Gaalmudug, and to “reignite the civil war”.³² On 11 December 2010, Somaliland Interior Minister, Mohamed Abdi Gaboose, stated during a press conference in Hargeysa that “the military training provided to Puntland is a threat to Somaliland’s security and to that of the region in

³¹ Interview with the Monitoring Group, Nairobi, 18 April 2011.

³² See Annex 6.3.k.

general”.³³ And on 28 January 2011, the TFG announced its decision to end its relationship with Saracen International, and to prohibit the company from operating anywhere in Somalia.³⁴

30. Part of this tension reflects ambiguities over the force’s intended role. In an interview with the Associated Press, Mohamed Faroole, President Faroole’s son and adviser, stated that “the new force will hunt down pirates on land in the Galgala mountains”, because “you cannot have oil exploration if you have insecurity”.³⁵ Faroole was referring to highland areas populated by the Harti/Warsangeli clan, many of whom object to Puntland’s plans for oil exploration, where there is no evidence that pirates have ever operated. It is the Monitoring Group’s assessment that Warsangeli apprehension over the Saracen programme has engendered support within the clan for Mohamed Said “Atom”, a Warsangeli militia leader linked to Al-Shabaab. Saracen’s declared intention to deploy foreign trainers in a “mentoring” role during military operations on the field would only serve to inflame the situation further.

31. The Monitoring Group believes that such concerns are justified. The first units and platoons of the ‘Puntland Marine Force’ trained by Saracen are intended to serve as an elite land unit for the Puntland administration. Saracen’s claim that its personnel and trainees are engaged in “humanitarian” operations in no way alters the fundamentally military character and role of this force, or the adverse impact of its presence on peace and security in the region.

³³ “Somaliland holds plane taking military supplies to Puntland”, AFP, 10 December 2010.

³⁴ Katharine Houreld, “Somali region defies federal government over Saracen deal”, Associated Press, 28 January 2011.

³⁵ Katharine Houreld, “1,000-man militia being trained in north Somalia”, Associated Press, 1 December 2010.

Annex 6.3.a.:

Letter to the United Nations regarding cessation of counter-piracy training, 17 February 2011



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February 17, 2011

Mr. Matthew Bryden
Coordinator, Somalia Eritrea Monitoring Group
United Nations
Via Email: bryden@un.org

Mr. Kiho Cha
Secretary, Security Council Committee
United Nations
Via Email: cha@un.org

Ms. Mona Ali Khalil
Senior Legal Officer
United Nations
Via Email: khalil36@un.org

Ms. Assiya Akanay
Political Affairs Officer
United Nations
Via Email: akanay@un.org

Dear Messrs. Bryden and Cha and Mss. Khalil and Akany:

I am writing regarding the Somali counter-piracy project that we have discussed. As you know, that project is funded and otherwise supported by one or more "donor states," and the implementation of that project, in the form of counter-piracy training, has been undertaken by Saracen International and its personnel (collectively "Saracen").¹

Saracen is committed to cooperation with the United Nations. In particular, Saracen seeks to fulfill the UN's calls for counter-piracy assistance and humanitarian services in Somalia, while complying with the UN's arms embargo on Somalia. Saracen has endeavored to utilize the UN's exceptions to the arms embargo to ensure that counter-

¹ For the purpose of this letter, "Saracen" also includes any successor entity and its personnel.

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STEPTOE & JOHNSON LLP

piracy training does not violate the arms embargo. We appreciate your acknowledgment of Saracen's efforts in these regards and write to inform you of further such efforts.

We have highlighted certain ambiguities in UN resolutions regarding exceptions to the arms embargo, and you have provided guidance to clarify the UN's positions. In accordance with that guidance, Saracen wishes to inform you that it has ceased counter-piracy training in Somalia until one or more "donor states" complies with the UN Committee's "notice procedures," including the passage of the five-day "no objection" period.

In anticipation of resuming the counter-piracy training upon donor state compliance with the notice procedures, Saracen intends to leave some equipment and staff in Somalia. The role of Saracen's staff remaining in Somalia would be solely to ensure that the equipment and any related infrastructure are properly maintained and not misused or destroyed and, to the extent permissible, used for non-military social projects.

We would like to meet with you soon to ensure that Saracen's plans for maintaining equipment and staff, and for utilizing such equipment and staff for non-military ends, are consistent with UN rules. We look forward to continuing cooperation.

Sincerely,



Stephen R. Heifetz

Annex 6.3.b.: First page of Saracen company profile 2009

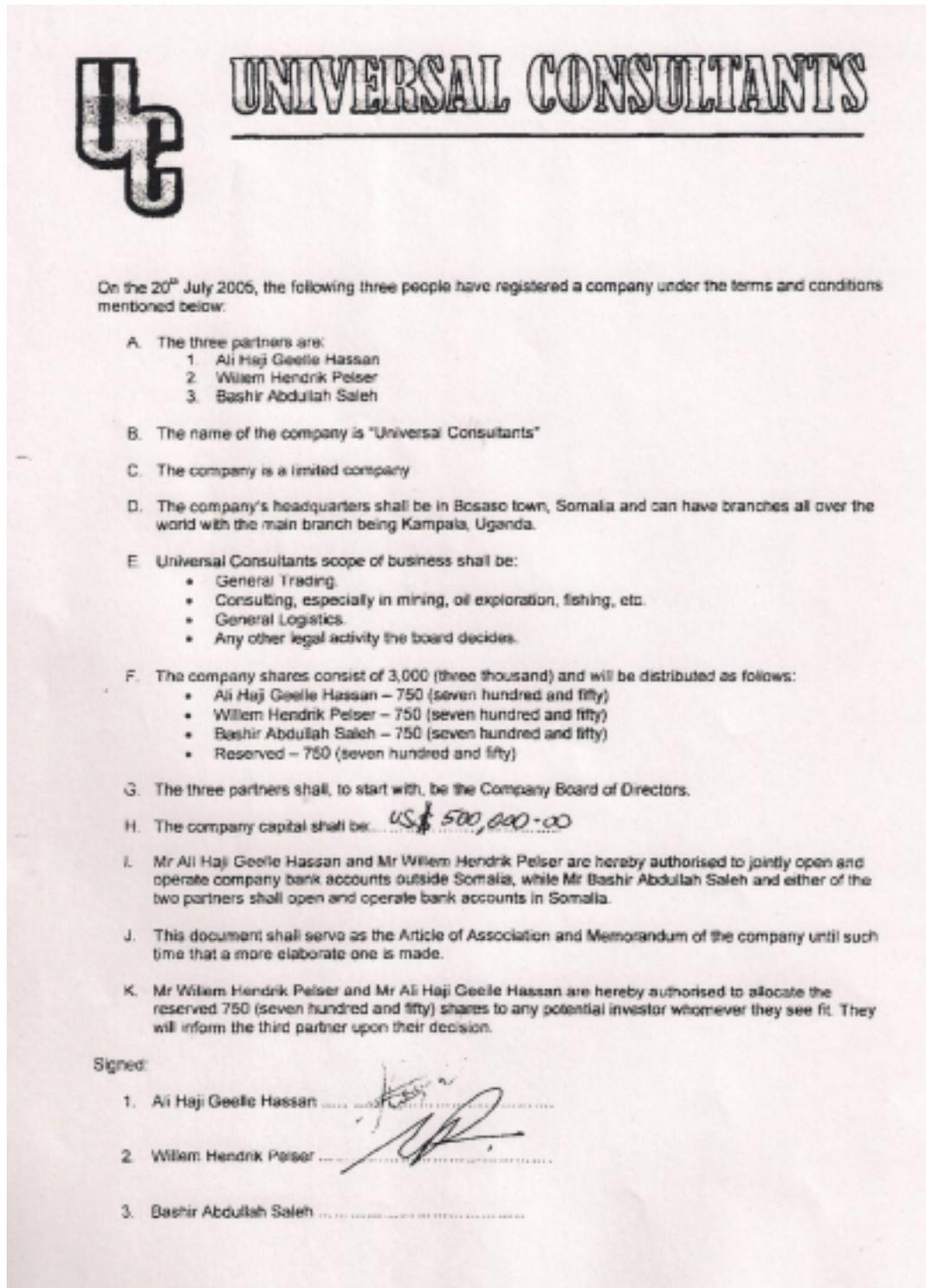
First page of “Saracen profile 2009” posted by Pieter Vos on www.slideshare.net, on October 2009



RSA OFFICE	DRC OFFICE	UGANDA OFFICE	ANGOLA OFFICE
60 Soutpansberg Rd Gezina, 0031 SOUTH AFRICA	19760, 11 ^{eme} Rue Quartier Industriel, Commune de Limete	Plot 254, Buziga Rise Munyonyo, Kampala UGANDA	Município Soyo, Baixo 1 de Maio PROVINCIA DO ZAIRE
Tel: +27 123295305 Fax: +27 123295951 mwpsyh@mweb.co.za	Tel: +243815049069 Tel: + 243818644889 billpelser@bushnet.net	Tel: +256 772200408 Fax: +256 41233516 saracen@bushnet.net	Tel: +244 924827094 pelserbill@yahoo.co.uk

CEO: Bill Pelser
International + 256 772 200 408
Email: billpelser@bushnet.net
pelserbill@yahoo.co.uk
saracen@bushnet.net

Annex 6.3.c.: Universal Consultants company registration



**Annex 6.3.d.:
English translation of file on Saracen International from the Ministry of Justice of Lebanon**

11/06/2011
474.11D

1

Hilda Duns
11.29056

Translated from Arabic

Republic of Lebanon

Ministry of Justice

Office of the Public Prosecutor at the Court of Cassation

No.: 285/m/2010

Subject: Request for information about the Saracen company, which is suspected of breaching the embargo on all delivery of weapons and military equipment to Somalia

Ref.: Your communication 989/3 dated 21 February 2011 and 8 March 2011

With reference to the above subject and reference, we transmit to you herewith a copy of the file on the Saracen International s.a.l. (offshore) company, full details of which are registered with the Beirut Commercial Registry.

It should be noted that the Central Department of Criminal Investigations undertook an investigation into the abovementioned company, which is contained in report No. 261/302 dated 23 February 2011, and reached the following conclusions:

- The man called Jamal Muhammad Balassi, a Ukrainian national of Palestinian origin, is the Chairman of the Board of Governors of the company and its Managing Director. He is authorised to be a sole signatory on its behalf. He normally lives in Ukraine and is not currently in Lebanon. He trades in iron and wood and is a telecommunications engineer.
- The man called Mohammad Ziad Hakam Agha is Palestinian electrical engineer who lives in Sidon and is a partner in the abovementioned company.

When he was questioned, he said that the company was not, as far as he knew, engaged in any trade. He knew nothing about its activities. Jamal Balassi wished to liquidate the company.

It appears that Agha has a record for passing bad cheques and breach of fiduciary duty.

- The man called Ibrahim Nassar is a Lebanese national who lives in Sidon. He is a car dealer and claims to know nothing about the company's activities. As Nassar is Lebanese, Jamal Balassi registered the company under his name and had recently asked him to sign papers in order to liquidate the company.

It appears that Nassar has a record for passing bad cheques and breach of fiduciary duty.

Kindly read and convey this information to the requesting party, together with the documents annexed hereto.

(Signed) Said Mirza

Public Prosecutor at the Court of Cassation

Beirut, 28 March 2011

11/06/2011
474.11D

2

Hilda Dunn
11.29056

Beirut

Commercial Court

Commercial Registry Department

To the manager:

Person requesting registration: Fadl Abu Thahr, attorney

A request has been received to deposit the articles of incorporation and register the company known as "Saracen International s.a.l. (offshore)" within one month of its establishment. In accordance with article 26, linked to articles 48 and 49 of the Commercial Code, set forth below is a summary of the articles of incorporation, of which two copies were produced:

1. Full name, nationality, birth date and place of residence of all shareholders:

- Jamal Muhammad Balassi, Ukrainian, born 1964. Passport No. EK 125539.
- Mohammad Ziad Hakam Agha, Palestinian, born 1958. File No. 78, statistical report No. 15270.
- Ibrahim Aly Nassar, Lebanese, born 1976. Register 22/Sidon central.

2. Name and address of commercial company:

Saracen International s.a.l. (offshore).

3. Company business:

In accordance with the provisions of Legislative Decree No. 46/83 and its amendments.

4. Type of company:

Offshore s.a.l.

5. Original headquarters and places in which it has branches and agencies, whether in Lebanon or abroad:

Office of Usama Abu Thahr, attorney, Damman Building, 6th floor, Fakhreddin Street, Sidon.

6. Names of partners and persons authorised as sole signatories for the company:

Jamal Muhammad Balassi, Chairman of the Board of Governors and Managing Director.

7. Company capital:

30 million Lebanese lira

8. Date of establishment:

9. Date of deposit:

10. Life of company:

99 years.

11/06/2011
474.11D

3

Hilda Dunn
11.29056

To Saracen International s.a.l. (offshore) (currently being incorporated):

This is to inform you that I, the undersigned, Usama Abu Thahr, attorney, have no objection to your company using my office in the Damman Building, 6th floor, Fakhreddin Street, Sidon, as a temporary address for the purposes of registration with the Beirut Commercial Registry

(Signed) **Usama Abu Thahr**

Attorney

Sidon, 9 March 2010

Republic of Lebanon

Ministry of the Interior

Personal identity card

Forename: Ibrahim

Family name: Nassar

Name of father: Aly

Full name of mother: Ghanduriyah Ahmad

Place of birth: Sidon

Date of birth: 1 January [? - blurred] 1976

Marital status: single

Date of issue: 11 October 2008

Register 22/Sidon central, South Lebanon

[Signature, name and designation illegible]

11/06/2011
474.11D

4

Hilda Dunn
11.29056

Minutes of extraordinary meeting of partners of Saracen International s.a.l. (offshore)

Beirut Commercial Registry, registration No. 1804078 dated 9 March 2010

At the invitation of the Managing Director, Mr. Jamal Muhammad Balassi, a meeting of all company partners was held in the office in Sidon of Usama Abu Tahr, attorney. Having considered the agenda, participants unanimously agreed upon the following:

1. To unanimously adopt the report prepared by the accountant, Mr. Ma'ruf Hanina.
2. To mutually indemnify the partners once they had liquidated the company and indemnify the company.
3. There being no other issues to address, the meeting was concluded and the partners signed these minutes, having adopted and approved the content.

[six signatures]

Annex 6.3.e: Australian African Global Investments air waybill flight EK-32604

708-208
*** HOUSE AIR WAYBILL ***

083 JMB 80614811 <small>Shipper's Name and Address</small>		Shipper's Account Number		Not Negotiable		
AUSTRALIAN AFRICAN GLOBAL INVESTMENTS SA (PTY) LTD BROADACRES DRIVE MULHERRY HILL OFFICE PARK		8A160		Air Waybill		
Consignee's Name and Address		Consignee's Agent		Issued By AUSTRALIAN AFRICAN GLOBAL INVESTMENTS SA (PTY) LTD		
PUNTLAND DEVELOPMENT GROUP 1 ISSA AVE STATE OF PUNTLAND BOSASO SOMALIA		B.12345		Copies 1, 2 and 3 of this Air Waybill are originals and have the same validity		
Insurer Carrier's Agent Name and City		Agent's IATA Code		Accounting Information		
GLOBAL REACH LOGISTICS 3 POMONA ROAD POMONA		<IATA>		113 21/11/2009 25 13-10 1st PART 011.JAE..		
Agent's Account Number		Account Number		*** KNOWN SHIPPER ***		
Report of Departure (Address of First Carrier) and Requested Routing		Reference Number		Optional Shipping Information		
O.R. TAMBO		011.JAE.5700-01				
To By First Carrier / Routing and Destination / To By		Currency (Code) / Unit / Other		Declared Value for Carriage / Declared Wt		
EBB SOUTH AFRICAN AIRS		ZAR PPX X		NVD NK		
Airport of Destination		Requested Flight/Class		Amount of Insurance		
ENTESBE		SA160 /01		NIL		
Handling Information						
KINDLY ADVISE CONSIGNEE ON ARRIVAL						
No. of Pieces Pkgs	Gross Weight	Rate Class	Chargeable Weight	Rate / Charge	Total	Nature and Quantity of Goods (incl. Dimensions or Volume)
23	583.000		583.0	"A S		CLOTHING & CAR P
23	583.0					
"AS AGREED"		"AS AGREED"				
Currency Conversion Rates		CC Charges in Dest. Currency				
For Carrier's Use only at Destination		Change of Destination				
Total Prepaid		Total Collected				
"AS AGREED"		"AS AGREED"				
Executed on 11/30/2010		O.R. TAMBO		Signature of Issuing Carrier		
For Carrier's Use only at Destination		Change of Destination				

UGANDA REVENUE AUTHORITY
CUSTOMS & EXCISE USE
08 NOV 2010
CARGO TRANSIT TO SOMALIA
CARGO TRACKING - ENTESBE

Invoice Value
OR 145 663.50
APR 2010
8/12/10
2.00
APD CHPT

ENTESBE HANDLING SERVICES LTD
CARGO ARRIVAL ADVISE
08 DEC 2010

I, INA VREY FOR GLOBAL REACH LOGISTICS
AS AGENTS FOR SHIPPER.

ORIGINAL 1 (ISSUING CARRIER)

Annex 6.3.f.:

Images of An-32 EK-32604 with cargo for Saracen International, at Hargeysa, December 2010

1. The following images are of an Antonov An-32, bearing registration EK-32604, carrying supplies for the Saracen training camp in Puntland. The aircraft was seized by Somaliland authorities on 10 December 2010 at Hargeysa International Airport.

AN-32 EK-32604 at Hargeysa International Airport



Combat style boots



Box of 'combat' style trousers



Box of 'combat' style shirts



'Combat' harness for magazines, ammunition etc...



Hand held metal detector and security mirror



Annex 6.3.g.:

Australian African Global Investments invoice for Saracen International/Puntland Development Group

<p>Tel: +27 (0) 76 6209 712 Fax: +27 (0) 86 561 8921 Email: info@aagi.co.za VAT: 4830258063 Co Reg No: 2009/038324/07</p> <p>Australian Africa Global Investments SA PO Box 4211, Dalheim, 2058, South Africa</p>	<p style="text-align: center;">Tax Invoice</p> <p>Date: 30/11/10</p> <p>Page: 1</p> <p>Document No: IN100010</p>						
<p>Saracen International - Lebanon Rand Aoc. Sakde-Lebanon, Kikher Al Dine Street, 4th Floor Office 402, Beirut, Lebanon</p>	<p>Deliver to Puntland Development Group, 1 Isaa Avenue, State of Puntland, Bosaso, Somalia, Ate Mahamoud B Hico</p>						
Account: 30001	Your Reference: LCAB A-004	Tax Exempt: N	Tax Reference:	Sales Code:	Exclusive		
Code	Description	Quantity	Unit	Unit Price	Disc%	Tax	Net Price
1300000	Camping & Safari Equipment per list					0.00	185 683.50
<p>Received in good order</p> <p>Signed: _____ Date: _____</p> <p>© Softline (Pty) Ltd</p>							
Sub Total						185 683.50	
Discount @ 0.00%						0.00	
Amount Excl Tax						185 683.50	
Tax						0.00	
Total						185 683.50	

Annex 6.3.h.: UFA Consultants invoice for Saracen International**UFA CONSULTANTS (Pty) Ltd**

2000/020695/07

Reg Office: Soutpansberg Ave , Riviera, Pretoria
PO Box 25396 Gezina 0031Tel: (012) 329 5305
Fax: (012) 329 5951**VAT INVOICE
VAT REG NO 4660205800**

Deliver To: Saracen International Limited Date: 17 September 2010

Invoice Number: 033/2010

Supply of the following:

Qty	Description	Unit price	Total\$
630	Black webbelt	9.99	6 293.70
630	Bush hat (Blue)	10.45	6 583.50
630	Poncho (Blue)	24.58	15 485.40
1890	Coveralls	22.28	42 109.20
1890	T-shirts (Blue)	6.60	12 474.00
1890	Socks(blue)	8.45	15 970.50
1290	Boot canvas (blue)	45.31	58 449.90
630	Sleeping Bag (Blue)	35.33	22 257.90
630	Duffle bags(Blue or Khaki)	46.09	29 036.70
		VAT 14%	29 212.51

TOTAL \$ 237 873.31

BANK DETAILS:
 ABSA BANK SWIFT CODE ASBAZAJC
 UFA CONSULTANTS (Pty) Ltd
 Branch code :333 845 ABSA Bank Lynnwoodrif
 Acc number :4052645846 SWIFT CODE ABSAZAJC

Annex 6.3.i.: MV Eaton — ship's particulars



Ship's Particulars: EATON- Hydrographic Research-Offshore Support Vessel

Vessel Email: eaton@vesseloperations.com
 VSAT Phone: +356 277 802 06
 FLEET Broadband: +870 773 132 329

Nationality: *Republic of Panama*
 Call Sign: *HO 7251*
 Official #: *41077-10-A*
 IMO #: *6602082*
 International Ship Security Cert: *210100151*
 Port of registry: *Panama; R.P.*
 Class: *ABS*



Year Built: *1966 / 2007*
 Type of Vessel: *Offshore Support Vessel*
 Type of Power: *Diesel*
 Installed Power: *1800 (1268kw)*
 Length Overall: *185' (48.8 m)*
 Extreme Breadth: *11.58 m (38 ft.)*
 Depth: *5.41 m (17.8 ft.)*
 Drafts: *10' 9" (3.2m) Even Keel*
 ITC Gross Tonnage: *787*
 ITC Net Tonnage: *236*
 Max Displacement: *1,071 LT* Deadweight: *344.75 mt*

MMSI#: *353006000*; INMARSAT C: *435300610*
 PI Club: *NAVIGATORS*

Owners/Operators: *AFLOAT Leasing Ltd.*
 Registered Office: *80 broad Street, Monrovia, Liberia*
 Vessel Operations office:
 Tower Business Centre, 2nd floor,
 Tower Street
 Swatar BKR 4013 Malta
 Tel: +356 2546 6059
 Fax: +356 2546 6000
 Email: afloat@vesseloperations.com



EATON

AFLOATLEASING Ltd.
 Vessel Operations: Tower Business Centre, 2nd Floor • Tower Street, Swatar BKR 4013, Malta •
 Tel: +356 2546 6059 • Fax: +356 2546 6000 • 24 hr: +1 951 657 7749 • Email: afloat@vesseloperations.com

Annex 6.3.j.:

Galmudug letter to the international community concerning Saracen International

Dawladda Goboleedka Galmudug
Soomaalíya



Galmudug State Of
Somalia

Xafiiska Madaxweynaha

Office Of The President

Ref:GMS/XSM/279/10

Taariikhi : 6/12/2010

**TO: TFG, UNPOS, US, Djibouti, Kenya Ethiopia, Embassies in Nairobi, EU, AU, IGAD,
Arab League**

Dear Mr/Ms

I would like on behalf of Galmudug State and on my own behalf to condemn and inform you about the barbaric, massacre, horrific atrocities against innocent nomads carried out by Puntland security forces on 6th of Dec, 2010. They have used armed vehicles and heavy weapons to kill as many herdsmen as possible. These forces were frequently attacking the nomads in the last two weeks. But the damage to human life and livestock was less in this bloody particular day.

This grave incident occurred North East of Galkaio, with in the boundary of Galmudug State, particularly Godod, Dameercad, Harar Dhaban, Buq Raas, Laase Dheer dheer, Docole ooman. all in Bitale District of Galmudug State. An area where so many nomads gathered in search of grass and water due to the wide spread severe drought in most parts of Galmudug State.

The number of people killed yesterday are 35, and 46 wounded including children and women and some who fled for their lives are yet missing. Also a large number of livestock were killed. They were simple peaceful traditional nomads who never experienced such inhumane brutal attack. Infarct, there were incidents before among the people in the area in dispute over grass and water but armed vehicles and heavy weapons were never used before.

The motive of this attack is :

1. Puntland Expansionist policy to force to flee and displace thousands of families.
2. Show of force after getting supply of armament and training by SARACEN

support to re-arm, attack and destroy the lives of innocent, badly drought hit population)

3. To disrupt destabilize Galmudug Administration.
4. To re-ignite the civil war and undermine international efforts to bring peace and stability in the region.

Therefore, we warn of the consequences of this recent violent activities of Puntland administration against the unarmed civilians. This will definitely cause a greater damage to the population in both administrations and displacement of thousands of families. Also, it will create an environment where Al-shabab and other extremist groups can operate. Galmudug have always been threatened by Alshabab in the South and Pirates off the 345 km coastline. Instead of allying with Galmudug authority, Puntland has opened a new front to Galmudug State to weaken the administration.

Our policy : enough is enough, live in peace and security with every community, spirit of reconciliation to resolve past disputes. Good neighbourhood, Cooperation not confrontation to develop our country.

Finally, we invite independent fact finding mission to come and see what's actually happening on the ground, the mass graves and the wounded in hospitals.

Kind Regards


H.E Mohamed Ahmed Alin

President of Galmudug State



Annex 6.4.: Case study: Afloat Leasing

1. Afloat Leasing Ltd., a Liberian-registered maritime company (IMO number 5540550), was established in 2010, apparently as a subsidiary of Saracen International (see Annex 6.3), and with the sole purpose of providing maritime support services to ‘Saracen’ operations in Somalia. In this context, the company owns and has been operating two Panamanian-flagged maritime vessels: the general cargo vessel MV Seafarer (IMO 8506414) and patrol vessel MV Eaton¹ (IMO 6602082).

Establishment and start-up

2. Afloat Leasing Ltd. was incorporated and registered in Liberia on 23 March 2010 (Registration Number C-113229) by ‘Jamal Balassi’, a Ukrainian national, who also served as both Chairman of the Board of Governors and Managing Director of Saracen International (Lebanon), which he had registered less than three weeks earlier.² Elected acting Director of the company, Jamal Balassi was assisted by Ms. Olena Komarcheva and Nataliya Yankovenka, both appointed acting Officers of the company. Balassi provided a PO Box number in Abu Dhabi as an address, but the documents of incorporation were couriered at the request of Mr. Balassi to his attention at: ‘Liberia Hydro Tech’, Ashmun & Johnson Street, Monrovia, Liberia. The official billing address or ‘Address of Record’ for the company was provided by Mr. Balassi as ‘Flying Carpet S.A.L., Fakhr El Dean Street³ Property 447, Section 20, 6th Floor, Saida, Lebanon.

3. Immediately engaged to provide logistical support for ‘Saracen’ operations in Somalia, Afloat Leasing Ltd., represented by its Director and signatory, Mr. Jamal Balassi, purchased on 26 May 2010 a general cargo ship named ‘MV Irbe Venta, at a cost of US\$2.5 million, from a shipping company in Latvia. The ship was physically transferred to Afloat Leasing at Naples, Italy in July 2010. The same month, the ship’s name was changed to ‘MV Seafarer’, and subsequently flagged and registered with the Panamanian Registry.

4. On 13 July 2010, Afloat Leasing Ltd also acquired ownership of the ‘MV McArthur’ a maritime patrol vessel previously owned by ‘Pelagian Maritime LLC’, a subsidiary of the private security company Xe Services (formerly known as Blackwater) based in Moyock, United States. The vessel was subsequently renamed ‘MV Eaton’.

5. Joseph D’Alfio, who had previously served as Captain of the MV McArthur on behalf of Xe Services, filed for the change of ownership, in his new capacity as ‘Maritime Director’ of Afloat Leasing, with an address in Malta at Tower Business Centre, 2nd Floor #235, Tower Street, Swatar, BKR 3013.⁴ Apart from a ‘change of ownership’ document, the Monitoring Group has been unable to

¹ 1965 build and Panama-flagged, designed to carry as much as 2 type MD 369F (MD530F) helicopters and has a helicopter landing platform.

² The Government of Lebanon confirmed registration of Saracen International S.A.L. (Lebanon) at the address of attorney Usama Abu Thahr, Dammam Building, 6th floor, Fakhreddin Street in Saida, Lebanon for the purpose of registration with the Beirut Commercial Registry.

³ Official name: Fakhreddin Street.

⁴ The same address in Malta was provided by Mr. Jamal Balassi when he signed the ‘Protocol of Delivery and Acceptance’ of the MV Irbe Venta.

find any other evidence that the MV McArthur was in fact sold to new owners and if so, who signed the sales agreement. A request for clarification and specific information was sent to ‘Pelagian Maritime LLC’, but no reply received.⁵ A request to the Government of Panama for specific information relating to the MV Eaton and MV Seafarer, available at the Maritime Authority of Panama, was not granted. In the absence of information to the contrary, the Monitoring Group believes that the MV Eaton may remain the *de facto* property of Pelagian Maritime LLC.

Arriving in Djibouti

6. Repainted in grey and black and tasked to pick up a cargo in Durban, South Africa, newly-owned and -crewed MV Eaton and MV Seafarer left the port of Naples, Italy, on 15 September 2010. Sailing together through the Mediterranean and Red Sea both vessels arrived in Djibouti port on the morning of 28 September 2010.

