Annex 77

Report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 2111 (2013), S/2014/726, 13 October 2014 (Extracts)

United Nations S/2014/726

Security Council

Distr.: General
13 October 2014

Original: English

Letter dated 10 October 2014 from the Chair of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea addressed to the President of the Security Council

On behalf of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea, and in accordance with paragraph 28 of Security Council resolution 2111 (2013), I have the honour to transmit herewith the report on Somalia of the Monitoring Group on Somalia and Eritrea.

In this connection, the Committee would appreciate it if the present letter and the report were brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) Oh **Joon**
Chair
Security Council Committee pursuant to resolutions 751 (1992)
and 1907 (2009) concerning Somalia and Eritrea

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S/2014/726

Letter dated 19 September 2014 from the members of the Monitoring Group on Somalia and Eritrea addressed to the Chair of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea

We have the honour to transmit herewith the report focusing on Somalia of the Monitoring Group on Somalia and Eritrea, in accordance with paragraph 28 of Security Council resolution 2111 (2013).

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(*Signed*) Zeina **Awad**
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Armed groups expert

S/2014/726

Report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 2111 (2013): Somalia

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* The annexes are being circulated in the language of submission only and are being issued without formal editing.

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Summary

Following the end of the transition in Somalia in the middle of 2012, the election of Hassan Sheikh Mohamud as President and the establishment of the Federal Government of Somalia presented an opportunity for another kind of leadership and basis for engagement by Member States. The new configuration has received the greatest international political and financial commitment in two decades, since the withdrawal of United Nations forces in 1995. As previously noted by the Monitoring Group, however, a genuine end of transition necessitated a change, both in individual leadership and in the system of government that had previously undermined the State-building enterprise through misappropriation of public goods and security sector fiefdoms. While control over financial flows and security institutions was previously divided between several principal power holders, the new President inherited a system in which he controlled neither, leading to the development of coping mechanisms to obtain external funds and arrange security relations inside and outside of the Government.

A year after the Group's previous report (S/2013/413), international investment at the political level and some reform efforts have not altered the underlying dynamics of the government system, which are largely a continuation of earlier transitional arrangements, in terms of both a lack of transparency of and accountability for public resources and clan-based interests dominating security forces and logistics. Meanwhile, the deepening reliance on financial and security coping mechanisms, partly owing to vested interests and partly for political survival, has produced lines of control parallel to the formal institutions of government with which the international community is engaging. Consequently, the decline of popular support for the current political configuration to the levels from before the end of the transition, and increasing clan-based instability in the capital and elsewhere, threaten to undermine the Federal Government, the prospects of reinforcing State institutions and the peace and security of Somalia.

Notwithstanding continual increases in troop strength and financial support for the African Union Mission in Somalia (AMISOM), tangible gains of the continuing offensive (Operation Eagle) and international assistance to the Somali security sector, accompanied by the easing of the arms embargo, Harakaat al-Shabaab al-Mujaahidiin (Al-Shabaab) remains the principal threat to peace and security in Somalia and throughout the Horn of Africa. In the past, the growth of Al-Shabaab was either due to or measured against the weakness of the central Government and its security forces. While it has not been able to retain its military strength and posture of 2009-2010, however, Al-Shabaab has evolved in qualitative terms, possibly owing to several factors, including the violent but pragmatic purge of its dissenting senior ranks in 2013, the ability of Mukhtar Ali al-Zubayr (Ahmed Godane) before his death to consolidate his authority without any evident challenge and the resulting dominance of the more extremist cadre of the group, which has drawn on support from its affiliates in East Africa. Consequently, Al-Shabaab has managed to maintain an effective and violent footprint in Mogadishu and demonstrated its operational reach beyond the capital by adopting an apparent economy of effort strategy. It has generated fatal attacks throughout southern and central Somalia, while inspiring and coordinating attacks against the country's neighbours.

Indeed, not since the prominence in the Horn of Africa of the former Al-Qaida in East Africa has the region been besieged by a more determined, prolific and effective Al-Qaida-affiliated group as Al-Shabaab. The sustained counter-terrorism pressure and successful overcoming of internal divisions have forced the Al-Shabaab core to become more operationally audacious by placing greater emphasis on exporting its violence beyond the borders of Somalia. Conversely, in the past year, Al-Shabaab's overt regional strategy has relied increasingly on its entrenched support base of Amniyat-like operatives. By the end of 2013, its regional strategy had become apparent: a resurgent extremist group sufficiently assertive to fully align itself with and pursue strategies adapted to transnational Al-Qaida operations, evident in its ability to conduct "complex and spectacular" large-scale attacks, such as that on the Westgate shopping mall in Kenya, representing an evolution of operational tradecraft.

At the local level in Somalia, idiosyncratic factors combine in various locations to constitute broader threats to peace and security. In the Sool region of north-eastern Somaliland, for example, Somaliland forces have clashed with Puntland forces and militias loyal to Khatumo, a political organization based in the Dhulbahante clan that is pursuing the creation of a regional state within Somalia and separation from Somaliland. The region is particularly prone to conflict, given the competing claims by Somaliland, Puntland and Khatumo over oil-rich territory there and political infighting among the Dhulbahante, who are divided in loyalty between Puntland, Khatumo and Somaliland. This state of affairs has led to the militarization of the area, in particular since November 2013, and links in some cases to Al-Shabaab and in others to the Federal Government. In addition, clan-based political violence broke out and sharply escalated from 2013 to the present in Lower Shabelle and Middle Shabelle. The fighting has involved clan militias of the Biyamal (Dir) and Habar Gedir (Hawiye) in Lower Shabelle and the Abgaal (Hawiye) and Shiidle (Bantu/Jareer) in Middle Shabelle and led to attacks on civilian settlements amounting to gross violations of human rights and, in some cases, international humanitarian law. The complexity of the situation entails a combination of the alleged role of senior army officers and soldiers in the violence, leakages of arms to clan-based militias, use of misappropriated resources to fuel the conflict, business interests in capturing land and other resources and political agendas seeking to influence the federal state-formation process. The conflict risks spilling over to other regions and complicates the continuing campaign against Al-Shabaab.

Somali piracy remains at a low point. While piracy may be largely contained, however, many of its underlying causes continue to exist and it remains a threat to peace, security and stability. Given the persistence of piracy networks and their business patterns, pirate operations can easily resume, even on a large scale, if circumstances at sea again become favourable. In addition, unlike those pirates who have been arrested and prosecuted worldwide, most of the principal organizers, financiers and facilitators of this transnational organized crime have gone undisturbed and unpunished. Consequently, pirates are currently benefitting from an environment of impunity that allows them to invest in new forms of business, both legal and illegal, launder their proceeds and gain further profit. Investigations into the finances of pirates and former pirates have revealed large sums of money circulating inside and outside Somalia, financial dealings with Somali politicians, money-laundering overseas and various bank accounts of pirate leaders, financiers and facilitators held in Somalia and elsewhere, several holding close to $1 million.

A change in political circumstance with the establishment of the Federal Government in 2012 notwithstanding, underlying corruption as a system of governance has not yet fundamentally changed and, in some cases, arguably has worsened. In its investigations, the Monitoring Group has consistently found patterns of misappropriation with diversion rates of between 70 and 80 per cent. The indications are that diverted funds are used for partisan agendas that constitute threats to peace and security. Significant steps have been taken to reform the financial management architecture in the Federal Government and need to broaden in scope and deepen in effect with international assistance. As yet, the reality of financial flows in the Government has not been altered or transformed from the earlier transitional period, in particular in terms of accountability and transparency. Notably, the phenomenon of "secret contracting" has become a way of doing business for the Federal Government since at least mid-2013 and creates the opportunity for misappropriation. Contracts regarding national public assets affecting the public interest have been signed by government officials but kept highly confidential — from the Somali population, the parliament and, until now, international donors. Abuse of the legitimacy of the Federal Government to enter into contracts that operate in the same way as private contracts outside the institutions of government has effectively created a parallel system of finances beyond and much greater than the realm of public financial management.

Meanwhile, the past year has not entailed ideal conditions for fundamental reform of the Central Bank, with successive changes of the Governor. Following its previous report (S/2013/413), in which it described the system of *fadlan* payments from the Bank to private individuals or to public officials for private purposes, the Monitoring Group reviewed the accounts of the Bank and found that the rate of such withdrawals remained largely between 70 and 75 per cent. The intentions of the current Governor to reduce the scale of the *fadlan* system notwithstanding, he has found that expenditure is outside his control. Funds are not withdrawn from the Bank against line items in the national budget, meaning that the Governor does not know the actual purpose of the withdrawals. Nevertheless, he has introduced a system of payment vouchers to better reconcile the accounts of the Bank with the Office of the Accountant General. At Mogadishu port, large container vessels began regular shipping to and from the port in mid-2013. They are less subject than smaller vessels to weather patterns, meaning that the regularity of large-scale shipping has increased revenue at the port and the income generated has become more consistent on a monthly basis. Consequently, by the latter half of 2013, the average monthly revenue at the port had increased to in excess of $5.5 million in customs duties alone, not including port fees and additional charges on tax-exempt imports. The average monthly deposit in the Bank from the port since mid-2013 has totalled $4.6 million, however. At present, the Group estimates that at least 30 to 35 per cent of monthly port revenue cannot be accounted for, which is largely a continuation of the previous year's rate of diversion.

With the creation by the Security Council of an exemption to the arms embargo for the Federal Government, the Federal Government in turn incurred a corresponding set of obligations in terms of notifying the Committee of deliveries for the security sector and reporting to the Council on the structure of the government security forces and on weapons management. While the reports of the Federal Government to the Council are still not comprehensive and do not strictly fulfil the requirements of relevant resolutions, they nevertheless reflect improvement over

time. Since the introduction of the exemption, the number of various types of arms that have been delivered or are expected to be delivered to the Federal Government pursuant to formal notifications to the Committee now exceeds 13,000, with some 5.5 million rounds of different types of ammunition. Some of the weapons and ammunition have been diverted to arms markets in Mogadishu. Overall, given the anomalies, inaccuracies or lack of notifications to the Committee, the Federal Government has not imported weapons into Somalia in full compliance with its obligations. In addition, the Monitoring Group has identified other violations of the arms embargo, including the diversion of weapons to arms networks connected to the Federal Government, arms deliveries to Puntland, the delivery of detonator cords to north-eastern Somalia and the delivery of military-type vehicles to Jubaland. The Group also remains concerned about compliance by Somaliland with Council resolutions in its plans to establish an oil protection unit.

Humanitarian access in many parts of Somalia remained fragile. Although physical access became possible throughout a larger territory, with the United Nations and non-governmental organizations establishing a presence in new locations, the quality and sustainability of that access degraded in many places owing to a combination of intensified conflict, increased displacement and deteriorating security, in particular exacerbated by the joint national army and AMISOM offensive against Al-Shabaab. In urban centres "recovered" as a result of the offensive, government control continued to be limited to a confined area, with supply lines greatly vulnerable to attack, including as Al-Shabaab violently besieged recovered towns. The provision of assistance to rural areas remained particularly difficult.

While the total amount of humanitarian assistance available for distribution in Somalia has declined, the announcement of the "New Deal" in late 2013 spurred efforts to create and control new sites for resource capture and had a knock-on effect on the humanitarian context. Enhanced investigations into humanitarian diversion and its impact, including by the Monitoring Group, compelled United Nations entities, non-governmental organizations and donors to increase their due diligence and monitoring and develop new risk management tools. However, the realities of uneven quality of access, continuing insecurity and fluidity of authority, coupled with persistent remote management practices, saw continued diversion of humanitarian assistance by State actors (including the security forces) non-State armed actors (including Al-Shabaab), staff of humanitarian agencies, private contractors and criminal entities.

Growing insecurity and new cycles of conflict created an environment within which violations of applicable international law involving the targeting of civilians, in addition to violations of the prohibition on gender-based violence, recruitment and use of children and forced displacement, were committed throughout the country, but in particular in southern and central Somalia. Those responsible included members of all parties to the conflicts, including Al-Shabaab and its affiliates, AMISOM and its strategic partners, the national armed forces, the security forces of regional administrations and their allies, armed actors associated with the various regional, subregional and local administrations and clan militias. Minority communities and vulnerable groups, such as internally displaced persons, children, young men and women and girls, were more likely to be exposed to violations.

To date, the scale of the international trade in Somali charcoal is largely consistent with the period 2012-2013. The transnational business architecture for the trade remains in place and continues to adapt to ensure large-scale profit. The supply chain entails a complex picture of collusion and collaboration by traders, transporters, brokers, wholesalers and individuals involved in manufacturing false paperwork in order to facilitate systematic violations of the ban on Somali charcoal. On the basis of shipments documented and estimates of additional shipments, upwards of 1 million bags of charcoal have been exported each month from Kismayo, in addition to those exported from Al-Shabaab-controlled Barawe and other smaller ports. The overall international market value of the charcoal exported in 2013 and 2014 can be estimated to be in excess of $250 million, but could be much more given that the Monitoring Group may not have identified all shipments. Meanwhile, Al-Shabaab continues to benefit from the revenue generated, on a scale greater than when it controlled Kismayo, at charcoal production sites, from checkpoints along trucking routes and from exports, in particular at Kismayo and Barawe, all of which to date have been uninterrupted by the military offensive against the group.

The Monitoring Group continues to be confronted with efforts to obstruct its work, especially by means of targeting either the investigations or the credibility and reputation of individual members of the Group. In particular, the Government of Kenya prevented one of the Group's experts from remaining at his duty station, while vested interests in the name of the Federal Government sought to undermine individual members and prevent the Group as a whole from fulfilling its mandate. In addition, under the current precarious conditions, the spoilers identified by the Group threaten to undermine legitimate authority in the country and international assistance efforts. To better secure the gains made to date, the Group believes that such individuals violating relevant Security Council resolutions should be designated for targeted measures with the least possible delay. To this end, it proposes several new additions to the sanctions list established in accordance with Security Council resolution 1844 (2008).

I. Introduction

A. Mandate

1. The mandate of the Monitoring Group on Somalia and Eritrea is contained in paragraph 27 of Security Council resolution 2111 (2013), adopted on 24 July 2013, and paragraph 13 of resolution 2060 (2012). Additional tasks were assigned to the Group under resolutions 2093 (2013) and 2142 (2014).

2. Pursuant to paragraph 27 of resolution 2111 (2013) and paragraph 13 (l) of resolution 2060 (2012), the Monitoring Group provided the Security Council, through the Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea, with a midterm briefing on 27 March 2014. The Group also submitted monthly progress reports to the Committee throughout its mandate.

3. In the course of their investigations, members of the Monitoring Group travelled to Australia, Bahrain, Belgium, Cyprus, Djibouti, Egypt, Ethiopia, France, Germany, India, Italy, Kyrgyzstan, the Netherlands, Norway, Qatar, Saudi Arabia, Seychelles, Somalia, South Africa, South Sudan, Spain, Sweden, Turkey, Uganda, the United Arab Emirates, the United Kingdom of Great Britain and Northern Ireland and the United States of America. In Somalia, members of the Group were able to undertake regular visits to Mogadishu, Hargeysa and Garowe, but much of the south of the country remained inaccessible.

4. The Monitoring Group was based in Nairobi and comprised the following experts: Jarat Chopra (Coordinator), Nicholas Argeros (finance), Zeina Awad (transport), Déirdre Clancy (humanitarian), Joakim Gundel (arms), Dinesh Mahtani (finance), Jörg Roofthooft (maritime) and Babatunde Taiwo (armed groups). The last-mentioned expert remained outside Kenya as from September 2013.

B. Methodology

5. The evidentiary standards and verification processes outlined in the previous reports of the Monitoring Group apply to work conducted during the mandate under review. The Group reaffirmed its methodology pursuant to its previous reports (most recently, S/2013/413 and S/2013/440). The methodology used for the present report is as follows:

(a) Collecting information on events and topics from multiple sources, where possible;

(b) Collecting information from sources with first-hand knowledge of events, where possible;

(c) Identifying consistency in patterns of information and comparing existing knowledge with new information and emerging trends;

(d) Continuously factoring in the expertise and judgement of the relevant expert of the Monitoring Group and the collective assessment of the Group with regard to the credibility of information and the reliability of sources;

(e) Obtaining physical, photographic, audio, video and/or documentary evidence in support of the information collected.

6. The Monitoring Group made a deliberate and systematic effort to gain access to those involved in violations by way of individuals with direct knowledge or who know people with direct knowledge about details of violations. On some occasions, the Group was able to witness first-hand active violations.

7. The Monitoring Group interviewed a wide range of sources with relevant information, including government officials and representatives of diplomatic missions, civil society organizations and aid agencies. Members of the Group met various government officials, including the President and ministers, and representatives of security agencies. The Group also met or communicated with officials from the Puntland and Somaliland Administrations, representatives of political and armed groups, defectors and members of business communities and Somali civil society.

8. In conformity with guidance provided by the Committee, the Monitoring Group endeavoured to include as much of the testimony and evidence as possible in its final report. However, General Assembly resolutions on the control and limitation of documentation, in particular resolutions 52/214, 53/208 and 59/265, necessitated the extensive use of annexes, preventing much of the substance from being translated. In addition, regulations exclude the insertion of maps, photographs and charts in the main report. The Group provided relevant material to the Committee on an ongoing basis throughout its mandate.

9. In accordance with the Secretary-General's bulletin on information sensitivity, classification and handling (ST/SGB/2007/6), the Monitoring Group has submitted to the Committee, together with the present report, several strictly confidential annexes containing information whose disclosure may be detrimental to the proper functioning of the United Nations or to the welfare and safety of its staff or third parties or may violate the Organization's legal obligations. Those annexes will not be issued as a document of the Security Council.

II. Acts that threaten the peace, security and stability of Somalia[1]

A. Harakaat al-Shabaab al-Mujaahidiin

Threat

10. Since the Monitoring Group's previous report (S/2013/413), Harakaat al-Shabaab al-Mujaahidiin (Al-Shabaab) remains the principal threat to peace and security in Somalia and throughout the Horn of Africa. Its inability to retain its

[1] By paragraph 8 (a) of resolution 1844 (2008), the Security Council prohibited acts that threatened the peace, security or stability of Somalia. By paragraph 43 (a) of resolution 2093 (2013), the Council included among the prohibited acts those that threatened the peace and reconciliation process in Somalia or threatened the Federal Government or AMISOM by force. By paragraph 2 of resolution 2002 (2011), the Council expanded the scope of prohibited acts to include the misappropriation of public financial resources, which the Council reiterated in paragraph 2 (c) of resolution 2060 (2012). In addition, by paragraph 25 of resolution 2111 (2013), the Council reiterated its willingness to take action against individuals involved in the misappropriation of public resources.

military strength and posture of 2009-2010 notwithstanding,[2] its threat continues to reverberate, generating fatal attacks throughout southern and central Somalia while inspiring and coordinating attacks against neighbouring countries.[3]

11. Similarly, Al-Shabaab has continued to demonstrate its violent operational reach beyond Mogadishu, where it has enhanced its capacity by adopting an apparent economy of effort strategy.[4] The strategy has also involved Al-Shabaab maintaining an effective and violent footprint in the capital, its widely publicized withdrawal in August 2011 notwithstanding.

12. As in the past, its attacks have been calculated, coordinated and part of a strategic campaign involving a sustained asymmetrical conflict. Its tactics include improvised explosives (person-borne, vehicle-borne and radio-controlled), mortar shelling, grenade and hit-and-run attacks and frequent ambushes in "recovered" locations such as Baidoa, Beledweyne and Kismayo (see a map of Al-Shabaab's operational presence in Somalia in annex 1.1).[5] The attacks have targeted, among others, civilians, parliamentarians, African Union Mission in Somalia (AMISOM) forces, United Nations staff and government institutions, including repeated "spectacular" attacks against the presidential palace, a key target of Al-Shabaab operations in Mogadishu during the current mandate (see the section on improvised explosive devices and infiltration in annex 1.3).

13. Organizationally, while Al-Shabaab appears to have aligned itself closer to the Al-Qaida transnational agenda, devoting considerable operational efforts to attacks beyond the borders of Somalia, it has also repositioned itself to adopt a more tactically violent approach to its campaign within the country, as illustrated by its activities in locations such as Mogadishu. Three possible factors explain this shift.

14. First is the aftermath of Al-Shabaab's violent but equally pragmatic purge of its dissenting senior ranks in 2013 (see an image of "Arabey", one of the few surviving senior Al-Shabaab dissenters, in strictly confidential annex 1.2).[6] Second, the outcome of the purge suggested that Mukhtar Ali al-Zubayr (Ahmed Godane), before his demise in September 2014, had been able to consolidate his authority over Al-Shabaab without any outward display of discontent or challenge.[7] Third, the

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[2] From 2009 to 2010, Al-Shabaab was the most dominant actor in Somalia in terms of its territorial presence and military capacity.

[3] The Monitoring Group's assessment is that Al-Shabaab has demonstrated during the current mandate that it has now become a transnational threat. See the Horn of Africa case study in strictly confidential annex 2.

[4] The Monitoring Group believes that this is a significant demonstration of Al-Shabaab's organizational capacity.

[5] See BBC News, "Somali African Union Beledweyne base hit by bomb attack", 19 November 2013. Available from www.bbc.com/news/world-africa-24998892.

[6] This included the killing in 2013 of Sheikh Abu Bakr Zaylai (al-Afghani Ibrahim Mee'aad), Abu Hamid Hashi Olhayi (Sheikh Burhan) and Abu Mansoor Al-Amriki (Omar Hammami) and the reported detention of several other members. The Monitoring Group believes that the level of internal divisions in the lead-up to the summer of 2013 had become unsustainable and a direct challenge to the authority of Ahmed Godane. It also believes that, as far back as early 2013, decisions, at least among some of the internationalist-leaning cadre of Al-Shabaab, had been made to neutralize a number of senior dissenters.

[7] The Monitoring Group is unaware of any credible information suggesting that Ahmed Godane had been facing a significant challenge from within the senior ranks of Al-Shabaab. On 27 July 2014, however, unconfirmed media reports suggested that he might have survived an assassination attempt in Baraawe.

purge appears to have given dominance to the more extremist cadre of Al-Shabaab, particularly, drawing on support from affiliates,[8] including Al-Hijra, and other senior East African commanders based in Somalia.[9]

External pressure

15. Strategically, Al-Shabaab has demonstrated its flexibility, especially in southern Somalia. Consequently, the group has adjusted where necessary to address the fluidity of its operational environment. Likewise, external pressure, including periodic lethal action from Member States,[10] the AMISOM military surge and, to a degree, engagements by the armed forces, have all pressured Al-Shabaab into further adjusting its tactics and methods, albeit with varying outcomes.

16. The use and threat of lethal action such as intelligence-led air strikes conducted by Member States have deprived Al-Shabaab of senior commanders, notably Ibrahim Ali Abdi "Anta Anta" and Ahmed Abdulkadir "Sahal Iskudhuq",[11] and possibly contributed to the choreographed "public defection" of Sheikh Maxamed Sayid "Atom".[12] More symbolically, following a five-year, intelligence-driven operation by the United States in Somalia, Al-Shabaab's "Emir", Ahmed Godane, was killed in a drone strike on 1 September 2014.[13] The Monitoring Group's assessment is that strategic strikes have in general resulted in short-term gains, but significantly failed to diminish Al-Shabaab's operational capacity. There is no current evidence that they have the potential to "degrade and destroy" Al-Shabaab.[14] While the recent removal of Ahmed Godane from the battlefield represents a significant achievement for AMISOM and the Federal Government in their efforts to defeat Al-Shabaab, the departure of such an important figure does not mark the end of Al-Shabaab or its capabilities.

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[8] The Monitoring Group assesses that Ahmed Godane enjoyed the support not only of affiliates such as Somalia-based Al-Hijra fighters, but also a growing number of new recruits based in Mombasa, Kenya, and the United Republic of Tanzania.

[9] In March 2014, the new transnational-looking Al-Shabaab received a public sign of approval from the East African foreign fighters contingent. During an oath of allegiance in the form of a video message entitled "Mujahideen moments 3", an ascending senior Kenyan commander from Mombasa, Abu Salim al-Muhajir, can be seen reaffirming the commitment of East Africa to international jihad and to Ahmed Godane.

[10] Credible evidence continues to suggest that Member States, including Ethiopia, Kenya and the United States, have conducted lethal counter-terrorism operations inside Somalia against Al-Shabaab.

[11] See Bureau of Investigative Journalism, "Somalia: reported US covert actions 2001-2014", 22 February 2012. Available from www.thebureauinvestigates.com/2012/02/22/get-the-data-somalias-hidden-war/.

[12] On 7 June 2014, the Ministry of Information of Somalia announced that "Atom" had agreed to defect from Al-Shabaab (see https://madmimi.com/p/c40ee4?fe=1&pact=23142609746). The Monitoring Group notes that, following the takeover of Al-Shabaab North East by "Yasin Kilwe" in January 2012, "Atom" began to lose significance and had probably defected well in advance of his so-called "public defection" in 2014. In addition, credible but uncorroborated information strongly indicates that "Atom", in spite of the travel ban imposed upon him by the Security Council, may have been facilitated to travel internationally frequently.

[13] See a Department of Defense press release at www.defense.gov/Releases/Release.aspx?ReleaseID=16924.

[14] In addition, there is no credible evidence (politically or operationally) to date to suggest that either the Federal Government of Somalia or AMISOM has been able to strategically exploit such actions.

Potential implications of Ahmed Godane's death

On 6 September 2014, Al-Shabaab announced that it had appointed Ahmad Umar Abu Ubaidah as the group's new "Emir".[a] According to credible information,[b] he had served as a close adviser and member of the hard-line inner circle of the former "Emir".[c] The Monitoring Group is currently following events within Al-Shabaab to assess the medium-term to long-term implications of Ahmed Godane's death.

On the basis of current evidence, especially Al-Shabaab's operational evolution[d] and information received, the indications are that, in the short term, the death of Ahmed Godane is unlikely to alter the insecurity trajectories in and beyond Somalia significantly,[e] in particular the group's ability to carry out violence in Mogadishu.[f]

Early indications of Al-Shabaab's determination and potential future direction have been a series of operations since the death of Ahmed Godane. They have included an ambush against officials of the Federal Government in Caag Mareer (Hiraan region),[g] a vehicle-borne improvised explosive device attack targeting an AMISOM convoy in Afgoye[h] and the assassination of a senior National Intelligence and Security Agency official in Mogadishu.[i] Likewise, evidence strongly indicates that Al-Shabaab was in the final stages of carrying out an attack against Uganda following the disruption of an Al-Shabaab cell, during which a suicide vest and explosives were reportedly recovered.[j]

In terms of Al-Shabaab's cohesion, however, the Monitoring Group is aware of credible reports suggesting factional rivalries to the appointment of Ahmad Umar Abu Ubaidah. If accurate, the potential strains of emerging factions within Al-Shabaab are likely to become more visible and, potentially, afford an opportunity for the Federal Government to exploit, albeit not permanently paralyse, Al-Shabaab.[k]

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[a] This information was conveyed using Al-Shabaab's authorized Twitter account at https://twitter.com/s7bhijratain/status/50830184, which has since been disabled.

[b] E-mail correspondence with AMISOM security officials from 2 to 7 September 2014 and a briefing by a regional intelligence official on 8 September 2014.

[c] Credible information suggests that the new leader is known as "Ahmed Diriye" and "Mahad Umar Abdikarim".

[d] The Monitoring Group has used the operational timeline of June 2013 to July 2014 as part of its judgement of Al-Shabaab's operational evolution.

[e] As part of its assessment, the Monitoring Group has taken into consideration the fact that Ahmed Godane was unlikely to be involved in day-to-day operational decision-making and that the commanders with day-to-day operational responsibility continue to retain the freedom to implement the "Emir's intent" (a course of action and method for accomplishing and prosecuting violent jihad both in and beyond Somalia).

[f] Likewise, the Monitoring Group assesses that the death of Ahmed Godane will not affect the capability of Al-Shabaab to carry out regional attacks within the coming three to six months (including the ability of the Al-Shabaab core to instigate and incite regional affiliates).

[g] Confidential United Nations and non-governmental organization report dated 7 September 2014.

[h] Confidential United Nations and non-governmental organization report dated 8 September 2014.

[i] Reuters, "Somali Islamists kill national security officer; Al Shabaab claim responsibility", 13 September 2014. Available from www.hiiraan.com/news4/2014/Sept/56331/somali_islamists_kill_national_security_officer_al_shabaab_claim_responsibility.aspx#sthash.aFWBSga4.dpbs.

[j] See Risdel Kasasira and Albert Tumwine, "How al-Shabaab entered Uganda", *Daily Monitor*, 16 September 2014. Available from www.monitor.co.ug/News/National/How-al-Shabaab-entered-Uganda/-/688334/2453730/-/3u3m4xz/-/index.html. The Monitoring Group is aware of claims by Al-Shabaab denying the disruption in Kampala. See also Somalicurrent, "Al Shabaab denies Ugandan officials foiled planned attack", 15 September 2014. Available from www.somalicurrent.com/2014/09/15/al-shabaab-denies-ugandan-officials-foiled-planned-attack/.

[k] The Monitoring Group is also following credible reports that have linked a number of senior Al-Shabaab commanders to a potential oath of allegiance to Islamic State. On 6 September 2014, Al-Shabaab and its new leader reconfirmed their oath of allegiance to Al-Qaida.

17. Accordingly, during the reporting period, high-profile commanders, including Abdulkadir Mohamed Abdulkadir "Ikrima", Mohamed Sultan Sandhere "Ukash" and Yusuf Dheeq "Ishmaaciil",[15] who have all been linked to high-profile "complex" attacks in 2013 and 2014,[16] enjoy operational freedom to plan and direct attacks from their base in Barawe in Somalia.[17] Paradoxically, foreign counter-terrorism operations (intelligence-led air strikes) in Somalia have also been adeptly exploited by Al-Shabaab for its own propaganda purposes. This was clearly illustrated in October 2013 after the failed attempt to kill or capture "Ikrima"[18] and more recently in August 2014 when Al-Shabaab's media wing, Al-Kataib, released a documentary-style reconstruction of the abortive French-United States military raid on Bulo Marer on 11 January 2013.[19]

[15] According to sensitive reporting received by the Monitoring Group in September 2014, and corroborated by a regional intelligence service, Yusuf Dheeq "Ishmaaciil" is reportedly Al-Shabaab's chief Amniyat in charge of external operations.

[16] Unconfirmed information has linked "Ukash" to two regional attacks.

[17] The Monitoring Group believes that the use of intelligence-led air strikes against Al-Shabaab in Somalia gives rise to short-term gains, unlike counter-terrorism operations against core Al-Qaida, which have, for the most part, denied operatives, in particular senior leaders and commanders, sanctuaries, thus keeping them "on the run". This would appear not to be the case in Somalia with regard to Al-Shabaab leaders. By and large, Al-Shabaab's senior leadership remains intact and able to move freely within the country. An example is the unconfirmed reported visit of Al-Shabaab's Governor for Banadir, "Ali Jabal", attending a Koranic competition in Mogadishu (see http://dalsanradio.com/articles/7197/Senior-Alshabaab-Member-Takes-Part-a-Quran-Quiz-in-Mogadishu). The Group notes that the Federal Government has denied this claim by Al-Shabaab.

[18] On 7 October 2013, an Al-Shabaab member, "Saqr Quarish", gave an alleged first-hand account of the counter-terrorism operation in Barawe to capture "Ikrima". His account was posted on his Twitter account, which later turned up in several jihad forums. For the account, see http://ent.siteintelgroup.com/Jihadist-News/jihadist-gives-alleged-account-of-u-s-navy-seal-raid-in-barawe.html.

[19] The video is available from http://sitemultimedia.org/video/SITE_Shabaab_Failed_French_Raid.mp4.

Operation Eagle

18. Meanwhile, offensive action by AMISOM, supported by the national armed forces, has seen Al-Shabaab cede more territory in Somalia during the current reporting period (see the map of areas captured from Al-Shabaab as at July 2014 in annex 1.1). Following the adoption of Security Council resolution 2124 (2013),[20] a military campaign under Operation Eagle was launched in March 2014 with the objective of degrading Al-Shabaab's capacity to control strategic locations in Somalia.[21] The current cessation in military operations notwithstanding,[22] Operation Eagle appears to have made tangible gains,[23] including capturing areas from Al-Shabaab in Bakool, Galguduud, Gedo, Hiiraan and Lower Shabelle (see S/2014/330).

19. Both AMISOM and the national armed forces have, however, had to contend with regular attacks by Al-Shabaab in the recovered locations, highlighting the scope of the group's infiltration. An example of this was on 13 March 2014, following the capture by AMISOM of Buulobarde in the Hiiraan region. Less than a week later, Al-Shabaab carried out a "complex" attack against a makeshift AMISOM base in Buulobarde on 18 March 2014, killing two AMISOM soldiers and a number of national armed forces personnel.[24]

20. The Monitoring Group believes that Operation Eagle's "success" should also be linked to unwillingness on the part of Al-Shabaab to engage the allied forces militarily and to tactically opt to cede territory without resistance. This would suggest that Al-Shabaab intends to focus its efforts on intelligence gathering, infiltration and asymmetrical attacks, as seen during the current mandate, in strategic locations such as Mogadishu and sanctuaries such as Puntland and Somaliland.

21. Annex 1.3 provides a description of the tactics, techniques and procedures of Al-Shabaab in Mogadishu.

22. Annex 1.4 provides a description of the presence of Al-Shabaab in Puntland.

B. Al-Shabaab as a regional and international threat

23. Not since the prominence in the Horn of Africa of the former Al-Qaida in East Africa[25] has the region been besieged by a more determined, prolific and effective

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[20] By its resolution 2124 (2013), the Security Council requested the African Union to increase the AMISOM force strength from 17,731 to 22,126.

[21] The Monitoring Group notes that, while Operation Eagle's objectives have been achieved to an extent, evidence continues to indicate that Al-Shabaab retains the capacity to strike at will within the "recovered" locations deemed as strategic. An example was its assassination of the Interim Juba Administration intelligence officer, Isse Kambano, in February 2014 (see www.keydmedia.net/en/news/article/somalia_senior_security_officer_shot_dead_in_kismayo/).

[22] As at the time of writing, there had been no resumption of military operations against Al-Shabaab.

[23] While Operation Eagle has achieved gains militarily, according to the AMISOM Joint Operation Information-Sharing Forum, there continues to be serious challenges with regard to stabilization across "liberated" areas.

[24] See BBC News, "Somalia's al-Shabab attacks army hotel in Bulo-burde", 18 March 2014. Available from www.bbc.com/news/world-africa-26626335.

[25] Al-Qaida in East Africa has evolved over several generations since its arrival in the Horn of Africa in the early 1990s and has arguably had three generations: 1991-1996, 1996-2002 and 2002-2011.

Al-Qaida-affiliated group as Al-Shabaab.[26] Likewise, since the Monitoring Group's previous report (S/2013/413), strictly confidential annex 2.1), Al-Shabaab has demonstrated its resilience in emerging from a fractious state in late 2012 to mid-2013, caused by leadership and operational disputes, while enduring a series of kinetic counter-terrorism campaigns by regional and foreign intelligence services.[27]

24. The sustained counter-terrorism pressure and successful overcoming of internal divisions have forced the Al-Shabaab core to become more operationally audacious by placing greater emphasis on exporting its violence beyond the borders of Somalia.[28] Conversely, in the past year, Al-Shabaab's overt regional strategy has relied increasingly on its entrenched support-base of Amniyat-like operatives,[29] especially in Djibouti and Ethiopia, and, to an extent, affiliates,[30] including Al-Hijra in Kenya, to conduct terrorist attacks in the region.[31]

25. By the end of 2013, Al-Shabaab's regional strategy had become apparent: a resurgent extremist group sufficiently assertive to fully align itself with and pursue strategies adapted to transnational Al-Qaida operations. Evidence of this is visibly manifested in the "Badru Nairobi Operation", commonly known as the Westgate shopping mall attack of September 2013. The operation,[32] conceived in Somalia, planned from a United Nations refugee camp and executed from Eastleigh in Nairobi,[33] signalled the widely anticipated operational shift. It marked a departure from "soft targets" to "complex and spectacular" large-scale attacks beyond Somalia,[34] drawing on, where practical, a combination of Al-Hijra resources (in Kenya) at the peripheral level and the operational discipline of Al-Shabaab core

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[26] For a number of years, Al-Qaida in East Africa enjoyed operational success in the Horn of Africa. The Monitoring Group assesses that Al-Shabaab is beginning to enjoy the same operational success regionally in East Africa. See "The future of Al-Qaeda", available from www.investigativeproject.org/documents/testimony/394.pdf.

[27] From 2012 to 2013, open-source intelligence and sensitive reporting have shown that international actors, including the United States and the United Kingdom, and regional allies, such as States members of the Intergovernmental Authority on Development, have focused efforts to counter Al-Shabaab's activities.

[28] Contradicting his seemingly isolationist policies to date, Ahmed Godane, in his Ramadan audio address, released on 30 June 2013, stated that "the mujahid must know that our war against the kafir is borderless and not constrained to some geographical regions or any specific land" and that "the mujahid must comprehend that our jihad is a global jihad that gives support to every oppressed Muslim in every corner of the globe". The Monitoring Group believes that the statement was a potential indicator of Al-Shabaab's intention, following the purge in mid-2013, to redouble its regional operations.

[29] Evidence suggests that some of those individuals include Somalis living outside Somalia, such as diplomats, journalists and community activists.

[30] During the current mandate, the Monitoring Group encountered severe operational difficulties in investigating Al-Hijra in Kenya and regionally owing to national security concerns on the part of the Government of Kenya. The United Nations and the Government are currently in discussions on resolving the situation.

[31] The Monitoring Group is increasingly concerned by the foreign link to Al-Hijra, in particular its foreign financiers.

[32] See Al-Shabaab, "Was the Badru Nairobi Operation a cowardly act", *Gaidi Mtaani*. Available from https://azelin.files.wordpress.com/2013/11/gaidi-mtaani-issue-4.pdf.

[33] The Monitoring Group remains extremely concerned at the use of United Nations camps as safe havens and staging grounds for Al-Shabaab operations. Since its mandate in 2010, it has observed an increased Al-Shabaab presence, exploiting such camps for terror activities.

[34] Historically, Al-Shabaab's operational models and tactics, techniques and procedures have always been tried and tested in Somalia before being exported to the region.

Amniyat-like operatives on the other.[35] On a psychological level, the operation has dispelled the latent belief within Kenya, which appeared to be borne out of a series of failed aspirational plots by affiliates such as Al-Hijra, that "complex and spectacular" attacks were impossible.[36]

26. In 2014, Al-Shabaab's newfound operational tempo in Kenya continued with a series of symbolic attacks and attempted plots, including a partially constructed vehicle-borne improvised explosive device, successfully infiltrated from Somalia. The device was reportedly destined for a major attack in Mombasa (see strictly confidential annex 2.1).[37] Demonstrating its operational philosophy of fomenting fear in Kenya, Al-Shabaab planted an improvised explosive device inside Jomo Kenyatta International Airport on 16 January 2014. The symbolic attack was linked to a Nairobi-based Somali diplomat, Ilyas Yussuf Warsame, and five others.[38] By mid-2014, the accumulation of Al-Shabaab attacks inside Kenya and the potency of its threat appeared to have resulted in the group achieving part of its objective: to create anxiety in Kenya. The response based on credible intelligence has led a number of Western embassies in Kenya to issue travel advisories and others to reduce staffing levels.[39]

27. In Ethiopia, Al-Shabaab's meticulous and incremental planning to carry out violent attacks involved the reassigning of Amniyat-like operatives from Kenya, Somalia, Somaliland and possibly Yemen to Addis Ababa in the form of the "Bole Rwanda cell".[40] This included an Al-Shabaab operative assuming the identity of a United Nations worker and another using his membership of the Puntland security forces and patronage from the Puntland authorities to conspire against Ethiopia. The plot, if executed as planned, would almost certainly have resulted in Al-Shabaab breaking its long operational deadlock inside Addis Ababa.[41] Owing to enhanced security, however, in the final hours leading up to an attack that would have caused mass casualties, Al-Shabaab was compelled to abort a "complex and spectacular" attack on 13 October 2013, less than a month after the Westgate shopping mall attack.[42]

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[35] In its previous report (S/2013/413), the Monitoring Group described Al-Shabaab's intention to shift from "soft targets" to "complex and spectacular" attacks.

[36] Credible information obtained by the Monitoring Group in relation to several senior Al-Hijra members, including Abubakar Shariff Ahmed "Makaburi" and a direct Twitter message by Abu Mansour Al-Amriki, revealed frustrations at the inability to carry out a major attack in Kenya coordinated and executed by Kenyans.

[37] Incomplete evidence suggests that, unlike previous years, Al-Shabaab core operatives have predominantly carried out attacks inside Kenya in 2014.

[38] The Third Secretary of the Embassy of Somalia in Nairobi, Ilyas Yussuf Warsame, was arrested on 23 January 2014 in connection with that and other attacks. The Monitoring Group notes that he has denied being a member of Al-Shabaab or being involved in the attack (see http://bigstory.ap.org/article/kenya-4-men-charged-court-airport-bombing).

[39] BBC News, "Travel firms suspend flights to Mombasa after FCO warning", 16 May 2014. Available from www.bbc.com/news/uk-27434902.

[40] Exploitation of Al-Shabaab's Ethiopian "Bole Rwanda cell" e-mail accounts and financial records by the Monitoring Group reveals the cell's contacts with Yemen and an operational tier linked to Yemen described by multiple independent sources as an Al-Qaida affiliate.

[41] The Monitoring Group has been briefed in detail on three previous credible Al-Shabaab plots to attack Addis Ababa.

[42] See "Two die in a bomb blast in Addis Ababa", *Addis Standard*, 14 October 2013. Available from http://addisstandard.com/two-die-in-a-bomb-attack-in-addis-ababa.

28. Similarly, in 2014, credible information gathered on Al-Shabaab further reinforces its operational scope and discipline in planning attacks in the Horn of Africa. The Al-Shabaab core can coordinate and conduct successful attacks throughout the Horn, in addition to retaining the operational capability to specifically target Westerners in Djibouti and Kenya, among other countries.[43] Meanwhile, sensitive information acquired by the Monitoring Group strongly indicates that Al-Shabaab may have "misdirected" regional and foreign intelligence services in relation to its target (La Chaumière restaurant) in Djibouti on 24 May 2014.[44] This trait demonstrates the same level of operational tradecraft observed during the planning stages of the "Badru Nairobi Operation" (see strictly confidential annex 2.1).

29. Strictly confidential annex 2.1 provides a description of Al-Shabaab's regional operations in Kenya.

30. Strictly confidential annex 2.2 provides a description of Al-Shabaab's regional operations in Ethiopia.

31. Strictly confidential annex 2.3 provides a description of Al-Shabaab's regional operations in Djibouti.

C. Local threats to peace and security in Somalia

Threats to peace and security in the Sool region

32. The Monitoring Group has followed events closely in the Sool region of north-eastern Somaliland, where Somaliland forces have clashed with Puntland forces and militias loyal to Khatumo, a political organization based in the Dhulbahante clan that is pursuing the creation of a regional state within Somalia and separation from Somaliland.

33. The region is particularly prone to conflict, given the competing claims by Somaliland, Puntland and Khatumo over oil-rich territory there and political infighting among the Dhulbahante, who are divided in loyalty between Puntland, Khatumo and Somaliland. The conflicts have also resulted in attacks on civilians and population displacements (see annex 8.2).

34. The Monitoring Group is concerned by the steady militarization of Sool, especially since November 2013. Notably, the Khatumo movement has cultivated political support from the Federal Government, which does not recognize the claims of Somaliland to oil rich-territory, but after January 2014 has also warmed relations with the Government of Puntland.

35. While the Monitoring Group is concerned by apparent links between Khatumo and Al-Shabaab, it has also noted the potential risks posed by plans drafted by the Government of Somaliland to deploy an oil protection unit in oil-rich territory in

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[43] See Voice of America, "Deadly blast in Djibouti", 24 May 2014. Available from www.voanews.com/content/deadly-attack-in-djibouti/1921950.html. The Monitoring Group assesses that one of the reasons for selecting the Westgate shopping mall as a target was the high number of Westerners frequenting it daily. Credible evidence also suggests that Mombasa is a high-risk area for Westerners.

[44] Information acquired "indirectly" from a senior Djiboutian diplomatic official in May 2014 suggests that electronic surveillance pointed the intelligence services in the wrong direction.

Sool (see annex 3.1 on deteriorating security conditions in Sool and annex 6.7 on plans by the Somaliland authorities for an oil protection unit).

Threats to peace and security in Lower Shabelle and Middle Shabelle

36. In Lower Shabelle and Middle Shabelle, clan-based political violence broke out and sharply escalated from 2013 to the present. The fighting has involved clan militia of the Biyamal (Dir) and Habar Gedir (Hawiye) in Lower Shabelle and the Abgaal (Hawiye) and Shiidle (Bantu/Jareer) in Middle Shabelle, revenge killings and attacks on civilian settlements amounting to gross violations of human rights and, in some cases, international humanitarian law. The complexity of the situation, for example in Lower Shabelle, entails a combination of the alleged role of senior army officers and soldiers in the violence, leakages of arms to clan-based militias, use of misappropriated resources to fuel the conflict, business interests in capturing land and other resources and political agendas seeking to influence the federal state-formation process. The conflict risks spilling over to other regions, including the capital region of Banadir (Mogadishu) and Bay region (Baidoa), and complicates the continuing campaign against Al-Shabaab.

37. See annex 3.2 for an overview of rising tensions in Lower Shabelle and Middle Shabelle.

D. Piracy and kidnap for ransom

Overview

38. Somali piracy remains at a low point. The most recent hijacking of a high-value merchant vessel dates back to May 2012 (that of the Greek-owned and Greek-operated crude oil tanker *Smyrni*). While piracy may be largely contained, however, many of its underlying causes continue to exist. In addition, unlike those pirates who have been arrested and prosecuted worldwide, most of the principal organizers, financiers and facilitators of this transnational organized crime have gone undisturbed and unpunished.

39. With only 15 attacks registered in 2013, including two hijackings, and similar statistics until mid-2014, Somali piracy has diminished and reverted to a level comparable to 2006,[45] although with notable differences between conditions on land and at sea.

40. Between July and December 2006, the rising phenomenon of Somali piracy suffered a serious setback when the Union of Islamic Courts, a political force driven by ideology and religion, significantly clamped down on pirates in areas in which it assumed control, notably pirate safe havens such as Hobyo and Harardhere. The change of political landscape, with leaders in southern and central Somalia having little interest in pirate revenue, resulted in a significant decrease in the number of attacks and hijackings in comparison with 2005.[46] Nevertheless, increasing patrols

[45] International Chamber of Commerce International Maritime Bureau, “Piracy and armed robbery against ships: report for the period 1 January-31 December 2013” (London, January 2014).

[46] In 2006, the International Maritime Bureau registered 20 attacks, including five hijackings, which represented a decrease of 60 and 66 per cent, respectively, in comparison with 2005 (50 attacks, including 15 hijackings).

by international naval forces notwithstanding, pirates remained relatively successful in 2006, with 1 in 4 attacks resulting in the hijacking of a vessel.[47]

41. With the Union of Islamic Courts ousted by 2007, piracy activity in southern and central Somalia resumed and rapidly became successful again.[48] Unopposed on land, pirates increased and expanded their activities at sea to a point where, in 2009 and 2010, a vessel was pirated on average every week.[49] In 2011, however, their success began to diminish with the increasing use of armed private maritime security companies aboard vessels, until such time in 2012 when pirates were no longer able to hijack a vessel, except unprotected and less-valuable targets such as dhows and fishing trawlers.

42. The consistent inability of pirates to hijack high-value targets has ultimately led to a withdrawal of investment by financiers and a reduction in operations, resulting in a much lower hijacking rate.[50]

43. Somali piracy has not, however, been completely eradicated and remains a threat to peace, security and stability. Armed attacks by pirate action groups are still occasionally reported. During the first half of 2014, at least two pirated dhows carrying charcoal were freed by naval coalition forces (see annex 4.1 for a list of registered armed attacks and disruptions since October 2013).

44. Information and communications data seized from arrested pirates also revealed associations with earlier hijacking cases and well-known individuals, such as pirate leaders Mohamed Osman Mohamed "Gafanje", Abdullahi Mohamed Jama "Farahow"[51] and pirate negotiator Abdishakur Mohamud Mohamed "Fred",[52] indicating that existing pirate networks are continuing to test the waters to assess the viability and possibility of reviving the once highly profitable piracy business (see annex 4.2 for photographs of "Gafanje").[53]

45. In addition, at least 42 hostages remain in captivity on land. On 11 March 2014, Kenyan law enforcement authorities confirmed the kidnapping by Somali pirates of

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[47] In 2006, there were five hijacked vessels registered: two dhows, a fishing trawler, a general cargo vessel and a product tanker.

[48] In 2007, the International Maritime Bureau registered 47 attacks, including 12 hijackings, an increase of 135 and 140 per cent, respectively, in comparison with 2006.

[49] In 2009, the International Maritime Bureau registered 217 attacks, including 47 hijackings. In 2010, the numbers rose to 219 attacks and 49 hijackings.

[50] In 2013, the International Maritime Bureau registered 15 attacks, including two hijackings, which represents a hijacking succes rate of 13.3 per cent, the lowest since 2005.

[51] Mohamed Osman Mohamed "Gafanje" is a renowned leader of the Hobyo-Harardhere piracy network who has been involved in tens of hijacking and abduction cases between 2008 and the present, including the abduction of a United States/German journalist, Michael Scott Moore. On 18 August 2014, "Gafanje" was reportedly captured and arrested by the security forces of the Federal Government of Somalia following a raid on his house in Mogadishu, but released again a month later following an alleged bribe payment of $200,000. Abdullahi Mohamed Jama "Farahow" is a pirate leader originally from Barawe who has reportedly been involved in the hijacking of a South African yacht, *Choizil*. He is also connected to the hijackings of three other vessels: *Pompeii* (2009), *Hansa Stavanger* (2009) and *York* (2010).

[52] "Fred" was a pirate negotiator for the hijacked vessel *Rak Afrikana* (2010). He is linked to pirate kingpin Mohamed Abdi Hassan "Afweyne" and in direct contact with several pirate financiers and pirate leaders, such as Mohamed Osman Mohamed "Gafanje" and Abdirahman Abdullahi Haji "Suhufi" (see further S/2013/413, strictly confidential annex 4.6).

[53] Information and communications data extracted in connection with the disruption and arrests of two pirate groups in November 2013 and January 2014.

two Kenyan engineers in Mogadishu on 12 January. They had reportedly been held in Harardhere before being moved to a location in the vicinity of Hobyo.[54]

46. Given the persistence of piracy networks and their business patterns, pirate operations can easily resume, even on a large scale, if circumstances at sea again become favourable.

Somali responses to international arrests of pirates

47. On 12 October 2013, the Belgian authorities arrested the renowned pirate kingpin Mohamed Abdi Hassan "Afweyne" upon his arrival in Brussels for his involvement in the hijacking in 2009 of the Belgian stone carrier *Pompeii*. His business partner and former "President" of the self-declared autonomous region of Himan and Heeb, Mohamed Abdullahi Moalim-Aden "Tiiceey", was arrested with him and is accused of facilitating ransom payments and other activities on behalf of Somali pirates (see annex 4.3).

48. The exceptional arrest and detention of the pirate leader and his accomplice caused much misunderstanding among the Somali population, in particular in Himan and Heeb, where both men were operating. Several protest marches were held in the capital, Adado, in October and November 2013, with tens to hundreds of people, often women and children, holding posters with Afweyne's picture and asking for him to be freed, stating that he was not a pirate, but a businessman (see annex 4.4 for photographs).

49. Religious men and individuals with disabilities who attended a rally held in Adado on 23 November 2013 to protest against the "unlawful" arrests stated that individuals with disabilities throughout Himan and Heeb, who had greatly benefitted from Afweyne's generosity, were suffering and called for the immediate and unconditional release of the two men.[55]

50. Similarly, family, friends and supporters of Tiiceey rejected his arrest, criticized the allegations made against him and voiced their demand for his immediate release on social media, through petitions and television interviews and during organized meetings in his hometown of Minneapolis, United States.

51. Such protests and criticism illustrate that piracy is considered more a source of revenue than a wrongful activity in Somalia. Many regard Afweyne, although responsible for dozens of hijackings, killings and inhuman suffering, to be a benefactor of the community rather than a criminal. There is local indifference to the fact that he acquired his wealth and power by shrewdly exploiting an environment of lawlessness, poverty and corruption.

52. Having facilitated and pardoned pirate leaders in the past, local and central authorities in Somalia in no way counter the distorted image of pirates and piracy. When the arrests of Afweyne and Tiiceey were made public, government officials remained silent, except for those who spoke out publicly to criticize the arrests.

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[54] The remaining hostages as at 7 July 2014 include those from the *FV Prantalay* (12, including 4 from Thailand), the *MV Asphalt Venture* (7 from India) and the *FV Naham* 3 (11 from China, 5 from the Philippines, 5 from Indonesia, 4 from Cambodia and 3 from Viet Nam), in addition to Michael Scott Moore and two civil engineers from Kenya.

[55] See www.goboladaradio.com/?p=19902.

53. Speaking to the local media in Mogadishu on 16 October 2013, the Deputy Chair of the Internal Affairs Committee of the parliament, Dahir Amin Jesow, condemned the arrest of Afweyne.[56] He accused the Government of Belgium of violating the diplomatic immunity of Afweyne who, he said, was a "government official" contributing to the restoration of security in the country and the demobilization of Somali pirates. He further said that Afweyne was holding a political position in the Government and described his arrest as unlawful. He also described the arrest as a humiliation, given that it was conducted without previously notifying the Government.[57]

54. During an interview on 7 June 2014 with a Somali-language website, the official spokesperson of Himan and Heeb, Arays Mohamed Haji,[58] was asked to give an update on the incarceration of Tiiceey and Afweyne in Belgium. He made the following remarks:

> The prominent and famous businessman from Himan and Heeb [Afweyne] and the former Himan and Heeb President [Tiiceey] are still held in detention in Belgium. They have not yet been tried for any crime and therefore remain innocent until proven guilty in a court of law. Since their detention, the Himan and Heeb regional government has spared no efforts, legally and diplomatically, to secure the release of the two men. We still call for their release. They are not criminals. If they had committed any crime, they would have already been proved guilty and convicted. We call for their release. They are highly respected elders and prominent politicians. They are illegally being held in detention. We still call for their release.[59]

55. In addition, Afweyne's own criminal network has forcibly, although not publicly, reacted to his arrest. In November 2013, the Monitoring Group was informed that Afweyne's son, pirate leader Abdikadir Mohamed Abdi (see annex 4.5 for photographs), had announced a reward of $500,000 among the Hawiye/Habar Gedir clan for kidnapping a Belgian to be used to negotiate the release of his father.[60]

56. In the same context, multiple reports have indicated that, early in June 2014, well-armed pirates belonging to groups under the control of Mohamed Osman Mohamed "Gafanje" and Abdikadir Mohamed Abdi were organizing themselves in the coastal towns of Hobyo and Ceel Huur[61] in preparation for a sea operation

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[56] Dahir Amin Jesow is a member of the Hawiye/Gaaljecel/Cifaaf Abdi subclan from the Hiraan region. In March 2014, he, accompanied by an elder of the Hawiye/Gaaljecel clan, Ugaas Abdirahman Ugaas Abdullahi, attended a Gaaljecel clan meeting held in The Hague, the Netherlands, in the presence of clan members from Belgium, Germany, the Netherlands, Switzerland and the United Kingdom. Both men are believed to hold foreign passports (issued by the United Kingdom and New Zealand, respectively). See www.radiowehel.com/2014/03/10/ugaaska-beesha-gaaljecel-xildhibaan-jeesow-oo-lagu-soo-dhaweeyay-holland-sawirro/.

[57] See www.raxanreeb.com/2013/10/xildhbaan-daahir-amiin-jeesow-oo-sharci-daro-ku-tilmaamay-xariga-maxamed/.

[58] Arays Mohamed Haji is a member of the Somali diaspora in London. He was appointed as spokesperson in February 2014, replacing Mohamed Omar Hagafey, another member of the Somali diaspora in London.

[59] See http://raasnews.com/dhageyso-xaalka-tiiceeye-iyo-afweyne-xaguu-ku-dambeeyaa/.

[60] Information obtained independently from law enforcement and military sources.

[61] The coastal town of Ceel Huur is located some 57 km north-east of Xarardheere and 50 km south-west of Hobyo (5°0'24" N, 48°16'9" E).

intended to hijack a merchant vessel, again to use as leverage to negotiate the release of Afweyne.[62]

57. There is no doubt that Afweyne will continue to enjoy the support of the Hawiye/Habar Gedir clan in general and his Saleebaan subclan in particular, given that it is becoming increasingly clear that many have previously benefited from his pirate activities.

Impunity and diversification of pirate finances

58. In its 2012 (S/2012/544) and 2013 (S/2013/413) reports, the Monitoring Group emphasized the absence of United Nations sanctions against and prosecution of identified pirate leaders, financiers and facilitators and the impunity and immunity that they therefore continued to enjoy. Sanctions may, however, be the only and last means of leverage to persuade the Federal Government and other Member States (where some pirates reside, travel or hold bank accounts) to take action.

59. In the meantime, with piracy rates down for three successive years, pirates are currently benefitting from an environment of impunity that allows them to invest in new forms of business, both legal and illegal, to launder their proceeds and gain further profit.

60. As such, and further to documented cases of pirate leaders turning to unlicensed fishing operations in Somali waters as a new source of revenue (see S/2013/413, annex 3.1), the Monitoring Group continues to identify former pirates actively involved in other business activities, including arms trafficking, the airline industry, renewable energy technology, car export and import and the fishing industry (see annex 4.6 for a case study on Central Air Aviation).

61. Preliminary investigations into the finances of pirates and former pirates have revealed significant sums of money circulating inside and outside Somalia, financial dealings with Somali politicians, money-laundering in Dubai, United Arab Emirates, and various bank accounts of pirate leaders, financiers and facilitators held in Somalia and Djibouti, several holding close to $1 million (see annex 4.7 for an overview of pirate finances).

E. Public sector financial mismanagement and corruption

62. Further to its previous reports (S/2012/544 and S/2013/413), the Monitoring Group continued to investigate past and present acts of corruption that undermine public institutions through the diversion of national financial flows and revenue of national assets in Somalia. In its investigations, the Group has considered that the misappropriation of public resources entails the elements of intent, capability and opportunity and conduct. Overall, the Group has observed the perpetuation of conventional patterns of diversion by holders of public office and civil servants with access to national resources or by gatekeepers of government offices, who have continued the basic practices of the Transitional Federal Government. The Group has also, however, identified novel and yet more sophisticated strategies for the

[62] Information obtained from a military naval source and independently confirmed by the Monitoring Group through a Somali source on the ground with direct access to Hobyo-Harardhere pirate groups.

misappropriation of government funds. The Group remains concerned about acts that threaten to capture the public financial management environment in Somalia and undermine international efforts to achieve greater transparency and accountability of Somali finances.

63. The Monitoring Group previously noted that, under the transitional federal institutions, the systematic misappropriation, embezzlement and outright theft of public resources had essentially become a system of governance (S/2012/544, para. 15), undermining the prospects of stabilization and perpetuating a political economy of State collapse. A change in political circumstance with the establishment of the Federal Government in 2012 notwithstanding, underlying corruption as a system of governance has not yet fundamentally changed and, in some cases, the situation arguably has worsened, especially the phenomenon of "secret contracting". The Group has noted that there is a prevalent argument with regard to Somalia that a degree of diversion is inevitable or even acceptable as part of the State-formation process and the exercise of power under the prevailing conditions. This argument is not only inconsistent with the scale of irregular financial flows, but also disregards the importance of corruption to the chronic insecurity of Somalia.[63] In its investigations, the Group has consistently found patterns of misappropriation with diversion rates of between 70 and 80 per cent. The indications are that diverted funds are used for partisan agendas that constitute threats to peace and security.[64]

64. The Federal Government has publicized the efforts under way to reform public financial institutions and management. For example, a new board of directors of the Central Bank was selected and approved by the Cabinet on 24 April 2014, but is awaiting parliamentary approval. Following a search process, a new auditor general was appointed on 13 February 2014. A new accountant general identified, however, declined the position. A procurement amendment bill was approved by the Council of Ministers on 22 May 2014 and an audit bill was approved in June 2014, but both are awaiting parliamentary assent. A ministerial order was published in February requiring the use by all government agencies of the Treasury Single Account and of the Somali Financial Management Information System.[65] Those are important steps in reforming the financial management architecture and need to broaden in scope and deepen in effect with international assistance, because the reality of financial flows in the Government has yet to be altered or transformed from the period of the Transitional Federal Government, in particular in terms of accountability and transparency.

65. As the Monitoring Group has repeatedly concluded, the goal of building an effective and legitimate security sector, in addition to civilian State institutions, as a step towards the stabilization of Somalia will be consistently confounded until the

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[63] In a recent report, the Working Group on Corruption and Security warns specifically against such arguments, given that the sidelining of corruption in favour of narrow security agendas tends to undermine the latter objectives. See Working Group on Corruption and Security, "Corruption: the unrecognized threat to international security" (Washington, D.C., Carnegie Endowment for International Peace, June 2014). Available from http://carnegieendowment.org/files/corruption_and_security.pdf.

[64] The figures are consistent with the period of the Transitional Federal Government. See "World Bank summary of financial diagnostic assessment of 'audit investigative financial report 2009-10'", 30 May 2012. Available from http://wardheernews.com/World_Bank/World_Bank_Summary_of_FDA.pdf.

[65] Second periodic report of the Financial Governance Committee, issued in June 2014.

broader issues of public corruption are meaningfully addressed. In this regard, the Group recommends that the Committee act as rapidly as possible with regard to individuals and entities proposed for designation by the Group in cases of misappropriation of public finances, and in particular individuals and entities in the private sector responsible for instrumentalizing such corruption.

Phenomenon of "secret contracting"

66. The Monitoring Group is particularly concerned about the phenomenon of "secret contracting", which has become a way of doing business for the Federal Government since at least mid-2013 and creates the opportunity for misappropriation. Contracts regarding national public assets affecting the public interest have been signed by government officials but kept highly confidential — from the Somali population, the parliament and, until now, international donors. Neither the process of signing the contracts nor their implementation, including the transparency and accountability of their revenue streams, is subject to public scrutiny or parliamentary oversight. While the Transitional Federal Government regularly entered into contracts of one kind or another, the political recognition accorded to the Federal Government has enabled it to enter into contracts of considerably greater value than could the Transitional Federal Government. One particular contract alone constitutes a value greater than the national budget. Abuse of the legitimacy of the Federal Government to enter into contracts that operate in the same way as private contracts outside the institutions of government has effectively created a parallel system of finances beyond and much greater than the realm of public financial management.

67. None of the contracts regarding national assets entered into in the name of the Federal Government have to date been officially published. Some have been shared for review by the Financial Governance Committee, which includes representatives of the Federal Government and international financial institutions. The Financial Governance Committee confidentially reviewed seven contracts for seismic data processing and marketing, Mogadishu port development and operations, Mogadishu airport development and operations, Mogadishu container port operations, oil and gas exploration and development, the construction of offshore patrol vessels and fisheries management and protection. According to the Financial Governance Committee, "the confidential reviews have established that all of the contracts/concessions reviewed suffer from two important omissions: lack of clear [Federal Government of Somalia] specifications/[terms of reference], and the absence of any competitive tendering process".[65] Another significant problem is that the secrecy of contracts creates mistrust and uncertainty in the various regions of Somalia in terms of sharing of natural resources, which will be exacerbated with the prospects of oil contracts, marine resources and other potential mineral extraction from Somali soil. This can have detrimental effects, not least for the process of federalization. Other problems, given the secrecy of the contracts, are simply knowing how many there are, obtaining copies of them and determining who is actually involved and how. Sources have informed the Monitoring Group that dozens of contracts have been signed.[66] For an overview of several contracts, see annex 5.1.

[66] One senior official asserted in June 2014 that between 25 and 30 contracts had been signed in the preceding six months.

68. In this context, the Monitoring Group obtained documentary evidence that demonstrates that individuals close to the presidency are conspiring to take private control of recovered overseas assets, which should be under the fiduciary control of the Central Bank upon recovery. The effort was undertaken pursuant to a contract signed in July 2013 between the Federal Government and the United States law firm of Shulman, Rogers, Gandal, Pordy and Ecker, P.A., and led to the resignation of Yussur Abrar as Governor of the Bank. Her successor, Bashir Issa Ali, revoked the power of attorney associated with the contract on 13 May 2014 and terminated the contract itself on 14 July. The Group further investigated one of the key individuals involved in the overseas recovery effort, Musa Haji Mohamed "Ganjab", who has past connections to Al-Shabaab and was involved in the diversion of official army weapons stocks (see strictly confidential annex 6.4).

69. A full case study of the contract with the United States firm appears in strictly confidential annex 5.2 as an illustration of the approach and methods of "secret contracting", although each such contract has its own unique narrative.

Central Bank of Somalia

70. The period from 2013 to 2014 has not entailed ideal conditions for fundamental reform of the Central Bank, with the Governor resigning on 13 September 2013, the replacement resigning on 30 October and an interim governor being appointed for 90 days and confirmed only on 24 April 2014. In its previous report (S/2013/413, annex 5.2), the Monitoring Group described the system of *fadlan* payments from the Bank to private individuals or to public officials for private purposes, which the Group found in 2011 amounted to 87 per cent of all withdrawals and in 2012 to 76 per cent. Those figures declined to 72 per cent following the establishment of the Federal Government. The Group has reviewed the accounts of the Bank since its previous report and estimates that the rate of *fadlan* payments to individuals from the Bank remains largely between 70 and 75 per cent. Notably, however, following the publication of the Group's previous report in July 2013, the names of all individuals receiving payments in the Bank's accounts were replaced with coded numbers to obscure the identity of the recipients. It is unclear who holds the master code list with the names against the numbers.

71. The independence of the Central Bank has relied less on the institutional structures in place or not in place than on the personality and integrity of individual governors. This factor has been and continues to be key in government efforts to recover overseas assets described in strictly confidential annex 5.2. The intentions of the current Governor to reduce the scale of the *fadlan* system notwithstanding, he has found that expenditure is outside his control. He has sought to introduce a system in which funds are withdrawn based on payment vouchers signed by the Minister of Finance and the Accountant General, in aid of reconciling Bank accounts with the Office of the Accountant General. Funds are not withdrawn from the Bank against line items in the national budget, however, meaning that the Governor does not know the actual purpose of the withdrawals. Furthermore, the Bank has no mandate to control and oversee how government institutions spend dispensed funds, which is formally the task of the Auditor General and the Parliamentary Financial Committee, although they are inadequately empowered.

Mogadishu port

72. Income generated from the port of Mogadishu has conventionally constituted the largest internal revenue stream for the central Government, aside from bilateral donations from other Governments that may or may not be deposited in the Central Bank. Port revenue, whether customs or port fees, has, however, historically been diverted at the source through various practices that persist today. While control over diversion at the port has taken various forms over the years, invariably the port manager or deputy manager is a key figure.

73. In mid-2013, large container vessels began regular shipping to and from the port. They are less subject than smaller vessels to weather patterns, meaning that the regularity of large-scale shipping has increased revenue at the port and the income generated has become more consistent on a monthly basis. Consequently, by the latter half of 2013, the average monthly revenue at the port had increased from approximately $3.8 million to in excess of $5.5 million in customs duties alone, not including port fees and additional charges on tax-exempt imports. The average monthly deposit in the Central Bank from the port since mid-2013 has totalled $4.6 million, however. While deposits of port revenue into the Bank increased generally, they are proportionally less than the increase in shipping at the port, indicating a comparable or possibly higher rate of diversion. At present, the Monitoring Group estimates that at least 30 to 35 per cent of monthly port revenue cannot be accounted for, which is largely a continuation of the previous year's rate of diversion.

III. Violations of the arms embargo[67]

A. Arms embargo modifications for the Federal Government

74. The Security Council modified the arms embargo on Somalia in resolutions 2093 (2013), 2111 (2013) and 2142 (2014), effectively exempting the Federal Government from seeking the Committee's approval for arm deliveries destined for its security forces. In turn, the Federal Government incurred a corresponding set of obligations. It assumed the primary responsibility to notify the Committee with specific details, for its information at least five days in advance, of any deliveries of weapons or military equipment or the provision of assistance intended solely for the government security forces. In addition, it was obliged to report to the Council every six months on the structure of its security forces, the infrastructure in place to ensure the safe management and distribution of military equipment and the procedures and codes of conduct in place for the management and distribution of weapons. Notably, the Council decided that weapons or military equipment sold or supplied solely for the development of the security forces must not be resold to, transferred to or made available for use by, any individual or entity not in the service of the security forces.

[67] In paragraph 8 (b) of resolution 1844 (2008), the Security Council prohibited acts that violated the general and complete arms embargo imposed by the Council in paragraph 5 of resolution 733 (1992). In paragraph 43 (b) of resolution 2093 (2013), it temporarily amended the scope of that prohibition.

75. In its resolution 2142 (2014), the Security Council increased the reporting obligations of the Federal Government, given that the requirements under the partial suspension of the arms embargo had not been fully met. The Council stressed that any decision to continue or end the partial suspension of the embargo on the Federal Government would be taken in the light of the thoroughness of the Federal Government's implementation of its requirements. Meanwhile, the Council requested the Secretary-General to provide options and recommendations on the assistance needs of the Federal Government in order for it to show tangible progress in complying with the terms of the partial suspension of the embargo. Following an assessment mission in March 2014, the Secretary-General responded on 3 April 2014 (see S/2014/243) and a presidential statement was issued on 22 May (S/PRST/2014/9).

76. An assessment of compliance by the Federal Government with the modified requirements of the arms embargo appears in annex 6.1. Between 2013 and 2014, the Federal Government submitted four reports to the Security Council. While still not comprehensive and strictly fulfilling the scope of the requirements of relevant resolutions, the reports nevertheless reflected improvement over time, in particular as a result of support provided by the United Nations Assistance Mission in Somalia (UNSOM) and its international consultants.

77. Since the adoption of resolution 2093 (2013), the number of various types of arms that have been delivered or are expected to be delivered to the Federal Government pursuant to formal notifications to the Committee now exceeds 13,000, with some 5.5 million rounds of different types of ammunition. Some of the weapons and ammunition have been diverted to arms markets in Mogadishu (see annexes 6.2 and 6.3). Overall, given the anomalies and inaccuracies of notifications to the Committee, the diversion of notified weapons, the delivery of weapons exceeding what has been notified, partial notifications, non-notifications, persistently late advance notifications or the lack of post-delivery notifications, especially following the adoption of resolution 2142 (2014), the Federal Government has not imported weapons into Somalia in full compliance with its obligations pursuant to the modification of the arms embargo by the Security Council.

B. Arms networks connected to the Federal Government

78. In its letter of 6 February 2014 to the Committee (S/AC.29/2014/SEMG/OC.8), the Monitoring Group referred to clan-based networks within the government security forces, notably from the main Hawiye subclans, the Abgaal and Habar Gedir, which have had privileged access to official weapons stocks. Sources within the army have informed the Group that two brigades in particular, 1 and 3, which are Abgaal and Habar Gedir brigades traditionally based in Jowhar and Afgoye, received large amounts of weapons from official stockpiles amid escalating clan conflict in Lower Shabelle and Middle Shabelle.[68] Areas around Jowhar and

[68] Two army logistics officers reported to the Monitoring Group on 26 November 2013 in Mogadishu that Brigade 3 elements and associated Habar Gidir militiamen were driving Biimaal clans off their land in Lower Shabelle, while Brigade 1 militiamen were doing the same to Bantu tribes in Middle Shabelle. Both officers reported that the two brigades received preferential access to army logistics. The information was corroborated by a foreign military intelligence official and a Somali intelligence official in December 2013.

Afgoye were the epicentre of serious clan-based violence, land conflicts and human rights abuses between November 2013 and May 2014, with Abgaal militias clashing with Bantu militias and Habar Gedir clashing with the minority Biyamal and associated militias. As clan conflicts have unfolded in those areas, the Group has observed increasingly complex and fluid relations between the army and armed actors in Lower Shabelle, Middle Shabelle and the Hiraan region. Amid sporadic cooperation between Habar Gedir and Abgaal units, militias that have not been defined by the Federal Government as part of the security forces have acted in concert with the army (see annex 3.2 for a case study on threats to peace and security in Lower Shabelle and Middle Shabelle).

79. Furthermore, the Monitoring Group has obtained evidence implicating Musa Haji Mohamed "Ganjab", who acted as an adviser to the President, Hassan Sheikh Mohamud, and who is a member of his Abgaal/Waesle subclan, in the leakage of weaponry to Al-Shabaab and other forces beyond the army. Musa "Ganjab", a prominent Somali businessman, has in the past acted as a logistical facilitator for Al-Shabaab. In 2013 and 2014, he has been a key figure in the President's efforts to recover overseas financial assets (see annex 5.2), but has also maintained relationships with key individuals in the security sector, notably the army chief of logistics, Colonel Abdullahi Moalim Nur, the former Minister of the Interior and National Security, Abdikarim Hussein Guled, the President of Galmudug, Abdi Hassan Awale "Qeybdiid", and a former warlord, Abdi Nur Siad "Abdi Wal" (previously reported by the Monitoring Group in S/2013/413 as a threat to peace and security). Musa "Ganjab" has introduced himself to individuals in the private security industry as acting on behalf of the Federal Government and its efforts to equip and train military forces. He is also responsible for setting up an armed private security company operating in Mogadishu.

80. For a full case study on Musa "Ganjab", his activities and his connections to Al-Shabaab and others, see strictly confidential annex 6.4.

C. Arms deliveries to Puntland

81. The Monitoring Group has documented the importation of weapons, ammunition and other military items by the former Puntland authorities early in October 2013 in the absence of due notification to the Committee. On 8 October 2013, an Ilyushin-18 aircraft with registration number TT-WAK, leased by Honesty Air Cargo, a Somali-operated airline based in the United Arab Emirates, was found delivering items from Yemen in excess of those notified to the Committee, in addition to items not notified to the Committee, including assault rifles, light and heavy machine guns and ammunition, in violation of resolution 2111 (2013). More details are provided in the case study in annex 6.5.

D. Delivery of detonator cords to north-eastern Somalia

82. Between June 2013 and the end of May 2014, the Monitoring Group counted at least 237 incidents in which improvised explosive devices were used in southern

and central Somalia, killing at least 244 people and injuring an additional 402.[69] The scale of attacks has been intensifying over the past few years, with an increasing number of strikes against high-value targets. Such attacks have tended to be limited in scale in Somaliland and Puntland, with only 13 strikes documented between 2011 and August 2013 in Puntland, according to a report by the Puntland police for 2013.

83. The Monitoring Group previously reported on a large shipment of weapons that had been supplied from Yemen to a location close to Qandala, north-eastern Somalia, in October 2012 (see S/2013/413). The arms cache included 220 RPG-7 rockets, 304 PG-7 boosters, 230 hand-grenade detonators, a 73 mm cannon, 137 kg of TNT, two bags of ammonium nitrate, five rolls of red detonating cord and 500 electric detonators (C-DET), making it one of the largest seizures of an illegal arms cache on record in Somalia in recent years.

84. The Monitoring Group has documented the continued delivery of C-DET electric detonators to Qandala during the course of 2013, and their deployment in a number of recent improvised explosive device cases throughout Somalia, suggesting that the supply lines for important explosive triggering material remain open.

85. The purchaser of the C-DET electric detonators and red detonator cords found in the Qandala shipment in October 2012 has been identified as Anwar Saleh Kodais, a Yemeni individual with close ties to Al-Shabaab and Al-Qaida in the Arabian Peninsula. He has also been connected to individuals identified in the previous report of the Monitoring Group (S/2013/413, annex 3.1), in which reference was made to a criminal network of pirate leaders, illegal fishers and Al-Shabaab agents involved in trafficking in the Gulf of Aden. Information obtained by the Group confirms that Al-Shabaab continues to obtain weapons and component materials for improvised explosive devices from this network (see the case study in annex 6.6).

E. Somaliland oil protection unit

86. The Government of Somaliland has commissioned Assaye Risk, a private security company based in the United Kingdom, to develop a blueprint for an oil protection unit of roughly 580 people in number that would act as a dedicated defensive force to mitigate security threats against seismic operations conducted by oil companies. The blueprint has been paid for by Genel Energy, which in September 2013 temporarily suspended operations in Somaliland citing a "deteriorating security situation".

87. The Monitoring Group previously reported on the security risks posed by conflicting claims over oil licences between the Federal Government and regional administrations, recommending that the Security Council recommend that the Somali authorities avoid signing contracts with oil and gas companies until appropriate constitutional, legislative, fiscal and regulatory provisions had been clarified and agreed to by the Federal Government and its regional authorities (S/2013/413, para. 176 (b)). Meanwhile, commercial actors are proceeding with activity in the oil and gas sector and are likely to attract security threats as their

[69] Statistics drawn from a confidential database of recorded improvised explosive device attacks compiled with the assistance of a law enforcement agency.

commercial activities expand. The Monitoring Group therefore maintains its position that commercial activity in the sector is expected to trigger conflict unless a joint international and Somali approach to management of natural resources can resolve conflicting claims.

88. Indeed, the formation of an oil protection unit without recourse to transparent processes carries attendant risks, which could exacerbate security conditions in Somaliland in a context in which minority clan interests have challenged the legitimacy of the oil licensing decisions of the Government of Somaliland, to the benefit of Al-Shabaab. In this context, the Group has raised the issue of the oil protection unit both with the Committee and the Government of Somaliland to ensure adherence to best practices and that the unit is not established in violation of Security Council resolutions.[70] The Group wishes to acknowledge the cooperation of Assaye Risk, which has provided information as requested by the Group openly and transparently.

89. An analysis of options for the creation of the oil protection unit appears in annex 6.7.

F. Delivery of military-type vehicles and weapons to Jubaland

90. Between April and June 2014, the Interim Juba Administration imported to Kismayo 40 Toyota Land Cruisers (four-wheel-drive pickups) shipped from the United Arab Emirates and paid for by funds from customs duties on charcoal exports. The procurement and import of the vehicles are believed to have been facilitated by a charcoal trader affiliated to Al-Shabaab, Ali Naaji, in collaboration with the Kismayo port manager, Abdullahi Dubad Shil "Hadun", and the deputy port manager, Yusuf Gamadid. The vehicles were subsequently painted with camouflage colours and equipped with heavy machine guns. In addition, the Monitoring Group received information that the Interim Juba Administration had imported 3,000 light weapons, 30 heavy weapons and military uniforms and communication equipment. Annex 6.8 provides photographs of the vehicles transformed into "technicals".

IV. Obstruction of humanitarian assistance[71]

91. The environment within which humanitarian assistance was distributed and accessed during the past year was characterized by proliferating humanitarian interventions and actors across a greater physical territory, against a backdrop of oscillating centres of power, deepening political divides, new cycles of conflict and

[70] Paragraph 11 (a) of resolution 2111 (2013) states that the arms embargo on Somalia shall not apply to "supplies of weapons or military equipment and technical assistance or training by Member States or international, regional and subregional organizations intended solely for the purposes of helping develop Somali security sector institutions, in the absence of a negative decision by the Committee within five working days of receiving a notification of any such assistance from the supplying State, international, regional or subregional organization".

[71] In paragraph 8 (c) of resolution 1844 (2008), the Security Council prohibited acts that obstructed the delivery of humanitarian assistance to Somalia or access to, or distribution of, humanitarian assistance in Somalia. The Monitoring Group interprets the provision to include the diversion of assistance away from its intended beneficiaries, whether to the advantage of an armed group or simply for the purpose of profit.

Annex 5

Misappropriation of public financial resources

Annex 5.1

Illustrative overview of contracts

Oil and Gas sector

1. In its previous report (S/2013/413 annex 5.5), the Monitoring Group described some of the risks associated with increasing commercial activity in the oil and gas sector in Somalia without a resolution to constitutional and legal disputes surrounding the control of natural resources. It also highlighted transparency and accountability issues in the key Federal Government of Somalia (FGS) petroleum institutions that would govern capacity building and regulation, notably the Somali Petroleum Corporation and the Somali Petroleum Agency (SPA). During the course of 2013 and 2014, the FGS has nonetheless continued to engage in private negotiations with oil and gas companies and other corporations, resulting in a number of secret contracts and cooperation agreements that in due course are likely to exacerbate legal tensions and ownership disputes and stunt the transparent development of Somalia's oil and gas sectors.

Soma Oil and Gas

2. In August 2013, Soma Oil and Gas Exploration, a United Kingdom-registered company created in 2013 and chaired by the former leader of the United Kingdom Conservative Party, Lord Michael Howard, announced an agreement on 6 August 2013 signed with the FGS to conduct seismic surveys in Somalia's territorial waters and to collate and process historic seismic data, which would be placed into a data room controlled by the FGS. In return, Soma Oil would receive the right to apply for up to 12 oil licenses covering a maximum of 60,000 square kilometres of territory in Somalia.[1]

3. The contract has never been made public, nor was it approved by the Federal Parliament of Somalia although it was ratified by the Council of Ministers on 3 October 2013. Those involved in the architecture of the deal included Dr. Abdullahi Haider, special advisor to Somali President Hassan Sheikh Mohamud, and Jay Park, a Canadian lawyer who is managing partner of Petroleum Regimes' Advisory and Park Energy Law.[2] At a signing ceremony, Jay Park was accompanied by Abdirizak Omar Mohamed, the then Minister of Natural Resources.[3]

4. On 3 February 2014, the company announced it had signed a seismic contract with Seabird Exploration to cover 20,000 square kilometres of seismic data off the coast of Somalia. On 6 June 2014, the company announced it had completed 20,500 square kilometres of seismic data acquisition and that processing of the data would run until late 2014.

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[1] Announcement on 6 August 2013 of the *Oil and Gas Agreement Signed with Somalia* and Soma presentation entitled *Unlocking Somalia's Potential*, 29-30 April 2014.

[2] Four separate industry sources interviewed on 26 September 2013 and 12 April 2014. A former advisor to President Hassan Sheikh on oil matters also stated he had been informed by FGS energy ministry officials that Jay Park and Abdullahi Haider were the key architects of the deal on the FGS side.

[3] See http://som.horseedmedia.net/2013/08/somalia-federal-government-signs-oil-and-gas-agreement-with-soma-oil-gas-exploration-limited/. The former minister has been working as a consultant advisor to the Presidency following his departure from the FGS ministerial cabinet.

5. On 6 August 2014, Robert Shepherd and Philip Wolfe, Chief Executive Officer and Chief Financial Officer of Soma Oil and Gas Exploration Limited wrote to the Monitoring Group to explain how they had managed the security arrangements for the Seabird operations. They stated that Soma had "contracted Peace Business Group, a licensed Somali security sector company to provide armed Somali personnel" and that "each seismic vessel was supported and protected by four support vessels and international and Somali security personnel on such support vessels". They stated that only Somali personnel held arms within the 12 nautical mile limit, and "internationally operated firearms remained outside the 12 nautical mile limit".[4]

Mubadala

6. On 17 July 2014, Mubadala, the sovereign investment fund of the United Arab Emirates (UAE) announced a cooperation agreement with the FGS aimed at "sharing knowledge, increasing the strength of the Somalia Ministry and its staff, and over time, developing upstream opportunities in Somalia".[5]

7. Given the institutional lack of capacity of Somali petroleum institutions, notably the SPA, the Monitoring Group is concerned that conflicts of interest could result from the provision of technical capabilities by corporate entities that are also seeking to secure oil acreage. If Mubadala's provision of "capacity" is not channelled into a transparently run SPA, which is responsible for managing a cadastre of licenses through a process of transparent auctions, the risk is that such "capacity" would serve to empower informal decision makers within the system who also may have a vested interest in parceling out licenses to favoured companies in secret deals. Seismic data, in particular, should be completely controlled by the SPA in a secure data room so that all companies eventually bidding for licenses would have equal opportunities to access data in a regulatory environment free from insider dealing.

8. In this regard, notably even at this stage the Minister of Petroleum and Natural Resources, Daud Mohamed Omar, has often been excluded from strategic decisions made by others who exert broader informal leverage over the decision making process related to oil licensing.[6]

Shell, ExxonMobil and BP

9. On 13 June 2014, Minister Omar visited the headquarters of Shell in The Hague, Netherlands. Shell was originally awarded a concession for five oil blocks (M3-M7) in Somalia in 1988, after which Mobil Exploration (now a unit of ExxonMobil) joined in as a 50 per cent partner (see S/2013/413, annex 5.5.b, for a map of where concessions lie). The companies have now begun discussions with the Ministry to convert the existing concessions, which have been under *force majeure*

[4] Security for Seabird Exploration's activities was provided by Solace Global Maritime (based in the United Kingdom) and Salama Fikira International (registered in Mauritius).

[5] See announcement made on 17 July 2014 on http://www.mubadala.com/en/news/mubadala-petroleum-signs-cooperation-agreement-somalia.

[6] Diplomatic source dealing with oil sector stated that the Minister had frequently complained about this problem, 5 May 2014. A Somali source known to the Minister also stated the same on 24 July 2014.

since 1990, to a Production Sharing Agreement, as called for by the 2008 Petroleum Law.[7]

10. While the negotiations with Shell and Exxon were widely publicized, the Monitoring Group is nonetheless concerned that such negotiations are premature and could spark conflict, especially since they have not been conducted in consultation with regional authorities who may be affected. Indeed, M5 is licensed over offshore territory claimed by Puntland. Just days after the announcement by Shell on the new discussions, Puntland's Director General of the Ministry of Mineral Resources and Petroleum, Issa Mohamoud Farah, rejected the legality of the negotiations, stating that "The Federal Government of Somalia does not govern over Puntland and all accords should be postponed until all states agree on how to share the country's natural resources".[8] The 2008 Petroleum Law, which directly contradicts constitutional provisions giving regional authorities rights to control the licensing of their natural resources, is also yet to be approved by the Federal Parliament.

11. On 4 August 2014, President Mohamud was reported as saying that the FGS was also in renegotiations with BP.[9] As previously shown by the Monitoring Group (S/2013/413, annex 5.5), BP's prior concessions in Somalia clash with current concessions licensed out by the Somaliland authorities.

Turksom

12. The Monitoring Group has received documentation concerning efforts by Musa Haji Mohamed "Ganjab"[10] and Abdullahi Haider to operate a joint Turkish — Somali company known as "Turksom" that would be involved in building and operating a fuel distribution business and securing Turkish investments in Somalia.

13. On 25 November 2011, Musa Ganjab e-mailed a document purporting to be a proposal letter from Turksom, thanking the Government of Turkey for its support and requesting the company to be appointed as sole representative of all of Turkey's economic interests in Somalia. The letter stated that the company was registered in both Turkey and Somalia, although the phone numbers provided for its Somalia office are Ugandan numbers. The letter also stated that the company would be able "to provide effective security to each and every project that Turkey Government and private business are planning to implement in Somalia" (see annex 5.2.a for a copy of the letter).

14. By 2012, Turksom was incorporated and in discussions with another Somali company, Hass Petroleum, a leading oil marketing company in East Africa originally founded by a group of *Dhulbahante* businessmen from Sool region in northeastern Somalia. In an e-mail to Ganjab on 30 October 2012 entitled "*Memorandum of Understanding Between Turksom & Hass Petroleum (K) Ltd*", a director at Hass Petroleum discussed a joint venture for the rehabilitation of petrol

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[7] Joint Statement by the Federal Republic of Somalia and Shell, 13 July 2014.

[8] See "Puntland rejects oil deal with Shell and ExxonMobil", 22 June 2014, at http://www.africareview.com/Business---Finance/Puntland-rejects-oil-deal-with-Shell-and-ExxonMobil/-/979184/2357968/-/f9fklwz/-/index.html.

[9] See http://www.bloomberg.com/news/2014-08-04/somalia-sees-oil-results-this-year-as-bp-exxon-wooed.html.

[10] See annex 6.4 for Ganjab's relations to arms embargo violations and Al-Shabaab, and annex 5.2 for his role in the recovery of Somali overseas assets.

stations in Mogadishu and for construction of a fuel depot and port infrastructure with Turksom. The director requested clarification from Ganjab on how he would like his shareholding to be structured within the joint venture. The e-mail was accompanied by an attachment signed by Ganjab as CEO and Adbullahi Haider as Director General of Turksom Somalia Inc (see annex 5.2.b for a copy of the attachment).

15. On 6 September 2013, Ganjab received an e-mail from the address hersiburanea@yahoo.com entitled "*Oil Depo and security project Financing*" stating (unofficial translation from the Somali language as follows):

> *Haji Musa,*
>
> *After greetings. You must have been busy yesterday. I have given your phone number to a guy in the UK called Ahmed who is the representative of a security company based in America (FLORIDA). Please contact them and negotiate as they are ready.*
>
> *Mr. Mike Deegan is back from Dubai. Him and Mr Deylaf has not met ... please let me know when you are ready for a conference call.*
>
> *Thank you*
> *Abdulhamid*

16. Independently, the Monitoring Group has been informed that Ganjab has been in discussions with Mohamed Deylaaf, a businessman previously named by the Group in the context of diversion of food aid, including to Al-Shabaab (S/2010/91).[11] Deylaaf is known to have interests in the downstream fuel sector.[12] The Monitoring Group has also obtained documentation that Turksom Security Company was officially registered as an approved private security company with the Ministry of Interior in 2013 (see annex 5.2.c), although it is not clear to what extent this company operated and how it obtained its weaponry.

Fisheries protection and management

17. On 25 July 2013, the FGS signed a letter of appointment nominating a company called Somalia FishGuard Limited as the sole agent and representative of the FGS with exclusive rights to undertake the patrol, protection, management and development of fisheries in Somalia's waters, including in the Exclusive Economic Zone. The contract was signed by the then Minister of Natural Resources, Abdirizak Omar Mohamed. The company is obliged to provide and operate vessels for fisheries protection, including through the establishment and training of a Somalia Fisheries Protection Force, as well as prepare the provision of fishing regulations and the management of the licensing and regulatory infrastructure of the Government pertaining to fisheries. In return, the FGS would be obliged to provide the company access to state infrastructure and ports and "permission to carry light and medium sized weapons and ammunition consistent with the FPF requirements to exercise its obligations under this contract subject to UN Security Council resolutions". The company would also receive military style uniforms and be

[11] Information received by three independent Somali businessmen in Mogadishu familiar with Ganjab's businesses, interviewed in December 2013.

[12] Somali company CEO and UN contractor who has provided services to Deylaaf, February 2014, and a Somali source with knowledge of Deylaaf's business affairs, May 2014.

conferred with the necessary authority to detain and arrest vessels fishing illegally in Somali waters. The Monitoring Group has been informed that FishGuard would retain 51 percent of all revenues[13] derived from licensing fees, although the figures have been deliberately blacked out in the copy of the contract obtained by the Monitoring Group (see annex 5.2.d for a copy of the FishGuard letter of appointment).

18. On 27 July 2013, two days after the contract was signed, Ganjab received an e-mail from Abdi Amalo (who the Monitoring Group has investigated for conspiracy to divert overseas assets in strictly confidential annex 5.2, which was entitled "Info". The text of the e-mail simply reads as follows:

Xaaji Musa,
Let's talk brother
http://companycheck.co.uk/company/04958710/FISHGUARD-MARINE-LIMITED

19. In April 2014, representatives of Somalia Fishguard Limited accompanied by President Mohamud and Minister of Fisheries and Marine Resources, Mohamed Olow Barow, were in Brussels to attend a fisheries meeting with Europêche and Federpesca at the Headquarters of the European Commission. The representatives included Chairman David Walker, Director John Church, William Oswald and Christopher Brooke.[14]

20. The Monitoring Group has been informed that Somalia Fishguard Limited has been in discussions with Saladin Security Ltd, a UK private security company, whose representatives were introduced to President Mohamud in Mogadishu by Abdullahi Haider (the business partner of Ganjab in Turksom, and a presidential advisor on oil and gas) in mid May or June 2013.[15] The company has operations in Mogadishu and is the private security contractor for Kilimanjaro Capital, a private equity firm which has farmed into an oil block awarded by the Transitional Federal Government (TFG) in 2008 to a private company, and which partly falls in Al-Shabaab territory.[16]

National Theatre

21. The Monitoring Group has obtained a copy of a draft contract between the Ministry of Public Works and Reconstruction, Marine and Transport, Ports and Energy and Sinohydro Corporation Ltd for the reconstruction of the National Theatre in Mogadishu for a sum of USD 31 million. This contract was transmitted by Musa Ganjab to Jeremy Schulman of the U.S. law firm of Shulman Rogers on 23 November 2013 (see annex 5.2 for investigation into the diversion of overseas assets by Ganjab and Shulman Rogers). It is not clear whether any financial transactions related to this contract have taken place, as no major rehabilitation works on the National Theatre have taken place in 2013 and 2014.

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[13] Information obtained from a fisheries advisor to the FGS on 5 May 2014.

[14] Correspondence obtained by the Monitoring Group with a list prepared by Ahmed Mohamed Iman, Director General of the Ministry of Fisheries and Marine Resources, dated 1 April 2014. Christopher Brooke is the brother of Alan Henry Brooke, the 3rd Viscount Brookeborough, a member of the United Kingdom House of Lords.

[15] Information obtained from advisor to the FGS, 6 May 2014, and from private security source, 10 June 2014.

[16] See http://www.saladin-security.com/the-companies.php and http://www.marketwired.com/press-release/kilimanjaro-signs-somalia-security-memorandum-gxg-kcap-1909408.htm.

UNSOA

22. The Monitoring Group has obtained evidence that service contracts issued by the United Nations Support Office for African Union Mission in Somalia (UNSOA) may have been issued to companies associated with Ganjab.

23. On 26 June 2013, Nurta Sheikh Mohamud, the sister of President Mohamud wrote to Ganjab, forwarding a memo issued by UNSOA to the Ministry of Foreign Affairs and International Cooperation dated 20 June 2013. The memo informed the ministry of a two day business seminar to be held by UNSOA with the purpose of raising awareness among the Somalia business community on how to win contracts as vendors to the United Nations.

24. In the e-mail, the President's sister draws the attention to Ganjab to the memo and informs him that she has set up a conglomerate known as the Trust Group of Companies, for the express purpose of bidding for UN contracts. She requests a meeting with Ganjab to discuss the matter further.

25. While UNSOA has not registered any contracts to any company referred to as Trust or Trust Group, as a matter of due diligence and risk management, the Monitoring Group would recommend a full audit of all its contracts to determine whether there are any companies in which Ganjab has an interest, given the evidence pertaining to Ganjab's other illicit activities documented in strictly confidential annex 5.2 and strictly confidential annex 6.4.

Annex 5.1.a

Turksom correspondence



Turkey Office
Kirazli cad.
Sumbul sok No. 1
3 Gunesli
Bagcilar
Istanbul
Tel. : +902126568026
Fax : +902126556412

Somalia Office
Airport Road
12 Magadishu
Somalia
Tel : +25618763175
+25618763177
+25618763173

Date:

Our ref:

Subject: Formal request

His Excellency

TurkSom would like to take this opportunity to thank the Turkey Government's brotherly assistance to Somali people in its most difficult time.

In an extremely volatile security situation it is difficult to engage the Somali people and stimulate the war torn economy and above all liaising with the public authorities without an effective link capable to transform promises and commitments into action.

TurkSom will fill that gap by enabling the Turkey Government to interact with efficiency with both the Somali governmental institutions and private individuals in achieving its noble aims. TurkSom is also able to provide effective security to each and every project that Turkey Government and private business are planning to implement in Somalia.

To that extent, TurkSom is kindly requesting being appointed as the sole representative of Turkey's economic interests in the Somali Republic.

TurkSom has a solid and successful business foundation that relies on its international experiences and partner organizations' capabilities to deliver on our joint ventures. We have a pool of highly qualified technical and professional staff to ensure effective completion of our contractual obligations.

TurkSom is committed to community development through it social responsibility arm by devoting a percentage of profit to social causes.

TurkSom is registered both in Somalia and in Turkey.

Sincerely yours,

Halil Altuntas, Director

Annex 5.1.b

Turksom and Hass Petroleum Memorandum of Understanding

MEMORANDUM OF UNDERSTANDING BETWEEN TURKSOM INC: SOMALIA AND HASS PETROLEUM (K) LTD

This Memorandum of Understanding is entered into by and between Turksom Inc. Somalia and Hass Petroleum (K) Ltd (the parties) in pursuance of their intention for proposed business ventures in Somalia.

Now, therefore, it is agreed by and between the parties that:

1. Hass Petroleum shall organize a team to visit and evaluate Mogadishu for the assessment of the major rehabilitation of the 5 petrol station sites currently on long-term lease to Turksom Inc. by the second week of August, 2012.
   The team shall also conduct a general survey of the sites available for the construction of the proposed fuel depot, and port infrastructure related thereto.

2. The technical team shall prepare, and submit an evaluation report with broad estimates of costs for review, and approval by a joint committee of Turksom Inc., Somalia ad Hass Petroleum (K) Ltd at Directors level by August 30, 2012.
   Following this review process, the Directors of the two parties shall meet for formal discussions, and approval of the proposed construction of the 5 petrol stations located in Mogadishu by September 14th, 2012.
   The review of the depot construction shall be based on feasibility study that should be completed by September 30th.

3. Turksom Inc. Somalia and Hass Petroleum (K) Ltd undertake to formalize their relationship into a legal entity that might be a limited Company, a joint venture, or such other business operating vehicle as the parties deem acceptable within 90 days from the date of this Memorandum of Understanding.
   The parties agree to provide the required share capital and the shareholding of each party in the chosen legal entity within the same 90 days period.

4. The parties hereby undertake to explore other sectors, e.g. real estate, light industries, materials and product inspection services, etc., that might offer opportunities for joint investment through appropriate investment vehicles.

5. This Memorandum of Understanding becomes effective from the date of its signing by the parties.

For and on behalf of,
MUSA HAJI MOHAMED
C.E.O
TURKSOM SOMALIA INC.
SOMALIA

Date: 02/08/12

For and on behalf of,
ABDINASIR ALI HASSAN
CHAIRMAN
HASS PETROLEUM (K) LTD

Date: 02/08/12

For and on behalf of,
DR. ABDULLAHI HAIDER
DIRECTOR GENERAL
TURKSOM SOMALIA INC.
SOMALIA

Date: 02-08-2012

For and on behalf of,
ABDULKADIR AHMED HUSSEIN
DIRECTOR
HASS PETROLEUM (K) LTD

Date: 02/08/12

Annex 5.1.c

Turksom Security Company registered by the Federal Government of Somalia Ministry of Interior

JamhuuriyaddaSoomaaliya
Xukuumadda Federaaliga
Wasaaradda Arrimaha Gudaha &
Amniga Qaranka

جمهورية الصومال
الحكومة الفيدرالية
وزارة الشؤن الداخلية والأمن القومي

Somali Republic
Federal Government
Ministry of Interior & National Security

Ref: WAG&AQ/XWA/0036/13 *Date: 21th October, 2013*

LIST OF THE PRIVATE SECURITY COMPANIES

No.	Nameof the Company	Name of the contact Person	Telephone	E-mail	Ref	Date Registered	License Expiry Date
1	Turk-Som Security Company	———	———	———	001	12/4/2012	12/4/13
2	Ilaalo Security Company	Gen. Cali Maxamed Xasan (Cali madobe)	0615553322	ahmedhassan@hotmail.com	002	1/8/2013	1/11/13
3	Jaanus Service Somalia	Maxamud Axmed	0615995064	Daairdom55@hotmail.com	003	6/8/2013	6/11/13
4	Calidus Knight LTD	———	———	———	004	15/4/2012	15/4/13
5	Duguf enterperise Security Company	C/laahi Faarax Duguf	———	duguffarah@hotmail.co	005	14/1/13	14/1/14
6	Group 5 Somair Logistics Security	C/samad Sh.Yusuf	0615338444	———	006	28/7/2012	28/7/13
7	Nation Wide Enterprise Private Security	Maxamed Abukar Islow	00254711903338	info@nationwide.com	007	22/7/2012	22/7/13
8	Global Security & Monitoring Center LTD	Saciid Axmed Xaaji	———	info@globalsecuritymonitoringcenter.com	008	20/5/2012	20/5/13
9	Sabah General Services Company	Cartan Cabdi Ibrahim	———	shiekhsabah@yahoo.com	009	31/5/2012	31/5/13
10	City Security Company	Diini Axmed Cabdi	0618282220	Nura1141@hotmail.co	01	02/6/2012	02/6/13

Annex 5.1.d

FishGuard Letter of Appointment

Federal Republic of Somalia
Ministry of National Resources
Office of the Minister

جمهورية الصومال الفيدرالية
وزارة الثروة الوطنية
مكتب الوزير

Jamhuuriyadda Federaalka Soomaaliya
Wasaaradda Kheyraadka Dalka
Xafiiska Wasiirka

Re:WKHD/XW/0261/2013 Date: 25/07/2013

LETTER OF APPOINTMENT

From: The Federal Republic of Somalia

TO: Somalia FishGuard Limited

Somalia Fishguard Limited is hereby APPOINTED and AUTHORISED the sole agent and representative of The Government of the Federal Republic of Somalia with exclusivity to UNDERTAKE the patrol, protection, management and development of fisheries in the Federal Republic of Somalia and on/in those waters and islands of Somalia's Territorial Sea, Contiguous Zone, Exclusive Economic Zone (EEZ) and Continental Shelf Zone, defined here and in the appending contract as Somali Waters, with a view to conserving and utilising the fishery resources in those areas to the benefit of the Government of the Federal Republic of Somalia and future generations of Somali people.

No other person or company or outfit shall be entitled to exercise any of the above activities in the areas specified and any such appointments that have been made prior to the date hereof are hereby cancelled and/or withdrawn.

Agriculture, Livestock, Forestry, Fishery, Marine Resources, Environment, Water, Energy, Minerals and Petroleum
Email: [illegible] Tell: 00252-616462606

Somalia Fishguard Limited's specific powers assigned by the Federal Government of Somalia are contained within the corresponding Service Contract which together with this letter of Appointment constitutes the terms and conditions of Somalia Fishguard's engagement for the Federal Government of Somalia and together they are intended to be legally binding.

Dated .....

Signed (Federal Republic of Somalia)

.....Official

Seal

Witnessed

.....

Signed (Somalia Fishguard Limited)

.....

Witnessed

.....

Agriculture, Livestock, Forestry, Fishery, Marine Resources, Environment, Water, Energy, Minerals and Petroleum
Email: amohamed@moenr.gov.so Tell: 00252-616462606

Annex 78

Report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 2111 (2013), Annex 6.4, S/2014/726, 13 October 2014

Annex 6.4: Diversion of arms by political networks connected to the Federal Government of Somalia (STRICTLY CONFIDENTIAL)

1. The Monitoring Group obtained information that Musa Haji Mohamed 'Ganjab', who has served as an influential advisor to President Hassan Sheikh Mohamud, has been involved in the systematic diversion of weapons and ammunition from Somali National Army (SNA) stockpiles, and providing logistical support to Al-Shabaab.

2. This annex profiles Ganjab, his illicit activities related to the security sector, his past and present connections to Al-Shabaab, his involvement in a weapons deal involving Al-Shabaab, and his relationship with key individuals within the Federal Government of Somalia (FGS), including President Mohamud, SNA chief of logistics Colonel Abdullahi Moalim Nur, former FGS Minister of Interior and National Security Abdikarim Hussein Guled, as well as other influential individuals in the security sector in Somalia. Ganjab's involvement in attempts to divert overseas assets recovered in the name of the President of Somalia, and his implication in a number of secret contracts are profiled separately in annex 5.1 and annex 5.2.

3. Ganjab is a Canadian citizen and a prominent member of the Somali business community in South Africa, where he is a director at Ganjab Investment Holdings, a private consultancy business based in Johannesburg (see an earlier curriculumm vitae and photograph in annex 6.4.a).[1] He is a member of the sub-clan (*Abgaal/Waesle*) of President Mohamud.[2]

4. Ganjab has cultivated contacts within Al-Shabaab, as well as factions of Al-Shabaab from the Abgaal clan as far back as 2010.[3] Indeed, on 8 October 2010, Ganjab received the following email correspondence (unofficial translation from the Somali language) from the account ward_here@hotmail.com belonging to businessman Ismail Wardhere Osman (*Abgaal/Waesle*) (see annex 6.4.b for a copy of Wardhere's passport.) Wardhere is a key shareholder in the company Al Khayrat, of which President Mohamud was once a shareholder, and which is now a prominent trading and construction company in Mogadishu bidding for Government contracts).[4]

[1] Also see http://ganjab.com/partners.html, last accessed on 16 July 2014.
[2] Interviews with two former Somali Government officials who personally knew Ganjab, 12 December 2013, and 14 April 2014. Confirmed by a member of President Mohamud's family and sub-clan member, 12 December 2013.
[3] Testimony provided by arms dealers in Mogadishu, February to April 2014, corroborated by two former Somali Government officials who personally knew Ganjab, 12 December 2013 and 14 April 2014. Information also provided by Somali intelligence source known to Ganjab and visiting Mogadishu in November 2013.
[4] Interview with United Nations contractor with knowledge of Al Khayrat, February 2014, and a member of Wardhere's sub-clan, May 2014.

"My brothers, after greetings from us Harakatul Shabaab al Mujahideen, we are hereby requesting the assistance that you have promised us during the last meeting that took place in Malaysia. During that meeting you informed us that you will support us with medicine of various types that we badly need, and which we were expecting to receive yesterday 7.10.10. The elders [odayaasha?] representative Mr. Nagu informed us to send an email to you. We therefore send this email to inform you that we still need the promise from the [redacted] *government*[5]*, and we are still waiting to receive this support. Please be informed that we are in a heavy fighting and many government has asked us what our need is, which we have not responded to yet. The reason we contact you is that we feel that you are our brothers who fought with us and has an idea about who the enemy is. We want you to know the support you give us today will be recorded in history in the near future we will sit down together, face to face, the same way you have negotiated with Artan according to the news that reached us. We will invite you to a peaceful Mogadishu after we have chased away the enemy. You are aware of our enemies as there is nothing hidden from you, our brothers. So please, urgently follow up on this issue.*

This request is submitted by the following:
Hussein Ali Fidow, deputy head of political affairs, Harakatul Shabaab al Mujahideen
Ali Muhammad Hussein Ali 'Jabal', Head of Banadir Region, Harakatul Shabaab al Mujahideen

As we stated before, as we were informed by Artan, the 'respectable' elders from [redacted] *accompanied by Haji Muse, a businessman acting as representative of the Somali people, and everyone affiliated with them, that Haji Muse is our 'elder' and we trust him, and we await your answer. We would like to add the following to our request: Two ambulances to evacuate the wounded.*

Thank you"

On the same day, 8 October 2010, Ganjab sent the following email in English to a contact:

"Assalamu alleykum,

[5] The Monitoring Group has redacted this Government in order to guarantee confidentiality in discussing this matter directly with the Government itself. In 2010, Ganjab received a letter from the Transitional Federal Government of Somalia Ministry of Foreign Affairs requesting his appointment as an honorary consul in this unnamed country. The Monitoring Group has obtained a copy of this letter, which is archived at the United Nations.

SEMO
STRICTLY CONFIDENTIAL

After the greetings, we from Harakatul shabaabul mujahidin hereby wish to appeal to you to facilitate the assistance that you promised us in our last meeting in Malaysia. In this meeting your side promised us with assistance with regards to medical facilities including medicines and related items. We are in dire need of this assistance at this time difficult times and time and again we are requested by the people on the ground to do something as a matter of utmost Urgency.

We therefore appeal to you to send us the assistance you promised us as and as we all know that we are fighting our enemies from different front and we need help from [redacted] *as we believe that your country is a true friend of Somalia and we believe that our relationship in this trying times will grow stronger and the test of this war will reveal who our true friends are.*

We are convinced that [redacted] *is playing a major role in helping our country in this trying time as we did that for you in the past and that can only translate in to a formidable friendship.*

We therefore would like to express gratitude to the team who met us in Malaysia and we also wish to remind you that we currently in need of medicines, medical equipments and ambulances for the ordinary people who are suffering as a result of the enemies indiscriminate bombardments.

Inshallah after our victory we will invite you to come to Mogadishu and help us in the matter of nation building. Please urgently help us and remember we have so many enemies and you know very well that the entire struggle will face enormous enemity from all the angles.

The following people have jointly written this message:

1. *Hussein Ali Fidow deputy chairman political affairs. – Harakatul shabaabul mujahideen*
2. *Ali Mohamed Hussein (ali Jabal)-Chairman Banadir province–harakatul shabaabul*
   Mujaahideen.

We are aware from our brother Artan that your delegates and haji musa came to visit mogadisho and we sincely believe Haji musa is the true representative of Somali people in [redacted] *and we have confidence in his ability to mediate between us.*

SEMG

Please consider our plight and if possible include ambulances so that we may help our injured people in mogadisho.

Thank you."

5. Ganjab had already written to the same contact on 5 October 2010, providing him an extensive list of required medicines that had been forwarded to him from another contact (see annex 6.4.c for a list of required medicines as laid out in the email). The emails of 8 October 2010 demonstrate that Ganjab was an intermediary for Al-Shabaab agents involved in the procurement of medical supplies at a time, around October 2010, when Al-Shabaab were sustaining serious battlefield casualties in Mogadishu.

6. An earlier communication between Ganjab and Wardhere in 2009 demonstrates that Ganjab was also involved in the distribution of weapons within clan circles. On 4 September 2009, Wardhere sent an email to Ganjab briefing him on clan politics within the Abgaal, in which he stated (unofficial translation from the Somali language of an excerpt):

Moving on, several tons of ammunition and weapons has been delivered to these three locations 'Galcad', 'Mesega Waa' and 'Ceel Dheer' and distributed as follows: two combined portions were give to 'Cali Gaaf' [a sub clan of the Abgaal] *while one portion was given to Macallin Dhiblaawe and his group.*

7. Following the election of Hassan Sheikh Mohamud to the Somali Presidency in September 2012, Ganjab spent more time in Mogadishu and involved himself in security related matters within the Presidency and with the SNA, including holding direct meetings with the President and SNA chief of logistics Colonel Abdullahi Moalim Nur (*Abgaal/Waesle*).[6] Also, telephone records show direct calls from Ganjab's South African mobile number to President Hassan Sheikh Mohamud and to Colonel Abdullahi Moalim Nur between 2012 and 2014.[7]

8. On 7 December 2012, Ganjab was invited by a Johannesburg-based security company to meet a well known businessman in South Africa's private security industry. During the meeting, Ganjab informed the individual in question that he was looking to channel 'secret' military support to the Somali Government and that he was acting on

[6] Three former Somali Government officials have provided information on Ganjab's frequent appearance within the Somali Presidency and his involvement in day-to-day Presidency and SNA meetings related to security. A member of the President's family has also confirmed Ganjab's regular appearance at Villa Somalia. The Monitoring Group has obtained email communication between Ganjab and President Mohamud's sister which are discussed in annex 5.1 related to secret contracting.

[7] All communication data in possession of the Monitoring Group..

behalf of the President, Minister of Interior and Minister of Defence. Ganjab enquired about the type of training and equipment that the individual could supply Somalia, and mentioned he was interested in training and equipping units in guerilla warfare. The individual, who was aware of the United Nations arms embargo on Somalia, informed Ganjab that he would require official FGS end-user certificates for any weapons supplied and that he would need to vet the forces to be trained.[8] Ganjab informed the individual that he would invite the individual to Somalia to discuss the matters further. Following the meeting, Ganjab emailed the individual on 22 December 2012 stating:

"I am sorry for the dilly of the appointment with the president minster [sic] *of interior and minister of defence of Somalia federal government. I have seen all of them different days and time and they agree to receive you first 10 days of 2013."*[9]

9. Although the invitation never materialized, Ganjab's description of his association with top officials within the FGS security apparatus confirm his involvement in security-related affairs at the highest level.

10. Sources in the security sector[10] have informed the Monitoring Group that at the FGS level Ganjab has also collaborated closely with senior individuals from the *Habar Gedir* clan, notably former Interior Minister Abdikarim Hussein Guled (*Habar Gedir/Saad*), who travelled to Yemen in September 2013 to coordinate weapons deliveries to the FGS that arrived in October 2013 (see annex 6.1 for more on deliveries from Yemen). Telephone records show calls between Ganjab and Guled in 2014. Both men have also communicated in common with five Somali numbers, four United Arab Emirates (UAE) numbers, one South African number, and one number in China.[11] In addition, Ganjab's private security company, Turksom Security Company, was registered at the Ministry of Interior in 2013 (see annex 5.1 for more on Turksom).

11. Arms dealers in the illicit arms markets in Mogadishu have reported to the Monitoring Group that Ganjab coordinates the distribution of illegal weapons in connection with Abdi Nur Siad 'Abdi Wal' (*Habar Gedir/Ayr*), who the Group previously reported (S/2013/413) was posing a threat to peace and security.[12] Telephone records show that Abdi Wal is in contact with a South African number, which in turn is in

[8] Interview with eyewitness at the meeting, 17 June 2014. Corroborated by source in South Africa who was aware of the themes discussed at the meeting, 5 July 2014.
[9] The contents of the email were confirmed by the South African businessman.
[10] Two SNA officers working with SNA logistics confirmed Ganjab and Guled have closely coordinated the import of weapons shipments during the period of August 2013 to September 2013. A source within the SNA in Mogadishu independently reported on 24 February 2014 that Ganjab has helped manage funds for the procurement of weapons from Yemen, coordinated by Guled.
[11] All communication data in possession of the Monitoring Group.
[12] Information gathered in February 2014 from arms markets in Mogadishu.

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contact with the Somali mobile number operated by Ganjab. Abdi Wal has also communicated with the same number in China that in turn is in contact with Ganjab and Guled, as well as a U.S.A. number, two UAE numbers, and a Norwegian number that are also in contact with Guled.[13] In August 2014, Somali media reported that FGS forces were in hot pursuit of Abdi Wal in Mogadishu as part of efforts to seize illegal arms caches in the city.[14]

12. The cooperation between *Abgaal* and *Habar Gedir* networks in the security services is typified by an arms deal involving Ganjab, an *Abgaal* Al-Shabaab leader and a top *Habar Gedir* politician/former warlord. On 27 October 2013, following the delivery of weapons from Yemen to Mogadishu by aircraft (see annex 6.1), Ganjab emailed his brother Abukar Ganjab at abukarj@hotmail.com[15], laying out plans to divide up an arms consignment delivered to the port of Adale[16] between Al-Shabaab commander Sheikh Yusuf Isse "Kabukatukade" (*Abgaal/Waesle*) and the President of Galmudug, Abdi Hassan Awale "Qeybdiid" (a former *Habar Gedir/Saad* warlord). The email read as follows (unofficial translation from the Somali language):

Brother Abukar the weapons have left the top and they will be docking in Adale port. So, therefore take over the responsibility of receiving the ones that belong to the government, and hand over the ones going for Al Shabaab, Sheikh Yusuf 'Koba ku Dukade'. Abdi Qeybdiid will send some people to collect his part. I will provide you with the names. Inform Koba ku Dukade to stick to the agreement and I will have the President call you, inshallah. I ordered most of the weapons from Yemen, and they will be there, inshallah, so therefore put all your effort into this. So inform Sheikh Fiidow and Sheikh Yusuf Sheikh Isse, that I have postponed the government attack on Baraawe because even if the power is not taken away from Ahmed Ma'alim Faqi the attack would have taken place anyway. We are in a difficult situation as Saacid's group refused to enter into a truce with Al Shabaab. I am fighting to make sure that Saacid is sidelined. Please, take on this responsibility, and need you to hand over all the documents related the weapons transfers to me, inshallah.

[13] All communication data in possession of the Monitoring Group.
[14] http://allafrica.com/stories/201408181350.html
[15] This is the same email address that Ganjab contacted in respect of a transfer of funds related to Haden Global Services, a company involved in the recovery of overseas financial assets for the FGS
[16] An Al-Shabaab stronghold on the coast of Somalia, about 150 kilometres northeast of Mogadishu. It is not clear from the email correspondence whether the weapons were delivered by maritime vessel from Yemen directly to Adale, or whether at least some of the stock was offloaded from aircraft in Mogadishu and then subsequently transferred to Adale. However, the Monitoring Group has obtained military intelligence reporting, dated 20 October 2012, mentioning Kabukatukade's presence at Adale, and his reception there of Yemeni explosives experts who arrived by maritime vessel from Yemen.

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13. The day before on 26 October 2013, Abdiaziz Hassan Giyaajo Amalo, a business associate who has incorporated a company involving Ganjab as part of the overseas assets recovery effort detailed in annex 5.2, wrote to Ganjab with the subject heading of '*Hubkii cadale*' (Adale weapons). The email, originally sent in Somali, is unofficially translated as follows:

"The weapons heading to Adale have left. Therefore be aware that two of the heavy guns should be handed over to Sheikh 'Koba ku Dukade' and two containers with light weapons and three 'suug'[17] *belongs to Abdi Qeybdiid, so he can hand it over to his new militia. [*Al-Shabaab leader*] Ahmed Godane is going to El Buur, so the agreement between him and the President can be finalized.*
Thanks Abdiaziz"

14. Both Ganjab and Amalo have publicly denied that they have sent these two particular emails. While, the matter is currently being investigated further by a law enforcement agency, the Monitoring Group has received corroborating information that the weapons deal involving Kabukatukade and Qeybdiid took place.

15. Indeed, the Monitoring Group had already independently obtained information from several sources in early November 2013 that weapons had been delivered to Kabukatukade, and that his senior commanders had briefly arrested Kabukatukade and interrogated him after the weapons were divided and a portion shared with Qeybdiid.[18] Simultaneously, the Monitoring Group received information from separate sources that Qeybdiid had received at least two 23 mm ZU anti-aircraft autocannons and several 12.7 mm machine guns, which were seen at his headquarters in Galkacyo shortly after the delivery took place.[19] Further to its previous reporting on him (S/2013/413), the Monitoring Group has been informed that Qeybdiid has expanded the capability of his security forces during the course of 2013 by providing greater firepower to units scattered in locations around Galkacyo. As an example, since mid 2013, the Galmudug government has escalated the deployment to roughly 400 troops at Indhaqarin, a location near the town of Docol, 40 kilometres south east of Galkacyo.[20] Annex 6.4.d shows the troops deployed there in early 2014 and surrounded by a number of mounted 12.7 mm

[17] Somali spelling of high caliber ZU anti aircraft weapons.
[18] Information received from military intelligence source, 13 November 2013, and corroborated by a source of who is regularly in contact with Kabukatukade, 17 November 2013. A third source, from the Abgaal, who is also in contact with Kabukatukade's clan network, further confirmed the information, 26 November 2013.
[19] Two independent eyewitnesses in Galkacyo reported seeing these weapons on 18 November 2013 and 19 November 2013. Another eyewitness observed the arrival of the weapons.
[20] Information provided by security source, 14 March 2014, and two independent Somali sources in Galmudug, 14 February 2014.

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machine guns and 23 mm ZU anti-aircraft autocannons.[21] The import of 23 mm weapons by the FGS is prohibited under resolutions 2093 (2013) and 2111 (2013), unless expressly authorized by the Committee.[22]

16. Qeybdiid's phone number has been in communication with the same Chinese number that has communicated directly with Ganjab, Guled and Abdi Wal. He has communicated with a United Kingdom number as well as a Kenyan number of individuals also in contact with Ganjab. He has also communicated with a Somali number, a Saudi Arabian number, a UAE number, four U.S.A. numbers, four United Kingdom numbers, a Netherlands number and two Norwegian numbers also in communication with Guled.[23]

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[21] Photographs sourced from http://www.hobyoradio.com/2,13,20143.html, last accessed 17 July 2014.
[22] Import of guns, howitzers, and cannons with a calibre greater than 12.7 mm, as well as ammunition and components specially designed for these, require an advance approval by the Committee on a case by-case basis. See annex of resolutions 2093 (2013) and 2111 (2013) and paragraph 7 of resolution 2011 (2013).
[23] All communication data in possession of the Monitoring Group.

Annex 6.4.a: Curriculum vitae dated 2009 and photograph of Musa Haji Mohamed 'Ganjab' (STRICTLY CONFIDENTIAL)

Musa Haji Mohamed

Personal Information

- Date of Birth: 1957 – 02 – 01
- Place of Birth: Mogadishu, Somalia
- Nationality: Canadian
- Marital status: Married

Current Businesses

- Digital Net Gabon – FREECOM
  From 1999 - 2007
- Tidal Sea Trading – Property in Fordsburg, Johannesburg
  From 2004 - 2007
- Digital Net South Africa – Telecommunication Company
  From 2003 – 2007
- Digital Net Mali – Telecom
  From 2002 - 2007
- Digital Net Senegal – Telecom
  From 2002 - 2007
- Digital Net Angola
  From 2005 - 2007
- Mauritania
  From 2003 – 2007

Previous Businesses

- DAMCO EXPORT (1984 – 1987)
  Export of Fruit and Vegetables to Qatar, Doha and United Arab Emirates
- NORTH KING TRANSPORT (1987 – 1990)
  Transportation for World Food Program to Sudan
- INTER-TRADE GABON (1990 – 1994)
  Export and Import of Food
- TELKOM SERVICE – Gabon (1994 – 1999)
  Provide the Service of Telephone, Fax and International calls

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Education

- **TERTIARY EDUCATION**
  University of Romania
  From – 1979 – 1984
- **SECONDARY EDUCATION**
  Madrasah Allah
  From 1973 - 1977
- **PRIMARY EDUCATION**
  Jamal Abdi Nasser
  Completed 1973

Languages

- English
- Arabic
- French
- Somali
- Italian
- Romanian



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Annex 6.4.b: Passport of Ismail Wardhere Osman (STRICTLY CONFIDENTIAL)



JAMHUURIYADDA SOOMAALIYA جمهورية الصومال SOMALI REPUBLIC

BAASABOORKA/ جواز /PASSPORT

Nooca/ النوع /Type P

Astaanta Dalka/ رمز الدولة /Country Code SOM

L.Baasaboorka/ رقم الجواز /Passport No. P0001947 3

Magaca/ الاسم /Name ISMAIL WARDHERE OSMAN

Magaca Hooyada/ اسم الأم /Mother's Name FADUMO ALI MOHAMED

Jinsiyada/ الجنسية /Nationality SOM

Shaqada/ المهنة /Occupation BUSINESSMAN

Taariikhda Dhalashada/ تاريخ الميلاد /Date of Birth 01 JAN 1963

Meesha laga Bixiyey/ مكان الإصدار /Place of Issue NAIROBI

Lab/Dhedig/ الجنس /Gender MALE

Meesha Dhalashadaj/ مكان الميلاد /Place of Birth EL-DER

Taariikhda la Bixiyey/ تاريخ الإصدار /Date of Issue 28 FEB 2009

Xafiiska laga Bixiyey/ جهة الإصدار /Issuing Authority SOMALI GOVERNMENT

Taariikhda uu Dhacayo/ تاريخ الإنتهاء /Date of Expiry 28 FEB 2012

Saxiixa Qofka/ حامل رقم الجواز /Holder's Signature

P<SOMWARDHERE<<ISMAIL<OSMAN<<<<<<<<<<<<<<<<<<<<<<<<

P0001947 3SOM6301019M1202281N0000021746 3<<<68

JAMHUURIYADDA SOOMAALIYA

جمهورية الصومال

SOMALI REPUBLIC

MAGACA SHARCIGA

باسم القانون

IN THE NAME OF THE LAW

Dowladda Soomaaliya waxay soo saartay Baasaboorkan

أصدرت الحكومة الصومالية هذا الجواز

The Somali Government has issued this Passport

Baasaboorkani wuxuu ka kooban yahay 32 bog

هذا الجواز يحتوي على ٣٢ صفحة

This Passport contains 32 pages

L. Baasaboorka

رقم الجواز

Passport No.

P 00019473

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Annex 6.4.c: List of medicines forwarded by Musa Haji Mohamed 'Ganjab' for purchase (STRICTLY CONFIDENTIAL)

Kenya Shillings United States Dollars
1 KES = 0.0123762 USD 1 USD = 80.8000 KES

Kenya Shillings United States Dollars
1 KES = 0.0123762 USD 1 USD = 80.8000 KES

Kenya Shillings United States Dollars
1 KES = 0.0123762 USD 1 USD = 80.8000 KES

RATE WAXUU MARAYAA MAANTA Kenya Shillings United States Dollars 1 KES = 0.0123762 USD 1 USD = 80.8000 KES

QUOTATION

Description
Quantity price
1. AMOXYCILLIN CAPS BP 500MG 100,S
1 5.56
2. XONE INJ 1G NETT
1 2.78
3. CHLORAPHENICAL INJ VIAL
1 2.22
4.CHLORAPHENIOOL CAPS 250MG 1000'S
1 17.94
5. GRISO TABS 500MG 100'S
1 16.69
6. PEN V TABS 1000'S
1 17.32
7. HISTARGAN SYR 60NL
1 2.10
8. HEMATON -S- SYP 250ML
1 3.75
9. BENZATHINE PENCILLIN INJ 2.4MEGA

1 2.16
10. LOSEC TABS 20MG 14S
21.2
11. LOSEC TABS 40MG 7'S
1 17.3
12. QUININE INJ 600MG/2ML
1 2.11
13. FANSIDER TABS 50/25MG 150'S
1 37.9
14. OGMACLAVE TABS 625MG 14'S
1 9.22
15. ARTEFAN TABS 20/120MG 24'S
1 2.97
16. ATENOLOL TABS BP 50MG 28,S
1 2.97
17. AZILIDE TABS 500MG 3'S
1 6.59
18. AZICLAR TABS 250MG 20'S
1 10.22
19. CEMET TABS 400MG 100'S
1 5.97

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Annex 6.4.d: Pictures of Abdi Hassan Awale Qeybdiid's troops with mounted 12.7 mm machine guns and 23 mm anti-aircraft autocannons (STRICTLY CONFIDENTIAL)





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Annex 79

Final Report of the UN Panel of Experts on Somalia to the UN Security Council, S/2019/858, 1 November 2019 (Extracts)

United Nations S/2019/858*

Security Council

Distr.: General
1 November 2019

Original: English

Letter dated 1 November 2019 from the Chair of the Security Council Committee pursuant to resolution 751 (1992) concerning Somalia addressed to the President of the Security Council

On behalf of the Security Council Committee pursuant to resolution 751 (1992) concerning Somalia, and in accordance with paragraph 54 of Security Council resolution 2444 (2018), I have the honour to transmit herewith the final report of the Panel of Experts on Somalia.

In this connection, the Committee would appreciate it if the present letter and the report were brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) Marc **Pecsteen de Buytswerve**
Chair
Security Council Committee pursuant to
resolution 751 (1992) concerning Somalia

* Reissued for technical reasons on 14 November 2019.

Please recycle

S/2019/858

Letter dated 27 September 2019 from the Panel of Experts on Somalia addressed to the Chair of the Security Council Committee pursuant to resolution 751 (1992) concerning Somalia

In accordance with paragraph 54 of Security Council resolution 2444 (2018), we have the honour to transmit herewith the final report of the Panel of Experts on Somalia.

(*Signed*) Jay **Bahadur**
Coordinator
Panel of Experts on Somalia

(*Signed*) Mohamed Abdelsalam **Babiker**
Humanitarian expert

(*Signed*) Nazanine **Moshiri**
Armed groups expert

(*Signed*) Brian **O'Sullivan**
Armed groups/natural resources expert

(*Signed*) Matthew **Rosbottom**
Finance expert

(*Signed*) Richard **Zabot**
Arms expert

Summary

During the first reporting period of the Panel of Experts on Somalia, the use by Al-Shabaab of improvised explosive devices reached its greatest extent in Somali history, with a year-on-year increase of approximately one third. Post-blast chemical analyses obtained by the Panel provided definitive evidence for the first time that Al-Shabaab had been manufacturing its own home-made explosives since at least July 2017, and likely before then. Al-Shabaab previously relied on military grade explosives, obtained principally from explosive remnants of war and munitions captured from the African Union Mission in Somalia (AMISOM), to construct improvised explosive devices; the manufacture of home-made explosives means that the group may now have access to far more readily available inputs for the construction of such devices.

Nor is money a limiting factor for Al-Shabaab. A report of the Monitoring Group on Somalia and Eritrea in 2018 (S/2018/1002) highlighted the efficiency, geographical diversity, predictability and ruthlessness of Al-Shabaab's mafia-style "taxation" system in southern and central Somalia. During the reporting period, the Panel identified a new trend in the expansion of Al-Shabaab's revenue generation, namely the taxation of imports into Mogadishu port. Al-Shabaab's ongoing ability to generate revenues in areas the group does not physically control explains, to a degree, its resilience in the face of increased security operations by the Federal Government of Somalia and airstrikes by the United States of America. Its ability to provide basic services, such as access to judicial recourse, may account for some of Al-Shabaab's ongoing appeal in areas of Somalia where State institutions do not reach.

In 2019, Al-Shabaab's infiltration of Federal Government institutions reached as high as the Benadir Regional Administration when, on 24 July, an Al-Shabaab suicide bomber detonated herself at its headquarters in Mogadishu. The Mayor of Mogadishu, Abdirahman Omar Osman "Yarisow", and at least nine others, were killed. It later emerged that the suicide bomber, as well as an accomplice, had both been employees of the Benadir Regional Administration under falsified identities.

Al-Shabaab also remains a potent threat to regional peace and security. On 15 January 2019, Al-Shabaab carried out its first major attack in the Kenyan capital of Nairobi since 2013, in an assault on the DusitD2 Hotel complex that left 21 people dead. The DusitD2 operation was notable for the wide discretion and autonomy given to the Kenyan cell leader, including the selection of the target. The Panel's investigation into the attack also revealed an expansive and well-resourced Al-Shabaab network in the region aimed at kidnapping foreign nationals.

Towards the end of 2018 and the beginning of 2019, Al-Shabaab and the Islamic State of Iraq and the Levant (ISIL) faction in Somalia engaged in an armed struggle, within both the ISIL faction's heartland in Puntland and in Mogadishu. In Puntland, the faction underwent a violent change of leadership towards the end of 2018, and subsequently began a concerted campaign to extort "taxes" from Puntland-based businesses, employing tactics similar to those of Al-Shabaab. Most significantly, and for the first time since its establishment in 2015, the ISIL faction in Somalia was linked to a planned terror attack in another country. In December 2018, Italian authorities arrested a Somali national, Omar Moshin Ibrahim, in Bari, Italy, in connection with an ISIL plot to bomb St. Peter's Basilica in Rome on 25 December, Christmas Day. Investigations by the Panel, with assistance from the Government of Italy, have uncovered connections between Ibrahim and ISIL elements in Somalia, Kenya and Libya.

A deterioration in relations between the Federal Government of Somalia and the federal member states during the reporting period represented a further threat to stability in Somalia. Tensions between the centre and the regions were exacerbated by attempts by the Federal Government to direct the outcomes of federal member state electoral processes in Jubbaland, Puntland and, most notably, in South-West State in December 2018. The decision by the Federal Government to arrest a South-West State presidential candidate, Mukhtar Robow, in the run-up to the electoral process resulted in widespread protests in Baidoa in December 2018, during which 15 civilians were killed by regional security forces. The electoral process was also marred by accusations of bribery, with members of the South-West State regional Parliament receiving between $20,000 and $30,000 to elect a preferred candidate. The Panel also obtained evidence that, prior to the South-West State election, several hundred thousand dollars were transferred to a South-West State cabinet official by a Federal Government financial clerk.

The breakdown in dialogue between the Federal Government and federal member states on key security matters also had an impact on the implementation of the country's National Security Architecture as well as the Transition Plan, which aims for the handover of security responsibilities from AMISOM to Somali security forces by 2021. However, some initial goals of the Transition Plan have been achieved, such as the Somali National Army capturing the Lower Shabelle towns of Sabiid, Anole, Barire, and Awdheegle from Al-Shabaab – with assistance from AMISOM and the United States military – during the period from April to August 2019.

A further development on the path to preparing Federal Government security forces to assume responsibilities from AMISOM was the biometric registration of the entire Somali National Army, the first phase of which the Federal Government announced it had completed by March 2019. However, three case studies conducted by the Panel of the registration of hundreds of Somali National Army soldiers in Baidoa and Mogadishu concluded that fewer than half of those who appeared on Army registration documents obtained by the Monitoring Group on Somalia and Eritrea in 2017 and 2018 were captured in the biometric registration of 2019. Moreover, fewer than one fifth of Somali National Army sector 60 soldiers who had been issued Federal Government-marked weapons in late 2017 appeared on the 2019 biometric registration roll, raising questions as to why the Federal Government of Somalia had provided arms to individuals who were no longer considered members of the security forces one year later. The Panel was unable to determine the whereabouts of the former soldiers or of the weapons in their possession.

The Federal Government made significant progress in the field of public financial management, having completed three staff-monitored programmes of the International Monetary Fund, a series of technical benchmarks aimed at improving domestic revenue generation and, eventually, enabling debt relief and access to international borrowing markets. Among potential revenue streams highlighted by the programmes was the direct collection of air navigation charges, a responsibility assumed by the Federal Government following the handover from the International Civil Aviation Organization in June 2019. An investigation by the Panel uncovered financial irregularities within the Somali Civil Aviation and Meteorological Authority in relation to the collection of existing air navigation arrears, in which the Authority wrote off a $5.8 million debt owed by Jubba Airways Limited without collecting the funds from the airline.

The Panel noted an improvement in some aspects of the Federal Government's compliance with the terms of the partial lifting of the arms embargo during the reporting period. Five of the seven notifications submitted by the Federal Government to the Security Council Committee pursuant to resolution 751 (1992) met Council requirements. However, the Federal Government's reporting to the Committee on the structure and composition of its security forces pursuant to paragraph 9 of resolution 2182 (2014) has been inconsistent and incomplete. The Panel has also continued to document Federal Government arms and ammunition in the illicit sphere – including 38 weapons found in the possession of black-market dealers in Mogadishu and Baidoa – and in the possession of Al-Shabaab.

While supplies of military materiel to the Federal Government are subject to stringent notification requirements, regional administrations in Somalia have routinely received arms and ammunition in circumvention of the arms embargo. During the reporting period, the Panel viewed hundreds of documents detailing the systematic supply of weapons and ammunition by the Ethiopian State-owned Metals and Engineering Corporation to every regional administration in Somalia over the course of the preceding decade. While the Security Council, in paragraph 11 (a) of its resolution 2111 (2013), allows Member States to supply materiel to "Somalia security institutions" other than the Federal Government of Somalia, subject to the Committee's approval, the Government of Ethiopia has not once availed itself of that mechanism.

Given the prominence of the improvised explosive device as Al-Shabaab's weapon of choice, the arms embargo should be simplified and updated to reflect the modalities of modern counter-insurgency warfare, for example by seeking to restrict Al-Shabaab's access to chemical precursors and other components it uses to construct improvised explosive devices. The potential threat to peace, security and stability in Somalia through the unregulated import of explosive materials was exemplified by the May 2019 import into Bosaso, Puntland, of 180 tons of ammonium nitrate/fuel oil and other explosives intended for the construction of the port of Garacad. The high risk of the diversion of such materials in Somalia led the Committee to request in April 2019 that the Panel urgently recommend technical guidelines to ensure that such items are safely stored and accounted for in the future.

Al-Shabaab was once again responsible for the largest number of attacks against civilians in violation of international humanitarian law, which were concentrated in Mogadishu and other areas of southern and central Somalia. The militant group employed improvised explosive devices to kill and injure civilians in internally displaced persons camps, restaurants, marketplaces, shopping centres, government offices and hotels. Al-Shabaab also continued its campaign of targeting government officials and parliamentarians, as well as delegates who had been involved in the federal electoral process in 2016. Particularly in Bay region, Al-Shabaab also forcibly recruited and abducted hundreds of children – some as young as 8 years old – for enrolment in the group's madrasa system. The Panel has also noted a new and worrying trend of humanitarian workers being targeted by Al-Shabaab in Gedo region, including the practice of kidnapping local aid workers for ransom.

Federal Government and federal member state police and military actors also committed violations against civilians. For instance, on 31 December 2018 the Somali National Army summarily executed six men suspected of being affiliated with Al-Shabaab in the town of Bardera, Gedo region. In Puntland, the Panel investigated acts of torture and inhumane and degrading treatment by the Puntland Security Force, a United States-trained and -supported counter-terrorism unit based in Bosaso. In addition, the Panel identified several areas of concern regarding the prosecution of terrorism cases, including those of children, through Puntland's military courts, such

as the use of confessions extracted under torture, lengthy pretrial detention, decisions issued without explanation, arbitrary sentences and limited rights to appeal.

Sexual- and gender-based violence remained a persistent issue during the reporting period. The prolonged conflict in Somalia has left government institutions with little capacity to record instances of, conduct investigations into and prosecute the perpetrators of sexual violence. Many cases are handled through interventions by clan elders, where women – who make up the majority of survivors – do not participate in the negotiations, nor are they typically given a share of any funds paid in compensation.

Since August 2018, the Monitoring Group on Somalia and Eritrea, and subsequently the Panel of Experts, have not documented any charcoal exports from Somalia in violation of the Security Council ban, in contrast with exports totalling approximately 3 million bags (75,000 tons) during the previous reporting period. A clampdown on charcoal imports by Member States, including the United Arab Emirates, the Islamic Republic of Iran, Oman and Kuwait, has forced charcoal traffickers into a hiatus, owing to the need to generate new forms of falsified paperwork and arrange alternative ports for the shipment of the charcoal. However, domestic production of charcoal is ongoing: stockpiles at Kismayo and Buur Gaabo stood at 600,000 to 900,000 bags at the time of writing, with a wholesale industry value of approximately $30 to $45 million.

The last recorded major export of charcoal from Somalia occurred in August 2018 when a cargo vessel transported 190,000 bags (4,750 tons) of charcoal from Kismayo to Khawr al-Zubayr port, Iraq. The Somali charcoal shipment was rebagged and trans-shipped from Iraq to neighbouring Member States throughout 2019. While charcoal exports from Somalia have temporarily ceased, the international criminal networks involved in the trade remain active. The Panel has also learned that Khawr al-Zubayr port may be used in the future as a transit hub for large shipments of charcoal transported by commercial cargo vessels, rather than by the typical Indian Ocean dhows.

The primary rationale behind the introduction of the Security Council ban on charcoal in resolution 2036 (2012) was to curtail Al-Shabaab revenue. During the reporting period, Al-Shabaab increased its attacks on traders transporting charcoal from production sites inland to export points in Somalia, where historically the group had levied “taxes” on such shipments. Although Al-Shabaab may still generate some limited income from the charcoal trade, the group maintains a highly diversified revenue base from the “taxation” of virtually all trade in the south of the country. Were exports of Somali charcoal to cease entirely, Al-Shabaab’s ability to wage its insurgency is unlikely to be significantly affected. The Panel of Experts has therefore recommended that the Council carry out a review of the charcoal ban, with a view to assessing its continued appropriateness.

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* Circulated in the language of submission only and without formal editing.

I. Introduction

A. Mandate

1. The Panel of Experts on Somalia is the successor to the Monitoring Group on Somalia and Eritrea, the mandate of which was terminated by the Security Council on 16 December 2018 pursuant to paragraph 10 of its resolution 2444 (2018). In paragraph 11 of the same resolution, the Council established the Panel of Experts and decided that the Panel's mandate shall include the tasks as set out in paragraph 13 of resolution 2060 (2012) and updated in paragraph 41 of resolution 2093 (2013), paragraph 15 of resolution 2182 (2014), paragraph 23 of resolution 2036 (2012) and paragraph 29 of resolution 2444 (2018) as they relate to Somalia.

2. In accordance with paragraph 54 of resolution 2444 (2018), the Panel of Experts provided the Security Council Committee pursuant to resolution 751 (1992) concerning Somalia with a midterm update on 10 May 2019. The Panel also submitted monthly progress updates to the Committee throughout its mandate.

3. In the course of their investigations, members of the Panel of Experts travelled to Canada, Ethiopia, France, Italy, the Islamic Republic of Iran, Mauritius, the Netherlands, Qatar, Seychelles, Somalia, Turkey, the United Arab Emirates, the United Kingdom of Great Britain and Northern Ireland, the United Republic of Tanzania and the United States of America. The Panel's travel within Somalia was restricted by the Federal Government of Somalia from March 2019 onward, and its members were only able to travel to Berbera, Bosaso, Garowe and Hargeisa during February 2019.

4. The Panel of Experts was based in Nairobi and comprised the following experts: Jay Bahadur (coordinator), Mohamed Babiker (humanitarian), Nazanine Moshiri (armed groups), Brian O'Sullivan (armed groups/natural resources), Matthew Rosbottom (finance) and Richard Zabot (arms).

B. Methodology

5. The evidentiary standards and verification processes outlined in the reports of the Monitoring Group on Somalia and Eritrea apply to work conducted by the Panel of Experts during the period under review, as follows:

(a) Collecting information on events and topics from multiple sources, where possible;

(b) Collecting information from sources with first-hand knowledge of events, where possible;

(c) Identifying consistency in patterns of information and comparing existing knowledge with new information and emerging trends;

(d) Continuously factoring in the expertise and judgment of the relevant expert of the Panel of Experts and the collective assessment of the Panel with regard to the credibility of information and the reliability of sources;

(e) Obtaining physical, photographic, audio, video and/or documentary evidence in support of the information collected;

(f) Analysing satellite imagery, where applicable.

6. The Panel of Experts made a deliberate and systematic effort to gain access to those involved in violations of the sanctions measures by way of individuals who had

direct knowledge or who knew people who had direct knowledge about details of violations.

7. The Panel interviewed a wide range of sources with relevant information, including government officials and representatives of diplomatic missions, civil society organizations and aid agencies. The Panel also met and communicated with officials from regional administrations, representatives of political and armed groups, and members of business communities and Somali civil society.

8. In accordance with the Secretary-General's bulletin on information sensitivity, classification and handling (ST/SGB/2007/6), the Panel of Experts has submitted to the Committee, together with the present report, several strictly confidential annexes containing information whose disclosure may be detrimental to the proper functioning of the United Nations or to the welfare and safety of its staff or third parties or may violate the Organization's legal obligations. Those annexes will not be issued as a document of the Security Council.

II. Acts that threaten the peace, security and stability of Somalia

A. Harakat Al-Shabaab Al-Mujaahidiin

9. The extremist group Harakat Al-Shabaab Al-Mujaahidiin (Al-Shabaab) remains the most immediate threat to peace and security in Somalia. A significant escalation of United States airstrikes targeting Al-Shabaab militants and leaders during the reporting period has contributed to keeping the group off-balance and preventing the massing of large numbers of fighters but has had little effect on its ability to launch regular asymmetric attacks throughout Somalia. Al-Shabaab also remains capable of carrying out occasional conventional attacks against both Federal Government of Somalia and African Union Mission in Somalia (AMISOM) forces, such as its ambush of the Burundian contingent of AMISOM at Balad on 29 July 2019.

10. During the reporting period, Al-Shabaab carried out an unprecedented number of improvised explosive device attacks. Definitive evidence that Al-Shabaab is manufacturing its own explosives (see "Use of improvised explosive devices by Al-Shabaab", below) means that the group now has at its disposal a readily available supply of improvised explosive device inputs. Al-Shabaab's modus operandi remains the deployment of a vehicle-borne improvised explosive device to breach the perimeter of a target, followed by an assault by up to half a dozen gunmen. Al-Shabaab's stated policy is to target hotels and restaurants frequented by Federal Government officials, though the majority of the group's victims comprise other civilians.

11. As noted in multiple reports of the Monitoring Group on Somalia and Eritrea, Al-Shabaab has also infiltrated Federal Government of Somalia institutions.[1] On 24 July 2019, at 16:55 UTC+3, a female Al-Shabaab suicide bomber detonated herself at the Benadir Regional Administration headquarters in Mogadishu. The attack killed at least 10 people, including the Mayor of Mogadishu, Abdirahman Omar Osman "Yarisow", and three district commissioners. It later emerged that the suicide bomber had been employed at the Benadir Regional Administration since May 2018, under an assumed identity.[2] An accomplice, also an employee of the Benadir Regional

[1] See, most recently, S/2018/1002, annexes 2.2 and 4.2 (strictly confidential).

[2] Harun Maruf, "Mogadishu mayor targeted by female bomber", Voice of America, 9 August 2019. Available at www.voanews.com/africa/mogadishu-mayor-targeted-female-bomber.

Administration using a false name, had yet to be apprehended as of the time of writing.

12. Al-Shabaab's ability to generate domestic revenues through the "taxation" of all aspects of the Somali economy is undiminished, and has likely expanded during the reporting period, with preliminary evidence indicating that the group has begun taxing imports into Mogadishu port (see "Al-Shabaab financing", below). The group also continues to take advantage of virtually unregulated mobile money and domestic banking services to collect and transfer revenues throughout the country. While the operationalization of the Federal Government's Financial Reporting Center in November 2018 represented a positive step in countering terrorism financing within Somalia, compliance by domestic financial institutions must be further strengthened (see section VIII, below).

13. The assault by Al-Shabaab on 15 January 2019 on a commercial business complex in Nairobi containing the DusitD2 Hotel illustrates the danger the group continues to pose to regional peace and security. Al-Shabaab also carried out an unprecedented number of improvised explosive device and other attacks across the Kenya-Somalia border in June and July 2019, possibly in an effort to exploit strained relations between the two countries.

Extent of Al-Shabaab control within Somalia

14. Since the cessation of major AMISOM offensive operations in July 2015, the scope of Al-Shabaab's territorial control in Somalia has remained largely unchanged. While AMISOM and the Somali National Army hold the majority of urban centres, Al-Shabaab maintains direct control or influence over vast swathes of the hinterland and is able to cut off main supply routes and effectively isolate AMISOM- and government-controlled pockets.

15. Al-Shabaab's zones of influence can be broadly divided into three categories: territory directly administered by the group, where Al-Shabaab serves as the de facto government; territory where it maintains a significant military presence; and areas the group does not control but where it is nonetheless able to levy "taxes".

Areas administered by Al-Shabaab

16. Al-Shabaab remains in administrative control of most of the Juba Valley, including the major urban centres of Bu'ale, Sakow and the Al-Shabaab "capital" of Jilib. Qunyo Barrow, in Lower Juba, is the headquarters of Al-Shabaab's finance department, and likely contains a significant proportion of the group's physical cash reserves. The group also administers areas of Lower Shabelle, centred around the town of Sablale, and maintains the majority of its training camps in the forested area around Bulo Fulay, Bay region, where it routinely carries out graduation ceremonies for new recruits.

Areas of significant Al-Shabaab military presence

17. Al-Shabaab maintains a significant military presence, but does not administer, large swathes of territory centred around Harardhere, in Mudug region, and Adan Yabal, in Middle Shabelle region. In addition, the group is waging an active insurgency based in the Golis Mountains of Puntland, 30 km south-west of Bosaso, as well as in parts of Gedo region, around the town of El Adde.

Al-Shabaab taxation catchment

18. Al-Shabaab functions as a shadow government even in areas that it does not physically control, collecting "taxes" and providing some basic services. As detailed in a report of the Monitoring Group on Somalia and Eritrea in 2018 (S/2018/1002, annex 2.4), Al-Shabaab routinely taxes trade, livestock and agricultural production through a series of checkpoints throughout central and southern Somalia, enforcing compliance through the threat of violence.

19. Annex 1.1 to the present document contains a map illustrating Al-Shabaab's varying degrees of control within Somalia.

Use of improvised explosive devices by Al-Shabaab

20. For the first time, the Panel obtained definitive evidence that Al-Shabaab has been manufacturing home-made explosives since at least 20 July 2017.[3] Post-blast laboratory analyses, carried out by the Terrorist Explosive Device Analytical Center of the Federal Bureau of Investigation and provided to the Panel, have established that Al-Shabaab has carried out at least 11 improvised explosive device attacks in Somalia using home-made explosives. The analyses found evidence of mixtures of nitroglycerin, a highly sensitive explosive; potassium nitrate, which is used as an oxidizer; and charcoal, a fuel element.[4] The confirmed use of home-made explosives by Al-Shabaab represents a diversification of Al-Shabaab's improvised explosive device construction methods, which have traditionally utilized military-grade explosives, obtained principally from explosive remnants of war, captured AMISOM munitions and illicit transfers from Yemen.[5]

21. Information received by the Panel from a range of explosive ordnance disposal experts suggests a probable connection between the development of home-made explosives by Al-Shabaab and the increased frequency of improvised explosive device attacks in Somalia in recent years.[6] From July 2018 to July 2019, Al-Shabaab carried out 548 improvised explosive device attacks in Somalia, compared with 413 over the corresponding period the previous year, an increase of 32 per cent.[7] There was also a 36 per cent increase in improvised explosive device incidents in Benadir region, which includes Mogadishu, over the same period (see annex 1.2).[8]

22. Al-Shabaab's use of home-made explosives also appears to be geographically diverse within Somalia. Explosive ordnance disposal experts have noted the presence of home-made explosives in Jubbaland in smaller devices, as well as in a twin vehicle-borne improvised explosive device attack against the Somali National Army, Ethiopian National Defence Forces and United States forces in Bar Sanguni (40 km north of Kismayo) on 19 January 2019. Initial reports from the 12 July 2019 complex

[3] A laboratory analysis of a vehicle-borne improvised explosive device seized at Elasha Biyaha on 20 July 2017 confirmed the presence of nitroglycerin, potassium nitrate and a component consistent with charcoal.

[4] Oxidizers, when combined with an appropriate ratio of fuel, provide a chemical source of oxygen for an improvised explosive device (see S/2018/1002, paras. 66–69).

[5] The most common military-grade explosives used in improvised explosive device attacks in Somalia are 2,4,6-trinitrotoluene (TNT) and cyclotrimethylenetrinitramine (RDX).

[6] There were 491 improvised explosive device-related incidents in Somalia in 2018, compared with 402 in 2017 and 295 in 2016. As of the time of writing, 544 improvised explosive device-related incidents are projected to occur by the end of 2019.

[7] UNMAS Somalia statistics, 2016–2019.

[8] From July 2018 to July 2019, Al-Shabaab carried out 137 improvised explosive device attacks in Benadir, compared with 101 incidents over the same period the previous year.

attack at the Medina Hotel in Kismayo also indicated the use of home-made explosives.[9]

23. Although Al-Shabaab's use of home-made explosives is a significant development, the group also continues to use military-grade explosives in many of its improvised explosive device attacks.[10] On 9 November 2018, for instance, Al-Shabaab used military-grade explosives to attack the Sahafi Hotel in Mogadishu (see "Sahafi Hotel attack", below), which resulted in the deaths of at least 50 people.

Supply of improvised explosive device components to Somalia

24. In paragraph 29 of its resolution 2444 (2018), the Security Council decided that the Panel of Experts would continue the investigations started by the Monitoring Group on Somalia and Eritrea related to the export to Somalia of chemicals used in the manufacture of improvised explosive devices. In consultation with explosive ordnance disposal experts and chemists, the Panel compiled a list of chemicals and other common components that could be used by Al-Shabaab to construct improvised explosive devices and that might yield the laboratory analysis results described above.[11] The Panel contacted shipping companies that routinely conduct transits to major Somali ports, as well as relevant Member States, requesting information on consignments containing potential improvised explosive device inputs. So far, the Panel has not received any practicable information from those inquiries.

25. On 5 April 2019, Federal Government security forces recovered empty bottles of nitric acid from an underground Al-Shabaab hideout near Elasha Biyaha, a suburb of Mogadishu (see annex 1.2). Nitric acid can be mixed with sulfuric acid and glycerine to produce nitroglycerin, which has been detected in multiple laboratory analyses of Al-Shabaab home-made explosives. Explosive ordnance specialists consulted by the Panel have indicated that there is no legitimate industrial demand for concentrated nitric acid in Somalia.[12]

26. The Panel also documented the availability of two types of fertilizer containing potassium in Kismayo and Mogadishu, in July and August 2019 (see annex 1.2). However, the potassium content of the documented fertilizers (5 per cent and 10 per cent) fell below the 40 per cent threshold required to be suitable for improvised explosive device construction.[13]

Australian seizure

27. On 25 June 2019, the Australian Navy vessel HMAS *Ballarat* seized 697 bags of ammonium nitrate fertilizer, as well as approximately 475,000 rounds of small arms ammunition, from a stateless dhow in the Arabian Sea.[14] Additional information received by the Panel from the European Union Naval Force (EUNAVFOR) indicated

[9] UNMAS Somalia Significant Activity Report, 22 July 2019.

[10] Interviews with explosive ordnance disposal experts in Nairobi and Mogadishu, December 2018 to August 2019.

[11] The inquiries focused on the transport of ammonium and potassium nitrate fertilizer, potassium chlorate, sodium chlorate, nitroglycerin, glycerine, acetone, magnesium, nitric acid, aluminium paste or powder, detonators, detonating cord and ammonium nitrate/fuel oil.

[12] Interview with an analyst from the Federal Bureau of Investigation, 15 August 2019, and interview with a business intelligence researcher, 20 August 2019.

[13] Interview with an explosive ordnance disposal specialist, 12 August 2019.

[14] Royal Australian Navy (@Australian_Navy), "The frigate #HMASBallarat conducted a boarding of a dhow in the Arabian Sea", 28 June 2019, available at https://twitter.com/Australian_Navy/status/1144492250098888705.

that the seizure had taken place proximate to the coast of Oman, suggesting that northern Somalia was a possible destination of the dhow.[15]

Sahafi Hotel attack

28. On 9 November 2018, Al-Shabaab detonated three vehicle-borne improvised explosive devices outside the Sahafi Hotel in Mogadishu.[16] Five gunmen then assaulted the compound, dressed in what appeared to be newly issued Somali security forces uniforms and matching berets.[17] At least 50 people were killed and 100 injured in the attack, making it the deadliest since attack on 14 October 2017, which killed almost 600 (see S/2018/1002, annex 2.2).

29. In addition, an AK-pattern assault rifle recovered from one of the gunmen had markings consistent with materiel imported in July 2017 by the Federal Government of Somalia.[18] At least two unexploded hand grenades captured from the gunmen bore markings almost identical to those on several hand grenades seized from Al-Shabaab in Bulo Mareer by the Uganda People's Defence Forces in March 2018 (see annexes 1.3 and 2.6).[19]

Al-Shabaab financing

30. A 2018 report of the Monitoring Group on Somalia and Eritrea found that Al-Shabaab derived its revenue from a variety of domestic sources, primarily taxation on transiting vehicles and goods, agricultural taxation, business extortion and forced *zakat* (alms) levies (see S/2018/1002, annex 2.4). Throughout the reporting period, the Panel found that Al-Shabaab continued to employ a system of extortion across southern and central Somalia, despite specific targeting of Al-Shabaab checkpoints by international forces.[20]

31. In 2019, the Panel's investigations established that Al-Shabaab further expanded its revenue base by incorporating the systematic taxation of goods imported into Mogadishu port. According to the Panel's interviews with members of Mogadishu's business community, Al-Shabaab has infiltrated Mogadishu's port institutions as well as commercial shipping agents operating in the city.[21] Consequently, Al-Shabaab has obtained access to cargo manifests, which detail the nature, value and ownership of imported goods.[22] From 1 to 7 April 2019, Al-Shabaab contacted business owners in Mogadishu, informing them that all imports into Mogadishu port would from that

[15] The Panel sent correspondence to the Permanent Mission of Australia to the United Nations on 2 July 2019 requesting further information and an opportunity to inspect the seizure, but has not yet received a response.

[16] Al-Shabaab had previously attacked the Sahafi Hotel on 1 November 2015, killing at least 24 civilians and injuring 30 others.

[17] For information on previous instances of Somali security forces uniforms used by Al-Shabaab in attacks in Somalia, see S/2018/1002, paras. 29–33.

[18] Consignment from China delivered in July 2017 (notified 2 February 2018).

[19] See also S/2018/1002, paras. 47–49. Both hand grenades bear the factory marking 349, corresponding to a factory in St. Petersburg, Russian Federation. The grenades captured by Ugandan forces were manufactured in 1980, while those captured in the Sahafi Hotel attack were manufactured in 1979.

[20] On 25 June 2019, United States Africa Command announced they had conducted targeted airstrikes in Qunyo Barrow, previously identified by the Monitoring Group on Somalia and Eritrea as the centre of Al-Shabaab's finance department (S/2018/1002, annex 2.4). See United States Africa Command, "U.S. airstrike targets al-Shabaab in support of the Federal Government of Somalia", press release, 27 June 2019. Available at www.africom.mil/media-room/pressrelease/31992/u-s-airstrike-targets-al-shabaab-in-support-of-the-federal-government-of-somalia.

[21] Interviews with five businesses based in Mogadishu, July and August 2019.

[22] Interview with an international trading company that exports dried food from the Gulf Cooperation Council region to Mogadishu, in Dubai, United Arab Emirates, 26 June 2019.

point on be subject to Al-Shabaab taxation.[23] Al-Shabaab further demanded that Mogadishu businesses declare all imports to the group's finance department prior to import, warning that all declarations would be corroborated by cross-referencing cargo manifests.[24]

32. As an example, in late July 2019, a business entity based in a Gulf Cooperation Council country imported several thousand tons of building materials into Mogadishu port. In early August 2019, Al-Shabaab contacted the business's representative in Mogadishu by telephone, ordering him to immediately present himself at Al-Shabaab's court at Mubarak, Lower Shabelle region.[25] Upon arrival at the court, Al-Shabaab presented the representative with the cargo manifest from Mogadishu port, which highlighted the company's consignments during the calendar year. Al-Shabaab demanded that the agent make a payment in excess of $70,000 in taxes to the group. They further warned the agent that tax payments on future shipments should be made in advance. Following consultation with the company's management, the agent made the payment using an inter-account transfer with a Somali banking institution.[26] Al-Shabaab provided a receipt to the company for the transaction, a copy of which is contained in annex 1.4 (strictly confidential).

Al-Shabaab's justice system

33. In addition to its ability to raise taxes, Al-Shabaab also provides some basic services typically associated with government, even in areas it does not physically control. In an environment where State institutions are limited or in some cases absent entirely, Al-Shabaab's provision of rudimentary courts and access to judicial recourse – and the group's ability to enforce its judgments through the threat of violence – may account for its appeal among certain segments of the population.

34. Al-Shabaab justice is often sought in relation to disputes over land ownership, most notably in Mogadishu. As State justice is often costly, protracted and unpredictable, concerned parties often initiate dialogue with Al-Shabaab and request the group's mediation in issues related to conflict over land ownership.[27] Al-Shabaab justice officials interview neighbours and other witnesses and call both the plaintiff and respondent to the group's court at Tortoroow, near Afgoye, in order to render judgment. The Panel has obtained a copy of an Al-Shabaab summons to a respondent in a land dispute case (see annex 1.5).

35. Al-Shabaab's justice mechanisms may have appeal for disadvantaged groups who have limited or no access to State justice institutions. For instance, in the absence of functioning family courts in rural areas, Al-Shabaab offers some women their only opportunity for financial compensation from ex-husbands and male relatives.[28] Notebooks recovered from deceased Al-Shabaab officials in 2018 in Bay region contained examples of Al-Shabaab judicial rulings on a diverse range of topics, including divorce and child support, theft, possession of weapons and the sale of livestock. Annex 1.5 contains documentation related to Al-Shabaab justice mechanisms.

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[23] Interviews with five businesses based in Mogadishu, July and August 2019. See also S/2019/570, para. 39.

[24] Interviews with five businesses based in Mogadishu, July and August 2019.

[25] Interview with an international trading company that exports dried food from the Gulf Cooperation Council region to Mogadishu, in Dubai, 26 June 2019.

[26] Ibid.

[27] From January to April 2019, the Panel carried out four telephone interviews with individuals based in Mogadishu who engaged Al-Shabaab to find resolutions to land ownership issues.

[28] International Crisis Group, "Women and Al-Shabaab's insurgency", Crisis Group Africa Briefing No. 145, 27 June 2019. Available at www.crisisgroup.org/africa/horn-africa/somalia/b145-women-and-al-shabaabs-insurgency.

Regional operations

DusitD2 attack in Nairobi

36. On 15 January 2019, Al-Shabaab militants attacked a commercial business complex in Nairobi containing the DusitD2 Hotel. The attack began at approximately 15:25 UTC+3, commencing with a detonation of a suicide bomber. Four gunmen then proceeded to storm the compound using AK-pattern rifles and grenades, targeting people within the DusitD2 Hotel and surrounding businesses.

37. The attack resulted in 21 victims, as well as the 4 gunmen. The date of the attack was significant, coinciding with the third anniversary of Al-Shabaab's deadliest attack on AMISOM forces, when on 15 January 2016 militants overran a Kenyan Defence Forces AMISOM base at El Adde, Somalia, resulting in the deaths of approximately 150 Kenyan Defence Forces soldiers (S/2016/919, paras. 15–20).

38. In a detailed statement released the day after the attack, Al-Shabaab announced that the operation – codenamed *Al-Qudsu Lan Tuhawwad* ("Jerusalem will never be Judaized") – had targeted "western and Zionist interests worldwide and in support of our Muslim families in Palestine". The rhetoric was atypical for Al-Shabaab, which in the past has justified its attacks against foreign actors, such as AMISOM troop-contributing countries, based upon their presence on Somali soil. Al-Shabaab's pivot towards a focus on Western targets and the "liberation" of Jerusalem may be viewed in the context of the militant group's ongoing competition within Somalia with ISIL, whose ideology has traditionally been more globalist than that of Al-Shabaab.

39. Almost one year prior to the DusitD2 attack, an Al-Shabaab vehicle-borne improvised explosive device operation, likely scheduled to take place on the second anniversary of the El Adde incident, was disrupted by Kenyan security forces in Merti, Isiolo County, Kenya (S/2018/1002, paras. 75–81). Evidence reviewed by the Panel indicates a likely overlap between the networks involved in the Merti and DusitD2 plots, including a financing middleman based in Mandera, Kenya (see "Financing of the attack", below), as well as a Type 56-2 rifle used by one of the DusitD2 gunmen.

Attacking team

40. The Al-Shabaab attacking team consisted of four gunmen as well as a suicide bomber, Mahir Khalid Riziki. Riziki was the only long-standing member of Al-Shabaab, having been known to Kenyan police due to his involvement in attacks along the Kenyan coast.[29]

41. The leader and operator of the cell's safehouse on the outskirts of Nairobi, Ali Salim Gichunge, was born in 1995 in Isiolo, Kenya. Unusually for a Kenyan operative within Al-Shabaab, Gichunge was given wide discretion and autonomy over the particulars of the plot – including the selection of the target – rather than being directly overseen from within Somalia. The three additional gunmen consisted of Osman Ibrahim Gedi, a Kenyan national; Siyat Omar Abdi, a refugee from Dadaab camp in Kenya; and an unknown Somali national who travelled from the Dadaab refugee camp. Each of the attackers were found to be in possession of multiple identification documents, some of which were genuine, and others which had been obtained through corruption or were entirely manufactured.

[29] In 2014, Riziki was a member of an assassination cell tasked by Al-Shabaab to kill security personnel in the coastal region, and in October 2014 he was involved in the killing of a police officer at the Royal Court Hotel in Mombasa. Confidential police report seen by the Panel of Experts, March 2019.

42. In order to mislead law enforcement, members of the attacking cell travelled separately and came together in Nairobi only two days prior to the attack. One day before the attack the selection of the target had yet to be finalized, with members of the cell conducting reconnaissance at an alternative location in northern Nairobi.

Financing of the attack

43. A key financing link between Al-Shabaab in Somalia and the attacking cell in Kenya was Abdi Ali Mohamed, a Kenyan national based in Mandera. Mohamed subsequently used three phone numbers to send almost K Sh 700,000 ($7,000) – typically structured in transfers of K Sh 70,000 ($700) – to cell leader Ali Salim Gichunge, using M-PESA, the principal mobile phone money service in Kenya. One of Mohamed's phone numbers had also been used in early 2018 to transfer funds to Abdimajit Adan, an Al-Shabaab operative arrested by Kenyan security forces in February 2018 in connection with a planned vehicle-borne improvised explosive device attack in Nairobi (see S/2018/1002, annex 2.3), indicating an overlap in the planning of the two operations. A conservative estimate of the total cost of the DusitD2 operation was between $45,000 and $50,000 (see annex 1.6.1 (strictly confidential)).

Type 56-2 rifle

44. The serial number and additional markings on the weapon used by one of the DusitD2 gunmen indicate the strong likelihood that the rifle was part of a consignment of 3,500 Type 56-2 rifles purchased by the Federal Government of Somalia from the Government of Ethiopia in 2013 immediately following the partial lifting of the arms embargo.[30] The Al-Shabaab operatives arrested by Kenyan police in February 2018 were found in possession of four Type 56-2 rifles that had also formed part of the 2013 consignment (see S/2018/1002, annex 2.3).

45. Annex 1.6 contains a detailed case study of the DusitD2 attack.

Additional Al-Shabaab networks in East Africa

46. Evidence gathered from the DusitD2 investigation revealed the existence of additional Al-Shabaab cells in the region, connected through at least two cell coordinators located in the Al-Shabaab stronghold of Jilib.[31] Electronic communications, conducted for the most part in fluent English, indicated evidence of planned operations to kidnap foreign nationals in the area around Naivasha and Nakuru, Kenya, in February 2019; the plots were successfully foiled by the Kenyan Anti-Terrorism Police Unit.[32] Local cell leaders ("emirs") were required to submit monthly reports to Jilib on the cell's activities.

47. The Jilib-based cell coordinators provided funds to operatives in Kenya and the United Republic of Tanzania upon request, with the emir of each cell required to submit a list of estimated expenditures, including a monthly salary of $700 for each operative. Upon the receipt of a request, the coordinator would instruct Al-Shabaab's finance department to transfer funds to a phone number provided by the operative, using M-PESA mobile money. Financial requests were readily forthcoming and rarely questioned; in one case, a cell coordinator provided $6,000 – including $1,000 to pay for a wedding – to a sleeper agent in the United Republic of Tanzania in order to establish a bakery in Dar es Salaam and obtain Tanzanian identification documents. On the occasions when cell coordinators rejected operatives' requests, it was due to

[30] The consignment was notified to the Committee on 29 July 2013.
[31] Identified by international security agencies through their Internet Protocol addresses.
[32] Interview with international security source, June 2019.

operational concerns rather than the amount requested. For instance, a cell coordinator rejected an operative's request to purchase a Toyota Surf four-wheel-drive vehicle because such a vehicle would not fit his cover profile as a university student.

48. Based on analyses of the communications, the Panel estimates that Al-Shabaab operatives in Somalia transferred approximately $100,000 to four cells based in East Africa from March 2018 to February 2019.

49. See annex 1.7 (strictly confidential) for a detailed account of Al-Shabaab operations in East Africa.

Recruitment within Kenya

50. Electronic communications between the cell coordinators in Jilib and their field operatives also provided a unique insight into Al-Shabaab's recruitment techniques within Kenya. Operatives in Kenya on several occasions suggested possible recruits, individuals usually known to them through criminal associations. In one instance, an operative suggested recruiting "AH", a Kenyan national of non-Somali ethnicity with whom he had conducted past robberies. The Jilib-based cell coordinator facilitated the travel of "AH" to Somalia at El Wak in December 2018, where "AH" underwent training in Gedo region for only 24 days before returning to Kenya in January 2019.

51. The case of "AH" was typical in terms of the route taken by Kenyan recruits to reach Somalia – through Al-Shabaab's preferred transit point at El Wak – as well as the conduct of his training in Gedo region. In other facets, however, the case represents a newly observed dimension of Al-Shabaab's recruitment strategy, whereby the possession of criminal skills, including knowledge of evading law enforcement, are privileged over ideology or affiliation with certain mosques or religious networks.

Cross-border attacks into Kenya

52. During the reporting period Al-Shabaab stepped up hit-and-run and improvised explosive device attacks along the Somalia-Kenya border, particularly during the months of June and July 2019, which saw a total of 30 incidents. The geographical scope of the attacks ranged from the northernmost border point with Somalia, at Mandera, Kenya, to the southern border in Lamu County, spanning almost 700 km.

53. The most serious cross-border incident occurred on 15 June 2019 in Konton, Wajir County, Kenya, when eight Kenyan police officers were killed and several others injured by an improvised explosive device. The attack occurred just one day after three Kenyan police reservists were kidnapped, also in the Konton area.

54. The increased frequency of Al-Shabaab's attacks into Kenya may be a result of heightened diplomatic tensions between the two countries (see "Maritime border dispute with Kenya", below) which the militant group may be seeking to exploit.

55. Annex 1.8 contains additional information on Al-Shabaab's cross-border attacks into Kenya.

B. Islamic State in Iraq and the Levant faction

56. In 2018, the Monitoring Group on Somalia and Eritrea reported that the ISIL faction based in the Bari region of Puntland, headed by Abdulqader Mu'min, had entered a period of retrenchment and reorganization, and also detailed the emergence of an ISIL assassination network based in Mogadishu and Afgoye (S/2018/1002, paras. 93–97). During the reporting period the Panel of Experts noted a violent

upheaval in the faction's leadership, and an apparently concerted effort by the group to build a revenue base using extortion tactics against businesses and individuals similar to those employed by Al-Shabaab. An internal assessment by the United States-trained Puntland Security Force, obtained by the Panel in late November 2018, estimated that the group may comprise as many as 340 militants, which, if accurate, would represent a significant increase from the Monitoring Group's previous estimate of up to 200 fighters (S/2017/924, para. 32).

Leadership struggle

57. The end of 2018 saw a violent leadership contest between Abdirashid Luqmaan and ISIL deputy leader Mahad Moalim[33] and his supporters, principally Mohamed Ahmed Qahiye[34] and Abdihakim Dhuqub.[35] On 13 October, Moalim was found shot dead in Mogadishu's Hodan district. Around 18 November, Qahiye received an amnesty from the then President of Puntland, Abdiweli Mohamed Ali "Gass", and thereafter left Puntland for Ethiopia in fear for his safety.[36] On 14 April 2019, Abdihakim Dhuqub was killed by a United States airstrike in the vicinity of the town of Xiriiro in north-east Puntland.[37]

58. Following the purge, Abdirashid Luqmaan (Darod/Leelkase) emerged as the de facto leader of the ISIL faction, although Abdulqader Mu'min maintains his role as the group's emir and spiritual head. Luqmaan is likely the same individual identified in the final report of 2017 of the Monitoring Group on Somalia and Eritrea report as Abdiqani "Luqmaan" (Darod/Leelkase), the head of ISIL military operations (see S/2017/924, annex 2.2). Unconfirmed intelligence from an internal report of the Puntland Security Force indicates that Luqmaan is between 40 and 48 years of age and had been a religious leader within Al-Shabaab in Galkayo before defecting to the ISIL faction in 2015.

Conflict with Al-Shabaab in Bari region

59. In December 2018, fighting broke out between the ISIL faction and Al-Shabaab in Bari region for the first time since early 2016, centred on crucial water sources in the mountainous areas of Bari region (see annex 1.9). Intense conflict between the ISIL faction and Al-Shabaab had been ongoing since November 2018, when both groups appear to have begun competing to extort businesses in Mogadishu and Puntland. Eleven employees of Hormuud Somalia Inc., the largest telecommunications company in Somalia, were killed during November 2018 in Mogadishu by gunmen reportedly affiliated with ISIL and Al-Shabaab.

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[33] On 27 February 2018, the United States Department of State announced the sanctioning of Mahad Moalim as a Specially Designated Global Terrorist.

[34] Mohamed Ahmed Qahiye was reportedly the mastermind of the 8 February 2017 attack on the International Village Hotel in Bosaso (see S/2017/924, annex 2.4).

[35] In final report of 2017 of the Monitoring Group on Somalia and Eritrea (see S/2017/924, annex 2.2), Abdihakim Dhuqub was described as a senior ISIL leader and former member of the Al-Shabaab insurgency in Puntland's Golis Mountains.

[36] Information provided by current and former senior Puntland intelligence officials, as well as an internal intelligence report of the Puntland Security Force. On 8 August 2019, the Panel received information from an eyewitness who claimed to have located Qahiye, as well as a second former ISIL fighter, in the Bole neighbourhood of Addis Ababa. See also Harun Maruf, "Under pressure, IS militants in Somalia look to Ethiopia", Voice of America, 19 August 2019, available at www.voanews.com/africa/under-pressure-militants-somalia-look-ethiopia, and Salem Solomon, "Ethiopian military captures suspected IS members", Voice of America, 12 September 2019, available at www.voanews.com/africa/ethiopian-military-captures-suspected-members.

[37] United States Africa Command, "U.S. confirms airstrike against ISIS-Somalia's Abdulhakim Dhuqub", press release, 15 April 2019. Available at www.africom.mil/media-room/pressrelease/31765/u-s-confirms-airstrike-against-isis-somalias-abdulhakim-dhuqub.

Financing of the Islamic State in Iraq and the Levant faction

60. After the ISIL faction emerged in October 2015, investigations by the Monitoring Group on Somalia and Eritrea concluded that the financial resources at the group's disposal were minimal, and that it was unlikely to have received significant support from outside of Somalia; interviews with former ISIL members suggested that the group was barely capable of paying its own personnel (S/2017/924, paras. 36–42). However, during the reporting period, the faction launched efforts to generate domestic revenues, using extortion methods similar to those of Al-Shabaab. In October 2018, for instance, the ISIL faction successfully extorted the Puntland-based telecommunications company Amtel into making a payment totalling several hundred thousand dollars. Employees of other companies in Puntland were assassinated in August and November 2018 after they reportedly refused to accede to the ISIL faction's "taxation" demands. Annex 1.9 contains further information on the ISIL faction's attempts to create a revenue base in Puntland.

Plot to attack the Vatican

61. On 17 December 2018, Somali national and ISIL affiliate Omar Moshin Ibrahim, also known as Anas Khalil, was arrested in Bari, Italy, in connection with a planned attack on the Vatican and other targets in Italy, to coincide with the Christmas celebrations on December 25. While the plot was rudimentary and had little chance of success, the Panel's investigations, assisted by Italian authorities, revealed links between "Anas Khalil" and prominent ISIL operatives in Somaliland, Puntland, Libya and Kenya. The Vatican plot represents the first instance in which ISIL elements in Somalia were directly linked to an attempted terrorist attack outside the country.

Omar Moshin Ibrahim

62. Omar Moshin Ibrahim, also known as Anas Khalil, was born in Qardho, Puntland, in October 1998. He entered Italy at the end of 2016 through Sicily, on humanitarian grounds.[38] Prior to his arrival in Italy, "Anas Khalil" lived in Nairobi and subsequently travelled to Libya in 2016, where he received training for the better part of a year. In Libya, "Anas Khalil" was affiliated with Abu Ayman Al Kinye, an ISIL officer reportedly responsible for "logistics and immigration"[39] whose nom de guerre suggests a Kenyan connection.

63. "Anas Khalil" was domiciled in Bari, in southern Italy, from March 2017 to December 2018. During his time in Italy, he maintained communication with ISIL affiliates in Somalia and Kenya. However, intercepted communications indicate that "Anas Khalil" devised the plan to plant a bomb in St. Peter's Basilica in Rome on 25 December, Christmas Day, of his own accord and was not directly tasked by ISIL operatives outside the country. Following those communications, Italian authorities arrested "Anas Khalil" as a pre-emptive measure before the plot could be further developed.

Affiliates in Somalia and Kenya

64. Stored in "Anas Khalil's" mobile phone contacts was an entry corresponding to Abdullahi Mohamud Yusuf (also known as Abu Hatim, Mad Mullah and Majerteni), a Puntland-born global ISIL recruiter and facilitator who was arrested and imprisoned in Somaliland in 2018. Upon his arrest Yusuf was found with documents outlining the

[38] Profile of Omar Moshin Ibrahim provided to the Panel by Italian authorities in June 2019.
[39] Ibid.

overall strategy of ISIL for expansion in East Africa.[40] According to information received from Somaliland authorities, Yusuf had visited 12 countries across Africa and the Middle East, including South Africa, the Sudan, Saudi Arabia, Iraq and Kenya.[41] In addition, in 2015 Yusuf was located in Libya, where he worked in the ISIL "immigration department".[42] He also reportedly previously fought with ISIL forces near Tikrit, Iraq.[43] While initially affiliated with the leader of the ISIL faction in Puntland, Abdulqader Mu'min, Yusuf later broke with Mu'min over their divergent visions for ISIL in East Africa.[44]

65. Another frequent contact of "Anas Khalil" was his brother based in Somaliland, Abdirauf Omar Ibrahim (also known as Abdirashid Khalil, Abdirauf Khalil and Big Debro), who as of the time of writing was also imprisoned in Hargeisa on terrorism charges, but was scheduled to be released in December 2019.

66. See annex 1.10 (strictly confidential) for a link chart of the ISIL plot.

C. Explosives intended for commercial use

MV *Oriental Queen*

67. On 10 March 2019, the United Republic of Tanzania-flagged general cargo vessel MV *Oriental Queen* (IMO No. 8200797) departed the port of Mersin, Turkey, transporting 180 tons of explosives, including 165 tons of ammonium nitrate/fuel oil, as well as detonators. The explosives were offloaded at Bosaso port on 17 May and subsequently transported to a storage site in the village of Jariiban, located approximately 65 km north-west of the littoral town of Garacad, Puntland. The explosives were intended to be used for blasting related to the construction of a port in Garacad, as well as the corresponding road to the capital of Puntland, Garowe.

68. In a letter dated 28 March 2019 addressed to the Chair of the Security Council Committee pursuant to resolution 751 (1992), the Panel expressed concern that the materiel contained in the consignment could be diverted for the construction of improvised explosive devices by Al-Shabaab or the ISIL faction based in Puntland, and requested the Committee's guidance. The Committee subsequently determined that explosives intended for commercial use fell outside the scope of the arms embargo but shared the Panel's view that the shipment represented a threat to peace, security and stability in Somalia.

69. There is currently no requirement under the arms embargo regime for transfers of commercial explosives to Somalia to be notified to the Committee. Accordingly, the Panel of Experts recommends that future deliveries of commercial explosives be subject to, at minimum, a notification for the Committee's information, and that Member States exercise vigilance over entities under their jurisdiction that supply commercial explosives to Somalia (see section VIII, below).

[40] Meetings with Somaliland security agencies and political officials in Hargeisa, 11 and 13 February 2019. The Panel of Experts sent correspondence to Somaliland on 14 June 2019 requesting copies of these strategy documents but did not receive a response.

[41] Dossier on Abdullahi Mohamud Yusuf provided to the Panel of Experts in February 2019.

[42] Profile of Omar Moshin Ibrahim provided to the Panel by Italian authorities in June 2019.

[43] Ibid.

[44] Interviews with Somaliland security official, 11 February 2019, and a member of a Western security agency, 30 July 2019.

D. Federal-regional relations

70. During the reporting period, political relations between the Federal Government of Somalia and the federal member states deteriorated. Federal-regional tensions also highlighted the absence of appropriate constitutional mechanisms that clearly delineate the respective roles of Federal Government and federal member state authorities in regional electoral processes.

South-West State electoral process

71. In late 2018, the regional presidential electoral process in South-West State was marred by multiple postponements, resignations, allegations of excessive interference by the Federal Government and a deterioration in the security environment that resulted in the killing of 15 civilians.

72. In November and December 2018, the South-West State electoral process was postponed on three separate occasions owing to the resignation of the original South-West State electoral committee, the withdrawal of key candidates and a lack of consensus on the eligibility of presidential candidates.[45] The majority of candidates accused the Federal Government of providing political and financial support to its preferred nominee, Abdiaziz Mohamed "Laftagareen".[46]

Candidacy of Mukhtar Robow

73. On 4 October 2018, Mukhtar Robow, a former deputy leader of Al-Shabaab who had defected from the group in August 2017, announced his candidacy for the South-West State presidency.[47] In response, the Federal Government Ministry of Security declared Robow ineligible to run, stating that he had yet to fulfil unspecified preconditions that would allow him to apply for political office.[48]

74. On 30 November 2018, an aircraft landed in Baidoa carrying 130 armed Federal Government police officers from Mogadishu. The South-West State Minister for Security, Hassan Hussein Elay, defended the deployment, stating that additional security was required for the electoral process.[49]

75. On 13 December 2018, Mukhtar Robow was invited by South-West State officials to attend a meeting at the South-West State Presidential Palace in the AMISOM-protected area in Baidoa. Upon his arrival, Somali security forces, supported by the Ethiopian National Defence Forces, detained him.[50] During his arrest, a number of armed individuals loyal to Robow opened fire on Ethiopian National Defence Forces soldiers within the protected compound, resulting in casualties on both sides.[51] Robow was flown to Mogadishu under the supervision of the National Intelligence and Security Agency of the Federal Government, where he remains as of the time of writing. The role of the Ethiopian National Defence Forces

[45] Interview with South-West State Members of Parliament and members of the South-West State electoral committee in Nairobi, 12 February 2019.

[46] Ibid.

[47] Mohamed Olad Hassan, "Somalia Government blocks ex-militant from seeking political office, Voice of America, 5 October 2018. Available at www.voanews.com/a/somalia-government-blocks-ex-militant-seeking-political-office/4601493.html.

[48] Ibid.

[49] Interview with United Nations official in Nairobi, 10 December 2018.

[50] AMISOM denied any involvement in the arrest of Mukhtar Robow. The Panel carried out interviews by telephone with several South-West State parliamentarians and local citizens who reported the involvement of the Ethiopian National Defence Forces in the arrest. However, the Panel has yet to interview Mukhtar Robow due to his ongoing detention in Mogadishu.

[51] Interview with four South-West State Members of Parliament in Nairobi, 12 February 2019.

in the arrest of Robow has the potential to inflame anti-Ethiopian sentiment among local communities in the region, who were previously known to share information on Al-Shabaab movements with them.[52]

Killing of demonstrators

76. Following the detention of Mukhtar Robow, from 13 to 15 December 2018 Federal Government and regional Somali security forces responded to public protests in Baidoa with lethal force, resulting in 15 civilian deaths. One day prior to the outbreak of demonstrations, the South-West State Police Commissioner, Colonel Mahat Abdirahman, had advocated for the use of lethal force against demonstrators.[53] In August 2019, Colonel Abdirahman was appointed as the head of the Custodial Corps of the Federal Government.

77. On 5 January 2019, South-West State authorities appointed a fact-finding committee to investigate the killings of the demonstrators.[54] The committee issued its findings in February 2019, acknowledging the deaths of four individuals, but failed to identify the perpetrators involved.[55] Conversely, the Panel verified the names of 15 civilian victims.[56]

Financial payments

78. Financial payments to South-West State regional Members of Parliament were a significant factor in influencing the outcome of the regional electoral process.[57] The Panel received multiple reports indicating that 82 South-West State Members of Parliament were flown to Mogadishu in early November 2018 to receive an initial payment of approximately $5,000 each, in exchange for their support for particular presidential candidates.[58] Interviews conducted with South-West State Members of Parliament confirmed that they were offered a further $20,000 to $30,000 to support specific candidates upon the successful conclusion of the electoral process.[59]

79. Furthermore, significant payments were made to senior South-West State officials in the weeks preceding the election. The Panel has reviewed financial information demonstrating that a prominent South-West State Minister received transfers totalling several hundred thousand dollars prior to the election. The

[52] Interview with an Ethiopian security official in Addis Ababa, 3 April 2019. In the aftermath of the South-West State elections, on 18 January 2019 Al-Shabaab ambushed an Ethiopian National Defence Forces convoy travelling near Baidoa. Al-Shabaab claimed to have killed 60 soldiers, although this figure could not be independently verified.

[53] In a video released in December 2018, Colonel Abdirahman threatened to "shoot people in the ass" and stated to the interviewer that "the law even allows us to kill you". See Harun Maruf (@HarunMaruf), "Video: Gen Mahad Abdirahman Aden the former Baidoa police chief", 24 August 2019 (video in Somali), available at https://twitter.com/harunmaruf/status/1165333569977425925?s=12.

[54] Letter from the Office of the President of South-West State, 5 January 2019.