7. To turn the MV Eaton into a well-protected anti-piracy vessel, a 12-man security detail was flown from South Africa, arriving in Djibouti late September 2010. In the meantime, Mr. Joseph D’Alfio, representing himself as ‘Maritime Director’ of Afloat Leasing Ltd., obtained a 30-day license from the Djiboutian Government via its local agent ‘Djibouti Maritime Security Services’ (DMSS), allowing the MV Eaton to operate from the port of Djibouti with armed security on board.⁶ D’Alfio, in his communications with DMSS, insisted that the MV Eaton was not a maritime security or escort vessel and that it would not be employed in either role.⁷ Nevertheless, the Djiboutian license permitted Afloat Leasing to equip their security personnel with 9 AK47 assault rifles and one Browning BAR.208 automatic rifle, leased from the Djibouti Government, and to deploy them on the MV Eaton.

8. The next day, on 29 September 2010, both MV Eaton and MV Seafarer left the port of Djibouti for Durban and sailed into the Gulf of Aden in easterly direction. 5 days later⁸ and on its way to Durban, the MV Seafarer encountered engine failure⁹ some 202 nautical miles SSE of Socotra. Having difficulty finding assistance, the vessel remained dead in the water until approximately 19 October 2010, when the tug boat Alpha Pina (IMO 7508790),¹⁰ came to the rescue and towed the MV Seafarer, in convoy with the MV Eaton, to Mombasa, Kenya.¹¹ All 3 vessels arrived in the port of Mombasa on 30 October 2010. The convoy took the most direct route to Mombasa, sailing through Somalia’s Exclusive Economic Zone (EEZ) between 22 and 27 October 2010.

⁵ In their response to a letter from the Monitoring Group, US private security company Xe/Blackwater stated that since 16 December 2010, Pelagian Maritime LLC was no longer affiliated with the company. Xe indicated to have forwarded the request of the Monitoring Group to the current owner. However, a reply from Pelagian Maritime LLC was never received.

⁶ 3 times renewed according to ‘Djibouti Maritime Security Services’ (DMSS).

⁷ Despite being a patrol or escort vessel providing maritime security, Afloat Leasing’s Maritime Director Joseph D’Alfio has presented the MV Eaton as an ‘OSV’ (Offshore Supply Vessel) in all his communications with port authorities (see annex 6.3.i – MV Eaton ship’s particulars).

⁸ On 04 October 2010.

⁹ Broken down steering gear.

¹⁰ Owned by Mombasa based company ‘Alpha Logistics Services (EPZ) Ltd.’

¹¹ While sailing from Mombasa to Socotra and back, the MV Alpha Pina was protected by an on board security team of private security company Salama Fikira.

Mombasa (Kenya)

9. On 24 November 2010, the MV Eaton and the MV Seafarer were still docked at Mombasa port between Mbaraki Wharf and Likoni Ferry, adjacent to the F931 Louise-Marie, a Belgian frigate attached to EU NAVFOR's Somalia anti-piracy operation. Their extended stay was allegedly due to a deferred delivery of some spare parts.

10. In addition to the vessels' regular crew,¹² the 12 South African security guards who boarded the MV Eaton in Djibouti were still present. A document containing a list of names showed that the 12 South Africans were actually part of a 22 men strong security team, all South Africans, but not all present in Mombasa. The document letterhead also showed the name of a South African company: 'AAGI (PTY) Ltd', a company registered in South Africa and Australia, owned by the owner of Saracen International (South Africa), Lafras Luitingh (see Annex 6.3).

11. Upon arrival in Mombasa, the MV Eaton accurately declared the arms and ammunition previously boarded in Djibouti. However, the document provided to the authorities in Mombasa indicated that during the vessel's journey, 25 rounds had been fired.

12. A pre-arrival document of the MV Eaton identified Joseph Russel D'Alfio as the company's 'Security Officer' and gave the contact number for Afloat Leasing Ltd as +1 619 9524750, a cell phone number registered in San Diego,¹³ USA, Mr. D'Alfio's hometown. The MV Eaton's previous ports of call, since owned by Afloat Leasing Ltd, were identified as Naples (Italy) and Djibouti (Djibouti). Its next port of call was mentioned as Durban (South-Africa).

13. When asked, the South African security men on board the MV Eaton gave vague and inconsistent replies about their assignment and the vessels' activities. One called the MV Eaton a 'research vessel', another called it a "support vessel", while a third referred to "fighting piracy".

14. Both vessels carried no cargo while in Mombasa port. Local logistical support and shipping services were facilitated by Sturrock Shipping (Kenya) Ltd.

Durban (South Africa)

15. On 11 December 2010 the MV Eaton and MV Seafarer left the port of Mombasa, sailing south. On 15 December 2010 both vessels were spotted together in the Strait of Madagascar.

16. Verification with South African authorities revealed that the MV Seafarer was indeed provisionally scheduled to berth at Maydon Wharf Multi-Purpose Terminal, berth 9 on 20 December 2010, and due to pick up a consignment of 400 containers. However, there was no indication of a visit from the MV Eaton to Durban.

17. On 19 December 2010 the MV Seafarer arrived alone in the port of Durban.

¹² 23 crew members in total (12 on the MV Eaton and 11 on the MV Seafarer).

¹³ San Diego, home of Xe's (Blackwater) training center.

18. It eventually emerged that 119 containers¹⁴ and 16 break-bulk consignments were scheduled for export from South Africa on the MV Seafarer. Documents obtained by the Monitoring Group showed that the consignment was shipped by two South African companies: AAGI (owned by Lafras Luitingh) and UFA Consultants (PTY) Ltd., owned by the CEO of Saracen International (Uganda), Willem Hendrik Pelsler. Consignees of the shipment were identified as ‘Saracen International Lebanon’ and ‘Danat Al-Emarat Commercial Broker Company’.¹⁵ All freight handling and port storage fees, fuel and maintenance costs of the MV Seafarer were paid by AAGI.

19. On 23 December 2011 the MV Seafarer left the port of Durban and headed for Sharjah, UAE, without the usual escort of the MV Eaton. Given the nature and presumed final destination of the consignment, the Monitoring Group believes that the MV Seafarer intended to call at Bosasso, Somalia, to discharge cargo for the Saracen International operation in Puntland.

20. Three days after the MV Seafarer’s departure,¹⁶ the MV Eaton called unexpectedly at the port of Durban. Only 5 security personnel were on board, with no weapons. A subsequent interview with Luitingh revealed that the weapons on board the MV Eaton and 7 security men had been transferred at sea to the MV Seafarer.¹⁷

21. The MV Eaton remained more than one month in Durban, the time required for having its fitness quarters converted into a medical clinic with operating table. The vessel left Durban on 13 February 2011 with a crew of 12 Philippine nationals, 7 security personnel and one passenger on board, the latter describing himself as a film maker / photographer.¹⁸ The MV Eaton was also carrying two white Alouette III helicopters, for ‘temporary export’.¹⁹ It is likely that weapons were brought on board the vessel, either before or soon after it departed Durban.²⁰ The MV Eaton’s declared destination was Aden, Yemen.

22. The ‘Maritime Director’ of Afloat Leasing Ltd and operator of both the MV Eaton and the MV Seafarer was identified to authorities in Durban as Joseph D’Alfio, with offices in Malta.²¹ D’Alfio described the MV Eaton to the Durban authorities as an ‘Offshore Support Vessel’. Again, the refurbishment, the handling and clearing, fuel, maintenance and other local shipping costs provided to both the MV Eaton, were paid by AAGI.

¹⁴ Including 115 refurbished 20’ containers or prefabricated buildings used as housing, kitchen and ablution facilities for the purpose of building a construction camp.

¹⁵ Address: Bur Dubai — Aud Mitha, Al Nasser Plaza Al Nasser Club, Office 118, Dubai, UAE.

¹⁶ Arriving on 26 December 2010.

¹⁷ Interview with Mr. Lafras Luitingh on 13 January 2011 in Pretoria, South Africa.

¹⁸ Jean Bernard Rutagarama, a British citizen and New York-based film maker. Rutagarama was vague about his assignment, and before his departure from Durban claimed to have no idea about the vessel’s next port of call.

¹⁹ Type 316 B with registration A/C 1: ZU-RFD and frame number 1136 / A/C 2: ZU-RFC and frame number 1860. Both helicopters hold no registration markings.

²⁰ At Richards Bay (94 nautical miles NE of Durban) it is not uncommon to illegally transfer weapons onto ships via small ski or speed boats.

²¹ Same address as previously indicated.

Sharjah (UAE) and Salalah (Oman)

23. Having left Durban on 23 December 2011 for Sharjah, UAE, with an estimated time of arrival (ETA) of 19 January 2011, the MV Seafarer was next sighted off Mozambique on 25 December 2011. The ship then reappeared NE of Socotra (Yemen) on 9 January 2011, where it had reduced speed and made an unusual change course in an unusual direction, suggesting engine trouble or a pirate attack. The ship was not sighted again until arriving in Sharjah on 24 January 2011.

24. The reason for the ship's suspicious and unexpected movements became only clear later, when it was revealed that the MV Seafarer's real intention was to visit Salalah, Oman, instead of Sharjah. However, because Afloat Leasing Ltd. Had neither a license nor authorization to have one of its ships enter the port of Oman with armed security guards on board, it had contacted DMSS in Djibouti to organize a 'rendez-vous' at sea in order to return the leased weapons. As requested, DMSS then sent its crew/fast supply vessel 'MV Stanford Nile' out to sea to pick-up the weapons. The transfer took place between 10 and 14 January 2011.

25. Once the weapons were disembarked, the MV Seafarer headed straight to the port of Salalah, Oman, where it arrived at anchorage for bunkering at 15 January 2011. According to Salalah Port Authorities the vessel stayed at anchorage until it departed for Jebel Ali, UAE, on 18 January 2011. It was further confirmed that the vessel had not berthed or discharged any cargo in Salalah.

26. On 24 January 2011 the MV Seafarer arrived in the port of Sharjah and shifted later to the port of Hamriyah where it has been docked until the time of writing.²² The MV Noora Moon 1, another cargo vessel, which like the Seafarer has operated in support of Saracen operations in Somalia, was docked in Sharjah, UAE, since 28 November 2010, and did not leave the UAE until at least early April 2011.²³

Port Victoria (Seychelles)

27. Leaving Durban with indication of routing to Aden, Yemen, the MV Eaton unexpectedly arrived in Port Victoria (Seychelles) on 25 February 2010.

The Seychelles authorities were initially informed that an urgent need for repairs had forced the crew to re-route to Port Victoria. However, when Joseph D'Alfio arrived in the Seychelles by air on 1 March 10, he claimed that the MV Eaton's presence in Victoria was due to dissatisfaction with the security team on board of vessel and that he wanted them off.²⁴ Later, he added that it was his company's intention to obtain a Seychelles license to operate the MV Eaton from port Victoria with armed security guards on board.

²² At least until 28 May 2011.

²³ Possibly due to the suspension of training activities in Puntland communicated to the Monitoring Group by Saracen in its letter of 17 February 2011.

²⁴ Monitoring Group received confirmation that the security team left the Seychelles by air on 3 March 2011.

28. On board of the MV Eaton were 12 Philippine crew, 7 South African security personnel and one British passenger.²⁵ The vessel carried 2 white Alouette III helicopters and two high-speed rigid inflatable boats (RIBs), one of which was equipped with radar. In addition, 2 crossbows and 2 RAP4's (paintball capable M4 rifles)²⁶ were declared to customs. The ship also held 8 to 10 sets of weapons cleaning kits, sets of body armour and helmets. It did not declare any weapons.

29. D'Alfio claimed to the authorities that the two helicopters were to be transported to the UAE, where they have been sold to a small company to be dismantled and used for spare parts. He was unable, however, to identify the company that bought them, nor could he identify the port where the helicopters ought to be delivered. His statement appeared to contradict documentation showing that both helicopters had recently been serviced and stored in a manner that benefits operational deployment, as well as the declaration in Durban that they were only for 'temporary export'.

30. Afloat Leasing's local contact in the Seychelles appears to be a Mr. Roy Fonseka, Managing Director and founder of Pilgrims Security Ltd., a private security company based in the Seychelles.²⁷ Fonseka, was apparently trying to set up a business in maritime counter piracy operations, allegedly involving the use of the MV Eaton. He was said to be representing Afloat Leasing for that purpose, according to local officials in the Seychelles.

31. On 4 March 2010, Mr. Colin Patrick Moran²⁸ arrived in the Seychelles, coming from Dubai, UAE.²⁹ A Canadian citizen and 'Director of Operations, Afloat Leasing Services', he was introduced as being D'Alfio's boss. The purpose of Moran's visit to the island, as already indicated by Mr. D'Alfio, was to seek advice and permission from the Seychelles Government to set up a permanent and operational base for the company in port Victoria with the intention of importing arms and ammunition to equip its own vessel security guards. The MV Eaton would then be based in port Victoria and used for the purpose of ferrying security men and weapons onto Afloats' vessels in the vicinity of the Seychelles. Moran left the Seychelles by air on 8 March 2010. Later Afloat Leasing Ltd. officially applied for such a license.

32. On 8 April 2011, South African national Mr. Van Wyk Andrew³⁰ arrived in the Seychelles from Johannesburg via Dubai, to strip down the 2 helicopters aboard the MV Eaton for onward transit. He was joined on 14 April 2011 by another South African national named Joubert Johannes.³¹ Both men stated that the helicopters would be trans-shipped to UAE.

33. In mid June 2011, the MV Eaton was still docked in the port of Victoria.³² Local shipping services provided to the vessel had been arranged by Aquarius Shipping Ltd, based in the Seychelles. While first payments were provided to Aquarius in cash, further payments were expected by wire from

²⁵ Previously identified as Jean Bernard Rutagarama, photographer/film maker

²⁶ Automatic paintball marker designed like a real assault rifle, which only uses 1.5 joules of energy to launch a 0.029 oz. projectile a distance of 33 meters. The RAP4 can be fired 50 times with only 0.4 oz of CO2.

²⁷ Fonseka was reportedly arrested in the Seychelles in 2000 for illegal possession of a fire arm and ammunition.

²⁸ Full name Colin Patrick Joseph Moran.

²⁹ On the same day, Mr. Joseph D'Alfio left the Seychelles by air.

³⁰ Full name Van Wyk Andrew Peter.

³¹ Full name Joubert Johannes Wilhemus

³² Possibly due to the suspension of training activities in Puntland communicated to the Monitoring Group by Saracen in its letter of 17 February 2011.

Nomad Freight (PTY) Ltd., the MV Eaton's and MV Seafarer's local shipping agent in Durban, whose services to the MV Eaton and MV Seafarer were previously compensated by AAGI.

MV Incheon

34. The MV Incheon (IMO 8224535), Sierra Leone-flagged and described by its previous owner as a 'landing craft' is the newest Afloat Leasing Ltd. the third vessel in its fleet.³³ The vessel was bought last year in December 2010 from 'Al Jaber Shipping Agency and Marine Works LLC', a maritime company based in Abu Dhabi, UAE, and was renamed, reflagged and newly registered in January 2011. The vessel can be used as a helicopter landing and deployment platform but also to provide wide ranging logistical support.

35. At the time of writing, the vessel was docked in the UAE, Hamriyah (Sharjah) and would, according to its new owner, become operational in the coming months. Afloat Leasing Ltd. is further also looking for a refueling tanker vessel as a prospective purchase and has indicated the intention to expand its fleet size from three vessels to five.³⁴

Bank Accounts

36. Information obtained by the Monitoring Group reveals that the operational costs of Afloat Leasing Ltd have been paid by a variety of entities, from various accounts with various banks in different countries. This web of payments appears to have been designed to complicate tracing, and to conceal the identity of the principal financiers of Afloat Leasing Ltd and — by extension — Saracen International.

37. The payment to the previous owner of the MV Irbe Venta, for example, was partly transferred from an account with the Liberia AccessBank in Monrovia, Liberia,³⁵ and partly from an account with the 'Trans Iraq Bank' in Dubai, UAE.³⁶

38. The payment to DMSS in Djibouti for the weapons licenses and the leased weapons was wired from a bank account by name of 'Saracen International Limited' with the Standard Chartered Bank in Hong Kong, China.³⁷

39. The purchase of the MV Incheon was paid for by a company called 'World Management International'³⁸ from a bank account with 'Credit Suisse AG' in Geneva, Switzerland.³⁹

³³ The MV Incheon is an open deck cargo vessel onto which cargo is loaded and unloaded over a bow door/ramp. Its previous owner was Al Jaber Shipping Agency and Marine Works LLC, based in Abu Dhabi, UAE - <http://www.ajshipping.com/fleets/popupFleet.aspx?fleet=aj17>.

³⁴ Afloat Leasing's application for a license filed in the Seychelles (14 March 2011) indicates the ownership of a 4th vessel, chemical product tanker MV Aurelia (IMO 9084475). However, according to maritime databases, the vessel is provisionally still named MV Asprey and under ownership of Apnea Navigation Inc, a company registered Liberia, Monrovia, Broad Street 80.

³⁵ Account registered on the name of Jamal Mohamed Balassi (Afloat Leasing Ltd).

³⁶ Trans Iraq Bank in Dubai has not provided the Monitoring Group with any of its requested information.

³⁷ Afloat's Djibouti license was reportedly renewed 3 times.

³⁸ A finance and trade company with headquarters in Geneva, Switzerland and with a main operating branch in Abu Dhabi, UAE. The company is a major exporter of products related to the Oil & Gas sector.

³⁹ Signed by a Mr. Mohamed El Shafie, General Manager at World Management International, Abu Dhabi, UAE.

40. The classification and survey company for the MV Seafarer registered a bank account with 'Deutsche Bank' for its client and identified 'Flying Carpet S.A.L. Lebanon' as the registered payer for services provided to Afloat Leasing Ltd., the latter with address in Malta.

41. A 17 December 2010 payment to the 'American Bureau of Shipping', the classification and survey company for the MV Eaton could, according to the company, not be identified by its receiving bank 'Royal Bank of Scotland/ABN AMRO' in Spain.

42. Various costs incurred in Durban, South Africa, including the equipment shipped for Saracen operations in Somalia, transport and forwarding costs, local port fees and services provided to the MV Seafarer and MV Eaton, etc., were paid for by Willem Hendrik Pelser and Lafras Luitingh via their respective South African companies, AAGI and UFA Consultants, through bank accounts registered with South African banks.

Annex 6.4.a.: MV Eaton - Ship's Particulars



Ship's Particulars: **EATON- Hydrographic Research-Offshore Support Vessel**

Vessel Email: eaton@vesseloperations.com
VSAT Phone: +356 277 802 06
FLEET Broadband: +870 773 132 329

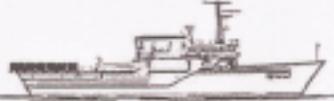
Nationality: *Republic of Panama*
Call Sign: *HO 7251*
Official #: *41077-10-A*
IMO #: *6602082*
International Ship Security Cert: *210100151*
Port of registry: *Panama; R.P.*
Class: *ABS*



Year Built: **1966 / 2007**
Type of Vessel: **Offshore Support Vessel**
Type of Power: **Diesel**
Installed Power: **1800 (1268kw)**
Length Overall: **185' (48.8 m)**
Extreme Breadth: **11.58 m (38 ft.)**
Depth: **5.41 m (17.8 ft.)**
Drafts: **10' 9" (3.2m) Even Keel**
ITC Gross Tonnage: **787**
ITC Net Tonnage: **236**
Max Displacement: **1,071 LT** Deadweight: **344.75 mt**

MMSI#: **353006000**; INMARSAT C: **435300610**
PI Club: **NAVIGATORS**

Owners/Operators: *AFLOAT Leasing Ltd.*
Registered Office: *80 broad Street, Monrovia, Liberia*
Vessel Operations office:
Tower Business Centre, 2nd floor,
Tower Street
Swatar BKR 4013 Malta
Tel: +356 2546 6059
Fax: +356 2546 6000
Email: afloat@vesseloperations.com



EATON

AFLOAT LEASING Ltd.
Vessel Operations: Tower Business Centre, 2nd Floor • Tower Street, Swatar BKR 4013, Malta •
Tel: +356 2546 6059 • Fax: +356 2546 6000 • 24 hr: +1 951 697 7749 • Email: afloat@vesseloperations.com

Annex 6.5.: Case study: Protection Vessels International

1. In December 2010, a vessel named the Sea Scorpion, owned and operated by Protection Vessels International Ltd. (PVI), a UK-based private maritime security company established in 2008, entered Eritrean territorial waters with security personnel, weapons and equipment. The Eritrean authorities subsequently seized the vessel and detained the crew, and have since accused PVI of “orchestrating acts of espionage and terrorism.”¹ In meetings with Eritrean officials in Asmara in February 2011, the Monitoring Group requested additional information, but received no reply.

*Summary of events*²

2. PVI provides armed counter-piracy security services to vessels in the Red Sea and Gulf of Aden. According to PVI, because of the lack of an operational ‘port base’ in the Red Sea, the Sea Scorpion was deployed as a floating platform for storing and transferring weapons, equipment and personnel between operations.³

3. In early-December 2010, a combination of circumstances obliged PVI to operate the Sea Scorpion for unscheduled and unplanned assignments, which resulted in the vessel consuming more fuel than expected.

4. On or about 14 December 2010, driven by bad weather and a desperate need for fuel, the Sea Scorpion anchored close to an island north of the Eritrean port of Massawa, to wait for the weather to improve and to consider possible options.⁴

5. PVI contacted the Eritrean authorities by radio to request a visit by the Sea Scorpion to the port of Massawa for refueling and re-supply, but claim not to have received a clear response. Through non-Eritrean channels however, PVI learned that the Eritrean authorities would impound the vessel and its crew if it entered the port with weapons.

6. In order to clarify the situation, PVI’s port liaison officer, Chris Collison, flew to Massawa to explore possible local assistance from port or shipping agents.⁵ According to PVI, the company had very little contact with Collison during his visit to Eritrea, due to communications limitations, but were at some point informed that sufficient fuel and provisions could be supplied at a cost of US\$25,000, payable to a local Eritrean shipping agent identified as ‘Finan Ships & Port Services Corporation’. Collison introduced himself to ‘Finan’ as a representative of ‘Quest Expeditions’,

¹ Press release: “Crimes of the British Institution PVI and its members in Eritrea”. Ministry of Foreign Affairs of the Government of the State of Eritrea, 7 June 2011. Accessed at <http://www.shabait.com/news/local-news/5925-press-release>

² Based on extracts from an official PVI statement (21 Jan 11), an interview conducted with PVI’s managing director Barry Roche, London 10 Feb 2011, and the press release: “Crimes of the British Institution PVI and its members in Eritrea”. Ministry of Foreign Affairs of the Government of the State of Eritrea, 7 June 2011. Accessed at <http://www.shabait.com/news/local-news/5925-press-release>

³ See annex 6.4.a

⁴ Technically, the company may then already been in breach with the arms embargo on Eritrea.

⁵ PVI estimates Collison’s arrival date in Massawa to be between 12 and 15 December 2010, but isn’t able to confirm due to the fact that Collison is still detained in Massawa. The Government of Eritrea states that he applied for a visa on 13 December 2010 and arrived in Asmara by air on 17 December 2011.

another company owned by PVI Director Dom Mee, afraid that identifying himself as a representative of a private security company might have complicated things. The Eritrean Government accuses Collison of having posed as a tourist to conceal his real identity and giving a “fabricated account” of his business in Massawa.

7. On or about 17 December 2010, PVI decided to sail the Sea Scorpion and two rigid-hulled inflatable boats (RHIB’s)⁶ to Massawa for refueling and resupply.⁷ However, prior to sailing, one of the RHIB’s⁸ was dispatched to a nearby Eritrean island where all the weapons and security equipment is temporarily left behind, hidden and guarded by 8 men. According to the Eritrean Government, PVI personnel actually made several visits to Romia Island, the first of which took place on 22 November 2010, where they conducted a reconnaissance patrol which they recorded on video footage.⁹

8. Meanwhile, in the port of Massawa, the Sea Scorpion took on fuel and provisions, but lacked the money to pay for them.¹⁰ An initial plan to fly the cash to Massawa had to be abandoned because London Heathrow airport was closed for three days due to weather conditions.¹¹ According to PVI the money was eventually wired to the relevant ‘Payment Agent’ as agreed upon and proof of the payments was emailed to the Sea Scorpion to facilitate their departure.¹² In Massawa, however, either confusion or a dispute over payment persisted and, with the matter unresolved, the Sea Scorpion and its crew, carrying only one RHIB,¹³ left port prematurely on 23 December 2010 around 1930PM Local Time (LT).¹⁴ According to the Eritrean Government, PVI had not obtained permission to depart and the Sea Scorpion sailed with its lights off.

9. Soon after the Sea Scorpion’s departure the vessel was intercepted by an Eritrean naval vessel. The remaining RHIB was immediately dispatched to the island to collect the 8 men, weapons and equipment, but was overloaded and much of the gear had to be left behind.¹⁵ While the Sea Scorpion and the four personnel aboard were taken into custody by the Eritrean authorities, the RHIB and its passengers were picked up later by a ‘customer vessel’, a container ship for which PVI was due to provide an armed security escort.¹⁶

⁶ The RHIBs needed repairs to tubes, according to PVI.

⁷ There is some discrepancy over dates: according to the Eritrean Government, Collison departed Asmara for Massawa on 18 December 2010, and contacted the Finan offices in Massawa on 19 December 2010.

⁸ Registration number KC252

⁹ In their 7 June 2011 press release the Eritrean Government accused PVI of having already visited or anchored at Romia Island on 22, 26 and 30 November 2010. PVI only acknowledges having anchored the Sea Scorpion at Romia Island on 30 November 2010, due to the technical failure of one of its engines, and refutes the other allegations.

¹⁰ According to PVI, the vessel was allowed only 1500l of fuel, which was less than requested, and insufficient to undertake its planned voyage Estimated at 5 freezers worth of meat, vegetables, etc ...

¹¹ Due to weather conditions Heathrow Airport (London) closed down on 18-19 and 20 December 2010.

¹² On 23 December 2010 PVI wired US\$ 9,000 to Citibank New York, for the benefit of ‘Sinan Shipping Corporation’, for settling of ‘port admin charges’; on 24 December 2010, PVI wired an additional US\$6,100 to the Bank of Eritrea, for the benefit of ‘Finan Ships & Port Services Corporation Massawa’, for settling of the costs for fuel and provisions.

¹³ RHIB Pacific 22 was left in the port of Massawa as it was not repairable due to complete failure of her stern and shaft.

¹⁴ Confusion may have arisen over the issue of payment since only one payment (for fuel and provisions) had been settled by PVI on 23 December 2010. A second payment (port and admin charges) was not transferred until 24 December 2010.

¹⁵ Later found and seized by Eritrean authorities (see annex 6.4.b)

¹⁶ The container ship disembarked the RHIB after passing through the Bab El Mandeb (near Ras Bir). Later, the RHIB re-appeared, unannounced, in the port of Djibouti, on 26 December 2010 at 1000hrs LT, with weapons and security guards on board.

10. Four PVI employees spent almost six months in detention in Eritrea. On 7 June 2011, the Eritrean Ministry of Foreign Affairs issued a communiqué asserting that the detainees would be “held accountable for organizing acts of terrorism and sabotage, as well as concealing evidences [sic],” and made reference to a “legal process.” However, on 12 June 2011, the British Foreign and Commonwealth Office announced the release of the four men, and thanked the Government of the State of Qatar for facilitating their return.¹⁷

Conclusions

11. It is the assessment of the Monitoring Group that the Sea Scorpion’s entry into Eritrean territorial waters carrying arms, ammunition, and military equipment technically constituted a violation of the arms embargo imposed on Eritrea pursuant to Security Council resolution 1907 (2009). However, the Monitoring Group has seen no evidence to suggest that the arms, ammunition and equipment in question were destined for import to, or use in, Eritrea.

¹⁷ Foreign and Commonwealth Office press statement, “Foreign Office welcomes release of British men from Eritrea”, 12 June 2011. Accessed at <http://www.fco.gov.uk/en/news/latest-news/?view=News&id=613189882>

**Annex 6.5.a:
Abandoned weapons, ammunition and equipment in Eritrea**

Motor Yacht 'Sea Scorpion' (Protection Vessel International Ltd.)



Abandoned weapons, ammunition and equipment in Eritrea

Weapons:

- 9 SIG pistols
- 12 SIG rifles
- 2 AR 10 rifles
- 1 FAL rifle
- 1 Tikka 3 (308) rifle
- 2 SAR M14 rifles

(and related ammunition)

Equipment:

- 2 night sights
- 9 Vertex Radio
- 3 'Spotme' devices
- 2 Satellite phones
- 1 night vision goggle
- 2 binoculars
- 2 Cobra security cables
- 14 body armours and helmets

Annex 6.6.: Responses from private maritime security companies

1. In total twenty nine (29) private maritime security companies were approached of which six (6) companies claimed not to be involved yet in providing ‘armed’ protection.¹ One of these, Mercator International Ltd., claims to only act as a ‘charterer’ for PMSC’s, but has been found taking responsibility for security personnel, weapons and ammunition in that capacity as well. Of the remaining 23 companies:

2. Nine (9) companies have failed to respond to the Monitoring Group’s letters:

1. Armaments Ltd. (Kenya)
2. Advanfort Company (USA)
3. Barantas Security Group Ltd. (New Zealand)
4. EOS Risk Management Ltd. (UK)
5. Gallice Security (France)
6. International Project Management FZE (UAE)
7. Orchid Maritime Ltd. (UK)
8. REDFour Security Group (UK)
9. Securewest International Inc. (UK)

3. Seven (7) companies have provided no information in response to the Monitoring Group’s letters:

1. Espada Logistics and Security Group, Inc. (USA)
2. Maritime Asset Security and Training — MAST (UK)
3. Naval Guards Ltd. (UK)
4. Shield Consulting Co (Korea)
5. Solace Global Maritime (UK)
6. Spear Security Group (PTY) Ltd. — SSG (South-Africa)
7. Vessel Offshore Management Pte Ltd. (Singapore)

4. Two (2) companies have provided limited information in response to the Monitoring Group’s letters:

1. International Ships Support Group — ISSG (UK)
2. Muse Professional Group Ltd. (Seychelles)

5. Five (5) companies fully cooperated by providing all the requested information:

1. Drum Cussac (UK)
2. Group 4 Securicor (Djibouti)
3. Gulf of Aden Group Transits (Seychelles)
4. Neptune Maritime Security (UK)
5. Triskel Services (UK).

¹ Either because they were still exploring legal issues, or they were still setting up their logistical and operational network, or they hadn’t developed any clients yet.

Annex 7

Obstruction of humanitarian assistance

Annex 7.1.: Acts of obstruction against humanitarian operations

Annex 7.1.a.:

Summary of major acts of obstruction against humanitarian operations by date (2010 / early 2011)¹

*Please note: Incidents during which Al-Shabaab demanded taxes, fees, or registration do not indicate payment, unless evidence is duly noted.

*Please note: The majority of incidents described in this annex were perpetrated by Al-Shabaab leadership or factions. See report text and other annexes for further information on other perpetrators.

2010

January

1. In the Bal'ad Corridor in late 2009 an international organization (IO) had clearance from local leaders to provide humanitarian assistance, but when it tried to transport materials to the area by truck in early 2010 it was told to pay US\$5 per box. It abandoned the operation.²
2. From 1-7 January Al-Shabaab required humanitarian organizations in Merka, Baraawe, and other areas of Lower Shabelle to register, and to submit staff and vehicle lists. Many organizations reportedly complied with this request.
3. On 3 January Al-Shabaab entered two WFP warehouses in Lower Shabelle. They reportedly distributed some food and burned the rest, which they claimed was expired.
4. On 4 January, in response to Al-Shabaab pressures, WFP issued a statement announcing that it would temporarily close its offices in Waajid, Bu'aale, Gaarbaharey, Afmadow, Jilib and Beledweyne. It continued to work in Somaliland, Puntland, and parts of Mogadishu.
5. On 4 January Al-Shabaab looted WFP offices in Bu'aale and ordered them closed.
6. On 7 January Al-Shabaab required humanitarian organizations in Baidoa to obtain clearance to travel outside the town.
7. On 12 January the main hospital in Beledweyne was hit by two mortars and two employees of an IO were injured.
8. On 12 January Al-Shabaab in Baidoa entered a UN compound with an inventory list and seized UN assets.

¹ Sources of data on these incidents include UN agencies, international organizations and AMISOM, many of whom prefer to remain anonymous to protect operations.

² Interview with several IO officers, Nairobi, 28 October 2010.

9. On 16 January the body of an NGO staff member was found in Mogadishu.
10. On 25 January a lorry loaded with 24 metric tons of WFP food on its way from a warehouse in Berbera, was hijacked and looted by 50 armed militias in a rural area near Gaalka'yo.
11. On 26 January a blast killed 6 civilians and injured dozen of others at a clinic run by AMISOM. Al-Shabaab claimed responsibility.
12. On 28 January Al-Shabaab renewed its requirements of registration of NGOs in Bay and Bakool.

February

13. On 3 February ASWJ militants erected illegal checkpoints in Dhuusomareeb in Gaalgaduud and collected taxes from passing commercial trucks. They also went to the main hospital and demanded that local NGOs pay 500 USD to contribute to the defence of the town. When the head of hospital refused to pay he was ordered to temporarily stop operations.
14. On 10 February Al-Shabaab stole a UN armoured vehicle and searched a WFP office in Bakool.
15. On 22 February a truck carrying 24 metric tons of WFP food was looted in Mudug. Some of the food was recovered.
16. On 28 February Al-Shabaab requested that humanitarian organizations operating in Baidoa register by 20 March.
17. Several UN agencies limited their distribution to non-Shabaab-held areas when faced with threats from 'freelance profiteers,' as well as organized Shabaab factions.
18. In early 2010 in Hiiraan medicines were being sent by an organization to Beledweyne Hospital but the delivery was stopped by Al-Shabaab in a nearby town.
19. In early 2010 in a town some dozen miles north of Mogadishu an organization had established a health post, but when the organization decided to upgrade the post. Al-Shabaab stopped them for more than a month.

March

20. On 1-2 March Al-Shabaab entered a WFP compound in Middle Juba and a WFP warehouse in Lower Juba, and instructed WFP's contracted guards to hand over the keys to both..
21. On 2 March Al-Shabaab in Middle Shabelle required local and international aid organizations to pay 5,000 USD — 1,000 from the local and 4,000 from the IOs.

22. On 2 March some ASWJ forces entered the main hospital in Dhuusomareeb and ordered humanitarian agencies there to pay 500 USD as a contribution to local security. But the ASWJ administration had apparently not issued this order and they had the soldiers arrested.
23. On 13 March Al-Shabaab occupied a local NGO compound in Bakool and ordered staff members to vacate the area.

April

24. In April Al-Shabaab in Baidoa arrested a local NGO director and protection monitor. He was held for 7 months in harsh conditions and tortured.
25. On 7 April Al-Shabaab occupied a WFP compound in Bakool.
26. On 12 April Al-Shabaab in Middle Juba required aid agencies to release their operational plans and budgets in order to be allowed to continue to operate.
27. 19 April Al-Shabaab raided a house often used as an office for a local human rights organization in Baidoa. One staff person was arrested.
28. On 19 April Al-Shabaab occupied the office of a local NGO in Lower Juba.
29. On 22 April Al-Shabaab in Hiiraan requested that all aid organizations pay US\$ 1,000-2,000.
30. On 29 April Al-Shabaab in Middle and Lower Juba required all aid organizations in those regions to register with its humanitarian office in Kismayo.
31. Al-Shabaab closed the Buulohawa office of a local Somali Kenyan organization based in Mandera. The leaders of this organization were targeted from April until September. It continued to provide some assistance in Buulohawa, but could only do so by travelling back and forth across the border.³
32. In a case of post-distribution monitoring in Lower Shabelle, local partners were detained. The women in the group were quickly released, others were held for several months.

May

33. Al-Shabaab visited the offices of an IO working in Baidoa and Waajid and instructed local staff to stop operations until further notice.

³ Interview with Somali NGO director, Mandera, 17 January 2011.

34. On 16 May Al-Shabaab in Middle and Lower Juba requested that humanitarian organizations register with them and sign a list of 9 rules. A number of organizations reportedly complied with this request. Two NGOs were asked to suspend their operations and leave the area entirely.
35. On 17 May a WFP contracted driver was killed in Mudug.
36. On 17 May Al-Shabaab entered IO offices in Bay and Bakool and ordered them to stop operations until further notice.
37. On 24 May Al-Shabaab in Hiiraan renewed its demand that all IOs pay US\$3,000.
38. On 25 May the Puntland Minister of Planning and International Cooperation suspended a stakeholder meeting in Garowe organized by a local NGO to promote peace in Puntland. The situation was later amicably resolved through discussions with government officials and the meeting was completed in October 2010.
39. On 27 May Al-Shabaab entered and occupied a local aid organization in Lower Juba for the second time.
40. On 31 May Al-Shabaab in Middle Juba requested that all IOs stop using boats to deliver aid to villages across the river, allegedly to prevent the collapse of the river banks. The order was revoked days later.

June

41. IMC was expelled in June 2010 from Hiiraan and Bakool regions. It was accused by Al-Shabaab regional authorities of propagating Christianity.
42. Hisb'ul Islam asked all IOs to pay US\$400 and all local NGOs to pay US\$300 monthly registration fees in Jowhar.
43. On 2 June Al-Shabaab required all NGOs to pay a monthly registration fee of US\$300 for local organizations and US\$400 for IOs in order to continue their operations in Middle Shabelle.
44. On 12 June TFG police and military clashed near the policy academy in Hamar Jabjab district, killing 2 civilians and 8 TFG forces. It was reported that TFG police tried to stop TFG soldiers from stealing food from WFP-hired vehicles. Local Somali NGOs expressed concern about obstruction to assistance caused by repeated clashes between various TFG forces.⁴
45. On 15 June Al-Shabaab entered the office of an IO in Beledweyne, searched through files and looted office equipment.

⁴ Interview with UN official, Nairobi, 4 February 2011.

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46. On 15 June the Gaalgaduud administration issued a letter to UN agencies and IOs requesting them to open offices there within 3 months. Failure to comply would result in their prohibition from operations in the area.
 47. On 20 June Al-Shabaab burned medical supplies confiscated from an IO in Beledweyne, saying that the medicine was expired.
 48. On 28 June Al-Shabaab entered the office of a local organization in Baidoa and took computers. They also requested contracts, and a percentage of contract budgets as payment.
 49. In mid-2010 Al-Shabaab attacked an IO office in Lower Juba and stole medicines.⁵
 50. In a neighbourhood of Mogadishu, an IO was prevented from launching a shelter project unless it paid US\$80,000. It refused and the project ceased.⁶
 51. Since June 2010 when Al-Shabaab took Beledweyne bulk payments were demanded of some organizations.
 52. Al-Shabaab closed the Lower Juba office of a Somalia-wide minority rights organization. It has been trying to re-open in a number of areas in the Jubas and Hiiran, but had not yet been successful by the end of 2010.⁷

July

53. On 1 July Al-Shabaab in Bakool accused two staff members of an IO of mismanagement and issued a decree to terminate their contracts. They were evacuated.
54. On 7 July Al-Shabaab stopped Child Health Day activities throughout Hiiran.
55. On 12 July Al-Shabaab in Baidoa requested that an IO submit a detailed list of its national staff working in Bay and Bakool. The organization did not comply.
56. On 14 July Al-Shabaab in Baidoa reportedly burned drugs and wheat they alleged had expired, which they had confiscated from warehouses.

August

57. Al-Shabaab expelled ADRA from Bay, Bakool and Hiiran.
58. Al-Shabaab expelled World Vision from the Jubas, Bay and Bakool.

⁵ Interview with IO head of office, Nairobi, 19 October 2010.

⁶ Interview with several IO officers, Nairobi, 28 October 2010.

⁷ Interview with minority rights leader, Nairobi, 14 December 2010.

59. Al-Shabaab expelled Diakonia from Bay and Bakool, though the organization had closed its office at the end of 2008.
60. A local Somali-Kenyan organization operating in border regions closed after WFP shut down and World Vision was expelled. The NGO had employed 300 young people. When its partner organizations were forced to leave, Al-Shabaab officers stepped in to try to recruit the young people, particularly in Gedo.⁸
61. On 22 August Al-Shabaab burned food items confiscated from warehouses in Beledweyne and Mogadishu, and additional food items found on trucks driving from central to southern Somalia.
62. On 23 August Al-Shabaab called a meeting in Beledweyne to transmit taxation instructions to aid agencies in the area. Organizations in Beledweyne refused to pay. The same instructions were transmitted to aid agencies operating in Lower and Middle Shabelle, Bay and Bakool, and Lower and Middle Juba.⁹
63. A local Somali organization was asked to pay taxes. It refused and nothing happened; it was just told to do its job.¹⁰
64. In Kismayo staff members of an IO were asked to pay rent for its office.¹¹
65. Shabaab factions demanded taxes of tens of thousands USD per six month period per district of town per organization in Shabaab-held areas. Reportedly some organizations did succumb to their threats, in Kismayo, Hiiraan and Gedo. Some agencies and organizations were contacted individually or in large meetings by local Shabaab leaders, in parts of Gedo, and in Beledweyne. Some local staff and implementing partners paid on behalf of agencies and IOs in order to keep working.¹²
66. A Somali NGO that continued to work in the Jubas and Bay reported that it was asked to make payments in mid-2010 but refused. It was simply told that it could continue to operate.¹³
67. In August/September 2010 Al-Shabaab demanded an agreement with an organization for 20% of its project budget, rent for use of public buildings, car rental, and taxes from its staff members. It refused to pay anything, but assumed that staff members or contractors paid something out of their own salaries for 'security.' Al-Shabaab did not react to the organization's refusal.¹⁴

⁸ Interview with Somali NGO director, Nairobi, 18 February 2011.

⁹ Interview with national IO officer, Nairobi, 14 October 2010; interview with IO head of office, Nairobi, 26 Nov 2010.

¹⁰ Interview with UN program officer, Nairobi, 10 November 2011.

¹¹ Interview with IO program officer, Mogadishu, 30 January 2011.

¹² Interview with national IO officer, Nairobi, 14 October 2011.

¹³ Interview with Somali NGO director, Nairobi, 18 November 2010.

¹⁴ Interview with IO head of office, Nairobi, 12 January 2011.

68. In Kismayo, a flight with national staff for an IO was stopped. The staff members were interrogated and later released. The IO stopped flights into Kismayo.¹⁵
69. In central Somalia a vehicle belonging to an IO was stopped. The perpetrators claimed its cargo was infested with insects and demanded to inspect the entire stock. The stock was burned.¹⁶

September

70. Al-Shabaab made demands for taxes from most organizations still operating in Shabaab-held areas of southern and central Somalia. The September 2010 demands for taxation were generally reported to be: US\$10,000 for an initial fee; US\$10,000 for a one-time registration fee; US\$6,000 every six months thereafter; 20% of the organizational budget (for local NGOs); and 10% on all vehicles.¹⁷
71. On 1 September Al-Shabaab expelled Muslim Aid UK from Afgooye, Lower Shabelle for not having registered.
72. Al-Shabaab expelled Mercy Corps from Hiiraan and Middle Shabelle.
73. Al-Shabaab expelled Horn Relief from Lower Juba.
74. Al-Shabaab expelled FEWS NET from all areas under their control, but FEWS NET had no physical presence in south central Somalia at that time.
75. On 16 September MSF closed its project at Hawa Abdi Hospital in Afgooye in response to an incident during which Hisb'ul Islam targeted Hawa Abdi.
76. On 22 September Al-Shabaab disallowed four national aid staff to implement planned livelihood projects in Bay and Bakool allegedly due to a lack of presence in these regions by the sponsoring UN agency.
77. The 23rd of September was the deadline for local and international aid organizations to pay the required Al-Shabaab registration fees in Hiiran, Bay, Bakool, Middle and Lower Shabelle, and Middle and Lower Juba.
78. An IO that continued to work in the Shabelles, Hiiran, Banadir and Middle Juba received a demand from Al-Shabaab for taxation around the time of the Ramadan offensive. It refused to pay.¹⁸

¹⁵ Interview with IO program director, Nairobi, 19 October 2010.

¹⁶ Interview with IO head of office, Nairobi, 26 November 2010.

¹⁷ Interviews with aid workers in Nairobi in October and November 2010.

¹⁸ Interview with IO head of office, Nairobi, 15 October 2010.

79. Al-Shabaab made demands for taxes on most organizations still operating in Al-Shabaab-held areas of southern and central Somalia. The September 2010 demands for taxation were generally reported to be: US\$10,000 for an initial fee; US\$10,000 for a one-time registration fee; US\$6,000 every six months thereafter; 20% of the organizational budget (for local NGOs); and 10% on all vehicles.¹⁹

October

80. On 1 October a hand grenade was thrown at a warehouse belonging to local organizational partners in Mogadishu.
81. On 7 October Al-Shabaab occupied a maternal and child health clinic and two training centers operated by an IO in Middle and Lower Juba, reportedly in relation to a demand for payment.
82. On 26 October Al-Shabaab disrupted an IO supporting the main hospital in Beledweyne, resulting in the temporary suspension of hospital operations.
83. In October Shabaab leaders warned civilians not to go to AMISOM hospitals, but desperate civilians continued to do so nonetheless.²⁰

November

84. On 6 November a local humanitarian aid worker was gunned down and killed in Mandera, Kenya by Al-Shabaab based in Buulohawa. Local Somali aid organizations reported that after he was killed they too were threatened.²¹
85. On 13 November unidentified armed men killed a WFP-contracted truck driver in Mudug, and looted 80 bags of food being shipped to Gaalgaduud.
86. On 25 November Al-Shabaab in Gedo required local aid organizations in the region to register and pay US\$5,000.
87. Al-Shabaab in Beledweyne were still demanding registration payments for water and farming projects in late 2010.²²
88. Colleagues of the NGO director who was held by Al-Shabaab in Mogadishu and Baidoa for 7 months were forced to flee the country due to increasing threats after his escape in November.

¹⁹ Interviews with aid workers in Nairobi in October and November 2010.

²⁰ Interview with national IO officer, Nairobi, 14 October 2010.

²¹ Interview with officers from several UN agencies, Nairobi, October-December 2010.

²² Interview with IO head of office, Nairobi, 8 November 2010.

December

89. A prominent local Somali NGO was forced to close its offices in Jowhar in December when it was told to pay taxes. Its office has since been occupied by Al-Shabaab.²³
90. On 1 December Al-Shabaab required local aid organizations to renew their registration and pay a yearly fee of US\$5,000 in Bay and Bakool.
91. On 6 December a guard working with a prominent local organization was shot dead in an ambush in Laas Qoray while participating in a cash distribution program.
92. On 2 December Al-Shabaab searched the flight of an IO in Middle Juba.
93. On 14 December the TFG Deputy Minister for Water, Energy and Petroleum announced his intention to suspend the operations of Concern, DRC, DBG, UNICEF and ICRC. His statement was later retracted.
94. On 19 December Al-Shabaab suspended a UN agency in Bay for not having registered in Mogadishu.
95. On 19 December Al-Shabaab in Hiiraan renewed its demand for US\$10,000 registration fees for IOs and US\$5,000 registration fees for local organizations.
96. On 20 December Al-Shabaab in Bay required two IOs to pay a registration fee of US\$10,000.
97. On 23 December at least 15 representatives from local organizations and elders met to discuss Al-Shabaab's registration demands in Baidoa.

Early 2011

98. On 25 January Al-Shabaab expelled GREDO and TAWAK from Bay and Bakool. They were accused of operating in TFG-controlled areas of Mogadishu.
99. On 31 March Al-Shabaab looted Water for Life in Lower Shabelle. The organization subsequently suspended its operations.
100. On 11 April 2011 the OCHA office in Baidoa was raided and assets were seized without violence.
101. Al-Shabaab recently announced at a center for HIV/AIDS in Merka that anyone with HIV or AIDS should be trained as suicide bombers because 'they're not going to survive anyway.'²⁴

²³ Interview with Somali NGO officer, Nairobi, 18 April 2011.

²⁴ Interview with Somali NGO directors, Nairobi, 18 April 2011.

Annex 7.1.b.:**Summary of major acts of obstruction against humanitarian operations by region / zone (2010)¹**

*Please note: Incidents during which Al-Shabaab demanded taxes, fees, or registration do not indicate payment, unless evidence is duly noted.

*Please note: The majority of incidents described in this annex were perpetrated by Al-Shabaab leadership or factions. See report text and other annexes for further information on other perpetrators.

*Please note: Several incidents described in this annex occurred in multiple regions; these cases are therefore repeated as appropriate.

2010**General Somalia**

1. On 4 January WFP issued a statement announcing that it would temporarily close its offices in Waajid, Bu'aale, Gaarbaharey, Afmadow, Jilib and Beledweyne. It continued to work in Somaliland, Puntland, and parts of Mogadishu.
2. Several UN agencies limited their distribution to non-Shabaab-held areas when faced with threats from 'freelance profiteers,' as well as organized Shabaab factions.
3. A local Somali organization was asked to pay taxes. It refused and nothing happened; it was just told to do its job.²
4. In August/September 2010 Al-Shabaab demanded an agreement with an organization for 20% of its project budget, rent for use of public buildings, car rental, and taxes from its staff members. It refused to pay anything, but assumed that staff members or contractors paid something out of their own salaries for 'security.' Al-Shabaab did not react to the organization's refusal.³
5. Al-Shabaab expelled FEWS NET from all areas under their control, but FEWS NET had no physical presence in south central Somalia at that time.
6. Al-Shabaab made demands for taxes on most organizations still operating in Al-Shabaab-held areas of southern and central Somalia. The September 2010 demands for taxation were generally reported to be: US\$10,000 for an initial fee; US\$10,000 for a one-time registration fee; US\$6,000 every six months thereafter; 20% of the organizational budget (for local NGOs); and 10% on all vehicles.⁴

¹ Sources of data on these incidents include UN agencies, IOs and AMISOM, many of whom prefer to remain anonymous to protect operations.

² Interview with UN program officer, Nairobi, 10 November 2011.

³ Interview with IO head of office, Nairobi, 12 January 2011.

⁴ Interviews with aid workers in Nairobi in October and November 2010.

Mogadishu/Banadir

7. In the Balaad Corridor in late 2009 an international organization (IO) had clearance from local leaders to provide humanitarian assistance, but when it tried to transport materials to the area by truck it was told to pay US\$5 per box. It abandoned the operation.⁵
8. On 16 January the body of an NGO staff member was found in Mogadishu.
9. On 26 January a blast killed 6 civilians and injured dozen of others at a clinic run by AMISOM. Al-Shabaab claimed responsibility.
10. In early 2010 in a town some dozen miles north of Mogadishu an organization had established a health post, but when the organization decided to upgrade the post. Al-Shabaab stopped them for more than a month.
11. On 12 June TFG police and military clashed near the policy academy in Hamar Jabjab district, killing 2 civilians and 8 TFG forces. It was reported that TFG police tried to stop TFG soldiers from stealing food from WFP-hired vehicles. Local Somali NGOs expressed concern about obstruction to assistance caused by repeated clashes between various TFG forces.⁶
12. In a neighbourhood of Mogadishu, an IO was prevented from launching a shelter project unless it paid US\$80,000. It refused and the project ceased.⁷
13. An IO that continued to work in the Shabelles, Hiiraan, Banadir and Middle Juba received a demand from Al-Shabaab for taxation around the time of the Ramadan offensive. It refused to pay.⁸
14. In October Shabaab leaders warned civilians not to go to AMISOM hospitals, but desperate civilians continued to do so nonetheless.⁹
15. On 1 October a hand grenade was thrown at a warehouse belonging to local organizational partners in Mogadishu.
16. On 14 December the TFG Deputy Minister for Water, Energy and Petroleum announced his intention to suspend the operation of Concern, DRC, DBG, UNICEF and ICRC. His statement was later retracted.

⁵ Interview with several IO officers, Nairobi, 28 October 2010.

⁶ Interview with UN official, Nairobi, 4 February 2011.

⁷ Interview with several IO officers, Nairobi, 28 October 2010.

⁸ Interview with IO head of office, Nairobi, 15 October 2010.

⁹ Interview with national IO officer, Nairobi, 14 October 2010.

Lower Shabelle

17. From 1-7 January Al-Shabaab required humanitarian organizations in Merka, Baraawe, and other areas of Lower Shabelle to register, and to submit staff and vehicle lists. Many organizations reportedly complied with this request.
18. On 3 January Al-Shabaab entered two WFP warehouses in Lower Shabelle. They reportedly distributed some food and burned the rest, which they claimed was expired.
19. In a case of post-distribution monitoring in Lower Shabelle, local partners were detained. The women in the group were quickly released, others were held for several months.
20. On 23 August Al-Shabaab called a meeting in Beledweyne to transmit taxation instructions to aid agencies in the area. Organizations in Beledweyne refused to pay. The same instructions were transmitted to aid agencies operating in Lower and Middle Shabelle, Bay and Bakool, and Lower and Middle Juba.¹⁰
21. On 1 September Al-Shabaab expelled Muslim Aid UK from Afgooye, Lower Shabelle for not having registered.
22. On 16 September MSF closed its project at Hawa Abdi Hospital in Afgooye in response to an incident in which Hisb'ul Islam targeted Hawa Abdi.
23. The 23rd of September was the deadline for local and international aid organizations to pay the required Al-Shabaab registration fees in Hiiraan, Bay, Bakool, Middle and Lower Shabelle, and Middle and Lower Juba.
24. An IO that continued to work in the Shabelles, Hiiraan, Banadir and Middle Juba received a demand from Al-Shabaab for taxation around the time of the Ramadan offensive. It refused to pay.¹¹
25. On 31 March Al-Shabaab looted Water for Life in Lower Shabelle. The organization subsequently suspended its operations.
26. Al-Shabaab recently announced at a center for HIV/AIDS in Merka that anyone with HIV or AIDS should be trained as suicide bombers because 'they're not going to survive anyway.'¹²

Middle Shabelle

27. On 2 March Al-Shabaab in Middle Shabelle required local and international aid organizations to pay US\$5,000—1,000 from the local and 4,000 from the IOs.

¹⁰ Interview with national IO officer, Nairobi, 14 October 2010; interview with IO head of office, Nairobi, 26 Nov 2010.

¹¹ Interview with IO head of office, Nairobi, 15 October 2010.

¹² Interview with Somali NGO directors, Nairobi, 18 April 2011.

28. Hisb'ul Islam asked all IOs to pay US\$400 and all local NGOs to pay US\$300 monthly registration fees in Jowhar.
29. On 2 June Al-Shabaab required all NGOs to pay a monthly registration fee of US\$300 for local organizations and US\$400 for IOs in order to continue their operations in Middle Shabelle.
30. Al-Shabaab expelled Mercy Corps from Hiiraan and Middle Shabelle.
31. On 23 August Al-Shabaab called a meeting in Beledweyne to transmit taxation instructions to aid agencies in the area. Organizations in Beledweyne refused to pay. The same instructions were transmitted to aid agencies operating in Lower and Middle Shabelle, Bay and Bakool, and Lower and Middle Juba.¹³
32. The 23rd of September was the deadline for local and international aid organizations to pay the required Al-Shabaab registration fees in Hiiraan, Bay, Bakool, Middle and Lower Shabelle, and Middle and Lower Juba.
33. An IO that continued to work in the Shabelles, Hiiraan, Banadir and Middle Juba received a demand from Al-Shabaab for taxation around the time of the Ramadan offensive. It refused to pay.¹⁴
34. A prominent local Somali NGO was forced to close its offices in Jowhar in December when it was told to pay taxes. Its office has since been occupied by Al-Shabaab.¹⁵

Lower and Middle Juba Regions

35. On 4 January, in response to Al-Shabaab pressures, WFP issued a statement announcing that it would temporarily close its offices in Waajid, Bu'aale, Gaarbaharey, Afmadow, Jilib and Beledweyne. It continued to work in Somaliland, Puntland, and parts of Mogadishu.
36. On 1-2 March Al-Shabaab entered a WFP compound in Middle Juba and a WFP warehouse in Lower Juba, and instructed WFP's contracted guards to hand over the keys to both.
37. On 12 April Al-Shabaab in Middle Juba required aid agencies to release their operational plans and budgets in order to be allowed to continue to operate.
38. On 19 April Al-Shabaab occupied the office of a local NGO in Lower Juba.
39. On 29 April Al-Shabaab in Middle and Lower Juba required all aid organizations in those regions to register with its humanitarian office in Kismayo.

¹³ Interview with national IO officer, Nairobi, 14 October 2010; interview with IO head of office, Nairobi, 26 Nov 2010.

¹⁴ Interview with IO head of office, Nairobi, 15 October 2010.

¹⁵ Interview with Somali NGO officer, Nairobi, 18 April 2011.

40. On 16 May Al-Shabaab in Middle and Lower Juba requested that humanitarian organizations register with them and sign a list of 9 rules. A number of organizations reportedly complied with this request. Two NGOs were asked to suspend their operations and leave the area entirely.
41. On 27 May Al-Shabaab entered and occupied a local aid organization in Lower Juba for the second time.
42. On 31 May Al-Shabaab in Middle Juba requested that all IOs stop using boats to deliver aid to villages across the river, allegedly to prevent the collapse of the river banks. The order was revoked days later.
43. In mid-2010 Al-Shabaab attacked an IO office in Lower Juba and stole medicines.¹⁶
44. Al-Shabaab expelled World Vision from the Jubas, Bay and Bakool.
45. In Kismayo staff members of an IO were asked to pay rent for its office.¹⁷
46. Shabaab factions demanded taxes of tens of thousands of U.S. dollars per six month period per district of town per organization in Shabaab-held areas. Reportedly some organizations did succumb to their threats, in Kismayo, Hiiraan and Gedo. Some agencies and organizations were contacted individually or in large meetings by local Shabaab leaders, in parts of Gedo, and in Beledweyne. Some local staff and implementing partners paid on behalf of agencies and IOs in order to keep working.¹⁸
47. A Somali NGO which continued to work in the Jubas and Bay reported that it was asked to make payments in mid-2010 but refused. It was simply told it could continue to operate.¹⁹
48. Al-Shabaab expelled Horn Relief from Lower Juba.
49. On 23 August Al-Shabaab called a meeting in Beledweyne to transmit taxation instructions to aid agencies in the area. Organizations in Beledweyne refused to pay. The same instructions were transmitted to aid agencies operating in Lower and Middle Shabelle, Bay and Bakool, and Lower and Middle Juba.²⁰
50. On 7 October Al-Shabaab occupied a maternal and child health clinic and two training centers operated by an IO in Middle and Lower Juba reportedly in relation to a demand for payment.