[55] Assessment report of the South-West State fact-finding committee on the demonstrations in Baidoa, 13–15 December 2018.

[56] Interviews with individuals and members of South-West State political parties in Nairobi, 28 March 2019; confidential report on killings of civilians in Baidoa provided by Somali civil society actors, 28 March 2019.

[57] Interview with multiple South-West State Members of Parliament in Nairobi between December 2018 and March 2019, and interview with two South-West State presidential candidates in Nairobi in March 2019.

[58] Ibid.

[59] Interviews with two South-West State presidential candidates and several South-West State Members of Parliament in Nairobi, 12 March 2019.

payments to the Minister were made by three individuals based in Mogadishu, one of whom the Panel identified as a financial clerk in a senior Federal Government office. [60]

80. On 19 December 2018, the South-West State presidential electoral process concluded with the regional Parliament voting to elect the candidate backed by the Federal Government, Abdiaziz Mohamed "Laftagareen".

Puntland electoral process

81. The Puntland election was also marred by reports of the bribery of Members of Parliament, as well as the manipulation of their initial selection process. In one case, the Panel received evidence that a prospective Member of Parliament was offered $15,000 to turn down the appointment in favour of another individual who supported a specific presidential candidate. In addition, candidates reportedly made payments to Members of Parliament ranging from $30,000 to $70,000 in order to secure votes. [61]

82. The Puntland electoral process was also subject to accusations of attempted interference by the Federal Government. For instance, a Member of the Upper House of the Federal Parliament alleged that the Federal Government had attempted to influence the outcome of the Puntland election by financially supporting candidates allied with the Federal Government. [62] However, such attempts do not appear to have successfully affected the outcome of the process. On 9 January 2019, the Puntland Parliament elected Said Abdullahi Mohamed "Deni" to the presidency of Puntland, who assumed the role from Abdiweli Mohamed Ali "Gass" in a peaceful transition of power.

Jubbaland electoral process

83. In July and August 2019, the Jubbaland presidential electoral process in Kismayo was characterized by heightened political tensions among the Federal Government, the Jubbaland administration and local opposition stakeholders. As observed in the South-West State and Puntland regional electoral processes, diverging interpretations of the Somali Provisional Constitution over the role of the Federal Government in regional electoral processes were central to political discord. On 12 July, the charged political climate was exploited by Al-Shabaab, who carried out a complex attack at the Medina Hotel in Kismayo, resulting in at least 26 fatalities and more than 50 injured, the first attack of its kind in the city.

84. On 4 July 2019, the Jubbaland Independent Electoral and Boundaries Commission announced that representatives of Jubbaland's traditional elders would appoint 75 Members of Parliament to elect the regional President. The Federal Government and some local stakeholders expressed concerns over the opaqueness of the selection of elders, and on 6 July the Federal Government issued a statement that the process would require the approval of its Ministry of the Interior and Federal Affairs. In response, Jubbaland authorities accused the Federal Government of attempting to unduly influence the outcome, and on 25 July banned Federal Government officials from travelling to Jubbaland until the conclusion of the process.

85. The political environment in Kismayo was further strained by tensions between Kenya and Ethiopia over the support by Kenya for incumbent President of Jubbaland,

[60] Details of these transfers are on file with the Secretariat.

[61] Accounts of widespread bribery of Ministers of Parliament and other irregularities during the Puntland election were provided to the Panel by two presidential candidates, a former Puntland intelligence officer and members of civil society in January and February 2019.

[62] Garowe Online, "Somalia is not headed to the right direction, says Senator", 26 April 2019. Available at www.garoweonline.com/en/news/puntland/somalia-is-not-headed-to-the-right-direction-says-senator.

Ahmed Mohamed Islam "Madobe", and the perceived backing by Ethiopia of the Federal Government of Somalia. On 19 August 2019, Jubbaland authorities forcibly prevented the landing of an aircraft carrying Ethiopian representatives at Kismayo airport, resulting in an armed standoff between Kenyan and Ethiopian troops at the airport.[63]

86. On 22 August 2019, Ahmed Mohamed Islam "Madobe" was declared President of Jubbaland by the Jubbaland Independent Electoral and Boundaries Commission.[64] On the same day, an opposition-led shadow parliament elected a Federal Government of Somalia Member of Parliament, Abdirashid Mohamed Hiddig, as President.[65] Also on 22 August, the Federal Government of Somalia rejected the outcomes of both electoral processes.

Security sector

87. Security sector reforms during the reporting period were focused on the implementation of the Transition Plan for Somalia, adopted in April 2018, which envisions the handover of security responsibilities from AMISOM to the Somali security forces by 2021, coinciding with the withdrawal of AMISOM.

88. While some initial goals of the Transition Plan have been achieved, the medium-term goals of clearing and securing the main supply routes have yet to be completed. Senior AMISOM officials expressed to the Panel that Federal Government forces "were not playing their part well" and had routinely failed to fill vacuums left by AMISOM, citing the strategic town of Leego, Bay region, as well as the lack of adequate holding forces by the Federal Government of Somalia to secure the main supply routes.[66]

89. Moreover, AMISOM, in a regional operational readiness assessment conducted from March 2018 to January 2019, concluded that there were more than 20,000 federal member state forces that did not fall under Federal Government command and control structures. In its report, AMISOM further stated that although regional forces had received some training, they were not paid regularly and lacked basic equipment and vehicles. The successful integration of federal member state forces into the National Security Architecture will be vital to enable the planned drawdown of AMISON. The Panel of Experts currently assesses that it is unlikely that the envisaged AMISOM withdrawal will be possible by 2021.

Transition Plan and drawdown of the African Union Mission in Somalia

90. On 16 February 2019, AMISOM military commanders reached a consensus regarding the operational activities to be conducted under the aegis of the concept of operations for 2018–2021, which had been previously approved on 26 November 2018 and endorsed by the Peace and Security Council of the African Union on 9 February 2019.[67]

[63] Jubbaland forces parked their vehicles on the Kismayo Airport runway to prevent the aircraft from landing.

[64] Ahmed Mohamed Islam "Madobe" received 56 votes out of a total of 74.

[65] A third presidential candidate, Abdinasir Seerar, also subsequently declared himself President of Jubbaland.

[66] Interviews with senior AMISOM officials in Addis Ababa, 2 April 2019.

[67] AMISOM, "AMISOM commanders reach a consensus on military operations", press release, 16 February 2019. Available at http://amisom-au.org/2019/02/amisom-commanders-reach-a-consensus-on-military-operations/.

91. In accordance with the concept of operations, AMISOM has continued its withdrawals and handovers to Somali security forces over the course of the reporting period:

(a) A military academy in Mogadishu was handed over to the Federal Government on 28 February 2019. The 500 Burundian troops stationed there were relocated: 200 were moved to Maslah, 20 km east of Mogadishu, and 300 to Jowhar and forward operating bases in sector 5;

(b) In February 2019, approximately 1,000 Burundian troops stationed in HirShabelle began their scheduled repatriation, pursuant to the requirements of paragraph 5 of Security Council resolution 2431 (2018). The withdrawal was completed by 5 April 2019.

Capture of Lower Shabelle villages by the Danab battalion

92. From May to August 2019, AMISOM and the Somali National Army, supported by United States special forces, launched an offensive to capture strategic villages in Lower Shabelle controlled by Al-Shabaab. Security operations successfully recaptured the villages of Barire, Sabiid, Anole and Awdheegle, all located within 50 km of Mogadishu. The operations represented a significant development for ensuring the security of Mogadishu, as the captured locations were waypoints on a key transport corridor used by Al-Shabaab to move fighters and improvised explosive devices into Mogadishu. However, on 14 August, Al-Shabaab carried out a coordinated attack on the Awdheegle forward operating base, using three vehicle-borne improvised explosive devices, mortars and gunmen.[68] The attack was repelled by AMISOM and Somali National Army forces, but the base remains vulnerable due to the ongoing presence of Al-Shabaab in the nearby town of Mubarak, which was previously identified as an area for improvised explosive device construction for vehicle-borne improvised explosive devices entering Mogadishu. The long-term success of the Lower Shabelle security operations will be contingent on the ability of the Federal Government to provide effective holding forces, governance and the supply of services to local residents.[69]

Integration of Ahlu Sunna wal Jama'a forces into the Somali National Army

93. In the last week of June 2019, the Federal Government announced that a major faction of Ahlu Sunna wal Jama'a (ASWJ) – an Ethiopian-backed militant Sufi group established in 1991, and a potent counterweight to Al-Shabaab – would be integrated into the federal security forces. The integration of ASWJ into the federal structures represented an important step in Somali forces assuming security responsibilities from AMISOM. The successful integration of ASWJ forces will depend on the Federal Government accommodating the group's demands for power and resources without affecting the ability of ASWJ to counter Al-Shabaab or alienating other political factions in Galmudug.

Biometric registration of the Somali National Army

94. According to documentation provided by the Federal Government to the Committee, it completed the first phase of the biometric registration of the Somali National Army by the end of March 2019 – a positive step towards security sector

[68] The vehicle-borne improvised explosive devices were plated with armour, similar to those used by Al-Shabaab on 19 January 2019 in Bar Sanguni, Lower Juba.

[69] Al-Shabaab has warned residents of Barire not to return to the area. Interview with source in Mogadishu, 13 August 2019, and a confidential security report, August 2019.

reform and ensuring the payment of salaries.[70] The Panel independently obtained a Somali National Army payroll document containing 15,962 registered soldiers as of February 2019. However, it is unclear to what degree the current composition of the Army reflects those previously considered to be members of the Army by the Federal Government. The Panel of Experts conducted three case studies of Somali National Army registration, in sector 60, sector 12 April and General Gordon military base, which concluded that fewer than one half (315 of 678) of Somali National Army soldiers whose names appeared in logbooks from 2017 and 2018 were captured in the biometric registration process of 2019. Whether the discrepancy is due to defections, demobilizations, deaths, injuries or soldiers who have yet to be registered by the Army, is unclear.

95. Annex 1.12 contains the Panel's three cases studies of the biometric registration of the Somali National Army.

E. Public financial management

Collection of air navigation charges

96. By May 2019, the Federal Government of Somalia had made significant progress in public financial management by completing three staff-monitored programmes of the International Monetary Fund (IMF) – a series of technical benchmarks related to broadening the Federal Government's domestic tax base. One revenue stream highlighted by the programmes was the direct collection of air navigation charges, a responsibility assumed by the Federal Government following the handover from the International Civil Aviation Organization (ICAO) in June 2019. However, an investigation by the Panel revealed previous financial irregularities within the Somali Civil Aviation and Meteorological Authority in relation to the collection of air navigation charges, in which the Authority wrote off a $5.8 million debt owed by Jubba Airways Limited without collecting the funds from the airline.

Background

97. Soon after the collapse of the Government of Somalia in 1991, ICAO assumed responsibility for the management of the country's airspace in a 1994 agreement. According to ICAO guidelines, all aircraft transiting through Somali airspace were required to pay $275 per flight in air navigation charges. In 1995, ICAO signed an agreement with the International Air Transport Association (IATA) to collect those air navigation charges on behalf of Somalia and deposit all revenues into an ICAO-managed trust fund account, which was utilized to fund and support the safe operation of Somalia airspace. According to IATA, approximately $112 million was collected from August 2008 to July 2019 and transferred to the ICAO trust fund.[71]

98. Following the international recognition of the Federal Government of Somalia in 2012, preparations were begun to transfer control of Somali airspace from ICAO to the Federal Government, as well as to transfer the $6.5 million balance remaining in the ICAO trust fund. The handover was completed through an agreement signed in June 2019 between ICAO, IATA and the Federal Government of Somalia.

[70] Federal Government of Somalia periodic report to the Security Council submitted pursuant to paragraph 21 of resolution 2444 (2018), 19 March 2019.

[71] Letter from IATA to the Panel of Experts, 8 August 2019. According to IATA, no financial records dated prior to August 2008 are available.

Historical uses of the International Civil Aviation Organization trust fund by the Federal Government of Somalia

99. Prior to the handover of the ICAO trust fund in 2019, ICAO transferred funds to Federal Government-designated bank accounts upon request to fund specific projects. While the Federal Government has utilized the trust fund for several legitimate projects, there have been incidents of irregular use. For instance, on 29 May 2014, ICAO transferred $350,000 to a money transfer bureau account based in Djibouti, provided by the Federal Government of Somalia, purportedly to carry out a series of training sessions for staff of the Somali Civil Aviation and Meteorological Authority in Mogadishu. ICAO was doubtful that the funds were ever allocated to training for the staff of the Authority, and it referred the case for internal investigation.[72]

100. In 2015, a Federal Government delegation headed by the then Federal Government Minister for Transport and Civil Aviation travelled to ICAO headquarters in Montreal to request the withdrawal of $150,000 from the trust fund.[73] The transfer request could not be completed because the delegation had designated a private bank account to receive the funds.[74] The delegation then requested that the funds be provided in cash, which ICAO was also unable to accommodate.[75]

Air navigation fees owed by Somali airlines

101. A previous ICAO internal audit noted that airlines based in Somalia or owned by Somali nationals routinely refused to pay the $275 per flight for air navigation charges.[76] As at 31 July 2019, the total owed to IATA in air navigation charges was $25.5 million.[77] Over $20 million of that debt was owed by airlines registered in Somalia or owned by Somali nationals. The largest arrears have accrued to Bluebird Aviation Ltd., which owed $5.2 million as of July 2019.[78]

Clearing of Jubba Airways debt

102. Prior to February 2018, the largest single air navigation debt – at $5.8 million – was owed by Jubba Airways Limited, whose Chief Executive Officer is also a Member of Parliament of the Federal Government. In a December 2017 letter, the then Director General of the Somali Civil Aviation and Meteorological Authority informed ICAO and IATA that Jubba Airways Limited had "settled all the invoices pertaining to air navigation charges with [the Authority]".[79] Internal accounts for February 2018, obtained by the Panel, show that Jubba Airway's $5.8 million debt had been cleared from the accounts. However, according to the Minister for Transport and Aviation of the Federal Government, neither Jubba Airways nor any other Somalia-based airline has directly settled its navigation debt with the Authority or

[72] From 29 to 31 May 2019 the Panel conducted a series of interviews with senior ICAO representatives in Montreal. During a review of investigations carried out by ICAO into the matter, an ICAO representative who approved the transfer of $350,000 later quipped that "the money is for their Mercedes".

[73] Interviews with ICAO staff in Montreal, 29–31 May 2019.

[74] Ibid.

[75] Ibid.

[76] ICAO, "Financial audit of Som/03/016 and Som/95/901 (Civil Aviation Caretaker Authority for Somalia)", 6 April 2011.

[77] "Open items report summary – as of 31 July 2019", provided by IATA to the Panel of Experts on 8 August 2019.

[78] Ibid.

[79] Letter from Yusuf Abdi Abdulle, Director General of the Somali Civil Aviation and Meteorological Authority, to the ICAO project coordinator in Mogadishu, 12 December 2017.

any other Federal Government institution.[80] Jubba Airways did not provide the Panel with the requested proof of payment.[81]

Designation of the Somali Civil Aviation and Meteorological Authority account to receive air navigation fees

103. On 27 June 2019, ICAO, IATA and the Minister for Transport and Aviation of the Federal Government signed an agreement terminating the role of ICAO in the collection of air navigation charges. The agreement designated the account of the Somali Civil Aviation and Meteorological Authority (account No. 1040) at the Central Bank of Somalia to receive future air navigation charges.[82] According to Federal Government financial management standards – as well as IMF staff-monitored programme benchmarks – that revenue should have been channelled through the Treasury Single Account at the Central Bank. The Minister for Transport and Civil Aviation stated that, notwithstanding the contractual text, future collection of airspace navigation charges would accrue directly to the Treasury Single Account.[83]

104. Subsequent to the June 2019 agreement, ICAO remitted the $6.5 million balance remaining in the ICAO trust fund to the Federal Government of Somalia; the account of the Somali Civil Aviation and Meteorological Authority (account No. 1040) was used to receive the funds.[84]

105. Annex 1.13 contains supporting documentation pertaining to collection of air navigation charges and the writing off of the Jubba Airways debt.

F. Oil and gas sector

Maritime border dispute with Kenya

106. Since August 2014, a maritime border dispute between Kenya and Somalia, concerning an area in the Indian Ocean of over 100,000 km^2, has been pending before the International Court of Justice.[85] On 7 February 2019, the Federal Government of Somalia, in partnership with Spectrum Geo (now TGS), a seismic oil data company, hosted a petroleum conference in London that aimed to present the results of the seismic study completed offshore Somalia in 2016. One week later, the Government of Kenya temporarily recalled its ambassador to Somalia, claiming that the Federal Government of Somalia had auctioned off oil and gas blocks located within the Kenyan exclusive economic zone at the conference. The conference, however, focused on the presentation of data unrelated to the disputed area, and no auctions or bidding processes related to oil blocks occurred. Nonetheless, the ongoing maritime dispute has fuelled tensions between Kenya and the Federal Government of Somalia,

[80] Interview with the Federal Government of Somalia Minister for Transport and Civil Aviation, Mohamed Abdullahi Salat, 12 September 2019.

[81] Interview with Jubba Airways Chief Executive Officer Said Nur Qailie in Nairobi, 23 August 2019.

[82] In its past reporting, the Monitoring Group on Somalia and Eritrea highlighted the use of dedicated Federal Government ministry accounts to bypass the Treasury Single Account, thereby avoiding oversight of revenues by Federal Government fiscal authorities (see, for example, S/2015/801, annex 3.3).

[83] Interview with Mohamed Abdullahi Salat, 12 September 2019.

[84] Email from ICAO representative, 24 September 2019.

[85] Kenya contends that the maritime border should extend parallel to the line of latitude (located between 1 and 2 degrees south) from its land border with Somalia. The Federal Government's position is that the maritime border of Somalia should extend from the coast in a south-east direction, as an extension of the Somalia land border.

creating a potential space for Al-Shabaab to exploit,[86] as well as possible divisions between Kenya and other AMISOM troop-contributing countries more supportive of the Federal Government of Somalia. Positive relations between the two countries are crucial to regional security, particularly in relation to Al-Shabaab operations across their shared border (see "Cross-border attacks into Kenya", above).

G. Maritime piracy

107. There was one successful act of maritime piracy off the coast of Somalia during the reporting period. On 19 April 2019, the Yemen-flagged dhow *Al Ahzam* was seized by armed pirates in the vicinity of Adale, north of Mogadishu. The dhow was subsequently used as a mother ship to conduct unsuccessful pirate attacks on the fishing vessels *Adria*, *Txori Argi* and *Shin Shuen Far 889* on 21 April.

108. On 23 April, forces from the counter-piracy EUNAVFOR mission intercepted and boarded the *Al Ahzam*. Five pirates, three of whom had been wounded by gunfire, were transferred to Seychelles for prosecution. According to EUNAVFOR, one of the captured pirates had previously been prosecuted in Seychelles for involvement in the attempted hijacking of the fishing vessel *Galerna III* on 18 November 2017 (S/2018/1002, para. 135) but had subsequently been released on a legal technicality.[87] Subsequent biometric evidence received from the International Criminal Police Organization (INTERPOL) confirmed that a pirate arrested following the hijacking of the *Al Ahzam* in April 2019, Mohamed Dahir Wehliye, had been previously detained in 2017 in connection with the attempted hijackings of the *Galerna III* as well as the Panama-flagged merchant vessel *Ever Dynamic*[88] (see annex 1.14 for additional details).

III. Arms embargo

A. Compliance of the Federal Government of Somalia with obligations under the partial lifting of the arms embargo

109. During the current reporting period, the compliance of the Federal Government of Somalia with the Security Council's notification requirements improved, with five of the seven notifications received by the Committee meeting the Federal Government's obligations pursuant to the partial lifting of the arms embargo.

110. However, the Federal Government's refusal to grant access to its military storage facilities during the current reporting period impaired the ability of the Panel of Experts to adequately monitor the Federal Government's overall compliance with the terms of the partial lifting. However, pursuant to the Security Council's request in paragraph 32 of its resolution 2444 (2018), from 22 to 28 June 2019, a technical assessment mission was conducted by the Secretary-General to Nairobi and Mogadishu to undertake a review aimed at improving implementation of the arms embargo. The assessment team received access from the Federal Government to military storage facilities. While acknowledging internal coordination issues as a contributing factor in past instances of missed or late notifications, the Federal Government conveyed to

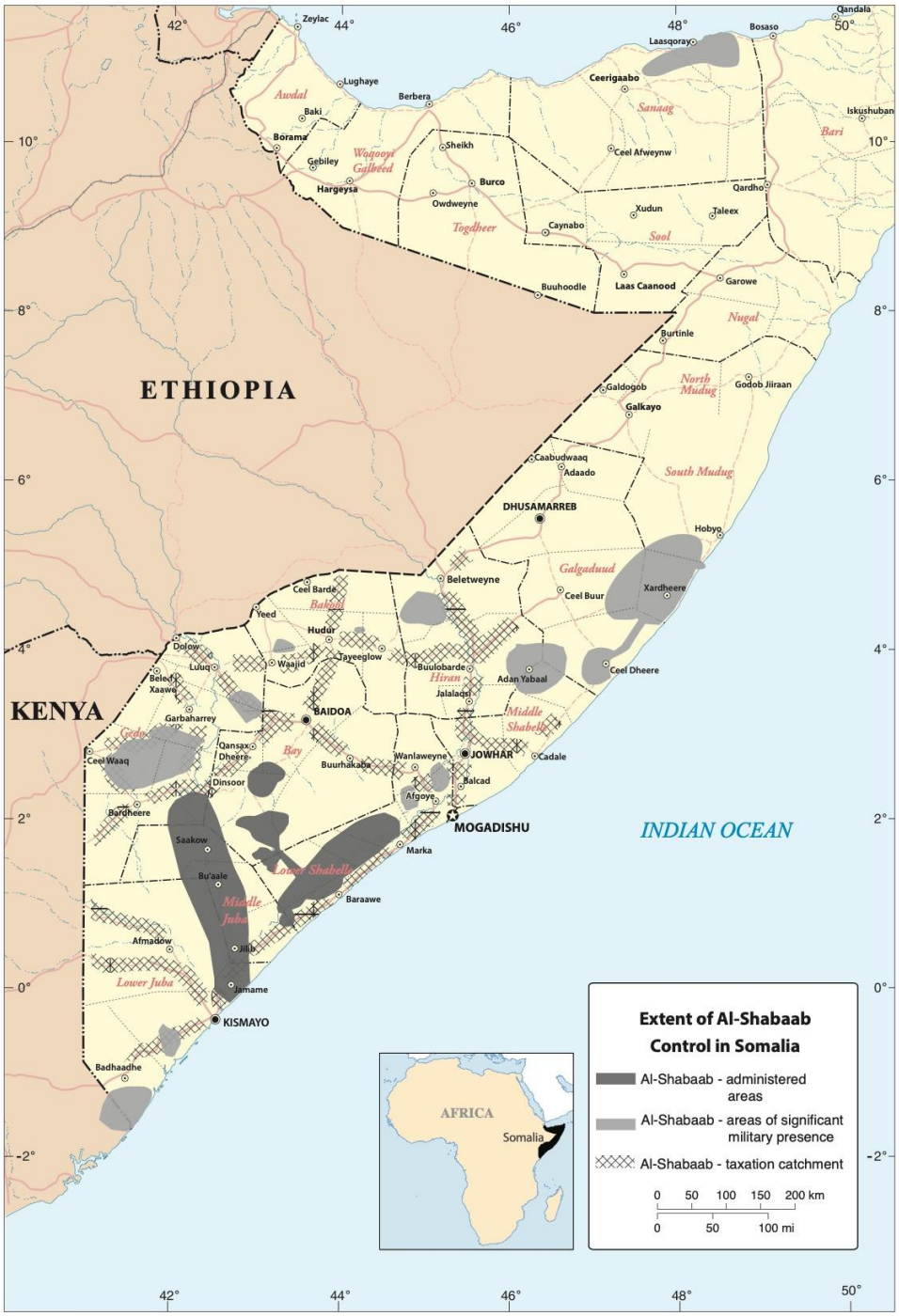
[86] In an audio message released on 19 September 2019, Al-Shabaab leader Ahmad Umar urged Somalis to confront Kenya over its attempts to annex "large swathes of land before attempting to occupy our ocean".

[87] Interview with EUNAVFOR personnel in Nairobi, 30 April 2019.

[88] Information received from INTERPOL, Maritime Security Sub-Directorate, June 2019.

Annex 1.1: Extent of Al-Shabaab's territorial control

Figure 1: Map showing Al-Shabaab-administered areas, areas of significant Al-Shabaab military presence, and Al-Shabaab's taxation catchment.



Annex 1.6: DusitD2 attack in Nairobi

On 15 January 2019, Al-Shabaab militants attacked a commercial business complex in Nairobi containing the DusitD2 Hotel. The attack began at 15:28 local time (12:28 UTC+3), with a detonation of a suicide bomber, Mahir Riziki. Four gunmen – Ali Salim Gichunge, Osman Ibrahim Gedi, Siyat Omar Abdi, and an unknown individual – then proceeded to attack the compound using AK-pattern rifles and grenades, targeting people within the DusitD2 hotel and surrounding shops.

The attack resulted in 21 civilian deaths, as well as the four gunmen. Al-Shabaab dubbed the operation *Al-Qudsu Lan Tuhawwad* ("Jerusalem will never be Judaized") and stated that it had targeted "western and Zionist interests worldwide and in support of our Muslim families in Palestine"[21] (see figure 1, below). This rhetoric was atypical for Al-Shabaab, which typically justifies its attacks based on the presence of foreign troops in Somalia. The DusitD2 attack was the most significant operation carried out by Al-Shabaab in a regional Member State since the Garissa University College massacre of April 2015 (see S/2015/801, annex 4.2).

The DusitD2 attack was carried out on a significant date, coinciding with the third anniverary of Al-Shabaab's overrunning of a Kenya Defence Forces (KDF) base in El Adde, Gedo region. In 2018, Kenyan police had disrupted a similar attempt when they intercepted a VBIED destined for Nairobi near Merti, Isiolo County (see S/2018/1002, annex 2.3); the operation had likely been originally been planned to coincide with the second anniversary of the El Adde attack. The Panel's investigations have revealed links between the organization of the two operations, including a common financier based in Mandera, Kenya (see annex 1.6.1(strictly confidential)) and the identical origin of a Type 56-2 assault rifle used by one of the DusitD2 gunmen (see "Type 56-2 rifle", below). It is likely that Al-Shabaab learned lessons from the failure of the Merti plot and adapted their tactics in order to carry out the successful DusitD2 operation (see "Comparison with the 2018 failed Merti VBIED plot", below).

Figure 1: Decreased Al-Shabaab attacker shown wearing a headband with the word "Jerusalem" (القدس) in Arabic.



Condensed timeline of the plot

[21] Al-Shabaab statement available at https://ent.siteintelgroup.com/Statements/shabaab-media-unit-presents-detailed-report-on-nairobi-attack-suggests-that-attack-bears-message-to-jerusalem.html (subscription required).

2015:	Cell leader Ali Salim Gichunge travels to Somalia.
March 2018:	Facilitators in Jilib, Somalia, organize a fake ID for Siyat Omar Abdi.
c. April 2018:	Gichunge and his wife Violet Wanjiru establish a safehouse at Guango Estate, on the northern outskirts of Nairobi.
15 Dec. 2018:	Unknown attacker travels to Eastleigh, Nairobi from Dadaab refugee camp.
2 Jan. 2019:	Osman Gedi Ibrahim travels to Roysambu area of Nairobi from Danaba, north-east Kenya.
5 Jan. 2019:	Siyat Omar Abdi travels to Nairobi, Eastleigh from Dadaab refugee camp.
10 Jan. 2019:	Osman Gedi Ibrahim moves to the safehouse on the outskirts of Nairobi.
11 Jan. 2019:	Suicide bomber Mahir Khalid Riziki travels to the Nairobi safehouse from Somalia through El Wak, north-east Kenya.
13 Jan. 2019:	Siyat Omar Abdi and the Unknown Attacker move to the safehouse.
14 Jan. 2019:	Entire cell assembles at the safehouse on the day prior to the attack.
15 Jan. 2019:	**Day of the attack**
15:14 (UTC+3):	Suicide bomber Mahir Riziki arrives at the DusitD2 complex. Between 15:14 and 15:25 he exchanges six calls with Ali Salim Gichunge averaging 30 seconds each.[22]
15:21:	The four suicide gunmen Ali Salim Gichunge, Siyat Abdi Omar, Osman Gedi Ibrahim and the unidentified Somali attacker arrive in a Toyota Ractis, registration KCN340E. They change into black outfits.
15:28:	Mahir Riziki detonates himself outside Secret Garden restaurant.
15:32:	The four gunmen walk into the Dusit complex and begin throwing grenades and firing indiscriminately.[23]
c. 15:37:	Kenyan security forces arrive at the scene.
16 Jan., 08:00:	The four gunmen have been neutralized and the complex cleared, 16 hours after the commencement of the attack.

[22] Confidential communications seen by the Panel of Experts, Nairobi, July 2019. This was Riziki's first and only visit to DusitD2, likely indicating that he required specific instructions from Gichunge regarding the layout of the complex.

[23] CCTV footage seen by the Panel of Experts indicated that the delay between the detonation of the suicide bomber and the arrival of the four gunmen was due to the latter's purchase of credit for their mobile phones, likely to enable them to stream footage and contact others in the likely event of a prolonged siege once security forces arrived.

Figure 2: CCTV footage of Ali Salim Gichunge and Siyat Omar Abdi entering the DusitD2 complex.



The safehouse

A bungalow in Guango Estate, Muchatha, on the outskirts of Nairobi – a middle-class Kenyan estate where rentals are approximately KES 40,000 ($400) per month – served as the safehouse for the attack. Cell leader Ali Salim Gichunge and his wife Violet Wanjiru established the safehouse approximately nine months prior to the attack. Mobile phone tower data analyzed by the Panel showed that other members of the cell stayed at the bungalow sporadically in the lead up to the attack, with all of the attackers coming together at the house the night prior.

Police recovered phones, a laptop, flash disks, SIM cards, and an Internet router from the safehouse. Evidence extracted from these devices revealed communications between Ali Salim Gichunge and a cell coordinator based the Al-Shabaab 'capital' of Jilib, in Middle Juba region. Electronic communications also revealed that the Al-Shabaab coordinator in Jilib had arranged for the manufacture of a falsified secondary school identity card for one of the non-Kenyan attackers, Dadaab refugee camp resident Siyat Omar Abdi.[24]

[24] The falsified document identified Siyat Omar Abdi as a student at Arabia Boys Secondary School, located in Mandera, 2 km from the Kenya-Somalia border. The school was attacked by Al-Shabaab in October 2018, resulting in the deaths of two non-Muslim teachers. Lynet Igadwah, "Al-Shabaab kills 2 teachers in Mandera school attack", Business Daily, 10 October 2018. Available at https://www.businessdailyafrica.com/news/counties/Al-Shabaab-kills-2-teachers-in-Mandera-school-attack/4003142-4800422-kxtqsvz/index.html.

Figure 3: Falsified school ID arranged for Siyat Omar Abdi by an Al-Shabaab cell coordinator in Jilib.



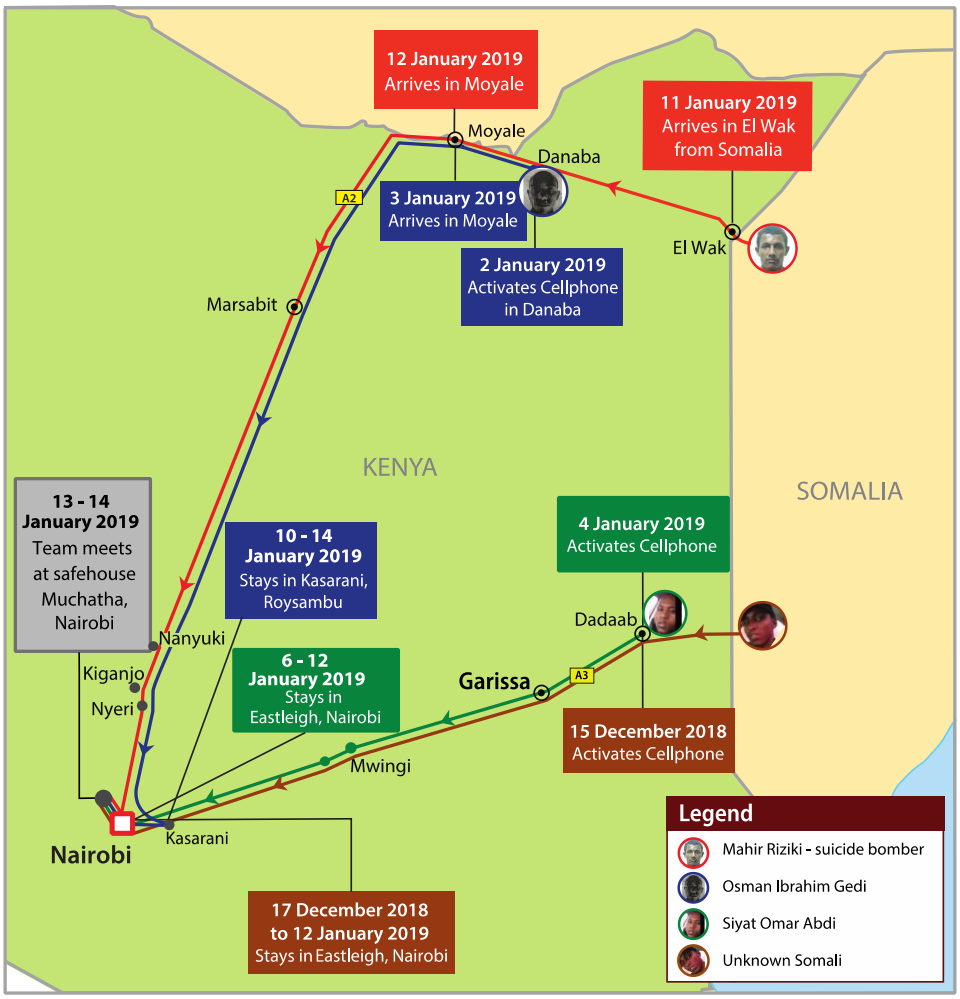
Extractions from the devices of the DusitD2 attackers also revealed the existence of a broader Al-Shabaab network in East Africa, details of which are available in annex 1.7 (strictly confidential).

The attacking team

In mid-December, the unknown attacker of Somali origin traveled from Dadaab, and was hidden in the predomininately Somali neighbourhood Eastleigh, Nairobi.

In early January 2019, three additional members of the cell made their way to Nairobi from different locations and following two different routes, two utilizing the A2 highway from Moyale and the third the A3 highway from Garissa. The suicide bomber, Mahir Riziki, departed for Nairobi on 11 January 2019, four days prior to the attack. As with plots of a similar nature, the members of the attacking team came together as late as possible in order to avoid being compromised by the security forces; the full team met together for the first time on 14 January 2019, and stayed together at the safehouse that evening. Ali Salim Gichunge and with his wife Violet Wanjiru were based in the safehouse throughout the preparations for the attack.

Figure 4: Movements of the Al-Shabaab cell in the lead up to the 15 January 2019 attack.



Mahir Khalid Riziki



Mahir Khalid Riziki, born on 5 February 1993, was the longest serving member of Al-Shabaab in the attack group and was designated as the suicide bomber. Aged 25 at the time of the attack, Riziki was born raised in the Majengo area of Mombasa.[25] Ramadhan Hamisi Kufungwa, a well-known Kenyan Al-Shabaab recruiter now located in Somalia, recruited Riziki at Musa Mosque in early 2014.[26] Musa Mosque has long been associated with radicalization, recruitment for Al-Shabaab, and religious violence.[27]

[25] Confidential report seen by the Panel of Experts, Nairobi, June 2019.
[26] Ibid.
[27] Ibid.

In 2014, Riziki formed part of an assassination cell tasked by Al-Shabaab to assassinate security personnel in the coast region. In October 2014, Riziki was involved in the killing of a police officer at Royal Court Hotel in Mombasa.[28] He fled to Tanzania in November 2014 after being placed on Kenya's most wanted list with a KSH 2,000,000 ($20,000) bounty on his head. In early 2015, Riziki contacted family members in Mombasa to inform them that he had relocated to Somalia where he was undergoing training by Al-Shabaab.[29]

Riziki crossed the border from Somalia to Kenya through El Wak on 11 January 2019. He activated a Kenyan phone registered in the name of "Hibo Ahmed" that same morning, immediately placing a call to Somalia. At 18:21, Riziki placed his first call to Ali Salim Gichunge, arriving at the safehouse in the outskirts of Nairobi later in the evening. Except for his Somali contact and Gichunge, Riziki placed calls to only one other number from the time he entered Kenya until his death four days later, thereby limiting his exposure to Kenyan security forces.

On the day of the attack, Riziki departed the safehouse via taxi at approximately 14:15. Between 12:54 and the time of his death, he exchanged 11 phone calls with Gichunge, including a final 91-second call at 15:25.[30] At 15:28, while standing outside to Secret Garden restaurant within the DusitD2 complex, Riziki detonated himself.

Figure 5: CCTV footage of the moment Mahir Riziki detonates himself outside Secret Garden restaurant at 15:28.

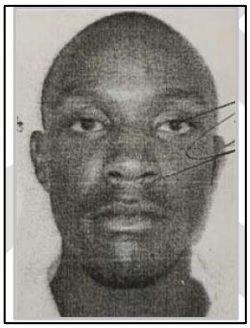


[28] The team to which Mahir Riziki belonged was headed by Ismael Mohamed Shosi, also known as Ismael Mmanga, a former resident of Bondeni, Mombasa County. Shosi was killed by security agencies on 27 September 2016 at his hideout in Mwandoni after he resisted arrest. Ibid.

[29] Ibid.

[30] Communications data analyzed by the Panel of Experts.

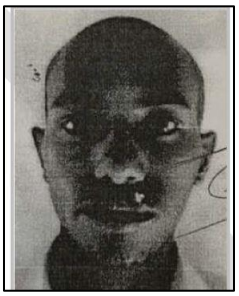
Ali Salim Gichunge



The cell leader, Ali Salim Gichunge, was born in 1992 in Isiolo. In 2015, his mother reported that he had travelled to Somalia. His sister indicated that he also travelled to Somalia in 2017 through Lamu.[31] Based on analysis of his mobile phone data, Gichunge acted as the coordinator and organizer while Gedi, the other Kenyan national in the attack group, served as Gichunge's lieutenant. Gichunge was highly conscious of the security of communications; for instance, he never contacted Somalia by phone – only using Facebook – turned his phone off when he travelled to meet associates, and spoke to Riziki only on a dedicated phone line.

Ali Salim Gichunge was an ideal recruit for Al-Shabaab; he was the son of a retired military officer, embracing of Western culture, and did not fit the profile of an extremist.

Osman Ibrahim Gedi



Osman Ibrahim Gedi was a Kenyan national born in 1992. On 2 January 2019, he registered a new Kenyan mobile phone in Danaba, in north-east Kenya, in the name of "Abdikadir Mohamud Sabdow". He arrived in Nairobi early on 4 January, and Gichunge and Gedi travelled together to the safehouse on the evening of 10 January 2019. Gedi visited the Dusit complex twice in the week prior to the attack.

Analysis of Gedi's mobile phone communications did not show any contacts with Somalia.

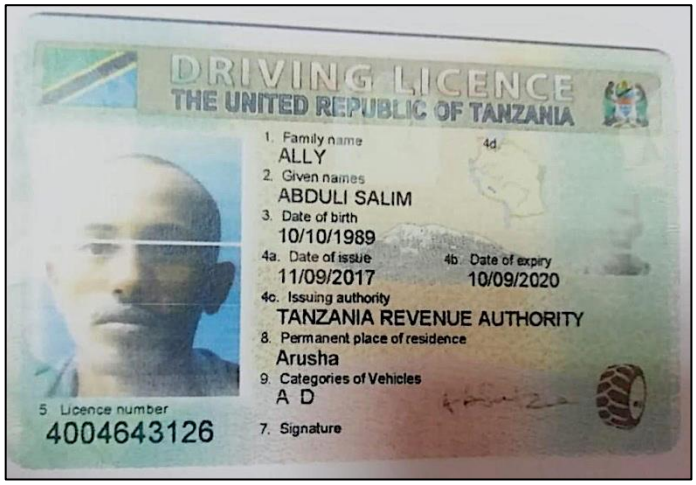
Kenyan investigators recovered a Tanzanian driver's license from Gedi's body. Investigations by the Panel indicated that the license was genuine and had been registered in Moshi, Tanzania.[32] However, the biographical details provided in the application proved to be false, and the fingerprint used to obtain the license did not match Gedi's.[33]

[31] Confidential report seen by the Panel of Experts, Nairobi, July 2019.

[32] The license was registered in the Tanzanian Revenue Authority database.

[33] Interview with Tanzanian security official, Dar es Salaam, May 2019.

Figure 6: Tanzanian license issued to Osman Ibrahim Gedi under the name "Abduli Salim Ally".



Siyat Omar Abdi



Siyat Omar Abdi was born in 1992 in Dagahaley, one of the Dadaab refugee camps. Abdi activated a new Kenyan phone on 4 January 2019 in preparation for the attack and travelled to Nairobi from Dagahaley the next day. The phone immediately placed a call to Somalia after its activation, and Abdi continued to contact numbers in Somalia until 14 January 2019, when the phone was last used. On 13 January 2019, Abdi moved to the Gichunges' safehouse on the outskirts of Nairobi, where he stayed until the attack.[34]

The Panel obtained a Dadaab camp identification and ration card number attributed to Abdi through his fingerprint; however, World Food Programme and UNHCR officials in Dadaab stated that there was no record of Abdi in their databases.

Unknown gunman of Somali origin



An unknown member of the attacking team, presumed to be of Somali origin, activated a new Kenyan mobile phone in Dagahaley, Dadaab refugee camp, on 15 December 2018. On 17 December 2018 he travelled from Dagahaley to Eastleigh, a predominantly Somali neighbourhood in Nairobi. The journey lasted eight hours, which due to the duration suggested that it was undertaken in a private vehicle rather than with public transportation. He was hidden in Eastleigh Nairobi until 12 January 2019, when he was in contact with Gedi and subsequently moved to the Nairobi safehouse on 13 January.[35] He spoke no English or Kiswahili, which likely

[34] Communications data analyzed by the Panel of Experts.
[35] Ibid.

was the rationale for concealing him in Eastleigh for a month, where he was unlikely to arouse suspicion.

Violet Wanjiru, also known as Kemunto and Khadija



Violet Wanjiru was married to the cell leader Ali Salim Gichunge in 2016. Wanjiru primary role was in assisting Gichunge with the management of the safehouse. Wanjiru was unaware of the suicidal nature of the impending attack, and she believed that Gichunge would later flee to Somalia to join her.

Wanjiru's inside knowledge of the Al-Shabaab cell meant it was vital to Al-Shabaab that she not be arrested. She moved from the Nairobi safehouse on 11 January 2019 and travelled through Wajir and El Wak to Mandera along the B9 highway, arriving in Mandera on the evening of the same day. She remained in Mandera until 14 January, and then crossed into Somalia. Throughout this journey she was aided by Yusuf Ali Adan, a Mandera-based Al-Shabaab operative, with whom she communicated on a newly activated phone line. Wanjiru was housed in the border region in a safehouse under Al-Shabaab control for a number of weeks before being moved further into Al-Shabaab territory and into isolation to observe *Iddah*, a period of waiting following the death of a husband. As of this writing she remains in Somalia, with her exact whereabouts unknown.

Figure 7: Violet Wanjiru's escape route to Somalia.

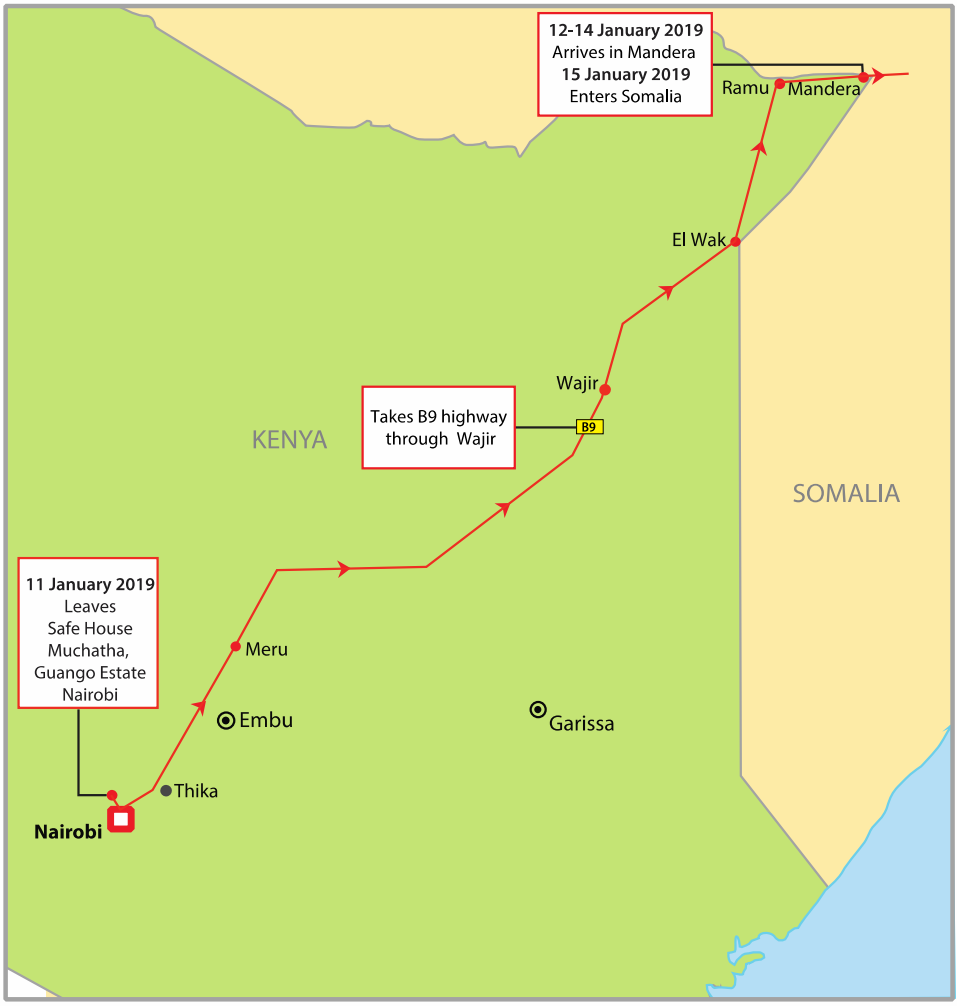
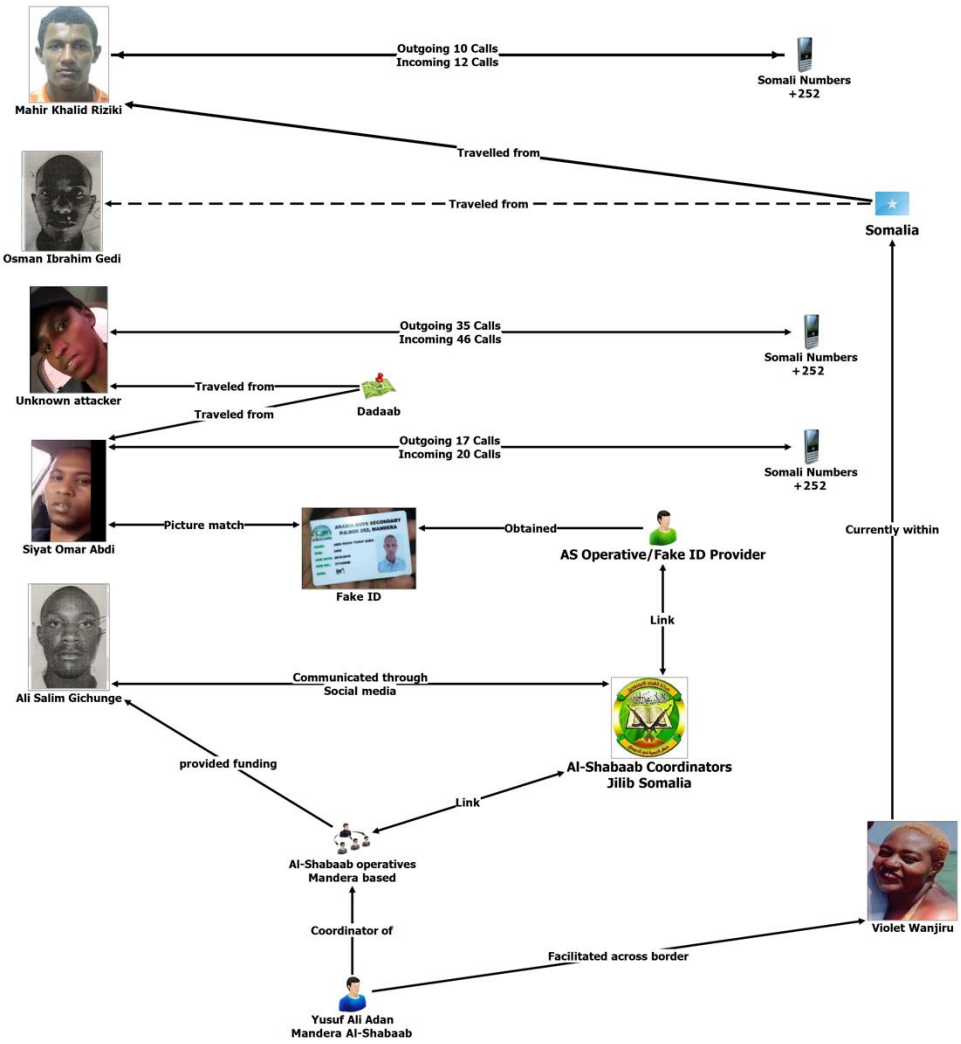


Figure 8: The DusitD2 operation.



Comparison with the 2018 failed Merti VBIED plot

On 15 February 2018, Kenyan police on a routine patrol in Merti Division, Isiolo County, witnessed a vehicle stopped by the side of the road.[36] When police approached the vehicle, an occupant shot at the officers, who then returned fire, killing Mbarak Abdi Huka a.k.a. "Sa'ad". Four individuals attempted to flee the scene and two were arrested, Abdimajit Hasan Adan and Mohammed Osman Nanne; two others escaped capture. The vehicle, a 2003 Mitsubishi Airtrek, had been converted into a vehicle-borne improvised explosive device (VBIED) containing approximately 100 kg of explosives.

[36] A detailed account of the failed Merti VBIED plot is presented in annex 2.3 of the Somalia and Eritrea Monitoring Group's 2018 report (S/2018/1002).

Also discovered in the vehicle were 5 Type 56-2 AK-pattern assault rifles, 36 magazines of ammunition, 36 unprimed F1 grenades and their firing pins, 3 knives, and an Al-Shabaab flag. The operation appeared to have been patterned after the *modus operandi* of Al-Shabaab complex attacks in Somalia, whereby a VBIED would have been used to breach the perimeter of an unknown target, followed by a wave of 'suicide gunmen'. In this case, the number of rifles recovered from the vehicle most likely point to the possibility of five suicide gunmen.

The Merti plot was orchestrated by an Al-Shabaab operative based in Jilib, known only as "Dere" ("tall"), who personally conveyed instructions to Abdimajit Hasan Adan and Mohammed Osman Nanne. "Dere" also either personally provided cash to the two operatives or arranged for large instalments of up to $9,000 to be sent to them from Somalia via *hawala* transfer.

The Merti attack had likely been intended to take place in Nairobi on 15 January 2018, to coincide with the second anniversary of Al-Shabaab's killing of 150 soldiers at a KDF base in El Adde, Gedo region. However, the Al-Shabaab operatives experienced a number of delays in the execution of the plot, including a mechanical failure that forced them to abandon an initial VBIED and construct a second device.

There are two indications that the Merti and DusitD2 plots involved a cross-over in Al-Shabaab planning networks. First, a financier of the DusitD2 plot based in Mandera, Kenya, had previously transferred funds to Abdimajit Hasan Adan (see annex 1.6.1 (strictly confidential)); in addition, a Type 56-2 assault rifle used by one of the DusitD2 gunmen originated in the same arms consignment delivered to the FGS in 2013 as four rifles recovered from the Merti plotters (see "Type 56-2 rifle", below). It is likely that the DusitD2 cell adapted their behaviour in response to the shortcomings of the Merti operation.

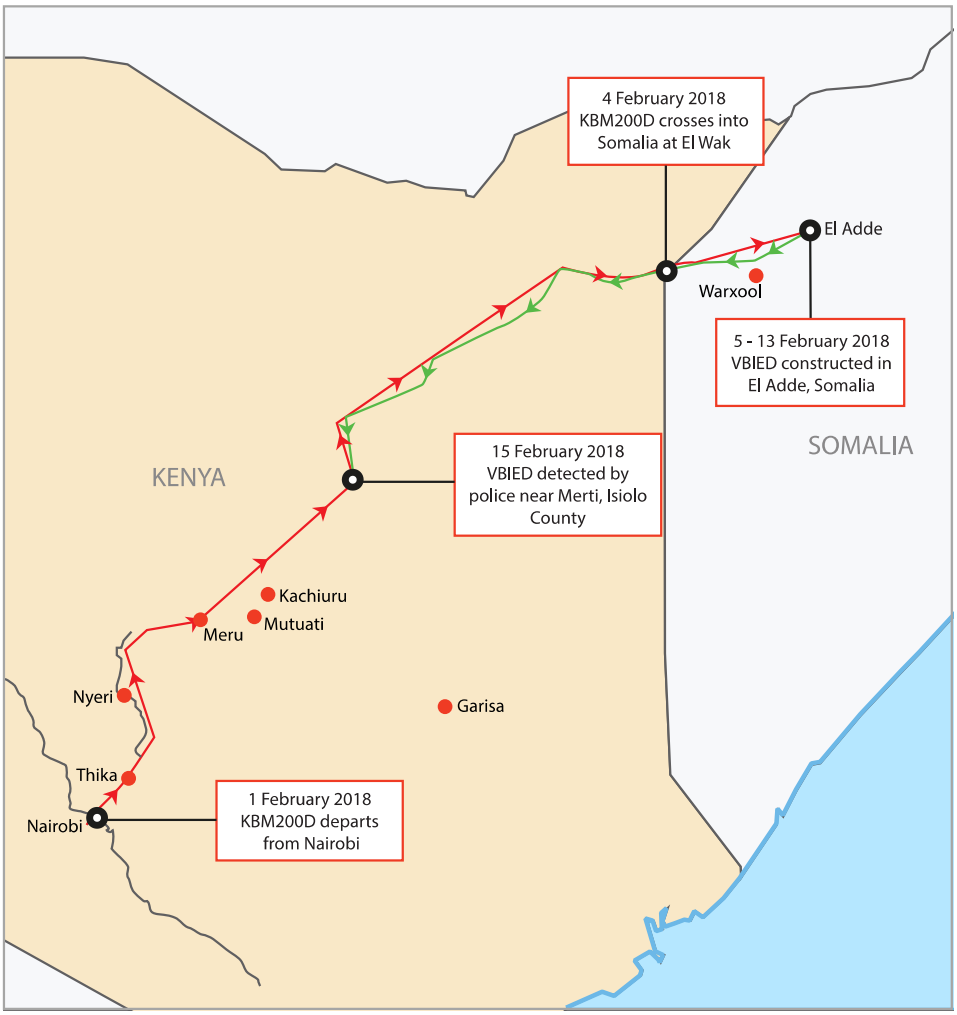
Adaptations in the DusitD2 operation

The DusitD2 operation appeared to have been refined in response to the failure of the Merti plot in 2018 in several significant ways. First, rather than constructing a VBIED, the DusitD2 attackers employed a person-borne improvised explosive device (PBIED). The PBIED was easier to conceal and did not risk the mechanical risks inherent with a vehicle loaded with explosives undertaking the 800 km journey from the Kenya-Somalia border to Nairobi. Instead of using the same route as the Merti VBIED, the DusitD2 attackers altered their route from northern Kenya to Nairobi, bypassing the area where the Merti VBIED had been intercepted by Kenyan police (see figure 9, below).

Second, the Al-Shabaab leaders in Somalia used a financial intermediary based in Mandera, Kenya, to transfer funds to the operations cell in Nairobi. The transfers were completed through cash and M-PESA mobile money, which has a transfer limit of KES 70,000 ($700). The operatives likely chose this method of transfer because it is not closely monitored by the Kenyan security forces like *hawala* money transfers (see annex 1.6.1 (strictly confidential)).

Finally, the leader of the DusitD2 cell, Kenyan national Salim Ali Gichunge, was given wide autonomy with respect to the target and the plan of attack.[37] Unlike the cell leader of the Merti plot, Gichunge did not communicate directly with individuals based in Somalia, reducing the likelihood of detection.[38]

Figure 9: GPS track of the Merti VBIED vehicle (number plate KBM200D), which was intercepted by Kenyan police stopped at the roadside on 15 February 2018. The DusitD2 plotters took a different route to Nairobi.



[37] Up to one day prior to the DusitD2 attack, the Al-Shabaab cell was continuing to scout possible alternative targets.

[38] Additionally, due to the possibility of his presence compromising the operation, Gichunge used a dedicated mobile phone line to contact Mahir Riziki, who was already known to the Kenyan security services.

Type 56-2 rifle

A Type 56-2 rifle recovered from one of the deceased attackers, bearing serial number 412222, provides further indication of a link between the DusitD2 and Merti plots. The serial number and factory marking likely indicates that the weapon originated in a consignment of 3,500 Type 56-2 rifles purchased by the FGS from the Government of Ethiopia in July 2013, following the partial lifting of the arms embargo.[39] In 2013, the Government of Ethiopia provided the Somalia and Eritrea Monitoring Group (SEMG) with a partial list of 2,500 serial numbers of weapons included in the consignment. While the serial number 412222 does not itself appear in this partial list obtained by the SEMG, 13 other Type 56-2 rifles with serial numbers beginning with the sequence "4122" are present, indicating that the rifle' serial number was likely contained amongst the 1,000 not provided by Ethiopia.

The Al-Shabaab operatives arrested by Kenyan police in connection with the Merti plot were found in possession of four Type 56-2 rifles that had also formed part of the 2013 consignment (see S/2018/1002, annex 2.3).

Figures 10 and 11: One of the Type 56-2 rifle recovered from the Merti plotters in February 2018 (left) and a Type 56-2 (serial number 412222) used in the DusitD2 attack (right).



Annex 1.6.1 (strictly confidential) provides additional details on the financing of the DusitD2 operation.

[39] The consignment was notified to the Committee on 29 July 2013.

Annex 1.8: Kenya-Somalia border incidents

From June to July 2019, cross-border attacks by Al-Shabaab into Kenya increased in frequency, possibly due to heightened diplomatic tensions between the two countries, which Al-Shabaab may be seeking to exploit. This increased frequency of incidents followed a statement released by Al-Shabaab through its Shahada propaganda agency in June 2019, in which the group claimed to have mobilized "an army of fighters" from within the Muslim population of Kenya.[40] It refers to the closing of the Kenya-Somalia border in Lamu County by the Kenyan Authorities in early June.[41] The full statement reads:

> Observers also see that the closure of the Kenyan-Somali border will not work to reduce the frequency of attacks, as the Shabaab al-Mujahideen Movement has succeeded in establishing an army of fighters from the Kenyan population itself, who believe in the same objectives as the Movement and fight for issues they believe to be just, at a time of persistent grievances and assaults by the Kenyan government on the rights of Muslims in the country, and the corruption rampant in the joints of the Kenyan government, in marginalizing Muslims and depriving them of their rights.[42]

The geographical scope of these attacks ranged from the northern-most border point with Somalia, at Mandera, to the southern border in Lamu, a distance spanning almost 700 kilometres.

Table 1: Al-Shabaab cross-border incidents, April-May and June-July 2019

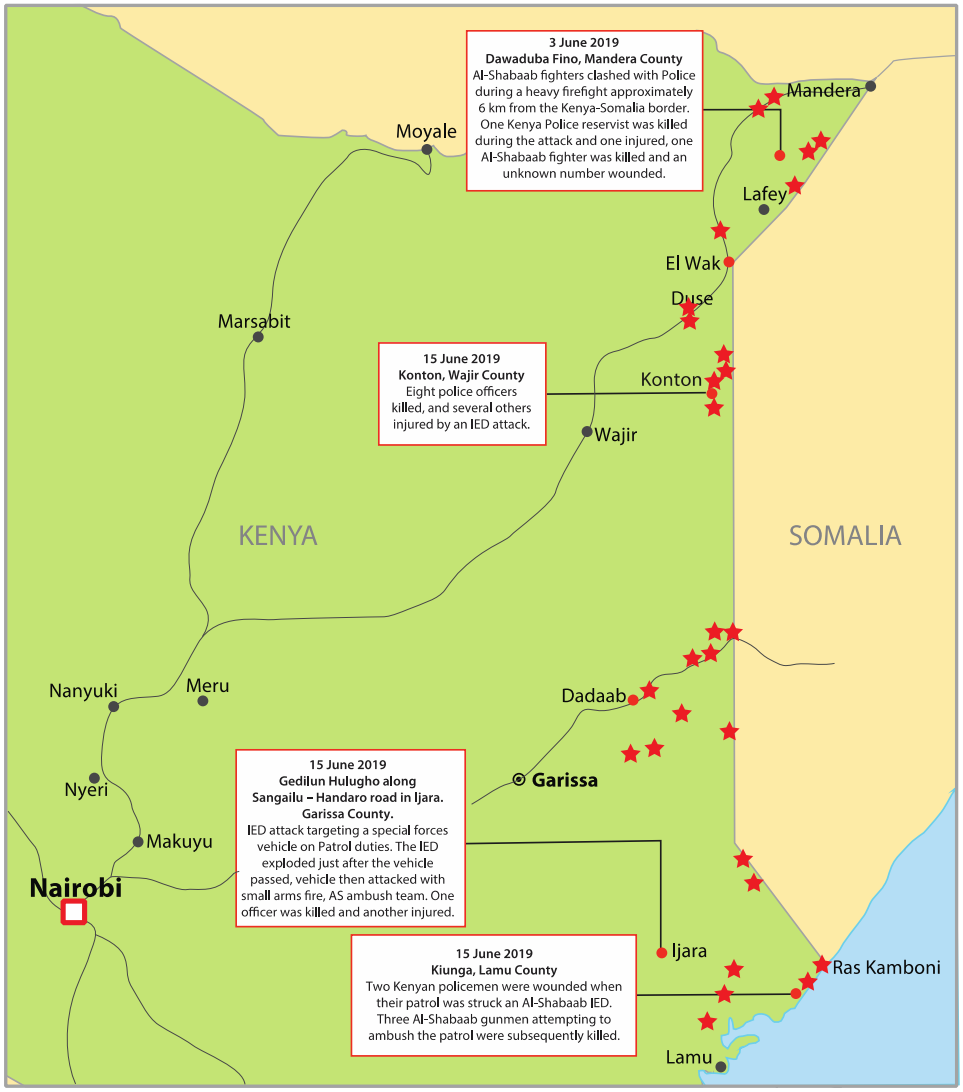
Type of Incident June/July 2019	**April/May 2019**	**June/July 2019**
IED	3	19
Firefight	0	3
Movement of Al-Shabaab fighters/weapons	6	2
Kidnap or attempted kidnap	2	4
Attack on telecommunications infrastructure	1	2
Total	**12**	**30**

In April and May 2019, the Panel recorded four separate incidents of Al-Shabaab movements along the Kenya-Somalia border in preparation for the offensive. For example, on 21 April 2019 in Hulugho, Garissa County, a group of approximately 30 armed individuals gathered east of Elkambere. The group had eight vehicles (three cars, two

[40] Al-Shabaab statement available from https://ent.siteintelgroup.com/Statements/shabaab-claims-two-car-bombings-in-mogadishu-killing-31-boasts-multiple-attacks-in-kenya-in-2-days.html (subscription required).
[41] Ibid.
[42] Ibid.

battlewagons, and three motorbikes) and were armed with assorted weapons and carrying bags suspected to contain IED materials.[43]

Figure 1: Map showing approximate location of cross-border attacks, June-July 2019.



[43] Confidential international agency security reports, April and May 2019. Reports also stated that on 23 April 2019 in Wajir County, a group of Al-Shabaab fighters armed with rifles and rocket-propelled grenades were seen between Khorof Harar and Kotulo. They were also carrying bags suspected to contain IED materials and ammunition.

Annex 80

Report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 2111 (2013), Annex 2.1, S/2014/726, 13 October 2014

Annex 2.1: Al-Shabaab in Kenya: Declaring Kenya a "war zone" (STRICTLY CONFIDENTIAL)

The *'Badru Nairobi Operation'*: The Westgate Mall attack

Note on Westgate Mall attack case study: Due to maintenance of international human rights standards, protection of human sources, protection of information collection methods and ongoing legal proceedings, and national security concerns where deemed appropriate and necessary, the Monitoring Group has not disclosed names of sources nor provided source descriptors and selectors. However, where the Monitoring Group has felt it necessary to provide and reveal vital information in terms of names, phone or email selectors in relation to the 'Badru Operation' (Westgate attack), it has endeavoured to share the necessary information with concerned and relevant United Nations Member States.

1. On 21 September 2013, a group of armed attackers (and most likely an unarmed support cell) pulled up at the main entrance of the Westgate Mall in Westlands, Nairobi, driving a Mitsubishi Lancer vehicle with the registration plate KAS 575X.[1] They immediately began throwing grenades and shooting at bystanders before proceeding into the main mall to indiscriminately target shoppers while finally remaining under siege in the mall for four days. [2] Hours into the siege, a claim of responsibility was issued by Al-Shabaab via its official Twitter handle in which the group claimed:

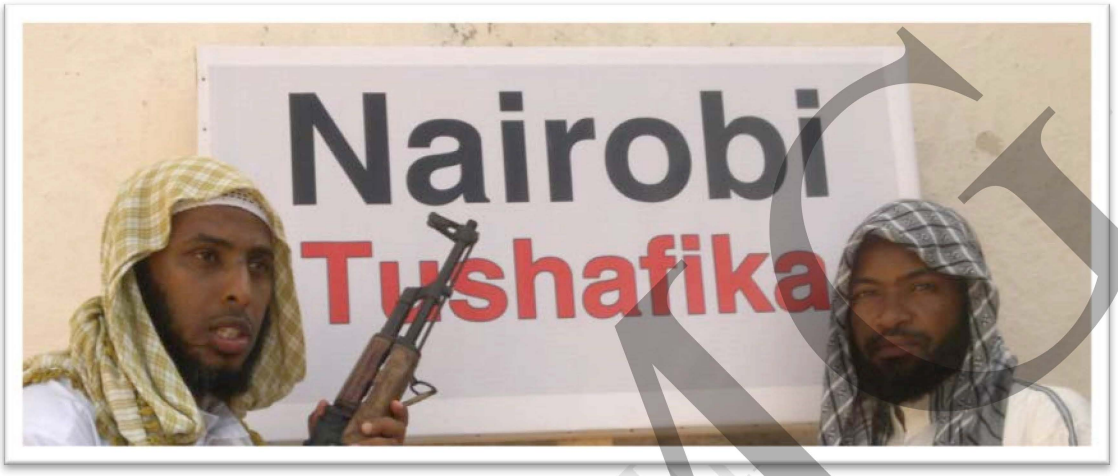
HSM has on numerous occasions warned the #Kenyan government that failure to remove its forces from Somalia would have severe consequences… The Kenyan government, however, turned a deaf ear to our repeated warnings and continued to massacre innocent Muslims in Somalia … by Land, air and sea, #Kenyan forces invaded our Muslim country, killing hundreds of Muslims in the process and displacing thousands more… the attack at #WestgateMall is just a very tiny fraction of what Muslims in Somalia experience at the hands of Kenyan invaders… The Mujahideenentered #Westgate Mall today at around noon and are still inside the mall…[3]

2. On the same day, 21 September 2014, in what appears to be an attempt to reaffirm the operational and ideological ties between Al-Shabaab and Al-Hijra, a Somalia-based Al-Hijra fighter, Wahome Tajir Ali 'Abu Jafar', issued a Kiswahili *Nasheed* (Jihad

[1] See Kenya Parliament report of the joint committee on administration and national security; and defence and foreign relations on the inquiry into the Westgate terrorist attack, and other terror attacks in Mandera in north-eastern and Kilifi in the coastal region, December 2013.
[2] See annex 2.1.a for schematics of Westgate Mall.
[3] Since the Westgate Mall attack on 21 September 2013, Al-Shabaab's official Twitter handle has been suspended. However, the Monitoring Group can authoritatively confirm this Twitter handle was the official Al-Shabaab handle.

song).[4] The *Nasheed,* released via Al-Shabaab's official Twitter handle was in support of the Westgate Mall attack that would ultimately claim over 67 deaths and 200 injured persons.[5]

United States' 'Saahibul Hijratain' and Kenya's 'Abu Zinnirah' at a post-Westgate rally in Barawe[6]



Background: intelligence indicators, recruitment and operational tradecraft

Potential intelligence 'indicators'

3. The meticulous planned attack on the Westgate Mall is indicative of a challenge that Al-Shabaab presents to regional and foreign intelligence services in the Horn of Africa. Prior to the Westgate attack, the Kenyan National Intelligence Service (NIS) and Directorate of Military Intelligence (DMI) had demonstrated their capacity both analytically and operationally in containing majority the of Al-Shabaab's "complex and spectacular plots".[7] This was done either through intelligence-led disruptions or operational redirection.[8] However, based on the Monitoring Group's own investigations over the course of successive mandates,[9] it has become aware of plots by Al-Shabaab,

[4] The Monitoring Group has previously mentioned Wahome Tajir Ali 'Abu Jafar' in its previous reports dating back to 2011 and 2012. For an audio of Wahome's *Nasheed* in support of the Westgate Mall attack see, https://soundcloud.com/hsm-press-office/nipeni-silaha-yangu.
[5] See annex 2.1.b for the official timeline of the Westgate Mall events from 21 – 24 September 2013.
[6] 'Saahibul Hijratain' (Cabdullahi Ahmed Faraax) is a 'popular' Al-Shabaab 'Amir' from the United States and 'Abu Zinnirah' (Ahmed Iman Ali) is the Kenyan Al-Hijra Amir in Somalia.
[7] Empirical evidence would suggest that both NIS and DMI had enjoyed considerable operational success in disrupting Al-Shabaab attacks.
[8] The Monitoring Group is aware of one 'redirection operation' involving a potential Al-Shabaab regional plot.
[9] The Monitoring Group has extensively reported on Al-Shabaab and its regional affiliates' plots from July 2011 (S/2011/433) to July 2013 (S/2013/544).

many of which have been disrupted by the Kenya security agencies but equally served as potential intelligence indicators and warnings pointing to the '*Badru Nairobi Operation'*.

4. As far back as 2011, Al-Shabaab appears to have identified the Westgate Mall as a potential target.[10] This was probably in response to "Operation Linda Mpaka", [11] a Kenya Defence Force (KDF) covert operation inside Somalia before the publicly declared "Operation Linda Nchi" in October 2011.[12] Similarly, a series of public declarations by Al-Shabaab core leaders and a senior Kenyan 'Amir', the Amir of Al-Hijra in Somalia, all provided strong indications of the group's determination to launch an attack inside Kenya comparable to the *'Badru Operation'*.

5. An example of such a credible warning was on 7 January 2012 by the Al-Hijra Amir, 'Abu Zinnirah'. In a video warning from Somalia, his lecture *"But if they seek your help in religion, it is your duty to help them"* categorically declared that Kenya was a "war zone."[13] Probably, in an attempt to underscore the warnings, the Monitoring Group believes that Ahmad Iman, using the nom de guerre 'Abu Usama', three months later in the Kiswahili Al-Shabaab magazine 'Gaidi Mtaani' published an article titled: *"Levelling the Scales"*, and warned:

"...look at how vulnerable Kenya is...we have tourists, shopping malls, bars etc...just imagine how we can compromise your economy, kill one 'muzungu' [white person] and they all run away...just imagine."[14]

6. While more than often Al-Shabaab's public declarations amount to propaganda, and offer little or no intelligence warning value, information acquired by the Monitoring Group and routinely shared with two branches of the Kenya security apparatus, including the Anti-Terrorism Police Unit (ATPU) in 2012 is suggestive of Al-Shabaab's determination to conduct a major attack in Kenya.[15] Credible information from this period confirms that senior Al-Shabaab commanders through Al-Hijra commanders were in regular contact from Somalia with associates in Nairobi concerning potential

[10] See page 34, Kenya Parliament report of the joint committee on administration and national security; and defence and foreign relations on the inquiry into the Westgate terrorist attack, and other terror attacks in Mandera in the northeastern and Kilifi in the coastal regions, December 2013.
[11] Restricted Directorate of Military Intelligence document detailing "Operation Linda Mpaka" obtained by the Monitoring Group in 2011.
[12] Al-Shabaab's Kiswahili magazine 'Gaidi Mtaani' issue#4 provides lengthy justification for the Westgate attack.
[13] https://twitter.com/#!/HSMPress/status/155614676087087104
[14] http://azelin.files.wordpress.com/2012/04/gaidi-mtaani-issue-1.pdf
[15] During successive mandates, information deemed vital to the Government of Kenya's national security has been shared on a timely basis as part of the principle of "duty to warn", and in accordance with international human rights standards.

plots/attacks.[16] The Monitoring Group can also confirm that some of these Nairobi-based associates were targets of electronic surveillance by one regional intelligence service and possibly at least two foreign intelligence services operationally active in the Horn of Africa. On 30 March 2012, at about 8:00 pm, a known senior Al-Shabaab commander "Ibrahim" called a 'Nairobi associate' asking for a security assessment of Nairobi. "Ibrahim" called again days later to request specific operational information on Westlands such as its size, population and level of security.[17]

7. The Monitoring Group is also aware of another potential indicator and warning in relation to possible useable intelligence pointing to the Westgate Mall attack. This was the suspicious but equally circumstantial activity of "M", a known Al-Shabaab/Al-Hijra-linked female logistician.[18] In 2013, "M" played a peripheral and liaison role in a conspiracy to transport explosives from Tanzania into Kenya aimed at disrupting the Kenya elections on 4 March 2013.[19] In addition, since 2012, the Monitoring Group closely monitored "M's" regular and suspicious routine visits to Westgate Mall, which have included weekend visits. On 21 September 2013, at 3:16 pm during the Westgate siege, a close associate of 'Abu Zinnirah', the Barawe-based Amir of Al-Hijra, and a Facebook associate to 'M", sent the following message to "M": "Sis, u ok? Plz tell me no coffee 2day." On the second day of the siege (22 September 2013), at 09:12 am, "M" responds: "Walkm slm, Alhamdulillah, had just left Westgate with my coffee and the shooting started. Alhamdulillah."[20]

Recruitment for the 'Badru Nairobi Operation'

8. The Monitoring Group has been receiving uncorroborated and conflicting reports concerning the identity of the main coordinators of the *'Badru Nairobi Operation'* making confirmation of their identities and roles difficult. However, the evidence strongly suggests that the plan was conceived in Somalia and coordinated by senior Al-Shabaab commanders (see section below on analytical links to Somalia).[21] Two

[16] Credible and corroborated information provided to the Monitoring Group by a source directly in contact with Al-Shabaab commander in 2012.

[17] Information in relation to the Al-Shabaab commander "Ibrahim" has partly been discussed in S/2012/544, strictly confidential annex 3.1. In April 2012, corroborating information by a Government official in relation to phone calls from Somalia to an Al-Shabaab 'Nairobi associate' was provided to the Monitoring Group.

[18] Credible and corroborating information suggests "M" may have peripheral links to Al-Qaida-affiliates due to her family ties.

[19] From late November 2012 through to March 2013, the Monitoring Group was able to collect and monitor real-time information on this plot of which some has been provided in a previous report.

[20] See annex 2.1.c for captured image of the Facebook chat.

[21] The Monitoring Group is aware of reports suggesting the Westgate Mall attack was carried out by a "breakaway faction" of Al-Shabaab. To date, the Monitoring Group has not received sufficient information or evidence corroborating this hypothesis.

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operational planners in Somalia, Abdukadir Mohamed Abdukadir 'Ikrima' and Sultan Mohamed Sandhere 'Ukash', have been linked to the attack.[22] Investigations based on a known email selector of Abdukadir Mohamed 'Ikrima',[23] which has now been deactivated, however failed to reveal any links to the Westgate attack or known conspirators.[24] In July 2014, two phone selectors of Sultan Mohamed Sandhere 'Ukash' and one strongly believed to be of his sibling, a known businessman, were also obtained and investigations into potential phone links with the known Westgate Mall attackers and associates are in its preliminary phase.[25]

9. Analysis of the recruitment for the Westgate Mall attack strongly suggests that operatives were selected from at least three tiers of Al-Shabaab's operational presence (see diagram below for known individuals linked to the preparation of the Westgate Mall attack and known attackers), including:

- The main *infantry* cell selected from Al-Shabaab core inside Somalia. This included Mohamed Hassan Dhuhulow, Khatab Al Kene, Omar Nabhan, Umar Al Mogadish and potentially a number of other unidentified operatives.[26]

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[22] The Monitoring Group is also investigating reports of "Ukash's" links to the 13 October 2013 failed Al-Shabaab attack in Addis Ababa based on a single source sensitive reporting.

[23] In 2013, the Monitoring Group shared this email with a regional Member State and confirms the email account was active at that time.

[24] Investigations did however reveal links to 'Ikrima' and a known Al-Hijra associate based in Huruma, Nairobi who had previously been in Somalia alongside Al-Shabaab and Al-Hijra.

[25] The Monitoring Group has shared Sultan Mohamed Sandhere 'Ukash's' phone selectors with a relevant Member State for exploitation.

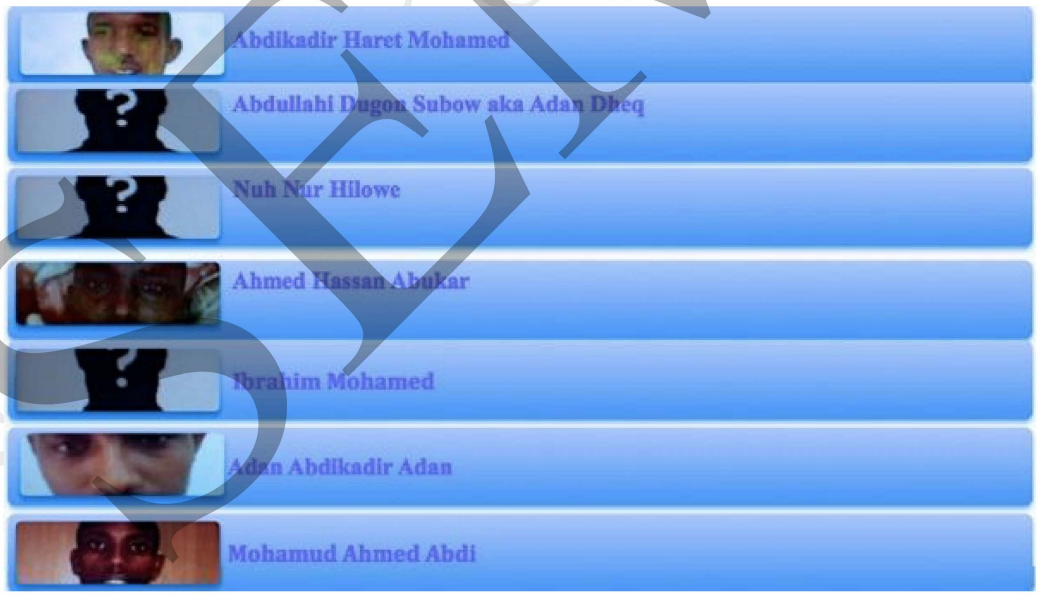
[26] The Monitoring Group uses the term 'infantry cell' to describe the Al-Shabaab attacker inside the Mall during the siege. Regarding the "potentially other unidentified operatives", the Monitoring Group has received credible reporting concerning their existence but is currently waiting for images should they exist of them in the Westgate Mall.

Images of known members of the 'infantry cell'



- A support/facilitation cell drawn from Al-Shabaab's Eastleigh presence in Nairobi. Among this group were Abdikadir Haret Mohamed, Abdullahi Dugon Subow (a.k.a. Adan Dheq), Ahmed Hassan Abukar, Nuh Nur Hilowe, Ibrahim Mohamed, Adan Abdikadir Adan and Mohamud Ahmed Abdi.

Images of known members of the support/facilitation cell



- A facilitation cell drawn from Al-Shabaab's 'safe haven' in Kakuma UNHCR refugee camp. This included Mohamed Abdi Noor, Siyad Salat Ahmed, and Liban Abdulle Omar.

Mohamed Abdi Noor[27]



10. The Monitoring Group believes a key feature of the Westgate Mall attack recruitment, or at least what is generally acknowledged, is the demonstration of Al-Shabaab's ability to coordinate. This is especially in terms of recruiting substantial numbers of operatives in two locations: Somalia and Kenya. Likewise, the recruitment for the attack reveals an observance of disciplined tradecraft, effective enough to avoid detection by regional and foreign intelligence services active in the Horn of Africa.

Operational tradecraft used in preparation for the 'Badru Nairobi Operation'

11. Based the Monitoring Group's own investigations,[28] combined with information obtained by regional intelligence services, it has become evident that Al-Shabaab has placed a greater emphasis on operational security.[29] As the Westgate Mall attack illustrates, the more effective Al-Shabaab's operational security becomes, the more it puts regional and foreign intelligence services at a disadvantage. This is not only at the intelligence collection level but also operationally in disrupting Al-Shabaab regional plots.[30]

12. Unlike the plot by Al-Shabaab in September 2012, to carry out a person-borne improvised explosive device (PBIED) attack in Nairobi, [31] where phone selectors were

[27] Key Westgate Mall attack facilitator.

[28] Since 2010, the Monitoring has had unique access to credible information on Al-Hijra operations and collaborations with Al-Shabaab core. This has included real-time information on financial activities, including money transfers, email communications and social media activity.

[29] During investigations in 2012 and 2013, the Monitoring Group was able to learn more about tradecraft of returning Somalia-based Al-Hijra fighters, including Al-Qaida-affiliates, such as Jermaine John Grant.

[30] See leaked Kenya NIS document highlighting intelligence challenges on collection of credible information on Al-Shabaab.

[31] The plot involved Abdimajid Yassin Mohamed and Omar Abdi Adan attempting to carry out suicide attacks. A briefing by a regional intelligence official familiar with the disruption indicates their phone numbers were used to geo-locate their movements and lead them to the suicide vests. See also annex 2.1.d for images of captured items.

detected and monitored in advance to disrupt the attack, those identified with *'Nairobi Badru Operation'* were aptly able to avoid detection until after the attack had begun.

13. Crucial to Al-Shabaab's tradecraft in preparation for the Westgate attack was its exploitation of the lax procedures in obtaining mobile phone lines in Kenya in 2013.[32] This included targeting mobile operators such as Safaricom among others.[33] To date, the Monitoring Group has been able to identify at least 8 Kenya-issued mobile numbers and a network of potentially Somalia-linked numbers.[34] These numbers are either assessed to be associated with the 'infantry attackers' (who were inside the Westgate Mall from 21 – 24 September 2013) or part of the support/facilitation tier used in preparation for the attack.

14. The Monitoring Group's ongoing investigation strongly indicates the following:

- From the 8 Kenyan-issued numbers identified, 7 were found to be geo-located at the Westgate scene on either 21 September or through to 23 September 2013.[35]

- 5 of the above numbers were apparently all 'activated and switched on' within the 'deployment/attack' phase of between 17 and 21 September 2013 in Eastleigh in Nairobi. This is in addition to 6 of the same numbers all being registered under indigenous names ("Kiswahili names").

- At least 6 of the above numbers were all registered with the Mpesa money transfer service but with either actual or operational names ("Somali names"). This is also suggestive of possible collusion of mobile phone vendors.[36]

15. In addition, information collected indicates that some of the Al-Shabaab operatives had adopted the tradecraft of 'borrowing' mobile handsets as part of their preparation for the attack. An example of this was Abdikadir Haret Mohamed, assessed by the Monitoring Group to be part of the Eastleigh support/facilitation tier.

[32] See http://www.the-star.co.ke/news/article-138788/mobile-ceos-reject-blame-westgate-attack

[33] The Monitoring Group regrets despite official request for assistance on 10 June 2014 it has not received formal cooperation form Safaricom.

[34] The Monitoring Group is in possession of a number of potentially Westgate-linked numbers. Where it is confident that a particular number is definitely linked to the attack, the number has been shared with a relevant and concerned Member State for corroboration and exploitation purposes and to assist the Group's ongoing investigation.

[35] Sensitive reporting indicates some attackers in the Westgate Mall had turned off their mobile phones by 23 September 2013.

[36] Information accessed from a mobile phone operator and corroborated by a Member State.

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16. According to CCTV images released by Kenyan Police, and corroborated by an Argoforestry employee, Abdikadir Haret was one of two operatives who had purchased the Mitsubishi Lancer vehicle (registration number KAS 575X), used by the attackers on 21 September 2013.[37] However, in an attempt to probably conceal his role in the Westgate conspiracy, Abdikadir Haret had frequently 'borrowed' the handsets of his co-conspirators Adan Abdikadir Adan and Nuh Nur Hilowe to make (operational) calls,[38] but seemingly unaware of the possibility of being connected via sharing the IMEI (International Mobile Station Equipment Identity). [39]

Image of KAS 575X and passenger seat with SIM cardholder wrapper discovered at scene



17. On 6 September 2013, exactly two weeks before the Westgate Mall attack, two members of the support/facilitation tier of the operation, Abdikadir Haret and Adan Dheq, purchased a Mitsubishi Lancer from a garage in Nairobi. Not only did they use the assumed names, 'Mohamed Hussien' and 'Hussien Abdi Ali' but also left a contact number of co-conspirator Ahmed Hassan Abukar, who reportedly later 'handed over' his handset to another co-conspirator, Liban Abdulle Omar from the UNHCR Kakuma tier of the operation.

18. The Monitoring Group is moderately confident that the purchase of the vehicle two weeks before the 'attack date' was an operational decision. This effectively provided the attackers (all three tiers) sufficient time during what would have been the 'operational planning' phase to conduct surveillance, rehearse and identify potential secure routes to Westgate Mall on 21 September 2013 from Eastleigh in Nairobi. So far, the Monitoring Group has not seen any evidence that suggests the infantry cell of the attackers had any

[37] See http://www.nation.co.ke/news/Cash-deposit-linked-to-mall-attack-/-/1056/2232468/-/139qjkt/-/index.html

[38] During their interrogation on 13 October 2013, both Adan Abdikadir Adan and Nuh Nur Hilowe denied any involvement in the Westgate Mall attack but admitted to loaning their handsets to Abdikadir Haret Mohamed.

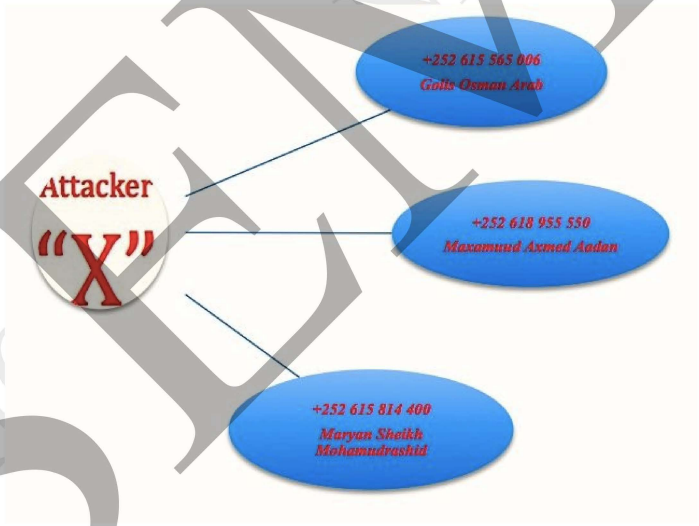
compromising exposure during the planning of the attack that would potentially make them visible to the security services.

Analytical links to Somalia

19. As mentioned above, the Monitoring Group has been unable to substantiate claims whether the senior Al-Shabaab commanders 'Ikrima' and 'Ukash' were coordinators of the Westgate Mall attack. However, information received indicates at least one of the 'infantry attackers' "X" (from inside the mall), and potentially another attacker "B", believed to have carried out surveillance two hours prior to the attack,[40] had both placed calls to Somalia and potentially to Al-Shabaab commanders or linked individuals. Between the attackers "X" and "B", the Monitoring Group has identified 8 Somalia-linked numbers of which it has also been able to associate 6 Somalia-based individuals to these numbers.[41]

Attacker "X"

Calls from attacker "X" to Somalia



20. On 21 September 2013, at 8:44 am, one of the (unknown) 'infantry attackers' "X" activated his mobile number in Eastleigh. He later proceeded to Westgate Mall, arriving sometime after 12 pm. Interviews by the Monitoring Group, also corroborated by a

[40] Based on the geo-location of the phone and timings, the Monitoring Group places an analytical assessment of low to moderate confidence that this unknown attacker was carrying out surveillance on the Westgate Mall on 21 September2013 prior to the attack.

[41] In March 2014, the Monitoring Group shared a selected batch of numbers with a senior Somali National Intelligence and Security Agency (NISA) official for exploitation and assistance. However, since then and following repeated requests for feedback, there has been no response.

mobile phone operator, suggest the 'infantry attacker' "X", before switching off' his phone on 23 September 2013 (from inside the mall), had made a number of calls to Somalia. From the numbers called,[42] 5 have been identified as of potential interest, thus warranting a joint Monitoring Group investigation with relevant and concerned Member States. Among the numbers called by the 'infantry attacker' "X" (from inside the mall) were +252 615 565 006, +252 618 955 550, and +252 615 814 400. The Monitoring Group's investigation into the above numbers strongly indicates they are associated to the following Somalia-based individuals below[43]:

- Golis Osman Arab, a 'known' businessman in Mogadishu and Beledweyne, has been associated with the mobile number: +252 615 565 006.[44]

- Maxamuud Axmed Aadan and Maxamed Cali Maxamed have both been associated with the mobile number: +252 618 955 550.

- Maryan Sheikh Mohamudrashid has been associated with the mobile number: +252 615 814 400.

21. While investigations are ongoing into the above individuals and their potential links to Al-Shabaab, information exploited from their financial records suggests suspicious financial activity in relation to Golis Osman and potential links of interest with Maryan Sheikh's financial transactions.[45]

22. In relation to Golis Osman, evidence indicates large receipts of cash transmitted to him from within Somalia, including large suspicious transfers from a known Al-Shabaab stronghold, Jalalaqsi, in the names of Nur Farah Mohamed and Saadaq Yusuf Shiino (see table below sampling financial transfers to Golis Osman Arab).[46] In one case, Nur Farah Mohamed had suspiciously transferred USD 17,000 to Golis Osman Arab.[47]

[42] The Monitoring Group shared some these number with relevant and concerned Member States and intends to securely archive remaining numbers with the United Nations.
[43] The Monitoring Group is aware that it is common practice for mobile numbers to be shared in Somalia.
[44] Also known to use the name Golos Osman Arab.
[45] Maryan Sheikh's financial transactions indicate links to Finland, Kenya and the United Kingdom until 4 May 2014.
[46] Due to ongoing investigations, the Monitoring Group has not released the mobile numbers for Nur Farah Mohamed and Saadaq Yusuf Shiino but has shared them with relevant and concerned Member States.
[47] The Monitoring Group has noted a suspicious pattern of financial transfers from Nur Farah Mohamed to Golis Osman Arab.

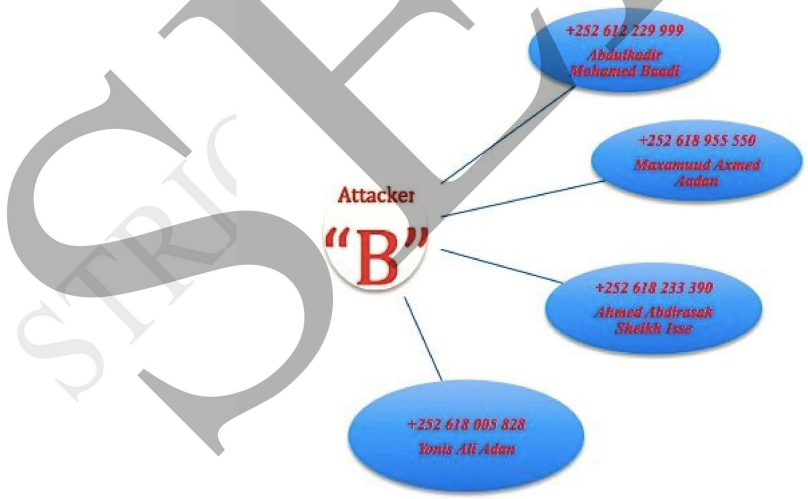
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Sample of funds transmitted from Jalalaqsi to Golis Osman Arab[48]

Senders' City	Date[49]	Amount
JALALAQSI	xxx	$2,700.00
JALALAQSI	xxx	$1,300.00
JALALAQSI	xxx	$900.00
JALALAQSI	xxx	$998.00
JALALAQSI	xxx	$500.00
JALALAQSI	xxx	$500.00
JALALAQSI	xxx	$1,800.00
JALALAQSI	xxx	$2,300.00
JALALAQSI	xxx	$1,500.00
JALALAQSI	xxx	$2,100.00
JALALAQSI	xxx	$2,300.00
JALALAQSI	xxx	$2,500.00
JALALAQSI	xxx	$2,500.00
JALALAQSI	xxx	$900.00
JALALAQSI	xxx	$3,000.00

Attacker "B"

Calls from attacker "B" to Somalia



[48] The Monitoring Group has archived the full financial records of Golis Osman Arab with the United Nations.

[49] Due to ongoing investigations, the Monitoring Group has not released dates.

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23. Working on the basis of a 'partial' CDR (Call Data Report) and incomplete information acquired from a mobile phone operator,[50] the Monitoring Group's assessment is that attacker "B" was likely to be from the support/facilitation tier, and likely to have conducted surveillance for the attack hours before the deployment of the main 'infantry attackers' who arrived in the KAS 575X registered vehicle.[51]

24. Further, evidence indicates that attacker "B" activated his mobile number at 3 pm on 17 September 2013 and was later geo-located at Westgate Mall, arriving at 10 am on 21 September 2013. From the numbers called by attacker "B" identified by the Monitoring Group,[52] 3 of the numbers matched those called by the 'infantry attacker' "X" (assessed to be inside the mall from 21 September through to 11:13 am on 23 September 2013). These were +225 618 955 550 (Maxamuud Axmed Aadan and Maxamed Cali Maxamed), +252 616 94 [redacted], and +252 167 8 [redacted].[53] In addition, evidence indicates that attacker "B" had also called the following 3 Somali numbers: +252 612 229 999, +252 618 233 390, and +252 618 005 828, which have been associated to 3 Somalia-based individuals, which include:

- Abdulkadir Mohamed Baadi has been associated with the mobile number +252 612 229 999.
- Ahmed Abdirasak Sheikh Isse has been associated with the mobile number +252 618 233 390.
- Both Abdullahi Aden and Yonis Ali Adan have been associated with the mobile number +252 618 005 828.[54]

Preliminary assessment

25. The probability of the same Somali-linked numbers (+252 618 955 550 and two other numbers withheld by the Monitoring Group) receiving calls from attackers "X" and "B", who appear to have arrived at Westgate Mall separately and placed separate calls to each other and to Somalia, not being connected to the plot/attack remains low.

[50] The Monitoring Group regrets that a number of East African mobile phone operators have refused to formally assist its investigations with regards to CDR reports and geo-location on potential mobile phone numbers of interest.
[51] The Monitoring Group notes attacker "B" was geo-located at Westgate around 10 am. If accurate, this would have given attacker "B" sufficient time to conduct surveillance.
[52] The Monitoring Group has identified no less than 15 Somalia-linked numbers to attacker "B".
[53] Due to ongoing legal and other investigations, the Monitoring Group has decided not to publish these two numbers. It has however, shared the numbers with a relevant and concerned Member State.
[54] The Monitoring Group notes Abdullahi Aden received a large sum of USD 6986 within Somalia on 8 September 2013 from a Hassan Husein.

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26. Similarly, the Monitoring Group is unable to discount the possibility of Golis Osman and Nur Farah Mohamed, the Jalalaqsi-based individual, either not being members of Al-Shabaab or being affiliates. Furthermore, in depth analysis of Nur Farah's financial records between 2010 and July 2014 suggests potential links to Al-Shabaab.[55] This has included peculiar patterns of receiving and transmitting substantial amounts of funds from and to Al-Shabaab strongholds in Somalia over a long period.[56] A key concern, also, remains how Nur Farah Mohamed was able to use four aliases (in addition to his name "Nur Farah Mohamed") for receiving and transmitting large funds across Al-Shabaab strongholds.[57]

Analysis

27. The 'Badru Nairobi Operation' (Westgate Mall attack) should be seen within the context of Al-Shabaab's resurgence,[58] and capacity to export from Somalia, tried and tested operational models regionally. This capacity will ultimately depend on the increasing freedom of presence of Al-Shabaab across the Horn of Africa. Likewise, its extensive presence in Kenya through unchecked access to UNHCR camps and neighbourhoods such as Eastleigh will continue to enable Al-Shabaab to execute its strategy.

28. Finally, Al-Shabaab's focus on Kenya is likely to continue in the foreseeable future with increased attempts to build on the Westgate Mall attack. Early indicators of the group's intent were clearly demonstrated in March 2014, with the 'Changamwe incident' (see below the 'Changamwe incident'), involving Abdiaziz Abdulahi Abdi a third tier linkage to the Westgate attack.

The Changamwe incident: Al-Shabaab's 'post-Westgate plot'

[55] Analysis of Nur Farah's transactions indicate that where substantial amounts of funds have been sent from an Al-Shabaab stronghold, no identification was held by the financial institution. Monitoring Group queries have confirmed in most cases due to security reasons financial institutions do not ask for identification in Al-Shabaab strongholds. In June 2013, the Monitoring Group observed a similar practice of funds being sent to a senior Al-Shabaab commander in Barawe. It can confirm that no identification was required and that the Al-Shabaab commander has used an assumed name to receive funds.

[56] The Monitoring Group's assessment on Nur Farah has taken into account his banking transactions with two financial institutions. Nur Farah Mohamed's financial records have been archived with the United Nations.

[57] Nur Farah Mohamed from Jalalaqsi also uses the following aliases: Cabdi Xusen Axmad, Nuur Farax Qobay, Nur Madobe, and Nuur Madoow.

[58] The Monitoring Group assesses with low confidence that the Westgate Mall attack was a sign of "desperation'. Rather, it was evidence of its determination following a series of disruptions of attempted "complex" attacks against Kenya, in particular.

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29. The Monitoring Group believes Al-Shabaab's operational tempo since the end of 2013 is an indicator of its regional force projection, and determination to build on the Westgate Mall attack in Kenya. A plot by Al-Shabaab that would appear to demonstrate this determination is the 'Changamwe incident' in Mombasa during March 2014.[59]

30. On 11 March 2014, Isaak Noor Ibrahim and Abdiaziz Abdulahi Abdi, two Al-Shabaab operatives, went to pick up a vehicle (Toyota Surf registration number: KAN 410 E) parked at the Baragwo parking yard in Mombasa. The vehicle, according to multiple credible sources, was destined for an unknown Al-Shabaab operation, possibly in Mombasa as part of an advance stage plot. Arriving at the parking yard, the two operatives were immediately apprehended by Kenyan security agents following an intelligence-led operation that involved a regional intelligence service and two foreign intelligence services to disrupt a potential complex attack.[60]

Left to right Isaak Noor Ibrahim and Abdiaziz Abdulahi Abdi



31. The Monitoring Group can confirm that concealed inside the vehicle were two cylinders filled with TNT explosives connected to a triggering system in the form of a Noika mobile phone, and a cache of arms, including AK-47 rifles, 270 rounds of ammunition, 6 grenades, 5 magazines, and 4 detonators.[61]

[59] See http://www.standardmedia.co.ke/thecounties/article/2000107257/shocking-cache-of-terror-arsenal-found-in-mombasa

[60] Unconfirmed information suggests two Western Member States led the operation.

[61] Interpol Purple Notice, Control No.: P-189/04-2014.

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Images of Toyota Surf, cylinders laden with TNT, and fused Noika found in Baragwo yard



32. Despite the denials of Isaak Noor and Abdiaziz Abdulahi, claiming they had no knowledge of the vehicle's contents, the Monitoring Group is aware tha the vehicle had been (partially) constructed in Somalia in preparation for another major attack to be staged in Kenya.[62] Likewise, credible information received based on Abdulahi's interrogation in March 2014, potentially links an individual named "Abdi Gurhan" to the conspiracy. "Abdi Gurhan", according to Abdullahi's testimony to both regional and foreign security officials was the owner of KAN 410 E and had left the vehicle in his care.[63]

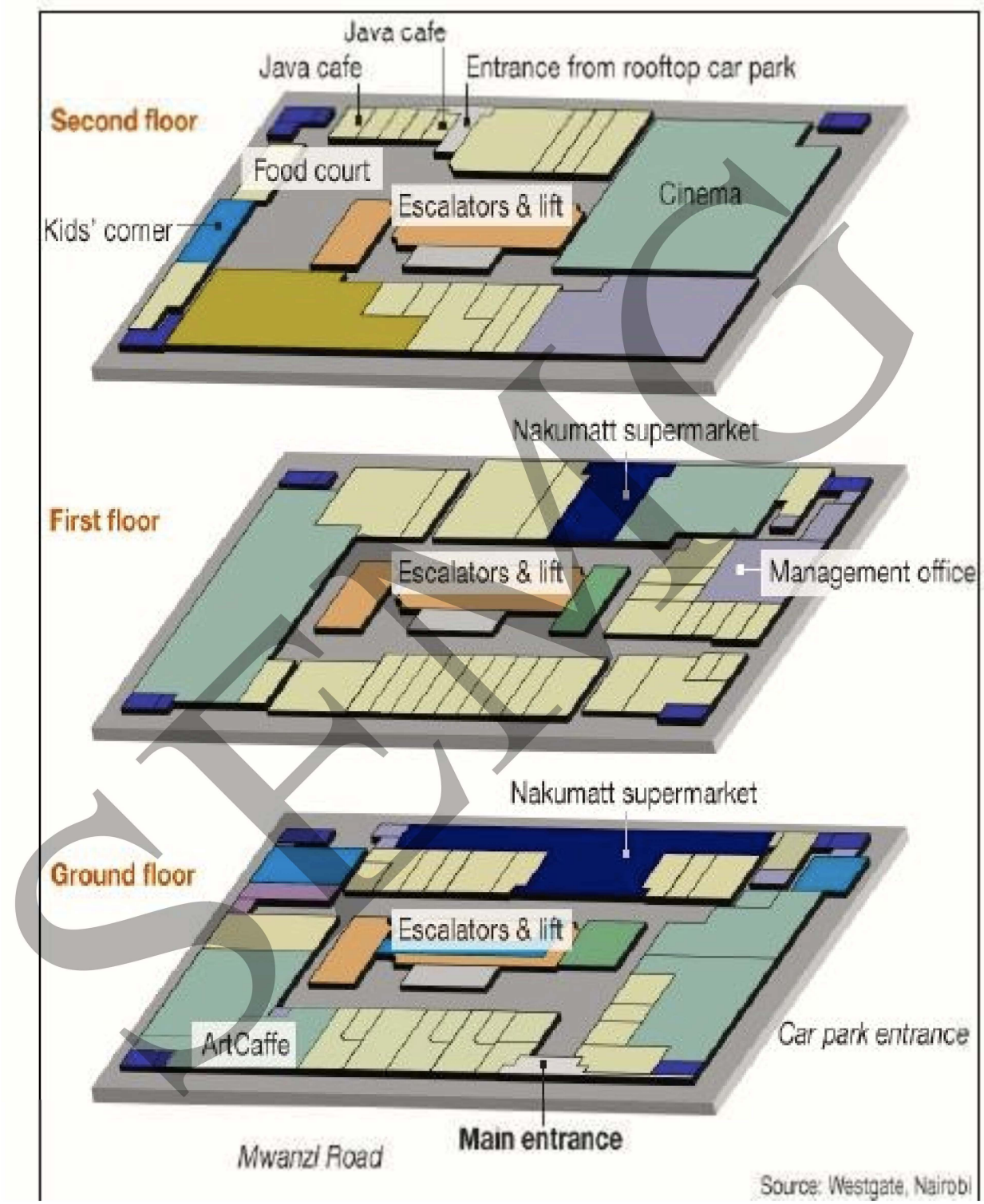
33. However, the Monitoring Group can confirm the vehicle was not registered in the name of "Abdi Gurhan" but of an indigenous Kenyan "KP" ("Kiswahili name"). Also based on Abdiaziz Abdulahi's phone selector, +254 705 506 285, strong indications are he was linked to the above Westgate Mall attack and described as a "third tier linkage". [64]

34. The TTP (tactics, technique, and procedures) of using vehicles as part of a complex attack has historically been a common Al-Shabaab tactic observed in Somalia. It is now increasingly becoming a standard feature of regional plots, as considered also by Al-Shabaab's 'Bole Rwanda cell' in Addis Ababa in October 2013 (see annex 2.2 on Al-Shabaab in Ethiopia).

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[62] Information provided to the Monitoring Group by law enforcement official in March 2014.
[63] So far, the Monitoring Group has been unable to trace "Abdi Gurhan".
[64] Monitoring Group briefing by a East African independent security analyst familiar with Al-Shabaab counter-terrorism operations, July 2014.

Annex 2.1.a: Westgate Mall schematics (STRICTLY CONFIDENTIAL)



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Annex 2.1.b: Official Westgate Mall attack timeline (STRICTLY CONFIDENTIAL)

Saturday – September 21, 2013

Approximately 12:30 hours

- The four male terrorists driving a silver Mitsubishi Lancer four-door sedan pull up outside the mall's main pedestrian entrance.
- As the four terrorists exit their vehicle, they throw three hand grenades: one onto the outdoor dining patio of the Art Cafe just to the left of the main entrance, and two at the security booth located outside of the parking garage.
- After firing shots at innocent bystanders outside the mall's main pedestrian entrance, the first two terrorists, operating as a "buddy pair", enter in to the mall.
- CCTV footage shows Terrorist # 2 briefly entering into the Urban and Gourmet Burgers shop located just to the left of the main pedestrian entrance to shoot innocent victims.
- After Terrorist # 2 shoots the victims in the Urban and Gourmet Burger shop both terrorists appear to put fresh magazines in their AK-47s. Once reloaded, the two terrorists make a left hand turn from the main entrance and proceed walking slowly towards the ArtCafe.

12:32 hours –

- CCTV Camera footage shows the two other terrorists making their way up the ramp to the rooftop-parking garage in the rear of the mall. Once on the rooftop garage they open fire on the adults and children participating in a cooking competition being held there, before entering the mall through the rear exit.

12:45 hours –

- In the first few minutes of the attack, Terrorist # 1, who had entered the main pedestrian entrance with Terrorist # 2, apparently exchanges gunfire with an unidentified first responder and receives a wound to his left leg.

13:00 hours –

- Responding police officers outside the mall are attempting to establish a perimeter, deal with the hundreds of people fleeing the location and assess what is going on inside the mall.

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13:30 hours –

- All four terrorists join up inside the Nakumatt Super Market store. While inside the store they locate and shoot numerous people who are attempting to hide.

13:50 hours –

- Kenyan Police Service's Inspector General (Commissioner) arrives at scene.

14:15 hours –

- The Kenyan Police Service's General Service Unit – Reconnaissance "Recee" Company (GSU-RC) has assembled at the scene. The GSU-RC is a highly trained paramilitary unit and functions as the Kenya Police Service's elite Tactical Team.

15:00 hours –

- The GSU-RC Tactical Team composed of ten officers enters the mall and begins to conduct clearing and rescue operations. CCTV footage shows that at some point during the tactical operations tear gas grenades are thrown in front of the Nakumatt Super Market forcing one of the terrorists away from the entrance.
- At the entrance to the Nakumatt Super Market, Terrorist # 4 shoots a victim who is on the floor attempting to hide.

16:00 hours –

- Kenyan government officials decide to transfer the handling of this incident from the police to the military. A squad of Kenya Defense Forces KDF soldiers enters the mall and shortly afterwards, in a case of mistaken identity, the troops fired on the GSU-RC Tactical Team. They kill one police officer and wounding the tactical team commander. In the ensuing confusion both the police and military personnel pull out of the mall to tend to the casualties and re-group.

19:00 hours –

- CCTV shows that all four terrorists are in a storeroom located in the rear of the first floor of the Nakumatt Super Market.

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- During the several hours the terrorists spend in the storeroom they appear extremely relaxed. They treat the wound that Terrorist # 1 had sustained to his left lower leg. They also eat and pray. At one point, three of the terrorist put down their weapons and only one terrorist has a weapon in his hands.
- At an unknown time, Terrorist #1 is observed on the CCTV footage leaving the storage room in the direction of the exit to the Nakumatt's loading dock. Authorities believe that he was possibly checking for a means of escape. Terrorist # 1 does not re-appear for the remainder of any of the CCTV footage.

Sunday – September 22, 2013

00:54 hours –

- One of the three remaining terrorists tilt the CCTV camera so it no longer covers the inside of the storeroom. This is the last CCTV footage of the terrorists and it is believed that they attempted to escape by an unknown route sometime after tilting the CCTV camera.
- CCTV picture of the four terrorists inside the Nukumatt's first floor storeroom.

Sunday – September 22, 2013

10:00 hours –

- The Kenyan Interior Secretary Ole Lenku holds has a press conference announcing that 10 to 15 terrorists attacked the Mall and that the terrorists are holding hostages.

20:00 hours –

- Kenya Defense Forces broadcast a Twitter Message that 4 soldiers have been injured and are being evacuated to the hospital.

Monday – September 23, 2013

06:45 hours –

- A large explosion is heard inside the mall.

11:00 hours –

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- The electrical power and CCTV feed from the mall is cut.

12:45 hours –

- Gunshots and explosions are heard coming from the mall throughout the day. Dark clouds of smoke appear at the rear of the mall.

13:25 hours –

- Four more large explosions occur at the mall.

19:00 hours –

- Kenya officials say that the smoke is from the terrorists setting mattresses on fire.
- Smoke coming from the rear of the Westgate Mall.
- It is reported that at some point during the day the Kenya Defense Forces decided to fire a high explosive anti-tank rocket (possibly a RPG-7 or an 84mm Recoilless Rifle) as part of their operation to neutralize the terrorists in the Nakumatt Super Market.
- The end result of this operation was a large fire and the partial collapse of the rear rooftop parking lot and two floors within the Nakumatt Super Market into the basement-parking garage.

Tuesday - September 24, 2013

15:10 hours –

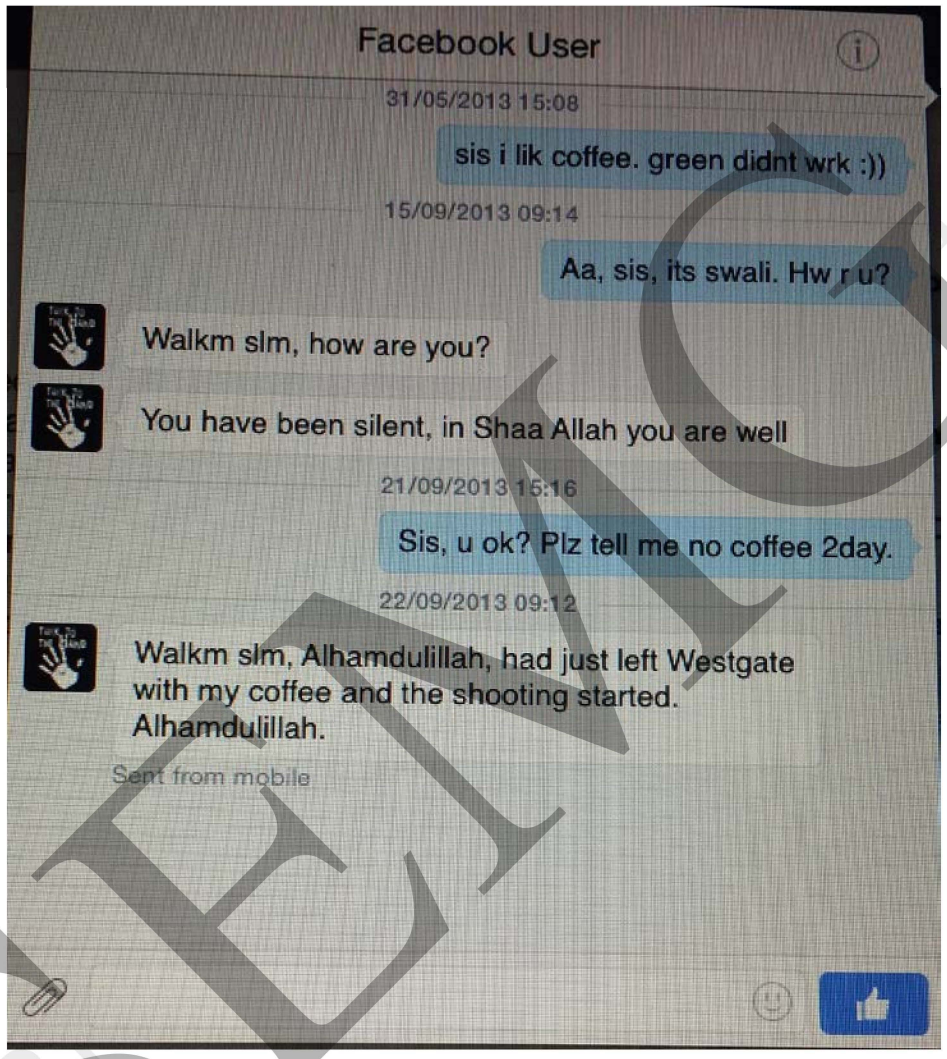
- The Kenya Defense Forces broadcast a Twitter Message that three of the 11 wounded soldiers who were previously removed to the hospital have died.

1830 hours –

- The President of Kenya, Uhuru Kenyatta holds a press conference and declares the Westgate Mall secure.

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Annex 2.1.c: Image of captured Facebook chat (STRICTLY CONFIDENTIAL)



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Annex 2.1.d: Images of captured items from Al-Shabaab's September 2012 Nairobi PBIED plot (STRICTLY CONFIDENTIAL)







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Annex 2.2: Operational impasse: Al-Shabaab in Ethiopia (STRICTLY CONFIDENTIAL)

35. Despite previous attempts to carry out attacks in Addis Ababa, Al-Shabaab continues to experience an operational deadlock. However, in 2013, the extremist group almost succeeded in breaking the deadlock when its 'Bole Rwanda cell' was forced to abort a twin person-borne improvised explosive device (PBIED) attack during the World Cup qualifying football match between Ethiopia and Nigeria on 13 October 2013. The plot, if executed as originally planned certainly would have caused mass civilians casualties.[65] Analysis of the plot planning sheds light on Al-Shabaab's operational and organisational capacities.

Addis Ababa 'Bole Rwanda cell' and peripheral associates[66]



[65] From January 2014 through to August 2014, the Monitoring Group was given access to the arrested members of the 'Bole Rwanda cell'. During this period, it conducted several interviews with the cell members, who have in some cases provided partial and credible information that the Monitoring Group used to further its investigations. Where the Monitoring Group has uncovered vital information relating to national security issues, it has shared this with the concerned Member State.

[66] From top to bottom: Cabdi Keynadiid Axmed; Qaalid Maxamuud Sahal 'Maqtal'; Mohamed Ahmed Shire 'Arab'; Mohamed Ali Mohamed 'Dhegaweyne'; Anas Osman Mohamed Mohamed Abdulrahman Mohamed Osman 'Siidow'; Mohamed Abdullahi Muhidin 'Joon'; Mohamed Aweis Mudey 'Boqorka Bartahama'; and Hassan Abdullahi

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Background to the plot: recruitment and planning

Recruitment

36. Planning for the operation appears to have begun as a result of operational difficulties faced by Al-Shabaab as far back as 2009,[67] and probably while the group was trying to establish an operational footprint in Addis Ababa to match its presence in Nairobi. As a result, the final planning for the October 2013 plot seemed to have developed over a period of at least two years punctuated with at least four recruitment phases. Part of the initial recruitment and eventual planning was the deployment of Mohamed Abdulrahman Mohamed Osman 'Siidow' and Mohamed Ali Mohamed 'Dhegaweyne' to Addis Ababa.[68] Among their initial tasks were: familiarizing themselves with Addis Ababa, establishing businesses as covers, and recruiting potential operatives while gathering information for future attacks.

37. But in spite of 'Siidow' setting up an 'entertainment studio' and 'Dhegaweyne' forming close ties with the Somali embassy in Addis Ababa,[69] by early 2010, Al-Shabaab still lacked a functioning cell within Addis Ababa's Somali district of "Bole Rwanda". This seems to have prompted the reassigning to Addis Ababa of an 'Aminyat-like' operative, Qaalid Maxamuud Sahal 'Maqtal', and an Al-Shabaab-affiliated journalist, Mohamed Aweis Mudey 'Boqorka Bartahama'.[70] 'Maqtal' and 'Boqorka' were tasked to enhance information collection in Addis Ababa and the dissemination of reports back to Al-Shabaab in Somalia.[71] Towards the end of 2010, the nascent 'Bole Rwanda cell' was becoming operational with an interim chain of command.[72] 'Siidow' acted as the 'Amir' with additional responsibilities for logistics, finance and recruitment. 'Boqorka' served as deputy-'Amir' responsible for compiling reports for transmission to Al-Shabaab in Somalia. 'Dhegaweyne' and 'Maqtal' were responsible for conducting routine information collection on potential targets in Addis Ababa.

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[67] According to testimonies provided by some 'Bole Rwanda cell' members, Al-Shabaab had experienced difficulties in recruiting in Addis Ababa around 2009. Some individuals sent to Addis Ababa had simply disappeared while others had opted to remain inactive.

[68] Prior to being dispatched to Addis Ababa, 'Siidow' was an Al-Shabaab member stationed in the Deyniile district in Mogadishu, while 'Dhegaweyne' had been a member of Hizbul Islam before joining Al-Shabaab in 2009.

[69] According to information provided to the Monitoring Group by a law enforcement official and corroborated by accessing 'Siidow's' email account, 'Siidow' set up an 'entertainment studio' which had been used to store explosives, and 'Dhegaweyne' formed close ties with the Somali Embassy in Addis Ababa.

[70] Mohamed Aweis Mudey' Boqorka Bartahama' was a respected Somali journalist who had 'fled' Mogadishu after the Shamo Hotel attack on 3 December 2009 by Al-Shabaab.

[71] According to 'Maqtal's' testimony to the Monitoring Group, he had previously been an Islamic Courts Union (ICU) member in Mogadishu before joining Al-Shabaab as an information collection officer with postings in Mogadishu and Galkayo. Monitoring Group interview with 'Maqtal', 1 March 2014.

[72] Monitoring Group interview with 'Maqtal', 1 March 2014.

From left to right images of 'Maqtal' and Boqorka Bartahama



38. Evidence also suggests that during 2010 through to 2012, the cell had placed emphasis on recruitment, especially from the organization 'Somali Community in Ethiopia' in Addis Ababa, and facilitating the entry into Ethiopia of a number of suspected Al-Shabaab members or facilitators. Emails from 'Siidow's' accounts[73] contain information on infiltration of Somalis into Ethiopia, a request for Amharic software used for producing Ethiopian documents, 'Siidow's' travel to Mogadishu on at least one occasion, and show regular email contact with a reported Baidoa Al-Shabaab individual known as "Cabdisalan Maxamed Shaaciye".[74]

39. A sample of these emails include the following:[75]

- Email dated 1 July 2010, from Xasan Maxamed to 'Siidow' at 8:18 am with 36 attachments of photos of Al-Shabaab activities, including photos of Al-Shabaab senior leaders.

- Email dated 8 September 2010, from Omar Wardere to 'Siidow' at 9:41 am with a passport photo attachment of Cabdullahi Xashi Cadulle and bio data, plus a request for additional information needed by 'Siidow'.

- Email dated 26 January 2011, from Omar Wardere to 'Siidow' at 12:40 pm, including an attachment of Ethiopian passport pages (N254815) and passport photo associated with Seid Esmail Abdhakim.[76]

[73] Emails from 'Siidow's email account, including other email accounts linked to 'Siidow', which have been shared with the concerned Member State for further investigation.
[74] The Monitoring Group has received corroborating information of 'Siidow's' travels to Somalia and is currently investigating claims by a regional intelligence service that "Cabdisalan Maxamed Shaaciye" is an Al-Shabaab commander. The Monitoring Group has also provided the email selector of "Cabdisalan Maxamed Shaaciye" to the concerned Member State.
[75] 'Siidow' claimed that emails were not his but from customers visiting his studio. Monitoring Group interview with 'Siidow', 9 July 2014.

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- Email dated 21 February 2011 from "Yemen Aden" to 'Siidow' at 3:10 pm, with 4 attachments, including Yemeni identification and passport associated to Maxed Saalax Maxed.[77]

40. By 2013, the 'Bole Rwanda cell' had emerged from its embryonic state of two, to a functioning cell of at least four members in part through adopting plausible operational covers: a respectable business person ('Siidow'), an established journalist and community leader ('Boqorka') and a Somali embassy 'fixer' ('Dhegaweyne'). However, in order to plan an attack, preferably in 2013 or early 2014,[78] Al-Shabaab dispatched Mohamed Abdullahi Muhidin 'Joon' and re-inserted Mohamed Ahmed Shire 'Arab' to Addis Ababa.

41. Corroborating information suggests that 'Joon' had arrived in Addis Ababa in March 2013,[79] following his previous visit to Ethiopia between September and November 2010.[80] While information from a source familiar with the October 2013 plot claims 'Joon' was sent by an Al-Shabaab commander known as "Abdulqadir Ahmed Mohamed", there is currently no evidence of this apart from 'Joon's' regular calls to the Somali-linked number: +252 615 [redacted], which is being investigated.[81]

42. Whereas 'Joon's' deployment would appear to provide additional intelligence support to the cell, with 'Joon' assuming overall responsibility for information gathering on potential targets in April 2013, 'Arab's' re-insertion is more alarming. It illustrates first, Al-Shabaab's capacity to infiltrate Somali security agencies across Somalia and not only in Mogadishu, and secondly, the readiness of administrations such as Puntland to cover up terrorist plots against regional Member States.

43. In July 2013, 'Arab', a Puntland Security Force (PSF) official, arrived back in Addis Ababa, travelling from Bosasso and transiting illegally through Hargeisa.[82]

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[76] According to a search via the PISCES system (Personal Identification Secure Comparison and Evaluation System), Seid Esmail Abdhakim has frequently traveled to Kenya, UAE, Uganda, and Somaliland.

[77] Financial records of Maxed Saalax Maxed indicate that he had regularly sent large amounts during 2012, and in one instance a sum of USD 300 to 'Siidow'.

[78] Information attributed to the arrested cell members during their interrogation suggests they had planned to carry out attacks in Addis Ababa no later than early 2014.

[79] During an interview with 'Siidow' on 9 July 2014, he claimed 'Joon' was his former pupil at a Quranic School in Mogadishu.

[80] During an interview with the Ethiopian authorities, 'Joon' is reported to have admitted to traveling to Ethiopia in 2010 to obtain official Ethiopian documents, including a passport. In February 2014, the Monitoring Group examined these documents.

[81] The Monitoring Group has shared this phone selector with the concerned Member State for further assistance and highlighted a particular pattern of calls leading up to 13 October 2013.

[82] During an interview with 'Arab' he admitted to entering Ethiopia illegally through Hargeisa. Checks with Somaliland immigration authorities indicate no record of 'Arab' entering or exiting through their borders.

Although three months earlier 'Arab', a resident of Nairobi and (active) Al-Shabaab member, had bribed his way through Jomo Kenyatta International Airport on 21 May 2013 to board the Ethiopian flight ET 802 to Addis Ababa en route to Djibouti, via the ET 306 flight (see annex 2.2.a for a copy of 'Arab's stamped passport).[83] On landing in Djibouti, 'Arab' was deported back to Ethiopia and then to Kenya for immigration irregularities, where on the 23 May 2013 he was returned to Bossasso by the Kenyan authorities.[84]

44. A testimony provided by 'Maqtal' and corroborated by 'Arab' himself confirms that 'Arab' had previously traveled from Nairobi to Ethiopia in 2010 and 2011 via the Moyale Kenyan border.[85] 'Arab' however, claims these visits were not Al-Shabaab-related,[86] a claim disputed by 'Maqtal' who described in detail 'Arab's' Al-Shabaab links and operations inside Kenya,[87] including his link to the *'Badru Nairobi Operation'* (Westgate Mall attack). According to 'Maqtal', 'Arab' had conducted surveillance on the Westgate Mall. [88] The above claim concerning 'Arab' and his links to extremism seems consistent with sensitive reporting by a regional intelligence service, which claims that 'Arab' was linked to a suspected Djibouti Al-Qaida financier in 2010.[89]

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[83] The Monitoring Groups notes that its checks via PISCES (Personal Identification Secure Comparison and Evaluation System) have not recorded 'Arab' entering Kenya on 27 March 2013 as noted from his passport page provided by Djibouti authorities. It also notes that 'Arab' had been allowed to pass through Kenya immigration without a valid visa to enter Djibouti. See annex 2.2.a for a copy of 'Arab's' stamped passport.

[84] Information provided to the Monitoring Group by the Djiboutian authorities in May 2014 and corroborated by 'Arab's' financial and (Kenyan) mobile phone records.

[85] Monitoring Group interviews with 'Maqtal' and 'Arab' on 19 April 2014 and 24 May 2014 respectively. During the interview 'Maqtal', also a family relative to 'Arab', claimed 'Arab's visits to Addis Ababa were in relation to infiltrating Al-Shabaab operatives from Nairobi.

[86] 'Arab' claims he had traveled to Addis Ababa in 2010 and 2011 as part of his visa application process to the United States.

[87] During an interview with 'Maqtal', he claimed 'Arab' was linked to a senior Al-Shabaab commander in Galkayo. This information appears linked to unconfirmed information claiming 'Arab' was linked to Khalid Jama Nur an Al-Shabaab commander and IED smuggler. Where the Monitoring Group is inclined to find 'Maqtal's' claim credible is his own description and account of Al-Shabaab activities in Galkayo.

[88] The Monitoring Group is currently assessing 'Maqtal's' Westgate claim and has shared this information with the concerned and relevant Member States. It also notes that other cell members have claimed 'Arab' was linked to other Al-Shabaab regional plots, which so far have not been corroborated.

[89] According to a regional intelligence service in May 2014, 'Arab' had been a person of interest since 2010.

Image of Mohamed Ahmed Shire 'Arab', Puntland Security Force official and Al-Shabaab 'Aminyat'



45. The Monitoring Group is concerned that an individual with apparent links to Al-Shabaab was able to serve as a member of the PSF, albeit through family patronage.[90] It is also deeply concerned that the Puntland uthorities may have knowingly provided official cover for 'Arab's' involvement in an Al-Shabaab plot against a regional Member State. Additionally, circumstantial evidence suggests that persons close to 'Arab' may have interfered with his email accounts after his apprehension in October 2013.[91]

46. Following 'Arab's' arrest after the failed attack in October 2013, credible information confirms that the Puntland officials (President Abdiweli Mohamed Ali and General Khalif Ciise Mudan, Minister of Security and DDR) made several attempts to secure his release.[92] In claiming immunity for 'Arab', the Puntland officials acknowledged he was a PSF official: "in Addis Ababa for medical purposes…free from all terrorist activities".[93] Inexplicably, during his interview with the Monitoring Group on 24 May 2014, 'Arab' admitted to being from the PSF but claimed he was in Addis Ababa to visit his girlfriend.[94] In March and April 2014, several emails, including two official letters were sent to President Abdiweli of Puntland to discuss 'Arab's' unusual relationship with the PSF, and to request access to three individuals who could potentially

[90] The Monitoring Group has confirmed that 'Arab' is related to Asad Osman Abdullahi, a PSF official.
[91] The Monitoring Group has used rudimentary means to exploit 'Arab's' email accounts and evidence strongly suggests passwords have been changed and contents of some accounts deleted.
[92] In an email exchange with the office of former President Faroole of Puntland on 29 June 2014, his senior advisor "OS" initially denied any knowledge of 'Arab's' relationship with PSF and did not seek his release, but later claimed he was aware President Abdiweli Mohamed Ali had been seeking 'Arab's' release.
[93] The Monitoring Group has confirmed from sources inside Puntland authorities that the letter referenced: OM/MOS/DDR/PL/0697/2013 dated 21 December 2013 to the Ethiopian Government is authentic. The letter has been archived with the United Nations.
[94] According to the letter issued on behalf of 'Arab' by the Puntland authorities, 'Arab' was on medical leave from August 2013, but during an interview with 'Arab' on 24 May 2014, he claimed he had entered Ethiopia in July 2013 to visit his girlfriend. When asked if he was ever sick during 2014, he replied "no".

assist investigations into the October 2013 plot.[95] This included a senior PSF official who may have acted as a conduit for Al-Shabaab to transmit funds to 'Arab' in Nairobi and Addis Ababa.[96] The Monitoring Group regrets that the Puntland authorities, in particular, President Abdiweli have consistently refused to cooperate with its investigation in relation to 'Arab's' involvement in the October 2013 failed attack.[97]

Planning

47. By August 2013, the 'Bole Rwanda cell's' plan for an attack had progressed and was heightened by the arrival of the would-be suicide bombers, Cabdi Keynadiid Axmed and Hassan Abdullahi, who had also transported explosives from Somalia.[98] While information on how and when they arrived is currently being assessed,[99] a working assumption is that Hassan Abdullahi arrived between March and July 2013,[100] and Cabdi Keynadiid Axmed in July 2013 through Hargeisa in Somaliland.[101] The above assumption appears to be substantiated by a testimony given by the landlord of 'Maqtal', who confirmed that in August 2013, "Cabdi",[102] 'Arab' and 'Maqtal' were all living in the same accommodation,[103] a claim also corroborated by 'Maqtal' and 'Arab' during separate interviews.[104]

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[95] On 19 and 21 May 2014, the Monitoring Group sent letters to the President of Puntland requesting cooperation with its investigations.
[96] The Monitoring Group has accessed the financial records of 'Arab' and confirm he had received funds from Somalia and elsewhere. Investigations are ongoing into the source of these funds which all seem to be transferred via family members.
[97] In May 2014, a senior Puntland official briefed the Monitoring Group on the current President of Puntland's determination to secure 'Arab's' release, despite being advised otherwise.
[98] Credible information indicates "Cabdi" had traveled via Somaliland into Ethiopia.
[99] Information provided by 'Maqtal' claims 'Arab' had arrived with "Cabdi" via Somaliland. In an interview 'Arab' admitted to traveling illegally through Hargesia.
[100] The Monitoring Group bases this on the financial records of "Hassan" in Addis Ababa.
[101] Credible information strongly suggests transiting through Hargeisa, a favoured route by Al-Shabaab operatives.
[102] Credible information suggests "Hassan" the second suicide bomber had initially lived with 'Siidow'.
[103] The Monitoring Group is aware that the landlord Ms. 'Berhane' was subsequently sentenced for providing accommodation to aliens without the required documentation and local administration vetting.
[104] During the Monitoring Group's interview with 'Arab', he admitted to sharing a house with "Cabdi" but denied knowledge of "Cabdi's" intention to carry out a suicide attack or ever contacting "Cabdi" via phone. The Monitoring Group can confirm several calls were made between "Cabdi" and 'Arab'.

Image of Cabdi Keynadiid Axmed 'Suicide bomber 1'



48. The Monitoring Group has learned from official sources, also corroborated in part by 'Maqtal' and sources familiar with the plot, that the cell had focused on monitoring high profile targets with the aim of attracting wide media attention. Some of the targets included: the Sheraton Hotel, Dembel Mall, Bole Public Hall, Friendship Building, the Swedish Embassy, and the United States Embassy. During extensive interviews, 'Maqtal' claimed the cell had "general discussions about attacking embassies", focusing on the United States Embassy in particular. When questioned on the likelihood of a successful attack against the United States Embassy, 'Maqtal' claimed the intention was to attack the embassy from the outside by using a suicide bomber.[105]

49. While this claim is still being assessed, it appears consistent with another description attributed to two other cell members. According to them, the 'Bole Rwanda cell' had sought to purchase a vehicle, which would then be laden with explosives as part of an attack against the Swedish Embassy but had found purchasing a vehicle expensive. Circumstantial evidence-based on exploitation of 'Siidow's' emails indicates that "Siidow" had negotiated the purchase of vehicles on two occasions in 2013. During an interview on 9 July 2014, the Monitoring Group presented photos of the vehicles to 'Siidow'. Initially, he denied any knowledge of the vehicles but later claimed he "may" have attempted to purchase them with the help of a United Kingdom relative.

50. Uncorroborated information suggests that two months before October 2013, 'Arab' had assumed overall coordination of the cell and the impending attack. Cell members were required to report to 'Arab', according to 'Maqtal' and 'Joon', [106] who had decided by September 2013 that the target would be the Addis Ababa "Friendship Building". However, following a meeting of the cell members at 'Siidow's' 'entertainment studio',[107] the cell was informed by 'Arab' that the target would be the upcoming Ethiopia – Nigeria football match on 13 October 2013, and that the attack would be carried out by "Cabdi" and "Hassan".

[105] While there appears to be supporting evidence concerning the cell's 'plans' to attack embassies in general, the Monitoring Group's assessment is that the U.S. embassy as a target would likely be more aspirational taking into consideration the choice of other targets identified.
[106] While the Monitoring Group assesses 'Maqtal' to be credible in terms of the information provided, it is currently assessing the credibility of 'Joon'.
[107] The Monitoring Group assesses the meeting to have taken place between 7 and 9 October 2013.

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51. On 11 October 2013, the would-be suicide bombers contacted 'Joon' to retrieve the explosives secured in 'Siidow's' 'studio', but were told to return later while 'Joon' had cleared the handover with 'Siidow'. Hours later, according to 'Maqtal', TNT explosives concealed in a laptop bag were handed over into his and the would-be suicide bombers' care.[108] 'Maqtal's' account of the explosives handover would also appear to be accordant with a testimony attributed to 'Joon'.

52. The analysis of a CDR (Call Data Report) report for the months of September and October 2013 seems to confirm these claims. A CDR report has been accessed by the Monitoring Group as part of mapping phone linkages of known cell members and possible peripheral associates. Preliminary findings based on a rudimentary technique,[109] add to the credibility of the above claims. On 11 October, from his mobile number +251 935 [redacted] 'Joon' called 'Siidow' on his number +251 910 [redacted] at 11 am, which appears to corroborate 'Maqtal's' testimony that 'Siidow' had also called 'Joon' back to confirm the handover of explosives at 3:31 pm. [110]

(a) Phone call patterns[111]

53. Based on the analysis of CDR reports for two month leading up to the attack, the likelihood of the above cell members not being linked to the 13 October 2013 attack is extremely remote.[112] All known cell members have been linked to each other and had interacted with one another on multiple occasions.[113] In addition, the Monitoring Group has identified a potentially suspicious call pattern by "Cabdi" and "Hassan" to two particular Somali numbers and vice versa.

54. These include the following:

[108] On the 24 July 2014, the Monitoring Group interviewed two attending law enforcement officials after the explosion on 13 October 2013, their account of items found at the premises of the explosion, including a laptop and laptop bag, is consistent with 'Maqtal's and two other cell member's testimony regarding the laptop and laptop bag.

[109] The Monitoring Group regrets that in most cases, Member States have declined to assist its investigation by mapping potential Al-Shabaab phone selectors. In this case the Monitoring Group has adopted a 'pen and ruler method' to determine relationships between the cell members.

[110] Call Data Report for 'Joon' and 'Siidow' relating to calls made during the months of September and October 2013.

[111] Strong indications are that some individuals linked to the 'Bole Rwanda cell' and failed attack of 13 October 2013 are still at large. These individuals are currently being monitored. As a result, the Monitoring Group is unable to reveal certain phone numbers in order not to jeopardize ongoing investigations.

[112] Clear evidence indicates cell members had used multiple mobile numbers and in most cases numbers registered in false names.

[113] The Monitoring Group notes that some cell members have denied contacting each other, despite phone records proving otherwise.

SEMC

- The Somalia number +252 617 030 541 placing 6 calls to "Cabdi" on his number +251 923 [redacted] in September 2013.

- "Cabdi" using his number +251 923 [redacted] placing 1 call to +252 617 030 541 in September 2013.

- The Somalia number +252 617 030 541 placing 33 calls to "Cabdi" on his number: +251 923 [redacted] in October 2013.

- "Cabdi" using his number +251 923 [redacted] placing 7 calls to +252 617 030 541 in October 2013.

- The Somalia number +252 617 030 540 placing 24 calls to "Hassan" on his number +251 936 [redacted] in October 2013.

- "Hassan" using his number +251 936 [redacted] placing 1 call to +252 617 030 540 in October 2013.

55. Although there is no dispute concerning "Cabdi" and "Hassan" being the suicide bombers on 13 October 2013 (see annex 2.2.b for post-malfunction explosion items), an account of the cell's activities during the final hours leading up to the failed attack remains unclear and is being investigated. However, certain observations can be made with regards to events immediately before the attack between the suicide bombers:

- "Cabdi" and "Hassan" had placed calls to one another at 10:19 am, 10:24 am and 10:28 am.[114]

- On the day of the attack, as early as 6:16 am in the case of "Cabdi" and 9:43 am for "Hassan", both began to receive a series of suspicious intermittent calls from the above Somalia numbers through to 13:41 pm and 2:12 pm respectively (see table below for call pattern made on 13 October 2013 to suicide bombers from Somalia).

[114] CDR report for13 October 2013 detailing calls made by "Cabdi" and "Hassan".

Calls from Somalia to Suicide bomber 1 ("Cabdi") on 13 October 2013[115]

Calling Number	Called Number	Date/Start Time	Duration
+252 617 030 541	+251 923 [redacted]	2013-10-13 - 13:41:29	224
+252 617 030 541	+251 923 [redacted]	2013-10-13 - 10:44:15	71
+252 617 030 541	+251 923 [redacted]	2013-10-13 - 07:45:12	95
+252 617 030 541	+251 923 [redacted]	2013-10-13 - 06:16:26	57

Calls from Somalia to Suicide bomber 2 ("Hassan") on 13 October 2013[116]

Calling Number	Called Number	Date/Start Time	Duration
+252 617 030 540	+251 936 [redacted]	2013-10-13 - 14:12:47	18
+252 617 030 540	+251 936 [redacted]	2013-10-13 - 14:07:14	55
+252 617 030 540	+251 936 [redacted]	2013-10-13 - 14:01:25	293
+252 617 030 540	+251 936 [redacted]	2013-10-13 - 10:17:47	11
+252 617 030 540	+251 936 [redacted]	2013-10-13 - 10:06:51	17
+252 617 030 540	+251 936 [redacted]	2013-10-13 - 09: 43:44	90

56. Likewise, was the noticeable change in the call pattern from Somalia of the number: +252 617 030 541. Throughout the months of September and October 2013, the above number had routinely called "Cabdi" and not "Hassan", but on 12 October 2013, a day before the attack, had suddenly called both "Hassan" and Cabdi" at 10:07 am and 16:35 pm respectively.[117]

Funding

57. The Monitoring Group can conclude that the 'Bole Rwanda cell' had multiple layers of funding streams. This is based on information exploited from the explosion

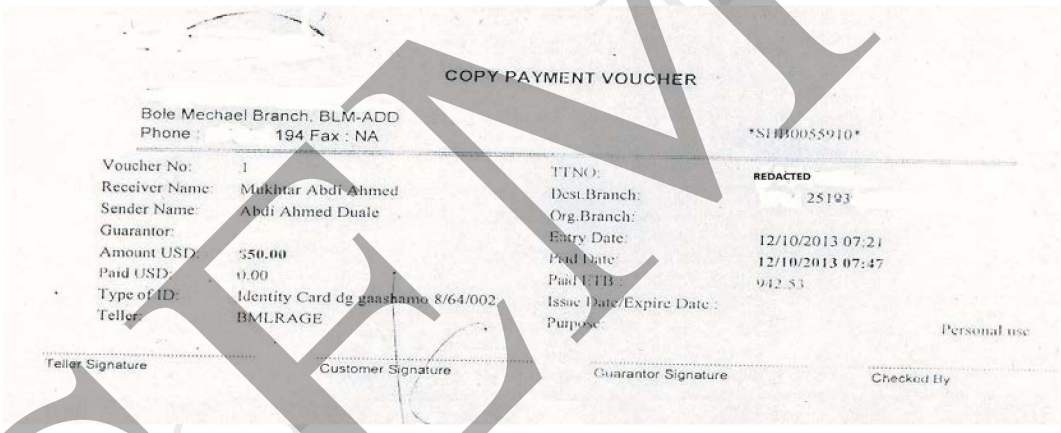
[115] CDR report for October 2013.
[116] CDR report for October 2013.
[117] CDR reports for months of September and October 2013 relating to the Somalia numbers.

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scene, [118] which includes among others: testimonies by arrested cell members, examination of email accounts and exploiting associated mobile numbers. According to some of the cell members, funds were transmitted via MTOs (Money Transfer Organisations) from Al-Shabaab in Somalia, and derived from Al-Shabaab-affiliated businesses in Ethiopia.

58. Following the failed attack, a number of items were retrieved from the scene, including transaction receipts of a known Somalia MTO. The receipts upon inspection clearly confirm both "Cabdi" and "Hassan" had financial links to the Netherlands, Norway, and Somalia (see copy of one the MTO receipts below). Likewise, further investigations by the Monitoring Group have discovered both "Cabdi" and "Hassan", not only used variations of their names but also used designated numbers for receiving funds via Somalia MTOs.[119]

Copy of MTO receipt retrieved from explosion scene assessed to belong to 'Suicide bomber 1'



COPY PAYMENT VOUCHER

Bole Mechael Branch. BLM-ADD
Phone : 194 Fax : NA

SIB0055910

Voucher No:	1	TTNO:	REDACTED
Receiver Name:	Mukhtar Abdi Ahmed	Dest.Branch:	25193
Sender Name:	Abdi Ahmed Duale	Org.Branch:	
Guarantor:		Entry Date:	12/10/2013 07:21
Amount USD:	550.00	Paid Date:	12/10/2013 07:47
Paid USD:	0.00	Paid ETB:	942.53
Type of ID:	Identity Card dg gaashamo 8/64/002	Issue Date/Expire Date :	
Teller:	BMLRAGE	Purpose:	Personal use

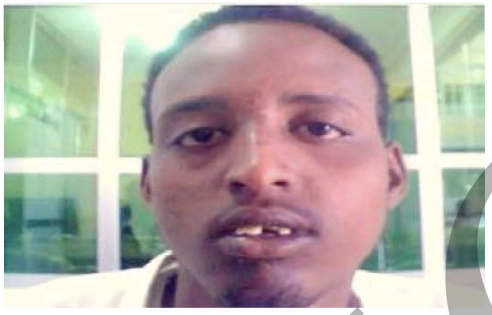
Teller Signature | Customer Signature | Guarantor Signature | Checked By

59. Using the number +251 933 [redacted], [120] "Cabdi" had received funds under the name of "Mukthar Abdi Ahmed" from a Burao-based individual, "Khaalid Cabdi Axmed" (see image of Khaalid Cabdi Axmed below).[121] In addition to the above, information obtained from a Somaliland mobile operator and Somalia MTO confirms "Cabdi", one of the suicide bombers, had also received funds from two names linked and believed to be *used* by "Khaalid Cabdi": "Canab Cabdi Faraax" and Cabdi Axmed

[118] Items retrieved from the scene include among others sim cards, receipts, laptop and laptop bag.
[119] During the course of the mandate, the Monitoring Group has identified and confirmed the phone selectors for the cell members. In many cases, cell members used of more than one number and for different purposes.
[120] The Monitoring Group has identified at least four numbers associated with Cabdi Keynadiid Axmed ("Mukthar Abdi Ahmed").
[121] The Monitoring Group notes during witness statements taken by the Ethiopian security agencies, Hindo Haji Abubakar, a neighbour to "Cabdi" and his 'helper' claimed he had a Somaliland accent.

Ducaale".[122] Based on MTO records, "Cabdi" had received 5 transfers in the name of "Mukthar Abdi Ahmed" since his deployment by Al-Shabaab to Addis Ababa in July 2013." [123]

Image of Khaalid Cabdi Axmed'



60. Furthermore, two regional intelligence services confirmed that "Khaalid Cabdi Axmed" was a suspected member of Al-Shabaab. At the time of writing, the Monitoring Group can confirm "Khaalid Cabdi Axmed" has been under surveillance for a number of months.[124]

61. Separately from "Khaalid Cabdi's" suspicious transactions to "Cabdi", the suicide bomber has received equally suspect transactions from a Norwegian national, Luul Abdi Ahmed (see image of Luul Abdi Ahmed below). Preliminary analysis of Luul's MTO transactions confirms she had transmitted funds to "Cabdi Keynadiid Axmed" in Addis Ababa a month before the failed attack under his alias ("Mukthar Abdi Ahmed").[125]

62. Evidence also indicates that Luul has regularly transmitted small amounts to the above numbers linked to "Khaalid Cabdi" in Burao (a.k.a. "Canab Cabdi Faraax" and "Cabdi Axmed Ducaale"). In some instances funds appear to be routed to "Cabdi" the suicide bomber in Addis Ababa.[126] As such, on 19 August 2013, funds were transmitted from Norway to Burao in Somaliland and then routed to the suicide bomber in Addis Ababa via the same MTO.[127]

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[122] The Monitoring Group's working assumption is that "Khaalid Cabdi" has exploited his access to the numbers of Cabdi Axmed Ducaale and "Canab Cabdi Faraax. In addition, the Monitoring Group is in possession of both "Khaalid Cabdi Axmed's" CDR reports and MTO records/transactions for his number and that of his parents ("Canab Cabdi Faraax" and Cabdi Axmed Ducaale").

[123] Information accessed from a Somalia MTO based in Addis Ababa.

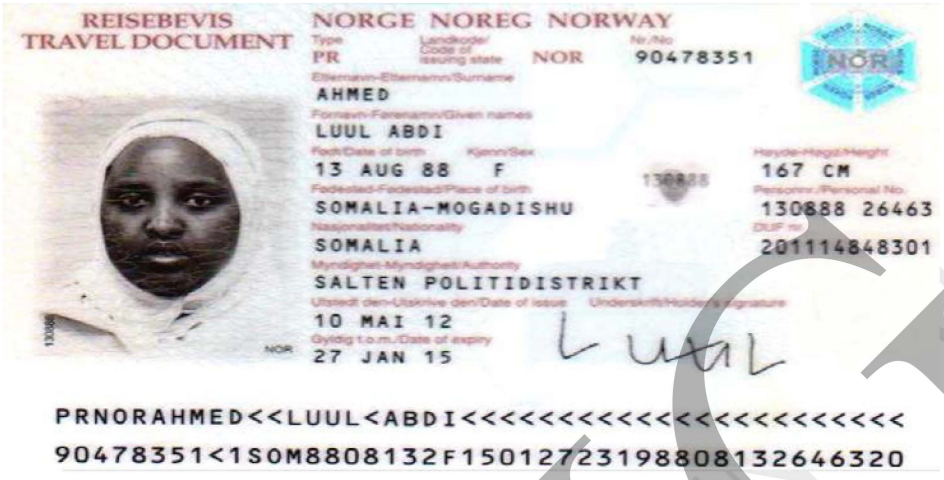
[124] In March 2013, the Monitoring Group provided the name and photo of "Khaalid Cabdi Axmed" to two regional intelligence services as part of an RFI (Request for Information). In July 2014, the Monitoring Group has been informed that "Khaalid Cabdi Axmed" has long been suspected of being a member of Al-Shabaab by a regional intelligence service.

[125] On 17 September 2013, Luul Abdi Ahmed transferred USD 100 to the name "Mukthar Abdi Ahmed".

[126] The Monitoring Group has detected two instances of this pattern.

[127] On 19 August Luul had transmitted USD 350 to "Canab Cabdi Faraax" (using "Khaalid Cabdi's" number +252 634 [redacted]) of which USD 200 was routed to the suicide bomber "Cabdi" in Addis Ababa.

Image of Luul Abdi Ahmed



63. The Monitoring Group has also identified a similar pattern of funds transfers with regards to "Hassan Abdullahi" the second suicide bomber. Prior to the explosion on 13 October 2013, evidence suggests he had used the number +251 912 638 716 to receive repeated funds from the Netherlands from a particular Somalia MTO. Records obtained from the MTO indicate the sender as being "Abdullahi Adow Ahmed", an individual based in Breda.[128] Similar to the 'Badru Nairobi Operation' (Westgate Mall attack) where Al-Shabaab adopted the tradecraft of 'borrowing' numbers for operational purposes, preliminary evidence suggests "Hassan" may have employed the same method. Enquiries into "Hassan's" two known operational numbers have not been associated with any Somalia MTO.[129] However, searches via an MTO reveal that the above number of +251 912 638 716 was associated to a "Mohamed Adem Mohamed".[130]

Analysis

64. The Monitoring Group believes the 'Bole Rwanda cell' was one of many Al-Shabaab cells to have operated in Addis Ababa and Ethiopia in general. The group's failed attempt to carry out an attack less than a moth after the Westgate attack was as a result of a number of factors, in particular the following two:

- Enhanced and visible security in Addis Ababa on 13 October 2013 strongly acted as a deterrent and forced the suicide bombers to abort their attack.

[128] The Monitoring Group is currently investigating the relationship between "Hassan" the suicide bomber and "Abdullahi Adow Ahmed".

[129] A CDR reports has associated "Hassan" to two main numbers: +251 936 [redacted] and +251 935 [redacted].

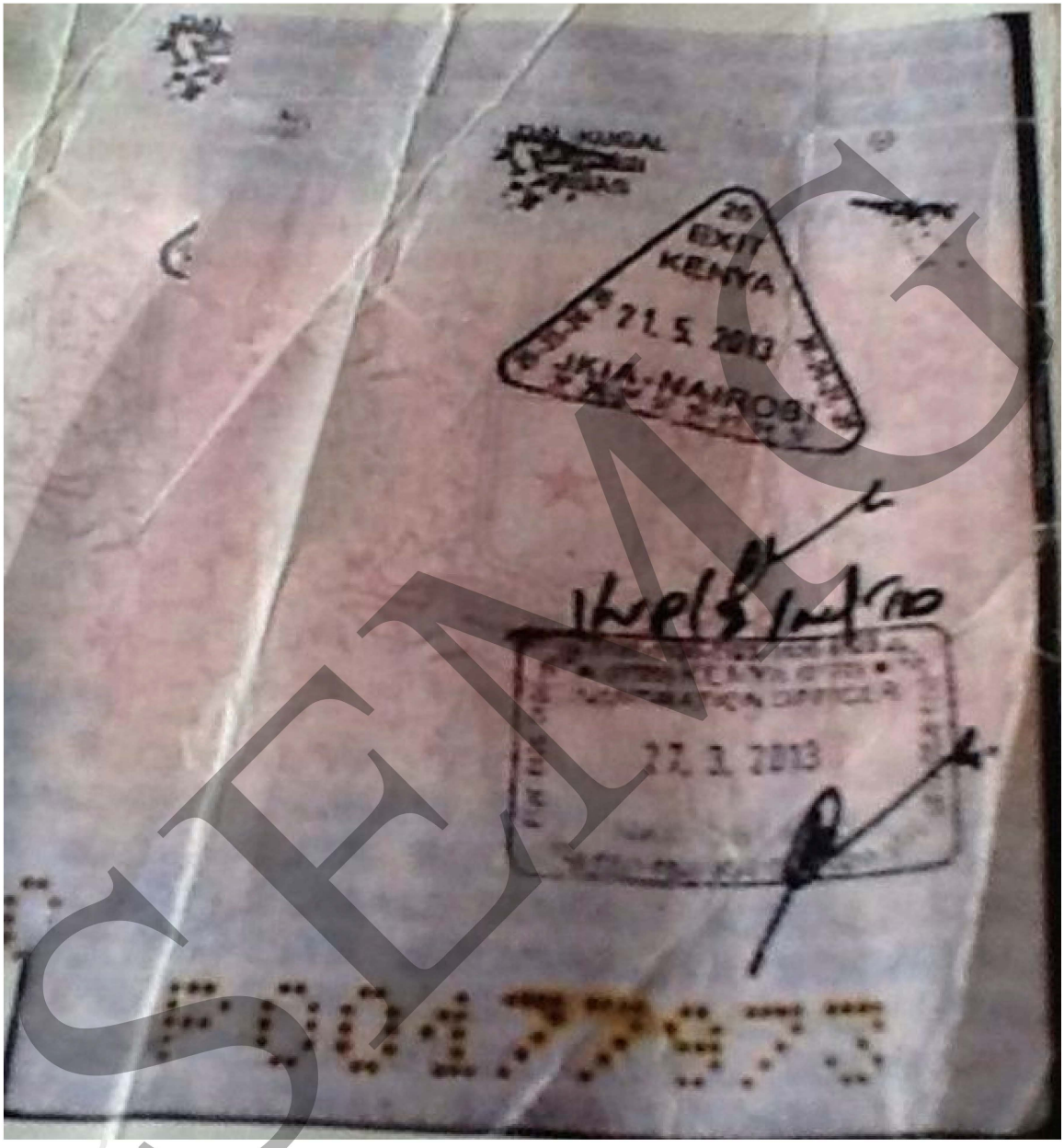
[130] The Monitoring Group notes the number +251 912 638 716 has received funds from Norwegian national named Mohamed Adem Mohamed.

- Operationally, the 'Bole Rwanda cell' made a key blunder with regards to the final target selection. Evidence based on credible testimonies, indicates the cell continuously changed the final target seeking to attract the maximum international coverage (possibly as in the Westgate Mall). This inevitably forced the cell to carry out an attack on the one-day maximum security would be guaranteed in Addis Ababa.

65. As a result of collected and exploited information, indications are that a number of other cell members and peripheral associates linked to the failed October 2013 attack are possibly at large and planning further attacks. The likelihood of any further Al-Shabaab plot against Ethiopia is expected to exploit the use of Somaliland. As demonstrated by the 'Bole Rwanda cell' and the Djibouti attack in May 2014, Somaliland is increasingly become both an entry and transit point for Al-Shabaab regional operations (see case study on Al-Shabaab operation in Djibouti in annex 2.3).

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Annex 2.2.a: Image of Mohamed Ahmed Shire's 'stamped' passport (STRICTLY CONFIDENTIAL)



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Annex 2.2.b: Items retrieved from the explosion scene on 13 October 2013 (STRICTLY CONFIDENTIAL)



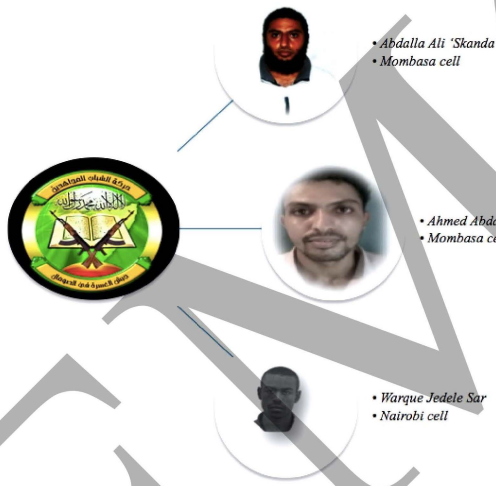


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Annex 2.3: 'Misdirection': Al-Shabaab in Djibouti (STRICTLY CONFIDENTIAL)

66. In May 2014, Al-Shabaab demonstrated again its violent capability in destabilizing the region with its campaign of attacks beyond Somalia. More significantly, Al-Shabaab's attacks showed the group's ability to inspire, instigate and organise its affiliates in one regional theatre,[131] as witnessed with the attacks of 3 and 4 of May 2014 in Kenya (see below members of Al-Shabaab's 'May cell'), while simultaneously coordinating a "spectacular and surprise" attack in another, such as Djibouti.[132]

Al-Shabaab 'May cell'[133]



67. On 24 May 2014, at around 8 pm two Somalis, a male and female, arriving in a Nissan Navara pick-up truck suddenly entered the popular expatriate restaurant,[134] *La Chaumeire* on Rue de Paris in Djibouti. What ensued immediately was an explosion reportedly killing at least 3 foreign nationals, including a Turkish citizen and injuring 6 Dutch sailors, 3 German soldiers, 7 French soldiers and 3 Spanish sailors.[135]

68. Found at the scene, were bodies of the attackers, the female inside the restaurant and the male on the terrace, both believed to have carried out a Person-Borne Improvised

[131] On 3 May 2014, two Al-Shabaab affiliates in Mombasa, Ahmed Abdalla 'Tares' and Nassir Abdalla Ali 'Skanda', reportedly carried out an IED attack against the Nyali Reef Hotel in Mombasa. A day later, on 4 May 2014, an Al-Shabaab affiliate from Huruma in Nairobi, Warque Jedele Sar, and an accomplice, "Omar", carried out a twin IED attack against two passenger buses in Nairobi.
[132] http://www.theguardian.com/world/2014/may/16/nairobi-deadly-explosions-british-tourists-evacuated.
[133] Credible evidence suggests Warque Jedele Sar and his accomplice "Omar" had recently returned from Somalia in March 2014.
[134] Credible information suggests the Nissan Navara pick-up had five passengers, including a male suspect who fled the scene after lobbing a grenade.
[135] http://www.voanews.com/content/deadly-attack-in-djibouti/1921950.html.

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Explosive Device (PBIED) attack. Located near the body of the male bomber were a 9-volt battery, wires, several metal ball bearings, six unexploded hand grenades, and a backpack partially damaged by the explosion and containing an automatic pistol with its magazine.[136] Unconfirmed information suggests the pistol had stamped on its breech the serial number 609712.[137] In addition, another magazine loaded with 9-mm bullets was found at the scene, together with a green handbag believed to belong to the female attacker, which contained among other items, Thioril 25mg, a known tranquilizer prescribed for schizophrenia.[138]

69. Three days later Al-Shabaab through its official spokesperson, Sheikh Ali Dhere, claimed responsibility for the attack, declaring:

We [Al-Shabaab] targeted the French specifically [at the La Chaumeire restaurant] because they are the most severe people in harming the Muslims in Africa, particularly in Central Africa, where they committed heinous crimes and massacres against Muslims. [139]

Recruitment

70. To date, Al-Shabaab has not confirmed the identities of the suicide bombers, but the Monitoring Group's preliminary findings strongly indicate that the male bomber was an individual named Musa Roble Hirad from Somaliland (*Dir/Issa/Furlaba*) and it believes his female accomplice was Hodan Mohamed Isse, both recruited from Mogadishu.[140] Apart from the suicide bombers, ongoing investigations point to the existence of a network of Al-Shabaab operatives involved in the 24 May 2014 attack. Some of these include suspected Al-Shabaab commanders in Barawe,[141] and facilitators based in Borame, Djibouti, Ethiopia, and Hargeisa.[142]

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136 Images of the explosion scene shared with the Monitoring Group indicate the male bomber may have used a grenade before blowing himself up.

137 The Monitoring Group has requested images of the pistol and information on its tracing from the Djibouti authorities, however, to date no response has been received from the Djibouti authorities.

138 According to a regional intelligence official, there have been previous cases in which Al-Shabaab has used mentally unstable individuals to carry out suicide attacks in Somalia. The Monitoring Group has no evidence apart from the Thioril to suggest the female bomber may have been mentally unstable.

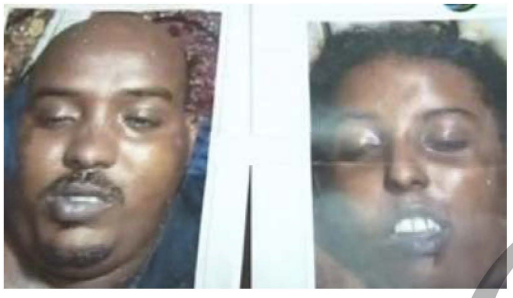
139 See also https://news.siteintelgroup.com/Jihadist-News/shabaab-claims-bombings-in-djibouti-calls-french-primary-target-in-attack.html

140 National Intelligence and Security Agency (NISA) of Somalia has provided the Monitoring Group the name of Hodan Mohamed Ali. The Monitoring Group is confident in its assessment that Hodan Mohamed Isse was recruited by Al-Shabaab in Mogadishu based on a profile provided NISA.

141 The Monitoring Group has received information relating to four suspected senior Al-Shabaab commanders being linked to the coordination of the 24 May 2014 attack, including evidence of two known commanders. From the two, the Monitoring Group is moderately confident of a link to the bombers.

142 The Monitoring Group is in possession of phone selectors believed to belong to those linked to the attack in Djibouti on 24 May 2014. Due to ongoing investigations, the Monitoring Group considers the publication of these numbers inappropriate.

Image of the suicide bombers from left to right,
Musa Roble Hirad and Hodan Mohamed Isse



71. In addition to the suicide bombers, the Monitoring Group believes that the following individuals are linked to *La Chaumeire* restaurant attack:

Barawe

- An Al-Shabaab commander known as Ismael Dheeq.
- Sultan Mohamed Sandhere "Ukash" (see below telephone links between "Ukash" and Abdalla Madhiban).

Borame

- An individual known as Hassan Aden Haroosh (a.k.a. 'Suldan').[143]
- Kawsar Mohamud Farid.

Djibouti

- Musa Aden Bouraleh 'Abdo'.

Ethiopia

- "X".[144]

Hargesia

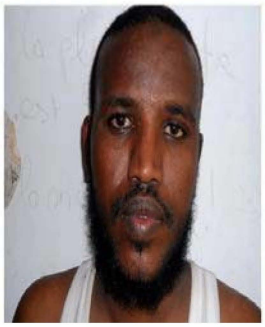
- Abdirahman Ibrahim Cumar 'Abdalla Madhiban'.
- Faizal Elmi Awad.
- "Bariira".
- Ahmed Ali Mohamed Duale.[145]

Planning

[143] Credible information suggests "Suldan" was arrested in July 2014.
[144] The Monitoring Group has identified a phone selector for "X" and is currently attempting to identify the user(s) in Ethiopia.
[145] The Monitoring Group is aware of financial links between Ahmed Ali Mohamed Duale, an Al-Shabaab facilitator, and Abdirahman Ibrahim Cumar 'Abdalla Madhiban'.

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From left to right, facilitators Abdirahman Ibrahim Cumar 'Abdalla Madhiban' and Hassan Aden Haroosh 'Suldan'




72. While details of the actual planning of the *La Chaumeire* restaurant attack remains unclear, the Monitoring Group has received credible information that the centre of operation for the attack was highly likely to be Borame in Somaliland.[146] Evidence also suggests that at least one regional and foreign intelligence service had electronically targeted a number of persons of interest located in Borame, and assessed them to be planning attacks in Somaliland rather than neighbouring Djibouti.

73. Unconfirmed information suggests that Hodan Mohamed, the female bomber and Mogadishu resident, had probably left Mogadishu via Hargesia for Djibouti during the second week of May 2014.[147] However, based on analysis of her financial records,[148] the Monitoring Group can assess with moderate confidence Hodan Mohamed was in Barawe, an Al-Shabaab stronghold, on 5 of March 2014, and had used one of her three associated Somalia numbers: +252 618 143 [redacted].[149]

74. Hodan Mohamed's arrival in Hargesia also seems consistent with credible information on her accomplice, also located in Hargesia during this period. This is based on the Monitoring Group being able to geo-locate Musa Roble in Hargesia on 15 May 2014, suggesting the attack was at an advance stage. Coincidently, this timeline appears to correspond with the timing of Al-Shabaab's video message/documentary, released to 'Jihad' chat rooms on 14 May 2014,[150] titled: *"Muslims in Bangui and Mombasa: A Tale*

[146] Information acquired 'indirectly' from a senior Djibouti diplomatic official in May 2014.
[147] Information attributed to the National Intelligence and Security Agency (NISA) of Somalia in May 2014 and July 2014 indicates "Hodan Mohamed Ali left Mogadishu two weeks before the" attack.
[148] The Monitoring Group has obtained details of Hodan Mohamed's financial records dating back to 2012. Records are archived with the United Nations.
[149] The Monitoring Group has compiled a phone matrix of the Djibouti suspects, including the two suicide bombers. The matrix has been shared with a concerned Member State.
[150] The Monitoring Group notes the video release by the Al-Shabaab 'Amir' was two days before another twin attack by suspected Al-Shabaab affiliates in Kenya on 16 May 2014. See also http://www.bbc.com/news/world-africa-27443474.

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of Tragedy", in which the Al-Shabaab leader, Sheikh Mukhtar Abu Zubeyr, made several references to the French, noting:

The French forces began disarming the Muslims [in Central Africa Republic] then the Christian militias completed the mission by killing, plundering and displacing Muslims...all this was done with the blessing and approval of the French forces.[151]

75. Although the Monitoring Group's investigations are in its preliminary phase, a partial CDR (Call Data Report) accessed indicates a link between the male bomber (Musa Roble) and a co-conspirator based in Hargeisa. Analysis of the Musa Roble's Somaliland mobile number: +252 633 609 [redacted] shows a link to an individual known as Abdirahman Ibrahim Cumar 'Abdalla Madhiban', whose number is: +252 633 545 [redacted].[152] Credible information suggests that 'Abdalla Madhiban' is a known Hargesia associate of the senior Al-Shabaab commander "Ukash", reported to have a link to the '*Badru Nairobi Operation'* (Westgate attack). [153]

76. The events and activities of the suicide bombers between 15 May 2014 and 22 May 2014 in Hargeisa are still being confirmed with the Somaliland authorities,[154] but information received from a Djibouti diplomatic source indicates that both bombers exited Somaliland via land through the border post of Loyada. Once in Djibouti and assisted by a Djiboutian official, the bombers proceeded to a 'safe house' reportedly provided by the same Djibouti official located in the suburbs of Balbala, where they spent Thursday and Friday night before the attack on 24 May 2014.[155]

77. Following the explosion on 24 May 2014, credible information indicates that Djibouti authorities have identified an individual known as Musa Aden Bouraleh 'Abdo',[156] also believed to be linked to the suicide bombers and a possible Al-Shabaab commander based in Barawe.[157] The Monitoring Group can also confirm that following 'Abdo's' arrest, the authorities discovered surveillance videos on his mobile phone.[158]

Analysis

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[151] https://archive.org/details/MuslimsOfBanguiAndMombasaATaleOfTragedy.

[152] Due to ongoing investigations and linkages, the Monitoring Group is unable to reveal the numbers of Abdalla Madhiban'.

[153] The Monitoring Group has requested assistance from the Somaliland authorities regarding a full CDR report of Abdalla Madhiban's' mobile numbers, including calls made on 24 May 2014.

[154] Monitoring Group email to Somaliland intelligence service dated 30 and 31 July 2014.

[155] The Monitoring Group is aware the Djibouti official may have been related to the male bomber.

[156] The Monitoring Group has requested on 1 August 2014 Djibouti authorities to assist the Monitoring Group with a CDR report on 'Abdo's' Djibouti mobile number.

[157] The Monitoring Group is aware of a senior commander named "Anwar in Barawe but unable to confirm if this is the same commander.

[158] The Monitoring Group has obtained copies of these videos, which have been archived with the United Nations.

78. The Monitoring Group believes the *La Chaumeire* restaurant attack, like Westgate Mall attack, exemplifies the discipline in organization of Al-Shabaab's external operations in the Horn of Africa.[159] Further, the attack has demonstrated Al-Shabaab's force projection with regards to multiple regional Member States, specifically beyond Kenya.

79. The Monitoring Group also assesses, the operational tempo between January and May 2014 in which Al-Shabaab relentlessly focused on Kenya was perhaps misleading and strategic. [160] The result of which underscores the difficulty of diffusing and detecting Al-Shabaab's regional operations by regional and foreign intelligence services. Lastly, the persistent use of Somaliland by Al-Shabaab as a transit route for regional operations will place greater importance or regional cooperation as the threat environment in the Horn of Africa continues to evolve in scope and complexity.

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[159] Sensitive reporting notes the Djibouti attack was planned with a great degree of precision.

[160] The Monitoring Group has accessed an email dated 21 May 2014, which was sent from Ahmad Iman Ali to an associate, and in which he claimed that: "[...] the Kenyans were terrified, saying the West had credible intelligence that an attack will occur, that's why they evacuated their own....Kenyans are ignorant even unaware that Sheikh [Mukhtar Abu Zubeyr] gave out the video which made the West to start panicking thinking that there was going to be another slaughtering like what happened in Uganda, because Sheikh spoke and it happened."

Annex 81

Report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 2060 (2012), Annex 2.1, S/2013/413, 12 July 2013

ANNEX 2.1: Al Hijra (formerly known as the Muslim Youth Centre) (STRICTLY CONFIDENTIAL)

Overview

1. Since the last Monitoring Group's report of July 2012 (S/2012/544), Al Hijra (formerly known as the Muslim Youth Centre), like its ally in Somalia Al-Shabaab, has experienced dramatic setbacks, thereby impeding Al-Shabaab's external threat within the region of East Africa and casting doubt on the strategic-operational link between the two extremist groups since their merger on 10 January 2012.[1] Conversely, as Al-Shabaab suffered military reverses in Somalia, across the border its Kenyan arm, Al Hijra, also began to suffer misfortunes ranging from unexplained killings and disappearances to continuous arrest raids (mainly "catch and release"), as well as successive disruption operations under the "Al-Shabaab/East Africa Al-Qaida Disruption Initiative".[2] These incidents included the unexplained killing on 27 August 2012 of Sheikh Aboud Rogo Mohammed, Al Hijra's ideological leader, and the unexplained disappearances of several active Kenya-based members, including one of its 'Amir's', 'Musa Osodo' (Sylvester Opiyo), and senior individuals such as Jeremiah Okumu and Steven Mwanzi Osaka, a.k.a. 'Duda Black' and 'Duda Brown' respectively (see chart below on unexplained killings and disappearances).[3]

2. Towards the end of 2012, with the fractious state of Al-Shabaab and its loss of Kismayo, a known Al-Hijra zone of operation in Somalia, Al Hijra's setbacks became more evident. The group's ability to recruit and radicalise new recruits to be sent to join Al-Shabaab in Somalia was weakened. In addition, its operational ability to prosecute its declared "war" inside Kenya on behalf of Al-Shabaab by dispatching fighters from Somalia started to diminish, as clearly expressed by Athman Ahmed 'Mwarabu', an Al Hijra fighter returning from Somalia:

> …the brothers [Al Hijra] have developed cold feet because of the way things are being handled. But us [Al Hijra Tanzania cell] if we have to develop something or do something [attacks] that can take [kill] more than ten people. If I had the power myself I would be keeping these things [weapons] in the slums. At times you would get the boys who are ready to act.[4]

3. Setbacks notwithstanding, Al Hijra, like its ally Al-Shabaab in Somalia, continues to focus on remaining a credible threat to peace and security both in Somalia and beyond. Strengthening its ties to the Ansar Muslim Youth Centre (AMYC) in Tanzania for

[1] S/2012/544, strictly confidential annex 3.1. Growing evidence, both credible testimonies from serving and former Al Hijra fighters and documents reportedly by senior Al-Shabaab figures such Ibrahim al-Afghani, have all indicated that Al-Shabaab's external operations were expected focusing on exploiting its strong ties with extremist groups both in Kenya and Tanzania. See also www.sabahionline.com/en_GB/articles/hoa/articles/features/2013/04/12/feature-01.See annex 2.1.a for a summary of Ibrahim al-Afghani's letter to Al-Qaida.

[2] The Monitoring Group is aware of a U.S. Government-funded initiative called "Al-Shabaab/East Africa Al-Qaida Disruption Initiative" to assist East Africa security services combat terrorism.

[3] http://www.opensocietyfoundations.org/sites/default/files/counterterrorism-human-rights-abuses-kenya-uganda-20130403.pdf.

[4] Confidential audio recording of Athman Ahmed 'Mwarabu' at a Tanga safe house, dated 26 February 2013 and archived with the United Nations.

operational purposes,[5] as part of Al-Shabaab's external campaign, appears to have become a priority for Al Hijra.[6] This also includes establishing strong logistical links to Al-Shabaab affiliates in Burundi and Rwanda.[7]

4. Evidence also that suggests Al-Shabaab's regional ally Al Hijra may be attempting to forge relationships with other Salafi-jihadi groups beyond Africa. Preliminary indications are that Al Hijra has conducted a liaison mission to Syria in 2013.[8] On 30 May 2013 at 2:10pm, an Al Hijra member "Abu S" confirmed to be in Syria communicated to a member in Kenya claiming: "we are only here [Syria] for a short while. We are waiting for word from our Amir for the next cause of action."[9] The Monitoring Group is aware as alluded to in a previous report that these types of liaison missions have been conducted by Al-Shabaab in the past.[10] In or about 2010 up to including April 2011, Ahmed Abdulkadir Warsame had conducted a similar liaison mission on behalf of Al-Shabaab to Al Qaida in the Arabian Peninsula (AQAP).[11]

5. While the lingering influence and leadership of Al Hijra's Somalia-based 'Amir' and Al-Shabaab's representative in Kenya, Ahmad Iman Ali, had inspired a wave of grenade and improvised explosive devices (IEDs) attacks across Kenya, almost exclusively against the local population, this has had marginal success, in spite of repeated calls from both Al-Shabaab and Ahmad Iman in Somalia for sustained attacks in the region, particularly in Kenya.[12]

6. Probably, as a result of its marginal operational success and the nearly kinetic counter-terrorism approach of the Kenyan security services since the latter part of 2012, Al Hijra in partnership with its Tanzanian ally, AMYC, have sought operational direction and guidance from individuals with former ties to Al-Qaida East Africa and self-styled Al-Qaida-affiliated individuals, including UK national Jermaine John Grant and Abubakar Shariff Ahmed 'Makaburi'.[13] Designated by the Security Council Committee pursuant to resolution 751 (1992) and 1907 (2009) concerning Somalia and Eritrea and United States Department of Treasury, OFAC Sanctions List in 2012 for his support to Al-Shabaab, 'Makaburi's growing influence over Al Hijra represents a determination to redirect the group's manpower and resources by shifting its operational focus from "soft targets" to conducting complex large-

[5] Evidence also suggests linkages between Al Hijra members and a loose-knit Tanzanian extremist group known as "Uamusho".

[6] Between February and March 2013, the Monitoring Group noticed an increase in Tanzanians, including two AMYC members, attempting to cross into Somalia through Kenya. See annex 2.1.b for a profile of Tanzanians recruited to join Al-Shabaab in Somalia between February and March 2013.

[7] The Monitoring Group has received corroborating information that strongly suggests Al-Shabaab affiliates in Burundi and Rwanda are in contact with Al Hijra associates linked to the Al-Qaida affiliated Jermaine Grant.

[8] From 26 May 2013 through to 30 May 2013, the Monitoring Group has been able to audit a Facebook account of "Abu S"; accessed a 1:16 second audio telephone conversation between "Abu S" and a Kenyan-based Al Hijra member and verified "Abu S's" Syrian number.

[9] Monitoring Group auditing of "Abu S" Facebook private messaging conversations with "HI" at 2:14pm on 30 May 2013 archived with the United Nations.

[10] See S/2012/544, p. 16.

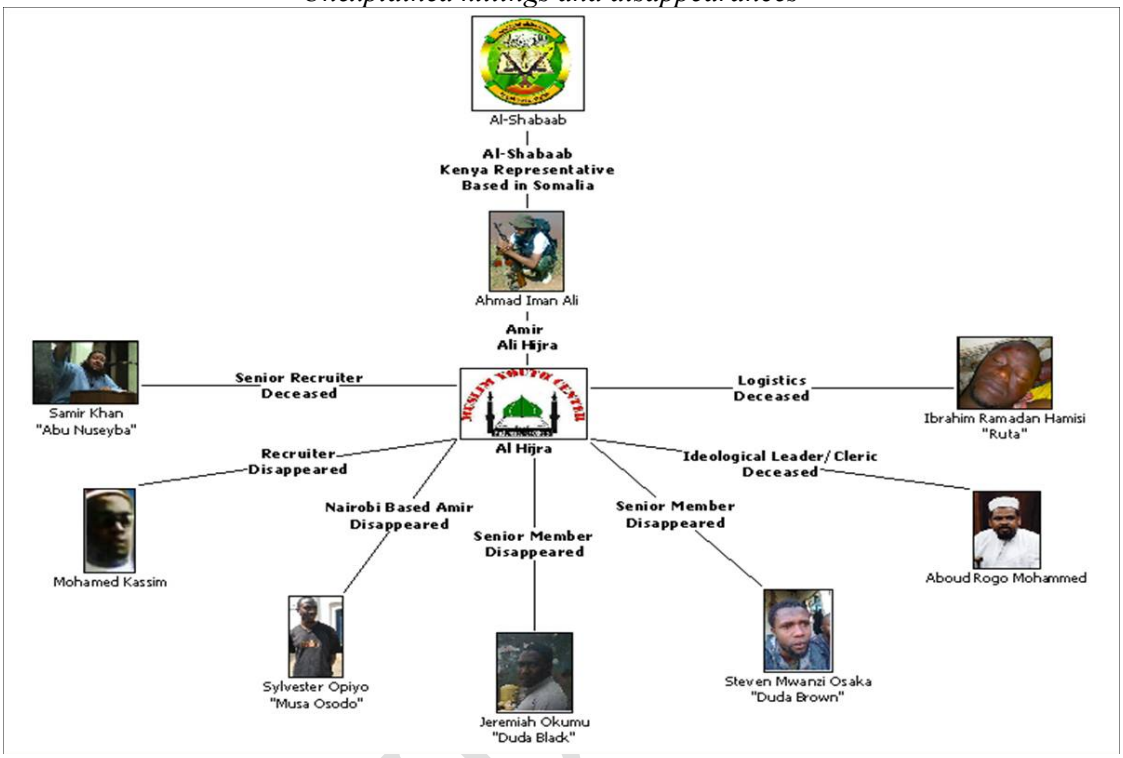
[11] http://www.fbi.gov/newyork/press-releases/2013/guilty-plea-unsealed-in-new-york-involving-ahmed-warsame-a-senior-terrorist-leader-and-liaison-between-al-shabaab-and-Al-Qaida-in-the-arabian-peninsula-for-providing-material-support-to-both-terrorist-organizations

[12] https://soundcloud.com/swali-mohamed/brother-ahmad-iman-the.

[13] In an interview with Kenya security services at Nyali police station in Mombasa on 19 and 20 December 2011, Jermaine John Grant admitted to being a member of Al-Qaida and not Al-Shabaab.

scale attacks in Kenya on behalf of Al-Shabaab.[14] While still confined in prison, Jermaine John Grant has successfully and remotely provided assistance to ongoing plots involving both Al Hijra and 'Makaburi'.

Unexplained killings and disappearances[15]



Co-opting of Al Hijra: Abubakar Shariff Ahmed 'Makaburi'

Obscure leadership

7. The Monitoring Group has confirmed that in or about July 2012, Al Hijra, with the support of 'Mzee' Mwai Abass, a key Al-Shabaab financier and recruiter in Kenya mentioned in the previous Monitoring Group report,[16] and with the approval of Ahmad Iman in Somalia, together with officials from the Pumwami Riyadha Mosque Committee (PRMC), secretly appointed Issa Mugai 'Carragher' as the new 'Amir' to oversee Al Hijra's Kenyan affairs.[17] In particular, he was to ensure material support was being provided to returning Somalia-based Al Hijra fighters sent by Al-Shabaab to carry out attacks against the Kenyan state.

8. According to sources with direct knowledge of 'Carragher's' appointment[18] the unexplained disappearances of senior Al Hijra members and the obvious anxiety over

[14] http://www.un.org/News/Press/docs/2012/sc10748.doc.htm.
[15] These unexplained killings and disappearances represent some of the most significant in terms of dismantling Al Hijra's ability to act violently on behalf of Al-Shabaab in Kenya.
[16] S/2012/544, strictly confidential annex 3.1.
[17] Following the mysterious killing of Ibrahim Ramadan Hamisi 'Ruta' on 17 March 2013, 'Carragher' reportedly resigned as the Nairobi-based 'Amir'.
[18] During an audio recording of two Al Hijra members in Mombasa on 4 April 2013, archived with the United Nations, the members can be heard discussing the secret appointment of Issa Mugai 'Carragher'.

unexplained "assassinations", including the public abduction of 'Amir' 'Musa Osodo', was a major factor in 'Carragher's' secret appointment. The Monitoring Group has learnt that other reasons for 'Carragher's' appointment include drawing the attention of security services away from Al Hijra as Al-Shabaab's Kenyan arm, and avoiding incidents similar to the one involving former 'Amir' 'Osodo', who human rights organisations claim was abducted on 23 May 2012 along with Al Hijra member Jacob Musyoka.[19] According to multiple corroborating sources, 'Osodo', a suspect in a number of terrorist-related incidents, and Musyoka had previously provided a safe haven and posted bail for Bikumbi Hassan Mukulu, the son of Jamil Mukulu, the rebel leader of the Ugandan-led Islamist group active around North Kivu, the Allied Democratic Forces.[20]

Image of Issa Mugai 'Carragher'



9. While the rationale for appointing the Muslim 'revertee' (convert) 'Carragher', a questionable journalist" working for the Dutch-run *African Slum Journal* in Nairobi, seemed pragmatic to officials in PRMC and Al Hijra elders, such as 'Mzee' Mwai Abass, other individuals closely linked to Al Hijra, notably 'Makaburi' (a.k.a. "Buda", a.k.a. "Abu"), began to express their growing reservations.

10. Between 10 and 19 October 2012, the Monitoring Group closely observed the visit to Mombasa of two Al Hijra members, "Hassan O" and "Salim Mandevu", to consult with 'Makaburi', a close associate of the late Aboud Rogo Mohammed on the state of Al Hijra's support to Al-Shabaab in Kenya and to deliberate on new ways of supporting Al-Shabaab operations in Kenya and Somalia.[21] A confidential source present during the meetings with 'Makaburi' on 12 and 15 October 2012 at Masjid Musa, described 'Makaburi's' counsel to

[19] S/2012/544, strictly confidential annex. See also http://www.opensocietyfoundations.org/sites/default/files/counterterrorism-human-rights-abuses-kenya-uganda-20130403.pdf.

[20] Confidential audio recording of "Ishak" (Bikumbi Hassan Mukulu) and "HO", dated 25 December 2011 and archived with the United Nations. See also Group of Experts final report on the Democratic Republic of the Congo (S/2012/843), p. 30.

[21] On 23 June 2012, the Monitoring Group was given access to "Salim Mandevu's" mobile phones (+254 727 210 781 and +254 707 245 281), from which it was clear he had been in regular contact with Somalia-based Al Hijra fighters on numbers +252 618 597 605 and +252 618 468 335. The Monitoring Group believes the Al-Shabaab Kenyan member 'Mwalim Khalid' had used one of these numbers while he was in Somalia.

the participants, including a senior Mombasa-based Al Hijra member known to the Monitoring Group as "Rashid".[22]

11. During the meetings, 'Makaburi' advised the two visiting Al Hijra members about the ineffective use of grenades and expressed his concerns about the secret appointment of 'Carragher' as the 'Amir'.[23] According to 'Makaburi', as described to the Monitoring Group by an Al Hijra member present, 'Carragher' appeared to be less active than his predecessor, 'Osodo', especially his 'Da'wa' (proselytization) activities. 'Makaburi' said that he would discuss 'Carragher's' replacement with the PRMC.[24]

Abubakar Shariff Ahmed 'Makaburi'

Image of Abubakar Shariff Ahmed 'Makaburi'



12. In its previous report (S/2012/544),[25] the Monitoring Group alluded to 'Makaburi's' own description of his allegiance to Al-Shabaab and pledge to continue his recruitment drives in Kenya on behalf of the Somali armed group.[26] However, since 'Makaburi's' designation and listing by the United States Department of Treasury and United Nations Security Council Committee pursuant to resolution 751 (1992) and 1907 (2009) concerning Somalia and Eritrea in 2012,[27] he still represents a sustained threat to peace and security in Somalia and the broader region of East Africa.

13. On 5 September 2012, 'Makaburi' was detained for allegedly inciting young Muslims, mainly from his Mtwapa madrassa and Masjid Musa, to violent demonstration following the unexplained killing of his associate, Aboud Rogo Mohamed.[28] Credible

[22] Monitoring Group interview with an Al Hijra member present during the 12 and 15 October 2012 meetings with 'Makaburi', dated 22 October 2012.
[23] The Monitoring Group is aware that the meetings also focused on the ineffectiveness of grenade attacks and the importance of considering martyrdom operations.
[24] The Monitoring Group is aware of a close relationship between the PRMC and 'Makaburi', in particular with his close associate 'Mzee' Mwai Abass, also a member of PRMC.
[25] S/2012/544, strictly confidential annex 3.1.
[26] Confidential audio recording (111205_004) of Aboud Rogo private meeting, including 'Makaburi' in Nyeri, dated 7 December 2011 and archived with the United Nations.
[27] http://www.treasury.gov/press-center/press-releases/Pages/tg1630.aspx.
[28] During an interrogation in September 2012, 'Makaburi' claimed he had opened a madrassa in Mtwapa in 2011 with the late Aboud Rogo Mohamed.

information also suggests that following Aboud Rogo's death, 'Makaburi' contacted senior Al-Shabaab leaders in Somalia for assistance in carrying out attacks in Kenya as reprisals.[29]

14. The Monitoring Group strongly believes that 'Makaburi', together with Ahmad Iman, the Al Hijra 'Amir' based in Somalia, and other senior Al-Shabaab leaders, have encouraged and facilitated Somalia-based Al Hijra fighters to return to Kenya to launch attacks on behalf of Al-Shabaab. On 26 February 2013, Athman Ahmed 'Mwarabu', speaking while hiding at a safe house in Tanzania, illustrates an example of 'Makaburi's' role in attacks in Kenya:

> There were these other boys [Somalia-based Al Hijra returning fighters] who had come back [from Somalia] and Buda [Abubakar Shariff Ahmed 'Makaburi] had to put them on standby first but the boys were ready to act. But I knew the problem with Buda ['Makaburi'] was cash. You know putting all of us [Somalia-based Al Hijra returning fighters] in one place with no money might create problems. Buda ['Makaburi] with his plans is always good…[30]

15. Since the latter part of 2012, 'Makaburi' has sought to reorganize in stealth his activities on behalf and in support of Al-Shabaab, principally aimed at "action" in Kenya. Increasing evidence suggests Al-Shabaab-related activities; including radicalization and recruitment have progressed to actively planning large-scale attacks. 'Makaburi' has sought to now reengaging key regional Al-Shabaab allies, in particularly Al Hijra in Kenya and to a lesser extent members of the AMYC, and the loose extremist group commonly known as "Uamusho" both in Tanzania.[31] The Monitoring Group has also obtained evidence that suggests since the unexplained killing of Sheikh Aboud Rogo Mohamed in August 2012, 'Makaburi' and other East Africans have been attempting to gain more autonomy and act independently from Al-Shabaab in terms of operational planning.[32]

16. Such evidence continues to suggest that 'Makaburi's' allegiance remains with Al-Shabaab in terms of its violent ideology and being able to recruit non-Somali East Africans (from Kenya, Uganda, Rwanda and Burundi) to fight for Al-Shabaab. At the same time 'Makaburi' appears to be exploiting the growing and public disaffection in the ranks of the foreign fighters in Al-Shabaab, in particular among East Africans. Preliminary evidence also suggests a number of senior East African fighters that identify more with the Al-Qaida cause, have been encouraged to return to the region to continue 'Jihad'. Similarly, the Monitoring Group has received testimonies from serving Al Hijra members describing 'Makaburi's' apparent frustration with the coordination of non-Somali East African fighters who have returned to the region on behalf of Al-Shabaab. As explained, returning Al Hijra fighters from Somalia and other non-Somali fighters once back in Kenya are to receive operational guidance from 'Kenyan Amirs' such as 'Makaburi' rather than waiting for "instructions" from Ahmad Iman and Al-Shabaab in Somalia.[33] This would strongly indicate that Kenyan Al-Shabaab members are now willing to seek greater autonomy in carrying out attacks.

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[29]Interview with a Nairobi-based intelligence official, 4 September 2012 and archived with the United Nations.

[30] Confidential audio recording of Athman Ahmed 'Mwarabu', "Rashid" and other dated 26 February 2013 archived with the United Nations.

[31] During the current mandate the Monitoring Group has received various reports suggesting the strengthening of ties between Al Hijra members and their counterparts in Tanzania, both the AMYC and the Zanzibar group.

[32] During a meeting with "Abdinassir", a close associate of 'Makaburi', and a female Al Hijra courier on 12 April 2013, "Abdinassir" expressed 'Makaburi's' desire to operate more independently of Al-Shabaab and Ahmad Iman in Somalia.

[33] On 17 December 2013, the Monitoring Group learnt of Thabit's command and control still being based in Somalia.

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17. Over the course of the mandate, the Monitoring Group has observed disputes between a number of Al Hijra fighters returning from Somalia, in particular those detained in Shimo la Tewa prison and 'Makaburi'. These were over operational directions and accumulation and distribution of weapons. According to 'Makaburi', the Somalia-based Al Hijra fighters are still allegedly receiving instructions from Al-Shabaab inside Somalia. 'Makaburi's' apparent desire to seek more operational autonomy from Al-Shabaab has also been captured in a series of audio recordings by close associates of 'Makaburi', including a key Al Hijra figure Andrew Mwita Chacha 'Chacha'. Publicly, 'Chacha' acts as a legal representative dealing with Al-Shabaab-related cases. In reality his legal profession has masked his support for Al-Shabaab operations through Al Hijra in Kenya. In offering guidance on 'Jihad' in Kenya he recommended a new plan for 'Makaburi':

> …now Buda [Abubakar Shariff Ahmed] should go for plan B because things seem not to be going our way. He should think of other options. People need to think of something especially holding a serious meeting between us [Kenya-based Al Hijra members], Buda [Abubakar Shariff Ahmed] and the rest, I mean the brothers from the other side [Somalia-based Al Hijra fighters]. We need to let them know that we know our place [Kenya] better than them. They [Somalia-based Al Hijra fighters] need to know they have been away for long time thus a lot of changes has taken place since then. That's why you find the brothers making a lot of blunders because there is no coordination. If something is not done, I don't know.[34]

18. Using his long-standing association with the group's Somalia-based fighters, in particular his continued contact with Ahmad Iman in Somalia,[35] 'Makaburi' has been able to sustain albeit small operational cells, which increasingly extend into Tanzania as a support sanctuary. The Monitoring Group remains concern that in spite of individuals such Abubakar Shariff Ahmed 'Makaburi' being designated the Security Council he is still able to offer direct support to Al-Shabaab through Al Hijra.

Operational shift: From "soft targets" to "complex and spectacular" plots

19. Despite Al Hijra's public declaration - through its 'Amir' Ahmad Iman in Somalia - for its members to carry out violent attacks on behalf of Al-Shabaab in Kenya,[36] a number of explanations have been advanced by observers in response to the wave of grenade and IED attacks that began to plague Kenya in the latter part of 2011. One dominant explanation has been that grenade attacks were acts by a minority of 'self-starting' or 'home-grown' violent extremists inspired by Al-Shabaab.[37]

20. However, the Monitoring Group has confirmed that from 24 October 2011[38] up to and including in or about November 2012, Al Hijra fighters from Somalia with the support of their Kenya-based members, including officials of PRMC, have been responsible for a series of grenade and IED attacks in Kenya as part of Al-Shabaab's campaign within the region.

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[34] Confidential audio recording of Andrew Mwita Chacha 'Chacha', dated 21 April 2013 and archived with the United Nations.

[35] During a meeting on 5 April 2013, 'Makaburi' admitted to two Al Hijra couriers that he was still in contact with Ahmad Iman in Somalia.

[36] https://twitter.com/#!/HSMPress/status/155614676087087104.

[37] http://www.csmonitor.com/World/Africa/2012/0529/Nairobi-blast-Could-have-been-Al-Shabab-or-a-lone-wolf-sympathizer.

[38] http://www.voanews.com/content/two-explosions-in-kenyas-capital-1-dead-132486373/147130.html.

This disturbing trend is indicative of Al-Shabaab's capability to internationalize its violent extremism through its regional affiliates.

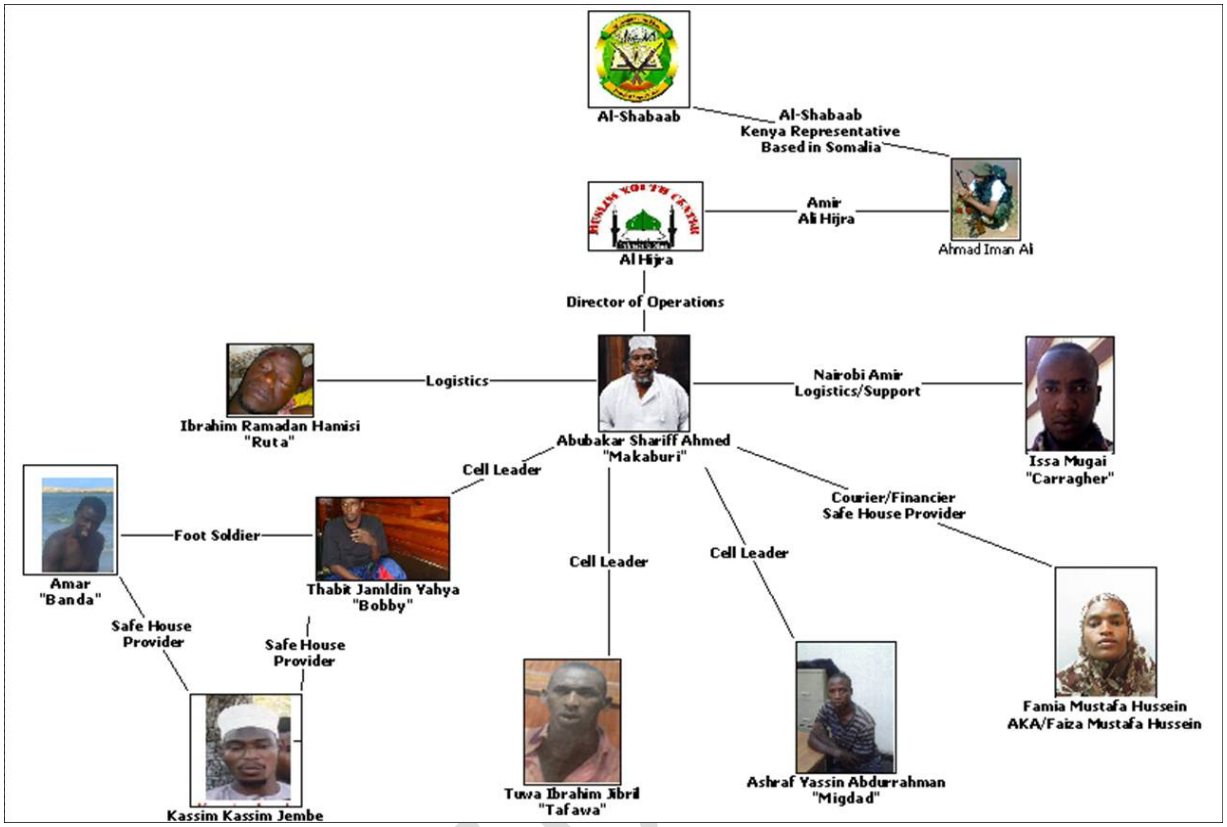
"Soft targets"

21. While the full extent of Al-Hijra's grenade and IED campaign is still unknown and under investigation, the Monitoring Group has received corroborating information, including admissions by Somalia-based Al Hijra fighters and confidential audio recordings of members involved in attacks, to satisfactorily assess Al-Hijra's role in attacks against Kenya.[39] In most cases, the returning Somalia-based Al Hijra fighters have opted to focus their attacks against "soft targets", such as local bars, churches and bus terminals.

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[39]Multiple interviews with law enforcement officials and access to confidential Al Hijra reporting from September 2012 to May 2013.

Individuals linked to Al Hijra "soft target" attacks



22. In or about January 2012, Thabit Jamaldin Yahya 'Bobby', an Al Hijra Somalia-based fighter recruited from Kibera in Nairobi returned back to Kenya with the purpose of carrying out terrorist attacks.[40] Thabit had claimed he was inspired into 'Jihad' by watching and listening to the lectures of the UK extremist Omar Trevor Brooks 'Abu Izzadeen' the spokesman of the UK banned Al Ghurabaa.[41] The Monitoring Group believes Thabit and a group of possibly five other Somalia-based Al Hijra fighters left Kismayo in December 2011.[42] Before being dispatched from Kismayo to Kenya on behalf of Al-Shabaab,[43] Thabit disclosed to a close associate of Ahmad Iman that:

[40] The Monitoring Group understands from multiple sources, both former and existing Al Hijra members, that Kibera slums in Nairobi prior to 2011 was a key recruiting ground for Al Hijra members seeking to join Al-Shabaab.

[41] At 12:16pm on 14 November 2012, an Al Hijra courier sent the following phone message to another member in relation to Thabit: "…ubey [Thabit] needs a phone with memory card installed with Abu Izzadeen's lectures: 1. 'Those who shake the empires'; 2. 'Carrying the deen'; and 3. 'The sharp vision of the Muwahid'…those lectures inspired him to become what he is ['Mujahideen']." The Monitoring Group can confirm that in November 2012, Thabit received a phone installed with video lectures of Abu Izzadeen, which was widely shared and viewed among other Al Hijra/Al-Shabaab inmates in Shimo la Tewa prison.

[42] Restricted intelligence report obtained by the Monitoring Group in 2012.

[43] During an interrogation by security services on 6 July 2012, Thabit admits to being dispatched from Kismayo to Kenya. The Monitoring Groups notes however that Thabit's interrogation notes provided to the Monitoring Group by a close associate of Thabit's legal representative were not signed or authenticated by Thabit.

> …before I came [back to Kenya] Ahmad [Ahmad Iman] was sent to talk to me. He talked to me for like 2hours. I didn't understand because I didn't know I would be sent back here. After sometime the Amniyat [Al-Shabaab intelligence] came for me, trained me and after that I was not to trust even Ahmad [Ahmad Iman]. I was to trust only my Amir and the people under me.[44]

23. Prior to and after Thabit's arrest on 15 May 2012, according,[45] Thabit had been directly involved in at least two attacks and provided material support and resources, including advice, on other attacks for Al-Shabaab in Kenya.[46]

24. Before Thabit's arrest for his involvement in the Bella Vista grenade attack in Mombasa, in which he and two others killed a security guard he had been provided with operational support by Kenya-based Al-Hijra members.[47] Such support, in Thabit's own words, would allow him "to open up Kenya".[48] In Nairobi, Thabit was provided with secure accommodation by a senior Al Hijra member, Ibrahim Ramadan Hamisi commonly known as 'Ruta', who had previously fought alongside Al-Shabaab in Somalia but returned to Kenya in or about 2010. Kassim Kassim Jembe provided additional support in Mombasa and was subsequently arrested but later release for his role in the Bella Vista attack.[49]

25. On 24 December 2012 at 21:24pm from Shimo la Tewa prison in Mombasa, during a regular 'secure phone' contact with a confidential source on the issue of procuring explosives, Thabit inquired if the confidential source would consider working with 'Ruta' on plots for Al-Shabaab and alluded:

> When I came back [from Somalia] I went to that brother ['Ruta'] in Majengo. He is the only one who knew I was around [from Somalia] and he never let me down.[50]

26. The purpose of Thabit being accommodated by 'Ruta' in Nairobi, as described by a confidential source familiar with 'Ruta's' activities, was to ensure that attacks on behalf of Al-Shabaab would run smoothly in Kenya.[51] In January 2013, while observing a relocation of an Al Hijra cell from Kenya to a safe house in Tanzania, 'Ruta' claimed that Al Hijra

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[44] Confidential source: Thabit 'secure phone' discussionmat 21:30pm, dated 12 December 2012 and archived with the United Nations.

[45] Confidential source (close associate and fellow conspirator) meeting with Ibrahim Ramadan Hamisi 'Ruta' in Mwanza, Tanzania, 18 January 2013.

[46] The Monitoring Group has received conclusive evidence that while in prison Thabit has been coordinating a number of plots on behalf of Al-Shabaab.

[47] Unclassified FBI laboratory reports (Case ID No: 1631-NI-211) on items found at the scene of the attack, including grenade safety pins and a magazine accessed by the Monitoring Group through a confidential source close to Thabit's legal representative, suggest the attack involved more than one person (Thabit).

[48] Close associate of Ahmad Iman: Thabit 'secure phone' discussion at 18:29pm, dated 30 December 2012 and archived with the United Nations.

[49] In a private discussion on 26 February in Mombasa, Kassim Jembe disclosed to a confidential source his role in the Bella Vista attack. According to Kassim Jembe, his task was to arrange a safe house for Thabit and raise funds for Al Hijra members who had been arrested. See also, http://www.youtube.com/watch?v=dWZ4027u_Zs.

[50] Confidential source: Thabit 'secure phone' discussion from 20:07pm to 21: 24pm, dated 24 December 2012 and archived with the United Nations.

[51] 'Ruta' is one of a number of Al Hijra members who have been mysteriously killed. Prior to his killing on 17 March 2013 in Nairobi, he was facing terrorism-related charges for an alleged grenade attack in Uhuru Park in Nairobi in June 2010. See also, http://jihadology.net/category/countries/tanzania/.

members were responsible for the March 2012 grenade attack at the Machakos Country bus terminus, resulting in 7 deaths and an estimated 42 others injured.[52]

27. On 18 January 2013, 'Ruta' met with a key Al Hijra female courier, "R", from 11am to 7pm at the Hotel La Kairo in Mwanza, Tanzania, to discuss the logistics of moving the Al Hijra cell to a more secure safe house in the coastal town of Tanga. According to "R's" account of her discussion with 'Ruta', 'Ruta' described his secret role in supporting Al-Shabaab in Kenya since his departure from Somalia, including the Machakos attack, which he claimed was carried out by Thabit, 'Ruta' himself and others.[53] In 'Ruta's attempt to convince "R" of his involvement in the Machakos attack, 'Ruta' described how Thabit had accidently dropped his passport at the scene of the attack and was unsure if the security services were aware of this vital clue.[54]

28. During the course of its current mandate, the Monitoring Group has also learnt of new and corroborating details of Al-Hijra's activities outside Nairobi and Mombasa, in particular in Kenya's northeastern province of Garissa. Traditionally, Garissa has been a predominantly Somali-Al-Shabaab area of operation due its proximity to the refugee camps in Dadaab. On 6 September 2012, a Somalia-based Al Hijra fighter and key Al-Shabaab 'financier' with access to U.S. and South African funding (see paragraphs 114 to 140 below on Financiers, Facilitators and Active Contributors), Ashraf Yassin Abdurrahman 'Migdad', also recruited from Kibera, was arrested along Thika Road on the 'City to City' bus from Garissa en route to Nairobi.[55]

29. Prior to departing Garissa, multiple sources have told the Monitoring Group that 'Migdad' together with Athman Ahmed 'Mwarabu', who had also recently returned from Somalia in or about August 2012 to carry out attacks for Al-Shabaab, had stayed at the house of a female Al-Shabaab/Al Hijra courier named "Famia" 'Faiza Mustapha'.[56] Hours of audio information, including recordings of "Famia" in Nairobi and Mombasa, and of 'Mwarabu' in Tanzania (Mwanza and Tanga), corroborates reports that while in Garissa 'Migdad' and possibly 'Mwarabu' and others had carried out attacks.[57]

30. On 4 April 2013 in Mombasa, hours before a debriefing of "Famia" and another female courier by 'Makaburi' on a recently disrupted terrorist attack, "Famia" described in detail her role in assisting both returning Al Hijra fighters from Somalia and members en route to Somalia to fight alongside Al-Shabaab. In the audio, "Famia" described herself as running a "guesthouse" for Al-Shabaab.[58] Similarly, in a separate audio, 'Mwarabu' provides an account of how 'Migdad' had carried out an attack in Garissa, describing how 'Migdad'

[52]Monitoring Group interviews in Mwanza, Tanzania, January 2013.

[53] The Monitoring Group is aware that the Kenyan police have yet to charge or name any suspect(s) for the 10 March 2012 grenade attack at the Machakos terminus.

[54]Based on the Monitoring Group's understanding of Al Hijra cells, in particular, dispatched fighters from Somalia to Kenya during the period from late 2011 to early 2012, the groups access to grenades and other materials made it operationally possible to carry out attacks such as the Machakos incident.

[55]The Monitoring Group understands that 'Migdad' was arrested with a female Somali courier with close links to Al Hijra members both in Somalia and Kenya known as "Diramu Waristu Guyole" (a.k.a. "Madina") and another female.

[56] Information received by the Monitoring Group suggests 'Migdad' and 'Mwarabu' did not arrive back in Kenya from Somalia on 1 September 2012, as claimed by 'Migdad' during his interrogation.

[57]During 'Migdad's' interrogation with security services, 'Migdad' had admitted to having undergone explosive training in the use of IEDs and grenades while in Somalia.

[58]Confidential audio recording (QFMTG1) of Famia private meeting with 'others' in Mombasa, dated 4 April 2013 and archived with the United Nations.

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had left "Famia's" house one day and came back "sweating" demanding 'Mwarabu' turn on the television for information on his attack.[59]

31. In addition to these attacks in Kenya by Al Hijra fighters returning from Somalia, the Monitoring Group has attempted to verify other similar claims by the group. One example is the grenade attack at the God House of Miracle Church in Ngara, Nairobi, on 29 April 2012.[60] Information obtained both directly and indirectly from Al Hijra members with knowledge of the attack suggests Tuwa Ibrahim Jibril 'Tafawa', a Somalia-based Al Hijra fighter who is believed to have returned back from Somalia in or about January 2012, was responsible.[61]

32. On 19 January 2013, 'Ruta', whom the Monitoring Group considers most likely to have had direct and advance knowledge of returning Somalia-based Al Hijra fighters' operations in Nairobi and Mombasa, described to an Al Hijra female courier 'Tafawa's attempts to flee the scene of the 29 April 2012Church attack.[62]

33. Recently, since 'Tafawa's' release from Shimo la Tewa prison, he has been tasked with continuing attacks as disclosed by Andrew Mwita Chacha 'Chacha' who claimed:

> …he [Tafawa] was summoned by their Amir as soon as he got out [from prison]. He was told that since he is out they [Tafawa's cell] can now start the work [Jihad]. He said he could not because he wants to start collecting [weapons]. Okay, if it is because of Ahmad [Ahmad Iman] I understand. He also wanted very much to be able to get some weapons with those boys but I think he got it [weapons] using other means.[63]

34. On 4 June 2013, audio information received indirectly from "Ali Salim" a close associate of Jermaine Grant and Thabit describes 'Tafawa's' most recent attack in Nairobi. According to "Ali":

> …There was an incident in Kinyako area [Korogocho, Nairobi] where they ['Tafawa' and his cell] took their weapons [police weapons]. Everyone in Majengo [Nairobi] is aware of the incident. They [police] were hit badly. So I have been telling everyone they should be alert because of this issue.[64]

35. Since two other members who took part in this attack are known criminals, it would appear that it was a crime-related rather than terrorism-related attack.[65]

<u>"Complex and spectacular" plots</u>

[59]Confidential audio recording of 'Mwarabu' private meeting with 'others' in Mwanza, Tanzania, dated 19 January 2013 and archived with the United Nations.

[60] http://www.bbc.co.uk/news/world-africa-17885476.

[61]http://www.nation.co.ke/News/DPP-links-suspects-to-terrorist-group---/-/1056/1615532/-/t5p0dt/-/index.html.

[62]Female Al Hijra courier meeting with 'Ruta' in Mwanza, 19 January 2013.

[63]Audio recording of Andrew Mwita Chacha 'Chacha' and other dated 31 May 2013 archived with the United Nations

[64] Audio recording of "Ali Salim" and other dated 4 June 2013, describing 'Tafawa's' reported attack in Nairobi and archived with the United Nations.

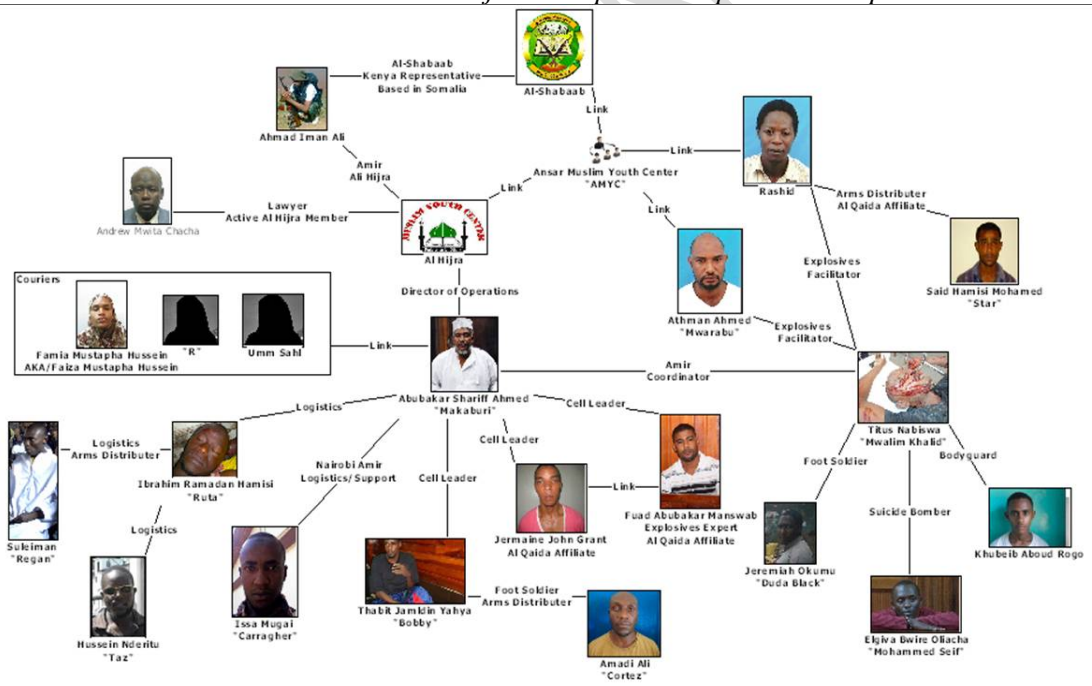
[65] Turning to crime is a known trend among Al Hijra fighters who have returned from Somalia. During the audio of "Ali Salim" on 4 June 2013, he describes Al Hijra's criminal activities in collusion with Kenya police. See also http://www.standardmedia.co.ke/?articleID=2000084967&story_title=thugs-shoot-dead-policeman

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36. In November 2012, following successive Al Hijra setbacks, the Monitoring Group was briefed by a serving Kenya-based Al Hijra member who described how Al Hijra planned to reverse its setbacks. As described to the Monitoring Group at the time, the individuals initially central to the plan were: 'Thabit', who was still plotting attacks in Kenya from inside prison and had claimed: "I still work under HSM; they [Al-Shabaab] sent me here [Kenya] and I did my best,"[66](referring to his previous terrorists attacks); another Kenya-based member of Al Hijra, also in prison at the time with 'Thabit, named "Ali Salim"; and the Al-Qaida-affiliated Jermaine Grant linked to plotting terrorist attacks in Mombasa in December 2011.

37. However, while observing a meeting in Mombasa between an Al Hijra female courier and 'Makaburi' on 8 November 2012, the Monitoring Group learnt that in fact 'Makaburi' had claimed to be playing a significant role in coordinating overall direction and guidance in an attempt to reverse the fortunes of Al Hijra and Al-Shabaab in Kenya. According to the Al Hijra courier "R", 'Makaburi' claimed he had personally instructed Al Hijra members, particularly fighters returning from Somalia, to cease their grenade attacks. The rationale was that 'Makaburi' had decided first that the grenade attacks against Kenya on behalf of Al-Shabaab or "Haraka" were ineffective, and second that Kenya deserved a "big bang".[67]

Individuals linked to Al Hijra "complex and spectacular" plots



38. Following the November 2012 meeting, the Monitoring Group closely monitored the sequence of unfolding events and collected information and gathered evidence that overwhelmingly suggests that Al Hijra in Kenya, as directed by 'Makaburi' for Al-Shabaab, is consolidating its access to small arms (see box below for information on known Al Hijra arms custodians) and plotting complex and spectacular attacks in the region. Al Hijra has

[66] Close Ahmad Iman associate: Thabit 'secure phone' discussion at 18:31pm dated 30 December 2012 and archived with the United Nations.

[67] Monitoring Group interview with Al Hijra courier, 15 November 2012.

publicly merged with Al-Shabaab, and in Kenya currently possesses a sizeable collection of small arms from handguns to shot guns and grenades that have been judiciously distributed in most cases between Nairobi and Mombasa.[68]

39. Over the course of its current mandate, the Monitoring Group has been able to identify a number of Al Hijra members, both Kenya-based and fighters returning from Somalia, who have previously been and in some cases still are tasked with the safekeeping of weapons.

"Safe keepers"

Ibrahim Ramadan Hamisi 'Ruta' (Deceased)[69]

On 30 December 2012, following instructions from 'Makaburi' for the consolidation of Al Hijra weapons, a number of hand grenades and possibly firearms were to be delivered by 'Ruta' for a transfer to Mombasa.[70] 'Ruta' represented one of the group's key custodians of weapons and other materials.[71]

Around 8:25pm on 31 December 2012, 'Ruta' had delivered two hand grenades to Al Hijra courier "R" in Nairobi.[72] The next day on 1 January 2013 at 18:09pm, Thabit acting as 'Makaburi's' interlocutor had received information from a close associate of Ahmad Iman, the Somalia-based Al Hijra 'Amir', that the hand grenades had been delivered and were awaiting transfer to Mombasa.[73]

In a desperate attempt to transport the grenades to Mombasa, on 2 January 2013, Thabit had arranged for a "transporter" tasked with travelling from Mombasa to collect the grenades. He noted to a fellow Al Hijra member:

> have your sister call the transporter on +254 711 113 701. Send him MPESA [mobile money transfer] for transport. He will leave Mombasa in the morning [to Nairobi].[74]

Again on 5 January 2013, in a follow-up communication, this time with "R", which was a coded message intended for 'Makaburi', Thabit requested:

> tell Chacha [Andrew Mwita] I've found the eggs [grenades] and we now want to

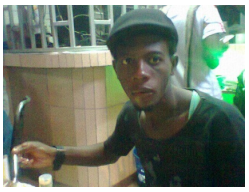
[68] The Monitoring Group also understands that at some point during 2012, a female Al Hijra member in Garissa stored IED components.
[69] On 17 March 2013, 'Ruta' was killed under unexplained circumstances while in 'Angola' toilets in Majengo, Nairobi. It was suggested that two unknown assailants shot 'Ruta' in the back of the head.
[70] Monitoring Group SMS communication with source with direct knowledge of 'Ruta's' activities, 30 December 2012.
[71] Monitoring Group debriefing of key Al Hijra member in Mwanza and Tanga (Tanzania), from December 2012 through February 2013.
[72] On 31 December 2012, the Monitoring Group was sent images of the grenades transferred by 'Ruta'.
[73] Close Ahmad Iman associate: Thabit 'secure phone' discussion at 18:09pm, dated 1 January 2013 and archived with the United Nations.
[74] Close Ahmad Iman associate: Thabit 'secure phone' discussion at 18:46pm, dated 2 January 2013 and archived with the United Nations.

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complete the kids [firearms]. Tell him to pass the message to my guy and my guy will inform the headmaster ['Makaburi'].[75]

Early in the morning of 6 January 2013, the "transporter", Wendo Idi Zuberi, boarded a bus from Mombasa and arrived in Nairobi at 17:30pm. Waiting for Wendo at the bus terminus in Nairobi was an Al Hijra associate known to the Monitoring Group as "ID", who had been tasked to provide logistical support during Wendo's operation to pick up and transport the grenades back to Mombasa. During Wendo's operation he stayed in room 406 at the Kap Guest House, Nairobi.[76]

Image of Wendo Idi Zuberi 'Transporter'



Between 5 January and on or about 7 January 2013, the Monitoring Group believes 'Makaburi' had already been apprised of the progress of the grenades since Chacha Andrew Mvita 'Chacha', a close associate of Al Hijra in terms of its legal representations, during a meeting with an Al Hijra member disclosed that he ['Chacha'] was present at a *shura* (meeting) where 'Makaburi' had discussed the grenades being transported from Nairobi.

On 8 January 2013, the Monitoring Group was briefed on an earlier meeting that took place between Wendo (grenade 'transporter') and "R" (Al Hijra courier) in relation to handing over the grenades. Details of the meeting corroborate information that 'Makaburi' had and continues to act on behalf of Al-Shabaab to consolidated weapons. According to Wendo's account to "R", he had previously been tasked to keep ammunition for Al Hijra fighters returning from Somalia, and that following the killing of Aboud Rogo, Al Hijra operations on behalf of Al-Shabaab in Kenya appeared to be in disarray but that 'Makaburi' "is trying to bring things back to normal."[77]

In the morning of 12 January 2013 at around 10am, the "transporter" Wendo met again with "ID", this time to pick up the grenades, securely wrapped and disguised in a green T-shirt and placed in a black backpack. Wendo then proceeded to board a Mombasa-bound 'Parrot line' bus with registration KBS 411K. The Monitoring Group understands Wendo was apprehended in Mombasa. Wendo, following his arrest and interrogation by security services, admitted his links to Al Hijra/Al-Shabaab associates, including Khubeib Aboud Rogo, the son of the late Aboud Rogo Mohamed, who had at the time had recently returned from fighting alongside Al-Shabaab.[78]

[75] Thabit coded message sent to "R", dated 5 January 2013.
[76] See annex 2.1.c for Wendo's hotel receipt.
[77] Al Hijra member "R" meeting with Wendo "Transporter" at Prestige Shopping Mall, Nairobi, 8 January 2013.
[78] Monitoring Group briefing by law enforcement official, January 2013.



(Grenades delivered by 'Ruta' and transported by Wendo Idi Zuberi)

The attempt described above to transfer grenades to Makaburi was part of a large consignment that 'Ruta' was reported to have had.[79] Multiple sources, including confessions from fellow Al-Hijra members, including Thabit and 'Makaburi' himself, have indicated that 'Ruta' before his killing on 17 March 2013, had about ten grenades and about five guns.[80]

On 18 March 2018, following the killing of 'Ruta', four Al Hijra members, led by "Famia" 'Faiza Mustapha' and including "Ali Salim", on the instructions of 'Makaburi attempted to retrieve 'Ruta's arms cache from a secure location in Nairobi. The weapons were to be transferred to Mombasa for use by 'Makaburi' in his support of Al-Shabaab.[81]

"Suleiman" (a.k.a. 'Reagan')

The Monitoring Group has confirmed that a former Somalia-based fighter, "Suleiman" 'Reagan', now an active Nairobi-based Al Hijra member and former close associate of 'Ruta', is also in possession of a number of small arms for Al Hijra activities in support of Al-Shabaab in Kenya. "Suleiman" is believed to have returned from Somalia between 2010 and in or about mid 2011.

According a confidential source with direct access to 'Ruta' and "Suleiman", "Suleiman" had been given custody of five handguns and an unknown number of grenades for Al-Hijra, but in 2012 had loaned the firearms out to criminal networks in Nairobi. "Ali Salim" claimed to 'Makaburi's' associate that: "…It was found on Thika road. Yes, the guys on Thika road had fired it."[82] On 21 April 2013, the Monitoring Group received information describing a meeting between "Suleiman" and a fellow Al Hijra member on 20 April 2013, concerning reports of Al Hijra arms in his custody. During the meeting, "Suleiman" was seeking assistance to convince 'Makaburi' that his stock of Al Hijra arms had been stolen during a burglary, which the Monitoring Group finds unlikely.

The Monitoring Group is also aware of reports that strongly suggest "Suleiman" had met a close associate of 'Makaburi' named "Abdinassir" on 13 April 2013 to discuss transporting "Suleiman's" firearms to Mombasa. On 13 April 2013, two separate audio recordings, demonstrated that "Abdinassir's" presence in Nairobi was to collect and arrange for Al Hijra's arms (mainly handguns), including from "Suleiman", to be transferred to 'Makaburi'.[83]

[79] Al Hijra member "R" meeting with 'Makaburi in Mombasa, 4 April 2013.
[80] Al Hijra member visit to Thabit at Shimo la Tewa prison, 5 April 2013.
[81] Monitoring Group source with direct knowledge of 'Makaburi's' operations, 20 March 2013.
[82] Audio recordings of "Abdinassir", "Ali Juma Salim", "Juma" and other, 12 April 2013 and archived with the United Nations.
[83] Audio recordings of "Abdinassir", "Ali Juma Salim", "Juma" and other, dated 12 April 2013 and archived with the United Nations.

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"Baje"[84]

On 27 February 2013, during a meeting at a safe house in Tanga, Tanzania, an Al Hijra member named "Rashid", a senior Al Hijra member, briefed a key Al Hijra courier, who had travelled from Kenya, on how to access his arms cache that was to be transferred to 'Makaburi' in Mombasa. "Rashid" had repeatedly travelled to Somalia to fight alongside Al-Shabaab and has close links to senior Al-Shabaab members, including foreign fighters affiliated with Al-Qaida.[85] One such foreign fighter was Majengo recruit Titus Nabiswa 'Mwalim Khalid', whom the Monitoring Group believes to be more of an Al-Hijra/Al-Shabaab fighter in spite of his reported Al-Qaida links.[86]

The Al Hijra courier was instructed to contact two individuals named "Hamisi" and "Star" who would in turn contact "Baje". "Baje", is reportedly in possession of "Rashid's" arms in Mombasa. While "Baje's" identity is currently unknown, "Star" and "Hamisi" appear to be the same person. The Monitoring Group believes that this person is Said Hamisi Mohamed 'Star', an individual who had previously fought alongside the Islamic Courts Union and linked to the former Al-Qaida East Africa operative Fazul Abdallah Mohamed.[87]

Abubakar Shariff Ahmed 'Makaburi'

On 27 January 2013, on the instructions of 'Makaburi', 'Ruta' travelled to Mombasa to discuss the initial stages of a plot by 'Makaburi' and Al Hijra, together with an unknown Somali-Al-Shabaab group, to disrupt the Kenyan elections in March 2013.[88] On his return from Mombasa on 28 January 2013, 'Ruta' provided an update to a female Al Hijra member who was to take a peripheral role in the March 2013 plot. According to information received by the Monitoring Group, corroborated by multiple independent sources, including law enforcement officials and current Al Hijra members, 'Makaburi', over a number of months had been procuring and depositing weapons at an unknown "safe house" in Mombasa as part of his plans to carry out attacks on behalf of Al-Shabaab.[89]

This information also appears to corroborate 'Makaburi's' reported accumulation of weapons on behalf of Al Hijra and in support of Al-Shabaab and his claims that he has at least nine sacks of grenades and firearms. In a meeting between two female Al Hijra

[84] In or about August 2012, including up to September 2012, KDF apprehended two Somalia-based Al Hijra members, "Baje" and Swaleh Mohamed (reported to be a relative of Saleh Ali Saleh Nabhan), at Dhobley. They were subsequently handed over to the Kenyan courts in April 2013. The Monitoring Group notes that the "Baje" in Mombasa and the "Baje" apprehended by KDF are two different individuals.

[85] During an interview with "Rashid's" mother in March 2011, the Monitoring Group was informed that "Rashid" had recently returned from Somalia.

[86] Prior to Mwalim Khalid's killing in October 2012, "Rashid" claimed he had accommodated 'Mwalim' in Mombasa. See also http://www.google.co.uk/#hl=en&sclient=psy-ab&q=Titus+Nabiswa+majengo+nairobi&oq=Titus+Nabiswa+majengo+nairobi&gs_l.

[87]http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&ved=0CDgQFjAB&url=http%3A%2F%2Fwww.communication.go.ke%2Fdocuments%2FDocument1.doc&ei=zfV0UeyUC_CS7AbRloGACw&usg=AFQjCNEmpVw9bfQIYjojk_EkZYTUMwLSpQ&bvm=bv.45512109,d.ZGU.

[88] Monitoring Group telephone communications with source with intimate knowledge of 'Makaburi's' operations, 26 to 28 January 2013.

[89] Meeting between 'Ruta' and a female Al Hijra member with direct knowledge of 'Makaburi's' operational plans, 29 January 2013.

couriers and 'Makaburi' on 4 and 5 April 2013 in Mombasa, a source present and with direct operational knowledge of 'Makaburi's' plots provided details of his weapons "safe house" in Mombasa. According to testimony from this meeting provided to the Monitoring Group and corroborated by serving Al Hijra members, including law enforcement officials, 'Makaburi' claimed he had been paying rent at a secret location in Mombasa and storing away weapons. 'Makaburi' is reported to have told the female couriers that the "safe house" was his "bank account."[90]

The Monitoring Group has recently learnt that in 'Makaburi's' effort to launch attacks in Kenya on behalf of Al-Shabaab with the support of Al Hijra, in or about February 2013, he had made contact with an individual closely linked to the Mombasa Republican Council (MRC). MRC is a Kenyan secessionist movement that has used violence in advocating its political ambitions and reportedly encouraged members of its youth wing to consider training in Somalia.[91] On 23 February 2013, during a meeting with 'Ruta' and another Al Hijra member in Mombasa, 'Makaburi described how he had personally negotiated the purchase of AK-47s from an MRC arms broker at a cost of 700 USD (60,000 Kenya Shillings) per rifle.[92]

At present, the Monitoring Group has continued to observe persistent attempts by 'Makaburi' to accumulate weapons. Audio recordings of the visit of 'Makaburi's' associate "Abdinassir" to Majengo (Nairobi) between 12 and 13 April 2013 is illustrative of 'Makaburi's' strong determination to renew attacks in Kenya. "Abdinassir" described his meeting with Amadi Ali (a.k.a. Abu Farid) 'Cortez',[93] a Somalia-based Al Hijra fighter who had returned back to Kenya in July 2012:

> So he [Amadi Ali 'Cortez'] told me to plan my trip to Coast [Mombasa] and when I get back we will see if he gives it [handgun] to me. He also said that its not a good place [Majengo] for me because the guys are normally there. He has a suspicion that things are really being watched in that area. And he didn't want his name ['Cortez'] mentioned…[94]

40. Despite Al Hijra's setbacks, it continues to have operational aspirations. Particularly, its Somalia-based fighters have continued to push for and pursue spectacular attacks not only in Kenya but the region as a whole. Some of these Somalia-based fighters, according to independent and corroborating sources, have been under electronic surveillance in Somalia due to their connections with non-African foreign fighters.[95]

[90] Monitoring Group interview with Al Hijra member present at the 4 and 5 April 2013 meeting with 'Makaburi' in Mombasa, 10 April 2013.

[91] During the course of the mandate the Monitoring Group received unconfirmed reports of MRC youths' cooperation with Mombasa-based Al Hijra members.

[92] The Monitoring Group understands that 'Makaburi' was unable to eventually purchase the weapons due to MRC offering a higher price.

[93] The Monitoring Group understands following 'Cortez's' dispatch to Kenya in July 2012, he was apprehended in possession of a handgun by the security services on 14 December 2012 in Mombasa.

[94] Audio recordings of "Abdinassir", "Ali Juma Salim" and "Juma", dated 12 April 2013 and archived with the United Nations.

[95] Monitoring Group interview intelligence official tasked with targeting Al-Shabaab fighters in Somalia dated 11 June 2012.

41. On 7 October 2011, a Somalia-based Al Hijra fighter based in lower Juba at the time, was researching on the internet tourist attractions in East Africa and U.S. interests in Kenya, in addition to seeking information on sodium, hydrogen and isotopes. It is the assessment of the Monitoring Group that the above attempts by this particular fighter is consistent with several of Al Hijra's aspirational plots. These include, a reportedly abortive suicide plot (PBIED); a plot to attack the Parliament of Kenya, and unconfirmed reports of a plot against former President Mwai Kibaki and Prime Minister Raila Odinga of Kenya.

Elgiva Bwire Oliacha 'Mohammed Seif': Martyrdom or Da'wa?

42. On 24 October 2011, in less than 24 hours, two separate grenade attacks were carried out in Nairobi.[96] Initially, Al-Shabaab was not suspected due to the mode and target of attack, and especially in the absence of a claim of responsibility.[97] However, a day after the attacks on 25 October 2011, Kenya police announced they had arrested Elgiva Bwire Oliacha 'Mohammed Seif' and seized 12 grenades, an AK-47 assault rifle, four revolvers and a sub-machine gun.[98] On 28 October 2011, after admitting to the attacks and being sentenced to life in prison, 'Mohammed Seif' stated he was a member of Al-Shabaab.[99] Since the Kampala bombings of July 2010, Al-Shabaab has not been able to successfully carry a complex attack against Somalia's regional neighbours. However, strong evidence suggests like the Kampala bombings in which non-Somalis (Kenyans) were used indigenous Kenyans continue to be a preferred choice by Al-Shabaab for conducting potential suicide operations outside Somalia as the case of Elgiva Bwire Oliacha 'Mohammed Seif' suggests.

Media file image of Elgiva Bwire Oliacha 'Mohammed Seif'



43. The Monitoring Group has received information that if accurate would imply that 'Mohammed Seif's' real intention in October 2011 was much more disturbing than attacking "soft targets" in Kenya. Information from multiple sources indicates that 'Mohammed Seif' may have considered becoming a martyr for Al-Shabaab. Testimonies from current and former Al Hijra members, a statement from a captured Al Hijra fighter returning from Somalia to Kenya, and an audio recording of a key Al Hijra facilitator of material support and resources, altogether substantiate the probability that 'Mohammed Seif's' return to Kenya was part of a plot to carry out a suicide attack.

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[96] http://www.bbc.co.uk/news/world-africa-15425447

[97] http://www.telegraph.co.uk/news/worldnews/africaandindianocean/kenya/8846390/Grenade-attack-on-Nairobi-pub-as-al-Shabaab-Somali-operation-intensifies.html

[98] http://www.youtube.com/watch?v=_YL8tlTvS58

[99] 'Mohammed Seif''s association with Al Hijra dates back as far as 2009, when he reportedly attended a lecture titled "Role of the Youth in Da'wah" delivered to Al Hijra (MYC at the time) by Sheikh Ali Bahero on 10 October 2009.See also MYC Symposium CD filmed by O I Video productions in association with Muslim Youth Center, Martib Center.

44. On 20 October 2011, five days before his arrest, 'Mohammed Seif' attended the Mushujaa Day celebrations at Nyayo Stadium in Nairobi, along with possibly between three to five other Al-Hijra members. Audio recordings about the event suggest what may have been 'Mohammed Seif's' real intention. Ibrahim Ramadan Hamisi 'Ruta', speaking to two Al Hijra fighters in Mwanza in Tanzania on 19 January 2013, at a meeting arranged to discuss the logistics of moving two Al Hijra fighters from one safe house to another in Tanzania, recalled his last meeting with 'Mohammed Seif':

> …He ['Mohammed Seif'] was in a Gormahia Jersey [Kenyan football club]. The other brothers rushed outside upon seeing what was happening. He also left the venue immediately after he had a brief chat with the mother. He never talked to the other brothers but he called them when he was already in the house. How the mother got the information on him I don't know. Upon discussing with the brothers and explaining to them about what had happened, he decided that he should continue with Da'wa instead of the Jihad. He and the other brothers decided that they would wait further instructions from Abu Zubeyr.[100] You know before that, he ['Mohammed Seif'] had undertaken some tasks here and there. The other brothers thought that he was now ready for Shahada because of the way he had handled the tasks.[101]

45. 'Ruta' then described how he had parted with 'Mohammed Seif', probably hours before his arrest, claiming:

> We ['Ruta' and 'Mohammed Seif'] met and left each other around midnight. I left him looking for a place to spend the night. The following day we hired a taxi and escorted him to Coast Bus stage. As usual, he was carrying a rucksack, which contained the cargo. Some of the brothers were of the idea that the cargo be opened and others were refusing. The issue generated a lot of disagreement among the brothers. He was to travel to coast. Upon our arrival he alighted and we left. He was arrested around 5:00am because we left one another around midnight. I remember the first time, we escorted to him to coast to board a bus using a taxi.[102]

46. The Monitoring Group believes that 'Ruta' was one of a few individuals who would have known 'Mohammed Seif's' main operational intent. A view also supported by "Rashid" a former Al-Shabaab fighter when he alludes 'Mohammed Seif's' possible suicide attack attempt by praising him that: "the last time Bwire ['Mohammed Seif'] outsmarted them [Kenyan security services] even though it looked like the security was tight during the Mushujaa day."[103]

47. In addition, audio recordings of 'Ruta' accessed by the Monitoring Group also substantiate his account of 'Mohamed Seif' noting that:

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[100] The Monitoring Group understand the "Abu Zubeyr" in this context is not the Al-Shabaab leader but most likely a Somalia-based 'Amir' who is also a "trainer", as described in an audio recording accessed by the Monitoring Group of a discussion of between 'Mwarabu' and others in Tanga on 26 February 2013.

[101] Audio recording of 'Ruta' at the Hotel La Kairo in Mwanza, Tanzania, dated 19 January 2013 and archived with the United Nations.

[102] Audio recording of 'Ruta' at the Hotel La Kairo in Mwanza, Tanzania, dated 19 January 2013 and archived with the United Nations.

[103] Audio recording of "Rashid" at the Hotel La Kairo in Mwanza, Tanzania, dated 20 January 2013 and archived with the United Nations.

> …When Bwire ['Mohammed Seif'] came back he had to check on the package. The brother had to be informed about him since he didn't know about him ['Mohammed Seif']. So he went to him and "Black" ["Duda Black"] was called by the brother. "Black" was skeptical about the brother who had accompanied "Taz" [Hussein Abbas Nderitu]. He told "Taz" I know that you have come to with someone to spy on me. Bwire had gone with "Taz" together to check on that package and that's why he was worried who "Taz" was. So upon his arrival, he immediately accepted to undertake the tasks. He did a few works here and there before his own mother set him up.[104]

48. On 13 November 2012, following the disruption of another potential large-scale terrorist attack in Mombasa and elsewhere involving Al Hijra members, security services arrested and interrogated Khubeib Aboud Rogo, the son of the late ideological leader of Al Hijra. During his interrogation, Khubeib Rogo claimed that Al-Shabaab had sent at least six suicide bombers to Kenya.[105] This testimony, albeit obtained under interrogation, is corroborated by another Al Hijra fighter returning from Somalia who was arrested on 6 September 2012, and who confirmed that 'Mohammed Seif' had been dispatched by Al-Shabaab as a suicide bomber.[106]

Plots against the State: President, Prime Minister and Parliament

49. Al-Shabaab aspirations to violently overthrow the Kenya state predate the Kenya Defence Forces official incursion into Somalia in 2011. In an audio from Somalia by Al Hijra's 'Amir' Ahmad Iman in December 2010, he warned the Kenyan government against its covert intervention under "Operation Linda Mpaka" [107] in stating that:

> …thinking with a man who says, "strap the bombs on me and let me blow myself up in the Parliament building of Kenya, let not anyone survive. Even Kibaki and his group of thieves, let them perish. I say strap the bombs and let no one survive and let Allah bless those brave ones who will attain paradise.[108]

50. The Monitoring Group has received uncorroborated claims that during 2012 Al Hijra/Al-Shabaab members conspiring with 'Makaburi' may have instigated plots against Kenya's former President and Prime Minister. From December 2012 to 1 March 2013, the Monitoring Group closely monitored the movements of a number of Al Hijra fighters retreating from Kenya to regroup in Tanzania and close to the Ugandan border. One such fighter was "Rashid", who had assumed the Tanzanian name of "Jacob Mtunzi Rwakatale".

51. Information received from a credible confidential source that had direct access to "Rashid" and who was responsible for the welfare and logistics of the group fleeing Kenya in Tanzania has described to the Monitoring Group "Rashid's" claims. On 24 January 2013, during a field mission to Tanzania, the Monitoring Group was briefed on a discussion in

[104] Audio recording of 'Ruta' at the Hotel La Kairo in Mwanza, Tanzania, dated 19 January 2013 and archived with the United Nations.
[105] While on remand in Shimo la Tewa prison in November 2012, the Monitoring Group had indirect access to Khubeib Aboud Rogo in terms of information leading up to his arrest. Some of Khubeib Rogo's audio information has been archived with the United Nations.
[106] Monitoring Group interview with law enforcement official, 24 November 2012.
[107] Restricted Directorate of Military Intelligence document detailing "Operation Linda Mpaka" obtained by the Monitoring Group in 2011.
[108] Muslim Youth Centre, "Unyonge Katika Ummah Wa Kiislamu part 2", accessed at http://www.archive.org/details/UnyongeKatikaUmmahWaKiislamu2

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which "Rashid" casually referred to his operations. According to "Rashid's" account, at an unspecified date but probably in the Monitoring Group's estimate between June 2012 and no later than 27 October 2012, he had been instructed by a senior Al Hijra/Al-Shabaab member named Titus Nabiswa 'Mwalim Khalid' to travel to Nyeri for the purpose of carrying out "surveillance" on the then President of Kenya, Mwai Kibaki.[109]Multiple independent sources have described 'Mwalim Khalid' as an explosives expert and "operational planner" who had dispatched tens of Al Hijra fighters from Somalia to carry out attacks in Kenya before his killing in October 2012.

52. As part of the "surveillance operation", "Rashid" described spending two weeks during frequent visits to Nyeri attempting to identify the president's routine and reporting back to 'Mwalim Khalid' and 'Makaburi'. "Rashid" further claimed that after the completion of his trips to Nyeri he was due to return, armed with grenades, with a small unnamed cell from Mombasa.

53. In addition to the President, former Prime Minister Raila Odinga also appears to have been the focus of 'Mwalim Khalid' and 'Makaburi'. "Rashid" claims he was responsible for carrying out "surveillance" on the Prime Minister while in Nairobi.[110]

54. During the course of its current mandate, the Monitoring Group has obtained sufficient information substantiating the threat that 'Mwalim Khalid' represented in terms of his intent and capability as a Kenyan Al-Shabaab 'Amir'. This has included information from officials knowledgeable about Al-Shabaab's threat capability in Kenya and the region, and testimonies from Al Hijra members, including audio recordings of a current Al Hijra fighter's assessment of 'Mwalim Khalid'. In addition, the Monitoring Group also notes that while some Al Hijra fighters had fled Somalia due to a lack of support and disaffection with Al-Shabaab, 'Mwalim Khalid's' return was more than likely based on operational necessity and his convictions in extending Al-Shabaab's 'Jihad' to Kenya. The Monitoring Group also notes the 'assessment/opinion' of Abu Mansour Al-Amriki on 'Mwalim Khalid's' return to Kenya: In a private message via social media to an Al Hijra member at 14:05pm on 13 January 2013, Al-Amriki claimed that 'Mwalim Khalid' had fled Al-Shabaab and Somalia due to disaffection.[111]

55. In or about June 2012, according to multiple sources, 'Mwalim Khalid' dispatched a group of Somalia-based Al-Hijra fighters to Kenya as part of Al-Shabaab's operations to destabilize the country. 'Mwalim Khalid's various plans included a plot to attack the Parliament of Kenya, according to a confidential source that had initial knowledge of it.[112] Key to the plot was a parliament worker, Ali Abdulmajid 'Ali Bodie', mentioned in a previous Monitoring Group report (S/2011/433)[113] and a long-time serving official of the PRMC. The Monitoring Group understands that 'Mwalim Khalid' attempted to persuade Ali

[109] Interview with source with direct responsibility for logistics for Al Hijra in Tanga, Tanzania, 24 January 2013.
[110] The Monitoring Group was informed during a meeting on 24 January 2013 in Tanga that "Rashid" had claimed the former Prime Minister had at times traveled in Nairobi without his security detail.
[111] Abu Mansour Al-Amriki – Al Hijra member private message dated 13 January 2013 at 2:05pm, accessed by the Monitoring Group.
[112] In December 2011, under interrogation by the Kenyan security services, the Al-Qaida-affiliated Jermaine John Grant claimed Al-Shabaab was planning to attack a number of targets in Kenya, including the Parliament of Kenya.
[113]S/2011/433, pages 140 – 147.

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Abdulmajid to assist with the plot.[114] Information about the parliament plot was also corroborated during a meeting in Tanga on 23 January 2013 in which "Rashid" alluded to being aware of it.[115] "Rashid" had fled Kenya to Tanzania in part for having accommodated 'Mwalim Khalid' on his arrival back from Somalia in or about the summer of 2012.[116]

56. On 28 October 2012, while travelling from Nairobi to Mombasa, most probably to coordinate further attacks in Mombasa, 'Mwalim Khalid' was intercepted at Mariakani, less than an hour from Mombasa. Photographic evidence obtained by the Monitoring Group indicates that 'Mwalim Khalid' was in possession of a small arms cache.[117]

57. Following his interception, 'Mwalim Khalid' led security services to an associate, Omar Faraj, hiding in Mombasa. This led, according to media reports, to a shootout that resulted in both 'Mwalim Khalid' and Omar Faraj being killed by the security services.[118]

58. Information received by the Monitoring Group suggests that after the killing of 'Mwalim Khalid' and his failed parliament plot, Al Hijra was forced to rethink its operations, particularly in Mombasa. Somalia-based Al Hijra fighter Athman Ahmed 'Mwarabu'[119] expressed the group's pragmatism succinctly during a discussion at a safe house in Mwanza, Tanzania, acknowledging:

> …we had planned everything. We were ready even before that. When Titus ['Mwalim Khalid'] was got [killed], it ruined our plans. But we didn't loose our morale. We started planning afresh.[120]

59. Almost a month later in November 2012, Kenyan security services again disrupted a plot involving Al Hijra members, including Khubeib Rogo, who had recently returned from Somalia, and Swaleh Abdulmajid, who in 2010 was arrested for attempting to travel to Somalia to join Al-Shabaab with UK national Michael Olumide Adebolajo.[121] Information received by the Monitoring Group and corroborated by serving members of Al Hijra, including indirect information accessed from Al Hijra members in Shimo la Tewa prison in November 2012, strongly suggests that the group had planned simultaneous attacks against

[114] The Monitoring Group has received uncorroborated information that suggests Tuwa Ibrahim Jibril 'Tafawa' was involved in the Kenya parliament plot.
[115] Interview with source with direct responsibility for logistics for Al Hijra in Tanga, Tanzania, 24 January 2013.
[116] The Monitoring is aware that Nairobi-based Al Hijra member "Abdi Mohamed" was central to the initials plans to deliberate on the regrouping of Al Hijra members/fighters to Tanzania.
[117] See annex 2.1.d.for Images of arms cache retrieved from Mwalim Khalid
[118] http://www.the-star.co.ke/news/article-93162/terror-suspects-killed-mombasa
[119] The Monitoring Group has received information from various credible sources that suggests Somalia-based Al Hijra fighter returning to Kenya 'Mwarabu' was a senior member of 'Mwalim Khalid's' group active in Mombasa in 2012.
[120] Confidential audio recording of 'Mwarabu, 'Ruta' and other in Mwanza, Tanzania, dated 19 January 2013 and archived with the United Nations.
[121] The Monitoring Group is aware that the individual claiming to be Michael Olumide Adebolajo was carrying a British passport (309276663).

multiple targets.[122] The Monitoring Group believes these targets may have included a church, a police station in Mombasa and other public facilities.[123]

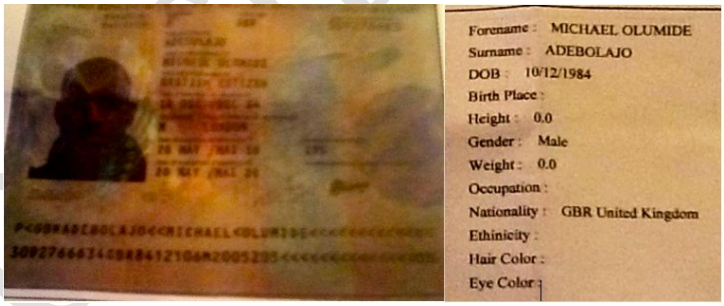
Mujahid Abu Hamza (Michael Olumide Adebolajo): Peripheral linkages

Media images of Adebolajo in May 2013 and arrested in Kenya, November 2010



On 22 May 2013, Michael Olumide Adebolajo who has since changed his name to "Mujahid Abu Hamza" along with Michael Adebowale carried out a violent attack against an off-duty British serviceman, Drummer Lee Rigby, in London as the soldier was leaving his army barracks. According to video footage of Adebolajo after the incident, Adebolajo claimed his motivation for carrying out the attack was inspired by the British Government's "injustice" against Muslims around world.[124]

In 2010, Adebolajo came to the attention of the Monitoring Group for his peripheral links to Al-Shabaab and individuals connected to Al Hijra (then called the Muslim Youth Centre).[125] While the Monitoring Group has received no evidence to conclude that Adebolajo was ever a member of Al Hijra or Al-Shabaab, his attempt to travel Somalia in 2010 and seek assistance from individuals linked to Al Hijra, including Aboud Rogo Mohamed, was indicative of his desire to become a member of Al-Shabaab.[126]



(Passport copy of Michael Olumide Adebolajo)

Information received by both serving and former members of Al Hijra suggests that

[122] The Monitoring Group was aware of credible reports circulating within Al Hijra circles during November 2012 that suggested Khubeib Rogo had returned from Somalia to avenge his father's death. The Monitoring Group also understands that Khubeib Rogo alluded to seeking revenge on behalf of his father during his interrogation by the security services.

[123] In December 2012, the Monitoring Group received a briefing from a law enforcement official on the possible targets of the November 2012 plot involving Khubeib Rogo and Swaleh Abdulmajid.

[124] http://www.guardian.co.uk/uk/2013/may/23/woolwich-attack-soldier-lee-rigby-mi5.

[125] http://terrorfreesomalia.blogspot.com/2010/11/laban-walloga-nation-relatives-of-six.html.

[126] British media reports have linked Michael Olumide the banned Al Majaroun linked to British cleric Anjem Choudary. See also http://www.thescottishsun.co.uk/scotsol/homepage/4940294/Cleric-Killer-my-pupil-but-cops-wont-nick-him.html.

during 2010 a large number of indigenous Kenyans had travelled to join Al-Shabaab in Somalia as part of the Muslim Youth Centre (MYC) contingent under the command of Ahmad Iman.[127] The Monitoring Group understands these included members of Al Hijra linked to Aboud Rogo Mohamed's Mombasa madrassa and a number of youths from Ukunda in Mombasa.[128]

On 21 November 2010, a group of six individuals, including five Kenyans, four of whom had been students at Aboud Rogo Mohamed's madrassa, and a British national were arrested in Kizingitini village on the island of Pate in Kenya.[129] The Monitoring Group can confirm that the British national among the group was Michael Olumide Adebolajo, the attacker of the London incident on 22 May 2013 along with his Kenyan associate Swaleh Abdulmajid.[130] Abdulmajid is the son-in-law of the late Aboud Rogo Mohamed and a Mombasa-based Al Hijra member and a close associate of the Al-Qaida affiliated Fuad Abubakar Manswab 'Fuad', who was allegedly planning simultaneous attacks in Mombasa and Nairobi, which reportedly resulted in security activities at the Jomo Kenyatta International Airport (JKIA) in November 2012.[131]

During Michael Adebolajo's interrogation by the Kenyan security services between 21 to 23 November 2010, Adebolajo claimed he had met the four members of Aboud Rogo's madrassa, including Abdulmajid, on a bus for the first time. Adebolajo's movements from his arrival in Nairobi at 6:25am on 21 October 2010 to his departure to Mombasa, which resulted in him meeting up with Abdulmajid and other members of Aboud Rogo's madrassa is still unclear to the Monitoring Group and being investigated. However, testimony from one member of the group, "Badi", and corroborated in part by other members strongly suggests Adebolajo had contributed funds to hiring a speedboat to travel to the villages of Faza and Kizingitini on the Pate island en route to Somalia.[132]

Despite Adebolajo and his Kenyan accomplices denying attempting to cross into Somalia to join Al-Shabaab, testimony attributed to Abdulmajid in 2010 and reviewing by the Monitoring Group in 2011 of his Facebook account, "Khattab Mujahid" strongly suggests Adebolajo and others were highly likely heading to Somalia to join the armed group.[133] In addition, the Monitoring Group is aware that at the time of Adebolajo's arrest, his accomplice Abdulmajid's password for his Facebook account was "alshabaab", suggestive of his ideological affiliation.

[127] In January 2011, the Monitoring Group worked in consultation with an independent organization focusing on Islamic radicalization that claimed at the time to be providing advice to the Kenyan authorities radicalization and recruitment.

[128] A testimony attributed to Khubeib Aboud Rogo the son of the late Al Hijra ideological leader claims he was part of a wave of indigenous Kenyans that traveled to Somalia in 2010 to join Al-Shabaab under MYC wing. Khubeib returned from Somalia in August 2012.

[129] The Monitoring Group has received credible uncorroborated information that the sixth individual "M" was a police source.

[130] Information accessed from PISCES (Personal Identification Secure Comparison and Evaluation System) records indicates Adebolajo passed through Kenya immigration at 6:25am on 21 October 2010 and exited Kenya at 8:59pm on 24 November 2010.

[131] In a testimony attributed to Swaleh Abdulmajid in November 2013 and corroborated by Al Hijra members, Abdulmajid claimed to be an associate of the Al Qaida affiliated Fuad Abubakar Manswab. The Monitoring Group is aware that Abdulmajid was responsible for passing on operational coded messages from Khubeib Rogo to Fuad Abubakar Manswab.

[132] Confidential report relating to suspect Al-Shabaab recruits dated 2010 archived with the United Nations.

[133] In February 2011, the Monitoring Group was able to audit Swaleh Abdulmajid's Facebook account. However, his account appears to have since been compromised and in use by an unknown person(s).

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Following investigations by the Kenyan security services of the group linked to Aboud Rogo, including Adebolajo they were charged under section 43 of the Kenyan penal code while Adebolajo was deported back to the United Kingdom leaving Kenya at 20:59pm on 24 November 2010.[134]

60. The Monitoring Group has recently learnt that the plot to launch simultaneous attacks in Mombasa on 19 November 2012 had also involved 'Mwarabu' and likely his associate Fuad Abubakar Manswab 'Fuad',[135] who identifies more with the cause of Al-Qaida.[136] In describing events leading up to the disruption, 'Mwarabu' claims:

> …Mohamed [Khubeib Rogo] went to tell his sister and when I left they started monitoring. There were other guys who had some stuff that could have been of good assistance to us. They were supposed to give us the stuff. Their problem was the time line. Abu [Abubakar Shariff Ahmed 'Makaburi'] then wondered why it should take us three years planning. Mohamed said what was there was not sufficient but we can utilize. Jande had gone for the wedding. I decided to call him and he told me that he had already left the wedding venue and he was in town. [137]

61. He further describes, after hearing about the disruption from his "boys",[138] that:

> When Bilal was arrested in Mombasa, my boys informed me that I should stay away because the police had raided their house. I moved the whole night until around 5am when the area was clam. The following day I travelled to Nairobi for a safe house.[139]

Crime and extremism: Al Hijra assassination attempt and explosives procurement

62. Perhaps due to the stress of reverses and more likely out of fear of the Kenyan security services uncovering their safe havens and plots, Al Hijra members, together with Fuad Abubakar Manswab 'Fuad', considered retreating from Kenya and regrouping in Tanzania, or in a worst case scenario, travelling to Mali to join the newly emerging 'Jihad' front.[140] Information received by the Monitoring Group from a credible confidential source with direct access to the Al Hijra Nairobi-based 'Amir', Issa Mugai 'Carragher', described a plausible explanation for the decision to retreat from Kenya. According to 'Carragher', the successive disruption of operations by Kenyan security services and the arrests and unexplained disappearances and killings that followed, had divided Al Hijra fighters returning from Somalia and their Kenya-based associates into three groups. A first group of

[134] The Monitoring Group understands that section 43 of the Kenyan penal code relates to "security for keeping the peace and for maintaining good behavior".
[135] The Monitoring Group is aware that testimonies from Swaleh Abdulmajid and Khubeib Rogo both linked Fuad Abubakar Manswab to the planned Mombasa attacks of November 2012.
[136] While 'Fuad' had worked on a number of plots with 'Makaburi' and Al Hijra members, individuals, including 'Makaburi', viewed 'Fuad' more as Al-Qaida than "Haraka" (Al-Shabaab).
[137] Confidential audio recording of 'Mwarabu, 'Ruta' and other in Mwanza, Tanzania, dated 19 January 2013 and archived with the United Nations.
[138]Following the disruption and arrest on 13 November 2012 of some of the suspects linked to the simultaneous planned attacks for a possible 19 November 2012 attack in Mombasa and elsewhere, the Monitoring Group was briefed by a law enforcement official on the identity of the suspects in which "Bilal" was named.
[139] Confidential audio recording of 'Mwarabu, 'Ruta' and other in Mwanza, Tanzania, dated 19 January 2013 and archived with the United Nations.
[140]Uncorroborated information suggests that the Al-Qaida-affiliated 'Fuad' had proposed the suggestion of joining the 'Jihad' in Mali.

Al Hijra members had become fearful of the Kenyan government's kinetic counter-terrorism pushback against Al-Shabaab activities in Kenya and had essentially given up on carrying out attacks. A second group was still committed to prosecuting Al-Shabaab's "war" against Kenya but lacked logistical funds to sustain itself.[141]A third group was still determined to act on behalf of Al-Shabaab regardless of its current state but pragmatically opted to regroup outside Kenya. The sentiments of the second and third group are clearly expressed by Somalia-based Al Hijra fighter 'Mwarabu', who at the time was wanted by Kenyan security services for plots to attack Kenya in December 2011:

> If only these rich guys [financial sponsors] could give us [Al Hijra] the resource I would go on hitting [attacking]. Me at one point I would have a squad of 30 men to train. I'm telling you I would give these guys thorough training. Cortez [Amadi Ali (a.k.a. Abu Farid)] would undertake such a mission. If they could only provide the resource such as vehicle – then let them complain if my missions will fail. I have told the boys I was not afraid and my photos are out there and if you want to set me up, then they should go ahead. I have been trained on weapon handling and assembling and assassination. This was now my mission to give them a good training on the same.[142]

63. In spite of the serious attempts and preparations by some Al Hijra fighters to retreat, in Mombasa and Kamiti on the outskirts of Nairobi, 'Makaburi' and a group of others, including the Al-Qaida affiliated Jermaine John Grant,[143] Thabit Jamaldin Yahya 'Bobby' and Ibrahim Ramadan Hamisi 'Ruta' continued to meticulously prepare new plots to attack Kenya on behalf of Al-Shabaab.

64. Since November 2012, the Monitoring Group was regularly briefed, indirectly by Al Hijra members in prison in Mombasa and serving Al Hijra members based in Nairobi, on two separate but interlinked plots that were largely directed by 'Makaburi' and monitored from Somalia by Ahmad Iman,[144] the Al Hijra 'Amir' and Al-Shabaab's official representative for Kenya. The plots included a plan to assassinate a Kenyan Anti-terrorism Police Unit (ATPU) investigating officer for a number of Al-Shabaab-related trials in Mombasa, including the case of Thabit Jamaldin Yahya 'Bobby', and a plan to procure explosives in Tanzania for transportation to Kenya for an attack initially scheduled around the time of the Kenyan elections.[145] The above plots mark a higher level of planning and coordination between Al-Shabaab in Somalia and it regional affiliates both in Kenya and Tanzania in planning to carry out violent attacks and may signify a new alarming trend.

Officer "X": The ATPU Plot

[141] Audio recordings accessed by the Monitoring Group of a Somalia-based Al Hijra fighter returning to Kenya indicates that towards the latter part of 2012, there were frantic attempts to seek funding for Kenya-based operations by Al-Shabaab/Al Hijra planner "Mwalim Khalid" before his killing in October 2012.

[142]Confidential audio recording of 'Mwarabu,' at a safe house in Tanga, Tanzania, dated 26 February 2013 and archived with the United Nations.

[143] The Monitoring Group's understanding of Jermaine John Grant, like his associate 'Fuad, is that he identifies more with the cause of Al-Qaida than with Al-Shabaab.

[144] Information suggests that 'Makaburi' has used "Umm Sahl" (Omar Awadh's wife) to communicate with Ahmad Iman in Somalia.

[145] The Monitoring Group is aware that during this period there were indications that some Al Hijra members, including Jermaine Grant, were planning to escape from Shimo la Tewa prison.

65. The Monitoring Group was aware for some time from multiple sources and audio recordings that Al Hijra members considered Kenyan ATPU officers as legitimate targets. 'Ruta', who claimed to have kept a log of vehicle registration numbers of ATPU officers, stated:

> …do you know what? I was thinking about ATPU [Anti-Terrorism Police Unit]. If two or three officers could have been killed we [Al Hijra/Al-Shabaab] could be in a better place. There is one officer called Bwonya who is an investigation officer in our case he has been away for six months.[146]

66. On 16 October 2012, Thabit and his close associate Jermaine Grant, while in remand at Shimo la Tewa prison in Mombasa, telephoned a female Al Hijra member in Nairobi.[147] The initial discussion centred on 'Jihad' and the possibility of female members travelling to Somalia, but a series of subsequent visits to Shimo la Tewa prison became the basis for the initial planning stages of a plot to assassinate an ATPU officer known to the Monitoring Group as officer "X".[148]

67. On 16 November 2012, the trusted Al Hijra courier "R" described a meeting she had with Andrew Mwita Chacha 'Chacha', the trusted "legal representative" of Al Hijra with access to Ahmad Iman in Somalia.[149] According to "R", 'Chacha' briefed her on her next visit to Mombasa, where she would be meeting Thabit.[150]'Chacha' informed "R" that he had made arrangements for her to meet and discuss with Thabit in private in court, and that she would need to bring a notebook to take down instructions. Similarly, "R" claimed she was briefed on her possibly meeting Jermaine Grant in court or in prison, if it could be arranged.[151]

68. A week later on 21 November 2012, "R" and 'Chacha' met with Thabit.[152]The Monitoring Group has obtained the original "instruction notes" of this meeting, during which Thabit and 'Chacha' informed "R" that 'Makaburi' had requested the assistance of Al Hijra in procuring 3 'kids' (firearms).[153] The firearms would be used in an operation that would later be explained to "R" and other Al Hijra members. In order to begin communicating

[146]Audio recording of 'Ruta' at the Hotel La Kairo in Mwanza, Tanzania, dated 19 January 2013 and archived with the United Nations.

[147] Monitoring Group understands that both Thabit and Grant had used the mobile number +254 707 632 428 from Shimo la Tewa prison in Mombasa, Kenya. The Monitoring Group also understands that Jermaine Grant had used another mobile number, +254 700 801 025, from either Kamiti Maximum or Shimo la Tewa prison.

[148] The Monitoring has decided it would be inappropriate to name the ATPU officer in question and has therefore not named the officer.

[149] The Monitoring Group is aware that 'Chacha' has indirect access to Ahmad Iman in Somalia through a female logistician known by the Monitoring Group to identify more with Al-Qaida due to her husband's former links to suspected Al-Qaida in the Islamic Maghreb (AQIM) members. The woman's husband was also alleged to have been involved in the 2010 Kampala bombings in Uganda.

[150] From October 2012 to date, "R" has had regular, indirect and direct, access to Thabit.

[151] The Monitoring Group's understanding of "R's" instructions regarding Jermaine Grant were that she would meet him in order to pass on a message and update him on the ATPU plot. "R" was also instructed that when meeting Grant to carry along a Kenyan Daily Nation newspaper.

[152] The Monitoring Group understands that unnamed court officials had assisted in the facilitation of this meeting.

[153] See annex 2.1.e for "notes".

"securely" with Thabit and others in Shimo la Tewa prison, as well as 'Makaburi's' interlocutors,[154] "R" was give the following set of codes:

a	**e**	**i**	**o**	**u**	**m**	**k**	**b**	**p**	**l**	**w**
7	3	9	5	1	2	#	8	6	*	4

F	**G**	**H**	**I**	**J**	**K**	**L**	**M**	**N**	**O**
0	1	2	3	4	5	6	7	8	9

69. On returning to Nairobi on 22 November 2012, "R" received a coded message from Thabit on behalf of 'Makaburi' that read:

> 1*3 7t61 727d43 which in Kiswahili meant: Ule ATPU amhadwe and (roughly) in English: that ATPU [Anti-Terror Police Unit officer] should be finished [killed].[155]

70. According to "R", days later Thabit called from Shimo la Tewa prison requesting her to contact a close associate named "Jah Rule", who would be able to facilitate the 3 'kids' (firearms) to be used in 'Makaburi's' operation to assassinate officer "X". Information received by the Monitoring Group suggests that "Jah Rule"[156] is a member of the Nairobi criminal fraternity and not a member of Al-Shabaab or Al Hijra.[157]According to "R" and confirmed by 'Makaburi', during a subsequent operational meeting in Mombasa,[158] once "Jah Rule" had facilitated the firearms, they would either be transferred to 'Makaburi' in Mombasa by "R" or another person known to the Monitoring Group as "Jembe".[159]

71. In a bid to receive an update on his operation and brief some of his co-conspirators, in or about 8 December 2012,[160]'Makaburi' asked Chacha' to facilitate a meeting with "R" in Mombasa that would coincide with Thabit and Jermaine Grant's next court date.[161]By this time, "Jembe", one of the designated "transporters" of the firearms, had already received "Jah Rule's" contact details that had identified the firearms for 'Makaburi'.[162]

72. On 17 December 2012 in Mombasa, 'Makaburi' met with some of his co-conspirators, including, "R", 'Chacha' and "Jembe" to offer his thoughts and guidance on the plot.[163] The plot to assassinate officer "X" was indeed his plan and not as some believed

[154] Throughout the mandate the Monitoring Group has observed 'Makaburi' develop complex communication methods between himself and Al Hijra.
[155] Coded message received, 22 November 2012.
[156] The Monitoring Group is aware "Jah Rule" had used the mobile number +254 721 511 003 during the months of November and December 2012 before his "disappearance".
[157] Briefing by law enforcement official, December 2012.
[158]On 20 December the Monitoring Group had the opportunity to receive a briefing from "R" on her operational meeting with 'Makaburi' on 16 December 2012 in Mombasa.
[159]The Monitoring Group is aware "Jembe" had used the mobile number +254 752 221 959 during the months of November 2012 to January 2013.
[160] The Monitoring Group was aware that, around 4 December 2012, there appeared to be a sense of urgency for the plotters to meet 'Makaburi' and for Jermaine Grant to meet with "R" who was supposed to carry a newspaper along to the meeting.
[161] The Monitoring Group understands that Jermaine Grant's court date was listed around 18 December 2012.
[162] According to information received from a source directly involved in the plot, "Jah Rule" was currently in the process of identifying the firearms for 'Makaburi'.
[163]The Monitoring Group is aware that in addition to Thabit Jamaldin Yahya 'Bobby' and Jermaine Grant both in prison being involved in the plot, Thabit had alluded to another cell to "R" but who are unknown.

Thabit's.[164] 'Makaburi' reminded the co-conspirators that Thabit was in Shimo la Tewa prison and therefore his operational capacity was limited. Concerning the transport of the firearms, 'Makaburi' noted for operational reasons he had changed his mind on the designated "transporter" of the arms to Mombasa. The Monitoring Group believes that on reflection the conspicuousness of "Jembe"[165] would draw unwanted attention if he were to travel to Kiberia in Nairobi to pick up 3 firearms and then transport them to Mombasa.[166] Plus, in spite of "R" being a trusted and experienced Al Hijra/Al-Shabaab courier, her unfamiliarity with firearms, like other Kenya-based female couriers, would be a disadvantage combined with a security risk that 'Makaburi' was most likely unwilling to undertake.

73. According to 'Makaburi' during the meeting, officer "X's" house in Mombasa had been identified and was under surveillance but noted that the officer's pattern of movements had changed, indicating officer "X" may have been aware of a plot against him.[167]

74. As the planning progressed into January 2013, a sense of urgency became apparent when Thabit and 'Makaburi' opted to pursue a "plan B" in terms of procuring the 3 firearms required for the assassination. "Jah Rule" had become unreachable during this period. However, on 1 January 2013 at 17:59, Thabit from prison contacted a female Al Hijra member, who has regular access to Ahmad Iman in Somalia via phone, and informed her that an alternative plan was being pursued with another local criminal known as "Doctor", stating: "if it works we will go with the Doctor."[168]

75. On 12 January 2013 at 7:30pm, "R" met with "Doctor" who informed her he had identified 3 firearms (Ceska's) but would need to finalize the cost.[169] However, on the same day at 9:32pm, Thabit on behalf of 'Makaburi had opted to entrust the logistics of the operation to 'Ruta', who was now assigned to assist "R". In his telephone call, Thabit noted that: "Roots ['Ruta'] will help her ["R"] out and Ali ["Ali Juma Salim"] will talk with the "Doctor."[170] The Monitoring Group believes the operational decision to include 'Ruta' at this stage was more likely connected to 'Ruta's' meeting in Mombasa with 'Makaburi'. On 27 January 2013, 'Ruta' had met 'Makaburi' who had tasked 'Ruta' to return to Nairobi to procure a consignment of AK-47s to be used in another, related plot that appears to have had the backing of Al-Shabaab. By 6 February 2013, 'Ruta', during a meeting on the logistics of the weapons that would have by now been procured from Garissa, could be heard in an audio recording accessed by the Monitoring Group that despite his current court case he: "will

[164] The Monitoring Group is aware that many Al Hijra members based in Kenya are of the view that Thabit acts independently of 'Makaburi' due to his reported chain of command being in Somalia. Despite this uncorroborated assertion, Thabit at 18:33 pm on 30 December 2012, in a 'secure phone' discussion archived with the United Nations noted: "I work with you [close Ahmad Iman associate] and I work with Buda [Abubakar Shariff Ahmed 'Makaburi'].

[165] "Jembe" as described to the Monitoring Group is of European extraction.

[166] According to sources with direct knowledge of "Jembe's" activities, he is reported to be a known person to the security services.

[167] The Monitoring Group is currently investigating claims that 'Makaburi' and 'Mwalim Khalid' prior to his killing had mapped out locations and residences of a number of ATPU officers stationed in Mombasa.

[168] Confidential source: Thabit 'secure phone' discussion at 17:59 pm, dated 1January 2013 and archived with the United Nations.

[169] According to "R", the "Doctor" is also known in Majengo as "Salim". The Monitoring Group understands "Salim" had used the mobile number +254 728 662 275 during January to February 2013.

[170]Confidential source: Thabit 'secure phone' discussion at 21:32 pm dated 12January 2013 and archived with the United Nations.

continue with his activities [acting on behalf of Al-Shabaab] whether they [Government of Kenya] like it or not."[171]

76. On 23 February 2013, in a meeting in Mombasa to discuss a related and more daring plot to transfer explosives into Kenya by 'Makaburi' and Al Hijra members, 'Makaburi' met with both "R" and 'Ruta'. Information received by the Monitoring Group by a confidential source present at the meeting describes 'Makaburi's' update on the ATPU plot. 'Makaburi' still intended to continue with the plot and had been looking for someone to execute the plan, but he had also discovered that officer "X" had recently moved to a new a residence.

77. The Monitoring Group has learnt that a week later in March 2013, days before the Kenya elections on 4 March 2013, the Tanzanian security services in cooperation with their Kenyan counterparts disrupted an operation by Al Hijra fighters and 'Makaburi' to transfer explosives into Kenya. It is the Monitoring Group's assessment that this disruption of the explosives plot in addition to 'Makaburi's' claim of not being able to immediately find someone to execute his assassination plot may have led to Al Hijra and 'Makaburi' aborting the plan to assassinate officer "X". Al Hijra's brazen attempt to move beyond "soft targets" to actively demonstrating its ability to carry out Al-Shabaab styled assassinations in the region continues to remain a worrying trend by the affiliate.

Transferring explosives from Tanzania

78. In early 2013, Tanzanian security services in partnership with the Kenyan security services disrupted a conspiracy to transport explosives into Kenya that would have been used in a potential terrorist attack against the Kenyan state. The plot was essentially authorized and directed by 'Makaburi', with the support of Thabit and, remotely, Jermaine Grant. It also included a multi-layered number of Al Hijra members and also had the backing and foreknowledge of Al-Shabaab through Al Hijra 'Amir' Ahmad Iman and other unknown Al-Shabaab associates.

Background: couriers, procurers and facilitators

Image of Abdallah Kilume (Al-Shabaab/Al Hijra courier)



[171] Confidential audio recording of 'Ruta' dated 6 February 2013 archived with the United Nations.

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79. Procuring explosives for terrorist purposes had always been an essential part of Al-Hijra and 'Makaburi's plans as part of Al-Shabaab's spectacular and large-scale plots against Kenya. However, a confluence of circumstances occurred in or around November 2012 that resulted in 'Makaburi' and Al Hijra actively seeking to procure explosives from Tanzania for the purpose of carrying out terrorist activities in Kenya in or around March 2013.[172] Circumstances, such as the reactivation of Al Hijra couriers ("Mizigos"), the arrest of a Somali-Tanzanian at the Kenyan border and the pragmatic decision of reportedly Al-Qaida-affiliated 'Fuad' and Al Hijra members to regroup in Tanzania, together led to an attempt to procure explosives.

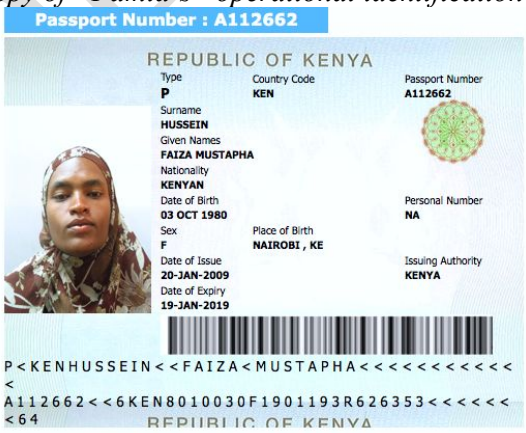
80. In its previous report,[173] the Monitoring Group described the operational and logistical role of mainly female Al Hijra couriers' in supporting both Al Hijra fighters in Somalia and Al-Shabaab members.[174] Following the successful operation in Tanzania of transporting a bag full of various operational contents to Kenya,[175] which was handed over by the Al-Qaida-affiliated Emrah Erdogan (a.k.a Salahuddin al-Kurdi) to an Al Hijra courier,[176] some members of the couriers' cell adopted a low profile. This was due to the arrests of two Al Hijra couriers, Abdallah Mwasike Kilume and Asha Ramadhan Musaand, and an Al-Shabaab courier named "Diramu Waristu Guyole" (a.k.a. "Madina"), who had been mentioned in a previous Monitoring Group report.[177] Both Abdallah and Asha had previously transported IED components for Al-Shabaab and Al Hijra to Garissa.[178]

"Famia": Profile of an Al-Shabaab/Al Hijra courier

Image of "Famia"



Copy of "Famia's" operational identification



"Famia" Mustapha Hussien is a trusted and experienced female courier for Al-Shabaab/Al

[172] Multiple reporting from various credible sources has suggested that both Al Hijra and 'Makaburi have been seeking explosives for terrorist attacks.
[173] S/2012/544, strictly confidential annex.
[174] While a role predominantly carried out by females, the Monitoring Group has identified a number of male couriers.
[175] S/2012/544, strictly confidential annex 3.1.
[176] http://humor.somaliradis.com/turkish-islamist-from-germany-arrested-in-tanzania
[177] S/2012/544, strictly confidential annex 3.1.
[178] Interview with Al Hijra member with direct knowledge of Abdalla's activities prior to his arrest dated 14 February 2012.See annex 2.1.f on IED assembling components seized from "Dalla".

Hijra. Her role is similar to another well known but former Al-Shabaab courier known to the Monitoring Group as "Pinkie" (a.k.a. "Firdaus").[179]According to an audio recording accessed by the Monitoring Group, "Famia" is known to use the operational name "Faiza Mustapha Hussein":[180]

> Even my phone seems to be getting me into trouble I am going to discard it. Once my new identification card comes out with the name Faiza Mustapha I'll get rid of that phone because I can get caught. People are being caught because of their identity. I'm getting all plus even a passport.[181]

The Monitoring Group can also confirm that her operational identity not only includes the name "Faiza Mustapha Hussein",[182] but also entails the use of Kenyan passport number A112662, which replaced passport number A520278,[183] and national identification number: 27809887, both belonging to her deceased sister.[184] A former resident of Majengo in Nairobi who later moved to Garissa for operational reasons, "Famia" is currently functioning in Mombasa providing support ranging from funding to offering safe havens for members of Al-Shabaab and Al Hijra.[185]

On 7 June 2012, Al-Shabaab/Al Hijra courier "R" returned to Nairobi after picking up a package destined for Somalia from the Al-Qaida-affiliated Emrah Erdogan in Dar es Saalam. Between at least in or about July 2012, leading up to about September 2012, the package handed to "R" containing operations items for another Al Qaida affiliated Egyptian known as "Hakim" had reached its destination in Somalia.[186] The Monitoring Group has recently discovered that the package delivered by Erdogan in Tanzania on 6 June 2012 was subsequently transported to Somalia by another Al Hijra/Al-Shabaab female courier.[187] Audio recordings accessed by the Monitoring Group of a discussion between "Famia" and another courier on 4 April 2013 in Mombasa clearly indicates that she had travelled to an unknown destination in Somalia from Garissa to deliver the package to a person "Famia" claims to be a stranger.[188] "Famia", according to a confidential source familiar with the Erdogan package and also corroborated in part by "Famia" herself, has travelled to Somalia on operations more than once:

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[179] Information received indirectly from Thabit but corroborated by 'Ruta' suggests that "Pinkie" is the daughter of a serving Kenya Defence Forces (KDF) official.
[180] The Monitoring Group is aware that "Famia" is reportedly currently looking for a new operational passport.
[181] Confidential audio recording of "Famia", 'Ruta' and other, dated 17 March 2013 and archived with the United Nations.
[182] "Phaiza" is used as a variation of "Faiza" in "Famia's" operational passport.
[183] The Monitoring Group is aware that as at May 2013, "Famia" had been using Kenyan mobile number + 254715119901 which had been registered under the name of Faiza Mustapha using Kenyan passport number A112662.
[184] The Monitoring Group has been unable to ascertain the date of death of "Famia's" late sister "Faiza Mustapha Hussien.
[185] Recently, the Monitoring Group has observed "Famia" residing concurrently in Nairobi for short periods of time.
[186] Emrah Erdogan's package had included various operational components including an Egyptian passport, NGO stickers and items most likely to be used in assembling an IED.
[187] The Monitoring Group can confirm the bag with operational contents from Emrah Erdogan was handed over from Abdallah Mwasike Kilume to "Famia".
[188] Confidential audio recording of "Famia" and other, dated 4 April 2013 and archived with the United Nations.

> …we had to go through an even worse route. In fact that day we were almost 8km more to enter Somalia. I was actually deported there. I'm normally so scared of getting arrested.[189]

In or about September or October 2012, "Famia" relinquished her accommodation in Mombasa to be used as a "safe house" for Al Hijra fighters returning from Somalia. The Monitoring Group understand by "Famia's" own admission that the Al Qaida East Africa-affiliated 'Fuad' had stayed at her accommodation.[190]

"Famia's" provision of a "safe house" predates her support in Mombasa. In early September 2012 she had secretly accommodated Al Hijra fighters Athman Ahmed 'Mwarabu' and Ashraf Yassin Abdurrahman 'Migdad' in Garissa and facilitated their release from a brief detention by paying a 200 USD (15,000 Kenyan Shillings) bribe to Garissa police.[191]

"Famia's" strong determination in supporting 'Jihad' and her role as a cross-border courier for Al-Shabaab and Al Hijra has earned her the respect of fellow Kenyans fighting in Somalia. In 2012 "Famia" claimed that 'Migdad' had offered her a special assignment:

> …he had told me something and gone straight to the point. He told me, Famia? You are very hardworking and you support Jihad and I agreed with him and then he asked me if I was ready to carry out an assassination. I told him I would think about it…he went on to say this time they need a female to carry out the new job that's coming up. So he asked me to look for another female who can help me carry out the job. He said we will be sending you things that you will just be putting in a drink. That one you need not worry because Allah will forgive you for that.[192]

Series of audio recordings obtained by the Monitoring Group of "Famia" are consistent with independent testimonies of her source of funding that continues to be channelled to Al Hijra members and other extremists. Based on "Famia's" admission to a fellow Al Hijra courier, the Monitoring Group is confident that not only has "Famia" but also her UK-based parents knowingly funded Al Hijra and Al-Shabaab members.[193] Through Famia from her UK-based parents, both Al Hijra and Al-Shabaab have apparently received funds from the United Kingdom.[194] According to a credible source familiar with "Famia's" activities, her father, Mustapha Hussien, a Kenya passport holder (A191623),[195] and mother, Fatuma Gulam, also a Kenyan passport holder (A349219), both using UK mobile numbers +447448 596 377 and +447405 121 730, have also funded 'Makaburi' to transport new recruits to Somalia.[196]

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[189] Confidential audio recording of "Famia", 'Ruta' and other, dated 17 March 2013 and archived with the United Nations.
[190] Confidential audio recording of "Famia" and other, dated 4 April 2013 and archived with the United Nations.
[191] During his interrogation by security services, Ashraf Yassin Abdurrahman 'Migdad' admitted to "Famia" accommodating both him and Athman Ahmed 'Mwarabu'.
[192] Confidential audio recording of "Famia" and other, dated 4 April 2013 and archived with the United Nations.
[193] The Monitoring Group is currently attempting to confirm the residency status of "Famia's" parents in the United Kingdom.
[194] The Monitoring Group is currently attempting to verify if Mustapha Hussien still has any contacts with his former associate Ahmad Iman.
[195] The Monitoring Group is aware the passport may have expired.
[196] Interview, Nairobi, 13 April 2013. In April 2013, the Monitoring Group accessed the immigration file of Faiza Mustapha Hussien, which also contained the passport details of her parents (Mustapha Hussein and Fatuma Gulam). While conducting a PISCES (Personal Identification Secure Comparison and Evaluation

81. In November 2012, Issa Mugai 'Carragher', the Nairobi-based Al Hijra 'Amir', met with a trusted Al Hijra courier to update her on the details of an upcoming Al Hijra – PRMC meeting that would require the assistance of the Al Hijra couriers. The Monitoring Group has since learnt that the meeting concerned an Al Hijra fighter returning from Somalia by the name of "Nurudin"[197] that was killed with another person in Mombasa and new measures of assisting the Somalia-based returning fighters.[198]

82. Subsequently on 4 December 2012, 'Carragher', acting on behalf Al Hijra and PRMC, and 'Ruta' again met with the same member of the courier cell. Following an explanation of the state of the Al Hijra fighters returning from Somalia, which 'Carragher' claimed to be around thirty currently divided into three groups,[199] the courier was informed that one of the groups would need to be relocated to secure safe houses, preferably in Tanzania.[200]

83. On 8 December 2012, the courier met with 'Carragher' and 'Ruta' who were both delivering a message from PRMC that it had decided to contribute to the regrouping of the Al Hijra fighters in Tanzania but on the condition that 'Ruta' be assigned to the couriers. The courier was also told to expect seven returning fighters to be relocated to Tanzania. Details and identities of the returning fighters had remained unknown until 13 December 2012, when it was disclosed that some of the fighters included Athman Ahmed 'Mwarabu',[201] Ali Masadiq 'Masadiq', "Budalangi" and the Al-Qaida-affiliated 'Fuad'.

84. Around this time while Al Hijra and the PRMC were in the process of attempting to identify and transport Al Hijra fighters to Tanzania, Thabit on behalf of 'Makaburi' was independently inquiring about the possibility of locating a "safe house" in Tanzania. In a discussion that initially began over two days between Thabit in Shimo la Tewa prison and a close associate of Ahmad Iman from 3 to 5 December 2012, Thabit asks: "How well do you know Tanzania?" while stating through a coded message:

> 43 7*s5 n33d t5 81y x6*5x9vs fr2 th37 which translates into: We also need to buy xploxivs [explosives].[202]

85. By the end of the initial discussion, Thabit was requesting a "safe house" or as he put it: "do you know what a safe house is…*bait ul amni* in Arabic"[203] in Tanzania and asking for a: "isolated big [house] with a compound somewhere police don't patrol and the last place

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System) search in May 2013 on Mustapha Hussien and Fatuma Gulam, Mustapha's passport search conflicts with the current records for an individual named "Mary Magiri Mungai" while Fatuma's passport shows no trace within PISCES.

[197] The Monitoring Group is aware that "Nurudin" was the 'adopted brother' of 'Carragher' the Nairobi-based Al Hijra 'Amir'.

[198]Monitoring Group interviews in Nairobi, November 2013.

[199]Kenya National Intelligence Service (NIS) in November 2012 estimated around 100 fighters had returned to Kenya in support of Al-Shabaab.

[200]The Monitoring Group was informed that a key condition was that the group must travel through the Isebania border to Tanzania. Monitoring Group interview with Al Hijra courier, 4 December 2013.

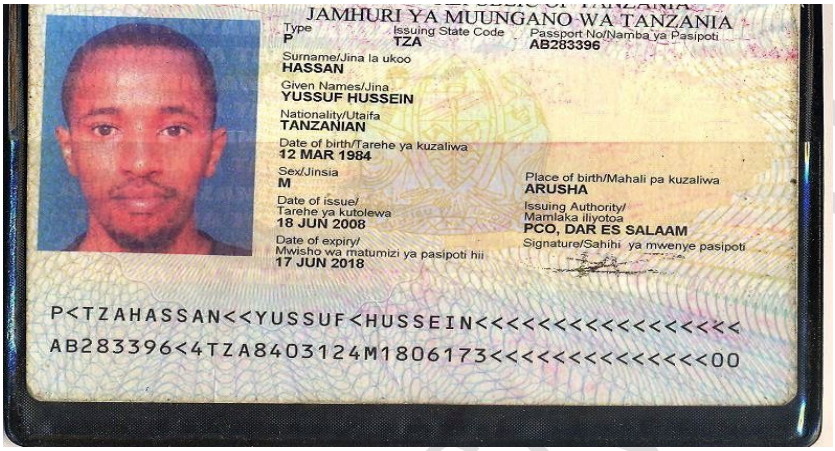
[201] The Monitoring Group notes that on 13 December 2012, the Al Hijra courier was informed that the group included an "Arab" who later turned out to be Athman Ahmed.

[202]Confidential source: Thabit 'secure phone' discussion at 19:14 pm, dated 4December 2012 and archived with the United Nations.

[203]Confidential source: Thabit 'secure phone' discussion at 18:54pm, dated 5 December 2012 and archived with the United Nations.

they will search when looking for a lion [Al Hijra/Al-Shabaab member]."[204] However, unbeknownst to most Al Hijra members, and only a select few in Shimo la Tewa prison, and most likely 'Makaburi', were aware of a potential facilitator, a Somali-Tanzanian who claimed to have access to explosives in Tanzania.

Yusuf Hussein Hassan: Facilitator or 'businessman'?



Probably on 28 January 2012, according to South African immigration records, Yussuf Hussein Hassan a Somali-Tanzanian travelled to South Africa using a valid Tanzanian passport (AB283396) expiring in 2018. However, in an attempt to depart South Africa on 13 September 2012, Yussuf visited the Tanzanian High Commission in Pretoria to apply for an emergency travel document claiming his passport (AB283396) was lost.[205] After being issued with a travel document (AB09325872) valid for travel in East and Southern Africa for one year, Yussuf departed for Mombasa, Kenya. Departing South Africa on 17 September 2012 and travelling through Zambia and Dar es Salaam, Yussuf arrived at Lunga Lunga border, Kenya, on 21 September 2012.

The Monitoring Group has learnt following an interview with Yussuf that while in transit in Tanga, a town in Tanzania approximately one hour to the Kenyan border, he had made several calls to a family friend named Mzungu Kadzungu Mwamunga 'Mohamed'. According to Yussuf, but later denied by 'Mohamed', he had made prior arrangements to meet 'Mohamed' at the Kenyan immigration border control at Lunga Lunga in order to find him a local hotel before departing to Mombasa the following day.

Interviews with Kenyan immigration officials in addition to PISCES (Personal Identification Secure Comparison and Evaluation System) records confirm that Yussuf was cleared by immigration using his travel document (AB09325872) and did not disclose his valid passport. However, during a routine check at the custom baggage hall,

[204]Confidential source: Thabit 'secure phone' discussion at 18:58pm, dated 5 December 2012 and archived with the United Nations.
[205] See annex 2.1.g for copy of Yussuf's temporary travel document.

custom officials found secreted away in Yussuf's luggage a bulletproof vest and two woollen mask hoods, as well as his valid passport (AB283396).[206]

During Yussuf's interrogation by the security services he claimed the bulletproof vest had been transported from South Africa for Mzungu Kadzungu Mwamunga 'Mohamed', a claim that 'Mohamed' has since denied during an interview with the Monitoring Group.[207]

It is the Monitoring Group's assessment that during Yussuf's interrogation he had given false statements, a fact he later admitted to the Monitoring Group, claiming he had done so out of fear.[208] Yussuf had, however, accurately declared he had previously worked in a Tanzanite mine own by his parents in Mererani in Tanzania.[209]

It is still unclear and whether it was intentional to allow Yussuf to congregate with Al Hijra and Somali pirates in Shimo la Tewa prison during his time in prison between 24 September 2012 and 10 December 2012. Yussuf however, began to conspire or at worse, entertain the financial prospect of procuring explosives from either his family-run Tanzanite quarry or exploiting his knowledge of the mining sector in Tanzania.[210]

86. The Monitoring Group is still attempting to ascertain the actual details of what was agreed upon prior to Yussuf Hussein Hassan's departure from Shimo la Tewa prison with Thabit on behalf of 'Makaburi'. However, Thabit, in a message to a female Al Hijra member, asks: "…remember the brother from Tanzania [Yussuf Hussein Hassan] who was here [Shimo la Tewa prison] you said you knew his wife. How well do you know her?"[211] Later in the conversation, Thabit makes clear his intention and probably what had been agreed prior with Yussuf before his departure from Shimo la Tewa prison: "I'm trying to find a way to get the fireworks [explosives]. He [Yussuf Hussein Hassan] said his mum has a mine."[212]

Regrouping in Tanzania: From Mwanza to Tanga

87. On 13 December 2012, the Monitoring Group was briefed on a meeting between a member of the Al Hijra courier cell and a close associate of 'Carragher' (Al Hijra Nairobi-based 'Amir'). The seven Al Hijra fighters had decided to depart for Tanzania. According to 'Carragher's' explanation, the female couriers had delayed in identifying a safe house in Tanzania. As a result, 'Ruta' had been tasked with the responsibility of escorting the seven fighters across the Isebania border into Tanzania to Mwanza.[213]

88. The female courier was informed that Mwanza would only be a temporary stopover for the Al Hijra fighters and that it was still expected that both the courier cell and PRMC

[206] See annex 2.1.h for bullet proof vest found in Yussuf's luggage.
[207] Interviews with Mzungu Kadzungu Mwamunga 'Mohamed' in Ukunda, 11 October 2012.
[208] The Monitoring Group through law enforcement and intelligence sources in South Africa has not been able to substantiate the majority of Yussuf's claims made in his statement about his residence in South Africa.
[209] Interviews with Yussuf Hussein Hassan in Shimo la Tewa prison, 11 to 12 October 2012.
[210] From 11 October to November 2012, the Monitoring Group received regular briefings by individuals privy to Yussuf's deliberations with Al Hijra members on procuring explosives from Tanzania.
[211]Confidential source: Thabit 'secure phone' discussion at 19:34pm, dated 1 January 2013 and archived with the United Nations.
[212] Confidential source: Thabit 'secure phone' discussion at 19:425pm, dated 1 January 2013 and archived with the United Nations.
[213] Interview with Al Hijra courier, 13 December 2012.

would play a role in moving the group onwards to a new safe house. As part of the preparation for this, the female Al Hijra courier was asked for her national identification number and mobile number. As explained to the Monitoring Group, a U.S.-based Al Hijra financier would be transmitting funds from the U.S. to the courier for the upkeep of the fighters who were in Mwanza.[214]

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[214] Interview with Al Hijra courier, 13 December 2012.

Image of the Al Qaida-affiliated 'Fuad'

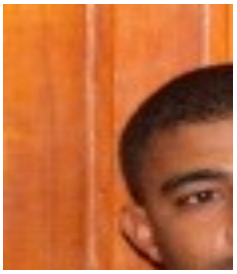


Image of 'Masadiq'



89. On 15 December 2012, in anticipation of funds being sent from the U.S. financier, 'Ruta' met with a member of the Al Hijra courier cell. During the meeting they discussed a joint planned trip to Mwanza to begin transferring the Al Hijra fighters to a new safe house that the Monitoring Group understands had been arranged in Tanga. In addition, a bag had been retrieved by 'Ruta' and was to be transported to Tanzania by the courier for the Mwanza-based Al Hijra fighters.

90. Information received by the Monitoring Group on 15 December 2012 described the minute-by-minute unpacking of the bag by 'Ruta'. According to the courier and corroborated by the real time updates and a photo of the bag provided to the Monitoring Group at the time, from 3:15pm to 6:45pm, 'Ruta' both unpacked the bag and rearranged its contents. Some of the contents of the bag included a laptop, cables and wires, a small bag of batteries, a number of small key fob remotes, and a bag of documents. The Monitoring Group's assessment of some the items are that they could be used in the assembling of IEDs for attacks in Kenya.[215]

91. By early January 2013, 'Ruta' had traveled back to Mwanza along with cash provided by the PRMC for the upkeep of the Al Hijra group regrouping in Tanzania. Arriving back in Nairobi in or about 8 January 2013 after departing Mwanza on 6 January 2013, 'Ruta' and the female couriers started to plan another joint trip to Mwanza for 17 January 2013.[216]

92. During a field trip to Mwanza from 17 to 20 January 2013, the Monitoring Group closely observed Al Hijra fighters plan their onward trip to Tanga. According to an Al Hijra member directly involved in the planning for Tanga, the couriers were informed that out of the seven fighters only two had remained behind in Mwanza. The Monitoring Group is also aware that those that had left the Mwanza safe house included Al Hijra logistics individual Ali Masadiq 'Masadiq' and the Al Qaida East Africa-affiliated 'Fuad'.

93. On 20 January 2013, two days before transporting the remaining two Al Hijra fighters, Athman Ahmed 'Mwarabu' and "Rashid" to Tanga, the Al Hijra members began to deliberate potential security concerns, with 'Ruta' cautioning the group that:

> Again we have to be very cautious because anything can happen like the issue of vehicle search and other security-related issues.[217]

[215] Monitoring Group minute-by-minute communication with Al Hijra courier from 3:15pm to 6:45pm on 15 December 2012.

[216] The Monitoring Group is aware that 'Ruta' departed for Mwanza on 16 January 2013 as part of a security precaution not to be seen travelling with the Al Hijra female couriers.

[217] Confidential audio recording of 'Ruta', 'Mwarabu', "Rashid" and other, dated 20 January 2013 and archived with the United Nations.

94. Probably as a security measure and means to conceal their real identity, the Monitoring Group has learnt that from December 2012, including in or about 20 January 2013, the remaining two Al Hijra fighters "Rashid" and Athman Ahmed 'Mwarabu' had sought the assistance of AMYC members in Tanzania in procuring two birth certificates in the names of "Jacob Mtunzi Rwakatale" and "Mwiru Abeid" respectively.[218] The Monitoring Group also believes that identifying Tanga as a safe haven for the Al Hijra fighters was in part due to the long association between Al Hijra and AMYC, strengthened by the late Aboud Rogo Mohamed and 'Makaburi'.[219]

95. Arriving at the safe house in Tanga on 22 January 2013, the two Al Hijra fighters "Rashid" and 'Mwarabu' began the process of looking for additional identification documentation,[220] including travel documents and voter registration cards.[221] During this same period both "Rashid" and 'Mwarabu' began to deliberate with the couriers on a request that ultimately became an urgent task for two Al Hijra fighters and unknown members of AMYC.

96. On 24 January 2013, during a field mission to Tanga, the Monitoring Group received information that Thabit on behalf of 'Makaburi' had requested "Rashid" and 'Mwarabu' to assist with the procurement of explosives. While the Monitoring Group is unclear when this request was made, it believes the request was most likely made between 7 January 2013 and in or about 14 January 2013.[222] According to a confidential source involved in the planning of the Tanga safe house, during a meeting both "Rashid" and 'Mwarabu' claimed procuring explosives for 'Makaburi' was indeed possible in Tanga but would be easier if they could locate the Al-Qaida-affiliated 'Fuad'.[223] Alternatively, both "Rashid" and 'Mwarabu' would locate a Tanga-based Tanzanian Al-Shabaab associate of 'Fuad' who could also procure explosives from Tanga.[224]

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[218] In its previous mandate, the Monitoring Group reported on AMYC and its links to Al Hijra (MYC). See also S/2012/544, strictly confidential annex 3.1.

[219] Various audio recordings accessed by the Monitoring Group and corroborating testimonies suggests the Al Hijra fighters had received support from former Tanzanian fighters who had return back to Mwanza and Tanzania. Based on the Monitoring Group's understanding of Mwanza and Tanga these individuals are assessed more than likely to be AMYC members.

[220] See annex 2.1.j for travel documents and birth certificates.

[221] See annex 2.1.j for travel documents and birth certificates.

[222] The Monitoring Group has made this assessment based on analysis of an Al Hijra courier and Thabit's 'secure phone' discussions and testimonies.

[223] The Monitoring Group is aware of this from reports attributed to Fuad Abubakar Manswab's legal representative Andrew Mwita Chacha 'Chacha'.

[224] Testimonies received by the Monitoring Group during January and February 2013 suggests that the unknown Tanzanian Al-Shabaab member had previous fought alongside Al-Shabaab with a number of Al-Hijra fighters.

Packaged explosives and detonation cord



97. On 25 January 2013, a serving member of AMYC in Tanga informed the Monitoring Group that certain AMYC members had access to explosives. On 26 January 2013, the Monitoring Group was able to carry out a preliminary inspection of what the AMYC member claimed to be explosives and a detonation cord. During the preliminary inspection of the item purported to be explosives, the Monitoring Group observed the following characteristics: chemical smell, sticky and sweaty, with a weight of approximately 6 to 7 kilograms. The Monitoring Group has since learnt that the item was indeed explosives but a specific type normally used in mining and known as "packaged explosives".[225]

98. As plans progressed, "Rashid" and 'Mwarabu' in Tanga began to search for explosives. Meanwhile in Kenya Thabit, who had routinely passed on messages from prison for 'Makaburi', had his regular telephone communications disrupted.[226] On 15 February 2013, a female courier received a message from the Al Hijra fighters in Tanga confirming they had found and met the Tanzanian Al-Shabaab member associated with 'Fuad', the Al-Qaida-affiliated associate of 'Makaburi'. According to the courier, "Rashid" and 'Mwarabu' had also identified explosives that would then need to be transported back to 'Makaburi' in Kenya.[227]

99. The Monitoring Group understands that throughout the initial planning stages of the operation to transport explosives into Kenya there had been no substantive discussions on potential targets or the use of the explosives until 16 February 2013, at least to the knowledge of the Al Hijra female courier cell. However, the Monitoring Group is aware that 'Chacha', the Al Hijra legal representative, appears to have had foreknowledge of potential targets.

100. In addition to his possible knowledge of targets in Kenya, 'Chacha' had also been receiving bomb-making instructions from Jermaine Grant during their meetings to be passed on to 'Makaburi.[228]As mentioned above, the Monitoring Group believes that the plan to

[225] In its previous mandate, the Monitoring Group described AMYC's links to the fishing community in Tanga. Evidence suggests that the fishing community in Tanga has available access to packaged explosives used in mining that is also illegally used in fishing. See also S/2012/544, strictly confidential annex 3.1.
[226] The Monitoring Group believes Thabit's last 'secure phone' communication from prison was at 19: 29pm on 24 January 2013.
[227] Interview with Al Hijra courier, 15 February 2013.
[228] Monitoring Group briefing on Andrew Mwita Chacha 'Chacha' by Al Hijra courier, 16 February 2013.

transport explosives into Kenya involved Jermaine Grant remotely through his regular access to Al Hijra members in Shimo la Tewa and his legal representative.[229]

Jermaine John Grant: 'Bomb instructor'



Jermaine John Grant is a UK national who admittedly identifies himself more with the Al-Qaida cause than Al-Shabaab like a number of other UK nationals currently fighting in Somalia.[230] In or about 2011, the Monitoring Group believes Grant returned from Somalia with a number of other foreign fighters mainly from East Africa. Uncorroborated information accessed from Abu Mansour Al-Amriki, the U.S. national foreign fighter in Al-Shabaab, suggests Grant may have also returned to Kenya along with other Al-Qaida East Africa associates when he claimed: "the Jamaican [Jermaine Grant] caught in Mombasa was also angry and left with Fazul's crew [Fazul Abdallah Mohamed associates]…"[231] However, the Monitoring Group's assessment is that in spite of claims that Grant had left due to being disillusioned, he had more than likely returned to carry out attacks in Kenya on behalf of Al-Shabaab with the support of other affiliates (See annex 2.1.b for more information on Jermaine Grant's reported associates in Burundi).

On 20 December 2011, Grant was arrested in Mombasa with his close associate Fuad Abubakar Manswab 'Fuad', who also reportedly identifies with the Al-Qaida cause.[232] Both Grant and 'Fuad' were charged for being in possession of bomb-making materials, including electric switches, small batteries and bottles of chemicals (hydrogen peroxide and ammonium nitrate).[233]

The Monitoring Group has learnt that during Grant's interrogation by the Kenyan security services on 25 December 2011, he admitted to having been in Somalia and claimed he was a member of Al-Qaida and not Al-Shabaab. While Grant continues to deny being in the possession of bomb-making materials, the Monitoring Group is aware through law enforcement sources, corroborated by testimonies of currently serving Al

[229] The Monitoring Group has been made aware of "procedures" to maintain contact between Jermaine John Grant and Al Hijra fighter Thabit Jamaldin Yahya 'Bobby' during Grant's stay at Shimo la Tewa prison for his court appearances.
[230] http://www.official-documents.gov.uk/document/cm84/8403/8403.pdf.
[231] Abu Mansour Al-Amriki – Al Hijra member private message dated 13 January 2013 at 2:05pm accessed by the Monitoring Group.
[232] According to a western intelligence official, Fuad Abubakar Manswab 'Fuad' is assessed to have operational links to a known Al-Qaida East Africa individual known to the Monitoring Group as "Kassim".
[233] http://www.guardian.co.uk/world/2012/jan/13/british-man-charged-bomb-kenya.

Hijra members that Grant and others were probably in the advanced stages of an attack in December 2011.[234] During his interrogation he alluded to the fact that Al-Shabaab was at the time planning attacks in Kenya against specific targets, including the United Nations Office in Nairobi (UNON), the Kenyan Parliament and other security installations.[235]

Since being detained in December 2011, periodically in Kamiti Maximum prison in Nairobi and Shimo la Tewa prison in Mombasa, Grant has continued to engage with Al Hijra members both in detention and outside to conspire on behalf and in support of Al-Shabaab.[236] In March 2013, a close Al-Shabaab associate of Thabit Yahya Jamaldin 'Bobby' and Grant, known to the Monitoring Group as "Rash" (a.k.a. "Rashid"), sent the following new "secure" codes to an Al Hijra member for communicating with individuals such as Grant from Shimo la Tewa prison:

b	**c**	**w**	**m**	**t**	**a**	**e**	**i**	**o**	**u**
9	5	7	*	#	6	4	8	10	2

G	**H**	**I**	**J**	**K**	**L**	**M**	**N**	**O**	**P**
0	1	2	3	4	5	6	7	8	9

On 5 May 2013 at 7:46pm, "Rash" using the mobile number +254770621355 from prison sent an SMS to the above female Al Hijra member with the following coded message in relation to Grant: "gnggoghgil". The Monitoring Group has confirmed this is Grant's mobile number (+254 700 801 025) in prison and is identical to the same number sent by Thabit to another Al Hijra member at 9:53pm on 22 December 2012: "+254700801025…Grants Mpesa. He [Jermaine John Grant] will be offline, just send [Mpesa] he will received when he manages to find a phone [handset] and pray for him ukhty, its very tough for him."[237]

On 16 February 2013, in an audio recording of Grant's legal representative Andrew Mwita Chacha 'Chacha' with a female Al Hijra courier, 'Chacha' describes what appears to be his ongoing discussions with Grant on bomb-making:

> That's why I was saying the plans needs to be put in place before. Because the moment you have thought of something [a plot] then that's the right time to do something. I was talking to the Mzungu [Jermaine John Grant] on the same and he was telling me that he already had a mortar and the main bomb was somewhere else. It needed only a switch like an aerial. When they [Jermaine John Grant and Fuad Abubakar Manswab 'Fuad'] were arrested they [Anti-terrorism police unit] only found with them a few materials which cannot even make a bomb and they have been charged with being in possession of explosives which in real sense its not. So he [Jermaine John Grant] was telling me that if they had

[234]Interview with law enforcement official, 13 December 2012.
[235]Confidential security document archived with the United Nations that details potential terrorist targets in Nairobi for planned attacks during December 2011.
[236]Interviews and access to Thabit Jamaldin Yahya's 'secure phone' discussions archived with the United Nations.
[237] Confidential source: Thabit 'secure phone' discussion at 9:53 pm. dated 22 December 2012and archived with the United Nations.

> been found with all the components then they would have been properly charged. I went and did my own research through the internet and that even the materials that are used to make nail polish remover can also be used. The guy [Jermaine John Grant] was seated and he wanted to take me through the whole process. Then I thought now this issue has to be started from scratch by taking notes because the wardens [prison wardens] again would listen to our conversation. The guy has stated categorically he doesn't want to be repatriated back to England. I had even approached the shopkeeper [Amar also known as "Banda"] to see if he could get a link with the Amir [Ahmad Iman] inside. The man tried but he didn't succeed. The goodness is that he had already given out an assignment. He had sent for ten men to be trained on something specifically about the mortar. This mortar would be used to propel a bomb. An expert would have determined a distance the mortar could fire targeting a specific location in Kenya, like Kenya Breweries where the Kenyan economy is really invested. This would have brought down the Kenya economy and the entire Kenya Breweries plant down.[238]

The Monitoring Group has also learnt that in addition to providing bomb-making instructions to 'Makaburi' through 'Chacha', Grant also conspired with his associate, Fuad Abubakar Manswab 'Fuad', together with 'Chacha' to secure his release from prison.[239] The plan as described by 'Chacha' to an Al Hijra member would involve Grant and 'Fuad' through a senior Kenyan lawyer known as "Mbugua" [Mureithi] deceiving the Court that the Kenyan security services had abducted 'Fuad' due to his suspected links to Al-Shabaab.[240] In an audio recording accessed by the Monitoring Group, 'Chacha' offers an insight into their plan to secure the release of Grant:

> What we [Grant, 'Chacha', and 'Fuad'] had planned on Fuad [Fuad Abubakar Manswab] disappearing. We were to act if he had been kidnapped or hijacked [by the Kenyan security services]. Someone was to call the mother saying that he [Fuad] had been shoved into a Probox registration number KPQ…the other numbers she couldn't remember. Then from my side ['Chacha'] we would have rushed to the police to report the incident. The story of surety would have been

[238] Confidential audio recording of Andrew Mwita Chacha 'Chacha', dated 16 February 2013 and archived with the United Nations.

[239] The Monitoring Group is aware of another plan to secure the forceful release of Jermaine John Grant and Al Hijra members from prison. See also http://www.dailymail.co.uk/news/article-2292668/Kenyan-court-moves-Jermaine-Grants-trial-high-security-prison-foil-Samantha-Lewthwaite-plot.html.

[240] The Monitoring Group is aware of that many Al-Shabaab and Al Hijra members believe that elements close to Kenyan security services had played a role in the unexplained killing of Aboud Rogo Mohamed and others. The Monitoring Group has also received a detailed "assessment" on why at the time 'Chacha' and others were confident that their plan to secure Grant's release and implicate the security services would have worked, although the Monitoring Group doubts this. According to 'Chacha' and other senior Al Hijra members, the Kenyan courts would not have been in a position to successfully prosecute Grant in the absence of 'Fuad', provided if it was viewed and accepted 'Fuad' had been abducted by elements close the Kenyan security services. A similar case and theory put forward to the Monitoring Group involved three former Somalia-based Al Hijra fighters who had returned to Kenya: Jeremiah Okumu, Steven Mwanzi Osaka (a.k.a. 'Duda Black' and 'Duda Brown' respectively) and Ibrahim Ramadan Hamisi 'Ruta', who had all been linked and charged with the grenade attacks at Uhuru Park in June 2010. However, while on trial in 2012 the 'Dudas' (Black and Brown) disappeared, although they were widely believed to have been "abducted" without any evidence. As a result, according to 'Chacha', the prosecution in the case of 'Ruta' was due to drop his charges, also speculated as one reason for 'Ruta's' unexplained killing on 17 March 2013. The Monitoring Group notes that during its past and current investigations into Al-Shabaab-Al Hijra activities in the region, it has not received conclusive or incontrovertible evidence to corroborate the view of Al-Shabaab and Al Hijra that elements close to the Kenyan security services were involved in abductions, disappearances and extrajudicial killings.

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> covered. When I had called Mombasa no one had done it and it was too late to do anything. If this happened I would have stepped aside then "Mbugua"[Mureithi] would come in to act for the Mzungu [Jermaine John Grant]. This was our strategy so that "Mbugua" [Mureithi]
> would raise the issue of Fuad's disappearance. He would have applied to the Court for Fuad to be produced by the Government [Government of Kenya].[241]

101. Information received by the Monitoring Group on 16 February 2013, following a meeting with an Al Hijra female courier, suggests Al Hijra legal representative 'Chacha' was fully briefed on the explosives expected from Tanzania and possibly the operational time frame. In fact, as described to the Monitoring Group and corroborated by an audio recording, 'Chacha' had already been suggesting possible means of storing the explosives once they arrived from Tanzania:

> If these things [explosives] could be found then be assembled in different specific locations. For example if it is Mombasa they need to look for a storekeeper who can be trusted with it preferably a place like Mtwapa [Mombasa]. If it's Kisumu the same thing should be applied. This is what I advised them [Al Hijra members]. So that when you want to go on *Amal* you don't need to carry bags containing these things. One has to ensure that you have you clothes and other personal needs in these locations. That way it would be easier to move from point A to B lightly.[242]

102. In demonstrating that he had been kept abreast of developments, 'Chacha' enquired: "so Tanga is ready", in reference to the explosives to be transported into Kenya, and then went on to say:

> Has the survey [surveillance on targets] been conducted already or they [Al Hijra and 'Makaburi'] are only waiting until 4 March 2013. Things could be tight if they are not a head of time. You see Buda [Abubakar Shariff Ahmed 'Makaburi'] had proposed a very good idea. You know in Kibarni [railway bridge crossing in Mombasa] there is place where a train crosses above the road beneath it some hide underneath and plant a device there so that when the train is passing that will be right moment to act. The wagons will come down landing on the road thus causing a major blocking from coming in or going out of Mombasa. If this happens I am telling you the country's economy in Mombasa would have been paralyzed. This will look big and the whole world will be watching. The problem now with Buda ['Makaburi'] is these boys [Somalia-based Al Hijra returning fighters], whenever they are given the idea, they will always say they are waiting orders from their Amirs [in Somalia]. It reached a point where Buda ['Makaburi'] got angry and asked them if they can't act, then they should give him the tools and they will see for themselves that Amirs are also in Kenya.[243]

[241] Confidential audio recording of Andrew Mwita Chacha 'Chacha', dated 21 April2013 and archived with the United Nations.
[242]Confidential audio recording of Andrew Mwita Chacha 'Chacha', dated 16 February 2013 and archived with the United Nations.
[243]Confidential audio recording of Andrew Mwita Chacha 'Chacha', dated 16 February 2013 and archived with the United Nations.

Image of Kibarni railway bridge crossing, Mombasa



103. By 21 February 2013, the female Al Hijra couriers had travelled to Mombasa ahead of two key meetings, en route to Tanga to facilitate the transportation of the explosives into Kenya. The first meeting was to receive a briefing from 'Makaburi' and then to visit Shimo la Tewa prison to meet Thabit. Both meetings focused on the explosives expected from Tanga.

104. On 23 February 2013, a female courier accompanied by Kassim Kassim Jembe, the Al Hijra logistics individual operating from Mombasa, visited Thabit. During the meeting, Thabit was briefed on the status of the explosives being acquired through the Al Hijra fighters regrouping in Tanga. The Monitoring Group confirmed again, that according to Thabit the explosives being procured in Tanzania were intended for Al Hijra but specifically for 'Makaburi'.[244] Earlier on the same day, 'Ruta' together with a female courier had met with 'Makaburi' for a detailed briefing on the logistics of transporting the explosives. Based on the account of a trusted Al Hijra courier present at the meeting, 'Makaburi's confirmed again that he was to receive and keep the explosives albeit through an intermediary.

105. According to the Al Hijra courier "R", who had been designated to transport the explosives into Kenya from Tanzania, 'Makaburi' had given the following guidance. "R" was under no circumstances to transport the explosives from Tanzania but to only travel to Tanga and verify that the explosive were ready. Upon verifying, the explosives were ready and that the Al Hijra fighters together with the unnamed Tanzanian Al-Shabaab member had agreed on how to transport the explosives across into Kenya, "R" would return to Kenya. In the event the explosives crossed into Kenya, "R" would then coordinate its delivery, not to 'Makaburi' personally, but to an individual named "Abdinassir". As mentioned above, the Monitoring Group is aware that "Abdinassir" is a close associate of 'Makaburi' and is employed as his security guard in Mombasa.[245]

Disruption

106. By 25 February 2013, the female couriers had arrived in Tanga and immediately on 26 February 2013 began cross briefing with the Al Hijra fighters at the safe house on transporting 'Makaburi's' explosives into Kenya. According to information received from a courier present at the briefing, notes that the Al Hijra fighters had explained that while the

[244] Interview in Mombasa with female courier, 21 February 2013.
[245]Interview in Mombasa with female courier, 21 February 2013.

explosives had been identified, the facilitator (Tanzanian Al-Shabaab member) would not yet meet the couriers to discuss its logistics. According to the courier, the unnamed Tanzanian Al-Shabaab member would initially use an intermediary, thereby providing him the opportunity to assess the female couriers and their bonafide credentials. The Monitoring Group's assessment is that this was probably a security precaution.[246]

107. A three-hour audio recording of a discussion on 26 February 2013 at the safe house unambiguously reflects the confidence of Al Hijra fighters "Rashid" and 'Mwarabu' that the explosives would successfully be transported to Kenya. In spite of concerns of 'Mwarabu' and "Rashid" that Al Hijra fighters returning from Somalia may not be able to penetrate Kenya during the elections, TNT could be found for an attack. If unable to obtain TNT from Tanga, the Al Hijra fighters claimed during the audio recording that 'Makaburi' would have to resort to a consignment in Mombasa that was mostly like hidden.[247] In emphasizing this, 'Mwarabu' urged: "the TNT has to be there [in Kenya] my sister. Unless we get the one in Mtwapa [Mombasa]" while adding that: "TNT can be found here [in Tanga]. The problem will now be how to cross over with it [into Kenya]."[248]

108. By 26 February 2013, it was still unclear how the TNT explosives would be transported into Kenya. The Al Hijra fighters began to deliberate on possible methods, including the use of a "boda boda" operator (bicycle taxi) to cross the Tanzanian border.[249] But when questioned on its safety by a courier, 'Mwarabu' noted confidently that:

> It cannot [explode] unless you make a call. We will show you how to connect then you can test it and see for yourself if it blows up. We can even improvise using the thermo flask. It will look like you are carrying tea no one will suspect.[250]

109. However, in Kenya on 25 February 2013 at 5:52pm, 'Chacha' had already sent a private message via Facebook to a female Al Hijra member in Kiswahili informing the Al Hijra couriers not to attempt transporting the explosives, warning:

> You tell the sister to be more careful and if she has anything [explosives] let somebody else carry. If you tell her about Buda [Abubakar Shariff Ahmed 'Makaburi'] she will understand these people [security services] want to kill. Buda [Abubakar Shariff Ahmed 'Makaburi'] going for interrogation. In short, they are watching him ['Makaburi']! And I'm very sure about it. [251]

110. On 28 February 2013, still determined to transport the explosives into Kenya, the Al Hijra fighters met the couriers to provide an update from the Tanzanian Al-Shabaab member

[246]The Monitoring Group's understanding of the unnamed Tanzanian Al-Shabaab member is that he had previously been in Somalia and was also an expert in handling explosives. Monitoring Group interviews in Tanga from 25 to 26 February 2013.

[247] Uncorroborated reports suggest this consignment of explosives hidden away in Mombasa may be linked to the Al Qaida affiliated Fuad Abubakar Manswab 'Fuad'.

[248]Confidential audio recording of 'Mwarabu', "Rashid" and other, dated 26 February 2013 and archived with the United Nations.

[249] The Monitoring Group is investigating a similar attempt to use a 'boda boda' operator to smuggle explosives from Uganda.

[250] Confidential audio recording of 'Mwarabu', "Rashid" and other, dated 26 February 2013 and archived with the United Nations.

[251] Facebook message sent from 'Chacha to female Al Hijra member on Buda and Al Hijra couriers dated 25 February 2013. The Monitoring Group has translated the original message into English.

on the logistics of transporting the explosives. According to 'Mwarabu' and "Rashid", the Tanzania Al-Shabaab facilitator of the explosives had instructed the couriers to travel back to Kenya and advise 'Makaburi' that once he had crossed into Kenya via the Taita border crossing, he would contact the couriers to coordinate its delivery.[252] In the evening of 1 March 2013, while the Al Hijra couriers were heading back to Kenya following a stopover in Mombasa, Tanzanian security services raided the Al Hijra safe house and arrested seven individuals, including "Rashid" and 'Mwarabu'.[253]

Post-disruption

111. The Monitoring Group understands that during the interrogation of the Al-Hijra fighters and AMYC members, both "Rashid" and 'Mwarabu' admitted to having trained in Somalia and being tasked with procuring explosives but denied having any explosives in their possession.[254]However, probably unconnected, on 22 March 2013, Kenyan security services discovered a consignment of "packaged explosives" buried underground in Kwale (Mombasa) close to the Tanzanian border. The explosives as per its packaging had been manufactured for African Explosives Limited based in Modderfontein, Johannesburg, South Africa and were a similar type of packaged explosives inspected by the Monitoring Group in Tanga on 26 January 2013.[255] While the Monitoring Group has received no evidence to suggest members of AMYC or Al Hijra/Al-Shabaab fighters had smuggled packaged explosives into Kenya, it remains concerned that such lethal materials may be unregulated in Tanzania and in the hands of extremists.

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[252] Interview in Tanga, 28 February 2013.
[253] Interviews with law enforcement official, March 2013
[254]Interviews with law enforcement official, March 2013.
[255]http://www.aelminingservices.com.

Packaged explosives found in Kwale, Mombasa




112. In addition, the Monitoring Group has attempted to substantiate reported intentions of 'Makaburi', through his associates in Tanzania, to acquire a mine for the purposes of accessing explosives.[256] Similarly, the Monitoring Group has investigated any persisting links between Yussuf Hussein Hassan and Al Hijra members for the purposes of acquiring explosives. On 30 March 2013, the Monitoring Group definitively confirmed that Yussuf's mother is the owner of a mine named "Dada Kisho" in Arusha, and that the mine is currently for sale.[257] Testimony received from Yussuf's mother, Ms. Aisha Duale, regarding her son's activities, while not suggesting any overt links to extremism or known extremist groups, does suggest he is an unscrupulous 'businessman'.[258]

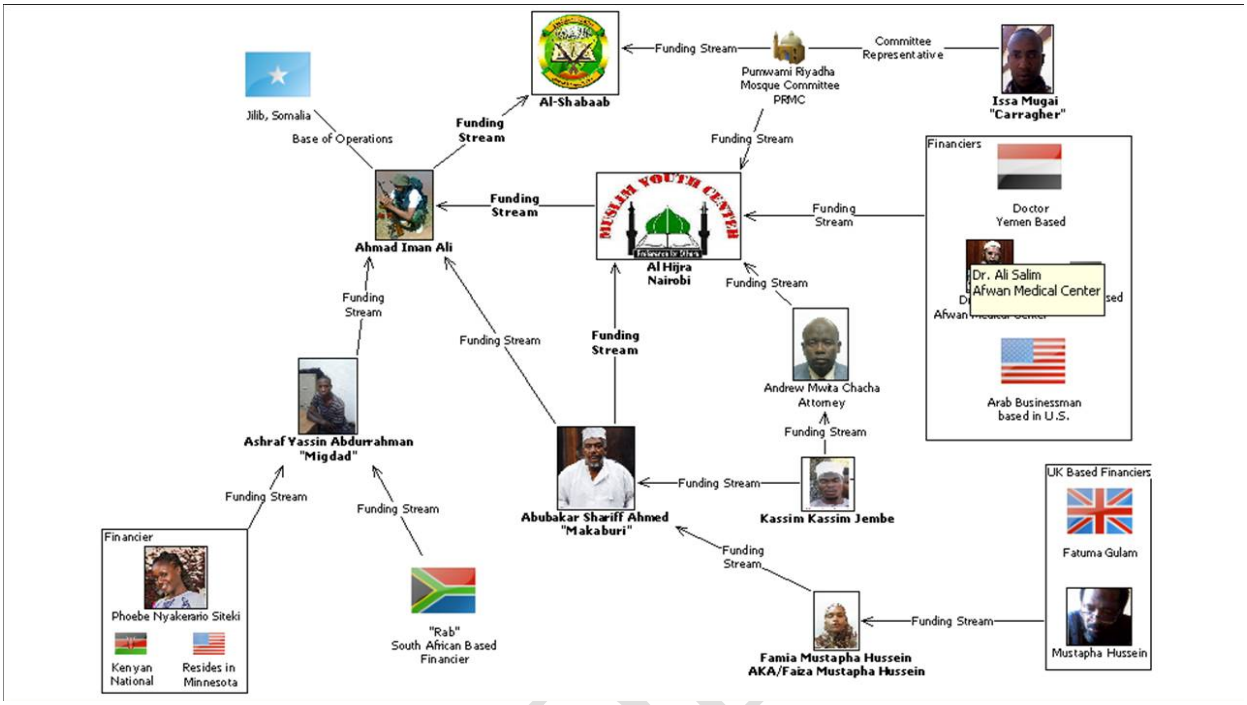
113. In order to assess the threat posed by groups such as AMYC and possibly Al Hijra members having access to packaged explosives, the Monitoring Group has sought expert opinions on the use of this type of explosive and its potential for terrorist purposes. According to one expert, while any type of explosive can be used for terrorist purposes, packaged explosives have a very short shelf life and its explosive velocity is slower (~3,000m/s) than most other readily available explosives currently in use, such as TNT (~7,000m/s), rendering it not optimal for terrorist purposes.[259] Al Hijra's attempt to transport explosives into Kenya represents the ease in which senior Al-Shabaab commanders such Ahmad Iman can coordinate and support attacks from their base in Somalia.

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[256]Female Al Hijra member with direct knowledge of 'Makaburi's' operations meeting with 'Makaburi' in Mombasa on 4 and 5 April 2013.
[257] There is no evidence to suggest that 'Makaburi' intends to purchase the "Dada Kisho" mine but evidence suggests he is aware of it being for sale.
[258] Interview with Aisha Duale in Arusha, 30 March 2013. During the with Ms. Aisha Duale, she expressed her concern at Yussuf links to his Somali cousins in South Africa but refused to go into details.
[259]Monitoring Group email correspondence with United Nations Office for Project Services (UNOPS) official, 18 April 2013.

Financiers, facilitators and active contributors

Known individuals linked to funding Al Hijra/Al-Shabaab



114. Over the years, Al Hijra members in Kenya and its Somalia-based fighters have proven adept at mobilizing resources to support Al-Shabaab activities in Somalia and operations in the region. As detailed in the previous Monitoring Group report,[260] the clandestine role of the PRMC continues to provide the group, in particular its Somalia-based fighters returning to Kenya, with financial support. In some cases this support has been earmarked for aiding attacks on behalf of Al-Shabaab. During the course of its current mandate the Monitoring Group has observed a change in attitude between PRMC and Al Hijra as a result of the new Kenya Prevention of Terrorism Act (2012).[261] However, information and evidence suggests that funding of Al Hijra activities on behalf of Al-Shabaab still exists.

115. Evidence and information received by the Monitoring Group also suggests that in addition to its traditional funding source through PRMC, Al Hijra has received overseas financial contributions, including from South Africa, the United Kingdom, U.S., and Yemen. Similarly, perhaps due to its operational setbacks, Al Hijra has at times benefitted from a growing number of 'goodwill donations' from individuals such as 'Makaburi', 'Chacha' and others for the sole purposes of carrying out attacks on behalf of Al-Shabaab.[262]

[260] S/2012/544, strictly confidential annex 3.1.

[261] http://www.nation.co.ke/News/Kibaki-assents-to-anti-terrorism-bill/-/1056/1532392/-/twbf2x/-/index.html

[262] The Monitoring Group is aware from accessing in some cases audio recordings that the following individuals have also donated funds to Al Hijra: Mzee Mohamed Fundi and Zaina Fundi (Al-Hijra elder and PRMC Trustee); Kassim Kassim Jembe; and "Pinkie" also know as "Firdaus" (reported to be a serving KDF official's daughter).

PRMC Funding

116. Despite its public and robust denial of funding or assisting with recruitment activities for Al-Shabaab, PRMC has continued to view its support of Al-Shabaab through Al Hijra as a collective obligation towards 'Jihad'.[263]On 31 July 2012, Abdallah Mwasike Kilume "Dalla", a known Al-Shabaab/Al Hijra courier and PRMC worker mentioned in a previous Monitoring Group report, was arrested in Nairobi after leaving the offices of DHL where he had picked up a package sent from China.[264] The Monitoring Group has learnt that the package contained civilian use items, including car key alarms and laser guide rangers, items that are commonly used as components in assembling IEDs and weapons in Somalia and Kenya by Al-Shabaab.[265]

117. During "Dalla's" interrogation by the security services, he claimed he had been asked to receive the package by Henry Saidi Irangu "Baba", a Somalia-based Al Hijra fighter. Email correspondence and phone communications throughout July 2012 confirm "Baba" had indeed been "Dalla's" handler in respect to the packages sent from China. While "Dalla's" account to the security services is accurate in part, the Monitoring Group is aware that from at least in or about October 2011 up to and including 3 August 2012, "Dalla" had been receiving packages containing for the most part civilian use items used in assembling IEDs for use both in Kenya and Somalia. In this period, "Dalla" had successfully transported IED components from its storage place at the Pumwani Riyadha Mosque to Garissa for its distribution, including to Somalia to be used in attacks by Al-Shabaab.

118. In January 2013, former Somalia-based fighter Athman Ahmed 'Mwarabu', also the step-son of "Dalla", confirmed that at least three to four packages containing IED components had been received, when he asked in reference to "Dalla's" activities: "Do you remember the consignment that was intercepted? It belonged to the Egyptian guy ["Hakim"]…he managed to send three to four cargoes [IED components from China]."[266] In addition to this, the Monitoring Group has identified and accessed a number of operational emails used by Somalia-based Al Hijra fighters in which one account details the DHL tracking history for items sent from China to Kenya and another includes correspondence on updates on the packages with IED components being sent from China.[267]

119. On 7 October 2012, following the passage of the Kenya Prevention of Terrorism Act (2012), Mahmoud Karega Ng'ang'a, the former PRMC accountant, tendered his resignation. In his resignation letter, among other issues, he cites his reason for resigning as financial irregularities and alludes to the Monitoring Group's allegations that PRMC had been involved in recruiting and financing Al-Shabaab.[268] During a detailed interview on 13 December 2012, Mahmoud Karega described PRMC's funding activities of Al Hijra and attempts to conceal their funding both to Al-Hijra members in Kenya and fighters in Somalia.[269]

[263]Interviews with former Al Hijra members and former PRMC officials, September 2012 and December 2012.
[264]S/2012/544, strictly confidential annex 3.1.
[265] Evidence indicates these items are mainly procured from China on the pretext of civilian use.
[266] Confidential audio recording of 'Mwarabu', 'Ruta' and other, dated 19January 2013 at the Hotel La Kairo in Mwanza, Tanzania, and archived with the United Nations.
[267]The Monitoring Group has identified seven email accounts previously used by Somalia-based Al Hijra fighters, including an email account mentioned in audios archived with the United Nations. See annex 2.1.k for sample of tracking history.
[268] See annex 2.1.l for Mahmoud Karega's resignation letter.
[269] Monitoring Group interview with Mahmoud Karega, 13 December 2012.

120. The Monitoring Group has also learnt of the collusion of PRMC and Al Hijra's Nairobi-based 'Amir' Issa Mugai 'Carragher' to support Somalia-based Al Hijra fighters sent back to Kenya by Ahmad Iman and Al-Shabaab to carry out violent attacks. 'Carragher' has with the financial support of PRMC rented accommodation and made available provisions for the upkeep of returning fighters while on operations.[270] However, during an interview with 'Carragher' on 20 March 2013 at the offices of the Dutch-run *African Slum Journal* in Nairobi and in the presence of an independent observer, the Nairobi-based 'Amir' told the Monitoring Group he was never a member of MYC (Al Hijra), noting: "MYC is dead."[271] Despite denying being a member of MYC (Al Hijra) or having any links to Al-Shabaab-related activities, 'Carragher' admitted during the interview to being 'on the Committee' (PRMC) and attending the MYC – PRMC *shura* of 28 February 2012. The *shura* in question was, as reported in the Monitoring Group's previous report, a meeting scheduled in part to reorganize MYC and change its name to Al Hijra for funding purposes.[272] 'Carragher', during the meeting, also denied financially supporting Somalia-based Al Hijra fighters returning to Kenya, such as Tuwa Ibrahim Jibril 'Tafawa' while on operations in Kenya, but admitted to meeting 'Tafawa' and his cell by chance at a football match.[273]

121. The Monitoring Group has also received testimony from a close associate of 'Carragher' who had regular contact with him for operational purposes throughout November 2012 and through to 18 March 2013. According to the testimony, 'Carragher' had been assisting returning fighters with funds accessed from PRMC. On 31 December 2013 or no later than 2 January 2013, 'Ruta' travelled to an Al Hijra safe house in Mwanza, Tanzania, accommodating 'Fuad' the Al Qaida affiliate and other Al Hijra fighters. Prior to his departure, 'Ruta' had been provided with 350 USD (28,000Kenyan Shillings) of which 100 USD (8000 Kenyan Shillings) was contributed from PRMC and handed over to the Nairobi-based 'Amir' for 'Ruta'.[274]

Foreign funding

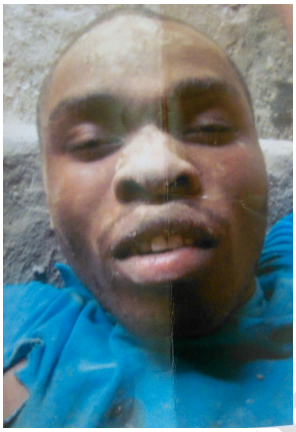
Dr. Ali Omar Salim

122. In addition to international funding received from the United Kingdom via "Famia" Mustapha Hussien and from her UK-based parents, the Monitoring Group has received credible information that strongly suggests Al Hijra members and fighters in Somalia have received large sums, in some cases providing members around 5000 USD at a time, from Yemen and undisclosed amounts from the U.S[275]. The funding appears to have been brokered by Dr. Ali Omar Salim, a respected Majengo resident known for his charity to Muslim causes

[270] On 10 April 2013, the Monitoring Group contacted the Dutch office of *African Slum Journal* via email requesting a meeting to discuss Issa Mugai's 'Carragher's relationship with Al Hijra and Al-Shabaab. To date there has been no response the Monitoring Group request.
[271] Monitoring Group interview with Issa Mugai 'Carragher' in the presence of an independent witness on 20 March 2013.
[272] On 28 February 2012, MYC and PRMC met to discuss the reorganization and funding of MYC. During the meeting, PRMC agreed to continue funding MYC on condition it changed its name. Confidential audio recordings of MYC-PRMC meeting, dated 28 February 2012 and archived with the United Nations.
[273]Monitoring Group interview with Issa Mugai 'Carragher' in the presence of an independent witness on 20 March 2013.
[274] Interview with an Al Hijra member familiar with 'Carragher' operational activities from November 2012 to 18 March 2013.
[275] Multiple sources have confirmed Al Hijra's funding from the U.S. and Yemen.

and who had been acquitted in April 2012 for allegations of supporting and funding Al-Shabaab.[276] Dr. Ali Omar is the proprietor of Afwan Medical Centre, an entity previously described as a funder of MYC (Al Hijra),[277] and also mentioned in an AMISOM confidential report..[278]

Image of Hassan Omondi Owiti 'Fast n Furious'



123. Recently, evidence strongly suggests that Dr. Ali Omar had colluded with his lawyer 'Chacha' to financially support and provide a safe haven for Hassan Omondi Owiti 'Budalangi' (also known as 'Fast and Furious'). 'Budalangi' mentioned in a previous report had returned from Somalia in 2012 to carry out attacks as part of Al-Shabaab's regional plans.[279] On 19 May 2013, Kenyan security services and corroborated by an Al Hijra press release claimed an Al-Shabaab member had been killed following a gunfight in Nairobi.[280] Audio recording accessed, describes 'Chacha' admitting to his and Dr. Ali Omar's role in supporting 'Budalangi' while he had been in hiding from the Kenyan authorities.[281]

Media image of Dr Ali Omar Salim



124. On 13 December 2012, the Monitoring Group received information from a trusted Al Hijra courier who was approached and informed by the Nairobi-based 'Amir' 'Carragher' and 'Ruta' to provide Al Hijra with her national identification number and mobile number. As described to the courier, she would be receiving funds from an individual in the U.S.

[276]http://www.the-star.co.ke/news/article-20522/doctors-not-shabaab-members-rules-court.
[277]S/2011/433, pages 140-147.
[278] 1st AMISOM – TFG Information Sharing Meeting, Kampala, Uganda, 19 to 21 July 2011.
[279]S/2012/544, strictly confidential annex 3.1.
[280] http://news.siteintelgroup.com/component/customproperties/tag/Countries-
[281] Audio recording of Andrew Mwita Chacha and other dated 31 May 2013, archived with the United Nations.

During a later discussion in January 2013, 'Ruta' described how he receives funds from the financiers or "sponsors" as he called them, in particularly the "sponsor" in Yemen. According to 'Ruta', he would normally contact the Yemeni person, a medical doctor, via email and Facebook. Based on audio recording accessed by the Monitoring Group of 'Ruta' and another Al Hijra member on 19 February 2012, in a discussion that focused in part on operational and information security, 'Ruta' claimed he normally uses: "those two accounts [email accounts], one for the brother in Yemen and this other one…I used to communicate with Thabit before he got arrested."[282] Once the funds were sent through to Nairobi, 'Ruta' claimed he would then transmit them to Ahmad Iman the Al Hijra 'Amir' in Somalia. During the same discussion, it became apparent that 'Ruta' and the "sponsor" in Yemen have a dedicated email account for their funding activities albeit one that 'Ruta' fears could be traced by the security services:

> No, the one [email communication] I received from him [Yemeni "sponsor"] are from a totally different account that only share with him and no one else. Unless I transfer that account as well. But I'm not sure they [security services] will be able to track it down. That's another reason why I wanted to close them because I don't know which account they are tracking.[283]

125. 'Ruta's' account of receiving funds from Yemen and the U.S. appears to be corroborated by Athman Ahmed 'Mwarabu'. In an audio recording, 'Mwarabu' clearly acknowledges the existence of the Yemeni financier sending funds to Somalia through 'Ruta' when he recalled his own approach to the Yemeni financier:

> Do you know what Nurudin had arrived and no vehicle was there to collect them. Also Mahad and his group had arrived from Tanzania. Some were supposed to travel to South B [Nairobi] and I had no cash to facilitate their travel. I asked Gitau even if he doesn't have cash he should borrow cash elsewhere and we sort out the issue later. During this time I was undergoing a lot of financial crisis. My child was sick and I could not be able to raised money. I approached the Yemen guy and the other two to support us financially but efforts were fruitless.[284]

126. As explained to the Monitoring Group by a confidential source familiar with 'Ruta's' activities, and also alluded to by 'Ruta' during an audio recording on 20 January 2013, he had been "blocked" from the Yemeni financier.[285] 'Ruta' had been "blocked" over suspicions that he had become compromised by an apparent relationship with the Kenyan security services. As at the time of writing, the Monitoring Group is aware and continues to monitor attempts to reactivate the funding from Yemen and the U.S. According to 'Chacha' who is liaising with Dr. Ali Omar on the Yemen and U.S. funds, the Afwan Medical proprietor has become more cautious, noting about the Yemen financier:

[282] Confidential audio recording of 'Ruta' and other ,dated 19 February 2013 and archived with the United Nations.
[283] Confidential audio recording of 'Ruta' and other, dated 19 February 2013 and archived with the United Nations.
[284] Confidential audio recording of 'Mwarabu', 'Ruta' and other, dated 19 January 2013 at the Hotel La Kairo in Mwanza, Tanzania, and archived with the United Nations.
[285] Confidential audio recording of 'Mwarabu', 'Ruta', "Rashid" and other, dated 20 January 2013 at the Hotel La Kairo in Mwanza, Tanzania, and archived with the United Nations.

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> You know when this things cropped up, the Arab in Yemen got the news. So I think the support could have gone down…I will dig into it more –I will keep you updated.[286]

127. The Monitoring has also identified two bank account numbers that have been set up to deposit the funds before being dispersed between Kenya and Somalia.[287]

128. Finally, while unclear but still suggestive of possible funding linkages to Saudi Arabia, during the audio recording of 19 February 2013, 'Ruta' described how he had set up a new Facebook account and bought a new phone/simcard to call a contact known as "Msafiri" in Saudi Arabia, and expressed his concern that the phone line might be traced and monitored or as he claimed: "because of the stuff we were discussing I also need to close that account."[288]

Phoebe Nyakerario Siteki

129. The Monitoring Group has learnt that Somalia-based Al Hijra fighters like their counterparts in Al-Shabaab have also been able to exploit and mobilize resources from the diaspora. One such case the Monitoring Group is currently investigating in order to establish the extent of the funding to Al Hijra fighters in Somalia is the alleged role of Phoebe Nyakerario Siteki.[289]

130. Phoebe Siteki (born 2 February 1978) is a Nubian from Kenya who is believed currently resides in Minnesota in the U.S., but may have lived elsewhere in the U.S., and currently holds two Kenyan passports, including number A526559 issued in Kenya.[290] Phoebe is also believed to be the step-relative to Ashraf Yassin Abdurrahman 'Migdad, a former Somalia-based Al Hijra fighter who until in or about August 2012 was stationed in Kismayo before returning to Kenya on the instructions of Al-Shabaab and his Kenyan 'Amir' Mwalim Khalid (a.k.a. Titus Nabiswa) to carry out attacks,[291] including assassinations in support of Al-Shabaab.[292]

131. While fighting alongside Al-Shabaab in Somalia from at least January 2010 to August 2012, the Monitoring Group strongly believes that 'Migdad' had on at least one occasion received funds from his step-relative Phoebe Siteki in the U.S. In addition, information received from a confidential source corroborated by audio recordings of Athman Ahmed 'Mwarabu' a former Somalia-based Al Hijra fighter, indicates that 'Migdad' may have used a

[286] Confidential audio recording of Andrew Mwita Chacha 'Chacha', dated 21 April 2013 and archived with the United Nations.
[287] The Monitoring Group is currently monitoring the account numbers and as such, is unable to publish the accounts numbers until confirmation of international funds have been deposited for the use of Al-Shabaab and Al Hijra fighters in Somalia.
[288] Confidential audio recording of 'Ruta' and other, dated 19 February 2013 and archived with the United Nations.
[289]A confidential report archived with the United Nations suggests Phoebe Siteki and possibly other members of her family may have sent money to 'Migdad' and Al Hijra in Somalia.
[290] The Monitoring Group has been unable to confirm Phoebe Siteki's immigration status in the U.S. , however, information suggests Phoebe Siteki has recently acquired a new Kenyan passport from the Embassy of Kenya in the U.S.
[291]Interview with law enforcement official, September 2012.
[292] An audio recording of "Famia", dated 4 April 2013 and archived with the United Nations, that suggests part of 'Migdad's' plans in returning to Kenya involved assassinations plots.

joint operational email account (stonecold507@yahoo.com),[293] as well as six other email accounts known to the Monitoring Group, including akbar.ahmed53@yahoo.com, to communicate with Phoebe Siteki's email psiteki@gmai.com or Facebook account.[294]

132. Preliminary investigations by the Monitoring Group also suggest that Phoebe Siteki may have at one point or another used the U.S. mobile number +1952 221 9128 to transmit funds through Dahabshiil to Somalia during 2012, as indicated by Dahabshiil records.[295] The Monitoring Group continues to investigate this case.

Funds from South Africa

133. The Monitoring Group has also learned that 'Migdad' while in Somalia may have received funds for Al Hijra fighters and Al Shabaab from a financier in South Africa, who may have also been a member of Al-Shabaab in Somalia at one point. Corroborating independent sources, including an alleged admission from 'Migdad' during his interrogation strongly indicates that during March 2012, a financier based in South Africa had sent Al Hijra and Al Shabaab through Dahabshiil a sum of 20,000 USD.[296] The Monitoring Group is currently analysing 'Migdad''s email accounts and a suspected email account of the South African financier.

'Goodwill contributors'

134. During the course of its current mandate, the Monitoring Group has learnt of the financial contributions and fund-raising attempts by Al Hijra associates, such as 'Makaburi' and 'Chacha'. These contributions and fund-raising activities have been principally designed to sustain Somalia-based Al Hijra fighters while on operations in Kenya. This includes in at least one case, though is believed to be on more than one occasion, an attempt to bribe a Kenyan High Court Judge by Al Hijra with the support of 'Makaburi'.

Contributions from Abubakar Shariff Ahmed 'Makaburi'

135. The full extent of 'Makaburi's' financial contributions to Al Hijra members in Kenya and its fighters in Somalia is still unclear and is currently being investigated by the Monitoring Group. However, audio evidence based on recordings of Al Hijra fighters at a safe house in Tanzania offers an insight into 'Makaburi's' determination to financially support Al-Shabaab activities in Kenya and Somalia. On 26 February 2013, during a discussion that centred on the difficulties experienced by Al Hijra fighters in Somalia and fighters sent back to Kenya on operations,[297] Athman Ahmed 'Mwarabu' criticized the Al Hijra Somalia-based 'Amir' Ahmad Iman:

[293] During the audio recording dated 19 January 2013, Athman Ahmed 'Mwarabu' can be clearly heard mentioning the email accountstonecold507@yahoo.com that he had shared with other Al Hijra fighters in Somalia.
[294] The Monitoring Group is aware that among the many Facebook profiles used by 'Migdad', he also had access to the Facebook profile name "Dias Ramo".
[295] The Monitoring Group notes that records obtained from Dahabshiil do not indicate Phoebe Siteki's name but the name "Abdiaziz Mohamed as the sender.
[296] Confidential document archived with the United Nations.
[297] Multiple testimonies from Al Hijra returning fighters suggests financing their operations as part of Al-Shabaab in Somalia has been difficult at times. Fighters have often had to result to pleading for funds from associates in Kenya.

> The problem with Ahmad [Ahmad Iman] is that he doesn't act to the problems that we are undergoing. Somebody like Abu [Abubakar Shariff Ahmed 'Makaburi'] promised to be sending 50K (700 USD) every month and he honoured his promises. He went to the extent to rent house for the boys [Al Hijra].[298]

136. In addition, 'Makaburi', according a confidential source familiar with his operations in Kenya, has jointly fund-raised with 'Chacha' to secure the release of detained Somalia-based Al Hijra fighters in Kenyan jails with the purpose encouraging them to return back to carrying out violent attacks once released. Financial contributions from the likes of 'Makaburi' and others is likely to mean Al-Shabaab will continue to rely more on regional affiliates to self-fund their operations.

Fund-raising by Andrew Mwita Chacha 'Chacha'

Passport copy of Andrew Mwita Chacha 'Chacha'



137. Over the course of three mandates, the Monitoring Group has been able to gain a better understanding of the growing importance of Andrew Mwita Chacha 'Chacha' to Al Hijra. While publicly 'Chacha' acts as the lone legal representative on Al-Shabaab-related cases, mostly representing Al Hijra members, the Monitoring Group considers 'Chacha's' actions and support to Al Hijra and other Al-Shabaab affiliates eligible for designation for targeted measures by the Sanctions Committee.

138. The Monitoring Group has accessed an audio recording of Al Hijra fighters in which they described 'Chacha's role in contributing financially to sustain 'Jihad' in Kenya on behalf of Al-Shabaab. During the audio recording, the fighters explained how 'Chacha' has supported 'Jihad' in Kenya with operational funds for the then Al-Shabaab/Al Hijra 'Amir' 'Mwalim Khalid' (a.k.a. Titus Nabiswa). Prior to 'Mwalim Khalid's' killing in October 2012, he had been responsible for commanding and planning attacks in Kenya on behalf of Al-Shabaab. In the audio, 'Mwarabu' recounts to his fellow Al Hijra fighter "Rashid" that:

[298] Confidential audio recording of 'Mwarabu', "Rashid" and other, dated 26February 2013 at a Tanga, Tanzania, safe house archived with the United Nations.

> You remember the two brothers that were gunned down, one in Nairobi and one in Coast [Mombasa]. Even Teacher ['Mwalim Khalid'] was in a rush looking for funds. You can even ask Chacha and he will tell you how Teacher ['Mwalim Khalid'] had been chasing them around. Though one might not know how Chacha is but he had given out till he is finished.[299]

139. In response, "Rashid" notes that: "at times he ['Chacha'] could be financing food and accommodation."[300]

140. In an attempt to enhance operations in Mombasa and possibly regionally in Tanzania,[301]Al Hijra and 'Makaburi' had planned to secure the release of Thabit Jamaldin Yahya 'Bobby' from Shimo la Tewa prison.[302]Central to this plan was 'Chacha'. According to a confidential Al Hijra source with direct knowledge of 'Chacha's' activities, 'Chacha' has in the past been able to secure the release of Somalia-based Al Hijra fighters and other members by fund-raising to bribe members of the Kenyan judiciary. As explained to the Monitoring Group, bribes are normally offered to members of the judiciary to reduce and grant bail for detained suspected Al Hijra/Al-Shabaab members.

Hon. Mr. Justice Martin Muya Mati



On 2 February 2013, the Monitoring Group was briefed on a discussion and plan which if accurate suggests that Justice Martin Muya Mati, a Kenyan High Court Judge based in Mombasa had agreed to grant Thabit a reduced bail on condition of a bribe from 'Chacha' acting on behalf of Al-Hijra and 'Makaburi'.[303]

As described by a confidential Al Hijra source familiar with 'Chacha's activities, 'Chacha' had informed the confidential source that Justice Martin Muya had agreed to reduce Thabit's bail bond provided that Al Hijra could raise 1800 USD (150,000 Kenyan Shillings). According to 'Chacha', Al Hijra did not have to raise the full amount but

[299] Confidential audio recording of 'Mwarabu', "Rashid" and other, dated 26 February 2013 at a Tanga, Tanzania, safe house archived with the United Nations.
[300]Confidential audio recording of 'Mwarabu', "Rashid" and other, dated 26 February 2013 at a Tanga, Tanzania, safe house archived with the United Nations.
[301] The Monitoring Group is aware from accessing 'secure phone' discussions of Thabit Jamaldin Yahya 'Bobby' from Shimo la Tewa prison archived with the United Nations that he had planned to relocate to Tanzania if his release was secured.
[302]The Monitoring Group notes and assesses that Thabit's serious leg injuries would have most definitely hindered him operationally even if he were able to flee to Tanzania.
[303] Information received by the Monitoring Group by a close associate of 'Chacha' suggests his relationship with Justice Martin Muya dates back a number of years.

could contribute whatever funds they could, as it was expected that 'Makaburi' and others in Mombasa would also contribute to the funds.

The Monitoring Group understands that the significance of securing Thabit's release was based on 'Makaburi's' belief that if Thabit were released from prison, he would be able, albeit consigned to using crutches, to motivate, incite and provide operational guidance to other Al Hijra fighters that had been dispatched from Somalia. In an audio recording, 'Chacha' refers to Thabit as a good leader that had shown proficiency in gathering intelligence, and in spite of being in Shimo la Tewa prison, had managed to oversee the procurement and transfer of weapons.[304]

On 16 February 2013, 'Chacha' returned to meet the female Al Hijra member after learning that Al Hijra had managed to secure 480 USD (40,000 Kenyan Shillings) and asked:

> If the cash could be raised to hundred thousand though I believe the fifty thousand on top of that could be their cut and the remaining for their boss [Justice Martin Muya]. If motor vehicle logbooks could be found with the value of five hundred thousand each would be better. I believe the bond could be brought down to one million and always these Judges will never one surety. He will have to give two sureties just to be sure that he [Thabit] will attend court. But if Babu ['Ruta'] can meet with Buda ['Makaburi'] and explain about the possibility of the bond reduction things could be easier because Buda ['Makaburi'] might be able to convince the Mombasa Muslims and the possibility of the amount to be raised. Even the other case concerning Fuad [Fuad Abubakar Manswab 'Fuad'] the money has been changing hands and the Judge has softened his stand.[305]

During the same meeting 'Chacha' claimed he would soon provide his own contribution towards Justice Martin Muya's funds. Four days later, 'Chacha', at 3:57pm on 20 February 2013, received an Mpesa mobile money transfer via Safaricom for 480 USD (40,000 Kenyan Shillings) towards Justice Martin Muya's bribe. By 1 March 2013, Thabit's funds for facilitating his release were complete when a Mombasa-based Al Hijra member, Kassim Kassim Jembe, gave 1200 USD (100,000 Kenyan Shillings) to a female Al Hijra courier who was instructed to call 'Chacha' to confirm the funds were available for collection.[306]

On 3 March 2013 in Nairobi, days before 'Chacha' was set to travel to Mombasa in what the Monitoring Group believes to be an attempt to bribe Justice Martin Muya, he again met the Al Hijra member who informed him that the funds contributed in Mombasa would be waiting for him on his arrival in Mombasa. According to an audio recording, it appears that 'Chacha' was more than likely colluding with Justice Martin Muya's front office, possibly including his secretary and others when he claimed he would need to contact the Judge's secretary before 6 March 2013. Similarly, 'Chacha alluded to others working possibly in the Judge's office being involved in the conspiracy to release Thabit:

[304] Confidential audio recording of Andrew Mwita Chacha 'Chacha', dated 16 February 2013 and archived with the United Nations.
[305] Confidential audio recording of Andrew Mwita Chacha 'Chacha', dated 16 February 2013 and archived with the United Nations.
[306] Interview with Al Hijra courier, 5 March 2013.

> You know with the court matters we have to take our chance but so far there's been no incident that has risen where money has disappeared and the work wasn't done. Even when I hand it over personally, I remind them how I have people who don't understand. You don't know them, however, they will deal with me. The only time these issues got me into trouble is when some guy promised to get me the people who normally accept 10%. We paid money which mind you is non-refundable then the guy disappeared. I was under so much pressure. But these things come and pass. The Court is like that. After that case, we had someone inside that place [Court]. I had to call him again to see if they are still psyched up and still in the deal.[307]

At the time of writing, Thabit was still in prison. However, on 21 April 2013, the Monitoring Group received information following a meeting between an Al Hijra member and 'Chacha' that strongly suggests that Justice Martin Muya may have received a sum of 1800 USD as a bribe to reduce the bail bond for Thabit.[308]

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[307] Confidential audio recording of Andrew Mwita Chacha 'Chacha', dated 3 March 2013 and archived with the United Nations.
[308] Interview with Al Hijra courier,21 April 2013.

Annex 2.1.a: Summary of Ibrahim al-Afghani letter to Al-Qaida mentioning Kenya and Tanzania (STRICTLY CONFIDENTIAL)



1. The Somalia-based Islamic World Issues Study Center (IWISC) released a message attributed to a prominent figure in the Shabaab al-Mujahideen Movement and the jihadist movement in general, speaking out against Shabaab leader Mukhtar Abu al-Zubeir and appealing to Al-Qaida leader Ayman al-Zawahiri for intervention.

2. The 15-page document was allegedly written by Abu Bakr al-Zayla'i and was issued on jihadist forums on April 6, 2013. Omar Hammami (AKA Abu Mansour al-Amriki) posted about the release on his Twitter account, identifying Zayla'i as "Ibrahim al-Afghani," the Shabaab's former "governor" of Kismayo in Lower Juba region of Somalia, and a "key founder" of the group. In the text, Zayla'i corroborated some of the issues raised by Hammami against the Shabaab leader, such as his holding people in secret prisons, putting individuals with little expertise in commanding positions in battles, squandering the group's gains, and mistreating foreign fighters.

3. IWISC provided excerpts from the document in the introduction, including, for example: "If we were afraid before of the theft of the fruits of jihad by outside hands, we have seen today a reality that suggests to us that a domestic deviation might lead to the fruits of empowerment falling into oblivion, and Allah is the Helper." Zayla'i also wrote: "The spirit of jihad receded, the abilities of innovation and production were destroyed, and the wheel of progress retreated, and all of that is due to the removal of the leaders of jihad and the scholars from the arena of influence, staying away from the method of consultation as a way to administer the rudder of affairs inside the Movement."

4. Following is a translation of the introduction:

In the Name of Allah, the most Gracious and Merciful

Peace and prayer be upon our master and prophet, Muhammad, and upon his family and all his Companions and those who followed them in goodness until the Day of Judgment.

Brothers in tawhid [monotheism] in the East and the West: Peace be upon you, and Allah's mercy and blessings.

Islamic World Issues Study Center

CONFIDENTIAL

Presents:

An Urgent and Open Message from the Mujahid Sheikh Abu Bakr al-Zayla'i, may Allah Preserve Him, to our Sheikh and Emir, Ayman al-Zawahiri, may Allah Preserve Him

Indeed, I am the Naked Warner

{Note: The title is a reference to a Hadith by the Prophet Muhammad: "My example and the example of what I have been sent with is that of a man who came to some people and said, 'O people! I have seen the enemy's army with my own eyes, and I am the naked warner." The naked warned indicates someone who takes off his clothes to wave to his people and warn them of impending danger.}

In this message...

Our Sheikh and Emir... There is no time left to wait, nor is there room for patience... So, hasten, hasten... Things have reached a level where talking doesn't work, and it is not suitable under any circumstance to just watch and wait for what comes in the horizon. We are in a dark tunnel in which only the All-Knowledgeable King knows what is hidden for us, and Allah is the Helper and in Him we trust.

- It is the complaint of the silent majority from the various segments of the mujahideen and the rest of the Muslims from the elites of the country and the wise ones, and the scholars, preachers, and everyone who can deliver their words to you.

- If we were afraid before of the theft of the fruits of jihad by outside hands, we have seen today a reality that suggests to us that a domestic deviation might lead to the fruits of empowerment falling into oblivion, and Allah is the Helper.
- Because we were partners in jihad and we were never for one day partners in oppression, and bringing the right of the oppressed from the oppressor is a duty.

- We have seen a significant decline from the gains of the mujahideen, where under the Movement's administration for the past 4 years, there were 10 provinces with great human resources and sympathy from our Muslim people, and unparalleled tribal support.

- The spirit of jihad receded, the abilities of innovation and production were destroyed, and the wheel of progress retreated, and all of that is due to the removal of the leaders of jihad and the scholars from the arena of influence, staying away from the method of consultation as a way to administer the rudder of affairs inside the Movement.

- Regarding military operations, negative results are more than the positive on Islam, as a result of distancing people of expertise, and the scholars, and most of the experienced leaders from influencing the conduct of operations.

- Agitating the junior mujahideen who possess good intentions and pure natures, as we think of them and Allah knows them best, against the leaders and the scholars inside the Movement, to the point that some of them threatened liquidation, and Allah is the Helper.

- Regarding the secret prisons belonging to the Emir, people who enter them will be like lost ones, and people who come out of them are like newborns, and they are varied and many and

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the scholars and the leaders aren't allowed to visit and supervise them. What is happening in terms of violations of the prisoners' rights there makes the hair of the children turn gray, things that the Shariah or the religion didn't command, and Allah is the Helper. The scholars ordered to open their gates for supervision, but there were no listening ears.

- The Emir is practicing a filthy war against everyone who submits to the command of Shariah and advises him and others, by practicing all kinds of pressures that one can imagine, from sowing false rumors to maiming someone's image to giving monies in plenty.

- The policy of excess by the Emir is his methodology, and he exceeds in using and wasting the resources of the Ummah without supervision and accountability. The state of the mujahideen doesn't please friends or others far way, for he spends from the resources in excess for his targets and gives drops to our mujahideen brothers, to the point that we feel sorry for their state.

- He didn't receive the emigrants, and some of them fled to many of the outside areas from the torture of the Emir and his entourage.

- The brothers in Kenya and Tanzania don't need money or equipment, they just need some expertise, but the Emir didn't do it, unfortunately.

- The names and terms weren't safe, either. The names that were added to the emigrants are such as, prison of the immigrants, and the field here means limiting the brothers' activities and movements, and the front became an extra punishment to the brother by the Emir's judge.

{Link to download PDF}

Islamic World Issues Study Center

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Annex 2.1.b: Summary of East Africans recruited to join Al-Shabaab in Somalia in March 2013 (STRICTLY CONFIDENTIAL)

1. Despite Al-Shabaab's military setbacks and the difficulties encountered by new recruits who attempt to cross into Somalia to fight alongside it, the Monitoring Group has observed an increase in non-Somali East Africans attempting to cross into Somalia through the popular route of Kiunga in Kenya to join the Somali armed group.

Adinan Mudrikat Suedi

2. On 11 March 2013, Adinan Mudrikat Suedi (22 years old), a Tanzanian who had frequented the Masjid Raufu Mosque in Dar es Salaam, was arrested in Kiunga en route to Somalia. According to reports attributed to Adinan and accessed by the Monitoring Group, he had departed Dar es Salaam in Tanzania on 6 March 2013, entering Kenya through the Lunga-Lunga border crossing. The Monitoring Group understands Adinan then traveled from Mombasa onto Malindi where Adinan claimed he boarded a boat to the island of Lamu before finally walking from Lamu to the island of Hindi, and then travelling by road to Kiunga. The Monitoring Group has also learnt that Adinan had admitted wanting to travel to Kismayo to look for a job and had claimed he had a contact person there.

Rajab Omar Hemedi Suleiman et al

3. On 24 March 2013, Rajab Omar Hemedi Suleiman (19 years old) and three other Tanzanians namely: Juma Sadiki Juma Budu (15 years old); Nasir Hassan Ramadhan (15 years old) and Hamisi Ramadhan Hamisi (14 years old) were arrested in Kiunga shortly after arriving from Lamu en route to their final destination in Somalia. According to reports attributed to each of the four new recruits and also accessed by the Monitoring Group, they had all frequented the Kiwalani madrassa in Dar es Salaam, Tanzania.

4. Departing Mombasa on 20 March 2013, Rajab Omar and his group claimed they had spent four days in Lamu while preparing to travel to Kiunga as part of their purported missionary work (Tabligh). The Monitoring Group has learnt that the group had a Tanzanian mobile telephone number of an unknown person believed to be from Korogwe, a small town known known for its recruitment for Al-Shabaab in Tanzania, and not a Somalia number as claimed by the authorities in Kenya.

Dearsoul Hamisi and Abubakar Omari



Dearsoul Hamisi



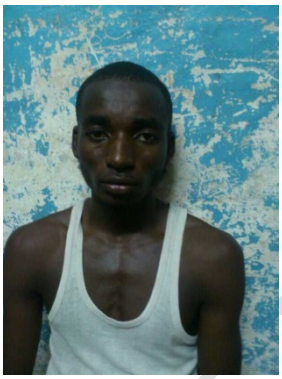
Abubakar Omari

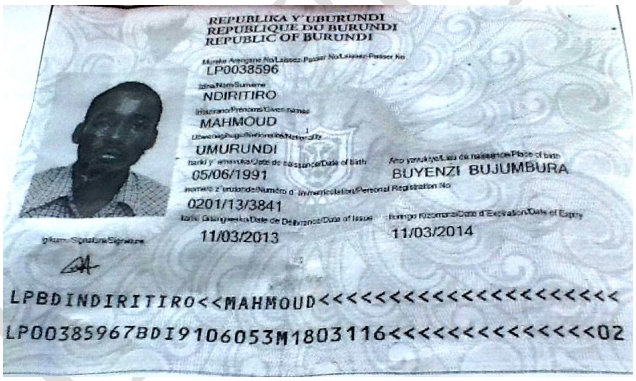
CONFIDENTIAL

5. On 26 March 2013, Dearsoul Hamisi (21 years old) and Abubakar Omari (19 years old), two Tanzanians affiliated to the Ansar Muslim Youth Centre (AMYC) in Tanga, were arrested in Kiunga attempting to travel to Somalia. In statements from both, Dearsoul and Abubakar claimed they had departed from the village of Yombo in the Temeke district of Tanzania on 22 March 2013. Arriving in Kenya on 22 March 2013, through the Lunga-Lunga border crossing, they were issued with a two-week visa (expiring on 6 April 2013).

6. According to Dearsoul and Abubakar, they departed Mombasa on 25 March 2013, arriving in Lamu the same day, when they soon departed to Kiunga on 26 March 2013. Despite Dearsoul and Abubakar denying having any affiliation to Al-Shabaab, found in their possession was a laptop and memory card. According to reports, the laptop had saved on it Google map direction: "Tanzania – Somalia" while the memory card had reported 'Jihad' materials.

Mahmoud Ndiritiro





7. In addition to a sizeable number of Tanzanians seeking to join Al-Shabaab since its dramatic setbacks, the Monitoring Group has received credible reports of Burundian nationals being recruited into Al-Shabaab.

8. On 24 March 2013, Mahmoud Ndiritiro (22 years old) was arrested in Kiunga walking along the beach towards Somalia. In a statement attributed to Mahmoud and accessed by the Monitoring Group, he had claimed he was recruited in January 2013 at the Iqra Mosque in Bujumbura in Burundi. The Monitoring Group also understands Mahmoud had departed Burundi on 13 March 2013 arriving in Kigoma, where he boarded a bus to Tanzania before departing on 16 March 2013 to Kenya. Arriving in Kenya on 17 March 2013, Mahmoud then proceeded to Mombasa to stay with a relative before leaving on 23 March 2013 for Lamu and arriving there on 24 March 2013, and then proceeding on to Kiunga the same day.

9. According to Mahmoud, he was travelling to Somalia to meet a person named "Sheikh Shariff". Found in his possession was a mobile telephone with an outbox message in Arabic: "an uqatila nasi", roughly translated to mean: "to kill the people" and the names of the Somali towns of Hudur and Baidoa.

10. On 22 May 2013, the Monitoring Group received credible information that indicates Mahmoud appears to have links to Al Hijra member Thabit Jamaldin Yahya 'Bobby' and the Al-Qaida affiliated Jermaine John Grant, both in detention.

Mskiti wa Barabara ya Tano Bujumbura (5th Avenue Mosque, Bujumbura)

11. According to multiple independent sources, including indirect information accessed from Thabit based in Shimo la Tewa prison in Mombasa, Mahmoud Ndiritiro, since his arrest by the security services, has periodically been detained in Shimo la Tewa prison and at the Airport Police station while waiting to be repatriated to Burundi. During this time, the Monitoring Group has discovered, again from indirect accessed to Thabit and Grant, that Mahmoud has been able to interact with both individuals on potential operations involving Al-Shabaab affiliates in Burundi.[1]

12. Information received from a close associate of Thabit's describes an ongoing plan by Thabit and Grant, with the assistance of Mahmoud, to procure grenades from individuals affiliated to Al-Shabaab at the Mskiti wa Barabara ya Tano Bujumbura (5th Avenue Mosque, Bujumbura) in Burundi. According to the same close associate of Thabit familiar with his activities, both Thabit and Grant had arranged for an Al Hijra courier to travel to Burundi to meet the two Al-Shabaab affiliates at the 5th Avenue Mosque, when Thabit noted:

> I have a number for Baba Ayman, you call from a payphone. You say you want to speak o Mama Ayman and then tell her your name is Zainab…Mahmoud sent you. You tell her Mahmoud was arrested [in Kenya] then you ask them if you could go to Burundi or they could come [Kenya]…don't talk about the jugs [grenades] over the phone, they speak Swahili and French.[2]

13. The Monitoring Group can also confirm that at 00:20 am on 23 May 2013, Thabit had provided a Burundi mobile number for "Baba and Mama Ayman" at the 5th Avenue Mosque to a close female Al Hijra associate.[3] On 26 May 2013, the Monitoring Group was briefed on a 'secure telephone' discussion between Thabit and a member of Al Hijra's courier cell. According to the member, Grant and Thabit were insisting that the Al Hijra courier cell expedite the contacts with the Al-Shabaab affiliates in Burundi. On the same day the Monitoring Group observed a telephone call from a member of the courier cell to the Al-Shabaab affiliate in Burundi, "Baba Ayman", on the number provided by Thabit and Grant.

14. During the telephone call, as observed by the Monitoring Group from 9:29 am to 9:34 am, the courier cell member spoke to "Baba Ayman" under the assumed name

[1] The Monitoring Group is aware that Grant has recently changed his Kenya-based prison mobile number to +254 728 980203. This was communicated to an Al Hijra associate of Grant's at 12:32 pm on 16 May 2013 using the codes: "gniopogig".

[2] Close associate of Thabit 'familiar with his activities 'secure phone' discussion via Nimbuzz mobile messenger from 00:09 am to 00:10 am, dated 23 May 2013 and archived with the United Nations.

[3] The Monitoring Group is currently attempting to investigate the Burundi mobile number via CDR (Call Data Report) analysis and thereby unable to publish the mobile number.

"Zainab", informing him she had been referred by Mahmoud Ndiritiro.[4] The courier then proceeded to ask "Baba Ayman" if he was aware of the "Mizigo" (package) to be collected and if he would travel to Kenya or the courier would visit Burundi to discuss the logistics of handing over the 'jugs' (grenades). Based on the discussion, "Baba Ayman" agreed to travel to Mombasa to begin discussions on the logistics of the handover of the grenades.

15. By 10:40 am on the above same day, "Baba Ayman" had placed a follow-up 'missed call' to the Al Hijra courier member and at 11:10 am the courier had confirmed that "Baba Ayman" was preparing his travel to Mombasa to discuss the logistics of the 'jugs' from Burundi into Kenya for the use of Thabit and Grant.[5] According to the courier, "Baba Ayman" claimed: "I've tried calling your other number but no one is answering. I'm arranging my travel as soon as am in Mombasa I'll call you."[6]

16. On 4 June 2013, the Al Hijra courier received a message from Shimo la Tewa prison informing her that Thabit had finalized the modalities with Mama Ayman.[7] This has been confirmed by Baba Ayman in Burundi during a phone call with Al Hijra courier.[8] According to him, his wife had discussed the "Mizigo" (grenades) issue with someone, advising the courier to call back for further instructions.

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[4] According to the Al Hijra courier, "Baba Ayman" confirmed he knew Mahmoud Ndiritiro and had asked if Mahmoud was in any difficulty in detention.
[5] The Monitoring Group's assessment is that the 'jugs' are to be handed over to another cell in Mombasa closely linked to Abubakar Shariff Ahmed 'Makaburi'.
[6] Telephone call between "Baba Ayman" and Al Hijra courier at 11:10, on 26 May 2013.
[7] Telephone call from Thabit and Grant associate "Rash" in prison to Al Hijra courier on 4 June 2013.
[8] Al Hijra courier telephone call to Baba Ayman in Burundi at 13:04pm on 4 June 2013.

Annex 2.1.c: Copies of hotel receipt for Wendo Idi Zuberi (STRICTLY CONFIDENTIAL)



KAP GUEST HOUSE

P.O Box 7524
Code 00300
Nairobi - Kenya
Tel: 0717 - 200 012

KAP

RECEIPT

No. 21

Received from..

Passport / ID. Card No. ...

Address ...

Sum of K. Shillings ONE THOUSAND TWO HUNDRED

Payment of Room No. 211

Kshs. 1200/=

Cash / Cheque

Date 11/01/2013

Nationality ... Date 11

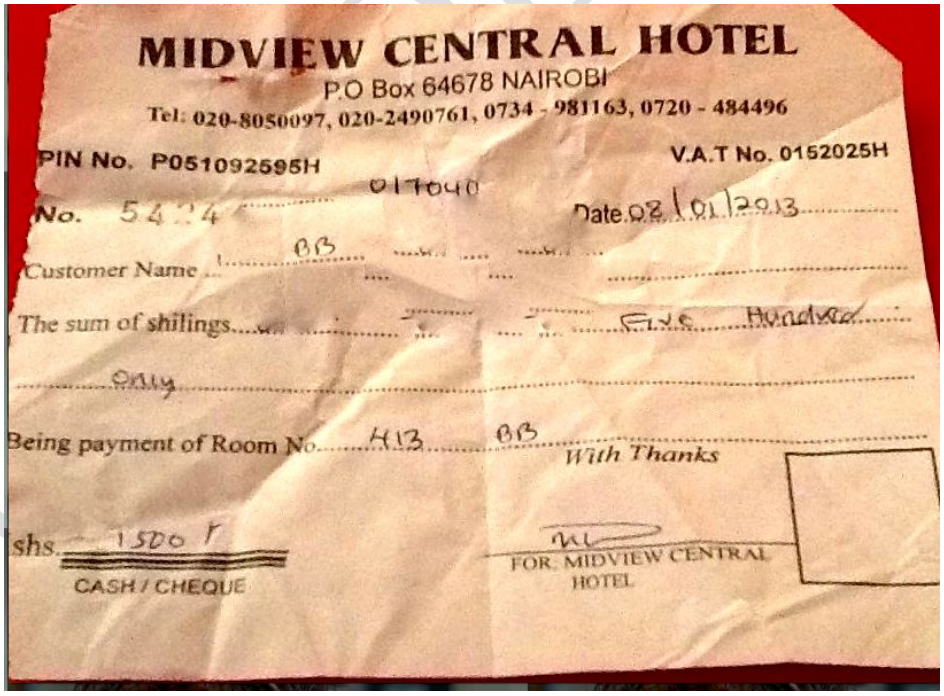
Telephone: ...

For:- KAP Guest House

CONDITIONS

...are requested to deposit their valuables for safe keeping.
...are requested to switch off all the lights.
...are requested to have the keys at the reception.
...will not be held responsible for boarders properties stolen, ...aged.
...be held responsible for anything stolen.
...as been booked, money will not be refundable.

7. Booking are not transferable to other names.
8. Visitors are not allowed into the room after 7.00p.m.
9. Rooms must be vacated by 10.00 a.m the following day.
10. If any damage is done to the Hotel property either through negligence or purposely by the occupant then the occupant will be held responsible for the cost of the damage.
11. The management reserves the right of admission.