¹⁶ Interview with IO head of office, Nairobi, 19 October 2010.

¹⁷ Interview with IO program officer, Mogadishu, 30 January 2011.

¹⁸ Interview with national IO officer, Nairobi, 14 October 2011.

¹⁹ Interview with Somali NGO director, Nairobi, 18 November 2010.

²⁰ Interview with national IO officer, Nairobi, 14 October 2010; interview with IO head of office, Nairobi, 26 Nov 2010.

51. An IO that continued to work in the Shabelles, Hiiraan, Banadir and Middle Juba received a demand from Al-Shabaab for taxation around the time of the Ramadan offensive. It refused to pay.²¹
52. On 2 December Al-Shabaab searched the flight of an IO in Middle Juba.
53. In Kismayo, a flight with national staff for an IO was stopped. The staff members were interrogated and later released. The IO stopped flights into Kismayo.²²
54. Al-Shabaab closed the Lower Juba office of a Somalia-wide minority rights organization. It has been trying to re-open in a number of areas in the Jubas and Hiiraan, but had not yet been successful by the end of 2010.²³

Gedo

55. Shabaab factions demanded taxes of tens of thousands of U.S. dollars per six month period per district of town per organization in Shabaab-held areas. Reportedly some organizations did succumb to their threats, in Kismayo, Hiiraan and Gedo. Some agencies and organizations were contacted individually or in large meetings by local Shabaab leaders, in parts of Gedo, and in Beledweyne. Some local staff and implementing partners paid on behalf of agencies and IOs in order to keep working.²⁴
56. A local Somali-Kenyan organization operating in border regions closed after WFP shut down and World Vision was expelled. The NGO had employed 300 young people. When its partner organizations were forced to leave, Shabaab officers stepped in to try to recruit the young people, particularly in Gedo.²⁵
57. On 6 November a local humanitarian aid worker was gunned down and killed in Mandera, Kenya by Al-Shabaab based in Bullohawa. Local Somali aid organizations reported that after he was killed they too were threatened.²⁶
58. On 25 November Al-Shabaab in Gedo required local aid organizations in the region to register and pay US\$5,000.
59. Al-Shabaab closed the Buulohawa office of a local Somali-Kenyan organization based in Mandera. The leaders of this organization were targeted from April until September. It continued

²¹ Interview with IO head of office, Nairobi, 15 October 2010.

²² Interview with IO program director, Nairobi, 19 October 2010.

²³ Interview with minority rights leader, Nairobi, 14 December 2010.

²⁴ Interview with national IO officer, Nairobi, 14 October 2011.

²⁵ Interview with Somali NGO director, Nairobi, 18 February 2011.

²⁶ Interview with officers from several UN agencies, Nairobi, October-December 2010.

to provide some assistance in Buulohawa, but could only do so by travelling back and forth across the border.²⁷

Bay and Bakool Regions

60. Al-Shabaab visited the offices of an IO working in Baidoa and Waajid and instructed local staff to stop operations until further notice.
61. On 7 January Al-Shabaab required humanitarian organizations in Baidoa to obtain clearance to travel outside the town.
62. On 12 January Al-Shabaab in Baidoa entered a UN compound with an inventory list and seized UN assets.
63. On 19 December Al-Shabaab suspended a UN agency in Bay for not having registered in Mogadishu.
64. On 28 January Al-Shabaab renewed its requirements of registration of NGOs in Bay and Bakool.
65. On 10 February Al-Shabaab stole a UN armoured vehicle and searched a WFP office in Bakool.
66. On 28 February Al-Shabaab requested that humanitarian organizations operating in Baidoa register by 20 March.
67. On 13 March Al-Shabaab occupied a local NGO compound in Bakool and ordered staff members to vacate the area.
68. In April Al-Shabaab in Baidoa arrested a local NGO director and protection monitor. He was held for 7 months in harsh conditions and tortured.
69. On 7 April Al-Shabaab occupied a WFP compound in Bakool.
70. 19 April Al-Shabaab raided a house often used as an office for a local human rights organization in Baidoa. One staff person was arrested.
71. On 17 May Al-Shabaab entered international organizational offices in Bay and Bakool and ordered them to stop operations until further notice.
72. IMC was expelled in June 2010 from Hiiraan and Bakool regions. It was accused by Al-Shabaab regional authorities of propagating Christianity.

²⁷ Interview with Somali NGO director, Mandera, 17 January 2011.

73. On 28 June Al-Shabaab entered the office of a local organization in Baidoa and took computers. They also requested contracts, and a percentage of contract budgets as payment.
74. On 1 July Al-Shabaab in Bakool accused two staff members of an IO of mismanagement and issued a decree to terminate their contracts. They were evacuated.
75. On 12 July Al-Shabaab in Baidoa requested that an IO submit a detailed list of its national staff working in Bay and Bakool. The organization did not comply.
76. On 14 July Al-Shabaab in Baidoa reportedly burned drugs and wheat they alleged had expired, which they had confiscated from warehouses.
77. Al-Shabaab expelled ADRA from Bay, Bakool and Hiiraan.
78. Al-Shabaab expelled World Vision from the Jubas, Bay and Bakool.
79. Al-Shabaab expelled Diakonia from Bay and Bakool, the organization had closed its office at the end of 2008.
80. On 23 August Al-Shabaab called a meeting in Beledweyne to transmit taxation instructions to aid agencies in the area. Organizations in Beledweyne refused to pay. The same instructions were transmitted to aid agencies operating in Lower and Middle Shabelle, Bay and Bakool, and Lower and Middle Juba.²⁸
81. A Somali NGO that continued to work in the Jubas and Bay reported that it was asked to make payments in mid-2010 but refused. It was simply told it could continue to operate.²⁹
82. On 22 September Al-Shabaab disallowed four national aid staff to implement planned livelihood projects in Bay and Bakool allegedly due to a lack of presence in these regions by the sponsoring UN agency.
83. The 23rd of September was the deadline for local and international aid organizations to pay the required Al-Shabaab registration fees in Hiiraan, Bay, Bakool, Middle and Lower Shabelle, and Middle and Lower Juba.
84. Colleagues of the NGO director who was held by Al-Shabaab in Mogadishu and Baidoa for 7 months were forced to flee the country due to increasing threats after his escape in November.
85. On 1 December Al-Shabaab required local aid organizations to renew their registration and pay a yearly fee of US\$5,000 in Bay and Bakool.

²⁸ Interview with national IO officer, Nairobi, 14 October 2010; interview with IO head of office, Nairobi, 26 Nov 2010.

²⁹ Interview with Somali NGO director, Nairobi, 18 November 2010.

86. On 20 December Al-Shabaab in Bay required two IOs to pay a registration fee of US\$10,000.
87. On 23 December at least 15 representatives from local organizations and elders met to discuss Al-Shabaab's registration demands in Baidoa.
88. On 25 January Al-Shabaab expelled GREDO and TAWAK from Bay and Bakool. They were accused of operating in TFG-controlled areas of Mogadishu.
89. On 11 April 2011 the OCHA office in Baidoa was raided and assets were seized without violence.

Hiiraan

90. In early 2010 in Hiiraan medicines were being sent by an organization to Beledweyne Hospital but the delivery was stopped by Al-Shabaab in a nearby town.
91. On 12 January the main hospital in Beledweyne was hit by two mortars and two employees of an IO were injured.
92. On 22 April Al-Shabaab in Hiiraan requested that all aid organizations pay US\$1-2,000.
93. On 24 May Al-Shabaab in Hiiraan renewed its demand that all IOs pay US\$3,000.
94. IMC was expelled in June 2010 from Hiiraan and Bakool regions. It was accused by Al-Shabaab regional authorities in Hiiraan of propagating Christianity.
95. On 15 June Al-Shabaab entered the office of an IO in Beledweyne, searched through files and looted office equipment.
96. On 20 June Al-Shabaab burned medical supplies confiscated from an IO in Beledweyne, saying that the medicine was expired.
97. Since June 2010 when Al-Shabaab took Beledweyne bulk payments were demanded of some organizations.
98. On 7 July Al-Shabaab stopped Child Health Day activities throughout Hiiraan.
99. Al-Shabaab expelled ADRA from Bay, Bakool and Hiiraan.
100. On 22 August Al-Shabaab burned food items confiscated from warehouses in Beledweyne and Mogadishu, and additional food items found on trucks driving from central to southern Somalia.
101. On 23 August Al-Shabaab called a meeting in Beledweyne to transmit taxation instructions to aid agencies in the area. Organizations in Beledweyne refused to pay. The same instructions

were transmitted to aid agencies operating in Lower and Middle Shabelle, Bay and Bakool, and Lower and Middle Juba.³⁰

102. Al-Shabaab factions demanded taxes of tens of thousands of U.S. dollars per six month period per district of town per organization in Shabaab-held areas. Reportedly some organizations did succumb to their threats, in Kismayo, Hiiraan and Gedo. Some agencies and organizations were contacted individually or in large meetings by local Shabaab leaders, in parts of Gedo, and in Beledweyne. Some local staff and implementing partners paid on behalf of agencies and IOs in order to keep working.³¹
103. Al-Shabaab expelled Mercy Corps from Hiiraan and Middle Shabelle.
104. The 23rd of September was the deadline for local and international aid organizations to pay the required Al-Shabaab registration fees in Hiiraan, Bay, Bakool, Middle and Lower Shabelle, and Middle and Lower Juba.
105. An IO that continued to work in the Shabelles, Hiiraan, Banadir and Middle Juba received a demand from Al-Shabaab for taxation around the time of the Ramadan offensive. It refused to pay.³²
106. On 26 October Al-Shabaab disrupted an IO supporting the main hospital in Beledweyne, resulting in the temporary suspension of hospital operations.
107. Al-Shabaab in Beledweyne were still demanding registration payments for water and farming projects in late 2010.³³
108. On 19 December Al-Shabaab in Hiiraan renewed its demand for US\$10,000 registration fees for IOs and US\$5,000 registration fees for local organizations.
109. In central Somalia a vehicle belonging to an IO was stopped. The perpetrators claimed its cargo was infested with insects and demanded to inspect the entire stock. The stock was burned.³⁴

Gaalgaduud

110. On 3 February ASWJ militants erected illegal checkpoints in Dhuusomareeb in Gaalgaduud and collected taxes from passing commercial trucks. They also went to the main hospital and demanded that local NGOs pay US\$500 to contribute to the defence of the town. When the head of hospital refused to pay he was ordered to temporarily stop operations.

³⁰ Interview with national IO officer, Nairobi, 14 October 2010; interview with IO head of office, Nairobi, 26 Nov 2010.

³¹ Interview with national IO officer, Nairobi, 14 October 2011.

³² Interview with IO head of office, Nairobi, 15 October 2010.

³³ Interview with IO head of office, Nairobi, 8 November 2010.

³⁴ Interview with IO head of office, Nairobi, 26 November 2010.

111. On 2 March some ASWJ forces entered the main hospital in Dhuusomareeb and ordered humanitarian agencies there to pay US\$500 as a contribution to local security. But the ASWJ administration had apparently not issued this order and it had the soldiers arrested.
112. On 15 June the Gaalgaduud administration issued a letter to UN agencies and IOs requesting them to open offices there within 3 months. Failure to comply would result in their prohibition from operations in the area.

Mudug

113. On 25 January a lorry loaded with 24 metric tons of WFP food on its way from a warehouse in Berbera, was hijacked and looted by 50 armed militias in a rural area near Gaalka'yo.
114. On 22 February a truck carrying 24 metric tons of WFP food was looted in Mudug. Some of the food was recovered.
115. On 17 May a WFP contracted driver was killed in Mudug.
116. On 13 November unidentified armed men killed a WFP-contracted truck driver in Mudug, and looted 80 bags of food being shipped to Gaalgaduud.

Puntland

117. On 25 May the Puntland Minister of Planning and International Cooperation suspended a stakeholder meeting in Garowe organized by a local NGO to promote peace in Puntland. The situation was later amicably resolved through discussions with government officials and the meeting was completed in October 2010.

Somaliland

118. On 6 December a guard working with a prominent local organization was shot dead in an ambush in Laas Qoray while participating in a cash distribution program.

Annex 7.2.: Al-Shabaab expulsion, taxation and registration

Annex 7.2.a.: Cases of expulsion by Al-Shabaab

1. On 8 August the UN issued an advisory stating that three international organizations had been informed of their closure in Somalia. In a press statement issued that day Al-Shabaab's 'Office for Supervising the Affairs of Foreign Agencies' ordered World Vision, ADRA and Diakonia to close their offices and operations.¹ All three are faith-based organizations which were accused of being 'Christian-affiliated.' Within weeks Horn Relief, Mercy Corps and FEWS NET were also ordered to close by Al-Shabaab. All were accused of being 'western-affiliated' and 'U.S.-funded.' The closures of these six organizations together impacted the lives of hundreds of thousands of vulnerable Somali civilians. Para.2: 29 September 2010

Horn Relief

2. Horn Relief had been operating primarily in and around Afmadow and Kismayo where Al-Shabaab controlled the local authorities. It was first told to register and pay US\$500 in the last week of August. But within days of the first registration demand it was told that the US\$500 applied to local NGO registration, while Horn Relief was considered international and would be required to pay US\$10,000. Horn Relief began to prepare for the possible closure of its offices. It tried to negotiate for an extension to the deadline, but Shabaab leaders told its staff members they were no longer negotiating with Nairobi-based NGOs, and seized its office. Horn Relief had already been expelled before the announcement was posted on the internet. On 29 September 2011 Horn Relief issued its own statement.²

3. Prior to that time Horn Relief was not perceived as a U.S. organization; it is operated entirely by Somali staff. In Afmadow, at the time of its expulsion, Horn Relief was one of the few organizations left serving the needs of the people. Farmers were just planning for the next harvest; there were major procurements waiting.

4. The community asked the local Shabaab if Horn Relief were being expelled because it could not or would not pay taxes. The community had done everything it could to support Horn Relief; that was why the organization was able to operate as long as it did, despite restrictions on operations and travel. But contacts with municipal Al-Shabaab offices began to suffer as officials were sent to fight elsewhere, and the void was filled by the Al-Shabaab Shuura, which centralized control and began imposing 'taxes.' Any space there had been to negotiate locally disappeared.

Mercy Corps

5. Though a secular organization, Mercy Corps was accused by Al-Shabaab of promoting Christianity. As a U.S.-based organization, it may have been targeted for expulsion because of the

¹ <http://edition.cnn.com/2010/WORLD/africa/08/10/somalia.aid.groups/#fbid=9aLLp9IWTjM&wom=false>.

² http://www.garoweonline.com/artman2/publish/Press_Releases_32/Somalia_aid_group_Horn_Relief_responds_to_Al_Shabaab.shtml; and interviews with IO officer, Nairobi, 20 October 2010 and 22 April 2011.

actions of Florida (USA) minister who threatened to burn a copy of the Qur'an in April 2011. In southern Somalia Mercy Corps had been working with local partners, with just a couple of local staff members in Mogadishu, housed by another organization. Following its 'expulsion' even these few remaining staff members were evacuated.³

FEWS NET

6. There were no prior conditions demanded by Al-Shabaab of FEWS NET, just the announcement of its expulsion. The organization believed its expulsion was linked to the reaction of Shabaab to a Florida minister who threatened to burn the Qur'an. It also believed it was related to its receipt of USAID funding. The announcement had little impact on its operations, so it didn't respond.⁴

World Vision

7. World Vision was expelled by Al Shabaab from six locations, mainly in Bay and Bakool regions. In one town in Middle Juba, food and salaries were distributed when the local office learned of possible Al-Shabaab action. On the day World Vision was expelled, it received a call early in the morning, before the announcement was made public, saying that all its offices were being raided and its staff members expelled. World Vision issued its own statement in response.⁵ All of its substantial moveable assets were taken. Its own security guards were left in place for a short time to guard the premises and its national staff members were 'invited' to become 'volunteers' for Al-Shabaab.

8. This expulsion resulted from a directive by the Al-Shabaab *Shuura* in Mogadishu World Vision had previously enjoyed good relations with the local communities and authorities in the areas in which it operated, and had been permitted to remain despite having refused to pay the Ramadan-period tax imposed by Al-Shabaab. Some observers believed the primary reason World Vision was expelled was not because it is a Christian organization (because it was locally perceived as Somali-run and devoutly religious) or because it was U.S.-affiliated, but rather because Al-Shabaab was short on cash at the time. World Vision will not return to southern Somalia until there is secure space in which to operate again.

ADRA

9. Four ADRA projects were expelled by Al Shabaab on 9 August 2010. By mid-day it learned of the Al-Shabaab press release announcing its expulsion on the grounds that it was allegedly 'spreading Christianity.'⁶

Diakonia

10. Diakonia was not operational in southern Somalia at the time of its expulsion.⁷

³ Interview with IO officers, Nairobi, October 2010.

⁴ Interview with IO officer, Nairobi, 27 October 2010.

⁵ <http://www.reliefweb.int/rw/rwb.nsf/db900SID/MUMA-88786A?OpenDocument> and interview with World Vision officer, Nairobi, October 2010.

⁶ Interview with IO officer, Nairobi, October 2010.

⁷ Interview with head of UN agency, Nairobi, 27 October 2010.

Annex 7.2.b.:**Al-Shabaab taxation and registration — additional examples and trends**

1. *Al-Shabaab* efforts to control and profit from international and local humanitarian actors through registration and taxation have been persistent, but implementation has varied from region to region and over time. The severity of the measures has typically reflected the degree to which the central Al-Shabaab *Shuura* has become involved in their implementation, and may also reflect the influence of foreign fighters at any given place and time.

2. Overall, demands for payment increased during the course of 2010, notably from the month of July when the *Shuura* began to assert greater control, and peaked about the time of the August/September ‘Ramadan Offensive’, suggesting at least a partial linkage between Al-Shabaab taxation demands and financing of military operations. However, by the end of 2010, demands for taxation had eased.

Demands for Taxation

3. In Mogadishu, many local NGOs encountered checkpoints and roadblocks at which Al-Shabaab made demands for money, non-food items or food. For part of the year they reported the common dilemma of three separate roadblocks per single trip — manned by TFG militias, Al-Shabaab and, until they were defeated, Hisb’ul Islam in Afgooye. Though these organizations were mainly operating in TFG-held areas, they still needed to pass through areas under others’ control. Fees demanded were contingent on the size of the shipments being transported.¹

4. One international organization that had remained operational in Somalia and Somaliland for decades began to encounter difficulties with Al-Shabaab authorities in a number of regions. In mid-2010, after receiving 20 conditions and a demand for payment to Al-Shabaab, the organization offered to provide a description of its operations and their benefits to the community. The organization agreed with Al-Shabaab that agencies shouldn’t distribute food during harvest time, and that seeds, fishing nets and other livelihood support could be more appropriate than food aid. Al-Shabaab and the organization ‘agreed to disagree’ over the issue of taxation, no payments were made, and the organization continued its work.²

5. Likewise, a Somali NGO working in the Juba Valley and Bay told the Monitoring Group that it had been asked to make payments in mid-2010, but refused. Expecting to be expelled, the staff had cleaned out their office, but successive deadlines passed and Al-Shabaab took no action. Eventually, the organization was told that it could continue to operate.³

¹ Somali NGO focus group interview, Mogadishu, 11 December 2010.

² Interview with IO head of office, Nairobi, 1 December 2010.

³ Interview with Somali NGO director, Nairobi, 18 November 2010.

6. In Kismayo staff members of an IO were asked to pay rent for their office, which they did. They were careful to cooperate with the local Al-Shabaab authorities and received no further demands for payment.⁴

Influence of the Al-Shabaab 'Shuura'

7. Multiple humanitarian sources interviewed by the Monitoring Group pointed to mid-2010 as a turning point, when the Al-Shabaab *Shuura* wrested control from local Al-Shabaab leaders and began to assert its own authority through a systematic rotation of commanders and militias. From that point onwards, organizations reported increasing attempts at extortion by Al-Shabaab, not only from aid organizations, but also from businesses, recipients of remittances and even at the household level. Taxation 'in kind' included abduction of male children as soldiers and female children as 'wives.'

8. In Beledweyne, several agencies dated the first serious pressure they encountered for the payment of registration fees from July 2010. Neither Ahlu Sunna wal Jama'a, nor Hisb'ul Islam, had sought payments there. But after Al-Shabaab established control in Beledweyne, bulk payments were demanded, including a registration fee, a 20 per cent tax on construction, and a US\$10,000 'contribution'.

9. Local staff of NGOs in Beledweyne called a meeting to discuss Al-Shabaab demands for payment and to present a common response. They chose to refuse to pay.⁵ As a result, some organizations maintained only a sporadic presence in Beledweyne, depending on who controlled the town at a given time. When Al-Shabaab was expelled, agencies could deploy personnel, monitor programmes and honour their contracts - sometimes for only a few days before Al-Shabaab returned again.⁶

10. One organization in Hiiran reported that it was able to remain operational despite its inability to pay. At first no attempts were made to stop its work, though it eventually chose to shut down some programmes on its own. The organization focused on life-saving interventions and accepted no United States funding, which its staff believed allowed them to keep working.⁷

11. In August 2010, Al-Shabaab launched a fund-raising campaign for reconstruction of a bridge destroyed in fighting in Beledweyne.⁸ Organizations in Hiiran region were approached individually and asked to contribute between US\$50,000 and US\$200,000. Again they came to a common decision not to pay. The deadline passed without any immediate reaction from Al-Shabaab. It was roughly two weeks later when Al-Shabaab leadership in Mogadishu and Kismayo gave orders for raids to expel three organizations from Hiiran and other regions. Shabaab representatives from Mogadishu, including foreigners, were present during some of these raids.

⁴ Interview with IO program officer, Mogadishu, 30 January 2011.

⁵ Interview with national officer for IO, Nairobi, 14 October 2010; interview with IO head of office, Nairobi, 26 November 2010.

⁶ Interview with IO head of office, Nairobi, 15 October 2010; interview with IO head of office, Nairobi, 26 November 2010.

⁷ Interview with IO head of office, Nairobi, 6 December 2010.

⁸ Interview with IO head of office, Nairobi, 26 November 2010.

12. Elsewhere in central and southern Somalia, aid agencies responded to Al-Shabaab financial demands in different ways. A number of aid agencies wrote to local or central Al-Shabaab authorities in mid-2010 — some repeatedly — to protest demands for payments and remind them of the consequences of obstructing aid. Some sent letters to the central *Shuura*, others to the ‘indigenous Shabaab’ — local Al-Shabaab leaders presumed to have closer ties to local communities than foreign-affiliated Shabaab.⁹ Only a few organizations received a response.

13. In August/September 2010 Al-Shabaab demanded that an organization operating in southern Somalia pay 20% of its project budget, rent for use of public buildings, car rental, and taxes from its staff members to Al-Shabaab. The organization refused to pay anything, but assumed that staff members or contractors paid out of their own salaries for their own ‘security.’ Al-Shabaab did not react to the refusal, and the agency continued operations.¹⁰

14. Another international organization operating across much of southern Somalia told the Monitoring Group that they no longer employed anyone but Somali or Somali diaspora staff for their field operations. When Al-Shabaab’s ‘Ramadan Offensive’ got underway in late August 2010, the agency — like many others — received a demand for payment of taxes, which it refused. In addition, in one area in south central their delivery of supplies for a multimillion-dollar project was stalled when they refused to pay a 20% tax.¹¹

15. After the failure of the Ramadan Offensive, rifts within the Al-Shabaab leadership and a renewed focus on military operations, were accompanied by a perceptible easing in Al-Shabaab’s demands on humanitarian organizations in many areas. Nevertheless, cases of harassment and extortion persisted. For example, in November 2010, Al-Shabaab was still demanding registration payments for water and farming projects in Beledweyne, though in January 2011 an agreement was reached on terms under which water trucking was permitted to resume.¹²

16. A local Somali NGO was forced to close its offices in Jowhar in December 2010, when central Shabaab pressures overcame the support it had enjoyed from local authorities, and the organization was told that it would have to pay taxes. The office has since been occupied by Al-Shabaab.¹³

Strategies for avoiding payment

17. One prominent international organization told the Monitoring Group that Al-Shabaab was simply looking for excuses to close down aid agency operations and expel them from Somalia. Accusations of Christian or U.S. affiliation provided convenient justifications. Other humanitarian aid workers told the Monitoring Group they believed that the foreigners in Al-Shabaab were the driving force behind the expulsions, because only foreigners would be indifferent to the needs of local communities.¹⁴ But

⁹ Interviews with multiple international aid workers, Nairobi and Mandera, October 2010 to January 2011.

¹⁰ Interview with IO head of office, Nairobi, 12 January 2011.

¹¹ Interview with IO head of office, Nairobi, 15 October 2010.

¹² Interview with IO head of office, Nairobi, 8 November 2010.

¹³ Interview with Somali NGO officer, Nairobi, 18 April 2011.

¹⁴ Interview with IO head of office, Nairobi, 28 October 2010; multiple interviews with UN officials from November 2010 to March

the ability of some aid agencies to continue to operate in Al-Shabaab-controlled areas suggests a more complex picture. A variety of coping strategies have permitted a small number of organizations to resist Al-Shabaab's apparent hostility towards humanitarian organizations.

18. Among the scores of UN agencies, international organizations and local NGO employees interviewed by the Monitoring Group, more than a dozen have continued to operate, despite the harsh and challenging operational environment in south central Somalia. One of these was an organization that continued to provide aid in Afgooye and Mogadishu throughout the year. This organization attributed its success to an 'open door policy,' and the value it placed in the trust of local leaders and authorities. It also cited the importance of its commitment to operational neutrality. Local community members conducted negotiations on access with local authorities on their behalf.

19. Some medical aid workers believed they were exempted from TFG and Shabaab checkpoint fees because their services were desperately needed by both entities. One told the Monitoring Group that he and his colleagues had routinely been stopped at Al-Shabaab checkpoints (including by their 'humanitarian coordinators'), but that these situations were generally fairly quickly resolved.¹⁵ One agency noted that at times it received 'free support' from local Shabaab leaders, who provided them with security during transport or distribution of relief supplies. Others said they seemed to be targeted less frequently if they were providing drought-related assistance.¹⁶

20. One UN agency with a solid reputation for development of local capacity, as well as success in meeting immediate humanitarian needs, believed that Al-Shabaab couldn't stop its activities because these benefitted the most basic economic foundations of Somali society, including Al-Shabaab families. This organization utilized an effective means of cash transfer to beneficiaries and local institutions, an individual voucher program within a cash-for-work system. The structure of the work of this organization — simultaneously conducted at village, district, region and central levels — with communities and with TFG counterparts — ensured a relatively clear verification and certification process, while paying for services from the bottom up allowed this agency to avoid a dangerous concentration of materials and funds.¹⁷

21. In Gedo region, when the Al-Shabaab authorities learned about this system, they attempted to stop it, but failed. Instead, they decided that it was improper to tax individuals for their work, and allowed the programme to continue.

22. In southern and central Somalia, it seems likely that some NGO implementing partners have been paying nominal taxes on behalf of international agencies — relatively small amounts in comparison with the taxes Al-Shabaab imposes on private enterprise.¹⁸ One organization still able to operate in Afgooye for much of 2010 had a clear policy of refusing to pay taxes, and was emphatic that none of

2011.

¹⁵ Interview with Somali NGO, Mogadishu, 30 January 2011; interview with national IO program officer, Mogadishu, 30 January 2011; interview with IO head of office, Nairobi, 19 October 2010.

¹⁶ Interview with IO head of office, Nairobi, 11 January 2011.

¹⁷ Interview with Somali UN consultant, Nairobi, 21 February 2011.

¹⁸ Interviews with UN agency officials and other sources, Nairobi, December 2010-March 2011.

its local partners paid for them either. But virtually no other international organization interviewed by the Monitoring Group could state with such certainty that no one was paying ‘taxes’ to Al-Shabaab on their behalf.

23. Sometimes local transporters would provide money at an Al-Shabaab checkpoint, or make a payment to local authorities. This often appeared to be done without the knowledge of contracting organizations.¹⁹ Most took serious precautions against this, including prohibiting the distribution of non-food items by local partners, but limitations on access blocked their ability to verify compliance.²⁰

24. One local Somali organization in Lower Shabelle responded to Al-Shabaab taxation demands by keeping a low profile, and making changes in operational procedures. Among other measures, the NGO began to use unmarked food sacks without international branding.²¹ The organization was asked to pay taxes, but refused and was simply told to ‘do their job.’ They believe they were left relatively unimpeded because of their local community relationships.

25. For the vast majority of international humanitarian actors, however, such ad hoc and localized solutions have been insufficient to permit a resumption of activities in Al-Shabaab areas. Many have told the Monitoring Group that they would need Al-Shabaab to take genuine and concrete steps to remove the current restrictions they have imposed. Demands for taxation of humanitarian activities must cease, along with the physical threats to staff and beneficiaries.²²

26. Some aid agencies, however, are less categorical about the conditions under which they would agree to operate. One international aid official told the Monitoring Group that it was necessary for aid agencies themselves to: distinguish between those Al-Shabaab leaders who facilitate humanitarian operations and those who hinder them, avoiding the latter while engaging the former in constructive dialogue; be patient with changes among stakeholders; maintain proximity to projects; demonstrate respect for local communities, and advocate with elders; and, finally, refuse to acquiesce to any demands to pay to continue operations.²³

¹⁹ Interview with former UN agency aid worker, Nairobi, 9 January 2011.