MIDVIEW CENTRAL HOTEL

P.O Box 64678 NAIROBI

Tel: 020-8050097, 020-2490761, 0734 - 981163, 0720 - 484496

PIN No. P051092595H

V.A.T No. 0152025H

No. 5424 017640

Date 02/01/2013

Customer Name ... BB

The sum of shilings ... Five Hundred Only

Being payment of Room No. H13 BB

With Thanks

shs. 1500 /=

CASH / CHEQUE

FOR. MIDVIEW CENTRAL HOTEL

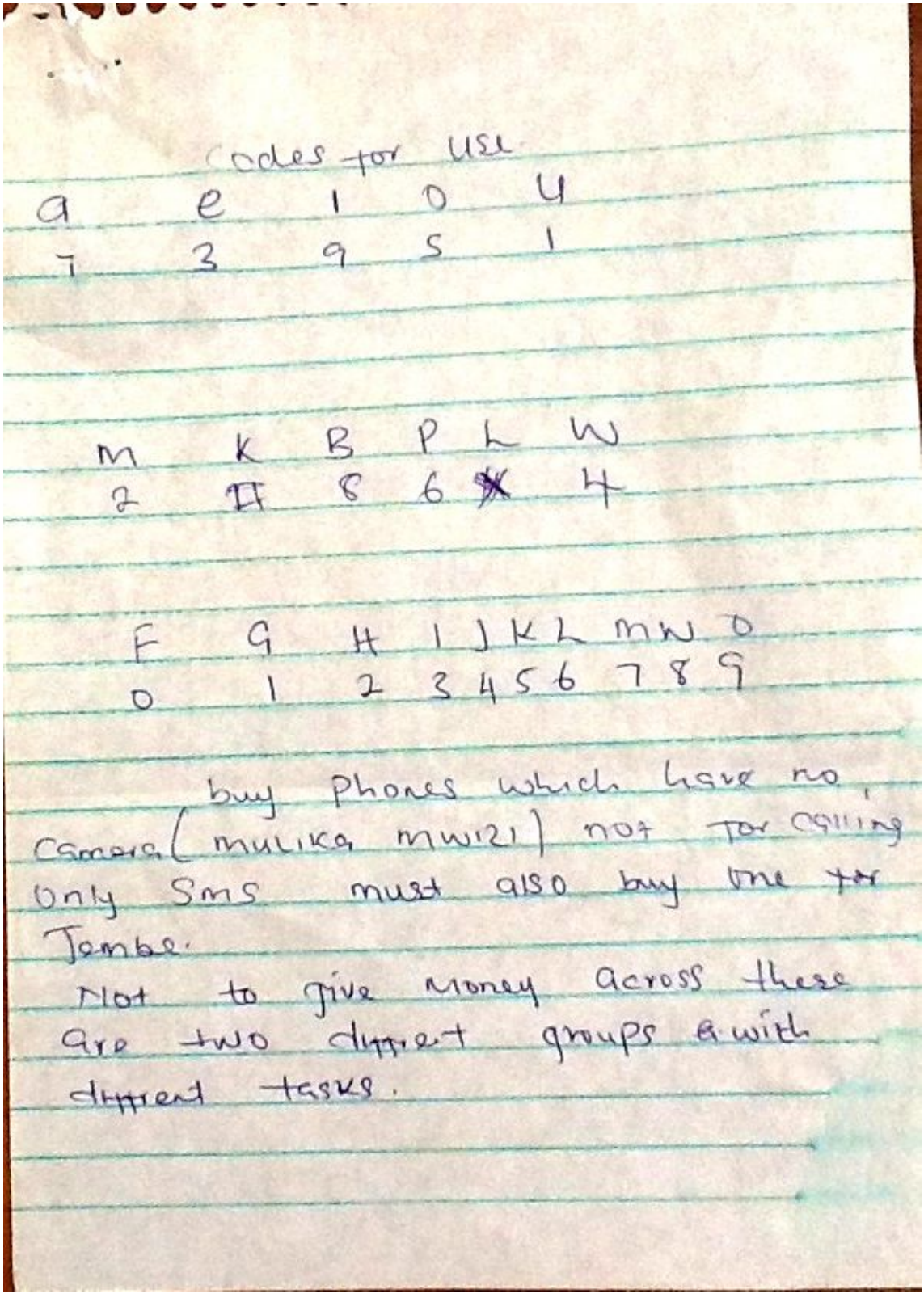
Annex 2.1.d: Images of arms cache retrieved from Mwalim Khalid (STRICTLY CONFIDENTIAL)





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Annex 2.1.e: Copies of "instruction notes" and "secure codes" provided by Thabit to Al Hijra couriers (STRICTLY CONFIDENTIAL)



codes for use

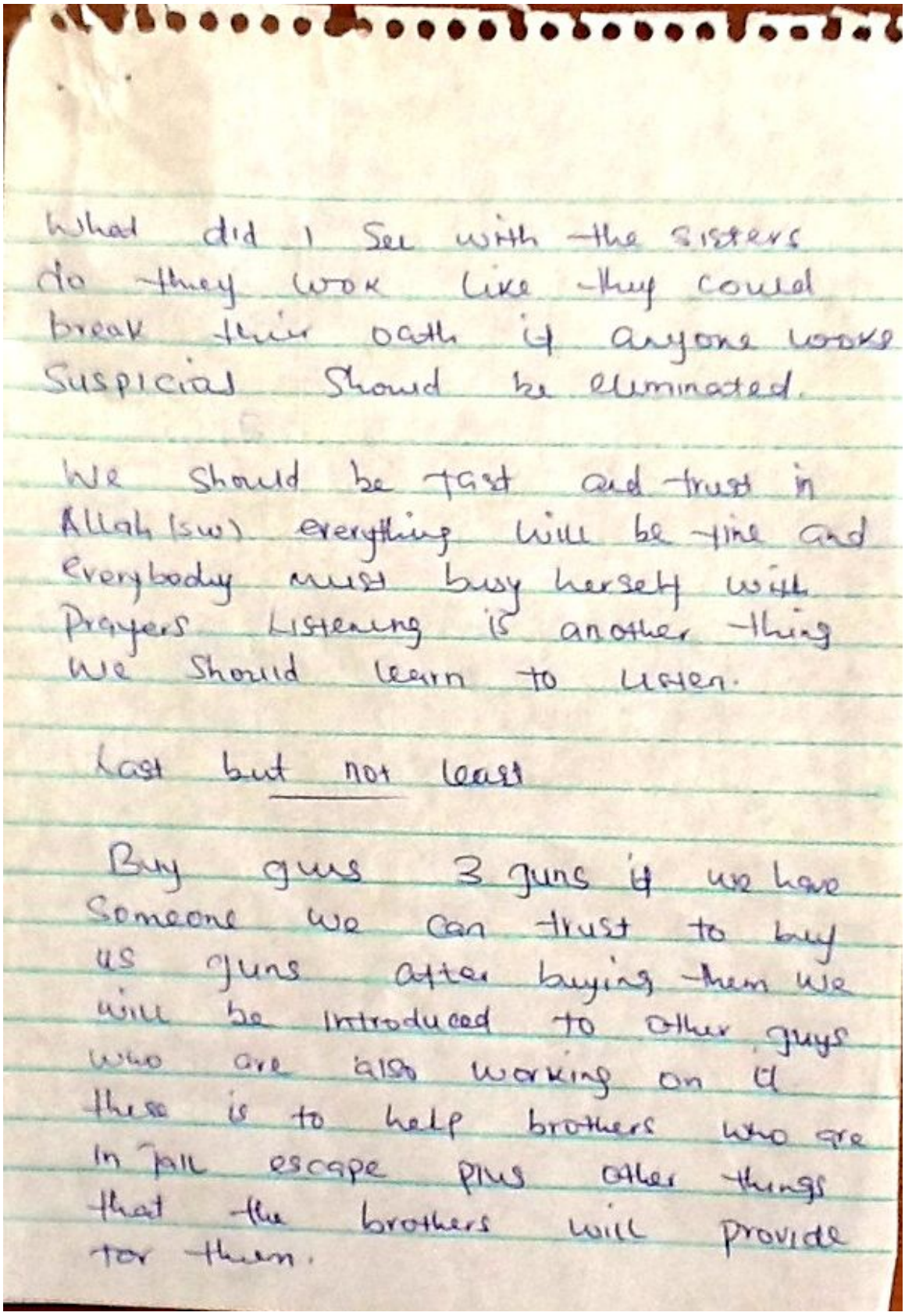
a	e	i	o	u
7	3	9	5	1

M	K	B	P	L	W
2	II	8	6	X	4

F	G	H	I	J	K	L	M	N	O
0	1	2	3	4	5	6	7	8	9

buy phones which have no camera (mulika mwizi) not for calling only sms must also buy one for Tombe.

Not to give money across these are two direct groups & with different tasks.



What did I see with the sisters do they work like they could break their oath if anyone looks Suspicial Should be eliminated.

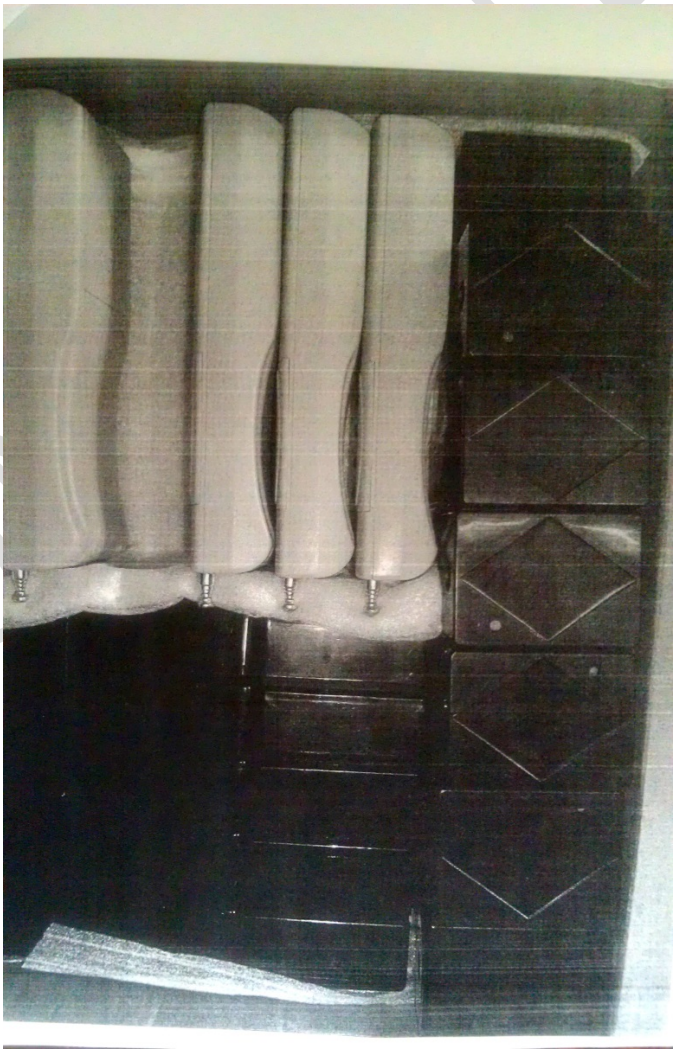
We Should be fast and trust in Allah (swt) everything will be fine and Everybody must busy herself with Prayers Listening is another thing We Should learn to listen.

Last but not least

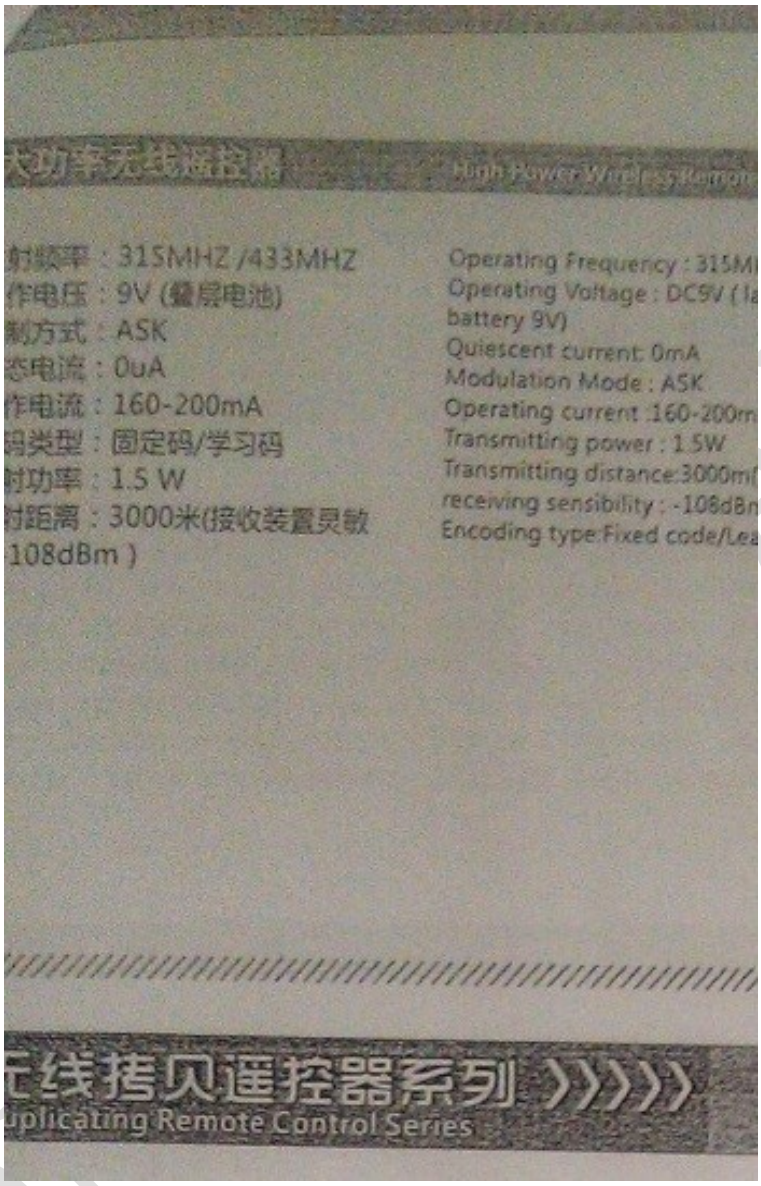
Buy guns 3 guns if we have Someone we can trust to buy us guns after buying them we will be introduced to other guys who are also working on it these is to help brothers who are in jail escape plus other things that the brothers will provide for them.

Annex 2.1.f: Images of IED assembling components seized from Al Hijra courier Abdallah Kilume (STRICTLY CONFIDENTIAL)



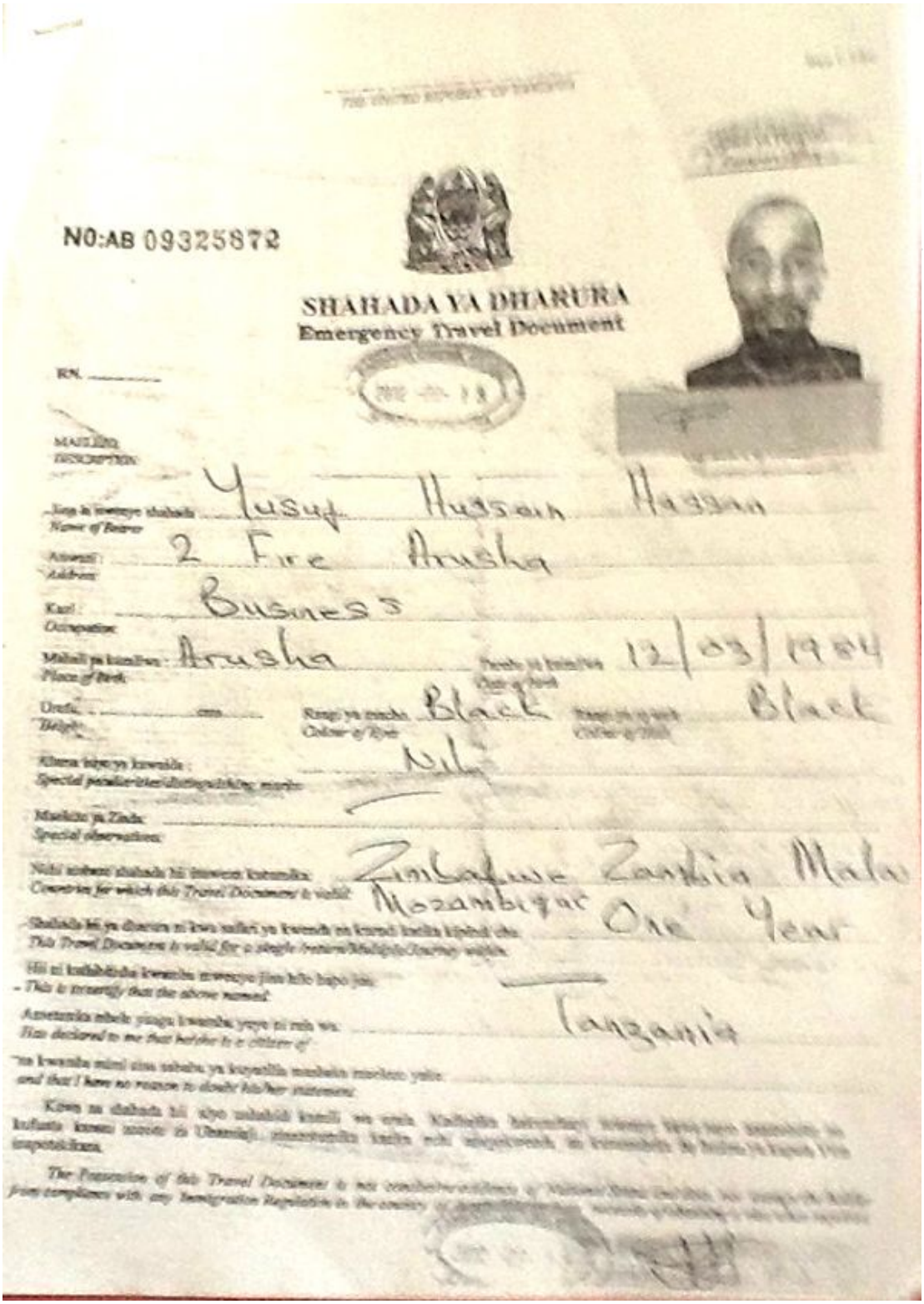


Annex 81


射频率：315MHZ /433MHZ
作电压：9V (叠层电池)
制方式：ASK
态电流：0uA
作电流：160-200mA
码类型：固定码/学习码
射功率：1.5 W
射距离：3000米(接收装置灵敏
108dBm)
Operating Frequency : 315M
Operating Voltage : DC9V (l
battery 9V)
Quiescent current: 0mA
Modulation Mode : ASK
Operating current :160-200m
Transmitting power : 1.5W
Transmitting distance:3000m
receiving sensibility : -108dB
Encoding type:Fixed code/Lea
无线拷贝遥控器系列
uplicating Remote Control Series


WPX
NBO

Annex 2.1.g: Copy of Yussuf Hussein Hassan's temporary travel document (STRICTLY CONFIDENTIAL)



Annex 2.1.h: Image of bulletproof vest found in Yussuf Hussein Hassan's luggage (STRICTLY CONFIDENTIAL)





Annex 2.1.i: Images of Al Hijra safe house in Tanga, Tanzania (STRICTLY CONFIDENTIAL)



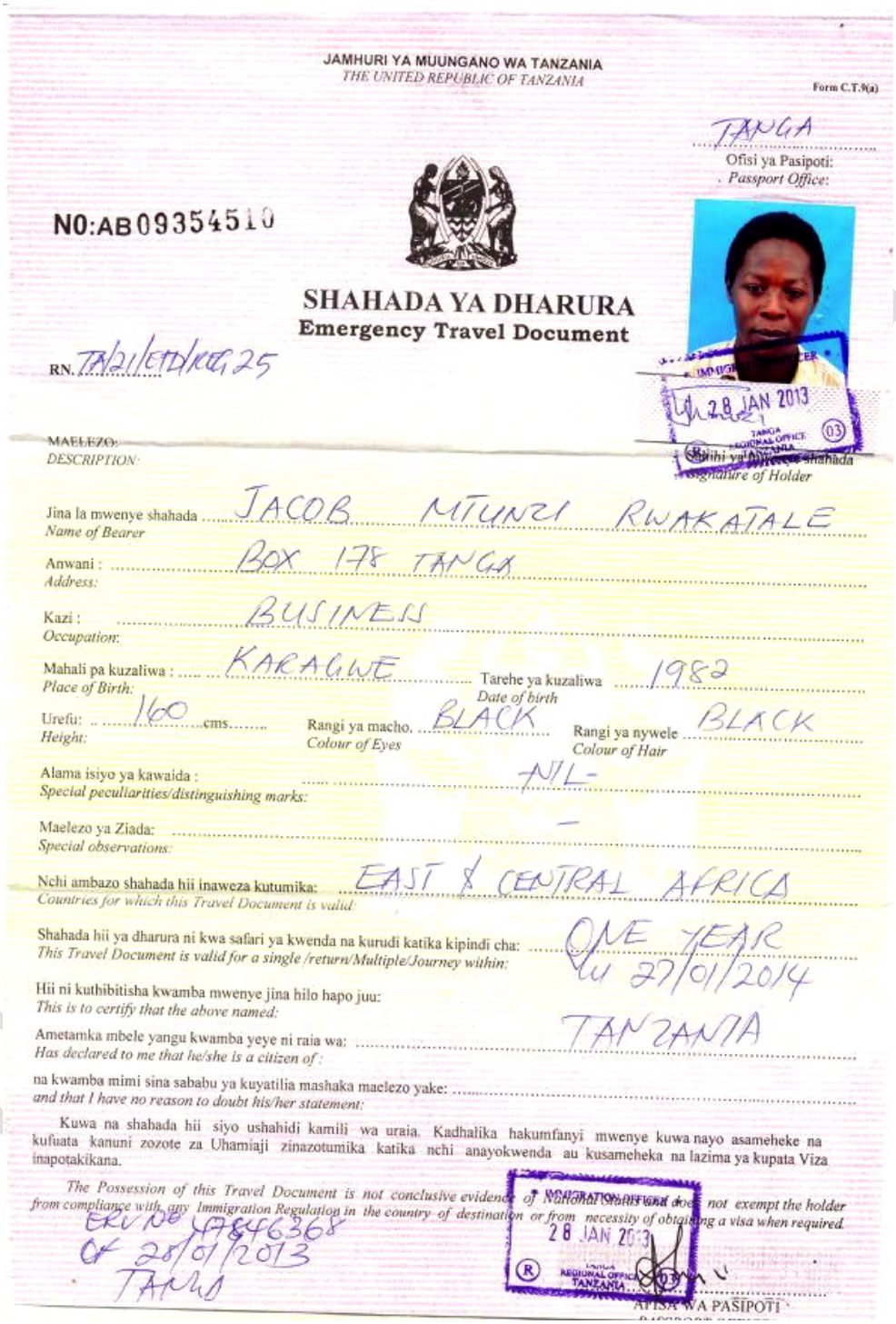






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Annex 2.1.j: Copies of Al Hijra fighters assumed identities used in Tanzania (STRICTLY CONFIDENTIAL)



JAMHURI YA MUUNGANO WA TANZANIA
THE UNITED REPUBLIC OF TANZANIA

Form C.T.9(a)

TANGA
Ofisi ya Pasipoti:
Passport Office:

N0:AB 09354510

SHAHADA YA DHARURA
Emergency Travel Document

RN. TA/21/ETD/REG/25

28 JAN 2013
TANGA REGIONAL OFFICE TANZANIA 03

MAELEZO:
DESCRIPTION:

Saini ya Mwenye shahada
Signature of Holder

Jina la mwenye shahada: JACOB MTUNZI RWAKATALE
Name of Bearer

Anwani: BOX 178 TANGA
Address:

Kazi: BUSINESS
Occupation:

Mahali pa kuzaliwa: KARAGWE Tarehe ya kuzaliwa: 1982
Place of Birth: *Date of birth*

Urefu: 160 cms. Rangi ya macho: BLACK Rangi ya nywele: BLACK
Height: *Colour of Eyes* *Colour of Hair*

Alama isiyo ya kawaida: NIL
Special peculiarities/distinguishing marks:

Maelezo ya Ziada: -
Special observations:

Nchi ambazo shahada hii inaweza kutumika: EAST & CENTRAL AFRICA
Countries for which this Travel Document is valid:

Shahada hii ya dharura ni kwa safari ya kwenda na kurudi katika kipindi cha: ONE YEAR
This Travel Document is valid for a single /return/Multiple/Journey within: Ku 27/01/2014

Hii ni kuthibitisha kwamba mwenye jina hilo hapo juu:
This is to certify that the above named:

Ametamka mbele yangu kwamba yeye ni raia wa: TANZANIA
Has declared to me that he/she is a citizen of:

na kwamba mimi sina sababu ya kuyatilia mashaka maelezo yake:
and that I have no reason to doubt his/her statement:

Kuwa na shahada hii siyo ushahidi kamili wa uraia. Kadhalika hakumfanyi mwenye kuwa nayo asameheke na kufuata kanuni zozote za Uhamiaji zinazotumika katika nchi anayokwenda au kusameheka na lazima ya kupata Viza inapotakikana.

The Possession of this Travel Document is not conclusive evidence of National Status and does not exempt the holder from compliance with any Immigration Regulation in the country of destination or from necessity of obtaining a visa when required.

ERV DE 4646368
Of 28/01/2013
TANU

IMMIGRATION OFFICER
28 JAN 2013
REGIONAL OFFICER TANZANIA 03

AFISA WA PASIPOTI

JAMHURI YA MUUNGANO WA TANZANIA
THE UNITED REPUBLIC OF TANZANIA

Form C.T.5(a)

TANGA
Ofisi ya Pasipoti:
Passport Office:

N0:AB 09354521



SHAHADA YA DHARURA
Emergency Travel Document

RN. 21 TAIETD/REG/21

IMMIGRATION OFFICER
28 JAN 2013

Sahihi ya mwenye shahada
Signature of holder

MAELEZO:
DESCRIPTION:

Jina la mwenye shahada ABED MWIRU ABED ITYKYA
Name of Bearer

Anwani : Box 178 TANGA
Address:

Kazi : BIASHARA
Occupation:

Mahali pa kuzaliwa : MWANZA Tarehe ya kuzaliwa 31=08=1982
Place of Birth: *Date of birth*

Urefu: 1.70 cms. Rangi ya macho. BLACK Rangi ya nywele BLACK
Height: *Colour of Eyes* *Colour of Hair*

Alama isiyo ya kawaida : -NIL-
Special peculiarities/distinguishing marks:

Maelezo ya Ziada:
Special observations:

Nchi ambazo shahada hii inaweza kutumika: EAST & CENTRAL AFRICA
Countries for which this Travel Document is valid:

Shahada hii ya dharura ni kwa safari ya kwenda na kurudi katika kipindi cha: ONE YEAR
This Travel Document is valid for a single /return/Multiple/Journey within:

~~Hii ni kuthibitisha~~ kwamba mwenye jina hilo hapo juu: 28/01/2013
This is to certify that the above named:

Ametamka mbele yangu kwamba yeye ni raia wa: TANZANIA
Has declared to me that he/she is a citizen of :

na kwamba mimi sina sababu ya kuyatilia mashaka maelezo yake:
and that I have no reason to doubt his/her statement:

Kuwa na shahada hii siyo ushahidi kamili wa uraia. Kadhalika hakumfanyi mwenye kuwa nayo asameheke na kufuata kanuni zozote za Uhamiaji zinazotumika katika nchi anayokwenda au kusameheka na lazima ya kupata Viza inapotakikana.

The Possession of this Travel Document is not conclusive evidence of National Status and does not exempt the holder from compliance with any Immigration Regulation in the country of destination or from necessity of obtaining a visa when required.

ERV NO. 47846369
OF 28/01/2013, TANGA

IMMIGRATION OFFICER
28 JAN 2013

AFISA WA PASIPOTI

THE UNITED REPUBLIC OF TANZANIA

CERTIFICATE OF BIRTH

BB/No. 1645415

No. in entry	When born	Name if any	Sex	Name and Surname of father	Father's occupation and residence	Father's Nationality	Name and maiden name of mother	Mother's occupation and residence	Mother's Nationality	Signature, description and residence of informant	Date of Birth	Date of registration	Signature of registering officer	Baptismal name if added or altered after registration of birth
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
L. 5505/2012	NTAMAGAMA	MTIND	MALE	ABEID ITUKTA	DECEASED	TANZANIA	PARTIA ATEDMANI	DECEASED	TANZANIA	AS PER APPLICATION IN WRITING ON ZOEM BD. 15 SIGNED BY MAIRO ANEID OF MWANZA	NINETEEN TH AUGUST 1962	THIRTY FIRST DECEMBER 2012	S.M.MANORI	

I certify under the Births and Deaths Registration Ordinance (Cap. 108 of the Laws), to be a true copy of an entry in the register in my custody of Birth
District of NYAMAGANA in Tanzania.
Dated this 21ST day of JANUARY 20 13

Fee Paid Shs. 2,000/=

REGISTRAR OF BIRTHS AND DEATHS
NYAMAGANA DISTRICT

DISTRICT REGISTRAR

CERTIFICATE OF BIRTH

BB/No. 1645414

Father's occupation and residence	Father's Nationality	Name and maiden name of mother	Mother's occupation and residence	Mother's Nationality	Signature, description and residence of informant	Date of birth	Date of registration	Signature of registering officer	Registered name if added or altered after registration of birth
(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
PEASANT MWANZA	TANZANIA	HIDAYA TAHA	PEASANT MWANZA	TANZANIA	AS PER APPLICATION IN WRITING ON FORM NO. 15 SIGNED BY JACOBO KITWAI OF MWANZA	FOURTEENTH SEPTEMBER 1987	THIRTY FIRST DECEMBER 2012	E.M.MAMORI	

Ordinance (Cap. 108 of the Laws), to be a true copy of an entry in the register in my custody of Births
n Tanzania.

Dated this 21ST day of JANUARY 20

DISTRICT REGISTRAR

Annex 2.1.k: Sample copy of Somalia-based Al Hijra DHL tracking information on IEDs assembling parts from China (STRICTLY CONFIDENTIAL)

Result Summary Waybill: 7388066405

Signed for by: ABDALLA MWASIKI Tuesday, July 24, 2012 at 14:15

Origin Service Area: HONG KONG - HONG KONG - HONG KONG

Destination Service Area: NAIROBI - NAIROBI - KENYA

	Tuesday, July 24, 2012 Location		Time
16	Delivered - Signed for by : ABDALLA MWASIKI	NAIROBI	14:15
15	Awaiting collection by recipient as requested	NAIROBI - KENYA	11:56

	Monday, July 23, 2012 Location		Time
14	Awaiting collection by recipient as requested	NAIROBI - KENYA	21:27
13	Arrived at Delivery Facility in NAIROBI - KENYA	NAIROBI - KENYA	13:03
12	Departed Facility in NAIROBI - KENYA	NAIROBI - KENYA	12:40
11	Processed at NAIROBI - KENYA	NAIROBI - KENYA	12:40
10	Clearance processing complete at NAIROBI - KENYA	NAIROBI - KENYA	08:52
9	Arrived at Sort Facility NAIROBI - KENYA	NAIROBI - KENYA	08:36
8	Departed Facility in AE - HUB & GATEWAYS - UNITED ARAB EMIRATES AE - HUB & GATEWAYS - UNITED ARAB EMIRATES		00:27

	Sunday, July 22, 2012 Location		Time
7	Processed at AE - HUB & GATEWAYS - UNITED ARAB EMIRATES AE - HUB & GATEWAYS - UNITED ARAB EMIRATES		23:38
6	Arrived at Sort Facility AE - HUB & GATEWAYS - UNITED ARAB EMIRATES AE - HUB & GATEWAYS - UNITED ARAB EMIRATES		22:30
5	Departed Facility in HONG KONG - HONG KONG	HONG KONG - HONG KONG	14:48
4	Processed at HONG KONG - HONG KONG	HONG KONG - HONG KONG	14:36
3	Processed at HONG KONG - HONG KONG	HONG KONG - HONG KONG	13:55
2	Arrived at Sort Facility HONG KONG - HONG KONG	HONG KONG - HONG KONG	13:25
1	Shipment picked up	HONG KONG - HONG KONG	00:01

Hide Details

CONFI

Annex 2.1.l: Copy of letter of resignation of PRMC official Mahmoud Karega (STRICTLY CONFIDENTIAL)

Mahmoud Karega Ng'ang'a
P.O. Box 8790-00300
Mail: karega@myself.com, mahmud27@gmail.com
NAIROBI.

7TH OCTOBER, 2012

ATTN:
The Chairman
Pumwani Riadha Mosque Committee
P.O. Box 38714-00600
NAIROBI.

Dear Sir,

RE: RESIGNATION

Assalam 'Alaikum Warahmatullah Wabarakatuh?
It's my hope and prayer that you're in the best of health and faith. I thank Allah for granting me the opportunity to serve in the management committee of Riadha; also I thank the management committee and the Society at large for the time we've spent together in search for lasting solutions to the Socio-economic challenges affecting the Muslim Community in Majengo and Pumwani at large. This was indeed a great honor.

I wish to draw your attention to the above subject. Since the time I joined the Committee, I've tried to the best of my personal and professional ability to emphasize of the significance of having sound financial management policies and procedures in place. We started off well by having the various sub-committees about a year ago, with mandate and modalities of how each of them was expected to run. Somewhere along the way in the beginning of 2012, things changed and one of the key sub-committees (i.e. Finance & Administration) was disbanded and a new one reconstituted only for the decision to be ratified in a committee meeting on the basis that it did not deliver on its mandate. After disbandment I forwarded a budget template to the treasury for the whole year subject to review in a full committee meeting and hopefully its subsequent implementation, to-date nobody in the executive has ever bothered himself about it.

Today, we're in the fourth quarter of this financial year. More than fifteen months ago, I prepared a finance policy manual for purposes of professionalism in the way the affairs of the Society are conducted. It is yet to be implemented. Additionally, I carried out an internal audit of the Society's affairs under the direction of the committee for the first quarter ending 31st March. I compiled a report and as usual nothing was done about it till today. Key issues in the report related to controls and procedures, fraud, format of presentation, legal and statutory requirements specifically V.A.T, P.A.Y.E, N.S.S.F and N.H.I.F just to name but a few. A report by a U.N monitoring group published last year alleged that the mosque was involved in recruitment and financing of Al-Shabaab militia group activities in Somalia. My question is; How do we clean up the Society's name if we are not transparent in our dealings and what happens if today we're called upon by the government to disclose our financial dealings knowing very well that we don't pay taxes to the government? I recall one day when I was explaining about statutory deductions to the committee, I was ignored and the secretary added that he'll consult the Society's lawyer on whether to comply or not.

On the basis of the above facts, I find it honorable to resign from being a member of Pumwani Riadha Mosque Committee. I'd prefer to serve the community at a lower level out of the committee. I'll be available for the next one month Insha'Allah to respond to any queries relating to any assignment I have ever done for the Society. I wish all the committee members well in their endeavours. However, I apologize

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if I have ever wronged anyone of all of you either at personal level or collectively because am human. Personally, I have no grudge against anybody. Once again I thank Allah for bringing us together; I thank all of you also for the time we spent together in this noble work of steering our societal affairs.

May Allah guide us all, AMEEN.

Sincerely Yours,

Bro. Mahmoud Karega Ng'ang'a

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Annex 82

Report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 2060 (2012), S/2013/413, 12 July 2013 (Extracts)

United Nations S/2013/413

Security Council

Distr.: General
12 July 2013

Original: English

Letter dated 12 July 2013 from the Chair of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea addressed to the President of the Security Council

On behalf of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea, and in accordance with paragraph 13 (m) of Security Council resolution 2060 (2012), I have the honour to transmit herewith the report on Somalia of the Monitoring Group on Somalia and Eritrea.

In this connection, the Committee would appreciate it if the present letter, together with its enclosure, were brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) **Kim** Sook
Chairman
Security Council Committee pursuant to
resolutions 751 (1992) and 1907 (2009)
concerning Somalia and Eritrea

13-36185 (E) 150713

Please recycle

Letter dated 19 June 2013 from the members of the Monitoring Group on Somalia and Eritrea addressed to the Chair of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea

We have the honour to transmit herewith the report on Somalia of the Monitoring Group on Somalia and Eritrea, in accordance with paragraph 13 (m) of Security Council resolution 2060 (2012).

(*Signed*) Jarat **Chopra**
Coordinator
Monitoring Group on Somalia and Eritrea

(*Signed*) Jeanine Lee **Brudenell**
Finance Expert

(*Signed*) Emmanuel **Deisser**
Arms Expert

(*Signed*) Aurélien **Llorca**
Transport Expert

(*Signed*) Dinesh **Mahtani**
Finance Expert

(*Signed*) Jörg **Roofthooft**
Maritime Expert

(*Signed*) Babatunde **Taiwo**
Armed Groups Expert

(*Signed*) Kristèle **Younès**
Humanitarian Expert

S/2013/413

Report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 2060 (2012): Somalia

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* The annexes are being circulated in the language of submission only.
** The annex has not been reproduced in the present document because it is strictly confidential.

Abbreviations

AMISOM	African Union Mission in Somalia
ENDF	Ethiopian National Defence Forces
FAO	Food and Agriculture Organization of the United Nations
KDF	Kenya Defence Forces
MSF	Médecins san Frontières
NATO	North Atlantic Treaty Organization
UNHCR	Office of the United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNSOM	United Nations Assistance Mission in Somalia

Summary

The end of transition in Somalia in summer 2012, though fragile and flawed, nevertheless led to the election of Hassan Sheikh Mohamud as President and presented an opportunity for a new kind of leadership in the country. However, a genuine end of transition necessitated both a change in individual leadership as well as a change in the system of government that in the past had undermined the State-building enterprise through misappropriation of public goods and security sector fiefdoms. While control over financial flows and security institutions was divided between several principal power holders in the past, the new President inherited a system in which he controlled neither. While struggling to extend his reach into government in Mogadishu as well as into the country generally, he has had to develop coping mechanisms to obtain external funds and arrange security relations inside and outside of Government. These limitations at the centre of the Federal Government, the realignment of networks of influence in and around it and more broadly in Somalia, as well as events in past months, notably in "Jubaland", threaten to undermine the Federal Government of Somalia and the current peace and reconciliation process in the country.

Meanwhile, Al-Shabaab has suffered conventional military setbacks, particularly in urban centres, including the loss of Kismaayo, as the forces of AMISOM and the Somali National Army expanded their areas of territorial control. However, Harakaat al-Shabaab al-Mujaahidiin continues to control most of southern and central Somalia and has shifted its strategic posture to asymmetrical warfare in both urban centres and the countryside. The military strength of Al-Shabaab, with an approximately 5,000-strong force, remains arguably intact in terms of operational readiness, chain of command, discipline and communication capabilities. By avoiding direct military confrontation, it has preserved the core of its fighting force and resources. Given its structure, internal dissension has had no impact on Al-Shabaab's ability to conduct operations. The leadership of Ahmed Godane has been kept largely unchallenged, in part by strengthening the role and resources of *Amniyat*, Al-Shabaab's "secret service", which is structured along the lines of a clandestine organization within the organization with the intention of surviving any kind of dissolution of Al-Shabaab. At present, Al-Shabaab remains the principal threat to peace and security in Somalia.

The merger between Al-Shabaab and Al-Qaida in 2012 appears largely symbolic. Al-Shabaab continues to pose a regional and international threat through its affiliates. Notably, in Kenya, Al Hijra (formerly the Muslim Youth Centre) and its financier, the Pumwani Riyadha Mosque Committee, have suffered setbacks from disruptions of Al Hijra's operations by international and regional security services, as well as unexplained killings and disappearances of its members. However, Al Hijra is striving to regain the initiative, in part through its fighters in Somalia returning to conduct new and more complex operations and through strengthening its ties to other groups in the region. In this context, the self-styled Al-Qaida affiliate, Abubakar Shariff Ahmed "Makaburi", designated for targeted measures by the Committee in August 2012, is increasingly asserting his influence over Al Hijra.

More broadly in Somalia, several spoiler networks have emerged. In northern Somalia, with the general decline of pirate activity a network of individuals, including known pirate leaders, is engaged in providing private security for

unlicensed fishing vessels in Somali waters and is connected to weapons smuggling and Al-Shabaab networks in north-eastern Somalia. In the east-central region of Galmudug, a "former" Mogadishu warlord, Abdi Hassan Awale "Qeybdiid", has returned to prominence by appropriating political power and instigating clan conflict, thereby undermining the Federal Government and threatening security in the northern region of "Puntland". In southern Somalia, two core groups of spoilers are either aligned against or in favour of the Federal Government. Sheikh Ahmed Mohamed Islam "Madobe" and his Ras Kamboni forces, with Kenyan support, have established their own military presence in Kismaayo in opposition to the central Government, while a group of Hawiye/Habar Gedir/Ayr warlords and their allies in the Darod/Marehan network of Barre Adan Shire "Hiiraale" are acting as proxies for the central Government, but pursing their own individual and clan-based agendas. Both spoiler groups have interests that intersect with those of Al-Shabaab.

With the decline in the number of pirate incidents, organized criminal networks and individuals are diversifying their financial interests by undertaking different ventures, including providing armed protection aboard vessels involved in regional trade or fishing activities. While piracy may be contained at sea, the various pirate networks remain active. In the persisting absence of serious national and international efforts to investigate, prosecute or sanction those responsible for organizing Somali piracy, the leaders, financiers, negotiators and facilitators will continue to operate with impunity. Of particular concern in this context are the steps taken by the Federal Government towards a policy of amnesty.

Despite the change in leadership in Mogadishu, the misappropriation of public resources continues in line with past practices. The campaign financing structure of the 2012 elections recycled funds derived from external and internal sources to distort the political system. Notably, public financial management efforts to redirect Government revenues to the Central Bank proved to be serving a flawed objective. On average, some 80 per cent of withdrawals from the Central Bank are made for private purposes and not for the running of Government, representing a patronage system and a set of social relations that defy the institutionalization of the State. In this context, the fiduciary agency managed by PricewaterhouseCoopers was reduced to a transfer agent that could not ensure accountability of funds once they reached the Government of Somalia. Indeed, of 16.9 million transferred by PricewaterhouseCoopers to the Central Bank, US$ 12 million could not be traced. Key to these irregularities has been the current Governor of the Central Bank, Abdusalam Omer. In addition, the production of the national passport continues to be fraught with fraud and corruption, undermining the integrity of the national travel document. While more customs and port fee revenues from Mogadishu port have been deposited into the Central Bank, they are proportionally less than the increase in shipping traffic, and a monthly average of at least 33 per cent cannot be accounted for. At present, the emergence of significant oil interests in Somalia and the region risks exacerbating political tensions in Somalia, undermining coordination between federal and regional administrations and threatening peace and security in the country.

Despite the relaxation of the arms embargo for the Federal Government of Somalia, a variety of violations persist. The patterns of arms shipments to Somalia remain similar to those of previous years, with smuggling networks able to exploit a number of small ports around the coast of Somalia and supply routes between the northern and southern parts of the country. In addition, concerns over command and

control within AMISOM and Kenyan forces, as well as support to Somali proxies by the Government of Ethiopia outside any exemption, remain unresolved issues. Generally, there has been an improvement by Member States in complying with procedures of the arms embargo, although the Federal Government has yet to fulfil its obligations under the revised regime. The activities of private security companies continue to grow, at times in violation of the arms embargo.

Despite improved access in certain areas of the country, access to vulnerable civilians remains a challenge for the humanitarian community, and all parties in Somalia continue to obstruct the provision of humanitarian assistance. Al-Shabaab maintained and expanded its ban on most aid agencies in areas under its control, while all actors in Somalia subjected humanitarian organizations to taxation, illegal roadblocks, intimidation and extortion. Moreover, as a consequence of both remote management by aid agencies in Nairobi and the culture of "gatekeepers", diversion of humanitarian assistance by third parties, as well as by staff and partners of aid organizations, continues to undermine international efforts.

Throughout Somalia, all parties to the conflict continue to violate international humanitarian law and human rights standards. Military operations and guerrilla warfare across the country caused significant harm to civilians. In 2012 in Mogadishu, some 6,680 civilian casualties suffered weapons-related injuries, many of them from improvised explosive devices deployed by Al-Shabaab. Data collected by human rights and humanitarian agencies demonstrate that pro-Government forces have also caused civilian casualties as a result of aerial attacks and naval and ground engagement. Meanwhile, gender-based violence remains an endemic phenomenon.

By November 2012, Kenyan forces, Sheikh Ahmed Madobe and his Ras Kamboni forces had unilaterally begun exporting charcoal from Kismaayo in flagrant violation of the Security Council ban and the instructions of the President of Somalia. Thereafter, approximately 1 million sacks of charcoal have been exported from Kismaayo each month, in addition to exports from Al-Shabaab-controlled Barawe and other smaller ports. Overall, the charcoal exports have increased by 140 per cent in comparison to previous years. The charcoal business architecture and trade networks remain intact, with Al-Shabaab maintaining a central role and continuing to benefit significantly.

As a result of its investigations, particularly those with financial implications for spoilers in Somalia, the Monitoring Group has experienced increasing obstruction of its work, including targeted killings, threats and intimidation of its alleged sources. In addition, as Somalia proceeds on its precarious path to peace and reconciliation, the various spoilers identified by the Monitoring Group threaten to undermine legitimate authority in the country as well as international assistance efforts. To better secure the gains made to date, the Monitoring Group believes that such individuals violating relevant Security Council resolutions should be designated for targeted measures with the least possible delay. To this end, it proposes several new additions to the sanctions lists established in accordance with Security Council resolutions 1844 (2008) and 1907 (2009).

I. Introduction

A. Mandate

1. The mandate of the Monitoring Group on Somalia and Eritrea is contained in paragraph 13 of Security Council resolution 2060 (2012), adopted on 25 July 2012. Additional tasks were assigned to the Monitoring Group under resolution 2093 (2013).

2. Pursuant to paragraph 13 (l) of resolution 2060 (2012), the Monitoring Group provided the Security Council, through its Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea, a midterm briefing on 15 February 2013. The Monitoring Group also submitted monthly progress reports to the Committee throughout the period of its mandate.

3. In the course of their investigations, members of the Monitoring Group travelled to Belgium, Ethiopia, France, Greece, Italy, the Netherlands, Norway, Seychelles, Somalia, South Africa, South Sudan, Switzerland, Sweden, the United Republic of Tanzania, Uganda, the United Arab Emirates, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Yemen and Zambia. In Somalia, members of the Monitoring Group were able to undertake multiple visits to Mogadishu, Garowe, Bosasso and Kismaayo, but much of the south of the country remained inaccessible.

4. The Monitoring Group was based in Nairobi and comprised the following experts: Jarat Chopra (Coordinator), Jeanine Lee Brudenell (finance), Emmanuel Deisser (arms), Aurélien Llorca (transport), Dinesh Mahtani (finance), Jörg Roofthooft (maritime), Babatunde Taiwo (armed groups) and Kristèle Younès (humanitarian).

B. Methodology

5. The evidentiary standards and verification processes outlined in the previous reports of the Monitoring Group apply to work conducted during the mandate under review. The Monitoring Group reaffirmed its methodology pursuant to its previous reports (most recently, S/2012/544 of 13 July 2012). The methodology used for the current report is as follows:

(a) Collecting information on events and topics from multiple sources, where possible;

(b) Collecting information from sources with first-hand knowledge of events, where possible;

(c) Identifying consistency in patterns of information and comparing existing knowledge with new information and emerging trends;

(d) Continuously factoring in the expertise and judgement of the relevant expert of the Monitoring Group and the collective assessment of the Group with respect to the credibility of information and the reliability of sources; and

(e) Obtaining physical, photographic, audio, video and/or documentary evidence in support of the information collected.

6. The Monitoring Group made a deliberate and systematic effort to gain access to those involved in violations by way of individuals who have direct knowledge or who know people who have direct knowledge about details of violations. On certain occasions, the Monitoring Group was able to witness first-hand active violations.

7. The Monitoring Group interviewed a wide range of sources with relevant information, including government officials and representatives from diplomatic missions, civil society organizations and aid agencies. Members of the Monitoring Group met with a variety of officials of the Federal Government of Somalia, including the President, Prime Minister and Ministers of Foreign Affairs and Finance and Planning, among others, and security agencies. The Monitoring Group also met or communicated with officials from the "Puntland" and "Somaliland" administrations, representatives of other political and armed groups, defectors and members of business communities and Somali civil society.

8. In conformity with guidance provided by the Committee, the Monitoring Group endeavoured to include as much of the testimony and evidence as possible in its final report. However, General Assembly resolutions on the control and limitation of documentation, in particular resolutions 52/214, 53/208 and 59/265, necessitated the extensive use of annexes, preventing much of the substance from being translated. In addition, regulations exclude the insertion of maps, photographs and charts in the main report.

9. In accordance with the Secretary-General's bulletin entitled "Information sensitivity, classification and handling" (ST/SGB/2007/6) of 12 February 2007, the Monitoring Group has submitted to the Security Council Committee on Somalia and Eritrea, together with the present report, several strictly confidential annexes containing information whose disclosure may be detrimental to the proper functioning of the United Nations or to the welfare and safety of its staff or third parties or may violate the Organization's legal obligations. These annexes will not be issued as a document of the Security Council.

II. Acts that threaten the peace, security and stability of Somalia[1]

A. Harakaat al-Shabaab al-Mujaahidiin

10. Harakat al-Shabaab al-Mujahideen (Al-Shabaab) remains the principal threat to peace and security in Somalia. During the reporting period, the organization has claimed responsibility for hundreds of assassinations and attacks involving improvised explosive devices of different types (person-borne, vehicle-borne, suicide vehicle-borne, radio-controlled, and victim-operated), ambushes, mortar shelling, grenades and hit-and-run tactics. Al-Shabaab is also responsible for continuous violations of the arms embargo on Somalia and the ban on the export of charcoal (see annexes 6 and 9 to the present report).

[1] By paragraph 8 (a) of resolution 1844 (2008), the Security Council prohibited acts that threaten the peace, security or stability of Somalia. By paragraph 43 (a) of resolution 2093 (2013), the Council included among the prohibited acts those that threaten the peace and reconciliation process in Somalia or threaten the Federal Government of Somalia or AMISOM by force. By paragraph 2 of resolution 2002 (2011), the Council expanded the scope of prohibited acts to include the misappropriation of public financial resources.

11. Al-Shabaab's operations have targeted AMISOM forces, United Nations staff and premises, members of the security sector institutions of the Government of Somalia and "Puntland" and, to a lesser extent, other regional entities, but also Somali journalists, elders, politicians, judges, businessmen and civil society activists. These operations have caused hundreds of civilian casualties, including women and children and foreigners.

12. At present, Al-Shabaab remains in control of most of southern and central Somalia, including the entire region of Middle Juba, most of Hiran, Bay and Bakol regions and sizeable parts of Galgadud and Lower and Middle Shabelle regions. Multiple factors explain the resilience of Al-Shabaab, including longstanding support from some major clans, the capacity to provide a stable environment for business, livestock farming and agricultural production and the ability to represent for local elders a credible alternative to regional warlordism or to Mogadishu-based institutions, still perceived as a source of instability, violence and corruption.

13. The Monitoring Group considers, on the basis of its analysis of confidential intelligence reports, that the military strength of Al-Shabaab, with an approximately 5,000-strong force, remains arguably intact in terms of operational readiness, chain of command, discipline and communication capabilities, in spite of its alleged financial constraints and the loss of control of the port city of Kismaayo in the Lower Juba region of Somalia. However, it is not clear if the merger with Al-Qaida on 9 February 2012 had merely a symbolic impact on the organization or enhanced its expertise and resources. Although the current Al-Qaida leader, Ayman Al-Zawahiri, expressed his support for Al-Shabaab operations in Somalia once again in an audio message of 7 November 2012 and in video footage on 6 April 2013, the organization remains largely self-sufficient. In particular, links to Al-Qaida in the Arabian Peninsula, as described in the previous report of the Monitoring Group, remained more institutional than operational.[2]

14. The Monitoring Group also understands that Al-Shabaab has compiled and hidden in arms caches important stockpiles of weapons and ammunitions, proportionately distributed all over southern and central Somalia, awaiting the withdrawal of international forces to conduct a multiple-front offensive against the Federal Government of Somalia and its allied militias, and regional administrations.

15. Following the departure of ENDF and its proxies from El Bur, in the Galgadud region, and Hudur, in the Bakol region, Al-Shabaab captured these towns on 11 June 2012 and 17 March 2013, respectively. These takeovers illustrate not only the inability of the Federal Government of Somalia and its associated militias to control any ground without international support, but also the capacity of Al-Shabaab to readily recover lost territory.

16. Al-Shabaab has not launched any major attacks against AMISOM or forces of the Federal Government since the "Ramadan offensive" in August-September 2010, and almost systematically avoids direct military confrontation, even in towns of strategic importance such as Kismaayo. Consequently, Al-Shabaab has preserved the core of its fighting force and resources, devoting only a part of its capacities and manpower to asymmetrical warfare.

[2] See S/2012/544, annex 2.2, para. 12.

17. Furthermore, internal dissensions have had no impact on the ability of Al-Shabaab to conduct operations in Somalia. Disagreements over power sharing and resources, which invariably cause tensions among the top leaders, are dealt with at the highest level of the *shura* (council). A broad sense of unity is maintained in the organization by calls to arms to maintain constant pressure on AMISOM, federal and regional security forces and their allied militias, and by employing guerrilla-type tactics, techniques and procedures. Nevertheless, a scenario in which the Al-Shabaab military structure dissolves into its component factions cannot be ruled out.

18. In this context, Ahmed Godane's leadership of Al-Shabaab remains largely unchallenged. He has reportedly strengthened his direct control of the *Amniyat*, known as the "secret service" of Al-Shabaab. Financial and technical resources are increasingly concentrated in the *Amniyat* and it commands the attention of Godane, who seems to be neglecting the military apparatus and its leaders, possibly as a result of public disagreements over strategy and objectives. *Amniyat* functions mostly independently from the rest of Al-Shabaab, through its own chain of command, logistics network and financial resources. It therefore has the capacity to operate discretely, gather intelligence and strike effectively throughout Somalia, specifically in areas under AMISOM/Federal Government of Somalia control, spreading fear even within Al-Shabaab.

19. However, Godane is facing a new wave of public discontent from within the *shura*. On 29 April 2013, a *fatwa* was published online, allegedly instigated by Mukhtar Robow, Hassan Dahir Aweys, Ibrahim "Al-Afghani", Zubair "Al-Muhajir" and Mo'alim Burhan, condemning attempts to assassinate Omar Hammami, a.k.a. "Abu Mansour Al-Amriki", and declaring that "there is no obedience to the Emir if it is an act of disobedience to Allah".[3]

20. Some of these leaders, represented by Robow and Aweys, are considered to be part of the nationalistic wing of Al-Shabaab, yet they confronted Godane in defence of "Al-Amriki", today still the main public figure of the international jihadist movement in Somalia. Therefore, to interpret divisions within Al-Shabaab in binary terms — between nationalists and internationalists — is misleading and simplistic. Al-Shabaab has always had a primarily national focus and its internal situation is quite complex.

21. During its mandate, the Monitoring Group had access to a wide range of sources on Al-Shabaab, including confidential daily intelligence reports, classified analytical reports and confidential security reports from international organizations and non-governmental and private actors. In particular, the Monitoring Group interviewed Al-Shabaab defectors and prisoners in Somalia, who provided first-hand testimonies about the organization, its structure and modus operandi.

22. Annex 1.1 includes two maps depicting the evolution of Al-Shabaab's areas of influence and control in southern and central Somalia between 30 August 2012 and 6 May 2013, and a breakdown of security incidents related to Al-Shabaab activity in Somalia.

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[3] "Fatwa regarding the attempt to assassinate Abu Mansour al-Amriki", accessed at http://aljahad.com/vb/index.php on 30 April 2013. Reportedly, "Al Afghani" and Sheikh Aweys have also individually and publicly criticized Godane's leadership, in a letter to Ayman al-Zawahiri on 10 April 2013 and an audio message on the situation in Somalia on 17 May 2013.

23. Annex 1.2 outlines the three main components of Al-Shabaab's structure: first, its political body, the *shura*; second, its military component, which is on the defensive but still significant; and third, its clandestine service, the *Amniyat*, which is increasingly responsible for the acts threatening peace, security and stability in the areas under the control of AMISOM and Government of Somalia security forces, their allied militias and regional administrations.

24. Annex 1.3 describes the recruitment and training capacities of Al-Shabaab.

25. Annex 1.4 assesses the current status of foreign fighters within the organization, and the tension between Al-Shabaab's public image in the jihadist community and the reality of isolation experienced by foreign fighters who join the organization in Somalia.

26. Annex 1.5 documents the tactics, techniques and procedures of Al-Shabaab.

27. Annex 1.6 presents the media strategy of Al-Shabaab.

28. Annex 1.7 includes a case study of the presence and operations of Al-Shabaab in "Puntland", where it constitutes the main challenge to peace, security and stability.

B. Al-Shabaab as a regional and international threat

29. Since the previous report of the Monitoring Group (S/2012/544), issued in July 2012, Al Hijra, formerly known as the Muslim Youth Centre, has suffered significant setbacks, as has its ally Al-Shabaab. The setbacks experienced by Al Hijra have impeded the threat capacity of Al-Shabaab in East Africa and affected the strategic-operational link between the two groups.[4] While Al-Shabaab experienced military reverses in Somalia, across the border in Kenya, Al Hijra members were plagued by unexplained killings, disappearances, continuous "catch and release" arrest raids and operational disruptions under the "Al-Shabaab/East Africa Al-Qaida Disruption Initiative".[5] For instance, on 27 August 2012, the ideological leader of Al Hijra, Sheikh Aboud Rogo Mohammed, was inexplicably killed in Mombasa, Kenya, a month after the Committee designated him for targeted measures.[6] In addition, active Al Hijra members who have disappeared include one of its "Amirs", Sylvester Opiyo (a.k.a. "Musa Osodo"), in May 2012 and senior figures such as Jeremiah Onyango Okumu and Steven Mwanzia Osaka (a.k.a. "Duda Black" and "Duda Brown", respectively) in June 2012.[7]

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[4] S/2012/544, annex 3.1 (strictly confidential). Credible testimonies from serving and former Al Hijra fighters and documents attributed to senior Al-Shabaab figures, such as Ibrahim al-Afghani, have indicated that Al-Shabaab expected to exploit its strong ties with extremist groups in Kenya and the United Republic of Tanzania to facilitate its external operations. See also www.sabahionline.com/en_GB/articles/hoa/articles/features/2013/04/12/feature-01.

[5] The Monitoring Group is aware of an initiative funded by the Government of the United States, called "Al-Shabaab/East Africa Al-Qaida Disruption Initiative" whose purpose is to assist East African security services in combating terrorism.

[6] While the extent of his involvement remains unclear, Aboud Rogo seems linked to the United Kingdom national Michael Olumide Adebolajo, who is accused of killing a British service officer on 22 May 2013.

[7] www.opensocietyfoundations.org/sites/default/files/counterterrorism-human-rights-abuses-kenya-uganda-20130403.pdf. Credible evidence suggests that Al Hijra members who have disappeared or been inexplicably killed were indirectly linked to attacks or assisted in the recruitment of non-Somali Kenyans to join Al-Shabaab.

30. Towards the end of 2012, Al Hijra's difficulties became more evident and were compounded by the fractious state of Al-Shabaab in Somalia and its loss of Kismaayo, a known Al Hijra area of operation. Not only was Al Hijra's ability to radicalize and recruit new fighters to be sent to Somalia weakened, but its operational ability to pursue its declared war inside Kenya on behalf and in support of Al-Shabaab declined. One Al Hijra fighter claimed that a number of his fellow combatants returning to Kenya had become anxious about the lack of effective coordination between Al-Shabaab and Al Hijra's "Amir" based in Somalia, Ahmad Iman Ali.[8]

31. Despite the setbacks, Al Hijra, like Al-Shabaab, is striving to remain a credible threat to peace and security both in Somalia and outside. As an operational priority, it is strengthening its ties to the Ansar Muslim Youth Centre in the United Republic of Tanzania[9] as part of Al-Shabaab's broader external campaign. It is also establishing strong logistical links to Al-Shabaab affiliates in Rwanda and Burundi.[10]

32. The lingering influence and leadership of Ahmad Iman, also Al-Shabaab's representative for Kenya, inspired a wave of attacks by grenade and improvised explosive device across Kenya, mostly against the local population. While this approach has had marginal success, both Al-Shabaab and Ahmad Iman have repeatedly called from Somalia for sustained attacks in the region and particularly in Kenya.[11]

33. Probably owing to its limited success and the rather kinetic approach to counter-terrorism taken by the Kenyan security services, Al Hijra, in partnership with the Ansar Muslim Youth Centre in the United Republic of Tanzania, has sought operational direction and guidance since the latter part of 2012 from individuals with former ties to Al-Qaida in East Africa and self-styled Al-Qaida affiliates, including Abubakar Shariff Ahmed "Makaburi" and United Kingdom national Jermaine John Grant.[12] "Makaburi" has exerted a growing influence over Al Hijra and is determined to redirect the group's resources and manpower from hitting "soft targets" to conducting complex, large-scale attacks in Kenya on behalf and in support of Al-Shabaab. Meanwhile, Jermaine John Grant, confined in prison, has effectively provided assistance, albeit remotely, to ongoing plots involving both Al Hijra and "Makaburi".

34. Over the years, Al Hijra in Kenya and its Somalia-based fighters have proven adept at mobilizing resources for Al-Shabaab activities in Somalia and the region. As detailed previously by the Monitoring Group,[13] the Pumwani Riyadha Mosque Committee has played a clandestine role and continues to provide financial support to Al Hijra, particularly its fighters returning from Somalia to Kenya. In some cases,

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[8] Confidential report dated 20 January 2013 describing, inter alia, the experiences of Al Hijra fighters based in Somalia, archived with the United Nations.

[9] Evidence also suggests linkages between Al Hijra and a loose-knit Tanzanian extremist group known as "Uamusho".

[10] The Monitoring Group has received corroborating information that indicates that Al-Shabaab affiliates in Rwanda and Burundi are in contact with some Al Hijra members and associates in Kenya.

[11] https://soundcloud.com/swali-mohamed/brother-ahmad-iman-the.

[12] During an interview with Kenyan security services in Mombasa on 19 and 25 December 2011, Jermaine John Grant admitted to being a member of Al-Qaida and not Al-Shabaab.

[13] S/2012/544, annex 3.1 (strictly confidential).

this support has been earmarked for attacks on behalf and in support of Al-Shabaab. During the mandate, a change was observed in attitude between the Pumwani Riyadha Mosque Committee and Al Hijra as a result of the new Kenya Prevention of Terrorism Act (2012).[14] However, information and evidence suggests that funding of Al Hijra activities on behalf Al-Shabaab persists.

35. In addition to the Pumwani Riyadha Mosque Committee as its conventional source of funding, Al Hijra seems to have benefitted from an increasing number of "goodwill donations" from "Makaburi" and other key contributors from the Muslim community in Kenya to carry out attacks on behalf of Al-Shabaab.[15] In addition, Al Hijra has received similar financial assistance from overseas.

36. Despite its public and firm denial of funding or assisting recruitment for Al-Shabaab, the Pumwani Riyadha Mosque Committee continues to view its support of Al-Shabaab through Al Hijra as a religious obligation.[16] On 31 July 2012, a Committee worker was arrested in Nairobi after collecting a package sent from China at the offices of DHL. The package contained civilian-use items, including car key alarms and laser range finders, which are commonly used in the assembly of improvised explosive devices.[17] Such items are stored in the offices of the Pumwani Riyadha Mosque Committee located at the Pumwani Riyadha Mosque before being distributed, including to Somalia for Al-Shabaab attacks. In October 2012, following passage of the Kenya Prevention of Terrorism Act (2012), a Committee official employed at the Kenyan Parliament, Ali Abdulmajid (a.k.a. Ali Bodie), began to encourage and advise the Committee on ways and means of concealing its support to Al-Shabaab through Al Hijra.[18]

37. Furthermore, the Monitoring Group has learned of the collusion between the Pumwani Riyadha Mosque Committee and Al Hijra's Nairobi-based "Amir", Issa Mugai "Carragher", in supporting Al Hijra fighters sent back from Somalia to Kenya by Ahmad Iman and Al-Shabaab to conduct violent attacks. "Carragher", a "journalist" with the Dutch-run *African Slum Journal* in Nairobi, provided material support to these fighters with the financial assistance of the Pumwani Riyadha Mosque Committee.[19]

38. During an interview on 20 March 2013, "Carragher" denied to the Monitoring Group that he had ever been a member of MYC (Al Hijra) and claimed that the "MYC is dead."[20] However, "Carragher" did admit to being "on the Committee" and attending the MYC-Pumwani Riyadha Mosque Committee *shura* (meeting) of 28 February 2012. This *shura* had been arranged to consider the reorganization of

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[14] www.nation.co.ke/News/Kibaki-assents-to-anti-terrorism-bill/-/1056/1532392/-/twbf2x/-/index.html.

[15] The Monitoring Group is aware that "Mzee" Mohamed Fundi, an Al Hijra elder, and Zaina Fundi, a trustee of the Pumwani Riyadha Mosque Committee, have also donated funds to Al Hijra.

[16] Interviews with former Al Hijra members and officials of the Pumwani Riyadha Mosque Committee, September-December 2012.

[17] Evidence indicates that these components are mainly procured from China as civilian-use items.

[18] Interview with confidential source inside the Pumwani Riyadha Mosque Committee with knowledge of its daily activities, 15 December 2012.

[19] On 10 April 2013, the Monitoring Group sent an e-mail to the Netherlands office of *African Slum Journal* requesting a meeting to discuss the relationship of Issa Mugai "Carragher" with Al Hijra and Al-Shabaab. No response was forthcoming.

[20] Monitoring Group interview with Issa Mugai "Carragher" in the presence of an independent observer, 20 March 2013.

the Muslim Youth Centre, in which the Pumwani Riyadha Mosque Committee agreed to continue funding the Centre on condition that it change its name as a security precaution. Furthermore, "Carragher" denied to the Monitoring Group any involvement in Al-Shabaab-related activities, including supporting fighters returning from Somalia to Kenya. When asked about one such case in which Tuwa Ibrahim Jibril "Tafawa" received assistance during an operation in Kenya, "Carragher" conceded that he had met "Tafawa" and members of his cell by chance at a football match.[21]

39. A detailed assessment of Al Hijra activities on behalf and in support of Al-Shabaab is included in annex 3.1 to the present report (strictly confidential).

C. Spoiler networks in Somalia

40. The Monitoring Group has identified various spoiler networks in northern, central and southern Somalia, as well as in connection with the Somali security services. Webs of association among pirates, prominent businessmen, warlords and Government officials often intersect with Al-Shabaab networks. The activities of these spoilers are subverting the efforts of the Federal Government leaders, regional authorities and their partners to restore functional, stable government in Somalia.

Northern Somalia

41. With the decline of pirate activity generally, in northern Somalia a number of criminal networks are reverting to prior, familiar patterns of illicit behaviour, including armed protection of fishing activities and illegal fishing, arms trafficking, human trafficking and even trans-shipping of narcotics. As the Monitoring Group has repeatedly noted in prior reports, such networks have penetrated and distorted Government institutions in northern Somalia, but have also emerged as distinct networks of their own, which continue to benefit from statelessness and the war economy and represent a threat to peace and security in Somalia.

42. The Monitoring Group has identified a network of individuals, including known pirate leaders, who are engaged in providing private security for unlicensed fishing vessels in Somali waters and are connected to weapons smuggling and Al-Shabaab networks in north-eastern Somalia. This overall network is organized principally along two separate but connected clan networks, and facilitated by a web of prominent Somali businessmen operating enterprises out of "Puntland", "Somaliland" and a number of Gulf States, with connections to Iranian businessmen.

43. Cases documented by the Monitoring Group demonstrate the regression of the piracy business network back towards the criminal activity of illegal fishing, which has also been reported to facilitate other forms of contraband, including weapons smuggling. Clan connections between illegal fishing networks and Al-Shabaab in north-eastern Somalia provide opportunities for the Al-Shabaab leadership there to obtain a steady flow of weapons and explosives, particularly originating from criminal networks in Yemen (see annex 3.1).

[21] Ibid.

Central Somalia

44. Under the pretext of restoring political stability and security in the east-central region of "Galmudug", a "former" Mogadishu warlord, Abdi Hassan Awale "Qeybdiid", has returned to prominence by appropriating political power and instigating clan conflict. In addition, the increasing instability in "Galmudug" continues to subvert the leadership of the Federal Government in Mogadishu and represents a potential threat to peace and security in "Puntland".

45. The inability of "Galmudug" to reach a political settlement between its two contending "presidents" and the absence of effective governance has resulted in clan militias fighting over such issues as taxation at illegal checkpoints. In some cases, suspected members of Al-Shabaab have exploited these checkpoints in order to transit the area during movements between southern and northern Somalia (see annex 3.2).

Southern Somalia

46. Narrow clan and individual interests are overriding attempts by the Federal Government to reconcile warring factions, break up Al-Shabaab and extend a balanced authority over regional administrations. In particular, there are two core groups of spoilers in southern Somalia, one aligned against the Federal Government and one largely aligned in favour of it. The key spoiler in opposition to the Federal Government is Sheikh Ahmed Mohamed Islam "Madobe". Spoilers broadly aligned with the Federal Government include Hawiye/Habar Gedir/Ayr warlords and their allies in the Darod/Marehan network of Barre Hiiraale. Each of these spoiler groups has interests that intersect with those of Al-Shabaab.

47. Since late September 2012, the Federal Government of Somalia has encountered considerable resistance from the Ras Kamboni forces of Sheikh Ahmed Mohamed Islam "Madobe", who helped oust Al-Shabaab from Kismaayo and then established his own political and armed presence in the area with Kenyan military support. The refusal of Ras Kamboni to integrate into official Somali security services has rightly led the Federal Government to regard Ras Kamboni as a spoiler clan militia operating outside the purview of the national Constitution, and therefore constituting a threat to peace and security.

48. The second group of spoilers in southern Somalia is subverting the efforts of the Federal Government leadership and its partners to extend the reach of Government authority and stabilize the country, particularly in Kismaayo. This group includes former warlords and militia leaders who have benefited from years of statelessness and the war economy. Some have co-opted, or been co-opted by Government officials for personal or political gain, while others appear to have connections to Al-Shabaab. In addition, members of this spoiler network have retained private weapons stocks and applied undue pressure on the Federal Government to obtain preferential treatment in the distribution of arms and logistics supplies. Other members of the network have promoted clan agendas in their opposition to the formation of a regional administration in Jubaland and exploited links to Al-Shabaab in support of a military build up around Kismaayo (see annex 3.3).

49. The relations of the Federal Government of Somalia with such individuals have coincided with negotiations, in part facilitated by Qatar, between the Government and elements of Hizbul Islam and Al-Shabaab that are related to this spoiler network. Negotiating with actors related to listed entities such as Hizbul Islam and Al-Shabaab may contradict Security Council decisions to designate and prohibit support for them. Moreover, even if the Security Council broadly support Federal Government of Somalia attempts at co-opting and pacifying former warring parties as part of a programme of reconciliation, the Monitoring Group is concerned that individual spoilers in this particular network of former warring parties are using the platform of closer relations with the Federal Government to pursue narrow individual interests that already appear to be contributing to threats to peace and security in the southern regions of Somalia.

50. Furthermore, the Monitoring Group has obtained evidence of Eritrean support to this spoiler network. Eritrea has established direct relations with key individuals who act as agents of Asmara's influence rather than in support of Federal Government institutions. The net effect of Eritrea's engagement is to undermine the processes of Government decision-making, subvert cohesion and disrupt the Federal Government's relations both internally and externally (see annex 3.3 to the present report, and the Eritrea report of the Monitoring Group (S/2013/)).

Spoiler networks and the Somali security services

51. The Monitoring Group has received consistent information from a number of sources within the Government of Somalia and its security services relating to the use of Al-Shabaab agents by officials and former officials of the Government. In addition, the Monitoring Group has received information relating to the infiltration of Al-Shabaab networks into the National Intelligence and Security Agency of Somalia (see annex 3.4).

D. Piracy and kidnap for ransom

Overview

52. For the past decade, the Monitoring Group has reported extensively on Somali piracy.[22] It has mapped how piracy grew out of a kind of protection racket in response to illegal fishing and toxic waste dumping, and evolved into a money-driven, clan-based, transnational organized crime, constituting a threat to global shipping. It has described the factors that made Somalia an ideal context for the growth of piracy and identified some of the individuals who exploited and benefitted from the phenomenon, both in and outside Somalia.[23] It has profiled networks and pirate groups, and explained their operational model and ingredients for success. While it has reported on the worldwide counter-piracy initiatives and efforts to curb the global threat, it has also highlighted the inability and even unwillingness of the Somali leadership and the international community to hold

[22] See the reports of the Monitoring Group at www.un.org/sc/committees/751/mongroup.shtml.

[23] The long absence of a central government, the high level of corruption embedded in all layers of society, the struggle against the extremist and terrorist movement Al-Shabaab, the harsh environment, the lack of viable education and employment opportunities and the dominance of a clan-based society are all elements that contributed to Somalia becoming an ideal place for the growth and expansion of Somali piracy in its current form.

accountable those responsible for organizing, financing and facilitating this multimillion-dollar business.[24]

53. Today, it appears that the heyday of Somali piracy may be over. During 2012, the number of successful attacks by Somali pirates continued to decline, with 14 registered hijackings.[25] This trend, already apparent in 2011, can largely be attributed to the increasing use of private maritime security companies on board merchant vessels and the ability of international naval forces to contain the operational environment.[26] Also, the number of incidents of attempted attacks decreased dramatically from 237 to 75, a nearly 70 per cent drop in comparison to the record year of 2011.[27] In the first quarter of 2013, the trend has continued, with only five incidents registered, including the hijacking of a Yemeni dhow.[28]

54. In 2012, Somali pirates extorted and received an estimated US$ 31.75 million in ransom payouts.[29] Today, one merchant vessel, six fishing vessels or dhows and at least 60 individuals remain held by Somali pirates, both on land and at sea.[30]

55. While pirate operations have declined in number and become smaller in scale,[31] they have not come to an end entirely. Attacks are still occasionally reported, such as on 2 April 2013 when the Sierra Leone-flagged general cargo vessel *Alpha Kirawira* was attacked some 13 nautical miles south of Barawe. Eight armed men in a white-coloured skiff powered by two Yamaha Enduro outboard engines chased and fired at the merchant ship. The security team on board responded by firing several warning shots. The pirates subsequently aborted the attack[32] (see annex 4.1).

56. Unable to hijack merchant vessels and incapable of sustaining the long-term, highly successful piracy business model that generated millions of dollars extorted from shipowners over the past eight years, Harardhere pirate kingpins Mohamed Abdi Hassan “Afweyne” and Mohamed Osman Mohamed “Gafanje” have denounced

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[24] Since 2005, according to the World Bank, 149 ships have reportedly been held for ransom, for an estimated total of US$ 315 million to US$ 385 million. In addition, the World Bank has stated that piracy has cost a yearly average of US$ 18 billion to world trade. See www.worldbank.org/content/dam/Worldbank/document/Africa/Somalia/pirates-of-somalia-infographic.pdf.

[25] The 14 hijackings include 9 dhows/fishing vessels.

[26] Improvements in the implementation of best management practices by the shipping industry and more effective international counter-piracy naval operations, including the disruption of pirate logistics on land, have also greatly contributed to the decreasing success rate of Somali pirates.

[27] www.icc-ccs.org/news/836-piracy-falls-in-2012-but-seas-off-east-and-west-africa-remain-dangerous-says-imb.

[28] The Yemeni dhow *Nader* was hijacked on 8 March 2013. The crew and Somali security team on board were released but the vessel remains in pirate custody. Another dhow, the *Saad1*, was briefly hijacked on 28 March 2013, but was rescued by the Turkish naval vessel *Gökova*.

[29] See http://oceansbeyondpiracy.org/sites/default/files/ecop2012twopager_1.pdf.

[30] All are held exclusively in the hands of pirates belonging to the Hobyo-Harardhere pirate network. They include 54 remaining crew members of the hijacked vessels *Prantalay 12* (4), *Asphalt Venture* (7), *Albedo* (15) and *Naham 3* (28), 5 aid workers (2 MSF and 3 International Aid Services) and 1 journalist.

[31] Up to early May 2013, there were no attacks registered beyond 400 nautical miles off the coast of Somalia.

[32] On 5 June 2013, naval forces also confirmed the hijacking of the Indian-flagged dhow *Shahe Faize Noori* some 96 nautical miles north-east of Bosasso. The vessel and crew were safely released on the same day.

piracy and claimed to have quit the business. On 9 January 2013, they appeared in a press conference in Adado organized by the self-proclaimed "President" of the Himan and Heeb region, Mohamed Abdullahi Mohamed Aden "Tiiceey".[33]

57. Following the press conference, on 19 January 2013, a small delegation of Hobyo-Harardhere pirate leaders, including Afweyne, his son and Gafanje, reportedly travelled by air from Adado to Mogadishu to meet with senior officials of the Federal Government of Somalia. Their aim was to negotiate and explore the possibility of an agreement entailing amnesty and immunity in exchange for what was rumoured to be the immediate release of all hostages, in addition to other incentives. Subsequently, an agreement and attempt to release hostages in return for an alleged payment of US$ 2 million from the Federal Government failed. Reported misappropriation of the funds and disagreement among pirate groups resulted in fierce fighting in Galkaayo, during which one pirate negotiator was killed on or about 17 February 2013.[34]

58. On 28 February 2013, President Hassan Sheikh Mohamud issued an official letter indicating that the Federal Government of Somalia had conducted "indirect" negotiations with the pirates through "the elders" and confirmed his intention to offer an amnesty for "young" pirates, without further specifics. The letter also mentioned that "negotiations" were still at an early stage, but that the intended agreement would not apply to the pirate "kingpins" (see annex 4.2).

59. The Monitoring Group is concerned about the lack of transparency of these ongoing negotiations and by the vagueness and simplified terms of the President's letter. The steps described by the President could lead towards a general policy of amnesty for Somali piracy. It is an oversimplification to limit a complex transnational organized crime to "kingpins" and "young boys", even if it is a strategy for bringing accountability, prosecution and punishment to bear in a difficult situation.

60. Furthermore, the Monitoring Group has followed closely developments in "Puntland" and noted that the Puntland Maritime Police Force has increasingly intervened in maritime-related incidents.[35] This included the rescue of 22 crew members on board the stranded merchant vessel Iceberg 1, which had been held in pirate custody for almost three years.[36] While the owner of the vessel claims that the operation had been staged following a financial agreement between the Government of Yemen, the "Puntland" administration and the pirates holding the vessel, he has not substantiated these allegations. However, it remains unclear what motivated the Puntland Maritime Police Force to intervene particularly in December 2012, while the vessel had been stranded less than one nautical mile off the shore since November 2011, and why the Force has not intervened in other hijacking cases.[37]

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[33] www.qubanaha.com/2013/01/09/hogaamiyiye-maxamed-cabdi-afweyne-iyo-koxdiisa-burcadbadeedka-soomaaliya-oo-ku-wadhaaqay-in-ay-ka-baxeen-howlihii-burcadbadeednimada-sawiro/.

[34] Information obtained from a reliable regional law enforcement source, 20 February 2013, and a Western diplomat based in Nairobi, 20 February 2013.

[35] http://dunidaonline.com/index.php?id=8065; www.raxanreeb.com/2013/04/ciidamadda-badda-puntland-pmpf-oo-gacan-kusoo-dhigay-kalluumeysato-u-dhalatay-dalka-iiraan-sawirrodhageyso/.

[36] The Ro-Ro cargo vessel *Iceberg 1* (IMO 7429102) and its 25-member crew was hijacked on 29 March 2010.

[37] These include the hijacked maritime tankers *Royal Grace* (2 March 2012) and the *Smyrni* (10 May 2012).

61. The "Puntland" piracy network capitalized on the last ships it held when it released the maritime tankers *Royal Grace* and *Smyrni* on 8 and 10 March 2013, respectively.[38]

62. Meanwhile, the apparent trend in kidnap for ransom, which increased in September 2011 with the involvement of Somali pirates, has not continued and incidents are infrequently registered. For example, following the kidnapping by pirates of American journalist Michael Moore Scott on 6 January 2012 in "Galmudug", several international aidworkers were abducted in two separate incidents. On 29 June 2012, four Norwegian Refugee Council workers were kidnapped in Dadaab, Kenya, but rescued four days later. On 11 July 2012, three International Aid Services workers were kidnapped in Galkaayo and remain held by Somali pirates (see also annexes 7.1 and 8.1).

Diversification of pirate interests

63. While the decline in reported incidents gives the impression that the piracy business is exhausted, in fact the organized criminal networks and individuals that proved successful in one context are diversifying their financial interests by undertaking different ventures. As described in annex 3.1, networks are adapting to other opportunities, if not actually some of the original precursors to piracy. In this regard, piracy on the high seas may be currently contained, but the networks or individuals that have controlled piracy can easily shift away from or back to piracy in pursuit of prospective returns on investments that can result from the relaxation of private security measures and the withdrawal of international naval forces.

64. Consequently, the Monitoring Group has followed the increasing use of unregulated and untrained Somali security guards to provide armed protection aboard vessels involved in regional trade and/or fishing activities, in potential violation of the arms embargo. For example, in Mogadishu, local authorities, such as the Mogadishu Port Authority (harbour master's office) and the police, are in control of this business. They provide the guards, the weapons and the licences. Shipping companies are charged US$ 500 per armed guard per month and are provided with one-year licences (see annex 4.3). In "Puntland", the enterprise is controlled by private businessmen and linked to illicit maritime activities such as smuggling, illegal fishing and piracy (see annex 3.1), posing a potential threat to regional safety and security.

Judicial challenges

65. To date neither the Somali Government, the "Puntland" administration or any other local authority has seriously prosecuted and jailed any senior pirate leaders, financiers, negotiators or facilitators. The leadership of the principal piracy networks and their associates have continued to enjoy freedom and impunity and have not been hindered in their travel or ability to transfer funds.

66. Working Group 5 of the Contact Group on Piracy off the Coast of Somalia has repeatedly called for coordinated international efforts to identify and disrupt the financial networks of pirate leaders and their investors. However, investigative and judicial responses have been far too limited if existing at all. The lack of political will stems from limited financial resources, jurisdictional barriers, differing national

[38] Both vessels were released after a ransom drop of an undisclosed amount.

interests and agendas and even domestic electoral motivations. Consequently, cooperation between national law enforcement agencies investigating some Somali piracy cases remains poor and is hampered by distrust and competition as much as by judicial restrictions.

67. The continuing decrease in the number of high-profile hijackings will probably weaken any resolve to investigate and prosecute the pirate leadership, in Somalia and abroad, as already indicated by the February 2013 letter of the President of Somalia (see para. 58 above). This, in addition to the perpetual hold on proposed listings of pirate leaders in the Committee, will inevitably lead to impunity for those who made the most profit from and bear the greatest responsibility for an international crime, and who are now pursuing alternative organized criminal activities. Since the passage of time is affecting the quality and accessibility of testimonies and evidence, the Monitoring Group reiterates the urgent need to establish a dedicated group of investigators with the mandate to collect information, gather evidence and record testimonies relating to acts of Somali piracy, including especially the identification of pirate leaders, financiers, negotiators, facilitators, support networks and beneficiaries.

Pirates and facilitators on Facebook

68. As a transnational organized crime, Somali piracy entails more than armed youngsters at sea in small boats attacking ships or providing armed protection aboard hijacked vessels. The piracy business draws on a widespread network of facilitators internationally and inside Somalia from multiple layers of society. In fact, pirates and their accomplices may be bankers, telecommunications agents, businessmen of various kinds, politicians, clan elders, translators or aid workers, all using their regular occupations or positions to facilitate one or another network.

69. Investigations have confirmed that these myriad facilitators are interlinked through various communication channels and employ social network services, such as Facebook.[39] Six profiles of individual cases are included in parts of annex 4 which have been designated as strictly confidential in order to protect possible prosecutions.

E. Public sector financial mismanagement and corruption

70. Despite the change in leadership in Mogadishu and the good-faith efforts of the Minister of Finance, Mohamud Hassan Suleiman, the misappropriation of public resources continues according to past practices and patterns. The system inherited by the new Government is in many ways beyond its control, while at times political decisions and appointments have exacerbated conditions of corruption. Ferocious competition for control of Government at the end of the transition process in the summer of 2012 entailed approaches to campaign financing that took the management of finances outside the public system or contributed to mismanagement through it (see annex 5.1).

[39] Despite repeated official correspondence addressed to Facebook Inc., it has never responded to Monitoring Group requests to discuss information on Facebook accounts belonging to individuals involved in hijackings and hostage-taking.

71. Notably, the efforts of donors to encourage the deposit of Government revenues in the Central Bank proved served a flawed, if technically correct, objective. On average, at least 80 per cent of withdrawals from the Central Bank are made for private purposes and not for the running of Government, representing a patronage system and a set of social relations that defy the institutionalization of the state. The system of *fadlan* (please) in which key leaders authorize individual payments from public funds is fundamental to the distribution of resources within the sphere of Government and contradicts national budgets or structured spending for official bodies. It is not a system that can be changed easily given the breadth of interests at stake at the centre of power and has simply become the way of doing Government business. However, without a legitimate repository for internal and external revenue, efforts to build an effective public financial management system will be undermined. In this context, the fiduciary agency managed by PricewaterhouseCoopers, and intended to serve as a model, was reduced to a transfer agent that could not ensure accountability for funds once they reached the Government of Somalia. Key to irregularities has been the current Governor of the Central Bank, Abdusalam Omer. Indeed, of the US$ 16.9 million transferred by PricewaterhouseCoopers to the Central Bank, US$ 12 million could not be traced (see annex 5.2).

Passport production, corruption and fraud

72. An in-depth investigation into the fraudulent practices associated with the production of Somali passports was presented in the previous report of the Monitoring Group (see S/2012/544, paras. 18-21 and annex 1.2). Since that time, the same practices have continued to undermine the integrity of the Somali passport as a legitimate travel document. Corruption still revolves around the ePassport, with inflated fees charged by private businesses appointed to issue passports in places where Somalia does not have an embassy or consulate. The ePassport programme continues to be controlled by Ambassador Abdulkadir Sheikhey Al-Hatimi, Consul General of the Federal Government of Somalia in Dubai, United Arab Emirates. The revenues generated from the issuance of passports remain unaccounted for. In the past, not one dollar reached the Central Bank. In the first three months of 2013, the Ministry of Immigration, still headed by General Abdullahi Gaafow Mohamud, did make some deposits in the Central Bank, but did not indicate if these were from passports, visas or another source of income. Regardless, the amount deposited constitutes only 4 per cent of the estimated revenue from the issuance of passports alone.

73. In addition, the security and accuracy of Somali passports remains an issue, especially in the absence of biometric data or a reliable database to account for who has already received a passport. Individuals have been able to obtain multiple passports by using false names. Non-citizens of Somalia have also been issued with passports. The existing system can be exploited for illicit or criminal activity (see annex 5.3).

Mogadishu port

74. Income generated from the port of Mogadishu constitutes the largest internal revenue stream for the central Government, aside from bilateral donations from other Governments. However, port revenues, either customs or port fees, have historically been diverted at the source through a variety of practices that continue

today. While control over diversion at the port has taken different forms over the years, invariably the port manager is a key figure. Between September 2010 and July 2012, Sayid Ali Moalim Abdulle served as the port manager, and continues to exert influence through the deputy port manager, Ahmed Abdi Kariye (a.k.a. Ahmed Qorqor). The Monitoring Group has documented at least one case in which Sayid Ali diverted US$ 3,415,840 from humanitarian shipments during the Somali famine in 2011.

75. Based on analysis of activity at Mogadishu port, the monthly revenue potential from import customs alone is in excess of US$ 3.8 million per month. However, the average monthly deposit in the Central Bank from the port between August 2012 and March 2013 was US$ 2.7 million in total. While deposits of port revenues into the Central Bank increased generally, they are proportionally less than the increase in shipping at Mogadishu port, possibly indicating a higher rate of diversion. At present, at least 33 per cent of monthly port revenues cannot be accounted for (see annex 5.4).

Petroleum sector

76. The Monitoring Group has gathered information on growing commercial interest in Somalia's oil and gas sector and has identified a number of conflicts of interest that could constitute threats to peace and security as well as exacerbate the risks of corruption.

77. There is currently growing hostility between the Federal Government of Somalia and regional administrations that have signed oil deals independently of the Government. Divergence between the 2008 petroleum law — which is invoked by Federal Government petroleum officials — and Somalia's Constitution is exacerbating this hostility. The Monitoring Group has identified potential flashpoints between regional authorities with self-declared administrations and local armed forces, notably in the areas of Sool and Sanag, between "Somaliland", "Puntland" and the self-declared Khatumo State. In addition, oil industry activity in "Galmudug" occurs in a context of political instability and strong clan rivalries over natural resources in the Mudug region. A territorial dispute between Somalia and Kenya, given the existing conflict over power-sharing in "Jubaland", could also represent a possible threat to peace and security.

78. In addition, there is a potential conflict of interest between Norway's oil concerns and its support for the establishment of an exclusive economic zone that would almost certainly lead to a modification in Somalia's maritime boundary in favour of Kenya. Serious limitations in the management of the Somali Petroleum Company and the Somali Petroleum Authority require urgent capacity development in order to safeguard their integrity and transparency and to mitigate their possible capture by private interests.

79. In the absence of clear constitutional agreements between federal and regional governments and the introduction of best-practice transparency mechanisms for the management of signature fees and royalties and taxes on future oil production, oil companies should cease and desist negotiations with Somali authorities or risk fuelling non-transparent practices and political disagreements that could exacerbate clan conflict and constitute threats to peace and security (see annex 5.5 and para. 176 below).

Annex 2

Al-Shabaab as a regional and international threat

Annex 2.1: Al Hijra (formerly known as the Muslim Youth Centre) (STRICTLY CONFIDENTIAL)*

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

Annex 3

Spoiler networks in Somalia

Annex 3.1: Spoiler networks in northern Somalia

Illegal fishing, private security operations and weapons smuggling

1. Following the decline in pirate hijackings of merchant vessels since 2012, pirate leaders have turned towards unlicensed fishing operations in Somali waters as a source of revenue.

2. Puntland officials estimate that tens of thousands of tonnes of illegal catch has been fished from Puntland's coastline between 2012 and 2013 by hundreds of illegal fishing vessels. The vessels are predominantly Iranian and Yemeni owned and all use Somali armed security.[1] The Monitoring Group has inspected at least four forged fishing licenses registered between May and October 2012 that have been confiscated from unlicensed Iranian vessels by international naval forces (see annex 3.1.a). Local fishermen from different communities along the Puntland coast between Las Qoray and Hafun have confirmed that the private security teams on board such vessels are normally provided from pools of demobilized Somali pirates and coordinated by a ring of pirate leaders and associated businessmen operating in Puntland, Somaliland, the United Arab Emirates (UAE), Oman, Yemen and Iran. The security teams assist the vessels to cast nets several kilometres long and often open fire on unprotected fishermen in order to drive out competition. The prize is often lucrative and includes large reef and open water catch, notably tuna.[2]

3. The Monitoring Group has received several unconfirmed reports that some of the illegal fishing vessels are also being used as cover for weapons smuggling. While the Monitoring Group has been unable to verify any particular vessel that has been used for both illegal fishing and weapons smuggling, it has nonetheless established other connections between the illegal fishing networks and networks involved in the arms trade and connected to Al-Shabaab in northeastern Somalia.

4. The Monitoring Group has received several reports of the traffic of narcotics and humans aboard vessels being used for illegal fishing, but has not received any specific evidence or firsthand testimony to that effect.

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[1] Puntland officials estimate up to 180 illegal Iranian, and up to 300 illegal Yemeni vessels are fishing Puntland waters, but also allege a small number of Chinese, Taiwanese and Korean vessels, as well as some European-owned vessels, are engaged in illegal fishing. International naval sources corroborate the prevalence of Iranian and Yemeni vessels amongst unlicensed vessels. On 23 April 2013, Puntland authorities detained five Iranian vessels fishing illegally off the coast of Somalia, and arrested approximately 80 Iranian crewmembers and 12 armed Somali security guards. Interviews with: fishing community leaders on 8 December 2012, Puntland Presidency official on 15 December 2012 and Puntland fisheries Ministry on 8 April 2013.

[2] Interviews with 6 separate fishing community leaders, 8 December 2012. Local fishermen reported up to 30 incidents of private security teams firing on unprotected fishermen, crushing their nets and ramming their skiffs between September and December 2012.

The Qandala — Hafun network

5. This network operates between the coastal towns of Qandala and Hafun in northeast Puntland, an area that is a known hub for piracy and arms smuggling (see annex 3.1.b for map).

6. The two principal ringleaders of the illicit fishing and security operations in this area are pirate leaders Isse Mohamoud Yusuf 'Yullux' and Mohammed Mussa Saeed 'Aargoosto' (see annex 3.1.c for profiles). Both men are from the Darod / Majerteen / Ali Saleebaan clan of Sheikh Abdulqaadir Muumin, who is the ideological leader of Al-Shabaab Northeast[3], and both men originally come from Qandala in the province of Bari, where Puntland authorities seized a major weapons cache in October 2012 (see annex 6.1 for more specific details on this case).

7. Aargoosto recruits unemployed youth, including former pirates, for the private security operations, sourcing manpower from his strongholds of Qandala, Alula and Hafun at $50 a head per voyage.[4] Yullux acts as an investor and broker in the illegal fishing enterprises, which are coordinated by Shahdon Ali Yare, a former fisheries and ports Minister from Puntland acting as a principal broker for Iranian businessmen and issuing fraudulent Puntland fishing licenses. Yullux also uses his offshore piracy network to interdict fishing vessels that are not protected by private security operations and has released a vessel on Yare's orders on at least one occasion.[5]

8. Telephone records of Yullux and Aargoosto indicate that they have both been in contact with the same telephone numbers in Oman, Yemen and Kenya, and both are in contact with several numbers in the UAE that are also in direct contact with Yare. In turn, Yare has been in direct telephone communication with at least three Iranian numbers and a satellite telephone used on board an Iranian vessel, the 'Arshia', which has been fishing illegally in Puntland's waters.[6]

9. In addition, a known collaborator of Yare's network, Musa Mirre Ali, is a signatory on a fraudulent fishing license inspected by the Monitoring Group (see photo 2 in annex 3.1.a). The Monitoring Group has also identified a Dubai-based businessman, Abdirizak Barre, acting as a broker between Yare and Iranian businessmen and has obtained evidence of telephone

[3] See Annex 1.6. and also S/2012/544, Annex 2.3 for more details on Muumin.

[4] Information on Aargoosto provided by fishing community elders from Qandala, Alula and Hafun, and an eyewitness who saw Aargoosto recruiting youth at Alula.

[5] Information on Isse Yullux provided by Puntland authorities and international naval intelligence. Information on Shahdon Ali Yare provided by one of his business associates, international naval intelligence, and fishing community elders. Fishing community elders have provided testimony that Aargoosto was arrested in 2008 or 2009 and transferred to an Iranian prison before being eventually released. Following his release a group of Iranian businessmen provided him with instructions to carry out private security operations for Iranian fishing vessels, and allocated 20 per cent of future profits for these operations. One UAE-based businessman with connections to Iran and himself involved in the illegal fishing business confirmed to the Monitoring Group that the pirate networks take 20 per cent of profits from illegal fishing, while the Iranian businessmen take 80 per cent. Iranian fishing vessels deliver their catch to Iran, Yemen and Oman.

[6] Information on the 'Arshia' and other Iranian vessels collected by international naval forces and Puntland authorities.

communications between Barre and Yare, as well as separate communications between Barre and Aargoosto.[7]

10. The operations of Aargoosto and Yullux appear to intersect with Al-Shabaab networks. Puntland authorities allege that Yullux donates funds to Abdulqaadir Muumin[8], and that he invests in weapons smuggling operations coordinated by Abdirahkim Dhuqub (also Majerteen / Ali Saleebaan), a known weapons trafficker for Al-Shabaab who is based in Qandala (see annex 3.1.c for Dhuqub's profile). The Puntland authorities also allege that Yullux signed an agreement in March 2013 with a Majerteen / Ali Saleebaan Al-Shabaab leader, Abdikarim Ahmed Ibrahim, to share piracy ransom fees for a vessel hidden in Aargoosto's stronghold of Alula. Ibrahim was also allegedly responsible for the October 2012 weapons delivery to Qandala mentioned above.

11. International naval sources have reported to the Monitoring Group that Aargoosto and Dhuqub are co-investors in a number of commercial enterprises and factories in Puntland. The close relationship between Aargoosto and Dhuqub is also substantiated by Puntland authorities who report that Aargoosto and Dhuqub collaborated in the ambush of Puntland armed forces in March 2011, near Hul Anod, where several Puntland soldiers were killed.

12. A link analysis chart of the Qandala – Hafun network appears at Annex 3.1.d.

The Las Qoray network

13. Illegal fishing networks are also operating in the Las Qoray area of northwestern Puntland (see annex 3.1.b for map), and are coordinated by a number of businessmen operating in Puntland, Somaliland and Dubai, and who have connections to Oman and Yemen. The Las Qoray network has ties to the Qandala-Hafun network and also appears to have connections to an arms smuggling ring with connections to Al-Shabaab in northeastern Somalia.

14. The Monitoring Group has identified one of the key individuals involved in coordinating the security details provided to illegal Iranian fishing vessels off the coast of Las Qoray as Yusuf Aalim Osman, a Bosaso-based businessman from the same Darod / Warsengeli / Dubeys sub-clan as Yassiin Khalid Osman (a.k.a. Yasiin 'Kilwe'), the military commander of Al-Shabaab in northeastern Somalia.[9]

15. Yusuf Aalim Osman personally supervises the security for at least 40 Iranian fishing vessels operating in the Las Qoray area.[10] He travels frequently to Salalah in Oman where he is

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[7] Two Dubai-based Somali businessmen and a Dubai-based businessman involved in the illegal fishing trade all confirm Barre's role in coordinating Shahdon's operations.

[8] The Monitoring Group interviewed Muna Abdule, the wife of Muumin in Boosaaso prison on 24 January 2013. She was apprehended by Puntland authorities after visiting Muumin in an isolated part of Bari region of northern Puntland, and was reportedly carrying 40,000 USD in cash, given to her by Muumin.

[9] See Annex 1.6.; also see S/2012/544, Annex 2.3.

[10] Interview with Las Qoray-based fishing community elders, 8 December 2012.

known to coordinate activities with Ali Saleebaan clan businessmen connected to the Qandala-Hafun network, and to Aden, Yemen, where he is part of a soap exporting business controlled by Warsengeli / Dubeys businessmen.[11] Aalim's business partner in Dubai is Abdullahi Ahmed Mohamed, the manager of Najmat Alkhair General Trading L.L.C, a company that acts as a cover for private security operations and the supply of fishing vessels from Oman (see annex 3.1.e).[12]

16. Close connections exist between the Qandala-Hafun network and the Las Qoray network. Telephone records indicate that Yusuf Aalim Osman is in direct contact with telephone numbers in Oman, which in turn are directly in contact with pirate leaders Yullux and Aargoosto. The Monitoring Group dialled one of the Omani numbers in the Dubai office of Abdullahi Ahmed Mohamed, who then admitted the number's owner is an "agent broker" for himself and Yusuf Aalim Osman.[13]

17. Aalim has also been in direct telephone contact with at least three Omani numbers and a Yemeni number, which in turn are in direct contact with Abdi Khayre Mohamed, another Warsengeli / Dubeys businessman, who has been named in a previous Monitoring Group report for his role in smuggling weapons for Al-Shabaab in northeastern Somalia.[14] Since 2010, Abdi Khayre Mohamed has relocated much of his business activities to Berbera, in Somaliland.[15] In addition, Aalim's business partner, Abdullahi Ahmed Mohamed, is in direct telephone contact with Musa Jama Delef, a Warsengeli / Dubeys militia commander of Sanag province who has doubled as an official for the Somaliland security services[16] and who has close connections to Al-Shabaab networks in the Golis mountains, as explained below.

18. Abdi Khayre Mohamed has cultivated relations with Iranian businessmen involved in the illegal fishing trade. One eyewitness present at the Juba Hotel in Bosaso during the course of 2011 reported the presence of an Iranian businessman, known as "Mohammad", who had arrived in Bosaso on a maritime vessel in mid 2011.[17] Puntland authorities questioned the man, whose name according to his identity documents was Gol Mohammad Nosratzehi (see annex 3.1.f).

19. On the same occasion, another eyewitness confirmed that Nosratzehi introduced himself as an associate of both Abdi Khayre Mohamed and Shahdon Ali Yare. Nosratzehi explained that

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[11] Interviews with Dubai-based Somali businessman associated with Aalim, 17 December 2012, and Puntland-based businessman associated with Aalim, 26 February 2013.
[12] Abdullahi Ahmed Mohamed confirmed that he is a business partner of Aalim in person to the Monitoring Group on 7 March 2013. Two other Somali businessmen based in Dubai, and associated with Abdullahi Ahmed Mohamed, also confirmed the same information.
[13] Call made on 11 March 2013.
[14] See S/2012/544, Annex 2.3, paragraph 11.
[15] A Somali business associate of Abdi Khayre Mohamed confirmed he met him in Berbera in January 2012 and that he has been based there for three years.
[16] Recent information obtained by the Monitoring Group suggests that Somaliland authorities have relieved Delef of his official functions.
[17] Interview with Juba Hotel resident, 26 February 2013.

he was in Bosaso to coordinate commercial fishing activities. The eyewitness at the Juba Hotel also confirmed he saw Nosratzehi meeting Mohamed Aydiid Jaama, the Deputy Chairman of the Bosaso Chamber of Commerce, who has already been identified by the Monitoring Group as an arms broker for Mohamed Sa'iid 'Atom', the former commander of Al-Shabaab in northeastern Somalia, as well as for the Ogaden National Liberation Front (ONLF).[18]

20. The Monitoring Group has received reports of the involvement of Mohamed Aydiid Jaama in at least one recent weapons delivery through to Erigavo, in the Sanag province of northern Somalia. According to eyewitness testimony, a skiff operated by Yemeni and Eritrean crewmembers landed in early January 2013 in the beach port of Hiis and offloaded large amounts of ammunition and PKM machine guns. This information has been independently corroborated by a confidential source in Somaliland.[19] According to one of the loaders, on the instructions of Mohamed Aydiid Jaama, the cargo was transferred to Erigavo, where Musa Jama Delef received it at a safe house. According to Al-Shabaab defectors' testimonies, Erigavo is a key weapons trading hub from where Al-Shabaab in northeastern Somalia sources its weapons.[20] In addition, a close confidant of Mohamed Sa'iid 'Atom' has confirmed that Delef used to be close to Atom during the armed struggle in the Golis mountain range.[21] A Somali weapons dealer who has traded in northeastern Somalia has also confirmed that Abdi Khayre Mohamed is still involved in weapons trading, and smuggles weapons cargoes to northern Somalia on dhows carrying soap exported from Yemen.[22]

21. A link analysis chart of the Las Qoray network appears at Annex 3.1.g. In addition, a link analysis chart of the relationship between the Qandala – Hafun and Las Qoray networks appears at Annex 3.1.h.

[18] Interview with eyewitness, 27 February 2013. Also see S/2012/544, annex 2.3.
[19] Information received on 2 April 2013.
[20] Interview with defector, 23 January 2013.
[21] Interview, 24 January 2013.
[22] Interview, Mogadishu, 15 November 2012.

Annex 3.1.a: Samples of illegal fishing licences used by Iranian vessels

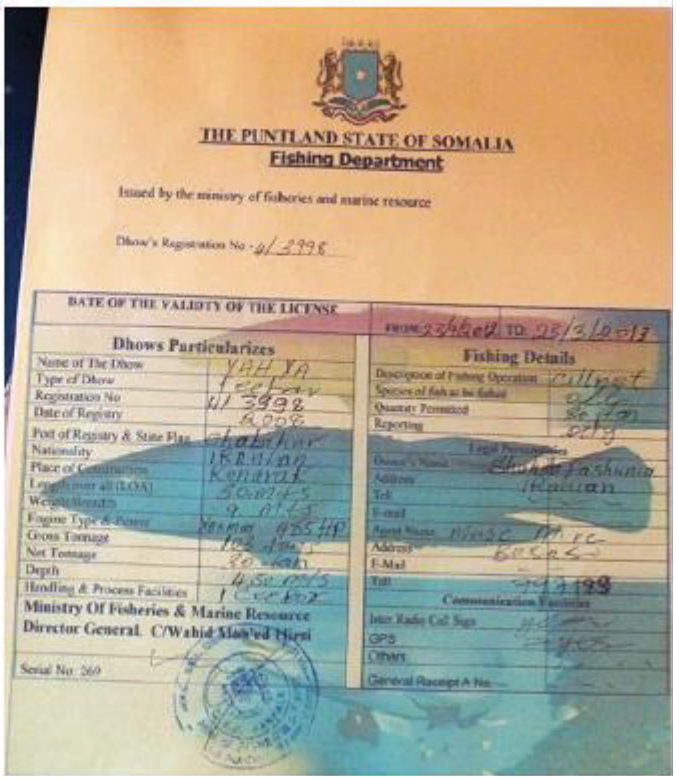
20 Oct 12

Dhow Jowhar



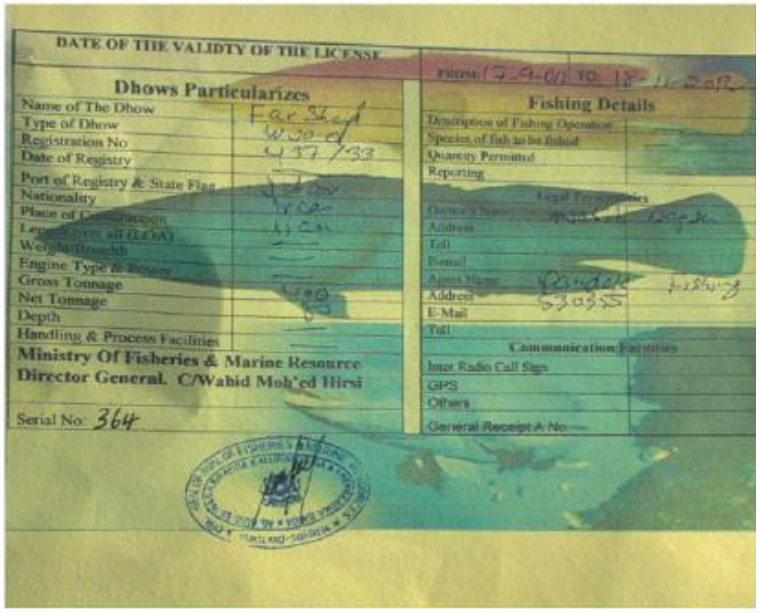
28 Sep 12

FV Artemis



24 Sep 12

Dhow Farshad


DATE OF THE VALIDTY OF THE LICENSE

FROM: 17-9-01 TO: 18-11-2012

Dhows Particularizes

Name of The Dhow: Farshad
Type of Dhow: Wood
Registration No: 437/33
Date of Registry
Port of Registry & State Flag
Nationality
Place of Construction
Length over all (LOA)
Weight/Breadth
Engine Type & Power
Gross Tonnage
Net Tonnage
Depth
Handling & Process Facilities

Ministry Of Fisheries & Marine Resource
Director General. C/Wahid Moh'ed Hirsi

Serial No: 364

Fishing Details

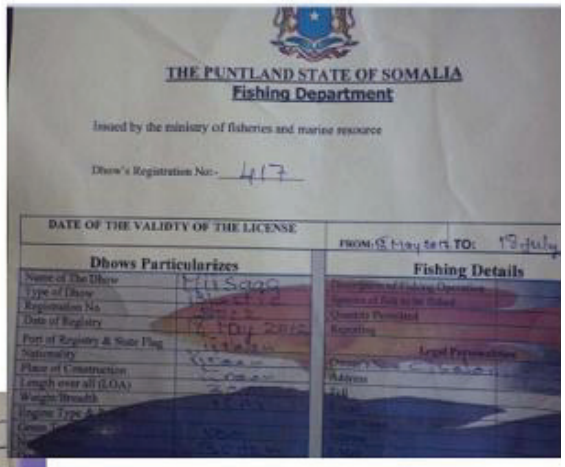
Description of Fishing Operation
Species of fish to be fished
Quantity Permitted
Reporting

Legal Representatives
Owner's Name
Address
Tell
E-mail
Agent Name
Address
E-Mail
Tel

Communication Facilities
Inter Radio Call Sign
GPS
Others
General Receipt A No:

29 Sep 12

FV MIISAAQ


THE PUNTLAND STATE OF SOMALIA
Fishing Department

Issued by the ministry of fisheries and marine resource

Dhow's Registration No:- 417

DATE OF THE VALIDTY OF THE LICENSE

FROM: 9 May 2012 TO: 12 July

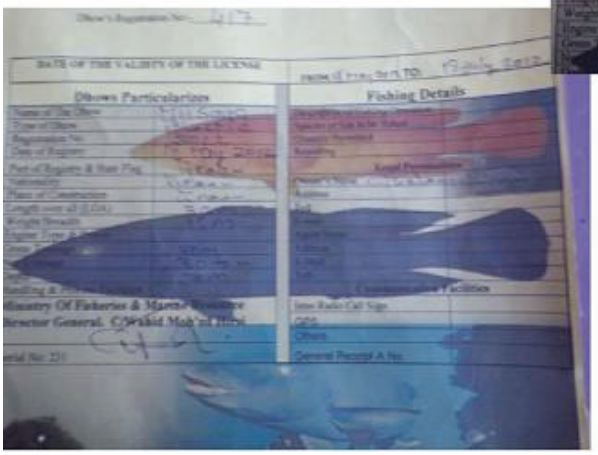
Dhows Particularizes

Name of The Dhow: FV Saqaq
Type of Dhow
Registration No
Date of Registry: 7 May 2012
Port of Registry & State Flag
Nationality
Place of Construction
Length over all (LOA)
Weight/Breadth
Engine Type & Power
Gross Tonnage

Fishing Details

Description of Fishing Operation
Species of fish to be fished
Quantity Permitted
Reporting

Legal Representatives
Owner's Name
Address
Tell



Annex 3.1.b: Map of northern Somalia



Annex 3.1.c: Profiles of Mohammed Mussa Saeed 'Aargoosto', Isse Mohamoud Yusuf 'Yullux' and Abdirahkim Dhuqub.

Mohammed Mussa Saeed 'Aargoosto'

Profile: Born in Qandala and from the Darod / Majerteen / Ali Saleebaan clan, Aargoosto is believed to be between the age of 35 and 40 years old. He is one of Puntland's major pirate investors. A former businessman trading lobster between Hafun and Garad, he turned to piracy in 2007 and was part of pirate attack teams before becoming an investor. Aargoosto is building a house in the South C neighbourhood of Nairobi, Kenya. Naval intelligence sources believe him to be involved in drug trafficking, using fishing vessels for which he is responsible for providing protection. Some sources have informed the Monitoring Group that he is involved in smuggling of migrants and foreign fighters between Somalia and Yemen, as well as weapons.

Involvement in Piracy: Aargoosto has been involved in the successful hijacking of the 'Golden Blessing' (28 June 2012), 'Marida Marguerite' (8 May 2010), 'Samho Dream' (4 April 2010) and 'Golden Nori' (28 October 2007).

Isse Mohamoud Yusuf 'Yullux'

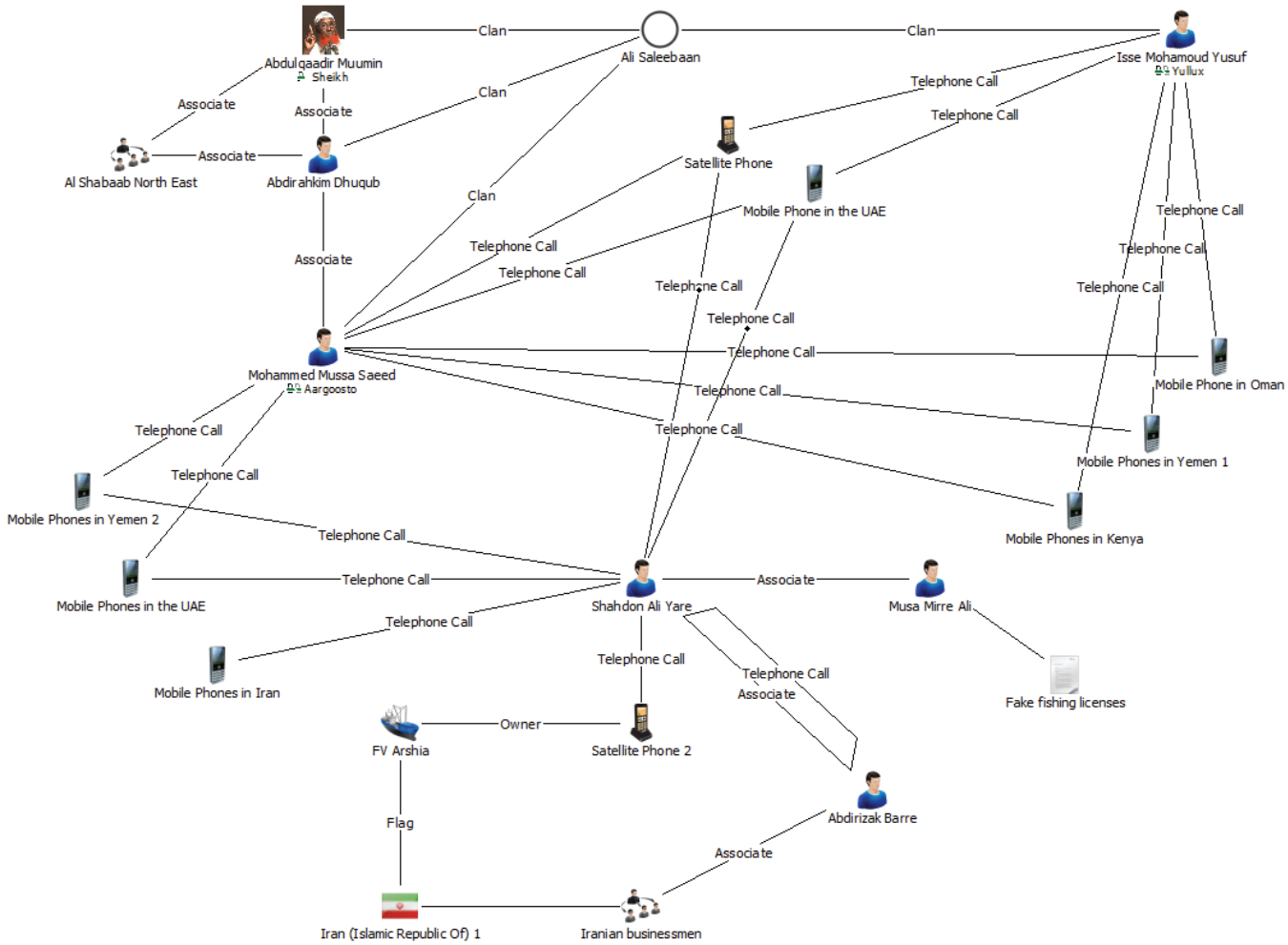
Profile: Isse Mohamoud Yusuf 'Yullux', born in 1963 and raised in Qandala, is from the Darod / Majerteen / Ali Saleebaan clan. He owned a small restaurant at the Isse Village, an area near to Hafun District where his clan lives. With revenues from the restaurant he started to trade in *khat*. He then joined pirate rings as a hijacker and as an investor in 2008. He is now a major pirate leader, possesses six 'technicals' and commands 50 men. He travels to Mogadishu on a regular basis and operates between Alula and Hul Anod.

Involvement in piracy: On 24 May 2008, Yullux and other investors are believed to have financed the capture of the Dutch/Danish vessel 'Amiya Scan', which was hijacked off the coast of Somalia and held at the coastal town of Eyl. The vessel was released with all of its crew on 24 June 2008, after a ransom 2,800,000 USD was paid. Isse Yullux received 30 per cent of the total amount. On 20 July 2008, he and other investors financed the capture off the Somali coast of the Panama bulk carrier vessel 'Stella Maris' and held the ship with 21 crewmembers at Eyl. The vessel was released along with the crew on 26 September 2008 after a ransom of 2,000,000 USD was paid. Again, he received 30 per cent of the total amount. On 2 June 2009, he and other investors financed the capture of the Egyptian cargo ship 'Blue Star' and held the vessel with 28 crewmembers at the coastal town of Hafun. The vessel was released along with the crewmembers on board on 5 March 2009, after a ransom of 1,780,000 USD was paid. On this occasion, he received 50 per cent of the total amount. On 3 March 2010, he and other investors financed the capture of the Saudi oil tanker 'Al-Nisr Al Saudi' off the coast of Somalia with 13 crewmembers on board. The vessel was held at the coastal town of Bargal and released on 7 December 2010, after a ransom of 7,000,000 USD was paid. Again, he received 50 per cent of the total amount. As of the middle of 2012, Isse Yullux and his team hijacked the 'Royal Grace' and 'Smyrni' tankers, which have been anchored between Bargal and Hafun.

Abdirahkim Dhuqub

Profile: Dhuqub is widely known to be a military operator for Al-Shabaab and involved in infiltrating weapons stocks into northeastern Somalia. He took part in the 2008 fighting against Ethiopia during the battle of Mogadishu. His is based in Qandala coastal town, around which would be also located training facilities for the security section (*Amniyat*) of Al-Shabaab North East. Dhuqub travels regularly from Qandala to Hul Anod.

Annex 3.1.d: The Qandala — Hafun network



Annex 3.1.e: Corporate records of Najmat Alkhair General Trading L.L.C

DUBAI CHAMBER

DATE 15/04/2013

Company Profile

Member Number	86681		
Company Name	NAJMAT ALKHAIR GENERAL TRADING L.L.C		
Nationality	United Arab Emirates		
License Number	556265	**License Issue Auth.**	Department of Economic Development
Registration Date	24/04/2004	**Commercial Reg No**	67295
Legal Status	Limited Liability Company		

ADDRESS

Po Box Number	64642	DUBAI			
Phone	2715548	**Fax**	2725059	**Email Address**	aashaam@hotmail.com
Area	Al Daghaya			**Street**	Naif Street
Building Name	Ali Jaffar Az-Zarawani Sons Bldg.				
License Issue Date	21/04/2004	**License Expiry Date**	20/04/2013		
Membership Renewal Date	06/06/2012	**Membership Expiry Date**	20/04/2013		
No Of Employees		**Authorized Capital**	300,000		

ACTIVITIES

General Trading

PARTNERS

		%	
SHARIFA JASSIM MOHAMAD SAQAR	United Arab Emirates	51.000	PARTNER
ABDULLAHI AHMED MOHAMED	Djibouti	25.000	Partner
ABDULLA ABDUL RAHMAN MOHAMED	Somalia	24.000	Partner

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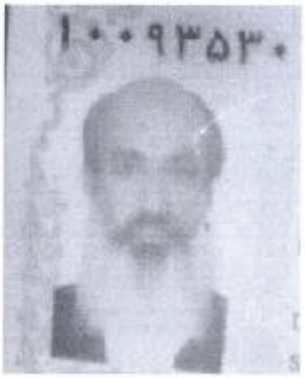
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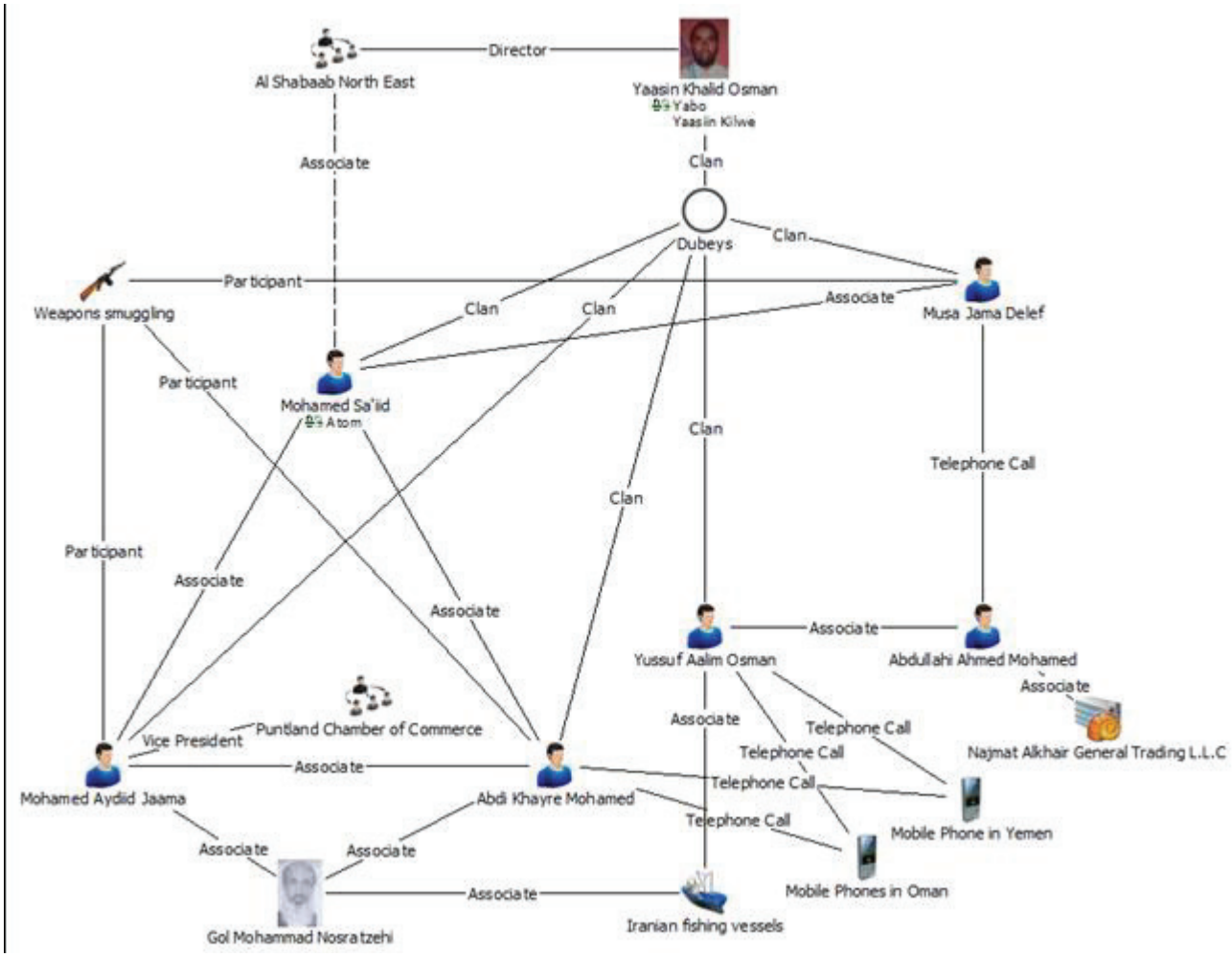
Annex 3.1.f: Identity snapshot of Gol Mohammad Nosratzehi

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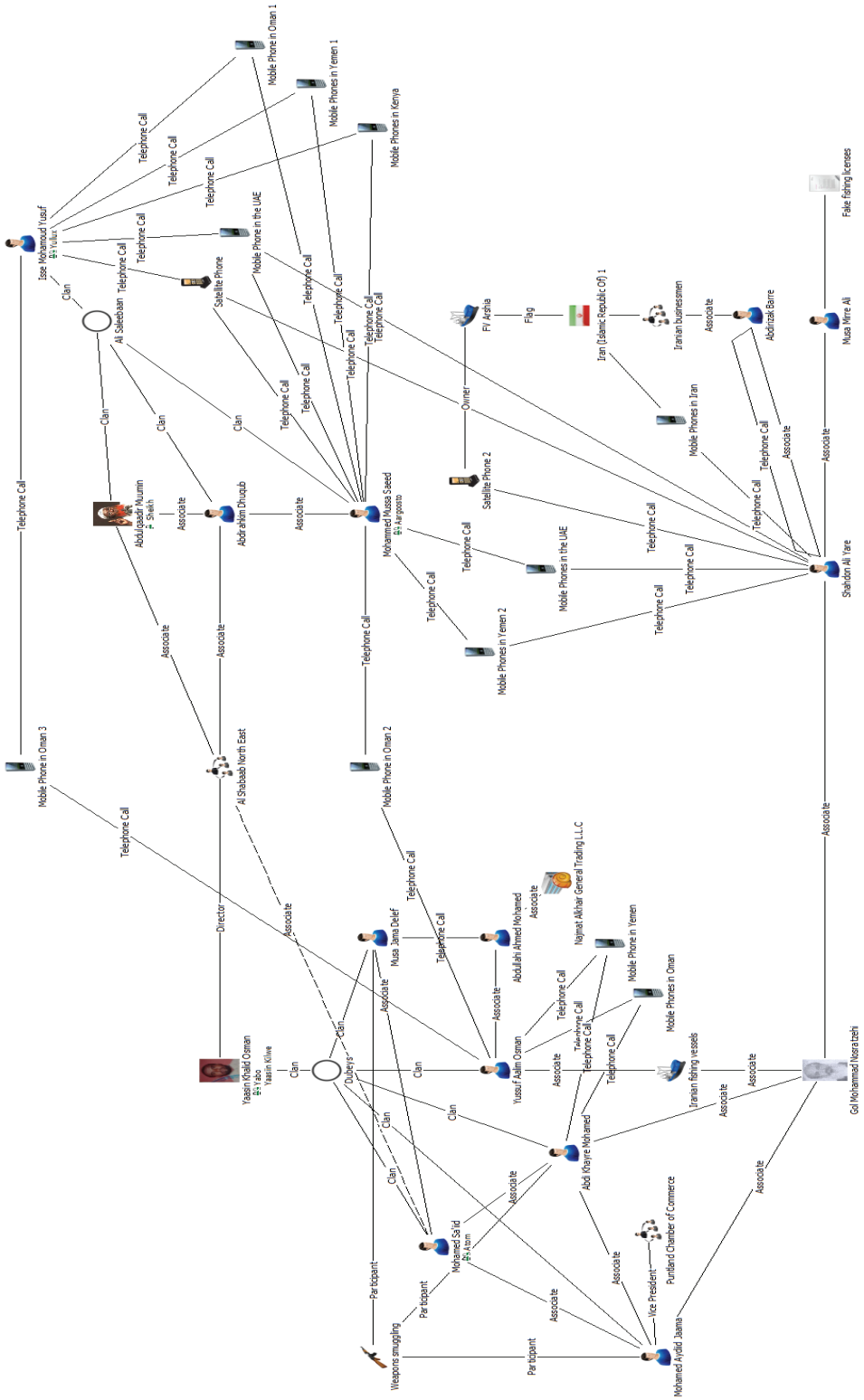
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Type of document	Common Passport
Document N°	X10093530
Country of Issue	IRAN, ISLAMIC REPUBLIC
Issue Date	
Expire Date	08/11/2017



Annex 3.1.g: The Las Qoray network



Annex 3.1.h: Connections between Qandala — Hafun and Las Qoray networks



Annex 83

"The Pirates of Somalia: Ending the Threat, Rebuilding a Nation", *The World Bank*, 2013 (Extracts)

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THE PIRATES *of* SOMALIA

Ending the Threat, Rebuilding a Nation



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THE PIRATES OF SOMALIA:
Ending the Threat, Rebuilding a Nation

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FOREWORD

Until recently, piracy off the Horn of Africa seemed to be prospering, unfettered by the efforts of the international community. Somalia, a country in chaos after years of civil war, was unable to slow the growth of this criminal industry.

Recent events suggest that 2013 may be a year of opportunity. The number of piracy incidents has been falling since 2012, thanks in part to mobilization of international naval forces and the adoption by the shipping industry of best practices to fend off pirate attacks. Meanwhile, Somalia has a new administration. Along with the daunting tasks it faces of rebuilding the state and putting the country back onto the track of prosperity and growth come tremendous opportunities.

This report, "The Pirates of Somalia: Ending the Threat, Rebuilding a Nation," shows that it is in the international community's common interest to find a resolution to Somali piracy, and more generally to help the government of Somalia to rebuild the country. Its findings reinforce the case for action. The costs imposed by Somali pirates on the global economy are so high that international mobilization to eradicate piracy off the Horn of Africa not only has global security benefits, it also makes ample economic sense.

However, Somalia cannot buy its way out of piracy; nor can the international community rely solely on its law enforcement agencies to defeat pirates, whether at sea or on land. As the report shows, the solution to Somali piracy is first and foremost political. Pirates rely on onshore support to conduct negotiations and to secure safe access to coastal territories. In turn, politically powerful figures capture large portions of the profits associated with piracy. Any solution therefore will involve forging a political contract with local stakeholders—a shift in attention, in other words, from the perpetrators to the enablers of piracy.

This report affirms that, beyond its firepower and financial resources, the international community can and should assist Somalia with *generating knowledge*—knowledge of how local power dynamics shape the rules for resource-sharing, how they drive clan and subclan relationships, and ultimately how they determine national political stability—to find solutions to the piracy problem. The report exemplifies the value of using rigorous analytical tools to address some of the pressing problems of Africa.

Collectively we have learned from our successes and failures, such as the opium poppy eradication programs in Afghanistan, the oil revenue distribution arrangements in the Niger delta, and the coastal resource management policies in the Philippines. Collectively, we can help the government of the Federal Republic of Somalia to build institutions that crowd in rather than crowd out positive change.

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ACKNOWLEDGMENTS

"The Pirates of Somalia: Ending the Threat, Rebuilding a Nation" was prepared by a team led by Quy-Toan Do and comprising Jean-Baptiste Blanc, Aurélien Kruse, Trung Dang Le, Andrei A. Levchenko, Lin Ma, Farley Mesko, Claudia Ruiz, and Anja Shortland.

The work was sponsored by the Office of the Chief Economist of the Regional Vice-Presidency for Africa (AFRCE) and cosponsored by the Seychelles Country Management Unit of the Regional Vice-Presidency for Africa (AFCS4) and its Poverty Reduction and Economic Management Unit (AFTP2). The team gratefully acknowledges financial support from the Research Support Budget of the Development Economics Vice-Presidency (DEC).

The work was conducted under the much-appreciated general guidance of Shantayanan Devarajan, Haleh Bridi, Bella Bird, and Humberto Lopez. For helpful comments we also thank Ian Bannon, Thorsten Bargfrede, Andrew Beath, Jarat Chopra, Louise Cottar, Jishnu Das, David Evans, Wolfgang Fengler, Louise Fox, Abderrahim Fraji, Clément Gorrissen, Joakim Gundel, Phil Hay, Bert Hofman, Aurélien Llorca, Alexandre Marc, Roland Marchal, Michaela McRee, Hannah Messerli, Ian Mills, Anand Rajaram, Hugh Riddell, Sawkut Rojid, Jorg Roofthooft, Sandor Sipos, Federico Varese, Xavier Vincent, Puteri Watson, Stuart Yikona, Paolo Zacchia, colleagues in AFRCE, the Center on Conflict, Security and Development in Nairobi (OPSFN), participants in the Decision Meeting in Washington D.C. (USA), and the two peer reviewers, Phil Keefer and Gary Milante. The team also gained much insight from consultations in Garoowe (Puntland State of Somalia) and Nairobi (Kenya).

The team is particularly grateful to Cyrus Mody of the International Maritime Bureau (IMB) for making available the dataset on piracy-related incidents compiled and maintained by the IMB Piracy Reporting Center. Clément Gorrissen, consultant to the UN Office on Drugs and Crime (UNODC), helped with construction of the joint UNODC–WB dataset on ransom payments and anchorage locations. The Center for Advanced Defense Studies (C4ADS) generously shared its database on primary actors in the Somali piracy business. The assistance from Bruno Bonansea of the Map Design Unit of the World Bank (GSDPM) for the construction of the maps featured in this report is also gratefully acknowledged. The

team also thanks Laura Muñoz of the UN World Tourism Organization (UNWTO) for access to its database; Alejandro Anganuzzi and Miguel Herrera of the Indian Ocean Tuna Commission (IOTC) for facilitating access to the catch and effort database; and Kim Baugh and Chris Elvidge of the U.S. National Oceanic and Atmospheric Administration (NOAA) for compiling and sharing data on night-time light emissions from Somalia. Thanks also to members of the Youth Organization Against Piracy (YOAP) in Garoowe and to all Somalia-based contacts for the time they spent answering questions. Particular thanks go to the Global Center on Conflict Security and Development, which hosted the internal and external consultation workshops in Nairobi.

The dissemination and roll-out of the report was organized by a team led by Bella Bird, Haleh Bridi, Shantayanan Devarajan, and Phil Hay and comprising Beatrice Berman, Mapi Buitano, Herbert Francisco Curry Arceo, Quy-Toan Do, Elena Gex, Alexandre Hery, Nathalie Lenoble, Polly Means, Kristina Nwazota, Keneth Omondi, Anne Sengès, Hedy Sladovich, Aby Toure, and Jane Zhang in Washington D.C., USA; Janerose Lubisia, Ian Mills, Keziah Muthembwa, Hugh Riddell, Nancy Visavilwa, and Peter Warutere in Nairobi, Kenya; Khurshid Noorwalla and Sawkut Rojid in Port Louis, Mauritius; and Mayra Arvioti, Rossella Della Monica, Veronique Jacobs, and Sandor Sipos in Brussels, Belgium.

Finally, the team is grateful to Keneth Omondi for outstanding administrative support and to Anne Grant for editing, the Word Express for design and typesetting, and Adam Broadfoot and the Printing, Graphics, and Multimedia Department of the World Bank for printing this publication.

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ABBREVIATIONS AND ACRONYMS

AIS	Automated Information System
AFCS4	Seychelles Country Management Unit of the Regional Vice-Presidency for Africa
AFRCE	Office of the Chief Economist of the Regional Vice-Presidency for Africa
AFTP2	Poverty Reduction and Economic Management Unit of the Regional Vice-Presidency for Africa
ARS	Alternative Remittance Services
ASWJ	Ahlu Sunna Waljama'a
AMISOM	African Union Mission in Somalia
AU	African Union
BBC	British Broadcasting Corporation
BMP	Best Management Practices
CEPII	Centre d'Etudes Prospectives et d'Informations Internationales
CIA	Central Intelligence Agency
CRRA	Constant Relative Risk Aversion
CTF-151	Combined Maritime Task Forces 151
CGPCS	Contact Group on Piracy off the Coast of Somalia
COMESA	Common Market for Eastern and Southern Africa
COMTRADE	Commodity Trade Statistics Database
DCCTF	Djibouti Code of Conduct Trust Fund
DEC	Development Economics Vice-Presidency
DID	Difference-in-Difference
DPLD	Disruption of Pirate Logistic Dumps
DWT	Dead Weight Tonnage
EAC	East African Community
EAP	East Asia and Pacific

EC DG TRADE	European Commission Directorate General for Trade
ECA	Europe and Central Asia
EEAS	European External Action Service
EEZ	Exclusive Economic Zone
ESA-IO	Eastern and Southern Africa and Indian Ocean
EU	European Union
EUNAVFOR	European Union Naval Force
FATF	Financial Action Task Force
FSNAU	Food Security and Nutrition Analysis Unit
GDP	Gross Domestic Product
GPS	Global Positioning Systems
GSDPM	General Services Department Printing & Multimedia
HHPN	Hobyo-Harardheere Piracy Network
HRA	High Risk Area
HS-6	6-digit Harmonized Commodity Description and Coding System (COMTRADE)
ICU	Islamic Courts Union
IGAD	Intergovernmental Authority on Development
IMB	International Maritime Bureau
IMO	International Maritime Organization
INTERPOL	International Criminal Police Organization
IOC	Indian Ocean Commission
IOTC	Indian Ocean Tuna Commission
ISCs	Information Sharing Centers
ITC	International Trade Center
ITF	International Transport Workers' Federation
K&R	Kidnap and Ransom
LAC	Latin America and Carribean
LAS	League of Arab States
LLAR	Low level armed robbery
MCH	Major criminal hijack
MENA	Middle East and North Africa
MLAAR	Medium level armed assault and robbery
MSA	Maritime Situational Awareness
MSC HOA	Maritime Security Center Horn of Africa
MV	Motor Vessel
NA	North America
NATO	North Atlantic Treaty Organization
NGOs	Non-Governmental Organizations
NOAA	National Oceanic and Atmospheric Administration
OBP	Oceans Beyond Piracy
OECD	Organisation for Economic Co-operation and Development
OPSFN	Center on Conflict, Security and Development, Nairobi
PIU	Project Implementation Unit

PPN	Puntland Piracy Network
PMPF	Puntland Maritime Police Force
RAPPICC	Regional Anti-Piracy Prosecutions Intelligence Co-ordination Centre
ReCAAP	Regional Cooperation Agreement on Combating Piracy & Armed Robbery against Ships in Asia
RPG	Rocket-Propelled Grenades
SA	South Asia
SADC	Southern African Development Community
SHADE	Shared Awareness and Deconfliction
SSA	Sub-Saharan Africa
SEMG	Somalia and Eritrea Monitoring Group
SNM	Somali National Movement
SUA	Suppression of Unlawful Acts Against the Safety of Maritime Navigation (Convention)
SUV	Sport Utility Vehicle
TFG	Transitional Federal Government
UAV	Unmanned Aerial Vehicle
UN	United Nations
UNCLOS	United Nations Convention on the Law of the Sea
UNCTAD	United Nations Conference on Trade and Development
UNDP	United Nations Development Programme
UNITAR	United Nations Institute for Training and Research
UNOCHA	United Nations Office for the Coordinator of Humanitarian Affairs
UNODC	United Nations Office of Drugs and Crime
UNPOS	United Nations Political Office for Somalia
UNSC	United Nations Security Council
UNWTO	United Nations World Tourism Organization
VDP	Vessel Protection Detachments
WB	World Bank
WFP	World Food Program
YOAP	Youth Organization Against Piracy

MAP OF SOMALIA



EXECUTIVE SUMMARY

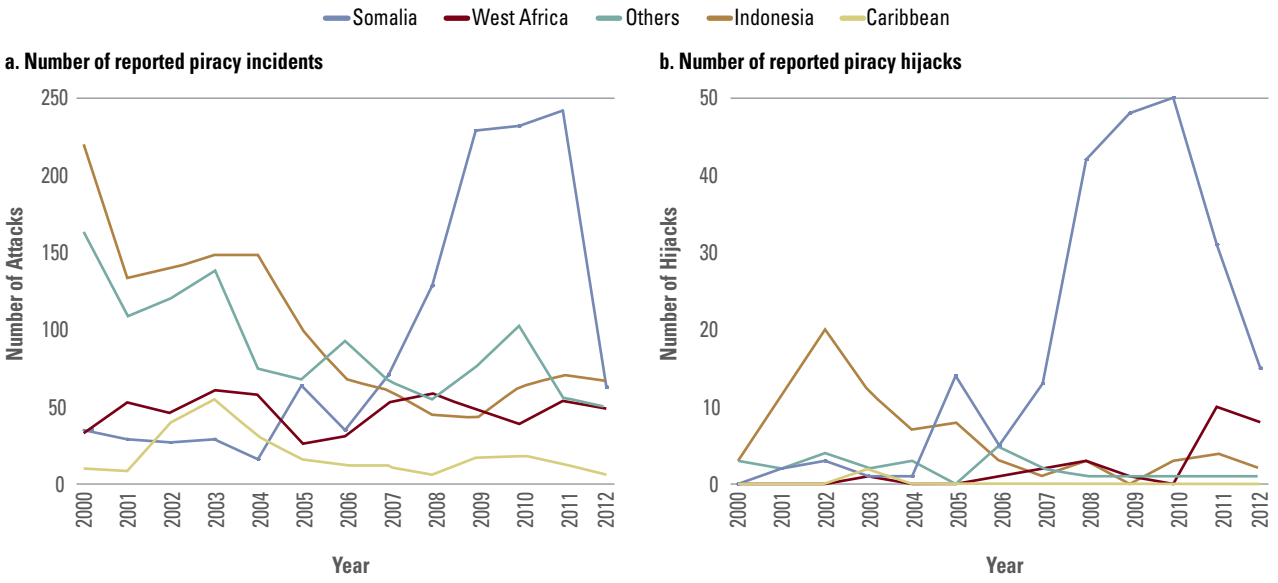
Context

Somali piracy attacks surged between 2005 and 2011. Although maritime piracy is as old as seaborne trade, and currently pirates also prey on ships in the Straits of Malacca and the waters of Southeast Asia, the Caribbean seas, and the Gulf of Guinea, what is unique about Somali pirates is the high frequency of attacks. Figure 1.a plots the number of reported incidents since 2000 in various regions. Piracy incidents off the coast of Somalia rose dramatically after 2005 and reached a high of 243 in 2011 but then plunged in 2012 to 63 reported attacks and 15 hijackings as of September.

Somali pirates almost exclusively attack vessels to hold cargos and crews hostage and negotiate their release in exchange for ransom. Figure 1.b shows the patterns of hijackings globally since 2005, further illuminating how Somali piracy is unique. Since the first known Somali hijacking in April 2005, 149 ships have reportedly been ransomed for an estimated total of US$315–US$385 million. Finally, the large number of Somali incidents is matched by the remarkably wide catchment area, deep into the high seas well beyond Somalia's territorial waters (see Figure 2).

The international community has mobilized to combat the surge of piracy off the Horn of Africa. Over 40 countries are involved in military counter-piracy operations, in a national capacity or through three coalitions: the European Union Naval Force Somalia through Operation Atalanta, the Standing Naval Group of the North Atlantic Treaty Organization (NATO) through Operation Ocean Shield, and Combined Task Force 151. Since 2008, the United Nations (UN) Security Council has adopted 13 resolutions to support counter-piracy action off the Horn of Africa. Beyond the UN, the European Union (EU), the African Union (AU), the League of Arab States, and NATO have all moved to fight piracy off the Horn. The UN Monitoring Group on Somalia was established by a UN Security Council resolution in 2003 to document violations of the arms embargo; its mandate has since expanded to monitoring piracy. The Contact Group on Piracy off the Coast of Somalia was established in 2009, pursuant to UN resolution 1851, to facilitate coordination of the 60 countries and 20 international organizations working to prevent

FIGURE 1: PIRACY IN NUMBERS



Sources: IMB 2012; UNODC–WB 2012.

piracy. Several other institutional, national, and regional initiatives, such as the Djibouti Code of Conduct, the Regional Anti-Piracy Prosecutions Intelligence Co-ordination Centre, and the Indian Ocean Commission Anti-Piracy partnership program, complement the international mobilization.

Why another report on Somali piracy, and how can it inform the debate? While the recent drop in pirate attacks has been attributed to counter-piracy policies, whether they will continue to be suppressed is a major question. This study therefore conducted two types of analysis to inform the policy dialogue and shape, or reshape, the debate on prospects for long-term eradication of piracy off the Horn of Africa:

1. It assessed the global human and economic costs and security risks of piracy, thereby quantifying the global benefits of a piracy-free Somalia.
2. It analyzed the piracy business model and the factors that allow it to thrive.

Taken together, the findings constitute the knowledge base for design of policy responses.

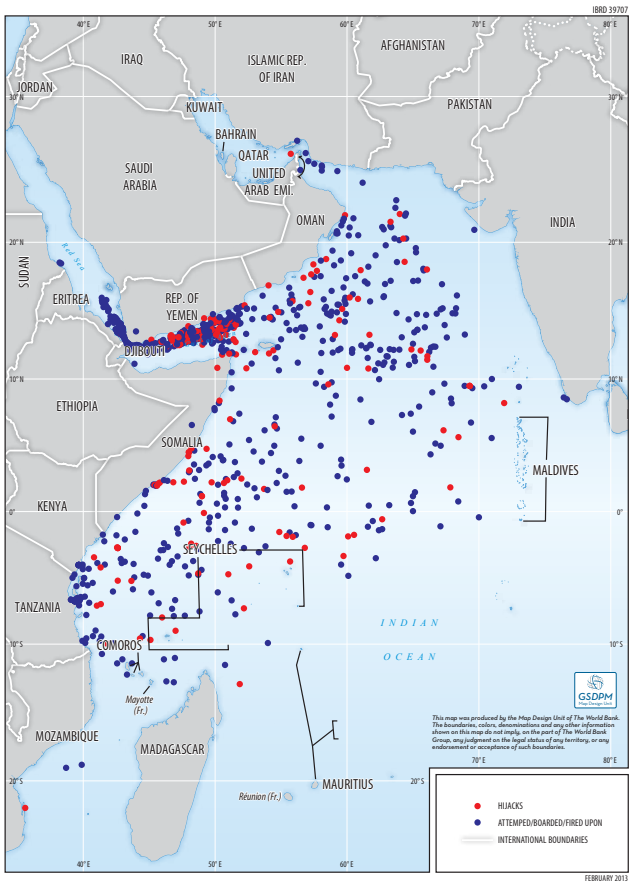
Human, Economic, and Global Security Costs

The scale, geographic scope, and violence of Somali piracy operations have created public concern throughout the world. As many as 3,741 crewmembers of 125 different nationalities have fallen prey to these pirates, with detention periods as long as 1,178 days.

Reportedly, 82 to 97 seafarers have died either during the attacks, in detention after poor treatment, or during rescue operations.

Beyond the human tragedy, although certainly in part because of it, Somali piracy has imposed significant global costs, particularly on nearby economies. Increased insurance premiums, expenditures for on-board security measures, and rerouting or cancellation of shipments are among the many channels through which pirates have affected the world economy. To evaluate the global cost, this report analyzes changes in world trade patterns that coincided with and might be explained by the onset of Somali piracy. Compared to pairs of countries that trade through other sea routes, all other things being equal trading partners for which the shortest shipping route goes through the Arabian Sea saw a drop of 7.4 percent in the value of their yearly trade—the same effect as would result from imposing an additional 1.1 percent ad valorem tax on all shipments through the zone where Somali pirates operate (see Figure 2). Considering Somali piracy as an increased cost of trade translates into an estimated US$18 billion yearly loss to the world economy—an amount that dwarfs the estimated US$53 million average annual ransom payment since 2005.

FIGURE 2: REPORTED SOMALI PIRACY INCIDENTS (2000–2012)



Sources: IMB 2012; UNODC–WB 2012.

Piracy has not only imposed a hidden tax on world trade generally, it has severely affected the economic activities of neighboring countries. Since 2006 East African countries have seen a marked decline in tourist arrivals and fishing yields. In the booming tourism sector, spending in East Africa since the surge in pirate activities has grown 25 percent more slowly than in other sub-Saharan African countries. The growth slowdown is mostly attributable to fewer visits from citizens of member countries of the Organization for Economic Cooperation and Development (OECD), who are now 8.6 percent less likely to choose East African countries as vacation destinations. Similarly, exports of fish products from piracy-affected countries compared to other regions have dropped by 23.8 percent since 2006, in part due to falling production. Total catches of tuna in the Western Indian Ocean have declined by 26.8 percent as vessels relocated to safer fishing grounds.

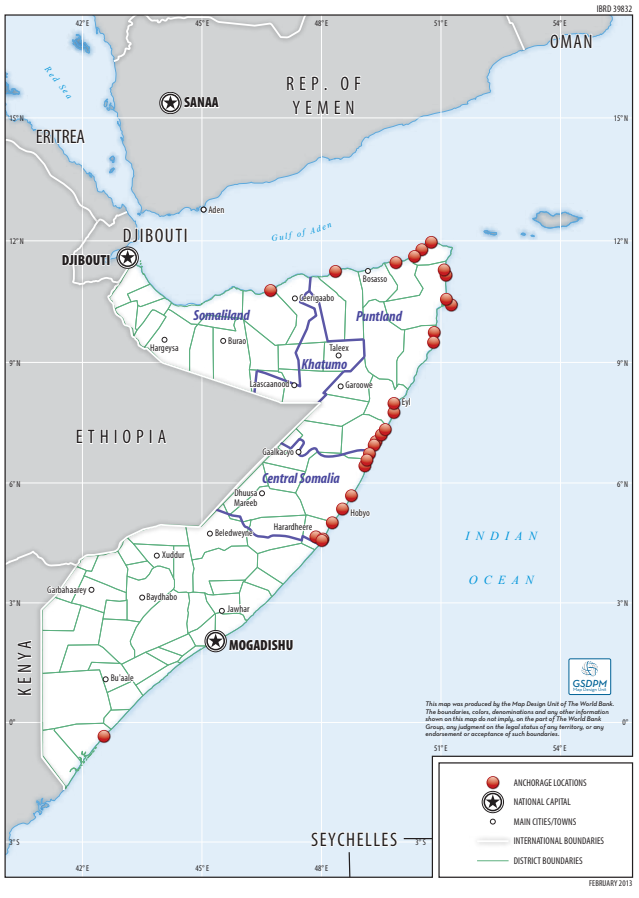
The actual and potential links between pirates and Islamist insurgents are another source of global concern. This report evaluates the nexus between pirates and terrorist organizations. While Somali piracy seems unlikely to morph into a politically motivated criminal organization, the analysis does not rule out the possibility of individual initiatives

in that direction. Nonetheless, the potential scope and actual extent of mutually beneficial cooperation between pirates and some members of the Islamist insurgent group al-Shabaab is significant; because it might contribute to instability in Somalia, the possibility of enhanced cooperation between pirates and al-Shabaab is a threat to global security.

The Business Model of Somali Piracy

The Somali pirate business model relies heavily on onshore support infrastructure to conduct ransom negotiations. Generically a pirate operation consists of armed offshore operations with onshore support that provides shelter for returning pirates and access to markets for stolen goods and for the goods, services, and manpower needed for pirate attacks. Because Somali piracy is largely a hijack-for-ransom enterprise, its onshore operations also require reliable sources of food, water, energy, and especially *khat*—a leafy narcotic—for the militiamen in charge of guarding hijacked ships throughout the ransom negotiation process. Somali pirates therefore need, explicitly or implicitly, to be granted access to the coast and obtain protection against both national and international law enforcement and competing criminal groups.

FIGURE 3: ANCHORAGE LOCATIONS OF HIJACKED SHIPS



Sources: IMB 2012; UNODC–WB 2012.

The spatial distribution of anchorage locations of hijacked vessels along the Somali shoreline (see Figure 3) reflects the ability of pirates to win support from, among many others, government officials, businessmen, clan elders and members, militia and religious leaders, and members of local communities. In these places, pirates have been able to use a mixture of financial inducements and physical coercion to obtain access to the coast for extended periods of time.

Financial inducements may take the form of an "anchorage" or "development" fee, such as the Islamist insurgent group al-Shabaab charges for use of territory under its control in Central Somalia, or of a bribe paid to a government official in Puntland for not interfering in piracy business. More indirectly, suppliers of food and khat, militiamen, and providers who can move and launder ransom proceeds can charge pirates significant markups on their goods and services. Finally, politically powerful local figures capture large portions of the profits through direct involvement in piracy. It is estimated that commanders and instigators in the Somali piracy

business split 70 to 86 percent of piracy proceeds with these stakeholders, without the support of whom anchorage of hijacked boats would not be feasible.

Understanding Somali piracy requires acknowledging that the distribution of power among stakeholders is rooted in a long and rich history centered on the clan. Clan and subclan affiliation is a major organizing factor in Somali society. Political power was traditionally vested in clan leaders, yet throughout Somalia's modern history internal and external forces have conspired to challenge their authority. Formal entities, from colonial rulers to the successive national governments and regional administrations, have concentrated power at the expense of local governance institutions; and powerful businessmen, pirates, warlords, and insurgent groups compete with traditional leaders for effective political control. At stake is the distribution of resources—such as the proceeds from piracy. Recognizing the geographical heterogeneity and time variability of these interactions and the central role of clan and subclan affiliations is a prerequisite to explaining why a hijacked ship is anchored in a given place at a given time; it is therefore integral to the design of policies to durably eradicate piracy.

Reshaping the Policy Dialogue

The dramatic discrepancy between the revenues pirates enjoy and piracy's global cost offers a powerful rationale for the international community to support the administration of the Federal Republic of Somalia.

Current and proposed onshore or offshore policies for curbing Somali piracy are either ineffective or unsustainable. Such onshore interventions as local economic development or law enforcement initiatives aim at discouraging young Somalis from becoming pirates. They do so by increasing the cost of foregoing alternative livelihoods or by promising lengthy prison terms in case of capture. However, the response of the piracy industry will likely be to offer higher compensation so as to neutralize the intended deterrence. This can easily be done without significantly affecting profitability, given how pervasive poverty is in the communities recruits are typically drawn from. And while offshore initiatives such as navy patrols and onboard security are believed to explain why piracy plunged in 2011 and 2012 (see Figure 1), these are only effective as long as they remain in place: they would have to be permanent to prevent any resurgence of piracy. Because of their high cost, in the long run they may simply be unsustainable.

Given the business model of Somali piracy, effective and sustainable interventions over the long term will require shifting focus from the perpetrators to the enablers of piracy. Negotiating an end to piracy with the latter requires that they have a legitimate representative to defend their interests and that they be held accountable to the government and its partners for progress in eradicating piracy. Such representation of a diffuse group of individuals and communities whose interactions with one another go well beyond the realm of piracy implies that ***the long-term solution to piracy off the Horn of Africa cannot be dissociated from construction of a Somali state that is viable at both central and local levels***. This report does not advocate a particular structure of federalism or decentralization; it simply opens up the topic for discussion on the basis of new evidence.

As it engages with the government of the Federal Republic of Somalia, the international community should acknowledge the complexity and volatility of local politics. Piracy can thrive in selected safe havens along Somalia's coastline because pirates are able to navigate the local political economy landscape, selectively using financial inducements and physical coercion to create an environment in which to operate that is safe and secure. Similarly, the Somali government and its partners will need to understand the idiosyncratic realities of Somalia's local politics so that they can be addressed with an appropriate mix of development assistance and law enforcement initiatives; these are necessary to change the incentives of stakeholders from condoning to condemning piracy. Recognizing what is needed to overcome local political economy constraints is a prerequisite not only to ending the threat of piracy, but also—and much more fundamentally—to rebuilding the Somali state.

1 OVERVIEW AND METHODOLOGY

The "enemies of all mankind" are still roaming the seas off the Horn of Africa. Since January 2005, pirates from Somalia have carried out 1,068 attacks. Of these, 218 resulted in successful hijackings with abduction of at least 3,741 crewmembers of 125 different nationalities, and payment of US$315million–US$385 million in ransoms. Between 82 and 97 non-Somali seafarers are believed to have died in attacks, detention, or rescue operations.

The rise of piracy off the Horn of Africa has mobilized extensive international resistance. More than 40 countries are involved in military counter-piracy operations in a national capacity or through three naval coalitions: the European Union Naval Force Somalia (EUNAVFOR-Atalanta), the Standing Naval Group of the North Atlantic Treaty Organization (NATO) through Operation Ocean Shield, and Combined Task Force 151. The navies have been granted an exceptional right to operate in Somali sovereign waters and coastal land to fight pirates.

Since 2008 the United Nations (UN) Security Council has adopted 13 resolutions related to counter-piracy off the Horn of Africa. Most notably, these have reduced barriers to prosecution by member states, facilitated international cooperation, and highlighted the need to address the underlying causes of Somali piracy. Beyond the UN, the European Union (EU), the African Union (AU), the League of Arab States (LAS), and NATO have all moved to fight piracy off the Horn.

In 2003 the Security Council set up the Monitoring Group on Somalia to investigate violation of the arms embargo; its mandate now also encompasses Somali piracy. In 2009 the UN also established a Contact Group on Piracy off the Coast of Somalia (CGPCS), pursuant to UN resolution 1851, to facilitate coordination of the work of 60 countries and 20 international organizations to prevent piracy. Their work is complemented by other institutional, national, and regional initiatives, such as the Djibouti Code of Conduct, the Regional Anti-Piracy Prosecutions Intelligence Coordination Centre (RAPPICC), and the Indian Ocean Commission Anti-Piracy partnership program.

The central objective of this report is to understand how the piracy industry in Somalia works and why it has flourished practically unfettered, despite international anti-piracy activity, for such a long time. The ultimate goal is to propose policy directions that would help the international community to find a cost-effective long-term solution to a local organized crime problem that has international economic and security repercussions.

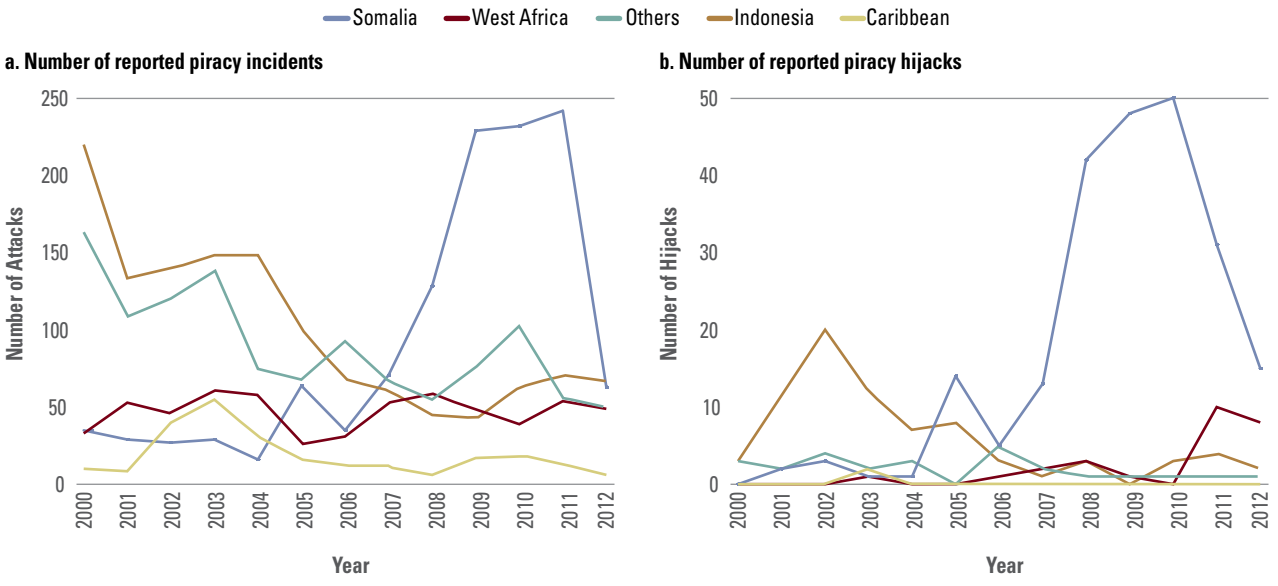
This report has three parts: Part I evaluates the global implications of Somali piracy. To better understand it, and therefore combat it, Part II investigates its core characteristics. Finally, Part III reviews efforts to curb piracy to date and proposes new policy directions.

Piracy in Numbers

The analysis in the report relies heavily on detailed data collected by the International Maritime Bureau (IMB). The IMB Piracy Reporting Center collects information on maritime incidents across the globe. A wide array of attributes is recorded for each incident, such as location, date, boat, and crewmember characteristics (crew size and member nationalities), boat type, tonnage, and flag as well as the circumstances of the incident. Although not all incidents are reported and the extent of under-reporting may have changed as awareness increased, the IMB has the most comprehensive public database on piracy.

The IMB data suggest that the magnitude and suddenness of Somali piracy set it apart from most other forms of contemporaneous piracy. Somali piracy (see Figure 1.1.a) represented 7.5 percent of attacks reported worldwide in 2002; by 2005 its share had more than tripled to 23 percent, and by 2011 it had reached 55.6 percent. In the last four years, one of every two vessels that reported a piracy-related incident had been attacked off the Horn

FIGURE 1.1: PIRACY IN NUMBERS (2000–2012)



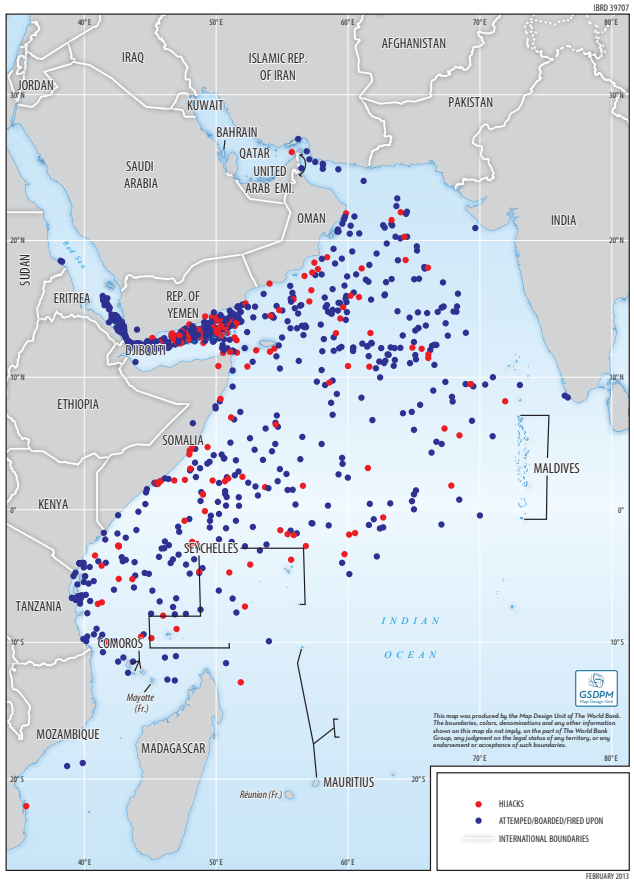
Sources: IMB 2012; UNODC–WB 2012.

of Africa. Over the last decade, no other maritime area, even the Malacca Strait, had suffered so much.

Somali piracy is distinguished by the speed of its growth. Figure 1.1.a illustrates that between 2006 and 2009, the number of attacks off the Horn reached an average annual growth rate of 87 percent, though it has since stagnated. Meanwhile, the number of successful hijackings in other areas held steady or plunged. The trend for the number of successful hijackings (Figure 1.1.b) tracks the increase in the number of attacks: In 2004 pirates conducted only one successful hijacking off the coast of Somalia; in 2010 there were 50. Attacks in Somalia peaked in 2011, dropping by about 70.1 percent in the first three quarters of 2012; the number of actual hijackings peaked in 2010, dropping by 38 percent in 2011 and by another 51.6 percent in 2012. The slide in attacks after 2011 and hijackings after 2010 has often been attributed to increasing international navy mobilization and growing adoption by the shipping industry of best management practices.

The magnitude of piracy off the coast of Somalia is also noteworthy for the extent of the geographical area affected. Worldwide, most piracy takes place close to shore or in narrow nearby shipping lanes (Murphy 2009). Yet between 2000 and 2011 Somali pirates traveled considerable distances to find prey. Attacks attributed to Somali pirates (both red and blue in Figure 1.2) extend far from land, deep into the western Indian Ocean (in red are attacks that led successfully to hijacking). The pirate hunting ground stretches from the Red Sea to the Gulf of Oman in the north, from the Mozambique Channel to the Maldives in the south, and along Indian territorial waters in the east. In 2007, the farthest pirate attack took place 800 km from Eyl, the original pirate hub on the Somali coast. The distance then extended to 1,410 km in 2008, 2,030 km in 2009, and 3,655 km in 2010 before regressing to 2,200 km in 2011. Elsewhere in the world most incidents of maritime crime occur in major ports and their associated anchorages.

FIGURE 1.2: LOCATION OF REPORTED SOMALI PIRACY INCIDENTS (2000–2012)



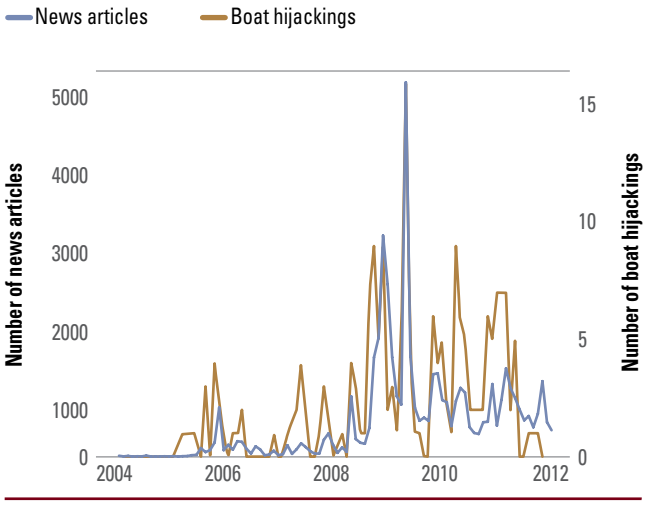
Sources: IMB 2012; UNODC–WB 2012.

Piracy off the Horn of Africa is remarkable not only for its scale and geographic scope but also for its violence. It is targeted almost exclusively to hijacking a vessel either for ransom or for use as a mother ship from which to launch attacks on other vessels. Ultimately, the business objective of Somali piracy is to exchange the captured crew and cargo for money. As Figure 1.1.B illustrates, between 2005 and 2011 Somali pirates hijacked 80 percent of the vessels seized worldwide. At the peak, 96 percent of worldwide hijackings were taking place off the Horn of Africa. As of May 2012, an estimated 3,741 crewmembers from 125 different nations had become the victims of Somali pirates, with some being detained as long as 1,178 days—more than three years. So far, 82 to 97 seafarers are believed to have died, directly or indirectly, as a result of hijackings (Compass Risk Management 2012; Foreign Affairs Committee 2012; Oceans Beyond Piracy 2012). As for the pirates, the few who ventured to give an estimate put the number of casualties anywhere between 300 and 500.[1] These figures are certainly lower-bound estimates, since none account for those who die at sea without ever engaging in an attack due to rough weather or exhaustion of food or fuel (Oceans Beyond Piracy 2012).

Part I: A Local Threat with Global Implications

The three chapters in Part I look at the economic consequences of Somali piracy. To assess its economic impact, it was necessary to observe how it has affected trade flows, tourist visits, and fishing yields. All first three chapters had to deal with similar methodological challenges, such as (1) determining the date when Somali piracy became salient to economic actors; (2) identifying countries considered to be "affected by piracy"; and (3) accounting for factors other than piracy that may have had a bearing on the observed outcomes.

FIGURE 1.3: SOMALI PIRACY AND MEDIA COVERAGE (2004–2011)



Sources: IMB 2012; Factiva Dow Jones 2012.

The first step is to determine when the surge in Somali piracy began. While pirate attacks off the coast of Somalia go as far back as the 1980s, the first reported hijacking, of the Motor Vessel (MV) Feisty Gas, took place in April 2005 (IMB 2012). That date matters to this report for two related reasons: (1) it marks the beginning of the piracy-for-ransom model that is the main cause of economic disruption throughout the globe; and (2) it corresponds to the beginning of international awareness, as reflected in media reports, that piracy is a serious threat. Figure 1.3 plots the number of attacks over time and overlays the number of news articles published in the English-speaking media outlets covered by Factiva between January 2004 and December 2011 that contained the words "Somalia" and "pirates." Media attention started in earnest in November 2005 with the

release after ransom payment of the MV Panagia and the unsuccessful attack on the luxury cruise liner MV Seabourn Spirit. From then on, press coverage seems to have tracked hijackings closely. For the purpose of assessing its impact, this analysis therefore takes 2006 as the starting point of Somali piracy.

The next step is to identify the Somali pirate catchment area to determine which countries were and are directly affected by piracy. The catchment area has been progressively expanding from close to the Somali shore deep into the southwestern Indian Ocean. This report is not able to exploit that dynamic component, partly because expansion of the catchment area is in part driven by how economic systems adapted to the piracy threat; it therefore defines as the *Affected Region* the countries of Comoros, Djibouti, Kenya, Mozambique, Madagascar, Mauritius, the Seychelles, Somalia, Tanzania, and Yemen in addition to Pakistan and the countries of the Persian Gulf.

Finally, econometric analysis makes it possible to isolate the specific effect of piracy from that of other factors that could also have affected economic outcomes. In particular, the dramatic growth in East Africa—despite the 2007–08 post-election crisis in Kenya, Madagascar's 2009 political crisis, and the 2008 global financial crisis, soon followed by the 2008–2009 trade collapse—sets the region apart from the rest of the world. Thus, the impact of piracy is less to translate into a drop in economic activity than into relatively slower growth. How much slower? Answering that question is the main methodological challenge that the first three chapters in Part I attempt to address. The crux of the exercise is to identify countries or sectors that can reasonably be considered unaffected by piracy and use those as a benchmark against which the performance of affected countries or sectors is gauged. How robust the measurement of impact is to the choice of benchmark will help assess how confident it is reasonable to be about the proposed cost estimates.

Chapter 2 investigates the likely disruption to trade from, to, or transiting the piracy-affected region. This chapter relies on analysis of bilateral trade data compiled by the UN Commodity Trade Statistics (COMTRADE 2012) database. Compared to pairs of countries that trade through other sea routes, all other things being equal trading partners for which the shortest sea route is through the Affected Region saw the value of their bilateral trade drop by 7.4 percent. This suggests that the impact of piracy on world trade is equivalent to the effect of a hypothetical 1.1 percent ad valorem tax on all bilateral goods traded through the Gulf of Aden. Given that goods worth US$1.62 trillion transited through the Affected Region in 2010, the global cost of piracy that year is estimated to have been US$18 billion (±US$6 billion). If piracy is allowed to continue disrupting global trade, annual costs can be expected to be in the same range.

Next the report zeroes in on two industries that are especially important for countries of the southwestern Indian Ocean: tourism (Chapter 3) and fisheries (Chapter 4). It appears from the UN World Tourism Organization (UNWTO) database on arrivals (UNWTO 2012) that piracy has been discouraging tourists from OECD countries from visiting the Affected Region. Although overall arrivals increased, particularly from other countries in sub-Saharan Africa (SSA), tourism revenues fell because OECD tourists tend to spend more than SSA tourists. The fisheries sector has been similarly disrupted: exports of fish-related products from the Affected Region dropped by about 23.8 percent, partly because,

according to analyses of data from the Indian Ocean Tuna Commission, catches in the southwestern Indian Ocean fell by about 26.8 percent (IOTC 2012).

Chapter 5 discusses whether it is plausible to link piracy and terrorism. Analyzing the history of conflict and cooperation between pirates and Islamic insurgents in Central Somalia, it shows that in recent years benefits from cooperation have risen for both sides, and there is detailed evidence that pirates pay al-Shabaab militias to tolerate ransom operations in Harardheere. However, cooperation has been individual rather than institutional. While cooperation might be closer in the future, transition of pirate activities to maritime terrorism is unlikely. First, since al Shabaab's legitimacy is founded on governing according to Sharia principles, piracy is a problematic source of funding. More importantly, the Somali piracy business model centers on the ability of pirates to anchor ships safely along the coastline, which does not confer a comparative advantage for launching terrorist attacks in the high seas. Nonetheless, successful individual pirates may well use their wealth to finance terrorist activities in Somalia, or anywhere else in the world.

Part II: Understanding Somali Piracy

To combat piracy based on more comprehensive information, Part II analyzes quantitative and qualitative information from a variety of sources. The IMB (2012) database contains a wealth of data that make it possible to unveil noteworthy statistical patterns concerning attacks and hijackings attributed to Somali pirates. The IMB database was augmented with additional information on ransom payments from the International Maritime Organization (IMO), EUNVAFOR, law firms, law enforcement agencies, and open source data, resulting in the joint UN Office of Drugs and Crime–World Bank dataset on ransom payments to pirates (henceforth UNODC–WB 2012). Information from news articles, policy reports, and scholarly articles was used to document and support the quantitative and qualitative assumptions. Finally, extensive interviews of individuals in Somalia and focus groups conducted in Mogadishu, the capital of Somalia, and Garoowe, the capital of Puntland, support the arguments in this report.

The analytical approach consists of characterizing the combination of "factors of production" that defines Somali piracy. The analysis distinguishes three broad categories that make a piracy operation feasible: manpower, financial resources, and political capital.

Manpower is the most visible input. It refers first to crewmembers who sail boats toward their prey, attack and board ships, and redirect captured vessels to the Somali coast for ransom negotiations. There are also pirate militia and others who guard hijacked ships during the negotiations. The time pirate commanders and instigators spend to organize missions and coordinate ransom negotiators and guards is also considered to relate to piracy manpower.

Money finances expenditures from the time a pirate crew leaves the shore through keeping the hijacked boat anchored off the Somali shore until its release. From the purchase of motor boats equipped with powerful engines to the procurement of weapons (AK47s and ammunition, rocket-propelled grenades, etc.) and navigation and communication instruments, financial resources contribute decisively to piracy. Investors also finance food, energy, drinking water, and *khat* (a leafy narcotic) for the guards during negotiations.

Finally, *political capital*, though less visible, is a defining feature of Somali piracy. While recruiting crewmembers and mobilizing financial resources for an illegal activity like piracy requires access to networks of would-be pirates and financiers, political capital is instrumental in allowing pirates to anchor hijacked boats for not just months but sometimes years (IMB 2012). The ability to create an enabling environment by inducing officials, militia commanders, religious leaders, members of local communities, clan representatives, and others to condone piracy is the third factor of production in Somali piracy operations.

Manpower, financial resources, and political capital are not necessarily separable. This conceptualization is flexible enough to allow individuals to contribute in many different ways to the piracy business model. For example, commanders who invest their own cash, organize crews and missions, and also sway politicians and local leaders to condone piracy are contributing all three factors at once. Similarly, crewmembers, guards, and militias, because they are often drawn from a powerful clan or other politically influential entity, bring, beyond their labor inputs, political support to the piracy business from their own social networks.

The proposed trichotomy, which defines the business model, makes it possible to assess how market forces and policies affect the sustainability of the piracy business model. The returns to manpower are responsive to market wages, and the returns on cash are responsive to market interest rates. The adopted methodology makes it possible to determine quantitatively the average share of ransom proceeds that end up being paid for each of the three factors of production. This lays the foundation for assessing the effectiveness and sustainability of policies for eradicating Somali piracy by evaluating how much they affect the returns accruing to each factor.

Opening Part II, Chapter 6 combines analysis of IMB (2012) and UNODC–WB (2012) data with qualitative information obtained from open sources and from on-the-ground interviews to produce a description of a typical Somali pirate operation. Acknowledging that pirate operations differ from one another and have over time become ever more sophisticated, the constant and exclusive goal of pirates has been to hijack vessels, cargos, and crews and negotiate their release in exchange for ransom. The analysis documents the formidable growth in attacks since 2005 and its stagnation and drop since 2011, as well as the erosion of the hijacking success rate in recent years as the international community stepped up anti-piracy efforts. Noteworthy patterns emerge: (1) The area of operation expanded after 2005 in response to the counter-piracy measures, the pirates having learned from previous attacks, successful and unsuccessful. (2) The characteristics of the target and the place of attack predict the chance of success; the size of the ship, the nationality of crewmembers, and the number of ships held concomitantly by pirates predicts the ransom amount. Analysis of determinants of ransom amounts makes it possible to impute unknown ransom values and estimate the total amount of ransoms paid as between US$315 million and US$385 million.

Chapter 7 defines and identifies Somali piracy's factors of production and estimates returns to each. Manpower, financial resources, and access to land are central to any piracy operation. This chapter highlights the importance of political capital, which is needed to build local stakeholder willingness to provide secure anchorage and supply lines for ships while ransoms are negotiated. The returns on manpower and cash merely exceed the

risk-adjusted market rate because these factors are likely to be in abundant supply. By contrast, only a few anchorages can provide pirates with long-term security and a reliable supply infrastructure, making access to land, acquired by mobilizing political capital, the scarcest factor. Therefore, people with political capital (individuals or groups who can veto pirate use of an anchorage) will capture the residual of ransom payments after labor and capital have been paid a risk-adjusted return. After carefully calibrating the returns to labor and capital that compensate participants for the high risks involved in pirate ventures, it was found that up to 86 percent of ransom proceeds go to remunerate individuals, inside and outside the industry, whose political and social connections allow Somali piracy to thrive.

Chapter 8 delves into the political economy of Somali piracy. The Somali pirate business model is critically dependent on secure and sometimes long-term anchorage for captured ships (IMB 2012). Chapter 8 examines the complex local power dynamics that determine whether pirates can obtain safe and reliable access to these anchorages. It starts with the observation that captured ships are anchored in only a few locations along the Somali shoreline and all those locations are not necessarily always active. It thus postulates the geographical heterogeneity and time variability of stakeholder interactions embedded in a rich history centered on the clan.

Part III: Reshaping the Policy Dialogue

Finally, the report brings together the findings of Parts I and II. Assessing the global costs of piracy, Part I makes the case for international support for Somali government efforts to eradicate piracy. Part II analyzes the Somali piracy business model and identifies its "bottlenecks"—the areas where policy actions could be most effective and the challenges lying ahead.

Chapter 9 begins Part III with a review of current and proposed policies using the analytical lens presented in Part II. Most policies fall into one of two categories. Some increase the cost to young Somalis of becoming pirate crewmembers by either providing alternative livelihoods or ensuring that those who are captured are prosecuted and imprisoned. Others increase the risk in attacking. Whether navies escort ships or armed guards are more regularly on board, these interventions aim to lower the probability that a pirate attack will become a hijacking, and therefore act as a deterrent in the first place. The first type of intervention at best translates into increased wages for pirates without affecting the profitability of the overall business model. The second, while potentially more effective at curbing piracy and often associated with the plunge in reported incidents in 2012 (SEMG 2012; IMB 2012), is characterized by the need for constant naval pressure and ship-owner investment in on-board security, which raises concerns about its sustainability.

Chapter 10 argues that the dramatic discrepancy between the revenues the pirates enjoy and piracy's global cost offers a powerful rationale for the international community to support the administration of the Federal Republic of Somalia. It further proposes a paradigm shift in the approach to eradicating Somali piracy. Because the "market" interventions to increase either the opportunity cost of becoming a pirate or the risk of failure of

a pirate operation are either ineffective or unsustainable, the alternative is a *political* resolution targeting the enablers rather than the perpetrators of piracy. The discussion in this chapter is articulated in terms of the need for formalized and accountable local governance institutions and for an incentivized path toward a piracy-free Somalia. Involvement of the international community in support of the new government of the Federal Republic of Somalia can be structured around building partnerships, generating knowledge, and providing finance. The chapter further draws attention to the lessons learned as here reported and how these can be applied.

Annex 84

UN Security Council Resolution 2500 (2019), S/RES/2500, 4 December 2019

United Nations S/RES/2500 (2019)

Security Council

Distr.: General
4 December 2019

Resolution 2500 (2019)

Adopted by the Security Council at its 8678th meeting, on 4 December 2019

The Security Council,

Recalling its previous resolutions concerning the situation in Somalia, especially resolutions 1814 (2008), 1816 (2008), 1838 (2008), 1844 (2008), 1846 (2008), 1851 (2008), 1897 (2009), 1918 (2010), 1950 (2010), 1976 (2011), 2015 (2011), 2020 (2011), 2077 (2012), 2125 (2013), 2184 (2014), 2246 (2015), 2316 (2016), 2383 (2017) and 2442 (2018) as well as the Statements of its President (S/PRST/2010/16) of 25 August 2010 and (S/PRST/2012/24) of 19 November 2012,

Welcoming the report of the Secretary-General (S/2019/867), as requested by resolution 2442 (2018), on the implementation of that resolution and on the situation with respect to piracy and armed robbery at sea off the coast of Somalia,

Reaffirming its respect for the sovereignty, territorial integrity, political independence, and unity of Somalia, including Somalia's sovereign rights in accordance with international law, with respect to offshore natural resources, including fisheries,

Noting that joint counter-piracy efforts have resulted in a steady decline in pirate attacks as well as in hijackings since 2011, with no successful ship hijackings for ransom reported off the coast of Somalia since March 2017 however, *recognizing* the ongoing threat that resurgent piracy and armed robbery at sea poses, *noting* the letter of 22 November 2019 from the Permanent Representative of the Permanent Mission of Somalia to the United Nations requesting international assistance to counter piracy off its coast, *and recalling* reports of the Secretary General and communiqués of the Contact Group on Piracy off the Coast of Somalia (CGPCS), which continue to illustrate that piracy off the coast of Somalia has been repressed but not eradicated, and *commending* countries and organizations that have deployed naval counter-piracy missions in the region to suppress piracy and protect ships transiting through the waters off the coast of Somalia and the region,

Reaffirming that international law, as reflected in the United Nations Convention on the Law of the Sea of 10 December 1982 ("The Convention"), sets out the legal framework within which all activities in the oceans and seas must be carried out, including countering piracy and armed robbery at sea,

Recognizing the need and *commending* the efforts of States, including in particular States in the region, to investigate and prosecute not only suspects captured

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at sea, but also anyone who incites or intentionally facilitates piracy operations, including key figures of criminal networks involved in piracy including those who plan, organize, facilitate or illicitly finance or profit from such attacks, and *reiterating* its concern over persons suspected of piracy having been released without facing justice, or released prematurely, *reaffirming* that the failure to prosecute persons responsible for acts of piracy and armed robbery at sea off the coast of Somalia undermines anti-piracy efforts,

Welcoming the work of the CGPCS and the Law Enforcement Task Force (LETF) to facilitate the prosecution of suspected pirates and facilitators, and international efforts to coordinate the work of investigators and prosecutors, inter alia, through the LETF and collect and share information to disrupt the pirate enterprise, as exemplified by INTERPOL's Global Database on Maritime Piracy, *further commending* the Padang Communique and Maritime Cooperation Declaration adopted by the Indian Ocean Rim Association (IORA), and the operationalization of the Regional Maritime Information Fusion Center (RMIFC) in Madagascar and *emphasizing* the need for States and international organizations to further enhance international efforts in this regard,

Welcoming efforts by the CGPCS, the United Nations Office on Drugs and Crime (UNODC), the United Nations Development Programme (UNDP), the Maritime Security Coordination Committee (MSCC), the financing mechanism provided by the Trust Fund to Support Initiatives of States Combating Piracy off the Coast of Somalia (the Trust Fund), and donors to strengthen regional judicial and law enforcement capacity to investigate, arrest, and prosecute suspected pirates as well as those associated with facilitating piracy and to incarcerate those convicted consistent with applicable international human rights law, *noting* with appreciation the assistance and capacity-building provided by UNODC Global Maritime Crime Programme, the Trust Fund, the International Maritime Organization (IMO), the funded Djibouti Code of Conduct, and the European Union Capacity Building Mission in Somalia (EUCAP Somalia), and *recognizing* the need for all engaged international and regional organizations to coordinate and cooperate fully,

Commending the efforts of the European Union Naval Forces (EUNAVFOR) Operation ATALANTA and EUCAP Somalia, Combined Maritime Forces' Combined Task Force 151 (CMF), the counter piracy activities of the African Union onshore in Somalia and other States acting in a national capacity in cooperation with Somali authorities to suppress piracy and to protect ships transiting through the waters off the coast of Somalia, and *welcoming* the Shared Awareness and Deconfliction Initiative (SHADE), and the efforts of individual countries, including China, India, Japan, the Republic of Korea, and the Russian Federation, which have deployed naval counter-piracy missions in the region,

Commending the 31 States and some 26 Non-State organizations that met at the 22nd Plenary Session of the CGPCS in June 2019 and agreed to a revised orientation and strategic review of the CGPCS, praised the increasing involvement of the States of the region with the establishment of an architecture that includes agreements to establish dedicated regional centres in Madagascar and Seychelles, called upon deployers to maintain their presence off the coast of Somalia, commended a reinforced role of the Virtual Legal Forum, of the LETF and the MSCC, called for increased participation of the shipping industry, and endorsed the offer of the Republic of Kenya to take over the Chair of the CGPCS in 2020,

Underlining the importance of cooperation between the Federal Government of Somalia and the Federal Member States in the development of a coast guard in Somalia, *noting* with appreciation the efforts made by the IMO and the shipping industry to develop and update guidance, best management practices, and

recommendations to assist ships to prevent and suppress piracy attacks off the coast of Somalia, *and welcoming* the approval of the fifth version of the Best Management Practices to deter Piracy and Enhance Maritime Security in the Red Sea, Gulf of Aden, Indian Ocean and the Arabian Sea (BMP5) by the IMO's Maritime Safety Committee,

Reaffirming international condemnation of acts of kidnapping and hostage-taking, including offences contained within the International Convention against the Taking of Hostages, and *expressing serious concern* at the inhumane conditions hostages face in captivity, *calling* for the immediate release of all remaining hostages, and *noting* the importance of cooperation between Member States on the issue of hostage-taking and the prosecution of suspected pirates for taking hostages,

Welcoming the readiness of the Federal Government of Somalia and Federal Member States to cooperate with each other and with States who have prosecuted suspected pirates with a view to enabling convicted pirates to be repatriated back to Somalia under suitable prisoner transfer arrangements, consistent with applicable international law, including international human rights law, to serve the full terms of their sentences, but *expresses serious concern* regarding the premature release by "Somaliland" of 19 convicted prisoners returned from Seychelles to Somalia and reiterates that sentences served must be those passed by the courts of the prosecuting states and that any proposal to vary the sentences must be in conformity with the 2011 Transfer Agreement with the Seychelles, consistent with applicable international law, including international human rights law,

Expressing serious concern over reports of illegal, unreported and unregulated fishing (IUU) in Somalia's Exclusive Economic Zone (EEZ), *recognizing* that IUU fishing can contribute to destabilization among coastal communities, and *noting* the complex relationship between IUU fishing and piracy, *welcoming* Somalia's accession to the Food and Agriculture Organization (FAO)'s Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, and the ongoing efforts of the Federal Government of Somalia towards the development of a legal regime for the distribution and enforcement of fishing licences

Remaining concerned that three Iranian seafarers from the FV Siraj remain as hostages inside Somalia in appalling conditions, and *welcoming* the work of International Seafarers Welfare and Assistance Network (ISWAN), the Maritime Piracy Humanitarian Response Programme (MPHRP), and the CGPCS Piracy Survivors Family Fund (PSFF) in providing support to victims of piracy and their families, and recognizing the need to continue supporting these initiatives and contributions to funds,

Emphasizing that peace and stability within Somalia, the strengthening of State institutions, economic and social development, and respect for human rights and the rule of law are necessary to create the conditions for a durable eradication of piracy and armed robbery at sea off the coast of Somalia, and further *emphasizing* that Somalia's long-term security rests with the effective development by Somali authorities of the Somali Coast Guard and Maritime Police Units, Somali National Army, and Somali Police Force,

Determining that the incidents of piracy and armed robbery at sea off the coast of Somalia, as well as the activity of pirate groups in Somalia, are an important factor exacerbating the situation in Somalia, which continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Reiterates* that it condemns and deplores all acts of piracy and armed robbery at sea off the coast of Somalia;

2. *While noting* improvements in Somalia, *recognizes* that piracy exacerbates instability in Somalia by introducing large amounts of illicit cash that fuels additional crime, corruption, and terrorism;

3. *Stresses* the need for a comprehensive response to prevent and suppress piracy and tackle its underlying causes by the international community in collaboration with Somali authorities and other relevant actors, and *encourages* Member States to continue to cooperate with Somali authorities in the fight against piracy and armed robbery at sea, without impeding the exercise of high seas freedoms or other navigational rights and freedoms by ships of any State, consistent with international law, as reflected in UNCLOS;

4. *Underlines* the primary responsibility of the Somali authorities in the fight against piracy and armed robbery at sea off the coast of Somalia, *welcomes* the recent launch of the Department of Somali Maritime Administration, and *encourages* the FGS to hold a National Maritime Coordination Committee (NMCC) meeting;

5. *Recognizes* the need to continue investigating and prosecuting those who plan, organize, or illicitly finance or profit from pirate attacks off the coast of Somalia, including key figures of criminal networks involved in piracy, and to develop the capacity of Somali authorities to investigate and prosecute such persons, and the capacity of Somalia's Financial Intelligence Unit to identify illicit financial activity and support the prosecution of pirate financiers, and *urges* States, working in conjunction with relevant international organizations, to adopt legislation to facilitate prosecution of suspected pirates off the coast of Somalia;

6. *Calls upon* the Somali authorities to interdict, and upon interdiction to have mechanisms in place to safely return effects seized by pirates, investigate and prosecute pirates and to patrol the waters off the coast of Somalia to prevent and suppress acts of piracy and armed robbery at sea;

7. *Calls upon* the Somali authorities to make all efforts to bring to justice those who are using Somali territory to plan, facilitate, or undertake criminal acts of piracy and armed robbery at sea, and calls upon Member States to assist Somalia, at the request of Somali authorities and with notification to the Secretary-General, to strengthen maritime capacity in Somalia, including regional authorities and, stresses that any measures undertaken pursuant to this paragraph shall be consistent with applicable international law, in particular international human rights law;

8. *Encourages* the Federal Government of Somalia to accede to the United Nations Convention against Transnational Organized Crime, and develop a corresponding legal architecture as part of its efforts to target money laundering and financial support structures on which piracy networks survive;

9. *Calls for* the immediate and unconditional release of all seafarers held hostage by Somali pirates, and *further calls* upon the Somali authorities and all relevant stakeholders to redouble their efforts to secure their safe and immediate release;

10. *Calls upon* States to cooperate also, as appropriate, on the issue of hostage taking, and the prosecution of suspected pirates for taking hostages;

11. *Recognizes* the need for States, international and regional organizations, and other appropriate partners to exchange evidence and information for anti-piracy law enforcement purposes with a view to ensuring effective arrest, prosecution of suspected, and imprisonment of convicted pirates and key figures of criminal networks involved in piracy who plan, organize, facilitate, or illicitly finance and profit from piracy operations, and keeps under review the possibility of applying targeted sanctions against individuals or entities that plan, organize, facilitate, or

illicitly finance or profit from piracy operations if they meet the listing criteria set out in paragraph 43 of resolution 2093 (2013), and *calls* upon all States to cooperate fully with the Panel of Experts on Somalia, including on information-sharing regarding possible violations of the arms embargo or charcoal ban;

12. *Renews* its call upon States and regional organizations that are able to do so to take part in the fight against piracy and armed robbery at sea off the coast of Somalia, in particular, consistent with this resolution and international law, by deploying naval vessels, arms, and military aircraft, by providing basing and logistical support for counter-piracy forces, and by seizing and disposing of boats, vessels, arms, and other related equipment used in the commission of piracy and armed robbery at sea off the coast of Somalia, or for which there are reasonable grounds for suspecting such use;

13. *Highlights* the importance of coordination among States and international organizations in order to deter acts of piracy and armed robbery at sea off the coast of Somalia, commends the work of the CGPCS to facilitate such coordination in cooperation with the IMO, flag States, and Somali authorities, encourages the full participation of Somalia in all coordination efforts and urges continued support of these efforts;

14. *Decides* that, for a further period of 12 months from the date of this resolution to renew the authorizations as set out in paragraph 14 of resolution 2442 (2018) granted to States and regional organizations cooperating with Somali authorities in the fight against piracy and armed robbery at sea off the coast of Somalia, for which advance notification has been provided by Somali authorities to the Secretary-General;

15. *Affirms* that the authorizations renewed in this resolution apply only with respect to the situation in Somalia and shall not affect the rights, obligations, or responsibilities of Member States under international law, including any rights or obligations under The Convention, with respect to any other situation, and underscores in particular that this resolution shall not be considered as establishing customary international law; and affirms further that such authorizations have been renewed in response to the 22 November 2019 letter conveying the request of Somali authorities;

16. *Decides* that the arms embargo on Somalia imposed by paragraph 5 of resolution 733 (1992) and further elaborated upon by paragraphs 1 and 2 of resolution 1425 (2002) and modified by paragraphs 33 to 38 of resolution 2093 does not apply to supplies of weapons and military equipment or the provision of assistance destined for the sole use of Member States, international, regional, and sub-regional organizations undertaking measures in accordance with paragraph 14 above, as most recently reaffirmed by OP 19(b) of resolution 2498 (2019);

17. *Calls upon* all States to take appropriate actions under their existing domestic law, or develop legislative processes, to prevent the illicit financing of acts of piracy and the laundering of its proceeds;

18. *Calls upon* all States, and in particular flag, port, and coastal States, States of the nationality of victims and perpetrators of piracy and armed robbery, and other States with relevant jurisdiction under international law and national legislation, to cooperate in determining jurisdiction, to criminalize piracy under their domestic law, and to favourably consider the prosecution of suspected, and imprisonment of those convicted, pirates apprehended off the coast of Somalia, and their facilitators and financiers ashore, decides to keep these matters under review, including, as appropriate, the establishment of specialized anti-piracy courts in Somalia with

substantial international participation and/or support as set forth in resolution 2015 (2011), and encourages the CGPCS to continue its discussions in this regard;

19. *Further calls upon* all States to cooperate in the investigation and prosecution of all persons responsible for or associated with acts of piracy and armed robbery off the coast of Somalia, including international criminal networks involved in piracy who plan, organize, facilitate, or illicitly finance or profit from such attack, consistent with applicable international law including international human rights law; to ensure that all pirates handed over to judicial authorities are subject to a judicial process, and to render assistance by, among other actions, providing disposition and logistics assistance with respect to persons under their jurisdiction and control, such as victims, witnesses, and persons detained as a result of operations conducted under this resolution;

20. *Urges* all States to ensure that counter-piracy activities, particularly land-based activities, take into consideration the need to protect women and children from exploitation, including sexual exploitation;

21. *Urges* all States to share information with INTERPOL for use in the global piracy database, through appropriate channels;

22. *Welcomes* the UNODC Global Maritime Crime Programme's continued work with authorities in Somalia and in neighbouring States to ensure that individuals suspected of piracy are prosecuted and those convicted are imprisoned in a manner consistent with applicable international law, including international human rights law, and *welcomes* the work of international and regional organizations to strengthen the capacity of financial intelligence units in Somalia and neighbouring states;

23. *Recognizes* the successful prosecution of piracy cases by Seychelles and *implores* regional authorities to honour transfer agreements;

24. *Urges* States parties to The Convention and the 1988 Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA Convention) and its protocols to implement fully their relevant obligations under these conventions and customary international law and to cooperate with the UNODC, IMO, and other States and international organizations to build judicial capacity for the successful prosecution of persons suspected of piracy and armed robbery at sea off the coast of Somalia;

25. *Acknowledges* the recommendations and guidance provided by the IMO on preventing and suppressing piracy and armed robbery at sea; and urges States, in collaboration with the shipping and insurance industries and the IMO, to continue to develop and implement avoidance, evasion, and defensive best practices and advisories to take when under attack or when sailing in the waters off the coast of Somalia, and further urges States to make their citizens and vessels available for forensic investigation as appropriate at the first suitable port of call immediately following an act or attempted act of piracy or armed robbery at sea or release from captivity;

26. *Welcomes and encourages* efforts by flag States and port States to further consider the development of safety and security measures on board vessels, including, where applicable, developing regulations for the use of privately contracted armed security personnel (PCASP) on board ships, aimed at preventing and suppressing piracy off the coast of Somalia, through a consultative process, including through the IMO and ISO;

27. *Invites* the IMO to continue its contributions to the prevention and suppression of acts of piracy and armed robbery against ships, in coordination, in particular, with the UNODC, the World Food Program (WFP), the shipping industry,

and all other parties concerned, and recognizes the IMO's role concerning privately contracted armed security personnel on board ships in high-risk areas;

28. *Notes* the importance of securing the safe delivery of WFP assistance by sea, and welcomes the ongoing work by the WFP, EUNAVFOR Operation Atalanta, and flag States with regard to Vessel Protection Detachments on WFP vessels;

29. *Requests* the Secretary-General to report to the Security Council within eleven months of the adoption of this resolution on the implementation of this resolution and on the situation with respect to piracy and armed robbery at sea off the coast of Somalia, including voluntary reports by cooperating States and regional organizations;

30. *Expresses its intention* to review the situation and consider, as appropriate, renewing the authorizations provided in paragraph 14 above for additional periods upon the request of Somali authority;

31. *Decides* to remain seized of the matter.

Annex 85

Report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 2060 (2012), Annexes 4.4-4.10, S/2013/413, 12 July 2013

Annex 4.4: Pirate financier and brother of Dahabshiil agent in Harardheere, Somalia – Abdullahi Mohamud Kulane 'Buundo' (STRICTLY CONFIDENTIAL)

Abdullahi Mohamud Kulane 'Buundo', an important financier in Somalia with links to the United Kingdom involved in facilitating transfers of extorted funds through a local money transfer company, in which his brother holds a key position. This individual maintains close ties to all important pirate leaders in a network, including a pirate facilitator who over three years has received 1 million USD on his local bank account.

1. In December 2010, the Monitoring Group was informed that Abdullahi 'Buundo' was involved in activities related to Somali piracy.[1] Abdullahi 'Buundo',[2] born in Harardheere, is a businessman from the Ayr-Absiye clan. He initially provided loans to pirates but later was directly involved as a pirate investor. By December 2010, he had already invested in two successful operations, including the hijacking of the general cargo vessel 'Rak Afrikana' and a 'Greek vessel', which was later identified as the Greek-operated LPG tanker 'York'.[3]

2. During November 2011, the same source identified Buundo's number to be +252 615999029 and confirmed his involvement in the hijacking of the Singaporean-flagged and operated chemical/oil products tanker 'Gemini'. This information was later confirmed and corroborated by independent findings of the Monitoring Group.[4] Buundo's role as a pirate financier was also established in the hijacking of the Panamanian-flagged and UAE-operated bulk carrier 'Orna', and the prolonged detention of South Korean (4), Syrian (5) and Sri Lankan (1) seafarers, which were kept and transferred on land after the release of their respective vessels 'Gemini' and 'Orna'. Buundo's name and phone number were also found stored on a mobile telephone of a Somali pirate belonging to a Pirate Action Group (PAG) that was disrupted by naval forces in 2011.

3. In the early morning of 27 October 2010, the Greek ship operator of the hijacked LPG tanker 'York' received a phone call from the ship's Captain, using Somali mobile number +252 615999029, which was later identified as belonging to pirate financier Abdullahi 'Buundo'. The call took place shortly after the pirates anchored the ship off Harardheere and informed the shipping company about the hijacking and, under the circumstances, the good condition of the crew.

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[1] Information obtained by a reliable source with close ties to the Hobyo-Harardheere piracy network.
[2] The nickname 'Buundo' means 'bridge'.
[3] The LPG tanker 'York' (IMO 9220421) and its 17 crewmembers were hijacked on 23 October 2010 and held off Harardheere and Hobyo until their release on 9 March 2011. The general cargo vessel 'Rak Afrikana' (IMO 8200553) and its 26 crewmembers were hijacked on 11 April 2010 and held off Harardheere until their release on 9 March 2011.
[4] Corroborating information obtained from the ship owner and operator of the 'Orna', 18 December 2012, and 'Gemini', 15 January 2013, and debriefings of crewmembers of the Orna, 21 March 2012.

Hijacked LPG tanker 'York' accompanied by two pirate skiffs and one pirate mother vessel, the hijacked fishing vessel 'Golden Wave'[5]





4. Buundo's number showed up again in the 'York' hijacking between 1 and 6 January 2011, when the vessel was at sea being used as a pirate mother ship. Buundo's number was called 10 times from the ship's satellite phone. During one of these calls, a pirate named Ali Odey Jama explained to 'Abdi Yare' that he had a thumb injury, that 3 fishing vessels had been hijacked, of which one escaped, and that they were towing a big boat with cranes and drill machines, later identified as the Belgian owned barge 'DN127'. He also told 'Yare' that 'Musharaf' and 'Bile' escorted the booty. The conversation further revealed that 'Abdi Yare' was in Mogadishu visiting his wife 'Saara', but would return to the anchorage during the afternoon. The content of the telephone conversation implies that 'Abdi Yare' was either using Buundo's number, or that the pirate on board the 'York knew Buundo by that name.

5. In the 'York' case, Abdullahi 'Buundo' was in direct communications with pirate kingpins Mohamed Abdi Hassan 'Afweyne' and Mohamed Osman Mohamed 'Gafanje', and with pirate facilitator Abukar Sheikh Hassan Duale (see Annex 4.8). Buundo also has a broad range of international contacts, and communicates extensively with individuals in Kenya, Yemen and the United Kingdom. In this context, the unidentified telephone number +44 2070971997 (UK) is noteworthy, as the number appears in records related to several other individuals involved in Somali piracy, including pirate leaders and financiers Abdirahman Abdullahi Haji 'Suhufi' and Mahamed Said Jimale. While unidentified, the number is connected to an individual named 'Maqi'.[6]

6. In the 'Gemini' case, pirate negotiator 'Ali Nurdin' concluded the ransom negotiations for the release of the four South Korean hostages. To communicate with the ship operator of the 'Gemini', Ali used two mobile telephones, including the aforementioned number belonging to Abdullahi 'Buundo'.

7. Information provided by the ship owner and operator of the 'Orna' and 'Gemini', and interviews of the released 'Orna' crewmembers, have revealed and confirmed Buundo's full name to be 'Abdullahi Mohamud Kulane', brother of Mohamed Mohamud Kulane, the Dahabshiil agent in Harardheere.

[5] Picture taken on 23 October 2010. The Kenyan-flagged fishing vessel 'Golden Wave', hijacked on 9 October 2010 and released on 9 February 2011, was used as a mother vessel during its captivity.

[6] The Monitoring Group has identified at least 3 other UK numbers that are in communication with both Abdullahi 'Buundo' and Mohamed Said Jimale.

Picture of Abdullahi Mohamud Kulane,
a.k.a. pirate investor 'Buundo'[7]



8. Crewmembers that were held and transferred on land by two rival pirate groups after the release of the bulk carrier 'Orna' refer to 'Buundo' as a pirate leader.[8] He is said to be a businessman living in Mogadishu, with a wife and four daughters and owns two supermarkets in Harardheere. Additionally, he is believed to have a second wife in Harardheere that is or was pregnant.[9] The crewmembers also stated that 'Buundo' and his group were responsible for the hijacking of the 'Gemini' and negotiated ransom payments of 4.5 million USD for the release of the vessel and 2.5 million USD for the release of the remaining South Korean crewmembers. Additionally, 'Buundo' owned shares in the hijacked vessel 'Beluga Project'.[10]

9. According to the crewmembers, a white vehicle with a 50 calibre weapon attached to its roof ('technical'), which was patrolling during the 'Gemini' ransom delivery, belongs to 'Buundo', along with three silver-coloured Toyota Land Cruisers bearing license numbers AB5623, AB6068 and AB3230. The vehicle AB3230 is said to be 'Buundo's personal vehicle that he uses to drive from Harardheere to Mogadishu.

10. Crewmembers also testified that 'Buundo's father has three wives and that his mother has an older son, who is the manager of the 'Dahabshill Bank – Harardheere Branch', and named Sheikh Mohamed Mohamud Kulane. 'Buundo' is believed to have a Dahabshiil bank account in the name of 'Dahabshill Logistic and Services', to which he receives money extorted from ship owners. However, 'Buundo' insists that payees do not make reference to the nature of the money being transferred, but instead refers to the transfer as 'money for repairs'.

[7] Picture of Abdullahi Mohamud Kulane 'Buundo' obtained through confidential source.
[8] The bulk carrier 'Orna' was released from pirate custody on 19 October 2012 with only 13 out of 19 crewmembers. Prior to the release of the 'Orna', six crewmembers (5 Syrians and 1 Sri Lankan) were taken ashore by rival pirates and divided into two groups. The two groups were separately taken to different locations subject to further negotiations. They were eventually all freed in January 2013.
[9] Buundo is described as a black male, short, bald-headed, large bellied, with round eyes and teeth that stick out of his mouth. Two of his daughters are studying in the U.S.A.
[10] Crewmembers are believed to refer to the general cargo vessel 'Beluga Nomination' (IMO 9356402), hijacked by Somali pirates on 22 January 2011 with the assistance of pirate mother ship 'Golden Wave' (as in the 'York' hijacking), held off Hobyo and Harardheere, and released on 13 April 2011 after a reported ransom payment of 5 million USD).

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11. In the same context, the Monitoring Group obtained concrete evidence of an approximately 30,000 USD payment connected to 'Buundo',[11] transferred from Nairobi to the Dahabshiil bank account of 'Dini Spare Parts' in Harardheere. The money was extorted from a victim shipping company and sent to the acting pirate negotiator as an incentive for ensuring a smooth release and completion of the hijacking case.[12]

12. The Dahabshiil account of 'Dini Spare Parts' belongs to an unknown individual named 'Ahmed Mohamud Aweis'.[13] Aweis is registered on Facebook under the name of Abdilahi Hashi, but does not reveal further personal details. Between April 2010 and January 2013, a total of some 1 million USD was transferred onto Aweis' account in Harardheere. Further investigations are ongoing.

Ahmed Mohamud Aweis



13. Further information reveals that most of 'Buundo's financial contacts also have relationships with individuals involved in piracy,[14] raising the suspicion in turn of their involvement in the business. This includes 'Buundo's brother, Mohamed Mohamud Kulane, the manager/agent of the Dahabshiil Bank in Harardheere.[15]

14. Pirate facilitator Ahmed Mohamud Aweis has extensive contact with individuals in Zambia, Kenya and the UAE, but also has international contacts in the United Kingdom, Sudan, China, Ethiopia, the Netherlands, South Africa, Finland, Yemen and São Tomé and Príncipe.[16]

15. Crewmembers of the 'Orna' have testified that they believe 'Buundo' was transporting 2 million USD in one of the Land Cruisers that was accompanying them en-route to Mogadishu, and that 'Buundo' has some relationship or ties with a Government official, given the ease with which they were released to the General at the Somalia National Security Association. They also report that 'Buundo' features in the photos that were taken by the Somalia National Security Association during the release of the hostages to the Somali Government.

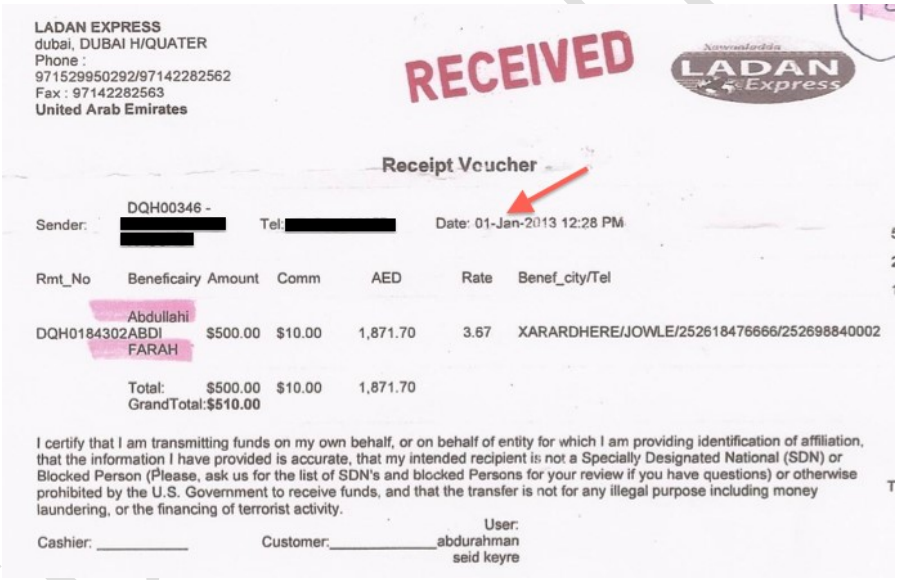
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[11] Information obtained from the relevant ship operator, 15 January and 25 March 2013).
[12] All the details of this transfer have been obtained and are in the possession of the Monitoring Group.
[13] Further identification information is in the possession of the Monitoring Group.
[14] The names of the financial contacts and their connections with individuals involved in piracy are in the possession of the Monitoring Group.
[15] Information obtained from a reliable source identified by the Monitoring Group, 31 January and 24 March 2013.
[16] The landline that Ahmed Mohamud Aweis is in contact with in São Tomé and Príncipe is also in contact with pirate negotiators Ali Hassan (see Annex 4.5), Abdishakuur Mohamud Mohamed (see Annex 4.9), Bashir Bi'ir Jareer, and pirate financier Fathi Osman Kahaye.

16. Before the 'Orna' crewmembers were released, Ali Nurdin, the last pirate negotiator, and 'Buundo', enquired about the cost of a large fishing boat in Sri Lanka, which they intended to buy for fishing during the on-season and transporting goods to the UAE in the off-season. 'Buundo' asked the Sri Lankan Electrical Officer if he could help them buy a boat once he got home, which the latter agreed to.[17]

17. In order to drive the first three crewmembers from Harardheere to Mogadishu and release them to the Somali Government, the pirates requested the owner of the 'Orna' to send 500 USD to cover the fuel costs. To ensure a swift transfer of the money, the pirates urged the ship owner to contact a specific UAE mobile telephone number of an individual named Ahmed Marouf or Ahmed Maroufi from the money transfer company 'Ladan Express' in Dubai. Following the pirates' instructions, the money was immediately transferred on 1 January 2013, a public holiday. Ladan Express employee Abdurahman Seid Keyre made the transfer,[18] and sent the money to 'Abdullahi Abdi Farah' indicating two Somali phone numbers attributed to renowned Hobyo-Harardheere pirate negotiators 'Mohamud Hassan Jimaale' (Kilo') and 'Adullahi Bi'ir Jareer' (a.k.a. 'Abdullahi Faarah Bi'ir Qarey', 'Abdi' and 'Jabril').[19]

Ladan Express Receipt Voucher of 500 USD transferred to Somali pirates on 1 January 2013



LADAN EXPRESS
dubai, DUBAI H/QUATER
Phone :
971529950292/97142282562
Fax : 97142282563
United Arab Emirates

RECEIVED

LADAN Express

Receipt Voucher

Sender: DQH00346 - [redacted] Tel: [redacted] Date: 01-Jan-2013 12:28 PM

Rmt_No	Beneficairy	Amount	Comm	AED	Rate	Benef_city/Tel
DQH0184302	Abdullahi ABDI FARAH	$500.00	$10.00	1,871.70	3.67	XARARDHERE/JOWLE/252618476666/252698840002
	Total:	$500.00	$10.00	1,871.70		
	GrandTotal:	$510.00				

I certify that I am transmitting funds on my own behalf, or on behalf of entity for which I am providing identification of affiliation, that the information I have provided is accurate, that my intended recipient is not a Specially Designated National (SDN) or Blocked Person (Please, ask us for the list of SDN's and blocked Persons for your review if you have questions) or otherwise prohibited by the U.S. Government to receive funds, and that the transfer is not for any illegal purpose including money laundering, or the financing of terrorist activity.

Cashier: _____ Customer:_____ User: abdurahman seid keyre

[17] Information obtained from debriefing of crew members, 21 March 2013.
[18] Known on Facebook as Abdirahman Said Kheyre and connected to several individuals belonging to the Himan and Heeb Administration, including self-declared President and pirate facilitator Abdullahi Mohamed Adan 'Tiiceey'.
[19] Mohamed Hassan Jimaale (kilo), a.k.a. Mohamed Hussein.

Picture featuring the three last remaining Syrian crewmembers of the hijacked bulk carrier 'Orna' in Mogadishu after being released by Somali pirates to the Somali Government on 12 January 2013



18. The Monitoring Group also received information about a businessman and pirate investor named 'Adullahi Kulmiye', sometimes referred to as Kulane. This individual is said to be from Dhusamareeb,[20] to belong to the Ayr clan, to have British nationality and to have lived in Sheffield, United Kingdom. Kulmiye or Kulane is believed to have invested in a business for manufacturing boats and has imported some pirate paraphernalia from London in the past, such as life jackets, goggles, night vision goggles and GPS devises. He lives in Harardheere and invested in a pirate operation in February 2010, involving a PAG of 14 pirates who were eventually disrupted and arrested by the French Navy. In April 2010, he allegedly received a 400,000 USD share of a ransom payment.[21]

19. Given some similarities with pirate investor 'Buundo', in both name and location, the Monitoring Group conducted a preliminary investigation and discovered that until 2011, an individual named 'Abdi M. Kulane' has lived in a two-floor town house at 8 Carwood Grove, Sheffield, South Yorkshire, S4 7FE. In addition, it has been established that in 2009 one of 'Buundo's contacts, involved in the Hobyo-Harardheere piracy network, received a communication from an email address registered as 'Cabdulaahi Kulane', which was sent from the United Kingdom. The originator of that communication, who can be assumed to be 'Buundo', links to a Facebook Page of one 'Abdullahi Kulane' that reveals no further information.

[20] Dhuusamarreeb, Galguduud, is located between Belet Weyne and Galkaayo

[21] Information obtained on 4 October 2012 from a confidential report on pirate investors by Dr. Stig Jarle Hansen.

8 Carwood Grove, Sheffield, South Yorkshire, S4 7FE



20. The address '8 Carwood Grove, Sheffield' has a Facebook Page where it is registered as a company.

21. The Monitoring Group recommends that the remaining linkages between the address, name, communications and email accounts be further investigated in order to determine whether Abdullahi Kulmiye/Kulane and Abdullahi Mohamud Kulane 'Buundo' are one and the same person, whether 'Buundo' has previously lived in the United Kingdom or travelled there, and/or if he is a UK passport holder, as indicated by the source.

Facebook Pages of 'Abdullahi Kulane' and '8 carwood grove, sheffield'



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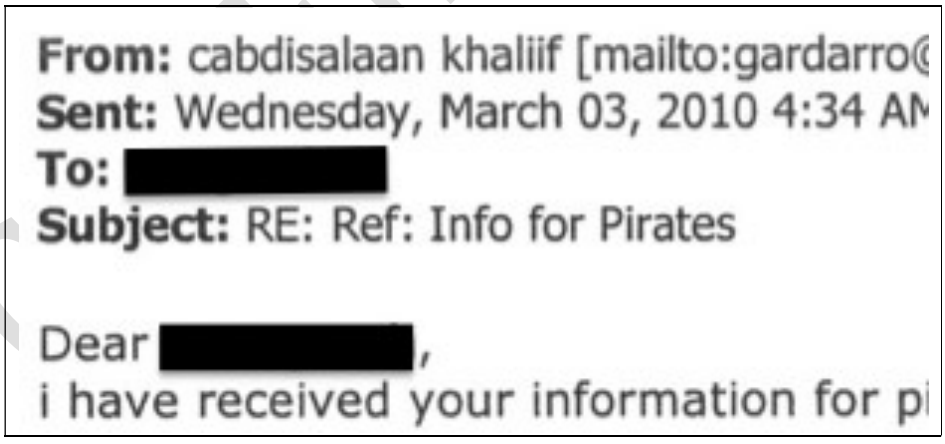
Annex 4.5: Pirate negotiator and ex-District Commissioner of Harardheere – Abdisalam Sheikh Ahmed Khaliif (STRICTLY CONFIDENTIAL)

Abdisalam Sheikh Ahmed Khaliif, a respected elder with a prominent position in his local community has requested support and funding from the international community to help eradicate hunger and piracy, but who is in fact a pirate negotiator connected to other individuals in a network. He has been quoted in the media on several occasions providing inside information on specific hijacking cases.

1. On 16 November 2009 at approximately 09:42 UTC,[1] Kiribati-flagged chemical tanker 'Theresa VIII' (IMO 8105923) was attacked and hijacked by a 12-man armed group of Somali pirates in the south Somali Basin, some 180 nautical miles North West of the Seychelles.[2] The armed pirates boarded the vessel, took hostage all 28 North Korean crewmembers and sailed the tanker to the pirate-infested coastal town of Hobyo, central Somalia. It remained anchored there until its release on 16 March 2010, when a negotiated ransom payment of allegedly 2-3 million USD was airdropped in the vicinity of the tanker.[3]

2. The ransom payment was brokered by 'Mr. Jack', a Somali elder negotiating on behalf of the pirate group holding the vessel. On 3 March 2010, when the hijacking case was close to finalization, Jack sent an email to the ship-operator of the 'Theresa VIII' regarding some final financial and logistical arrangements for the upcoming release of the vessel.[4] The content of the email confirms Jack's role as a pirate negotiator, and identifies as an associate or a facilitator of the pirates an individual named 'Dr. Saed' based in Nairobi, Kenya.[5] In addition, the email identifies and displays the registrant of the Hotmail address as being 'Cabdisalaan Khaliif', indicating that Jack and Cabdisalaan Khaliif are probably one and the same person.

Email dated 3 March 2010 from Somali pirate negotiator Jack a.k.a. 'Cabdisalaan Khaliff' to Raffles Shipmanagement Services PTE LTD in Singapore, the ship-operator of the hijacked chemical tanker 'Theresa VIII'


From: cabdisalaan khaliif [mailto:gardarro@
Sent: Wednesday, March 03, 2010 4:34 AM
To: [redacted]
Subject: RE: Ref: Info for Pirates

Dear [redacted],
i have received your information for pi

3. Further documentary evidence obtained by the Monitoring Group confirms this assumption. It indicates that pirate negotiator 'Jack' is in fact Cabdisalaan Khaliif Ahmed, the ex District Commissioner of the pirate-infested town of Harardheere and found to be related

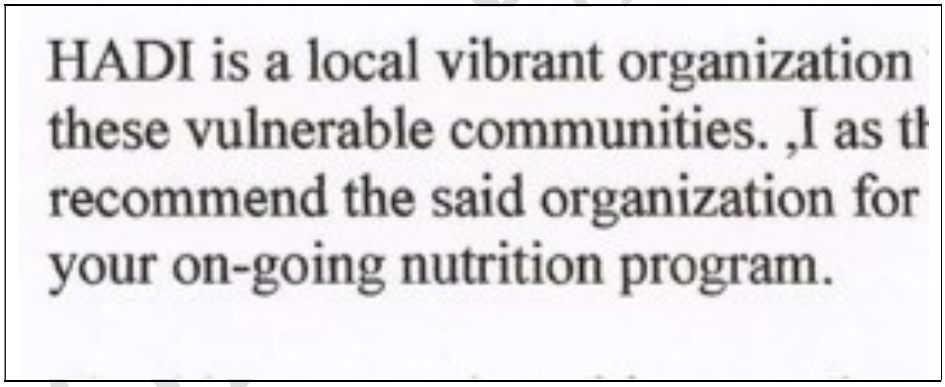
[1] Universal Time Coordinate (UTC). Primary time standard by which the world regulates clocks and time
[2] http://eunavfor.eu/hijack-of-north-korean-crew/.
[3] The ransom drop was conducted on 16 March 2010 at 04:44 UTC. The vessel sailed to Mombasa afterwards.
[4] Email obtained from Raffles Shipmanagement Services PTE LTD.
[5] Identified as Dr. Saed Hassan Duale, Somali national from Harardheere.

to pirate facilitators Dr. Saed Hassan Duale and his brother Abukar Sheikh, based in Nairobi and Harardheere respectively.[6] In particular, Abukar Sheikh Hassan Duale played an important role in the past four years in assisting and facilitating pirate groups active in the Hobyo-Harardheere Pirate Network (see annex 4.8).

4. Jack a.k.a. Cabdisalaam Khaliif Ahmed operates or used to operate two Gmail and one Hotmail address to communicate.[7] The Hotmail account was used during the ransom negotiations for the release of the 'Theresa VIII, as shown in the email above sent to the ship operator.

5. An email sent in May 2011 by Cabdisalaan Khaliif to his cousins, Dr. Saed and Abukar Hassan, included a letter that Cabdisalaan wrote in his capacity as District Commissioner.[8] The letter addressed to UNICEF Nairobi requests urgent humanitarian assistance in Harardheere and recommends the use of Horn Anabhuti Development Initiatives (HADI), a local organization and alleged WFP implementing partner. His cousin Dr. Saed Duale served as a Program Officer for HADI from April 2009 until October 2011. Cabdisalaan signed the letter indicating his mobile phone number and Hotmail address, which were the same as those used by pirate negotiator 'Jack' during the ransom negotiations for the release of the 'Theresa VIII'.

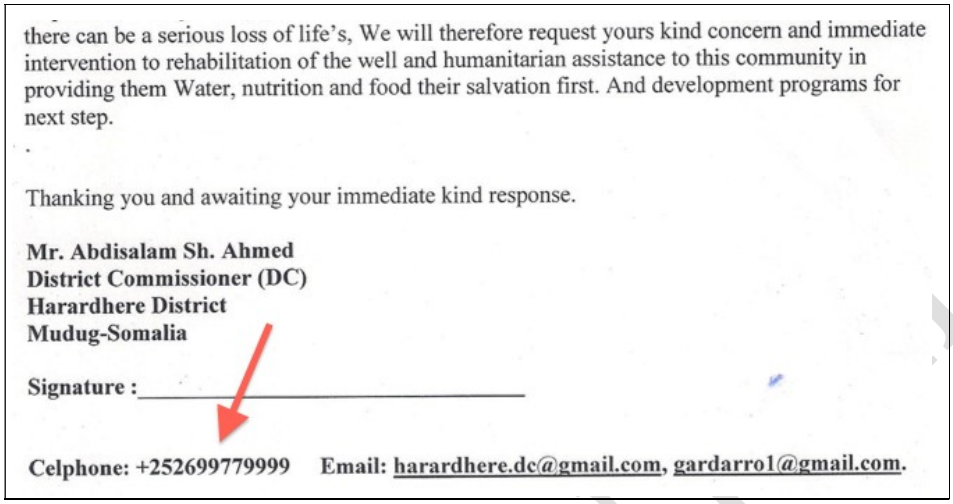
Excerpt from a May 2011 letter sent by Harardheere District Commissioner Cabdisalaan Khaliif Ahmed to UNICEF Nairobi, Kenya, indicating the mobile number called by pirates on board the 'MV Theresa VIII' and the email address used to conduct ransom negotiations on behalf of the pirates


HADI is a local vibrant organization
these vulnerable communities. ,I as th
recommend the said organization for
your on-going nutrition program.

6. Another letter requesting local humanitarian assistance was sent by Cabdisalaan Khaliif in October 2011 to humanitarian organizations UNICEF, UNOCHA and WASH (copied to HADI). The letter signed by Cabdisalaan in his capacity as District Commissioner indicates his two Gmail addresses and again the same mobile phone number.

[6] Cabdisalaam Khaliif Ahhmed is the maternal uncle of the brothers Saed and Abukar Hassan Duale.
[7] gardarro1@gmail.com; harardhere.dc@gmail.com; gardarro@hotmail.com.
[8] Letter dated 16 April 2011 with Ref. 0103/DC/11.

Excerpt from an October 2011 letter sent by Harardheere District Commissioner Cabdisalaan Khaliif Ahmed to UNICEF, UNOCHA, WASH (copied to HADI) indicating the mobile number called by pirates on board the 'MV Theresa VIII'



there can be a serious loss of life's, We will therefore request yours kind concern and immediate intervention to rehabilitation of the well and humanitarian assistance to this community in providing them Water, nutrition and food their salvation first. And development programs for next step.

Thanking you and awaiting your immediate kind response.

Mr. Abdisalam Sh. Ahmed
District Commissioner (DC)
Harardhere District
Mudug-Somalia

Signature :_____

Celphone: +252699779999 Email: harardhere.dc@gmail.com, gardarro1@gmail.com.

7. Further information obtained by the Monitoring Group confirms and substantiates that Cabdisalaan Khaliif's mobile number, the same as indicated on both letters sent to UNICEF, was called by pirates on board the hijacked vessel 'Theresa VIII', as registered and shown in the ship's satellite phone log of 25 December 2009. On that date at 10:21:56 UTC, the phone log displays a 2 minute phone call from the ship to a mobile number identical to the one belonging to the Harardheere District Commissioner, with the exception of the area code, which Nation-Link Telecom subsequently changed from (50) to (699). These facts prove that ex-Harardheere District Commissioner Cabdisalaan Ahmed Khaliif was in fact Mr. Jack, negotiating a ransom payment on behalf of the pirate group holding the 'Theresa VIII'.

Excerpt from satellite phone log of the hijacked vessel 'Theresa VIII' showing the Somali numbers called by pirates on board of the vessel, including the number of Cabdisalaan Khaliif Ahmed[9]



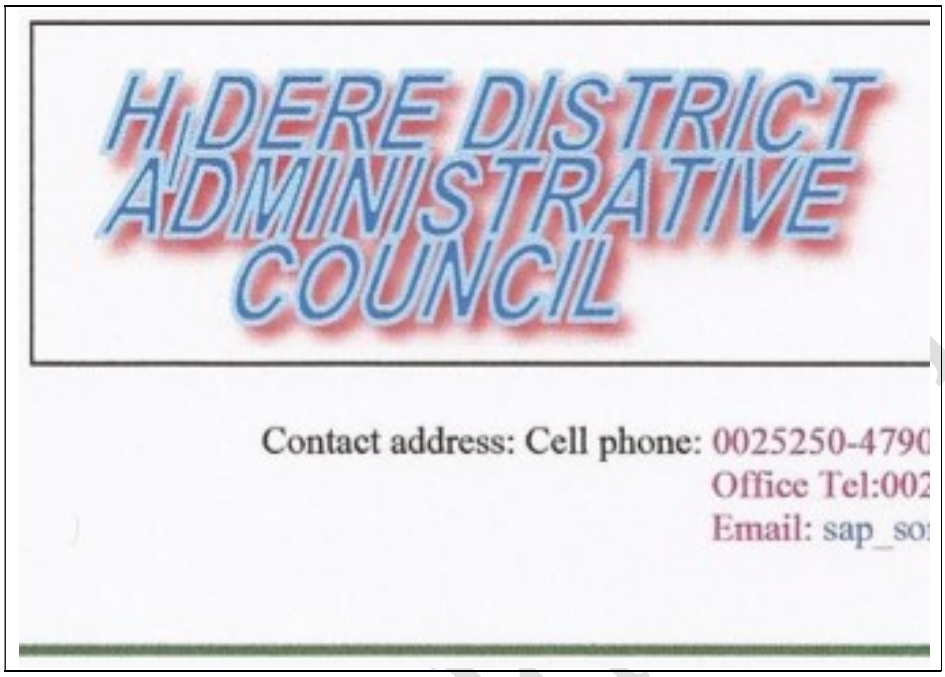
Date	Time	Destination Country

8. In January 2007, contrary to his later involvement in facilitating activities of piracy and negotiating a ransom payment, District Commissioner Cabdisalaan Khaliif Ahmed was cited in a Somalinet.com article in which he dismissed that residents in Harardheere would be supportive of the pirates.[10] Later that year in November 2007, he even sent an official letter to the U.S.A. Ambassador to Kenya, requesting support for the local police and marine forces and income-generation programmes for the local community to combat piracy. The letterhead again indicates Cabdisalaan's Hotmail address as later used by pirate negotiator 'Jack'.

[9] Analysis of the satellite phone log revealed that pirates on board the 'MV Theresa VIII' were in contact with senior pirate leaders in the Hobyo-Harardheere pirate network, including pirate kingpin Mohamed Abdi Hassan 'Afweyne'.

[10] http://www.somalinet.com/forums/viewtopic.php?f=18&t=85576.

Excerpt from a 2007 letter sent by Harardheere District Commissioner Cabdisalaan Khaliif Ahmed to the U.S.A. Ambassador to Kenya indicating the email address used by pirate negotiator 'Jack' in 2009



9. Also in 2008 and 2009, Cabdisalaan Khaliif Ahmed was cited as a 'local elder' in news articles of the Associated Press, commenting and providing inside information about specific hijacking cases, such as the ones involving the merchant vessels 'Sirius Star' and 'Sea Horse'.[11]

10. The Monitoring Group has found no evidence of Cabdisalaan Khaliif's direct involvement in hijacking and/or abduction cases other than the 'Theresa VIII'. However, late on Sunday 6 January 2013, NATO and EU naval forces jointly disrupted a whaler and a skiff, with 12 armed Somali men on board suspected of attacking the merchant vessel MSC 'Jasmine' on 5 January 2013.[12] In searching for pirate paraphernalia, the naval forces found a life jacket on board of the whaler belonging to a previously hijacked container vessel, the 'MSC Panama'.[13] Hidden in a small 'onion' bag they also discovered a SIM card with a Somali telephone number in the contact list, stored under the name of 'Cabdi Salaan'. The number, different from Cabdisalaan's 'official' mobile number, previously appeared in two separate hijacking cases of the merchant vessels 'Rim' and 'Theresa VIII'. In both cases the number was found saved on an abandoned SIM card, stored under the names 'negotiator' ('Rim') and 'Jack' ('Theresa VIII').

11. During the ransom negotiations of the 'Theresa VIII', 'Jack' often used the ship's satellite phone to communicate with the shipping company. However, he is believed to have

[11] http://www.hiiraan.com/news4/2008/nov/8734/pirates_move_saudi_supertanker_farther_from_coast.aspx; http://www.boston.com/news/world/africa/articles/2009/04/21/pirates_attack_2_more_ships_3d_freed_after_payment/#.

[12] http://www.nato.int/cps/en/SID-09441690-0AF20253/natolive/news_93813.htm.

[13] 'MSC Panama' was hijacked on 10 December 2010, 80 nautical miles East of Dar es Salaam, by Somali pirates belonging to the Hobyo-Harardheere network, and released on 6 September 2011 after an alleged ransom payment of 7 million USD. The vessel was held off Hobyo.

also used two mobile telephone numbers separate from his official number, as well as the number stored on the recovered SIM cards.[14] The Monitoring Group has been informed that one of these numbers was in contact with Tahlil Hashi a.k.a. Jamac Weyne, a well-known Hobyo-Harardheere pirate commander who was once recruited by Mohamed Abdi Hassan 'Afweyne', and believed to be responsible for the seizure of the 'Theresa VIII'. In this context, the Monitoring Group obtained a notable email communication sent by Dr. Saed Hassan Duale one day after the hijacking of the 'Theresa VIII' and addressed to his brother Abukar and his uncle Cabdisalaan. In the email Dr. Saed refers to a BBC news article covering the hijacking of the 'Theresa VIII' (http://news.bbc.co.uk/2/hi/africa/8363922.stm) and mentions the following:

'jamac weyne markabkiisa', meaning: 'this is Jamac Weyne's (Tahlil Hashi) ship'.

12. At the very end of the 'Theresa VIII' ransom negotiations, 'Jack' requested an additional 'mediation' fee for himself to be wired to a bank account in Dubai, but the ship operator of the 'Theresa VIII' refused. Instead a separate sum of money was included in the ransom bag for Jack's benefit. The ship operator believed that Jack was an older man with a family, as he often heard children playing in the background when talking to him on the telephone. He spoke understandable but broken English.

13. Cabdisalaan Khaliif Ahmed is found to be in contact with pirate investors and facilitators Mohamed Said Jimale, Mohamed Mohamud Kulane (brother of Abdullahi Mohamud Kulane 'Buundo'), Abdirahman Abdullahi Haji 'Suhufi', Abukar Moalim Hassan, and Nasro Hersi Qarey, the wife of pirate kingpin Mohamed Abdi Hassan 'Afweyne'.

14. Cabdisalaan Khaliif Ahmed became District Commissioner after the Ethiopian intervention in Somalia in December 2006, which ousted the Islamic Courts Union from Harardheere.[15] He fled Harardheere sometime late in 2011, following clan rivalry and the return of Al-Shabaab to the area. Cabdisalaan is rumoured to be currently living in Mogadishu and is also referred to as Abdisalam Sheikh Ahmed.

15. Cabdisalaan Khaliif has been registered on Facebook since 5 March 2010, but does not disclose any public information.



[14] Also, the ship operator claimed that Jack was using four numbers, including one iridium satellite mobile number.

[15] The Islamic Court Union (ICU) had been in control of Harardheere since August 2006.

Annex 4.6: Pirate negotiator and asylum seeker in Norway – Galad Adan Tahlil (STRICTLY CONFIDENTIAL)



Galad Adan Tahlil, a young Somali with refugee status in Norway has been involved in ransom negotiations and has close ties to renowned pirate negotiator 'Abdullahi Jareer' and some of his associates, as well as to Himan and Heeb region 'President', 'Tiiceey'.

1. The excerpts below of two emails sent in July 2011 by Somali pirate negotiator 'Ali' to the owner of the UAE-operated bulk carrier MV 'Orna' show another attempt by a Hobyo-Harardheere pirate group, led by pirate leader Hussein 'Jiis', to extort a ransom payment for the release of the hijacked vessel and its 19 crewmembers.[1] At the time the emails were sent, the vessel and crew were already in pirate custody for six months.[2] A first attempt to reach an agreement negotiated by renowned pirate negotiator 'Abdullahi Jareer' failed. According to the owner of the 'Orna', 'Ali' succeeded Jareer as negotiator in May 2011.

Excerpts of two emails sent by pirate negotiator 'Ali' a.k.a. Galad Adan Tahlil to the owner of the hijacked bulk carrier MV 'Orna'

From: Galad Adan [mailto:galad5@hotmail.com]
Sent: Sunday, July 17, 2011 1:02 PM
To: [redacted]
Subject: asckum

hello,sir this is my e-mail,,,,want u send me the many you bid and the day and the time,,just they are all on the ship they are waiting for us ..thnks bye

From: Galad Adan [mailto:galad5@hotmail.com]
Sent: Sunday, July 24, 2011 12:21 AM
To: [redacted]
Subject: greating from ali

hello buddy is me ali i have information please call me as quickly the pirats they are ready now +25261 5545554

2. As negotiations with the ship owner failed, 'Ali' was in turn replaced or succeeded by pirate negotiator 'Ahmed', an employee of Indian Ocean Consultant Company headed by UK national Mahad Mohamuud Nuur.[3] According to the ship owner, both negotiators seemed to be acquainted or in contact, since the ransom fee of 200,000 USD initially requested by 'Ali', was the same as that requested by pirate negotiator 'Ahmed'.

[1] Hussein Jiis, a.k.a. Mohamed Osman Hussein, was involved in the abduction of two Spanish MSF aid workers in October 2011 from Dadaab, Kenya.
[2] Panamanian-flagged bulk carrier MV 'Orna' (IMO 8312162) and its 19 crewmembers were hijacked on 20 December 2010.
[3] Known as Mahad Nuur or Nasser, he is the Director-General of a Mogadishu-based company called Indian Ocean Consultants, involved in ransom negotiations on behalf of Hobyo-Harardheere pirate groups.

3. Galad Adan's Hotmail account connects on Facebook to Galad Adan Tahlil from Mogadishu,[4] Banaadir, Somalia, born on 11 March 1987, and residing in Trondheim, Norway.[5] He displays pictures of himself, his wife and possible daughter. One of the pictures shows Galad Adan Tahlil standing in front of the Opera House in Oslo, Norway. Galad does not show on his Facebook Page to whom he is connected.

4. On Facebook Galad Adan Tahlil shows great interest in football. On 20 January 2012, he left the message below on the Facebook Page of UK Premiere League football player 'Steven Gerrard'. Notably, the words he chose for addressing the player ('hello buddy') are identical to the way he addressed the ship owner of the 'Orna' in his email of 24 July 2011.

A Facebook message sent by Galad Adan Tahlil to Premiere League football player Steven Gerrard

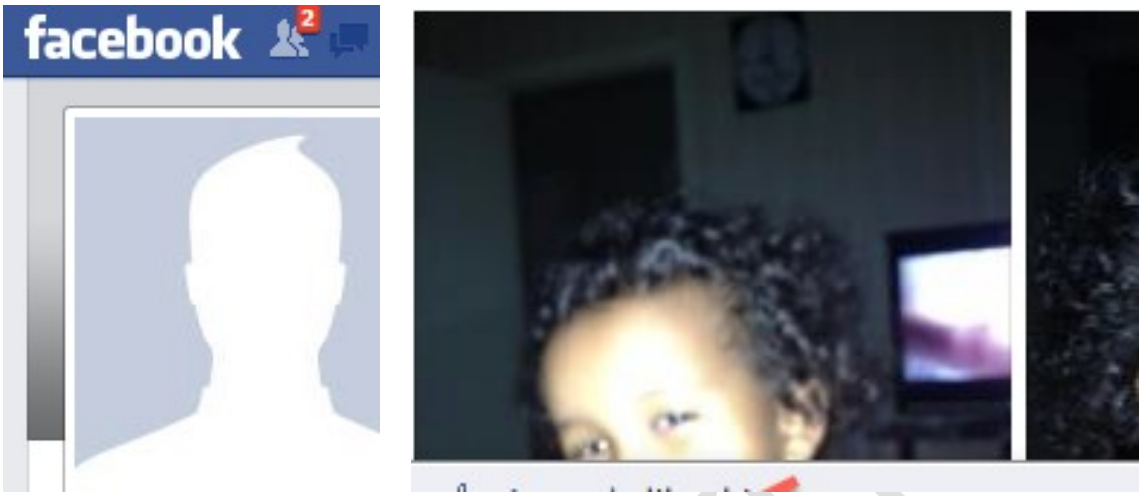


5. During his negotiations, 'Ali' is said to have used two telephone numbers to communicate. One of these numbers shares the same contacts in the U.S.A., United Kingdom and Saudi-Arabia with the telephone number used by pirate negotiator Abdullahi Jareer, indicating a connection between the two negotiators. This suspicion may be reinforced by Galad's Facebook contacts and communications with two of Abdullahi Jareer's accomplices in different hijacking cases, Mohamed Abdi Olad and Abdullahi Mohammed Isse.[6]

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[4] http://www.facebook.com/galad.adantahlil?fref=ts.
[5] Previously indicated on Facebook to be residing in Hammar, Norway.
[6] Both Abdullahi Mohammed Isse and Mohamed Abdi Olad (born 28 February 1968) have been involved in facilitating extortion of side payments from ship owners (for the MV 'Pompei', MV 'Khaliq', and four South Korean crewmembers of the MV 'Gemini') in cooperation with pirate negotiator Abdullahi Jareer.

Contacts and communications with renowned Hobyo-Harardheere pirate negotiator Abdullahi Jareer's accomplices Mohamed Abdi Olad and Abdullahi Mohamed Isse [7]



6. Galad Adan Tahlil is also 'friends' on Facebook with an individual registered as Mahat Nor', also known as Mahad Nuur, who's email address, mahadnuur@hotmail.com, appeared in an email thread of 24 January 2012 as the recipient of a piracy ransom and release agreement for the hijacked vessel 'Orna', in which Galad had also acted as a negotiator. The agreement signed by 'Hussein or Hassan Jiis', the pirate commander holding the 'Orna' included a 50,000 USD goodwill payment to be provided upfront to 'Nasser' and a 200,000 USD negotiation fee for the mediators, as initially requested by Galad Adan Tahlil during his negotiations with the ship owner. 'Nasser' was identified in the previous report of the Monitoring Group (S/2012/544) as UK national and passport holder 'Mahad Mahamuud Nuur', Director-General of Indian Ocean Consultant Company, who received the 50,000 USD in cash directly from the ship owner during a public meeting in Dubai on 25 January 2012 (see annex 4.7).

7. According to Norwegian authorities, Galad Adan Tahlil is a Somali national, born on 11 March 1987, who travelled to Norway via Ethiopia and Sweden in December 2011. He has obtained the status of asylum seeker in Norway, but went missing from his address in January 2013. He allegedly has a wife and four children in Mogadishu, Somalia.

8. Using his Somali mobile number indicated on the second email he sent to the ship owner, Galad Adan Tahlil has been found to be in contact with at least six Norwegian telephone numbers, of which two have been in regular contact with several Somali mobile numbers used by Somali pirates. Of particular note is a communication in November 2012, during which Galad's number in Norway is in contact with a Somali mobile number attributed to the aforementioned renowned Hobyo-Harardheere pirate negotiator Abdullahi Jareer. Other telephone calls made by the two Norwegian numbers of Galad Adan Tahlil indicated communications with both identified and unidentified individuals believed to be involved in Somali piracy in connection with the hijacking of the merchant vessels 'Beluga Nomination' and 'Savina Caylyn', and the fishing vessel 'Naham 3'. Some of the individuals identified are known as Abdiweli Ciise Ibrahim, Ali Abdulqadir and 'Abditon'. The Monitoring Group has

[7] Abdullahi Mohammed Isse is registered on Facebook as Abdillaahi Esse.

requested Norwegian authorities for further identification of the two Norwegian telephone numbers and is awaiting their reply.

9. The same Somali telephone number of Galad Adan Tahlil was found stored on a mobile phone (associated name: 'Galad') of the self-declared President of Himan and Heeb region and U.S.A. national Mohamed Abdullahi Adan 'Tiiceey', known for his close contacts with Galmudug pirates and expensive interventions to 'facilitate' the safe release of hostages in pirate custody. 'Tiiceey' is also 'friends' with Galad Adan Tahlil on Facebook, as well with other individuals involved in Somali piracy.

Galad Adan Tahlil in front of the Opera House in Oslo, Norway, uploaded on his Facebook Page on 12 September 2012



Annex 4.7: Pirate facilitator and shareholder of Delta Chauffeurs Limited, London, United Kingdom – Abdirahim Ahmed Ali (STRICTLY CONFIDENTIAL)

Abdirahim Ahmed Ali, a British national and shareholder of a taxi company in London is a facilitator of pirate negotiations and linked to several important pirate negotiators.

1. In its previous report (S/2012/544), the Monitoring Group identified a United Kingdom citizen and passport holder, Mahamad Mammuud Nuur, as the Director-General of a Mogadishu-based private company called 'Indian Ocean Consultants Co.' (IOC),[1] a criminal organization involved in ransom negotiations on behalf of Somali pirates. The report also provided additional information on two websites used by the company and made brief reference to its associates, one of which named himself 'Ali Hasan'.[2] Further investigations have identified Abdirahim Ahmed Ali, to be another British citizen and passport holder involved in 'Indian Ocean Consultant Co.' and a close accomplice of IOC-negotiator Ali Hassan.

2. The first time that the name Ali Hasan appeared in connection with Indian Ocean Consultants was at the end of 2010, when a law firm employed by the ship owner of the hijacked general cargo vessel 'Rak Afrikana' received the following email (excerpt):


From: ali hasan [mailto:indianoceanconsultants@hotmail.com]
Sent: 27 December 2010 20:27
To: [redacted]
Subject:

Hi there my name is Mr Ali Hasan i am a freelance mediator bas
2010. I have the full authority from the side of the pirates. to me
shipping company AL SINDBAD SHIPPING & MARINE. I believe
me on +252699548601.

Regards Mr ali hasan

3. In this email communication, Ali Hasan represented himself as a 'freelance' mediator based in Somalia with the full authority to negotiate on behalf of the pirates. Ali Hassan called the law firm several times to get into direct contact with the owners of the 'Rak Afrikana'. When calling the law firm, he used Somali telephone number +252 618 605479, although he indicated another mobile number in his email: +252 699 548601. A UK lawyer who briefly spoke to Ali Hasan on the telephone mentioned that he had an "East End London accent".[3]

4. Eventually, Ali Hasan managed to reach the owner directly, by telephone and email, and attempted to manoeuvre himself into the ongoing negotiations. During his communications with the owner, he emphatically claimed to know the pirates, to be from the same clan and to have had several meetings with them. He also stated that the most important individuals responsible for holding the vessel were in Harardheere and not on board of the

[1] Also known as Indian Ocean Consultants, it is located at Dabka Building Maka, Al Mukarama Road.
[2] Since the Monitoring Group's last report (S/2012/544), Mahad Mahamuud Nuur's Indian Ocean Consultant Company has remained active in the piracy business and was also found to be involved in the 'MY Choizil' (October 2010-June 2013) and 'FV Naham 3' (March 2012-to date) hijacking and abduction cases.
[3] Information and evidence obtained from the ship owner of the 'Rak Afrikana'.

ship. His offer to mediate between the shipping company and the pirates was nevertheless rejected as the ship owner decided to continue his negotiations with pirate negotiator 'Fred' (see annex 4.9).

Excerpt from an email communication sent by Ali Hasan to the ship owner

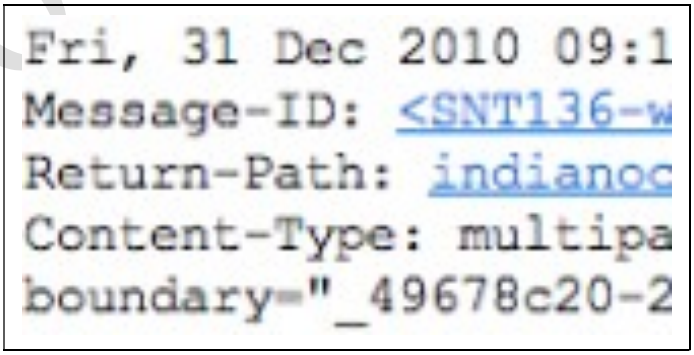

-------- Original Message --------
Subject:RE: RAK Afrikana Telephone Conversation 29 December
Date: Fri, 31 Dec 2010 17:19:36 +0000
From:ali hasan <indianoceanconsultants@hotmail.com>
To:

5. Both Somali telephone numbers used by Ali Hasan in the 'Rak Afrikana' hijacking turn out to be in direct contact with Abukar and Abdurahman Moalim Hassan,[4] pirate investors in contact with a number of pirate leaders, commanders, negotiators, renowned pirate investor Abdullahi Mohamud Kulane 'Buundo' (see Annex 4.4) and pirate facilitator Abukar Sheikh Hassan Duale (see Annex 4.8).

6. The email Ali Hasan sent to the 'Rak Afrikana' owners originated from IP address 41.212.35.226, which is traced back to 'Dahir Dholayare', an internet subscriber in Harardheere who purchased and registered an internet connection in Nairobi, Kenya, under the name 'Cyber Café'. Notably, the internet connection appears to be managed and operated by the Nation Link station manager in Harardheere, identified as pirate facilitator Abukar Sheikh Hassan Duale (see Annex 4.8). Also, some of the emails sent by pirate negotiator 'Fred' in the 'Rak Afrikana' originated from that IP address (see Annex 4.9).

7. Dahir Dholayare's email addresses, telephone number and two Facebook accounts indicate that his full name is Dahir Hassan Guled, and the registrant of a domain name called 'harardherehospital.com'. Communication data show that he is also in contact with the pirate investor Abdullahi Mohamud Kulane 'Buundo' (see Annex 4.4) and pirate facilitator Abukar Sheikh Hassan Duale (see Annex 4.8), who is registered as a 'friend' on Dahir's Facebook account and vice versa. Dahir Hassan Guled has two registered Skype accounts in his name, one in the U.S.A. and one in Nairobi, Kenya.

Originating IP address 41.212.35.226 for email sent by Ali Hasan to the ship owner of the 'Rak Afrikana'


Fri, 31 Dec 2010 09:1
Message-ID: <SNT136-w
Return-Path: indianoc
Content-Type: multipa
boundary="_49678c20-2

8. On 29 November 2010, prior to Ali Hasan's involvement in the 'Rak Afrikana' hijacking, a Somali individual also named 'Ali Hasan' attempted to intervene in the ongoing

[4] The Monitoring Group is unaware of any family relationship between the two individuals.

negotiations of the 'York' hijacking by making a telephone call to the shipping company in Greece. The call was made with a Somali mobile number other than the ones used by Ali Hasan in the 'Rak Afrikana' case. Because the attempted involvement was unsuccessful, it could not be determined if the individual calling the shipping company was in fact the same Ali Hasan as the one connected to Indian Ocean Consultants Company.[5]

9. Ali Hasan did represent the pirates during negotiations in the 'Gemini' hijacking case, between 30 April and 12 October 2011.[6] During that time, he was regularly in contact with the ship operators by telephone and email. In addition to the same Hotmail account used in the 'Rak Afrikana' case, he also used a Gmail address with reference to Indian Ocean Consultants. Again, he introduced a new Somali mobile which is in direct contact with the Director-General of Indian Ocean Consultants Company, previously identified by the Monitoring Group as Mahad Mahamuud Nuur (S/2012/544).[7]

10. The Somali mobile numbers connecting Ali Hasan and Mahad Nuur are registered under the names of 'Hassan Farah Afrah' (Ali Hasan) and 'Abdullahi Ahmed Hassan' (Mahad Nuur). Notably, both numbers are in contact with some of the same individuals, such as chief pirate investor and chairman of a pirate investment company Tahlil Mohamed Guled.[8] Ali Hassan's number was also used in the abduction case of freelance journalist and dual German/U.S.A. national Michael Scott Moore, who received permission to use the mobile telephone number to make a call outside Somalia on 1 August 2012.

11. The phone number that Ali Hasan used in the 'Gemini' hijacking, appears to be in communication with a landline in São Tomé and Príncipe,[9] which is also in contact with other important individuals in the Hobyo-Harardheere piracy network, such as pirate negotiators Abdishakuur Mohamud Mohamed (see Annex 4.9) and Bashir Bi'ir Jareer,[10] pirate financier Fathi Osman Kahaye,[11] and pirate facilitator/financier Ahmed Mohamud Aweis (see Annex 4.4).[12]

12. During five months of negotiations, Ali Hasan sent six emails to the shipping company discussing several issues related to the hijacking of the vessel and its crew, including expenses and payment of a mediation fee, payment of ransom for the vessel and crew, release of South Korean crewmembers in exchange for Somali pirates imprisoned in South Korea, and payment details about other hijacking cases.[13]

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[5] Information obtained from a European law enforcement source, 14 April 2013.
[6] Ali Hassan was also actively negotiating in the 'Asphalt Venture' hijacking (28 September 2010-15 April 2011). Comparison of voice records confirm the likelihood that pirate negotiator Ali Hassan of the 'Rak Afrikana', 'Asphalt Venture' and 'Gemini' cases are one and the same person.
[7] The number is also in contact with pirate financier Abdullahi Mohamud Kulane 'Buundo' (see Annex 4.4) and has a number of international contacts, including in the UK, Kenya, UAE, Yemen, South Africa and the U.S.A.
[8] Tahlil Mohamed Guled's name features on a list obtained by the Monitoring Group of pirate investors connected to a pirate investment group or company.
[9] São Tomé and Príncipe is an oil-rich island nation located at the Gulf of Guinea, West Africa, where maritime piracy has grown into a thriving business over the past few years.
[10] A.k.a. Bashir Farah Bi'ir Qarey, who was involved in the Spanish MSF abductions and is the cousin of renowned pirate negotiator Abdullahi Bi'ir Jareer who has been involved in many hijacking and abduction cases.
[11] Fathi Osman Kahaye was involved in several hijacking cases and is an associate of pirate kingpin Mohamed Osman Mohamed 'Gafanje'.
[12] Ahmed Mohamud Aweis was involved in the 'Gemini' hijacking and is an associate of pirate negotiator Ali Nurdin and pirate financier Abdullahi Mohamud Kulane 'Buundo'.
[13] All emails in the possession of the Monitoring Group.

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13. Three out of the six emails that Ali Hasan sent to the operators of the 'Gemini' originated from the same IP address linked to his 'Rak Afrikana' intervention and owned by Dahir Hassan Guled, who is in contact with pirate investor 'Buundo'.[14]

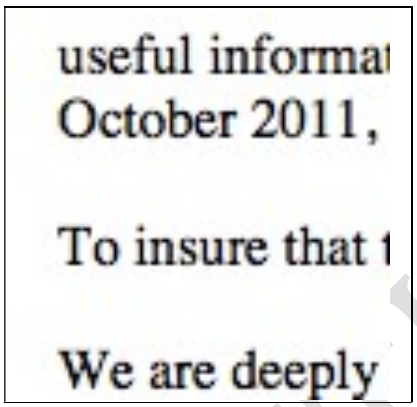
14. Ali Hasan did not finalise the negotiations for the 'Gemini'. After his last communication on 12 October 2011, a Somali individual named 'Adam' took over his role as pirate negotiator and brokered the ransom payment for the release of the vessel and its crew.

15. Voice recordings obtained by the Monitoring Group of Ali Hasan's negotiations in the 'Rak Afrikana', 'Asphalt Venture' and 'Gemini' hijackings confirm his "East End London accent" and the likelihood that it is the same person in each case. During a telephone conversation on 1 June 2011 with the owners of the 'Asphalt Venture', Ali Hasan confirmed that he was also negotiating in the 'Orna' hijacking, which the Monitoring Group managed to corroborate through the personal phone records of the owner of the 'Orna'. These indicate communications in June 2011 with the same Somali number that Ali Hasan used in the 'Gemini' case. However, in the 'Orna' case, the negotiator using that number was calling himself 'Ahmed', communicated with the ship owner from the Indian Ocean Consultant Company email address ahmed@indianoceanconsultant.net, and was found to be in direct telephone and email contact with the Director-General of Indian Ocean Consultant Company, Mahad Mahamuud Nuur. Therefore, it cannot be excluded that Ali Hasan and Ahmed (Hirsi) are one and the same person, although independent sources have previously confirmed to the Monitoring Group that Ali Hasan (a.k.a. Ali Hersi) and Ahmed Hersi are both brothers working for Indian Ocean Consultant Company, as previously reported by the Monitoring Group.[15]

16. During the first stage of negotiations in the 'Gemini' case, when Ali Hasan was still the negotiator, there were periodic calls from the pirates to the families of the crewmembers, who were instructed by the shipping company to ignore them. After the release of the vessel and crew on 30 November 2011, four South Korean crewmembers were held back in retaliation for the successful January 2011 raid by the South Korean Navy on a group of Somali pirates that had hijacked the South Korean chemical/oil products tanker 'Samho Jewelry', in which eight pirates were killed and all crewmembers were rescued.[16] Negotiations therefore continued and during the period between January and November 2012, the frequency of calls to the South Korean families increased. By August 2012, the families of the four crewmembers had lost patience and the shipping company could no longer prevent them from answering the pirates' calls. These sometimes terrifying, threatening and misleading telephone calls to the families caused much anxiety and fear and added pressure on the already difficult but ongoing negotiations. In some cases, family members were told on the telephone that their beloved one had died. One of those calls was made on 7 June 2012 to Mr. Lee Geon Ir's son-in-law from Somali telephone number +252 699778588.[17] This same number appeared in the Médecins Sans Frontières (MSF) abduction case in early 2012, when an individual named Ali Hasan, using an indianoceanconsultant.net email address, attempted to get involved in the negotiations.[18]

[14] IP.41.212.35.226
[15] Monitoring Group report S/2012/544.
[16] http://www.guardian.co.uk/world/2011/jan/21/south-korea-rescue-somali-pirates.
[17] Information obtained from the ship owner of the 'Gemini', 16 April 2013.
[18] Information obtained from a confidential source with close ties to the Hobyo-Harardheere piracy network indicates that Ali Hassan's mobile number used in the 'Gemini' case was also used by a negotiator in the MSF abduction calling himself 'Hassan Masaro'.

17. Coincidentally, as reported previously by the Monitoring Group,[19] a picture of one of the Spanish MSF hostages in custody of Somali pirates was portrayed on the website 'indianoceanconsultants.org' on Friday 2 March 2012. The message accompanying the picture was signed by pirate negotiator Ali Hasan, calling himself Hassan Ahmed, as shown in the following excerpt from the website:



18. The website indianoceanconsultants.org was created on 6 November 2011 by 'Ali Hassan' of Cawaale Printing and Technology, H. Wadaag Street, 2521 Mohadishu, Somalia. Ali Hassan registered the website with his email address 'cawaalepc@hotmail.com' and mobile phone number +252 15504040. The website is no longer active.



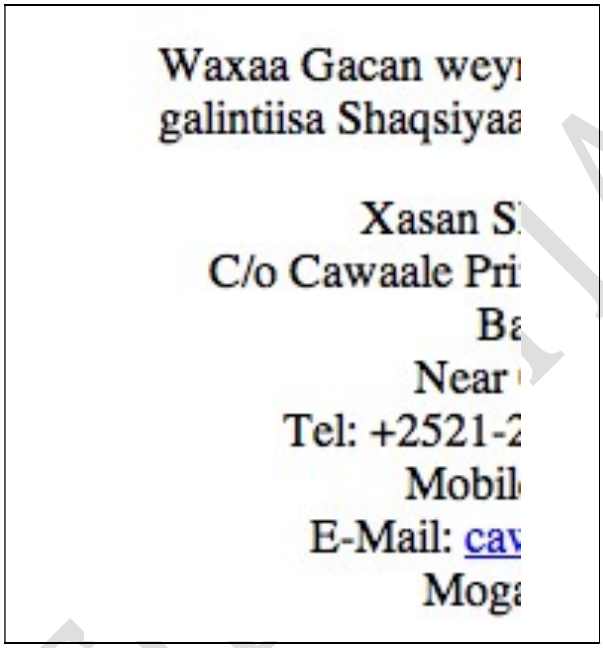
19. The email address 'cawaalepc@hotmail.com' can be traced back to a webpage of what seems to be a religious website called 'nuuruliimaan.com', which displays the names and contact details of three male Somali individuals in Mogadishu, Somalia, Ohio, U.S.A. and London, United Kingdom. One of the three individuals named 'Hasan Sheikh Ahmed Ali', with an address in Mogadishu, appears to be connected to 'Cawaale Printing and Technology', and the email address cawaalepc@hotmail.com.[20]

20. Also, the nuuruliimaan.com website seems to be registered by Ali Hassan of Cawaale Printing, with the same email address (cawaalepc@hotmail.com), but in this case with indicating the address and contact details of the London, United Kingdom-based individual displayed on the nuuruliimaan.com webpage as: 'Abdirahim Ahmed-Nur Ali' - Somali Hosting Company - Weymouth Road, Middlesex, Hayes, UB4 8NG, London, UK - phone number +44 756440767[21] - email address abdirahimali@hotmail.com.[22]

[19] Monitoring Group report S/2012/544.
[20] http://www.nuuruliimaan.com/xiriir.htm.
[21] This is an incomplete number and should be +44 7956440767.
[22] Registrant's (Ali Hassan) contacts of nuuruliimaan.com are displayed as: 63 Weymouth Road, London, London UB4 8NG, GB – Tel and Fax number +44 7956440767.

21. More website and domain names are registered by Ali Hassan indicating the email address cawaalepc@hotmail.com in connection to Somali Hosting Company,[23] and all show either the aforementioned addresses in London or in Mogadishu. In some cases, the registration details even show the address in London in connection to the phone number in Somalia (+252 15504040).

Excerpt of a webpage on the website nuuruliimaan.com displaying three Somali individuals in Mogadishu, Ohio and London



22. Further investigation indicates that the abovementioned individual, Abdirahim Ahmed-Nur Ali, his email address, telephone number and address in the UK, all connect to a company registered in the United Kingdom under the name 'Delta Chauffeurs Limited' with a currently registered office at Suite 4 Warren Court, 293-295 Euston Road, London, United Kingdom NW1 3AA.[24]

23. The website of the company 'deltachauffeurs.com' mentions the same address on Euston Road in London, with contact number +44 (0) 2073833038.

[23] Such as ASOJ.org (Associated Somali Journalists), biladaye.com, soomaaliagalbeed.com, bashiir.com, somaliagroexport.com and cawaale.com.

[24] Incorporated on 1 June 2007 with company registration number 06265874.

Delta Chauffeurs Ltd. Facebook Page



24. The contact details of the registrant of deltachauffeurs.com are indicated as Delta Chauffeurs, Abdirahim Ali, abdirahimali@hotmail.com, +44 7956440767, Middlesex, Hayes UB4 8NG, London, London 44, GB, also previously the registered company address of Delta Chauffeurs Limited at the time of incorporation in 2007.[25]

25. United Kingdom Government company records of April 2013 show two individuals with official positions in Delta Chauffeurs Limited. Both are British citizens of Somali descent with the following names:

- Mr. Sabrie, Saed Hassan (Director and shareholder)
- Mr. Ali, Abdirahim (Secretary and shareholder)

London office of Delta Chauffeurs Limited
(February 2013)



26. On Facebook, Ibrahim Ali is known as 'Abdirahim Ahmed' and *likes* 'Delta Airport Transfers', which links to the same website and appears to be serving as a subsidiary of Delta Chauffeurs Limited. While it is not registered as a company, Delta Airport Transfers has been registered as a website since 8 October 2010. The website displays the same contact number (+44 7956440767) and address as on the Delta Chauffeurs Limited website and is registered by 'Abdi Ali' of Delta Chauffeurs Limited with contact details +44 2076373401, info@deltachauffeurs.com, 9 Great Russell Street, London, London WC1B 3NH, GB.

[25] The full address in corporate records is 63 Weymouth Road, Hayes, Middlesex, United Kingdom, UB4 8NG (1 June 2007).



27. It has been established that the UK mobile number +44 7956440767 of Abdirahim Ali is in direct contact with at least two Somali mobile number used by Indian Ocean Consultants pirate negotiator 'Ali Hasan' and with a Somali mobile number used by renowned Hobyo-Harardheere pirate negotiator Abdullahi Jareer, involved in many hijacking cases. One of Ali Hasan's mobile numbers in contact with Abdirahim Ali has been used to register the website indianoceanconsultants.org. Ali Hasan and Abdullahi Jareer are both also in contact with the unidentified UK mobile number +44 7424628218.

28. Adirahim Ali, secretary and shareholder of Delta Chauffeurs Limited based in London, involved in facilitating activities of maritime piracy and abduction, including extortion, illegal detention, abuse, torture and killing of seafarers and other victims, has been definitively identified by the Monitoring Group as Abdirahim Ahmed Ali, born 21 May 1964, British national and passport holder.

Passport details and picture of pirate facilitator Abdirahim Ahmed Ali



29. The Monitoring Group has obtained a pirate agreement dated 27 September 2011, containing a list with names of pirate investors connected to a pirate investment group or company, and conditions and instructions for payout of allotted shares. The agreement was sent by the aforementioned email address cawaalepc@hotmail.com to Harardheere Nation Link Director and pirate facilitator Abukar Sheikh Hassan Duale (see Annex 4.8), who has also been found to be in direct contact with members of Indian Ocean Consultants Company.

30. One of Abdirahim's Facebook contacts is Jamaal Kamal, from London and living in Mogadishu. He posted the picture below of stacks of USD and other currency. One person who responds "LIKING" the picture is 'Abdiraham Ahmed'.

Picture of a stack of US dollars 'liked' by Abdirahim Ahmed on Facebook



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Annex 4.8: Pirate facilitator and Director of Nation Link Harardheere – Abukar Sheikh Hassan Duale (STRICTLY CONFIDENTIAL)

Abukar Sheikh Hassan Duale, a station manager of a Somali telecommunications provider with a bank account in the United Kingdom is linked to several key pirate leaders, financiers and negotiators and facilitates pirate negotiations. He has been found in possession of official communications between the Governments of Somalia and Spain regarding a request to extradite two pirates jailed in Madrid.

1. On 1 January 2011, the ocean going tug and supply vessel 'Tiba Folk', towing Belgian barge 'DN127', was en route to Port Victoria, Seychelles, and sailing at position 03°56'N, 059°3'3E,[1] when it was attacked by 12 armed Somali pirates in two skiffs at approximately 0800 UTC.

2. The three-man armed security team on board the 'Tiba Folk' returned fire and managed to repel the attack, but the pirates continued to follow the vessel from a distance. At around 2015 UTC the same day, the pirates initiated a second attack, this time making use of the hijacked LPG tanker and pirate mother vessel 'York'.[2] The attack lasted for more than one hour, during which the crew of the 'Tiba Folk' decided to cut loose the barge they were towing in order to increase speed. Having successfully escaped, a few hours later the vessel was reported to be safe.

3. When the pirate's mother ship 'York' returned to its anchorage at Harardheere on 3 January 2011, it was reportedly towing the abandoned barge 'DN127', which the pirates had managed to secure after the attack on the 'Tiba Folk'.[3] On 7 January 2011, the 'York' and the 'DN127' were both confirmed anchored off Harardheere.

Barge 'DN127' towed by hijacked tanker 'York' to Harardheere anchorage



[1] Indian Ocean, some 732 nautical miles East of Harardheere, Somalia, and 681 nautical miles north of Seychelles.
[2] The LPG tanker 'York' (IMO 9220421) and its 17 crewmembers were hijacked on 23 October 2010 and held off Harardheere and Hobyo until their release on 9 March 2011.
[3] Confirmed on 3 and 4 January 2011 by the owner of the 'DN127', who noticed the barge moving towards Somalia.

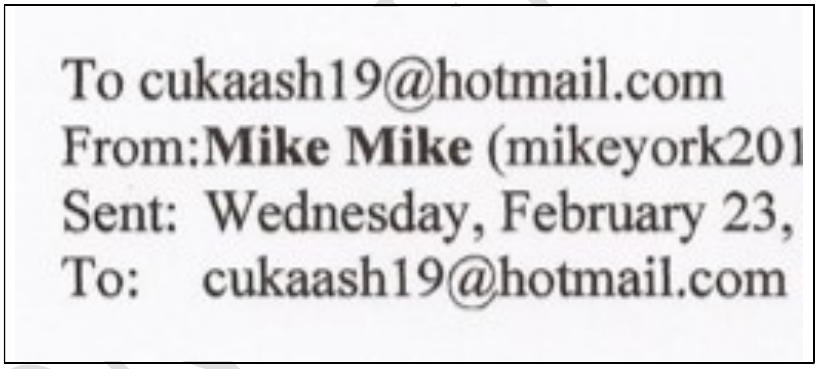
4. Ransom negotiations for the release of the 'York' ended on 23 February 2011, following a written 4.5 million USD 'agreement' sent by the shipping company to email address cukaash19@hotmail.com, provided by negotiator 'Ali'.

5. In addition to the agreed ransom, 'Ali' managed to extort an additional 20,000 USD 'negotiation fee' from the Greek owner. Half of this sum was by agreement to be airdropped with the ransom package, and the other half 'Ali' instructed was to be given to a receptionist of a hotel in Mombasa, Kenya.

6. On 28 February 2011, the pirates sent a picture of the barge 'DN127' to the owner of the 'York', as there was a discussion about whether the barge could remain attached to the vessel after its release. The picture was sent from the email address cadceed14@hotmail.com,[4] provided by pirate negotiator 'Ali'. Eventually, the 'York' owner refused to take the barge along due to security reasons.

7. Following the airdrop, which included the 4.5 million USD ransom payment and the 10,000 USD negotiation fee stashed in a 'medical kit', the 'York' was released on 9 March 2011. The same day, the pirates moved the barge 'DN127' and attached it to the hijacked vessel 'Savina Caylyn', also anchored off Harardheere.[5]

Email containing the 4.5 million USD 'agreement' for the release of the hijacked LPG tanker 'York' sent by the ship-owner to pirate negotiator 'Ali' (cukaash19@hotmail.com)


To cukaash19@hotmail.com
From:**Mike Mike** (mikeyork201
Sent: Wednesday, February 23,
To: cukaash19@hotmail.com

8. A settlement with the owner of the barge 'DN127' was reached on 25 March 2011 and concluded with a written release agreement, indicating a ransom payment of 750,000 USD. The agreement was sent by the owner to email address cuskaash19@hotmail.com, as provided by 'Hatem' or 'Hassan', who was identified to be the same person as negotiator 'Ali' in the 'York' hijacking.[6]

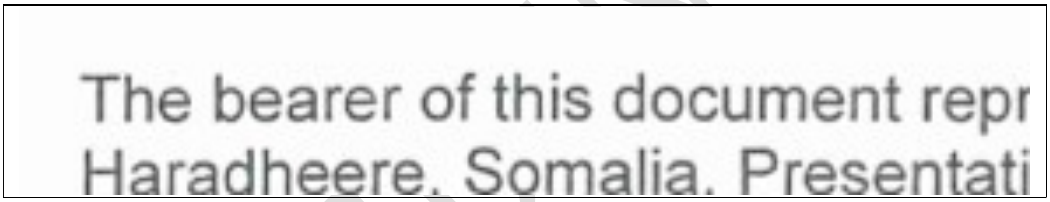
9. Before releasing the barge, which was due to be retrieved by a tug and a private armed security team on 29 March 2011, Hatem (a.k.a. Ali) succeeded again to extort an additional 'negotiation fee' for himself. After turning down an immediate payment of 10,000 USD, the owner agreed to pay 5000 USD upfront and 5000 USD after the release of the barge. The upfront payment was, as requested by Hatem, handed over by a private security company to a

[4] Email address is registered under the name of Cadceed Yare.
[5] Crude oil products tanker 'Savina Caylyn' (IMO 9489285) and its 22 crewmembers were hijacked by Somali pirates on 8 February 2011 and released on 21 December 2011, following a ransom payment.
[6] Confirmed by comparison of voice recordings.

'Dr. Saed' in Nairobi, Kenya, on 28 March 2011. To contact Dr. Saed the owner was given the mobile number +254 717403000.[7]

Picture of stolen barge 'DN127' attached to the hijacked LPG tanker 'York' at Harardheere anchorage (28 February 2011)[8]

Excerpt of the 'DN127' release agreement sent to the email of pirate negotiator 'Ali' (cukaash19@hotmail.com)


The bearer of this document repr
Haradheere, Somalia. Presentati

10. At the very same time, the pirate negotiating the release of the 'York' and 'DN127' was also negotiating for the hijacked container vessel 'MSC Panama', as indicated by email communications of March and April 2011. The communications also indicate that the 'commander' of the pirates holding the 'MSC Panama' was called 'Jamaac'.

11. While using the same email address cukaash19@hotmail.com, 'Ali' or 'Hatem' instead used the name 'Mussa' in his dealings with the ship owner. The 'MSC Panama' was released on 7 September 2011, but it remains unclear whether 'Mussa' concluded the negotiations or how much ransom was paid to the pirates, as London law firm Holman Fenwick and Willan, as representatives of the Miami-based owner of the 'MSC Panama', refused to cooperate with the Monitoring Group's investigation.

[7] The money was given to Dr. Saed in Village Market shopping centre, Gigiri, Nairobi. Dr. Saed is identified by the Monitoring Group as Dr. Saed Sheikh Hassan Duale, brother of Abukar Sheikh Hassan Duale.
[8] Picture taken by the pirates and sent to the owner of the 'York'.

Email sent by the ship owner of the 'MSC Panama' to pirate negotiator Mussa (cukaash19@hotmail.com)

To 'abukar sh.xassan'
From: [redacted]
Sent: Wednesday, March 23, 2011 6:19:29 PM
To: 'abukar sh.xassan' (cukaash19@hotmail.com)

Mussa

Thank you for your email.

The company position remains the same. There will be no payments other than the payment of the ransom which will be parachuted into the water near the ship. Commander Jaamac and all the pirates must send a letter from the ship with the reduction in demand to 4.5 million dollars, or lower, and until they do so the company cannot go back to the bank to see if the bank will lend the company any more money.

Best regards

[redacted]

for the company

12. Investigations conducted by the Monitoring Group reveal that the email address cukaash19@hotmail.com, used by pirate negotiators 'Ali' and 'Mussa' in the 'York', 'DN127' and 'MSC Panama' hijackings, belongs to the Harardheere branch Director of the Somali telecommunications company 'Nation Link Telecom', 'Abukar Sheikh Hassan Duale', who also uses the name 'Abdullahi Ahmed Isse Duale'.

13. Abukar, allegedly born in Mogadishu in 1970, is the brother of pirate facilitator Dr. Saed Hassan Duale and cousin of ex-Harardheere District Commissioner and pirate negotiator Abdisalan Khalif Ahmed (see annex 4.5). All three individuals are 'friends' on Facebook.

Picture of Abukar Sheikh Hassan Duale



14. In addition to the hijackings of the 'York', 'DN127' and 'MSC Panama', Abukar was involved in the 2008 hijackings of the 'Stella Maris', 'Captain Stephanos', 'Faina', and 'Sirius', and the 2009 hijacking of the 'Thai Union'.

15. Abukar is also found to be in direct contact with pirate leaders and investors Mohamed Osman Mohamed 'Gafanje', Mohamed Abdi Hassan 'Afweyne', Abdullahi Mohamud Kulane 'Buundo' (see annex 4.4) and many others active in the Hobyo-Harardheere Piracy Network, for which he has facilitated various communication services. For example, the fax number of

his office at NationLink Harardheere that was provided by Abukar in the 'York' hijacking was also used by pirate kingpin Mohamed Osman Mohamed 'Gafanje' in the 'Ariana' hijacking, in which Abukar's brother Saed was reportedly involved as well. He also created an email address for an organization called 'Somali Marine Security Harardheere', believed to be involved in piracy, and includes members such as Mohamed 'Gafanje' and 'Tahlil Hashi'.

16. The communications sent by Abukar with his email address cukaash19@hotmail.com originate from IP address 41.212.35.226, which is likely linked to the internet connection of Abukar's Nation Link office in Harardheere. Both pirate negotiators Ali Hassan (see annex 4.7) and Cabdishakuur Mohamed Mohamud (see annex 4.9) have used this internet connection to send emails related to ransom negotiations. Monitoring Group investigations have traced Abukar's IP address to an internet registrant in Nairobi named Dahir Dholayare, a.k.a. Dahir Hassan Guled, who registered the internet connection for a 'cyber café' in Harardheere. Dahir is found to be in direct contact with Abukar and his telephone number and email address link to the registration of a domain name called Harardherehospital.com. A lab technician working at Harardhere Hospital, Noor Hussein Duale, believed to be Dr. Saed Hassan Duale's wife, uses Abukar's email address and Saed's Somali telephone number as her contact details. The telephone number is linked to the 2 May 2009 hijacking of the bulk carrier 'Ariana'. Dahir Hassan Guled is registered on Facebook and has two Skype accounts, one in Mogadishu and one in the U.S.A.

17. The second email address used in the 'York' hijacking, cadceed14@hotmail.com, registered under the name of Mohamed Hassan Jimale, was found to be in contact with 'Cabdi Xafiid Ali', a piracy suspect involved in the hijacking of the UAE-operated bulk carrier 'Orna' and also connected to members of Indian Ocean Consultant Company. On 24 January 2012, Cabdi Xafiid Ali forwarded an email containing the release agreement of the 'Orna' to 'Ahmed', the acting pirate negotiator of the 'Orna' and a member of Indian Ocean Consultants Company. Ahmed sent the agreement to the 'Orna' owner via email address ahmed@indianoceanconsultant.net.

18. Also, Abukar himself appears to be directly linked to members of Indian Ocean Consultant Company, as indicated by telephone and email communications. On 7 December 2011, he received an email from info@indianoceanconsultants.org mentioning 'Waa Email tijaabo ah oo kaaga yimid Group-kaada', meaning 'This is a test email from your group'. The email was sent from Abukar's own office.

19. Moreover, Abukar has also been in contact with the email address cawaalepc@hotmail.com, used by 'Ali Hassan' to register the website 'indianoceanconsultants.org' and linked to Abdirahim Ali, a British passport holder and shareholder of the London taxi company 'Deltachauffeurs' (see annex 4.7). One of the communications sent from this address contained a pirate investor's agreement indicating a division of shares. The email was signed by 'Hassan Ahmed Ali' and included the same phone number used to register the indianoceanconsultants.org website.

20. Abukar was in regular contact with one representative of DEH Relief Somalia, Mohamed Tooyo, who presents himself on Facebook as the 'Program Coordinator' of the Mogadishu-based NGO.[9] Tooyo sent Abukar DEH invoices and reports for fieldwork they undertook for WFP and UNICEF in Hobyo. A 'profile' letter of DEH detailing general and organizational information of the company mentions the name 'Mohamed Abdi Haji Hassan'

[9] http://dehrelief.org.

as the 'Project Manager' of the organization.[10] DEH claims to have an office in Nairobi but is not registered in Kenya as a company.

21. Given the strong similarity to the name of pirate kingpin Mohamed Abdi Hassan 'Afweyne', the location where DEH operates, the fact that Abukar is in direct contact with Afweyne and that both mobile numbers of the Project Manager are in contact with pirate investor Abukar Moalim Hassan, acquainted with pirate investor Abdullahi Mohamud Kulane 'Buundo' (see annex 4.4), raises suspicion about the identity of the Project Manager. While Mohamed Tooyo appears to be using one of the mobile numbers of the Program Manager, it is unclear whether they are the same person.

22. On Facebook, Mohamed Tooyo is linked to several individuals known to be associated with activities of Somali piracy,[11] including Abukar Sheikh Hassan Duale and his brother Saed. He 'likes' the Facebook Page 'Free Abdiwali Somali Teen Coast Guard in US Custody', attributed to Abdiwali Abdiqadir Muse, sentenced to 33 years in prison in February 2011 for his involvement in the hijacking of the U.S.A.-flagged container vessel 'Maersk Alabama' in April 2009.[12]

23. In order to obtain clarity about the true identity of the Program Manager of DEH, the Monitoring Group approached both Country Directors of WFP and UNICEF who were not able to provide the information requested and in fact told the Monitoring Group that it was not their responsibility to find out the identity of the persons with whom they are working. They referred the Monitoring Group to the 'Risk Management Unit' of the UN Country Team in Nairobi for further enquiries, but more than one month after a written request for information, the Monitoring Group was told by the Risk Management Unit that no other information is currently available.[13]

24. On several occasions, Abukar expressed interest in the fate of young sea pirates that have gone out to sea to hijack merchant vessels, especially when they are connected to the Hobyo-Harardheere Piracy Network. On 12 January 2009, Abukar was quoted in a BBC news article as the 'uncle' of a pirate who washed ashore with 153,000 USD in a plastic bag in his pocket, the share of a ransom he was paid for his involvement in the hijacking of the Saudi Arabian supertanker 'Sirius Star', released on 9 January 2009 following a ransom payment of allegedly 3 million USD.[14]

25. In December 2011, Abukar communicated with his brother Saed and uncle Cabdisalaam Khaliif Ahmed (see annex 4.5) about the detention of seven pirates in Malaysia, arrested at sea by Malaysian naval forces on 20 January 2011 after the attempted hijacking of the maritime tanker 'Bunga Laurel' and fire fight with a Malaysian armed forces team on board of the tanker.

26. On 12 November 2009, Mohamed Dhunkal Hersi sent Abukar, who appears to be a close relative, two official letters from the Somali and Spanish Embassy in Nairobi, both dated 8 November 2009. The letters pertain to a request for extradition of two Somali pirates

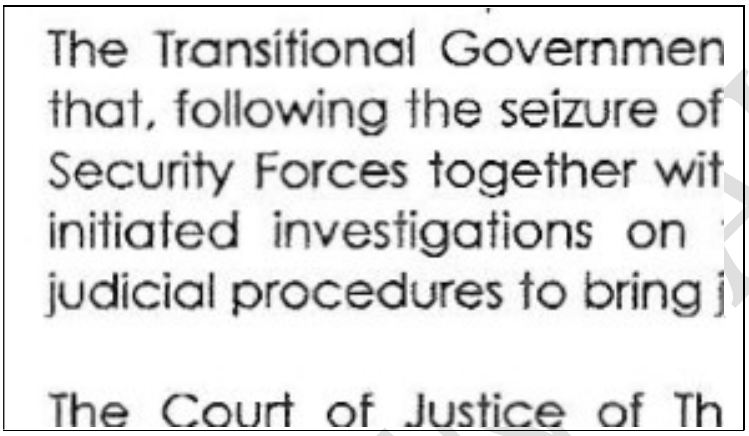
[10] In a subsequent 'profile' letter of DEH, the position of Project manager no longer exists. The mobile number of Mohamed Abi Haji Hassan is still indicated but attributed to the 'Exective Director' 'Mohamed Yusuf'.
[11] Mohamed Tooyo is also connected to Mohamed Dhunkal Hersi, who is closely associated to individuals involved in Somali piracy (see below).
[12] http://www.aolnews.com/2011/02/16/somali-teen-pirate-sentenced-to-33-years-in-prison/.
[13] On 30 May 2013, the Risk Management Unit provided the Monitoring Group with a confidential Company Risk Profile, which assesses DEH to pose an overall risk of 'high' to the United Nations.
[14] http://news.bbc.co.uk/2/hi/africa/7824353.stm.

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jailed in Madrid after their arrest on 3 October 2009 by the Spanish Navy in relation to their involvement in the hijacking of the Spanish fishing vessel 'Alakrana' on 2 October 2009.[15]

27. The letter from the Somali Embassy, with reference ESR/1142/09, does not indicate the name of the author, but mentions that the extradition is required "in order to follow and complete the ongoing investigations". The two prisoners were never extradited.

Excerpt of a letter sent on 8 November 2009 by the Somali Embassy to the Spanish Embassy in Nairobi



The Transitional Governmen
that, following the seizure of
Security Forces together wit
initiated investigations on
judicial procedures to bring j

The Court of Justice of Th

Excerpt of a letter dated 8 November 2009 from the Ambassador of Spain addressed to the Prime Minister of Somalia, Omar Abdurashid Sharmarke



El Embajador de España

28. The sender of the letter, Mohamed Dhunkal Hersi is unknown to the Monitoring Group but according to his Facebook Page appears to have a connection to the Somali Embassy in Nairobi through Ambassador Mohamed Ali Americo. He is well connected to the Himan and Heeb Adado administration of Mohamed Abdullahi Aden 'Tiiceey' and has a wide range of Somali contacts within various news agencies. He is also in contact with several

[15] Cabdiweli Cabdullahi and Raageggesey Hassan Haji.

individuals associated with Somali piracy, including pirate negotiator and facilitator Mahad M. Nuur of Indian Ocean Consultant Company, involved in many hijacking and abduction cases. The fact that diplomatic correspondence are accessible to individuals involved in Somali piracy four days after transmission, is representative of the pirates' wide network of facilitators in all layers of society.

29. Abukar has many international contacts and communicates with individuals in Burundi, Ethiopia, Kenya, Sweden, the Netherlands, UAE, Uganda, United Kingdom, U.S.A., Yemen and Zambia. His Facebook Page indicates a telephone number in Sweden, where he is in contact with a woman named Ana Ibrahim. Also, his son Mahamad possibly resides in Sweden. In the United Kingdom, both pirate investor Abdullahi Mohamud Kulane 'Buundo' (see annex 4.4) and Abukar call the same mobile number +44 7903384502. Abukar is believed to have a UK bank account with a Somali money transfer company that has been identified.[16]

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[16] The name of the money transfer company is known to the Monitoring Group.

Annex 4.9: Pirate negotiator – Abdishakuur Mohamud Mohamed 'Fred' (STRICTLY CONFIDENTIAL)

Abdishakuur Mohamud Mohamed 'Fred', a pirate negotiator with relatives in the United Kingdom is linked to pirate kingpin Mohamed Abdi Hassan 'Afweyne'. He is also in direct contact with several pirate financiers and pirate leaders Mohamed Osman Mohamed 'Gafanje' and Abdirahman Abdullahi Haji 'Suhufi'.

30. During the early hours of 11 April 2010, general cargo vessel 'Rak Afrikana' and its 26 crewmembers were hijacked by a PAG of 10 armed Somali pirates some 260 nautical miles west of the Seychelles. The Captain was ordered to sail the vessel to Harardheere, Somalia, where it arrived at anchorage on 15 April. Shortly after anchoring, a small group of Somali pirate leaders boarded the vessel, including pirate negotiator 'Fred' or 'Abdishakuur', pirate commander Abdulrazak or 'Niki', and chairman 'Bashir'.[1]

31. Negotiations commenced on 17 April 2010, following a 7 million USD demand from the pirates for the release of the vessel and crew. Thereafter, 'Fred' was frequently on board of the 'Rak Afrikana', occasionally accompanied by members of the pirate 'committee'. He used the name 'Fred' in his communications with the shipping company but was named 'Abdishakuur' when speaking to other Somali's by telephone. Fred spoke 'reasonably' well in English.[2]

32. Fred was described as dark brown skinned, fat with a big tummy, broad shouldered and between 1 m 75-80 cm tall. He had a round face with a fine line of beard and moustache. When he came on board of the vessel he was dressed like the average Somali pirate but usually carried a plastic bag with him containing denim trousers, a t-shirt and white sports shoes. He looked around 35 years of age.[3]

Computerized sketch produced by crewmembers of the 'Rak Afrikana' with indication of a 65-70% resemblance with pirate negotiator 'Fred'



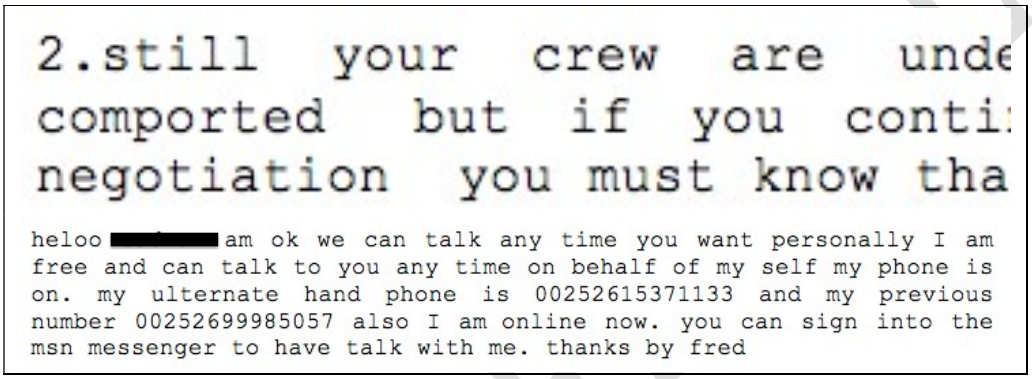
[1] Information obtained from the ship owner of the Rak Afrikana, 1 April 2011.
[2] Information obtained from the ship owner of the Rak Afrikana, 1 April 2011.
[3] Description provided by crewmembers of the 'Rak Afrikana'.

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33. Fred used two mobile numbers and one personal email address to communicate with the ship owner, but also used other communication platforms such as SMS and MSN Messenger Service.[4]

34. During the entire period of the hijacking, Fred sent about eight emails to the ship owner, all from the same email address. In his first email to the ship owner, 'Fred' conveyed an ominous message from the pirate commander, which included threats to kill and torture the crew. In a following email he displayed his two mobile numbers on which the ship owner could reach him.

Excerpts of the first and second email sent by pirate negotiator 'Fred' to the ship owner of the hijacked vessel 'Rak Afrikana'



2.still your crew are unde
comported but if you conti
negotiation you must know tha

heloo [redacted] am ok we can talk any time you want personally I am free and can talk to you any time on behalf of my self my phone is on. my ulternate hand phone is 00252615371133 and my previous number 00252699985057 also I am online now. you can sign into the msn messenger to have talk with me. thanks by fred

35. According to the ship owner, Fred was an accomplished negotiator, despite his limited language skills. During the long-lasting and difficult negotiations he employed a wide range of tactics to increase pressure on the ship owner, such as threats to the ship, cargo and crew, forcing the crew to call and pressure their families, changing the communicator and communication methodology, silence, contacting the media, and raising expectations with an alleged agreement. Fred is believed to be more than only a translator, but a principal member of the 'committee' and an investor in the piracy business. At the end of the negotiations, and even after the ransom agreement with the pirates was signed, Fred kept requesting a personal commission for his services as an 'intermediary', which he never received.

36. The 25 crewmembers of the 'Rak Afrikana' were eventually released late on 8 March 2011, after an agreed ransom payment of 1,931,000 USD was airdropped. Only after the pirates had left the vessel did it become apparent that one crewmember, the Tanzanian cook, had tragically died on 3 March. His death is believed to relate to the stage-management of three mock executions in late January, involving the ship's Captain who suffered a minor stroke. After witnessing the 'executions', the cook refused to eat, which caused his health to rapidly deteriorate. He was buried at sea on 4 March. Also, the Indian Captain never recovered from the ordeal and died one month after the release of the vessel in a hospital in India. He became the second fatality of the pirates' atrocities.[5]

37. Both the email address and one of the telephone numbers that Fred used to during the negotiations with the ship owner are found registered on a website called

[4] According to the owner, one of Fred's friends on MSN was a young man from the Netherlands named 'Maajid'.

[5] Information obtained from the ship owner of the 'Rak Afrikana', 27 April 2013.

simplyexplained.com, set up to answer people's questions. Experts in their field may register on the site to answer questions. Pirate negotiator Fred registered himself as an expert in 'intimate relationships'.[6] Fred's name on the website is registered as 'Shaka Mohamud'. His profile mentions that he is a cameraman with a small studio.[7]

Excerpt from 'simplyexplained.com' displaying Fred's personal contact details as used during the 'Rak Afrikana' negotiations



38. Fred's profile also appears on Faniq.com, an interactive, San Francisco-based sports website.[8] His Wall Page on the website shows that he has registered himself as 'bulsho11 - A/shakuur M.', names that refer to both his email address and alleged real name.[9] According to the Wall page, 'Bulsho11' is not active on the website but does indicate to be following one other member, 'kiin2004 – Samira Z.'. In contrast to bulsho11, kiin2004 shows more activity on the website.[10] She also 'follows' 13 other members of the website, including bulsho11. All the members followed by kiin2004 seem to be individuals of Somali descent.

39. Fred's personal email account was registered in 2002 under the name of Cabdishakuur Maxamud Maxamed, and provides the alternative email address kiin2004@hotmail.com, indicating a personal relationship between himself and kiin2004 a.k.a. 'Samira Z' of Faniq.com.[11]

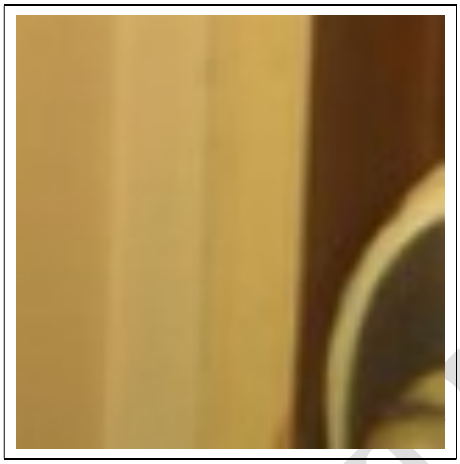
40. Samira Z. is registered on Facebook under the name of Kiin Talshe. She indicates to be in a relationship and to have two daughters and a son. On Skype she is registered under the name of 'Jaakuliin.ali' and indicates to be living in London, United Kingdom. She displays pictures of herself and presumably her children on both Facebook and Skype.

41. Given the aforementioned elements, it can be assumed that they are family members or close relatives of 'Fred', possibly even his wife and children. Consequently, the possibility exists that Abdishakuur Mohamud Mohamed is either residing in the United Kingdom, or has

[6] Fred posted one question on the website: "How can I last longer than 1 hour in sexual meeting?".
[7] http://simplyexplained.com/expert_profile.asp?id=25857.
[8] http://www.faniq.com/profile.php?id=604387.
[9] Further investigation indicates that members of Faniq.com are registered and displayed on the website with the front name section of their email address and an additional username of choice.
[10] She indicates interest in the Birmingham Southern Panthers, an American football team representing Birmingham-Southern College (BSC) in Birmingham, Alabama.
[11] Information obtained from a US law enforcement source, 14 May 2012.

travelled there in the past.[12]

Samira Z. a.k.a. Kiin Talshe a.k.a. Jaakuliin Ali. Possible family member (wife) of pirate negotiator 'Fred',a.k.a. Abdishakuur Mohamud Mohamed



42. Since 31 May 2012, Fred is also registered on Facebook, under his name Cabdishakuur Mohamud, and shares a common 'friend' with Kiin Talshe named 'Ruun Talshe Ali' from Stockholm, Sweden. On Skype Fred manages two accounts, one in Mogadishu, Somalia, and one in Torino, Italy.

Facebook account of pirate negotiator Fred



43. Fred has many contacts abroad and communicates with individuals from Bulgaria,[13] Ethiopia, Kenya, Niger, Norway, São Tomé and Príncipe, Saudi Arabia, Seychelles,[14] Singapore, Somalia, South-Africa, Sudan, UAE, UK, U.S.A. and Yemen. In Malaysia, he has been in telephone contact with Farah Roble, who was in contact with pirate kingpin Mohamed

[12] According to the owner of the 'Rak Afrikana', UKMTO (UK Maritime Trade Operations based in Dubai) seemed to believe or know that 'Fred' was from Hackney, London.
[13] Number connected to the hijacking of the bulk carrier 'Rosalia D'Amato' (2011-2012).
[14] The numbers in the Seychelles that Fred has been in communication with are also in contact with Somali numbers used by other senior individuals in the Hobyo-Harardheere network, such as pirate negotiator Abdullahi Bi'ir Jareer, pirate leader Mohamed Osman Mohamed 'Gafanje', pirate leader Fathi Osman Kahaye, pirate leader Abdirahman Abdullahi Haji 'Suhufi' and pirate negotiator and ex-District Commissioner from Harardheere, Abdisalaan Khalif Ahmed.

Abdi Hassan 'Afweyne' when he travelled to Kuala Lumpur in March 2012 holding a diplomatic passport.[15]

44. The landline that Fred is in contact with in São Tomé and Príncipe[16] is also in contact with pirate negotiators Ali Hassan (see annex 4.5) and Bashir Bi'ir Jareer,[17] pirate financier Fathi Osman Kahaye and pirate facilitator Ahmed Mohamud Aweis,[18] the latter who is connected to pirate negotiator Ali Nurdin and pirate financier Abdullahi Mohamud Kulane (see annex 4.4).[19]

45. On 19 January 2013, the same day pirate kingpins Mohamed Abdi Hassan 'Afweyne' and Mohamed Osman Mohamed 'Gafanje' flew from Adado to Mogadishu to conduct negotiations with representatives of the FGS, a São Toméan national of Somali descent also travelled to Mogadishu by air from Galkayo.[20]

46. In Somalia, Fred communicates with various important and senior pirate leaders and financiers in the Hobyo-Harardheere pirate network, such as Mohamed Osman Mohamed 'Gafanje', Abdirahman Abdullahi Haji 'Suhufi', Abukar Moalim Hassan, Mohamed Said Jimale, and others.[21]

47. Fred's mobile number has also been in contact with Somali pirates on board the Liberian flagged container carrier 'MSC Panama' that was hijacked on 10 December 2010 approximately 80 nautical miles East of the Tanzanian-Mozambique border and subsequently held off Harardheere and Hobyo.[22] In December 2010, pirates on board the hijacked 'MSC Panama' called Fred's number five times on his mobile phone, using the ship's satellite phone. During one of the conversations, a pirate named 'Darman' said to 'Abdishakur' that Khalif Dhore is on land with the whiskey 'and that 'Abdullahi Jareer' wants to negotiate a new cooperation agreement.[23] At the time of the call, Darman was at sea with the vessel, in the vicinity of Harardheere. The content of further conversations with Abdishakur and other pirates, registered on 23 December, indicate that Abdishakur was also involved in another hijacking case and that the vessels 'MSC Panama' and 'Rak Afrikana' were probably held by the same pirate group.[24] In an attempt to obtain more information about the hijacking case and the individual(s) negotiating on behalf of the pirate group holding the 'MSC Panama', the Monitoring Group contacted the ship operator based in Miami, U.S.A., who expressed a desire to accommodate the Monitoring Group's work but referred to his lawyers in London to provide the information requested. Unfortunately, despite a meeting in London and several

[15] Information obtained from a European military source.
[16] São Tomé and Príncipe is an oil-rich island nation located at the Gulf of Guinea, West Africa, where maritime piracy has grown into a thriving business over the past few years.
[17] A.k.a. Bashir Farah Bi'ir Qarey, was involved in the Spanish MSF abductions and is the cousin of renowned pirate negotiator Abdullahi Bi'ir Jareer, who has been involved in many hijacking cases.
[18] Fathi Osman Kahaye is acquainted with pirate kingpin Mohamed Osman Mohamed 'Gafanje' and has invested in several cases of hijacking (such as the MV 'Polar', MV 'Samho Dream', and FV 'Shiu Fu N°1') and hostage taking (such as the crew of the 'Leopard').
[19] In 2012, Ahmed Mohamud Aweis received from a ship owner a side payment of 26,733 USD on his bank account in Harardheere, extorted by pirate negotiator Ali Nurdin.
[20] The full name of the São Toméan national is known to the Monitoring Group.
[21] Information obtained from a European law enforcement authority.
[22] The hijacked 'MSC Panama' (IMO 8902125) was released on 7 September 2011, reportedly following a ransom payment of around 7 million USD.
[23] Telephone call made on 13 December 2010. Abdullahi Bi'ir Jareer (a.k.a. Abdullahi Farah Bi'ir Qarey) is a renowned Hobyo-Harardheere pirate negotiator involved in many hijacking cases.
[24] Information obtained from a European military source.

email communications, the law firm was unwilling to provide the Monitoring Group with the necessary information to conduct further investigations.[25]

48. During eleven months of ransom negotiations for the release of the hijacked 'Rak Afrikana', Fred sent eight emails to the ship owner, of which the first six originated from one specific IP address.[26] The IP address was traced to a Satellite-Internet provider in Nairobi, Kenya, who identified the end user of the IP address as one of their clients named Abdirahman Abdullahi 'Suhufi', with a physical address in Harardheere, Somalia, and mobile phone number +252 215979908. According to the Satellite-Internet provider, one of their clients, 'Duraan Dohen', with Internet connection in Mogadishu, Somalia, introduced 'Suhufi' to the company, registered his internet subscription and covered the subscription fees for the first three months. 'Suhufi' was said to have subscribed to a 'small Internet package', paying 1200 USD for the satellite dish and a 250 USD monthly subscription fee that was transferred via a Somali money transfer company.[27]

49. Further investigations and enquiries identified Abdirahman Abdullahi 'Suhufi' as Abdirahman Abdullahi Haji 'Suhufi', renowned pirate leader and investor in the Hobyo-Harardheere piracy network and involved in many hijacking and abduction cases.[28] The identification of Suhufi as the owner of the internet connection confirmed the previously indicated connection or relationship with Fred, a.k.a. Abdishakuur Mohamud Mohamed.

50. Suhufi's friend or acquaintance, Duraan Dohen, is known on Facebook as Duraan Mohamed Hussein. His email address can be traced to the website http://hoase.com and a telecommunications company called 'Nazri Telecommunications Hoase Inc.', providing telephone and internet services in Somalia and with an address in Mogadishu at Bakaaraha Main Road #21. Contact details for the company include the email info@hoase.com and Duran Goray at +252 615508889 / +1 6143644040 / goray2005@hotmail.com.

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[25] The Miami-based ship operator of the 'MSC Panama', Ship Management Services Inc., was represented by London law firm Holman Fenwick Willan.
[26] IP 41.138.248.80. Information obtained from the ship owner of the 'Rak Afrikana'.
[27] The satellite dish was shipped to Harardheere, Somalia, and installed by a technician of the Satellite-Internet provider.
[28] Suhufi or Suxufi means journalist. Pirate leader and investor from the Hawiye/Habar Gedir/Eyr clan, believed to be coming from Merca and reportedly involved in several hijacking and abduction cases such as the 'Jahan' (2009-2010), 'Asphalt Venture' (2010-2011), 'Samho Jewelry' (2011), Danish Demining Group (2011-2012) and the Spanish MSF workers (2011-to date).

End-User Service Agreement of the internet subscription of Hobyo-Harardheere pirate leader 'Suhufi' arranged in Nairobi by his friend or acquaintance Duraan Mohamed Hussein (photo)[29]



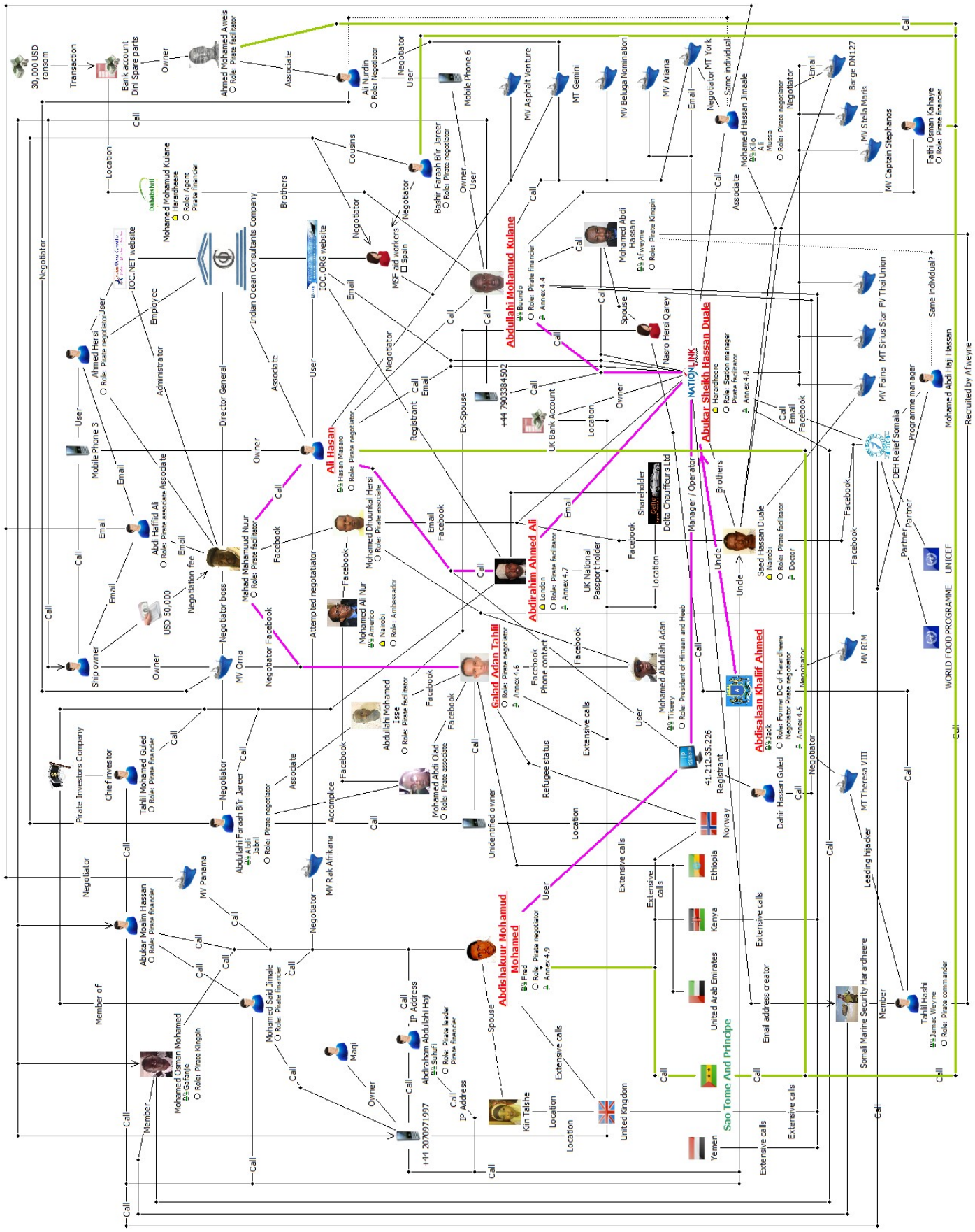
51. Not much is known about Duraan and Nazri Telecommunications. The website hoase.com closed down in 2012 and the domain name was resold. The U.S.A. landline number indicated on the website was connected to an address and a small apartment in Colombus, Ohio. According to the FBI, the number had been in contact with 'someone they should not have been'.[30]

52. The Home Page of Duraan's website hoase.com made a reference to 'Horn of Africa Services' (HOAS), a Seattle-based non-profit organization providing assistance and a wide range of services to East African immigrants, refugees and communities in the U.S.A., including helping prospective individuals prepare for U.S.A. naturalization testing. Two Somalis are serving on the Board of Directors of HOAS, Mr. Abubaker Ali (President) and Abdulahi Jama. The latter is also known as Abdullahi Jama Amir, now a 72-year old father of eight and a naturalized U.S.A. citizen, indicted in 2001 but later acquitted in 2004 of conspiring to lie on immigration documents for Mohdar Abdullah, a man who would later be held as a material witness in the probe of the 11 September 2001 terrorist attacks. Jama is also a board member of 'One America', formerly called 'Hate Free Zone'.[31] The possible relationship between HOAS and Duraan Mohamed Hussein remains unclear.

53. The last two emails pirate negotiator Fred sent to the ship owner of the 'Rak Afrikana' can be traced to another IP address, the internet connection of which was also used by pirate negotiator Ali Hassan (see annex 4.7) [32] and is believed to be managed and operated by Nation Link station manager in Harardheere, pirate facilitator Abukar Sheikh Hassan Duale (see annex 4.8). [33]

[29] Picture retrieved from the individual's Skype account.
[30] The US landline number is attributed to an individual named Nur Mohamed Jama.
[31] http://weareoneamerica.org/board/abdullahi-jama.
[32] IP 41.212.35.226 linked to email communications sent by pirate negotiator Ali Hassan in both the 'Rak Afrikana' and the 'Gemini' case.
[33] Nation Link station manager in Harardheere Abukar Sheikh Hassan Duale was involved in the ransom negotiations for the hijacked 'York', 'DN127' and 'MSC Panama'.

Annex 4.10: Pirate network linkages (STRICTLY CONFIDENTIAL)



Annex 86

Report of the UN Secretary-General on the situation with respect to piracy and armed robbery at sea off the coast of Somalia, S/2015/776, 12 October 2015

United Nations S/2015/776

Security Council

Distr.: General
12 October 2015

Original: English

Report of the Secretary-General on the situation with respect to piracy and armed robbery at sea off the coast of Somalia

I. Introduction

1. The present report is submitted pursuant to paragraph 31 of Security Council resolution 2184 (2014), in which the Council requested me to report on the implementation of that resolution and on the situation with respect to piracy and armed robbery at sea off the coast of Somalia.

2. The report covers major developments since my previous report, of 16 October 2014 (S/2014/740), until 11 October 2015. The assessment and observations herein are based on information provided by Member States and regional organizations, in conformity with paragraph 30 of resolution 2184 (2014). Information was provided by Germany, India, Japan, Latvia, Serbia, Turkey and the United Kingdom of Great Britain and Northern Ireland, as well as by the European Union and the North Atlantic Treaty Organization (NATO). The United Nations system, the International Criminal Police Organization (INTERPOL) and the Monitoring Group on Somalia and Eritrea were also consulted.

II. Main developments and trends regarding piracy off the coast of Somalia

3. It has been more than two years since a large commercial vessel has been hijacked and held for ransom by Somali pirates. Following the trend in 2013, the total number of incidents caused by pirates based in Somalia continued to fall, from 20 in 2013 to 12 during the reporting period, according to figures provided by the International Maritime Organization (IMO). This represents a significant decrease from the 78 reported in 2007, when Somalia-based piracy was prevalent, and the 237 ships targeted by Somali pirates in 2011. The total number of seafarers from large commercial vessels who are being held hostage by Somali pirates currently stands at 26, compared to 37 in October 2014.

4. The positive overall trend notwithstanding, credible reports suggest that commercial ships remain a target of Somali pirates. In most cases, ships were successful in preventing attacks through vigilance, situational awareness and an assertive response, in accordance with the Best Management Practices for Protection against Somalia-based Piracy. Combined threat assessments by the European Union Naval Force (EUNAVFOR), NATO and the Combined Maritime

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Forces with regard to the threat of piracy, in terms of capability, intent and opportunity, suggest that the continued suppression of piracy is reliant on the maintenance of collective response mechanisms by Member States, regional actors and the United Nations system. In addition, it is stressed in the assessments that root causes, such as a fragile economy, the lack of alternative livelihoods and weak governance structures, continue to require the attention of the Federal Government of Somalia, with support from the international community.

5. Smaller vessels remain vulnerable. Figures for 2014 from the United Nations Office on Drugs and Crime (UNODC) show that there were 18 pirate attacks on fishing vessels and two dhows were held. In addition, in early 2015, 37 Iranian fishermen aboard two fishing vessels, the *Siraj* and the *Jaber*, were seized by pirates after allegations of illegal fishing activities. The *Jaber* subsequently escaped with its crew; 19 hostages continue to be held, however.

6. There is evidence of a complex relationship between piracy and illegal, unreported and unregulated fishing. The Secure Fisheries programme, in its report of 16 September 2015, and the Food and Agriculture Organization of the United Nations (FAO) noted a marked increase in reports of such fishing by foreign vessels off the coast of Somalia, reflecting the perceived reduction in the threat of piracy in the area. Noting the upturn in attacks on fishing vessels close to the Somali coast since the beginning of 2015, it was noted by Secure Fisheries and FAO that local frustration with such activities may be contributing to a reappearance of coastal community support for piracy.

7. It also remains clear that despite a marked reduction in the commission of piracy attacks, the criminal networks behind such acts have not been defeated. During the reporting period, crime trends indicated that the Indian Ocean was increasingly exploited by criminal organizations to engage in seaborne transnational criminal activities, including trafficking in persons and smuggling of migrants, drug trafficking, illegal fishing and wildlife and forestry crime. Such activities leverage the existing resources and expertise of criminal syndicates, including pirate and terrorist networks, and take advantage of normative vacuums in the regulation of international and territorial waters and maritime law-enforcement capacities to further illicit activities.

III. Hostage release and support efforts

8. In February 2015, four Thai nationals from the fishing vessel *Prantalay 12* were released and repatriated. All crews held hostage had been mistreated; some of the hostages released had suffered torture and ill-treatment during captivity and will require significant aftercare.

9. Twenty-six crew members of the fishing vessel *Naham 3* have remained in captivity since 2012. As noted above, 19 fishermen from the *Siraj* were taken hostage on 26 March 2015. In addition, a pirate group has been holding two Kenyan citizens taken hostage on land in 2014. The Hostage Support Programme, which is funded by the Trust Fund to Support Initiatives of States Countering Piracy off the Coast of Somalia, constantly monitors the conditions of individuals held in captivity, provides medical support, and engages in dialogue with both government counterparts and pirate groups to advocate and secure the release of such individuals. UNODC and partners continue to support efforts to achieve the

objective of zero ships and zero seafarers in the hands of Somali pirates, adopted by the Contact Group on Piracy off the Coast of Somalia.

IV. Development of counter-piracy efforts in Somalia

A. Legal and policy frameworks

10. The reporting period saw notable progress by the Federal Government of Somalia in developing relevant legal, policy and coordination frameworks to address the threat of piracy. With support from the United Nations Assistance Mission in Somalia (UNSOM) and EUNAVFOR, the Federal Government completed a draft coastguard law, which was submitted to the Council of Ministers for subsequent approval by Parliament. IMO also provided the Ministry of Ports and Marine Transport of the Federal Government with draft guidelines for the establishment of a maritime administration department, with the goal of enabling Somalia to diligently undertake its flag, port and coastal State responsibilities.

11. Further to discussions with international partners within the framework of the Contact Group on Piracy off the Coast of Somalia, steps were taken to ensure proper management and coordination among Somali federal and regional authorities regarding the exploitation of maritime resources. At a meeting held on 7 July 2015, representatives of the relevant entities agreed to operationalize a maritime security coordination committee to facilitate cooperation between the national maritime coordination committee of the Federal Government of Somalia, the Somali regional maritime coordination committees (including the Puntland and Galmudug administrations, the Interim Jubba Administration and other current and future regional administrations) and “Somaliland”. The committee is expected to serve as an important mechanism for information-sharing and cooperation to optimize the implementation of counter-piracy and maritime security capacity-building programmes.

12. Coordination between the Somali authorities and international partners was further institutionalized within the framework of the Somali Compact. With the support of UNSOM, a Somali navy and coastguard working group was established in alignment with Priority 4 (maritime strategy) of Peace and State-building Goal 2 (Security) of the Compact. This coordination, which brings together the Federal Government of Somalia and international partners, is aimed at advising and assisting the Ministry of Defence in developing its maritime security forces.

B. Capacity-building

13. Numerous international partners contributed to building the capacity of the Federal Government of Somalia and the interim regional administrations to fully exercise law-enforcement powers in coastal areas. In this regard, financial support from Germany, the United Kingdom and other Member States to INTERPOL, the European Union civilian mission, EUCAP Nestor, which assists host countries in building self-sustaining capacity on counter-piracy, maritime governance and security, and United Nations programmes and projects, notably the UNODC Maritime Crime Programme, helped to strengthen the capacity of prosecution

authorities and maritime security entities, build a maritime administration, and promote livelihood development in Somalia.

14. In addition, on 16 October 2014, 61 Somali cadets from the coastguard and port police graduated from a seven-week training course in Djibouti. The UNODC Maritime Crime Programme provided maritime law-enforcement and engineering mentors, who delivered on-the-job training and mentoring within the Somali maritime police and coastguard units.

15. UNODC continued to build the capacity of maritime law-enforcement authorities in Somaliland, Puntland and southern and central Somalia. Prison operations were supported through the provision of food, health-care services and medicines and other procurement activities, while Custodial Corps staff received training on security and information management. In collaboration with UNODC, prison mentors routinely reviewed security conditions to reduce the risk of escape or mistreatment, particularly with respect to prisoners transferred under the Piracy Prisoner Transfer Programme and other high-risk offenders.

16. In Mogadishu, the UNODC mentoring programme focused on building the maritime and policing skills of the maritime unit of the Somali police force. During the reporting period, 22 officers received advanced training and 20 new recruits received initial training. The first group of trainees is supporting maritime forces of the African Union Mission in Somalia (Uganda People's Defence Forces) in patrolling the waters off Mogadishu International Airport. On land, UNODC continued its multi-year programme of training, procurement and construction work at the Mogadishu prison and court complex, which is set to be a unique facility in southern and central Somalia that will provide a secure environment for trials of high-risk prisoners such as pirates, terrorists and former combatants. During the reporting period, construction work was undertaken to expand the prison's secure area and thus reduce overcrowding. Training was delivered to 75 custodial officers and uniforms were issued to 350 officers, with a view to improving security and professionalism. The project will continue until the end of 2016.

17. In Puntland, UNODC supported the port police through the provision of equipment and the construction of the port police headquarters, which will serve as a training and operations planning centre. Work commenced in 2015 and will continue throughout 2016. In Galmudug, the police station in south Gaalkacyo was refurbished as part of the UNODC programme, with a view to building the capacity of law-enforcement authorities based there that are responsible for conducting investigations into piracy and other maritime crime. The activities were funded by the Trust Fund and will be completed in 2015.

18. In Somaliland, the same programme provided six boats and trained five teams of eight officers on vessel handling and boarding tactics, safety of life at sea and the use of force. In addition, UNODC provided three intensive training courses to existing boat crews, and 15 senior officers received dedicated training on operational readiness and standard operating procedures. Such training and mentoring efforts have led to 51 interdictions of illegal fishing vessels by "Somaliland" authorities since December 2014, including the interception of an illegal consignment of weapons, the rescue of the crew aboard a burning ship, and the provision of support for the safe passage of refugees and Somali returnees fleeing the conflict in Yemen.

19. The Division for Ocean Affairs and the Law of the Sea within the Office of Legal Affairs of the Secretariat, with the support of UNSOM, conducted two training activities, one for officials of the Federal Government of Somalia and the interim regional administrations and one for parliamentarians, which were financed through the Trust Fund. The objective was to build the knowledge and capacity of Somali legislators and technical officials regarding the rights and duties of States in the maritime zones set out in the United Nations Convention on the Law of the Sea, including in relation to the repression of piracy. From May to September 2015, the Division also provided one Federal Government official with specialized training on issues relating to ocean affairs and the law of the sea, which was funded through a special strategic fellowship award from the United Nations-Nippon Foundation of Japan Fellowship Programme.

20. Noting the link between illegal fishing and piracy, FAO facilitated capacity-building and training of fisheries observers and inspectors in order to build the capacity of the Federal Government of Somalia to effectively monitor, control and exercise surveillance of its waters, ensure that national and international fishing vessels comply with local and international regulations, and collect fisheries data. A small team of officials from the Federal Government and the interim regional administrations received fisheries management training in the United Republic of Tanzania. FAO also provided technical support to Somalia in meeting its obligations as a Contracting Party of the Indian Ocean Tuna Commission.

C. Tackling root causes of piracy

21. The underlying factors enabling piracy include a fragile economy, the lack of alternative livelihoods, insecurity and weak governance structures. Efforts to address these issues are continuing within the framework of the Somali Compact for peacebuilding and State-building. The latest developments are reflected in my reports on Somalia of 11 September (S/2015/702), 12 May (S/2015/331) and 23 January 2015 (S/2015/51).

22. During the reporting period, FAO provided technical and legal support for the establishment of a federal Somali fisheries authority under the Ministry of Fisheries and Marine Resources. This would enable Somalia to benefit from revenue generated by licences issued to foreign-flagged fishing vessels and to effectively exercise surveillance of its waters, with the potential to curtail illegal fishing and associated community support for such activity.

23. Meanwhile, with support from the Trust Fund, FAO provided technical assistance to Somalia in building a registration scheme enabling Governments, non-governmental organizations and international naval missions to confirm the identities of fishermen and thereby protect their livelihoods. More than 4,500 fishermen in Puntland were registered and 3,500 identification cards were distributed. Similarly, 700 fishermen have been registered by the Galmudug and Jubba interim regional administrations.

24. FAO also supported rehabilitation and construction initiatives for improving access to markets for fishermen in Mogadishu, Kismayo, the towns of Eyl and Boosaaso in Puntland and the port of Berbera in Somaliland, and introduced two new vessel designs to help fishermen to increase their catches. Local capacity to build the new vessels in Boosaaso and Berbera will be fully established by the end

of 2015. Following successful pilot projects to produce value-added sundried tuna in Boosaaso and Mogadishu during the reporting period, FAO initiated plans to extend the work to fishing communities and communities of internally displaced persons in coastal areas, which it hopes will make a major contribution to food security and employment.

25. The deployment in Puntland early in November 2015 of 25 fish aggregating devices to collect fish, which are on contract to FAO, should underpin related efforts to improve coastal livelihoods without increasing competition or conflict within coastal communities, and may stimulate youth employment in such communities.

V. International cooperation

A. Contact Group on Piracy off the Coast of Somalia

26. The Contact Group on Piracy off the Coast of Somalia held its seventeenth plenary session in Dubai, United Arab Emirates, on 28 October 2014 and its eighteenth plenary session in New York on 8 July 2015. It endorsed the offer of the Government of Seychelles to chair the Contact Group during 2016.

27. At the eighteenth plenary session, in addition to receiving updates and presentations from the Federal Government of Somalia and FAO, participants discussed the scope of the high-risk area, the eastern limit of which had been extended in 2011 from longitude 65° east to longitude 78° east in response to the rise in incidents of piracy. Many Member States with coastlines bordering the Indian Ocean, including India, Oman and Pakistan, and other Member States in the Horn of Africa, the Arabian Peninsula and South Asia, called for the revision of the coordinates of the high-risk area, since no incidents of piracy east of longitude 65° east have been reported in the past three years. In particular, India highlighted adverse consequences arising from the continued extension of the high-risk area, including the rerouting of merchant vessels closer to the coast of India, excessive false alarms that could undermine the military effort, the presence of "floating armouries" and armed guards without proper regulation in India's maritime zones and adjacent waters, and the increased cost of shipping owing to higher insurance charges. In the light of these concerns, the Contact Group called upon the insurance and maritime industries to take the steps necessary for a substantive review of the high-risk area within three months and report back to the Chair, while noting that a consideration of revision did not imply reduced vigilance or disengagement. On 2 October 2015, representatives of the insurance and maritime industries agreed to revise the limits of the high-risk area, which will significantly reduce the areas at sea deemed to be at high risk of piracy.

28. The working groups of the Contact Group also continued their work. At its meeting of 7 July 2015, the Working Group on Capacity-Building welcomed the agreement by the Federal Government of Somalia, "Somaliland", Puntland and the interim regional administrations to operationalize the Maritime Security Coordination Committee, noting that emphasis should be placed on implementing the Somali Maritime Resource and Security Strategy. It took note of the agreement between representatives of the Federal Government of Somalia, "Somaliland", Puntland and the interim regional administrations that, once established, the

Coordination Committee should in due course assume the role and functions of the Working Group.

29. The Working Group on Disrupting Pirate Networks Ashore observed that pirate leaders and financiers based in Somalia are enjoying de facto impunity there. They are neither arrested, prosecuted nor extradited, and can often invest the illegal proceeds of piracy in other trades, both legal and illegal, or move them abroad.

30. The Working Group on Maritime Counter-Piracy and Mitigation Operations reported on the work of the technical subgroup on maritime situational awareness, which had stated that the current maritime situational awareness framework and its associated system architecture must be sustained. Meanwhile, regional stakeholders have started to form a maritime situational awareness organization that will combine the action of existing centres with a regional network of information-sharing and fusion centres. A joint maritime communications initiative for Somalia is being developed by UNODC, EUCAP Nestor and Oceans Beyond Piracy, which will provide initial operating capability for Somalia and its regions.

31. A law enforcement task force was formed in 2014 in recognition of the need to bring together law enforcement partners from around the world to coordinate investigations into and share information on land-based Somali pirate leaders. In October 2014, the task force identified pirate leaders against whom investigators and prosecutors would work by sharing information, advising one another on strategy and best practices and carrying out investigations. Meanwhile, the Legal Forum of the Contact Group discussed and adopted its mission as a platform for the study, analysis and discussion of legal matters relating to piracy issues.

B. Trust Fund to Support the Initiatives of States Countering Piracy off the Coast of Somalia

32. As at 30 June 2015, the total balance of the Trust Fund stood at $1.8 million. Since December 2012, the Trust Fund has received a total of $12.7 million from 17 donors.

33. On 28 October 2014, the Board of the Trust Fund convened in Dubai, United Arab Emirates, for its sixteenth meeting, chaired by the Department of Political Affairs. The Board approved three projects submitted by FAO and UNODC, which amounted to $900,000. The two FAO projects approved by the Board provide biometric-based database systems for fishermen and vessels to the Ministry of Fisheries and Marine Resources, the ports of Galmudug and the Ministry of Agriculture, Livestock and Fisheries of the Interim Jubba Administration. The UNODC project is designed to equip 80 at-risk young people in Boosaaso with livelihood skills, thereby deterring them from involvement in piracy and violent activities and contributing to the economic development of their communities.

34. On 7 July 2015, the Board of the Trust Fund at its seventeenth meeting reviewed a total of five new projects for funding, three of which were approved for a total amount of $808,487. The projects were (a) a request by UNODC for an ad hoc replenishment of $200,000; (b) a UNODC project on detention and transfer in the areas of Garoowe, Puntland, and Hargeisa, Somaliland; and (c) a project by IMO on support to maritime governance in Somalia. It was further agreed that (a) gender analysis should be included in the development of all future project proposals; and

(b) steps should be taken to increase links between the Trust Fund and the Somali Compact to ensure complementarity between projects supported under the Trust Fund and the goals of the Compact, as well as with the United Nations Multi-Partner Trust Fund established within the framework of the Compact. The representative of Somalia stressed the need for the Federal Government of Somalia to be fully consulted on projects.

C. Cooperation on piracy-related prosecutions

35. The United Nations, Member States and regional organizations continue to support Somalia and other States in the region in their efforts to prosecute suspected pirates and punish convicted pirates, including onshore facilitators and financiers, consistent with applicable international human rights law. The UNODC Maritime Crime Programme in particular continues to support States in the region that are prosecuting piracy.

36. To date, naval forces operating in the Gulf of Aden and the western Indian Ocean have detained a total of 323 suspected pirates, of whom 164 have been tried in Kenya, 147 in Seychelles and 12 in Mauritius. EUNAVFOR detained 155 of the suspected pirates, while others were detained by international naval forces operating under NATO Operation Ocean Shield or by the Combined Maritime Forces. The Seychelles coastguard detained 41 suspected pirates. A total of 48 men have been transferred for trial in Seychelles. On 13 March 2015, the Supreme Court of Seychelles returned a guilty verdict against nine pirates handed over by Denmark in November 2013. Eight adult defendants received sentences of 14 years each, while the juvenile defendant was sentenced to three years' imprisonment.

37. Judgements in two cases were delivered by the Seychelles Court of Appeal on 28 August 2015. In the case of seven Somali men detained by EUNAVFOR in February 2013, the Court of Appeal found that insufficient consideration had been accorded to the defence at the trial before the Supreme Court of Seychelles, and quashed their convictions. In the case of six Somali men detained by the navy of the Netherlands in August 2012, an appeal was made by one of the men for the court's consideration and the remaining five sentences were reduced from 24 to 12 years. EUNAVFOR continues to support the prosecution in one further trial in Seychelles, including assistance with the location and attendance of witnesses.

38. In June 2015, the Supreme Court of Mauritius heard the prosecution appeal in the case of 12 suspected pirates acquitted by the Intermediate Court in November 2014. It is anticipated that the Supreme Court will provide its judgement in 2015.

39. Five suspected pirates remain on remand in Seychelles. The UNODC Maritime Crime Programme supported regional prosecution efforts through the provision of interpretation services, support to prosecutors, travel of witnesses and video evidence facilities for witnesses.

40. To alleviate the burden on prosecuting and detaining States while promoting closer ties with families and countries of origin, the UNODC Maritime Crime Programme facilitated the transfer and repatriation of Somalis convicted or acquitted of acts of piracy. During the reporting period, the Programme carried out two post-sentence repatriations and five repatriations of acquitted Somali men from

Seychelles, and six post-sentence repatriations from Kenya. As piracy trials progress, more repatriations and transfers are expected in the final quarter of 2015.

41. Prosecutions and court procedures also continued in Germany, with cooperation between the Federal Ministry of Justice and Consumer Protection and law-enforcement and military authorities.

42. There were no transfers of prisoners by UNODC during the period under review.

D. Naval activities off the coast of Somalia

43. International naval missions from the European Union, NATO and the Combined Maritime Forces, in addition to counter-piracy missions of several Member States, including China, Colombia, India, Iran (Islamic Republic of), the Republic of Korea and the Russian Federation, continued to ensure security at sea by protecting merchant vessels and deterring pirate activity in the Gulf of Aden and the Indian Ocean, as authorized by the Security Council in its resolution 2184 (2014).

44. The European Union Naval Force operation Atalanta continued to deter and disrupt piracy off the coast of Somalia. It comprises up to five warships, three maritime patrol aircraft and more than 1,000 personnel, and includes contributions from Belgium, Bulgaria, Croatia, Cyprus, the Czech Republic, Finland, France, Germany, Greece, Italy, Latvia, Lithuania, Malta, the Netherlands, Poland, Portugal, Romania, Serbia, Spain, Sweden and the United Kingdom. It has to date provided complete protection to World Food Programme shipping, as well as to vessels supporting the African Union Mission in Somalia, such that no ship operating for either organization has been attacked by pirates since the beginning of the operation in 2008. In December 2014, the European Union extended the operation for a further two years until December 2016, with a revised mandate to support other European Union missions and instruments in Somalia, as a secondary task, upon request and within its means and capacities, as part of the European Union's comprehensive approach to Somalia.

45. NATO Operation Ocean Shield also continued to make a significant contribution to the international response to piracy off the Horn of Africa by deploying up to four vessels and, at times, maritime patrol aircraft. As decided by the North Atlantic Council, the operation will continue until the end of 2016 with a focused presence in the Indian Ocean during the inter-monsoon periods, when the risk of possible pirate attacks is at its highest. Operation Ocean Shield continues to coordinate its activities at the tactical level with other counter-piracy stakeholders. In 2015, Australia participated in the operation for a limited period, and Colombia has been supporting the operation since 14 September. The NATO Shipping Centre in the United Kingdom has continued to support merchant shipping in the high-risk area of the Indian Ocean by providing timely information. NATO continues to chair coordination meetings of the Shared Awareness and Deconfliction mechanism on a rotational basis with the Combined Maritime Forces and EUNAVFOR.

46. The counter-piracy efforts of the Combined Maritime Forces in the Gulf of Aden, the Arabian Sea, the Indian Ocean, the Somali Basin and the Red Sea are managed by Combined Task Force 151, which is one of three task forces of the

Combined Maritime Forces with the objective of disrupting piracy and armed robbery at sea. Combined Task Force 151 works in close cooperation with the European Union and NATO and maintains a consistent air and sea presence, with a variable force flow of vessels, aircraft and personnel from contributing States. During the reporting period, it was under the command of New Zealand, Thailand, Pakistan and Japan, and is currently under the command of Turkey.

47. The naval forces of Turkey have been participating in both Combined Task Force 151 and NATO Operation Ocean Shield. The Indian Navy continues to conduct anti-piracy patrols in the Gulf of Aden. Japan is also continuing its anti-piracy operations through the deployment of Maritime Self-Defence Force destroyers and maritime patrol aircraft in the Gulf of Aden.

E. International capacity-building

48. In addition to the many capacity-building activities in support of Somalia already listed, the IMO programme for implementation of the Code of Conduct concerning the repression of piracy and armed robbery against ships in the Western Indian Ocean and the Gulf of Aden continues to deliver results in the four thematic areas of information-sharing, training, national legislation and capacity-building. To date, more than 60 training courses have been delivered under the programme, benefiting more than 1,000 trainees, with more courses scheduled. The establishment of the information-sharing network and the enhancement of maritime domain awareness in the region were noted as significant achievements.

F. Emerging issues in the Indian Ocean rim

49. To address the evolving nature of the maritime threats in the Indian Ocean and their transnational links, the Indian Ocean Forum on Maritime Crime has emerged as a regional network among Indian Ocean States to tackle broader maritime crime. It is supported by the UNODC Maritime Crime Programme, the engagement of which in the implementation of Security Council resolution 2182 (2014) is also part of new efforts to disrupt maritime crime originating in the region. The Forum was welcomed at the African Union Extraordinary Summit on Maritime Safety and Security in February 2015 and at the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice.

VI. International legal and judicial issues, including human rights considerations

50. Pursuant to resolutions 1976 (2011), 2015 (2011) and 2020 (2011), in which the Security Council called upon States to criminalize piracy under their domestic law, some Member States reported progress in enacting the requisite national legislation. Latvia reported that it continues to work on improvements in its national laws to enhance the safety of ships, shipping companies, ports and port installations, and to recognize maritime and shipping organizations at the national level. Germany reported that it has provisions in its national legislation to tackle piracy and exercises jurisdiction in accordance with the principle of universal jurisdiction in cases in which the crime of an attack on maritime traffic has been committed.

51. A key outstanding issue is the regulation of sea-based private security contractors and their activities in counter-piracy operations. In particular, the use of force and possible detention of pirates by such contractors may affect the international regulatory framework governing private security companies. The matter was discussed during the fourth session, held from 27 April to 1 May 2015, of the open-ended intergovernmental working group to consider the possibility of elaborating an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies.

52. The IMO Maritime Safety Committee held its ninety-fifth session from 3 to 12 June 2015, at which it approved revised interim recommendations for flag States regarding the use of privately contracted armed security personnel on board ships in the high-risk area (see annex to MSC.1/Circ.1406/Rev.3). In accordance with the revised interim recommendations, if the use of such personnel is determined to be an appropriate and lawful measure, the flag States are recommended to establish a policy that ensures that private maritime security companies employing such personnel on board ships hold valid accredited certification to *Ships and Marine Technology — Guidelines for Private Maritime Security Companies providing privately contracted armed security personnel on board ships* (ISO 28007-1:2015), the objective of which is to improve sector-specific security and human rights, or meet applicable national requirements.

53. In line with its monitoring obligations, UNODC continued to support six-monthly visits by the International Monitoring Committee, an independent mechanism based on an agreement between UNODC and the Somali authorities, to prisons holding prisoners transferred under the Piracy Prisoner Transfer Programme to ensure that conditions remain secure and humane and that minimum detention standards are upheld, in accordance with international human rights law.

VII. Observations

54. I welcome the continuing decline in piracy off the coast of Somalia. This sustained trend is a tribute to extraordinary and innovative international cooperation to address a threat to our shared peace and security. I commend the Contact Group on Piracy off the Coast of Somalia and the international naval forces for their work. The continuing decrease in piracy is due in no small measure to their efforts, support and coordination.

55. I welcome the substantial gains made by Somalia and its efforts to develop and coordinate maritime governance mechanisms. I note with appreciation that the Somali coastguard took up its operational duty station at the entrance of Mogadishu seaport in October 2014, after 23 years. I also encourage the convening of the Maritime Security Coordination Committee at the earliest opportunity, which will bring all of the necessary parties together to establish Somali maritime governance and prioritize the maritime security forces. The United Nations stands ready to support the Federal Government of Somalia on this front.

56. The multinational forces' combined threat assessments suggest that — provided the collective response mechanisms are maintained — piracy will continue to be suppressed successfully off the coast of Somalia, even if the intent or capability are never entirely eliminated. In this regard, I note the key challenges highlighted by the Combined Maritime Forces, NATO and the European Union

Naval Force, which include the variable force flow of vessels, aircraft and personnel of the three multinational naval operations; weaknesses in the regional capacity for arrest, prosecution and detention of pirates; the root causes of piracy, such as a fragile economy, including high youth unemployment, linkages to illegal, unreported and unregulated fishing and weak governance structures; the need to strengthen regional and national capacity, including by addressing identified gaps; the unstable situation in Yemen, the implications of which are not yet fully understood but have the potential to profoundly affect the region; and the ongoing discussions on the transition of military operations beyond 2016.

57. I remain concerned that, without the continued support provided by the international naval presence and the self-protection measures adopted by the shipping industry, large-scale piracy may return. While capacity-building efforts ashore are under way, they have yet to produce lasting and sustainable effects. I call upon the international community to increase its support to Somali efforts in the areas of governance, the rule of law and economic development to tackle the root causes of piracy off the coast of Somalia. Although the Trust Fund to Support the Initiatives of States Countering Piracy off the Coast of Somalia and its partners have been tackling some root causes, including livelihoods for at-risk young people, more needs to be done on a systematic and larger scale, in coordination with the Somali Compact.

58. In addition, I call upon the international community to cooperate in halting foreign illegal, unreported and unregulated fishing in the Somali exclusive economic zone through the sharing of information, the regulation of foreign fishing vessels, and support to the Somali authorities in developing a licensing regime for foreign vessels. This has the potential to generate much-needed revenue, which could be invested in tackling the root causes of piracy.

59. The importance of following a complete judicial process, which involves support to the region to carry out the arrest, detention, prosecution, trial and conviction of pirates in compliance with human rights, is crucial to breaking the "catch and release" cycle of impunity. To enable this, a clear legal framework governing maritime security must be in place throughout Somalia. In this regard, the commitments made by the Federal Government of Somalia, the interim regional administrations and the "Somaliland" authorities to enact appropriate legislation to enable governance and policing of the maritime domain are very welcome.

60. The international community should continue to support the efforts of the Somali authorities to prosecute and punish individuals suspected of piracy in compliance with international human rights law. Adherence to international human rights standards is fundamental in tackling not only maritime piracy but also larger threats to international peace and security. I welcome efforts by States to ensure that suspects are given a fair trial and that their conditions of imprisonment are humane and secure.

61. I also welcome Seychelles taking on a leadership role as the next Chair of the Contact Group on Piracy off the Coast of Somalia. I further welcome the initiative of Seychelles of commencing the first trial before the country's newly established court for piracy and maritime crime. Funding for the facility was obtained through an exemplary collaboration between UNODC, the Governments of the Netherlands and the United Kingdom and the Trust Fund.

62. In addition to efforts towards the prosecution and sentencing of pirates, it is important to coordinate international efforts that target the financing, money-laundering and support structures on which the piracy networks survive. It is therefore important to continue international support for the work of the law enforcement task force of the Contact Group on Piracy off the Coast of Somalia. It is also important that the Federal Government of Somalia implements international standards, including by becoming a State party to the United Nations Convention against Transnational Organized Crime, strengthening its law enforcement capacity, and enhancing collaboration with other countries, including on extradition agreements.

63. Pirate criminal enterprises are often also involved in other organized criminal activities, such as human trafficking and the drug trade. The Indian Ocean Forum on Maritime Crime, which involves more than 20 coastal States, from South Africa in the west to Australia in the east, is the type of regional body that is needed to tackle wider maritime criminality.

64. I applaud the continued programmatic support of stakeholders to regional organizations of Eastern and Southern Africa, including the Common Market for Eastern and Southern Africa, the East African Community, the Intergovernmental Authority on Development and the Indian Ocean Commission, to combat maritime crime in the Indian Ocean. Such support remains critical to strengthening the capacity of the region to respond to maritime crime.

65. I reiterate my call for the immediate and unconditional release of all innocent seafarers held hostage in Somalia so that they can be reunited with their families. I call upon the Somali authorities and all relevant stakeholders to redouble their efforts to secure the immediate release of the hostages. Meanwhile, I encourage Governments, industry and humanitarian organizations to help to alleviate the suffering of piracy survivors and their families, including by contributing to the Piracy Survivor Family Fund of the Contact Group on Piracy off the Coast of Somalia.

66. The activities to support development, governance and the rule of law in Somalia are the final “hard laps” that must be run if we are to secure sustained victory against piracy. Only through such efforts can we reach the bedrock that will underpin the elimination of piracy as a threat, namely, a peaceful and stable Somalia. Sustained international cooperation and the support of naval forces must also continue to further suppress organized criminal networks that target merchant vessels. The United Nations remains committed to continuing its support to the efforts of the people and Federal Government of Somalia to eliminate the scourge of piracy.

Annex 87

"Pirate Trails: Tracking the Illicit Financial Flows from Pirate Activities off the Horn of Africa", *The World Bank*, 2013 (Extracts)

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A WORLD BANK STUDY



Pirate Trails

TRACKING THE ILLICIT FINANCIAL FLOWS FROM PIRATE ACTIVITIES OFF THE HORN OF AFRICA

Pirate Trails

A WORLD BANK STUDY

Pirate Trails

Tracking the Illicit Financial Flows from Pirate Activities off the Horn of Africa

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MARITIME PIRACY TASK FORCE

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Attribution—Please cite the work as follows: World Bank. 2013. *Pirate Trails: Tracking the Illicit Financial Flows from Pirate Activities off the Horn of Africa*. A World Bank Study. Washington, DC: World Bank. doi:10.1596/978-0-8213-9963-7.

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ISBN (paper): 978-0-8213-9963-7
ISBN (electronic): 978-1-4648-0041-2
DOI: 10.1596/978-0-8213-9963-7

Cover photo: iStock.com/GBlakeley. *Cover design*: Corporate Visions, Inc.

Library of Congress Cataloging-in Publication Data has been requested.

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Acknowledgments

This study, *Pirate Trails: Tracking the Illicit Financial Flows from Pirate Activities off the Horn of Africa*, has been, in all aspects, a collaborative endeavor among three diverse organizations—the World Bank, the United Nations Office on Drugs and Crime (UNODC), and the International Criminal Police Organization (INTERPOL). Its fruition was made possible through the expertise and contribution of many talented individuals.

This study was written by Stuart Yikona (Task Team Leader, Financial Market Integrity Service Line, World Bank),[1] Kevin M. Stephenson (Egmont Group Secretariat), Julian Casal (Latin America Region, World Bank), Francisca Maryanne U. Fernando (Financial Market Integrity Service Line, World Bank), Clément Gorrissen and David Lamair (both of the UNODC Global Programme against Money Laundering, Proceeds of Crime and the Financing of Terrorism [GPML]),[2] and George Lenny Kisaka (INTERPOL).

We would like to express our gratitude to the Government of Norway, the Foreign and Commonwealth Office of the United Kingdom, and the Government of the Netherlands for their generous financial support.

We are especially grateful to Bella Bird (Country Director, Somalia), Jean Pesme (Manager, Financial Market Integrity Service Line, Financial and Private Sector Development Network, and Coordinator, Stolen Asset Recovery [StAR] Initiative), Jennifer Bramlette (Programme Manager and Senior Advisor, Global Programme against Money Laundering, Proceeds of Crime and the Financing of Terrorism, UNODC, and a peer reviewer), Pierre St Hilarie (Assistant Director, Maritime Piracy Task Force, INTERPOL, and a peer reviewer), Stephen Platt (Stephen Platt & Associates LLP), and Anja Korenblik, (Programme Management Officer, Studies and Threat Analysis Section, UNODC) for their support and guidance on the project.

The invaluable support received from Quy-Toan Do (Senior Economist, World Bank, a peer reviewer) and Lin Ma (PhD Candidate, University of

1. Stuart Yikona took over the leadership of the project from Kevin Stephenson following Stephenson's departure from the World Bank in September 2012.

2. Clément Gorrissen conducted the UNODC scoping field research in November 2011, which also fed into the information used for this joint report.

Michigan) in developing and analyzing the joint UNODC–World Bank dataset on ransom payments sets an encouraging precedent in terms of genuine, efficient, and constructive cooperation on data collecting and analyzing between two international organizations. We are also grateful to Cyrus Mody of the International Maritime Bureau (IMB) for making available the dataset on piracy-related incidents compiled and maintained by the Piracy Reporting Center of the IMB; Louise Bosetti (Associate Expert, UNODC) for her very helpful comments on the joint UNODC–World Bank database; and Kristina Kuttnig and Deniz Mermerci from the UNODC Studies and Threat Analysis Section for their support in drafting the maps for this study. We also acknowledge the support provided by BridgeWing Solution GmBH of Zurich.

Heartfelt thanks are extended to our peer reviewers including Bernard Harborne and Michael Olavi Engman (both of the World Bank) and Per Gullestrap (Clipper Shipping). Each of the peer reviewers has brought a unique body of knowledge as well as distinct expertise in providing valuable insight that has strengthened the analysis in this study. We are indebted to them for their content suggestions including, most importantly, on the recommendations on how to address the monitoring and interdiction of illicit flows from pirate activities off the coast of Somalia.

The authors also benefited from helpful and insightful comments from Abdallah Abdallah (Africa Development Bank); Abdillahi Ismael (State University of Djibouti); Simon Marshall (Regional Anti-Piracy Prosecutions and Intelligence Coordinating Center); Jeanette Hauch, Samuel Munzele Maimbo, Matthias Mayr, Thilasoni Benjamin Musuku, Consolate K. Rusagara, Francesco Strobbe, Jack Titsworth, Emiko Todoroki, Carlos Leonardo Vincente, Cari Votava, Simon Christopher Walley, Emile van der Does de Willebois, Ji Won, and Yee Man Yu (all of the World Bank); and Andrew Weinschenck (U.S. Department of State), for which we are grateful.

Our gratitude is also extended to Working Group 5 of the Contact Group on Piracy off the Coast of Somalia, which gave us the mandate to undertake this study. Their support throughout this process has culminated in the publication of this report.

Our appreciation goes to the Governments of Djibouti, Ethiopia, Kenya, the Seychelles, and Somalia (Puntland and Federal authorities) for their cooperation and assistance during our visits to their respective countries. In particular, we would like to thank the agencies visited including the ministries of finance, foreign affairs, home affairs (internal security), the police, central banks, financial intelligence units, port authorities, private sector players, the diplomatic community, and the customs and revenue authorities.

The stellar work of our editor, Diane Stamm, is greatly appreciated. Special thanks are extended to Michael Geller for his support in the administration of the project. The support of Abdia Mohamed and Cindy Fisher of the World Bank Group's Publishing and Knowledge Division is appreciated.

Finally, we would like to extend our appreciation to our colleagues in the communications team for their guidance in the publication and launch of this study: Mary Elizabeth Donaldson, Nicole Frost, Richard Miron, Xenia Zia Morales, and Liudmila Uvarova (all of the World Bank).

The findings, interpretations, and conclusions expressed in this report are entirely those of the authors. They do not necessarily reflect the views of the World Bank, its Executive Directors, or the governments they represent, or those of the United Nations, the Secretariat of the United Nations, or its member states concerning the legal status of any country, territory, city, or area of its authorities, or those of INTERPOL and its member states.

We hope this report contributes to an understanding of the problem of piracy off the Horn of Africa and of the illicit financial flows that result from these activities. There is still much work to be done in addressing these phenomena.

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Abbreviations

AMISOM	African Union Mission in Somalia
AML	anti-money laundering
CBK	Central Bank of Kenya
CDD	customer due diligence
CFT	combating the financing of terrorism
CGPCS	Contact Group on Piracy off the Coast of Somalia
COMESA	Common Market for Eastern and Southern Africa
CPIA	Country Policy and Institutional Assessment
ESAAMG	Eastern and Southern African Anti-Money Laundering Group
EU	European Union
EUNAVFOR	European Union Naval Force (also known as Operation Atalanta)
FATF	Financial Action Task Force (on money laundering)
FIU	financial intelligence unit
GDP	gross domestic product
HHN	Hobyo-Xarardheere Network
ICC	International Chamber of Commerce
IGAD	Intergovernmental Authority on Development
IMB	International Maritime Bureau
IMB PRC	International Maritime Bureau Piracy Reporting Centre
IMF	International Monetary Fund
INTERPOL	International Criminal Police Organization
KRA	Kenya Revenue Authority
KYC	know your customer
MENAFATF	Middle East and Northern Africa Financial Action Task Force
ML	money laundering
MVTS	money or value transfer services
NATO	North Atlantic Treaty Organisation
NGO	nongovernmental organization
OC	organized crime

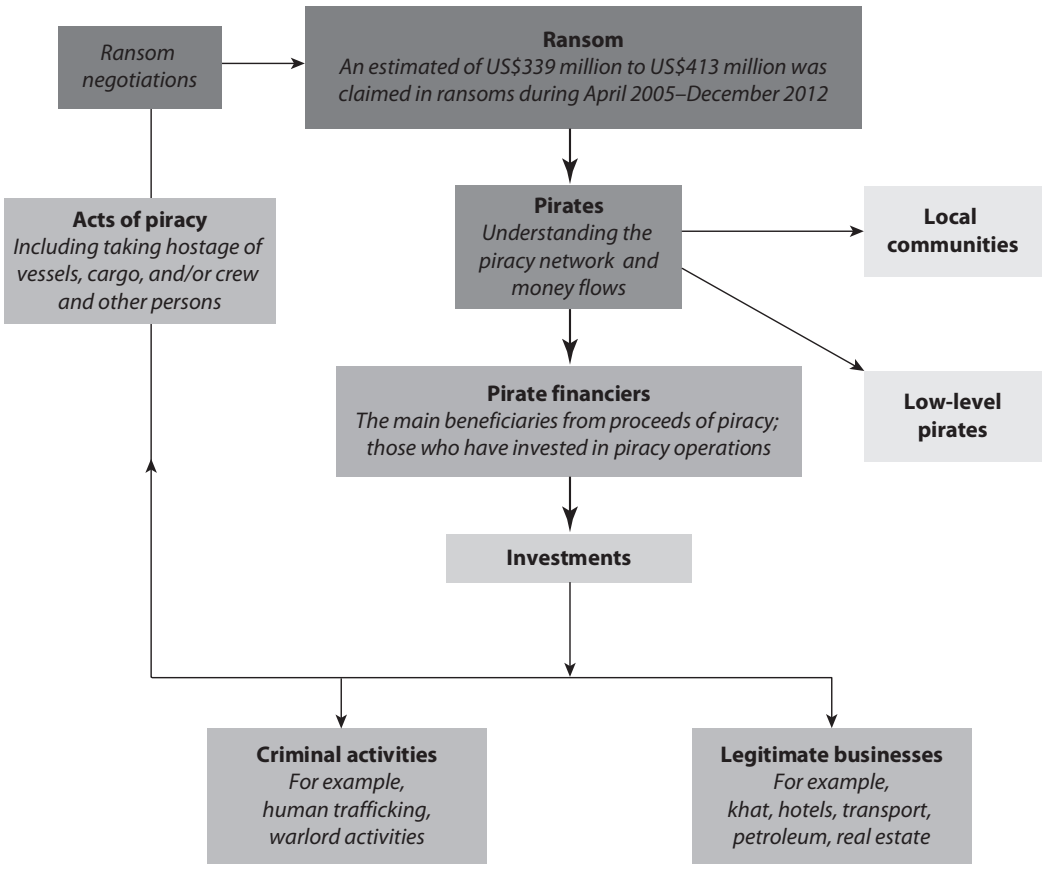
OECD	Organisation for Economic Co-operation and Development
OFAC	Office of Foreign Assets Control (in the United States)
PAG	pirate action group
PIN	personal identification number
PIRI	Prime International Residential Index
RAPPICC	Regional Anti-Piracy Prosecution Intelligence Coordination Centre
RPGs	rocket-propelled grenades
SDN List	Specially Designated Nationals List
SIM	subscriber identity module
TF	terrorist financing
UAE	United Arab Emirates
UK	United Kingdom
UNCLOS	United Nations Convention on Law of the Sea
UNDP	United Nations Development Program
UNHCR	United Nations High Commission for Refugees
UNODC	United Nations Office on Drugs and Crime
USA	United States of America
WB	World Bank

Executive Summary

It is estimated that US$339 million to US$413 million was claimed in ransoms between April 2005 and December 2012 for pirate acts off the Horn of Africa. Twenty-first century piracy in this region has developed as a violent criminal act, which not only affects the victims but also has an impact on the region and the global economy.

This study on tracking the financial flows from proceeds of piracy attempts to follow what happens to the ransom monies. Figure ES.1 graphically summarizes this analysis of the flow of proceeds of piracy from the moment a ransom is paid.

Figure ES.1 Financial Flows of Proceeds of Piracy



At the top of the hierarchy displayed in figure ES.1 is "Ransom." Once received, the money filters down through the "system" to fund the activities of pirates and pirate financiers, which include acts of piracy, and various other criminal and business activities, including buying into the khat trade and human trafficking. Specifically, the ransom is distributed among the relevant stakeholders—the pirates involved with the capture of the ship (the pirate action group); the local community that has provided services to the pirates; and the pirate financiers who, having invested in the pirate operation, will receive the bulk of the ransom monies. The ransom monies are then moved through and around Somalia and the region, and invested in other sectors of the region's economy and also reinvested back into the Somali piracy business model. In that regard, piracy is sustained and reinforced through the proceeds of piracy.

While a significant focus by the international community has been on dealing with piracy through counterpiracy operations that include naval, air, and military operations, this study attempts to understand the illicit financial flows from the proceeds of piracy.

The study was conducted through a collaborative effort of the International Criminal Police Organization (INTERPOL), the United Nations Office on Drugs and Crime (UNODC), and the World Bank. Its focus is on financial flows and how such flows can be monitored by relevant law enforcement agencies. It complements another study done exclusively by the World Bank (referenced in this study as the World Bank Report) that assesses the economic costs of piracy off the coast of Somalia.

Using financial and economic data, and garnering evidence from interviews with relevant stakeholders who are or have been involved with piracy and other regional actors, the study attempts to assess how the proceeds are moved, invested, and used. Country visits were made to the region and outside the region to meet and talk with stakeholders including Somali pirates, law enforcement and military officials, regional government officials, financial analysts, central bank officials, commercial banking officials, money remitters, revenue agencies, and others such as real estate agents, and farmers and dealers in the khat business. The information learned in these interviews was combined with analysis of several open and closed sources and documents that are referenced throughout this study.

In conducting research of this nature, it was recognized that necessary data might not be available and that, even if available, might be difficult to obtain or even unreliable. As a consequence of this challenge, the team made a special effort to obtain information from all available, credible, open sources, and to engage as many stakeholders as possible. The data collected are sufficient to conduct credible analysis, but important gaps still remain and more critical research is necessary.

Somali Piracy: Criminal Networks

The evolution of Somali piracy networks can be broken down into three periods: pre-2008, 2008 to the end of 2010, and 2010 to the present. These three periods can be roughly associated to (a) the development of piracy from an amateurs'

business to an organized activity, (b) the development of new competitors in the pirate business, and (c) piracy involving organized networks with members operating in different countries. Increased pressure from maritime forces and reduced success at sea has pushed these networks to move along the coast and become increasingly organized.

The study assesses the Somali piracy business models based on the different methods of financing and sharing the proceeds of a piracy operation, from the artisanal and individualistic scheme, involving a limited number of actors, to the more sophisticated cooperative scheme involving several shareholders and an organized chain of command.

Distributing the Proceeds

Negotiations for ransoms and the payment of the ransoms are usually shrouded in secrecy. Once received, it is payday for the pirates, the financiers of the pirate operation, and the local community who provide services to the pirates. Low-level pirates typically receive a standard fee of between US$30,000 and US$75,000 (which would amount to about 0.01–0.025 percent of an average ransom payment). They report using the monies to buy khat, alcohol, and expensive cars. The pirate financiers who invested in the piracy operations receive the bulk of the ransom, an estimated 30–75 percent of the total ransom payment depending on the Somali piracy business model.

Moving the Proceeds

Upon receipt, the ransom payments can be moved by financial transfer. In particular, Djibouti, Kenya, and the United Arab Emirates have been identified as three of the main transit points for financial operations leaving and entering Somalia. A greater portion of the ransom payments is invested locally than expected. It appears that most of the money is typically moved by cross-border cash smuggling, made easy by the high porosity of the regional borders and trade-based money laundering. There are also concerns that the services of money or value transfer services (MVTS) are also being misused to move monies outside of Somalia, and the sector needs support to cope with such abuses of its services.

Investing the Proceeds of Piracy

In order to launder proceeds, financiers can buy into legitimate business interests. The study does a deeper dive analysis of two sectors, in particular—the khat industry and the real estate market. Given the lucrative nature of the khat trade, which is a predominantly cash-based business, the culture of khat chewing in Somalia, and control that Somalis have over the distribution network of the khat trade, there is evidence suggesting that pirates are increasingly buying into this network.

The perception on the ground would also suggest that pirates invest heavily in real estate in the region. However, the findings of the study could not point at precise estates or precise buildings into which ransom payments had been

invested. To that extent, there is little to no information available to support allegations of a causal link between piracy and increased real estate prices in some countries in the region. Further research is needed to understand who and what are the drivers of the real estate boom in the region.

Other legitimate businesses in trade (for example, trade in petroleum), transportation, and the services industry (for example, restaurants and hotels), also offer viable opportunities for the pirates to invest the proceeds from piracy.

A greater concern is how ransom money may be fueling other criminal activities, apart from piracy, in the region. Some pirate financiers are engaging in human trafficking, including migrant smuggling, and investing in militias and military capacities on land in Somalia. It would be a challenge to prove each and every such allegation, and most reports received by the team are subject to a confidential attribution, due to the secrecy of ongoing investigations. However, the fact that proceeds from piracy are being used to perpetuate other criminal activities is concerning for the development and stability of the region as a whole, and deserves increased attention from local and international stakeholders.

The number of ships still being used as mother ships is very limited, and no fishing vessels were being held at anchorage by Somali pirates at the time of finalizing this study. Furthermore, the naval operations in the region are increasingly costly, and it is important to consider alternative measures to combatting the piracy problem to include monitoring of financial flows.

Against this background, we offer five key recommendations for consideration by practitioners (on an operational level) and policy makers, including those in the donor community. These actions would significantly contribute to mitigating the risks associated with the financial flows from piracy within the region and beyond.

Main Recommendations

Regional Cooperation and Collaboration

There is need for a strong commitment by countries in the region to work together to monitor financial flows from criminal activities, including acts of piracy. They should adopt policies and procedures that encourage cooperation, collaboration, and information sharing among all competent authorities within countries and across the region. These countries should adopt and implement comprehensive strategic plans targeting the proceeds of crime and provide sufficient resources and training to the competent authorities to trace, interdict, freeze, seize, and ultimately confiscate the proceeds of crime. To improve the capacity of the competent authorities in the region to combat the illicit flows from piracy, experienced jurisdictions should provide assistance and training. Moreover, it is important to enhance the level of trust and communication among competent authorities across borders, so that intelligence and other data can be shared in real time and in order to improve multiagency coordination.

Dealing with Cross-Border Cash Smuggling

A large part of the ransom money procured by pirates is moved in cash by air, land, or sea. Therefore, improving the capacity of countries in the Horn of Africa to adequately target, interdict, seize, and ultimately confiscate illegal cross-border cash smuggling is paramount to any strategy aimed at tackling the issue of financial flows linked to piracy. Ways in which to do this include developing and enhancing channels to exchange information between customs and border authorities, and improving human, material, and technological capacities, for example, through investing in new technology and developing proper interdiction techniques.

Strengthen Money or Value Transfer Service (MVTS) Providers against Criminal Abuses

Development of an appropriate and proportional oversight framework of Somali MVTS operations in Somalia, and improving cooperation and information sharing with law enforcement agencies in countries where they operate will enable authorities to promote a safe and transparent sector and protect them from abuse, while promoting financial inclusion. The oversight framework needs to be proportionate to Somalia's situation, because overregulation would hinder the critical role MVTS play in Somali society. Discussions between Somali MVTS and the Somali Government should serve as a basis to ensure a right balance is being struck in that respect. Such seed work will be paramount to the future development of a proper Anti-Money Laundering and Combating the Financing of Terrorism regulatory and enforcement regime framework for Somalia. Oversight of MVTS operations within each country in the region; self-regulation by MVTS themselves; and risk-based, tailored solutions to protect MVTS from abuse are all the more relevant in the region, given the importance of remittances from a development perspective. The ultimate goal should be to allow and help these actors to take a more risk-based approach in the conduct of their activities, thereby ensuring that the activities take place in a legal, transparent, competitive, and respectable environment that takes account of both the private sector's and its clients' interests, and the needs of law enforcement agencies.

Increase Monitoring of Production and Trade in Khat in Kenya and Beyond

The lack of transparency of the khat business in Kenya makes the business susceptible to abuse by criminal networks. Developing an appropriate monitoring mechanism by Kenya would assist the authorities in understanding the financial flows from acts of piracy into the khat industry. The regulatory framework for the khat trade in Djibouti, Ethiopia, and Somaliland can serve as a benchmark for Kenya.

Enhance Data Collection and Monitoring of the Real Estate Sector in Countries in the Region

Better data collection on financing of real estate transactions will enable countries in the region to know and understand the various financing methods in the

purchase of real estate. It will be critical to have a proper classification of the sources of financing real estate, proper due diligence of parties to transactions, promotion of the use of the banking system when engaging in real estate transactions, and in so doing, the authorities may be better able to monitor the financial inflows and outflows in the real estate sector.

Such monitoring will enable the authorities and the public to avoid making assumptions that are not backed by accurate estimates of financial flows into the sector, that is, what flows are attributable to dirty money such as proceeds of piracy.

SECTION I

Introduction

Map I.1 Map of Somalia



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CHAPTER 1

"I Am a Pirate"

"It is not written on the bills if the money is haram [illegal] *or not."*[1]

It is estimated that US$339 million to US$413 million was claimed in ransoms for pirate acts off the coast of Somalia and the Horn of Africa between April 2005 and December 2012. Piracy is a crime, and often a very violent crime, which has implications not only for its victims but which also affects the international shipping and trade routes in the area and, consequently, the regional and global economy.

This study, by the International Criminal Police Organization (INTERPOL), United Nations Office on Drugs and Crime (UNODC), and the World Bank, attempts to understand the illicit financial flows from these piracy activities off the Coast of Somalia and the Horn of Africa. It complements the study conducted exclusively by the World Bank that looks at the economic costs of piracy (referred to in this study as the World Bank Report).

Why This Study?

Up until now, little attention has been paid to tracking and disrupting the financial flows from piracy. There has been significant focus on securing the ships that pass through Somali waters and, where apprehended, prosecuting and incarcerating the captured pirates. The global community has not been successful in taking collective action to track, detect, disrupt, and confiscate the proceeds of piracy.

In that vein, the primary objective of this study is to add to the existing knowledge about piracy activities off the coast of Somalia and, more specifically, the illicit financial flows it generates. The focus is on the structure of the flows and, more important, on helping to design appropriate responses to address the problem in a holistic manner. The study sought to identify the flow of funds through the piracy operational chain, and through analysis of financial and economic data on how the proceeds of piracy are used and are moved through and out of the region and the destinations of these proceeds.

The study considers areas of vulnerability, from legislative and operational perspectives, within the concerned jurisdictions' framework to combat dirty money as it relates to the flows of illicit proceeds generated by piracy. Moreover, the study identifies where collective action (particularly at the regional level) would be critical to having a meaningful impact, including identifying opportunities for strategic collaboration, and possible platforms for regional cooperation to build the capacity of relevant public sector agencies to monitor these financial flows.

Pirate Financiers and Pirates

Modern-day Somali pirates are organized into groups, mainly along clan lines, and operate as criminal units. The patterns of operation and organization of these groups vary, but most are armed with rocket-propelled grenades, AK-47, and tracking devices. The pirates hijack and hold hostage vessels, cargos, and crews in exchange for ransoms.

Pirates engage in criminal acts for the money—money that is then typically spent on alcohol, khat,[2] and prostitutes. Proceeds from piracy are also reinvested into the financing of future pirate operations and may support the purchase of real estate, investment in the khat trade, and other business investments and ventures. Somali piracy has evolved into a transnational model—from small-scale, locally executed and funded operations into a transnational network with flows of funds, operatives, and resources coming from abroad and proceeds flowing elsewhere.

As stated by U.S. Attorney Neil MacBride in a 2012 case concerning the Somali pirate negotiator Mohammad Saaili Shibin[3]:

> I think this case explodes the myth … that pirates are some kind of romantic swashbuckling characters from Hollywood summer movies. This case showed that pirates are brutal, greedy, reckless, desperate criminals who will kidnap, torture and ultimately kill hostages in pursuit of their financial greed.

During the research for this study, the team interviewed over 30 individuals involved in piracy activities off the coast of Somalia. The primary focus of the interviews was to discover where the money went after ransoms were paid. Even though many of the pirates interviewed were not mid- or high-level pirate financiers, but mainly crewmen who were sent out on the high seas to hunt and hijack ships, many were paid ransoms, many spent ransom money, and many had information about what the pirate financiers did with the larger ransom payments.

To protect the identities and safety of these pirates, this study does not use their names or provide specific details that might jeopardize their safety. Of the 30-odd pirates interviewed by the team, three convicted pirates distinguished themselves as the most accessible and cooperative and were willing to be interviewed by the team over two days.

The Pirates Talk…

Their stories were similar. They were all born and raised in Somalia and had never traveled outside the country of Somalia except for their adventures on the high seas. They got involved in piracy for one simple reason: money. They made no excuses; it was their decision to become pirates. They had never truly experienced safety or security, and the political and economic situation in Somalia provided little opportunity for people to find sustainable employment. Although many of the pirates felt they had very limited opportunities, they clearly stated that becoming a pirate was their choice, and a bad choice, at that.

Box 1.1 captures the experiences of two of the pirates who spoke with the team. Although these are the comments of only two pirates, they echo a common refrain expressed by other pirates; that is, that they got involved with piracy activities because they were attracted by the money offered to and spent on them.

Box 1.1 Interviews with Two Pirates

Pirate 1

"I was an unemployed, occasional fisherman and someone approached me. Had I been involved in a decent job at that time, I would have never got close to that. The man promised me money and khat. He explained how he got his wealth. The man was my cousin. He was a successful pirate and was accompanied by an investor. He brought me from Mogadishu to Bossaaso by car.

"They took care of me in Bossaaso. I used to get everything on my cousin's name—khat, comfort… I lived that life for two to three weeks. I was living like a Minister. The financier brought a car and took us to Garacad. We stayed there for two months. We were living like vampires: only at night. Sleeping the whole day, chewing khat the rest of the time … they were awaiting on another boat.

"It was in January this year. Then we went at sea, and got arrested by a British vessel. Somehow it was an escape. For two weeks, the only things I could see were the sky, the sea, the sky, the sea. And I was telling myself: 'What was I thinking?!' When I saw the Brits, I was happy…"

Pirate 2

"I was a fisherman in Mogadishu. It used to be a fairly good business, but it became difficult and unsafe over time. In 2005, I reached Xarardheere where piracy had started. I tried my best not to be a pirate. My friends and I used to help each other, borrow from each other, and lend money to each other.

"I struggled… as times got more and more difficult. But as my friends turned to piracy, they started to refuse lending me money. They were saying: We are working to get that money. Why don't you do the same?"

"With piracy everything became more and more expensive… A liter of fuel was already US$100. So just try and imagine how much a liter of milk was. Then the diaspora would send less money to families and clans with pirates among them. So the others could not catch up. And my Mom was still sick. I couldn't feed my family properly. That's when I eventually joined piracy."

Key Terms Used in the Study

The glossary provides definitions of the terms used in this study, but here we define several of the key terms:

Piracy. The definition of piracy used in this study is the same as the one used in Article 101 of the United Nations Convention on the Law of the Sea (UNCLOS) 1982. Under that convention, Piracy consists of any of the following acts:

> Any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed:
>
> 1. On the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft.
> 2. Against a ship, aircraft, persons or property in a place outside the jurisdiction of any State.
>
> Any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft.
>
> Any act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b).

Contact Group on Piracy off the Coast of Somalia. The Contact Group on Piracy off the Coast of Somalia (CGPCS) brings together all international actors, governmental and nongovernmental, willing to engage in fighting piracy off the coast of Somalia. The CGPCS was established pursuant to the United Nations Security Council 1851 (2008) on January 14, 2009. The CGPCS is divided into the following five Working Groups:

1. Working Group 1, chaired by the United Kingdom, is in charge of naval coordination.
2. Working Group 2, chaired by Denmark, is in charge of legal issues.
3. Working Group 3, chaired by the Republic of Korea, is in charge of making the liaison between governments and the private sector.
4. Working Group 4 is chaired by Egypt and focuses on public campaigns, raising awareness about the problems and danger of piracy.
5. Working Group 5 is chaired by Italy and is in charge of tackling the issue of illicit financial flows related to piracy. Established in late 2011 following the plenary session of the CGPCS, it is the last Working Group created.

Pirate. A pirate is a person who is said to have committed any acts that constitute an act of piracy (as defined above). For the purpose of this study, the focus is on "Somali pirates," that is, Somali piracy mainly occurring off the coast of Somalia and the Horn of Africa. The focus of this study is on the "pirate" who is engaged in such acts of piracy off the coast of Somalia and the Horn of Africa. These are acts, committed in the Arabian Sea and the Gulf of Oman by individuals whose land base is on the coast of Somalia or in the Somali hinterland.

Pirate Financiers. Pirate financiers (also referred to as "investors" in this study) are persons who invest in pirate activities. They are the focus of this study, since they receive the bulk of ransom payments, which are then moved in and out of Somalia and invested into other activities and businesses. Under UNCLOS, they can be charged with piracy for "inciting or intentionally facilitating illegal acts of violence and detention directed against ship, aircraft, persons or property on the high seas."

Fragile State or Situation. While there is no general consensus on the definition of a "fragile state," the term generally denotes those periods when states or institutions lack the capacity, accountability, or legitimacy to mediate relations between citizen groups and between citizens and the state, making them vulnerable to violence. For the purpose of this study, and in general, Somalia is considered a fragile state.

Financial Flows. For the purpose of this study, financial flows include the money that flows primarily through remitters, cross-border movement, mobile banking, wire transfers, and Money or Value Transfer Services (MVTS), as well as informal flows through bulk cash smuggling and other illicit (underground) money remitters.

Khat. Khat (also commonly referenced to as *qat*, *qaad*, *gat*, *jaad*, *tchat*, and *miraa*) is a small leafy plant. Among communities in the Horn of Africa, the Arabian Peninsula, and in particular in Somalia, the chewing of khat is a social custom dating back many thousands of years. The khat trade in this region is worth hundreds of millions of dollars a year.

Money Laundering (ML). Money laundering is the process by which proceeds from a criminal activity are disguised to conceal their illicit origins. Most countries subscribe to the legal definition of money laundering as found in the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988) (Vienna Convention) and the United Nations Convention Against Transnational Organized Crime (2000) (Palermo Convention).[4]

The Somali Piracy Business Model. This study analyzes the Somali piracy business model through the criminal networks and the way pirates manage and move their proceeds. These various piracy networks have their own historical developments and are ever evolving "organizations." The study highlights three dominant models of financing an operation and sharing the proceeds—which one could call "business models" for ease of reference, namely (a) the "artisanal" scheme, (b) the "cooperative" scheme, and (c) the individualistic scheme (Do et al. 2013),[5] all of which will be explained in detail in the upcoming chapters.

The Team. Refers to the project team that conducted this study, comprising staff from the International Criminal Police Organization (INTERPOL), the United Nations Office on Drugs and Crime (UNODC), and the World Bank.

World Bank Report. Refers to a World Bank report on the economic aspects of piracy titled, "Pirates of Somalia: Ending the Threat, Rebuilding a Nation" (World Bank 2013). The report shows that it is in the international community's common interest to find a resolution to Somali piracy and help the

Government of Somalia rebuild the country. The costs imposed by Somali pirates on the global economy are so high that international mobilization to eradicate piracy off the Horn of Africa not only has global security benefits, but also makes good economic sense.

Outline of the Study

The rest of this study is organized as follows.

Chapter 2 describes the context and audience for the study; explains the study's methodological framework, including information on what data sources were available; and identifies the challenges in undertaking the study. Chapter 3 provides background on the issues of pirate activities off the coast of Somalia and the Horn of Africa, and defines the problem of piracy and its origins. Section II then focuses on understanding the financial flows with respect to piracy activities. Chapter 4 looks at the ransoms paid to pirates, starting with negotiations of the ransoms and the volume of money involved. Then chapter 5 focuses on the distribution of proceeds from piracy to the various actors involved in supporting or carrying out pirate activities. Chapter 6 explores the ways in which proceeds are moved in and out of Somalia. Chapter 7 looks at how the financiers invest their proceeds. Following this analysis, chapter 8 focuses specifically on investment by piracy financiers in the khat business and real estate. In the final section III, chapter 9 of the study concludes with suggested areas for policy and operational engagement within the region and beyond.