²⁰ Interview with several IO officers, Nairobi, 28 October 2010.

²¹ Interview with UN agency program officer, Nairobi, 10 November 2011.

²² Interview with UN agency head of office, Nairobi, 18 October 2010.

²³ Interview with IO head of office, Nairobi, 8 November 2010.

Annex 7.3.: Humanitarian aspects of the mandate of the African Union Mission in Somalia

1. According to its humanitarian mandate, AMISOM should be: enhancing coordination between AMISOM, TFG and the UN country team in order to ensure greater access; creating a conducive security environment in Mogadishu and other regions, to enable humanitarian agencies to reach the civilian population with much-needed assistance; and undertaking community support projects, including in the areas of water supply, health services and social service infrastructure development, in the areas under AMISOM/TFG control.¹

2. Some humanitarian agencies have objected to the real or perceived ‘integration’ of military, political and humanitarian operations, which could potentially jeopardize their neutrality and independence. AMISOM officials have responded to such concerns by clarifying that their humanitarian mandate is limited to facilitating, “as may be required and within its capabilities, humanitarian operations, including the repatriation and reintegration of refugees and the resettlement of IDPs.”² AMISOM leaders have said they would welcome independent humanitarian operations in areas under their control.³

3. Despite limited resources, AMISOM has played a *de facto* role in providing humanitarian assistance — most notably medical care — to civilians around Mogadishu. AMISOM hospital facilities had treated 140,000 civilians and conducted 3,200 surgeries as of March 2010,⁴ and they were reportedly treating 12,000 patients per month as of late 2010.⁵ AMISOM troops shared food and also provided other materials to IDPs. They reportedly delivered over 60,000 liters of clean water per day.⁶

4. However, AMISOM forces still stand accused by Somali and international observers of indiscriminate fire and the killing of civilians. Some UN officials have told the Monitoring Group that they do not believe that such actions were all ‘isolated incidents’ carried out by ‘low level soldiers.’⁷ AMISOM officials have refuted most allegations against them, arguing that reporting by the media and international organizations has conflated TFG and AMISOM actions, and confused ‘indirect fire’ with intentional targeting.⁸ AMISOM continues to work under a Chapter VI mandate, but modified its rules of engagement to make operations more sensitive in civilian populated areas.⁹ It has also issued statements of apology for several incidents that resulted in civilian casualties or the destruction of property.¹⁰

¹ Based on AMISOM mission plan developed for the humanitarian department according to its mandate; and AMISOM mission mandate.

² Ibid.

³ Interview with AMISOM official, Mogadishu, 27 January 2011.

⁴ Interviews with AMISOM doctors, Mogadishu, 10 December 2010.

⁵ Interview with AMISOM official, Nairobi, 7 April 2011.

⁶ Interview with AMISOM official, Nairobi, 7 April 2011.

⁷ Interviews with UN agency officials, Nairobi, 8 October 2010 and 27 April 2011.

⁸ Interviews with TFG, AMISOM and UN officials, October 2010 to January 2011.

⁹ Interview with AMISOM official, Nairobi, 9 October 2010.

¹⁰ www.allheadlinenews.com/articles/7020625091?/Somalia:%20AMISOM%20Takes%20Its%20Apology%20For%20Civilian%20Deaths#ixzz16MyL1vY. <http://allafrica.com/stories/201101260410.html>.

<http://www.allheadlinenews.com/briefs/articles/90032178?Somalia%3A%20AMISOM%20arrests%20soldiers%20who%20hurt%20Mogadishu%20civilians#ixzz1FWGSMK9X>.

Annex 7.4.: Transitional Federal Government registration and regulation of humanitarian activities

1. Registration with the TFG was sometimes perceived by humanitarian actors as a form of obstruction, according to several aid agencies. Most local partners were not keen to be identified with the TFG as it put them at even greater risk from Al-Shabaab.¹ A TFG spokesperson responded that NGOs seemed to resent regulatory authority they were trying to impose after so many years of complete absence of oversight over their activities in Somalia. He stated that the TFG takes the safety of NGOs very seriously.²
2. A former TFG minister described relations between the government and humanitarian organizations to the Monitoring Group as ‘amicable,’ including the provision of letters of exemption and waivers to organizations. But simultaneously the TFG was developing mechanisms to register all non-governmental organizations operating in Somalia.
3. On 3 October the former TFG Ministry of Humanitarian Affairs and Resettlement issued a letter requiring all aid agencies to register at his office and the office of the Mayor of Mogadishu by the end of the month.³
4. At the same time, many TFG officials and some UN officials noted increasing opportunities made available for humanitarian operations in TFG-controlled areas that were not being utilized. A group of Mogadishu district commissioners said UN agencies could and should return to TFG-controlled areas.⁴ A deputy minister correctly noted that since late 2010 displaced persons had been relocating from Al-Shabaab-held areas of north Mogadishu, Afgooye, and rural areas surrounding Mogadishu to TFG-held areas of the city, where they believed they would find humanitarian aid.⁵ Ministers appeared generally frustrated both with the minimal international aid presence in Mogadishu, and with a lack of coordination between international agencies and relevant TFG ministries. One Minister stated, “The major dilemma has become obstruction on one side and absence of resources on the other.”⁶
5. TFG officials called for humanitarian operations to resume in a number of areas outside Mogadishu as well, yet generally lacked the authority or capacity to assure a secure operating environment in those areas.

¹ Interviews with several IO officials, Nairobi, October-December 2010.

² Email received on 27 May 2011.

³ Annexed below.

⁴ Focus group with Mogadishu district commissioners, Mogadishu, 11 December 2010.

⁵ Interviews with several IO and TFG officials, Nairobi and Mogadishu, December 2010-January 2011.

⁶ Interview with TFG minister, Mogadishu, 28 January 2011.

Annex 7.4.a.: Transitional Federal Government non-governmental organization registration

JAMHUURIYADDA SOOMAALIYA
Xukuumadda Federaalka KMG
Wasaaradda Arrimaha
Bani'aadanimada & Dib U Dajinta



جمهورية الصومال
الحكومة الفيدرالية الانتقالية
وزارة الشؤون الإنسانية وإعادة التوطين

Xafiiska Wasiirka
Transitional Federal Government of the Somali Republic
Ministry of Humanitarian Affairs & Resettlement
Office of the Minister

مكتب الوزير

Ref: MOHAR/370/009 **Date: 01/09/010**

To: Mr. Mark Bowden UN Resident / Humanitarian Coordination (RC/HC) For Somali Office - Nairobi, Kenya

CC: Banadir Mayor & Governor

Subject: Cooperation

The Ministry of Humanitarian Affairs and Resettlement is the entry point of International NGOs and Local NGOs working in Somalia.

The ministry has been discussed with the Banadir Regional Administration on ways of coordinating the food distribution and improving the quality of life for the population of Mogadishu specially the displaced and the vulnerable people.

After a long discussion with the Banaadir Administration we have reached a conclusion that Banadir Administration is the best institution in the collaboration with us all humanitarian operation in the Banadir region.

On that background we urge all concerned agencies and any other body that is involved in humanitarian issues and relief to work with Banadir Administration particular the office of the mayor of Mogadishu.

On the other hand all agencies International and local NGOs required registering in the ministry and those who working in the Banadir Region are also required registering in the Banadir Regional Administration.

Therefore the ministry ask for UNOCHA to distribute order for registering all INGOs local and international both the ministry and the office Bandir administration before 30 October 2010 .

Your cooperation in this matter will be highly appreciated.

Best regards

Dr. Mahamud Abdi Ibrahim
Minister of Humanitarian Affairs & Resettlement



E- mail: garwayne2002@hotmail.com / hum.affairs-resetlm@ive.com
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Fax No: 252 1 856976

Annex 7.5.: Puntland — obstacles to humanitarian assistance

1. The Monitoring Group was unable to access Puntland during this mandate due to restrictive and at times contradictory UN regulations. It nevertheless collected data from a number of local NGO, international organization (IO) and UN sources, and met with Puntland officials in Nairobi and Addis Ababa, including Puntland President Faroole.
2. Government officials complained that aid to Puntland fell far short of requirements of the local community and of the approximately 139,000 IDPs hosted in the region.¹ UN agencies reported regular requests from Puntland officials for timely and comprehensive humanitarian aid to address poverty and unemployment, drought conditions, and post-conflict destruction of property. There was broad consensus that the overall level of poverty in Puntland remained unacceptably high, and the humanitarian situation therefore fragile. As one informant stated, “One failed rain and everything collapses.”²
3. Aid agencies also reported increasing incidents of common and organized crime, as well as clan-related violence, which contributed to overall insecurity in the region, directly and indirectly impacting the operational environment.³ Government officials denied such an increase and noted that, despite terrorist and pirate operations they were fighting, in March 2011 international UN and NGO personnel were able to carry out a drought assessment by road without a security incident.
4. Several organizations reported being compelled to give away food in the absence of reliable police protection in much of the region. Puntland officials reported just one case of theft of food aid in a drought-affected area, which was reportedly recovered by Puntland police.
5. Some organizations were also concerned about increasing requirements for official registration by the Puntland government.⁴ They reported that demands for MOUs, registration and staff records sometimes obstructed their operations in the region.⁵ In one case the Governor of Gaalka’yo reportedly stopped an NGO meeting, although he later apologized. Puntland officials acknowledged a clear government policy to register NGOs and international organizations, but stated it was for the purpose of ensuring transparency and accountability of humanitarian operations.
6. One organization noted that when they needed to travel to villages or IDP settlements they were vulnerable to abuse by assigned Special Police Unit (SPU) personnel. They reported several incidents during which their staff members were unlawfully held by SPU officers until they received extortion payments.⁶

¹ UNHCR Total IDPs in Somalia, March 2011.

² Interview with IO director, Nairobi, 4 April 2011.

³ Data provided by UN officers, April 2011.

⁴ Interview with Somali NGO officials, Nairobi, 10 December 2010.

⁵ Interviews with several IO and UN officials, Nairobi, October 2010-April 2011.

⁶ Interview with IO head of office, Nairobi, 29 October 2010; other sources.

Annex 7.6: Somaliland — obstacles to humanitarian assistance

1. Since the election of a new government in June 2011, administrative restrictions and demands on humanitarian actors reportedly diminished, but some obstacles reportedly remained, particularly with respect to the Ministry of Interior.
2. Most local NGOs and UN agencies identified inadequate funding as the greatest obstacle to the provision of adequate assistance in Somaliland.¹ The newly revitalized ‘National Human Rights Commission’ reoriented itself toward economic rights.² Local umbrella organizations mobilized to improve their outreach and effectiveness in the provision of aid, as did related UNDP-supported community security projects across Somaliland.³ In one innovative move, Somaliland’s new Minister of Education abolished most educational fees, thus removing an obstacle to UN assistance for water, sanitation and other structural support for schools. According to Edna Aden, director of the women’s hospital bearing her name in Hargeisa, and others, what Somaliland most lacks is technical assistance, and institution and capacity building. There were substantial international pledges of aid made to and for Somaliland, but evidence of fulfilment of those pledges was not yet in evidence.
3. The inordinate concentration of aid agencies in Hargeysa produces an uneven distribution of assistance throughout Somaliland — arguably constituting an obstacle to the provision of humanitarian assistance to remote or marginalized areas. The absence of donor representation in Somaliland also makes it difficult for local NGOs to present their funding needs and proposals.⁴
4. Drought, climate change and erratic rains seriously affected rural areas of Somaliland. Increased numbers of urban poor moved to Hargeysa and other towns due to increasing related economic need, and exacerbating tensions in rural areas.⁵ Government officials criticized UN agencies for focusing attention and funding on southern Somalia while neglecting local humanitarian needs.
5. Though security concerns were far fewer in Somaliland than in southern and central Somalia, they still prevented many humanitarian actors from regular access to Sool and eastern Sanaag as well as parts of south-eastern Togdheer.⁶ Conflicts over land and water in Buhoodle, Las Anod and Kalshaale continued and obstructed aid.

¹ Interviews with several local NGOs and umbrella organizations, Hargeysa, February 2011.

² Interview with Interim Chair of the NHRC, Hargeysa, 24 February 2011.

³ Interview with UNDP official, Hargeysa, 23 February 2011; UNDP Community Safety and Security Analysis for Burao; UNDP CSSA for Las Canood; UNDP District level peace building ; UNDP Monitoring and Assessment Toolkit; UNDP Observation of Conflict and Violence Prevention; UNDP Women as Victims and Vectors of Peace.

⁴ Interview with NGO director, Hargeysa, 24 February 2011.

⁵ Independent Scholars Group: Need to Address Pastoral Land Degradation and Increasing Rural Conflicts in Somaliland. 29 January 2011.

⁶ Interview with IO head of office, Nairobi, 26 October 2010.

Annex 7.7.:**Obstruction of assistance by other regional authorities, freelance militias and bandits**

1. Al-Shabaab expulsions and other threats against aid workers in the south, combined with OFAC and other restrictions on operations in Al-Shabaab-held areas, led many UN agencies and NGOs to shift their activities to northern and central Somalia in late 2010. While self-proclaimed authorities often established some degree of stability for humanitarian operations, they also introduced efforts to control assistance, as well as arbitrary — and sometimes restrictive — conditions on aid access and delivery.
2. Aid agencies asked for guidance from the UN and donor governments on how to negotiate with whom and what to pay, including taxes and other demands imposed by various regional and local authorities.¹
3. Gaalka'yo was the site of numerous IED attacks, assassination attempts and assassinations. While many aid agencies were able to operate in north Gaalka'yo, and a smaller number in South Gaalka'yo, the area remained volatile.
4. In southern Gaalka'yo (south Mudug region), incidents of forced taxation of aid agencies by Gaalmudug administration officials were reported.²
5. Ahlu Sunna Wal Jama (ASWJ) controlled much of Gaalgaduud region, and at times imposed limitations on vehicle transport.³ Humanitarian officials also reported that ASWJ began requests for payments from NGOs in 2010.⁴
6. In late June 2010, the 'Himan iyo Heeb' administration condemned aid agencies for failing to support communities under their control. An international humanitarian consultant and his driver working for Save the Children, conducting an assessment for possible re-engagement in 'Himan iyo Heeb' and Gaalgaduud, were abducted from Adado in October 2010.⁵
7. In December 2010, a guard working for a prominent Somali NGO was shot dead while participating in a cash distribution program in Laas Qoray village, which is contested by Somaliland and Puntland, and administered by neither. According to NGO officials, the perpetrators were young bandits. The killer was apprehended, and within two months local clans reimbursed the stolen money. The perpetrator was later killed by the family of his victim.

¹ Interview with IO head of office, Nairobi, 15 October 2010.

² Email received from IO official, 27 May 2011.

³ Interview with UN head of agency, Nairobi, 27 October 2010.

⁴ Email received from IO official, 27 May 2011; other IO representatives in late 2010.

⁵ Interviews with several UN agencies and IOs, Nairobi, November-December 2010; interview with the former hostage, Nairobi, 18 November 2010.

Annex 7.8.: Review of World Food Programme operations and corrective measures

1. Since January 2010, WFP has withdrawn from all areas of southern Somalia except Mogadishu, but remained active in Mudug, Gaalgaduud, Puntland and Somaliland. The organization has generally enjoyed freedom of movement when dealing with regional authorities, but faced some impediments to transportation in the contested zone between Somaliland and Puntland. It continued to supply 16 wet feeding centres across Mogadishu, feeding at which jumped from 65,000 to 80,000 people per day by early 2011.
2. WFP has taken a variety of measures in response to findings in the March 2010 Monitoring Group report with respect to misappropriation of food aid. Immediately following publication of the report, WFP announced that it was suspending the contracts of three individuals named in the report pending further investigation. According to one WFP staff member, “at the time of the last SMG report all the central mechanisms were not yet in place, not yet adapted to a climate like Somalia.” However, WFP Somalia has since begun to reform mechanisms for accountability and transparency, especially in Mogadishu. WFP has kept the Monitoring Group closely informed of the measures taken by the organization to address past problems, while taking into account Somalia’s exceedingly challenging circumstances.
3. In May 2010, the WFP Inspector General shared with the UN Sanctions Committee a December 2009 internal report in response to media allegations regarding WFP contractor improprieties and possible diversion of aid.
4. In 2010 WFP began to rotate local transport contractors regularly. In mid-year, the organization imposed a 3-month suspension of operations after national staff members were killed. It has conducted integrated assessments roughly every 6 months, and shared the findings of those assessments with the Country Office and WFP headquarters. WFP has also begun to take beneficiary finger prints on distribution lists as acknowledgement of receipt of food assistance by heads of family, and has established a hotline to report diversion or improper distribution of food assistance.¹
5. In June 2010 WFP produced a document entitled, “Review of Allegations Regarding WFP Operations in Somalia Contained in the Report of the Monitoring Group on Somalia dated 10 March 2010.” The document outlined WFP’s initial responses to 13 identified allegations from the March 2010 SMG report.
6. In November 2010 the SEMG met with WFP external auditors to discuss their terms of reference regarding WFP operational risk, assessment of current control mechanisms, and further recommendations in light of a number of recent investigations, including the March 2010 SMG report. The WFP external auditors were not tasked with further investigation into SMG evidence, but did review the work of the WFP Inspector General, while focusing on the primary allegations made in the March 2010 SMG report. The SEMG provided its full support for the external audit, and additional information as requested. The WFP external auditors later published their findings in a report entitled,

¹ See Annex 7.8.a for a copy of the card advertising this hotline.

“External Audit Report: World Food Programme’s Somalia Operations” in January 2011, and the WFP management response to that report was released later the same month.

7. In December the SEMG met with the WFP Inspector General in Nairobi. At that time the SEMG recommended that WFP establish a system of tracking sub-contractors, as well as contractors. The IG raised changes already made by WFP management, including the requirement that contract allocations must be approved by the Somalia country director. At that time the organization was considering ways to ensure access to final distribution points for better oversight of deliveries. Investigations had also been carried out regarding specific incidents. It is the understanding of the SEMG that the WFP IG has continued investigation into half a dozen allegations from the last SMG report, including staff accountability and systems weaknesses. WFP has since appointed a dedicated ‘compliance officer’ to ensure adequate oversight in application of WFP rules/regulations in the context of WFP Somalia operations, assist in identification and mitigation of risks, and provide support in enhancement of internal controls. The SEMG has welcomed this commitment to preventive control of WFP operations and contracting.

8. In January 2011, WFP contracted two third party entities to monitor food distribution activities in central Somalia and Mogadishu to complement its monitoring activities in areas where WFP staff had limited or no access due to security constraints. In cases of reported looting or any similar incident, the first step was to approach local elders and other authorities to ascertain the facts, regain any lost materials, and conduct an assessment of the incident. WFP introduced a fine of US\$1,000 per metric for partners who lost or misused food, except in well-documented situations of *force majeure*.

9. In April 2011, the SEMG received information about the implementation of suggested changes in WFP procedures. Since December the WFP IG’s office conducted further investigation in their Somalia office in Nairobi regarding specific areas identified by the IG’s review of the information provided by the SEMG. They also reviewed two areas identified by the WFP External Auditor’s Report issued in January 2011.

10. In late April 2011, the SEMG was provided with a copy of the Inspector General’s Investigation of Allegations Contained in the Report of the Monitoring Group on Somalia and the Observations made by the External Auditor on WFP Somalia Operation. The IG reported that virtually all of the recommendations from his previous investigation report in 2009 have been implemented by WFP management, resulting in improved reporting and tracking mechanisms, stricter control of contracting and assessment procedures, and adoption of alternative programming tools within the Somalia context. One additional item, the development of an alternative framework for operations in high-risk environments, was still in process.

11. While finding a number of previous allegations unsubstantiated, the IG also offered the following recommendations to the Somalia Country Office of WFP:

- Adequately plan its food pipeline to avoid breaks that cause more expensive local/ regional purchases to be made;

- Ensure any requests for more expensive local/regional purchases are adequately justified;
- Ensure there is adequate evidence to justify amounts of expenditure incurred and to ensure that WFP obtains 'best value';
- Ensure that requests for waivers of competition are adequately justified and that complete information is submitted to the HQ Procurement and Contracts Sub-Committee (PCSC);
- Adhere to instructions given by the HQ PCSC.

12. The IG also offered the following recommendations to the Procurement Division:

- Closely scrutinize requests for local/regional purchase of food that result in additional expenditure being incurred and ensure they are adequately justified;
- Ensure that the Procurement Authority submits adequate justification for requests for waivers of competition.

Annex 7.8.a.: World Food Programme compliant hotline



United Nations
World Food Programme - Somalia
The Food Aid Organisation of the United Nations System

Codka Dadka Rashinka Loogu talagalay
(Beneficiary Feedback Hotline)

+254 20 720 2222

Somalia.feedback@wfp.org

Cunnada WFP waxaa loogu tala galay dadka Soomaliyeed kuwooda ugu nugul
Waana deeq ka timid bulshada caalamiga ah kuna socota dadka Somalia.
Waana in dadka loo siiyaa si lacag la'aan ah ama bilaash ah.

Fadlan nala soo xariir haddii aad su'aal qabto ama aad goob joog ka tahay
arimaha hoos ku qoran:

- Cunnada WFP oo laga leexaday dadkii loogu talagalay
- Cunnada WFP oo qiyaastii loogu talagalay dadka ka yar la siiyey
- Cunnada WFP oo lagu badalanayo Lacag ama waxyaabo kale

Annex 8

Support for armed groups in the region

Annex 8.1.: Eritrean training facilities

1. In support of its external operations, Eritrea maintains an extensive and complex network of training centres, camps and facilities. While training of foreign armed opposition groups is conducted under the auspices of the National Security Agency (NSA), training centres are often co-located with military facilities, and logistics and material are often provided by the military.

2. The Monitoring Group's description of training facilities is based largely, but not exclusively, on interviews with over 100 former members of 6 armed opposition groups, including:

- Al-Shabaab (AS)
- Hisb'ul Islam / Somali Islamic Front¹
- Hisb'ul Islam / ARS Asmara
- Ogaden National Liberation Front (ONLF)
- Oromo Liberation Front (OLF)
- *Front Pour le Restauration de la Démocratie* (FRUD)

3. Testimony from these interviews has been consistent with respect to locations, place-names, identities of key officers, and the nature of the training given, particularly in central and eastern Eritrea. However, the function and even location of some of the smaller facilities has changed over time, so some of the information in this report may already be outdated.

Kiloma

4. The principal training facility in eastern Eritrea is at Kiloma, near Assab in Southern Red Sea Province. Kiloma is a permanent Eritrean military installation, which serves as a hub for smaller, apparently temporary facilities established for the purposes of training foreign armed groups. Former trainees from the ONLF, Hisb'ul Islam and Al-Shabaab have described their experiences at this facility to the Monitoring Group.² Detainees from the ONLF and FRUD also told the SEMG that they had seen trainees from Somali, Oromo (OLF) and Afar rebel groups at Kiloma between 2007 and 2009.³

5. The eastern sector is under the command of General Gerezgiher Andemariam "Wuchu" who replaced General Haile Samuel "China". Former trainees from several different armed opposition groups have told the Monitoring Group that training activities in the Southern Red Sea zone are supervised by Colonel Asaynet, who reportedly replaced Colonel 'Wedi Seyoum' upon his death in 2010.⁴

¹ Also known as *Jabhadda Islaamiga Soomaaliyeed* or JABISO.

² Interviews conducted with armed group members in November 2010

³ Interview with Mohamed Jabhaa, 30 November 2010. He specifically identified other Afar groups at Kiloma as Afar Liberation Front (ALF), Ugugumo (Afar Revolutionary Democratic Front or ARDUF) and Rayah.

⁴ Multiple sources: ONLF, OLF and Mohamed Jabhaa.

6. ONLF detainees interviewed in Jiggiga in November 2010 told the Monitoring Group that when 300 ONLF trainees arrived at Kiloma in 2008, where they were first received by Colonel Assaynet. The training school commander at the time was known as ‘Tsfay’ and their training course was supervised by a Colonel ‘Simon’. Trainees also accurately described Colonel “Musa” (aka Tewelde Habte Negash), who used to visit their camp occasionally in a supervisory capacity. Subjects taught at the school included basic infantry training, heavy weapons, explosives, telecommunications, tank training, METIS, and SAMs. Sixty of the trainees also received some form of leadership training.⁵

Ras Darma

7. In June 2008, clashes between Eritrean and Djiboutian forces in the border area near Ras Dumeira threatened to escalate into generalized conflict. According to ONLF detainees, their training at Kiloma was briefly relocated to Ras Darma, a coastal village to the north of Assab, further from the Djiboutian border. From Ras Darma, the trainees were again relocated to a camp at Een, near the village of Shi’ib, to the north of Massawa, until the completion of training in 2010.

Een

8. The training camp at Een has been operational since at least late 2008 or early 2009. Numerous fighters from both the ONLF and OLF have described their experiences at this facility to the Monitoring in considerable detail.⁶ OLF trainees at Een also encountered Tigrigna speaking militia whom they referred to as ‘Demhit’ — a nickname for the Tigrayan People’s Democratic Movement (TPDM).⁷ Members of the OLF also told the Monitoring Group that their trainers in the camp often compared them to Al-Shabaab, describing the Somali militants as courageous and capable fighters.

9. ONLF and OLF trainees uniformly identified the Een camp commander as Colonel Jamal.⁸ Among the other instructors at Een identified by trainees, the most important appear to have been:

- Colonel Salim (Deputy Camp Commander)
- Colonel Abraha (commander of special ‘OLF’ facility)
- Major Debesai (explosives)
- Captain Tesfaye (unarmed combat)
- Simon (navigation)
- Ibrahim (basic military skills)

10. According to trainees, subjects taught at Een included basic military training, “commando” or “ranger” training, which involved advanced infantry skills and unarmed combat, weapons training, explosives, sniper skills, and preparation for operations in arid environments.

⁵ Interviews with former ONLF fighters, 10 November 2010. Other instructors identified by trainees included ‘Mesfin’ (navigation) ‘Yosef’ (heavy weapons and navigation), Dawid (anti tank weapons) and ‘Mengiste-ab’.

⁶ Interviews with former ONLF fighters in November 2010 and with OLF detainees in February 2011.

⁷ Interviews with OLF detainees in February 2011.

⁸ Interviews with former OLF fighters trained at the camp, February 2011; interviews with former ONLF fighters trained at the camp, December 2010.

11. A separate training facility was established at Een in late 2009, for OLF recruits being prepared for a special, covert mission timed to coincide with the February 2010 African Union summit in Addis Ababa (see OLF case study in main section of the report). The commander of the facility was Colonel Abraha, under the guidance of Colonel Jamal. Colonels General Te'ame and Colonel Gemachew also regularly visited this facility to observe the progress of the trainees.

Anda'ali

12. Unlike members of other Afar rebel groups from Ethiopia, who trained in the vicinity of Kiloma, the first training camp for militia from the Djiboutian FRUD was established at Ghibdo, about 40 km from Assab, in approximately October 2008. In mid-2009, due to a number of desertions, the training was moved further away from the border, first to Debasim, then towards the end of 2009 to Anda'ali.

13. The training facility at Anda'ali is primitive and offers only basic military training and small arms training. Djiboutian security forces do not rate the skill level of combatants trained in these camps very highly.