Notes

1. Inmate interviewed by the team in Mombasa on August 7, 2012. The man was then awaiting trial on charges of piracy.
2. Khat is a small, leafy plant chewed to induce stimulation. Chewing khat is a social custom that dates back many thousands of years in this region of the Horn of Africa. Today, the khat trade is worth hundreds of millions of dollars a year. This study looks at the illicit financial flows of piracy through the khat trade, the details of which are described in chapter 8 of this report.
3. This refers to the case of Mohammad Saaili Shibin, who was tried, convicted, and sentenced to a dozen life sentences (New York Times 2012). (For the court record of the case, see Case No. 2:11-cr-00033: USA v. Shibin, http://www.plainsite.org/flashlight/case.html?id=1689934Shibin, Case 2:11-cr-00033-RGD-DEM Document 91 Filed April 27, 2012.)
4. "The conversion or transfer of property, knowing that such property is derived from any [drug trafficking] offense or offenses or from an act of participation in such offense or offenses, for the purpose of concealing or disguising the illicit origin of the property or of assisting any person who is involved in the commission of such an offense or offenses to evade the legal consequences of his actions; The concealment or disguise of the true nature, source, location, disposition, movement, rights with respect to, or ownership of property, knowing that such property is derived from an offense or offenses or from an act of participation in such an offense or offenses, and; the acquisition,

possession or use of property, knowing at the time of receipt that such property was derived from an offense or offenses or from an act of participation in such offense … or offenses" (Palermo Convention).

5. This World Bank Report on the economic aspects of piracy is offering a reduced form for the business model of pirate operations, in order to suggest an alternative business model for coastal areas. In this respect, the analysis developed uses analytical tools from economic theories in order to offer an alternative economic model. The approach taken by the present study adds another angle, since the analysis is focusing on the organized crime aspect of piracy. As explained in this report, the various networks operating have their own historical developments and are ever evolving "organizations." Consequently, by differentiating the various networks the analysis developed, this study is able to go to a more micro level, identifying three models of financing an operation and sharing the proceeds—which one could call "business models" for ease of reference.

CHAPTER 7

How Do Pirate Financiers Invest Their Proceeds?

Overview of Reported Pirate Financiers' Investments within Somalia

The vast majority of the pirate financiers identified by the team are located inside Somalia. Their profiles vary and include former police and military officers, khat dealers, former fishermen, former businessmen or civil servants, and successful pirates-turned financiers. Some financiers are also located abroad, as explained below.

The following analysis is based on data collected for this report, but it is anticipated that reporting, as it stands, is incomplete to the extent that there is no way of knowing whether the sample is representative of the totality of investments or not. More research needs to be conducted by law enforcement and intelligence agencies, to gather a more precise accounting of these assets, especially assets located outside of Somalia. Using available data, this section presents a preliminary outline of the main features that can be deduced about Somali pirate financiers. Keeping in mind the different networks and their evolution in time, as presented earlier in this study,[1] the following analysis also presents the evolution of these investments in order to try to understand the impact and potential developments of pirate networks in Somalia.

Two analyses were developed based on the dataset on pirate financiers presented in the methodological framework section of this report. The first focuses on the sample of 59 financiers[2] spreading across Somalia. The second analysis allows for a more dynamic approach, comparing investments made by pirate financiers active south of Galkayo and investments made by pirate financiers active north of Galkayo.

The map presented in map 7.1 shows the main reported locations of pirate financiers' assets in Eastern Africa and, principally, inside Somalia. The intensity of colors used for each location reflects the number of assets reported—a darker-colored circle corresponds to a higher number of assets that were reported to the team as belonging to or working for pirate financiers.[3]

Map 7.1 Reported Locations of Pirate Financiers' Assets in Eastern Africa



Source: UNODC 2012. © United Nations. Used with permission; further permission required for re-use.
Note: The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations. Dashed lines represent undetermined boundaries. The final boundary between the Republic of Sudan and the Republic of South Sudan has not yet been determined.

Data show that, contrary to conventional wisdom, many investments are actually made within Somalia. This does not mean, however, that the majority of the money is laundered or reinvested inside Somalia. In this precise case, it should be clear that the discrepancy between the number of assets identified inside Somalia and the number of assets identified outside is due to a lack of reporting to the team by concerned states, or by stakeholders with knowledge of such assets outside of Somalia. Therefore, the data reproduced are only the data available. Several factors can explain the unwillingness of some actors to share information, primarily the confidentiality of ongoing investigations.

What the following map shows, however, is that criminal proceeds invested in Somalia are not limited to a single region. Furthermore, some actors possess a substantial number of assets inside Somalia, reinforcing concerns over a criminal influence on the economy especially at a time when peace and security start returning to Somalia, further allowing economic growth to develop.[4]

An unexpected result is that the area where pirates most commonly invest money seems to be the development of militias or political influence.[5] After this

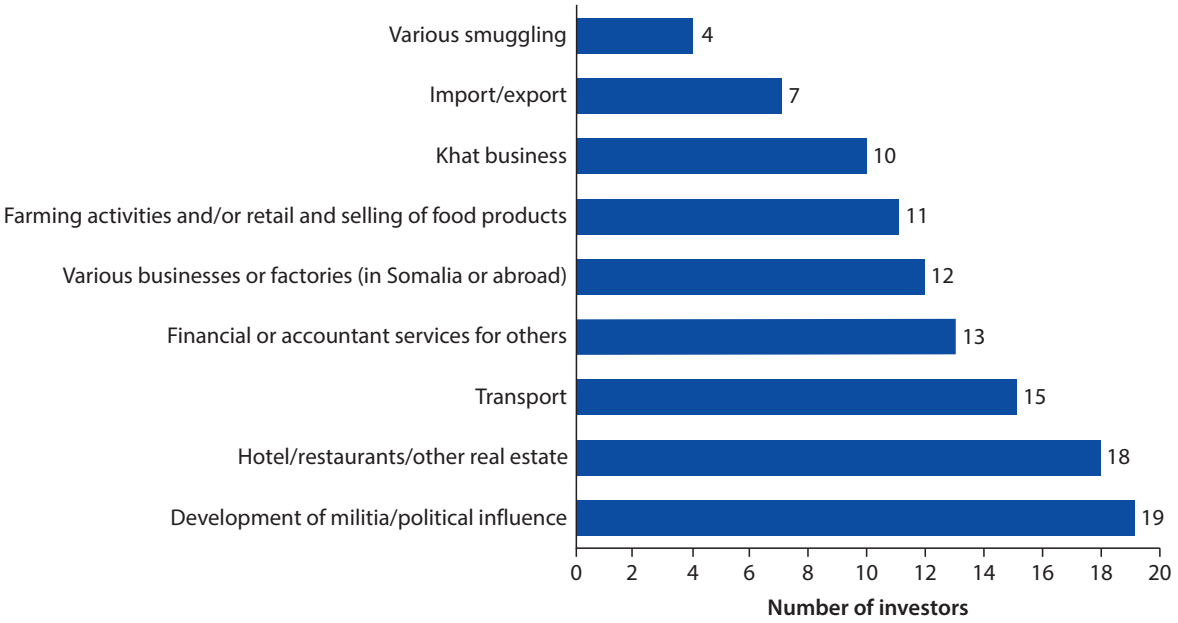
item come "traditional" sectors for money laundering, such as hotels, restaurants, and real estate. It is also striking to see that, beyond investing in their own operations, some pirate financiers also provide other financial services, as accountants, as advisors, or by the provision of loans. Thirteen pirate financiers are reportedly providing such services, showing quite a degree of education and sophistication in the way they conduct their business and manage their proceeds (UNODC 2012). At a time when the political process in Mogadishu is showing encouraging signs of progress,[6] the potential development of a well-organized and heavily armed criminal network, fueled by the proceeds from piracy, and potentially mingling[7] with insurgent groups active in the region (Garowe Online 2012a; Mubarak 2011), cannot be overlooked.

Investments in Legitimate Business Activities

Proceeds from piracy can be laundered through direct investments in legitimate businesses, including real estate. Such investments concern businesses as far away as Europe and Eastern Africa and Asia,[8] ranging from small retail stores, restaurants, and gas stations (UNODC 2012) to joint ventures or even factories.[9] Piracy is no exception.

As shown in figure 7.1, the third most commonly reported area of investment by pirate financiers is the transport business. Specifically, the primary type of "transports" rented by financiers in the studied sample is supplying boats for pirate attacks (UNODC 2012). The dataset also shows that some pirates choose to invest in truck companies. These investments in transport and logistics can easily be explained by a need to supply logistics for pirate operations.

Figure 7.1 Number of Investors Engaging in Activity



Source: UNODC 2012.

Among the 15 financiers investing in various transport services, at least four of them invested their proceeds in the oil business, supplying fuel to pirates (UNODC 2012). There seems to be a wider interest of the Somali community in the oil business within East Africa. In Kenya, the petroleum market is a free entry and exit market, mostly controlled by the Kenyan Energy Board.[10] According to experts from the Kenyan Revenue Authority, interviewed by the team in Nairobi, Somalis began entering this market in 2007, at the wholesale, distribution, and transportation levels. However, no information has been gathered or reported thus far that would indicate links between the oil supplied by pirate financiers inside Somalia and members of the diaspora running such businesses.

Some pirates have started to offer their services as consultants or experts on piracy (United Nations 2012a), negotiators for victims or shipping companies, and providers of other services, including proof-of-life interviews. Material obtained by the UNODC during this study demonstrates that these "companies" openly advertise their services, sending invoices, advertising their services or even contacting victims of hijackings directly. Their members are former pirates, members of the diaspora, and facilitators, or even have ties with militias (United Nations 2012a).

Other companies with suspected ties to former pirates[11] focus on security aboard vessels. Somali maritime security companies have long existed independently from piracy (Bahadur 2011). They seem to provide their services to smaller embarkation such as small cargo or fishing dhows owned by companies that do not have the means to hire a professional private security company, or even to contract an insurer. As one informed individual put it, "We have seen at least one Yemeni fishing vessel with three Somali crew members. When we asked the other crew members who they were, one of them advised us that they were private security."[12]

However, the formal ties between these companies and pirate financiers, and whether proceeds from piracy were used to set up such companies, need further substantiation and research.

Pirate Financiers Using Their Proceeds for Other Criminal Activities

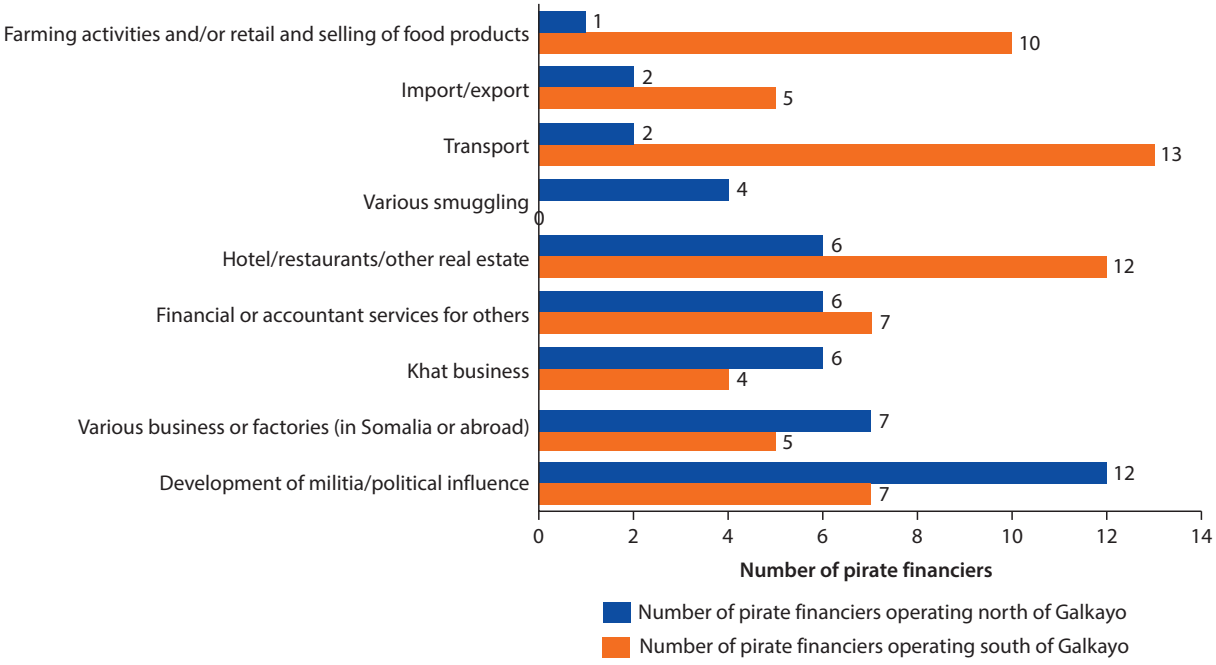
The latest developments of pirate operations indicate a growing activity of financiers and pirate leaders operating north of Galkayo (UNODC-WB 2012). This evolution raises concerns about the different investment patterns and criminal activities of these networks. Reports showing an increased link with insurgent groups pushed from the south of Somalia to the north were shared with the team.[13] Also, networks located north of Galkayo tend to more easily mingle with other criminals, especially pirate networks operating in the area of Bargaal (UNODC 2012). In addition, as developed in the coming section, these networks are also investing more heavily in militias and military capacities on land.

Networks Investing in Land-Based Militias: Dynamic Analysis of Investments by Financiers Operating South of Galkayo Compared to Investments by Financiers Operating North of Galkayo

As shown in figure 7.2, financiers operating north of Galkayo are more inclined to invest in militias and political influence than financiers operating south of Galkayo; 7 financiers have reportedly made such investment in the South compared to 12 in the North. This development can be explained by two factors. The first is that these networks experienced confrontation from local communities, as evidenced in the port city of Eyl, whose residents chased pirates out of the city.[14] Therefore, pirate financiers with their own militia have more influence over communities that might attempt to reject them. A second explanation of increased military activities on land is the involvement of pirate operators in kidnapping for ransom on land. At the time of drafting this report, the most recent kidnapping on land within Somalia had taken place in Bacadweyne, 45 kilometers north of Galkayo, on July 11, 2011, when three Kenyan aid workers of the International Aid Service were kidnapped.

However, kidnappings on land are not limited to pirate networks operating north of Galkayo. In the Report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council Resolution 2002 (2011), the Monitoring Group identifies several members of the Hobyo-Xarardheere networks allegedly involved in kidnapping in the Somali hinterland: Ahmed Garfanje, Afweyne, Ahmed Sanaag, Hussein Jiis, Suhuffi and Abdiqadir Mohamed Abdi. Concerns over the expansion of pirate activities on land were already expressed at the political level when the Contact Group on Piracy off the Coast of Somalia, in its

Figure 7.2 Number of Pirate Financiers Engaging in Activity North and South of Galkayo



Source: UNODC 2012.

communiqué released at its twelfth plenary meeting in New York, raised "concern over the potential expansion of criminal activities on land, in particular the kidnapping of humanitarian workers and civilians, by networks involved in piracy."[15]

While the international community is trying to build on the momentum boosting the political process in Mogadishu following the adoption of the Federal Constitution and the successful election of President Hassan Sheikh Mohamud, attention should be paid to these developing criminal networks on land. If these networks, fueled by proceeds from piracy, are not targeted and their financial capacities disrupted, they may well represent a threat to international staff entering and working in Somalia. Furthermore, the networks investing the most in militias are reportedly located in Puntland, where individual cases of operational cooperation between pirate financiers and Al-Shabaab were reported to the team.[16] The subsequent risk is the increasing destabilization of Puntland by these networks (Garowe Online 2012b; Mubarak 2011), thereby jeopardizing all the improvements gained in the South since the beginning of 2012.

Case Study: Ciise Yulux, Piracy, Khat, and Interclan Conflicts in Puntland

As early as 2009, the United Nations Monitoring Group on Somalia confirmed that "Ransoms from piracy and kidnapping [had] been used to finance arms embargo violations" (Garowe Online 2012a; Mubarak 2011). During an interview with Government of Puntland officials in Garowe, concern was expressed about relations between pirates and the insurgent group Al-Shabaab.[17] As mentioned above, of the sample of 59 financiers studied for this report, 19 were said to use their proceeds to develop militias or political influence, with 12 reportedly operating in Puntland (North of Galkayo).

The case of Ciise Yulux[18] illustrates how proceeds from piracy can represent a threat to the stability and security of Somalia. Ciise Yulux is a member of the Majerteen/Cali Saleebaan subclan. He has been a pirate since at least 2007. He is originally from Rakoraaxa, near Gardo in the Bari region.[19] Ciise Yulux is known to have been involved in piracy attacks against the MV Buccaneer, the MV Leila, the MV Eleni P, the MV Dover, and the SY ING Kalundborg,[20] and was allegedly involved in the following cases:[21] MV Amiya Scan, MV Stella Maris, MV Blue Star, MV Al-Nisr Al Saud, MV Buccaneer, MV Thor Star, MV Golden Blessing, MV Motivator, CEC MV Future, MV Theresa Viii, MV Talca, and EMS River. It is estimated that altogether these cases generated US$49.62 million in ransoms of which Ciise Yulux would have collected at least US$5.65 million (UNODC 2012). Reportedly, Ciise Yulux is also engaged in the khat business in the Bari region (UNODC 2012).

Following the Buccaneer case, a fight between Ciise Yulux and one of his main partners, Omar Hassan Osman (also known as Baqalayo), ensued. Baqalayo is allegedly the son of a pirate called Hanano from Warsengeli/Reer Haaji, who used to operate in Laasqoray in 2009 (UN 2010). While dividing the ransom

proceeds received from the attack against the MV Bucaneer, the pirates began fighting and one of Yulux's followers was killed (Micalessin Gian 2009). Following the fight, Baqalayo's subclan refused to pay the blood debt to the Cali Saleebaan subclan.[22]

This started an interclan fight, which reportedly prompted Baqalayo to import weapons to Somalia, and Baqalayo and Yulux also reportedly attempted to kill each other on several occasions.[23] In November 2009, Puntland Police Forces arrested Baqalayo. He is currently serving a 15-year sentence in the prison of Bossaaso (UN 2010).

Clan fighting related to the Cali Saleebaan subclan in the region of Gardo continued to spread to other subclans, to include the Ali Jibrahil subclan. On July 27, 2011, the main leaders of the Cali Saleebaan subclan met in Dubai, the United Arab Emirates, and officially withdrew their support from the Puntland Government (Dharoor.com 2011). On July 30, 2011, the Puntland Government stated it was "fed up" with clan fighting and deployed 1,200 soldiers around Ufeyn (Abdi 2011). However, despite this first intervention, the Puntland President had to engage in another mediation effort in March 2012, with clan leaders in Gardo—capital of the Bari region, where Ufeyn and Rakoraaxa are located (Garowe Online 2012d)—in order to resolve the ongoing crisis.

Deteriorating security and government instability related to interclan fighting are not the only by-products of piracy and the proceeds gained through piracy ransom payments. Ciise Yulux reportedly commands a force of around 50 militiamen (UNODC 2012), possesses several *Technicals* (pick-up cars equipped with mounted automatic weapons), and is now operating from Caalula and Hul Anod (UNODC 2012). This is a conservative assessment, since open sources estimate that "Yulux runs a militia of around 70 men on land and sea. Another 50 reserves are based in Timishre. They operate about seven Toyota technical, 50 AKs, 20 PKM's, 11 RPGs and around seven Dshka's" (Pelton 2012). According to credible sources,[24] in the first quarter of 2012, Yulux was providing money and equipment to fighters linked to Al-Qaeda in the Arabian Peninsula and Al-Shabaab, transiting to the Republic of Yemen.[25]

Yulux's cooperation with Al-Shabaab must be differentiated from other known pirate financial arrangements between pirates and the militant group. Pirates based in the Hobyo-Xarardheere network,[26] and other pirates operating in Al-Shabaab-controlled areas, are paying a "development tax" (various names are given in the existing literature) (Mubarak 2011; UN 2011a; and interview of the team with Minister Rage in Garowe, Puntland, April 2012) to Al-Shabaab in order to access the port. Protection money is also paid and occasional cooperation can occur in the form of access to equipment and/or weaponry (UNODC 2011a). However, no strategic cooperation has been observed for these networks.[27] In the case of Ciise Yulux, however, reporting indicates a direct involvement of Yulux during Al-Shabaab operations, facilitating movements of alleged jihad fighters.[28] There is, in this respect, a clear threat of operational cooperation[29] between some senior Al-Shabaab figures and financiers of piracy, when the same person does not already conduct both activities.[30]

While this last concern was made pretty clear to the team by some senior officials in Eastern Africa and the Horn of Africa, they could not be further substantiated.

The case of Ciise Yulux shows the multiple influences that pirate monies have over the stability and political environment of Somalia, beyond ongoing allegations of corruption. In this case, a single pirate leader is using his criminal proceeds to (a) invest in the khat business, (b) build up his own capacities as a warlord, (c) fuel clan rivalries in Somalia, and (d) provide operational support to Al-Shabaab.

Pirate Financiers Engaging in Smuggling and Trafficking

As shown in figure 7.1, at least four pirate financiers are reportedly engaging in various smuggling activities. Of these, at least two are engaging in human trafficking and/or migrant smuggling. One case was reported where the same PAG hijacked a vessel after having dropped people on the Yemeni coast and while on its way back to Somalia.[31] Analyzing operational links between pirates and migrant smugglers may require further research, since the information is scarce beyond reports of skiffs simultaneously carrying out several crimes. For instance, the team also interviewed a convicted pirate, in Kenya, who acknowledged that, before engaging in piracy, he had served as liaison between Puntland and the Republic of Yemen, smuggling migrants on his way to the Republic of Yemen and bringing weapons to Somalia on his return. According to Chris Horwood, coordinator of the Regional Mixed Migrations Secretariat,[32] which monitors flows of migrants between the Republic of Yemen and the Horn of Africa, proceeds generated annually by smugglers operating from Bossaaso to the Republic of Yemen amount to approximately US$3 million per year,[33] which is what pirates received on average for each successfully hijacked vessel and released for ransom between 2005 and 2012 (UNODC-WB 2012).[34]

The risks for smugglers at the foot-soldier level are lower than for pirates, since the risk of death is lower and the duration of an operation drops from weeks or months to 8 to 15 hours.[35] In addition, each skiff from Bossaaso to the Republic of Yemen makes approximately US$9,000, and there are fewer actors sharing the proceeds (no militia ashore, no catering services, and so forth).[36] Foot soldiers of piracy (especially if they own their skiffs) could therefore find some interest in turning to migrant smuggling. Indeed, while a pirate foot soldier will potentially make between US$30,000 and US$75,000, at best, after a successful mission, (which can take up to several months, or a year by the time the ransom is paid), a smuggler foot soldier can hope to share proceeds of US$9,000 among a smaller number of people (himself and his sponsor) in a single journey to the Republic of Yemen.

As explained in the first section of chapter 5 of this report, pirates spend their proceeds not only on khat, cars, and alcohol but also on trafficked girls and sex workers or even sex slaves. In several interviews, the team was informed that girls as young as 14 were being trafficked for "pirate consumption." While it was also

reported that some women would engage of their own free will with pirates, several cases were reported to the team of young girls being trafficked to forcibly work as sex slaves (see detailed case studies in appendix A).

Pirate financiers spend their proceeds on a wide range of activities, both legitimate and criminal, including on trafficked and smuggled human beings and on buying weapons, alcohol, khat, alcohol, real estate, and companies. It is striking, however, how sophisticated and cunning some of these investments may be. Engaging in counterpiracy is probably the boldest of all, but most concerning is the fact that pirate financiers have now evolved to the point where they are not only the most successful criminals at sea but also some of the most powerful actors on land, thanks to their weaponry and economic influence.

The following chapter provides an in-depth analysis of two sectors to which the proceeds of piracy are reportedly flowing, and which have ties to other countries in the region: khat and real estate.

Notes

1. See chapter 3, section on "Somali Pirate Networks."
2. See chapter 2, Methodological Framework, UNODC dataset on pirate financiers.
3. See chapter 2, Methodological Framework, UNODC dataset on pirate financiers. By asset is meant the number of buildings, real estate, or other businesses in a given location.
4. See chapter 3 section on "Criminal Influence on the Economy."
5. This breakdown of pirate financiers' expenditures does not conflict with the breakdown presented in the World Bank Report (2013); the present analysis focuses solely on the investments made by pirate financiers (representing 30–50 percent of the total amount paid in ransom), while the World Bank Report analysis focuses on the total amount paid in ransom, therefore aggregating the figures that are broken down in the present analysis.
6. See chapter 3 section on Current Situation in Somalia.
7. Interviews of the team with Puntland Officials in Garowe, Puntland, April 8–9, 2012.
8. Interview with the Financial Intelligence Unit of the Seychelles on Saturday August 9, 2012.
9. Interviews of the team with Puntland Officials in Garowe, Puntland, April 8–9, 2012.
10. Interview with the Kenyan Revenue Authority, May 31, 2012.
11. Interview of the team with Rear-Admiral Jean-Baptise Dupuis, then Commander of the European Union Naval Force, Djibouti, June 3, 2012.
12. Interview of the team with Rear-Admiral Jean-Baptise Dupuis, then Commander of the European Union Naval Force, Djibouti, June 3, 2012.
13. Interviews of the team with Puntland Officials in Garowe, Puntland, April 8–9, 2012.
14. UNODC interviews in Bossaaso, October 2011.
15. Communiqué (accessed November 18, 2012), http://www.thecgpcs.org/plenary.do?action=plenarySub&seq=21.
16. Interviews of the team with Puntland officials in Garowe, Puntland, April 8–9, 2012.

17. Interviews in April 2012.
18. Also known as Isse Mohamoud Yusuf, Isse Yuluh, Isse Yulux, Esse Yuluh, Esse Yulux, and Issa Yuhluw.
19. UNODC interviews in Puntland.
20. UNODC correspondence with a Western security source, July 2012.
21. UNODC communication with a Western security source.
22. UNODC interviews in Puntland.
23. Ibid.
24. Interviews of the team with Puntland officials in Garowe, Puntland, April 8–9, 2012.
25. Even though Ciise Yulux is mingling with Al-Shabaab, the whole Cali Saleeban subclan should not be associated with Al-Shabaab. A declaration of Cali Saleeban elders in the United Arab Emirates, whereby they officially withdrew their support to the Puntland Government, did not mention anything that would point toward religious conservatism; it actually accuses the Puntland Government of having failed to promote gender equality, for instance. Also, despite the tensions between the Cali Saleebaan subclan and the Government of Puntland, Minister of Finance Dr. Farah Ali Jama, who is a member of the Cali Saleebaan, has never had to leave his functions as minister. In addition, several officials (including the Minister of Fisheries, the Minister of Peace-Keeping, and the Leader of the Bari region) attended a meeting of the Cali Saleebaan in Bossaaso, in late June 2012. This meeting was held at the Panorama Hotel in Bossaaso with about 200 participants who came for the introduction of a newly elected Sultan in the Cali Saleeban, Sultan Maxamuud Xasan Cumar, who assumed his functions on behalf of the seven-year-old son of the deceased Sultan Ciise Xasan Cumar. See http://horseedmedia.net/2012/06/15/suldaanka-beesha-biciidyah-an-cali-saleebaan-oo-boosaaso-lagu-caleema-saaray-sawiro/ (accessed July 24, 2012, and November 7, 2012).
26. As defined by the June 2011 Report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council Resolution 1916 (2010) to the United Nations Security Council
27. In that sense, the team shares the assessment made by the UNSEMG in their June 2011 report.
28. Interviews of the team with Puntland officials in Garowe, Puntland, April 8–9, 2012
29. See also Do et al. (2013).
30. Interviews of the team with Puntland officials in Garowe, Puntland, April 8–9, 2012, confirmed by other confidential sources.
31. Communication with a Regional Anti-Piracy Prosecution Intelligence Coordination Centre (RAPPICC) analyst on March 11, 2013. (The group seemed to have taken migrants across the Gulf of Aden in a whaler-type vessel that was towing a second empty skiff. They dropped the migrants off near the Yemeni coast then returned to the Puntland coast. They encountered the PRAMONI in the International Recommended Transit Corridor and made an opportunistic and successful attack. The PRAMONI was hijacked on January 1, 2010, in position 12 31N 047 17E and was released on February 26, 2010. For the majority of its period of captivity it was held at Eyl.)
32. The Regional Mixed Migration Secretariat is funded by the European Commission with additional support from the Swiss Development Cooperation, the International Organisation for Migration, and the British government.

33. The business taking irregular migrants to the Republic of Yemen was worth at least US$16 million in 2011 and 2012—US$3 million from Bossaaso and US$13 million from Djibouti (UNODC Communication with Chris Horwood, January 16, 2013).
34. The exact average is US$ 3.06 million.
35. Communication with Chris Horwood, January 16, 2013.
36. Communication with Chris Horwood, January 16, 2013.

Annex 88

"Global Maritime Crime Programme: Gulf of Aden and the Red Sea", *UN Office on Drugs and Crime*, available at: https://www.unodc.org/unodc/piracy/horn-of-africa.html (last accessed: 21 December 2020)

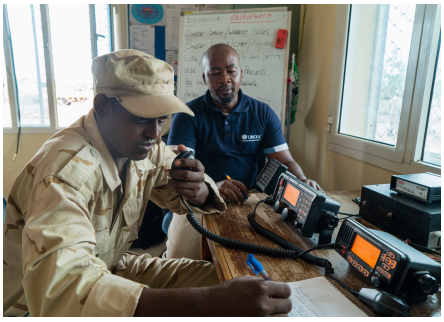
United Nations | Office on Drugs and Crime

GLOBAL MARITIME CRIME PROGRAMME



With the longest coastline in mainland Africa and a position adjacent to some of the world's busiest shipping routes, Somalia's maritime space is set to be a strong drive in the country's social and economic development. The Federal Government of Somalia (FGS) is, however, concerned over the lack of capacity to manage Somali maritime space effectively, whose vulnerability has been highlighted by piracy. Today piracy is still seen by many as a dormant threat rather than a fully suppressed one and this is in part attributed to problems with unregulated fishing by foreign vessels in Somali waters. While the presence of international navies off the Horn of Africa has greatly contributed to repressing it, it has had little impact on other aspects of maritime security. Somalia continues to have a reputation as the launching point for terrorism, piracy, people trafficking and smuggling operations which obstructs efforts to commercialize Somali marine resources and hinder effective stabilization.







Somalia's geographical proximity to Yemen in conjunction with the lack of maritime domain awareness and properly equipped maritime security forces have led to an increase in the illicit activities taking place in the area. Illicit trafficking activities in Yemen pose a significant problem, involving not only firearms and explosive materials but also weapons of mass destruction (WMD) components and precursors. Proceeds from smuggling of Somali charcoal and sugar by sea are seen to fuel terrorism. Meanwhile, the inability of both states to successfully patrol the area and suppress the crimes committed is consistently seen as one of the underlying causes of instability.







The Gulf of Aden and Red Sea sub-programme of UNODC's Global Maritime Crime Programme (GMCP GARS) assists Somalia and Yemen in addressing maritime crime. Under the programme, UNODC delivers support to the Maritime Law Enforcement (MLE) authorities and is one of very few programmes that are actively engaged with Yemeni and Somali Law Enforcement on the waterfront. In Mogadishu, mentors work with the Somali Police Force's Maritime Police Unit (MPU), in Bosasso, Puntland, with Port Police (BPP), in Berbera, Somaliland, with the Somaliland Coast Guard (SLCG), in Galmudug with the Galmudug Maritime Police Unit, and in Hobyo with the Coast Guard (GMPU/CG). In Yemen, HoA GMCP supports rebuilding the Yemen Coastguard (YCG). National teams consisting of national programme officers, interpreters, and drivers further support the mentors in each of the regions.

GMCP GARS's success has been derived from the delivery of sustainable capacity building through the placement of experts in seamanship, marine engineering, maritime law enforcement, and communications with regional maritime law enforcement authorities in Somalia as full-time in-country mentors. A crucial part of this mentorship involves advanced Visit, Board, Search and Seizure (VBSS) training, as well as the undertaking of on-water emergencies and search and rescue operations.

The Horn of Africa Programme

In addition, the programme supports Somali custodial authorities to ensure that detention of maritime crime suspects is in accordance with the Nelson Mandela Rules, which set the international human rights framework on detention, and establishes sustainable prison management practices.

Annex 89

"Transnational organised crime in eastern Africa: a threat assessment", *UN Office on Drugs and Crime*, September 2013 (Extracts)

UNODC
United Nations Office on Drugs and Crime



TRANSNATIONAL ORGANIZED CRIME IN EASTERN AFRICA:

A Threat Assessment

September 2013

UNITED NATIONS OFFICE ON DRUGS AND CRIME
Vienna

Transnational Organized Crime in Eastern Africa:

A Threat Assessment

UNODC
United Nations Office on Drugs and Crime

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Acknowledgements

This study was conducted under the responsibility of the UNODC Regional Office for Eastern Africa (ROEA), Division for Operations (DO), with research support of the UNODC Studies and Threat Analysis Section (STAS), Division for Policy Analysis and Public Affairs (DPA).

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The preparation of this report would not have been possible without the data and information reported by governments to UNODC and other international organizations. UNODC is particularly thankful to government and law enforcement officials met in the region while undertaking research.

The study benefited from the valuable input of many UNODC staff members – at headquarters and field offices – who reviewed various sections of this report. The research team also gratefully acknowledges the information, advice and comments provided by a large range of officials and experts.

The preparation of the report benefited from the financial contribution of the Government of Sweden as part of their support to the UNODC's Regional Programme on Promoting the Rule of Law and Human Security in Eastern Africa.

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Key Findings

- Transnational organized crime in Eastern Africa is a product of both illicit markets that span continents and an underlying weakness in the rule of law.
- Due to conflict and poverty, Eastern Africa produces a large and vulnerable stream of smuggled migrants, who are abused and exploited at multiple stages of their journey.
- More than 100,000 people paid smugglers to transport them across the Gulf of Aden or Red Sea to Yemen in 2012, generating an income for the boatmen of over US$15 million.
- Around 80,000 of these migrants attempted to cross Yemen to Saudi Arabia, but many of these were waylaid by smugglers and subjected to a range of abuses, including confinement, beatings, extortion and rape.
- Despite the large numbers, the flow of migrants is concentrated, with most embarking from two port areas (Obock, Djibouti and Boosaaso, Somalia) where interventions could be addressed.
- Heroin has been trafficked to and through Eastern Africa since at least the 1980s, but a series of recent large seizures suggests that this flow has increased.
- Some air couriering has been noted, but it appears the great bulk of the heroin is being transported by dhow from the Makran Coast, an area that spans Iran and Pakistan.
- The local market is estimated to consume at least 2.5 tons of pure heroin per year, worth some US$160 million in local markets. The volumes trafficked to the region appear to be much larger, as much as 22 tons, suggesting substantial transhipment. Eastern Africa is a known transit area for heroin destined for South Africa and West Africa.
- Given the prevalence of blood borne disease and known injection drug use, the spread of heroin throughout the region must be carefully monitored and addressed.
- Recent research indicates that the rate of poaching in Eastern Africa has increased, rising to levels that could threaten the local elephant population.
- The bulk of the large ivory shipments from Africa to Asia appears to pass through the container ports of Kenya and the United Republic of Tanzania, where interventions could be addressed.
- It is estimated that between 5,600 and 15,400 elephants are poached in Eastern Africa annually, producing between 56 and 154 metric tons of illicit ivory, of which two-thirds (37 tons) is destined for Asia, worth around US$30 million in 2011.
- Somali pirates brought in an estimated US$150 million in 2011, which is equivalent to almost 15% of Somalia's GDP.
- Effective intervention has forced pirates to range ever further from the coast to attain their targets: in 2005, the average successful pirate attack was 109 km from the Somali coast; in 2012, it was 746 km. Ships have also become more effective at defending themselves.
- The increase in risk associated with protracted expeditions and international countermeasures have contributed to a decline in piracy: in April of 2009 alone, pirates hijacked 16 ships, but after April 2011, they averaged less than one per month. There were no successful hijackings for ransom in the Somali area of operations in the first half of 2013.



Executive Summary

Given the size and diversity of the region of Eastern Africa, any discussion of crime problems is necessarily selective. This report focuses on four major issues:

- migrant smuggling from Ethiopia and Somalia to Yemen and Saudi Arabia;
- heroin trafficking from South-West Asia to Eastern Africa;
- ivory trafficking through Eastern Africa to Asia;
- Somali maritime piracy.

These four are very different sorts of activities, but all have emerged in the region due to a common vulnerability. Most of the population of Eastern Africa is poor, and their governments have limited capacity to deter cross-border criminality. Poverty and weak governance also increase the potential for corruption, rendering Eastern Africa a relatively attractive region to traffic from, though, and to. Until the rule of law is firmly established in the region, these crimes and others like them are likely to continue.

Migrant smuggling

Irregular migrants are vulnerable to abuse wherever they are found, but those from Eastern Africa appear to be especially so. Driven by poverty and political instability, they seek a better life in countries where international protection or work can be found, and pay smugglers to help them achieve that objective. Migrant smuggling is illegal, and so is conducted clandestinely. This combination of factors – poverty, secrecy, displacement – leaves the smuggled migrants subject to many forms of predation, including robbery, rape, extortion, and human trafficking.

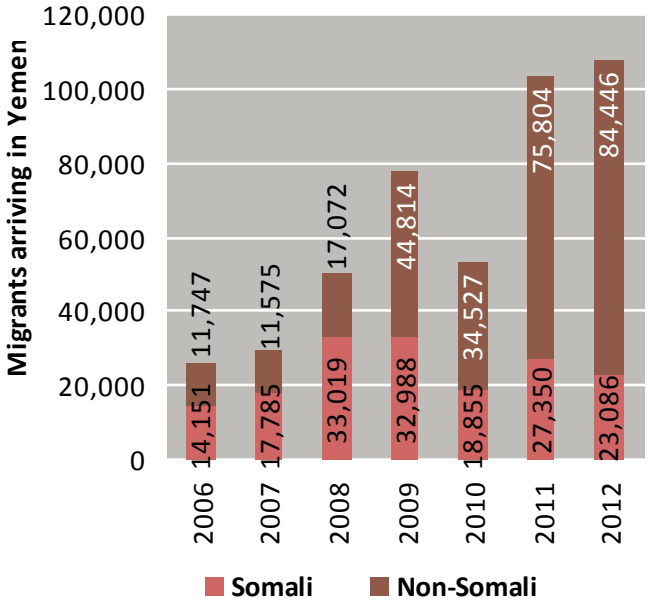
People migrate from Eastern Africa to many parts of the world, but one of the closest destinations is actually one of the most hazardous to approach: the Arabian Peninsula. Separated from the Horn of Africa by a relatively narrow strip of water, it is the clear choice for those without the resources to travel further. Since few migrants can cross the water on their own, almost all pay smugglers to move between continents. There are at least two major flows of migrants from Eastern Africa to the Arabian Peninsula: from Somalia and Ethiopia.

Most Somalis only travel as far as the coast of Yemen, where they can seek asylum, and some 10,000 to 30,000 people join more than 200,000 of their countrymen by making this journey every year. More recently, a rapidly growing number of migrants, mostly from Ethiopia, has emerged, rising to almost 85,000 people in 2012. Mostly unskilled laborers and domestic workers seeking employment, many of these people attempt to travel across Yemen, often with very few resources. Yemen, a poor country that has experienced instability and fragmentation in recent years, does not have the capacity to protect these migrants. Criminals can prey on this flow with impunity, taking the little that they have and extorting ransoms from their relations for their release.

The smuggled migrants are exposed to abuse at all stages of their journey, but especially during the maritime passage and increasingly during their time in Yemen. There are two primary embarkation points for the sea journey: Boosaaso, in Puntland (Somalia), on the coast of the Gulf of Aden; and Obock, in Djibouti, south of the Bab al Mandab. Migrants embarking from both of these points have described suffering violence at the hands of their smugglers, including sexual assault, robbery, beatings, and being thrown overboard before reaching shore.

On arrival in Yemen, most of the Somalis report to the refugee camps, but for those migrants who continue, the

Number of smuggled migrants arriving in Yemen by nationality



Source: UNHCR

abuses increase. They are met by other smugglers, many of who have relationships with the boatmen, who insist on "helping" them continue with their journey. The true intent of many of these smugglers is to extort ransoms from relations. Migrants are beaten and raped until the ransom is paid. A very similar situation is seen among Eritrean migrants crossing the Sudan.

Since the migrants and their relations are poor, the total amount taken from each by smugglers is small, but their numbers (over 100,000 in 2012) make up for this, especially as the number of boatmen and extortionists appears to be limited. The boatmen alone made an estimated US$15 million in 2012.

Heroin

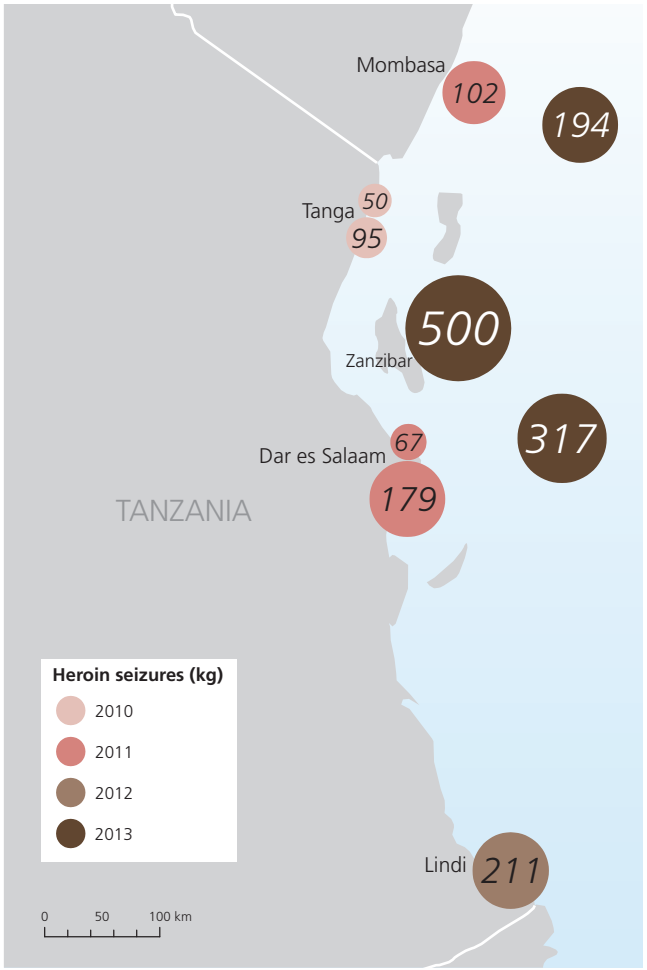
Heroin has been present in Eastern Africa for at least three decades, and dealers from Eastern Africa have been associated with the heroin trade in South Africa since the mid-1990s. It has long been suspected that Eastern Africa served as a transit area, and air couriers have been detected on many occasions. Until recently, however, very little heroin had ever been seized in the region.

In 2010, that began to change. A series of larger seizures were made indicating that large volumes of Afghan heroin were entering the region by sea from Iran and Pakistan. Between 2010 and 2012, more heroin was seized than in the previous 20 years. In the first five months of 2013, more heroin had been seized than in the previous two years. It was not that the number of seizures were increasing, but those that were being made were far larger than ever before.

The major seizures in 2013 were all made at sea by international forces, so it remains unclear whether this increase in seizures is indicative of an increase in flow or an increase in the detection rate. Data on the state of local demand is poor. Eastern Africa is a known transit area for heroin destined for South Africa, but there have been no indications of sudden increase in demand in this well-monitored market. South Africa is a known transit country for drugs destined for Europe, however. Eastern Africa has also been noted as a transit area for heroin destined for West Africa, where there are anecdotal indications of an increase in demand. West Africa is also a transit area for Europe.

It appears that the primary method of trafficking is dhows, the modern version of the traditional sailing craft. They depart from the Makran Coast, a strip of desert coastline that crosses from Pakistan to Iran along the coast of the Arabian Sea and the Gulf of Oman. Air couriering also takes place, apparently coordinated by Tanzanian traffickers, many of who have spent time in South West Asia.

Locations of large heroin seizures, 2010-2013



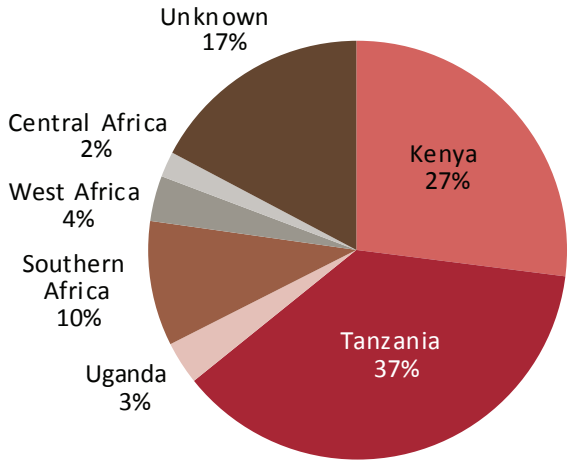
Data on the extent of heroin use in the region are scarce and contradictory, but those that do exist suggest a market for 2.5 tons of pure heroin per year, worth some US$160 million. The volumes trafficked to the region appear to be much larger, as much as 22 tons, suggesting considerable transhipment.

Ivory

Demand for ivory in Asia has fuelled a rising rate of poaching in Eastern Africa, undermining the sustainability of the

local elephant population. In addition, most of the illicit ivory trafficked from Africa passes through the ports of Kenya and the United Republic of Tanzania. Both as source and transit areas, then, these two countries are key.

Global breakdown of ivory seized in very large seizures (>800 kg) by country or region of export, 2009-2011



Source: Elephant Trade Information System

While much of the poaching encountered in Eastern Africa in the past may have been opportunistic, it appears that a growing share is the work of dedicated poaching expeditions. Some of these expeditions cross borders and involve non-state armed groups, particularly Somali gangs. Expatriate Chinese resident in Eastern Africa comprise some of the most important middlemen. Although they have taken measures to address the illicit trade, Thailand and China remain two of the most important destinations.

Very large shipments, involving the ivory of tens or even hundreds of elephants, are regularly encountered, suggesting a well-developed and well-resourced distribution network. But small quantities are also encountered, demonstrating a parallel "ant" trade. Due to the bulk of the product, most major seizures are made from shipping containers, while individual tusks are sometimes chopped into suitcase-sized chunks and processed ivory may be carried on commercial air flights.

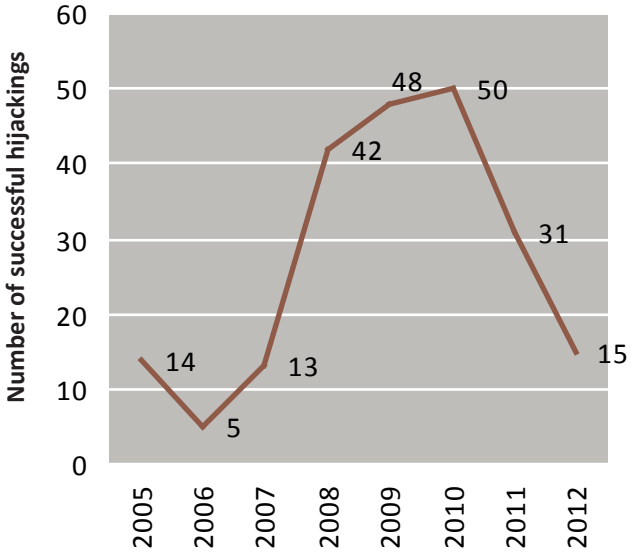
It is estimated that between 5,600 and 15,400 elephants are poached in Eastern Africa annually, producing between 56 and 154 metric tons of illicit ivory. Based on the known destination of ivory seized, about two-thirds of the global ivory market is located in Asia. Two-thirds of 56 tons is 37 tons. At US$850 per kilogram at destination, this flow would be worth around US$30 million in 2011.

Piracy

Due to its strategic position along the Gulf of Aden (over 42,000 vessels transit the area each year), piracy has a long history in Somalia, but the current wave of successful hijackings began only in 2005. Somali pirates brought in an estimated US$150 million in 2011, which is equivalent to almost 15% of Somalia's GDP. Aside from aid and remittances, piracy quickly became the largest source of foreign exchange in the country.

But international action to protect this vital maritime channel has been strong, and piracy has become more difficult, with pirates roaming hundreds of miles from the Somali shore to find their prey. In 2005, the average successful pirate attack was 109 km from the Somali coast; in 2012, it was 746 km. The increase in risk associated with these protracted expeditions and international countermeasures has contributed to a decline in the popularity of piracy. In April of 2009 alone, pirates hijacked 16 ships, but after April 2011, they averaged less than one per month. There were no successful hijackings for ransom in the Somali area of operations in the first half of 2013, although several vessels remained in pirate hands from previous attacks.

Number of successful Somali hijackings attributed to Somali pirates

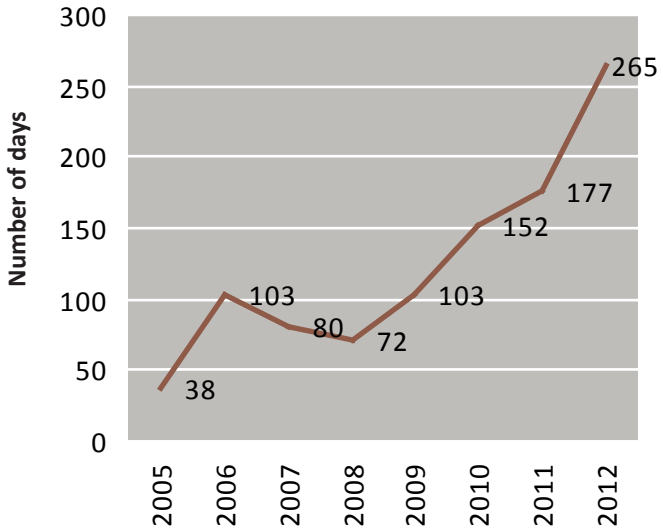


Source: UNODC-WB database

In addition, the ransom negotiation process has become increasingly protracted as pirates demanded larger and larger ransoms. By January 2011, the Somali pirates were holding some 28 vessels and nearly 600 crewmembers. This has increased costs for the pirates, who are responsible for maintaining the hostages. And in 2012, for the first time, pirates began to see a downturn in their average ransom per vessel.

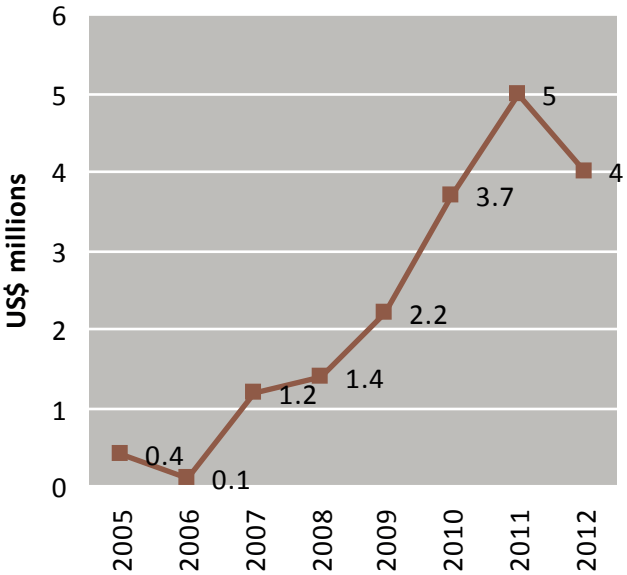
The core pirates were estimated to number between 1,500 and 3,000 at the beginning of 2012. They are usually adult men, often former fishermen or soldiers, and their operations vary greatly in sophistication. Hostages have described some pirates who board as being very familiar with the particulars of the ship, suggesting the vessel was chosen in advance. But naval observers have also described pirate vessels "fishing" for targets in the busiest shipping lanes. Pirates have even tried to attack naval patrol ships, clearly indicating a lack of advance planning.

Average number of days between successful Somali hijackings and payment of a ransom, by year of release



Source: UNODC-WB database

Annual per vessel average of ransom payments made to Somali pirates



Source: UNODC-WB database

Despite the recent reduction in activity, piracy remains one of the most profitable activities in a country where legal alternatives may be hard to find. Based purely on attacks where the ransom payment was known, pirates earned at least US$36 million in 2012. If ransom values were inferred in cases where they were not known, the figure would be as high as US$40 million. Preventing piracy from returning to former levels will require constant vigilance offshore and the promotion of sustainable development onshore.

Implications

Eastern Africa's transnational organized crime problems are driven by two distinct dynamics: illicit markets and weakness in the rule of law. Each of these dynamics must be addressed.

The illicit markets that affect Eastern Africa often originate or terminate on other continents. As a result, purely local interventions are inadequate to resolve the underlying problem. Optimally, these markets should be evaluated and strategically addressed at a global level, but to protect Eastern Africa, local law enforcement must also be strengthened.

For example, it appears that most of the heroin entering Eastern Africa is on its way to somewhere else. Indeed, Eastern Africa's heroin problem is likely rooted in its use as a transit area. To stop the heroin flow, the most potent interventions could be found in countries hosting the supply or in those hosting the demand. But to protect Eastern Africa, it must be made less attractive as a transit area.

To do this, the rule of law in the region must be strengthened. This is no small task, and is inextricably bound to the long-term objective of developing the region. Fortunately, it is not necessary to improve governance across the board to have substantial impact on trafficking. Interventions in key areas, such as support to front line law enforcement, or container and border control, could greatly reduce Eastern Africa's attraction to smugglers. Anti-corruption measures are also essential to creating a genuine deterrent.



Introduction

This report focuses on transnational organized crime affecting the area covered by the UNODC Regional Office for Eastern Africa (ROEA):

- Burundi,
- the Comoros,
- Djibouti,
- Eritrea,
- Ethiopia,
- Kenya,
- Madagascar,
- Mauritius,
- Rwanda,
- the Seychelles,
- the Republic of Somalia,
- the United Republic of Tanzania, and
- Uganda.

This region contains countries of several distinct sub-regions, including the Horn of Africa (Somalia, Ethiopia, Eritrea, and Djibouti); the Great Lakes region (Rwanda, Burundi, and Uganda); the Swahili Coast (Kenya and the United Republic of Tanzania); and the Indian Ocean Islands (Madagascar, Comoros, Seychelles, and Mauritius). These sub-regions are commonly associated due to underlying historical, cultural, or geographic similarities between the countries they contain.

For example, the countries of the Horn of Africa have faced disruption due to persistent conflict and periodic drought. Most of its people speak Cushitic or Semitic languages, and cross-border ethnic groups are common. The Somali, for example, comprise the majority of the population in Djibouti and a significant minority in Ethiopia; the Afar are found in Eritrea, Ethiopia, and Djibouti; and the Tigray in Eritrea and Ethiopia. Similar commonalities are found in the other sub-regions.

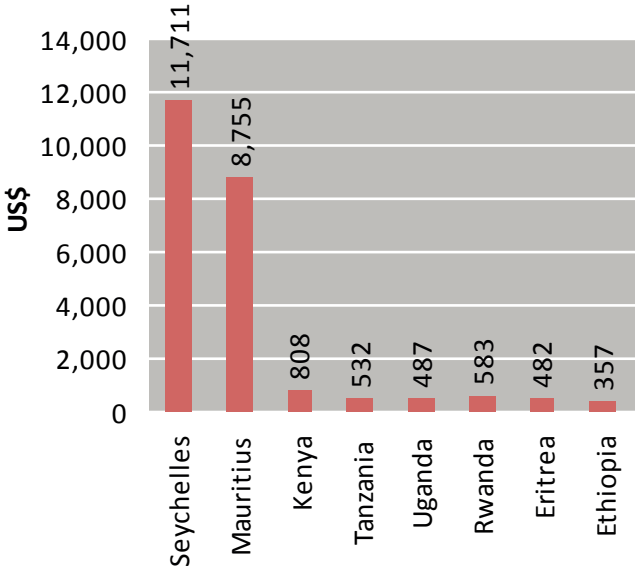
In general, the countries of the Horn of Africa are the poorest, followed by those in the Great Lakes, the Swahili Coast, and the Indian Ocean Islands (with the exception of Madagascar, which remains poor). Most countries in the region are experiencing positive economic growth, but most are growing off a very low base. Economic gains may not be distributed evenly through the population, with rural areas being particularly under-developed and vulnerable to shocks, especially those related to agricultural production or global commodities markets. In most countries, the majority of the population lives in these rural areas.

Such a large and heterogeneous area encompasses a very large number of crime problems, and so this study was necessarily selective in the issues it could highlight. It is not intended to be comprehensive, but rather to focus on some of the largest and best-documented transnational crime problems. While crimes such as cattle rustling may be most relevant to the rural people who comprise the majority of the population, this report focuses on issues that are inherently transnational in nature. Cross-border smuggling of common goods to avoid taxation (foodstuffs, tobacco, alcohol, khat, petrol, and other consumables), which appears to be widespread, is also not covered in this report.

For the purposes of brevity and clarity, flows unique to particular countries are not explored in this report. Transnational flows affecting some of these countries (Uganda, Rwanda, Burundi) were discussed in a 2011 assessment of transnational organized crime in Central Africa,[1] which

1 UNODC, *Organized Crime and Instability in Central Africa: A Threat Assessment*, October 2011.

Figure 1: GDP per capita adjusted for purchasing power parity in 2011



Source: World Bank

focused on the Great Lakes region. This work is not repeated in the present report.

Instead, this report looks particularly at some of the illicit markets concentrated along the coasts. Most of the countries of Eastern Africa are poor and the coast, with its major container ports and numerous harbours, provides opportunities to interact with wealthier markets abroad, as a source and as a transit region. This interaction can lead to the development of domestic illicit markets.

Four of the largest markets are examined in detail, with reference made to a half-dozen more. These four markets pose different sorts of threats, but all are transnational, and sufficiently large to have a regional impact. Criminals based in Eastern Africa profit from the transnational movement of:

- migrants from Ethiopia and Somalia to Yemen and Saudi Arabia
- heroin from South-West Asia to Eastern Africa
- ivory from Eastern Africa and across the continent to Asia
- hostages and hijacked vessels from national and international waters to the coast of Somalia (maritime piracy)

These flows do not represent all the transnational organized crime problems affecting the region. Migrants are also smuggled, for example, from the region to Southern Africa. The impact of fraudulent medicines is also a serious issue and firearms trafficking occurs in the area. But these four were deemed to be the most significant flows in terms of volumes and impact on which reliable information is available. Other issues are often discussed in boxes in the main flow chapters.

All four of these markets involve maritime transport. As a result, ports, both major and minor, are key to the illicit flows, as are the owners and operators of the maritime craft involved. Many markets operate with the collusion of corrupt officials, who ensure that the law is not enforced.

These corrupt officials are key to understanding the vulnerability of Eastern Africa to organized crime. In a world where containerized shipment has rendered the most roundabout shipping routes commercially viable, traffickers are attracted to ports where controls are weak or where officials can be bribed. For many of the world's major illicit flows, Eastern Africa is thankfully remote. But, as the 2006 seizure of close to a ton of cocaine in Kenya demonstrates, this may make little difference to traffickers attracted more by a low risk of interception than logistic efficiency.

Transnational organized crime takes place in a context of domestic organized crime and related violent crime, including offences such as murder, extortion, and robbery. These offences demand immediate response and sap the resources of national law enforcement agencies. As a result, illicit flows that mostly transit the region may be given secondary priority.

Measuring the extent of domestic organized crime is difficult. Recorded crime data tends to be unreliable, since the worst affected people are often those least likely to report their victimization to the police, and the police are least likely to collect these data where they are thinnest on the ground. Given the lack of resources in most countries in Eastern Africa, this problem is especially acute in the region. In addition, recorded crime data are only an indirect indicator of organized crime, since most trafficking is only detected when countries invest resources in detecting it.

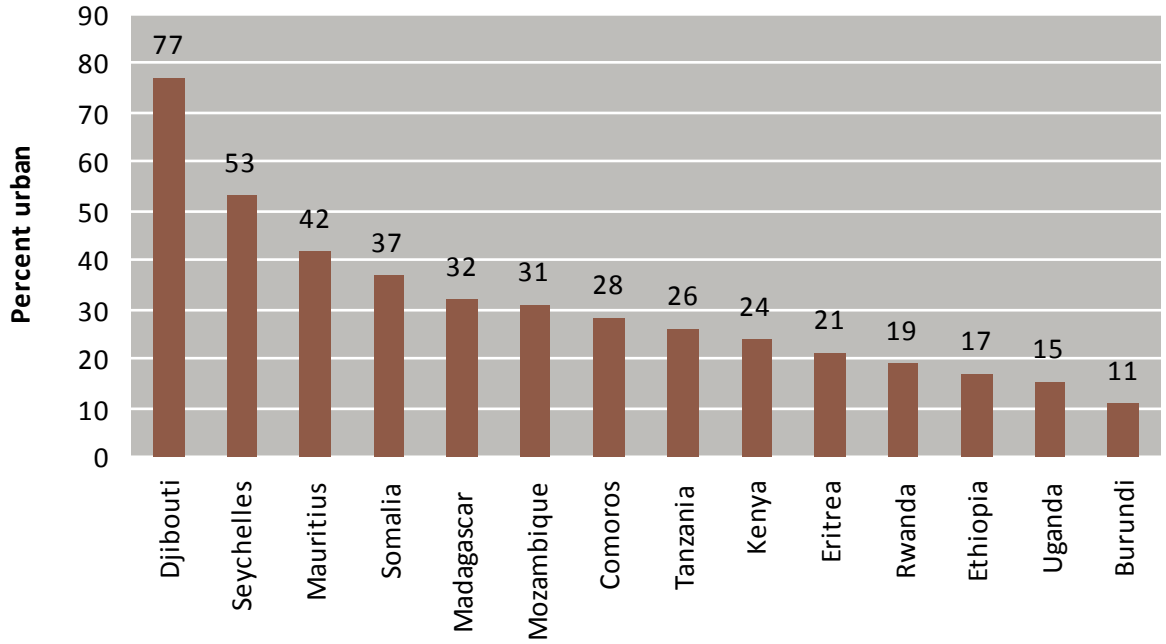
Even murder figures, generally regarded as the most accurate due to the fact that a high share are captured in the official records, are often dubious in the region. For example, making use of the public health data, Somalia emerges as the country with the lowest murder rate in Eastern Africa. That said, these data indicate serious murder rates in several of the most populous countries in the region. If calculated on a population-weighted basis, Eastern Africa's violence levels are second only to Southern Africa's on the continent.

In Eastern Africa, as in many parts of the world, the line between criminal and political violence can be thin. Of particular concern is the involvement of non-state armed groups in local illicit markets, or even transnational trafficking. The admixture of ideological and acquisitive motivations can produce particularly intractable criminal groups, who profit (or, at least, make a living) off continued conflict. There are a number of examples in Eastern Africa.

In addition, the relative attraction of Eastern Africa as a transit area is a product of corruption. The countries of Eastern Africa are well aware of this challenge, which is both a product of and a contributor to the lack of public sector capacity, particularly law enforcement capacity.

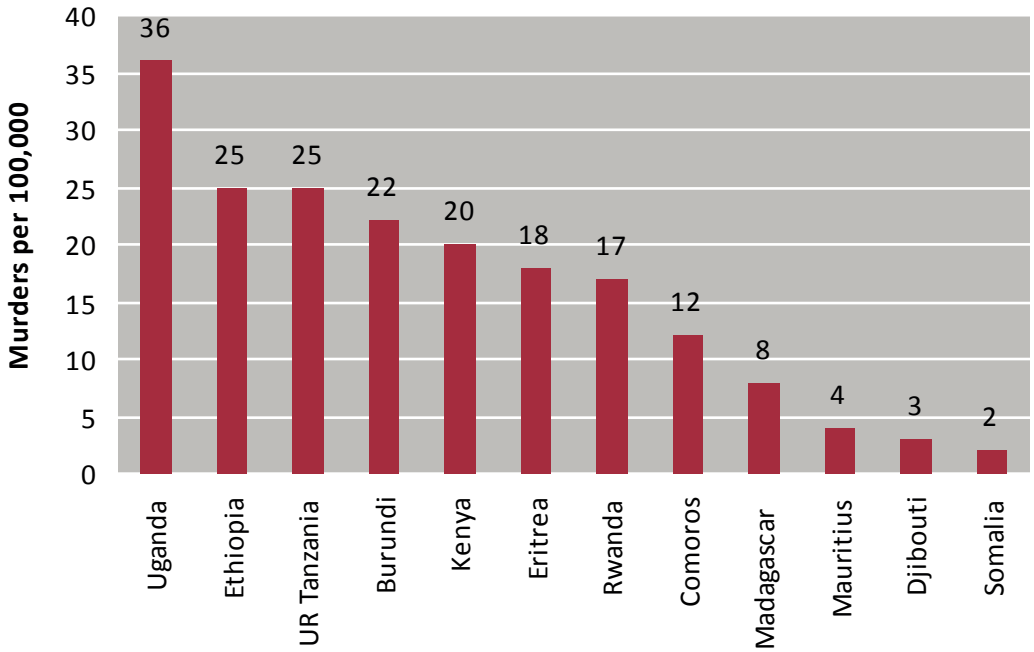
Thus, the trafficking flows examined are symptomatic of deeper governance issues. Addressing these flows requires two distinct sets of interventions.

Figure 2: Share of the population residing in urban areas in 2010



Source: UN Population Division

Figure 3: Murders per 100,000 in 2008, based on public health sources



Source: WHO

On the one hand, international efforts are required to reduce the international illicit flows. Understanding the optimal point of insertion for these efforts requires an understanding of the entire trafficking chain. While the countries of Eastern Africa must play their role, it may be that the key intervention required to reduce trafficking of a commodity in the region lies in other parts of the world. To protect a vulnerable region, the international community should do what it can to insulate Eastern Africa from these trans-regional flows.

At the same time, governance must be strengthened within the region, reducing its vulnerability to both international and domestic organized crime. Even if the present flows were addressed through international efforts, it is likely that new ones would emerge, as they have in West Africa, until this underlying weakness is reduced.

Non-state armed groups

Many non-state armed groups are born of local rebellions, and so are intensely focused on local affairs. They raise funds by taxing all economic activity, licit and illicit, in the areas they control. These areas are effectively outside the control of the state, and so are attractive to transnational traffickers who wish to avoid contact with law enforcement authorities. But the relationship between the armed groups and the trafficking tends to be limited to taxation.

Eastern Africa contains several groups that challenge this model, however. The Lord's Resistance Army, for example, originated as a regional and ethnic uprising. It has abandoned its nation of origin (Uganda), and, in the process, seems to have abandoned the notion of territorial control altogether, spreading through vulnerable rural areas across four nations. Although it traditionally funds itself through looting, it has recently been accused of involvement in the ivory trade.[2] Since its *modus vivendi* is based on nomadism, its ability to maintain long-term involvement in any given illicit market is questionable.

Al Shabaab has engaged in international political violence, including the bombing of nightclubs in Uganda in 2010, and affiliated itself to Al Qaeda in 2012. After seizing control of the southern port town of Kismaayo, the group began to tax the charcoal trade to the Arabian peninsula, until it lost control of the city due to Kenyan military action in October 2012. Members of Al Shabaab have been linked to ivory poaching in Kenya,[3] and to a Tanzanian Islamist group reportedly linked to heroin trafficking.[4] They have also allegedly taxed pirates working from the ports they control, which is worrisome given the group's recent movement into Puntland.[5]

The Mungiki cult is a different type of group altogether. Banned as an organized crime group in 2010, Mungiki was framed as a Kikuyu self-defense and cultural movement, but it became involved as a political tool in the violence surrounding the 2007 Kenyan national elections.[6] There is little evidence of its involvement in transnational activities, but it acted like a street gang in the areas it controlled, demanding protection money from local businesses and transportation services.

2 S/PRST/2012/28, Statement by the President of the Security Council.

3 http://www.councilofnations.org/index.php?option=com_content&view=article&id=221%3Akenyan-poaching-crisis&catid=45%3A2012&Itemid=140

4 S/2012/544, 2012 Report on Somalia of the Somalia and Eritrea Monitoring Group, para. 36, 37.

5 S/2012/544, 2012 Report on Somalia of the Somalia and Eritrea Monitoring Group, para. 30.

6 See, for example, the authorization to investigate issued by the International Criminal Court (ICC-01/09-19): http://www.icc-cpi.int/iccdocs/doc/doc854287.pdf



Piracy off the coast of Somalia

Somalia has been in a state of perpetual conflict since the ouster of dictator Siad Barre in 1991. In addition to twenty-two years of conflict, Somalia has experienced five major droughts since 2000,[111] catastrophes for a country where the majority of the population is reliant on livestock herding and agriculture. Combined, conflict and drought gave Somalia the lowest GDP per capita in the world in 2011.[112]

In contrast, it is estimated that pirates brought in some US$150 million in 2011,[113] which would be equivalent to almost 15% of Somalia's GDP.[114] Aside from aid and remittances,[115] piracy has become the largest source of foreign exchange in the country.

Due to its strategic position along the Gulf of Aden, piracy has a long history in Somalia, but the current wave of successful hijackings began only in 2005. Today, some 42,500 vessels transit the high-risk area each year.[116] While it may seem inevitable that some in this heavily armed and fragmented country would take advantage of its location along one of the most heavily trafficked waterways in the world, the local discourse on piracy frames it as an essentially defensive measure.

According to the local narrative, the practice started after a tsunami washed toxic waste containers onto local beaches in 2005, confirming rumours that other countries had been using Somalia's un-policed waters as a dumping ground.[117] In addition, Somali fishermen had been encountering unauthorized trawlers in their traditional seas since the mid-1990s.[118] Since the fragmented central state had little capacity to guard Somalia's 3300 kilometres of coast, the fishermen decided to take matters into their own hands, seizing foreign ships and demanding compensation ("fines") for their return. In some instances, local authorities endorsed or supported these actions, forging links between the pirates and local government.[119] It appears that some militiamen were trained by local authorities and private security companies to act as "coast guards", a term still associated with some pirate groups.[120]

Whatever the truth of this narrative, it is deeply etched in the Somali consciousness, and has allowed piracy to be portrayed as a kind of redistributive activity. The pirates cannot operate without considerable public support,

111 EM-DAT: The OFDA/CRED International Disaster Database, www.emdat.be - Université catholique de Louvain - Brussels – Belgium.

112 Nominal GDP, as per United Nations Statistics Division, National Accounts Main Aggregates Database. See: http://unstats.un.org/unsd/snaama/selbasicFast.asp

113 UNODC-WB database.

114 At current prices, Somalia's GDP in 2011 was just over US$1 billion. (Source: United Nations Statistics Division).

115 Somalia received just under US$500 million in international assistance in 2010. See: http://www.globalhumanitarianassistance.org/countryprofile/somalia

UNDP has estimated remittances to Somalia at US$2.3 billion. See: http://www.undp.org/content/dam/undp/library/corporate/HDR/Arab%20States/HDR-Somalia-2012-E.pdf

116 Numbers provided by the International Maritime Bureau. The industry, in its Best Management Practices for Protection against Somalia Based Piracy, defines the "high-risk area" as "an area bounded by Suez and the Strait of Hormuz to the North, 10°S and 78 °E" that covers much of the Indian Ocean.

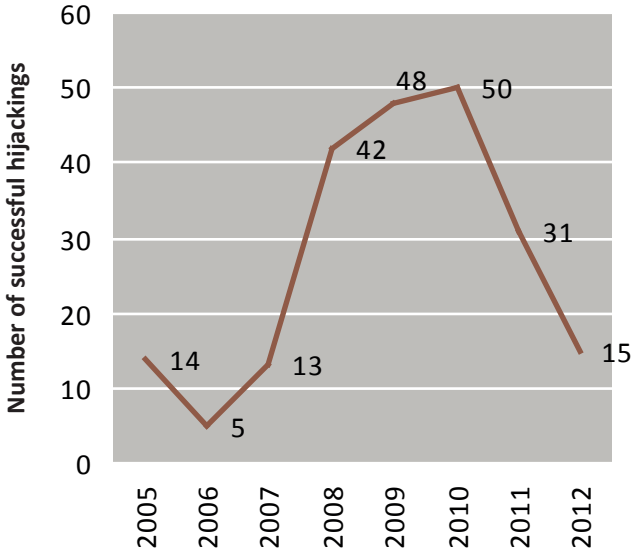
117 UN Security Council, *Report of the Special Adviser to the Secretary-General on Legal Issues Related to Piracy off the Coast of Somalia*, 25 January 2011, S/2011/30. The question of whether this dumping took place or affected piracy was later questioned in S/2011/661. Nonetheless, the connection remains robust in local discourse.

118 A university study estimated that half the 2002 catch off Somalia was taken by foreign-flagged vessels. The UN Food and Agriculture Organization said in 2005 that around 700 trawlers with foreign flags were involved. See: UN Security Council, *Report of the Secretary-General on the protection of Somali natural resources and waters,* 25 October 2011, S/2011/661, available at: http://www.un.org/ga/search/view_doc.asp?symbol=S/2011/661.

119 UN Security Council, *Report of the Monitoring Group on Somalia pursuant to Security Council Resolution 1630 (2005)*, 4 May 2006, S/2006/229, para. 80.

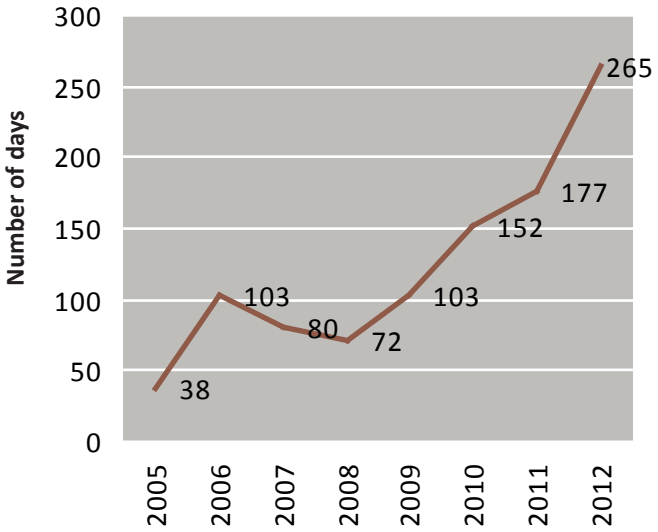
120 UNODC, *Causes of piracy and links to organized crime*, 2013.

Figure 19: Number of successful hijackings attributed to Somali pirates



Source: UNODC-WB database

Figure 20: Average number of days between successful Somali hijackings and payment of a ransom, by year of release



Source: UNODC-WB database

because they are reliant on supplies from the mainland during the long ransom negotiation process. But the justification wears thin when ships are attacked thousands of miles from the Somali coast, or when the victims are pensioners sailing pleasure craft near the Seychelles. Only a small fraction of the vessels held for ransom today are fishing vessels, and there is evidence that pirate groups are "licensing" foreign vessels to transit or fish in Somali waters.[121] Declining public support may be one reason why piracy attacks have fallen dramatically since April 2011.

Another factor leading to the decline is increased risk for pirates. The promulgation of "Best Management Practices" for responding to piracy has surely played a role in vessels escaping pirate attacks.[122] The high value ships have moved away from the coast, forcing pirates to travel much further before finding their targets.[123] In 2005, the average successful pirate attack was 109 km from the Somali coast; in 2012, it was 746 km.[124] Combined with the increased defensive capacities of vessels and the rise of private armed security onboard,[125] the extended range has meant that a growing number of pirates are lost at sea.[126] Interviews with former pirates have indicated that this risk provides a strong deterrent.[127]

Ransom negotiations have also become more protracted, requiring investors to support the pirates and their hostages for many months before seeing a return, if indeed they see any at all. For example, the *MV Iceberg* was hijacked on 29 March 2010 and liberated by the Puntland authorities on 23 December 2012 – in this case, it seems that pirates invested nearly two years in a vessel that never paid off. In 2005, hostages were held for 38 days on average, but by 2010, it increased to 152 days.[128] This growing cost was formerly offset by the continual growth in ransom payments, but in 2012, the average ransom actually declined by 20%.[129] As the proceeds of piracy have driven up the cost of everything in the communities where the pirates reside, extended negotiations have seriously undercut the return on investment.[130] Since investors get paid first, and

121 UN Security Council, *Report of the Monitoring Group on Somalia and Eritrea submitted in accordance with Security Council resolution 1916 (2010)*, 18 July 2011, S/2011/433, para.118.

122 Best Management Practices for Protection against Somalia based Piracy, version 4, August 2011, available at: http://www.mschoa.org/docs/public-documents/bmp4-low-res_sept_5_2011.pdf

123 In February 2009, a corridor between Somalia and Yemen within international waters -the Internationally Recommended Transit Corridor (IRTC)- was established to ensure the safety of vessels transiting the Gulf of Aden.

124 Calculations based on UNODC-WB database.

125 This increase in the use of private onboard security forces can be traced back to 2011, when a series of guidance and recommendations were provided by different organizations (e.g. the International Maritime Organization, several shipping industry associations and insurance companies, the US Department of State) on the use of Private Armed Security Personnel (PCASP).

126 Although estimating the number of pirates lost is a highly speculative venture, various sources have placed the number at around 300 in 2010 (see S/2011/30). If the total pool is 1500-3000 pirates, this represents a 10% to 20% attrition rate, which would most likely provide a significant deterrent.

127 UNODC, *Causes of piracy and links to organized crime*, 2013.

128 UNODC-WB database. Pirates have claimed that the cost of maintaining hostage crews runs into the tens of thousands of dollars per day (See: Do, Quy-Toan, Jean-Baptiste Blanc, Aurélien Kruse, Trung Dang Le, Andrei A. Levchenko, Lin Ma, Farley Mesko, Michaela McRee, Claudia Ruiz Ortega, and Anja Shortland, *The Pirates of Somalia: Ending the Threat, Rebuilding a Nation*, World Bank, Washington, DC., 2013). Two hundred hostages (199 men and one woman) from pirated vessels were being held in Somalia in December 2011. From December 2008 to December 2011, 2317 "merchant seamen" have been held hostage. See: EUNAVFOR, "Merchant ship crews held hostage in Somalia", 20 December 2011, available at: http://eunavfor.eu/merchant-ship-crews-held-hostage-in-somalia/

The majority of hostages are from countries in Asia, and persons from 47 countries were held hostage in 2011. See: International Maritime Bureau and Oceans Beyond Piracy, *The Human Cost of Somali Piracy* in, 22 June2012, p. 7.

129 UNODC-WB database.

130 Stuart Yikona, Clément Gorrissen, George Kisaka, Kevin Stephenson, David Lamair and Francisca Fernando, *Pirate Trails: Tracking the Illicit Financial Flows from Pirate Activities off the Horn of Africa*, UNODC, WB, and INTERPOL, 2013.

pirate expenses during negotiation are deducted from their share, some pirates may wind up barely breaking even.[131]

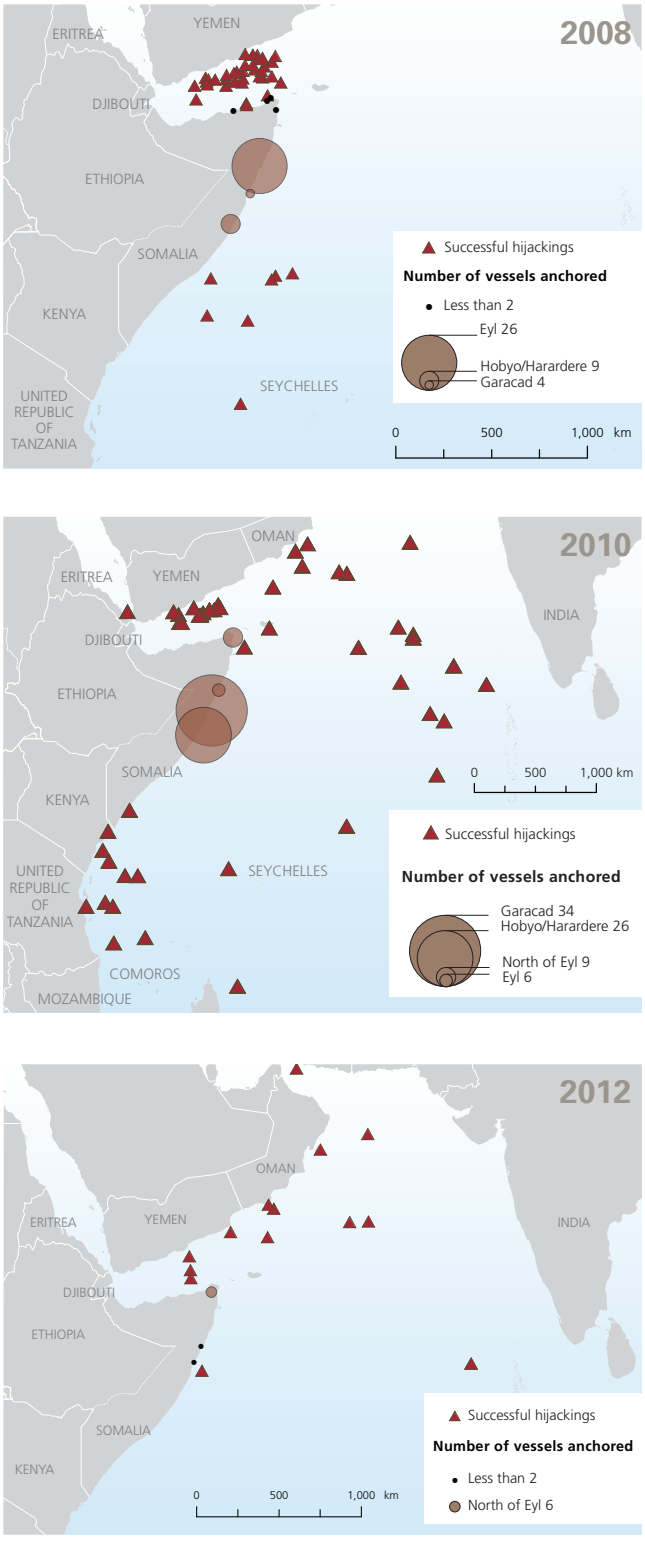
A final factor in the recent decline of piracy is the increased aggressiveness of international enforcement. In the past, the international community was dependent on the national and local authorities to take action against the pirates. Despite all the capacity challenges they face, the local authorities appear to have been remarkably effective in deterring piracy in large swathes of the country. Since most of the recent attacks have been concentrated around the southern end of the Arabian Peninsula, one might assume that the pirates would encamp in Somaliland or northern Puntland. In fact, most of the hijacked ships have been anchored some 1000 km away, in remote coastal areas of southern Puntland and Galguduud. While the reasons remain obscure, it appears that Somali pirates would rather travel an additional 2000 km round-trip than face the authorities in the north of the country.

Even if fully dedicated to the task, the local authorities lack resources: according to the African Development Bank, annual revenues of the Puntland region for all purposes in 2009 were estimated at US$16 million, a fraction of the estimated US$57.16 million to US$84.42 million garnered in ransom payments that year.[132] Recent operations by international forces, such as the European Union Naval Force (EUNAVFOR), on Somali soil may be having an impact, although the decline of piracy appears to have begun about one year before the first of these operations.

In March 2012, the mandate of the European Union Naval Force operation ("Atalanta") was extended "to include Somali coastal territory and internal waters".[133] An air attack against pirate suppliers in a coastal area was carried out by the European forces (EUNAVFOR) almost immediately afterwards.[134] However, it can be difficult to distinguish pirates from fishermen from the air, and there are concerns that misdirected attacks could increase the sense of international persecution that lies at the root of piracy. But combined with other factors, the threat of direct retributive action by international forces may be providing an additional deterrent.

Thus, for a variety of reasons, piracy has lost much of its attraction. A rising number of would-be pirates never make a profit or never return.[135] As international attention has intensified, it has become more difficult for the pirates to operate openly. Unless the character of piracy changes (by, for example, taking on a political dimension) or international attention wanes, this trend is likely to continue. While maritime hijackings for ransom are on the rise in other parts of the world, there is hope they will fade in Eastern Africa.

Map 5: Location of pirate attacks attributed to Somali pirates and anchorage points in 2008, 2010 and 2012



Source: UNODC-WB database

131 UNODC, *Causes of piracy and links to organized crime*, 2013.

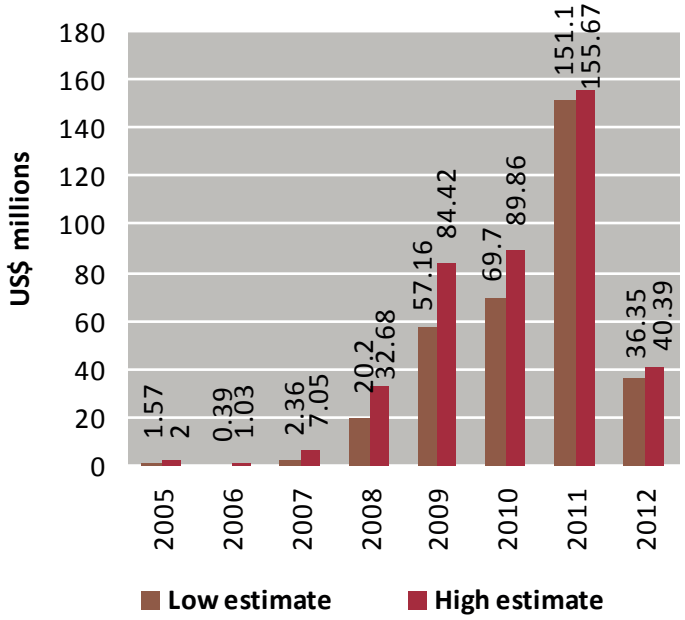
132 UNODC-WB database.

133 Statement from EUNAVFOR on Friday 23 March 2012, following a decision by the Council of the European Union (Council Decision 2012/174/CFSP of 23 March 2012).

134 EUNAVFOR, "EU naval force delivers blow against Somali pirates on shoreline", 15 May 2012, available at: http://eunavfor.eu/eu-naval-force-delivers-blow-against-somali-pirates-on-shoreline/

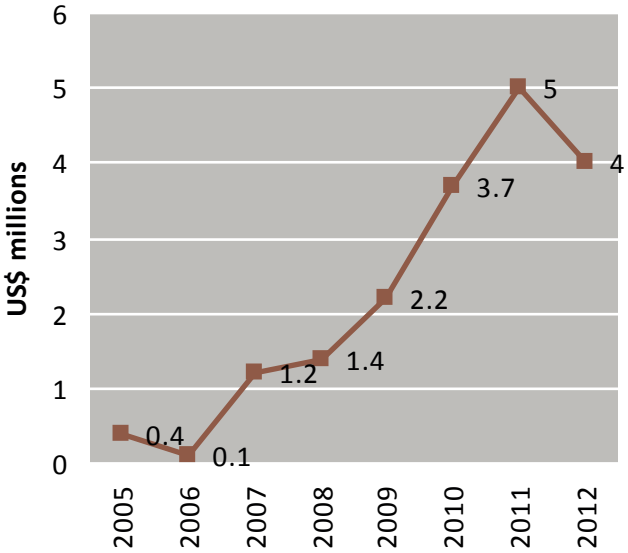
135 UNODC, *Causes of piracy and links to organized crime*, 2013.

Figure 21: Total annual ransoms paid to Somali pirates[136]



Source: UNODC-WB database

Figure 22: Annual per vessel average of ransom payments made to Somali pirates



Source: UNODC-WB database

What is the nature of this market?

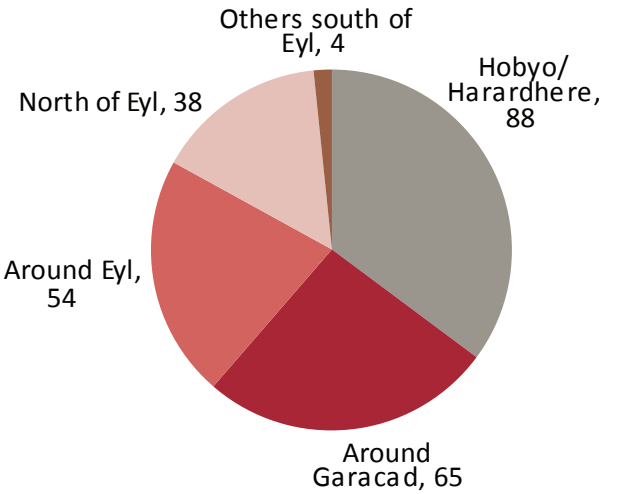
Despite its remarkable linguistic and ethnic homogeneity, Somalia is divided along clan lines, and the country has fragmented into areas where local government is more powerful than the national one. Three distinct sub-regions have emerged:

- Somaliland
- Puntland
- South-Central Somalia, including the recently recognized state of Galmuduug.

The former two areas have developed their own governance structures, although the seat of the national government lies in the latter. The area with the best access to the Gulf of Aden is Somaliland, but piracy attacks launched from this area are relatively rare. The best-known piracy centres are in southern Puntland (Eyl, Hobyo and Harardheere) and South Central Somalia (Galguduud), both situated on the east coast of Somalia. Freelance attacks also occur from the coast of northern Puntland, which abuts the Gulf of Aden.[137] Between 2008 and 2011, only 7% of the hijacked ships were anchored north of Eyl.[138]

The area subject to pirate predation has expanded considerably over time. Greater geographic reach was necessary as ships were warned to avoid the Somali coast, and international maritime patrols made attacks in the Gulf of Aden harder to carry out. Greater geographic reach was possible due to the adoption of "mother ships": larger craft, such as fishing boats and dhows, rented or hijacked in advance, from which the pirates can launch their attack skiffs.[139]

Figure 23: Anchorage sites for vessels hijacked by Somali pirates, 2005-2012



Source: UNODC-WB database

In 2005 and 2006, most of the successful attacks were concentrated near the coast of Puntland and Galguduud. Attempts were made in the Gulf of Aden, but most were unsuccessful. In 2007, successful attacks were evenly split between the Puntland coast and the Gulf of Aden, with attempts ranging further from Somali shores. In 2008, the Gulf of Aden was the site of most of the successful attacks, and 2009 continued this focus, adding wide-ranging attacks

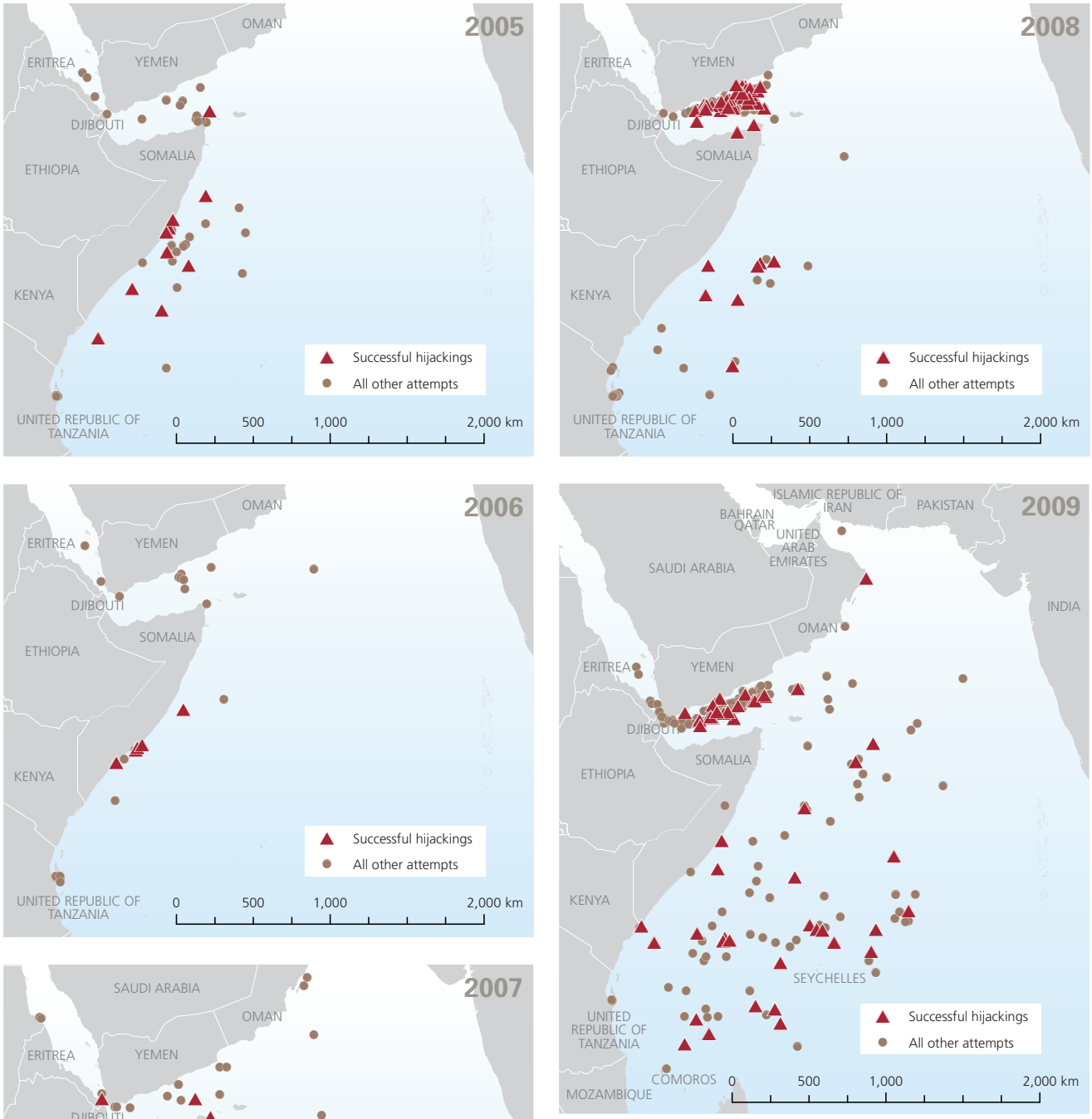
136 The "low estimate" represents just those cases where the ransom is known; the "high estimate" included cases where a ransom is known to have been paid, but the exact amount is unclear. These values were estimated based on a range of factors, from the type and tonnage of the ship to the identity of the ransom negotiator.

137 UNODC-WB database.

138 UNODC-WB database.

139 UN Security Council, *Report of the Monitoring group on Somalia and Eritrea*, 18 July 2011, S/2011/433, para. 89.

Map 6: Piracy incidents attributed to Somali pirates, 2005-2009



Source: UNODC based on information from UNODC-WB database

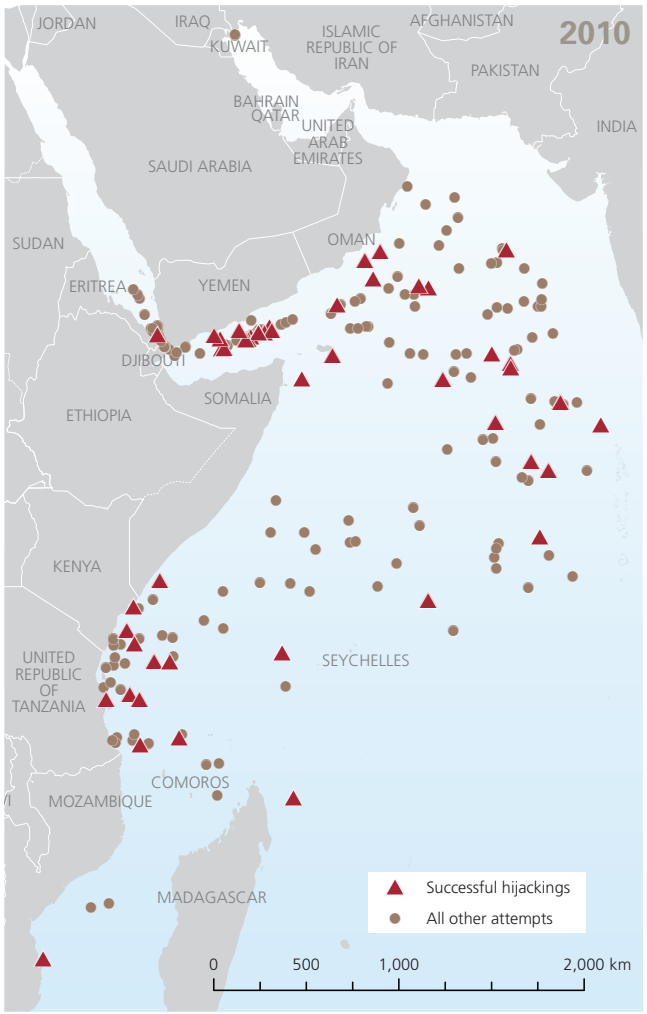
Source: UNODC based on information from UNODC-WB database

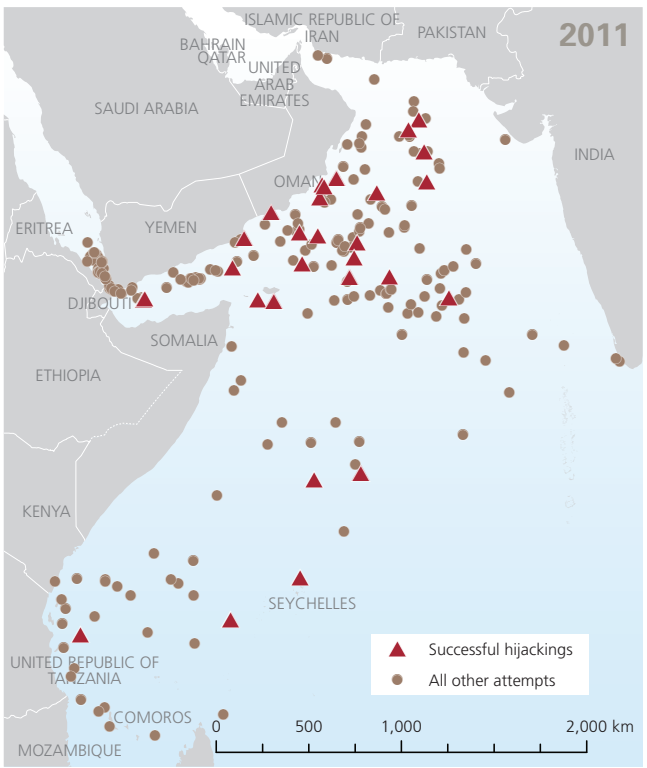
across the Indian Ocean. By 2011, the success rate in the Gulf of Aden had dropped again, this time due to international enforcement and target hardening. There were very few succesful attacks close to Somali shores, because most of the prime targets were avoiding this area entirely – most were made in the Arabian Sea. Last year saw a general decline in piracy attempts, with the few successes near the tip of the Arabian Peninsula. [140]

The use of mother ships also extended the temporal reach of the pirates. With skiffs alone, the piracy season was constrained to seasons when sea conditions were favourable,

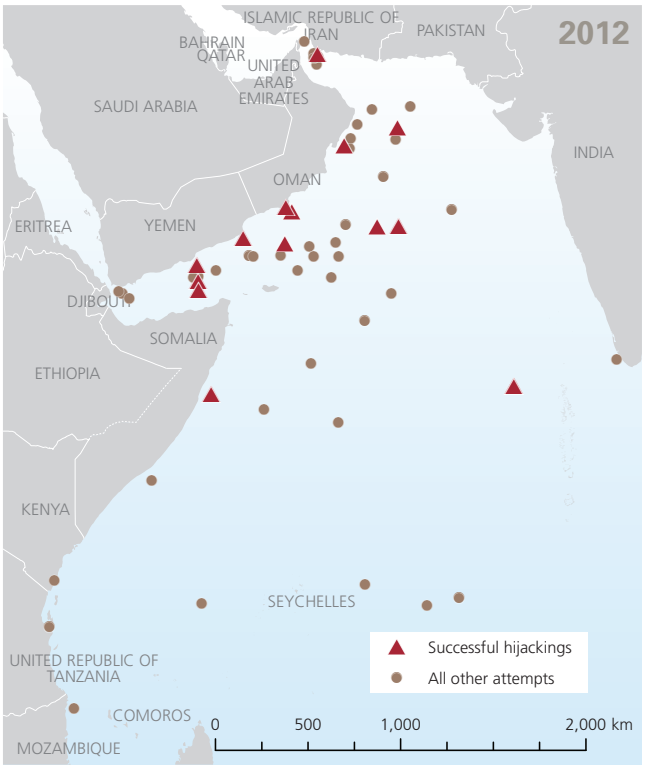
140 The information presented in this paragraph is based on the 2012 UNODC-WB joint dataset.

Map 7: Piracy incidents attributed to Somali pirates, 2010-2012





Source: UNODC based on information from UNODC-WB database



Source: UNODC based on information from UNODC-WB database

with few attacks being registered outside these periods. From 2011, with the widespread adoption of mother ships, these patterns changed, and pirates began to attack at virtually any time of the year.

Despite these innovations, a variety of factors have made piracy more difficult. After April 2011, the number of successful attacks dropped dramatically. In April of 2009 alone, pirates hijacked 16 ships, but after April 2011, they have averaged less than one per month.[141] Increased enforcement also made piracy more dangerous. In 2011, the International Maritime Bureau counted 111 pirate deaths, of which 70% were killed by national navies, 27% in clashes between pirates, and 2% by the Puntland Security Forces.[142]

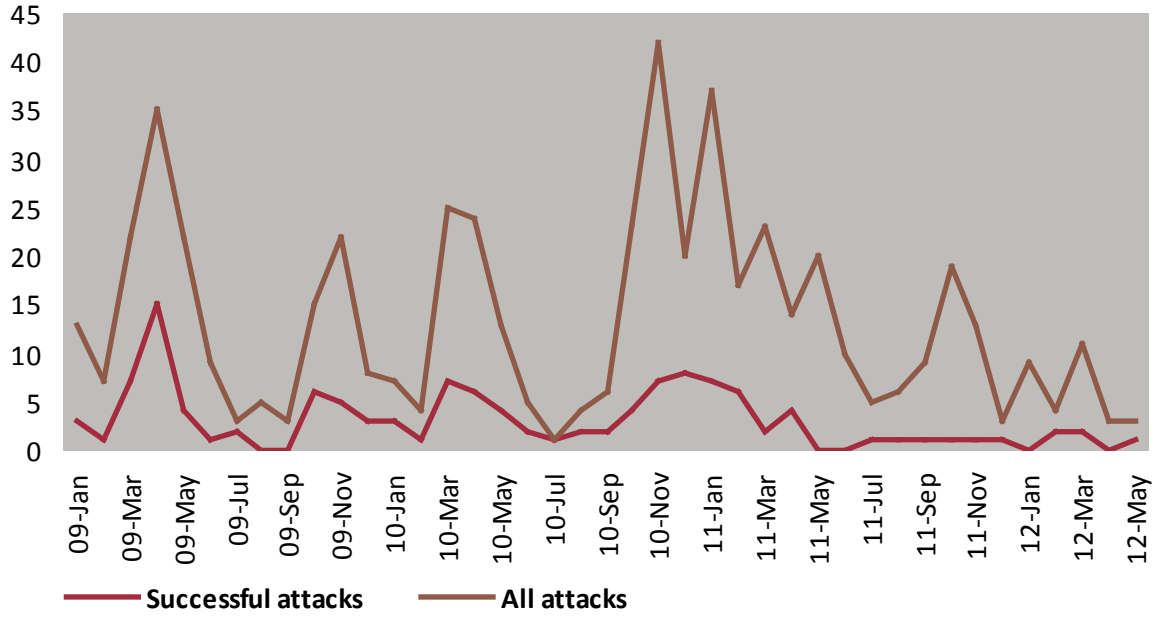
This reduction in the rate at which new hostage vessels were acquired was accompanied by an increase in the amount of time taken to negotiate each new ransom. The reasons for this increase are unclear, but may have to do with a growth in the amounts demanded, a decline in the willingness of the ship-owners to pay out, and the interests of a powerful class of professional ransom negotiators. Whatever the case, by January 2011, the Somali pirates were holding some 28 vessels and nearly 600 crewmembers.[143] The costs associated with guarding and maintaining these hostage ships and crew represent a cost to the pirates, to be deducted from their eventual takings. Teamed with a declining rate of success in pirate attacks, the profitability of piracy

141 UNODC-WB database.

142 IMB and Oceans Beyond Piracy, *The Human Cost of Somali Piracy in 2011*, 22 June 2012, p.13.

143 EUNAVFOR.

Figure 24: Recorded Somali pirate attacks and successful hijackings by month, January 2009-May 2012



Source: EUNAVFOR

declined after 2010. Perhaps most significantly, investors could no longer bank on sure returns.

How is the piracy conducted?

There is no central piracy command authority in Somalia. The decision to launch an attack may emerge from the collusion of a range of actors, including professional pirate groups, their community sponsors, and their sources of finance, some of which may be based overseas. An agreement is drawn up between these parties, specifying the allocation of risks and rewards. It appears that although some pirate crews have a degree of continuity, many planned hijackings are handled on a project basis. Once the project is complete, the ransom is distributed and the structures dissolve, to be resurrected at a later date if circumstances merit.

In addition to the pre-financed attacks, there also appear to be some freelance pirate crews, who attack on their own behalf without elaborate backing. The barriers to launching an attack are low - in theory, anyone able to commandeer a few skiffs and hijack a mother ship can participate. But the process of retaining hostages and negotiating a ransom is complicated, especially in a country where conditions are as unpredictable as Somalia. Freelance pirates with a successful catch must then market their hostages to financiers and community structures willing to sponsor them during the negotiation process.

It remains unclear to what extent particular vessels are targeted. Hostages have described pirates who board very familiar with the particulars of the ship, suggesting the vessel was chosen in advance. But naval observers have also described pirate vessels "fishing" for targets in the major shipping lanes. Pirates have even tried to attack naval patrol ships, clearly indicating a lack of advance planning.[144] It seems likely that both types of attack – planned and opportunistic – take place, although the share of each is unknown.

The most notorious pirate communities are located in the isolated fishing villages of southern Puntland and the province immediately to its south: Galguduud. The UN Monitoring Group on Somalia and Eritrea refers to the group operating in the northern part of this strip as the Puntland Piracy Network, home to such notorious pirates as Isse Yulux and Abdullahi Farah. To the south, there is a group known as the Hoboyo-Xarardheere network, which has included Mohamed Garfanje and Mohamed Abdi Hassan, also known as "Afweyne" (Big Mouth). The groups and their leaders are subject to change. For example, Afweyne, who was responsible for some of the most spectacular pirate attacks (including the Saudi supertanker *Sirius Star* and the weapons bearing *MV Faina*), has recently announced his retirement from piracy.

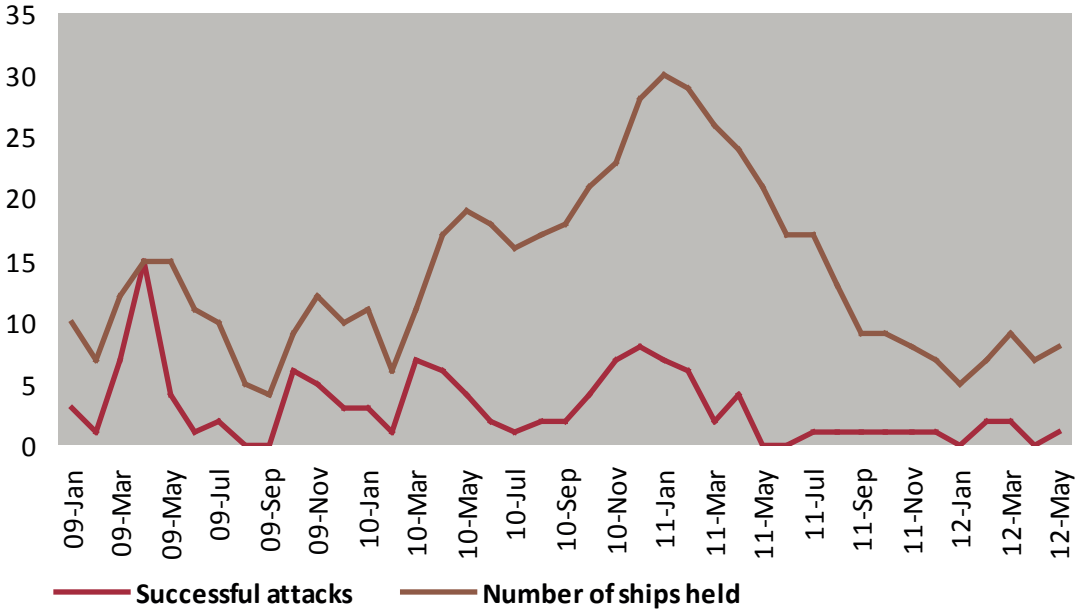
The mechanics of taking a ship are relatively simple. Pirates use the same sorts of vessels as those used by local fishermen: small skiffs that serve as attack craft, and larger vessels, such as dhows, to cover distance. To acquire mother ships, pirates can recruit local fishermen, rent their craft, or hijack them.

The skiffs are rough open craft of around seven to 10 meters in length. Today, they are typically equipped with new Yamaha outboard motors from Yemen.[145] Unlike fishing boats, they carry narrow homemade ladders and grap-

144 Five attacks against naval vessels were recorded in 2010. See: S/2011/433, para. 90.

145 UN Security Council, *Report of the Monitoring Group on Somalia pursuant to Security Council resolution 1853 (2008)*, 10 March 2010, S/2010/91, Annex II.

Figure 25: Successful Somali pirate attacks and the number of ships held by pirates by month, January 2009-May 2012



Source: EUNAVFOR

pling hooks for engaging and boarding target vessels.[146] Some include extra fuel tanks, but there have been anecdotes of pirates carrying only enough fuel for the outward leg of their journey, relying on a successful hijacking to return home alive.[147]

Although fishermen are also sometimes armed (especially in areas plagued by pirates), certain weapons are strong indicators of criminal intent. Pirates typically carry AK-pattern assault rifles, or PKM light machine guns, many left over from armouries looted after the fall of the Barre regime.[148] Some also bear rocket propelled grenade launchers, a weapon unlikely to be used by fishermen. Naval versions of the Somali "technical" (vehicles mounted with 12.7mm heavy machine guns) have been detected.[149]

These skiffs are loaded on, or towed behind, mother ships, which can be any larger ship the pirates have acquired, including previously hijacked merchant vessels. These mother ships allow the pirates to travel farther and in more difficult conditions than would be possible with skiffs alone. Since the crew of a hijacked mother ship may be retained under duress, the use of mother ships makes international intervention difficult, because it can be difficult to distinguish the pirates from their captives. Mother ships may even be traded between pirate groups.[150]

An attack group will typically involve two or three skiffs with four to seven crewmembers each. The use of multiple skiffs allows the pirates to attack from different directions and corral the target if it attempts to flee. The pirates will initially attempt to board unnoticed, but will threaten with weapons if detected. The amount of violence used by Somali pirates is generally moderate compared to pirate attacks in the Far East or in West Africa, but it is reported to have increased in recent years, in particular against hostages.[151] As one observer notes, in the early years, pirates would use only one or two rocket-propelled grenade rounds. By 2011, this had increased to six to 10 or even more.[152]

It appears that few pirates have the skills to operate a modern vessel, so they are reliant on the captive crew to navigate to Somali waters. Crews have defeated pirate attacks by simply retreating to the ship's citadel and waiting for the pirates to leave.[153] Once in Somali waters, the hostages may be kept on board their ship, consolidated with other hostages on a different vessel, or taken ashore for holding as negotiations are conducted.[154] Reports of abuse of hostages appear to be on the increase.

146 UN Security Council, *Report of the Monitoring Group on Somalia and Eritrea,* 18 July 2011, S/2011/433, para. 94,

147 S/2011/30, para. 17.

148 Weapons seized from pirates arrested in connection with the attempted hijacking of the *Moscow University,* for example, were heavily rusted and showing their age. Leftover Soviet imports are still used throughout the country. See Small Arms Survey, 'Chapter 10: Surveying the Battlefield: Illicit Arms in Afghanistan, Iraq, and Somalia'. *SAS Yearbook 2012*, Geneva: SAS.

149 UNODC correspondence with experts in the field.

150 A fee of around $100,000 was agreed for the use of an Iranian flagged fishing vessel, the Jahan, which had been taken by pirates who then left to take another vessel. The agreement appeared to have taken place in 2010, and the second pirate group would make the payment only if they received a ransom from hijacking a vessel (Source: UNODC interview with a NATO officer, April 2011).

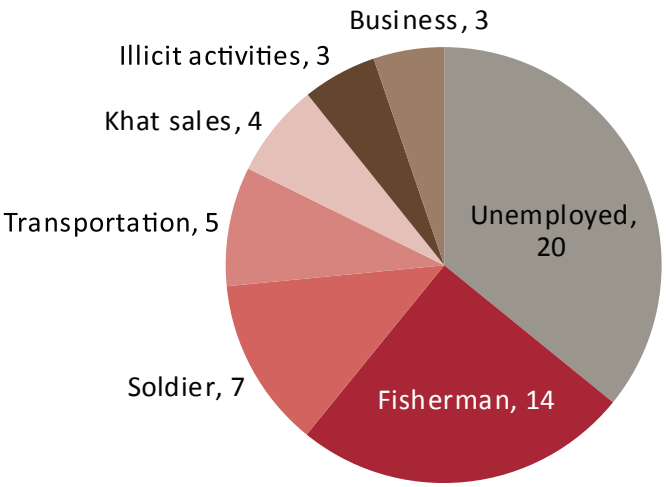
151 While the number of hostages held by Somali pirates decreased in 2011, there was an increase in the number of hostage deaths, with 35 killed. The majority of these deaths occurred during rescue or escape attempts, with a smaller number killed by pirates or dying from disease or malnutrition while in captivity. See: IMB and Oceans Beyond Piracy, *The Human Cost of Somali Piracy in 2011*, p. 8. In addition, there have been reports of torture of crewmembers, such the case of the *MV Marida Marguerite* in 2010. See: S/2011/433 para. 95.

152 UNODC background document, *The Illicit Financial Flows linked to Piracy off the Coast of Somalia*, May 2011.

153 UNODC-WB database.

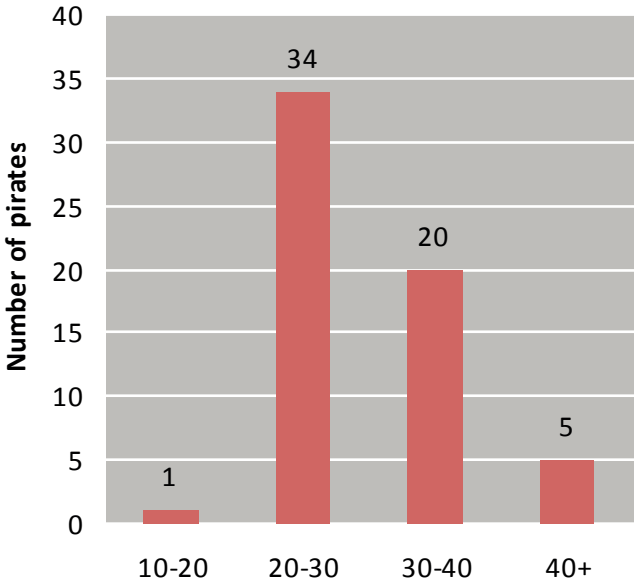
154 U.S. Congressional Research Service, *Piracy off the Horn of Africa*, 27 April 2011, p.11

Figure 26: Prior professions of 56 Somali pirates surveyed in 2012



Source: UNODC survey[155]

Figure 27: Age of entry into piracy of 60 Somali pirates surveyed in 2012



Source: UNODC survey

Ransoms are typically paid in cash (US 100-dollar bills) usually strapped to palettes and dropped at designated areas. The airdrop is carried out by "vessel owners or operators, or their insurance companies, many of whom have contracts with negotiators and crisis management consultancies".[156] This cash can be used to purchase khat from Somali dealers resident in Kenya. The planes bringing khat may return with cash derived from ransom payments.[157] A similar procedure may be used to purchase other commodities for local distribution, allowing financiers based in Somalia to enjoy their profits locally.

While this exchange can be viewed as "money laundering", it provides a vehicle for pirates to transition to legitimate business. Some pirates came from the khat trade[158] and it provides one of the few industries where comparable incomes can be derived.

Who is conducting the piracy?

Piracy requires the collusion of a range of actors, of which the pirate foot soldiers are just one component. These include:

- Financiers
- Seamen
- Chandlers and other suppliers
- Shore-based security structures
- Negotiators

A successful pirate hijacking, including the negotiation process, can involve considerable investment. In addition to the outlay in hardware (properly equipped skiffs, mother ship, fuel, weapons, ammunition), provision must be made for the upkeep of both the hostages and the crew during the negotiations.[159] Hostages must be fed and guarded by a proportionate number of pirates for periods that may exceed a year.[160] Failure to invest in sufficient guards could lead to the hostages being freed by foreign forces or being stolen by rival organizations. Pirates must also maintain sufficient land-based security presence to ensure they are taken seriously by local power structures, or they must have these structures represented among their investors.[162] Without protection, it would be difficult to retain cash ransoms of millions of dollars.

For planned hijackings, some investors buy shares, which are typically sold in US$10,000 blocks.[163] The average initial outlay for a hijacking is said to be around US$50,000,[164] and investors expect a 20-fold return on their shares,[165] so a minimum payoff required to satisfy shareholders is one million US dollars, or one-third of a three million dollar ransom. Investors are often former pirates, other Somalis with sufficient resources to risk US$10,000, or members of the diaspora. Relatives or other small groups can pool resources to launch an ad-hoc attack, but then will need to market their catch to more sophisticated groups for the negotiation process. Investors need some coercive power over the pirates, because they will claim at least 30% of the final take.[166]

155 UNODC, *Causes of piracy and links to organized crime*, 2013.

156 UK Parliament, Foreign Affairs Committee - Tenth Report, *Piracy off the coast of Somalia,* December 2011, available at: http://www.publications.parliament.uk/pa/cm201012/cmselect/cmfaff/1318/131802.htm

157 UNODC, WB, and INTERPOL joint report (2013), op. cit.

158 UNODC, *Causes of piracy and links to organized crime*, 2013.

159 World Bank (2013), op. cit.

160 World Bank (2013). op.c it.

161 UNODC, *Causes of piracy and links to organized crime*, 2013.

162 World Bank (2013). op. cit.

163 S/2011/433

164 World Bank (2013), op.c it.

165 S/2011/433

166 UNODC, WB, and INTERPOL joint report (2013), op. cit.

The pirates themselves are generally paid a share of the ransom, and the take for an ordinary pirate is typically in the low tens of thousands of dollars (US$30,000 to US$60,000).[167] The leader of the group is usually paid a double share. Additional shares may be paid for special contributions, such as bringing a personal firearm or ladder, or boarding the target vessel first.[168] During the negotiations, which may last a year or more, these men live on credit, with their consumption subtracted from their final share of the profits. As a result, when the ransom is finally paid, some pirates are scarcely better off than they had been before the venture.

The core pirates were estimated to number between 1,500 and 3,000 at the beginning of 2012.[169] They come from a range of backgrounds, but, for reasons discussed above, the single most prominent appears to be fishing, particularly in northern Puntland. Soldiers, who often go unpaid for extended periods in Somalia, are also prominently represented. Most pirates come from the coastal areas of Puntland, but some pirates appear to have migrated from the interior of the country for the purpose of engaging in piracy, often due to a connection to someone living near the pirate camps.[170] Inland nomads are more prominent in the southern parts of the piracy coastal strip.

There appears to be a strong bias towards adult males in the recruitment process. Younger males are recruited for supporting roles, but are not common among the pirate attack crews. This may be due to the fact that a limited number of men can participate, and experience is valued. Females have also been recruited, mainly as cooks, sex workers, or to care for the hostages. In one survey of 60 pirates, 90% were men who entered piracy between the ages of 20 and 39.[171] Only 14% of the Somali population falls into this demographic category.[172] It would therefore be wrong to interpret piracy as a matter of delinquency. It appears to be a livelihood choice for adult males faced with less attractive alternatives.

The pirates involved in the attack often provide the core security for the hostages once they are brought ashore, but the use of dedicated guards has also been noted. These are generally employees, paid a fixed wage rather than a share of the ransom.

The professional negotiators are typically well-educated, often resident in the diaspora, and receive their fee off the top, which may be as much as 5% of the total ransom.[173] The best of these are seen in multiple negotiations. Some may have formerly been pirates themselves.

Those providing goods and services to the pirates at inflated rates greatly benefit from the trade with relatively little risk. The prices pirates are able to pay have inflated the costs of virtually every scarce commodity in the coastal areas where they operate.[174] This buying power has ensured that goods are moved from all over the region for the pirates to consume. Service providers have also capitalized on the temporary largess of the crew awaiting ransom. Sex workers have migrated or been trafficked from other countries in the region to provide services to pirate crews.[175]

How big is piracy?

The UN International Maritime Organization (IMO) maintains meticulous records of all confirmed pirate attacks. As with all recorded crime statistics, there may be some degree of under-capture, particularly regarding the hijacking of smaller craft used for mother ships, and concerning vessels operating out of countries that do not report to the international authorities. With regard to registered vessels, it is unlikely that many major cases escape the attention of the IMO.

These statistics clearly show the growth of Somali piracy between 2005 and 2011, and its decline since. In 2012, there were just 15 successful attacks, close to 2005 levels (14). There were no successful hijackings for ransom in the Somali area of operations in the first half of 2013.

UNODC and the World Bank recently developed a joint dataset on ransom payments using sources from the International Maritime Bureau, the International Maritime Organization and EUNAVFOR. Information was gathered on 149 ransom payments over a total of 198 cases between 2005 and 2011. For the 49 cases where a ransom was known to have been paid but the amount was unknown, UNODC and the World Bank used a number of factors to create an estimate, including variables such as the identity of the negotiator and the value of the vessel seized.

Based on these figures, a low estimate (based only on cases where the ransom is known) and a high estimate (including the imputed values) were generated. The amount of money paid out in any given year does not correspond to the number of ships hijacked in that year, however, because many negotiations span at least one calendar year. In other words, although there were only 15 successful hijackings in 2012, pirates were still receiving ransoms from ships hijacked in previous years. Based purely on attacks where the ransom payment was known, pirates earned at least US$36 million in 2012. If ransoms were inferred in cases where they were not known, the figure would be as high as US$40 million.

167 Ibid.

168 World Bank (2013), op. cit.

169 UK Parliament, Foreign Affairs Committee - Tenth Report, *Piracy off the coast of Somalia*, December 2011.

170 UNODC, *Causes of piracy and links to organized crime*, 2013.

171 UNODC, *Causes of piracy and links to organized crime*, 2013.

172 According to the 2010 revision of the UN Population database, there were 1.273 million men aged 20-40 in 2010, out of a population of 9.331 million. Population Division of the Department of Economic and Social Affairs of the United Nations Secretariat, *World Population Prospects: The 2010 Revision.*

173 UNODC background document, *The Illicit Financial Flows linked to Piracy off the Coast of Somalia*, May 2011.

174 UNODC, WB, and INTERPOL joint report (2013), op. cit.

175 UNODC, WB, and INTERPOL joint report (2013), op. cit.

Annex 90

Report of the Special Adviser to the Secretary-General on Legal Issues Related to Piracy off the Coast of Somalia, S/2011/30, 24 January 2011 (Extracts)

United Nations S/2011/30

Security Council

Distr.: General
25 January 2011

Original: English

Letter dated 24 January 2011 from the Secretary-General to the President of the Security Council

I have the honour to refer to my letter dated 25 August 2010 (S/2010/451) by which I informed members of the Security Council that I intended to appoint Mr. Jack Lang as my Special Adviser on legal issues related to piracy off the coast of Somalia and that I would be asking him to identify any additional steps that could be taken to achieve and sustain substantive results in prosecuting piracy.

In that regard, I wish to inform the members of the Security Council that Mr. Lang has submitted to me a report (see annex).

I should be grateful if you would bring the present letter and its annex to the attention of the members of the Security Council.

(*Signed*) **BAN** Ki-moon

11-20621 (E) 020211

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Annex to the letter dated 24 January 2011 from the Secretary-General to the President of the Security Council

[Original: French]

Report of the Special Adviser to the Secretary-General on Legal Issues Related to Piracy off the Coast of Somalia

Summary: A plan in 25 proposals

This report was requested by the Secretary-General as a result of the debate held in the Security Council on 25 August 2010. Its purpose is to identify any additional steps that can be taken to assist States in the region, as well as other States, to prosecute and imprison persons who engage in piracy, and explore the willingness of States in the region to serve as potential hosts for any of the options for potential new judicial mechanisms.

Assessment of the threat reveals a serious situation. There has been no decline in piracy since its resurgence off the coast of Somalia in 2007. In 2010 the violence escalated, the periods of detention became lengthier, the modus operandi became more sophisticated and the area of attacks extended farther to the south (as far as Mozambique) and east in the Indian Ocean. The pirate economy, which has its epicentre in Puntland, is having a destabilizing effect on Somalia and the entire region owing to rising prices, insecurity of energy supplies and loss of revenue. While world seaborne trade appears to be handling the threat better thanks to naval operations, which play a crucial role in providing security, the number of victims is nevertheless rising, with 1,900 persons taken hostage since the end of 2008. In the long term, the entire world economy could be affected.

There are numerous gaps in the counter-piracy effort. It will be successful only when a series of converging measures are put in place to address all of its component parts. That effort should be sustained and steps should be taken on two fronts that make up the two primary areas of focus of this report: the enhancement of measures currently being implemented and the urgent application of new measures.

The enhancement of existing measures relates, in the first instance to the operational component. In order to implement self-protection measures more broadly within the shipping community, international certification for compliance with certain best practices is proposed, with a provision for notification of the flag State in the event of non-compliance. To enhance the effectiveness of naval operations, more frequent monitoring of the coastline and information-sharing with regional authorities in Somaliland and Puntland are recommended.

The enhancement of existing measures also covers the jurisdictional and correctional component.

First, judicial obstacles should be removed. Prosecutions can fail because certain prerequisites have not been met. To ensure that apprehended individuals can be tried, all States must see to it that they have a robust body of law and must make adjustments, as necessary, in both substantive and procedural terms.

With respect to substance, the proposal is to encourage all States:

– to criminalize piracy as defined by the United Nations Convention on the Law of the Sea; and

– to establish universal jurisdiction for acts of piracy.

In terms of procedure, a legal framework for apprehension at sea that complies with international human rights law and is compatible with operational constraints is often lacking and could easily be adopted by States participating in the counter-piracy effort. Three further proposals would help facilitate the gathering of evidence and its admissibility in court: to develop an international model case report, make it possible to conduct prosecutions for intent to commit an act of piracy and encourage victims to testify.

States in the region should also be given appropriate support to increase the number of transfer agreements so that alleged perpetrators can be transferred, initially for trial and then for imprisonment.

Second, the obstacles posed by the lack of correctional capacity will be overcome only by bolstering international assistance to the States in the region.

Third, to overcome the political obstacles to the prosecution of suspected pirates, a general mobilization of States to bring pirates to trial will be necessary.

New measures to enhance the effectiveness of counter-piracy efforts and successfully prosecute alleged pirates will be crucial. The recommended solution is to implement, on an extremely urgent basis, **a comprehensive multidimensional plan targeting Puntland and Somaliland and comprising three components — economic, security and jurisdictional/correctional — that would be brought to bear simultaneously.**

The **economic component** is aimed at developing activities that cannot thrive in an environment of piracy, safeguarding the sovereignty of Somali authorities over their territory and regulating service activities to ensure that their development does not spark an increase in piracy. There are several priority sectors: port and fishery operations, livestock exports and the regulated development of telecommunications services.

The **security component** must help to build the capacity of Somali authorities to secure their territory using their sovereign forces. Police units should be re-established in areas of lawlessness and a land-based coastguard support function should be developed.

It is also necessary to strike at the source of piracy networks by going after the persons behind them, who have been clearly identified but take refuge in areas where they are protected. To that end, the forensic capacities of States in the region must be enhanced, evidence must be made more readily admissible in court and individual sanctions must be imposed on the masterminds.

With respect to the **jurisdictional and correctional component**, the report favours the establishment, within eight months, of a court system comprising a specialized court in Puntland, a specialized court in Somaliland and a specialized extraterritorial Somali court that could be located in Arusha, United Republic of Tanzania. The specialized court in Puntland and the extraterritorial Somali court are priorities, given the possibility of granting them universal jurisdiction.

The correctional capacities of Puntland and Somaliland would be strengthened by the immediate construction of two prisons, one in Somaliland and one in Puntland, each with the capacity to hold 500 prisoners and with protected status to allow for international monitoring. The first spaces in these prisons would become available in eight months. A third prison should be built soon afterwards in Puntland.

The total cost of this component for three years is estimated to be less than $25 million.

There are several sources of funding for the counter-piracy effort: the budget of the United Nations Development Programme (UNDP); a fund established by the International Maritime Organization (IMO); and the Trust Fund of the Contact Group on Piracy off the Coast of Somalia, which should remain focused on judicial and correctional capacity-building in States in the East African and Indian Ocean region that are prosecuting alleged pirates.

The current funding needs remain far lower than the overall cost of piracy, which amounts to several hundred million dollars when the costs of insurance, security measures, naval operations and loss of revenue in key sectors of the region's economies are taken into account, not to mention the incalculable damage caused to victims, including the loss of human life.

The funds required to finance the proposed plan could be raised through a high-level donor conference.

The United Nations has a key role to play in facilitating and coordinating the international community's scaled up efforts to combat piracy off the coast of Somalia, and in mobilizing States and international organizations to take action to that end. Of the 25 proposals presented in this report, those associated with the Security Council, pursuant to its resolution 1918 (2010), could be set out in a new resolution. The Secretary-General, in close consultation with his Special Representative for Somalia, should contemplate the establishment of an institutional structure to facilitate the implementation of that resolution, under the aegis of a high-level eminent personality with vast United Nations experience.

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Abbreviations

AFP	Agence France-Presse
AIS	Automatic Identification System
AMISOM	African Union Mission in Somalia
BMP	Best Management Practices
CGPCS	Contact Group on Piracy off the Coast of Somalia
CMF	Combined Monitoring Forces
CTF151	Combined Taskforce 151
EEZ	exclusive economic zone
EU	European Union
EUNAVFOR	European Naval Forces (Operation “Atalanta”)
EUROPOL	European Police Office
GDP	Gross domestic product
GPS	Global Positioning System
GT2	Working Group 2 (which focuses on legal aspects of piracy)
ICU	Internal Control Unit
IGAD	Intergovernmental Authority on Development
IMO	International Maritime Organization
INTERPOL	International Criminal Police Organization
IRTC	Internationally recognized transit corridor
MSC-HOA	Maritime Security Centre — Horn of Africa
NATO	North Atlantic Treaty Organization
SPU	Special Police Unit
SUA	Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation
TFG	Transitional Federal Government
UK-MTO	UK Maritime Trade Operations
UN	United Nations
UNCLOS	United Nations Convention on the Law of the Sea

UNDP	United Nations Development Programme
UNEP	United Nations Environment Programme
UNODC	United Nations Office on Drugs and Crime
UNOPS	United Nations Office for Project Services
UNPOS	United Nations Political Office for Somalia
USD	United States dollars
WFP	World Food Programme

Introduction

A. Mandate of the Special Adviser and methodology

Mandate

1. This report is submitted as part of the process initiated by the Security Council on 27 April 2010 under its resolution 1918 (2010) with a view to "furthering the aim of prosecuting and imprisoning persons responsible for acts of piracy and armed robbery at sea off the coast of Somalia".

2. As the first step, the Security Council, noting in its resolution 1918 (2010) the failure to prosecute persons responsible for acts of piracy and armed robbery at sea, requested the Secretary-General to report on possible options to address the problem. Subsequently, in his report of 26 July 2010 (S/2010/394),[1] the Secretary-General presented seven options with an exhaustive analysis of their advantages and disadvantages "in the light of general considerations that apply", prior to the political consultation phase. The report provides essential food for thought, given the quality of the legal analysis it contains.

3. On 25 August 2010, following its deliberations on the aforementioned report, the Security Council welcomed the Secretary-General's intention to appoint a *Special Adviser on legal issues related to piracy off the coast of Somalia* (Presidential Statement S/PRST/2010/16). Upon making the appointment on 26 August 2010, the Secretary-General requested me, in particular, to identify any additional steps that can be taken to assist States in the region, as well as other States, to prosecute and imprison persons who engage in piracy, and explore the willingness of States in the region to serve as potential hosts for any of the options for potential new judicial mechanisms set out in [his] report (...) to the Council.

4. While there is consensus on the need to end the impunity of pirates, views are divided among the principal States engaging in counter-piracy on the methods that should be implemented to achieve that goal. Two radically diverse options have been proposed: the creation of an international criminal tribunal on one hand, and on the other, strengthening the capacities of States in the region without creating an additional mechanism. Various mechanisms between these two extremes have been suggested. No option is perfect: each has advantages and disadvantages. Given this background, my mandate prompted me to undertake numerous political and legal consultations in order to seek an effective solution which States would generally endorse.

Methodology

5. I made two visits to the region to consult with the highest authorities of Somalia as well as the authorities of Djibouti, Ethiopia, Kenya, Maldives, Mauritius,

[1] Report of the Secretary-General on possible options to further the aim of prosecuting and imprisoning persons responsible for acts of piracy and armed robbery at sea off the coast of Somalia, including, in particular, options for creating special domestic chambers possibly with international components, a regional tribunal or an international tribunal and corresponding imprisonment arrangements, taking into account the work of the Contact Group on Piracy off the Coast of Somalia, the existing practice in establishing international and mixed tribunals, and the time and resources necessary to achieve and sustain substantive results (S/2010/394).

Seychelles and the United Republic of Tanzania. I also conducted high-level meetings with authorities in China, Denmark, Egypt, France, Germany, India, Italy, Japan, Oman, Portugal, the Russian Federation, Ukraine, the United Kingdom and the United States of America. In addition, I consulted senior officials from international organizations concerned with the issue (INTERPOL and several United Nations agencies: the United Nations Office on Drugs and Crime (UNODC), the International Maritime Organization (IMO) and the United Nations Development Programme (UNDP)) and regional organizations (the Intergovernmental Authority on Development (IGAD), the African Union and the Indian Ocean Commission (IOC)), as well as the European Union and the naval commands of the coalitions conducting operations in the area. I met with Judge Yussuf, a Somali judge at the International Court of Justice, in his personal capacity, and with many legal experts and experts on Somalia. Lastly, I met with several private-sector stakeholders: shipowners, insurers and an association for the protection of the rights of employees of shipping lines.

6. The authorities of Somalia's Transitional Federal Government (TFG) were consulted on several occasions, as were regional authorities in Somaliland and Puntland. My visit to Somalia played a decisive role in my thinking on the issue. In addition to meeting with local authorities, including President Silanyo in Somaliland and President Farole in Puntland, I had an opportunity to visit several courts and prisons in Hargeysa and Garoowe. I also spoke with pirates (suspected and convicted) who had been transferred to the Kenyan authorities, at Shimo la Tewa prison in Mombasa.

7. The ongoing collaboration with Ambassador Augustine Mahiga, Special Representative of the Secretary-General for Somalia, was highly constructive. From Nairobi, we travelled together to Addis Ababa, Djibouti, Mauritius and New York. I also felt that it was essential to have Ambassador Thomas Winkler, Chairman of the Legal Working Group of the Contact Group on Piracy off the Coast of Somalia (CGPCS) accompany me on my visit to Somalia, which enabled us to cooperate more closely. I travelled to Copenhagen twice, the first time on 3 September, a few days after my appointment, and the second time for the meeting of the Legal Working Group held on 3 November, during which the participating States considered my preliminary findings. Lastly, I am especially indebted to Ms. Patricia O'Brien, Under-Secretary-General for Legal Affairs and Legal Counsel, and to Mr. B. Lynn Pascoe, Under-Secretary-General for Political Affairs, for our exchanges of views and the invaluable support they provided to ensure the successful discharge of my mandate.*

8. **I came away from these various consultations with the feeling that it was extremely urgent to:**

– deploy effective counter-piracy mechanisms before the professionalization, spread and escalation of piracy reaches a point of no return;

* I wish to extend my warm thanks to my collaborator, Ms. Camille Petit, Adviser on Foreign Affairs, for her outstanding work, without which these consultations, analyses and proposals and the drafting of this report would not have been possible. I also wish to thank Ms. Rachel Gasser and Mr. Vincent Astoux, who accompanied me on some of my visits, particularly to East Africa, and from whose expertise on the region I benefited enormously.

– establish continuity between the operational component of counter-piracy and its jurisdictional/correctional component, before the marines become discouraged;

– tackle the destabilizing factors inherent in piracy before their repercussions on the entire region become irremediable;

– adopt a new vision in order to focus not only on countering the symptom but also on vigorously tackling the underlying causes of piracy and purposefully promoting the economic development of Somaliland and Puntland.

9. Accordingly, this report places the jurisdictional and correctional aspects of the solution within the framework of a comprehensive multidimensional approach aimed at **strengthening each link in the chain of measures to combat, prevent and suppress piracy**. To counter the impunity of pirates, **there must be no weak link in that chain.**

10. The criteria that have guided me in seeking solutions take into account the goals of respect for human rights, effectiveness, efficiency and consistency with United Nations policy on Somalia. The advantages and disadvantages of each option can thus be evaluated according to the following four criteria:

– The effectiveness of the arrangement, which translates into successful prosecutions of persons suspected of planning or committing an act of piracy and who have been apprehended either through naval operations or, on land, through police investigations;

– Respect for international human rights law, which requires, at the judicial level, a judgement rendered by an independent and impartial court within a reasonable time and with due protection of defendants' rights and, at the correctional level, conditions of detention that meet international standards, provisions for social reintegration and criminal punishment that excludes the death penalty;

– The need for a solution that helps to strengthen the rule of law in Somalia while respecting the country's territorial integrity and sovereignty;

– Efficiency in terms of costs and the time required to establish the mechanism and put it into operation.

11. Given **the seriousness of the situation**, further to the Secretary-General's report of 27 October 2010 (S/2010/556) and my introductory remarks, I set out below the analysis of piracy off the coast of Somalia that guided my thinking on the issue and the crafting of my recommendations.

B. Piracy off the coast of Somalia, a symptom with growing regional implications

1. Emergence of a piracy industry

Genesis of the phenomenon

12. One of the reasons advanced for the large-scale development of piracy[2] off the coast of Somalia is the need for the Somali population to protect its territorial waters and marine resources against illegal fishing, uncontrolled degassing and dumping of toxic waste by foreign vessels. As early as 1997, a United Nations assessment mission led by Mr. Mahdi Gedi Qayad had warned the international community about the consequences of such practices and had recommended that a mechanism should be established for monitoring and protecting Somali's territorial waters. The absence of State structures capable of protecting the country's marine resources and combating the criminal practices of the pirates led to the resurgence of piracy, especially starting in 2005, in the aftermath of the tsunami which devastated the Puntland coastline between Hafun and Garacad, ruined 18,000 households, and revealed the scale of toxic waste which had been dumped off the Somali coast.[3]

13. Although the nexus between piracy, on the one hand, and illegal fishing and toxic waste, on the other, continues to be invoked without having been proven to date, piracy has in essence become an organized, lucrative and attractive criminal activity undertaken for heinous ends. The extension of acts of piracy further away from the Somali coast shows that those acts have nothing to do with a desire to protect national interests.

Persistence of the phenomenon, spurred by impunity of pirates

14. The threat has persisted since 2007. Given the intensity of the violence and the increasingly longer periods of detention, it cannot be said that the phenomenon is being brought under control; on the contrary, the fear is that the number of victims who die from natural causes, accident or execution[4] might increase. The success rate

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[2] **In the rest of the report, the term "piracy" will be used in a broad sense to include piracy in the strict sense of the word (on the high seas or in a place outside the jurisdiction of any State) and armed robbery at sea**. Subject to the foregoing, piracy will be understood as set forth in article 101 of the United Nations Convention on the Law of the Sea, which states that: "*Piracy consists of any of the following acts: (a) any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed: (i) on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft; (ii) against a ship, aircraft, persons or property in a place outside the jurisdiction of any State; (b) any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft; (c) any act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b)*."

[3] *Rapid Environmental Desk Assessment Somalia*, UNEP, March 2005.

[4] Data provided by the European Union Naval Force (EU NAVFOR). These figures differ considerably from those produced by the International Maritime Bureau of Kuala Lumpur (which tabulates attacks reported by the maritime community with a risk of underestimation) and the International Maritime Organization (which has a broader definition of a hijacked vessel: a ship whose crew members take refuge in the citadel, which is then abandoned by the pirates or is rescued by a military force will be considered by the International Maritime Organization as hijacked, then freed, whereas EU NAVFOR will classify the incident as an "aborted attack", because the pirates could not "take control of the vessel" when the crew members were in the citadel).

of attacks seems to have levelled off at a figure that does not go below about 25 per cent (26.6 per cent in 2010)[5]. Some cases of repeat offending have been identified, where the pirates apprehended had already been released on previous occasions for lack of a host State to prosecute them. Thus, more than 90 per cent of the pirates apprehended by States patrolling the seas will be released without being prosecuted.[6] The impunity resulting from such "catch and release" practices tends to make the risk-reward ratio for the pirates negligible and to encourage piracy. This highly attractive criminal activity is perceived as a virtually foolproof way of getting rich.

Industrialization of the phenomenon

15. Three trends can be observed in the evolution of the phenomenon:

– Escalation, considering the ever-growing number of pirates who today even hail from the hinterland[7] (currently totalling at least 1,500, according to the Transitional Federal Government[8]);

– Intensification of the violence of attacks (first weapons of choice are AK-47 automatic assault rifles and RPG-7 rocket launchers);

– Sophistication of the modus operandi (increasing use of "mother ships" to backstop attack skiffs, global positioning satellites (GPS), Automatic Identification System (AIS) data, satellite telephones and counterfeit detectors; organization of refuelling at sea of captured ships for the trip to Somalia). More than their equipment, it is primarily the organizational capacity of the pirates that is bolstered during attacks at sea, on land or at the home port, owing to the logistical support provided in the negotiation of ransoms and the holding of hostages. The pirates now have the ability to manage a large number of captures over a long period of time, thus ensuring that they have regular income throughout the year, even during the monsoon seasons.

2. Destabilizing political, economic and social impacts

Impact on Somalia

A piracy-driven economy

16. With the industrialization of the phenomenon and especially the emergence of new professions (intermediaries, negotiators, and interpreters), the Somali population is increasingly dependent on piracy. The economy, which basically depends on export of livestock (camels, sheep) to the Gulf countries, remittances from the diaspora and port operations, is gradually relying on support for the pirates by entire villages, now with the approval of some clan chiefs and even some members of the diaspora. The risk of reaching a point of no return is emerging, with the creation of a veritable mafia, piracy-driven economy and the deep disintegration of Somali society, which is built on fragile local arrangements.

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[5] In 2010, of the 173 vessels attacked, 46 were hijacked (defined as vessels which have been taken over by pirates).

[6] Data communicated by EU NAVFOR.

[7] The United Nations Development Programme found that some of the pirates were from pastoral, inland populations, not only coastal populations.

[8] Estimate presented at the African Union seminar on maritime safety and security, Addis Ababa, 6-7 April 2010.

17. Meanwhile, growing insecurity caused by piracy is depriving the north of Somalia of possible job-creating investments (port operations, fishing and development of public infrastructure). The sponsors are exploiting a population which has no professional prospects. Some pirates operate far from the coast. As they do not always have enough fuel for their return, their survival sometimes depends on the success of their attacks. According to the United Nations Office on Drugs and Crime (UNODC), 200 to 300 pirates have not returned from their expeditions since the resurgence of the phenomenon and their families are being abused by the instigators who lie to them and say that the pirates have settled in Europe or elsewhere. Piracy is also one of the main obstacles to the delivery of food aid, the lifeline for more than 2 million Somalis or about 27 per cent of the population.[9] The World Food Programme (WFP) is relying more and more on very costly air deliveries.[10] The need to escort vessels, although indispensable, also places a heavy burden on WFP logistics. Lastly, members of the diaspora themselves are penalized because their income is under suspicion and scrutiny.

18. The piracy-driven economy is gradually overtaking the traditional economy, owing to the development of activities on land in support of the pirates, the lack of job-creating investments in a context of widespread insecurity, and the destructive effect of piracy on Somali society which creates a vicious circle.

Puntland, epicentre of piracy

19. Piracy attacks are launched from two major locations: Puntland, home of the vast majority of the pirates, and the centre-south of Somalia, from Xarardheere to Kismayo, which has since September 2010 seen a recent and worrying trend as launching stations for attacks have moved to the south of Somalia, an area marked by the absence of governance (and the presence of Al-Shabaab).

20. Nonetheless, Puntland remains the epicentre of piracy. Most of the ports where ships dock during ransom negotiations are located between Hobyo and Garacad (eastern coast of Puntland), as well as in Xabo (northern coast of Puntland). This stems from two centrifugal movements: the capture of Xarardheere by Hizbul Islam in April 2010, which led to a relative retreat to the north, between Hobyo and Garacad;[11] and the counter-piracy actions of the Puntland authorities against the Eyl base, which drove the pirates further south towards Garacad. Consequently, Puntland remains the main area of refuge for the pirates, despite its declared commitment to eradicate piracy from its soil.

21. Somaliland, which is determined to tackle piracy courageously, in order to ensure, inter alia, the unimpeded development of the port of Berbera, has (limited) police and coast guard capacities. While this region seems relatively unaffected by the phenomenon, it is still not safe from the threat, especially in less controlled areas on the border with Puntland.

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[9] Report of the United Nations Resident and Humanitarian Coordinator for Somalia, submitted pursuant to Security Council resolution 1916 (2010) (S/2010/580).

[10] *Source*: WFP.

[11] Hobyo (and Xarardheere) are located in the Galmudug region, which is clamouring for greater autonomy yet remains close to Puntland, and recognizes, as Puntland does, the authority of the Transitional Federal Government (GFT).

Piracy and clan structure

22. Piracy has a destructive effect on the clan structure of Somali society. Young pirates who have acquired wealth are now challenging the authority of the Elders and their private militias are competing with loyalist security forces. In Garacad, the Elders oppose the pirates and make the population aware of the harmful effects of piracy (alcohol, prostitution), which are contrary to Islamic teaching. The authorities in Garowe say that they rely on clan chiefs in conducting awareness campaigns among the population in order to discourage any would-be pirates. It is the Elders who reportedly obtained the release of the Puntland Minister of Maritime Transport, Ports and Counter-Piracy, who was kidnapped by pirates during a communication operation.[12] Other clan chiefs prefer to side with (rather than alienate) the pirates and even support them (in order to share in their revenues).

Piracy and local authorities

23. The pirates also destabilize the authority of local governments by putting them in a quandary: they either support the pirates and become compromised,[13] or oppose the pirates and lose readily available resources. According to the African Development Bank, annual revenues of the Puntland region for 2009 were estimated at $16 million,[14] while revenues from piracy were estimated at $82 million for the same year, according to the United Nations Monitoring Group for Somalia. The reshuffling of the local Government of Puntland in March 2010 and the implementation of counter-piracy measures by the Puntland authorities are to be commended. The Government of Puntland affirms that it is now committed to tackling piracy. Apart from pressure from the international community, internal pressures are also being exerted on some sub-clans and traditional chiefs (Elders) opposed to piracy. The struggle against piracy, it seems, is also a struggle for power.

Pirates and Islamist insurgents

24. While a major alliance between the pirates and Al-Shabaab has not yet materialized, local complicities have been noted. Officially, the insurgents (of Al-Shabaab and Hizbul Islam) are opposed to piracy, a crime which is severely punished by the sharia. Following the resurgence of piracy in 2005, there was a lull in 2006, when the country was run by the Islamic Courts Union in Mogadishu for one year. Today, the relocation of the pirates to the south of Somalia in areas controlled by Al-Shabaab suggests that there are ad hoc agreements guaranteeing tranquillity for the pirates in return for a portion of their ransom money (which could reportedly reach 30 per cent).[15] Such passive collusion, for example in the region of Kismayo, further destabilizes Somalia by facilitating the recruitment of insurgent militias as well as the weapons trade in violation of the embargo.

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[12] *Source*: Puntland regional authorities.

[13] Report of the Monitoring Group on Somalia pursuant to Security Council resolution 1853 (2008) (S/2010/91).

[14] African Development Bank, Somalia — summary report, 18 May 2010. According to the same source, revenues for Somaliland in 2009 were $22 million.

[15] Information communicated in the course of several discussions; it needs to be confirmed.

Impact on the region

More States affected

25. Besides Somalia, the entire region is affected by the scourge of piracy. The area of operation corresponds to an ever-expanding triangle, stretching from Yemen and Oman to Seychelles and the United Republic of Tanzania, and even to Mozambique. More and more, the pirates are using hijacked vessels as "mother ships" to carry out other attacks further off from the coast, at less than 200 miles from India and 120 miles from Maldives (May 2010). They do not hesitate to use captured crew members as shields to challenge naval forces. As pointed out by the President of the United Republic of Tanzania, 26 attacks took place off the Tanzanian coast between 25 September and 18 December 2010. The shift of attacks to the south and east of the Indian Ocean reflects the pirates' ability to constantly adapt in order to bypass the security corridor established by naval forces. In the south, the pirates now set up base along the coast of Somalia before heading towards Mwatara (the United Republic of Tanzania) or dispersing into the vast expanse of the Indian Ocean, cruising critical shipping lanes.

Loss of income, increase in prices and insecurity of energy supplies

26. From an economic standpoint, piracy has a dangerous negative impact on the major economic sectors of the region, notably tourism and fishery (4 per cent drop in GDP in Seychelles in 1990,[16] 90 per cent of which was from these two sectors). Local business is also affected by the increase in commodity prices, coupled with the impact of insurance premiums on the final consumer, not only in Kenya and the United Republic of Tanzania, but also in landlocked countries serviced by the East African coastline (Burundi, eastern Democratic Republic of the Congo, Ethiopia, Malawi, Rwanda, Uganda and Zambia). Port operations, maritime traffic and imports have declined across the Horn of Africa, with an attendant risk for energy supplies to East African countries. In fact, only three vessels supply gas to Comoros, Madagascar, Mauritius, Seychelles and the United Republic of Tanzania. Hijacking any of those vessels would have a major impact on gas supplies to those countries. Any attack on a vessel carrying hazardous materials could also affect the environment.

Replacement of illegal activities with legal activities

27. The entire region has not only suffered from the negative economic effects of piracy, but also witnessed a gradual increase in illegal activities connected with piracy (money-laundering, destabilization of the real estate sector, trafficking of weapons and migrants), which are, to some extent, replacing legal activities. Some States of the region fear that logistical bases would be set up in their territory (Kenya, Seychelles and the United Republic of Tanzania), and even that their populations would find new outlets.

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[16] Speech by President Michel at the symposium on piracy held in Victoria in July 2010. The Seychelles President had also referred to a 50 per cent increase in insurance premiums, a 30 per cent drop in revenues from fishing operations, and additional expenses of 2.3 million euros for counter-piracy patrols and surveillance.

Impact on international maritime trade

28. Naval operations have helped secure the Gulf of Aden; 33 vessels have been hijacked by pirates in that region since the establishment of the Internationally Recommended Transit Corridor (IRTC) and the Maritime Security Centre — Horn of Africa (MSC-HOA) in early 2009.[17] Yet, between 22,000 and 25,000 vessels transit through the Suez Canal each year. Every day, 3.3 million barrels of oil are transported through the Bab-el-Mandeb Strait, representing 30 per cent of the world's oil supply.[18] As a result, free movement along these critical shipping lanes remains of major economic importance for the entire international community. Insurance premiums are said to have quadrupled for passage through the zone, which is classified as a war zone. However, these increased premiums have not yet had an impact on energy prices in Europe,[19] nor have they led to the re-routing of traffic through the Cape of Good Hope. Only a few shipping companies have used that route instead of the Suez Canal, because of the ensuing delays (rounding the African continent would add 10 days to shipping times and increase fuel costs by US$800,000 to US$2.7 million, depending on the size of the vessel).

Impact on victims

29. As of 31 December 2010, pirates held 612 people and 26 vessels hostage. Nearly 250 additional hostages have been taken since the resumption of piracy operations in the fall of 2010, following the monsoon season. In all, since 12 December 2008 (a period of two years), pirates have held close to 1,900[20] people and 105 vessels[21] off the coast of Somalia.

30. As a result of growing pressure by the instigators of piracy, the remoteness of areas of operation, and the increase in ransoms sought, the level of violence involved during attacks, detention and ransom negotiation tends to be higher. With the steady increase in ransoms demanded, the average period of detention is also growing, now standing at 120 days[22] (11 months in the case of the Chandler couple). Some traumatized victims prefer not to testify about the psychological torture and mock executions which they endured. Lastly, crew members used as human shields and slaves to the pirates seem sometimes to be forgotten by their employer, the ship owner and the insurer.

31. Efforts to bring the phenomenon under control are complicated by the extreme seriousness of the situation and developments in piracy operations since October 2010 (establishment of logistical bases in the south of Somalia controlled by Al-Shabaab; shift of areas of operation to the east and the south close to the Kenyan, Tanzanian and Seychelles shorelines threatening energy supplies to East Africa; stagnation and even increase in the success rate of attacks; violence against victims). The

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[17] *Source*: EU NAVFOR.

[18] *Source*: IMO.

[19] Following the capture of the *Sirius Star*, a Saudi oil tanker, the price of a barrel of oil was reported to have increased by one dollar, without any clear cause-and-effect relationship being established.

[20] The exact number is reportedly 1,890, but may not be reliable, as it is based on, among other things, statements from the companies.

[21] *Source*: EU NAVFOR. This figure reflects the number of boats for which ransom payments were being negotiated, to the knowledge of the naval forces. Certain dhows hijacked for exclusively logistical purposes or for use as "mother ships" may not be included in this total.

[22] *Source*: EU NAVFOR.

international community is involved in a sprint with the pirates and it must respond more effectively.

32. **The counter-piracy effort has many weaknesses. It can only succeed if a series of convergent measures are taken to address the different links of the chain. Action is thus required on two fronts:**

- **Keeping up the effort and reinforcing the solutions currently being implemented;**
- **Applying new solutions urgently.**

I. Improving on current solutions

A. Operational component of counter-piracy

33. At the operational level, two types of measure are essential:

- Merchant ships must protect themselves by systematically implementing best management practices;
- Naval operations should be conducted in order to escort vulnerable ships, discourage and thwart attacks, and arrest the pirates with a view to possible prosecution.

1. Extending the scope of self-protection measures

34. The best management practices defined by the maritime community and disseminated in particular by IMO remain the best tool for protection against acts of piracy. They include passive protection measures to discourage attacks, and defensive measures to counter the pirates in the event of an attack. Ships that comply with the best management practices can more easily thwart attacks or hold out until naval forces respond, thereby avoiding capture. The European Union has played a central coordinating role: in February 2009, it established the Maritime Security Centre — Horn of Africa (MSCHOA), which is linked in particular with United Kingdom Maritime Trade Operations (UKMTO).[23]

- The first best management practice is advance registration with MSCHOA, which assesses the ship's vulnerability (e.g. speed lower than 15 knots, a minimum freeboard lesser than 5 metres, reduced manoeuvrability, weak or defective propulsion), and registration with UKMTO on arrival in the zone. MSCHOA then organizes group transit convoys adapted to the ship's vulnerability and travelling in a monitored zone, depending on the available naval capacity.
- The other best management practices include advance staff training and installation of a citadel, razor wire and additional non-lethal defensive measures, depending on the characteristics of the ship and the needs identified by the ship's master.

[23] UK-MTO is based in Dubai.

Annex 91

Report of the Monitoring Group on Somalia and Eritrea pursuant to the UN Security Council resolution 2182 (2014): Somalia, S/2015/801, 19 October 2015 (Submission of the full document corresponding to Annex 23 of Somalia's Reply)

United Nations S/2015/801

Security Council

Distr.: General
19 October 2015

Original: English

Letter dated 9 October 2015 from the Chair of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea addressed to the President of the Security Council

On behalf of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea, and in accordance with paragraph 47 of Security Council resolution 2182 (2014), I have the honour to transmit herewith the report on Somalia of the Monitoring Group on Somalia and Eritrea.

In this connection, the Committee would appreciate it if the present letter, together with the enclosed report, were brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) Rafael Darío Ramírez **Carreño**
Chair
Security Council Committee pursuant
to resolutions 751 (1992) and 1907 (2009)
concerning Somalia and Eritrea

15-16012 (E) 201015

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S/2015/801

Letter dated 22 September 2015 from the members of the Monitoring Group on Somalia and Eritrea addressed to the Chair of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea

We have the honour to transmit herewith the report focusing on Somalia of the Monitoring Group on Somalia and Eritrea in accordance with paragraph 47 of Security Council resolution 2182 (2014).

(*Signed*) Christophe **Trajber**
Coordinator
Monitoring Group on Somalia and Eritrea

(*Signed*) Nicholas **Argeros**
Finance expert

(*Signed*) Zeina **Awad**
Transport expert

(*Signed*) Jay **Bahadur**
Armed groups expert

(*Signed*) Bogdan **Chetreanu**
Finance expert

(*Signed*) Déirdre **Clancy**
Humanitarian expert

(*Signed*) James **Smith**
Regional expert

S/2015/801

Report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 2182 (2014): Somalia

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Summary

Much has changed since President Hassan Sheikh Mohamud was elected President of the Federal Government of Somalia late in 2012. Support from the African Union Mission in Somalia (AMISOM) enabled significant territorial gains to be made against Harakaat al-Shabaab al-Mujaahidiin (Al-Shabaab). Three new interim regional administrations have been established, leaving a new federal map of Somalia almost complete. As new lines are drawn on the map, however, new opportunities for clan, business and political networks to capture State resources have emerged. The rush for these resources by spoiler networks is preventing the development of an inclusive political arrangement, and threatens to undermine the military gains made against Al-Shabaab. Capitalizing on these gains requires Somalia's political elite to prioritize the long-term goals of State-building over the short-term capture of State resources. The failure to do so, as Somalia enters the next phase of transition in 2016, presents a significant threat to the long-term peace, security and stability of Somalia. A resurgent Al-Shabaab appears increasingly able to exploit the failures of its opponents to consolidate control, establish local administrations, provide security and build public trust.

Control over and access to Somalia's land and water resources were contested long before the collapse of the State in 1991. Al-Shabaab's administrative rule over much of southern and central Somalia, though ruthless, subdued many deeply rooted intercommunal conflicts over land and water resources. Al-Shabaab's loss of territory in the face of military defeats, and the absence of viable alternative civilian administrations in its place, have resulted in the re-emergence of intercommunal conflicts in parts of southern and central Somalia. Al-Shabaab has leveraged this conflict to its advantage. The prevalence of potentially deepening intercommunal conflicts over land, water and other natural resources in the relatively more stable regions of Somaliland and Puntland underlines the need for comprehensive approaches to local-level resource-sharing agreements.

The 2012 Provisional Constitution and ongoing federalization process have highlighted the urgent need for national resource-sharing agreements. The pursuit of Somalia's mineral and maritime wealth by private companies presents a significant threat in a fragile environment. Managed effectively by responsible and effective institutions, the nation's resource wealth should contribute to the strengthening of Somalia's economy and to its prosperity. The Monitoring Group's investigation into Soma Oil & Gas Holdings Ltd., which revealed that Somali Government officials accepted payments from the company under the guise of a "capacity-building" programme, has demonstrated that such institutions do not yet exist. The successful implementation of genuine capacity-building programmes should be a prerequisite for the development of the extractives sector in Somalia.

The rapid decline in piracy off the coast of Somalia since 2012 has been the result of external efforts and measures. The reported involvement of known pirate leaders in the recent capture of two Iranian fishing dhows serves as a reminder, however, that the conditions on land that allowed the rise of piracy largely remain. While the threat posed by piracy to merchant vessels remains low, the Monitoring Group is concerned that illegal, unreported and unregulated fishing by foreign vessels may re-establish the conflict dynamic with local fishing communities that contributed to the rise of piracy a decade ago. The decline in piracy was followed by a commensurate rise in external private interests seeking to exploit the fisheries

sector and provide maritime security services. As domestic and international awareness of Somalia's maritime resources has grown, the lack of regulation and oversight in the sector creates a new source of "rent" for federal and regional officials — particularly through the sale of fishing licences — thereby fuelling corruption.

More broadly, corruption continues to undermine efforts to rebuild effective institutions throughout Somalia. The fact that the outcome of important debates by the highest decision-making body of the Federal Government of Somalia — the House of the People — may be influenced through cash payments to its members demonstrates the extent to which corruption impedes the fragile process of State-building. Commendable efforts have been made over the course of the mandate to strengthen financial regulation and implement new instruments. While the Monitoring Group is optimistic that this trend will continue, effectively addressing the extent of misappropriation in Somalia requires systematic reform extending beyond Somalia's financial institutions. The lack of effective civilian oversight over the budget of the Somali National Army has enabled opportunities for systemic misappropriation, including of soldiers' wages. The obvious security ramifications of such misappropriation highlight the need for a comprehensive approach to implementing reform. President Hassan Sheikh Mohamud's announcement on 9 September 2015 of sweeping financial reforms within the security sector is a welcome first step in this process.

The ability of the security forces to defend the Somali people from Al-Shabaab has been tested during this mandate. The successful elimination of several prominent leaders appears to have done little to dent Al-Shabaab's commitment and capacity to destabilize the region. Al-Shabaab's shift of tactics, including the return to conventional attacks on military targets — both AMISOM and the Somali National Army — is cause for deep concern, particularly given the cuts to the AMISOM budget and ongoing challenges of Somali National Army troop payments. Al-Shabaab maintains an ability to adapt to changing circumstances and exploit weaknesses in the security and governance architecture. In the face of allied advances against the towns and villages it holds, the group can withdraw, blockade essential supplies from reaching the "liberated" populations, and simply wait until the security presence is sufficiently weakened or demoralized before striking again. As military advances continue, AMISOM, the Somali National Army and allied forces are stretched thin, leaving their bases increasingly vulnerable to attack. The longer-term impact of the major attacks on AMISOM troops, such as those in Leego (26 June 2015) and Janale (1 September 2015), may not yet be fully appreciated.

Rather than weakening Al-Shabaab, the territorial displacement of the group from major urban centres in Somalia has prompted its further spread into the broader Horn of Africa region. North-eastern Kenya has witnessed an alarming surge in attacks over the course of the mandate. Al-Shabaab continues to be able to employ relatively simple tactics with devastating impact, as demonstrated in its attack on Garissa University in April 2015. There is growing need for a regionally coordinated approach to the threat posed by Al-Shabaab and other fundamentalist militant outfits throughout the Horn of Africa.

The partial lifting of the arms embargo introduced through Security Council resolution 2093 (2013) was prompted, inter alia, by the need to strengthen the capacity of Somali domestic forces to confront the military threat posed by Al-Shabaab. The Monitoring Group continues to receive reports that such forces remain ill-equipped to do so. While the Group can now more effectively monitor the

volume of military material entering Somalia legitimately, it remains unable to accurately assess whether such military material is being distributed appropriately or, indeed, how much is still required. In particular, the standard of reporting on the composition, strength and structure of Federal Government security forces continues to fall far short of the Council's requirements. With the emergence of new regional administrations, and an increasing number of both national and foreign security forces present in Somalia, it is increasingly important to identify which security forces are eligible to import military material under the Security Council's arms embargo, and which reporting obligations they consequently incur.

That all of the security forces present in Somalia are believed to have targeted civilians — whether as a deliberate tactic of war, in service of political or economic aims or through disproportionate use of force — further increases the need for more transparent reporting. Politically, economically and culturally excluded communities continue to experience disproportionate violations of international humanitarian law, reflecting the deep-rooted stratification of Somali society. Al-Shabaab committed the most egregious violations against civilian populations during the course of the mandate — particularly with regard to the forced recruitment of children. At the same time, the abuse of marginalized communities by anti-Al-Shabaab forces provides an effective recruitment tool for the group and alienates those communities from the emerging State. The largest displacements of people during the mandate were caused by the forced eviction of huge numbers of internally displaced and poor communities from urban centres in Somalia.

Humanitarian access remained extremely fragile, particularly as Al-Shabaab blockaded key towns and supply routes. Efforts by competing authorities to co-opt and extract benefits from humanitarian operations compromised not just the viability of operations but also the ability to work safely across different zones of control. The number of threats against and attacks on humanitarian workers rose, with 10 humanitarian workers being killed and 17 injured from January to July 2015 alone. Reduced budgets, the rising costs of operations as a result of access constraints, the need to mitigate heightened security and diversion risks all added to the pressure on scarce resources.

The international trade in Somali charcoal continues although the political economy on land has changed. Since the recovery of the port city of Barawe in Lower Shabelle in October 2014, Al-Shabaab no longer controls any major export sites. Following the arrest of various officials exporting charcoal immediately following the capture of Barawe, the Monitoring Group believes that the trade in Barawe has ceased. Although the trade continues further south, Al-Shabaab's overall share of income derived from it has been significantly reduced. Early in 2015, falling revenues from charcoal prompted attempts by Al-Shabaab to actively obstruct and deny profit from the trade to its opponents. Although support from Member States and multinational naval partnerships has increased the visibility of the trade, countermeasures employed by charcoal-exporting vessels to avoid identification and tracking, combined with the continuing use of false documentation, have added to the challenges of ensuring that Somali charcoal is not imported by Member States.

Engagement with the Federal Government of Somalia improved markedly during the course of this mandate. The Monitoring Group received support with some investigations from its two designated focal points for security and financial matters. The Group looks forward to continuing and strengthening relations with the Government.

I. Introduction

A. Mandate

1. The mandate of the Monitoring Group on Somalia and Eritrea is contained in paragraph 46 of Security Council resolution 2182 (2014), adopted on 24 October 2014, and paragraph 13 of resolution 2060 (2012). Additional tasks were assigned to the Group under resolutions 2093 (2013) and 2142 (2014).

2. Pursuant to paragraph 46 of resolution 2182 (2014) and paragraph 13 (l) of resolution 2060 (2012), the Monitoring Group provided the Security Council, through the Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea, with a midterm briefing on 8 April 2015. The Group also submitted monthly progress reports to the Committee throughout its mandate.

3. In the course of their investigations, members of the Monitoring Group travelled to Bahrain, Belgium, Canada, Djibouti, Ethiopia, France, Lebanon, Malaysia, Norway, Oman, Qatar, Seychelles, Singapore, Somalia, South Africa, Sweden, Switzerland, Turkey, the United Arab Emirates, the United Kingdom of Great Britain and Northern Ireland and the United States of America. In Somalia, members of the Group were able to undertake regular visits to Mogadishu, Hargeisa and Garowe, and once to Kismayo.

4. The Monitoring Group was based in Nairobi and comprised the following experts: Christophe Trajber (Coordinator), Nicholas Argeros (finance), Zeina Awad (transport), Déirdre Clancy (humanitarian), James Smith (regional), Bogdan Chetreanu (finance) and Jay Bahadur (armed groups).

B. Methodology

5. The evidentiary standards and verification processes outlined in the previous reports of the Monitoring Group apply to work conducted during the mandate under review. The Group reaffirmed its methodology pursuant to its previous reports. The methodology used for the present report is as follows:

(a) Collecting information on events and topics from multiple sources, where possible;

(b) Collecting information from sources with first-hand knowledge of events, where possible;

(c) Identifying consistency in patterns of information and comparing existing knowledge with new information and emerging trends;

(d) Continuously factoring in the expertise and judgement of the relevant expert of the Monitoring Group and the collective assessment of the Group with regard to the credibility of information and the reliability of sources;

(e) Obtaining physical, photographic, audio, video and/or documentary evidence in support of the information collected.

6. The Monitoring Group made a deliberate and systematic effort to gain access to those involved in violations by way of individuals with direct knowledge or who

know people with direct knowledge about details of violations. On some occasions, the Group was able to witness first-hand active violations.

7. The Monitoring Group interviewed a wide range of sources with relevant information, including government officials and representatives of diplomatic missions, civil society organizations and aid agencies. Members of the Group met various government officials, including the President and ministers, and representatives of security agencies. The Group also met or communicated with officials from the Puntland and Somaliland administrations, representatives of political and armed groups, defectors and members of business communities and Somali civil society.

8. In conformity with guidance provided by the Committee, the Monitoring Group endeavoured to include as much of the testimony and evidence as possible in its final report. However, General Assembly resolutions on the control and limitation of documentation, in particular resolutions 52/214, 53/208 and 59/265, necessitated the extensive use of annexes, preventing much of the substance from being translated. In addition, regulations exclude the insertion of maps, photographs and charts in the main report. The Group provided relevant material to the Committee on an ongoing basis throughout its mandate.

9. In accordance with the Secretary-General's bulletin on information sensitivity, classification and handling (ST/SGB/2007/6), the Monitoring Group has submitted to the Committee, together with the present report, several strictly confidential annexes containing information whose disclosure may be detrimental to the proper functioning of the United Nations or to the welfare and safety of its staff or third parties or may violate the Organization's legal obligations. Those annexes will not be issued as a document of the Security Council.

II. Acts that threaten the peace, security and stability of Somalia

A. Spoiler politics and the capture of State resources

10. Harakaat al-Shabaab al-Mujaahidiin (Al-Shabaab) continues to present a severe threat to peace and security in Somalia and throughout the Horn of Africa. The resurgent threat posed by Al-Shabaab throughout the region, and the re-emergence of intercommunal conflict in southern and central Somalia, however, is increasingly tied to the inability of the Federal Government of Somalia, the Federal Parliament of Somalia and the interim regional administrations to foster reconciliation through inclusive and transparent political processes and effectively address endemic corruption.

11. Significant territorial advances against Al-Shabaab by the African Union Mission in Somalia (AMISOM), the Somali National Army and other loosely aligned forces since the end of the transition have not been matched by the expansion of the capacity of the Federal Government of Somalia or the interim regional administrations to maintain security and offer an alternative form of governance. Without this capacity to maintain security, deeply rooted intercommunal conflicts are re-emerging. As Al-Shabaab cedes territory, the group has continued to exploit the re-emergence of intercommunal conflict to recruit among historically marginalized populations.

12. For many among Somalia's political and business elite, the capture and securing of State resources in urban centres of power takes precedence over the consolidation of an effective form of governance and the expansion of public services. The current focus on short-term gains threatens the long-term success of a fragile political process. Without greater commitment among Somalia's power brokers to the political process, progress made since the end of the transition may be reversed, resulting in increased intercommunal conflict and creating a space for militant fundamentalist outfits to continue to offer alternative paths to stability.

Federalization

13. The federalization process arguably represents the most significant political development in southern and central Somalia since the collapse of the State in 1991. Following more than two decades of collapse, implementing a federal system was bound to be a formidable challenge, and one that would necessarily, and rightly, prompt contestation. The capability of the individuals leading the process of federalization and their commitment to the principles agreed upon following the end of the transition were imperative if such contestation was to be effectively managed and conflict minimized.

Interim Jubba Administration

14. In August 2013, the Federal Government of Somalia had little choice but to accept the formation of the Interim Jubba Administration, which claims authority over Gedo, Middle Juba and Lower Juba Regions under the leadership of Ahmed "Madobe" (Mohamed Zubeyr/Ogaden/Darod). The neighbouring countries Kenya and Ethiopia played a greater role in the process than the Federal Government of Somalia, with Ethiopia hosting a conference of the Intergovernmental Authority on Development that resulted in the Addis Ababa Agreement of September 2013, which succeeded in opening lines of communication between the Interim Jubba Administration and the Federal Government of Somalia. Marehan (Darod) communities in the north of the aspiring federal member State, particularly in Gedo Region, were largely excluded from its formation process and as such have largely opposed the interim regional administration. As competition for political dominance continues between the Ogaden and Marehan clans, militarily weaker groups present in the region — including the Digil and Mirifle clans, as well as Somali Bantu communities — have effectively been sidelined from the process.

15. In May 2015 the Interim Jubba Administration established a Regional Assembly of 75 representatives. Ahmed "Madobe's" administration, which led the process, was immediately accused of marginalizing the Digil and Mirifle clans by attempting to appease the Marehan while maintaining Ogaden dominance. Federal Government of Somalia Members of Parliament declared their opposition to the process by adopting a vote of no confidence against the Regional Assembly, resulting in another fallout, this time between administrations in Kismayo, Mogadishu, Baidoa and Garowe.[1] In August 2015, two years after the Addis Ababa Agreement and in line with its terms,

[1] The Digil- and Mirifle-dominated Interim South-West Administration also voiced its opposition to the marginalization of Digil and Mirifle clans in the Interim Jubba Administration Regional Assembly while the administration of the Majeerteen (Darod)-dominated Puntland State of Somalia accused the Federal Government of Somalia and the Federal Parliament of Somalia of interfering in regional affairs.

the Jubba Regional Assembly voted for the re-appointment of Ahmed "Madobe". Having secured another term, early in September 2015 Ahmed "Madobe" agreed to review and reconstitute the Regional Assembly.

16. In August and September 2015, efforts were under way by an assortment of allied forces with support from AMISOM to recover towns throughout the region from the control of Al-Shabaab. In strategically important urban centres such as Bardhere, following the removal of Al-Shabaab, competing forces have contested administrative control. Further north, in Garbaharey, a day after apparently reconciling differences with the local Marehan-dominated administration in Gedo Region, on 8 August 2015 the Interim Jubba Administration fired the governor and the local leader of Ahl al-Sunna wal-Jama'a, Mohamed Abdi Khalil, prompting demonstrations and the imposition of a curfew by local contingents of the Ethiopian National Defence Force.

Interim South-West Administration

17. The formation of the Interim South-West Administration in 2014 similarly occurred without significant input from the Federal Government of Somalia. The process was well under way before senior officials began to openly support particular actors and parties, divided principally between those aiming to incorporate Bakool, Bay and Lower Shabelle Regions, and those hoping to include Gedo, Middle Jubba and Lower Jubba as well. With assistance from the Federal Government of Somalia, supporters of the former option eventually emerged victorious under the leadership of the former Finance Minister and Speaker of Parliament of the Transitional Federal Government, Sharif Hassan Sheikh Adan, in November 2014. Sharif Hassan has been accused of nepotism in his fledgling administration, appointing his brother, Mohamed Abdinur "Madeer" as his senior adviser, and his nephew, Mohamed Abdullahi Mursal, as "State Minister of Presidency".[2]

Interim Galmudug Administration

18. Having failed to lead the processes in Kismayo and Baidoa, the Federal Government of Somalia played a far more active role in the establishment of the Interim Galmudug Administration, which claims to incorporate Galgadud and Mudug Regions.[3] In August 2014, the Ministry of Interior Affairs and Federalism established a technical committee and tasked it with selecting clan representatives to participate in a reconciliation conference and State formation process, and later selecting members of a Regional Assembly. The Group received multiple reports of interference in the selection of the Chair of the technical committee by the two leading political associations, Damul Jadiid and Ala Sheikh, with the former securing the selection of its preferred candidate, Halimo Ismail Ibrahim "Yarey". The selection of the clan representatives and subsequently the members of the Regional Assembly was similarly tarnished by allegations of interference by the primary stakeholders in the process.[4]

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[2] "Madeer" had served as "president" of the SW3 camp before handing over to his brother when a settlement with SW6 was obtained and the Interim South-West Administration was established.

[3] It remains unclear whether the Interim Galmudug Administration is claiming the north of Mudug Region.

[4] The Monitoring Group has reviewed documentation demonstrating the sidelining of particular members of the technical committee in the selection of clan representatives and members of the regional assembly.

19. A militarily powerful faction of the local contingent of Ahl al-Sunna wal-Jama'a opposed the State formation process from the outset, claiming that the group's signatory on the initial Central Regions State Formation Agreement was not the legitimate representative of Ahl al-Sunna wal-Jama'a. Conflict between Ahl al-Sunna wal-Jama'a and the Somali National Army erupted in and around the town of Guriel in northern Galgadud Region late in 2014. The State formation process subsequently continued without the involvement of Ahl al-Sunna wal-Jama'a and, in July 2014, following a process marred by allegations of vote buying and promises of political appointments to rivals, resulted in the selection of Abdikarim Guled — a key ally of President Hassan Sheikh Mohamud — as president of the interim regional administration. The debate over the northern extent of the aspiring Galmudug federal member State has fuelled tensions with Puntland and threatened to re-ignite conflict in one of Somalia's most fragile regions. Moreover, as of September 2015, a faction of Ahl al-Sunna wal-Jama'a remains in control of northern Galgadud, including the interim regional administration's declared capital, Dhusamareb.[5]

20. Annex 1.1 provides details on the formation of the Interim Galmudug Administration.

Federal Parliament votes for cash

21. Members of the House of the People of the Federal Parliament are tasked with representing their constituencies, reviewing and challenging the work of the Federal Government of Somalia, and reviewing and adopting legislation. The Federal Parliament's role in ensuring that progress in Somalia's political development is sustained is entirely dependent upon the integrity and independence of its members. The Monitoring Group has documented the extensive abuse of the voting privileges of Members of the Federal Parliament. When important motions are tabled in Parliament, particularly votes of no confidence against a sitting Prime Minister, significant numbers of Members of Parliament will sell their vote to the highest bidder. The practice of "votes for cash" is so engrained that a network of brokers has emerged since the end of the transition, tasked with purchasing the allegiance of willing Members of Parliament and threatening those that refuse. Brokers will tend to serve the interests of either President Hassan Sheikh Mohamud or his opponents. More broadly, battles for influence are fought in Parliament between the two leading political-religious associations: Damul Jadiid, aligned with the President, and Ala Sheikh, in opposition.

22. Strictly confidential annex 1.2 provides details on the prevalence of bribery of Members of Parliament.

Independent commissions

23. The independent commissions mandated by the 2012 Provisional Constitution were designed to guide the process of federalization and support the consolidation of post-transition political arrangements. If established promptly and according to the principles of the Provisional Constitution, the commissions would have added legitimacy to the political process following the end of the transition, and ensured a smoother handover of authority to the next federal administration in 2016.

[5] The Galmudug model has now been adopted by the Federal Government of Somalia in the creation of an interim regional administration incorporating Hiran and Middle Shabelle Regions.

24. In three years, and over the course of six parliamentary sessions, Members of Parliament have successfully established just four of the nine independent commissions mandated by the 2012 Provisional Constitution. The Provisional Constitution Review and Implementation Commission, consisting of five members, was established in May 2014, almost 20 months into the Federal Government of Somalia's term. While it was initially praised for being broadly representative and composed of competent individuals, the challenges of achieving its goals were quickly made apparent. On 5 May 2015, the Commission's Chair, Asha Gelle Diriye, resigned from the Commission, citing a general lack of prioritization given to the completion of the constitution and a lack of funding for the Commission.[6]

25. The Boundaries and Federation Commission was finally established on 6 July 2015, two days after the establishment of the third interim regional administration in Galmudug, as tensions between administrations in Adado and Garowe over the northern border of the aspiring federal member State were mounting. The National Independent Electoral Commission was established on the same day. Three weeks later, a parliamentary committee announced that the Parliament and the Federal Government of Somalia had agreed that general elections based on universal suffrage would not be held in 2016, citing the "upsurge of violence" and "political turmoil".[7]

26. The limited efforts made by both the Federal Government and the Federal Parliament of Somalia to establish and support these important independent bodies suggest a lack of interest in instigating dialogue and listening to the views of the Somali people, undermining the legitimacy of the current institutions and raising concerns about the process by which the next federal government will be established in 2016.

Conclusions

27. The Monitoring Group has previously warned of the potential threat to peace, security and stability posed by "spoiler networks in Somalia" (S/2013/413). The Group has described how the attempts by the political and business elite to capture State resources in the federalization process have either delayed or actively obstructed reconciliation efforts. Instead of seeking to fill the void left by Al-Shabaab following territorial victories against the group, efforts remain focused on securing authority in urban centres. The failure of both the Federal Government and the Federal Parliament of Somalia to establish much-needed institutions ahead of the next transition phase in 2016 is also symptomatic of a system in which the interests of the few override those of the many. A resurgent Al-Shabaab will exploit any opportunities to recruit among populations abandoned by the federalization and State-building process. Efforts to prevent the engagement of more stakeholders in the ongoing political process in the run-up to the 2016 election are spoiling the political process, and by doing so threaten both the fragile gains made in recent years and the long-term peace, security and stability of Somalia.

[6] An unofficial translation of Asha Gelle Diriye's resignation letter is held on file with the Monitoring Group.

[7] See Mohamed Sheikh Nor, "Somalia scraps plans to elect next President in popular vote", *Bloomberg Business*, 30 July 2015. Available from http://www.bloomberg.com/news/articles/2015-07-29/somalia-scraps-plans-to-elect-next-president-in-popular-ballot.

B. Natural resources

28. Conflict throughout the Somali region — particularly in southern and central Somalia — has long revolved around access to fertile land and water resources. Historically, such conflicts have tended to pit the dominant, traditionally pastoralist and militarily stronger clans against weaker, often unarmed agriculturalist and agro-pastoralist communities. The presence of a strong, if ruthless, administration under Al-Shabaab in southern and central Somalia largely subdued intercommunal conflict over land and water resources. The removal of Al-Shabaab as a governing authority in many regions has created a power vacuum, with neither the Federal Government of Somalia nor the fledgling interim regional administrations sufficiently able to fill it, or help to rebuild effective local administrations capable of maintaining security. There has been a marked increase in intercommunal conflict since the end of the transition in 2012, reminding both local and international actors that the removal of Al-Shabaab alone is not a panacea for the peace and security of Somalia and the broader Horn of Africa region.

29. Concurrently, there has been a significant increase in international interest in natural resources in Somalia. Private companies have been eager to announce the demise of Al-Shabaab and thus the start of a new era of relative calm, in order to usher in a new phase of exploitation of Somalia's mineral and maritime resources. A seismic option agreement signed with Soma Oil & Gas Holdings Ltd. in August 2013 brought an end to two decades of force majeure conditions declared by oil companies in southern and central Somalia. The contract signed with Somalia-Fishguard Ltd. similarly marked the start of a renewed expansion in the fisheries sector. The growth of interest in Somalia's mineral and maritime resources has not been matched by efforts to establish effective legislation for the management and sharing of resource wealth with existing and future federal member States, raising serious concerns over the prospects of a new phase of resource conflict in the Horn of Africa.

Intercommunal conflict over land and water resources

30. In Somaliland, although it remained relatively unscathed by Al-Shabaab and has secured a degree of stability since the mid-1990s, land disputes now represent the leading cause of conflict. The Group recorded at least 45 incidents related to land disputes between September 2014 and August 2015 in the territory claimed by Somaliland. Land-related conflicts extend well beyond the troubled Sool and Sanaag Regions, prompting the Somaliland authorities to implement a series of measures to address the problem. The increasing trend of illegal enclosures on common areas, prompted by growing appreciation of the commercial value of land, indicates the potential problems that may be faced in southern and central Somalia when current conflict patterns are overcome.

31. Sporadic inter-Majeerteen (Harti/Darod) clashes have continued in Puntland over both urban and grazing land. In southern Mudug Region — now nominally under the control of the Interim Galmudug Administration — tensions between Marehan (Darod) and Haber Gedir (Hawiye) sub-clans over land ownership erupted into conflict late in 2014 and again early in 2015 in and around the town of Saaxo near the Ethiopian border. Land-related conflict in Middle Shabelle Region between the dominant Abgaal (Hawiye) clan and minority Shidle (Bantu) communities appear to have been superseded by intra-Abgaal clashes in 2015. Since the Group's

previous report (S/2014/726) intercommunal conflict in Lower Shabelle Region, now nominally part of the Interim South-West Administration, has continued and shows few signs of abating despite various reconciliation efforts. In Hiran, Hawadle militia, supported by the Somali National Army, have launched fierce attacks on the villages of Kabxanley and Defow outside Belet Weyne in an attempt to permanently displace the Surre farming community from their lands along the fertile banks of the Shabelle River (see annex 6.3.a and strictly confidential annex 6.3.b).

32. In Middle Juba — mostly still held by Al-Shabaab — inter-clan conflict between Dhulbahante (Harti/Darod), Awliahan (Ogaden/Darod) and Sheikhal (Hawiye) clans over pasturelands broke out early in 2015. Al-Shabaab attempts to reconcile the competing groups in Bu'ale were ultimately unsuccessful, suggesting its weakening grip on intercommunal relations in the area ahead of the "Juba Corridor" offensive led by AMISOM and allied anti-Al-Shabaab forces. The Juba Valley, like the lower reaches of the Shabelle River, has been the scene of fierce contestation over land rights since before collapse of the Somali State in 1991.[8] The Monitoring Group is concerned that, following the removal of Al-Shabaab from the region, historically marginalized communities will suffer at the hand of militarily stronger communities vying for fertile agricultural land for commercial exploitation along the lower reaches of the Juba River.

The re-emergence of illegal, unreported and unregulated fishing

33. The Monitoring Group is indebted to Jorge Torrens of the Food and Agriculture Organization of the United Nations — who died near Hargeisa, Somaliland, on 29 April 2015 while carrying out his duty — for first bringing the renewed problem of illegal, unreported and unregulated fishing in Somalia to its attention.

34. At 3,300 km, the coastline of Somalia is the longest in continental Africa. The country's 200 nautical mile exclusive economic zone hosts productive and largely unexploited fishing grounds, containing both migratory fish species, such as tuna, and several demersal fish and crustacean species. Taking advantage of the limited maritime surveillance capability of the Federal Government of Somalia, many foreign vessels fish in Somali waters in contravention of international law and the Federal Government of Somalia Fisheries Law, either without licences or with forged documents, and without reporting data to any Somali authority.[9]

35. Illegal, unreported and unregulated fishing represents a significant threat to peace and security in Somalia. Illegal fishing is frequently cited as a contributing factor in the emergence of piracy in Somalia as early as the mid-1990s, as foreign vessels came into conflict with local fishermen, who in turn began to resort to hijackings at sea.[10] The drastic surge in Somali piracy in 2007 led to a corresponding decrease in foreign fishing vessels operating within Somalia's

[8] Catherine Besteman and Lee V. Cassanelli, eds., *The Struggle for Land in Southern Somalia: The War Behind the War* (London, Haan Publishing, 1996).

[9] Federal Ministry of Fisheries and Marine Resources and others, "Report on presumed illegal, unreported and unregulated fishing activities in the exclusive economic zone of Somalia", paper presented at the 19th session of the Indian Ocean Tuna Commission, held in Busan, Republic of Korea, from 27 April to 1 May 2015, and drafted by the Food and Agriculture Organization of the United Nations (FAO) on behalf of the Federal Government of Somalia.

[10] See, for example, Jay Bahadur, *The Pirates of Somalia: Inside Their Hidden World* (New York, Pantheon Books, 2011).

exclusive economic zone.[11] However, the sharp drop in pirate activity along the coast of Somalia since 2012 has resulted in foreign fleets resuming fishing in the Somali basin.[12] The previous dynamic of conflict between illegal, unreported and unregulated fishing vessels and local fishermen and militias has consequently re-emerged, particularly in central Somalia.

36. In the case of the fishing dhow *Aresh*, the Galmudug Coast Guard arrested it 120 km north of Hobyo on 1 April 2015.[13] After their arrest, the crewmembers and a captain acknowledged that they had been fishing illegally. Galmudug authorities assessed the vessel a $100,000 fine which was paid and the vessel released by 16 April 2015.[14] On 23 April 2015 the Iranian-flagged dhow *Al Momen* was seized off Qandala, Puntland, possibly by its own Somali security detachment, and subsequently released without incident. On 13 May 2015, the Iranian dhow *Sudis* experienced mechanical failure and ran aground near Mareg in central Somalia. The dhow's 14 crewmembers were reportedly captured by Al-Shabaab; their fate remains unknown at the time of writing.[15]

37. The Monitoring Group is concerned that the return of foreign fleets to Somali waters, fishing close to the shoreline and equipped with armed security detachments, represents a threat to the peace, security and stability of Somalia. Such practices threaten to lead not only to conflict with local fishermen and concomitant loss of life, but may also provoke a vigilante response from local communities similar to that which contributed to the rise of Somali piracy more than a decade ago.

Continuing privatization of Somalia's maritime space

38. The Monitoring Group is concerned about the continuing prevalence of private maritime security firms in Somalia entering partnerships with local authorities to provide Coast Guard and/or policing services. In a number of cases, such private security companies have also been tasked by local authorities with selling fishing licences and managing Somalia's marine resources, which constitutes, at a minimum, a conflict of interest. One such company, Somalia Fishguard Ltd., was highlighted in the Monitoring Group's previous report (S/2014/726, annex 5.1). The Monitoring Group notes with concern that Somalia's past practice of entrusting private companies with the dual role of selling fishing licences and managing maritime security posed a threat to peace and stability. Such companies have privileged foreign clients, even to the point of providing foreign fishing vessels with armed guards, again leading to potential conflict with local fishermen and coastal communities.

39. During the mandate, two private companies — Somali Security Services Ltd. and Anglo Somaliland Resources Ltd. — have entered into agreements in Puntland and Somaliland, respectively, to provide services relating to the fisheries sector. These two contracts are discussed in annex 2.3.

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[11] Federal Ministry of Fisheries and Marine Resources and others, "Report on presumed illegal, unreported and unregulated fishing activities in the exclusive economic zone of Somalia" (see footnote 10).

[12] Ibid.

[13] Ibid.

[14] Monitoring Group interview with a FAO official in Nairobi, 21 May 2015.

[15] Information from the European Union Naval Force, received by e-mail by the Monitoring Group, 28 May 2015.

Potential corruption in the sale of fishing licences

40. In its report of 2014, the Monitoring Group continued to investigate acts of corruption that undermined public institutions "through the diversion of national financial flows", while noting "the perpetuation of conventional patterns of diversion by holders of public office and civil servants with access to national resources or by gatekeepers of government offices" (S/2014/726, para. 62). In this light, the Group has identified the illicit sale of fishing licences to foreign clients as an avenue for Federal Government of Somalia and other Somali officials to misappropriate public resources.

41. The Group has found evidence of the sale of fishing licences, both by Federal Government of Somalia and Puntland officials, conducted outside the revenue-gathering apparatus of the State. For instance, since May 2015 the Federal Government of Somalia Ministry of Fisheries and Marine Resources has been issuing licences to Chinese longliners and routing the proceeds into a private ministerial bank account in Djibouti,[16] in contravention of the ministerial order of February 2014 requiring all Federal Government of Somalia agencies to channel revenues through the Treasury Single Account at the Central Bank of Somalia (S/2014/726, para. 64). The Group supplied the details of this bank account to the Federal Government of Somalia Ministry of Finance on 18 July 2015.[17]

42. The Group has obtained a draft agreement between the Federal Government of Somalia Ministry of Fisheries and Marine Resources and Doggang Daping Enterprises Group, a multinational fishing company based in Liaoning, China. The agreement grants Doggang Daping a seven-year exclusive authorization to fish within Somalia's exclusive economic zone, and allows the company to bring its own armed security on board its fishing vessels and in its future offices in Somalia, which would likely constitute a violation of the arms embargo. The draft agreement with the Doggang Daping Enterprises Group is set out in annex 2.1.e.

Fishing vessel *Al Amal* and the assault on the Federal Government of Somalia Auditor General

43. On 15 January 2015, the Yemen-registered fishing carrier vessel *Al Amal* entered Mogadishu port flying the Somali flag, reportedly in order to refuel. The Auditor General of the Federal Government of Somalia, Nur Jimale Farah, conducted an inspection of the *Al Amal*, and determined that it was fishing illegally. Although Farah attempted to hold the vessel, it was released on 15 January 2015 under suspicious circumstances and departed Mogadishu port.

44. In an event much publicized in local media, on 18 January 2015 the Auditor General was prevented from entering his office at Villa Somalia and reportedly assaulted by the compound's guards. Farah told the Monitoring Group that he believed his actions related to the *Al Amal* had brought on the attack, and that he had since stopped investigating illegal, unreported and unregulated fishing because he feared for his safety.[18]

[16] Copies of Federal Government of Somalia licences issued by the Ministry and remittance slips are presented in annex 2.1.b and c.

[17] E-mail dated 18 July 2015 from the Monitoring Group to the Federal Government of Somalia Minister of Finance, Mohamed Aden Ibrahim.

[18] Monitoring Group interview with Nur Farah in Nairobi, 21 March 2015.

45. A complete account of the *Al Amal*'s activities, as well as the assault on the Auditor General, is presented in annex 2.2.

The extractives sector

46. In its 2013 report (S/2013/413) the Group discussed the threat to peace and security posed by the extractives sector in Somalia. The Group highlighted the risk of corruption in the sector, drawing particular attention to the shortcomings of the Somalia Petroleum Corporation and the Somali Petroleum Authority — two independent bodies mandated by the Somali Government's 2008 Petroleum Law but yet to be established as viably functioning institutions. In its 2014 report, the Group again highlighted the lack of transparency in the oil and gas sector, drawing particular attention to an exploration contract obtained by Soma Oil & Gas Holdings Ltd. (Soma), a London-based extractives exploration company incorporated on 26 April 2013 and chaired by the former leader of the United Kingdom Conservative Party, Michael Howard (S/2014/726, annex 5.1).

47. In May 2013, the then-Minister for National Resources,[19] Abdirizak Omar Mohamed, stated that the Federal Government of Somalia "should wait until we have the right laws in place" before entering into agreements with oil and gas companies.[20] Three months later, on 6 August 2013, Soma signed a seismic option agreement with the Federal Government of Somalia Ministry of Petroleum and Mineral Resources, giving the company the right to conduct a seismic survey off Somalia's southern and central coast. The contract also gave the company the subsequent right to exploit 12 offshore oil and gas blocks of its own choosing, totalling 60,000 km^2. The sudden announcement of the agreement came as a shock to both the oil and gas industry and the Somalia diplomatic community.[21]

Soma Oil & Gas Holdings Ltd.

48. On 28 July 2015, the Monitoring Group submitted a confidential communication[22] to the Committee detailing how Soma's activities in Somalia constituted violations of paragraph 2 of resolution 2002 (2011) and paragraph 2 (c) of resolution 2060 (2012), by undermining Somali public institutions through corruption. The communication described how beginning in June 2014 Soma has made systematic payoffs to officials within the Federal Government of Somalia Ministry of Petroleum and Mineral Resources — including the Director General, Deputy Director General, and other senior civil servants — under the auspices of a so-called "capacity-building agreement".

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[19] The Ministry of National Resources was split into four successor ministries in January 2014, one of which was the Ministry of Petroleum and Mineral Resources.

[20] Katrina Manson, "Somalia: oil thrown on the fire", *The Financial Times*, 13 May 2013.

[21] Based on numerous Monitoring Group interviews with oil and gas experts, as well as diplomats based in London and Nairobi. Soma's brief six-month history as a company, the granting of a dozen blocks to Soma without a prior licensing round, the fact that the Federal Government of Somalia had received at least one superior offer by an oil major, and the Federal Government of Somalia's previous public commitment to refrain from signing oil and gas deals until viable institutions were in place, were all cited to the Group as highly unusual features of the Soma deal.

[22] S/AC.29/2015/SEMG/OC.31.

49. The Group has determined that these "capacity-building" funds, which had totalled $490,000 by 28 May 2015,[23] were likely part of a quid pro quo arrangement designed to protect the seismic option agreement from the scrutiny of the Financial Governance Committee. Furthermore, officials on Soma's payroll were directly involved in subsequent negotiations over the draft production-sharing agreement between Soma and the Ministry, representing a conflict of interest.

50. Under the capacity-building agreement, the company also made payments to a Federal Government of Somalia presidential oil and gas adviser, Abdullahi Haider Mohamed, who the company acknowledged had "represented the Federal Government … in the negotiations around the seismic option agreement that was signed in August 2013".[24] Yet following the transmission of the Group's communication to the Committee, Soma issued a press release claiming that no individual paid by the company "was, or is, in a position to influence the decision to grant any commercial agreements for the benefit of Soma".[25] The company, therefore, sought to mislead the Monitoring Group during its investigation, and made inaccurate public statements relating to the capacity-building agreement once the Group's findings had become known.

51. The Monitoring Group's full case study of Soma Oil & Gas Holdings Ltd., based largely on the material presented in the Group's communication of 28 July 2015 to the Committee, appears in annex 2.5.

Circumvention of the Federal Government of Somalia Treasury Single Account

52. Like other ministries highlighted in the Group's current report, the Ministry of Petroleum and Mineral Resources has made routine attempts to undermine public financial management in Somalia by channelling revenues outside the Treasury Single Account at the Central Bank. For instance, the Director General, Farah Abdi Hassan, directed Soma to transfer its "capacity-building" funds into a private account held by the Ministry at the International Bank of Somalia (IBS), which Hassan referred to in an e-mail to Soma as "more efficient than the central bank".[26] Soma elected instead to transfer the funds to the Ministry's account at the Central Bank.

53. However, the Group has learned of at least one instance in which the Ministry successfully diverted public revenues to its IBS account. On 16 May 2015, CGG — a company responsible for paying royalties on the sale of Somalia's seismic data to the Federal Government of Somalia — transferred a $633,866.69 payment into the Ministry's IBS account (a confirmation certificate for the Ministry's IBS account is provided in annex 2.5.q).

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[23] Soma also transferred $100,000 to the Ministry on 18 December 2014 to be used towards the construction of a data room intended to store the data collected during Soma's seismic survey. In its communication dated 28 July 2015 to the Committee Chair, the Monitoring Group noted that no progress had been made towards the construction of this data room, but had yet to determine what had transpired with these funds. The Group has since obtained Central Bank of Somalia records showing that by mid-March 2015 the funds were no longer in the Ministry's bank account.

[24] Letter dated 1 July 2015 from Soma to the Monitoring Group (S/AC.29/2015/NOTE.25/Add.4).

[25] Soma Oil & Gas Holdings Ltd., "Response to the United Nations Somalia and Eritrea Monitoring Group comments on capacity-building agreement", 3 August 2015. Available from www.somaoilandgas.com/response-to-united-nation/.

[26] E-mail dated 29 June 2014 from Farah Abdi Hassan to Soma chief executive Robert Sheppard and chief financial officer Philip Wolfe.

54. Directing revenues around the Treasury Single Account — a centralized account over which the Federal Government of Somalia Ministry of Finance has oversight — has the effect of turning Federal Government of Somalia ministries into rent-seeking institutions capable of being captured by individual members of the Government, thereby fuelling corruption and conflict.

Absence of a resource-sharing framework

55. In its 2013 report (S/2013/413, para. 79), the Monitoring Group highlighted the lack of "constitutional agreements" on resource-sharing between the Federal Government of Somalia and Somalia's regional administrations as a threat to peace and security. The Group observed a "growing hostility" between the Federal Government of Somalia and regional administrations that had signed oil and gas deals independently of the Federal Government (ibid., para. 77). Despite the continuing absence of a constitutional resource-sharing framework, both the Federal Government of Somalia and the regional administrations continue to enter contract discussions, and sign agreements, with international oil and gas companies.[27]

56. Most recently, on 5 September 2015 the Federal Government of Somalia signed an agreement with the Norwegian company Spectrum ASA, granting it the right to conduct a seismic data survey encompassing 28,000 km^2 of offshore territory in central and southern Somalia. On 1 September 2015, the Puntland Petroleum Minerals Agency and the Houston-based ION Geophysical Corporation similarly announced they had signed an agreement allowing the company to acquire 8,000 km^2 of seismic data "covering the entire Somalia Puntland offshore margin".[28]

Federal Government of Somalia licensing of oil blocks in Somaliland and Puntland

57. The Monitoring Group is seriously concerned that, in the current context of peace and security, the Federal Government of Somalia Ministry of Petroleum and Mineral Resources is attempting to recommence negotiations with the oil major ConocoPhillips Co. over its pre-civil war concessions now located in Somaliland and Puntland.[29] ConocoPhillips' pre-1991 concession includes blocks spanning Sool and Sanaag, two administrative regions that are actively disputed between Somaliland and Puntland, as well as with the self-declared regional State of Khatumo.

58. The Group has seen an e-mail dated 25 August 2014 from the Director of Exploration at the Ministry, Abdulkadir Abiikar Hussein,[30] to Kay Larcom, a manager at ConocoPhillips. The e-mail refers to a meeting held in Washington, D.C., on 8 August 2014 involving the Ministry and Larcom, and assures her that the Ministry is "determined" to work on "pre-1991 contracts in *North and North-east Somalia* [emphasis added]". The use of the term "North Somalia" to refer to

[27] International oil and gas companies with which the Federal Government of Somalia has conducted recent discussions include: Allied Petroleum Corp., Amsas Consulting, BGP Inc., ConocoPhillips Co., Kilimanjaro Capital, Milio International, Mubadala Petroleum, New Age Ltd., Royal Dutch Shell plc, Schlumberger Ltd., Spectrum Geo Ltd., and Total S.A.

[28] Spectrum ASA, "Spectrum signs seismic data agreement to kick-start oil exploration offshore Somalia", press release, 7 September 2015. Available from http://www.spectrumgeo.com/wp-content/uploads/FINAL-NEW-2015-09-07-Somalia-Data-Deal-Announced.pdf.

[29] Like other oil majors, Conoco Inc. declared force majeure in 1991 and suspended operations in Somalia. Conoco Inc. and Phillips Petroleum Co. merged in 2002 to form ConocoPhillips Co.

[30] Abdulkadir Abiikar Hussein was among the civil servants paid under Soma's "capacity-building agreement". Hussein received $39,000 from Soma between May 2014 and April 2015.

Somaliland, and "North-east Somalia" to refer to Puntland, reveals a worrying disregard for Federal relations with regional bodies. The Ministry's interaction with ConocoPhillips also illustrates the Group's concern that in the absence of a resource-sharing agreement — clearly delineating the roles of the Federal Government and the regional administrations when engaging with international oil companies — Somalia's untapped hydrocarbons wealth is likely only to fuel political tension and conflict. Until such a constitutional arrangement is reached, international oil companies — such as Soma — will continue to take advantage of an environment lacking in strong institutions, striking favourable deals with individual brokers in Government rather than independent contracting bodies.

59. In this context, the Monitoring Group will continue to urge the Security Council to impose a moratorium on oil and gas agreements within Somalia, until such time as the Federal Government of Somalia has established viable institutions to regulate the sector, as stipulated in the country's 2008 Petroleum Law.

C. Public financial management and misappropriation

60. The Monitoring Group has noticed modest improvements in public financial management. Ambitious initiatives have been introduced, but the implementation of these initiatives remains slow. Disruption caused by the removal of two prime ministers and their cabinets within the span of two years has delayed reform. The apparent impunity enjoyed by those who have engaged in misappropriation of public finances perpetuates a culture of corruption in Somali politics.[31]

Budget

61. By the 2015 Budget Appropriation Act the Somali Government pledged to "rely on [its] own resources". Despite this ambitious declaration, the 2015 budget prepared under the previous Minister of Finance, Hussein Abdi Halane, was heavily dependent on pledges of budgetary support from various countries members of the Organization of Islamic Cooperation (OIC).[32] The Monitoring Group has determined that the under-delivery of external support left Somali National Army troops unpaid for several months.

62. When forced to revise the budget in mid-2015 owing to the lack of delivery of OIC member country pledges, a more realistic budget was prepared prompting greater discipline in Government expenditure. The 2015 budgetary crisis also prompted the formation of an interministerial budget strategy committee tasked with the preparation of the 2016 federal budget. However, as the Federal Government of Somalia enters a year of transition and pressures on public finances grow, adhering to a prepared plan for revenue collection and government expenditure is likely to become increasingly difficult.

[31] The Monitoring Group is not aware of charges successfully brought against any public official for acts of misappropriation since the end of the transition in 2012.

[32] The Monitoring Group was informed by a senior adviser to the President on 1 September 2015 that the Federal Government of Somalia had counted on pledges of $124 million from the Arab League, $40 million from Turkey and $18 million from Qatar, none of which were delivered.

Federal institutions and instruments

63. While the Monitoring Group notes that the Central Bank of Somalia has made significant efforts to improve accountability and transparency, it remains ineffective as Somalia's main financial regulatory and supervisory body. A significant proportion of Government revenue continues to bypass the Treasury Single Account. Funding allocated to government ministries, departments and agencies continues to be withdrawn from the Central Bank in cash, with little to no accountability thereafter. The multitude of *hawala* transfer companies remain unregulated by the Central Bank, rendering remittance flows vulnerable to external fears about their use in money-laundering and the financing of terrorism.[33] Out-dated financial legislation from the 1960s remains in force but is poorly implemented. A draft bill that would have regulated foreign investment in Somalia was withdrawn by the Government in December 2014 after a second reading in Parliament. Draft legislation to establish the Office of the Ombudsman was voted down by Parliament in July 2013 and has not been revisited since.[34] The Public Procurement, Concessions and Disposal Act was passed by the Cabinet of Ministers in May 2014 but at the time of writing still awaits approval by Parliament. At the time of writing, legislation to establish the Anti-Corruption Commission had yet to be tabled.

64. The Financial Governance Committee was established in mid-2014 with an oversight role in relation to State asset recovery and public concessions. The Security Council in resolution 2182 (2014) encouraged the Federal Government of Somalia to use the Committee effectively. While the Financial Governance Committee has proved to be a useful advisory body it has yet to demonstrate effective oversight. At the time of writing, no discernible action had been taken on most of the contracts reviewed in 2014.[35] Although compliance among government ministries, departments and agencies with the Financial Governance Committee is improving, some ministries have continued to bypass the Committee when negotiating important public contracts.[36] In disingenuous attempts to demonstrate transparency, public officials have made references to the Financial Governance Committee when discussing agreements which have not in fact been reviewed by the Committee.[37]

65. In November 2014, the Ministry of Finance officially launched the Somali Financial Management Information System designed to register Government income

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[33] Following the Al-Shabaab attack on Garissa University in April 2015, the Government of Kenya banned all *hawala* companies from transferring funds for almost three months.

[34] The Office of the Ombudsman, mandated in the 2012 Provisional Constitution, was intended to investigate complaints of abuse of power by public officials.

[35] The Monitoring Group was informed by the Federal Government of Somalia Minister of Finance in September 2015 that action on these contracts would be taken within two months.

[36] Examples include the agreement between Proje Gozetim Muhendislik and the Ministry of Commerce and Industry for import-export quality assurance; the agreement on the collection of khat taxation between 2011 and June 2015; and the agreement between the Somali National Army and the company providing rations to its troops (see strictly confidential annex 3.1).

[37] A press release issued on 12 August 2015 by the Ministry of Petroleum and Mineral Resources in response to the Monitoring Group's report on its "capacity-building agreement" refers to the Financial Governance Committee as a demonstration of the Ministry's commitment to transparency. The Monitoring Group received confirmation from the Committee that the "capacity-building agreement" had been neither reviewed by nor shared with it. The Monitoring Group also believes that the threat of the outcome of the Financial Governance Committee's review of the original seismic option agreement was used in negotiations with Soma Oil & Gas regarding its "capacity-building agreement".

and expenditure in real time. Implementation of the system within Government ministries, departments and agencies is ongoing. If effectively utilized by Government ministries, the system will represent an important development.

66. The re-engagement of the International Monetary Fund (IMF) after more than 25 years is also an important development for Somalia. The IMF Trust Fund for Capacity Development is a welcome initiative given the pressing need for effective capacity-building programmes, particularly in the institutions tasked with managing the Federal Government's finances and developing the extractives sectors.

Misappropriation in the security sector[38]

67. Few cases illustrate the threat posed by financial mismanagement and misappropriation to peace, security and stability in Somalia more than corruption within the Federal Government security institutions. The Somali National Army is by far the largest security institution in Somalia. Effective management of its forces and finances is vital if the territorial gains against Al-Shabaab are to be preserved and if possible collapse of the State following the departure of AMISOM forces at some point in the future is to be prevented. Owing to severe budget limitations, the Federal Government of Somalia has struggled to pay the salaries of Somali National Army troops throughout 2015.[39]

68. Evidence collected by the Monitoring Group demonstrates a lack of understanding within and coordination between institutions of the Federal Government of Somalia regarding its single greatest expense, the payment of the Somali National Army. The current strength, structure and composition of the army also remain unclear. Evidence collected by the Group indicates that the army hierarchy has systematically inflated the troop numbers in order to secure greater funding for salaries and rations. Family and business ties between those responsible for ensuring that the Somali National Army is provisioned, and the company providing its dry food rations — amounting to upwards of $8 million each year — also suggest a serious conflict of interest. The almost exclusive use of cash for payments, distinct lack of accountability measures, and absence of any independent oversight has left the army leadership free to exploit Government revenue at the expense of its soldiers' and citizens' security.

69. The extent of misappropriation and impunity within the Somali National Army has dented donor confidence in the Federal Government of Somalia, which has acknowledged the gravity of the situation. The Group's investigations into Somali National Army misappropriation were supported by the National Security Adviser's Office, as well as the Ministry of Finance in August and September 2015. The replacement of General Dahir Adan Elmi as the Chief of the Armed Forces on 3 September 2015 represented a positive step towards reform. The announcement by President Hassan Sheikh Mohamud on 9 September 2015 committing the Federal Government of Somalia to comprehensive reform within the security sector is an encouraging and commendable development.[40]

[38] For a comprehensive summary of misappropriation in the Somali National Army, see strictly confidential annex 3.1.

[39] As of July 2015, only January's salary payroll had been distributed.

[40] "The President: 'We are committed to substantive security sector reform'", Office of the Somali President, press release, 9 September 2015.

The Nairobi Embassy

70. Previous reports have detailed misappropriation within Somalia's foreign embassies (see, for example, S/2012/544, paras. 18-21 and S/2013/413, paras. 72-73). The Monitoring Group is concerned by evidence of serious irregularities occurring at the Somali Embassy in Nairobi, under former Ambassador Mohamed Ali Nur "Americo".[41] Between January 2014 and April 2015, the Embassy collected $960,836 in fees for over 7,500 Somali passports and emergency travel documents.[42] During the same period, only $486,258 was remitted to the Ministry of the Interior account at the Central Bank in Mogadishu, leaving $474,578 unaccounted for.[43] The Group is also concerned about a donation of $1 million from the Government of China in 2013, of which $479,314 was remitted to the Central Bank, and the remaining $517,686 allegedly paid in legal fees to the Nairobi-based law firm Ibrahim, Issack & Company (see annex 3.2).

71. According to a former Somali diplomat, 10 days prior to the Ambassador's departure from the Embassy, a team of information technology specialists were called in to remove sensitive information from the office computers, while hard copies of documentation were systematically destroyed.[44] The Monitoring Group is encouraged by the decision of the new Somali Ambassador to Kenya, Jamal Hassan, who took office on 4 August 2015, to conduct an independent audit of the Embassy's accounts and also to install tight financial discipline (see annex 3.2).

Mogadishu port rehabilitation funds

72. In 1993, United Nations peacekeepers assumed control over Mogadishu port in order to ensure humanitarian access to Somalia. Peacekeeping forces of UNITAF (United Task Force) managed the collection of port fees on behalf of the Somali Government until 1995, when they turned the funds over to a trust fund managed by the United Nations Development Programme (UNDP) Somalia and the World Food Programme (WFP). In July 1997, the funds, totalling $1,003,930, were transferred into a trust managed solely by UNDP Somalia, which the agency designated towards a Mogadishu Port rehabilitation project.

73. On 17 March 2014, the then-Minister of Ports and Marine Transport, Yusuf Moallim Amin "Baadiyow", requested that UNDP Somalia turn over the port funds to the Ministry. After internal consultations, UNDP Somalia agreed to transfer the funds on the condition that that they be routed through the Federal Government of Somalia's Treasury Single Account.[45]

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[41] "Americo" was recalled to Mogadishu in April 2015, having served as Ambassador in Kenya since 2004.

[42] Applicants are required to pay a combined fee of $130 and K Sh 2,000 (approximately $20) into accounts held at the branch of Transnational Bank in Nairobi.

[43] The Nairobi Embassy is allocated $49,200 from the Ministry of Foreign Affairs account at the Central Bank every quarter to cover operational costs. According to the Minister of Finance any other funds collected by embassies should be transferred to the Central Bank, in the Single Treasury Account.

[44] According to the former Somali diplomat, the team was called to run updates on the computers.

[45] This process would comply with a Ministry of Finance directive of February 2014 which required all Government revenue to be deposited in the Treasury Single Account at the Central Bank of Somalia.

74. In September 2014, UNDP Somalia transferred port rehabilitation funds, which by this time amounted to over $1.8 million, with accrued interest. However, instead of using the Treasury Single Account, as agreed, the funds were transferred to a Mogadishu Port account at the Central Bank of Somalia (CBS), account No. 1035. From 13 to 20 September 2014, Amin authorized the withdrawal of almost $1.7 million in cash from CBS account No. 1035 — almost the entirety of the port rehabilitation funds.

75. The Monitoring Group has since obtained evidence suggesting that Amin and the then-Director General of the Ministry of Ports and Marine Transport, Abdullahi Ali Nur, likely misappropriated the funds.[46] A detailed account of this misappropriation of public financial resources is presented in annex 3.3.

Khat taxation

76. The Monitoring Group is concerned by the existence until June 2015 of an illegal agreement between the Ministry of Finance and the Somali company ADCO governing the taxation of the narcotic substance khat. The agreement resulted in a substantial shortfall in taxes collected by the Federal Government of Somalia on the import of khat to Somalia, and thus can be interpreted as non-compliance with paragraph 38 of resolution 2182 (2014), in which the Security Council called for transparent and accountable public financial management, as well as for Federal Government of Somalia revenue to be channelled through the national budget.

77. The Monitoring Group is encouraged by the decision of the Attorney General of Somalia to investigate the illegal amendments and lowering of taxes around the khat tariff regime (see annex 3.4).

D. Harakaat al-Shabaab al-Mujaahidiin

Current status

78. As noted in the Monitoring Group's previous report, Harakaat al-Shabaab al-Mujaahidiin remains a major threat to peace and security within Somalia, as well as a major destabilizing force in the East Africa region (S/2014/726, para. 10). As in past years, the group continues to cede territory in the face of military advances by joint AMISOM-Somali National Army forces and their strategic partners, preferring to retreat into the countryside and subsequently cut off supply routes to the reclaimed areas. The group also continues its expansion as a transnational organization, particularly focusing its terror operations against neighbouring Kenya.

79. Following the death of Al-Shabaab's emir, Muktar Ali al-Zubayr (Ahmed Godane) in a drone strike by the United States on 1 September 2014, Al-Shabaab promptly selected as his successor Ahmad Umar Abu Ubaidah (a.k.a. Ahmed Diriye; a.k.a. Mahad Omar Abdikarim), whom the Committee designated for targeted sanctions on 24 September 2014. Abu Ubaidah was widely seen to have been a compromise candidate, less autocratic than Godane and more acceptable to relatively moderate elements of Al-Shabaab, allowing him to prevail over more

[46] Based on testimonies from former senior Ministry officials, the Governor of the Central Bank of Somalia and a Somalia anti-corruption organization.

obvious successors.[47] Abu Ubaidah has continued the trend of decentralizing Al-Shabaab, empowering local leaders and commanders to operate independently, even in the areas of revenue raising and administration.[48]

80. The continuing use of lethal action by Member States has led to the assassination of several of Al-Shabaab's key leaders during the current mandate. Most notable among those are the killings on 29 December 2014 and 31 January 2015 of Abdishakur Tahlil, an Amniyat operative, and Yusuf Dheeq "Ishmaaciil", described in the Monitoring Group's previous report as Al-Shabaab's chief Amniyat in charge of external operations (S/2014/726, footnote 15). The Group has received information that Dheeq's killing was likely based on a mobile phone selector passed on by Somaliland security services.[49] A third high-ranking member of Al-Shabaab, Aden Garar, was killed in a drone strike on 13 March 2015. Garar had been linked to the Westgate shopping mall attack in Nairobi ("Badru Nairobi Operation") on 21 September 2013 and, more recently, a failed terror plot in Addis Ababa in October 2014.[50]

81. However, as noted in the Monitoring Group's previous report, those targeted killings may have resulted in short-term gains but have not degraded or destroyed Al-Shabaab's operational capacity to carry out asymmetric attacks and, increasingly, conventional assaults on military targets. A senior regional intelligence source told the Monitoring Group that the ranks of Al-Shabaab's virtually unknown "middle management" were so numerous and ideologically committed that the group was able to replace assassinated leaders with ease.[50]

82. Al-Shabaab continues to carry out frequent complex attacks within Mogadishu, typically employing a combination of vehicle-borne improvised explosive devices followed by the deployment of suicide gunmen. During the current mandate, Al-Shabaab has displayed a preference for targeting hotels, especially those frequented by Federal Government of Somalia and foreign government officials. The most notable of those hotel attacks include: Jazeera Hotel (26 July 2015);[51] Makka al-Mukarama (27 March 2015); Central Hotel (20 February 2015); and SYL Hotel (22 January 2015). Annex 4.1 examines the targeting of Mogadishu hotels by Al-Shabaab.

83. Al-Shabaab terror operatives, both within and outside Mogadishu, frequently carry out their attacks while disguised in Somali National Army or other government military uniforms. The Group believes the wide availability and low cost of military uniforms, due partly to a lack of oversight of imports, to be an underreported threat to peace and security in Somalia (see annex 7.1).

[47] For instance, Mahad Mohamed Ali "Karate", the hard-line commander of the Aminyaat, Al-Shabaab's internal security and counter-intelligence unit, was Godane's most likely successor. "Karate" has repeatedly challenged Abu Ubaidah's leadership, openly engaging in skirmishes with the new emir; for instance, on 19 May 2015 forces loyal to Abu Ubaidah clashed with "Karate"'s supporters near Jilib, resulting in the deaths of eight fighters.

[48] Matt Bryden, "The decline and fall of Al-Shabaab? Think again" (Sahan, 2015).

[49] Monitoring Group interview with a senior regional intelligence official, 14 March 2015.

[50] Information provided to the Monitoring Group by a regional intelligence source, 7 August 2015.

[51] During the Jazeera hotel attack, Al-Shabaab employed the largest truck bomb in Somalia since the bombing by the group on 4 October 2011 of a ministerial complex of the Transitional Federal Government in Mogadishu, which killed more than 150 Somali students.

84. The Federal Government of Somalia continues to point to defections of Al-Shabaab members as evidence of the group's diminishing appeal and capabilities, in particular the high-level defection in January 2015 of Zakariye Ahmed Ismail Hersi, Al-Shabaab's putative head of military intelligence. The value of actionable intelligence obtained from his debriefing is doubtful, however. The Group believes that Hersi was sidelined within Al-Shabaab for a year prior to his defection, and a senior Federal Government of Somalia intelligence official told the Group that Hersi had provided only "outdated" and "background" information.[52]

85. The Group has closely followed the prospect of an Al-Shabaab ideological or operational realignment towards the Islamic State in Iraq and the Levant (ISIL). Indeed, in February 2015 an "emissary" for ISIL, Hamil al-Bushra, publicly invited Abu Ubaidah to declare Al-Shabaab's loyalty to the organization.[53] There is some evidence that Al-Shabaab is beginning to mimic ISIL tactics, perhaps with the aim of competing for the media spotlight. For instance, a video released by Al-Shabaab's media wing in March 2015, depicting individuals being forced into the ocean prior to being gunned down, bears disturbing resemblance to ISIL execution videos.[54] However, the Monitoring Group has not found evidence of operational or financial links between ISIL and Al-Shabaab.

Tactics

86. On 19 July 2015, contingents of AMISOM, as well as Ethiopian National Defence Force, Kenya Defence Forces and Somali National Army troops began the latest phase in their military offensive against Al-Shabaab in Operation Jubba Corridor. The allied forces scored immediate gains, capturing two major remaining Al-Shabaab strongholds, Bardhere and Dinsor. Al-Shabaab did not directly challenge the renewed offensive, preferring, as in the past, to tactically withdraw into the countryside and subsequently cut off supply routes to the reclaimed areas.

87. The Monitoring Group notes with concern that those recaptured areas have been reduced to isolated islands, with the threat of Al-Shabaab ambushes and improvised explosive devices rendering resupply by road highly perilous (see annex 5.1 for an account of humanitarian obstruction by Al-Shabaab). The supply routes also continue to provide revenue to Al-Shabaab, as the group establishes checkpoints to extract "tolls" from passing vehicles.

Attacks on military targets

88. Despite Al-Shabaab's lack of military resistance to Operation Jubba Corridor, the group has demonstrated a marked shift in its tactics, techniques and procedures by resuming full-scale attacks on military targets, from which it has largely abstained since withdrawing from Mogadishu in 2011.

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[52] Monitoring Group interview in Mogadishu, 19 March 2015.

[53] Hamil al-Bushra, "Somalia the land of Khilafah: message to our brothers in Somalia", 24 February 2015. Available from https://somalianews.files.wordpress.com/2015/03/bushra.pdf. See also Caroline Hellyer, "ISIL courts al-Shabab as al-Qaeda ties fade away", *Al Jazeera*, 23 March 2015. Available from www.aljazeera.com/indepth/features/2015/03/isil-eyes-east-africa-foments-division-150322130940108.html.

[54] Jihadology, video entitled "In remembrance 2", posted 24 March 2015. Available from http://jihadology.net/2015/03/24/al-kataib-media-presents-a-new-video-message-from-%E1%B8%A5arakat-al-shabab-al-mujahidin-in-remembrance-2 (accessed 11 September 2015).

89. Al-Shabaab's success in penetrating the heavily fortified Mogadishu International Airport compound on 25 December 2014 had been foreshadowed in the Monitoring Group's previous report (S/2014/726, annex 1.3), which highlighted Al-Shabaab's infiltration of the Mogadishu International Airport. While eight AMISOM soldiers, two civilians and a contractor were killed, casualties could have been considerably higher had the attackers reached their primary target, the officers' mess. The Monitoring Group has obtained evidence showing that a wide range of forged identification badges facilitating access to the Mogadishu International Airport can be purchased at Bakara Market for $20 to $40.

90. On 11 June 2015, more than 100 Al-Shabaab fighters ambushed an Ethiopian National Defence Force convoy escorting civilian contractors to deliver supplies for AMISOM from Mogadishu to Baidoa in the area of Jameeco, 90 km north-west of Mogadishu. Following the Ethiopian National Defence Force ambush, Al-Shabaab announced the existence of a special brigade tasked with attacking AMISOM forces, dubbed the "Sheikh Abu Zubeyr" unit, in honour of its former emir. The Monitoring Group presently considers that unit to be a propaganda-related, rather than operationally active, military unit.

91. On 26 June 2015, following an initial breach of the perimeter by suicide bombers, more than 100 Al-Shabaab fighters overran an AMISOM base in Leego, resulting in the deaths of more than 50 Burundian soldiers. More recently, on 1 September 2015, Al-Shabaab militants carried out a similar assault on an AMISOM base in Janale, on that occasion disabling a bridge before their assault in order to cut off an avenue of retreat.[55] An accurate death toll of AMISOM soldiers has yet to be established, although media sources have reported it to be in the dozens.

Sources of revenue

92. With taxes on charcoal production and movement declining as a source of revenue for Al-Shabaab, the group has become increasingly reliant on other means of raising funds. In particular, the group relies on the taxation (*zakat*) of farms in the Jubba valley, one of the last remaining areas over which it maintains territorial control.[56] Extortion of business owners, whether their businesses are large or small and whether located in areas physically controlled by Al-Shabaab or not, also constitutes a significant component of the group's revenue.[57] Even in Mogadishu, businesses continue to pay "taxes" to Al-Shabaab and not to the Federal Government.[58]

[55] Feisal Omar and Abdi Sheikh, "Islamist militants attack African Union base in southern Somalia", Reuters, 1 September 2015. Available from www.reuters.com/article/2015/09/01/us-somalia-attack-idUSKCN0R12PT20150901.

[56] A senior Federal Government of Somalia intelligence official told the Monitoring Group on 19 March 2015 that Al-Shabaab raised approximately $9.5 million from taxes on Jubba valley farms in 2014. See annex 6.2.a and strictly confidential annex 6.2.b for more information on violent extortion by Al-Shabaab.

[57] Demands for protection money are frequently made by text message, and the payment in turn is made through mobile money. An independent Somalia analyst based in the United States commented in October 2014 that, in Kismayo, "even women selling tomatoes" pay protection money to Al-Shabaab.

[58] Hormuud Telecommunications is the only major company in Somalia that pays income taxes to the Federal Government of Somalia.

93. The strict tariff regime of the Government of Kenya encourages a vibrant illicit trade in sugar and other basic foodstuffs imported duty-free through the port of Kismayo. From Kismayo, sugar is transported into Kenya through multiple border points, including the Dhobley-Liboi crossing.[59] Al-Shabaab mans checkpoints on all roads out of Kismayo, with passing trucks charged a toll of about $1,000 each.[60] From the Dhobley-Liboi border crossing, much of the sugar passes through the Dadaab refugee camps before making its way to the regional hub of Garissa, then onward to wholesale markets in Nairobi. Once it has entered Kenya, much of the sugar is purchased by local businesses and repackaged under their own brands.

94. In the Monitoring Group's report issued in 2011, it was estimated that Al-Shabaab generated between $400,000 and $800,000 in revenue off the sugar trade (S/2011/433, annex 3.1). According to preliminary investigations conducted in 2015, the Monitoring Group estimates the figure to be substantially higher. As the centrality of revenue stream from charcoal declines, Al-Shabaab's taxation of the illicit sugar trade is gaining relevance. The connection between Al-Shabaab and sugar smuggling came to the fore in Kenya during the Group's current mandate. Following Al-Shabaab's attack at Garissa University College, the Government of Kenya issued a confidential list of 30 individuals who the Government claimed were "engaged in sugar smuggling" and whose accounts had accordingly been frozen (see strictly confidential annex 4.2.e). The Kenyan security forces in turn launched a crackdown on the sugar trade in the Dadaab refugee camps, and the Monitoring Group has become aware of a "sugar unit" created within the Kenya National Intelligence Service for that purpose; in mid-April 2015, the unit arrested six mid-level smugglers in the Dadaab camps.[61] The Monitoring Group is continuing to investigate Al-Shabaab's revenue stream from the sugar trade.

95. The outbreak of the conflict in the Syrian Arab Republic in 2011, as well as improved law enforcement measures along traditional heroin smuggling routes, has prompted East Africa to take on new importance in heroin trafficking from Afghanistan to Europe.[62] The Monitoring Group has become aware of a possible connection between Al-Shabaab and the East Africa drug trade, through the MV *Amin Darya*, a vessel carrying upward of 800 kg of heroin intercepted on 15 July 2014 by Kenyan authorities and subsequently destroyed as a public relations exercise. Through information obtained from a regional security agency, the Monitoring Group has established that the heroin traffickers on board MV *Amin Darya* were in contact with a Dubai-based businessman with possible links to Al-Shabaab. The case of the MV *Amin Darya* is presented in annex 4.4.

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[59] Other border crossing points include Dif and Kolbiyo.

[60] Drazen Jorgic, "Kenya wages war on smugglers who fund Somali militants", Reuters, 21 June 2015. Available from www.reuters.com/article/2015/06/21/us-kenya-security-somalia-insight-idUSKBN0P105320150621. The roughly $1,000 toll was confirmed by the Monitoring Group's interviews on 18 and 19 June 2015 with individuals in Dadaab familiar with sugar smuggling. As with charcoal shipments, truck drivers receive a receipt upon paying an Al-Shabaab toll, which entitles them to pass through additional checkpoints without being subject to double taxation.

[61] Ibid. The arrests of the smugglers were corroborated by the Monitoring Group's interviews with a regional intelligence source and with residents of Dadaab in June 2015. As a result of the Kenyan crackdown, the price of a 50 kg sack of sugar rose to $44, an increase of roughly $10 from normal levels.

[62] "The smack track: East African States are being undermined by heroin smuggling", *The Economist*, 17 January 2015. Available from www.economist.com/news/middle-east-and-africa/21639560-east-african-states-are-being-undermined-heroin-smuggling-smack-track.

Al-Shabaab Northeast

96. The Monitoring Group continues to follow with concern the Al-Shabaab Northeast insurgency in the Galgala mountains, roughly 30 km south-west of Bosaso, Puntland. In its previous report, the Monitoring Group noted "an increased presence and movement" among Al-Shabaab Northeast militants (S/2014/726, annex 1.4). As Al-Shabaab continues to cede territory in southern and central Somalia, the Monitoring Group expects the intensity of the Galgala insurgency to increase as fleeing militants head north, seeking to keep a line of communication open to Yemen and Al-Qaida in the Arabian Peninsula. Consequently, the Monitoring Group views with extreme concern the progressive deterioration of the security environments in both Yemen and Puntland, which in the latter case has been fuelled partly by continually delayed or absent salary payments to the security forces. In particular, the sacking in February 2015 by the President of Puntland, Abdiweli Mohamed Ali, of two senior security forces officials, including the head of the Puntland Intelligence Service, has created an alarming rift between the President and his security forces.

97. Early in October 2014, Puntland forces launched a renewed offensive in the Galgala hills, supported by aerial reconnaissance from a Western Member State. After initial gains, the offensive appears to have stalled. According to information provided in October 2014 by a Puntland journalist on the ground, government forces controlled only Galgala town and not the villages in the surrounding hills.[63] The Monitoring Group has received unconfirmed but credible information that senior Al-Shabaab leader Fuad Mohamed Khalaf "Shongole" was present in the Galgala area in mid-March 2015 in order to "establish a new base" to carry out attacks in Puntland.[64]

Al-Shabaab as a regional threat

98. During the present mandate, Al-Shabaab has continued to morph into a transnationally oriented terror organization. The group's regional expansion reflects Al-Shabaab's principal regional aim, namely to carry out attacks on the home fronts of AMISOM troop-contributing countries. Kenya, in particular, has proven to be especially vulnerable, owing largely to the long and porous border that it shares with Somalia.[65] Since June 2014, Al-Shabaab terror operations have claimed the lives of more than 300 people in Kenya, greater than the number killed by the group in Mogadishu over the same period.

99. Al-Shabaab has launched a series of deadly attacks on Kenyan soil during the mandate. Within the span of 10 days, the group carried out two deadly attacks near Mandera, massacring 28 bus passengers on 23 November 2013, followed by 36 quarry workers on 2 December. Al-Shabaab's most significant attack in Kenya took place on 2 April 2015, when five gunmen stormed the campus of Garissa University College, located 150 km from the Kenya-Somalia border. After a stand-off lasting most of the day, Kenyan special forces stormed the dormitory where the

[63] This account was corroborated by a second Puntland journalist, also in October 2014.

[64] Information provided by a senior regional intelligence official, 14 March 2015.

[65] Three broadly independent Al-Shabaab groups operate along the Kenya-Somalia border, roughly corresponding to Garissa, Mandera and Lamu counties in Kenya. The third of those, calling itself the Jeysh Ayman brigade, is based in the Boni forest and has greatly intensified its operations over the course of the Monitoring Group's mandate.

attackers had taken students hostage, but not before 148 people, mostly students, had been killed. In the aftermath of the massacre, the Government of Kenya announced the mastermind of the attack to be Mohamed Mohamud "Gamadheere" (a.k.a. "Kuno"), a Garissa native and former Quranic teacher.[66] "Gamadheere" has emerged not only as a leader responsible for cross-border attacks into Kenya but also possibly as a key organizer in other regional plots involving networks in Somaliland, Djibouti and Ethiopia. For instance, unconfirmed information provided to the Monitoring Group suggests that "Gamadheere" acted as the coordinator of a failed plot in January 2015 to attack Menelik Square in Djibouti, the area of the city containing La Chaumière restaurant, which was the target of a successful Al-Shabaab suicide bombing in May 2014 (see S/2014/726, strictly confidential annex 2.3).

100. An account of the Garissa University College terror attack is provided in annex 4.2.

101. Annex 4.3 (strictly confidential) describes the failed Al-Shabaab plot of January 2015 in Djibouti.

102. In a worrying trend, Al-Shabaab has begun to openly occupy Kenyan border towns for extended periods. On 19 May 2015, Al-Shabaab militants entered two villages in Garissa County, addressing villagers for several hours and warning them not to support the Government of Kenya or Kenyan security services.[67] One week later, militants entered Yumbis village, near the Dadaab refugee camps, and repeated their message not to cooperate with Kenyan forces.[68]

103. Despite the failure of the "Bole Rwanda cell" to launch an attack during the World Cup qualifiers in Addis Ababa in 2013 (see S/2014/726, strictly confidential annex 2.2), Al-Shabaab has continued efforts to strike at the Ethiopian capital. On 14 October 2014, the United States Embassy in Addis Ababa issued a warning of an imminent Al-Shabaab plot targeting the central Bole area of the city. According to information provided to the Monitoring Group, approximately 20 Al-Shabaab operatives had been sent to Addis Ababa in three distinct groups to carry out the plot but left Ethiopia after the warning from the United States; one of the groups was killed attempting to re-enter Kenya.[69]

E. Piracy and kidnap for ransom

Overview

104. Since 2012, piracy in Somalia has declined precipitously. The last hijacking of a high-value merchant vessel, the Greek-managed oil tanker MT *Smyrni*, dates to May 2012. The sharp reduction in piracy since its peak in 2010 has been due primarily to the deployment of private armed security teams on board commercial

[66] The Monitoring Group is aware of only one substantive connection between "Gamadheere" and the Garissa University attack; according to two regional security sources interviewed by the Group, "Gamadheere" had been in contact by mobile phone with a campus security officer suspected of having carried out surveillance for the attacking team.

[67] Confidential intelligence report, 15 June 2015.

[68] Ibid. Unconfirmed information based on testimony from villagers present suggests that "Gamadheere" may have personally delivered the lecture.

[69] Monitoring Group interview with regional intelligence official, 7 August 2015.

vessels, the implementation of best management practices by the maritime industry and the presence of international naval forces vessels in the region.

105. During the mandate, pirate activity remained at an ebb. The only two vessels to be hijacked since the Group's previous mandate were the Iranian fishing dhows FV *Siraj* and FV *Jaber*, which were seized off the coast of central Somalia on 22 March 2015. The Monitoring Group has ascertained the individual responsible to be Mohamed Osman Mohamed "Gafanje", a well-known pirate leader whose activities have been described in detail in the Group's previous two reports (S/2013/413 and S/2014/726). A detailed account of the hijackings of the FV *Siraj* and the FV *Jaber* is provided in annex 2.4 (strictly confidential).

106. The Group notes with disappointment that the Federal Government of Somalia has yet to arrest and carry out prosecutions against pirate leaders, as the Group has recommended in past reports. In particular, the Group is concerned that "Gafanje" continues to carry out piracy operations with complete impunity, even seeming to enjoy access to high-level Federal Government of Somalia politicians in Mogadishu (see strictly confidential annex 2.4.b).

107. While the threat posed by piracy to merchant vessels remains low, the Group is concerned that illegal fishing by foreign vessels, which frequently deploy private armed security teams on board, may lead to the recreation of a dynamic of conflict with local Somali communities that contributed to the rise of piracy a decade ago. That threat is discussed in detail in the Group's discussion of illegal, unreported and unregulated fishing and maritime security.

III. Obstruction of humanitarian assistance

108. In paragraph 31 of its resolution 2232 (2015), the Security Council reiterated its demand that all parties allow and facilitate full, safe and unhindered access for the timely delivery of aid to persons in need across Somalia. Although the humanitarian footprint was felt in almost all 15 administrative regions of Somalia, the quality of that access remained extremely fragile, particularly as a new anti-Al-Shabaab offensive began in July 2015.[70] More broadly, the increase in the intensity and scale of conflicts in Somalia, whether in terms of the number of actors involved, the means and methods used or the strategies employed, affected all aspects of humanitarian access, from the safety and security of humanitarian workers to the ability to maintain the independence and neutrality of humanitarian action. On 31 August 2015, following the biannual Food Security and Nutrition Assessment for Somalia of the Food and Agriculture Organization of the United Nations, it was announced that the number of people who faced a food crisis or emergency in Somalia had increased by 17 per cent, from 731,000 to 855,000 in six months, two thirds of whom were internally displaced persons.[71]

[70] See, inter alia, Office for the Coordination of Humanitarian Affairs Somalia office, 2015 Humanitarian Response Plan Somalia midyear monitoring report (covering January to June 2015). See also the latest NGO Safety Programme Somalia access map, 10 February 2015.

[71] Office for the Coordination of Humanitarian Affairs, "Somalia: critical food and nutrition situation persists", press release, 31 August 2015.

A. Denial of humanitarian access[72]

109. The key challenges to humanitarian access identified by the Monitoring Group in its previous report (S/2014/726) continued to impede humanitarian operations on an even larger scale, necessitating more complex negotiation by humanitarian partners. They included blockades on main supply routes and strategic towns by Al-Shabaab, obstructive "regulation" and taxation by federal and regional government officials and the continued politicization of aid.

110. With access to essential supplies perceived as a vehicle for parties to the conflict to assert authority, Al-Shabaab violently enforced blockades on both humanitarian supplies and commercial trade, killing and arresting civilians and destroying goods. Despite efforts to provide emergency humanitarian support by air where possible, acute food insecurity pervaded in many areas.[73] In its own area of authority, Al-Shabaab permitted only minimal humanitarian activities and severely restricted the extent to which the population could seek assistance outside.[74] In the context of the increased militarization and polarization of the environment, there was evidence of Al-Shabaab's deepened suspicion of, and distance from, the humanitarian community. In some areas this was reflected, inter alia, in efforts to sideline local leadership and centralize control of humanitarian relationships through the Amniyat, Al-Shabaab's hard-line internal security apparatus, potentially affecting both the security of humanitarian workers and the ability to negotiate principled access.

111. In its previous report, the Monitoring Group described how the expansion of the federal architecture had created new layers of bureaucratic impediments, revenue seeking and outright diversion. Those impediments had complicated and sometimes completely prevented humanitarian access (S/2014/726, para. 93). During the current mandate, not only did those practices intensify, but the number of authorities with which the humanitarian community was required to engage rose: in addition to two new interim regional administrations, rival administrations outside the formal federalization process attempted to assert administrative legitimacy.[75] Efforts by competing authorities to co-opt and extract benefits from humanitarian operations compromised not only the viability of operations, resulting in the temporary closure of non-governmental organizations (NGOs), but also the ability to work safely across different zones of control.[76]

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[72] Denial of humanitarian access blocks the free passage or timely delivery of humanitarian assistance to persons in need, as well as includes deliberate attacks against humanitarian workers.

[73] More than a year after the Al-Shabaab blockade began in March 2014 in Hudur and at a time when the new phase of the Al-Shabaab offensive was under way, global acute malnutrition rates were "very critical" at 32.7 per cent, with an "alarming threefold increase" in severe acute malnutrition rates since June 2015. Office for the Coordination of Humanitarian Affairs, Humanitarian Bulletin, July 2015 (issued on 20 August 2015).

[74] See annex 6.2.a and strictly confidential annex 6.2.b.

[75] In the context of impact on humanitarian access, they included the self-declared Khatumo State in Sool and Sanaag and the Ahl al-Sunna wal-Jamaʿa-backed administration declared on 1 July 2015 in Dhusamareeb.

[76] During 2014, the humanitarian community recorded 76 incidents related to administrative and bureaucratic impediments and interference in operational modalities. By the end of the first seven months of 2015, the number of incidents had already reached 51. Interviews with United Nations and non-governmental organization sources, Nairobi, August 2015.

112. The growing number of armed actors, both Somali and foreign, engaged in the conflict against Al-Shabaab contributed to the consolidation of a security rather than acceptance and negotiation approach to expanding humanitarian access. This made challenging the politicization of aid and maintaining the principle of distinction more complicated. Incidents of obstruction of humanitarian aid by Somali and international military forces and armed groups were reported.[77]

113. See annex 5.1 for an overview of the main challenges to humanitarian access.

114. See annex 5.2 on the use of bureaucratic impediments and misuse of official power to obstruct humanitarian access.

B. Attacks on humanitarian workers

115. Against the backdrop of a more volatile and insecure context overall, threats against and attacks on humanitarian workers rose during the current mandate. Fourteen humanitarian aid workers were killed between January and August 2015 alone, with 80 security incidents related to humanitarian operations recorded in the same period.[78]

116. Al-Shabaab conducted a series of direct and indirect attacks on United Nations agencies, including a horrific suicide attack on a United Nations Children's Fund staff bus in Garowe that killed six, including four United Nations staff, and injured five others on 20 April 2015.[79] The attack in Garowe marked the culmination of escalating rhetoric by Al-Shabaab against both the United Nations and international organizations.[80] A few months later, Abu Ubaidah's Eid message described the work of "opening up secure corridors to allow the destructive international agencies and organizations to spread their vices and immortality [sic] among the Muslim youth" as "among the plots of the enemies of Allah".[81] Even prior to the Garowe attack, rising internal tensions and accompanying militarization in both Puntland and Somaliland, coupled with the increased presence and activity of Al-Shabaab and

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[77] Although the Somalia Country-Specific Humanitarian Civil-Military Coordination Guidelines for Humanitarian Actors' Engagement with AMISOM to govern relations on civil-military coordination in Somalia were launched in November 2014, dissemination and implementation were slow. There is currently no mechanism for the humanitarian community to promote observance of the Guidelines beyond Federal Government of Somalia security forces and AMISOM.

[78] In contrast, during 2014, 75 violent incidents led to the death of 11 people and the abduction and arrest of more than 20 staff. Information provided by United Nations and non-governmental organization sources in August and September 2015.

[79] They included an attack on a United Nations convoy on 3 December 2014 outside the Mogadishu International Airport and an attack on the Jazeera Palace Hotel, which killed 15, including 2 United Nations third-party contractors, as well as damaged the United Nations common compound and the compounds of three non-governmental organizations.

[80] As noted in document S/2014/726, a series of statements and attacks in 2013 and 2014 had also clearly identified the United Nations (and humanitarian agencies more broadly) as legitimate targets of the group. There is some indication that education activities may be considered a particular target.

[81] Eid greetings to the Muslim Ummah from the Mujahid Sheikh Abu Ubeydah Ahmad Omar. There is some suggestion that Al-Shabaab may be particularly targeting education activities, based on a number of developments, such as the organization's statement of 20 December 2014 referring to "an ideological war", the attack on Garissa University on 2 April 2015 (see annex 4.2) and the attack on the Ministry of Higher Education and Culture in Mogadishu on 14 April 2015.

reports of hostile surveillance of United Nations installations, had led to perceptions of greater insecurity for humanitarian operations in the north-east.[82]

117. In addition to the scaling up of direct military operations in the second half of 2015, the vulnerability of humanitarian agencies was exacerbated by the need to negotiate for access with a rising number of competing military and civilian authorities. Incidents involving the use of force to disrupt humanitarian operations or divert humanitarian inputs were recorded with respect to government forces, forces associated with regional authorities, local militia and international forces.

C. Diversion and misappropriation of humanitarian assistance

118. Diversion continues to be an intrinsic element of the humanitarian business model in Somalia, conducted through a variety of mechanisms, including budget manipulation, extortion, the manufacture of receipts and outright theft. The Monitoring Group observed similar patterns and perpetrators of diversion to that identified in its previous report, involving a spectrum of actors ranging from staff at donor headquarters to local government officials, contractors and local NGOs. Reflecting the trajectory described in that report, the overall amount of humanitarian aid available continued to shrink against the backdrop of an estimated 3 million people still in need of essential humanitarian support in Somalia.[83] The rising costs of humanitarian operations as a result of access restrictions and the need to mitigate heightened security risks all added to the pressure on scarce resources.

119. As noted by the Monitoring Group in its previous report, the emergence of new layers in the architecture of the federal State also multiplied the venues in which, under a cloak of legitimacy, diversion could be practised (S/2014/726, annex 7.1). Those challenges became more acute in 2015 as both new regional State entities and rival administrations emerging out of a highly contested federalization process took cues from successful past revenue-seeking practice, with almost no central oversight or assertion of control (see annex 5.2).

120. At the same time, aid was also vulnerable to not only theft but also misuse as a political tool and in support of conflict. The Group received credible information that some humanitarian actors abused humanitarian principles and misused humanitarian inputs in the pursuit of clan dominance, including through the use of violence. In some communities, the allegiance of certain NGOs with particular militia/Somali National Army units was an open secret in the humanitarian community and indeed accepted as the price of access.

121. The inability of the humanitarian community to grapple with the pervasiveness of aid misappropriation, which reached its high point during the famine of 2011, facilitated the perpetuation of the system. Nevertheless, during the current mandate the humanitarian community sustained the progress noted in 2014 by both continuing to acknowledge the scale of diversion and enhancing risk management and diversion response mechanisms. In January 2015, for example, an NGO focal point was appointed to the Risk Management Unit of the United Nations country

[82] Challenges in the administration and management of the special protection units may increase the vulnerability of humanitarian actors if not effectively handled.

[83] Of the $853 million requested for the Common Humanitarian Fund in 2015, only 33 per cent had been provided by the end of July 2015.

team, permitting enhanced cooperation between the NGO and the United Nations humanitarian communities. The deep-rooted fundamentals of the system that perpetuate diversion, however, remain to be tackled.

122. See annex 5.3 for a more detailed overview of diversion and misappropriation of humanitarian assistance, including measures to reduce diversion.

IV. Violations of international law involving the targeting of civilians

123. With an increase in the number and variety of foreign and national forces, all armed actors continued to target civilians, whether as a deliberate tactic of war or through the disproportionate use of force.[84] Politically, economically and culturally excluded communities continued to experience the majority of violations, which reflects a deep-rooted stratification of Somali society, accentuated by the rush to assert control over resources.

A. Targeting of civilians

124. The number and complexity of armed actors in Somalia, some allied loosely against Al-Shabaab, produced a profusion of command with varying control and very little accountability, thus undermining the protection of civilians.[85] The almost complete impunity enjoyed by those forces, save in the rare context of inter-clan negotiations or a small number of prosecutions of Somali National Army and AMISOM personnel, created a fertile ground for them to continue.

125. As both the fight against Al-Shabaab and the group's grip on populations still under its control intensified, violations against civilians rose, with both sides using weapons and tactics that resulted in large civilian and military casualties.[86] Meanwhile, other non-State actors used armed violence to assert themselves within the expanding federal architecture. Al-Shabaab used, and in turn was sometimes leveraged by, those actors, for mutual benefit.

126. As described in document S/2014/726, the political and military leadership of the federal system was also usurped to progress clan interests with the deployment of Federal Government of Somalia security forces and assets in clan fighting. Violence against civilians by the forces of the regional administrations, such as the

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[84] Those responsible involved members of all parties to the conflicts, including Al-Shabaab and its affiliates, AMISOM and its strategic partners, the Somali National Army, the security forces of the regional administrations and their allies, and clan militia.

[85] Analysis produced by the Armed Conflict Location and Event Data Project for the Monitoring Group between January and July 2015, for example, indicates that the main perpetrators of anti-civilian violence were "unidentified armed groups". (The assessment does not capture events in which civilians are injured as a result of conflict between two armed actors.) Draft conflict analysis of Somalia, Armed Conflict Location and Event Data Project, August 2015.

[86] Although the absolute level of violent events against civilians declined in the first six months of 2015, following the commencement of a new anti-Al-Shabaab offensive, the month of July witnessed a 50 per cent increase. Al-Shabaab was responsible for the greatest number of fatalities caused by anti-civilian violence. Ibid.

Interim Jubba Administration, in addition to other entities, such as Ahl al-Sunna wal-Jamaʿa, in attempting to assert control over territory was also documented.[87]

127. International forces both within and beyond the authorized AMISOM troop number also committed violence against civilians. With respect to AMISOM, extrajudicial killings and killing of and injury to civilians in the context of response to improvised explosive device and grenade attacks were reported.[88] Allegations of killing, sexual and gender-based violence and other violations against civilians by the Ethiopian Liyiu police were also received by the Group, in particular in Bay, Bakol, Galgadud and Hiran.

128. See annex 6.1 for an overview of the commission of violations of international law involving the targeting of civilians.

129. See annex 6.1.a (strictly confidential) for information on the circumstances of the arrest of members of the Salaax militia.

130. See annex 6.2.a and strictly confidential annex 6.2.b for details of violations of international law and the situation of the Bantu/Wagosha community in areas of Lower and Middle Jubba held by Al-Shabaab.

131. See annex 6.3.a and strictly confidential annex 6.3.b for details on attacks on the villages of Kabxanley and Defow in Hiran.

B. Sexual and gender-based violence, recruitment and use of children in armed conflict and forced displacement

132. Annex 6.4 contains short summaries of the main trends in the commission of violations relating to these three areas of the mandate, in addition to addressing developments in both practice and the legal framework that tend to prevent violations and enhance compliance with the sanctions regime.

V. Arms embargo regime

A. Compliance by the Federal Government of Somalia with the conditions of the partial lifting of the arms embargo

133. The partial lifting of the arms embargo on Somalia, introduced in resolution 2093 (2013), was extended in resolution 2182 (2014) until 30 October 2015. It exempted the Federal Government of Somalia from seeking case-by-case approval from the Committee to import weapons for its security force. Under the terms of the partial lifting of the arms embargo, the Federal Government of Somalia is required to submit to the Committee advance notifications of the delivery of weapons or

[87] In February 2015, for example, civilians were killed and injured when Ahl al-Sunna wal-Jamaʿa attacked and assumed control of Guriel from the Federal Government of Somalia. See, inter alia, Human Rights Watch, “Dispatches: overlooking the cost to Somalia’s civilians”, 19 February 2015. Available from www.hrw.org/news/2015/02/19/dispatches-overlooking-cost-somalias-civilians.

[88] According to the Armed Conflict Location and Event Data Project, although AMISOM was reportedly involved in only 10 incidents of anti-civilian violence, the ratio of reported fatalities to events was the highest of all forces. Draft conflict analysis of Somalia, Armed Conflict Location and Event Data Project, August 2015.

military equipment or the provision of advice, assistance or training to government security forces. In addition, the Federal Government of Somalia is obliged to submit biannual reports to the Security Council detailing the structure of its security forces and the infrastructure and procedures in place to ensure safe management and distribution of weapons and military equipment. The Council has repeatedly stressed that continuation of the partial lifting is contingent on the Government's implementation of those requirements (resolution 2182 (2014), sixteenth preambular paragraph).

134. The Monitoring Group observed tangible progress with regard to the submission of notifications and weapons and ammunition management due considerably to the efforts and energy of the Office of the National Security Adviser. The quality, quantity and timeliness of advance notifications improved steadily. Fulfilment of post-delivery confirmation obligations, however, remained elusive.[89] The commencement of the marking and registration of Federal Government of Somalia imports and of weapons held by private security companies represented the most significant development. Significant gaps remain, however, in ensuring tracking of weaponry and equipment, particularly after their initial distribution to the security forces. In this regard, international assistance is greatly needed to initiate the comprehensive weapons and ammunition management project developed by the Federal Government of Somalia.

135. Reports of the Federal Government of Somalia pursuant to paragraph 9 of resolution 2182 (2014) were transmitted on time. However, the Group is concerned that, despite the efforts to outline the security structure of the Federal Government of Somalia in its previous report, the Government has not provided a clear picture of the composition and strength of security forces, including allied militia. In particular, the Somali National Army leadership has systematically sought to inflate the number of serving troops.[90]

136. The partial lifting of the arms embargo was granted, inter alia, to help the Federal Government of Somalia to develop and equip its security forces to confront Al-Shabaab. Data collected from advance notifications to the Committee indicates that Government security forces were expected to have received more than 17,500 weapons and almost 9 million rounds of ammunition since the partial lifting of the arms embargo.[91] The Monitoring Group, however, continues to receive reports that Federal Government of Somalia security forces remain ill-equipped to confront Al-Shabaab effectively. The lack of information on the distribution of imported weapons limits the Group's ability to assess whether they are being used appropriately and effectively.

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[89] The Federal Government of Somalia has advised that the additional required post-delivery confirmations and information, albeit not submitted on time, will be transmitted to the Committee shortly after the finalization of the present report.

[90] See strictly confidential annex 3.1.

[91] That figure does not include the considerable number of weapons already held in Federal Government of Somalia stock, circulating in Somalia or delivered outside the formal notification procedure. Possession of a weapon, for example, is often a condition for recruitment to the security services.

B. Obligations of Member States and regional and international organizations

137. On a number of occasions, Member States and international organizations providing support to security sector institutions not under the Federal Government of Somalia have failed to appropriately notify the Committee of supplies of weapons or military equipment and technical assistance or training pursuant to paragraph 11 (a) of resolution 2111 (2013). In some instances, this can be attributed to confusion regarding the scope of paragraph 11 (a), including to which security actors and in respect of which materiel and assistance it applies. The development of parallel regional security structures outside the command of the Federal Government of Somalia requires careful consideration and greater Committee oversight, and a more precise understanding of the scope of "Somali security sector institutions" will need to evolve.[92]

C. Standing exemptions from the arms embargo

138. The Security Council granted several standing exemptions from the arms embargo that apply to the supply of certain materiel to specific entities and for particular purposes.[93] Although that system enables the smooth operation of AMISOM, the European Union Training Mission in Somalia, the United Nations Assistance Mission in Somalia (UNSOM), AMISOM "strategic partners" and others, it also creates a blind spot in the Committee's oversight of arms flows. Indications that some of the armed forces involved in the most recent anti-Al-Shabaab offensive did not operate fully under the AMISOM concept of operations heightens that concern.

D. Documentation of captured weaponry and military equipment

139. Pursuant to paragraph 6 of Security Council resolution 2182 (2014), Federal Government of Somalia security forces and AMISOM are required to document and register all military equipment captured during offensive operations and to facilitate inspection by the Group before its redistribution or destruction. The Federal Government of Somalia provided the Group with information on four caches of weapons and other military materiel seized and received training in the identification and tracking of captured weaponry. Despite the issuance of directives to sector commanders, AMISOM was unable to document and facilitate the transfer of information on seizures and has requested further advice and assistance from the Group. Effective implementation of paragraph 6 of the resolution will require the Federal Government of Somalia and AMISOM to agree on various responsibilities.[94] Troop-contributing countries should direct their AMISOM contingents to comply with directives issued by force headquarters. The Council could consider expanding

[92] See paragraph 10 (h) of the guidelines of the Committee for the conduct of its work as consolidated, revised and adopted by the Committee on 30 March 2010, 30 May 2013, 27 November 2013 and 25 March 2014.

[93] For details, see annex 7.2.

[94] This includes the documentation, registration, tracing and analysis of captured weapons and other materiel as appropriate, a transfer procedure to the responsible entity, a framework for the storage and disposal of the materiel retained or transferred, and a protocol for informing the Monitoring Group of the seizure.

such reporting to the variety of other forces engaged in the conflict with Al-Shabaab in territories beyond the reach of AMISOM and Federal Government of Somalia security forces.

E. Implementation of paragraphs 10 and 15 of resolution 2182 (2014)

140. In paragraph 10 of resolution 2182 (2014), the Council requested the Federal Government of Somalia and the Monitoring Group to work together to formulate a proposal to provide for an exemption to the arms embargo for weapons on board vessels engaged in commercial activity in Somali territorial waters and Somali ports. During the mandate, the Federal Government of Somalia and the Group shared preliminary views on the proposal and made submissions to the Council.

141. In paragraph 15 of resolution 2182 (2014), the Council authorized Member States, under certain circumstances, to interdict vessels believed to be carrying weapons and military equipment in Somali territorial waters and on the high seas. The Monitoring Group was not informed of any arms-related interdictions during the mandate.

F. Violations of the arms embargo

142. Violations of the arms embargo continue to be committed in Somalia, whether through the illegal sale or unauthorized distribution of weapons from Federal Government of Somalia stocks or through illegal imports. The environment for illegal weapons flows has been exacerbated by the market created by the conflict in Yemen and increased militarization in parts of Somalia over the course of the mandate.

143. Annex 7.1 provides an overview of developments relating to weapons and ammunition management in Somalia, including as a condition of the partial lifting of the arms embargo.

144. Annex 7.2 provides an assessment of compliance with notification obligations by the Federal Government of Somalia, Member States and international organizations under the arms embargo and the partial lifting thereof.

145. Annex 7.3 provides an analysis of compliance by the Federal Government of Somalia with its reporting requirements under the partial lifting of the arms embargo.

146. Annex 7.4 details compliance by the Federal Government of Somalia and AMISOM with obligations relating to captured weaponry and military equipment.

147. Annex 7.5 provides an assessment of the implementation of paragraphs 10 and 15 of resolution 2182 (2014).

148. Annex 7.6 provides details on international assistance to the Federal Government of Somalia to enhance compliance.

VI. Violations of the ban on charcoal

149. During its mandate, the Monitoring Group has documented the continuing export of charcoal from southern Somalia. The implementation of the ban, the displacement of Al-Shabaab from export sites along the southern coast of Somalia

from Barawe to Kamboni on the Kenyan border and the emergence of new political and business arrangements in the region have all affected the political economy of the trade. The cumulative effect has been an overall reduction in exports of charcoal from southern Somalia and a decline in the revenue gained from the trade by Al-Shabaab.

A. Production and export of charcoal in southern Somalia

150. In the immediate aftermath of the recovery of Barawe, Lower Shabelle, from Al-Shabaab early in October 2014, members of the caretaker administration, together with the Somali National Army and the Uganda People's Defence Force contingent of AMISOM, permitted the commencement of exports of charcoal stockpiled in the city. Satellite imagery taken at the time shows the rapid depletion of stocks and the presence of multiple dhows docked and awaiting cargo until late November, when activity ceased.[95] On 23 November, local government and security officials were arrested and taken to Mogadishu. Since late November, evidence collected by the Group, including regularly updated satellite imagery and aerial surveillance of the city's port and stockpiles, suggests that charcoal trade in Barawe and the surrounding area has stopped.

151. Production continues in the Lower and Middle Jubba regions, with the former largely under the authority of the Interim Jubba Administration and the latter remaining largely under the control of Al-Shabaab. Although the actors controlling the trade and export in Kismayo remain largely unchanged since the Group's previous report (see S/2014/726, annex 9.1), export procedures have changed. The city's central stockpile, situated adjacent to the road leading from the airport to the centre of the city and in clear view of all visiting delegations to the city, is no longer used. Satellite imagery suggests increasing use of the city's southern stockpile and dwindling use of its northern stockpile.[96] Charcoal is now rarely loaded onto vessels at Kismayo port but instead loaded by hand at Alanley beach into small fishing boats and then unloaded onto awaiting larger dhows in the bay area.[97] The process is significantly less efficient but can be disrupted with immediate effect, leaving less evidence of the trade. Satellite imagery suggests a significant expansion of export operations from the town of Buur Gaabo, approximately 125 km south-west of Kismayo, early in 2015, with considerable stockpiles and indeed cargo dhows still present in September 2015. The Monitoring Group has not yet been able to confirm who controls the trade and export in Buur Gaabo.

152. Al-Shabaab's overall role in and revenue from the charcoal trade has reduced since its loss of all export sites.[98] Businesses previously reported to have played a prominent role in the export of charcoal and maintained ties with Al-Shabaab, including Ali Naaji and Hassan Mohamed Yusuf "Awlibaax" (see S/2014/726, paras. 141-143), are reported to have maintained their dominance in the trade over the course of the mandate. Evidence collected by the Monitoring Group, however,

[95] See annex 8.1 for satellite imagery of Barawe.
[96] See annex 8.1 for satellite imagery of Kismayo.
[97] See annex 8.2 for a map demonstrating loading procedures in Kismayo.
[98] Al-Shabaab's last foothold on the southern coastline in Kuday, approximately 100 km south-west of Kismayo, was recovered by AMISOM troops in March 2015, after which all charcoal-related activity is believed to have ceased.

suggests that the ties between those controlling the trade in Kismayo and elements of Al-Shabaab in Lower and Middle Jubba have been strained over the past year. In January 2015, senior Al-Shabaab officials are reported to have called for the closure of charcoal production sites in Lower and Middle Jubba. In the following months, charcoal producers were arrested by the group, and many of those found carrying charcoal along the major supply routes were executed and their vehicles burned along with their cargo. During that period, suppliers were forced to use smaller minibus-type vehicles and back roads to avoid detection by Al-Shabaab on the major supply routes. Unconfirmed reports indicate that an agreement on the distribution of taxation collected from charcoal at the export sites fell apart when Ahmed "Madobe" withheld Al-Shabaab's shares of export proceeds early in 2015 in preparation for the formation of the Jubba Regional Assembly in April and May 2015. The withholding of funds due to Al-Shabaab prompted the blockade on charcoal to the city, which may also partly explain the significant expansion of operations in Buur Gaabo.[99]

153. While the Monitoring Group has received some support from the Federal Government of Somalia in its investigations into the charcoal trade in southern Somalia, no apparent efforts have been made by either the Interim Jubba Administration or local contingents of AMISOM to implement or report on the ban, supporting the Group's assertion that both continue to be actively engaged in and profiting from the trade.

B. Maritime interdiction and vessel tracking

154. On 7 May 2014, the Committee issued implementation assistance notice No. 1, which contained recommendations on interdiction of charcoal from Somalia pursuant to Security Council resolutions 2036 (2012), 2060 (2012) and 2111 (2013). In paragraph 15 of its resolution 2182 (2014), the Council authorized, for a period of 12 months, Member States, acting nationally or through voluntary multinational naval partnerships, to inspect vessels that they had reasonable grounds to believe were carrying charcoal from Somalia in violation of the ban. Uptake of action in line with the proposed interdiction of vessels believed to carry charcoal was slow but has, over the course of the mandate, resulted in a perceptible deterrent effect in the absence of any successful land-based approaches to the implementation of the ban on charcoal. Intelligence shared by the Combined Maritime Forces with the Monitoring Group led to the successful interception of the MSV *Raj Milan* (MMSI 419956307) at Port Rashid in Dubai, United Arab Emirates, with support from United Arab Emirates authorities.[100] The issue of the disposal of seized charcoal, the absence of legal follow-through, and the difficulties in identifying a State willing to accept diverted ships have, however, hampered initial efforts to operationalize maritime interdiction. Minimizing the interaction between the naval forces and the

[99] Obtaining reliable evidence on Al-Shabaab's engagement in the charcoal trade in southern Somalia has grown increasingly challenging over the course of the mandate. With limited access to Kismayo and no access to the surrounding region, the Monitoring Group was largely reliant on collecting testimonies from various local sources. Contrasting and conflicting reports provided by local sources, often assumed to be either biased or politically motivated, made verification of facts mostly untenable. The account of Al-Shabaab's taxation ties to the Interim Jubba Administration and continuing relations with the local business elite is based on multiple corroborated testimonies.

[100] See annex 8.3 for details on the interception of the MSV *Raj Milan*.

vessels carrying charcoal remains critical for an effective implementation of the charcoal ban.

155. The monitoring of vessels believed or known to be carrying charcoal has been complicated by growing efforts to avoid detection. Decreasing use of automatic identification system transmitters by the dhows carrying cargo to and from southern Somalia renders it impossible to monitor the movements of most vessels using dedicated tracking software.[101] The inability of both local sources on land and intelligence sources at sea to identify vessel names suggests systematic attempts to mask physical identifying features as well. Without that information, it is not possible to intercept vessels known to be carrying charcoal from Somalia when they reach their port of unloading.

C. Falsified documentation

156. Upon arrival at Port Rashid, the MSV *Raj Milan* was found to be in possession of documentation suggesting that its cargo had originated from the Comoros. The prevalent use of falsified documents for charcoal cargo was detailed in the Monitoring Group's previous report (see S/2014/726, annex 9.4). With the growing challenges to identifying vessels both on land and at sea and tracking vessels by means of automatic identification system transmissions, during the current mandate the Monitoring Group sought to verify the extent of falsified documentation by cross-referencing Member State import and export data.[102]

157. According to data shared by the Ministry of Foreign Affairs of the United Arab Emirates, more than 142 million kg of charcoal were imported from Somalia in 2011 (96 per cent of total imports) and almost 122 million kg (79 per cent of total imports) the following year, when the ban was imposed.[103] In 2013 and 2014 the data show that no charcoal was imported from Somalia.

158. According to the same data, imports of charcoal from Kenya rose from 175,000 kg in 2012 to more than 80 million kg in 2013 and 12 million kg in 2014.

159. Imports of charcoal from the Comoros rose from zero in 2011, 2012 and 2013 to more than 12 million kg in 2014. The Monitoring Group requested confirmation of exports from the Comoros to the United Arab Emirates but did not receive a response.

160. Imports of charcoal from Djibouti rose from zero in 2011 to almost 13 million kg in 2012, more than 22 million kg in 2013 and almost 41 million kg in 2014. The Monitoring Group met with Djibouti port authorities on 21 May 2014 and was informed categorically that charcoal was not exported from Djibouti to any country.

161. As identifying and tracking vessels transporting Somali charcoal grows increasingly difficult, cooperation with Member States grows increasingly imperative. The apparent endemic use of falsified documentation can be addressed only with support from Member States, which will enable cross-referencing of export and

[101] The Monitoring Group noted the presence of multiple actively trading dhows docked at ports in Dubai that had not transmitted automatic identification system signals since 2014.

[102] Since 2014, the Monitoring Group has confirmed falsified documentation claiming imports of charcoal of Somali origin from the Comoros, Djibouti and Kenya.

[103] The ban came into effect with the adoption by the Council of resolution 2036 (2012) on 22 February 2012.

import data and permit the Monitoring Group to investigate significant discrepancies and the individuals and entities responsible for them.

VII. State and non-State cooperation with the Monitoring Group

162. In the course of its mandate, the Monitoring Group received encouraging support from the Federal Government of Somalia and representatives of its institutions. The Group held regular and open discussions on a number of sensitive issues with its two focal points, the National Security Adviser to the President of Somalia, Abdirahman Sheik Issa, and the Minister of Finance, Mohamed Aden Ibrahim. The Minister of the Interior and Federal Affairs, Abdirahman Mohamed Hussein "Odowaa", and the Central Bank Governor, Bashir Issa, also supported investigations providing the Group with substantive and detailed responses to its requests for information.

163. In its investigations with regard to the Al-Shabaab threat, the Group received limited cooperation from the Government of Kenya and its security services. The Monitoring Group hopes to strengthen these relations in its next mandate.

164. The Monitoring Group has limited interaction with the Somaliland authorities. Contacts were established with the Director of Intelligence in the light of investigations related to the Al-Shabaab threat. The Somaliland Ministry of Foreign Affairs requested the Group's cooperation and had e-mail exchanges with the Group on the creation of an oil protection unit.

165. United Arab Emirates authorities responded to official correspondence on a regular basis and facilitated the inspection of the MSV *Raj Milan* in Port Rashid. However, repeated requests for import documentation, required to investigate the extent of false documentation used in the charcoal trade, were ignored. The conclusions and findings from the official investigation of United Arab Emirates authorities into the MSV *Raj Milan* and its consignee have yet to be shared with the Group.

166. The authorities of Bahrain, Egypt, Kuwait, Lebanon, Oman, Qatar, Saudi Arabia and the United Republic of Tanzania have not responded to the Group's official request for data on the importation of charcoal into their respective territories, making it difficult for the Group to assess the import/export volumes of charcoal transiting from Somalia to their countries and to identify patterns that vessels carrying illegal Somali charcoal take advantage of to avoid identification and tracking.

167. Following a visit to Muscat, the Omani authorities confirmed the continuation of the blockade of the import of Somali charcoal into ports under its jurisdiction yet have not responded to the Group's official correspondence and did not provide the Group with customs documentation as agreed upon during the visit.

168. During its mandate, the Monitoring Group benefited from positive cooperation with humanitarian agencies and United Nations entities, within the boundaries of their obligations of confidentiality to victims and the need to maintain the safety and security of interlocutors.

VIII. Sanctions list

169. On 11 December 2014, the Permanent Representative of Somalia to the United Nations submitted a request to delist Mohamed Sa'id (also known as Atom), who had been listed on 12 April 2010 for engaging in acts that threaten the peace, security or stability of Somalia. He had announced on 7 June 2014 that he was leaving Al-Shabaab in an effort to escape Godane's control over the group and had surrendered to the Federal Government in Mogadishu. On 19 December 2014, the Committee approved the delisting of Mohamed Sa'id "Atom" from the sanctions list.

170. Pursuant to paragraph 27 of resolution 2111 (2013) and paragraph 13 (g) of resolution 2060 (2012), the Monitoring Group continues to refine and update information on the draft list of those individuals and entities that engage in acts described in paragraph 1 of resolution 2111 (2013).

IX. Recommendations

A. Threats to peace and security

171. The Monitoring Group recommends:

(a) That the Security Council consider for targeted measures all individuals attempting to exploit political, financial or military resources to manipulate or undermine the federalization process and/or the forthcoming electoral process in 2016 for self-gain, along with their facilitators and active supporters;

(b) That, with regard to Somali public resources, the Security Council urge the Federal Government of Somalia:

(i) To investigate and undertake prosecutions, where appropriate, of individuals and entities found to have been engaged in the misappropriation of financial resources in violation of the sanctions regime, where that conduct also constitutes a violation of applicable national laws;

(ii) To share information generated by enquiries with the appropriate investigative bodies in other Member States, where there are reasonable grounds to believe that nationals of those States (or persons or entities with sufficient connection to those jurisdictions) have participated in the misappropriation of financial resources in Somalia;

(c) That the Security Council, in its next resolution on the Somalia sanctions regime, recognize illegal, unreported and unregulated fishing by foreign vessels within the country's exclusive economic zone as a threat to peace and security in Somalia and include such acts in the listing criteria for targeted measures;

(d) That the Security Council consider encouraging the Federal Government of Somalia to strengthen its financial institutions by:

(i) Enhancing the regulatory role of the Central Bank of Somalia;

(ii) Urging the Federal Parliament to expedite the legislative process regarding the Public Procurement, Concession and Disposal Act;

(e) That the Security Council, in its next resolution on Somalia, impose a moratorium on oil and gas agreements in Somalia until the Federal Government of Somalia creates viable and independent licensing bodies, as stipulated in the 2008 Petroleum Law, and a constitutional resource-sharing framework between the federal and regional authorities is in place;

(f) That the Security Council urge Member States to support the comprehensive programme of security sector reform announced by the Office of the President of the Federal Government of Somalia on 9 September 2015, ensuring prompt delivery of financial and technical assistance to the security sector on the basis of strict adherence to the commitments undertaken in the announcement.

B. Piracy

172. The Monitoring Group recommends that the Security Council continue to encourage the Federal Government of Somalia to identify, arrest and prosecute all individuals who, for the past decade, have been involved in organizing and facilitating acts of piracy.

C. Arms embargo regime

173. The Monitoring Group recommends:

(a) That the Security Council, in the context of its assessment of compliance by the Federal Government of Somalia with the terms of the partial lifting of the arms embargo:

(i) Urge the Federal Government of Somalia to improve compliance with its reporting obligations to the Council, in particular the provision of full and accurate information on the structure, composition, strength and disposition of its security forces, including the status of regional and militia forces;

(ii) Request the Federal Government of Somalia, in the context of its compliance with notification obligations to the Committee relating to import of arms and ammunition, to improve the timeliness and content of post-delivery and post-distribution confirmations to the Committee, recalling that such communications may be submitted jointly if all relevant information is available;

(iii) Require the Federal Government of Somalia, with the support of international partners and within a fixed time frame, to conduct a baseline inventory of military equipment, arms and ammunition in the possession of the Federal Government of Somalia security forces, assessed against their respective strength, needs and missions, in order to assist Member States in providing more targeted assistance under the partial lifting of the arms embargo, building on the development of the Guulwade and draft Heegan plans, welcomed by the Council in its resolution 2232 (2015);

(iv) Request Member States on an immediate basis to support efforts of the Federal Government of Somalia to establish a joint verification team, as previously requested by the Council;

(b) That the Security Council request Member States to assist the Federal Government of Somalia in improving the management and monitoring of weapons and ammunition flows to authorized personnel, including through urgent support for the development of a comprehensive weapons and ammunition management strategy building on current practices and initiatives and setting out realistic short-term priorities, including drawing on the extensive biometric registration of forces being conducted by the United Nations and the weapons card system already in use;

(c) That the Security Council, in its next resolution on the Somalia sanctions regime, urge Member States and international, regional and subregional organizations to ensure that they are in full compliance with paragraph 11 (a) of resolution 2111 (2013) when considering the provision of weapons, military equipment or technical assistance or training intended solely for the purposes of helping to develop Somali security sector institutions other than the security forces of the Federal Government;

(d) That the Security Council, in its next resolution on the Somalia sanctions regime, emphasize the need for AMISOM and the Somali National Army to fully comply with their obligations under paragraph 6 of resolution 2182 (2014) and that it consider extending those obligations to all authorities in Somalia, in order to ensure the comprehensive, transparent management and disposal of such materiel and to facilitate tracing and analysis, which exposes Al-Shabaab operations and supply channels;

(e) That the Security Council renew the authorization set out in paragraph 15 of resolution 2182 (2014) and request the Committee to issue an implementation assistance notice that provides guidance to Member States on the framework for conducting maritime interdiction of weapons and other materiel prohibited by the arms embargo;

(f) That the Security Council, in the context of effective monitoring of compliance with paragraph 10 (c) of resolution 2111 (2013) by the Monitoring Group, request AMISOM and its strategic partners to clarify respective roles, responsibilities and lines of command with respect to operations conducted under the African Union strategic concept in cooperation and coordination with AMISOM.

D. Obstruction of humanitarian assistance

174. The Monitoring Group recommends:

(a) That the Security Council request AMISOM and the humanitarian community to continue to prioritize the full implementation of the Somalia Country-Specific Humanitarian Civil-Military Coordination Guidelines, including extending the dissemination of their principles to other armed actors operating in Somalia;

(b) That the Security Council urge the Federal Government of Somalia, AMISOM and its strategic partners, and all other armed actors operating in Somalia to take steps to mitigate the impact on civilians of military operations, including creating an enabling environment for humanitarian actors to deliver and ensuring freedom of movement along supply routes;

(c) That the Security Council, in its next resolution on Somalia, remind all parties to the conflicts and all governing authorities in Somalia that the neutrality, impartiality and independence of humanitarian action must be respected and

ensured, including as a critical element of safeguarding the safety and security of humanitarian personnel and operations, and, in this regard, that donors be encouraged to increase the allocation of funds for principled humanitarian assistance, detached from stabilization or State-building agendas.

E. Violations of international humanitarian law involving the targeting of civilians

175. The Monitoring Group recommends:

(a) That the Security Council request the Federal Government of Somalia to both enhance and seek support for capacity to build civilian oversight of the Federal Government of Somalia security forces, in addition to prioritizing the investigation and prosecution of senior political and military leaders with command responsibility for violations of international humanitarian law;

(b) That the Security Council request Member States to support enhanced capacity for the UNSOM human rights section, in particular an increase in its regional presence and ability to perform its responsibilities under the United Nations human rights due diligence policy on United Nations support to non-United Nations security forces with regard to, inter alia, conducting risk assessments and monitoring compliance as the number of forces receiving support and assistance from United Nations entities expands;

(c) That the Security Council request the Office of the United Nations High Commissioner for Human Rights to work with the Federal Government of Somalia and relevant United Nations agencies in mapping the most serious violations of applicable international law committed by all parties to the conflicts in Somalia, a necessary precursor to developing options for an appropriate and comprehensive transitional justice strategy;

(d) That the Security Council, in its next resolution on Somalia, emphasize the obligation of all Member States to ensure that their forces adhere strictly to international law in all operations conducted in Somalia, whether within or outside the AMISOM concept of operations, including investigating and prosecuting personnel who commit grave breaches of international humanitarian law;

(e) That the Security Council urgently request the Federal Government of Somalia to implement national laws and policies relating to forced evictions, including undertaking investigations and prosecutions of those who violate the law in the course of such operations;

(f) That the Security Council request the African Union, AMISOM and countries that contribute troops to AMISOM to:

(i) Encourage cooperation and engagement by all parties, in particular troop contingents, with the recently established AMISOM Civilian Casualty Tracking, Analysis and Response Cell, in order to ensure that the data and analysis generated are integrated swiftly into operations and contribute to a decrease in civilian casualties and injuries; consideration should also be given to the establishment of a common fund to support compensation for civilian casualties of AMISOM through the Cell;

(ii) Ensure regular and transparent provision of detailed information by troop-contributing countries on measures taken at the national level to investigate, prosecute and punish military and civilian personnel responsible for the commission of violations against civilians in the course of their deployment;

(iii) Immediately implement the recommendations of the African Union independent investigation team established to investigate allegations of sexual exploitation and abuse by AMISOM personnel.

F. Violations of the ban on charcoal

176. The Monitoring Group recommends:

(a) That the Security Council request Member States to take action in accordance with their national laws against shipping companies identified by the Monitoring Group as using false documentation and to provide the Monitoring Group, on a quarterly basis, with documentation related to import and export of charcoal;

(b) That the Security Council, in its next resolution on Somalia, and in furtherance of compliance with paragraphs 18 and 20 of resolution 2111 (2013), request AMISOM and countries that contribute troops to AMISOM to take active steps to support and assist the Somali authorities in preventing the export of charcoal and, in this regard, to report to the Council on such actions six months from the adoption of the new resolution;

(c) That the Security Council consider explicitly encouraging and authorizing Member States to reroute vessels carrying Somali charcoal to the Mogadishu port.

G. Sanctions list

177. The Monitoring Group recommends that the Committee proceed without delay to designate for targeted measures:

(a) Known pirates and their associates identified by the Monitoring Group or Member States between 2009 and 2015;

(b) Individuals and entities responsible for the misappropriation of public resources, including individuals and entities in the private sector;

(c) Individuals involved in the diversion of weapons from official government stockpiles;

(d) Individuals and entities, including importers, exporters and transporters, involved in the trading of Somali charcoal.

Annex 92

UN Security Council Resolution 2442 (2018), S/RES/2442, 6 November 2018

United Nations S/RES/2442 (2018)

Security Council

Distr.: General
6 November 2018

Resolution 2442 (2018)

Adopted by the Security Council at its 8391st meeting, on 6 November 2018

The Security Council,

Recognizing that 2018 marks the 10th anniversary of resolution 1816 on the situation with respect to piracy and armed robbery at sea off the coast of Somalia and recalling its previous resolutions concerning the situation in Somalia, especially resolutions 1814 (2008), 1816 (2008), 1838 (2008), 1844 (2008), 1846 (2008), 1851 (2008), 1897 (2009), 1918 (2010), 1950 (2010), 1976 (2011), 2015 (2011), 2020 (2011), 2077 (2012), 2125 (2013), 2184 (2014), 2246 (2015) and 2316 (2016) and 2383 (2017) as well as the Statements of its President (S/PRST/2010/16) of 25 August 2010 and (S/PRST/2012/24) of 19 November 2012,

Welcoming the report of the Secretary-General (S/2018/903), as requested by resolution 2383 (2017), on the implementation of that resolution and on the situation with respect to piracy and armed robbery at sea off the coast of Somalia,

Reaffirming its respect for the sovereignty, territorial integrity, political independence, and unity of Somalia, including Somalia's sovereign rights in accordance with international law, with respect to offshore natural resources, including fisheries,

Noting that the joint counter-piracy efforts of States, regions, organizations, the maritime industry, the private sector, think tanks, and civil society have resulted in a steady decline in pirate attacks as well as hijackings since 2011, with no successful ship hijackings reported off the coast of Somalia since March 2017 however, *recognizing* the ongoing threat that resurgent piracy and armed robbery at sea poses to the prompt, safe, and effective delivery of humanitarian aid to Somalia and the region, to the safety of seafarers and other persons, to international navigation and the safety of commercial maritime routes, and to other ships, including fishing vessels operating in conformity with international law, *commending* countries that have deployed naval forces in the Gulf of Aden and the Somali Basin to dissuade piracy networks from carrying out acts of piracy,

Welcoming the reinstatement of the Somali Maritime Security Coordination Committee (MSCC) meeting held from 9 to 10 July 2018 between the Federal Government of Somalia, Federal Member States and international partners which called for enhanced cooperation in strengthening Somalia's maritime security as a key priority for both the Federal Government of Somalia and Federal Member States and urged the National Security Council to agree on a delineation of roles of the

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Somali maritime forces, as required by the Transition Plan and recognizing the importance of engaging in transition planning,

Further reaffirming that international law, as reflected in the United Nations Convention on the Law of the Sea of 10 December 1982 ("The Convention"), sets out the legal framework applicable to activities in the ocean, including countering piracy and armed robbery at sea,

Recognizing the need to investigate and prosecute not only suspects captured at sea, but also anyone who incites or intentionally facilitates piracy operations, including key figures of criminal networks involved in piracy who plan, organize, facilitate, or illicitly finance or profit from such attacks, and *reiterating* its concern over persons suspected of piracy having been released without facing justice, reaffirming that the failure to prosecute persons responsible for acts of piracy and armed robbery at sea off the coast of Somalia undermines anti-piracy efforts,

Noting with concern that the continuing limited capacity and domestic legislation to facilitate the custody and prosecution of suspected pirates after their capture has hindered more robust international action against pirates off the coast of Somalia, which has led to pirates in many cases being released without facing justice, regardless of whether there is sufficient evidence to support prosecution, and reiterating that, consistent with the provisions of The Convention concerning the repression of piracy, the 1988 Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation ("SUA Convention") provides for parties to create criminal offences, establish jurisdiction, and accept delivery of persons responsible for, or suspected of seizing, or exercising control over, a ship by force or threat thereof, or any other form of intimidation,

Underlining the primary responsibility of the Somali authorities in the fight against piracy and armed robbery at sea off the coast of Somalia, noting the several requests from Somali authorities for international assistance to counter piracy off its coast, including the letter of 25 October 2018, from the Permanent Representative of the Permanent Mission of Somalia to the United Nations *expressing* the appreciation of Somali authorities to the Security Council for its assistance, expressing their willingness to consider working with other States and regional organizations to combat piracy and armed robbery at sea off the coast of Somalia, asking member states and international organizations to support the Federal Government of Somalia in its efforts to address illegal, unreported, and unregulated fishing in its Exclusive Economic Zone, and *requesting* that the provisions of resolution 2383 (2017) be renewed for an additional 12 months,

Welcoming the participation of the Federal Government of Somalia and regional partners in the 21st plenary session of the Contact Group on Piracy off the Coast of Somalia (CGPCS) in Nairobi, Kenya, 11–13 July 2018, co-hosted by the Indian Ocean Commission under the Chairmanship of Mauritius,

Recognizing the work of the CGPCS and the Law Enforcement Task Force to facilitate the prosecution of suspected pirates, and the intentions of the Regional Capacity Building Working Group to identify regional priorities and coordination of capacity-building activities and regional responsibilities,

Noting the progress made to enhance Somali capacity building through the National Maritime Coordination Committee (NMCC) to assess maritime priorities between the Federal Government of Somalia and Federal Member States,

Welcoming the financing provided by the Trust Fund to Support Initiatives of States Combating Piracy off the Coast of Somalia (the Trust Fund) to strengthen regional ability to prosecute suspected pirates and imprison those convicted in accordance with applicable international human rights law, *noting* with appreciation

the assistance provided by the United Nations Office of Drugs and Crime (UNODC) Maritime Crime Programme, and being determined to continue efforts to ensure that pirates are held accountable,

Commending the efforts of the European Union Naval Forces (EUNAVFOR) Operation ATALANTA and EUCAP Somalia, Combined Maritime Forces' Combined Task Force 151, the counter-piracy activities of the African Union onshore in Somalia and other States acting in a national capacity in cooperation with Somali authorities and each other to suppress piracy and to protect ships transiting through the waters off the coast of Somalia, and *welcoming* the Shared Awareness and Deconfliction Initiative (SHADE) and the efforts of individual countries, including China, India, the Islamic Republic of Iran, Japan, the Republic of Korea, and the Russian Federation, which have deployed naval counter-piracy missions in the region,

Noting the efforts of flag States for taking measures to permit vessels sailing under their flag transiting the High Risk Area (HRA) to embark vessel protection detachments and privately contracted armed security personnel (PCASP), and to allow charters that favour arrangements that make use of such measures, while urging States to regulate such activities in accordance with applicable international law,

Welcoming and encouraging the capacity-building efforts in the region made by the International Maritime Organization (IMO) funded Djibouti Code of Conduct, the Trust Fund and the European Union's activities under the EU Capacity Building Mission in Somalia (EUCAP Somalia) which assists Somalia in strengthening its maritime security capacity in order to enable it to enforce maritime law more effectively, and *recognizing* the need for all engaged international and regional organizations to coordinate and cooperate fully,

Supporting the development of a coastguard at the federal level and coastguard police at the Federal Member State level, *noting* with appreciation the efforts made by the IMO and the shipping industry to develop and update guidance, best management practices, and recommendations to assist ships to prevent and suppress piracy attacks off the coast of Somalia, including in the Gulf of Aden, and in relevant parts of the Indian Ocean that are still within the High Risk Area and *recognizing* the work of the IMO and the CGPCS in this regard, *noting* the efforts of the International Organization for Standardization, which has developed industry standards of training and certification for Private Maritime Security Companies when providing PCASP on board ships in high-risk areas, and further welcoming the European Union's EUCAP Somalia, which is working to develop the maritime security capacities of Somalia,

Underlining the importance of continuing to enhance the collection, preservation, and transmission to competent authorities of evidence of acts of piracy and armed robbery at sea off the coast of Somalia, and *welcoming* the ongoing work of the IMO, INTERPOL, and industry groups to develop guidance to seafarers on preservation of crime scenes following acts of piracy, and *noting* the importance of enabling seafarers to give evidence in criminal proceedings to prosecute acts of piracy,

Further recognizing that pirate networks continue to rely on kidnapping and hostage-taking to help generate funding to purchase weapons, gain recruits, and continue their operational activities, thereby jeopardizing the safety and security of civilians and restricting the flow of commerce, and *welcoming* international efforts to coordinate the work of investigators and prosecutors, inter alia, through the Law Enforcement Task Force and collect and share information to disrupt the pirate enterprise, as exemplified by INTERPOL's Global Database on Maritime Piracy, and *commending* the establishment of the Maritime Information Fusion Centre (RMIFC) in Madagascar, the sister centre of the Regional Centre for Operational Coordination

(RCOC) in Seychelles following the signing of the Regional Agreement for the Setting up of a Regional Maritime Information Exchange and Sharing Mechanism in the Western Indian Ocean by Djibouti, Madagascar, Mauritius, Union of Comoros and Seychelles , including the establishment of the Piracy Prosecution Readiness Plan which, under the auspices of UNODC and in partnership with EU NAVFOR, will further develop the region's capacity to conduct piracy prosecutions,

Reaffirming international condemnation of acts of kidnapping and hostage-taking, including offences contained within the International Convention against the Taking of Hostages, strongly *condemning* the continuing practice of hostage-taking by pirates operating off the coast of Somalia, *expressing* serious concern at the inhumane conditions hostages face in captivity, *recognizing* the adverse impact on their families, *calling* for the immediate release of all remaining hostages, and *noting* the importance of cooperation between Member States on the issue of hostage-taking and the prosecution of suspected pirates for taking hostages,

Commending Kenya, Mauritius, Seychelles, and Tanzania, for their efforts to prosecute suspected pirates in their national courts, and *noting* with appreciation the assistance provided by the UNODC Maritime Crime Programme, the Trust Fund, and other international organizations and donors, in coordination with the CGPCS, to support Kenya, Mauritius, Seychelles, Tanzania, Somalia, and other States in the region with their efforts to prosecute, or incarcerate in a third State after prosecution elsewhere, pirates, including facilitators and financiers ashore, consistent with applicable international human rights law, and *emphasizing* the need for States and international organizations to further enhance international efforts in this regard,

Welcoming the readiness of the Federal Government of Somalia and Federal Member States to cooperate with each other and with States who have prosecuted suspected pirates with a view to enabling convicted pirates to be repatriated back to Somalia under suitable prisoner transfer arrangements, consistent with applicable international law, including international human rights law, and *acknowledging* the return from Seychelles to Somalia of convicted prisoners willing and eligible to serve their sentences in Somalia, and *noting* that the sentences served must be those passed by the courts of the prosecuting states and that any proposal to vary the sentences must be in conformity with the 2011 Transfer Agreement with the Seychelles,

Welcoming the work of the Maritime Security Coordination Committee (MSCC), the central mechanism for developing capability and identifying and channelling support, as highlighted at the London Somalia Conference in May 2017, and *encouraging* the Somali national and regional administrations to take increasing responsibility for counter-piracy initiatives,

Expressing serious concern over reports of illegal, unreported and unregulated fishing (IUU) in Somalia's Exclusive Economic Zone (EEZ), and *noting* the complex relationship between IUU fishing and piracy, *recognizing* that IUU fishing accounts for millions of dollars in lost revenue for Somalia each year, and can contribute to destabilization among coastal communities,

Noting Somalia's accession to the FAO's Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, *recognizing* the projects supported by FAO and UNODC aimed at enhancing Somalia's capacity to combat such activities, and *stressing* the need for States and international organizations to further intensify their support to the Federal Government of Somalia, at its request, in enhancing Somalia's capacity to combat such activities,

Recognizing the ongoing efforts of the Federal Government of Somalia towards the development of a legal regime for the distribution of fishing licences, *commending*

in this regard the implementation of a component of the EU-funded Programme to Promote Regional Maritime Security (CCAP) with FAO aims to promote proper and transparent licensed and regulated fishing with regional states, and *encouraging* further efforts in this regard, with the support of the international community,

Recalling the reports of the Secretary General which illustrate the seriousness of piracy and armed robbery at sea off the coast of Somalia and provide useful guidance for the investigation and prosecution of pirates, including on specialized anti-piracy courts,

Remaining concerned that four-Iranian seafarers from the FV Siraj remain as hostages inside Somalia in appalling conditions, and *welcoming* the work of International Seafarers Welfare and Assistance Network (ISWAN) and Maritime Piracy Humanitarian Response Programme (MPHRP) in the provision of post trauma intervention and financial support to victims of piracy and their families; as well as the CGPCS Piracy Survivors Family Fund (PSFF), which provides funds for the survivors of Somali piracy, and for their families, to provide a range of support during and after captivity and recognizing the need to continue supporting these initiatives and contributions to funds,

Recognizing the progress made by the CGPCS and UNODC in the use of public information tools to raise awareness of the dangers of piracy and highlight the best practices to eradicate this criminal phenomenon,

Noting efforts by UNODC and UNDP and the funding provided by the Trust Fund, the European Union, the United Kingdom, the United States, and other donors to develop regional judicial and law enforcement capacity to investigate, arrest, and prosecute suspected pirates and to incarcerate convicted pirates consistent with applicable international human rights law,

Bearing in mind the Djibouti Code of Conduct concerning the Repression of Piracy and Armed Robbery against Ships in the Western Indian Ocean and the Gulf of Aden, *noting* the operations of information-sharing centres in, Kenya, and Tanzania, *recognizing* the efforts of signatory States to develop the appropriate regulatory and legislative frameworks to combat piracy, enhance their capacity to patrol the waters of the region, interdict suspect vessels, and prosecute suspected pirates,

Emphasizing that peace and stability within Somalia, the strengthening of State institutions, economic and social development, and respect for human rights and the rule of law are necessary to create the conditions for a durable eradication of piracy and armed robbery at sea off the coast of Somalia, and further *emphasizing* that Somalia's long-term security rests with the effective development by Somali authorities of the Somali Coast Guard and Maritime Police Units, Somali National Army, and Somali Police Force,

Welcoming the Padang Communique and Maritime Cooperation Declaration adopted by the Indian Ocean Rim Association (IORA) at its 15th Council of Ministers meeting, which call upon members to support and strengthen cooperation to address maritime challenges including piracy and illegal trafficking of drugs,

Welcoming the publication in June 2018 by BIMCO, International Chamber of Shipping, International Group of Protection & Indemnity Clubs, Intertanko, The Oil Companies International Marine Forum and others, of version 5 of Best Management Practices to deter Piracy and Enhance Maritime Security in the Red Sea, Gulf of Aden, Indian Ocean and the Arabian Sea (BMP5), acknowledging that the information and guidance contained within helps to reduce the risks to mariners and seafarers engaged in their lawful occupations,

Recognizing that the ongoing instability in Somalia and the acts of piracy and armed robbery at sea off its coast are inextricably linked, and stressing the need to continue the comprehensive response by the international community to repress piracy and armed robbery at sea and tackle its underlying causes,

Determining that the incidents of piracy and armed robbery at sea off the coast of Somalia, as well as the activity of pirate groups in Somalia, are an important factor exacerbating the situation in Somalia, which continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Reiterates* that it condemns and deplores all acts of piracy and armed robbery at sea off the coast of Somalia;

2. *While noting* improvements in Somalia, *recognizes* that piracy exacerbates instability in Somalia by introducing large amounts of illicit cash that fuels additional crime, corruption, and terrorism;

3. *Stresses* the need for a comprehensive response to prevent and suppress piracy and tackle its underlying causes by the international community in collaboration with Somali authorities and other relevant actors;

4. *Underlines* the primary responsibility of the Somali authorities in the fight against piracy and armed robbery at sea off the coast of Somalia, *encourages* the approval by the Parliament of the draft coast guard law which the Somali authorities, with the support of EUNAVFOR Operation Atalanta and EUCAP Somalia have submitted to the Council of Ministers and *urges* the Somali authorities, to continue their work to pass a comprehensive set of anti-piracy and maritime laws without further delay and establish security forces with clear roles and jurisdictions to enforce these laws and to continue to develop, with international support as appropriate, the capacity of Somali courts to investigate and prosecute persons responsible for acts of piracy and armed robbery, including key figures of criminal networks involved in piracy who plan, organize, facilitate, or illicitly finance or profit from such attacks;

5. *Recognizes* the need to continue investigating and prosecuting those who plan, organize, or illicitly finance or profit from pirate attacks off the coast of Somalia, including key figures of criminal networks involved in piracy, *urges* States, working in conjunction with relevant international organizations, to adopt legislation to facilitate prosecution of suspected pirates off the coast of Somalia;

6. *Calls upon* the Somali authorities to interdict, and upon interdiction to have mechanisms in place to safely return effects seized by pirates, investigate and prosecute pirates and to patrol the waters off the coast of Somalia to prevent and suppress acts of piracy and armed robbery at sea;

7. *Calls upon* the Somali authorities to make all efforts to bring to justice those who are using Somali territory to plan, facilitate, or undertake criminal acts of piracy and armed robbery at sea, and calls upon Member States to assist Somalia, at the request of Somali authorities and with notification to the Secretary-General, to strengthen maritime capacity in Somalia, including regional authorities and, stresses that any measures undertaken pursuant to this paragraph shall be consistent with applicable international law, in particular international human rights law;

8. *Calls upon* States to cooperate also, as appropriate, on the issue of hostage taking, and the prosecution of suspected pirates for taking hostages;

9. *Calls for* the immediate and unconditional release of all seafarers held hostage by Somali pirates, and further calls upon the Somali authorities and all

relevant stakeholders to redouble their efforts to secure their safe and immediate release;

10. *Welcomes* the initiative of the Seychelles authorities to establish a court for piracy and maritime crime and further *welcomes* the successful prosecution of piracy cases by this body;

11. *Recognizes* the need for States, international and regional organizations, and other appropriate partners to exchange evidence and information for anti-piracy law enforcement purposes with a view to ensuring effective prosecution of suspected, and imprisonment of convicted, pirates and with a view to the arrest and prosecution of key figures of criminal networks involved in piracy who plan, organize, facilitate, or illicitly finance and profit from piracy operations, and keeps under review the possibility of applying targeted sanctions against individuals or entities that plan, organize, facilitate, or illicitly finance or profit from piracy operations if they meet the listing criteria set out in paragraph 43 of resolution 2093 (2013), and *calls* upon all States to cooperate fully with the Somalia and Eritrea Monitoring Group, including on information-sharing regarding possible violations of the arms embargo or charcoal ban;

12. *Renews* its call upon States and regional organizations that are able to do so to take part in the fight against piracy and armed robbery at sea off the coast of Somalia, in particular, consistent with this resolution and international law, by deploying naval vessels, arms, and military aircraft, by providing basing and logistical support for counter-piracy forces, and by seizing and disposing of boats, vessels, arms, and other related equipment used in the commission of piracy and armed robbery at sea off the coast of Somalia, or for which there are reasonable grounds for suspecting such use;

13. *Highlights* the importance of coordination among States and international organizations in order to deter acts of piracy and armed robbery at sea off the coast of Somalia, commends the work of the CGPCS to facilitate such coordination in cooperation with the IMO, flag States, and Somali authorities, and urges continued support of these efforts;

14. *Encourages* Member States to continue to cooperate with Somali authorities in the fight against piracy and armed robbery at sea, notes the primary role of Somali authorities in the fight against piracy and armed robbery at sea off the coast of Somalia, and *decides* that, for a further period of 13 months from the date of this resolution to renew the authorizations as set out in paragraph 14 of resolution 2383 (2017) granted to States and regional organizations cooperating with Somali authorities in the fight against piracy and armed robbery at sea off the coast of Somalia, for which advance notification has been provided by Somali authorities to the Secretary-General;

15. *Affirms* that the authorizations renewed in this resolution apply only with respect to the situation in Somalia and shall not affect the rights, obligations, or responsibilities of Member States under international law, including any rights or obligations under The Convention, with respect to any other situation, and underscores in particular that this resolution shall not be considered as establishing customary international law; and affirms further that such authorizations have been renewed in response to the 25 October 2018 letter conveying the request of Somali authorities;

16. *Decides* that the arms embargo on Somalia imposed by paragraph 5 of resolution 733 (1992) and further elaborated upon by paragraphs 1 and 2 of resolution 1425 (2002) and modified by paragraphs 33 to 38 of resolution 2093 does not apply to supplies of weapons and military equipment or the provision of assistance destined

for the sole use of Member States, international, regional, and subregional organizations undertaking measures in accordance with paragraph 14 above;

17. *Requests* that cooperating States take appropriate steps to ensure that the activities they undertake pursuant to the authorizations in paragraph 14 do not have the practical effect of denying or impairing the right of innocent passage to the ships of any third State;

18. *Calls upon* all States, and in particular flag, port, and coastal States, States of the nationality of victims and perpetrators of piracy and armed robbery, and other States with relevant jurisdiction under international law and national legislation, to cooperate in determining jurisdiction and in the investigation and prosecution of all persons responsible for acts of piracy and armed robbery off the coast of Somalia, including key figures of criminal networks involved in piracy who plan, organize, facilitate, or illicitly finance or profit from such attack, consistent with applicable international law including international human rights law, to ensure that all pirates handed over to judicial authorities are subject to a judicial process, and to render assistance by, among other actions, providing disposition and logistics assistance with respect to persons under their jurisdiction and control, such as victims, witnesses, and persons detained as a result of operations conducted under this resolution;

19. *Calls upon* all States to criminalize piracy under their domestic law and to favourably consider the prosecution of suspected, and imprisonment of those convicted, pirates apprehended off the coast of Somalia, and their facilitators and financiers ashore, consistent with applicable international law, including international human rights law, and decides to keep these matters under review, including, as appropriate, the establishment of specialized anti-piracy courts in Somalia with substantial international participation and/or support as set forth in resolution 2015 (2011), and encourages the CGPCS to continue its discussions in this regard;

20. *Welcomes*, in this context, the UNODC Maritime Crime Programme's continued work with authorities in Somalia and in neighbouring States to ensure that individuals suspected of piracy are prosecuted and those convicted are imprisoned in a manner consistent with international law, including international human rights law;

21. *Encourages* the Federal Government of Somalia to accede to the United Nations Convention Against Transnational Organized Crime, as part of its efforts to target money laundering and financial support structures on which piracy networks survive;

22. *Urges* all States to take appropriate actions under their existing domestic law to prevent the illicit financing of acts of piracy and the laundering of its proceeds;

23. *Urges* States, in cooperation with INTERPOL and Europol, to further investigate international criminal networks involved in piracy off the coast of Somalia, including those responsible for illicit financing and facilitation;

24. *Urges* all States to ensure that counter-piracy activities, particularly land-based activities, take into consideration the need to protect women and children from exploitation, including sexual exploitation;

25. *Urges* all States to share information with INTERPOL for use in the global piracy database, through appropriate channels;

26. *Commends* the contributions of the Trust Fund and the IMO-funded Djibouti Code of Conduct and urges both state and non-State actors affected by piracy, most notably the international shipping community, to contribute to them;

27. *Urges* States parties to The Convention and the SUA Convention to implement fully their relevant obligations under these conventions and customary

international law and to cooperate with the UNODC, IMO, and other States and international organizations to build judicial capacity for the successful prosecution of persons suspected of piracy and armed robbery at sea off the coast of Somalia;

28. *Acknowledges* the recommendations and guidance provided by the IMO on preventing and suppressing piracy and armed robbery at sea; and urges States, in collaboration with the shipping and insurance industries and the IMO, to continue to develop and implement avoidance, evasion, and defensive best practices and advisories to take when under attack or when sailing in the waters off the coast of Somalia, and further urges States to make their citizens and vessels available for forensic investigation as appropriate at the first suitable port of call immediately following an act or attempted act of piracy or armed robbery at sea or release from captivity;

29. *Encourages* flag States and port States to further consider the development of safety and security measures on board vessels, including, where applicable, developing regulations for the use of PCASP on board ships, aimed at preventing and suppressing piracy off the coast of Somalia, through a consultative process, including through the IMO and ISO;

30. *Invites* the IMO to continue its contributions to the prevention and suppression of acts of piracy and armed robbery against ships, in coordination, in particular, with the UNODC, the World Food Program (WFP), the shipping industry, and all other parties concerned, and recognizes the IMO's role concerning privately contracted armed security personnel on board ships in high-risk areas;

31. *Notes* the importance of securing the safe delivery of WFP assistance by sea, and welcomes the ongoing work by the WFP, EUNAVFOR Operation Atalanta, and flag States with regard to Vessel Protection Detachments on WFP vessels;

32. *Requests* States and regional organizations cooperating with Somali authorities to inform the Security Council and the Secretary-General in nine months of the progress of actions undertaken in the exercise of the authorizations provided in paragraph 14 above and further requests all States contributing through the CGPCS to the fight against piracy off the coast of Somalia, including Somalia and other States in the region, to report by the same deadline on their efforts to establish jurisdiction and cooperation in the investigation and prosecution of piracy;

33. *Requests* the Secretary-General to report to the Security Council within twelve months of the adoption of this resolution on the implementation of this resolution and on the situation with respect to piracy and armed robbery at sea off the coast of Somalia;

34. *Expresses its intention* to review the situation and consider, as appropriate, renewing the authorizations provided in paragraph 14 above for additional periods upon the request of Somali authority;

35. *Decides* to remain seized of the matter.

Annex 93

UN Security Council Resolution 2383 (2017), S/RES/2383, 7 November 2017

United Nations S/RES/2383 (2017)

Security Council

Distr.: General
7 November 2017

Resolution 2383 (2017)

Adopted by the Security Council at its 8088th meeting, on 7 November 2017

The Security Council,

Recalling its previous resolutions concerning the situation in Somalia, especially resolutions 1814 (2008), 1816 (2008), 1838 (2008), 1844 (2008), 1846 (2008), 1851 (2008), 1897 (2009), 1918 (2010), 1950 (2010), 1976 (2011), 2015 (2011), 2020 (2011), 2077 (2012) 2125 (2013), 2184 (2014), 2246 (2015), and 2316 (2016) as well as the Statement of its President (S/PRST/2010/16) of 25 August 2010 and (S/PRST/2012/24) of 19 November 2012,

Welcoming the report of the Secretary-General (S/2017/859), as requested by resolution 2316 (2016), on the implementation of that resolution and on the situation with respect to piracy and armed robbery at sea off the coast of Somalia,

Reaffirming its respect for the sovereignty, territorial integrity, political independence, and unity of Somalia, including Somalia's sovereign rights in accordance with international law, with respect to offshore natural resources, including fisheries,

Noting that the joint counter-piracy efforts of States, regions, organizations, the maritime industry, the private sector, think tanks, and civil society have resulted in a steady decline in pirate attacks as well as hijackings since 2011, and *expressing* concern about the recent piracy incidents that occurred during 2017 and by the ongoing threat that resurgent piracy and armed robbery at sea poses to the prompt, safe, and effective delivery of humanitarian aid to Somalia and the region, to the safety of seafarers and other persons, to international navigation and the safety of commercial maritime routes, and to other ships, including fishing vessels operating in conformity with international law, *commending* Chinese and Indian naval forces for thwarting an attack on the OS-35, Chinese operations soldiers for capturing three pirates, and Chinese and European Union Naval Forces (EU NAVFOR) for preventing an attack on MV Al Heera, and *further commending* countries that have deployed naval forces in the Gulf of Aden and the Somali Basin to dissuade piracy networks from carrying out acts of piracy,

Supporting the outcome of the London Somalia Conference held on 11 May 2017, and the commitment of the Federal Government and Federal Member States of Somalia to developing their maritime security capabilities,

Please recycle

Further reaffirming that international law, as reflected in the United Nations Convention on the Law of the Sea of 10 December 1982 ("The Convention"), sets out the legal framework applicable to activities in the ocean, including countering piracy and armed robbery at sea,

Recognizing the need to investigate and prosecute not only suspects captured at sea, but also anyone who incites or intentionally facilitates piracy operations, including key figures of criminal networks involved in piracy who plan, organize, facilitate, or illicitly finance or profit from such attacks, and *reiterating* its concern over persons suspected of piracy having been released without facing justice, reaffirming that the failure to prosecute persons responsible for acts of piracy and armed robbery at sea off the coast of Somalia undermines anti-piracy efforts,

Welcoming the successful prosecution of piracy cases in Belgium, India, Mauritius, and the Seychelles during the past year, while *noting* with concern that the continuing limited capacity and domestic legislation to facilitate the custody and prosecution of suspected pirates after their capture has hindered more robust international action against pirates off the coast of Somalia, which has led to pirates in many cases being released without facing justice, regardless of whether there is sufficient evidence to support prosecution, and reiterating that, consistent with the provisions of The Convention concerning the repression of piracy, the 1988 Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation ("SUA Convention") provides for parties to create criminal offences, establish jurisdiction, and accept delivery of persons responsible for, or suspected of seizing, or exercising control over, a ship by force or threat thereof, or any other form of intimidation,

Underlining the primary responsibility of the Somali authorities in the fight against piracy and armed robbery at sea off the coast of Somalia, noting the several requests from Somali authorities for international assistance to counter piracy off its coast, including the letter of 2 November 2017, from the Permanent Representative of the Permanent Mission of Somalia to the United Nations *expressing* the appreciation of Somali authorities to the Security Council for its assistance, expressing their willingness to consider working with other States and regional organizations to combat piracy and armed robbery at sea off the coast of Somalia, asking member states and international organizations to support the Federal Government of Somalia in its efforts to address illegal, unreported, and unregulated fishing in its Exclusive Economic Zone, and *requesting* that the provisions of resolution 2316 (2016) be renewed for an additional 12 months,

Welcoming the participation of the Federal Government of Somalia and regional partners in the 20th plenary session of the Contact Group on Piracy off the Coast of Somalia (CGPCS) in Mauritius July 5–7, 2017, co-hosted by the Indian Ocean Commission under the Chairmanship of the Republic of the Seychelles,

Recognizing the work of the CGPCS and the Law Enforcement Task Force to facilitate the prosecution of suspected pirates, and the intentions of the Regional Capacity Building Working Group to identify regional priorities and coordination of capacity-building activities and regional responsibilities,

Welcoming the financing provided by the Trust Fund to Support Initiatives of States Combating Piracy off the Coast of Somalia (the Trust Fund) to strengthen regional ability to prosecute suspected pirates and imprison those convicted in accordance with applicable international human rights law, *noting* with appreciation the assistance provided by the United Nations Office of Drugs and Crime (UNODC) Maritime Crime Programme, and being determined to continue efforts to ensure that pirates are held accountable,

Commending the efforts of the EUNAVFOR Operation ATALANTA, Combined Maritime Forces' Combined Task Force 151, the counter-piracy activities of the African Union onshore in Somalia and the naval activities of the Southern Africa Development Community, and other States acting in a national capacity in cooperation with Somali authorities and each other to suppress piracy and to protect ships transiting through the waters off the coast of Somalia, and *welcoming* the Shared Awareness and Deconfliction Initiative (SHADE) and the efforts of individual countries, including China, India, the Islamic Republic of Iran, Japan, the Republic of Korea, and the Russian Federation, which have deployed naval counter-piracy missions in the region,

Noting the efforts of flag States for taking measures to permit vessels sailing under their flag transiting the High Risk Area (HRA) to embark vessel protection detachments and privately contracted armed security personnel (PCASP), and to allow charters that favour arrangements that make use of such measures, while urging States to regulate such activities in accordance with applicable international law,

Welcoming and encouraging the capacity-building efforts in the region made by the International Maritime Organization (IMO) funded Djibouti Code of Conduct, the Trust Fund and the European Union's activities under the EU Capacity Building Mission in Somalia (EUCAP Somalia) which assists Somalia in strengthening its maritime security capacity in order to enable it to enforce maritime law more effectively, and *recognizing* the need for all engaged international and regional organizations to coordinate and cooperate fully,

Supporting the development of a coastguard at the federal level and coastguard police at the Federal Member State level, *noting* with appreciation the efforts made by the IMO and the shipping industry to develop and update guidance, best management practices, and recommendations to assist ships to prevent and suppress piracy attacks off the coast of Somalia, including in the Gulf of Aden, and in relevant parts of the Indian Ocean that are still within the High Risk Area and *recognizing* the work of the IMO and the CGPCS in this regard, *noting* the efforts of the International Organization for Standardization, which has developed industry standards of training and certification for Private Maritime Security Companies when providing PCASP on board ships in high-risk areas, and further welcoming the European Union's EUCAP Somalia, which is working to develop the maritime security capacities of Somalia,

Underlining the importance of continuing to enhance the collection, preservation, and transmission to competent authorities of evidence of acts of piracy and armed robbery at sea off the coast of Somalia, and *welcoming* the ongoing work of the IMO, INTERPOL, and industry groups to develop guidance to seafarers on preservation of crime scenes following acts of piracy, and *noting* the importance of enabling seafarers to give evidence in criminal proceedings to prosecute acts of piracy,

Further recognizing that pirate networks continue to rely on kidnapping and hostage-taking to help generate funding to purchase weapons, gain recruits, and continue their operational activities, thereby jeopardizing the safety and security of civilians and restricting the flow of commerce, and *welcoming* international efforts to coordinate the work of investigators and prosecutors, inter alia, through the Law Enforcement Task Force and collect and share information to disrupt the pirate enterprise, as exemplified by INTERPOL's Global Database on Maritime Piracy, and *commending* the establishment of the Regional Centre for Operational Coordination (RCOC) in Seychelles on 1 July 2017, which will operate alongside its sister centre, and appreciating the establishment of the Regional Maritime

Information Fusion Centre (RMIFC) in Madagascar, including the establishment of the Piracy Prosecution Readiness Plan which, under the auspices of UNODC and in partnership with EU NAVFOR, will further develop the region's capacity to conduct piracy prosecutions,

Reaffirming international condemnation of acts of kidnapping and hostage-taking, including offences contained within the International Convention against the Taking of Hostages, strongly *condemning* the continuing practice of hostage-taking by pirates operating off the coast of Somalia, *expressing* serious concern at the inhumane conditions hostages face in captivity, *recognizing* the adverse impact on their families, *calling* for the immediate release of all remaining hostages, and *noting* the importance of cooperation between Member States on the issue of hostage-taking and the prosecution of suspected pirates for taking hostages,

Commending Kenya, Mauritius, Tanzania, and Seychelles, for their efforts to prosecute suspected pirates in their national courts, and *noting* with appreciation the assistance provided by the UNODC Maritime Crime Programme, the Trust Fund, and other international organizations and donors, in coordination with the CGPCS, to support Kenya, Mauritius, Seychelles, Tanzania, Somalia, and other States in the region with their efforts to prosecute, or incarcerate in a third State after prosecution elsewhere, pirates, including facilitators and financiers ashore, consistent with applicable international human rights law, and *emphasizing* the need for States and international organizations to further enhance international efforts in this regard,

Welcoming the readiness of the Federal Government of Somalia and Federal Member States to cooperate with each other and with States who have prosecuted suspected pirates with a view to enabling convicted pirates to be repatriated back to Somalia under suitable prisoner transfer arrangements, consistent with applicable international law, including international human rights law, and *acknowledging* the return from Seychelles to Somalia of convicted prisoners willing and eligible to serve their sentences in Somalia,

Welcoming the work of the Maritime Security Coordination Committee (MSCC), the central mechanism for developing capability and identifying and channelling support, as highlighted at the London Somalia Conference in May 2017, and *encouraging* the Somali national and regional administrations to take increasing responsibility for counter-piracy initiatives,

Expressing serious concern over reports of illegal, unreported and unregulated fishing (IUU) in Somalia's Exclusive Economic Zone (EEZ), and *noting* the complex relationship between IUU fishing and piracy, *recognizing* that IUU fishing accounts for millions of dollars in lost revenue for Somalia each year, and can contribute to destabilization among coastal communities,

Noting Somalia's accession to the FAO's Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, *recognizing* the projects supported by FAO and UNODC aimed at enhancing the Somalia's capacity to combat such activities, and *stressing* the need for States and international organizations to further intensify their support to the Federal Government of Somalia, at its request, in enhancing Somalia's capacity to combat such activities,

Recognizing the ongoing efforts of the Federal Government of Somalia towards the development of a legal regime for the distribution of fishing licences, *commending* in this regard the implementation of a component of the EU-funded Programme to Promote Regional Maritime Security (CCAP) with FAO aims to promote proper and transparent licensed and regulated fishing with regional states,

and *encouraging* further efforts in this regard, with the support of the international community,

Recalling the reports of the Secretary General which illustrate the seriousness of piracy and armed robbery at sea off the coast of Somalia and provide useful guidance for the investigation and prosecution of pirates, including on specialized anti-piracy courts,

Commending the Hostage Support Partnership (HSP) for the release of 26 seafarers in 2016, but *remaining concerned* that eight Iranian seafarers from the FV Siraj remain as hostages inside Somalia in appalling conditions, and *welcoming* the work of International Seafarers Welfare and Assistance Network (ISWAN) and Maritime Piracy Humanitarian Response Programme (MPHRP) in the provision of post trauma intervention and financial support to victims of piracy and their families; as well as the CGPCS Piracy Survivors Family Fund (PSFF), which provides funds for the survivors of Somali piracy, and for their families, to provide a range of support during and after captivity and recognizing the need to continue supporting these initiatives and contributions to funds,

Recognizing the progress made by the CGPCS and UNODC in the use of public information tools to raise awareness of the dangers of piracy and highlight the best practices to eradicate this criminal phenomenon,

Noting efforts by UNODC and UNDP and the funding provided by the Trust Fund, the European Union, the United Kingdom, the United States, and other donors to develop regional judicial and law enforcement capacity to investigate, arrest, and prosecute suspected pirates and to incarcerate convicted pirates consistent with applicable international human rights law,

Bearing in mind the Djibouti Code of Conduct concerning the Repression of Piracy and Armed Robbery against Ships in the Western Indian Ocean and the Gulf of Aden, *noting* the operations of information-sharing centres in Yemen, Kenya, and Tanzania, *recognizing* the efforts of signatory States to develop the appropriate regulatory and legislative frameworks to combat piracy, enhance their capacity to patrol the waters of the region, interdict suspect vessels, and prosecute suspected pirates,

Emphasizing that peace and stability within Somalia, the strengthening of State institutions, economic and social development, and respect for human rights and the rule of law are necessary to create the conditions for a durable eradication of piracy and armed robbery at sea off the coast of Somalia, and further *emphasizing* that Somalia's long-term security rests with the effective development by Somali authorities of the Somali Coast Guard and Maritime Police Units, Somali National Army, and Somali Police Force,

Welcoming the Padang Communique and Maritime Cooperation Declaration adopted by the Indian Ocean Rim Association (IORA) at its 15th Council of Ministers meeting, which call upon members to support and strengthen cooperation to address maritime challenges including piracy and illegal trafficking of drugs,

Recognizing that the ongoing instability in Somalia and the acts of piracy and armed robbery at sea off its coast are inextricably linked, and stressing the need to continue the comprehensive response by the international community to repress piracy and armed robbery at sea and tackle its underlying causes,

Determining that the incidents of piracy and armed robbery at sea off the coast of Somalia, as well as the activity of pirate groups in Somalia, are an important factor exacerbating the situation in Somalia, which continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Reiterates* that it condemns and deplores all acts of piracy and armed robbery at sea off the coast of Somalia;

2. *While noting* improvements in Somalia, *recognizes* that piracy exacerbates instability in Somalia by introducing large amounts of illicit cash that fuels additional crime, corruption, and terrorism;

3. *Stresses* the need for a comprehensive response to prevent and suppress piracy and tackle its underlying causes by the international community;

4. *Underlines* the primary responsibility of the Somali authorities in the fight against piracy and armed robbery at sea off the coast of Somalia, *welcomes* the draft coast guard law which the Somali authorities, with the support of the European Union Naval Force (EUNAVFOR) Operation Atalanta and EUCAP Somalia have submitted to the Council of Ministers for approval by Parliament and *urges* the Somali authorities, to continue their work to pass a comprehensive set of anti-piracy and maritime laws without further delay and establish security forces with clear roles and jurisdictions to enforce these laws and to continue to develop, with international support as appropriate, the capacity of Somali courts to investigate and prosecute persons responsible for acts of piracy and armed robbery, including key figures of criminal networks involved in piracy who plan, organize, facilitate, or illicitly finance or profit from such attacks;

5. *Recognizes* the need to continue investigating and prosecuting those who plan, organize, or illicitly finance or profit from pirate attacks off the coast of Somalia, including key figures of criminal networks involved in piracy, *urges* States, working in conjunction with relevant international organizations, to adopt legislation to facilitate prosecution of suspected pirates off the coast of Somalia;

6. *Calls upon* the Somali authorities to interdict, and upon interdiction to have mechanisms in place to safely return effects seized by pirates, investigate and prosecute pirates and to patrol the waters off the coast of Somalia to prevent and suppress acts of piracy and armed robbery at sea;

7. *Calls upon* the Somali authorities to make all efforts to bring to justice those who are using Somali territory to plan, facilitate, or undertake criminal acts of piracy and armed robbery at sea, and calls upon Member States to assist Somalia, at the request of Somali authorities and with notification to the Secretary-General, to strengthen maritime capacity in Somalia, including regional authorities and, stresses that any measures undertaken pursuant to this paragraph shall be consistent with applicable international law, in particular international human rights law;

8. *Calls upon* States to cooperate also, as appropriate, on the issue of hostage taking, and the prosecution of suspected pirates for taking hostages;

9. *Calls for* the immediate and unconditional release of all seafarers held hostage by Somali pirates, and further calls upon the Somali authorities and all relevant stakeholders to redouble their efforts to secure their safe and immediate release;

10. *Welcomes* the initiative of the Seychelles authorities to establish a court for piracy and maritime crime and further *welcomes* the successful prosecution of piracy cases by this body;

11. *Recognizes* the need for States, international and regional organizations, and other appropriate partners to exchange evidence and information for anti-piracy law enforcement purposes with a view to ensuring effective prosecution of suspected, and imprisonment of convicted, pirates and with a view to the arrest and

prosecution of key figures of criminal networks involved in piracy who plan, organize, facilitate, or illicitly finance and profit from piracy operations, and keeps under review the possibility of applying targeted sanctions against individuals or entities that plan, organize, facilitate, or illicitly finance or profit from piracy operations if they meet the listing criteria set out in paragraph 43 of resolution 2093 (2013), and *calls* upon all States to cooperate fully with the Somalia and Eritrea Monitoring Group, including on information-sharing regarding possible violations of the arms embargo or charcoal ban;

12. *Renews* its call upon States and regional organizations that are able to do so to take part in the fight against piracy and armed robbery at sea off the coast of Somalia, in particular, consistent with this resolution and international law, by deploying naval vessels, arms, and military aircraft, by providing basing and logistical support for counter-piracy forces, and by seizing and disposing of boats, vessels, arms, and other related equipment used in the commission of piracy and armed robbery at sea off the coast of Somalia, or for which there are reasonable grounds for suspecting such use;

13. *Highlights* the importance of coordination among States and international organizations in order to deter acts of piracy and armed robbery at sea off the coast of Somalia, commends the work of the CGPCS to facilitate such coordination in cooperation with the IMO, flag States, and Somali authorities, and urges continued support of these efforts;

14. *Encourages* Member States to continue to cooperate with Somali authorities in the fight against piracy and armed robbery at sea, notes the primary role of Somali authorities in the fight against piracy and armed robbery at sea off the coast of Somalia, and *decides* that, for a further period of 12 months from the date of this resolution to renew the authorizations as set out in paragraph 14 of resolution 2316 (2016) granted to States and regional organizations cooperating with Somali authorities in the fight against piracy and armed robbery at sea off the coast of Somalia, for which advance notification has been provided by Somali authorities to the Secretary-General;

15. *Affirms* that the authorizations renewed in this resolution apply only with respect to the situation in Somalia and shall not affect the rights, obligations, or responsibilities of Member States under international law, including any rights or obligations under The Convention, with respect to any other situation, and underscores in particular that this resolution shall not be considered as establishing customary international law; and affirms further that such authorizations have been renewed in response to the 2 November 2017 letter conveying the request of Somali authorities;

16. *Decides* that the arms embargo on Somalia imposed by paragraph 5 of resolution 733 (1992) and further elaborated upon by paragraphs 1 and 2 of resolution 1425 (2002) and modified by paragraphs 33 to 38 of resolution 2093 does not apply to supplies of weapons and military equipment or the provision of assistance destined for the sole use of Member States, international, regional, and subregional organizations undertaking measures in accordance with paragraph 14 above;

17. *Requests* that cooperating States take appropriate steps to ensure that the activities they undertake pursuant to the authorizations in paragraph 14 do not have the practical effect of denying or impairing the right of innocent passage to the ships of any third State;

18. *Calls upon* all States, and in particular flag, port, and coastal States, States of the nationality of victims and perpetrators of piracy and armed robbery,

and other States with relevant jurisdiction under international law and national legislation, to cooperate in determining jurisdiction and in the investigation and prosecution of all persons responsible for acts of piracy and armed robbery off the coast of Somalia, including key figures of criminal networks involved in piracy who plan, organize, facilitate, or illicitly finance or profit from such attack, consistent with applicable international law including international human rights law, to ensure that all pirates handed over to judicial authorities are subject to a judicial process, and to render assistance by, among other actions, providing disposition and logistics assistance with respect to persons under their jurisdiction and control, such as victims, witnesses, and persons detained as a result of operations conducted under this resolution;

19. *Calls upon* all States to criminalize piracy under their domestic law and to favourably consider the prosecution of suspected, and imprisonment of those convicted, pirates apprehended off the coast of Somalia, and their facilitators and financiers ashore, consistent with applicable international law, including international human rights law, and decides to keep these matters under review, including, as appropriate, the establishment of specialized anti-piracy courts in Somalia with substantial international participation and/or support as set forth in resolution 2015 (2011), and encourages the CGPCS to continue its discussions in this regard;

20. *Welcomes*, in this context, the UNODC Maritime Crime Programme's continued work with authorities in Somalia and in neighbouring States to ensure that individuals suspected of piracy are prosecuted and those convicted are imprisoned in a manner consistent with international law, including international human rights law;

21. *Encourages* the Federal Government of Somalia to accede to the United Nations Convention Against Transnational Organized Crime, as part of its efforts to target money laundering and financial support structures on which piracy networks survive;

22. *Urges* all States to take appropriate actions under their existing domestic law to prevent the illicit financing of acts of piracy and the laundering of its proceeds;

23. *Urges* States, in cooperation with INTERPOL and Europol, to further investigate international criminal networks involved in piracy off the coast of Somalia, including those responsible for illicit financing and facilitation;

24. *Urges* all States to ensure that counter-piracy activities, particularly land-based activities, take into consideration the need to protect women and children from exploitation, including sexual exploitation;

25. *Urges* all States to share information with INTERPOL for use in the global piracy database, through appropriate channels;

26. *Commends* the contributions of the Trust Fund and the IMO-funded Djibouti Code of Conduct and urges both state and non-State actors affected by piracy, most notably the international shipping community, to contribute to them;

27. *Urges* States parties to The Convention and the SUA Convention to implement fully their relevant obligations under these conventions and customary international law and to cooperate with the UNODC, IMO, and other States and international organizations to build judicial capacity for the successful prosecution of persons suspected of piracy and armed robbery at sea off the coast of Somalia;

28. *Acknowledges* the recommendations and guidance provided by the IMO on preventing and suppressing piracy and armed robbery at sea; and urges States, in

collaboration with the shipping and insurance industries and the IMO, to continue to develop and implement avoidance, evasion, and defensive best practices and advisories to take when under attack or when sailing in the waters off the coast of Somalia, and further urges States to make their citizens and vessels available for forensic investigation as appropriate at the first suitable port of call immediately following an act or attempted act of piracy or armed robbery at sea or release from captivity;

29. *Encourages* flag States and port States to further consider the development of safety and security measures on board vessels, including, where applicable, developing regulations for the use of PCASP on board ships, aimed at preventing and suppressing piracy off the coast of Somalia, through a consultative process, including through the IMO and ISO;

30. *Invites* the IMO to continue its contributions to the prevention and suppression of acts of piracy and armed robbery against ships, in coordination, in particular, with the UNODC, the World Food Program (WFP), the shipping industry, and all other parties concerned, and recognizes the IMO's role concerning privately contracted armed security personnel on board ships in high-risk areas;

31. *Notes* the importance of securing the safe delivery of WFP assistance by sea, and welcomes the ongoing work by the WFP, EUNAVFOR Operation Atalanta, and flag States with regard to Vessel Protection Detachments on WFP vessels;

32. *Requests* States and regional organizations cooperating with Somali authorities to inform the Security Council and the Secretary-General in nine months of the progress of actions undertaken in the exercise of the authorizations provided in paragraph 14 above and further requests all States contributing through the CGPCS to the fight against piracy off the coast of Somalia, including Somalia and other States in the region, to report by the same deadline on their efforts to establish jurisdiction and cooperation in the investigation and prosecution of piracy;

33. *Requests* the Secretary-General to report to the Security Council within eleven months of the adoption of this resolution on the implementation of this resolution and on the situation with respect to piracy and armed robbery at sea off the coast of Somalia;

34. *Expresses its intention* to review the situation and consider, as appropriate, renewing the authorizations provided in paragraph 14 above for additional periods upon the request of Somali authority;

35. *Decides* to remain seized of the matter.

Annex 94

UN Security Council Resolution 2316 (2016), S/RES/2316, 9 November 2016

United Nations S/RES/2316 (2016)

Security Council

Distr.: General
9 November 2016

Resolution 2316 (2016)

Adopted by the Security Council at its 7805th meeting, on 9 November 2016

The Security Council,

Recalling its previous resolutions concerning the situation in Somalia, especially resolutions 1814 (2008), 1816 (2008), 1838 (2008), 1844 (2008), 1846 (2008), 1851 (2008), 1897 (2009), 1918 (2010), 1950 (2010), 1976 (2011), 2015 (2011), 2020 (2011), 2077 (2012) 2125 (2013), 2184 (2014), and 2246 (2015) as well as the Statement of its President (S/PRST/2010/16) of 25 August 2010 and (S/PRST/2012/24) of 19 November 2012,

Welcoming the report of the Secretary-General (S/2016/843), as requested by resolution 2246 (2015), on the implementation of that resolution and on the situation with respect to piracy and armed robbery at sea off the coast of Somalia,

Reaffirming its respect for the sovereignty, territorial integrity, political independence, and unity of Somalia, including Somalia's sovereign rights in accordance with international law, with respect to offshore natural resources, including fisheries,

Noting that the joint counter-piracy efforts of States, regions, organizations, the maritime industry, the private sector, think tanks, and civil society have resulted in a steady decline in pirate attacks as well as hijackings since 2011, and *continuing* to be gravely concerned by the ongoing threat that resurgent piracy and armed robbery at sea poses to the prompt, safe, and effective delivery of humanitarian aid to Somalia and the region, to the safety of seafarers and other persons, to international navigation and the safety of commercial maritime routes, and to other ships, including fishing vessels operating in conformity with international law,

Further reaffirming that international law, as reflected in the United Nations Convention on the Law of the Sea of 10 December 1982 ("The Convention"), sets out the legal framework applicable to activities in the ocean, including countering piracy and armed robbery at sea,

Recognizing the need to investigate and prosecute not only suspects captured at sea, but also anyone who incites or intentionally facilitates piracy operations, including key figures of criminal networks involved in piracy who plan, organize,

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facilitate, or illicitly finance or profit from such attacks, and *reiterating* its concern over persons suspected of piracy having been released without facing justice, reaffirming that the failure to prosecute persons responsible for acts of piracy and armed robbery at sea off the coast of Somalia undermines anti-piracy efforts,

Noting with concern that the continuing limited capacity and domestic legislation to facilitate the custody and prosecution of suspected pirates after their capture has hindered more robust international action against pirates off the coast of Somalia, which has led to pirates being released without facing justice, regardless of whether there is sufficient evidence to support prosecution, and reiterating that, consistent with the provisions of The Convention concerning the repression of piracy, the 1988 Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation ("SUA Convention") provides for parties to create criminal offences, establish jurisdiction, and accept delivery of persons responsible for, or suspected of seizing, or exercising control over, a ship by force or threat thereof, or any other form of intimidation,

Underlining the primary responsibility of the Somali authorities in the fight against piracy and armed robbery at sea off the coast of Somalia, noting the several requests from Somali authorities for international assistance to counter piracy off its coast, including the letter of 24 October 2016, from the Chargé d'affaires a.i. of the Permanent Mission of Somalia to the United Nations *expressing* the appreciation of Somali authorities to the Security Council for its assistance, expressing their willingness to consider working with other States and regional organizations to combat piracy and armed robbery at sea off the coast of Somalia, asking member states and international organizations to support the Federal Government of Somalia in its efforts to address illegal, unreported, and unregulated fishing in its Exclusive Economic Zone, and *requesting* that the provisions of resolution 2246 (2015) be renewed for an additional twelve months,

Welcoming the participation of the Federal Government of Somalia and regional partners in the 19th plenary session of the Contact Group on Piracy off the Coast of Somalia (CGPCS), hosted by the Seychelles in Victoria, Seychelles, May 31-June 3, 2016,

Recognizing the work of the CGPCS and the Law Enforcement Task Force to facilitate the prosecution of suspected pirates, and of the Working Group on Capacity Building of the CGPCS to coordinate judicial, penal, and maritime capacity-building efforts to enable regional states to better tackle piracy,

Welcoming the financing provided by the Trust Fund to Support Initiatives of States Combating Piracy off the Coast of Somalia (the Trust Fund) to strengthen regional ability to prosecute suspected pirates and imprison those convicted in accordance with applicable international human rights law, *noting* with appreciation the assistance provided by the United Nations Office of Drugs and Crime (UNODC) Maritime Crime Programme, and being determined to continue efforts to ensure that pirates are held accountable,

Commending the efforts of the EU Naval Force (EUNAVFOR) Operation ATALANTA, North Atlantic Treaty Organization Operation Ocean Shield, Combined Maritime Forces' Combined Task Force 151, the counter-piracy activities of the African Union onshore in Somalia and the naval activities of the Southern

Africa Development Community, and other States acting in a national capacity in cooperation with Somali authorities and each other to suppress piracy and to protect ships transiting through the waters off the coast of Somalia, and *welcoming* the Shared Awareness and Deconfliction Initiative (SHADE) and the efforts of individual countries, including China, India, the Islamic Republic of Iran, Japan, Republic of Korea, and the Russian Federation, which have deployed naval counter-piracy missions in the region,

Noting the efforts of flag States for taking measures to permit vessels sailing under their flag transiting the High Risk Area (HRA) to embark vessel protection detachments and privately contracted armed security personnel (PCASP), and to allow charters that favour arrangements that make use of such measures, while urging States to regulate such activities in accordance with applicable international law,

Noting that HRA boundaries are set and defined by the insurance and maritime industry, and have been redefined in December 2015,

Welcoming the capacity-building efforts in the region made by the International Maritime Organization (IMO) funded Djibouti Code of Conduct, the Trust Fund and the European Union's activities under the EU Mission on Regional Maritime Capacity in the Horn of Africa (EUCAP Nestor), which is working with the Federal Government of Somalia to strengthen its criminal justice system, and *recognizing* the need for all engaged international and regional organizations to coordinate and cooperate fully,

Supporting the development of a coastal police force, *noting* with appreciation the efforts made by the IMO and the shipping industry to develop and update guidance, best management practices, and recommendations to assist ships to prevent and suppress piracy attacks off the coast of Somalia, including in the Gulf of Aden, and in relevant parts of the Indian Ocean that are still within the High Risk Area and *recognizing* the work of the IMO and the CGPCS in this regard, *noting* the efforts of the International Organization for Standardization, which has developed industry standards of training and certification for Private Maritime Security Companies when providing PCASP on board ships in high-risk areas, and further welcoming the European Union's EUCAP Nestor, which is working to develop the maritime security capacities of Somalia,

Underlining the importance of continuing to enhance the collection, preservation, and transmission to competent authorities of evidence of acts of piracy and armed robbery at sea off the coast of Somalia, and *welcoming* the ongoing work of the IMO, INTERPOL, and industry groups to develop guidance to seafarers on preservation of crime scenes following acts of piracy, and *noting* the importance of enabling seafarers to give evidence in criminal proceedings to prosecute acts of piracy,

Further recognizing that pirate networks continue to rely on kidnapping and hostage-taking to help generate funding to purchase weapons, gain recruits, and continue their operational activities, thereby jeopardizing the safety and security of civilians and restricting the flow of commerce, and *welcoming* international efforts to coordinate the work of investigators and prosecutors, inter alia, through the Law Enforcement Task Force and collect and share information to disrupt the pirate

enterprise, as exemplified by INTERPOL's Global Database on Maritime Piracy, and *taking note* of the ongoing efforts of the Regional Fusion and Law Enforcement Centre for Safety and Security at Sea, hosted by Seychelles to combat piracy and transnational organized crime,

Reaffirming international condemnation of acts of kidnapping and hostage-taking, including offences contained within the International Convention against the Taking of Hostages, strongly *condemning* the continuing practice of hostage-taking by pirates operating off the coast of Somalia, *expressing* serious concern at the inhumane conditions hostages face in captivity, *recognizing* the adverse impact on their families, *calling* for the immediate release of all hostages, and *noting* the importance of cooperation between Member States on the issue of hostage-taking and the prosecution of suspected pirates for taking hostages,

Commending Kenya, Mauritius, Tanzania, and Seychelles, for their efforts to prosecute suspected pirates in their national courts, and *noting* with appreciation the assistance provided by the UNODC Maritime Crime Programme, the Trust Fund, and other international organizations and donors, in coordination with the CGPCS, to support Kenya, Mauritius, Seychelles, Tanzania, Somalia, and other States in the region with their efforts to prosecute, or incarcerate in a third State after prosecution elsewhere, pirates, including facilitators and financiers ashore, consistent with applicable international human rights law, and *emphasizing* the need for States and international organizations to further enhance international efforts in this regard,

Welcoming the readiness of the national and regional administrations of Somalia to cooperate with each other and with States who have prosecuted suspected pirates with a view to enabling convicted pirates to be repatriated back to Somalia under suitable prisoner transfer arrangements, consistent with applicable international law, including international human rights law, and *acknowledging* the return from Seychelles to Somalia of convicted prisoners willing and eligible to serve their sentences in Somalia,

Welcoming the work of the Maritime Security Coordination Committee (MSCC), as an important mechanism of information sharing, and *encouraging* the Somali national and regional administrations to take increasing responsibility for counter-piracy initiatives,

Expressing serious concern over reports of illegal, unreported and unregulated fishing (IUU) in Somalia's Exclusive Economic Zone (EEZ), and *noting* the complex relationship between IUU fishing and piracy, *recognizing* that IUU fishing accounts for millions of dollars in lost revenue for Somalia each year, and can contribute to destabilization among coastal communities,

Noting Somalia's accession to the FAO's Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, *recognizing* the projects supported by FAO and UNODC aimed at enhancing the Somalia's capacity to combat such activities, and *stressing* the need for States and international organizations to further intensify their support to the Federal Government of Somalia, at its request, in enhancing Somalia's capacity to combat such activities,

Recognizing the ongoing efforts of the Federal Government of Somalia towards the development of a legal regime for the distribution of fishing licenses,

and encouraging further efforts in this regard, with the support of the international community,

Recalling the reports of the Secretary-General which illustrate the seriousness of piracy and armed robbery at sea off the coast of Somalia and provide useful guidance for the investigation and prosecution of pirates, including on specialized anti-piracy courts,

Stressing the need for States to consider possible methods to assist the seafarers who are victims of pirates, and welcoming in this regard the efforts of the "Hostage Support Programme" and the Piracy Survivor Family Fund launched at the 2014 CGPCS to provide support to hostages during their release and return home, as well as to their families throughout the hostage situation,

Recognizing the progress made by the CGPCS and UNODC in the use of public information tools to raise awareness of the dangers of piracy and highlight the best practices to eradicate this criminal phenomenon,

Noting efforts by UNODC and UNDP and the funding provided by the Trust Fund, the European Union, the United Kingdom, the United States, and other donors to develop regional judicial and law enforcement capacity to investigate, arrest, and prosecute suspected pirates and to incarcerate convicted pirates consistent with applicable international human rights law,

Bearing in mind the Djibouti Code of Conduct concerning the Repression of Piracy and Armed Robbery against Ships in the Western Indian Ocean and the Gulf of Aden, *noting* the operations of information-sharing centres in Yemen, Kenya, and Tanzania, *recognizing* the efforts of signatory States to develop the appropriate regulatory and legislative frameworks to combat piracy, enhance their capacity to patrol the waters of the region, interdict suspect vessels, and prosecute suspected pirates,

Emphasizing that peace and stability within Somalia, the strengthening of State institutions, economic and social development, and respect for human rights and the rule of law are necessary to create the conditions for a durable eradication of piracy and armed robbery at sea off the coast of Somalia, and further *emphasizing* that Somalia's long-term security rests with the effective development by Somali authorities of the Somali National Army and Somali Police Force,

Welcoming the Padang Communique and Maritime Cooperation Declaration adopted by the Indian Ocean Rim Association (IORA) at its 15th Council of Ministers meeting, which call upon members to support and strengthen cooperation to address maritime challenges including piracy and illegal trafficking of drugs, and welcoming Somalia's October 2016 signing of the IORA charter to formally become a member State, thereby strengthening Somalia's cooperation with its neighbours on maritime safety and security,

Recognizing that the ongoing instability in Somalia and the acts of piracy and armed robbery at sea off its coast are inextricably linked, and stressing the need to continue the comprehensive response by the international community to repress piracy and armed robbery at sea and tackle its underlying causes,

Determining that the incidents of piracy and armed robbery at sea off the coast of Somalia, as well as the activity of pirate groups in Somalia, are an important

factor exacerbating the situation in Somalia, which continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Reiterates* that it condemns and deplores all acts of piracy and armed robbery at sea off the coast of Somalia;

2. *While noting* improvements in Somalia, *recognizes* that piracy exacerbates instability in Somalia by introducing large amounts of illicit cash that fuels additional crime and corruption;

3. *Stresses* the need for a comprehensive response to prevent and suppress piracy and tackle its underlying causes by the international community;

4. *Underlines* the primary responsibility of the Somali authorities in the fight against piracy and armed robbery at sea off the coast of Somalia, *welcomes* the draft coast guard law which the Somali authorities, with the support of the European Union Naval Force (EUNAVFOR) Operation Atalanta and EUCAP Nestor have submitted to the Council of Ministers for approval by Parliament and *urges* the Somali authorities, to continue their work to pass a comprehensive set of anti-piracy and maritime laws without further delay and establish security forces with clear roles and jurisdictions to enforce these laws and to continue to develop, with international support as appropriate, the capacity of Somali courts to investigate and prosecute persons responsible for acts of piracy and armed robbery, including key figures of criminal networks involved in piracy who plan, organize, facilitate, or illicitly finance or profit from such attacks;

5. *Recognizes* the need to continue investigating and prosecuting those who plan, organize, or illicitly finance or profit from pirate attacks off the coast of Somalia, including key figures of criminal networks involved in piracy, *urges* States, working in conjunction with relevant international organizations, to adopt legislation to facilitate prosecution of suspected pirates off the coast of Somalia;

6. *Calls upon* the Somali authorities to interdict, and upon interdiction to have mechanisms in place to safely return effects seized by pirates, investigate and prosecute pirates and to patrol the waters off the coast of Somalia to prevent and suppress acts of piracy and armed robbery at sea;

7. *Calls upon* the Somali authorities to make all efforts to bring to justice those who are using Somali territory to plan, facilitate, or undertake criminal acts of piracy and armed robbery at sea, and calls upon Member States to assist Somalia, at the request of Somali authorities and with notification to the Secretary-General, to strengthen maritime capacity in Somalia, including regional authorities and, stresses that any measures undertaken pursuant to this paragraph shall be consistent with applicable international law, in particular international human rights law;

8. *Calls upon* States to cooperate also, as appropriate, on the issue of hostage taking, and the prosecution of suspected pirates for taking hostages;

9. *Calls for* the immediate and unconditional release of all seafarers held hostage by Somali pirates, and further calls upon the Somali authorities and all relevant stakeholders to redouble their efforts to secure their safe and immediate release;

10. *Welcomes* the initiative of the Seychelles authorities to establish a court for piracy and maritime crime and further *welcomes* the successful prosecution of piracy cases by this body;

11. *Recognizes* the need for States, international and regional organizations, and other appropriate partners to exchange evidence and information for anti-piracy law enforcement purposes with a view to ensuring effective prosecution of suspected, and imprisonment of convicted, pirates and with a view to the arrest and prosecution of key figures of criminal networks involved in piracy who plan, organize, facilitate, or illicitly finance and profit from piracy operations, and keeps under review the possibility of applying targeted sanctions against individuals or entities that plan, organize, facilitate, or illicitly finance or profit from piracy operations if they meet the listing criteria set out in paragraph 43 of resolution 2093 (2013), and *calls* upon all States to cooperate fully with the Somalia and Eritrea Monitoring Group, including on information-sharing regarding possible violations of the arms embargo or charcoal ban;

12. *Renews* its call upon States and regional organizations that are able to do so to take part in the fight against piracy and armed robbery at sea off the coast of Somalia, in particular, consistent with this resolution and international law, by deploying naval vessels, arms, and military aircraft, by providing basing and logistical support for counter-piracy forces, and by seizing and disposing of boats, vessels, arms, and other related equipment used in the commission of piracy and armed robbery at sea off the coast of Somalia, or for which there are reasonable grounds for suspecting such use;

13. *Highlights* the importance of coordination among States and international organizations in order to deter acts of piracy and armed robbery at sea off the coast of Somalia, commends the work of the CGPCS to facilitate such coordination in cooperation with the IMO, flag States, and Somali authorities, and urges continued support of these efforts;

14. *Encourages* Member States to continue to cooperate with Somali authorities in the fight against piracy and armed robbery at sea, notes the primary role of Somali authorities in the fight against piracy and armed robbery at sea off the coast of Somalia, and *decides* that, for a further period of twelve months from the date of this resolution to renew the authorizations as set out in paragraph 14 of resolution 2246 (2015) granted to States and regional organizations cooperating with Somali authorities in the fight against piracy and armed robbery at sea off the coast of Somalia, for which advance notification has been provided by Somali authorities to the Secretary-General;

15. *Affirms* that the authorizations renewed in this resolution apply only with respect to the situation in Somalia and shall not affect the rights, obligations, or responsibilities of Member States under international law, including any rights or obligations under The Convention, with respect to any other situation, and underscores in particular that this resolution shall not be considered as establishing customary international law; and affirms further that such authorizations have been renewed based on the receipt of the 24 October 2016 letter conveying the consent of Somali authorities;

16. *Decides* that the arms embargo on Somalia imposed by paragraph 5 of resolution 733 (1992) and further elaborated upon by paragraphs 1 and 2 of resolution 1425 (2002) and modified by paragraphs 33 to 38 of resolution 2093 does not apply to supplies of weapons and military equipment or the provision of assistance destined for the sole use of Member States, international, regional, and subregional organizations undertaking measures in accordance with paragraph 14 above;

17. *Requests* that cooperating States take appropriate steps to ensure that the activities they undertake pursuant to the authorizations in paragraph 14 do not have the practical effect of denying or impairing the right of innocent passage to the ships of any third State;

18. *Calls upon* all States, and in particular flag, port, and coastal States, States of the nationality of victims and perpetrators of piracy and armed robbery, and other States with relevant jurisdiction under international law and national legislation, to cooperate in determining jurisdiction and in the investigation and prosecution of all persons responsible for acts of piracy and armed robbery off the coast of Somalia, including key figures of criminal networks involved in piracy who plan, organize, facilitate, or illicitly finance or profit from such attack, consistent with applicable international law including international human rights law, to ensure that all pirates handed over to judicial authorities are subject to a judicial process, and to render assistance by, among other actions, providing disposition and logistics assistance with respect to persons under their jurisdiction and control, such as victims, witnesses, and persons detained as a result of operations conducted under this resolution;

19. *Calls upon* all States to criminalize piracy under their domestic law and to favourably consider the prosecution of suspected, and imprisonment of those convicted, pirates apprehended off the coast of Somalia, and their facilitators and financiers ashore, consistent with applicable international law, including international human rights law, and decides to keep these matters under review, including, as appropriate, the establishment of specialized anti-piracy courts in Somalia with substantial international participation and/or support as set forth in resolution 2015 (2011), and encourages the CGPCS to continue its discussions in this regard;

20. *Welcomes*, in this context, the UNODC Maritime Crime Programme's continued work with authorities in Somalia and in neighbouring States to ensure that individuals suspected of piracy are prosecuted and those convicted are imprisoned in a manner consistent with international law, including international human rights law;

21. *Encourages* the Federal Government of Somalia to accede to the United Nations Convention Against Transnational Organized Crime, as part of its efforts to target money laundering and financial support structures on which piracy networks survive;

22. *Urges* all States to take appropriate actions under their existing domestic law to prevent the illicit financing of acts of piracy and the laundering of its proceeds;

23. *Urges* States, in cooperation with INTERPOL and Europol, to further investigate international criminal networks involved in piracy off the coast of Somalia, including those responsible for illicit financing and facilitation;

24. *Urges* all States to ensure that counter-piracy activities, particularly land-based activities, take into consideration the need to protect women and children from exploitation, including sexual exploitation;

25. *Urges* all States to share information with INTERPOL for use in the global piracy database, through appropriate channels;

26. *Commends* the contributions of the Trust Fund and the IMO-funded Djibouti Code of Conduct and urges both state and non-State actors affected by piracy, most notably the international shipping community, to contribute to them;

27. *Urges* States parties to The Convention and the SUA Convention to implement fully their relevant obligations under these conventions and customary international law and to cooperate with the UNODC, IMO, and other States and international organizations to build judicial capacity for the successful prosecution of persons suspected of piracy and armed robbery at sea off the coast of Somalia;

28. *Acknowledges* the recommendations and guidance provided by the IMO on preventing and suppressing piracy and armed robbery at sea; and urges States, in collaboration with the shipping and insurance industries and the IMO, to continue to develop and implement avoidance, evasion, and defensive best practices and advisories to take when under attack or when sailing in the waters off the coast of Somalia, and further urges States to make their citizens and vessels available for forensic investigation as appropriate at the first suitable port of call immediately following an act or attempted act of piracy or armed robbery at sea or release from captivity;

29. *Encourages* flag States and port States to further consider the development of safety and security measures on board vessels, including, where applicable, developing regulations for the use of PCASP on board ships, aimed at preventing and suppressing piracy off the coast of Somalia, through a consultative process, including through the IMO and ISO;

30. *Invites* the IMO to continue its contributions to the prevention and suppression of acts of piracy and armed robbery against ships, in coordination, in particular, with the UNODC, the World Food Program (WFP), the shipping industry, and all other parties concerned, and recognizes the IMO's role concerning privately contracted armed security personnel on board ships in high-risk areas;

31. *Notes* the importance of securing the safe delivery of WFP assistance by sea, and welcomes the ongoing work by the WFP, EUNAVFOR Operation Atalanta, and flag States with regard to Vessel Protection Detachments on WFP vessels;

32. *Requests* States and regional organizations cooperating with Somali authorities to inform the Security Council and the Secretary-General in nine months of the progress of actions undertaken in the exercise of the authorizations provided in paragraph 14 above and further requests all States contributing through the CGPCS to the fight against piracy off the coast of Somalia, including Somalia and other States in the region, to report by the same deadline on their efforts to establish jurisdiction and cooperation in the investigation and prosecution of piracy;

33. *Requests* the Secretary-General to report to the Security Council within eleven months of the adoption of this resolution on the implementation of this resolution and on the situation with respect to piracy and armed robbery at sea off the coast of Somalia;

34. *Expresses its intention* to review the situation and consider, as appropriate, renewing the authorizations provided in paragraph 14 above for additional periods upon the request of Somali authority;

35. *Decides* to remain seized of the matter.

Annex 95

Letter from the Chair of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea addressed to the President of the Security Council, S/2017/924, 2 November 2017 (Extracts)

United Nations S/2017/924

Security Council

Distr.: General
2 November 2017

Original: English

Letter dated 2 November 2017 from the Chair of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea addressed to the President of the Security Council

On behalf of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea, and in accordance with paragraph 40 of Security Council resolution 2317 (2016), I have the honour to transmit herewith the report on Somalia of the Monitoring Group on Somalia and Eritrea.

In this connection, the Committee would appreciate it if the present letter and the report were brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) Kairat **Umarov**
Chair
Security Council Committee pursuant to resolutions 751 (1992)
and 1907 (2009) concerning Somalia and Eritrea

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S/2017/924

Letter dated 2 November 2017 from the Monitoring Group on Somalia and Eritrea addressed to the Chair of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea

In accordance with paragraph 40 of Security Council resolution 2317 (2016), we have the honour to transmit herewith the report on Somalia of the Monitoring Group on Somalia and Eritrea.

(*Signed*) James **Smith**
Coordinator
Monitoring Group on Somalia and Eritrea

(*Signed*) Jay **Bahadur**
Armed groups expert

(*Signed*) Charles **Cater**
Natural resources expert

(*Signed*) Déirdre **Clancy**
Humanitarian expert

(*Signed*) Tapani **Holopainen**
Finance expert

(*Signed*) Nazanine **Moshiri**
Arms expert

(*Signed*) Richard **Zabot**
Arms expert

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Summary

After a prolonged and problematic electoral process, a new president of the Federal Government of Somalia, Abdullahi Mohamed Abdullahi "Farmaajo", was selected by Members of Parliament in Mogadishu on 8 February 2017. A new Prime Minister, Hassan Ali Khaire, and cabinet were appointed by late March. Throughout its first six months in office, the administration has faced multiple challenges.

Relations between the Federal Government and the country's regional administrations have been strained by the Government's apparent backtracking on commitments to devolve power to the regions under a new national security architecture and by a continuing lack of consensus regarding aspects of resource governance. Meanwhile, regional administrations have continued negotiating unilaterally with foreign entities regarding ports, military installations and natural resources.

These strains were exacerbated by growing tensions among members of the Gulf Cooperation Council. As various Member States in the region were compelled to take sides in the Gulf crisis of June 2017, the Farmaajo administration has found itself increasingly isolated by its decision to remain neutral. Regional administrations, numerous Members of Parliament and parts of the influential Mogadishu business community have openly opposed this stance.

Meanwhile, the militant group Harakaat al-Shabaab al-Mujaahidiin (Al-Shabaab) continues to pose the most immediate threat to peace and security in Somalia. Over the course of the mandate, little if any progress has been made to mitigate that threat. Al-Shabaab maintains control over a large proportion of rural territory, and remains in control of certain urban centres in southern and central Somalia. On 2 January 2017, in Mogadishu, Al-Shabaab detonated what was likely the largest improvised explosive device in the group's history. Laboratory analysis of the blast revealed traces of potassium nitrate, suggesting that Al-Shabaab may have begun to manufacture home-made explosives.

Al-Shabaab's presence in Puntland, in north-east Somalia, has expanded, exacerbating the challenges faced by authorities in the region. Concurrently, the Islamic State of Iraq and the Levant (ISIL) faction, largely confined to Bari region in north-east Puntland, has grown in numbers and is attracting an increasingly broad range of recruits. The ISIL faction briefly took control of the town of Qandala, on the north coast of Puntland, and carried out its first suicide attack, in Bosaso. While its capacity has remained limited, an influx of foreign fighters fleeing military pressure in Iraq, the Syrian Arab Republic and elsewhere could present a significant threat to the region.

The Monitoring Group on Somalia and Eritrea remains concerned by the continuing flow of illicit weapons into Somalia, particularly by way of the north coast of Puntland. Limited access inhibits the Group's ability to verify the frequency and volume of deliveries, but evidence collected suggests a rate of approximately one shipment of weapons a month into Puntland alone, arriving predominantly from Yemen.

Meanwhile, the Federal Government called repeatedly for the complete lifting of the arms embargo despite its inability to fully comply with its current obligations under the partial lift. There have been multiple non-notified or partially notified consignments of weapons supplied to both the Federal Government and the regional administrations over the past two years. Despite modest improvements, flaws in weapons and ammunition management on the part of the Federal Government remain, particularly with respect to the distribution and tracking of materiel. Given

the vulnerability of the system to diversion, and the threat this poses to peace and security, particularly amid ongoing tensions between the centre and periphery, the Monitoring Group recommends no further easing of the arms embargo.

Despite limited improvements in public financial management, federal institutions remain incapable of addressing pervasive corruption. Mechanisms established to review Government contracts have continued to be circumvented, and the lack of transparency regarding company ownership leaves all Government contracts open to concerns of nepotism. Government ministries continue to bypass the Treasury Single Account at the Central Bank of Somalia, avoiding oversight of their revenues by the Federal Government's fiscal authorities. The misappropriation and misuse of public land in Mogadishu is ongoing, despite pledges from the previous administration to address the problem. The printing of counterfeit Somali currency in Puntland continues to undermine economic stability and has prompted outbreaks of civil unrest.

Al-Shabaab was responsible for the greatest number of civilian causalities during the mandate, as a result of large-scale attacks on civilian targets and the imposition of violent punishments on individuals and communities. Intercommunal conflict, often exacerbated by the involvement of national and regional forces and Al-Shabaab, caused significant civilian harm. Long-running tensions in Galkayo and Lower Shabelle escalated into open armed conflict, resulting in the displacement of more than 180,000 civilians. In June, Al-Shabaab also began an aggressive campaign of child recruitment, forcing hundreds of children into the group's madrasa system.

Following the declaration of a pre-famine alert in February, Al-Shabaab's continued ban on humanitarian operations and violent blockades of Government-held areas resulted in the displacement of more than 800,000 civilians. As the drought response scaled up, extortion at illegal checkpoints on major supply routes, often manned by national and/or regional administration forces, added to the overall costs of aid delivery. Local humanitarian workers also faced increased danger of abduction and the destruction and looting of supplies by Al-Shabaab. Efforts by both international humanitarian partners and Somali community organizations prevented Somalia from slipping into another famine.

Finally, the overall magnitude of illicit exports of charcoal from southern Somalia remains similar to previous levels. In contrast to much of 2015 and 2016, when Al-Shabaab intermittently banned the charcoal trade in areas under its control, the group has resumed systematic taxation of charcoal at checkpoints between stockpiles and the ports at Buur Gaabo and Kismayo. A conservative estimate suggests that Al-Shabaab receives at least $10 million each year from the illicit charcoal trade. Dubai, United Arab Emirates, continues to be the primary export destination as well as a hub for criminal networks that violate the charcoal ban with near impunity. With the notable exception of Kuwait, implementation of the charcoal ban has been poor, particularly by the Interim Jubba Administration and the African Union Mission in Somalia, and the United Arab Emirates among importing countries. A lack of commitment with regard to the consistent implementation of sanctions, and in some cases a conspicuously deliberate failure to comply with the charcoal ban, facilitates Al-Shabaab financing and undermines counter-terrorism efforts in Somalia.

I. Introduction

A. Mandate

1. The mandate of the Monitoring Group on Somalia and Eritrea, as set out in paragraph 13 of Security Council resolution 2060 (2012), and added to in paragraph 41 of resolution 2093 (2013) and paragraph 15 of resolution 2182 (2014), was renewed in paragraph 38 of resolution 2317 (2016).

2. Pursuant to paragraph 40 of resolution 2317 (2016) and paragraph 13 (l) of resolution 2060 (2012), the Monitoring Group provided the Security Council, through the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea, with a midterm update on 21 April 2017. The Group also submitted monthly progress updates to the Committee throughout its mandate.

3. In the course of their investigations, members of the Monitoring Group travelled to Bahrain, Belgium, Côte d'Ivoire, Djibouti, Ethiopia, France, India, Iran (Islamic Republic of), Kuwait, Qatar, Somalia, South Africa, Spain, Sri Lanka, the Sudan, Turkey, Uganda, the United Arab Emirates, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

4. The Monitoring Group was based in Nairobi and comprised the following experts: James Smith (Coordinator), Jay Bahadur (armed groups), Charles Cater (natural resources), Déirdre Clancy (humanitarian), Tapani Holopainen (finance), Nazanine Moshiri (arms) and Richard Zabot (arms).

B. Methodology

5. The evidentiary standards and verification processes outlined in the previous reports of the Monitoring Group apply to work conducted during the mandate under review. The Group reaffirmed its methodology pursuant to its previous reports. The methodology used for the present report is as follows:

(a) Collecting information on events and topics from multiple sources, where possible;

(b) Collecting information from sources with first-hand knowledge of events, where possible;

(c) Identifying consistency in patterns of information and comparing existing knowledge with new information and emerging trends;

(d) Continuously factoring in the expertise and judgment of the relevant expert of the Monitoring Group and the collective assessment of the Group with regard to the credibility of information and the reliability of sources;

(e) Obtaining physical, photographic, audio, video and/or documentary evidence in support of the information collected;

(f) Analysing satellite imagery where applicable.

6. The Monitoring Group made a deliberate and systematic effort to gain access to those involved in violations of the sanctions measures by way of individuals who had direct knowledge or who knew people who had direct knowledge about details of violations. On some occasions, the Group itself witnessed active violations.

7. The Monitoring Group interviewed a wide range of sources with relevant information, including government officials and representatives of diplomatic

missions, civil society organizations and aid agencies. Members of the Group also met or communicated with officials from the Puntland, Somaliland and interim regional administrations, representatives of political and armed groups, defectors and members of business communities and Somali civil society.

8. In accordance with the Secretary-General's bulletin on information sensitivity, classification and handling (ST/SGB/2007/6), the Monitoring Group has submitted to the Committee, together with the present report, several strictly confidential annexes containing information whose disclosure may be detrimental to the proper functioning of the United Nations or to the welfare and safety of its staff or third parties or may violate the Organization's legal obligations. Those annexes will not be issued as a document of the Security Council.

II. Acts that threaten the peace, security and stability of Somalia

A. Harakaat al-Shabaab al-Mujaahidiin

9. The militant group Harakaat al-Shabaab al-Mujaahidiin (Al-Shabaab) remains the most immediate threat to the peace, security and stability of Somalia. Major offensive operations by the African Union Mission in Somalia (AMISOM) and the Somali National Army against Al-Shabaab have stalled since July 2015, which marked the last phase of Operation Juba Corridor. Consequently, the group remains in control of much of the Juba Valley, including the towns of Jilib, Jamame and Bu'ale, allowing the group to maintain taxation on farms in the area, a major source of its revenue. Even around urban centres throughout southern and central Somalia occupied by national or regional security forces and/or AMISOM, Al-Shabaab continues to maintain control over the countryside and major supply routes, enabling the group to cut off provisions to large segments of the population.

10. In March 2017, the United States issued a directive classifying large swathes of southern Somalia as a war zone, allowing the expansion of ground and air combat operations. Between June and mid-September, the United States carried out 9 publicly acknowledged aerial strikes in Somalia, compared with 13 throughout the entirety of 2016. The strikes resulted in the confirmed deaths of at least three mid- to high-level Al-Shabaab commanders.[1] However, as noted in previous Monitoring Group reports (see S/2016/919, para. 11), the erosion of Al-Shabaab's leadership has historically has had little effect on the group's ability to carry out both asymmetric and conventional attacks within Somalia. The principal targets of its operations remain AMISOM peacekeepers and officials belonging to the Federal Government of Somalia or regional administrations, whom Al-Shabaab considers to be apostates.

[1] Bureau of Investigative Journalism, Somalia: reported US actions 2017 database. Available from www.thebureauinvestigates.com/drone-war/data/somalia-reported-us-covert-actions-2017 (accessed 19 September 2017).

Domestic and regional operations

11. Al-Shabaab continues to carry out regular complex attacks in Mogadishu, typically by deploying a vehicle-borne improvised explosive device followed by an assault by four to five so-called suicide gunmen, against hotels and restaurants frequented by Federal Government officials and members of the security forces. Since the beginning of the current mandate, the group has carried out three such attacks in Mogadishu: on Dayah Hotel on 25 January 2017, at Café Italian on 8 May and on Posh Hotel and the adjacent Pizza House restaurant on 14 June. At least 77 people were killed.

12. In addition, on 2 January 2017, Al-Shabaab detonated a vehicle-borne improvised explosive device at a National Intelligence and Security Agency checkpoint at the Medina Gate of the Adan Abdulle International Airport complex in Mogadishu. Estimated at as much as 1,200 kg TNT equivalence, it was likely the largest explosive device by weight ever employed by the group (see annex 1.3).[2]

13. Al-Shabaab also continues to present an occasional conventional military threat to AMISOM and national/regional security forces. On 27 January, Al-Shabaab fighters stormed a Kenyan Defence Forces base at Kulbiyow, which straddles the border between Kenya and the Lower Juba region in Somalia, resulting in the deaths of at least 67 Kenyan Defence Forces soldiers. It was the first large-scale conventional assault against an AMISOM troop-contributing country base since a failed attack on an Ethiopian National Defence Forces contingent at Halgan, Hiran region, on 9 June 2016 (see S/2016/919, para. 23).

14. Conversely, Al-Shabaab's transborder terror operations remained at an ebb, with the group failing to carry out a significant attack outside of Somalia. However, the Al-Shabaab-linked Jaysh Ayman insurgency remains active in the Boni forest of Kenya, and continues to carry out frequent attacks within Lamu County, Kenya, targeting the Kenyan military, police and civilians. In May 2017, Kenyan officials announced that police had arrested at least 33 members of Al-Shabaab within Kenya, foiling two major planned terror attacks, since the beginning of the counter-terrorism operation Linda Boni in December 2016.[3]

Al-Shabaab North-East in Puntland

15. The Monitoring Group has reported extensively on the Al-Shabaab North-East insurgency against the Puntland authorities in the Golis mountains, noting its concern that Puntland served as a potential haven for Al-Shabaab militants fleeing military pressure in southern and central Somalia, as well as a conduit between Al-Shabaab and Al-Qaida in the Arabian Peninsula (see, e.g., S/2016/919, paras. 30–32 and annex 1.3). In its 2016 report, the Monitoring Group reported the strength of the insurgency to be between 70 and 100 fighters (see S/2016/919, para. 31). However, indications are that the group has grown significantly in

[2] Interviews with improvised explosive device experts, Mogadishu, 8 February 2017, as well as an independent explosives engineer who conducted an analysis of the blast scene based on satellite imagery and crater dimensions, taking the mean of values assessed using three separate methodologies. A United Nations Mine Action Service (UNMAS) operations officer in Mogadishu, however, estimated the explosive mass of the vehicle-borne improvised explosive device to be between 200 kg and 500 kg TNT equivalence. Email to the Monitoring Group on 14 September 2017.

[3] Galgalo Bocha, "Official: police foiled planned Jamhuri Day Shabaab attack", *Daily Nation*, 18 May 2017. Available from www.nation.co.ke/counties/tana-river/33-suspected-Shabaab-terrorists-arrested/3444928-3931876-iyplcyz/index.html.

numbers during 2017, perhaps in response to the growing presence of the rival Islamic State of Iraq and the Levant (ISIL) faction in Puntland's Bari region.[4]

Attack on Afurur and Puntland's "catch-and-release" policy

16. At dawn on 8 June 2017, Al-Shabaab launched its deadliest conventional military attack ever in Puntland, overrunning the Afurur military base and killing approximately 60 Darawish (Puntland regular forces) soldiers. The incident marked the first major armed clash between Puntland forces and the Al-Shabaab North-East insurgency in the Golis mountains since Puntland's major offensive of October 2014, which captured Galgala from the militants. Afurur, situated approximately 30 km south-west of the town of Galgala, had once served as a key waypoint along Al-Shabaab's southern supply route into the Golis mountains, but had been occupied by Puntland forces since June 2015.

17. One of the leaders of the Afurur operation was Abdullahi Abdi Haji, also known as Mursal Madobe, a member of Al-Shabaab since 2006 (see S/2016/919, annex 1.5 (strictly confidential)). As detailed in the Monitoring Group's report of 2016, Puntland authorities had arrested Haji in August 2015, but subsequently released him as part of a general amnesty granted to outwardly repentant Al-Shabaab members by President Abdiweli Mohamed Ali "Gass" (ibid.). Haji's release was an example of the Puntland administration's policy of "catch-and-release" with regard to Al-Shabaab suspects, which has been documented by the Monitoring Group since 2014 (see S/2014/726, annex 1.4, and S/2016/919, annex 1.5 (strictly confidential)).

18. On 26 July, United States Africa Command (AFRICOM) announced the capture of Abdirisak Hussein Tahlil and four other Al-Shabaab militants in a joint security operation with Somali forces near Galkayo, accusing Tahlil of "facilitating the use of improvised explosive devices in Somalia".[5] According to mainstream United States media, Tahlil was a lawful resident of the United States between 2006 and 2009.[6] Tahlil had been previously apprehended by the Puntland Intelligence Agency in Garowe in November 2012 with explosive materials in his vehicle, and subsequently sentenced to death. However, he was released on 18 December 2013 on the orders of Puntland President Gass, along with Tahlil's associate Mohamed Nur Aden, who had been arrested in connection with the same plot.[7]

Al-Shabaab procurement of weapons following attacks on the African Union Mission in Somalia

19. In 2015 and 2016, the Monitoring Group reported its concerns about the vulnerability of AMISOM and Somali National Army forward operating bases to Al-Shabaab attack (see S/2016/919, para. 14, and S/2015/801, para. 91). Major attacks on AMISOM forces occurred in El Adde, in Gedo region, on 15 January 2016; Leego, in Bay region, on 26 June 2015; and Janale, in Lower Shabelle region, on 1 September 2015.

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[4] The Monitoring Group interviewed four members of the Al-Shabaab North-East insurgency movement in Bosaso Central Prison on 6 and 7 June 2017; while these interviews indicated the existence of multiple teams of approximately 30 fighters in the Golis mountains, none of the interview subjects were able to provide an estimate of the size of the movement as a whole.

[5] Farah Abdi Warsameh (Associated Press), "Suspected Al-Shabab associate captured in U.S.-Somali raid", CBS News, 26 July 2017. Available from www.cbsnews.com/news/al-shabab-suspected-associate-captured-in-us-somali-raid/.

[6] Ibid.

[7] The Monitoring Group's final report of 2013 includes details of Tahlil's and Nur's arrests. See S/2013/413, annex 1.7.a.

20. Since October 2016, there have been more than a dozen attacks of varying intensity on AMISOM bases. The most significant assault during the present mandate took place on 27 January 2017 against a Kenyan Defence Forces forward operating base at Kulbiyow, on the Kenya-Somalia border. Still images and video footage from Al-Shabaab's media arm, Al-Kataib, as well as from Kenyan media sources, appear to confirm that militants captured weapons, ammunition and vehicles.[8] Among the items of significance seized by Al-Shabaab were an OTO-Melara Mod 56 105 mm howitzer, a WZ-551 armoured personnel carrier, at least one 81 mm mortar launcher and a M240B heavy machine gun.