Other facilities

14. Former fighters and detainees interviewed by the Monitoring Group also referred to a number of other training facilities, some of them very rudimentary and probably temporary. The most important of these include:

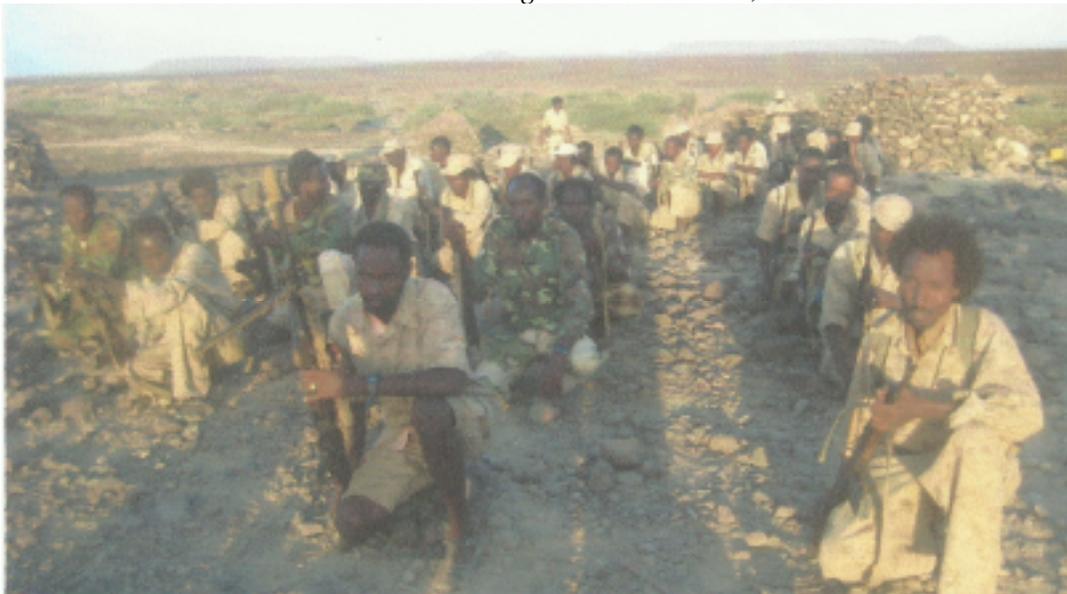
- Asmara: safe houses in Asmara hosted foreign fighters and were described as centres of theoretical training in explosives, intelligence and counter-intelligence / operational security; areas in the vicinity of Asmara, especially quarries, were described as having been used for practical explosives training;
- Dek'emhare: areas in the vicinity of Dek'emhare were used for some basic infantry and explosives training, notably the Hamalait Hotel;
- Gahayre: formerly a training site for Somali armed opposition groups, including Hisb'ul Islam; uncertain whether it is still active;
- Muluber: described by OLF fighters as an exclusively OLF facility under OLF leadership
- Tesenev: infantry training

Annex 8.2: Images of Front pour la restauration de l'unité et de la démocratie-Combattant Training at Anda'ali, October 2009

Left to right: unknown, Mohamed Kadd'ami, Mohamed Jabhaa, Hassan Muqbil



FRUD-C Fighters at Anda'ali, October 2009



Annex 8.3.: Case study: The Ogaden National Liberation Front “Alanside force”

1. In early September 2010, a group of Ogaden National Liberation Front (ONLF) fighters travelled by boat from Eritrea to a point near the port village of Lughaya on the northwestern coast of Somaliland. They travelled in two dhows, one large and one small, believed by the fighters to have been seized from Yemeni fishermen by the Eritrean authorities. The ONLF unit, which had been named ‘*Alanside* (the Flag Bearers)’ comprised 204 men under command of Ahmed Wali Sheikh Abdillahi, nicknamed ‘Sanweyne’.¹
2. After disembarking armed with their arms and equipment, the group walked to a nearby rendezvous, where they were met by three hired trucks dispatched from Boraama to transport them to the Ethiopian border.² According to members of the ONLF force, local Somaliland military officials had been bribed to allow them freedom of passage.³ However, due to a tip-off to the Somaliland police, the ONLF fighters were intercepted at Baxaarasaaf, near the village of Abdulqaadir, and fled into the hills towards the Ethiopian border. In haste, they abandoned some of their weapons and equipment, including 62 rounds of Type-69 RPG ammunition.⁴ In addition they left behind two Kalashnikov-pattern assault rifles, 10 military training manuals/notebooks, and one Eritrean Nakfa note. Some of the notebooks were UNICEF-issued schoolbooks with a list of “important dates in Eritrean history” printed on the back cover (pictures of these items are contained in annex 8.3.b). An ONLF commander subsequently interviewed in Ethiopia by the Monitoring Group confirmed that his unit had abandoned the RPGs during their escape because of their weight, and stated that they had been provided to the force by Colonel Jamal, commander of the training camp at Een, Eritrea.⁵

Type-69 RPG rounds captured in Somaliland (4 lot numbers)



¹ A survivor of the force told the SEMG that the name was given by Adaani, the Deputy of Admiral Osman.

² Interview with Chief of Somaliland Criminal Investigation Department, 14 October 2010, and ONLF prisoners, Jigjiga, December 2010.

³ Interviews with former ONLF fighters on 10 November 2010.

⁴ A Monitoring Group mission travelled to Hargeysa in October 2010 to inspect the material that had been confiscated by the Somaliland authorities. Among the 62 RPG rounds, the Monitoring Group inspected 21, finding that they were divided into four distinct lot numbers (3-91-93, 7-91-93, 8-91-93, 2-92-73), all of which manufactured by China in the early 1990s. The Monitoring Group sent a letter to China on 15 November 2010 to request details on the sale of the items. In its response dated 14 January 2011, China stated that, “no further information can be provided because the factory producing the weapons was closed down a long time ago.”

⁵ Interview, November 2010

3. The main ONLF force fled across the border on 13 September 2010, where Ethiopian security forces intercepted them near Sinujiif. In the course of brief series of running battles, most of the ONLF fighters were either killed or captured. Seventy-six members of the group were taken into Ethiopian custody, together with their weapons, equipment and documents. These included two passports containing Eritrean visas issued in Djibouti, medicine, two receipts from Assab military hospital dating from 2009, a video camera with footage from Eritrea showing training activities, and a GPS unit containing coordinates of the ONLF's movement through Somaliland into Ethiopia (see Annex 8.3.c).⁶

Map showing movement of ONLF fighters, based on recovered GPS coordinates:



4. The training manuals, like those recovered in Somaliland, contain detailed notes on weapons and explosives training and English language instruction in military nomenclature, annotated in a mix of Amharic and Tigrigna.⁷ The handwritten notes inscribed in the books were dated as late as 3 July 2010 (See Annex 8.3.c).

5. The Monitoring Group also inspected 21 Kalashnikov-pattern assault rifles, four RPG launchers, four general-purpose machine guns, two Dragunov-type sniper rifles, more than 50 F-1 grenades, seven RPGs, and hundreds of rounds of 7.62x39 and 7.62x54R rounds of ammunition that the Ethiopian authorities seized from the 'Alanside force. The majority of this weaponry was either too dated or bore indecipherable markings rendering it difficult to identify the origin.

⁶ This material was directly inspected by the Monitoring Group

⁷ Although Tigrigna serves as a *lingua franca* in Eritrea, members of Ethiopian armed opposition groups received much of their instruction in Amharic, which is the language they most commonly share with their Eritrean instructors.

6. However, the RPGs were assembled by a Bulgarian manufacturer, VMZ Sopot, in 1990-1991. A licence (No. 1473 of 02 March 1999) for the export of 50,000 pieces was signed with the Ministry of Defence of Eritrea. On 10 March 1999, the “Thor Alice” cargo ship delivered the ammunition from Port Bourgas, Bulgaria to Eritrea.⁸

7. The Monitoring Group has sent a letter to the People’s Republic of China on 12 April 2011 to inquire about three Type-69 RPG launchers and two Type-56 assault rifles and is awaiting for a response.

Weapons seized from the ‘Alanside force in Ethiopia



8. All 76 detainees, including one still seriously injured, confirmed to the Monitoring Group their affiliation with the ONLF, their training and deployment from Eritrea via Somaliland to Ethiopia, and the circumstances of their capture. One of the ONLF unit commanders stated to the Monitoring Group that he had last seen Colonel Negash (using his alias ‘Musa’ and providing an accurate physical description) at Een at the beginning of September 2010. Upon departure from Een, he claimed that the group was accompanied by Jamal to Massawa, where they were received by Negash and transported to Assab, where they embarked on the dhows.⁹

9. The Monitoring Group then questioned five of the group in greater detail about their backgrounds, recruitment, and training. One detainee told the SEMG that 80 trainees from the cohort remained behind at Een.¹⁰ In late October 2010, one month after the deployment of the ‘Alanside force, a serving senior ONLF official confirmed to the SEMG that “ONLF forces still train in Eritrea, often in the vicinity of trainees from other Ethiopian armed groups, including the Sidamo Liberation Front, Amharas, Tigreans and Gambella people.”¹¹

⁸ Information provided by Bulgarian authorities in writing on 5 January 2011. See Annex 8.3.d for contract and end-user certificate.

⁹ Interview with former ONLF fighters on 10 November 2010.

¹⁰ Interview with former ONLF fighters on 10 November 2010.

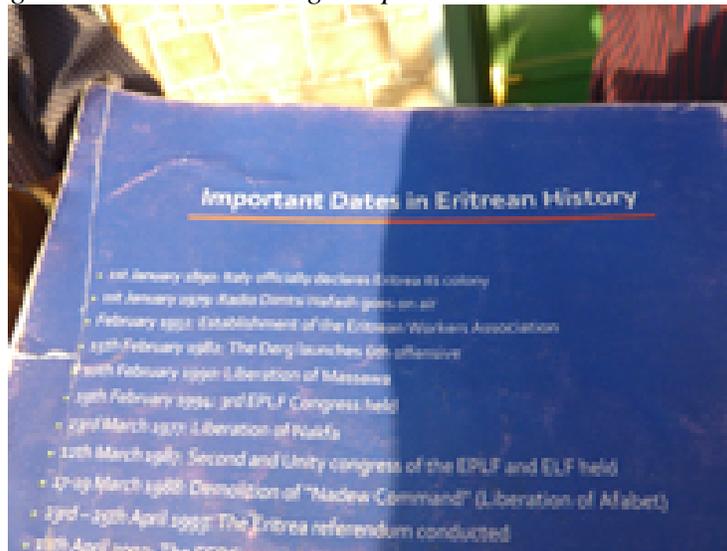
¹¹ SEMG interview with senior ONLF official, 14 October 2010.

Annex 8.3.a.: Materiel recovered from Ogaden National Liberation Front “Alanside force” in Somaliland

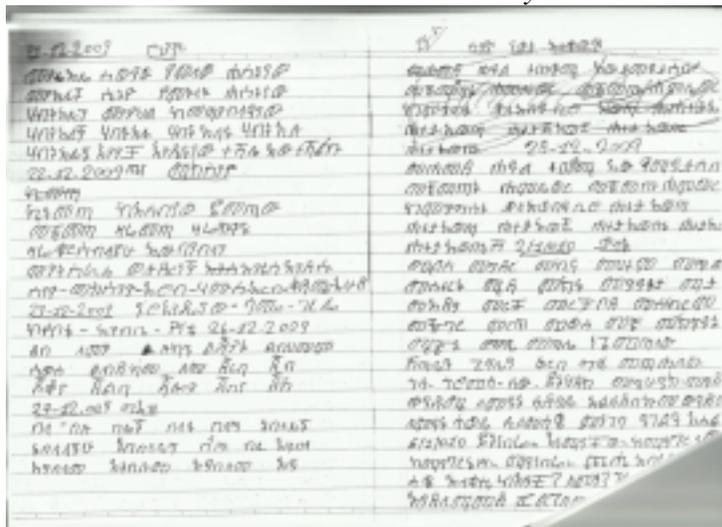
One Nakfa Note



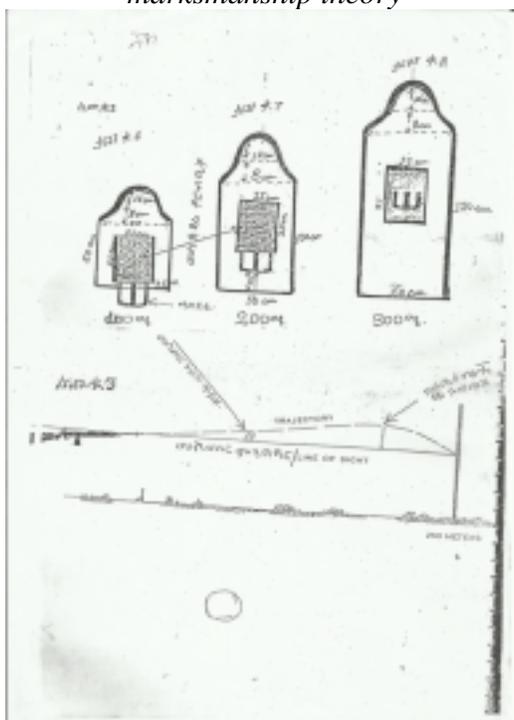
Training manual cover showing “Important Dates in Eritrean History”



Page from ONLF fighter's training notebook showing dates 22 December 2009 to 6 January 2010



Page from ONLF fighter's notebook showing marksmanship theory



Two Kalashnikov-Pattern Assault Rifles



Sample of 62 rounds of Type-69 RPG ammunition

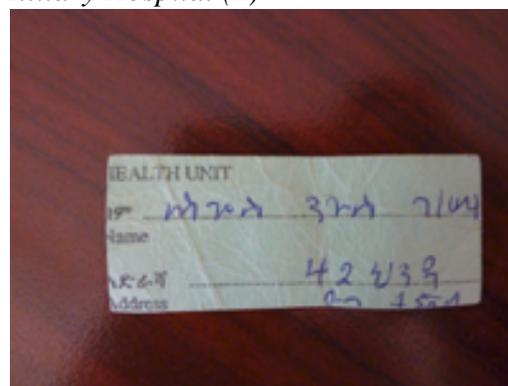
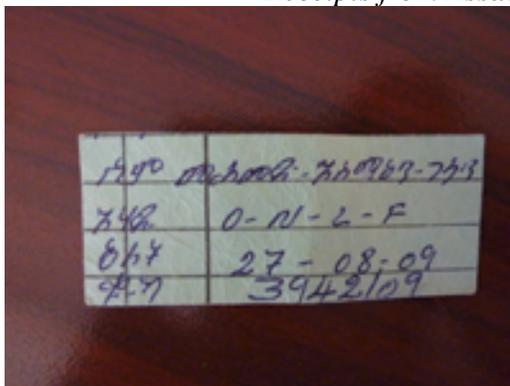


Annex 8.3.b.: Materiel recovered from Ogaden National Liberation Front “Alanside force” near Jgjiga

Receipt from Assab Military Hospital (1)



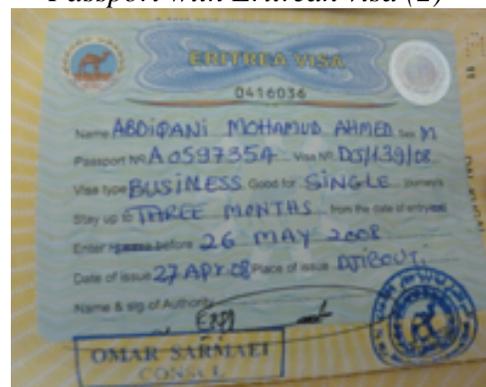
Receipts from Assab Military Hospital (2)



Passport with Eritrean visa (1)



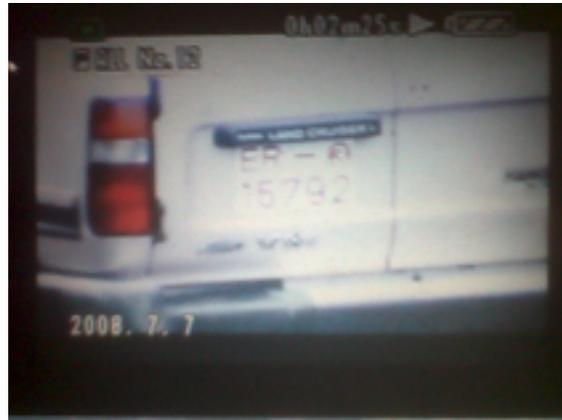
Passport with Eritrean visa (2)



Video footage showing Eritrean Flag



Video footage showing Eritrean license plate



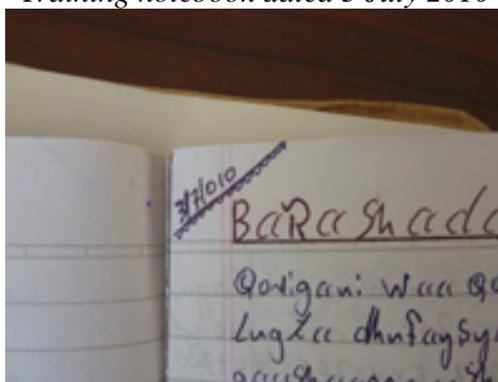
*GPS unit: recorded waypoints map route via Somaliland
(see Annex 8.3 paragraph 3)*



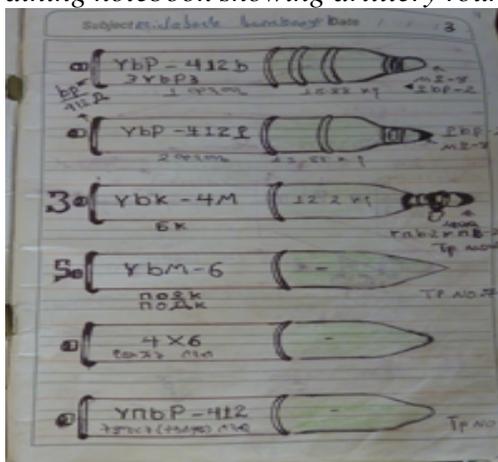
Table of Contents from Navigation Training Manual

№	Содержание	№ страниц
1	Учебный курс	1-10
2	Учебный курс	11-14
3	Учебный курс	15-18
4	Учебный курс	19-22
5	Учебный курс	23-26
6	Учебный курс	27-30
7	Учебный курс	31-34
8	Учебный курс	35-38
9	Учебный курс	39-42
10	Учебный курс	43-46
11	Учебный курс	47-50
12	Учебный курс	51-54
13	Учебный курс	55-58
14	Учебный курс	59-62

Training notebook dated 3 July 2010



Training notebook showing artillery rounds



**Annex 8.3.c:
Eritrean end-user certificate for arms and ammunition purchased from Bulgaria**

<p>ኤምባሲ ሃገረ ኤርትራ ሞስኮ</p>	 EMBASSY OF THE STATE OF ERITREA MOSCOW	<p>سفارة دولة اريتريا موسكو</p>																					
<p>Date: 21-02-1999 Ref: EB 029/99</p>		<p>التاريخ: الامارة:</p>																					
END USER CERTIFICATE																							
<p>1. Naizghi Keflu Bahta, Ambassador Extraordinary and Plenipotentiary of the State of Eritrea to the Russian Federation in Moscow certify:</p> <p>1 That the Embassy of the State of Eritrea in Moscow on behalf of the MINISTRY OF DEFENCE OF THE STATE OF ERITREA have ordered the under mentioned items to be delivered from BUL-ER INTERNATIONAL, LTD.</p>																							
	<table border="0" style="width: 100%;"> <tr> <td style="width: 5%;">I</td> <td style="width: 50%;">82 mm Shell</td> <td style="width: 45%; text-align: right;">25 000 pcs.</td> </tr> <tr> <td>II</td> <td>100 mm 3VHK-9</td> <td style="text-align: right;">10 000 pcs.</td> </tr> <tr> <td>III</td> <td>PG - 7 VN (VL)</td> <td style="text-align: right;">50 000 pcs.</td> </tr> <tr> <td>IV</td> <td>7.62 X 54 Cartridge</td> <td style="text-align: right;">300 000 pcs.</td> </tr> <tr> <td>V</td> <td>7.62 X 39 Cartridge</td> <td style="text-align: right;">100 000 000 pcs.</td> </tr> <tr> <td>VI</td> <td>Hand grenades RG-42 /RGD-5/</td> <td style="text-align: right;">175 000 pcs.</td> </tr> <tr> <td>VII</td> <td>Hand grenades F-1</td> <td style="text-align: right;">75 000 pcs.</td> </tr> </table>	I	82 mm Shell	25 000 pcs.	II	100 mm 3VHK-9	10 000 pcs.	III	PG - 7 VN (VL)	50 000 pcs.	IV	7.62 X 54 Cartridge	300 000 pcs.	V	7.62 X 39 Cartridge	100 000 000 pcs.	VI	Hand grenades RG-42 /RGD-5/	175 000 pcs.	VII	Hand grenades F-1	75 000 pcs.	
I	82 mm Shell	25 000 pcs.																					
II	100 mm 3VHK-9	10 000 pcs.																					
III	PG - 7 VN (VL)	50 000 pcs.																					
IV	7.62 X 54 Cartridge	300 000 pcs.																					
V	7.62 X 39 Cartridge	100 000 000 pcs.																					
VI	Hand grenades RG-42 /RGD-5/	175 000 pcs.																					
VII	Hand grenades F-1	75 000 pcs.																					
<p>2. The goods mentioned above are to be exclusively used by the Ministry of Defense of the State of Eritrea.</p> <p>3 We also certify that the goods above are for our own use and will not be re-exported transferred or sold to any third party.</p> <p>4 We confirm that the goods above will not be used for purposes associated with chemical, biological or nuclear weapons or missiles capable of delivering such weapons nor will they be resold if we know or suspect that they are intended or likely to be used for such purposes.</p>																							
<p>Signed:</p>	 Naizghi Keflu Bahta																						
<p>Name:</p>	Naizghi Keflu Bahta																						
<p>Status:</p>	Ambassador Extraordinary and Plenipotentiary of the State of Eritrea to the Russian Federation																						
<p>Stamp:</p>																							
Moscow 129090, Meschanskaya Street No. 17 Tel. (007-095) 971-06-20 Fax (007-095) 971-37-67 129090 МОСКВА ул. МЕШАНСКАЯ, 17 тел (007-095) 971-06-20 факс (007-095) 971-37-67																							

CONTRACT No. BULER – 017/18.02.1999

BULER INTERNATIONAL LTD.
ADDRESS: BACHO KIRO STR.45, SOFIA, BULGARIA
REPRESENTED BY DOTCHO CHIKOV- DIRECTOR
HEREINAFTER REFERRED TO AS THE SUPPLIER.

AND

MINISTRY OF DEFENCE OF THE STATE OF ERITREA
REPRESENTED BY
H.E.AMBASSADOR NAIZGHI KEFLU BAHTA
HEREINAFTER REFERRED TO AS THE CUSTOMER.

HAVE ON THIS 18 DAY OF FEBRUARY 1999. IN SOFIA
CONCLUDED THE PRESENT CONTRACT AS FOLLOWS:

ARTICLE No. 1
SUBJECT, QUANTITY AND PRICE

THE SUPPLIER SHALL SELL AND DELIVER TO THE CUSTOMER
AND THE CUSTOMER SHALL ACCEPT AND PAY WITHIN THE
TERMS AND WAY OF PAYMENT, MENTIONED IN THE APPENDIX
THAT IS INDIVISIBLE PART OF THE PRESENT CONTRACT.
THE CUSTOMER HAS NOT THE RIGHT TO RE-EXPORT THE GOODS
AS PER THIS CONTRACT WITHOUT THE PERMISSION OF THE
COMPETENT BULGARIAN AUTHORITIES.
THE VALUE OF THE GOODS TO BE UNDERSTOOD CIF ERITREA
(ASMARA BY AIR, MASSAWA BY SEA) ACCORDING TO
INCOTERMS 1993, ISSUED BY THE INTERNATIONAL CHAMBER OF
COMMERCE, PARIS.
ALL TAXES, DUTIES AND BANK CHARGES, ETC., DUE TO IN
CONNECTION TO THIS CONTRACT SHALL BE ON THE ACCOUNT OF
THE RESPECTIVE PARTY IN ITS COUNTRY.



ARTICLE No.2
TECHNICAL SPECIFICATION, INSPECTION AND ACCEPTANCE

THE SUPPLIER WARRANTS THAT THE GOODS SUBJECT HEREOF SHALL BE DELIVERED IN CONFORMITY WITH THE TECHNICAL DOCUMENTATION VALID IN BULGARIA.

ARTICLE No.3
TERMS OF PAYMENT

THE TOTAL VALUE OF THE GOODS SUPPLIED AS PER THIS CONTRACT SPECIFIED IN THE APPENDIX OF THE CONTRACT ON BASIS FOB IN CONFORMITY TO INCOTERMS 1993

THE TOTAL VALUE OF THIS CONTRACT IS A NET PRICE AND PAYMENT SHALL BE IN THE FOLLOWING WAY:

FOR THE TOTAL VALUE OF THE GOODS SPECIFIED IN THE APPENDIX THE CUSTOMER SHALL OPEN AN IRREVOCABLE, CONFIRMED, TRANSFERABLE LC IN FAVOUR OF THE SUPPLIER. THE SUPPLIER SHALL PREPARE PROFORMA INVOICE OF THE CONTRACT ON BASIS OF FOB PORT/AIRPORT SOFIA/BOURGAS.

THE L/C SHALL BE OPENED BY THE CUSTOMER WITHIN TWO WORKING DAYS AFTER ACQUIRING EXPORT LICENCE PERMIT FOR THIS CONTRACT.

FIRST DELIVERY SHALL BE PERFORMED WITHIN FIVE DAYS AFTER OPENING THE L/C.

THE SUPPLIER SHALL CONFIRM TO THE CUSTOMER AND THE BANK THE FOLLOWING DOCUMENTS:

- 1) COMMERCIAL INVOICE - DULY SIGNED (THREE FOLD)
- 2) BILL OF LADING/AWB - 1 COPY
- 3) PACKING LIST - 2 COPIES
- 4) CERTIFICATE OF QUALITY - 2 COPIES



THE PAYMENT SHALL BE DONE IN FAVOUR OF:
BUL ER INTERNATIONAL LTD.
BANK: CB BIOCHIM
1, Ivan Vazov str.
BANK CODE: 6609660
ACCOUNT: 111 729 3900

WITHIN THREE DAYS AFTER DELIVERY OF THE ITEMS.

ARTICLE No.4
DELIVERY

THE SUPPLIER UNDERTAKES TO DESPATCH THE GOODS CIF ERITREA (ASMARA BY AIR, MASSAWA BY SEA) ACCORDING TO INCOTERMS 1993 AS STIPULATED IN THIS CONTRACT. THE DATE OF DELIVERY SHALL BE CONSIDERED AS THE DATE FOR FULFILLMENT OF THE DELIVERY AND ON THIS DATE THE PROPERTY OF THE GOODS AND THE RISK ARE TRANSFERRED ON THE CUSTOMER.

ARTICLE No.5
CLAIMS AND GUARANTEES

THE CUSTOMER HAS THE RIGHT TO CLAIM TO THE SUPPLIER UP TO 30 (THIRTY) DAYS AFTER THE DATE OF SHIPMENT IF QUANTITY DISCREPANCIES ARE FOUND AS FOLLOWS:

THE NUMBER OF BOXES DOES NOT CORRESPOND TO THE NUMBER OF BOXES STATED IN THE CONSIGNMENT NOTE.
THE QUANTITY AND QUALITY OF THE ITEMS IN THE BOXES DOES NOT CORRESPOND TO THE QUANTITY AND QUALITY STATED IN THE PACKING LIST.
THE SUPPLIER IS NOT RESPONSIBLE FOR DEFECTS WHICH OCCUR AS A RESULT OF IMPROPER STORAGE, USAGE OR MAINTENANCE OF THE GOODS, WHEN THE INSTRUCTIONS OF THE PRODUCER ARE NOT OBSERVED.



ARTICLE No.6
PACKING

THE PACKING SHALL BE THE STANDARD PACKING OF THE MANUFACTURER SUITABLE FOR AIR AND SEA TRANSPORT.

THE MARKING, IF ANY, SHALL BE AS AGREED BETWEEN THE PARTIES.

ARTICLE No.7
FORCE MAJEURE

EACH CIRCUMSTANCE OF EXTRAORDINARY CHARACTER, THAT MIGHT OCCUR AFTER SIGNING OF THE CONTRACT DUE TO UNFORESEEN OR UNFORESEEABLE REASON AND SHALL MAKE THE FULL OR PARTIAL FULFILLMENT OF THE OBLIGATIONS IMPOSSIBLE SHALL BE CONSIDERED AS FORCE MAJEURE.

AS FORCE MAJEURE SHALL BE CONSIDERED SUDDEN CIRCUMSTANCES AS: EARTHQUAKES, FLOOD, WAR WHETHER DECLARED OR NOT, REVOLUTIONS, CIVIL WAR, RIOTS, STRIKES, INSURRECTION, INDUSTRIAL STRIKE AND STRIKE IN TRANSPORT SECTOR, IF THEY ENTAIL IMPOSSIBILITY OF EXECUTION OF THE CONTRACT OR DELAY IN THE EXECUTION OF THE CONTRACT.

THE COUNTRY INVOKING THE FORCE MAJEURE CIRCUMSTANCES SHALL NOTIFY THE OTHER PARTY BY CABLE ABOUT THE OCCURRENCE OF SUCH AN EVENT WITHIN TEN DAYS FROM ITS COMMENCEMENT. UPON TERMINATION OF THE FORCE MAJEURE SHALL APPLY THE SAME PROCEDURE WITHIN THE SAME PERIOD OF TIME.

WHEN IT BECOMES IMPOSSIBLE TO IMPLEMENT THE CONTRACT WITHIN THE STATED SCHEDULE BY REASON OF FORCE MAJEURE, THE PARTY WHO IS UNDER THE INFLUENCE OF FORCE MAJEURE SHALL HAVE THE RIGHT TO POSTPONE HIS CONTRACTUAL OBLIGATIONS FOR A PERIOD EQUAL TO THE PERIOD OF FORCE MAJEURE SO NOT TO EXTEND THE IMPLEMENTATION PERIOD



SPECIFIED IN THE CONTRACT. IN THIS CASE THE DELAY IN THE CONTRACT EXECUTION BE DEEMED TO BE JUSTIFIED.

IF THE FORCE MAJEURE CIRCUMSTANCES LAST MORE THAN ONE MONTH, BOTH PARTIES SHALL MEET AND DISCUSS THE FURTHER PROCEDURE FOR SETTLING THE MATTERS OF THE PRESENT CONTRACT.

ARTICLE No.8
ARBITRATION

ALL DISPUTES ARISING IN CONNECTION WITH THIS CONTRACT SHALL BE SETTLED IN A FRIENDLY MANNER, BUT IF NO AGREEMENT COULD BE REACHED THE RULES FOR RECONCILIATION AND ARBITRATION OF THE BULGARIAN CHAMBER OF COMMERCE SHALL BE APPLIED.

ARTICLE NO.9
MISCELLANEOUS

1. THIS CONTRACT OR ANY PARTS OF IT SHALL NOT BE ASSIGNABLE BY EITHER PARTY UNLESS SUCH ASSIGNMENT IS MUTUALLY AGREED TO IN WRITING BY BOTH THE SUPPLIER AND THE CUSTOMER.
2. NO MODIFICATION OF THIS CONTRACT SHALL BE BINDING UNLESS IN WRITING AND SIGNED BY BOTH PARTIES.
3. NEITHER PARTY SHALL NOT DIVERT FULLY OR PARTIALLY ITS RIGHTS AND OBLIGATIONS ARISING FROM THE HEREWITH CONTRACT TO ANY THIRD PARTY WITHOUT THE WRITTEN CONSENT OF THE OTHER PARTY.



ARTICLE No. 10
COMING INTO FORCE

THE CONTRACT COMES INTO FORCE WHEN THE SUPPLIER AND THE CUSTOMER OBTAIN THE EXPORT LICENCES AND ALL OTHER RELEVANT DOCUMENTS CONNECTED WITH THE DEAL.

THIS CONTRACT IS MADE UP IN 2 (TWO) COPIES, ONE COPY FOR EACH PARTY.

FOR THE SUPPLIER

BUL ER INTERNATIONAL

Minko Minkov
MINKO MINKOV
GENERAL MANAGER



FOR THE CUSTOMER

MOD OF THE STATE
OF ERITREA

I.E. Naizghi Keflu Bahata

I.E. NAIZGHI KEFLU BAHATA
AMBASSADOR



Annex 8.4.:

Case study: planned “Oromo Liberation Front” operation to disrupt the African Union Summit (contained in section VII. E of the report)

Annex 8.4.a.: Sample pages of Oromo Liberation Front contact list in Asmara

Note the references on both pages to General Te'ame 'Mekele' (spelt X-Mee in Oromiffa language) and to the ONLF offices.

Bilbiloota

<u>WIUD:</u> 1. 15 05 48 2. 15 12 67 3. 18 30 23 4. 0713 8149 5. 0713 8152 6. 0718 2974	<u>Forte:</u> 1. 20 22 50 (Mkra) 2. 20 01 35 (Fx) 3. 11 74 77 (Oro) 4. 20 18 12 (Amhar) 5. 20 18 12 (TV) 6. 12 67 47 (Asimba) 7. 20 18 20 (Amanuel) 8. 11 60 07 (TV stud)	<u>Iyub</u> 0711 3861 <u>Tesema</u> 0712 95 55 <u>AEP-Asmara</u> 12 28 07 <u>French Embassy</u> 1. 12 32 88 2. 12 65 99 <u>DW-Gaitom</u> <u>Bion</u> 12 48 12 <u>Sembel Hospital</u> 15 01 75 <u>Nagas-TV</u> 0711 33 12 <u>NASAIR</u> 15 19 46/7 <u>BBC-ASM</u> 12 07 97 <u>Savanna Hotel</u> 11 61 83 20 21 41-4 <u>Median Hotel</u> 12 19 66	<u>Inter. Hotel</u> 15 04 00 <u>Khartoum</u> <u>H</u> 20 13 94 <u>Meloti</u> 18 11 28 <u>Kamul</u> 18 48 87
<u>DDS-I</u> 1. 15 19 02 2. 0713 8741 3. 07179304(Y) 4. 0712 9319 Q	<u>Fesave</u> 12 52 50 <u>Elsaa</u> 0716 00 86 <u>X-Mee</u> 0711 65 79 <u>ONLF</u> 1. 15 14 47 2. 18 84 92 3. 0715 7564 <u>T-Fanus</u> 1. 20 25 10 2. 12 64 57 3. 12 48 81 <u>Trhas</u> 0711 85 08 <u>Pino</u> 0714 6412		
<u>ORA</u> 1. 0713 8738 2. 0716 2830			
<u>Beeksa</u> 1. 15 19 96 2. 15 12 10 3. 0713 8150 4. 0713 7481			
<u>M-Boraan</u> 0714 8719 <u>Wario</u> 0715 0865 <u>Yaa'I</u> 0712 1295 <u>Raavvan</u> 0717 6887			

CURIA

KELEWA

DEKESMAN

AKNEB

<p>2. 15 12 10 (Dpt Off. & own recording studio)</p> <p>3. 0713 8150 (Licho, Head)</p> <p>4. 0713 7481</p> <p>5. (Malkamu)</p>	<p>radio programs studio technician, Studio in the city centre)</p> <p>General Mekele (Te'ame) 0711 65 79-cell</p>	<p>installer) 0711 33 12</p> <p><u>NASAIR</u> (Weekly Asm-Nrb-Asm air line) 15 19 46/7</p>	
<p>Michel Boran (Accountant & cashier, Finance Dpt) 0714 8719</p> <p><u>Wario or Warqu</u> (Chairman's driver & Bodyguard) 0715 0865</p> <p><u>Yaa'I Melka</u> (ORA godown) 0712 1295</p> <p>Mohammed Raya (General duty vehicle driver) 0717 6887</p>	<p><u>ONLF Offices</u></p> <p>1. 15 14 47 2. 18 84 92 3. 0715 7564 (Mr. Bashir)</p> <p><u>T-Fanus</u> (Internet & OLF Web Host) 1. 20 25 10 2. 12 64 57 3. 12 48 81</p> <p><u>Ms Trhas (Eri musician lady)</u> 0711 85 08</p> <p><u>Mr. Pino</u> (Eri Piano/organ trainer, an own bizz) 0714 6412</p>	<p><u>BBC-ASM</u> 12 07 97</p> <p><u>Savana Hotel</u> 11 61 83 20 21 41-4</p> <p><u>Median Hotel</u> 12 19 66</p>	

Records of separate transfers to Sifen Chala Bedada
on 31 July 2010 and 24 December 2010

7030

0,773 97h A.7.
WEGAGEN BANK S.C.

100x 13
50x 101
A/Venue 36

Branch C. 51-07-10 20

DEBIT A/Receivable Debit INTDO	CONTRA Cash Sifen/Challa Bedada
-----------------------------------	------------------------------------

IN RESPECT OF
Amount transferred from debited money transferred by test code 31596
By Order of John Ayele TT NO BEI 0404275.

Five thousand five hundred eighty six & 25 %.

Made	Checked	Entered

Birr 5,586.25

WCOF - 6-05

Cash Printer

30x 14

COMMERCIAL BANK OF ETHIOPIA

CHIGHI BRANCH Date: 24/12/2010

INCOMING CASH PAYMENT TICKET

DEBIT: A/P - TTS Payable
ASMAZ MESOJD

CONTRA: CASH

PARTICULAR ASMAZ MESOJD TT No: 405770014400 Dated 23-DEC-10
By Order of ASBU ALI

Beneficiary Info
Name: SIFEN CHALA BEDADA
ID Type/No: KEB - 28/2002
Remarks: GOSMIYA KILISOLAMI MINNESSET-DO
04/09/2002 TELL 0913105718

Received By
Sifen Chala Bedada

Birr: 3,800.00 In Words. BIRR: Three thousand Only

Made By: *ASBU ALI* Checked By: _____ Entered By: _____ Appraised By: _____

DC - 0550

Annex 8.4.c.:
Selected images of explosives and materiel recovered from Oromo Liberation Front team arrested in Addis Ababa

C-4 plastic explosive concealed in food sacks



RDX detonator cord



Detonators with packing slip



Medical supplies and oral rehydration packets manufactured in Eritrea



Sniper scope sold to Eritrea by Romania in 2004



Annex 8.4.d.:

Eritrean end-user certificate for arms and ammunition purchased from Romania

Supporting documentation obtained by the Monitoring Group and archived with the United Nations demonstrates conclusively that one of the PSL Sniper Rifles referred to in Item 3 of this document was in the possession of Imam Sa'id Ahmed at the time of his arrest.

Annex 8.4.e.: Sample telephone records for Omar Idriss Mohamed

Sample phone records for SIM cards found in the possession of Omar Idriss Mohamed. A more comprehensive archive, including the records of other team members, is archived with the United Nations.

ANNEX 1

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ሚኒስትሪ ምክርቤት
ቤተሥራር ሚኒስትር



The State of Eritrea
MINISTRY OF DEFENCE
OFFICE OF THE MINISTER

دولة اريتريا
وزارة الدفاع
مكتب الوزير

To Whom It May Concern:

END USER CERTIFICATE
No MOD-031/08/04/2004

THE MINISTRY OF DEFENCE OF THE STATE OF ERITREA HEREBY CERTIFIES THAT SAGE CONSULTANTS LTD, SUITE 24, WAETERGARDENS 6, GIBRALTAR, WILL SUPPLY THE ITEMS LISTED BELOW.

S/N	DESCRIPTION	Qty
1	CAL. CAL. 7.62 x 39 MM CARTRIDGES	20,000,000 Pcs
2	CAL. 7.62 x 39 MM RPK MG	3,000 Pcs
3	CAL. 7.62 x 54 MM SNIPER RIFLE PSL	1,000 Pcs
4	82 MM HE MORTAR SHEELS	50,000 Pcs

WE CERTIFY THAT WE ARE THE END USER OF THE ABOVE-MENTIONED ARTICLES. WE FURTHER CONFIRM THAT THESE GOODS WILL NOT BE RE-EXPORTED OR SOLD TO A THIRD PARTY UNDER ANY CONDITIONS WHATSOEVER, WITHOUT WRITTEN APPROVAL OF THE RELEVANT AUTHORITIES OF THE COUNTRY OF ORIGIN.

For and behalf of
The Ministry of Defence
Of Eritrea



Joint Secretary / Chief of Staff

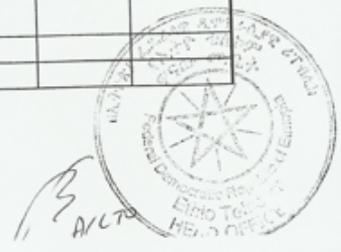
The Embassy of the State of Eritrea in Berlin confirms the authenticity of the Seal of the Ministry of Defence of Eritrea and the signature that are shown above.



☎ Tel : 201844/202874 ☎ P.O. Box 629 ٦٦٩ ٩٠ KAVE/٢-1811
 📠 Fax : 791.1- 124920-125326 ለምራሽ-ኤርትራ ASMARA-ERITREA ለምራሽ-ኤርትራ ٢٩١-٩-١٢19٢-124920

IN	908783549	2011110236	01-DEC-2010 08:16:49	93.00	93.00	0.00
IN	908783549	909188762	01-DEC-2010 10:02:49	72.00	120.00	0.00
IN	908783549	918207770	01-DEC-2010 10:30:27	70.00	70.00	0.00
IN	908783549	914752531	01-DEC-2010 10:52:09	338.00	338.00	0.00
IN	908783549	904425279	01-DEC-2010 15:33:22	75.00	120.00	0.00
IN	908783549	901379480	01-DEC-2010 15:38:09	33.00	60.00	0.00
IN	908783549	909188762	01-DEC-2010 17:58:43	48.00	48.00	0.00
IN	908783549	917605300	01-FEB-2011 07:51:39	165.00	165.00	0.00
IN	908783549	919145341	01-FEB-2011 09:19:02	137.00	180.00	0.00
IN	908783549	178900552	01-FEB-2011 09:54:19	27.00	60.00	0.00
IN	908783549	2911110236	01-FEB-2011 11:46:19	12.00	12.00	0.00
IN	908783549	919145341	01-FEB-2011 12:23:51	25.00	25.00	0.00
IN	908783549	126289168	01-FEB-2011 13:17:34	9.00	9.00	0.00
IN	908783549	919280919	01-FEB-2011 14:26:34	12.00	12.00	0.00
IN	908783549	919280919	01-FEB-2011 14:27:11	60.00	60.00	0.00
IN	908783549	919280919	01-FEB-2011 14:30:15	19.00	19.00	0.00
IN	908783549	919280919	01-FEB-2011 16:01:48	79.00	120.00	0.00
IN	908783549	2911110236	01-FEB-2011 17:45:20	6.00	60.00	0.00
IN	908783549	919280919	01-FEB-2011 18:38:46	76.00	76.00	0.00
IN	908783549	919280919	01-FEB-2011 18:55:58	22.00	60.00	0.00
IN	908783549	923398019	01-FEB-2011 19:23:15	14.00	14.00	0.00
IN	908783549	923398019	01-FEB-2011 20:11:54	84.00	120.00	0.00
IN	908783549	925450756	01-JAN-2011 07:08:34	37.00	60.00	0.00
IN	908783549	925450756	01-JAN-2011 12:21:12	26.00	60.00	0.00
IN	908783549	917368937	01-JAN-2011 13:02:56	18.00	18.00	0.00
IN	908783549	2911110236	01-JAN-2011 14:01:59	170.00	180.00	0.00
IN	908783549	902668479	01-JAN-2011 14:47:55	17.00	60.00	0.00
IN	908783549	919145341	01-JAN-2011 15:03:35	64.00	120.00	0.00
IN	908783549	904425279	01-JAN-2011 15:28:25	21.00	21.00	0.00
IN	908783549	902668479	01-JAN-2011 15:46:34	9.00	60.00	0.00
IN	908783549	906484435	01-JAN-2011 16:35:29	41.00	60.00	0.00
IN	908783549	919280919	01-JAN-2011 16:36:43	10.00	10.00	0.00
IN	908783549	919280919	01-JAN-2011 16:37:22	41.00	60.00	0.00
IN	908783549	2911127085	01-JAN-2011 16:50:28	29.00	29.00	0.00
IN	908783549	918946647	01-JAN-2011 16:51:29	16.00	60.00	0.00
IN	908783549	919280919	01-JAN-2011 16:53:29	17.00	60.00	0.00
IN	908783549	909188762	01-JAN-2011 16:54:25	12.00	60.00	0.00
IN	908783549	929505849	01-JAN-2011 17:28:23	8.00	8.00	0.00
IN	908783549	926312585	01-JAN-2011 17:39:24	47.00	47.00	0.00
IN	908783549	923381845	01-JAN-2011 18:25:43	37.00	60.00	0.00
IN	908783549	919145341	01-JAN-2011 18:25:43	37.00	60.00	0.00
IN	908783549	2911110236	01-JAN-2011 19:18:22	15.00	15.00	0.00
IN	908783549	905483384	01-JAN-2011 19:18:22	15.00	15.00	0.00
IN	908783549	909188762	01-JAN-2011 20:05:55	167.00	180.00	0.00
IN	908783549	925450756	01-JAN-2011 20:05:55	167.00	180.00	0.00
IN	908783549	904425279	01-JAN-2011 20:10:53	460.00	480.00	0.00
IN	908783549	925450756	01-JAN-2011 20:10:53	460.00	480.00	0.00
IN	908783549	914487124	01-JAN-2011 20:53:06	78.00	78.00	0.00
IN	908783549	918946647	01-JAN-2011 20:53:06	78.00	78.00	0.00
IN	908783549	925450756	01-JAN-2011 21:37:34	7.00	60.00	0.00
IN	908783549	919280919	01-JAN-2011 21:37:34	7.00	60.00	0.00
IN	908783549	918946647	01-JAN-2011 22:08:40	88.00	88.00	0.00

DATE 07/07/2003									
REPORT NO: CDR/OLF-03-2003									
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FROM OUMER EDRIES የተገናኙ ስልክ ቁጥሮች (NUMBERS INTERACTED WITH 921881358)									
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Annex 8.5.:**Case study: Eritrean intelligence links with Somali and other armed opposition groups**

1. One of the Eritrean officers most closely engaged in liaison and support to Somali armed groups since at least 2003 is military intelligence Colonel Tewelde Habte Negash, also known by the aliases Amanuel Kidane, Wedi Kidane, Colonel “Musa”, and Colonel “Hagos”, under the supervision of General Te’ame ‘Meqele’. Colonel Negash has been identified and his activities described to the Monitoring Group by numerous ex-combatants of Somali armed groups (including Al-Shabaab and Hisb’ul Islam / Somali Islamic Front, and the Islamic Courts Union), the ONLF, the OLF, former Eritrean Government officials, and a current Eritrean intelligence asset.¹

Colonel Tewelde Habte Negash a.k.a. ‘Musa’



2. According to these sources, Negash has operated intermittently from the Eritrean Embassy in Kenya, where he developed long standing relationships with various Somali (and Ethiopian) armed opposition group members who reside or transit in Kenya. Among the services they claim he has provided are issuance of Eritrean passports, financial support, training and logistical support. Negash has also been identified by multiple eyewitnesses as exercising a supervisory function over the training of certain Somali and Ethiopian armed opposition groups in Eritrea.

3. The Monitoring Group’s first eyewitness account of Negash dates from 2002, when an OLF source claims that his group was provided with timing devices for explosives by Negash.² In 2003, a

¹ Colonel Negash’s profile has been corroborated by former ONLF commanders interviewed on 10 November 2010, former OLF commanders interviewed on 12 November 2010, a former Hisb’ul Islam military officer interviewed on 7 April 2011 and numerous Eritrean sources interviewed between September 2010 and April 2011.

² Interview, 12 November 2010

senior ONLF official told the Monitoring Group he encountered Negash at the Eritrean embassy in Nairobi, where he was sitting at a desk covered with Eritrean passports and passport pictures of Somali looking individuals. The eyewitness subsequently obtained an Eritrean passport from Negash.³ ONLF sources also claim that Negash coordinated an airlift of weapons and ONLF fighters from Eritrea to Dhuusomareeb, Somalia, by telephone from Nairobi in 2004..⁴

4. Following the ICU take-over in Mogadishu in 2006, Negash spent considerable time in Mogadishu, coordinating support to a variety of armed groups, including the ICU and its militant wing, Al-Shabaab, as well as the ONLF and OLF. A Somali translator present at several meetings told the Monitoring Group that Negash and his associates were hosted in a residence belonging to ICU financier Abukar Omar Adaani, and described a series of meeting between Negash and ICU and Al-Shabaab military officials, including Yusuf Indha'adde and Aden Hashi Ayrow.⁵

5. An ONLF eyewitness says Negash provided explosives training in Mogadishu in 2006.⁶ An OLF eyewitness also claims that Negash trained members of his group in the use of TNT and C4 explosives in Mogadishu over the same period.⁷ A former Somali Al-Shabaab fighter trained in Eritrea between 2007 and 2009, told the Monitoring Group that his group's members were given training in suicide bombing and vehicle-borne improvised explosives devices (VBIEDs) at Kiloma training camp, and that his trainers frequently referred to Negash — using one of his aliases — during the course of this training.⁸

6. According to a senior ICU military official, in early 2007, following Ethiopia's military intervention in Somalia, Negash reportedly fled with 7 other Eritreans to Kenya, where they initially settled at the Hagadheera refugee camp, until some of the group were arrested. He appears then to have resumed activities from Kenya, from which he was deported in 2008, at least in part because of his alleged attempts to involve himself in ransom negotiations for Somali pirates who had seized the MV Faina, a vessel carrying Ukrainian military equipment whose cargo was bound for South Sudan via Kenya. Following his deportation in 2008, Negash travelled to Uganda and began conducting his operations from there.⁹

³ Interview 10 November 2010

⁴ Interview with former ONLF logistics officer and associates, November 2010.

⁵ Interviews with ONLF translator and other senior officials, November 2010 and corroborated by Yusuf Indha'adde in Mogadishu in April 2011. These testimonies did not support allegations made in the Monitoring Group's November 2006 report that 2,000 Eritrean combat troops were deployed to Somalia (S/2006/913, paragraph 37).

⁶ ONLF official, November 2010.

⁷ Interview, 11 November 2010

⁸ The Somali fighter said he was recruited in Djibouti by Somali Islamists, sent to Eritrea and then trained with a group of Al-Shabaab at Kiloma base in a separate group from OLF and ONLF trainees also present at this camp. The fighter was sent back to Djibouti in 2009, and was subsequently instructed by his Somali leaders to travel to Ethiopia.

⁹ Kenyan law enforcement agents confirmed in March 2011 that Colonel Negash was deported in 2008 and 2009. While the Monitoring Group has been unable to independently confirm Negash's link to the Faina, it has seen documents related to his deportation. A former officer in the Embassy of the State of Eritrea in Nairobi interviewed 28 September 2010 and three sources with inside knowledge of Embassy of the State of Eritrea in Nairobi interviewed in October 2010 all confirmed Negash had subsequently infiltrated into Uganda.

7. In 2009, Negash returned to Kenya and was again deported, this time for his association with Somali armed opposition group cells in Kenya and Somalia.¹⁰ According to Kenyan law enforcement officials, Negash, together with Eritrean diplomat Mohamed Mantai (appointed Ambassador to the Sudan in April 2011) and an embassy employee, travelled overland from Uganda, through Kenya, and on to Somalia in September 2009 where he met with members of al-Shabaab and other armed groups. On 21 September 2009, he departed Mogadishu crossing into Kenya at the Doble-Liboi border crossing, before travelling through Kenya to the Uganda border post at Busia, where he was arrested by Kenyan authorities on 26 September 2009 and subsequently deported again.¹¹ An Eritrean official has acknowledged the episode, but told the Monitoring Group that Negash and his colleagues were on a mission with diplomatic and “humanitarian” objectives, on behalf of a third government and with the full knowledge of the TFG.¹²

8. A close associate of Negash, Eritrean national and alleged intelligence asset Hanibal Kahsay Menghistie, was also arrested and deported from Kenya to Eritrea in June 2009. According to an eyewitness, Kenyan authorities seized several foreign and Eritrean passports from Hanibal’s residence at the time of his arrest.¹³ According to law enforcement agents and Eritrean and Kenyan sources close to Hanibal, he was involved as part of a lucrative human trafficking network run by the Embassy of the State of Eritrea in Kenya and was an associate of Negash.¹⁴

9. Between June 2009 and early 2011, Hanibal travelled back and forth between Eritrea and Uganda, passing through South Sudan at least once.¹⁵ Acting on specific information provided by the Monitoring Group, the Ugandan authorities arrested him in Kampala in early 2011. At the time of his arrest he was in possession of several SIM cards, one of which held a text message relating to the preparation of a passport and the transfer of US\$8,000, and contained numbers of the Embassy of the State of Eritrea in the Sudan in its phonebook. In an interview with the Monitoring Group, Hanibal confirmed his association with Negash, stating that they frequented casinos regularly together in Nairobi where Negash spent large amounts of money. He denied working with Negash at the Embassy of the State of Eritrea to Kenya but did however confirm reports that Negash was deported from Kenya for dealings with Al-Shabaab, according to information he received in 2008. Hanibal also denied that he was captured with foreign passports, but admitted that two of his friends attempted to bribe the Kenyan arresting officers with over 150,000 Kenyan shillings.¹⁶

10. An Eritrean official told the Monitoring Group that his Government is aware of Hanibal’s smuggling activities, but denied that he works for the Eritrean government and said Hanibal would be

¹⁰ Interview with former officer in the Embassy of the State of Eritrea in Nairobi in September 2011, four sources with inside knowledge of Embassy of the State of Eritrea in Nairobi interviewed in October 2010, and interview with former embassy colleague of Mr Negash, in February 2011.

¹¹ Kenyan intelligence source, March 2011.

¹² Interview with senior Eritrean official, April 2011.

¹³ Interview, Nairobi, October 2010.

¹⁴ Documentary details received by law enforcement agency in February 2011, interviews with Kenyan sources in September 2010 and October 2010, interview with Eritrean source known to Hanibal, February 2011.

¹⁵ Information taken from copies of Hanibal’s passport and his statement given to Ugandan authorities.

¹⁶ Hanibal insisted that his arrest had been due to bogus traffic violation planted on him by the ex-husband of his Kenyan mistress.

arrested if he returned to Eritrea.¹⁷ The Monitoring Group does not consider this credible as Hanibal himself admitted he spent much of 2010 in Eritrea.

11. According to sources close to the Embassy of the State of Eritrea in Kenya, Negash has continued to operate between Eritrea, Uganda and South Sudan during the course of 2010 to maintain his involvement with Somali opposition groups. One source who receives regular financial contributions from the Embassy of the State of Eritrea in Kenya informed the Group that Negash was back in Kenya in 2010 and travelled to Hargeisa, Somaliland, in late September or early October 2010.¹⁸ A former associate of Negash also confirmed that he was sighted several weeks later at the Doble-Liboi border crossing between Kenya and Somalia, which is under Al-Shabaab control.¹⁹

12. In Eritrea, Negash was also involved in training programmes at military camps in Eritrea where ONLF and Somali armed fighters were based up to 2010.²⁰ Dozens of captured ONLF fighters involved in the failed September 2010 “*Alanside*” operation described in Annex 8.3 above confirmed that Negash was involved in their training during the time they were moved between Kiloma, Ras Darma and Een camps.

13. The Monitoring Group believes that Eritrean presence in Uganda and South Sudan is indicative of a wider Eritrean intelligence effort dedicated to supporting armed groups in the region including Al-Shabaab. In addition to Negash, the Monitoring Group has identified a cell of at least four other Eritrean intelligence officers deployed to Uganda, via Sudan, reportedly headed by a Colonel Yonas who reports to General Teklai Kifle ‘Manjus’ and his associate in external operations, Colonel Fitsum Yitshak “Lenin”.²¹

14. Both Negash and Yonas are hosted regularly by Eritrea’s Consul General in Juba, Alem Negash who is a former intelligence official within the Brigade 72 (a military intelligence unit of the EPLF), and was based at the Embassy of the State of Eritrea in Khartoum before his deployment to Juba. Prior to that, he was based at the Embassy of the State of Eritrea in Nairobi, where he managed Eritrean relations with Somalia.²²

15. In late 2010, an Eritrean military source informed the Group about the visit by an Eritrean intelligence officer to the town of Mbale in eastern Uganda, where he met Somali armed opposition group members and reported directly back to Colonel Fitsum.²³ Although no further details of the meeting are available, the Group notes that Mbale hosts a significant Somali population, and was the location where some materials used in the July 2010 bombings in Kampala were warehoused.

¹⁷ Interview with senior Eritrean official, April 2011.

¹⁸ Interview, October 2010.

¹⁹ Interview, November 2010

²⁰ Interviews with more than 90 ONLF and Somali prisoners, as well as former ONLF officials, conducted between 9-11 November 2010.

²¹ Fitsum is also believed to serve as Te’ame’s deputy in the external operations directorate.

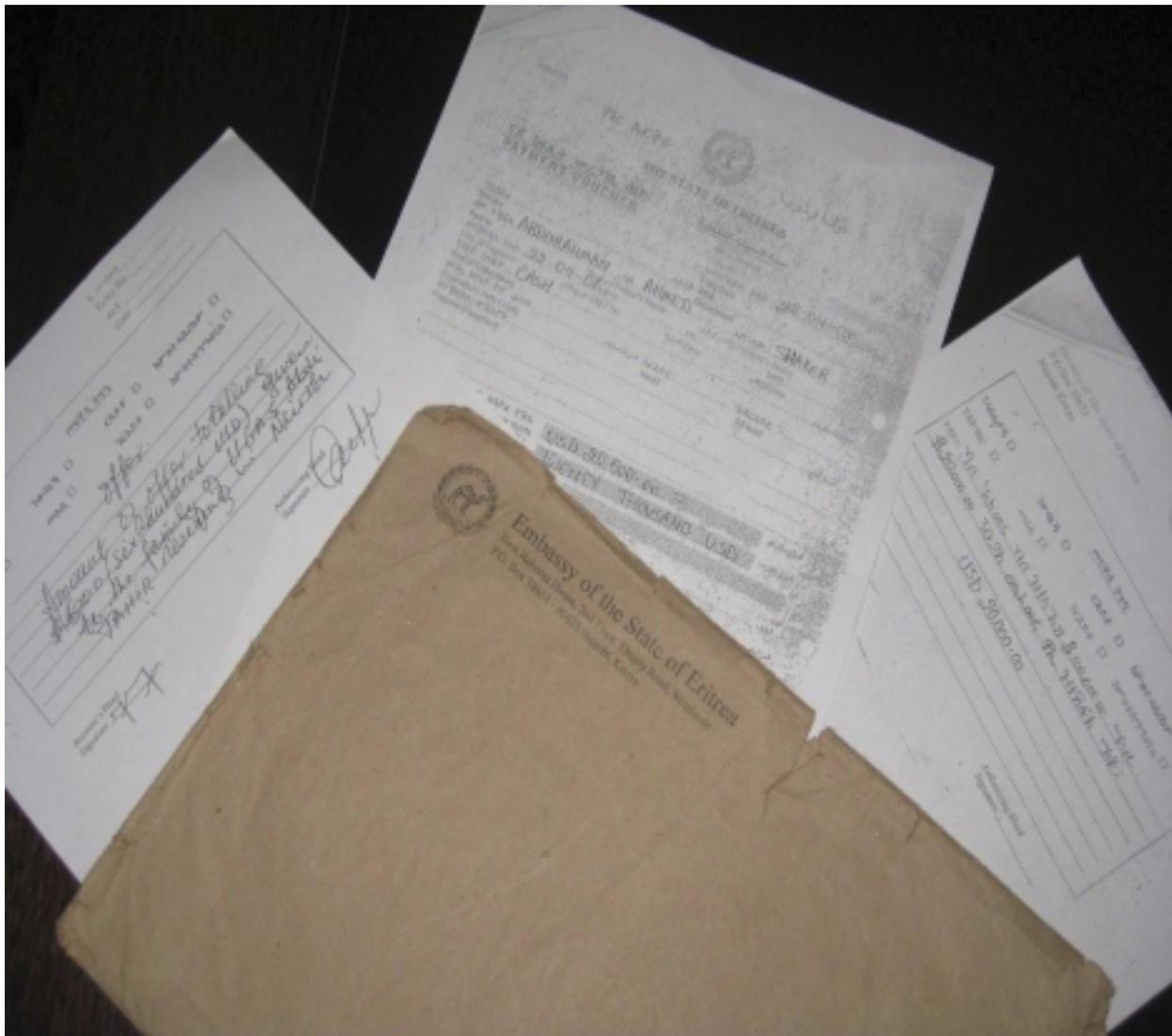
²² Former Eritrean official who served in Sudan, September 2010.

²³ Information received by phone and email on 12 December 2010, from an active Eritrean Defence Force officer.

16. On the basis of Colonel Tewelde Habte Negash's past record of involvement with armed opposition groups throughout the region, especially in Somalia, and his senior role in the Eritrean external operations directorate headed by Te'ame, the Monitoring Group concludes that Negash's continued activity in Uganda, South Sudan, Kenya and Somalia represents a threat to peace and security in the region, and recommends vigilance on the part of regional governments.

Annex 8.5.a.:
Sample receipts of payments from the embassy of Eritrea

Sample of documents showing payments from the Embassy of the State of Eritrea to Ugaas Abdi Dahir, Mohamed Wali Sheikh Ahmed Nuur and Abdirahman Ahmed Shaakir (aka Abdurahman Ahmed Shaker).



Annex 9

Arms imports and external assistance

Annex 9.1.:**Summary of findings to date on military cooperation between Eritrea and the Islamic Republic of Iran**

1. The Monitoring Group has received numerous reports, including several eyewitness testimonies, relating to alleged military and intelligence cooperation between Iranian and Eritrean officials prior to Security Council resolution 1907 (2009). While the Group has continued to observe and document linkages between Iran and Eritrea, it has obtained no evidence during the current mandate that the relationship currently involves violations of resolution 1907.
2. Diplomatic relations between Eritrea and Iran were initiated in 2002 when Iranian diplomats visited the Embassy of the State of Eritrea in Khartoum and inquired about forging diplomatic links.
3. Former Eritrean diplomats in Khartoum say that diplomatic relations between Eritrea and Iran strengthened after 2007, and that President Afwerki had offered President Mahmoud Ahmelinejad the possibility of using Eritrea as a strategic backwater and transit point, in exchange for financial assistance from Iran.¹
4. The Group has interviewed an eyewitness who lived in Eritrea between 2005 and 2009 who said that he had met and talked to a group of approximately 30 Iranians in the port of Assab in February 2009. The eyewitness stated the Iranians had told him they were on a “government to government mission” and witnessed them offloading military equipment from a vessel docked in Assab port.²
5. The central Iranian official responsible for coordinating Eritrean-Iranian relations since 2007 is reportedly known in Sudan as Amr Al-Musawi, and once officially served as the cultural affairs attaché in the Iranian embassy in Khartoum.³ He is now believed by foreign diplomats in Khartoum to reside in Tehran, but still travels frequently to Sudan and Eritrea.⁴
6. Diplomatic sources in Asmara — from diverse Arab, African and European countries — have confirmed visits by Iranian diplomats and security officials to Asmara during the course of 2010.⁵ A Sudan government official said he had personally met an Iranian delegation arriving in Eritrea from Yemen in early 2010 and had also been asked to welcome another group at Asmara international airport, which flew in from Sudan later on in 2010.⁶ The Iranian official known as Amr Al-Musawi also visited Asmara during the course of 2010 and led a delegation to Massawa that year.⁷

¹ Two separate interview with two separate former Khartoum based diplomats, September 2010

² Interview in Mogadishu, 8 April 2012

³ Interview with former diplomat based in Embassy of the State of Eritrea in Khartoum, 30/8/10, and separate Eritrean source, November 2010.

⁴ <http://www.sudanvisiondaily.com/modules.php?name=News&file=article&sid=41108> is the only open source reference to Amr Al-Musawi, and refers to him as a cultural affairs official of the government of Iran.

⁵ Diplomats in Asmara in September 2010 and January 2011.

⁶ Interview in September 2010.

⁷ Interviews with diplomats in Asmara in September 2010 and January 2011, and with Eritrean source with government contacts in Massawa, November 2010.

Annex 9.3.: Statement by Kafi Holdings Agency

Kafi Holdings, a company based in Mogadishu, received a cargo of cement and rice on the MV Hyang Ro Bong, before it set sail for the Al-Shabaab-controlled port of Kismaayo

KAFI HOLDINGS AGENCY

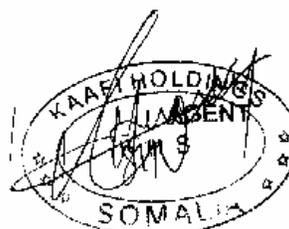
TEL: --62548882 / 5541191 / 601571
 Email: kafi.holdings@yahoo.com
 Mogadishu Somalia

STATEMENT OF FACT

NAME OF THE VESSEL:	HYANG RO BONG
FLAG:	D. P. R. of KOREA
PORT OF REGISTRY:	NAMPO
PORT OF LOADING:	KARACHI/PAKISTAN
PORT OF DISCHARGING:	MOGADISHU/SOMALIA
B/s QUANTITY:	6,000 M/T of CEMENT, 800 M/T of RICE
VSL ARRIVED & ANCHOR:	01:15 Hours Lt on 23/12/2010
PILOT ON BOARD:	07:17 Hours Lt on 24/12/2010
VSL BEARTHED:	08:25 Hours Lt on 24/12/2010
FREE PRATIQUE GRANTED:	10:26 Hours Lt on 24/12/2010
N.O.R. TENDERED:	01:20 Hours Lt on 23/12/2010
N.O.R. ACCEPTED:	01:20 Hours Lt on 23/12/2010
VSL COMMENCED DISCH:	16:30 Hours Lt on 24/12/2010
VSL COMPLETED OPERATION:	08:30 Hours Lt on 28/12/2010
RECEIVED PORT CLEARENCE:	08:45 HRS Lt
VSL SAILED:	10:35 HRS Lt
NEXT PORT:	KISMAYO/SOMALIA



RECEIVER



Annex 10

Aircraft maintenance

Annex 10.1:
**Eritrean Sukhoi Su-27 at the “AviaRemontny Zavod VVO 713” aircraft maintenance facilities
in Zaporozhye, Ukraine (date unknown)**

Su-27SK “Flanker” single-seater with Eritrean flag, ERAF camouflage paintings and “608”



Su-27UB “Flanker” double-seater trainer aircraft with “609” markings



Eritrean Su-27SK with “608” marks along a Su-27UB “Flanker” double-seater with blue camouflage and the “73” marks of the Ukraine Air Force



Eritrean Su-27SK with “608” marks together with foreign technicians



Annex 10.2:
Eritrean Pilatus Porter PC-6 bearing Eritrean flag, registration number E3-AAS and “EMIC” titles

Picture taken in Altenrhein, Switzerland, on 10 June 2010



Picture taken in Altenrhein, Switzerland, on 15 June 2010



Annex 11

Financing

Annex 11.1.:**Sample documentation of financial contributions from Eritrean businessmen to the embassy of Eritrea in Kenya**

Sample of documentation obtained by the Monitoring Group showing financial contributions from Eritrean businessmen in the East Africa region to the Embassy of the State of Eritrea in Kenya. A copy of the passport of Salih Omar Abdu, ambassador of the State of Eritrea in Kenya, has been included in the sample to demonstrate authenticity of the information. The original documentation has been archived in full at the United Nations.



Annex 12.: Correspondence between the Monitoring Group and the Government of Eritrea

UNITED NATIONS



NATIONS UNIES

Monitoring Group on Somalia and Eritrea

REFERENCE: S/AC.29/2010/SEMG/OC.5

24 August 2010

Excellency,

Further to your letter of 20 August 2010, and in light of the Monitoring Group's evolving commitments, I should like to propose that our team visit Asmara between 15 and 20 September 2010, subject to the availability of flights. In this connection, the United Nations Secretariat will coordinate with your Mission in due course further details regarding the visit of the Monitoring Group to Asmara.

The principal topics we intend to discuss with the Eritrean Government include the following:

- The Eritrean Government's assessment of allegations made in previous Monitoring Group reports;
- Measures taken by the Eritrean Government to comply with the terms of the arms embargos on both Somalia and Eritrea;
- The status of the Eritrea-Djibouti dispute and measures taken by either or both sides to comply with resolution 1862 (2009);
- Clarification of the nature of the relationship between the Eritrean Government and Somali opposition groups, including members of those groups based in Eritrea;
- Any information that the Eritrean Government wishes to provide to the Monitoring Group relevant to its mandate.

We also intend to brief your officials regarding the work of the Monitoring Group under its current mandate.

Please accept, Excellency, the assurances of my highest consideration.

A handwritten signature in black ink, appearing to read 'Bryden'.

Matt Bryden
Coordinator

Monitoring Group on Somalia and Eritrea
Security Council resolution 1916 (2010)

His Excellency
Mr. Araya Desta
Permanent Representative of Eritrea
to the United Nations
New York

Permanent Mission of Eritrea
to the United Nations



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الهيئة الأثرية العالمية لدى الأمم المتحدة

31 August 2010

Dear Mr. Bryden,

In reference to your letter of 24 August 2010 regarding the Monitoring Group's mission trip to Eritrea, I have the honour to inform you that the Government of Eritrea is ready to receive you in Asmara between 13 and 16 September 2010.

In this connection, I wish to reiterate that the Government of Eritrea welcomes the Group to Asmara and will do its best to make the Group's mission as productive as possible.

Please accept the assurances of my highest consideration.

A handwritten signature in black ink, appearing to read 'Araya Desta'.

Araya Desta
Ambassador
Permanent Representative

Mr. Matt Bryden
Coordinator
Monitoring Group on Somalia and Eritrea
Security Council resolution 1916 (2010)
United Nations
New York, NY 10017

800 Second Avenue, 18th Floor • New York, NY 10017 • Telephone (212) 687-5390 • Telefax (212) 687-3138

UNITED NATIONS



NATIONS UNIES

Monitoring Group on Somalia and Eritrea

REFERENCE: S/AC.29/2010/SEMG/OC.10

6 October 2010

Excellency,

I have the honour to address you in my capacity as the Coordinator of the Somalia and Eritrea Monitoring Group (SEMG), established pursuant to Security Council resolution 1916 (2010).

The Monitoring Group would firstly like to thank you for facilitating its visit to Asmara, which took place from 11 to 17 September 2010, and avail itself of this opportunity to offer its gratitude to the Ministry of Foreign Affairs and other senior officials in Asmara for their contribution to the Group's programme in Eritrea.

During the course of the Group's mission, we made a number of specific requests for information of Eritrean authorities. I would like to take this opportunity to restate those requests and to seek your assistance in obtaining responses, as follows:

1. Red Sea Corporation officials informed the Group that the Corporation relies on the services of the People's Front for Democracy and Justice (PFDJ) procurement offices in London and Dubai, and that they would supply the Group with contacts of individuals managing these offices. We would be grateful that these contacts be provided as soon as possible.
2. We have advised the Civil Aviation Authority (CAA) in Asmara that the Group will request the opportunity to review flight logs for all flights to and from Eritrea from the period of 1 January 2009 onwards. The Group understands from its discussion with CAA officials that such logs have been manually recorded in Asmara and would either need to be transcribed or photocopied in order to be transmitted to the Group. The Group stands ready to discuss directly with CAA the practical modalities of preparing and submitting this documentation to the Group.

His Excellency
Mr. Araya Desta
Permanent Representative of Eritrea
to the United Nations
New York

S/AC.29/2010/SEMG/DC.10

2

3. The Group posed a number of questions to Ministry of Defence and National Security Agency officials to which no response was immediately forthcoming, and which we intend to revisit during the Group's next visit to Eritrea. In the meantime however, and as discussed, we would be grateful that the Government of the State of Eritrea provide, as soon as possible, a complete list of individual Somalis to whom Eritrean identity or travel documents were issued since 1 January 2007 including:

- Full names
- Document type and number
- Issuing authority
- Date of issue
- Date of expiry
- Renewals (if any)

The Group would also like to take this opportunity to inform you that it proposes to visit Eritrea again on mutually convenient dates in mid-December 2010, and will coordinate arrangements with the Permanent Mission. During the course of that mission, the Monitoring Group requests that the Government of Eritrea arrange an on-site briefing on implementation of the agreement brokered between Eritrea and Djibouti to facilitate visits to the ports and airports of Massawa and Assab, and possibly other locations yet to be determined.

We would appreciate it if you could reply to the Monitoring Group by 21 October 2010 through the Secretary of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea, Mr. Kiho Cha, United Nations, 730 3rd Avenue, TB 08040A, New York, New York 10017; fax number (212) 963-1300 or 3778; e-mail cha@un.org.

Please accept, Excellency, the assurances of my highest consideration



Matt Bryden
Coordinator

Monitoring Group on Eritrea and Somalia pursuant to
Security Council resolutions 751 (1992) and 1907 (2009)

Permanent Mission of Eritrea
to the United Nations



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البعثة الأترقية الدائمة لدى الأمم المتحدة

05 November 2010

Dear Mr. Bryden,

In reference to your letter dated 6 October 2010 regarding your request to visit Eritrea, I am pleased to inform you that the Ministry of Foreign Affairs of the State of Eritrea is willing to meet with the Monitoring Group, on the period you indicated in your letter.

In this regard, I would highly appreciate, if you could inform the Permanent Mission of Eritrea to the UN the date of your arrival as well as how long the Group would like to stay in Eritrea. This will allow the Ministry to plan your visit accordingly.

Should you have any questions, please do not hesitate to contact the Permanent Mission of Eritrea to the United Nations in New York.

Please accept the assurances of my highest consideration.

A handwritten signature in black ink, appearing to read 'Araya Desta', with a long horizontal line extending to the right.

Araya Desta
Ambassador Permanent Representative

Mr. Matt Bryden,
Coordinator
Monitoring Group on Eritrea and Somalia


 UNITED NATIONS NATIONS UNIES

Somalia and Eritrea Monitoring Group

REFERENCE: S/AC.29/2011/SEMG/OC.1

7 January 2011

Excellency,

I have the honour to address you in my capacity as Coordinator of the Somalia and Eritrea Monitoring Group (SEMG), established pursuant to Security Council resolution 1916 (2010).

Further to my letter of 2 December 2010 (S/AC.29/2010/SEMG/OC.36), and your discussion with the United Nations Secretariat on 30 December 2010, I understand that the Government of the State of Eritrea would welcome a two-person mission to Eritrea from the Monitoring Group between 22 and 28 January 2011.

In reference to my letter of 2 December 2010, the Monitoring Group would like to request an on-site briefing about the current situation at the border between Eritrea and Djibouti, with specific reference to any possible obstruction of the implementation of Security Council resolution 1862 (2009). In this connection, we would be grateful for an official response to allegations by the Government of Djibouti that the Government of Eritrea retains in custody a number of Djiboutian detainees. The Monitoring Group is aware that the State of Qatar is addressing the issues spelled out in resolution 1862 (2009) and will shortly request a meeting with officials in Doha in this regard.

During the course of its mission, the Monitoring Group intends to follow up on the questions posed in my letter of 6 October 2010 (S/AC.29/2010/SEMG/OC.10), which has been enclosed for ease of reference, to which no response has been received to date. The mission would also like to seek the responses of the Government of Eritrea on a range of other issues including, but not limited to:

1. Information obtained by the Monitoring Group that appears to indicate that a group of Ogaden National Liberation Front (ONLF) fighters intercepted at the border between Ethiopia and Somalia in September 2010 had links to Eritrea;
2. Alleged links of the Djiboutian group, *le Front Pour la Restauration de la Démocratie* (FRUD), to Eritrea;
3. Financial transactions by certain Eritrean embassies, including alleged payments to Somalis in the United Arab Emirates, Kenya and Sudan.

/...

His Excellency
 Mr. Araya Desta
 Permanent Representative of Eritrea
 to the United Nations
 New York

S/AC.29/2011/SEMG/OC.1

page 2

During the course of the mission, the Monitoring Group respectfully requests the opportunity to meet with the following Government and/or party officials:

General Te'ame Goitom 'Meqele'
General Tekle Habteselassie (Commander of the Eritrean Air Force)
General Tekle Kifle 'Manjus' (Commander of the western military zone)
Admiral Humed Mohamed Karekare (Commander of the Eritrean Navy)
Colonel Amanuel Kidane
Tesfalidet Habteselassie (Office of the President)
Hagos Gebrehiwet (PFDJ Economic Affairs Department)
Yemane Tesfai (Commercial Bank of Eritrea)

The composition of the mission, including the passport details of its two members, will be as follows:

- Name: Matthew (Matt) Bryden
Nationality: Canadian
Passport no: BA527109
Date of issue / expiry: 10 Oct 2008 / 10 Oct 2013
- Name: Dinesh Mahtani
Nationality: British
Passport no: 099204841
Date of issue / expiry: 27 May 2010 / 27 Feb 2021

We would be grateful if visas for the two members of the mission could be issued by the Eritrean Embassy in Nairobi.

We would appreciate it if you could confirm the dates of the proposed mission and, if possible, provide some details of the programme of meetings the Government of Eritrea is arranging for the Monitoring Group by 14 January 2011 through the Secretary of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea, Mr. Kiho Cha, United Nations, Room TB-08040A, New York, NY 10017, fax (212) 963-1300/3773, e-mail: cha@un.org

Please accept, Excellency, the assurances of my highest consideration.



Matt Bryden
Coordinator
Somalia and Eritrea Monitoring Group
Security Council resolution 1916 (2010)

Jan-14-2011 16:41 FROM:ERITREA MISSION LN 212 607 3138

TO:1 212 963 3778 P.2

Permanent Mission of Eritrea
to the United Nations



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14 January 2011

Dear Mr. Bryden

In reference to your letter of 7 January 2011 (Ref: S/AC.29/2011/SEMG/OC.1), regarding the planned visit of the Monitoring Group (MG) to Eritrea, I have the honour to inform you that the Government of Eritrea will receive the MG between 24 and 28 January 2011. Please note, the dates are slightly adjusted from the dates you requested in order to accommodate the availability of the Eritrean Officials.

With respect to the entry visa, the Eritrean Embassy in Nairobi, Kenya, shall be informed to extend its cooperation in the issuance of the needed visa. And the programme of work will be available upon arrival in Asmara.

Please, Sir, accept the assurances of my highest consideration.

Araya Desta,
Ambassador, Permanent Representative

Mr. Matt Bryden
Coordinator
Somalia and Eritrea Monitoring Group
Security Council Resolution 1916 (2010)

UNITED NATIONS  NATIONS UNIES

Somalia and Eritrea Monitoring Group

REFERENCE: S/AC.29/2011/SEMG/OC.11

18 February 2011

Excellency,

I have the honour to address you in my capacity as Coordinator of the Somalia and Eritrea Monitoring Group (SEMG) established pursuant to Security Council resolution 1916 (2010).

In follow-up to the SEMG's mission to Eritrea from 23 to 28 January 2011, we would be grateful if the Government of Eritrea could provide the following information in support of our ongoing investigations:

1. Details of all maritime vessels docked at or anchored off the port of Massawa between 18 and 22 November 2010.
2. Details of all in-bound and out-bound flights to and from Eritrea on the following dates:
 - 3 September 2010
 - 4 September 2010
 - 6 September 2010
 - 15 September 2010
 - 11 October 2010
 - 16 October 2010
3. Any information related to the deportation of Eritrean citizens, working on behalf of the Eritrean Embassy in Nairobi, who were deported from Kenya in 2009 and 2010. These individuals include Hanibal Menghistie and Negash Habte Tewolde (2009) and Amsamel Kidane (2010).

/...

His Excellency
Mr. Araya Desta
Permanent Representative of Eritrea
to the United Nations
New York

S/AC.29/2011/SEMG/OC.11

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We would appreciate it if you could reply to the Monitoring Group no later than 1 March 2011 through the Secretary of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea, Mr. Kiho Cha, United Nations, Room TB-08040A, fax 1 (212) 963-1300/3778, e-mail: cha@un.org

Please accept, Excellency, the assurances of my highest consideration.



Matt Bryden
Coordinator
Somalia and Eritrea Monitoring Group
Security Council resolution 1916 (2010)

UNITED NATIONS  NATIONS UNIES

Somalia and Eritrea Monitoring Group

REFERENCE: S/AC.29/2011/SEMG/OC.81

8 April 2011

Excellency,

I have the honour to address you in my capacity as Coordinator of the Somalia and Eritrea Monitoring Group (SEMG) established pursuant to Security Council resolution 1916 (2010).

In line with its mandate, the Monitoring Group is responsible for investigating:

- violations of the arms embargos on Somalia and Eritrea, which include financial support to armed groups or financial facilitation of arms embargo violations;
- acts that threaten the peace, security or stability of Somalia;
- obstruction of humanitarian assistance to Somalia;
- Eritrean support for individuals and groups responsible for destabilization of, or violence in, the region;
- obstruction of the implementation of resolution 1862 (2009) concerning Djibouti;
- obstruction of the work or investigations of the Monitoring Group.

Information received by the Monitoring Group appears to indicate that the Russian Aircraft Corporation (RAC) "Mig" was involved in maintaining and upgrading military aircraft in Eritrea in 2010.

These activities may represent a potential violation of the general and complete arms embargo on Eritrea imposed by United Nations Security Council resolution 1907 (2009).

I would therefore kindly request that you provide the Monitoring Group with further information and clarification on these activities, including:

- details of the contract signed between the Eritrean Government and RAC "Mig" or any of its affiliates or subsidiaries;
- a detailed list of the aircraft owned or operated by the Eritrean Government and maintained and/or upgraded by RAC "Mig"; and
- dates of travel of any representatives and/or employees of RAC "Mig" to Eritrea and the purpose of the travel.

His Excellency
Mr. Araya Desta
Permanent Representative of Eritrea
to the United Nations
New York

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S/AC.29/2011/SEMG/OC.81

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We would appreciate it if you could reply to the Monitoring Group no later than 21 April 2011 through the Secretary of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea, Mr. Kiho Cha, United Nations, Room TB-08040A, fax (212) 963-1300/3778, email: cha@un.org

Please accept, Excellency, the assurances of my highest consideration.



Matt Bryden
Coordinator
Somalia and Eritrea Monitoring Group
Security Council resolution 1916 (2010)

UNITED NATIONS



NATIONS UNIES

Somalia and Eritrea Monitoring Group

REFERENCE: S/AC.29/2011/SEMG/OC.99

15 April 2011

Excellency,

I have the honour to address you in my capacity as Coordinator of the Somalia and Eritrea Monitoring Group (SEMG) established pursuant to Security Council resolution 1916 (2010).

In line with its mandate, the Monitoring Group is responsible for investigating:

- violations of the arms embargos on Somalia and Eritrea;
- acts that threaten the peace, security or stability of Somalia;
- obstruction of humanitarian assistance to Somalia;
- Eritrean support for individuals and groups responsible for destabilization of, or violence in, the region;
- obstruction of the implementation of resolution 1862 (2009) concerning Djibouti;
- obstruction of the work or investigations of the Monitoring Group.

The Monitoring Group has also been informed that between November and December 2009, Mr. Yemane Tesfai, Director of the Commercial Bank of Eritrea, and General Tekle Habteselassie both visited Ukraine as part of an official delegation with the aim of procuring military goods and/or services.

Since then, information received by the Monitoring Group indicates that a Ukrainian company has apparently been engaged in the maintenance of military aircraft in Eritrea in 2010. Such services may represent a potential violation of the general and complete arms embargo on Eritrea imposed by Security Council resolution 1907 (2009).

I would therefore respectfully request that you provide the Monitoring Group with further information and clarification on these activities, including:

- the purpose of the Eritrean delegation's visit to Ukraine in late 2009, officials met and any agreements or contracts concluded that may relate to goods or services prohibited by resolution 1907 (2009);

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His Excellency
Mr. Araya Desta
Permanent Representative of Eritrea
to the United Nations
New York

S/AC.29/2011/SEMG/OC.99

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- details of the contract signed between the Eritrean Government and Ukrspetsexport, the Ukrainian state company for export and import of military and special products and services, or one of its affiliate companies;
- a detailed list of the aircraft owned or operated by the Eritrean Government and maintained and/or upgraded by Ukrspetsexport; and
- dates of travel to Eritrea of representatives and/or employees of Ukrspetsexport and composition of the delegation.

We would appreciate it if you could reply to the Monitoring Group no later than 29 April 2011 through the Secretary of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea, Mr. Kiho Cha, United Nations, Room TB-08040A, New York, NY 10017, fax: +1-212-963-1300/3778, email: cha@un.org

Please accept, Excellency, the assurances of my highest consideration.



Matt Bryden
Coordinator
Somalia and Eritrea Monitoring Group
Security Council resolution 1916 (2010)

Permanent Mission of Eritrea
to the United Nations



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الهيئة الأثرية القائمة لدى الأمم المتحدة

17 May 2011

Dear Mr. Bryden,

Pursuant to your letters of 18 February, 8 April and 15 April of this year, I have the honour to provide the following information:

1. Details of all maritime vessels docked at or anchored off the port of Massawa, between 18-22 November, 2010,

During the said period, only one ship visited the port of Massawa. That ship, the *Dorrat Jeddah*, arrived on November 19, 2010, with cargo originating in Jeddah, Saudi Arabia. It carried containerized and uncontainerized cargo as well as 47 vehicles, with a total tonnage of 1430 tons. Apart from the vehicles, the cargo consisted of construction materials, food stuffs and household equipment.

2. Details of in-bound and out-bound flights to and from Eritrea on September 3, 4, 6, 15 September and 11, 16 October,

This matter was raised with the Monitoring Group during its last visit to Asmara and information was provided. Apart from that, there were only scheduled flights by commercial airlines flying to Asmara- Yemen Airways, Egypt Air, Lufthansa, Nas Air and Sudan Airways. The only non scheduled flight was an Eritrean Airlines flight on 15 September from Asmara to Jeddah.

3. Information about military equipment and aircraft,

The Government of Eritrea has repeatedly informed the Monitoring Group that its requests for detailed information about Eritrea's military equipment go well beyond the mandate of the Group and seriously infringe on Eritrea's sovereignty.

Matt Bryden
Coordinator
Somalia and Eritrea Group
Security Council Resolution 1916 (2010)

310 Second Avenue, 18th Floor • New York, NY 10017 • Telephone: (212) 687-3390 • Telefax: (212) 687-3135

In addition to information and clarification presented here, the Government of Eritrea has provided additional information in face to face meetings with members of the Group in regards to some of the issues raised by the Monitoring Group.

The Eritrean Government has limited itself in this reply to answer the specific requests of the Monitoring Group for information and clarification. It intends to make its substantive presentation on the whole issues of sanctions at a later date.

Please accept, Sir, the assurances of my highest consideration.

A handwritten signature in black ink, appearing to read 'Araya Desta', with a long horizontal flourish extending to the right.

Araya Desta
Ambassador, Permanent Representative

Annex 13.: State cooperation with the Monitoring Group

State	Letters sent*	Requested info fully received	Requested info partially received	Requested info not received**
United Arab Emirates	11	0	2	9
China	8	3	1	4
Eritrea	9	4	1	4
Saudi Arabia	4	0	1	3
Panama	3	0	0	3
USA	6	0	4	2
UK	3	1	0	2
Egypt	2	0	0	2
Sweden	2	0	0	2
Guinea-Bissau	2	0	0	2
Somalia	2	0	1	1
Sri Lanka	1	0	0	1
Oman	1	0	0	1
Ghana	1	0	0	1
Lithuania	1	0	0	1
Syria	1	0	0	1
Belarus	1	0	0	1
Tanzania	1	0	0	1
Sierra Leone	1	0	0	1
Malta	1	0	0	1
Switzerland	1	0	0	1
South Africa	1	0	0	1
Yemen	2	1	0	1
Sudan	2	1	0	1
Ukraine	1	0	1	0
Liberia	1	1	0	0
Ethiopia	1	1	0	0
Qatar	1	1	0	0
India	1	1	0	0
Italy	1	1	0	0
Latvia	1	1	0	0
Netherlands	1	1	0	0
Georgia	1	1	0	0
Gibraltar	1	1	0	0
Romania	1	1	0	0
Bulgaria	2	2	0	0
Kenya	2	2	0	0

Djibouti	2	2	0	0
France	2	2	0	0
Japan	2	2	0	0
Lebanon	2	2	0	0
Guinea	2	2	0	0
Russian Federation	4	4	0	0

* Only includes official correspondence sent from the Monitoring Group via the Security Council Sanctions Branch at the UN Secretariat to UN Member States' Permanent mission.

** This implies that either no response was received by the Monitoring Group, or that the response was deemed insufficient