21. One of the consequences of such attacks is Al-Shabaab's ability to capture mortars for use in its frequent attacks on the Federal Government and AMISOM.[9] Since 2009, Al-Shabaab has largely employed 82 mm and 60 mm mortars. However, the Monitoring Group has obtained evidence of at least one attack by Al-Shabaab employing heavier 120 mm mortars, on 23 April 2017 against a joint Ugandan-Somali National Army base at Baledogle, representing a new and significant threat to peace and security in Somalia. The mortar had likely been captured during the Al-Shabaab attack on the AMISOM Burundian contingent at Leego.[10]

22. In September 2016, the Interim South-West Administration and AMISOM forces in Gofgadud Burey, Bay region, captured a DZT-02 40 mm thermobaric rocket-propelled grenade launcher from Al-Shabaab, which had likely also been obtained by the group during its assault on Leego.[11]

23. See annex 1.1 for more information on Al-Shabaab procurement of weapons following attacks on AMISOM.

Al-Shabaab use of improvised explosive devices

24. During the present mandate, Al-Shabaab has introduced at least one new method of improvised explosive device construction. The payload of the explosives employed has also increased; for instance, as noted above, on 2 January 2017 the militant group detonated a vehicle-borne improvised explosive devices with a TNT equivalence of as much as 1,200 kg.[12]

25. In 2016, the Monitoring Group reported on the unconfirmed use of home-made explosives in improvised explosive devices by Al-Shabaab (see S/2016/919, annex 7.1). In June 2017, the Monitoring Group received laboratory analyses from the United States Federal Bureau of Investigation's Terrorist Explosive Device Analytical Center on improvised explosive device attacks in Somalia between

[8] Conway Waddington, "The Kulbiyow attack uncovered", Africa Defence Review, 22 March 2017. Available from www.africandefence.net/analysis-of-competing-claims-about-the-january-2017-al-shabaab-attack-on-the-kdf-base-at-kulbiyow/.

[9] According to information from a senior security adviser to AMISOM via email on 24 July 2017, there were 12 attacks using mortar shells between January and June 2017 in Mogadishu. According to a Somalia researcher based in Mogadishu, there were approximately 17 mortar attacks carried out by Al-Shabaab in Mogadishu in 2016, which seems to indicate that the total number of mortar attacks in the capital may increase this year. Email from a United Nations security adviser, 20 August 2017.

[10] Communication via SMS with a senior AMISOM adviser, 19 July 2017.

[11] Email from a UNMAS operations officer, 31 July 2017. Thermobaric rounds are far more destructive than standard RPG rounds, as they are highly explosive, incendiary and fragment on impact.

[12] Interviews with multiple explosive ordinance disposal specialists in Somalia during this mandate, who had carried out post-blast analyses of vehicle-borne improvised explosive devices.

2 February 2016 and 2 January 2017.[13] Six of the reports confirmed the presence of the oxidizer potassium nitrate, commonly used as a fertilizer in some countries, in at least six major vehicle-borne improvised explosive device attacks or improvised explosive device seizures since 2016.[14] At least three improvised explosive devices also contained traces of sodium chlorate and potassium chlorate, used to enhance the effectiveness of vehicle-borne improvised explosive devices.[15]

26. The presence of these compounds represents a possible diversification of Al-Shabaab's traditional use of military-grade explosives harvested from remnants of war munitions, or, more recently, captured munitions from AMISOM bases, for improvised explosive device construction. The potential use of home-made explosives by Al-Shabaab would allow the group to rely less on the process of harvesting explosives from munitions, which is slow and laborious.[16] Al-Shabaab is therefore likely to continue attempts to procure oxidizers through fertilizers and/or other common industrial products, which would allow the militant group to increase the frequency and explosive weight of its improvised explosive devices.

27. The Monitoring Group also investigated two seizures of improvised explosive device components by security forces in Puntland on 26 April and 30 May 2017. Among the key components of the improvised explosive devices reaching Puntland and other parts of Somalia were electric detonators. Many of these detonators were manufactured by a commercial company, C-DET Explosive Industries, based in India.[17] See annex 1.2 (strictly confidential) for more information on Al-Shabaab's sourcing of improvised explosive device components, and evolving technologies.

Al-Shabaab financing

28. Over the course of the present mandate, Al-Shabaab continued to impose taxation on the business community in Somalia (see also S/2016/919, annex 1.6, and S/2015/801, para. 92). Interviews conducted by the Monitoring Group indicate that, in Mogadishu, Al-Shabaab monthly taxation varied from $10 paid by market traders to as much as $70,000 paid by major companies.[18] Federal Government security agencies issued a letter on 23 July 2017 warning the business community against supporting Al-Shabaab financially. Given the limited capacity of Federal Government and security agencies to monitor payments to Al-Shabaab, however, the

[13] The Terrorist Explosive Device Analytical Centre has emphasized that the presence of oxidizers such as potassium nitrate in the lab analyses does not provide conclusive evidence that Al-Shabaab manufactured home-made explosives.

[14] Although pure potassium nitrate is not commonly used as an agricultural fertilizer in Somalia, the Monitoring Group has evidence of at least one company which exports pure potassium nitrate fertilizer in bulk to Yemen. Oxidizers, like potassium nitrate, provide the necessary oxygen which, when combined with fuel, enhances an explosion. It is not yet clear how Al-Shabaab is procuring potassium nitrate. Email from a UNMAS operations officer, 24 August 2017; telephone interview with a Mogadishu-based forensics specialist, 8 August 2017.

[15] Potassium chlorate can be used in the manufacture of matches and propellants, industries which currently have no presence in Somalia. Sodium chlorate is a common commercial component in the manufacture of herbicides, fireworks, welding supplies and chemical oxygen generators. It is not yet clear how Al-Shabaab is procuring potassium chlorate or sodium chlorate.

[16] Interview with various improvised explosive device specialists. Mogadishu, June to August 2017. In a telephone interview on 3 September 2017, an explosive ordnance disposal specialist informed the Monitoring Group that 500 kg of munitions must be harvested to yield an explosive content of 100 kg.

[17] See S/2014/726, annex 6.6, for an earlier case study involving C-DET detonators smuggled by Al-Shabaab into Puntland through Yemen.

[18] Interviews with a counter-terrorism analyst, Nairobi, 7 March 2017; a business owner, Mogadishu, 4 July 2017; and a law enforcement officer specializing on financing of Al-Shabaab, London, 31 March 2017.

warning is unlikely to have a significant impact on Al-Shabaab's ability to collect taxation from the business community.

29. During the previous mandate, the Monitoring Group noted Al-Shabaab's increasing reliance on financing from the taxation of agricultural production, livestock and trade (see S/2016/919, para. 83 and annex 1.8).[19] Annex 1.5 presents an assessment of Al-Shabaab taxation on livestock and agricultural markets in the Bay and Bakool regions.

30. Al-Shabaab also continues to tax goods at checkpoints along major supply routes, particularly imports and exports along routes to major ports, including goods destined for Kenya. Large trucks are usually taxed $1,000, with receipts issued by Al-Shabaab to prevent double taxation at subsequent checkpoints.[20]

31. Al-Shabaab justifies taxation of agricultural production and livestock as *zakat*, a customary religious tax on wealth and property typically collected on an annual basis. The group's efforts to collect *zakat* have become increasingly aggressive in terms of the quantity of goods confiscated, the frequency of collection and the coercive methods employed.[21]

B. Islamic State of Iraq and the Levant faction in Somalia

32. The Islamic State of Iraq and the Levant (ISIL) faction loyal to Sheikh Abdulqader Mu'min, estimated in the Monitoring Group's report of 2016 to number not more than a few dozen (see S/2016/919, para. 28), has grown significantly in strength, and may, at the time of writing, consist of as many as 200 fighters.[22]

33. In October 2016, the ISIL faction captured the town of Qandala in Puntland's Bari region, declaring it the seat of the so-called Islamic Caliphate in Somalia. In late November, a combination of Puntland ground and sea forces, supported by United States military advisers, mounted an offensive that succeeded in retaking the town on 7 December after several armed engagements. However, the ISIL presence remains prevalent in the surrounding countryside: mobile phone location data of ISIL members indicates frequent activity around the mobile phone tower at Afbashaashin, approximately 50 km south-east of Qandala.[23]

34. While the ISIL faction has not engaged in any large-scale conventional confrontations with Puntland forces since the recapture of Qandala, it routinely carries out asymmetric attacks. The group showed signs of increasing tactical capabilities during its first attack targeting a hotel, when two gunmen stormed the International Village Hotel in Bosaso, the economic capital of Puntland, at dawn on 8 February 2017 (see annex 2.4). On 23 May, the group carried out its first suicide attack, detonating a person-borne improvised explosive device at a police

[19] In para. 21 of its resolution 2317 (2016), the Security Council requested further reporting from the Monitoring Group on this issue.

[20] Interviews with a former Al-Shabaab financial officer, Baidoa, 30 August 2017; an intelligence officer specializing in Al-Shabaab financing, Baidoa, 2 August 2017; and a consultant, Kismayo, 14 June 2017.

[21] Interview with a former Al-Shabaab financial officer, Baidoa, 30 August 2017, and a Somali businessman, Mogadishu, 4 July 2017; interviews with elders and community members in Lower Shabelle and Middle Juba regions.

[22] Based on Monitoring Group interviews with 10 defected and captured ISIL fighters being held at Bosaso Central Prison, as well as with intelligence and security sources familiar with Puntland, April 2017. Most of the fighters interviewed by the Group had left ISIL in December 2016, and therefore the information they provided was current up to that time.

[23] Afbashaashin's role as a hub of ISIL operations, particularly prior to March 2017, was corroborated by a senior Puntland intelligence official on 13 April 2017.

checkpoint near Juba Hotel in Bosaso, killing 5 people and wounding at least 12 others (see annex 2.5 (strictly confidential)). According to Puntland authorities, ISIL leader Abdirahman Fahiye Isse Mohamud (Darod/Harti/Deshishe), also known as Ahmed Adan, Khalid, Yaquub, and Burane, was the primary coordinator of the attack.[24]

35. While the threat of ISIL to the Puntland administration is not currently existential, the administration's weak control over Bari region renders it a potential haven for foreign ISIL fighters. An influx of experienced foreign fighters would risk overwhelming Puntland's infrequently paid and demoralized security forces.

Connections to the wider organization

36. While the Monitoring Group has yet to find strong evidence to suggest that Mu'min's faction has operational links to the broader ISIL network, records for a confirmed phone number previously used by Mu'min demonstrated repeated contact with a Yemeni phone number selector in April and May 2016 (see S/2016/919, annex 1.2). A regional intelligence source identified the user of the selector as Khalil Dheere, a former member of Al-Shabaab who left the group and relocated to Yemen in 2013. Dheere's reported current role is as an intermediary between Mu'min and senior ISIL leaders in Iraq and the Syrian Arab Republic, though the exact nature of this contact is unclear.

37. Former members of the ISIL faction who defected from the group in December 2016 reported that the leaders of the group received orders, as well as financing through hawala money transfers, from Iraq and the Syrian Arab Republic. One former member stated that he had witnessed leaders of the group, including Abdulqader Mu'min and Ahmed Adan, use the encryption software TrueCrypt to communicate with ISIL leadership in Iraq and the Syrian Arab Republic using voice recordings. However, the Monitoring Group was not able to independently verify these claims.

Recruitment

38. The ISIL faction has demonstrated increasingly sophisticated recruitment methods, largely targeted at disaffected members of Al-Shabaab in southern Somalia. For instance, two former ISIL fighters interviewed by the Monitoring Group reported that they had received airplane tickets from Mogadishu to Galkayo, which enabled them to avoid the numerous armed checkpoints that road travel from southern Somalia to Puntland would have entailed. As a result of more proactive recruitment, the ISIL faction has moved beyond a movement dominated by the Darod/Majeerteen/Ali Saleeban sub-clan, and its fighters now represent a cross-section of clans from across Somalia.

39. ISIL, as a globalist caliphate movement, presents more natural appeal to foreign terrorist fighters than Al-Shabaab, whose immediate aims are limited to the expulsion of non-Muslims from Somalia and the establishment of a State governed by Islamic law. However, the ISIL faction in Bari region has hitherto attracted a limited number of foreign fighters. Among these is a Sudanese national sanctioned by the United States Department of the Treasury, Suhayl Salim Abd El-Rahman, also known as Abu Faris. In July 2012, Abd El-Rahman was put on the Specially Designated National and Blocked Persons List by the Office of Foreign Assets Control of the United States Department of the Treasury for his role in facilitating

[24] Interview with a senior Puntland security official, 18 August 2017.

the entry of foreign fighters into Somalia on behalf of Al-Shabaab.[25] One former ISIL fighter interviewed by the Monitoring Group, who had defected from the faction in December 2016, identified Abd El-Rahman as his immediate superior in the group. Two additional former militants reported the presence of an Arabic-speaking Sudanese foreign fighter, though they recalled him using the name "Bilal".[26]

40. In addition, one former fighter interviewed by the Monitoring Group claimed to be a Kenyan national, although the Group was unable to examine his identity documents, while another militant, aged 17, claimed to have been born in Kuwait.[27] Two interviewees also reported the presence in the group of a Djiboutian national known only as "Abtidoon", who died in the fighting with Puntland forces during the recapture of Qandala.[28]

Payroll

41. Monitoring Group interviews with former ISIL fighters revealed the salaries paid to members of the group to be extremely modest or even non-existent. Former fighters reported that unmarried ISIL militants received no salary at all,[29] while married militants received $50 per month plus an additional $10-$20 for each child, depending on the child's age.[30] These salary payments would result in an estimated ISIL payroll of between $3,000 and $9,000 each month, or $36,000 to $108,000 annually.[31] Such a low payroll enables the ISIL leadership to fund its insurgency on a limited budget, likely without having to rely on external financial support. However, the lack of salaries for low-ranking fighters also renders it probable that the ISIL factions will face frequent defections, a problem similarly affecting Al-Shabaab.

42. Additional information on the ISIL faction, including a detailed description of the group's leadership, is provided in annex 2.2.

C. Intercommunal conflict

43. During the past two mandates, the complexity of two long-running intercommunal conflicts, in Lower Shabelle and in Galkayo, has increased as broader regional, federal and/or international dynamics have evolved. Both conflicts, in which Al-Shabaab has become increasingly embedded, continue to represent a threat to broader peace and security and the long-term stability of Somalia.

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[25] See United States Department of the Treasury, "Treasury targets regional actors fueling violence and instability in Somalia", press release, 5 July 2012. Available from www.treasury.gov/press-center/press-releases/Pages/tg1630.aspx. Suhayl Salim Abd El-Rahman was an associate of the designated individual Aboud Rogo Mohammed (SOi.011) on the 1844 sanctions list, a radical Kenyan cleric who was gunned down by unknown assailants in Mombasa in August 2012.

[26] Interviews with former ISIL fighters, Bosaso, 11 and 12 April 2017.

[27] Both individuals had been members of Al-Shabaab in Somalia prior to joining the ISIL faction.

[28] A former Puntland intelligence officer told the Monitoring Group on 7 March 2017 that a Djiboutian foreign fighter in ISIL had died at the hands of Puntland forces. According to the two former fighters interviewed by the Monitoring Group, "Abtidoon" was familiar with the construction and use of improvised explosive devices. Both reported that Puntland security forces had shown them a photograph of Abtidoon's dead body.

[29] One unmarried former ISIL fighter claimed that he would receive approximately $20 per month for mobile phone credit.

[30] Interviews with former ISIL fighters, Bosaso, 11 and 12 April 2017.

[31] Based on a low range estimate of 120 fighters in the group, 40 per cent of whom are married, and a high range estimate of 200 fighters, 60 per cent of whom are married.

Lower Shabelle

44. Since 2014, the Monitoring Group has documented how entrenched intercommunal conflict in Lower Shabelle, particularly among the Haber Gedir, Biimaal and Digil clans, was complicated by the comparative dominance of the Haber Gedir clan in local and federal political and security structures, and increasingly by the involvement of Al-Shabaab. Under President Hassan Sheikh Mohamud, the extension of State power in Lower Shabelle, and by extension international support, was allied with Haber Gedir networks. Not only did elements of the Hawiye-dominated Somali National Army participate in large-scale attacks on Biimaal and Digil communities in Lower Shabelle but, on some occasions, it did so in joint operations with Al-Shabaab (see S/2016/919, annex 6.1). At the same time, Al-Shabaab was also building alliances with local communities in opposition to the Government, presenting itself as a protector from an illegitimate and predatory State.[32]

45. By late 2016, Al-Shabaab's allegiances in the region were more firmly established. Spurred by Al-Shabaab's temporary takeover of Marka in February 2016, supported to various degrees by Haber Gedir militia and elements of the Somali National Army, the Biimaal switched their allegiance to AMISOM and anti-Al-Shabaab forces (see S/2016/919, annex 7.5). Haber Gedir networks in the region turned to Al-Shabaab and consolidated their alliance. By October 2016, Al-Shabaab had commenced large-scale burning and looting of Biimaal villages, escalating its attacks in May 2017.[33] In August, open conflict erupted between Biimaal and Haber Gedir militias and Al-Shabaab over control of Marka (see also annex 10.2 (strictly confidential)).

Galkayo

46. The root of the conflict in Galkayo is the long-running tension between rival clans, primarily Darod/Majeerteen and Hawiye/Haber Gedir, which was tempered for more than 20 years by an agreement brokered in 1993. The culmination of the federalization process in 2015, however, introduced new actors to the dynamic, and raised the stakes: "former clan-dominated areas evolved into clan-based states that now compete no longer just for access to pasture, water and other local resources, but also for claims to territory, political legitimacy and the control of national assets".[34]

47. The two phases of open conflict in Galkayo in 2015 and 2016 saw heavily militarized administrations, the Interim Galmudug Administration and Puntland, facing off against each other alongside allied clan militias and elements of national security forces. The failure of repeated negotiations between the two sides enabled Al-Shabaab to insert itself as an active spoiler, further exacerbating mistrust between the parties and contributing directly to the violence. Al-Shabaab benefitted from its engagement, increasing its presence and influence in Puntland and Galmudug and consolidating control of elements of regional political and military structures. Meanwhile the leadership of the Interim Galmudug Administration and Puntland, which had twice entered into the conflict in one year, suffered no censure.

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[32] During the mandate, Al-Shabaab's court in Afgoye continued to be the go-to jurisdiction for many with respect to land disputes, even in Mogadishu.

[33] For further information, see Human Rights Watch, "Somalia: Al-Shabab forces burn villages", 26 July 2017. Available from www.hrw.org/news/2017/07/26/somalia-al-shabab-forces-burn-villages.

[34] Interpeace and Peace and Development Research Centre Galkayo "Conflict assessment", December 2016 to March 2017.

48. Annex 3.1 describes the origins and drivers of the Galkayo conflict, its impact on civilians and the steps under way to mitigate further violence.

Other intercommunal tensions

49. Since the creation of Puntland, and later the emergence in 2012 of the self-declared Khatumo State, rival claims over control of Sool and Sanaag and parts of Togdheer (often referred to as Cayn) have given rise to frequent but low-level armed conflict between Puntland, Somaliland and Khatumo forces and contributed to the underdevelopment of the region.[35] Despite armed clashes and political manoeuvring, including an agreement in June 2017 between a faction of Khatumo and Somaliland that was rejected by Khatumo elders, open conflict was avoided.[36] In mid-August 2017, however, with the Somaliland election preparations under way, Puntland moved its troops into Sool region, and Dhulbahante militias launched attacks on election-related targets.[37] Meanwhile, the Monitoring Group received reports of Al-Shabaab's increasing presence in parts of Sool, particularly in Las Anod, and Sanaag, escalating in the wake of Al-Shabaab's attack on Afurur.[38]

50. In Herale district, Galgadud region, in July 2017, at least 27 people were killed and more than 13,800 displaced when Ahlu Sunna wal Jama'a dispatched troops to Herale town prior to a planned visit by Interim Galmudug Administration President Ahmed Duale Gelle "Haaf" to the area.[39] By late August the conflict had intensified with battles taking place in the outskirts of Dhusamareb between Ahlu Sunna wal Jama'a and Interim Galmudug Administration forces, reportedly exacerbated by elements of Somali National Army sector 21 and National Intelligence and Security Agency forces based in Adado.

D. Public financial management

Overview of developments

51. Over the course of the present mandate, modest progress has been made in public financial management at the federal level.[40]

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[35] These are areas primarily inhabited by the Dhulbahante. See also S/2016/919, annex 7.4, para. 38.

[36] The June 2017 agreement caused stand-offs between militias supporting the Somaliland accord and those supporting the rival Dhulbahante Liberation Front. See "The Guurti of Khatumo State of Somalia's position on talks with Somaliland, press release, 17 June 2017. Available from www.somalilandsun.com/images/PDF/THE_GUURTI_OF_KHATUMO_STATE_OF_SOMALIAS_POSITION_ON_TALKS_WITH_SOMALILAND.pdf.

[37] On 12 August, militia forces attacked Halin polling station, injuring three civilians, and a Somaliland solider was killed defending a convoy transporting voter cards in Holhol. Email from United Nations staff member, 14 August 2017.

[38] Monitoring Group telephone interview with recent visitor to Las Anod, 30 July 2017; series of emails from United Nations staff members, January to August 2017.

[39] Email report from Mudug-based humanitarian worker to Monitoring Group, 7 August 2017. Two days before the clashes Interim Galmudug Administration President Ahmed Duale Gelle "Haaf" had met with Herale elders in Abudwaq and promised to visit the town to discuss development and cooperation support.

[40] On 11 July 2017, the International Monetary Fund (IMF) published a press release following the completion of its second review under the Staff-Monitored Program for Somalia, welcoming "the authorities' continued commitments to policy and reform implementation … [and] continued progress on currency reform and plans to revive the financial sector". International Monetary Fund, "IMF management completes the second review under the Staff-Monitored Program for Somalia and IMF Managing Director approves a New Staff-Monitored Program", press release, 11 July 2017. Available from www.imf.org/en/Publications/CR/Issues/2017/07/11/Somalia-Second-and-Final-Review-Under-the-Staff-Monitored-Program-and-Request-for-a-New-45065.

52. On 10 August, the Public Financial Management Bill was approved by the Federal Government Cabinet and was, at the time of writing, awaiting parliamentary approval. On 21 August, the National Communications Act was approved by the upper house of Parliament. The above-mentioned policies remain, however, either un- or underimplemented, or simply unenforceable in the current political and economic climate.[41]

53. The mandate of the Financial Governance Committee, an oversight body first established in mid-2014 with representation from various international institutions, was extended by the Federal Government on 15 June 2017 until June 2018.

54. The Somali Financial Management Information System, established in late 2015 to facilitate the automation and integration of public financial management processes, is used for the Treasury Single Account, but remains un- or underused by most individual ministries, departments and agencies and the Benadir Regional Administration. As such, while information on Treasury Single Account transactions is relatively detailed, information on ministry, department and agency transactions and Benadir Regional Administration transactions, mostly still made in cash, remains extremely limited.[42]

55. Revenue collection remains a key challenge facing the Federal Government, which remains dependent on meagre resources primarily generated in Mogadishu. Private companies tasked with collecting taxation on behalf of the Federal Government in 2016 operated with mixed results (see the discussion on Smart General Services, Ltd., below) until their contracts were cancelled in a letter signed by the Ministry of Finance on 29 July 2017.

Currency management

56. The Monitoring Group reported its concerns regarding the unregulated printing of the Somali shilling in its previous report (see S/2016/919, annex 4.1). Over the course of the present mandate, the Group has continued to document the unregulated printing of 1,000 Somali shilling notes by the State Bank of Puntland in Bosaso, with the involvement of the Puntland authorities. During the current mandate, the distribution of counterfeit currency and the corresponding inflation and civil unrest intensified and spread from Puntland into Hiran region and Somaliland. The local authorities in Puntland have both denied printing currency and blamed Al-Shabaab for the consequences. The countermeasures taken by the local authorities include the introduction of fixed exchange rates and mass detentions of currency brokers.

57. See annex 4.1 for further information on the impact of the unregulated printing of Somali currency.

Public contracts and concessions

58. Over the course of the mandate, the Monitoring Group has continued to seek information on various public contracts and concessions. In response to

[41] The value of certain measures also remains questionable. Key elements of the National Communications Act, which has been negotiated and ultimately undermined by successive parliamentarians and representatives of the telecommunications sector since 2004, were removed before the Bill was passed. The Public Financial Management Bill in its current form permits the Federal Government to seek international loans of up to $200 million without parliamentary approval.

[42] Somali Financial Management System records for the Benadir Regional Administration demonstrate the expenditure of $7,905,126.35 in 2016 with the same description, *Khidmada Maamulka Gobalka Banaadir $15%*, for all transactions ranging from $67,707.35 to $335,140.20.

correspondence seeking information on several Federal Government contracts and the ownership of various companies, the Federal Government stated on 5 September 2017 that it was apparent that it had inherited contracts from the previous administration that were opaque in terms of how contracts were issued and lacked data on the ownership of companies, and included other issues such as a lack of effectiveness or value for money.[43]

59. At the federal level, the Monitoring Group relayed its particular concerns to the Federal Government regarding contracts and agreements with two companies, as described below.

Bukhari Logistics East Africa

60. According to reports received by the Monitoring Group, Bukhari Logistics East Africa was contracted by the Federal Government to provide rations to its Custodial Corps.[44] The contract was awarded without review by the Financial Governance Committee or Interim National Procurement Board. According to the Central Bank of Somalia Treasury Single Account records, between November 2016 and January 2017, approximately $740,000 was transferred to an account at Salaam Somali Bank held by Bukhari Logistics East Africa, indicating an annual transfer of approximately $3 million.[45]

61. The Monitoring Group sought information regarding Bukhari Logistics East Africa, including details of the contract and ownership of the company, from the current Federal Government on 31 July 2017. In its response, dated 18 August, the Federal Government informed the Group that the Ministry of Finance was not aware of any contracts with Bukhari Logistics East Africa, and would appreciate further information from the Group in order to enable the Ministry to look into the issue further.[46]

62. The Monitoring Group shared available information with the Federal Government through correspondence on 23 August. At the time of writing, the Group had not received any further information on the company's ownership or its contract with the Federal Government.

Smart General Services, Ltd.

63. In September 2015, the Ministry of Finance contracted Smart General Services, Ltd., to collect road taxes and vehicle registration fees on behalf of the Federal Government. Despite a standing Government directive that all State revenue be routed to the Treasury Single Account at the Central Bank of Somalia, the taxes and fees generated by Smart General Services were deposited into a private account at Salaam Somali Bank in Mogadishu.[47] As such, Smart General Services provides an example of a parallel revenue collection system, using private bank accounts, or unofficial accounts within the Central Bank of Somalia, in order to circumvent the oversight of the Ministry of Finance.

64. In accordance with the terms of the original agreement between the Ministry of Finance and Smart General Services, 60 per cent of all revenues generated by the

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[43] Federal Government letter to the Monitoring Group, 5 September 2017. It is also apparent, however, that as of mid-August the Ministry of Finance was not aware of public contracts that had been previously reviewed by the Financial Governance Committee, a body chaired by the Minister for Finance.

[44] Interview with an international consultant working with the Federal Government, 16 May 2017.

[45] Central Bank of Somalia Treasury Single Account statements on file with the Secretariat.

[46] Federal Government letter to the Monitoring Group, 18 August 2017.

[47] Account details and statements on file with the Secretariat.

company were to accrue to the Federal Government.[48] The net revenue, once the company had deducted its 40 per cent share, was intended to be transferred from Salaam Somali Bank to the Treasury Single Account every 15 days.[49] However, financial statements from the company's account at Salaam Somali Bank, obtained by the Monitoring Group, demonstrate that only $62,648 (4.2 per cent) of the $1,481,695 generated by Smart General Services from August 2016 to May 2017 was ever transferred to the Treasury Single Account. Moreover, revenue was transferred inconsistently[50] and with irregularities.[51]

65. The Monitoring Group observed further irregularities in the accounting, including a $275,000 withdrawal on 19 October 2016 that was itemized simply as *maal galin* ("investment"). In addition, over 40 per cent of the revenue of Smart General Services ($600,187) was paid directly to Kulmiye General Services, a Mogadishu-based construction company managed by Abdulkadir Abukar Omar "Adaani", the son and business associate of former World Food Programme contractor Abukar Omar "Adaani", whose role in destabilizing Somalia has been documented in numerous Group reports.[52] These funds were ostensibly in payment for the construction of roads in Mogadishu by Kulmiye General Services pursuant to a contract with the Benadir Regional Administration, which had been awarded without due process.[53]

66. The Monitoring Group sought clarification on the ownership of both Smart General Services and Kulmiye General Services from the Federal Government but received insufficient details to determine the true ownership of either company. The Monitoring Group also requested confirmation of the roads constructed by Kulmiye General Services but did not receive a response to this request.

67. On 29 July 2017, the Ministry of Finance cancelled the contract held by Smart General Services through a decree forbidding private companies from collecting revenue on behalf of the Federal Government.

Misappropriation of public land in and around the Mogadishu airport complex

68. The Monitoring Group has continued to investigate the appropriation of public land in Mogadishu since it reported on the issue in 2016 (see S/2016/919, paras. 79–80 and annex 4.6). On 31 July 2017, the Group sent official correspondence to the Federal Government requesting copies of lease agreements between the Government and 22 companies operating within the greater airport compound in Mogadishu. In a reply dated 18 August, the Federal Government stated that only two of these companies, SKA International Group and RA International

[48] The Smart General Services, Ltd., agreement is summarized in annex 4.3.a of the Monitoring Group's report of 2016 (S/2016/919), which also provides copies of the first and last pages of the contract.

[49] Interview with a former senior official at the Federal Government Ministry of Finance, 25 July 2017.

[50] For instance, all transfers of revenue to the Treasury Single Account took place from August to December 2016; no funds were transferred in 2017.

[51] For instance, on 8 December 2016, the Salaam Somali Bank account statement indicated that $26,000 had been transferred to the Central Bank of Somalia; however, records show receipt of only $14,000.

[52] For references to Abukar "Adaani's" activities, see S/2010/91, para. 239 (diversion of WFP food aid); S/2006/913, paras. 12 and 143 (financing of the Union of Islamic Courts; establishment of training facilities and arms shipments); S/2006/229, para. 136 (fighting over El Ma'an port); S/2005/625, para. 18 and annex I (armed support of opposition and arms purchases); S/2005/153, para. 29 (arms shipments to opposition groups); S/2004/604, paras. 76–77 and 100 (funding armed groups and facilitating conflict).

[53] Interview with a former senior official at the Federal Government Ministry of Finance, 25 July 2017.

FZE, currently pay rent to the Central Bank of Somalia. The Federal Government acknowledged that public lands are being contracted out by "localized entities" without due process, further arguing that the practice may become a threat to peace, security and stability.[54]

69. During the present mandate, the Monitoring Group has identified two cases of the potential misuse of public land involving Abdullahi Mohamed Nor, the former Federal Government State Minister for Finance and a current Member of Parliament.[55] In February 2013, Nor secured access to 344 hectares of seaside public land adjacent to the airport complex for the construction of a private luxury hotel. Pursuant to a request by the Prime Minister on 10 August 2017, the Benadir Regional Administration requested Nor to cease construction and produce documentation demonstrating his rights to the plot.[56] The Federal Government told the Group that Nor refused to cooperate.[57] According to multiple Federal Government officials, Nor has mobilized elements of the Somali National Army, particularly a senior commander who is a close relative, to forcibly defend his claim to the plot.[58] Nor denied using Somali National Army soldiers to assert his rights to the land, and has accused the Benadir Regional Administration of attempting to unlawfully use police and National Intelligence and Security Agency officers to effect a takeover of the plot.[59]

70. In addition, in 2016, Nor's company, East Africa Brothers Company, solicited payoffs totalling at least $250,000 from the Singapore-based CADG Engineering Pte., Ltd., in exchange for gaining that company access to a plot of land within the airport complex. At the time of writing, rent on the plot continues to be paid directly to the Federal Government's Ministry of Transport and Civil Aviation, circumventing the oversight of Federal Government fiscal authorities.

71. These two case studies are presented in their entirety in annex 4.2.

72. In its letter of 18 August, the Federal Government stated that the Public Properties Commission, established by former Prime Minister Omar Sharmarke in July 2016 to collect data on unlawfully appropriated public land, had not convened since 2016 and furthermore had "not been effective". However, the Federal Government has also affirmed that it considers the management of public lands to be a "priority", and expressed its willingness to cooperate with the Monitoring Group and other international bodies, including the Financial Governance Committee, to clarify the status of land within the airport complex.[60]

Security sector financial reform and continuing misappropriation

73. Over the past two mandates, the Monitoring Group has reported its concerns regarding misappropriation within the Somali National Army (see S/2015/801, annex 3.1 (strictly confidential), and S/2016/919, annex 2). Over the course of the current mandate, international attention to financial reform within the security sector has grown, with constructive engagement from the World Bank, the Department for International Development of the United Kingdom and the Norway-

[54] Federal Government letter to the Monitoring Group, 18 August 2017.
[55] Nor currently serves as the Secretary of the Parliamentary Committee on Budget, Finance, Planning, International Cooperation and Financial Oversight of Public Institutions.
[56] Federal Government letter to the Monitoring Group, 18 August 2017.
[57] Ibid.
[58] Interview with a senior Benadir Regional Administration official, 18 September 2017; a second Benadir Regional Administration official, 6 September 2017; and a former cabinet minister, Nairobi, 25 July 2017.
[59] Interview with Abdullahi Mohamed Nor, Nairobi, 14 September 2017.
[60] Ibid.

based company Abyrint, particularly with regard to the Army's payroll. Progress within the Army, however, was limited, and Army officials continued to obstruct reform efforts.[61]

74. In the six-month period between September 2016 and March 2017, a total of $14,249,591 was withdrawn, in cash, from two separate accounts held by the Somali National Army at the Central Bank of Somalia. The Monitoring Group requested documentation demonstrating the use of these funds through formal correspondence on 31 July and again on 22 August but, at the time of writing, had not received a comprehensive response on the matter.[62]

75. In April 2017, President Farmaajo appointed General Mohamed Hussein Garabey to replace Brigadier General Abdullahi Moalim Nur as the Head of Logistics.[63] According to an internal Somali National Army report dated 11 May 2017, based on the findings of a newly established Army financial commission, and reviewed by the Monitoring Group, Abdullahi Moalim Nur and Colonel Mohamed Hussein Nur, his deputy, were found to have illegally taken funds allocated to the Army.[64] The report stated that the mismanagement of Army funds, particularly funds allocated to rations, had been occurring for an extended period.

76. The Monitoring Group continues to have concerns regarding payments to private companies for the provision of rations.[65] In October 2016, bids for a tender to supply rations to the Somali National Army were reviewed by an evaluation committee appointed by the Ministry of Finance, with Mohamed Hussein Nur serving as chair. The previously contracted company, Agetco General Trading and Clearance, Ltd., won the tender, having offered the lowest bid. The involvement of Mohamed Hussein Nur as chair of the tender process, given his previously documented involvement with Agetco General Trading and Clearance and the recent findings of the Somali National Army financial commission, calls the legitimacy of the process into question.[66]

77. In May 2017, the Somali National Army cancelled the rations contract with Agetco General Trading and Clearance and awarded it to Kasram Trading Company, LLC, an entity one-third owned by former State Minister for Finance, and current Member of Parliament, Abdullahi Mohamed Nor (see paras. 69 and 70 above). The tendering process for the contract was highly irregular, involving four companies, three of which were owned in part by Nor.[67] At the time of writing, it was unclear

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[61] Monitoring Group interviews with Members of Parliament and representatives from international agencies, June to August 2017.

[62] According to internal Somali National Army documentation, the Army also manages another private account at Salaam Somali Bank which the Monitoring Group was not previously aware of. Documentation on file with the Secretariat.

[63] The Monitoring Group reported its concerns regarding the involvement of Abdullahi Moalim Nur and Mohamed Hussein Nur in the Logistics Department in S/2016/919, annexes 2.2 and 2.4.

[64] The documents allege that Abdullahi Moalim Nur and Mohamed Hussein Nur illegally took $32,574 and $4,043, respectively. Based on evidence gathered over the past three mandates, the Monitoring Group believes that these sums represent a small fraction of the total sums embezzled by these individuals. While the document called for Mohamed Hussein Nur to spend 10 days in a military prison and return the funds, Abdullahi Moalim Nur was only called on to return the funds. Documentation on file with the Secretariat.

[65] The Monitoring Group reported its concerns regarding the company contracted to provide rations to the Somali National Army in S/2015/801, annex 3.1 (strictly confidential), and S/2016/919, annex 2.4.

[66] Agetco General Trading and Clearance bank statements on file with the Secretariat demonstrate that Mohamed Hussein Nur made significant withdrawals from the company account.

[67] The companies were Kasram Trading Company, Sahal Enterprise, Ltd., Fulcrum and Wadajir Company. Nor is a part-owner of Kasram Trading Company, Sahal Enterprise and Fulcrum. The Monitoring Group has yet to determine the ownership of Wadajir Company.

whether Kasram Trading Company had already assumed responsibility for the provision of rations. The Federal Government informed the Monitoring Group that the tender had been annulled and the matter referred to the Attorney General.

78. See annex 4.2 for additional details on Kasram Trading Company.

E. Resource governance

79. The Monitoring Group remains concerned that ongoing disputes among the Federal Government, federal states and interim administrations, including a lack of agreement regarding fundamental aspects of resource governance such as political authority and resource sharing, continue to pose a threat to peace and security in Somalia.

Ports

80. Ports have long represented the primary source of government revenue in Somalia. The Minister for Ports and Marine Transport, Mariam Aweis, has asserted that all seaports in Somalia are public assets owned by the Federal Republic of Somalia and that all concession agreements for ports are subject to the review, approval and endorsement of the Ministry of Ports and Marine Transport under the authority of the Federal Government.[68] When regional governments, without prior consultation with the Federal Government, conclude agreements with foreign partners for joint ventures to develop and manage ports, their actions demonstrate a conflicting interpretation of political authority.

81. On 9 August 2016, the lower house of the Somaliland Parliament approved the granting of a 30-year concession to develop and manage the port of Berbera to Dubai Ports World FZE (DP World); and on 12 February 2017, both houses of the Somaliland Parliament also approved the construction of a United Arab Emirates military base at Berbera. In addition to the implications for the arms embargo (see below), these two votes have raised concerns regarding corruption and the potential misappropriation of public financial resources (see annex 5.1).

82. The Monitoring Group remains concerned that disputes between the Federal Government and the regions over the control of ports and their associated revenue could further undermine stability in Somalia.[69]

Natural resources

83. As with the management of ports, natural resource governance can be at least partly understood within the context of an incomplete federal State formation process in Somalia. Disagreements between the Federal Government and regional governments, particularly with regard to who has the power to authorize commercial operations and determine how natural resource revenue should be shared, remain common within both the fishing sector and the oil and gas sector. The potential consequences of weak natural resource governance are substantial, and include the misappropriation of public resources, the hindering of political and economic development and armed conflict.

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[68] Email communication from Mariam Aweis, Minister of Ports and Marine Transport, 7 August 2017.

[69] On 27 July 2017, the Puntland Parliament approved the granting of a 30-year concession to P&O Ports for the management and development of the port of Bosaso. On 8 June 2017, Sharif Hassan Sheikh Aden, President of the Interim South-West Administration, also announced a new project by First Hectares Capital, based in the United Arab Emirates; the Frontier Services Group, Ltd., based in Hong Kong, China; and the locally based South West Somalia Services Company involving, inter alia, the construction of a free zone and seaport at Barawe.

Fishing

84. Weak governance of the fishing sector and the prevalence of illegal, unreported and unregulated fishing continue to pose a threat to peace and security in Somalia. At a macro level, weak fishing governance and widespread illegal, unreported and unregulated fishing entail a substantial loss of State revenue, which could have otherwise been generated from licensing fees and taxes. There are also preliminary indications that financing links may exist between illegal, unreported and unregulated fishing and piracy networks in Puntland.[70] In addition, weak governance of the fishing sector and a lack of institutional capacity for more effective maritime security, including the monitoring of perhaps more than 200 Iranian and Yemeni fishing dhows operating off the coast of Puntland, exacerbates the risk of fishing dhows being used for illicit purposes, including small arms trafficking.[71]

85. Weak governance includes the inconsistent implementation of agreements and enforcement of laws. In late February 2017, Puntland licensed seven Thai-owned, Djibouti-flagged trawlers to operate off the coast of Puntland for three months, collecting $700,000 in licensing fees.[72] This violated the Somali Fisheries Law (2014), which created a protection zone for coastal fisherman within 24 nautical miles of the coast and prohibits trawling within the waters of the Federal Republic of Somalia.[73] According to monitoring by the Food and Agriculture Organization of the United Nations (FAO), the trawlers also did not adhere to an exclusion zone that prohibited fishing within six nautical miles of the shoreline that had been agreed upon with Puntland.[74] In a letter dated 9 March to the Puntland Ministry of Fisheries, the Ministry of Fisheries and Marine Resources of the Federal Government objected to the licensing and operation of the trawlers (see annex 5.2). On 4 May, in a letter to the Department of Fisheries of Thailand, the Ministry of Fisheries and Marine Resources requested that Thailand deny port entry to MV *Chotchainavee 35* for unloading, as it had engaged in illegal unreported, and unregulated fishing in Somali waters (ibid.). For reasons that remain unclear to the Monitoring Group, in a second letter to Thailand dispatched shortly thereafter, the Ministry of Fisheries and Marine Resources retracted its request.

86. Meanwhile, from 5 to 7 May 2017, the Indian Ocean Tuna Commission, an intergovernmental organization established under the auspices of FAO for the purpose of managing tuna and tuna-like species in the Indian Ocean and adjacent seas, hosted negotiations in Victoria among representatives of the Federal Government and five regional administrations regarding tuna licensing within the exclusive economic zone of Somalia. On 7 May, it appeared that an agreement had been reached as the representatives of five regional administrations signed the Interim Agreement on Issuance of Licenses for Tuna and Tuna-like Species in the Somali EEZ. However, the representatives of the Federal Government, the Deputy Minister for Fisheries and Marine Resources and the Deputy Minister for Finance, failed to sign (ibid.). This apparently came as a surprise to the signatories as well as to observers from the international community, as the main contentious issues during the negotiations either had been resolved in favour of the Federal Government — for example, depositing licensing revenue in the Central Bank of Somalia — or had been deferred — for example, creating a formula for the sharing

[70] Interview with a development agency fishing expert, Nairobi, 14 July 2017.

[71] Estimate of the number of Iranian and Yemeni fishing dhows operating off the coast of Puntland as of December 2016 provided by United Nations agency fishing expert, 17 July 2017.

[72] Monitoring Group meeting with Puntland authorities, Garowe, 7 June 2017.

[73] Federal Republic of Somalia, Somali Fishery Law, No. 23, of 30 November 1985, arts. 3 (c) and 33 (1).

[74] FAO mapping data shared with Monitoring Group, 6 March 2017.

of revenue from tuna fishing licenses. The failure of the Federal Government to sign the agreement represents a lost opportunity to generate revenue while also regulating tuna fishing in the range of 50 to 200 nautical miles from the country's shoreline.

Extractive industries

87. The Monitoring Group remains concerned that weak governance of the extractive industries continues to pose a threat to peace and security in Somalia, particularly within a context of ongoing armed conflict, substantial corruption and the absence of an adequate legal framework and sufficient institutional capacity. Border areas with overlapping concessions, such as between Puntland and Somaliland, pose a risk to stability (see S/2014/726, annex 6.7). In the absence of increased fiscal transparency and greater financial accountability, the extractives industries would also likely exacerbate the misappropriation of public resources in Somalia (see annex 5.4).

88. The Monitoring Group continues to monitor the country's legal framework and institutional capacity with respect to the extractive industries, particularly the oil and gas sector (see annex 5.3). Positive developments include the drafting of a model production-sharing agreement with the assistance of the African Legal Support Facility hosted by the African Development Bank and the revision by the Ministry of Petroleum and Natural Resources of the model production-sharing agreement to incorporate Financial Governance Committee recommendations; and, with the assistance of two World Bank consultants, the revision of the Petroleum Law (2008) to be submitted for consideration by Parliament in 2017 as a new law. However, while an interim petroleum-sharing agreement was bilaterally negotiated with two interim administrations in 2016, there has been little progress towards an overall resource-sharing agreement among the Federal Government and the regional governments.[75] Likewise, the central registry of oil concessions that the Ministry has committed to compiling remains incomplete, and at the time of writing it was not clear whether the Financial Governance Committee's recommendations regarding natural resource revenue management would be incorporated into the Public Financial Management Bill.[76] Lastly, the technical capacity of the Ministry does not appear to have improved despite substantial personnel needs having been identified under the previous Minister, while a functioning Somali Petroleum Authority and Somali National Oil Company, which are required under the Petroleum Law (2008), have yet to be established.

89. Meanwhile, although there have not yet been any confirmed new oil deals under the current administration, the available evidence suggests that the Federal Government prioritizes renewing negotiations with companies. The annual work plan for 2017 of the Ministry of Petroleum and Natural Resources includes: $377,000 for a hydrocarbon "road show", bid rounds and the awarding of contracts based on the offshore seismic data collected by Spectrum ASA (see S/2016/919, para. 85 and annex 5.1); and $300,000 for negotiations with Royal Dutch Shell PLC, ExxonMobil, Soma Oil & Gas and PetroQuest (Liberty); with another $100,000 allocated for executing awarding ceremonies.[77] In a letter to the

[75] Bilateral agreements were reached with the Interim Galmudug Administration and the Interim South-West Administration.

[76] The recommendations concern principles for natural resource revenue management, including where funds are held, how they are disbursed and how they are saved. See Financial Governance Committee, "FGC advisory note: strengthening the draft Public Financial Management Bill", May 2017.

[77] Ministry of Petroleum and Mineral Resources, "Ministry of Petroleum and Mineral Resources 2017 annual work plan".

Monitoring Group dated 18 August 2017, the Ministry of Petroleum and Natural Resources confirmed its intent to hold direct negotiations with Royal Dutch Shell PLC, ExxonMobil, Soma Oil & Gas and PetroQuest (Liberty), as well as plans to open some offshore blocks for bidding during 2018. The Group remains concerned that the Federal Government lacks the regulatory framework and institutional capacity to effectively govern the extractive industries and mitigate the risk of conflict.

F. Resurgence of piracy

90. On 13 March 2017, *Aris 13*, a United Arab Emirates-owned vessel fuel tanker en route from Djibouti to Mogadishu, was hijacked by pirates in the gap between Socotra and the Somalia mainland, the first hijacking of an international merchant vessel off the coast of Somalia since 2012. Following a firefight on 16 March between the pirates and the Puntland Maritime Police Force, negotiations were held among the pirates, local elders and Puntland authorities, resulting in the release of the tanker.

91. On 1 April, *Al Kausar*, an Indian-owned, Indian-flagged dhow en route from Dubai to Kismayo, was hijacked, also in the Socotra gap.[78] The 10 Indian crew members on board *Al Kausar* were taken hostage and subsequently freed by Somali security forces on 12 April. On 3 April, *Salama 1*, a Pakistani-owned cargo vessel, was hijacked off the coast of central Somalia and an unknown number of crew members were taken hostage.

92. On 8 April, pirates hijacked the *OS 35*, a Lebanese-owned, Tuvalu-flagged cargo vessel. The vessel was rescued by international naval forces from China and India the following day. During the rescue operation, Chinese forces took captive three pirates, including Abdikarim Salah Mohamed, also known as Aw Koombe, the leader of the hijackers. Mohamed, based out of the littoral town of Alula, was also the leader of the pirate gang that had hijacked the *Aris 13*. The Chinese Navy subsequently transferred Mohamed to Puntland authorities, and he is currently being held at Bosaso Central Prison.

Network of Abdikarim Salah Mohamed, also known as Aw Koombe, and the hijacking of the *Aris 13*

93. The pirate leader Abdikarim Salah Mohamed, also known as Aw Koombe, and two previously unknown associates, Mohamoud Mahad Yusuf and Sadam Abdullahi Mohamed Yusuf, were captured by the Chinese Navy during the rescue of the cargo vessel *OS 35* on 9 April 2017 and turned over to Puntland authorities. Mohamed had also led the pirate group responsible for hijacking the fuel tanker *Aris 13* on 13 March.[79] Both pirate gangs operated from around the town of Alula, located on the north-east tip of Puntland; since the recapture of Qandala from ISIL by Puntland forces in December 2016, the Alula area has emerged as a natural hub for pirate

[78] At a meeting with the Directorate General of Shipping in Mumbai, India, on 2 May 2017, the authorities confirmed that *Al Kausar* was the same Indian-flagged dhow previously identified by the Monitoring Group as violating the ban on the export of charcoal from Somalia (see S/2016/919, annex 9.5).

[79] When the Monitoring Group interviewed Mohamed on 7 June 2017 in Bosaso Central Prison, he denied involvement in the *Aris 13* hijacking. However, a Group source in Bosaso related that Mohamed had admitted his leadership role in the pirate group responsible, and his involvement was corroborated by mobile phone location data obtained by the Group.

operations, as Alula is the only major settlement between Qandala and Bargal, both of which are garrisoned by Puntland troops.[80]

94. In addition to Aw Koombe and his two associates, call records from the satellite phone on-board the *Aris 13* reveal communications with two Puntland-based mobile phones following the hijacking of the vessel on 13 March, which the Monitoring Group believes belong to members of Aw Koombe's network.

95. Annex 6.1 (strictly confidential) provides additional information on the *Aris 13* hijacking and a link analysis of the Aw Koombe pirate network.

G. Electoral misconduct

96. The Monitoring Group received numerous reports of electoral malpractice throughout the electoral process, beginning with the parliamentary selection process and continuing until the presidential elections in February 2017.[81]

97. The electoral process demonstrated the continuing drive among the elite to capture or maintain control over State resources in Somalia at the expense of peace and security. A report prepared by the European Union Election Expert Mission described the transition as "a political negotiation led by the [National Leadership Forum][82] who designed the process, appointed the ad hoc bodies for its implementation, equipped them with no tools to enforce the rules agreed upon, and overruled their decisions".[83]

Parliamentary electoral process

98. The Monitoring Group documented multiple instances of attempts to manipulate the outcome of the parliamentary electoral process,[84] including:

(a) The gatekeeping of regional electoral processes by State Indirect Election Implementation Teams;

(b) Fraudulent alterations to lists of electoral colleges;

(c) The bribery of clan elders and members of electoral colleges;

(d) The threat and use of violence aimed at candidates, clan elders and members of electoral colleges.

99. The Independent Electoral Dispute Resolution Mechanism, established in late September 2016 following pressure from the international community, received 98 formal complaints. An internal report of the Mechanism, compiled on

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[80] Following the loss of the natural ports at Qandala (Khooriga) owing to its recapture by Puntland forces, Alula area also appears to have become a hub for arms smuggling in Puntland (see annex 2.1).

[81] The Monitoring Group reported its concerns regarding the electoral framework in S/2016/919, annex 3.2.

[82] The National Leadership Forum comprised the President, Prime Minister, Deputy Prime Minister and Speaker of Parliament of the Federal Government and the presidents of the regional states of Jubaland, South-West, Galmudug and Puntland. The newly selected president of the HirShabelle administration joined the Forum in October 2016.

[83] European Union, "Somalia 2016-2017 limited election process: EU election expert mission — final report", 16 February 2017. Available from https://eeas.europa.eu/sites/eeas/files/eu_eem_somalia_final_report.pdf. This report provides a comprehensive summary of the weaknesses of the electoral process and recommendations.

[84] A summary of these attempts was provided in the Monitoring Group's monthly update to the Committee of January 2017.

21 November, summarized 39 specific cases.[85] It subsequently annulled the outcomes for 11 seats on 14 December. On 27 December, however, the National Leadership Forum overruled the Mechanism, ordering re-elections in just five of these cases, in which all suspended candidates were permitted to enter and subsequently emerged victorious for a second time.

Presidential election

100. The Monitoring Group received reports from multiple independent sources regarding the exchange of large sums of money between certain presidential candidates and Members of Parliament in the period immediately preceding the presidential elections of 8 February 2017.

101. Several of the presidential candidates, including the incumbent President and Prime Minister at the time, were alleged to have offered up to $50,000 to various Members of Parliament to vote in their favour.[86]

102. Certain Member States also actively attempted to influence the outcome of the presidential election. Of these, the United Arab Emirates was the most overt, frequently summoning leaders of regional administrations to attend meetings where they were given cash to persuade their regional Members of Parliament to vote for that country's preferred candidate.[87]

III. Arms embargo

A. Illicit flow of weapons into Somalia

Puntland arms smuggling networks

103. The region of Puntland remained the primary entry point for illicit flows of weapons into Somalia. Over the past two mandates, the Monitoring Group has identified two channels of arms smuggling into Puntland: larger shipments transported by medium-size ocean-going dhows, originating from the Makran coast of the Islamic Republic of Iran; and smaller, more frequent shipments sourced from Yemen and typically delivered by skiffs capable of making the journey in a single day.[88]

104. While the Monitoring Group received evidence of arms arriving along the Puntland coast from Qandala to Alula at a rate of approximately one shipment a month, lack of access and security conditions have precluded the Group from corroborating many of these cases. However, the Monitoring Group was able to gather evidence of three shipments into Puntland, one originating in the Islamic Republic of Iran and two in Yemen, including a shipment destined for ISIL in Puntland's Bari region.

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[85] Internal Independent Electoral Dispute Resolution Mechanism report on file with the Secretariat.

[86] Monitoring Group interviews with representatives of the diplomatic community and international institutions, current and former Federal Government officials and presidential candidates, Mogadishu and Nairobi, between December 2016 and April 2017.

[87] Ibid. The United Arab Emirates is alleged to have supported, at least until the latter stages of the contest, the former prime minister's bid for the presidency.

[88] Between September 2015 and March 2016, four ocean-going dhows carrying arms to Somalia from the Makran coast of the Islamic Republic of Iran were intercepted by international naval forces. Smaller-scale arms shipments from Yemen have been documented in multiple past reports of the Monitoring Group, including S/2014/726, annex 6.6.

Annex 96

"Fishery and Aquaculture Country Profiles: The Republic of Kenya", *UN FAO*, 2016, available at: http://www.fao.org/fishery/facp/KEN/en (last accessed: 21 December 2020)

Food and Agriculture Organization of the United Nations
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Fisheries Division

Fishery and Aquaculture Country Profiles

The Republic of Kenya

Part I Overview and main indicators

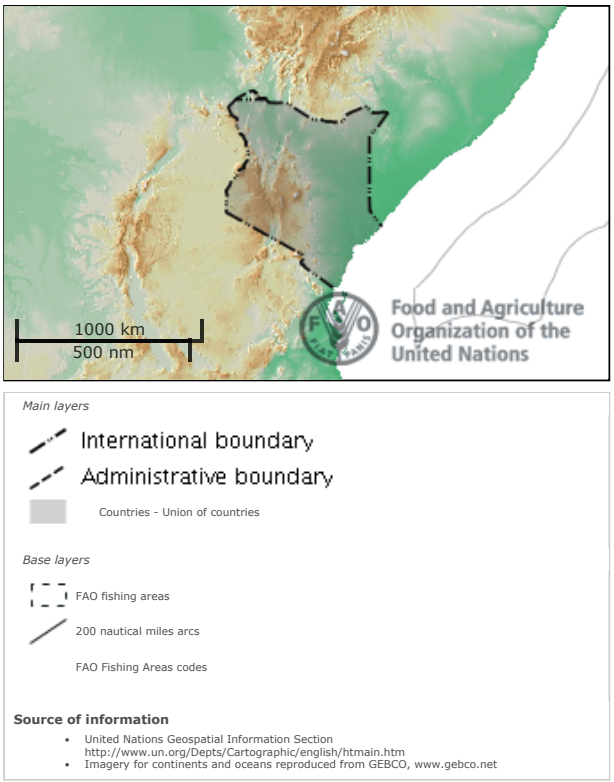
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The boundaries and names shown and the designations used on this map do not imply the expression of any opinion whatsoever on the part of FAO concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers and boundaries. Dashed lines on maps represent approximate border lines for which there may not yet be full agreement.

Part I Overview and main indicators

Part I of the Fishery and Aquaculture Country Profile is compiled using the most up-to-date information available from the FAO Country briefs and Statistics programmes at the time of publication. The Country Brief and the FAO Fisheries Statistics provided in Part I may, however, have been prepared at different times, which would explain any inconsistencies.

Country brief

Prepared: February 2015

Content provided by FAO

Kenya's fisheries and aquaculture sector contributes approximately 0.54 percent to the country's GDP (2013). Fish consumption has been declining from a modest 6.0 kg/caput in 2000 to 4.5 kg/caput in 2011. The value of fish exports was about USD 62.9 million in 2012, or about 5 times greater than the USD 12.3 million in fish imports. In 2013, around 129 300 people derived their livelihood from fishing and fish farming activities (including 48 300 in inland waters, 13 100 in coastal waters fishing and around 67 900 in fish farming).

Total fishery and aquaculture production in 2013 amounted to 186 700 tonnes, with 83 percent coming from inland capture fisheries (of which Lake Victoria contributed about 90 percent). Catches of Nile perch - the most sought and mainly exported fish species – seriously declined due to overfishing after the 2000 peak at 110 000 tonnes but since 2007 stabilized around an average of 45 000 tonnes per year. Marine capture fisheries produce less than 9 000 tonnes per year, comparatively much less than neighboring countries.

Freshwater aquaculture development in Kenya in the new millennium is remarkable, especially in 2009−2010, making Kenya one of the fast growing major producers in Sub-Saharan Africa. From the annual production of about 1 000 tonnes in 2001–2006, the harvest of farmed fish leaped to over 4 000 tonnes in 2007–2009. In a nationwide fish farming mass campaign launched by government in 2009, the total area of fish ponds was increased from 220 ha to 468 ha by building 7 760 new fish ponds. Together with the improved seed supply and supports covering other aspects, it lead to a hike in farmed fish production reaching 23 501 tonnes in 2013, more than four times of the production in 2009. The main species produced in 2013 was Nile tilapia (75 percent), followed by African catfish, common carp and rainbow trout. Mariculture is not yet practiced commercially, despite its potential demonstrated by trials.

The Government is looking into ways of promoting aquaculture and using cured fish products for food relief programs in order to enhance national food security.

The main issue in the capture fisheries sector is one of overcapacity in Lake Victoria and the symptoms of overexploitation (increasing conflict, overfishing, and falling incomes) that accompany it. This issue is being addressed in cooperation with neighboring countries through the Lake Victoria Fisheries Organization (LVFO), and through the Regional Plan of Action for the Management of Fishing Capacity in Lake Victoria that was agreed in March 2007.

In the marine sector, one issue is the control of foreign flag vessels that are fishing tuna in the Exclusive Economic Zone and where illegal, unreported and unregulated (IUU) fishing is known to occur.

Kenya is Party to the 1982 UN Convention on the Law of the Sea since March 1989 and to the 1995 UN Fish Stocks Agreement since July 2004. Kenya signed the Port State Measures Agreement in November 2010.

Kenya is a Member of the Committee for Inland Fisheries of Africa (CIFA), a founding Member of Aquaculture Network for Africa (ANAF), a Member of the FAO Indian Ocean Tuna Commission (IOTC) and a Member of the FAO South West Indian Ocean Commission for Fisheries (SWIOFC).

Membership in Regional Fishery Bodies

- Committee on Inland Fisheries and Aquaculture of Africa (CIFAA)
- Indian Ocean Tuna Commission (IOTC)
- International Whaling Commission (IWC)
- Lake Victoria Fisheries Organization (LVFO)
- Southwest Indian Ocean Fisheries Commission (SWIOFC)

General geographic and economic indicators

Table 1 – Kenya -General Geographic and Economic Data

		Source
Inland water area	18 029 km^2	KNBS: www.knbs.or.ke
Marine water area (including the EEZ)	142 400 km^2	
Shelf area	19 120 km^2	UNEP (1998) **
Length of continental coastline	640 km	UNEP (1998) **
GDP at purchaser's value (2014)	KES 5 358 billion USD 61.1 billion*	KNBS: www.knbs.or.ke
GDP per capita (2014)	KES 124 710 USD 1 422*	KNBS: www.knbs.or.ke
Agricultural GDP (2014)	KES 1 464 billion USD 16.7 billion* 27.3 % of national GDP	KNBS: www.knbs.or.ke
Fisheries GDP (2014)	KES 40.4 billion USD 461 million* 0.8 % of national GDP	KNBS: www.knbs.or.ke

*calculated with UN exchange rate

** UNEP (1998):
http://gridnairobi.unep.org/chm/EAFDocuments/Kenya/Eastern_Africa_Atlas_of_Coastal_Resources_Kenya.pdf

		Source
Country area	580 370 km^2	FAOSTAT. 2013
Land area	569 140 km^2	FAOSTAT. 2013

		Source
Inland water area	11 230 km^2	Computed. 2013
Population - Est. & Proj.	50.039 millions	FAOSTAT. 2018
Exclusive Economic Zone (EEZ) area	114 337 km^2	VLIZ
GDP (current US$)	87 908 millions	World Bank. 2018
GDP per capita (current US$)	1 711 US$	World Bank. 2018
Agriculture, forestry, and fishing, value added	34.19 % of GDP	World Bank. 2018

FAO Fisheries statistics

Part II Narrative

Updated 2016

Part II of the Fishery and Aquaculture Country Profile provides supplementary information that is based on national and other sources and that is valid at the time of compilation (see update year above). References to these sources are provided as far as possible.

Production sector

The Republic of Kenya, with a total land surface area of about 580 000km2, sits astride the equator. It is imbued with numerous aquatic resources of immense ecological value indicative of a productive and valuable ecosystem. Its highly geographic and climatic regions cover a portion of the Indian Ocean coastline, swamps, wetlands, a part of Lake Victoria which is the largest freshwater lake in Africa and second largest lake in the world, and many large rivers. Its varied habitats, including the deep oceanic waters, show a rich biological diversity.

A prominent feature of Kenya's rich heritage is its over 600 kilometers of coastline on the Indian Ocean, with productive ecosystems, which play a highly significant role in the economic and social wellbeing of the people. A distinctive seamark of the coastline is the almost continuous fringing coral reef which stretches parallel to the coast. This coastline comprises 12 nautical miles of territorial waters and a 200-nautical mile Exclusive Economic Zone (EEZ) with a total area of 142 400 km2.Kenya has important, well-defined and well-developed marine and freshwater fisheries. The marine fisheries can be classified into two subsectors: the coastal artisanal fishery, and the Exclusive Economic Zone (EEZ) fishery. A basic feature of the coastal fishery is the largely subsistence and artisanal nature of the fishers who operate small craft propelled by wind sails and manual paddles. The EEZ fishery, on the other hand, is characterized by distant-water fishing vessels which exploit target species mainly with purse-seines and long-lines.

The maximum sustainable yield of Kenya's marine and coastal waters is between 150 000 and 300 000 metric tonnes, while the current production level is only about 9 000 metric tonnes per annum. Kenya's portion of the Lake Victoria basin has about 307 fish landing beaches while the marine coastline has 141 fish landing sites. Lake Victoria, which Kenya (6%) shares with neighboring Uganda (43%) and Tanzania (51%), is rich in fish diversity, and of its total fish production), 35% is landed on the Kenyan portion of the lake. The Lake continues to dominate Kenya's fish production, a greater quantity of which is generally derived from inland capture fisheries. The bulk of the total fish landings come from its portion of the lake which, with more than 90% of total national catch, traditionally hosts the country's largest fishery. In 2006 the lake produced 143 900 metric tonnes of fish, while Lake Turkana and coastal and marine waters produced 4 560 metric tonnes and 6 960 metric tonnes respectively. The total marine capture production for 2013 stands at 8 980 tonnes, as against 154 200 tonnes from inland waters for the same period. On a national fish catch contribution level, Lake Victoria produces 92% of total landings; marine capture fisheries, about 4%; inland lakes and rivers, 3%; while aquaculture contributes the remaining 1%.However, the Lake Victoria fishery is currently at risk, as stocks particularly of Nile perch (*Lates niloticus)* and Nile tilapia (*Oreochromis niloticus*), face a great threat of collapse, though the latter species exhibits high natural reproductive capacity under favorable conditions. Three types of fish farming are practiced in Kenya: warm-water fish culture, basically involving Nile tilapia, African catfish and common carp; cold mountain fish culture in which trout is farmed; and coastal salt-water farming which targets various marine species, both fin-and shell-fish. Fish-holding systems in use include earthen or concrete ponds, high density polyethylene (HDPE)-lined earthen ponds, cages, raceways and metal tanks. Kenya's aquaculture potential stands at 1.14 million hectares of farming area with capacity to produce 11 million tonnes of fish worth well over 750 billion Kenyan shillings (about USD 7.3 billion) per annum.Kenya has a thriving recreational fishery, with a large variety of fish species close to shore. It is a preferred destination for sport-fishing tourists who angel, troll and scuba-dive in the country's coastal and deep waters.

Marine sub-sector

Catch profile

The Kenyan coastline is rich in fish species. Species caught in Kenya's marine waters can be categorized as demersal, pelagic, sharks and rays, crustaceans, molluscs and deep sea/big-game fish. Fishing is mainly artisanal, subsistence and inshore. The Kenyan marine waters host a large variety of fish species, including finfishes: pelagics, such as kingfish, barracuda, mullets, queenfish, cavalla jacks, little mackerels, barracudas, milkfish, sailfish, bonitos, tunas, dolphins and mixed pelagics; demersal species, such as rabbitfish, snapper, rock cod, scavenger, parrotfish, sturgeon, unicorn fish, grunter, pouter, blackskin, goatfish, steaker and mixed demersals; crustaceans and invertebrates, such as prawns, lobsters, crabs, and sea-cucumbers, etc; and molluscs, such as squids and octopus. Other fish species exploited in the waters are the parrotfish (*Leptoscarus vaigiensis*), the crown-of-thorns starfish (*Acanthaster planci*), moray eels (Muraenidae), damselfishes (*Abudefduf annulatus*), *A. xanthozonus*), acanthurida (*A. triostegus*), cardinal fish, wrasses, angelfish, scorpion fish, etc.

Other finfish species include emperors, and rock cods. Deeper waters support the pelagic species such as tuna, eels, and mullets.

Factors affecting marine fish landings in Kenya include tides, the monsoon weather pattern, fishing gear and craft, and social and economic considerations. Demersal fish species predominate over pelagics in the catches.

Kenya sits within the rich tuna belt of the West Indian Ocean where about 25% of the world's tuna is harvested. In cognizance of this, the Kenya Marine and Fisheries Research Institute (KMFRI) in 2012 perfected plans to use the e-satellite station to identify fishing zones in order to enable fishers increase fish catch.

Landing sites

There were a total of 197 landing sites in Kenya's marine and coastal waters in 2014.

The major fishing areas are the length of Kiunga coastline and Lamu islands in the North, Tana River mouth, Ngwana Bay and Malindi area, including the offshore North Kenya Bank and Shimoni, Vanga, Funzi Island and coral reef areas on the Southern border.

Thirteen major fishing grounds exist in Lamu, including: Dodorori, Faza, Lagoon, , Manda, Matondoni, Pate and Shela.

Major fish landing sites including Kipini, Jetty, Mayungu, Mambrui, Malindi among others are located within the Malindi-Ungwana bay area while landing sites within the Mombasa-Kilifi area include Nyali, Msanakani, Reef, Kenyatta, Marina, Mtwapa, Kanamai Bureni,Vipingo, Kijangwani, Kuruwitu, Kilifi and Watamu. Seven major sites (Chale, Mgwani,Mwanyaza, Mvuleni, Mwaepe, Tradewinds and Tiwi) fall within the Diani-Chale area whilefour major fish landing sites (Vanga, Shimoni Msambweni and Gazi) are situated within theFunzi-Shirazi bay area.

Fishing practices/systems

Different types of gear and craft are deployed by fishers towards the exploitation of the fish resources. The vessels include canoes, motorized boats, sailboat (dhow), outrigger canoe (ngalawa), and open fishing boat (mashuwa). Built to withstand rough seas and open fishing voyages, dhows and 'ngalawas' are equipped with shark net, driftnet and gillnets. Fishing in canoes, on the other hand, employ beach seine, cast-nets, drift long-lines, set gillnets, fish pot and barricade traps.

Major gear used by the artisanal fishers include: gillnets, seine nets, cast-nets, long-lines, hand-lines, spears, 'lema' (basket traps), 'uzio' (barricades) and 'tata' (weir). 'Chachacha', which is a traditional gear used to catch half beaks, is utilized in Vanga.

Kenya's marine fisheries, being mainly artisanal and subsistence, are undertaken mostly from small, non-motorized boats such as outriggers, dhows and planked pirogues. As a result of the obvious limitation in fishing craft technology, fishing effort is mainly constrained within the reef and is hardly undertaken outside the territorial waters.

Gillnets, artisanal seine, hand-lines, trolling lines, trammel net, harpoons, hooked- and pointed-sticks, fence- and basket-traps, and bottom lines are used in the fishery, while pots are used to harvest lobsters in Lamu, Malindi and Kwale areas. Medium-sized trawlers and modern technological fishing equipment including prawn seine, are employed for industrial prawn fishing. Ring nets are also used to exploit offshore fish resources far into the EEZ.

Some 6 500 fishers operated 1 800 artisanal fishing craft in Kenya's marine and coastal waters in 2010. As a result of the nature of these craft, they lack access to offshore and deep-sea fisheries and thus land small catches, in the neighborhood of 7 000 tonnes annually, representing about 4% of the total national fish catch. But while the inshore fishery was exploited by the local artisanal fishers, the offshore distant waters were targeted by Distant Water Fishing Nations (DWFN) with a major focus on the tunas (skipjack, yellowfin and bigeye). Foreign fishing fleet are authorized to operate in Kenya's EEZ in accordance with the Regional and International Agreement and Cooperation provision of the National Oceans and Fisheries Policy which states, *inter alia*, "The Government will continue to grant fishing rights to other distant Water Fishing Nations to fish in its Exclusive Economic Zone (EEZ) taking into account the state of the stock and economic returns".

A total of 2 913 fishing craft were actively used in the marine capture fishery in 2014. Of these, dugout canoes were the most prevalent, accounting for 47.9%; *Dhow* with flat at one end (*Mashua*) 22.1%; *Hori* 10.8%; *Dau* 9%; *Ngalawa*(outrigger boats pointed at one end) 5.7%; *Mtori* 3.1%; Surf and rafts 1.4%.

Main resources

Kenya's marine fisheries can be classified into two subsectors: the coastal artisanal fishery, and the Exclusive Economic Zone (EEZ) fishery. A basic feature of the coastal fishery is the largely subsistence and artisanal nature of the fishers who operate small craft propelled by wind sails and manual paddles. This fishery mainly targets crustaceans, molluscs, rock cod, beche-de-mer, dry shark fins, marine shells, livers and roes and other sea products. The EEZ fishery, on the other hand, is characterized by distant-water fishing vessels which mainly employ purse-seine and long line in the exploitation of tuna.

Kenya's coastal and marine environments show expansive resource diversity. The coast, encompassing both the intertidal and sub-tidal areas, provides finfish and shellfish, both of which are caught inshore and offshore. Of the estimated 19 120km^2 continental shelf area, some 10 994km^2 are considered trawlable.

About 163 reef- and reef-related species from 37 families are known to exist in southern Kenya, some of the most dominant of which are the thumbprint emperor *(Lethrinus harak*), blue marbled parrotfish (*Leptoscarus vaigiensis*), dory snapper (*Lutjanus fulviflemma*), white-spotted rabbit fish (*Siganus sutor*), sky emperor (*Lethrinus mahsena*) and the trumpet emperor (*L. miniatus*).

The maximum sustainable yield of Kenya's marine and coastal waters is estimated at between 150 000 and 300 000 metric tonnes. However, optimal harnessing of these resources is hindered by infrastructural limitations and inappropriate fishing craft and gear. Artisanal fishers mainly restrict their operations to the continental shelf because they are ill-equipped in terms of craft and equipment to fish in the deep sea.Increasingly targeted for their high internal and external market prices are lobsters, crabs and octopus, all of which have also attracted the attention of seafood companies and local businessmen. The crab fishery thrives mainly in Mombasa, Malindi, Kilifi and Watamu, and is very active in Ngomeni-Marereni area, especially during the peak tourist season when the product fetches much higher prices. Lobsters are mostly caught between October and March at the North East Monsoon period. The fishery is attractive to local entrepreneurs who engage the services of skilled diver-fishers for this purpose. In addition to local fishers from around the Kenyan coastline, many migrant fishers from Pemba Island in Tanzania fish lobsters. For the industrial shrimp fishery, the single fishing ground of commercial importance is located in the Ungwa Bay at the mouth of River Tana and is one of East Africa's largest The target shrimp species include *Penaeus indicus, Metapenaeus monoceros, P.monodon, P.semisulcatus and P. japonicas.*

Management applied to main fisheries

Management objectives

In a bid to deter Illegal, Unregulated and Unreported (IUU) fishing, and to better manage the marine and coastal fisheries of Kenya, the Ministry of Fisheries Development has a suite of management objectives and programmes, which include:

- Development and review of fisheries management plans and harvest strategies
- Protection and rehabilitation of critical fish habitats
- Fish harvesting rights administration through fisheries licensing, permitting and partnership agreements
- Monitoring fishing performance through an elaborate fisheries statistics programme including sample-based survey, frame survey and administrative data sources
- Protection of endangered, threatened and protected marine species from fishing activities such as turtles, marine mammals and vulnerable shark species
- Etc.

The shrimp fishery is currently the only sector with a management plan, 'The Prawn Fishery Management Plan, Legal notice 20 of 2010', with management plans for the other fisheries yet to be drawn.

Management measures and institutional arrangements

The Ministry of Fisheries Development manages all capture fishery activities. The management measures currently in place involve monitoring, control and surveillance (MSC), fisheries development, appraisal, improvement, and statistical data collection, etc.

The Ministry has implemented measures to stem overfishing by reducing the number of fishing boats targeting certain species. Highlighting its goal to promote fisheries management best practices, Kenya in 2014 established the 'Agriculture, Fisheries and Food Authority' with objectives including prevention of the collapse of the small-scale fishing subsector.

Inland sub-sector

Kenya has over 580 000 km^2 total land surface area, of which inland waters cover 13 400 square kilometers. It has many seasonal and perennial rivers, most of which empty into the western Indian Ocean basin. Of these, the two major perennial rivers are Tana River and Sabaki River. Tana River, stretching approximately 850km in length with a catchment area of 95 000km^2, is the longest river. Its regular replenishment is accomplished by a number of tributaries with headwaters on Mount Kenya. Before draining into the ocean, Tana River forms a branch that gives rise to Tana Delta, which is a complex of tidal creeks, flood plains, coastal lakes and mangrove swamps, all covering an area of about 1 300km^2. Tana is followed, in length, by the Sabaki River, also known variously in its upland stretches as Athi and Galana, with a total length of 650km and a catchment area of 70 000km^2. Semi-perennial and seasonal rivers, such as the Mwache, Kombeni, Tsalu, Nzovuni, Umba, Ramisi ,Mwachema and Voi, all empty into the Indian Ocean coast. And of small streams are Mto Mkuu, Tsalu, Sinawe, Kombeni, etc.

A number of lakes are found in the Kenya coastal region, especially in the Tana Delta. Lake Bilisa and Lake Shakabobo are two such lakes, oxbow in nature and remnants of the various meanders of River Tana. Some smaller lakes which also harbor fish resources are Ziwa la Chakamba, Ziwa la Taa, Ziwa la Maskiti and Ziwa la Ndovu. And in the Kilimanjaro area are two larger lakes, Jipe and Chala.

However, from the fisheries point of view, the two major natural lakes are Lake Turkana (6 405 km^2) and Lake Victoria sector (3 755 km^2). The most important of other smaller lakes are Lake Baringo and Lake Naivasha.

Lake Victoria (at 68 000 km^2, Africa's largest lake, the world's largest tropical lake and the world's second largest freshwater lake is a shared lake with basin countries of Kenya (6%), Uganda (45%) and Tanzania (49%).

Catch profile

Kenya's inland waters comprising cold and warm freshwaters support an abundance of aquatic resources. Some of the predominant freshwater fish species are *Alestes, Bagrus, Barbus,* Black bass*, Clarias, Rastrineobola and Labeo. Others are Haplochromis, Lates niloticus, Momyrus, Protopterus, Schilbe* and *Synodontis*. The rest are tilapias, trout, carps, eels, *Citharinus, Hydrocynus* and *Distichodus niloticus.*

Freshwater fish landings have always been higher than those from the marine waters of Kenya. Lake Victoria (Kenyan portion) has always had the largest fishery, producing about 90% of fish in the country. The lake's total fish production was 143 900 metric tonnes in 2006, 111 370 tonnes in 2008 and 108 900 tonnes in 2009.

Nile perch (*Lates niloticus*) is the basis for Lake Victoria's all-important fishery industry and forms the backbone of the operations of most of the fishers and other artisans and businesspersons who target it for both domestic and export markets. One species of major economic and commercial importance is the ever-ubiquitous diminutive endemic silver cyprinid *Rastrineobola argeantea* (known variously as 'omena', 'mukene' or 'dagaa') which move in huge shoals and are targeted for both human consumption and for animal feed production.

Species most dominant in specific major inland water bodies are as follows:

- **Lake Victoria:** Alestes, Bagrus, Barbus, Clarias, Rastrineobola, Haplochromis, Labeo, Lates niloticus, Momyrops, Protopterus, Schilbe, Synodontis, and Tilapia.

- **Lake Turkana:** Black bass, crayfish, and *Tilapia zilli.*

- **Lake Baringo:** Tilapia, Protopterus, Clarias and Barbus.

- **Tana River Dams:** Tilapia, Common carp, Clarias, Barbus, Labeo, eels, and Momyrus.

Landing sites

The Kenya portion of the Lake Victoria basin has about 307 fish landing beaches. The lake's shores of Kisumu, Kisii and Homa Bay are important fish landing sites that handle large quantities of fish. So also are the shores of Lakes Bilisa, Shakababo, Kongolola, Kitumbuini, Dida Warede, Harakisa, Moa and Kenyatta.

Fishing practices/systems

The Lake Victoria fishery is largely artisanal and subsistence, employing mainly gillnets, seine nets, longlines and traps. To date, paddle-powered craft are predominantly in use in the fishery. One commonplace fishing method on the lake is the use of seine nets and light attraction by use of pressure lamps. The silver cyprinid *Rastrineobola argentea*, especially, is caught by light attraction during the night. Trawling is banned in the lake by an act of law. Drift-netting (‘tembea’) is also often used on the lake.

Main resources

The Kenyan portion of Lake Victoria traditionally has the largest fishery in the country, with a 2006 total fish production of 143 900 tonnes. This catch quantity declined to 111 370 tonnes in 2008, and further to 108 900 tonnes in 2009. The lake’s 44 263 fishers operating light and small-scale gear and craft constitute the largest fishing community in Kenya. Lake Naivasha, Lake Baringo, Lake Jipe, Lake Chala and River Tana are other major fisheries in the country.Kenya’s part of Lake Victoria hosts a multispecies fishery consisting of both indigenous and introduced species. The endemic species include cichlids and more than 20 genera of non-cichlid species, including Mormyrus, catfish, cyprinids and lungfish. The introduced species include Nile perch and Nile tilapia, both of which substantially contributed in increasing the annual fish production in the 1980s and 1990s. With a high fish species diversity, Lake Victoria hosts between 170 to 350 fish species, the three of most commercial importance of which are the Nile perch (*Lates niloticus*), the silver cyprinid ‘dagaa’ or 'omena’(*Rastineobola argentea*) and the Nile tilapia (‘ngege’), all of which have universal occurrence in the lake. In the past few years, these three have constituted about 58 percent, 30 percent and 10 percent respectively of the total fish landed on the lake.The maximum sustainable yield of Nile perch in the Kenyan portion of Lake Victoria has been estimated at 39 200 tonnes while that of ‘dagaa’ is 86 000 tonnes. The growth of the fishmeal-based animal feeds industry during the past few years has resulted in an unprecedented demand for ‘dagaa’, the second most commercially dominant fish species in the lake.The Nile perch (*Lates niloticus*) is the dominant species in the lake and indeed in the entire fisheries of Kenya, and is processed for fillets for both internal and external markets. It is the basis for the lake’s fisheries as the most important industry and underpins the artisanal and subsistence lifestyle of the lake’s riparian zones. *Haplochromis* species (locally called ‘fulu’), though low in value, is also in abundance in the lake. There was a sharp growth in the Lake Victoria fish production up till 1990 when catch decline set in. This earlier increase in production was probably the result of exponential increase in the Nile perch (*Lates niloticus*) biomass. Over the past few years, however, there has been a steady decline in fish diversity and harvest as a result of increases in fishing effort, arising from commercialization. The threatening collapse of the Nile perch and Nile tilapia fishery is due to the overexploitation of the fishery, use of illegal gear and especially of small mesh gillnets, and indiscriminate fishing practices and mass-target fishing methods, which have been prevalent in Lake Victoria. Illustratively, the average mesh size of gill net used in the lake to fish Nile perch reduced from 12 inches in 1981 to 6 inches in 1996, and this may have decreased further since then.Consequently, fish production from Lake Victoria plummeted from 200 000 metric tonnes in 1999 to about 114 000 metric tonnes in 2008.

Among the fish species of Lakes Shakababo and Kongolola are *Oreochromis mossambicus* (‘Barabara’), *Synodontis zambesiensis* (‘Chokolame’), *Mormyrus sp*. (‘Pawa’), *Clarias mossambicus* (‘Pumi’*), Labeo gregorii* (‘Borode’), *Protepterus amphibious* (‘Kamongo’), and *Anguilla mossambicus* (Mkunga).

Management applied to main fisheries

The Inland and Riverine Division of the Ministry of Fisheries Development provides for the exploitation, utilization, management, development and conservation of the fisheries resources in Kenya’s lakes, rivers and dams. Some strategies which the government applies to ensure sustainable utilization of inland and riverine fishery resources include

- Promotion of co-management of fisheries resources
- Control of fishing effort : Frame survey (fisheries census)-generated surveys are continuous
- Adoption of an ecosystem approach to fisheries management
- Strengthening of enforcement of fisheries legislation
- Enhancement of fish stocks in natural systems

A fisheries co-management system is in place through the establishment of the Beach Management Units (BMUs) which

are responsible for fisher-vetting, monitoring, security, marketing and development of landing sites in partnership with the government and other development partners.

The Kenya Bureau of Standards has instituted fish processing quality assurance measures for both internal and external markets. Strict quality control procedures such as the Hazard Analysis Critical Control Point (HACCP) are in force in all fish processing plants to guarantee the quality of Kenya's fish and fish products. International best practices are employed at all stages of fish production, handling, processing, packaging, storage and distribution.

Fishing communities

Lake Victoria hosts the largest fishing community in Kenya; it has 44 263 fishers. Fish constitutes a major protein source for such communities.

Aquaculture sub-sector

Aquaculture has great potential in Kenya given its numerous aquatic resources. The country has over 1.14 million hectare potential area suitable for fish farming with capacity to produce over 11 million metric tonnes of fish worth 750 billion Kenya shillings (about USD 7.3 billion).

The Government's promotion of aquaculture in Kenya started in 1921 when the colonial administration introduced trout, common carp and black bass into the country's waters with the original intent of enhancing recreational fishing. Thereafter, cultivation of these species, and later of tilapia and African catfish, commenced.

Tilapia farming expanded rapidly in the 1960s as a result of the Government's promotion of rural fish farming through the "Eat More Fish" campaign which gave birth to several small ponds, especially in the Central and Western provinces. However, because of insufficient extension services, shortage of quality fish seed, and poor technical skills especially amongst extension personnel, the number of productive ponds decreased sharply in the 1970s. But it was not until the mid-1990s that a renewed interest in fish farming developed as a result of the renovation of many government fish farms, intensive training of fisheries extension workers and establishment of research programmes.

Under the two phases of the government's Fish Farming Enterprise and Productivity Programme (FFEPP) of between 2008 and 2011, a total of 3.84 billion Kenya shillings (USD 37.3 million) were allocated for the construction of a total number of 28 200 fish ponds in 160 constituencies, 3 shallow wells in each constituency, construction of 80 mini fish processing and storage plants, purchase of pond liners, fish seed and supplementary feed.

Kenya's aquaculture systems straddle the spectrum from small-scale extensive (non-commercial) to intensive polyculture of Nile tilapia and African catfish in earthen ponds, tanks, raceway and cage, and of monoculture of rainbow trout. Fish farming is practiced in all Kenyan provinces except the North-Eastern Province and Nairobi area.

Aquaculture has recorded tremendous growth in Kenya in recent years. This growth is evidenced by the high demand for supplementary feed and seeds of Nile tilapia and African catfish, and has occurred as a result of growth in hatcheries and financial investment in the sector. The country's aquaculture production nearly doubled between 2010 and 2012 from 12 000 metric tonnes to about 22 000 metric tonnes, according to the National Aquaculture Research Development and Training Centre. This is so probably as a result of corresponding growth in hatcheries, and human and capital investments in the sector.

Seeking to further boost total fish production to 11 million tonnes in view of the dwindling fish stocks in lakes and other water bodies, the Kenyan Government started shifting focus to fish farming in order to increase food security and boost public revenue.

Aquaculture in Kenya can be categorized into two categories, thus:

- Marine aquaculture and

- Fresh water culture

Though Kenya has a long coastline which borders the Indian Ocean, and therefore has great potential for mariculture, this is yet to translate into much development as the resources remain largely unused. Kenya's mariculture activity has for some time now consisted of the traditional brackish water ponds and artisanal shrimp and oyster culture, while some measure of intensive shrimp culture is practiced along the coast. By 1998 intensive shrimp cultivation had been under experimentation, just as there was an experimental oyster farm at Gazi. Indeed, potential for oyster farming exists on most of the coastline, even as there is possibility of exploiting marine algae as a crucial protein source.

Three types of marine fish farming activity could be achieved on the Kenyan coastline, viz, (i) pond culture in cleared mangroves or on land behind the mangroves; (ii) suspension culture (cage and raft) in sheltered waterways of adequate depth; and (iii) rack culture in the shallow intertidal zones.

Fresh water aquaculture dominates fish farming in Kenya and may be classified into:

- Coldwater culture, involving the cultivation of rainbow trout *(Oncorhynchus mykiss)* in highland areas, and
- Warm water culture, involving the cultivation of *Tilapine* fishes, the African catfish (*Clarias gariepinus*), common carp (*Cyprinus carpio*) and a variety of ornamental fishes in low land regions of the country

Freshwater culture systems available in Kenya include semi-intensive cultivation of Nile tilapia (*Oreochromis niloticus*) and African catfish (*Clarias gariepinus*) in static, earthen ponds; and intensive culture of trout in raceways. Tilapia and catfish, being warm-water species, are cultured in the tropical freshwater agro-climatic zone while trout, being an introduced cold water fish, performs well in the cooler waters of high altitude regions.

In 2009 Kenya had a total of 6 328 fish farmers who farmed on 9 116 earthen ponds covering a total of 275.37 hectares. These figures showed a remarkable improvement from the previous year's total of 4 742 who worked on 7 530 ponds totaling an area of 227.79 ha. In 2009, 331 dams with an area of 547 hectares and 161 tanks/races with a total area of 2.3 hectares were also farmed. The gross total land area used for aquaculture in 2009, therefore, was about 825 hectares, as compared to 728 hectares used the previous year.

A total aquaculture production of 4 890 tonnes was recorded in 2009, of which the bulk (3 424 tonnes, representing nearly 70% was of tilapia species. This was followed by Clarias (1 047 tonnes), Common Carp (373 tonnes) and trout (51 tonnes). Black bass, Koi carp and Goldfish were also cultivated, though on a very small scale.

The increase in land area placed under water for fish farming is most likely a direct result of the Government's Economic Stimulus Programme (ESP) of the 2009/2010 Financial Year. The increase could also be attributable to the displacement of subsistence fish farmers with smallholder ponds by emergent commercial fish farmers owning larger ponds with consequent higher yields. Under the Programme aimed at improving nutrition and creating over 120 000 employment and income-generating opportunities, over 40 000 fish ponds have been constructed in 140 constituencies at an estimated cost of 1.12 billion Kenya shillings (USD 10.88 million). The Economic Stimulus Programme resulted in substantial increase in aquaculture production between 2010 and 2013.

The Government of Kenya has since 2002 introduced measures to boost the aquaculture industry as a strategy to compensate for the declining stocks from capture fisheries. Government aquaculture facilities include the Sagana Fish Farm (for warm water species), the Kiganjo Trout Farm (for cold water species) and the Ngomeini Prawn Farm (a pilot mariculture project). In the year 2009, Sagana Aquaculture Centre produced 448 359 fingerlings of Tilapia, Catfish, Goldfish and Swordfish while Kiganjo Trout Hatchery produced 53 993 fingerlings.

As at the year 2013 the government had constructed over 3 000 fish ponds all over the country under its Economic Stimulus Programme. Most of those ponds have, however, performed below expectations as a result of factors including inadequacy and high cost of inputs, and lack of technical expertise.

More information at: **National Aquaculture Sector Overview (NASO)**

Recreational sub-sector

Kenya is reputed for some of the best deep-sea fishing in the world. Shimoni, Watamu, Mombasa, Pemba, and Lake Victoria offer recreational fishing opportunities with a large variety of fish species close to shore.

Pemba Channel and Lake Victoria are among the finest sport-fishing places. Also at Heming ways off Malindi Island, twin-engine deep-water fishing boats take recreational fishers to fish billfish in its November – March prime season, even as sailfish (known locally as 'suli suli') and Marlin (striped, blue, and black) often move inshore in shoals in the month of August.

Fishing off the coast of Kenya is governed by the twin monsoons: 'Kusi' (Southeast Monsoon) blowing from late March until November, and 'Kaskazi' (Northeast Monsoon) which starts mid-December. Most visiting anglers to Kenyan waters target sailfish while the marlin, bonito, skipjack tuna, shortbill spearfish and broadbill swordfish are also target sport species.

The months of April – August make up the best sport-fishing period, the weather being inclement the rest of the year. Offshore boats mainly use hook and line, while in shore-based recreational fishing, trolling, drifting and spinning are employed.

All along Kenya's coastline are living coral reefs which occur as coral flats, lagoons, reef platforms and as a fringing reef colonizing the shallow parts of the continental shelf, save in locations where river inflow creates conditions of low salinity and high turbidity which inhibit coral growth. These have an immense value in attracting tourists. The coastline and the coastal lakes, as well as being important sources of fish protein, are also important for recreational activities.

In 1968 Kenya pioneered the establishment of marine protected areas in Africa. These areas were created to conserve coral reefs which run along most of the country's coast and which form a biodiversity hotspot second only to the tropical rainforests. There are four Marine National Parks, at Malindi, Watamu, Kisite and Mombasa, with a total area of 54km^2. Also, there are five Marine National Reserves, located at Malindi, Watamu, Mpunguti, Mombasa and Kiunga, with a total area of 706km^2. While fishing is totally prohibited in the Parks, fishing using traditional methods is permitted within the boundaries of the reserves.

The Malindi-Watamu area presents the best known reefs and is part of the Marine National Reserves and the Marine National Parks, the latter of which are a complex of fringing reef, channels, islands, offshore reefs, sand, clays, seagrass meadows and isolated coral heads**.** The whole area of the National Reserves and the National Parks are designated as a Biosphere Reserve. Some fish groups usually associated with corals and are found here include the parrot fish (*Leptoscarius vaigiensis*), the crown-of-thorns starfish (*Acanthaster planci*), moray eels (*Muraenidae*), damselfishes (*Abudefduf annulatus, A. xanthozanus), acanthurida (A.triostegus*), cardinal fish, wrasses, angelfish, scorpion fish, etc.

Post-harvest sector

Fish utilization

Until about 35 years ago, almost all fish caught in Kenyan waters was consumed fresh locally. The first fish processing factories were set up around Lake Victoria in early 1980s, thus paving the way for fish export the same period. Over the past 35 years, therefore, the fishing industry has gradually evolved from a domestic consumption-oriented industry to an export-oriented industry with value-added processing being applied. The Lake Victoria fishery has undergone tremendous commercial transformation over the years and is now dominated by fish-processing plants funded by international agencies which aim at promoting fish export to developed countries.

Post-capture, fresh fish is transported by fishers using fishing vessels. At landing sites, the fish destined for industrial

processing is packed into refrigerated trucks and moved to the processing factory. While most of the export fish is freighted by air in specially-designed containers, the negligible proportion meant for local consumption ends up in supermarket chains via road transportation.

The domestic-market fish is usually packed in ice placed in polythene bags and then heaped in traditional baskets for transportation. Overnight transport systems are more often than not used to convey such fish to Nairobi and Mombasa. Lobsters are usually kept alive until transportation to either the external market or by road to the local market of Malindi, Kilifi, Mombasa or Nairobi. Processed fish, including sundried Nile perch, tilapia and 'dagaa', as well as deep-fried Nile perch are transported by road to various internal urban markets.

Fish meant for the domestic market is sold fresh, dried or processed for consumption. The excellent physico-chemical qualities of the Nile perch render its fillets, either chilled or frozen, to tremendous commercial interest. Its by-products of skin and scales also key into an important industry dealing on these and other by-products.

Kenya has implemented the European Union quality standards for all fish products destined for the international market. Kenya has 25 fish processing plants with a total capacity of 25 tonnes a year.Upon landing *Rastrineobola argentea* (dagaa, omena, mukene) are sold fresh and traditionally spread out on grass, old nets, mats, or in some places, on modern elevated racks, for drying in the sun. This process usually takes between one and three days, depending on the weather, during which period the fish are occasionally turned for uniformity. But because better catches are made during the rainy season, sun-drying often results in low-quality dried products. During rainfall, the fish are either taken indoors or covered in the drying site with tarpaulin or plastic sheeting. Post-drying, the fish are packed in sacks for transportation to the market. The premium quality products attract a higher market price and are targeted at human consumption while the lower-quality products are sold for chicken feed.

Prime marine sector products include bigeye, cuttlefish, fish oil, lobsters, octopus, prawns, sharks and shark fins, swordfish, tuna loins and canned tuna, all of which are targeted at both the local and international markets. Wanachi Marine Ltd, Shimko, Trans Africa and Sea Harvest are the major tuna processing factories in Kenya that export tuna loins to the European Union market.

In 2012 the Kenyan government invested 240 million Kenya shillings (USD 2.3 million) in building four fish cold storage plants at Rongo, Imenti, Tetu and Lurambi. This was meant to accord fish farmers storage facilities for their products prior to marketing.

Fish markets

Kenya's fish market structure classifies traders according to their target market: internal or international market. For the local market, fish is largely sold fresh while the external market involves high quality standards during handling, processing and storage of Nile perch fillets, prawns, octopus, cuttlefish and lobsters. Export markets are usually the EU countries of Italy, the Netherlands, Germany, Belgium, Portugal, Spain, Cyprus, Malta, France and Poland; the Far East countries of Japan, Hong Kong, Singapore, Malaysia and China; the Middle East countries of Israel with a high demand for Nile perch and, to a much lesser extent, the United Arab Emirates (UAE). The United States of America (USA), Venezuela, Colombia and Cuba also import some quantities of Kenyan fish, just as some unverified but negligible amounts are exported to neighboring African countries.

A total of 18 506 tonnes of Kenya's fish and fish products were exported in 2009. Fish and fish products exported included Nile perch fillets, fish maws, octopus, sharks, swordfish, crabs and fish skins. Export of Nile perch accounted for 87.4% of total fish exports and 84.73% of the total fish export earnings. Export of fish maws took 5.6% of total export quantity and 11.3% of total monetary value, while octopus contributed 2.4% in quantity and 3.2% of monetary value. Accounting for 4 420 tonnes, representing 45% of the total Nile perch exports, Israel was the preferred country of destination for this species.

Nile perch is the most exportable species from the Kenyan waters. Nairobi is the largest domestic fish market and remains the preferred destination for fish landed at Lake Victoria, Naivasha, the marine coastline and even Tana River Dams. Gikomba and City Markets are the main fish markets in Nairobi. Central and Eastern Provinces are two other important

domestic markets; they buy fish from the Tana River Dam fish farmers. Fish from Lake Tukana, Naivasha and even Lake Victoria also often are destined for the markets of the Rift Valley Province.

Socio-economic contribution of the fishery sector

Role of fisheries in the national economy

The fishery resources of Kenya contribute to the national economy through foreign exchange earnings, employment generation, food security support and rural development.Of Kenya's 2014 estimated population of 44.9 million, the fisheries sector provides employment to 2 million and livelihood for at least 2.3 millionpeople. The sector also brings in valuable foreign exchange to the government, earning some 0.5% of the Gross Domestic Product per annum.

Further, the thriving tourism industry based on the coral reefs in the important fishing ports of Malindi and Lamu in the Lamu Archipelago attracts revenue to the economy. There are currently over 1.6 million tourists visiting Kenya every year an appreciable percentage of whom are attracted by the recreational fishing.

Trade

The Nile perch is the most commercially- important species in the export trade, contributing about 90 percent in both volume and monetary value of Kenya's total fish exports. Exportable Nile perch products include the fillet, fish maws, and the gutted, headless whole fish. Marine fish products such as crustaceans (prawns, lobsters and crabs), molluscs (octopus and squid) are also exported, just as other marine fish, freshwater crayfish, and small quantities of live ornamental fish are destined for the international markets.

International fish trade started in the early 1980s with the establishment of the Nile perch processing industry.

Kenya's total fish export for 2007, 2008 and 2009 were 31 376 tonnes, 29 575 tonnes and 18 506 tonnes respectively, representing 13.4%, 13.3% and 7.8% of total annual catch, leaving between 70% and over 90% for local consumption within these periods.

Food security

A significant proportion of Kenya's total fish catch caters to the protein needs of the local population. In 2007, 2008 and 2009, 86.6%, 86.7% and 92.2% of all fish caught from Kenyan waters were left for domestic consumption, thus contributing to the food security of the people. Kenya's per capita fish consumption was placed at 5kg in 2011, and remained the same in 2014.

The contribution of fish to overall protein intake is low at 7.6% and this is attributable to the fact that many Kenyans do not regularly consume fish for historical or cultural reasons. However, Kenya's fishing communities depend heavily on fish as a rich source of protein.

Engaging largely in subsistence fishing, fishers usually take part of their catch to their families, friends and relatives for food. This proportion of the catch is locally known as *kitoweo*. However, the prevailing decline of Lake Victoria's natural fish stocks directly threatens food security and income for livelihoods of lakeside communities.

Employment

The fisheries sector generates employment for more than 2 000 000 Kenyans through fishing, gear and craft repair, fish processing and distribution, and other related activities.

As at 2008, 80 000 people were directly engaged as fishers and fish farmers while the sector provided livelihoods for about 2.3 million Kenyans mainly involved in fish processing and trade.

A total of 41 912 fishers were actively engaged in the Kenyan fisheries in 2010, while in 2011 capture fishery directly employed 62 232 fishers. And in 2014, a total of 12 915 fishers participated actively in the marine capture fishery alone.

Rural development

Fisheries and aquaculture play a significant role in the development and stabilization of Kenya's rural communities, both coastal and riparian. The combined sector provides employment and income to large numbers of men and women, and food and social cohesion to entire families.

The most important industry in the riparian districts of Lake Victoria is arguably fisheries, with all its ramifications of fish capturing, processing, marketing, distribution and other ancillary services. This industry, whose basis is the all-ubiquitous Nile perch, underpins the artisanal and subsistence lifestyle of the region.

Communities living along Kenya's lakes and coastline benefit further in terms of food security, as small-scale fishing is essential to their overall household wellbeing, providing both income and nutrient-rich food.

Trends, issues and development

Constraints and opportunities

Factors which significantly diminish fish and coral productivity, species richness and diversity of the entire Kenya coastline are silt deposition from rivers draining agricultural land, industrial and domestic effluents, and discharges from tanker traffic. Reefs from outside the designated marine reserves are often degraded and unknown quantities of shells and corals are often harvested from Shimoni, Lamu and Kiunga areas.

Though Kenya's EEZ straddles the considerably rich tuna belt of the South West Indian Ocean (SWIO), exploitation of the resources is hampered by infrastructural limitations and inappropriate fishing craft and equipment. Artisanal fishers largely restrict their operations to the continental shelf because they are not well-equipped in terms of gear and craft to fish in the deep sea.

Lack of monitoring and surveillance capacity is the main cause of illegal fishing in Kenya's distant waters. Small-scale migrant fishers from Tanzania also come from the south during the north-east monsoon and target very valuable species such as sharks, Carangidae, Lethrinidae and Siganidae.

Kenya lacks capacity to monitor the activities of the distant-water fishing fleet operating within its EEZ. Its nationally registered fishing fleet operating in its deep-waters is small, and as a result of this and other lapses, distant-water fishing fleet operating within its EEZ land more than 20 000 tonnes outside the country.

Government and non-government sector policies and development strategies

Kenya's 2014-2017 National Nutrition Action Plan recognizes fisheries as one of the major sectors that contribute to the goals of the national nutrition agenda. Also, Vision 2030, its long-term development blueprint, recognizes the contributions of the fisheries sector towards transforming the country into an industrializing middle-income nation.

The Government of Kenya has launched its first ever Tuna Fisheries Development and Management Strategy, thereby upping its stake in the USD 4 billon global tuna fisheries industry. The Strategy which runs from 2013 to 2018 would build effective governance system of the marine fisheries sector by providing institutional framework to ensure compliance with relevant national laws and international standards and agreements. It aims to grow the country's largely underdeveloped tuna supply chain that has rudimentary fishing vessels not capable of going beyond 20 nautical miles in undertaking tuna fishing. By so doing, Kenya's tuna fishery would transform into productive and sustainable modern, commercially-oriented coastal and oceanic fisheries with direct positive impacts on employment, wealth creation, improved outcomes and foreign exchange earnings.

The Kenyan Government and the FAO (Food and Agriculture Organization of the United Nations) have in place the Blue Growth Initiative (BGI), which is aimed at helping select areas of the coastal region to develop fisheries and aquaculture. The Initiative is a FAO flagship strategy with the objective of promoting more productive, sustainable and socioeconomically responsible fisheries and aquaculture. BGI, in Kenya's case, aims to address mariculture which is presently lagging behind the freshwater culture system, and is to be implemented through the Ecosystem Approach to Aquaculture (EAA). In this respect, FAO has developed two projects worth a total of USD 1 million, namely "In Support of Food Security and Nutrition, Poverty Alleviation and Healthy Oceans" and " In Support of Implementation of Mariculture in Kenya Within an Ecosystems Approach".

Research, education and training

Research

Kenya's Marine and Fisheries Research Institute (KMFRI) is the State Corporation dedicated to conducting research, covering all the Kenyan waters and the riparian areas including Kenya's EEZ in the Indian Ocean.

KMFRI and the Wildlife Conservation Society (WCS) recently developed a new basket fish trap with escape gaps to reduce fish by-catch by allowing juvenile and non-target fish species to escape while increasing income. By enabling more undersized fish to escape, the traps minimize the impact of fishing on coastal reef systems and help fishing communities boost profits.The major Government Aquaculture Research Institutions are:

- Sagana Fish Farm at Sagana, Kirinyaga District, Central Province.
- Kiganjo Trout Farm at Sagana, Nyeri District, Central Province.
- Moi University, Department of Fisheries, Eldoret, Uasin Gishu District, Rift Valley Province.
- Kenya Marine and Fisheries Research Institute, Mombasa District, Coast Province.

Various Kenyan universities which offer degrees in fisheries and allied fields also conduct research in fisheries.

Education and training

Below are some Kenyan universities that offer academic programmes in fisheries and related fields

S/No.	University	Undergraduate Programme	Graduate Programme	Reference
1.	University of Nairobi	B.Sc. Fisheries and Aquaculture	M.Sc. Fish Science	**http://www.uonbi.ac.ke/uon_programmes_type**

2.	Kenyatta University		M.Sc. Fisheries Science	http://www.ku.ac.ke/index.php/academics/academic-programmes/masters-programmes-a-z
3	Egerton University	B.Sc. Applied Aquatic Sciences		http://www.egerton.ac.ke/index.php/Summary-of-Programmes/summary-of-programmes.html
4	Maseno University		M.Sc. Aquatic Sciences	http://maseno.ac.ke/index/index.php?option=com_content&view=article&id=114&Itemid=150
5	Technical University of Mombasa	B.Sc. Marine Resource Management		http://www.tum.ac.ke/programmes/degree
6	Pwani University	B.Sc. Marine Biology & Fisheries	PhD Fisheries	http://www.pu.ac.ke/index.php/academics/2015-09-03-06-24-19/undergraduate
7	Kisii University	B.Sc. Applied Aquatic Science	M.Sc. Fisheries and Aquaculture; PhD Fisheries and Aquaculture	http://www.kisiiuniversity.ac.ke/index.php?option=com_content&view=article&id=117&catid=33&Itemid=101, http://www.kisiiuniversity.ac.ke/index.php?option=com_content&view=article&id=162&catid=34&Itemid=101
8	South-Eastern Kenya University	B.Sc. Fisheries Management & Aquaculture Technology		http://www.seku.ac.ke/index.php/academics/academic-programs
9	Moi University		MSc and PhD Fisheries with option in Aqucuculture	FAO Fisheries and Aquaculture -National Aquaculture Sector Overview -Kenya http://www.fao.org/fishery/countrysector/naso_kenya/en

In addition, the Ramogi Institute of Advanced Technology, Kisumu trains aquaculture professionals and the Kenya Wildlife Training Institute, Naivasha offers a diploma in Aquaculture.

Foreign aid

Kenya is in a key partnership with the Aquaculture and Fisheries Collaborative Research Support Program, known as AquaFish CRSP, funded by the U.S. Agency for International Development (USAID). The Program has been helping improve Kenyan aquaculture since 1997.

Institutional framework

Kenya has a fully-fledged Ministry of Fisheries Development which is the responsible institution for the administration of fisheries and aquaculture, including enforcement of fisheries regulations, collecting and reporting statistics, licensing, fish quality assurance and control of imports and exports, and other related activities.

The Marine National Parks and the Marine National Reserves are all administered by the Kenya Wildlife Service.

The Kenya Fish Processors and Exporters Association (AFIPEK), an assembly of fish industries which have adopted self-regulatory mechanisms to ensure that sustainability is adhered to amongst its member-factories, collaborates with relevant government agencies to foster public recognition and support for the fisheries sector, to promote high quality fish and fish products and to advocate for the effective management of inland marine fish resources.

Other major stakeholders in the fisheries sector are the six franchised aqua-shops located at Funyula, Nambomboto, and Bukiri shopping centres within Samia; and Ahero, Katito and Oboch in Nyakach Districts respectively. These outlets are intended to deliver a wide range of affordable fisheries and aquaculture products and services, including the provision of inputs and technical advice.

Legal framework

Regional and international legal framework

Kenya is Party to the Lake Victoria Fisheries Organization (LVFO) formed through a convention which was signed in 1994 by the three East African Community (EAC) Partner States of Kenya, Uganda and Tanzania sharing Lake Victoria. It is also a signatory to many regional and international conventions, protocols and agreements that contain policies and guidelines for management of fisheries resources.

Also, the following Regional Fishery Bodies operate in Kenya:

- The Indian Ocean Tuna Commission (IOTC)
- The South West Indian Ocean Fisheries Commission (SWIOFC), and
- The Indian Ocean Commission (IOC)

In addition, the Common Market for Eastern and Southern Africa (COMESA) to which Kenya belongs has a strategy on fisheries.

The major statutes that regulate and govern all fisheries activities in Kenya include the Fisheries Act (Cap 378) of 1989, and the Fisheries Regulation (1991). However, a new Fisheries Bill is in Parliament awaiting passage. The National Oceans and Fisheries Policy (2008) articulates comprehensive policy statements and guidelines for fisheries regulations.

More information at: **FAOLEX legislative database**

Annexes





Figure 13 – Kenya – Maps showing major water bodies, reserves, parks, etc

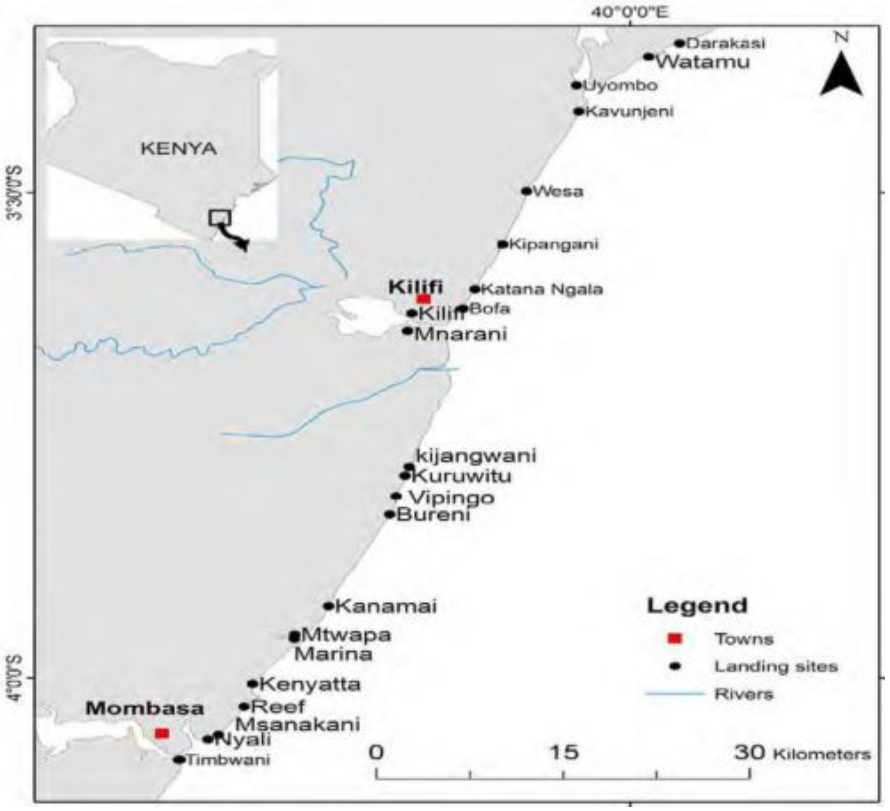


Figure 14 – Kenya – Map showing fish landing sites and other coastal features within the North Coast. (Source: Mbaru, Emmanuel Kakunde. Rhodes University (2012). An Assessment of the Kenyan Coastal Artisanal Fishery and Implications for the Introduction of FADs. M.Sc. thesis. http://www.oceandocs.org/bitstream/handle/1834/6844/ktf0252.pdf?sequence=1



Figure 15 – Kenya – Map showing fish landing sites and other coastal features. (Source: Mbaru, Emmanuel Kakunde. Rhodes University (2012). An Assessment of the Kenyan Coastal Artisanal Fishery and Implications for the Introduction of FADs. M.Sc. thesis. http://www.oceandocs.org/bitstream/handle/1834/6844/ktf0252.pdf?sequence=1

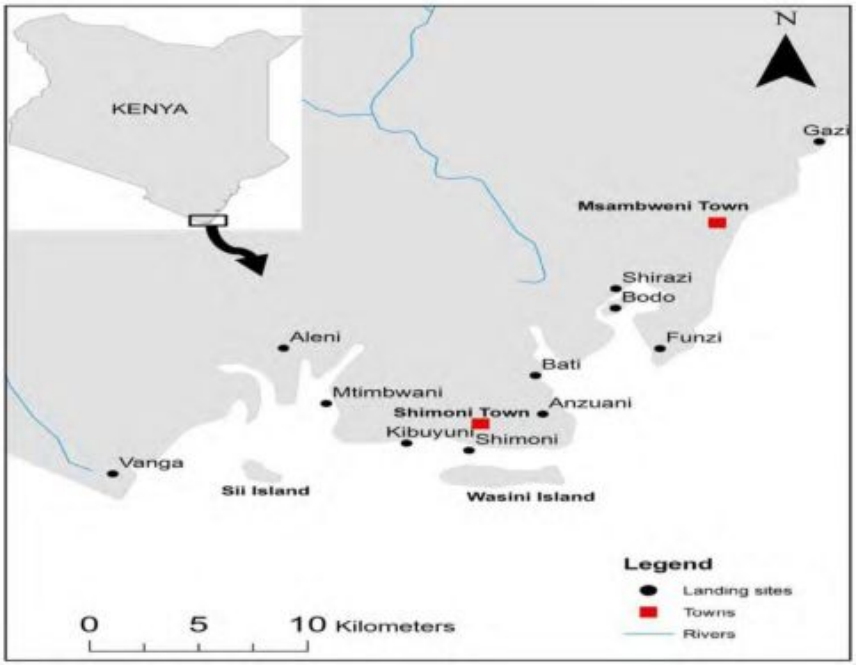


Figure 16 – Kenya – Map showing fish landing sites and other coastal features (Source:) Mbaru, Emmanuel Kakunde. Rhodes University (2012). An Assessment of the Kenyan Coastal Artisanal Fishery and Implications for the Introduction of FADs. M.Sc. thesis. http://www.oceandocs.org/bitstream/handle/1834/6844/ktf0252.pdf?sequence=1

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- FAO Country Profile
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  - Cat fish - Tanzania
  - Cobia - Tanzania
  - Crabs - Kenya
  - Crimson jobfish - Seychelles (Mahe Plateau)
  - Cuttlefish and Squids - Tanzania
  - Demersal resources - Kenya
  - Demersal sharks - Tanzania
  - Emperor red snapper - Seychelles (Mahe Plateau)
  - Flat fish - Tanzania
  - Green jobfish - Seychelles (Mahe Plateau)
  - Indian mackerel - Seychelles
  - Kawakawa - Seychelles
  - Mullet, Barracuda and Milkfish - Kenya
  - Octopus and Squid - Kenya
  - Octopus - Seychelles (Granitic Islands)
  - Octopus - Tanzania
  - Pelagic sharks - Tanzania
  - Penaeid shrimps - Tanzania
  - Prawns - Ungwana bay
  - Rays - Tanzania
  - Reef fishes - Tanzania
  - Rock and spiny lobsters - Kenya
  - Sea cucumber - Kenya
  - Sea cucumber - Seychelles (Mahe and Admirantes stocks)
  - Sea cucumber - Tanzania
  - Sharks and Rays - Kenya
  - Sharks - Seychelles inshore (Mahe Plateau, Amirantes, Outer Islands)
  - Sharks - Seychelles offshore
  - Shells - Tanzania
  - Shoemaker spinefoot - Seychelles
  - Small pelagics - Kenya
  - Small pelagics - Tanzania
  - Spanner crab - Seychelles (Mahe plateau)
  - Spiny and rock lobsters - Seychelles
  - Spiny and rock lobsters - Somalia
  - Spiny and rock lobsters - Tanzania
  - Trevallies - Seychelles
  - Two-spot red snapper - Seychelles (Mahe Plateau)
- Fishery reports (FIRMS)
  - Indian ocean : Bottom longline deepwater longtail red snapper fishery - high seas : 2009
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  - World : Global Tuna Fisheries : 2009

- National Aquaculture Sector Overview (NASO)
- FAOLEX legislative database
- Database on Introductions of Aquatic Species
- Regional Fishery Bodies (RFB)
    - Committee on Inland Fisheries and Aquaculture of Africa (CIFAA)
    - Indian Ocean Tuna Commission (IOTC)
    - International Whaling Commission (IWC)
    - Lake Victoria Fisheries Organization (LVFO)
    - Southwest Indian Ocean Fisheries Commission (SWIOFC)
- FAO Fishing Vessels Finder (FVF)

Publications

- List of relevant FAO publications

Meetings & News archive

- Meetings archive
- News archive

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Annex 97

"Regional State of the Coast Report: Western Indian Ocean, Social and Economic Impacts of Capture Fisheries and Mariculture", *UN Environment Programme*, 2016



23

Social and Economic Impacts of Capture Fisheries and Mariculture

Jacob Ochiewo

Opposite page: Improvised fishmarket at landing site, Inhaca Island, Mozambique. © José Paula.

INTRODUCTION

Several countries of the SW Indian Ocean are classified as Least Developed Countries (LDC) by the UNDP, and have a low Human Development Index (HDI) (UNDP 2014). High levels of poverty and rapid population growth is pervasive, and in coastal communities along the mainland (Mozambique, Tanzania, Kenya), Madagascar and on small islands (Comoros, Seychelles, Mauritius) capture fisheries are integral to food security (see Chapter 21) and the functioning of social and economic systems. In recent years, mariculture initiatives have taken root in some areas, such as seaweed farming in Zanzibar, but at a regional scale it is still in an early developmental phase (see Chapter 22).

Fish is rich in essential nutrients for human health (in particular iron, iodine, zinc, calcium, vitamins A and B), and is especially important in the diets of infants, children and pregnant women (Satia 2011). On a worldwide scale, *per capita* fish consumption continues to rise – up from 10 kg in the 1960s to more than 19 kg in 2012, driven by higher demand from a growing population, rising incomes, and more efficient distribution channels (FAO 2014). However, the opposite trend is apparent in the SW Indian Ocean, where *per capita* fish consumption is the lowest in the world, and declining. A decrease in fish availability in coastal waters, increasing poverty levels, and a rapid increase in human population size can partially explain the decline in fish consumption in this region. Another factor is that some species with a higher economic value (namely tuna, prawns and lobsters) are exported, and these species are therefore scarce on local markets, or are prohibitively expensive (FAO 2014).

Environmental degradation caused by fishing and mariculture activities (see Chapters 21 and 22) can reduce potential harvests and food security, affect economic growth and reduce the quality of life in coastal communities. Domestic sewage and agricultural waste runoff, chemical contaminants and microbial run-off increase the risk of disease (see references in European Marine Board 2013). Food safety systems for fish products, such as Standard Sanitary Operation Processes (SSOP) and Hazard Analysis Critical Control Point (HACCP) programmes have been developed in some SW Indian Ocean countries, mainly to comply with export regulations of foreign markets. For instance, the European Union (EU) requires established risk management processes that comply with regulations on food safety and quality control. These measures may safeguard large producers against the impacts of changes to international trading standards, but ignore small-scale producers that deliver to local markets (Satia 2011).

This chapter focuses on the social and economic impacts of capture fisheries and mariculture on coastal communities, their scale and significance for employment, role in social structure, and their contributions to livelihoods.

SOCIO-ECONOMICS OF CAPTURE FISHERIES

Scale of capture fisheries

Trends in capture fisheries have been described in detail in Chapter 21. Estimating the scale of the fisheries sector is notoriously complex, because it employs both fishers and a large number of people involved in related activities, such as fish processing, distribution and marketing. Enumeration is particularly difficult at the community level, where these activities are largely informal. Consequently there are many different estimates of the numbers of artisanal fishers per country and regionally. The actual numbers are difficult to discern because of the highly dynamic nature of fishing activities and data collection limitations. The numbers of fishers can vary seasonally and between years. Fishers often have more than one occupation (for instance fishing and farming) and may switch between them depending on opportunity and perceived gain. Furthermore, women and children also participate in gathering marine organisms in the intertidal zone, but are not generally counted as fishers. Estimating the number of fishers based on the number of fishing licenses issued also has limitations because licensing requirements tend to be weakly enforced. Even where fisheries censuses are conducted, the above constraints can lead to considerable underestimations of the artisanal fisheries sector. Estimates for the comparatively smaller industrial fisheries sector tend to be more accurate than for the artisanal sector, because the number of fishing units and employment is more consistent (van der Elst and others, 2005).

Some estimates of the numbers of fishers by country and their relative importance are as follows (see Figure 23.1):

- Comoros (population est. 850 000 in 2008): There are 127 coastal villages around three habitable volcanic islands. In 2012 and 2013, traditional fisheries comprised 3 961 small wooden boats and 7 922 fishers, catching mainly demersal fishes. Artisanal fisheries, catching mostly tunas, comprised an additional 1 794 boats and 4 062 fishers. Fishing is seasonal, declining during the 'kusi' period of strong SE monsoon winds (June-August), and increasing during the 'kashkasi' period of weak NW monsoon winds (December-April) (Mahamoud 2013).
- Madagascar (population est. 21 million in 2011): Madagascar has a coastline of 5 600 km, and the maritime fisheries sector is structured into traditional fisheries (on foot or using dugout canoes), artisanal fisheries (motorised boats with engines <50 hp) and industrial fisheries (mainly shrimp trawl, with engines >50 hp). Industrial prawn fisheries had 35 vessels in 2013-2014 and about 4 500 fishers. Estimates of artisanal fishers (including traditional) are 55 000-70 000 fishers, using 8 000 boats (with engine) and roughly 22 000 canoes (Soumy 2006; WIOFish 2013).
- Mauritius (population est. 1.3 million in 2010): Mauritius (1 864 km^2) is surrounded by 150 km of fringing reef and small outer islands at Rodrigues, St Brandon and

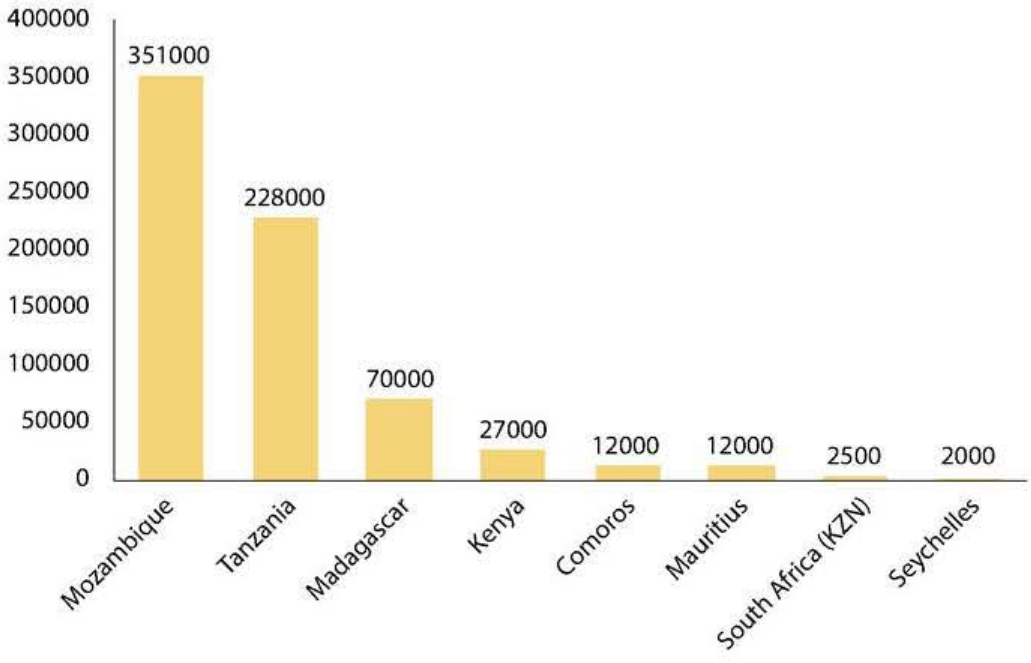


Figure 23.1. Number of commercial fishers per country, including artisanal and industrial sectors.



Figure 23.2. Fisherman scouring intertidal reef in southern Madagascar. © Johan Groeneveld.

Agalega. Fisheries provide employment to about 12 000 people (full-time fishers and employees in processing, for example freezing, salting, smoking, canning and ancillary services). There are about 4 000 artisanal fishers using >2 000 boats, and 700 industrial fishers using 15 boats. Recreational fishing lands a low volume of fish, compared to the other sectors, but 24 000 fishers using >1 000 boats was reported by Jehangeer (2006). Production is insufficient to cover local demand for fish products.

• Seychelles (population est. 88 300 in 2012): Seychelles is an archipelago of 115 tropical islands spread over 1 374 million km² of ocean, and is classified as a high-middle-income country. Fisheries are the economic mainstay, contributing more to GDP than tourism. Fish products contribute 90 per cent of all exports. Around 80 per cent of the tuna catch in the Western Indian Ocean is landed or trans-shipped in the Seychelles, where one of the largest tuna canneries in the world is the main employer of locals. Consequently, the Seychelles economy depends heavily on the cannery, which in turn depends on the EU export market. The industrial fleet is foreign owned, comprising purse seiners and longliners. In 2011-2014, licenses were given to 48 purse seiners and >200 longliners, from the EU, Taiwan, China and Japan. Not all vessels were active (Martín 2011). Artisanal and semi-industrial fishing employs about 1 800 local fishers using 417 licensed small boats, and most of the catch is consumed locally.

• Mozambique (population est. 25.7 million in 2015; www.ine.gov.mz): The fishing sector makes up about 1.4 per cent of GDP and has grown by ca. 13.4 per cent per year between 1997 and 2011, through diversification of the species caught. According to the 2012 artisanal fisheries census, 351 000 people are employed, of which approximately 90 per cent are artisanal fishers or involved with fish processing and marketing. Small-scale fisheries are crucial to rural economies, but face pressures from illegal and overfishing, habitat degradation and climate change effects (Benkenstein 2013). Industrial fishing by Mozambican

companies and joint ventures between the state, Japanese and Spanish companies is focused on catching prawns. Fishing ports, storage, boatyards and workshops are located in Maputo, Beira, Quelimane, Nacala and Angoche. Prawns are the principal export product, but other exports are spiny lobster, langoustine and fish (www.mbendi.com).

• Kenya (population est. 42 million in 2011): Fish production is dominated by freshwater fish from lakes (96 per cent of approx. 150 000 tonnes per year), with marine fish contributing only 4 per cent, averaging around 8 800 tonnes. Marine fisheries are divided into industrial, artisanal and recreational fishing sectors, and together they employ around 27 000 people in sea and shore-based activities. The artisanal sector employs over 13 700 fishers (Department of Fisheries 2012), and these fishers remain mainly within or near the fringing coral reef. Limited industrial

BOX 23.1 RESOURCE USER CONFLICT IN KENYA



Boats in Malindi at sunrise. © Xiaojun Deng.

An artisanal fishery has been active in Malindi Ungwana Bay for hundreds of years, and presently comprises about 3 500 fishers and 600 traditional boats that fish in nearshore waters. These fishers compete for finfish and prawn catches with a commercial trawl fishery, active since the 1970s. Trawling takes place close to the coast (within 5 nautical miles, in contravention of the fisheries act) because most prawns occur in shallow waters near river mouths. This brings them into direct conflict with artisanal fishers, when trawling damages artisanal fishing gears, or when retained fish bycatch competes with artisanal catches on local markets. The artisanal fishery targets some of the finfish species caught and discarded overboard by trawlers – these catches include juvenile fish considered to be too small or of low economic value. Therefore artisanal fishers attributed declining catches to the effects of trawling, albeit without direct scientific evidence. Trawling was banned in Malindi Ungwana Bay in 2006, and artisanal catches increased roughly two years after the trawl ban took effect. The trawl fishery resumed in 2011, subject to a Prawn Fishery Management Plan (2010). The plan restricts the fleet to four trawlers that may only operate during daytime, further than 3 nautical miles from the coast, and it includes a closed fishing season between November and March.

prawn trawling in Malindi-Ungwana Bay has resulted in conflict between artisanal and trawl fishers (see Box 23.1). Offshore resources in the Exclusive Economic Zone (EEZ) are exploited by Distant Waters Fishing Nations (DWFN) through a licensing system (FAO 2007a). Essential legislative components are in place, but governance in the offshore sector is limited to collecting licensing fees, without adequate enforcement.

• Tanzania (population est. 51 million in 2014). Marine fishing is concentrated near the mainland shore, within the fringing reef and near estuaries such as the Rufiji delta, and in territorial waters around Zanzibar, Pemba and Mafia islands. Artisanal fishers land >90 per cent of the catch, through foot-fishing and gleaning in the intertidal or using dugout canoes, or dhow-type planked boats (FAO 2007b). Many foot-fishers are women and children. Coastal fisheries are essentially unrestricted, although licenses are theoretically required (Groeneveld and others, 2014). Some species are exported, for instance octopus. Various estimates place the number of fishers between 35 000 (2009 frame survey), and 228 000 (WIOFish 2013). Industrial fisheries include a prawn trawl fishery (presently suspended) and fleets of foreign longliners and purse seiners that target tuna and tuna-like species under license in EEZ waters. Recreational fisheries are restricted to the tourism sector.

• South Africa (KwaZuluNatal province, which forms the southwestern boundary of the SW Indian Ocean; population est. 10 million in 2012): The coastline is exposed with few bays and inlets, and fisheries are less extensive than further north. Twenty-three communities are presently involved in subsistence and artisanal fishing, with approximately 2 500 people participating in five fisheries: estuarine fish traps (Kosi Bay); marine and estuarine rod and line fishing; marine rocky and sandy shore invertebrate harvesting (mainly brown mussels); estuarine sand and mud prawn harvesting (bait harvesting); and traditional spear fishing (handheld spears, at Kosi Bay) (Everett 2014, Goble and others, 2014). Together, these fisheries produced about 150 tonnes of food in 2010. Oyster-gathering in the intertidal, beach seine-netting, industrial trawling for crustaceans, and a line fishery from ski boats form the commercial sector. Between 1999 and 2008, an average of 3 800 to 5 500 people purchased recreational permits to harvest lobster, mussels and other marine invertebrates. Recreational shore angling comprised 55 000 participants in 2009, and a collective 800 000 angler days of fishing. Shore angling effort is high near urban areas, and annual catches range between 250 and 600 tonnes. At least 10 000 recreational boat fishers undertake over 30 000 recreational boat launches per year, reporting annual catches of between 400 and 470 tonnes per year. Many anglers fish in both marine and estuarine environments (Everett 2014).

Role in social structure

Social structure is defined as a system of geographically dispersed rules and practices that influence the actions and outcomes of large numbers of social actors. The importance of capture fisheries in coastal communities as a source of food and economic activity makes it a major determinant of social structure. Key actors are the fishers, mainly men in the formal fishing sectors. Women, and sometimes children, play a significant role in collecting seashells, sea cucumber and octopus in the intertidal for a few hours each day, usually during low spring tides, using hands and sticks or rods (Jiddawi and Ohman 2002). They also use mosquito nets close to the shore to catch shrimps and small fishes. In addition to collecting marine products, women play a prominent role in the processing and marketing of fish (Jiddawi and Ohman 2002; Ochiewo 2004). The 2012 artisanal fisheries frame survey estimates that about 18 per cent of the fishers are women. Other industries that support fishing are artisans that make and repair boats and fishing gear.

Middlemen and traders play an important role in the artisanal fishery, by providing opportunities for fishermen who cannot afford to buy their own gear or vessels (Jiddawi and Ohman 2002; Ochiewo and others, 2010). Middlemen usually own gear (seine or gill nets) or vessels (dhows or boats with engines), which they rent to fishers. The money obtained from the catch is typically divided into three parts: one for the middleman, one for boat and gear maintenance, and one for all fishermen on the boat, regardless of their number. Traders then distribute the fish inland. Consequently the fishermen themselves receive the smallest return.

Fisher migrations along the East African coast is centuries old, and illustrates social adaptation to a complex environment (Fulanda and others, 2009; WIOMSA 2011)(see Box 23.2). Migrations are either temporary or permanent, and patterns vary tremendously, both within and across country borders, and from a few days to several months or years. Drivers are a search for better catches and increased

income. Fisher migrations are seasonal, and associated with social and economic challenges at home and host destinations.

Contribution to livelihoods

To illustrate the dependence on marine resources, an estimated 50 per cent of Mozambicans rely primarily on fish for protein intake. In Tanzania, up to 70 per cent of protein intake may comprise fish from freshwater or marine origin. Population densities along the coast are high (>50 per cent of 21 million people in Madagascar; >20 per cent of 51 million people in Tanzania), and many of them are intimately linked to the sea for food security and jobs. Although precise data are lacking, surveys suggest that 400 000 to 700 000 fishers engaged in marine fishing in the region between 2004 and 2013 (van der Elst and others, 2005, WIOFish 2013), and considering that there is a dependency ratio of about 7: 1 (UNEP 2001), this means that almost 5 million people are directly dependent on fishing for their livelihood. Dependence on fisheries varies among countries, and is highest in Mozambique, Tanzania and Madagascar, and lower in eastern South Africa, where the economy is more diverse.

Economic benefits and contribution to GDP

On a world scale, fish production generally contributes 0.5 – 2.5 per cent of GDP (Bene and Heck 2005). However, the contribution can be much higher in developing countries, where fisheries play a more central role in economic development, poverty reduction and food security (often > 5 per cent of GDP in many west African countries; Bene and Heck 2005). Most assessments measure only the value of fish production, but if processing, trade and services are added (these mostly fall in other sectoral accounts), the overall contribution of fisheries can be much higher (WorldFish Center 2011). Estimates of the contribution of capture fisheries to GDP (without any value adding) show exceptionally high contributions for small island states (30 per cent for Seychelles and 15 per cent for Comoros) and above the world average for Mozambique (4 per cent) and Tanzania (2.7 per cent). Contributions to GDP were much lower for Madagascar (1.4 per cent), South Africa (1 per cent) and Kenya (0.5 per cent).

Fisheries governance

Fisheries co-management and the development of co-management institutions is a promising trend in the SW Indian Ocean region. Beach Management Units (BMU) have recently been established in Kenya and Tanzania to co-manage fisheries within a system with broader stakeholder participation (Oluoch and others, 2009, Japp 2012). Each BMU has jurisdiction over a geographical area that constitutes a fish-landing point, which it manages jointly with fisheries department officials. BMUs are empowered to levy fees against members for services provided, for day-to-day expenses. Although a clear addition to the social structure of fishing communities, it is not yet clear whether BMUs will succeed over the long term. In Mozambique, co-management takes place through Community Fishing Councils (CCPs).

At the international level, SW Indian Ocean countries are signatories to many fisheries agreements, such as the 1982 UN Convention of the Law of the Sea; 1995 FAO Code of Conduct for Responsible Fisheries; 2000 UN Millennium Declaration and Millennium Development Goals; 2002 Johannesburg Declaration on Sustainable Development and Plan of Implementation; 2005 Rome Declaration on Illegal, Unreported and Unregulated (IUU) fishing; and the FAO Ecosystem Approach to Fisheries (EAF). Unfortunately, most countries do not have the capacity or infrastructure to effectively implement the administrative and enforcement tasks brought by these agreements. Most governance issues, at national and regional levels, are explained in Chapter 33 and policy analyses in Chapter 34 of this report.

SOCIO-ECONOMICS OF MARICULTURE

Scale, role in social structure and contribution to livelihoods

Contrary to the global trend in which aquaculture production outstrips that from capture fisheries (FAO 2014), capture fisheries still dominate production in the SW Indian Ocean, with low dependence on mariculture. An exception is seaweed farming in Zanzibar, where the scale, role in social structure, and contributions to livelihoods is substantial. The seaweed sector in Zanzibar has grown continuously since the early 1990s, and now extends over 80 villages, where 23 000 people are involved, of which 90 per cent are women.

About 30 per cent of those directly employed on prawn farms in Madagascar are women who work in the post-harvest operations or administration (FAO 2006). Small-scale seaweed farming in southern Kenya employs

BOX 23.2. MIGRANT FISHERS – ADAPTING TO A CHANGING ENVIRONMENT



Fishing boats waiting for the tide in northern Zanzibar, Tanzania. © José Paula.

From time immemorial, migrant fishers along the coast of East Africa have followed fish movements, to increase catches and income. These fishers often cross geopolitical borders, and their movements are highly variable, the duration ranging from a few days to several years. Migrations are seasonal, mostly in synchrony with the milder sea conditions of the North East Monsoon, when sea travel in wooden boats is easier. Fisher migrations can be seen as a social adaptation to a complex environment of fluctuating resource availability. Migrations have social and economic implications for both home and host destinations. Most migrants are young men, leaving behind wives and children. They tend to increase host populations, placing pressure on village infrastructure and social functioning, through competing for fish resources and market share. Although migrant fishers save part of their earnings to send home, they may also boost host economies through increased clientele for food stuffs, accommodation, provision of social amenities, and increased revenues for Beach Management Units (BMUs) from fish levies, especially in Kenya. On the down side, local fishers may complain that fish markets are flooded with cheap fish, thus reducing the value of their own fish catch. Fisher migrations may in future be affected by shifting fish distribution patterns caused by climate change.

mainly women. Over half of the sea cucumber farmers supported by Blue Ventures in Madagascar are women; they use the income to help pay for their children's school fees and supplement their family's diet (www.blueventures.org). Mariculture therefore contributes to empowering women as owners of farms, or as important actors in the fisheries value chain and marketing; in this way they participate in societal decision-making (Hecht and others, 2006, Wakibia and others, 2011).

Chapter 22 showed that mariculture of most species in the SW Indian Ocean have not progressed past the pilot phase over the past two decades, and apart from the examples above, it only contributes little to livelihoods and economic activity. The lack of growth occurred in spite of technically successful pilot results, and apparently suitable environmental conditions for expansion, such as suitable land and warm productive waters throughout the year. Presumably the constraints imposed by the remoteness of the region, distance from markets, and absence of infrastructure and technological skills were initially underestimated. These constraints need to be overcome before mariculture can expand in scale and economic impact on a more sustainable basis. Furthermore, full development of mariculture in the SW Indian Ocean will require effective governance and strong support from governments and NGOs (Troell and others, 2011).

Marketing and export

The success of mariculture depends heavily on the availability of markets for its products as well as availability of inputs such as quality fish seed, feed and water. Products are generally perishable and require ice plants, cold storage and suitable transport facilities to ensure their quality at the point of sale. These requirements restrict farms to the vicinity of urban centers. An exception is seaweed,

which can be sold and exported dry.

The seaweed harvest in Zanzibar is dried and sold to buyers (middlemen) who deal directly with processing companies in the US, France, Denmark and Spain (Msuya 2009). The buyers have a monopoly and set low prices for seaweed. Farmers can stockpile dry seaweed to increase the price by restricting supply, but villages depend strongly on the income. Value-adding in Zanzibar through processing has often been mentioned as an option to increase the income from seaweed farming.

The principal fish marketing information services in the region are INFOPECHE (Intergovernmental Organization for Marketing Information and Cooperation Services for Fishery Products in Africa) and COMESA (Common Market for Eastern and Southern Africa). These organizations publish a directory of fish importers and exporters annually. Stringent export requirements make small-scale producers less competitive. To overcome potential marketing hurdles, producer associations can be formed to assist farmers with technical and marketing aspects. One such example is provided by the community-based culture of sea cucumbers in Madagascar, where an established network of business and research partners provide assured access to markets, hatchery technology and supply, and technical expertise (see Chapter 22; www.blueventures.org).

Gaps in capacity to engage in socioeconomics of capture fisheries and mariculture

The most obvious gap is a lack of hard information on the importance of capture fisheries and mariculture to the food security and local economies of households near the coast. There is a lack of alternatives to capture fisheries, even when catches from coastal areas are declining, and the populations are increasing.

A common trend across much of the SW Indian Ocean is to provide better boats and gear to enable artisanal fishers to exploit resources further away from the shore. These policies are, however, being promoted without adequate knowledge of deep-water fisheries. A recent study (Everett and others, 2015) suggested that deep-water crustacean stocks may be smaller than formerly thought in Kenya and Tanzania – it is important to investigate their fisheries potential before overcapitalizing on fishing fleets.

Mariculture, as an alternative to capture fisheries, has not taken root as expected, presumably because of the constraints brought by the remoteness of the region, lack of infrastructure and technical know-how. These limitations can only be overcome through a synchronised effort by governments, private operators, and NGOs. What this synchronised effort should entail, and the capacity necessary to implement it, needs to be determined first.

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Annex 98

"Leveraging the Blue Economy for Inclusive and Sustainable Growth", *UN Development Programme Policy Briefs, UN Development Programme*, 2018

Policy Brief

Empowered lives.
Resilient nations.

Issue No: 6/2018 April 2018

A vehicle to articulate development issues and foster dialogue

Leveraging the Blue Economy for Inclusive and Sustainable Growth[1]

Summary

The blue economy has a great potential to contribute to higher and faster GDP growth in Kenya. Innovation and growth in the coastal, marine and maritime sector could deliver food, energy, transport, among other products and services and serve as a foundation for sustainable development in Kenya. Diversifying the country's economy beyond land-based activities and along its coastal, marine and maritime sector is critical to achieving the Sustainable Development Goals (SDGs) and delivering smart, sustainable and inclusive growth. This is especially important in the context of the accelerated growth that the country is experiencing without any concomitant reduction in poverty. This policy brief aims to raise awareness of the importance of the blue economy to Kenya. It does this by defining the blue economy and its components to show how Kenya can leverage the blue economy's forward and backward linkages with the various sectors of the economy. The policy brief provides reflections on the necessary policies that should be implemented to leverage the blue economy for sustainable development and inclusive growth in Kenya and Eastern Africa region. It also serves as a building block for further development of policies to support the blue economy in the region.

1. Introduction[2]

The potential linkages between the *blue economy*, sustainable development and economic growth is recognized in the *2030 Agenda for Sustainable Developm*ent. *SDG target 14.7* focuses on enhancing the economic benefits to Small Island Developing States (SIDS) and Least Developed Countries (LDCs) from the sustainable use of marine resources, including through the sustainable management of fisheries, aquaculture, and tourism. SIDS have been at the forefront of the *blue economy* advocacy, recognizing that oceans have a key role to play in humanity's future and that the blue economy offers an approach to sustainable development better suited to their circumstances, constraints and challenges.

[1]This policy brief is an output of the Strategic Policy Advisory Unit (SPAU) in the UNDP Kenya Country Office. The Unit focuses on upstream policy interventions in the areas of human development, pro-poor policy analysis, Agenda 2030 for Sustainable Development. It also supports the national and county governments in the design and implementation of evidence-based national development plans, county integrated development plans and other relevant policy instruments.

The views expressed in this policy brief are those of the SPAU, and do not represent the views of UNDP, the United Nations or any of its affiliate organizations

For more information, please contact the Unit at the following email: policyunit.ken@undp.org

[2]This policy brief is an input to Sustainable Blue Economy Conference that will be hosted jointly by Kenya and Canada in Kenya, 26-28 November 2018.

The *blue economy* integrates an innovative approach to the economic exploitation of the resources of oceans, lakes, rivers and other bodies of water. The concept seeks to promote economic growth, social inclusion, and preservation or improvement of livelihoods while at the same time ensuring environmental sustainability. At its core, it refers to the decoupling of socioeconomic development through oceans-related sectors and activities from environmental and ecosystems degradation.[3] The East Asian Seas (EAS) Congress (2012) defined the *blue economy* as:[4]

> *… a sustainable ocean-based economic model that is largely dependent on coastal and marine ecosystems and resources, but one that employs environmentally-sound and innovative infrastructure, technologies and practices, including institutional and financing arrangements, for meeting the goals of: (a) sustainable and inclusive development; (b) protecting the coasts and oceans, and reducing environmental risks and ecological scarcities; (c) addressing water, energy and food security; (d) protecting the health, livelihoods and welfare of the people in the coastal zone; and (e) fostering an ecosystem-based climate change mitigation and adaptation measures.*

Ebarvina (2016) notes that for many in the public and business sectors, the linkage between the *blue econ*omy, economic growth, and ocean and coastal resource conservation should be clarified by highlighting the following:

i. The *blue economy* encompasses all economic activities with a direct dependence on the ocean or coastal and marine resources. These include economic activities that are (a) ocean-based, and (b) ocean-related. Ocean-based activities include those that are undertaken in the ocean (e.g., fisheries and aquaculture, offshore oil and gas, mining, ocean energy, desalination, shipping/marine transportation, marine tourism, marine construction). Ocean related activities use products from the ocean (e.g., seafood processing, marine biotechnology, chemicals, salt, etc.); and produce products and services for the ocean and ocean-based activities (e.g., ship building and repair, ports, tourist resorts, communication, maritime insurance and law, maritime technical services, etc.).
ii. The *blue economy* also includes marine education and research as well as activities of the public sector agencies with direct coastal and ocean responsibilities (e.g., national defense, coast guard, marine environmental protection, etc.).
iii. The ocean generates economic values that are not usually quantified, such as habitat for fish and marine life, carbon sequestration, shoreline protection, waste recycling and storing, and ocean processes that influence climate and biodiversity.
iv. New activities are also evolving over the recent years, such as desalination, marine biotechnologies, ocean energy, and seabed mining. There are also innovations in activities that aim to protect ocean health, such as ballast water and invasive species management, waste-to-energy, wastewater treatment systems with low footprint, etc. These activities should be included and measured in the ocean economy accounts. Ecotourism, eco-ports, and eco-ships aim to make these industries more environmentally sound, while ocean energy offers low carbon and renewable energy source. These innovations and emerging markets offer opportunities for investments and business, further contributing to *blue economy* development

[3] UNCTAD 2014; UN DESA 2014.
[4] See https://www.icriforum.org/meeting/east-asian-seas-eas-congress-2012 and quoted in Elbarvina (2016).

This policy brief aims to raise awareness of the importance of the *blue economy* to Kenya. It does this by defining the *blue economy* and its components to show how Kenya can leverage the *blue economy's* forward and backward linkages with the various sectors of the economy. It provides reflections on the necessary policies that should be implemented to leverage the *blue economy* for sustainable development and inclusive growth in Kenya and Eastern Africa region. It also serves as a building block for further development of policies to support the blue economy in the region.

2. Defining the Blue Economy

The term "*blue economy*" has been used in diverse ways. However, it is understood to comprise of a range of economic sectors and related policies that together determine whether the use of oceanic resources is sustainable. The "*blue economy*" concept seeks to promote economic growth, social inclusion, and the preservation or improvement of livelihoods while at the same time ensuring environmental sustainability of the oceans and coastal areas. It is regarded as the decoupling of socio-economic activities and development from environmental degradation and optimizing the benefits which may be derived from marine resources. The *blue economy* entails the use of sea and the use of its resources for sustainable economic development. It draws from scientific findings that ocean resources are limited and that the health of the oceans has declined drastically due to anthropogenic activities. These changes are already being profoundly felt, affecting human well-being and societies, and the impacts are likely to be amplified in the future due to population growth.

An important challenge of the *blue economy* is thus to understand and better manage the many aspects of ocean sustainability, ranging from sustainable fisheries to ecosystem health to pollution. Another significant issue emanating from SIDS as they turn to better manage their blue economies is the realization that the sustainable management of ocean resources requires collaboration of likeminded Member States and the public and private sector.

The *blue economy* conceptualizes oceans as '*development spaces*' where spatial planning integrates conservation, sustainable use, oil and mineral wealth extraction, bio-prospecting, sustainable energy production and marine transport. The *blue economy* paradigm constitutes a sustainable development framework for developing countries that addresses equity in access to development of and the sharing of benefits from marine resources; offering scope for re-investment in human development.

3. The *Blue Economy* Components

The *blue economy* has diverse components, including established traditional ocean industries such as fisheries, tourism, and maritime transport, but also new and emerging activities, such as offshore renewable energy, aquaculture, seabed extractive activities, and marine biotechnology and bioprospecting.[5] A number of services provided by ocean ecosystems, and for which markets do not exist, also contribute significantly to economic and other human activity such as carbon sequestration, coastal protection, waste disposal and the existence of biodiversity. The mix of oceanic activities varies in each country, depending on their unique national circumstances and the national vision adopted to reflect its own conception of a blue economy. The World Bank (2017) highlights that in order to qualify as components of the blue economy, activities need to (as illustrated by Table 1.1):

- Provide social and economic benefits for current and future generations.
- Restore, protect, and maintain the diversity, productivity, resilience, core functions, and intrinsic value of marine ecosystems.

[5] World Bank, 2017.

- Be based on clean technologies, renewable energy, and circular material flows that will reduce waste and promote recycling of materials.

Table 1:1: The Components of the *Blue Economy*

Type of Activity	Ocean Service	Industry	Drivers of Growth
Harvesting of living resources	Sea food	Fisheries	Food security
		Aquaculture	Demand for protein
	Marine biotechnology	Pharmaceuticals, chemicals	Research and Development for healthcare and industry
Extraction of non-living resources, generation of new resources	Minerals	Seabed mining	Demand for minerals
	Energy	Oil and gas	Demand for alternative energy sources
		Renewables	
	Fresh water	Desalination	Demand for fresh water
Commerce and trade in and around the oceans	Transport and trade	Shipping	Growth in seaborne trade; International regulations
		Port infrastructure and services	
	Tourism and recreation	Tourism	Growth of global tourism
		Coastal Development	Coastal urbanization
			Domestic regulations
Response to ocean health challenges	Ocean monitoring and surveillance	Technology and R&D	R&D in ocean technologies
	Carbon Sequestration	Blue Carbon	Growth in coastal and ocean protection and conservation activities
	Coastal Protection	Habitat protection and restoration	
	Waste Disposal	Assimilation of nutrients and wastes	

Source: World Bank, April 2016

As shown by Table 1.1, contribution of marine and freshwater ecosystems includes (World Bank, 2016:2):

i. ***Food security, nutrition and health*:** Fish contributes over 16 percent of the animal protein consumed by the world's population and 6.5 percent of all protein consumed, with 1 billion people relying on this source of protein. Fish is also a particularly critical source of nutrition. Even in small quantities, provision of fish can be effective in addressing food and nutritional security among the poor and vulnerable populations around the globe.

ii. ***Livelihoods*:** The Food and Agriculture Organization (FAO) estimates that fishers, fish farmers and those supplying services and goods to related industries assure the livelihoods of as many as 660–820 million people worldwide. In addition, women play a critical role in fishery supply chains – it is estimated that women account for 15 percent of people directly engaged in fisheries and up to 90 percent of jobs in secondary activities (particularly in fish processing, whether in the formal or informal sector). Oceans and coasts also form the foundation for extensive employment in tourism - one of the top five industries in most small island states.

iii. ***Mitigation of climate change*:** Oceans constitute a major sink for anthropogenic emissions, absorbing 25 percent of the extra CO_2 added to Earth's atmosphere by burning fossil fuels. '*Blue carbon'* sinks like

mangrove forests, sea grass beds and other vegetated ocean habitats are up to five times as effective as tropical forests at sequestering carbon.

iv. ***Homes and shelter*:** Roughly 40 percent of the world's population lives within 100 kilometers of the coast. Healthy coastal ecosystems provide protection from natural hazards, coastal erosion and rising sea levels particularly in SIDS and low-lying, exposed delta regions.

v. ***Sustainable economic growth*:** Many developing coastal and island nations depend on tourism and fisheries for a significant part of their gross domestic product and public revenues. Aquaculture is projected to continue to grow rapidly and if done sustainably, can serve as a major source of food and a cornerstone of the blue economy. Advances in seaweed production hold promise for replacing fishmeal and animal feeds with plant materials produced with less pollution. Tourism, and particularly nature-based tourism, also provides an important path towards the sustainable development of marine and coastal ecosystems. Coastal tourism is a key component of small island state economies. The value of nature-based tourism is expected to increase over time as the supply of pristine natural assets declines while demand, which seems impervious to economic shocks, increases with rising GDPs.

vi. ***Trade:*** Seafood is the most highly valued internationally traded food commodity in the world, with 36 percent of all fish produced exported in 2013-2014. At US$139 billion in 2013, the export value of fish is more than double that of the next most traded commodity – soybeans. More than half of the fish trade originated from the waters of developing countries.

4. Leveraging the Blue Economy for Inclusive and Sustainable Growth in Kenya

To achieve strong and sustainable economic growth, Kenya is diversifying her sources of growth by prioritizing the *blue economy*. As already noted, the activities of the *blue economy* include harvesting of living resources such as sea food and marine biotechnology, extraction of non-living resources (seabed mining), and generation of untapped resources (energy and fresh water). To date, Kenya has only focused on fisheries both for domestic and export markets.

Fisheries account for only about 0.5 per cent of the Gross Domestic Product (GDP) and generate employment for over two million Kenyans through fishing, boat building, equipment repair, fish processing, and other ancillary activities. The estimated annual economic value of goods and services in the marine and coastal ecosystem of the *blue economy* in the Western Indian Ocean is over US$22 billion with Kenya's share slightly over US$4.4 billion (20%) with the tourism sector taking the lion's share of over US$4.1 billion, according to the Kenya Maritime Authority (KMA) estimates. Marine fishing had an annual fish potential of 350,000 metric tonnes in 2013 worth Ksh90 billion (KMA) yet the region only yielded a paltry 9,134 metric tonnes worth Ksh2.3 billion. Therefore, the full economic potential of marine resources has not been exploited, yet Kenya has a maritime territory of 230,000 square kilometers and a distance of 200 nautical miles offshore.

Leveraging the *blue economy* for sustainable development and inclusive growth in the Eastern Africa region faces challenges of illegal and unregulated fishing, piracy and armed robbery, maritime terrorism, illicit trade in crude oil, arms, drug and human trafficking and smuggling of contraband goods. Other challenges are degradation of marine ecosystems through discharge of oil, the dumping of toxic waste, illegal sand harvesting and the destruction of coral reefs and coastal forests. Furthermore, Kenya is confronted with piracy in the Indian Ocean, illegal fishing and border disputes, the dispute with Somalia over the maritime boundary. The dispute is on a potentially lucrative triangular stretch of 100,000 square kilometers offshore territory that is about 370 kilometers from the coastline, believed to be home to huge oil and gas deposits (Wairimu and Khainga, 2017).

The foregoing suggests that for Kenya to leverage the *blue economy* for sustainable development and inclusive, thorough feasibility studies need to be conducted to quantify the opportunities of the *blue economy* and maximize returns from investments in the sector. The findings of these studies would assist in exploring the potential for public-private partnerships in areas such as research, product development, concept development, exchange of intellectual property, and financial and human resources development. At the same time, it is important for the country to learn from other countries in the Indian Ocean Region such as India, Mauritius, Seychelles, Bangladesh, Thailand, and South Africa that have taken steps to promote the blue economy bearing of course that the best approach to promote and develop the *blue economy* is to adopt a '*Sub-Regional Approach*' initiating development cooperation with likeminded Member States to identify common interests within the *blue economy* drawing on country's legislative framework, the Fisheries Management and Development Act of 2016.

The Fisheries Management and Development Act 2016 provides for the conservation, management and development of fisheries and other aquatic resources to enhance the livelihood of communities that depend on fishing. It gives guidance on the import and export trade of fish and fish products, fish quality and safety among other provisions that support sustainable utilization of marine products in Kenya.

The country should also put in place a *blue economy* conducive fiscal and regulatory environment that would encourage investment in local ship building, repair and maintenance, attract registration of ships in the country and discourage export of maritime services such as insurance and container cleaning.[6]

5. Conclusions and Policy Implications

Sustainable development implies that economic development is both inclusive and environmentally sound, and to be undertaken in a manner that does not deplete the natural resources that societies depend on in the long-term. The need to balance the economic, social, and environmental dimensions of sustainable development in relation to oceans is a key component of the *blue economy*. It is a difficult balance to reach in practice, given that the fundamental nature of the oceans often renders the use of these resources open to all who can access them, eventually resulting in overexploitation and degradation. At the same time, oceans are subject to several externalities such as habitat loss and pollution, often from land-based activities. Because of the combination of these two factors: (i) overexploitation of ocean resources due to conditions of open access and (ii) externalities such as pollution and habitat loss, the oceans are underachieving their true potential in terms of livelihoods, food security and human health, and broad economic growth for many of the world's coastal and island states. According to FAO estimates, approximately 57 percent of fish stocks are fully exploited and another 30 percent are over-exploited, depleted or recovering. Fish stocks are further exploited by illegal, unreported and unregulated fishing, responsible for roughly 11 to 26 million tonnes of fish catches annually, or US$10-22 billion in unlawful or undocumented revenue (quoted in World Bank, 2016).

The foregoing suggests that for countries that can make the institutional reforms needed to reduce open access to ocean resources and provide secure incentives for users to take a long-term stake in these resources, there is significant potential for the oceans to contribute much more to broad-based economic growth – i.e., a *blue economy*. At the same time, there are growing examples of institutional reforms and regulatory frameworks that can provide incentives to reduce the threat that externalities like habitat loss and pollution pose to the *blue economy*. Essentially, because the oceans provide a wide range of goods and services that

[6] For instance, country loses Ksh 17 billion annually in marine insurance as Kenya largely imports through Cost Insurance Freight (CIF). This results in the country seeking services from foreign firms in the exporting countries.

depend on the health of the underlying natural systems, returns from investments in healthier oceans is a good proposition.

Coastal and island countries that can introduce such reforms can capture some of these vast economic opportunities that healthier oceans offer:

i. Provision of seafood from capture fisheries;
ii. Provision of seafood from aquaculture;
iii. Tourism and recreation; and
iv. Marine biotechnology.

In addition to these economic opportunities captured directly by ocean users and stakeholders, healthy oceans provide several public goods that have significant values for economies, such as protection from natural hazards, cultural values associated with oceans, and carbon storage.

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Annex 99

"International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing", *UN FAO*, 2001

Food and Agriculture
Organization of the
United Nations

INTERNATIONAL PLAN OF ACTION TO PREVENT, DETER AND ELIMINATE ILLEGAL, UNREPORTED AND UNREGULATED FISHING



Photo credit: Mr Austin Jones, Director of the Surveillance Operations Coordinating Unit, Banjul, The Gambia

INTERNATIONAL PLAN OF ACTION TO PREVENT, DETER AND ELIMINATE ILLEGAL, UNREPORTED AND UNREGULATED FISHING

FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS
Rome, 2001

Reprinted 2002, 2004, 2006, 2011, 2016, 2017

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ISBN 978-92-5-104601-2

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PREPARATION OF THIS DOCUMENT

This document contains the text of the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU).

The **IPOA-IUU** was developed as a voluntary instrument, within the framework of the Code of Conduct for Responsible Fisheries, in response to a call from the Twenty-third Session of the Committee on Fisheries (COFI). A draft text for an IPOA-IUU was elaborated at an Expert Consultation in Sydney, Australia, in May 2000. This document formed the basis for negotiations at Technical Consultations that were held at FAO Headquarters, Rome, in October 2000 and February 2001. The IPOA-IUU was adopted by consensus at the Twenty-fourth Session of COFI on 2 March 2001 and endorsed by the Hundred and Twentieth Session of the FAO Council on 23 June 2001.

The Governments of Australia, Canada and the European Commission contributed financially to the preparatory activities leading to the development of the IPOA-IUU.

FAO.
International Plan of Action to prevent, deter and eliminate illegal, unreported and unregulated fishing.
Rome, FAO. 2001. 24p.

ABSTRACT

The **IPOA-IUU** is a voluntary instrument that applies to all States and entities and to all fishers. Following the IPOA's introduction, the nature and scope of IUU fishing is addressed. This is followed by the IPOA's objective and principles and the implementation of measures to prevent, deter and eliminate IUU fishing. These measures focus on all State responsibilities, flag State responsibilities, coastal State measures, port State measures, internationally agreed market-related measures, research and regional fisheries management organizations. Special requirements of developing countries are then considered, followed by reporting requirements and the role of FAO.

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I. INTRODUCTION

1. In the context of the Code of Conduct for Responsible Fisheries and its overall objective of sustainable fisheries, the issue of illegal, unreported and unregulated (IUU) fishing in world fisheries is of serious and increasing concern. IUU fishing undermines efforts to conserve and manage fish stocks in all capture fisheries. When confronted with IUU fishing, national and regional fisheries management organizations can fail to achieve management goals. This situation leads to the loss of both short and long-term social and economic opportunities and to negative effects on food security and environmental protection. IUU fishing can lead to the collapse of a fishery or seriously impair efforts to rebuild stocks that have already been depleted. Existing international instruments addressing IUU fishing have not been effective due to a lack of political will, priority, capacity and resources to ratify or accede to and implement them.

2. The Twenty-third Session of the FAO Committee on Fisheries (COFI) in February 1999 addressed the need to prevent, deter and eliminate IUU fishing. The Committee was concerned about information presented indicating increases in IUU fishing, including fishing vessels flying "flags of convenience". Shortly afterwards, an FAO Ministerial Meeting on Fisheries in March 1999 declared that, without prejudice to the rights and obligations of States under international law, FAO "will develop a global plan of action to deal effectively with all forms of illegal, unregulated and unreported fishing including fishing vessels flying "flags of convenience" through coordinated efforts by States, FAO, relevant regional fisheries management bodies and other relevant international agencies such as the International Maritime Organization (IMO), as provided in Article IV of the Code of Conduct. The Government of Australia, in cooperation with FAO, organized an Expert Consultation on Illegal, Unreported and Unregulated Fishing in Sydney, Australia, from 15 to 19 May 2000. Subsequently, an FAO Technical Consultation on Illegal, Unreported and Unregulated Fishing was held in Rome from 2 to 6 October 2000 and a further Technical Consultation was held in Rome from 22 to 23 February 2001. The draft International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing was adopted by the Consultation on 23 February 2001 with a request that the report be submitted to the Twenty-fourth Session of COFI for consideration and eventual adoption. COFI approved the International Plan of Action, by consensus, on 2 March 2001. In doing so, the Committee urged all Members to take the necessary steps to effectively implement the International Plan of Action.

II. NATURE AND SCOPE OF IUU FISHING AND THE INTERNATIONAL PLAN OF ACTION

3. In this document:

3.1 Illegal fishing refers to activities:

3.1.1 conducted by national or foreign vessels in waters under the jurisdiction of a State, without the permission of that State, or in contravention of its laws and regulations;

3.1.2 conducted by vessels flying the flag of States that are parties to a relevant regional fisheries management organization but operate in contravention of the conservation and management measures adopted by that organization and by which the States are bound, or relevant provisions of the applicable international law; or

3.1.3 in violation of national laws or international obligations, including those undertaken by cooperating States to a relevant regional fisheries management organization.

3.2 Unreported fishing refers to fishing activities:

3.2.1 which have not been reported, or have been misreported, to the relevant national authority, in contravention of national laws and regulations; or

3.2.2 undertaken in the area of competence of a relevant regional fisheries management organization which have not been reported or have been misreported, in contravention of the reporting procedures of that organization.

3.3 Unregulated fishing refers to fishing activities:

3.3.1 in the area of application of a relevant regional fisheries management organization that are conducted by vessels without nationality, or by those flying the flag of a State not party to that organization, or by a fishing entity, in a manner that is not consistent with or contravenes the conservation and management measures of that organization; or

3.3.2 in areas or for fish stocks in relation to which there are no applicable conservation or management measures and where such

fishing activities are conducted in a manner inconsistent with State responsibilities for the conservation of living marine resources under international law.

3.4 Notwithstanding paragraph 3.3, certain unregulated fishing may take place in a manner which is not in violation of applicable international law, and may not require the application of measures envisaged under the International Plan of Action`(IPOA).

4. The IPOA is voluntary. It has been elaborated within the framework of the FAO Code of Conduct for Responsible Fisheries as envisaged by Article 2 (d).

5. The FAO Code of Conduct for Responsible Fisheries, in particular Articles 1.1, 1.2, 3.1, and 3.2 applies to the interpretation and application of this IPOA and its relationship with other international instruments. The IPOA is also directed as appropriate towards fishing entities as referred to in the Code of Conduct. The IPOA responds to fisheries specific issues and nothing in it prejudices the positions of States in other fora.

6. In this document:

(a) the reference to States includes regional economic integration organizations in matters within their competence;

(b) the term "regional" includes sub-regional, as appropriate;

(c) the term "regional fisheries management organization" means an intergovernmental fisheries organization or arrangement, as appropriate, that has the competence to establish fishery conservation and management measures;

(d) the term “conservation and management measures” means measures to conserve one or more species of living marine resources that are adopted and applied consistent with the relevant rules of international law;

(e) the term “1982 UN Convention” refers to the United Nations Convention on the Law of the Sea of 10 December 1982;

(f) the term “1993 FAO Compliance Agreement” refers to the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels

on the High Seas, approved by the FAO Conference on 24 November 1993.

(g) the term "1995 UN Fish Stocks Agreement" refers to the Agreement for the Implementation of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks; and

(h) the term "Code of Conduct" refers to the FAO Code of Conduct for Responsible Fisheries.

7. This document is a further commitment by all States to implement the Code of Conduct.

III. OBJECTIVE AND PRINCIPLES

8. The objective of the IPOA is to prevent, deter and eliminate IUU fishing by providing all States with comprehensive, effective and transparent measures by which to act, including through appropriate regional fisheries management organizations established in accordance with international law.

9. The IPOA to prevent, deter and eliminate IUU fishing incorporates the following principles and strategies. Due consideration should be given to the special requirements of developing countries in accordance with Article 5 of the Code of Conduct.

9.1 Participation and coordination: To be fully effective, the IPOA should be implemented by all States either directly, in cooperation with other States, or indirectly through relevant regional fisheries management organizations or through FAO and other appropriate international organizations. An important element in successful implementation will be close and effective coordination and consultation, and the sharing of information to reduce the incidence of IUU fishing, among States and relevant regional and global organizations. The full participation of stakeholders in combating IUU fishing, including industry, fishing communities, and non-governmental organizations, should be encouraged.

9.2 Phased implementation: Measures to prevent, deter and eliminate IUU fishing should be based on the earliest possible phased implementation of national plans of action, and regional and global action in accordance with the IPOA.

9.3 Comprehensive and integrated approach: Measures to prevent, deter and eliminate IUU fishing should address factors affecting all capture fisheries. In taking such an approach, States should embrace measures building on the primary responsibility of the flag State and using all available jurisdiction in accordance with international law, including port State measures, coastal State measures, market-related measures and measures to ensure that nationals do not support or engage in IUU fishing. States are encouraged to use all these measures, where appropriate, and to cooperate in order to ensure that measures are applied in an integrated manner. The action plan should address all economic, social and environmental impacts of IUU fishing .

9.4 Conservation: Measures to prevent, deter and eliminate IUU fishing should be consistent with the conservation and long-term sustainable use of fish stocks and the protection of the environment.

9.5 Transparency: The IPOA should be implemented in a transparent manner in accordance with Article 6.13 of the Code of Conduct.

9.6 Non-discrimination: The IPOA should be developed and applied without discrimination in form or in fact against any State or its fishing vessels.

IV. IMPLEMENTATION OF MEASURES TO PREVENT, DETER AND ELIMINATE IUU FISHING

ALL STATE RESPONSIBILITIES

International Instruments

10. States should give full effect to relevant norms of international law, in particular as reflected in the 1982 UN Convention, in order to prevent, deter and eliminate IUU fishing.

11. States are encouraged, as a matter of priority, to ratify, accept or accede to, as appropriate, the 1982 UN Convention, the 1995 UN Fish Stocks Agreement and the 1993 FAO Compliance Agreement. Those States that have not ratified, accepted or acceded to these relevant international instruments should not act in a manner inconsistent with these instruments.

12. States should implement fully and effectively all relevant international fisheries instruments which they have ratified, accepted or acceded to.

13. Nothing in the IPOA affects, or should be interpreted as affecting, the rights and obligations of States under international law. Nothing in the IPOA affects, or should be interpreted as affecting, the rights and obligations contained in the 1995 UN Fish Stocks Agreement and the 1993 FAO Compliance Agreement, for States parties to those instruments.

14. States should fully and effectively implement the Code of Conduct and its associated International Plans of Action.

15. States whose nationals fish on the high seas in fisheries not regulated by a relevant regional fisheries management organization should fully implement their obligations under Part VII of the 1982 UN Convention to take measures with respect to their nationals as may be necessary for the conservation of the living resources of the high seas.

National Legislation

Legislation

16. National legislation should address in an effective manner all aspects of IUU fishing.

17. National legislation should address, *inter alia*, evidentiary standards and admissibility including, as appropriate, the use of electronic evidence and new technologies.

State Control over Nationals

18. In the light of relevant provisions of the 1982 UN Convention, and without prejudice to the primary responsibility of the flag State on the high seas, each State should, to the greatest extent possible, take measures or cooperate to ensure that nationals subject to their jurisdiction do not support or engage in IUU fishing. All States should cooperate to identify those nationals who are the operators or beneficial owners of vessels involved in IUU fishing.

19. States should discourage their nationals from flagging fishing vessels under the jurisdiction of a State that does not meet its flag State responsibilities.

Vessels without Nationality

20. States should take measures consistent with international law in relation to vessels without nationality on the high seas involved in IUU fishing.

Sanctions

21. States should ensure that sanctions for IUU fishing by vessels and, to the greatest extent possible, nationals under its jurisdiction are of sufficient severity to effectively prevent, deter and eliminate IUU fishing and to deprive offenders of the benefits accruing from such fishing. This may include the adoption of a civil sanction regime based on an administrative penalty scheme. States should ensure the consistent and transparent application of sanctions.

Non Cooperating States

22. All possible steps should be taken, consistent with international law, to prevent, deter and eliminate the activities of non-cooperating States to a relevant regional fisheries management organization which engage in IUU fishing.

Economic Incentives

23. States should, to the exent possible in their national law, avoid conferring economic support, including subsidies, to companies, vessels or persons that are involved in IUU fishing.

Monitoring, Control and Surveillance

24. States should undertake comprehensive and effective monitoring, control and surveillance (MCS) of fishing from its commencement, through the point of landing, to final destination, including by:

24.1 developing and implementing schemes for access to waters and resources, including authorization schemes for vessels;

24.2 maintaining records of all vessels and their current owners and operators authorized to undertake fishing subject to their jurisdiction;

24.3 implementing, where appropriate, a vessel monitoring system (VMS), in accordance with the relevant national, regional or international standards, including the requirement for vessels under their jurisdiction to carry VMS on board;

24.4 implementing, where appropriate, observer programmes in accordance with relevant national, regional or international standards, including the requirement for vessels under their jurisdiction to carry observers on board;

24.5 providing training and education to all persons involved in MCS operations;

24.6 planning, funding and undertaking MCS operations in a manner that will maximize their ability to prevent, deter and eliminate IUU fishing;

24.7 promoting industry knowledge and understanding of the need for, and their cooperative participation in, MCS activities to prevent, deter and eliminate IUU fishing;

24.8 promoting knowledge and understanding of MCS issues within national judicial systems;

24.9 establishing and maintaining systems for the acquisition, storage and dissemination of MCS data, taking into account applicable confidentiality requirements;

24.10 ensuring effective implementation of national and, where appropriate, internationally agreed boarding and inspection regimes consistent with international law, recognizing the rights and obligations of masters and of inspection officers, and noting that such regimes are provided for in certain international agreements, such as the 1995 UN Fish Stocks Agreement, and only apply to the parties to those agreements.

National Plans of Action

25. States should develop and implement, as soon as possible but not later than three years after the adoption of the IPOA, national plans of action to further achieve the objectives of the IPOA and give full effect to its provisions as an integral part of their fisheries management programmes and budgets. These plans should also include, as appropriate, actions to implement initiatives adopted by relevant regional fisheries management organizations to prevent, deter and eliminate IUU fishing. In doing so, States should encourage the full participation and engagement of all interested stakeholders, including industry, fishing communities and non-governmental organizations.

26. At least every four years after the adoption of their national plans of action, States should review the implementation of these plans for the purpose of identifying cost-effective strategies to increase their effectiveness and to take into account their reporting obligations to FAO under Part VI of the IPOA.

27. States should ensure that national efforts to prevent, deter and eliminate IUU fishing are internally coordinated.

Cooperation between States

28. States should coordinate their activities and cooperate directly, and as appropriate through relevant regional fisheries management organizations, in preventing, deterring and eliminating IUU fishing. In particular, States should:

28.1 exchange data or information, preferably in standardized format, from records of vessels authorized by them to fish, in a manner consistent with any applicable confidentiality requirements;

28.2 cooperate in effective acquisition, management and verification of all relevant data and information from fishing;

28.3 allow and enable their respective MCS practitioners or enforcement personnel to cooperate in the investigation of IUU fishing, and to this end States should collect and maintain data and information relating to such fishing;

28.4 cooperate in transferring expertise and technology;

28.5 cooperate to make policies and measures compatible;

28.6 develop cooperative mechanisms that allow, *inter alia*, rapid responses to IUU fishing; and

28.7 cooperate in monitoring, control and surveillance, including through international agreements.

29. In the light of Article VI of the 1993 FAO Compliance Agreement, flag States should make available to FAO and, as appropriate, to other States and relevant regional or international organizations, information about vessels deleted from their records or whose authorization to fish has been cancelled and to the extent possible, the reasons therefor.

30. In order to facilitate cooperation and exchange of information, each State and regional or international organization should nominate and publicize initial formal contact points.

31. Flag States should consider entering into agreements or arrangements with other States and otherwise cooperate for the enforcement of applicable laws and conservation and management measures or provisions adopted at a national, regional or global level.

Publicity

32. States should publicize widely, including through cooperation with other States, full details of IUU fishing and actions taken to eliminate it, in a manner consistent with any applicable confidentiality requirements.

Technical Capacity and Resources

33. States should endeavour to make available the technical capacity and resources which are needed to implement the IPOA. This should include, where appropriate, the establishment of special funds at the national, regional or global level. In this respect, international cooperation should play an important role.

FLAG STATE RESPONSIBILITIES

Fishing Vessel Registration

34. States should ensure that fishing vessels entitled to fly their flag do not engage in or support IUU fishing.

35. A flag State should ensure, before it registers a fishing vessel, that it can exercise its responsibility to ensure that the vessel does not engage in IUU fishing.

36. Flag States should avoid flagging vessels with a history of non-compliance except where:

36.1 the ownership of the vessel has subsequently changed and the new owner has provided sufficient evidence demonstrating that the previous owner or operator has no further legal, beneficial or financial interest in, or control of, the vessel; or

36.2 having taken into account all relevant facts, the flag State determines that flagging the vessel would not result in IUU fishing.

37. All States involved in a chartering arrangement, including flag States and other States that accept such an arrangement, should, within the limits of their respective jurisdictions, take measures to ensure that chartered vessels do not engage in IUU fishing.

38. Flag States should deter vessels from reflagging for the purposes of non-compliance with conservation and management measures or provisions adopted at a national, regional or global level. To the extent practicable, the

actions and standards flag States adopt should be uniform to avoid creating incentives for vessel owners to reflag their vessels to other States.

39. States should take all practicable steps, including denial to a vessel of an authorization to fish and the entitlement to fly that State's flag, to prevent "flag hopping"; that is to say, the practice of repeated and rapid changes of a vessel's flag for the purposes of circumventing conservation and management measures or provisions adopted at a national, regional or global level or of facilitating non-compliance with such measures or provisions.

40. Although the functions of registration of a vessel and issuing of an authorization to fish are separate, flag States should consider conducting these functions in a manner which ensures each gives appropriate consideration to the other. Flag States should ensure appropriate links between the operation of their vessel registers and the record those States keep of their fishing vessels. Where such functions are not undertaken by one agency, States should ensure sufficient cooperation and information sharing between the agencies responsible for those functions.

41. A Flag State should consider making its decision to register a fishing vessel conditional upon its being prepared to provide to the vessel an authorization to fish in waters under its jurisdiction, or on the high seas, or conditional upon an authorization to fish being issued by a coastal State to the vessel when it is under the control of that flag State.

Record of Fishing Vessels

42. Each flag State should maintain a record of fishing vessels entitled to fly its flag. Each flag State's record of fishing vessels should include, for vessels authorized to fish on the high seas, all the information set out in paragraphs 1 and 2 of Article VI of the 1993 FAO Compliance Agreement, and may also include, *inter alia*:

42.1 the previous names, if any and if known;

42.2 name, address and nationality of the natural or legal person in whose name the vessel is registered ;

42.3 name, street address, mailing address and nationality of the natural or legal persons responsible for managing the operations of the vessel;

42.4 name, street address, mailing address and nationality of natural or legal persons with beneficial ownership of the vessel;

42.5 name and ownership history of the vessel, and, where this is known, the history of non-compliance by that vessel, in accordance with national laws, with conservation and management measures or provisions adopted at a national, regional or global level; and

42.6 vessel dimensions, and where appropriate, a photograph, taken at the time of registration or at the conclusion of any more recent structural alterations, showing a side profile view of the vessel.

43. Flag States may also require the inclusion of the information in paragraph 42 in their record of fishing vessels that are not authorized to fish on the high seas.

Authorization to Fish

44. States should adopt measures to ensure that no vessel be allowed to fish unless so authorized, in a manner consistent with international law for the high seas , in particular the rights and duties set out in articles 116 and 117 of the 1982 UN Convention, or in conformity with national legislation within areas of national jurisdiction.

45. A flag State should ensure that each of the vessels entitled to fly its flag fishing in waters outside its sovereignty or jurisdiction holds a valid authorization to fish issued by that flag State. Where a coastal State issues an authorization to fish to a vessel, that coastal State should ensure that no fishing in its waters occurs without an authorization to fish issued by the flag State of the vessel.

46. Vessels should have an authorization to fish and where required carry it on board. Each State's authorization should include, but need not be limited to:

46.1 the name of the vessel, and, where appropriate, the natural or legal person authorized to fish;

46.2 the areas, scope and duration of the authorization to fish; and

46.3 the species, fishing gear authorized, and where appropriate, other applicable management measures.

47. Conditions under which an authorization is issued may also include, where required:

47.1 vessel monitoring systems;

47.2 catch reporting conditions, such as:

47.2.1 time series of catch and effort statistics by vessel;

47.2.2 total catch in number, nominal weight, or both, by species (both target and non-target) as is appropriate to each fishery period (nominal weight is defined as the live weight equivalent of the catch);

47.2.3 discard statistics, including estimates where necessary, reported as number or nominal weight by species, as is appropriate to each fishery;

47.2.4 effort statistics appropriate to each fishing method; and

47.2.5 fishing location, date and time fished and other statistics on fishing operations.

47.3 reporting and other conditions for transshipping, where transshipping is permitted;

47.4 observer coverage;

47.5 maintenance of fishing and related log books;

47.6 navigational equipment to ensure compliance with boundaries and in relation to restricted areas;

47.7 compliance with applicable international conventions and national laws and regulations in relation to maritime safety, protection of the marine environment, and conservation and management measures or provisions adopted at a national, regional or global level;

47.8 marking of its fishing vessels in accordance with internationally recognized standards, such as the FAO Standard Specification and Guidelines for the Marking and Identification of Fishing Vessels. Vessels' fishing gear should similarly be marked in accordance with internationally recognized standards;

47.9 where appropriate, compliance with other aspects of fisheries arrangements applicable to the flag State; and

47.10 the vessel having a unique, internationally recognized identification number, wherever possible, that enables it to be identified regardles of changes in registration or name over time.

48. Flag States should ensure that their fishing, transport and support vessels do not support or engage in IUU fishing. To this end, flag States should ensure that none of their vessels re-supply fishing vessels engaged in such activities or transship fish to or from these vessels. This paragraph is without prejudice to the taking of appropriate action, as necessary, for humanitarian purposes, including the safety of crew members.

49. Flag States should ensure that, to the greatest extent possible, all of their fishing, transport and support vessels involved in transshipment at sea have a prior authorization to transship issued by the flag State, and report to the national fisheries administration or other designated institution:

49.1 the date and location of all of their transshipments of fish at sea;

49.2 the weight by species and catch area of the catch transshipped;

49.3 the name, registration, flag and other information related to the identification of the vessels involved in the transshipment; and

49.4 the port of landing of the transshipped catch.

50. Flag States should make information from catch and transshipment reports available, aggregated according to areas and species, in a full, timely and regular manner and, as appropriate, to relevant national, regional and international organizations, including FAO, taking into account applicable confidentiality requirements.

COASTAL STATE MEASURES

51. In the exercise of the sovereign rights of coastal States for exploring and exploiting, conserving and managing the living marine resources under their jurisdiction, in conformity with the 1982 UN Convention and international law, each coastal State should implement measures to prevent, deter and eliminate IUU fishing in the exclusive economic zone. Among the measures which the coastal State should consider, consistent with national legislation and international law, and to the extent practicable and appropriate, are:

51.1 effective monitoring, control and surveillance of fishing activities in the exclusive economic zone;

51.2 cooperation and exchange of information with other States, where appropriate, including neighbouring coastal States and with regional fisheries management organizations;

51.3 to ensure that no vessel undertakes fishing activities within its waters without a valid authorization to fish issued by that coastal State;

51.4 to ensure that an authorization to fish is issued only if the vessel concerned is entered on a record of vessels;

51.5 to ensure that each vessel fishing in its waters maintains a logbook recording its fishing activities where appropriate;

51.6 to ensure that at-sea transshipment and processing of fish and fish products in coastal State waters are authorized by that coastal State, or conducted in conformity with appropriate management regulations;

51.7 regulation of fishing access to its waters in a manner which will help to prevent, deter and eliminate IUU fishing; and

51.8 avoiding licensing a vessel to fish in its waters if that particular vessel has a history of IUU fishing, taking into account the provisions of paragraph 36.

PORT STATE MEASURES

52. States should use measures, in accordance with international law, for port State control of fishing vessels in order to prevent, deter and eliminate IUU fishing. Such measures should be implemented in a fair, transparent and non-discriminatory manner.

53. When used in paragraphs 52 to 64, port access means admission for foreign fishing vessels to ports or offshore terminals for the purpose of, *inter alia*, refuelling, re-supplying, transshipping and landing, without prejudice to the sovereignty of a coastal State in accordance with its national law and article 25.2 of the 1982 UN Convention and other relevant international law.

54. Notwithstanding paragraphs 52, 53 and 55; a vessel should be provided port access, in accordance with international law, for reasons of *force majeure* or distress or for rendering assistance to persons, ships or aircraft in danger or distress.

55. Prior to allowing a vessel port access, States should require fishing vessels and vessels involved in fishing related activities seeking permission to

enter their ports to provide reasonable advance notice of their entry into port, a copy of their authorization to fish, details of their fishing trip and quantities of fish on board, with due regard to confidentiality requirements, in order to ascertain whether the vessel may have engaged in, or supported, IUU fishing.

56. Where a port State has clear evidence that a vessel having been granted access to its ports has engaged in IUU fishing activity, the port State should not allow the vessel to land or transship fish in its ports, and should report the matter to the flag State of the vessel.

57. States should publicize ports to which foreign flagged vessels may be permitted admission and should ensure that these ports have the capacity to conduct inspections.

58. In the exercise of their right to inspect fishing vessels, port States should collect the following information and remit it to the flag State and, where appropriate, the relevant regional fisheries management organization:

58.1 the flag State of the vessel and identification details;

58.2 name, nationality, and qualifications of the master and the fishing master;

58.3 fishing gear;

58.4 catch on board, including origin, species, form, and quantity;

58.5 where appropriate, other information required by relevant regional fisheries management organizations or other international agreements; and

58.6 total landed and transshipped catch.

59. If, in the course of an inspection, it is found that there are reasonable grounds to suspect that the vessel has engaged in or supported IUU fishing in areas beyond the jurisdiction of the port State, the port State should, in addition to any other actions it may take consistent with international law, immediately report the matter to the flag State of the vessel and, where appropriate, the relevant coastal States and regional fisheries management organization. The port State may take other action with the consent of, or upon the request of, the flag State.

60. In applying paragraphs 58 and 59, States should safeguard the confidentiality of information collected, in accordance with their national laws.

61. States should establish and publicize a national strategy and procedures for port State control of vessels involved in fishing and related activities, including training, technical support, qualification requirements and general operating guidelines for port State control officers. States should also consider capacity-building needs in the development and implementation of this strategy.

62. States should cooperate, as appropriate, bilaterally, multilaterally and within relevant regional fisheries management organizations, to develop compatible measures for port State control of fishing vessels. Such measures should deal with the information to be collected by port States, procedures for information collection, and measures for dealing with suspected infringements by the vessel of measures adopted under these national, regional or international systems.

63. States should consider developing within relevant regional fisheries management organizations port State measures building on the presumption that fishing vessels entitled to fly the flag of States not parties to a regional fisheries management organization and which have not agreed to cooperate with that regional fisheries management organization, which are identified as being engaged in fishing activities in the area of that particular organization, may be engaging in IUU fishing. Such port State measures may prohibit landings and transshipment of catch unless the identified vessel can establish that the catch was taken in a manner consistent with those conservation and management measures. The identification of the vessels by the regional fisheries management organization should be made through agreed procedures in a fair, transparent and non-discriminatory manner.

64. States should enhance cooperation, including by the flow of relevant information, among and between relevant regional fisheries management organizations and States on port State controls.

INTERNATIONALLY AGREED MARKET–RELATED MEASURES

65. The measures in paragraphs 66 to 76 are to be implemented in a manner which recognizes the right of States to trade in fish and fishery products harvested in a sustainable manner and should be interpreted and applied in accordance with the principles, rights and obligations established in the World Trade Organisation, and implemented in a fair, transparent and non-discriminatory manner.

66. States should take all steps necessary, consistent with international law, to prevent fish caught by vessels identified by the relevant regional fisheries management organization to have been engaged in IUU fishing being traded or imported into their territories. The identification of the vessels by the regional fisheries management organization should be made through agreed procedures in a fair, transparent and non-discriminatory manner. Trade-related measures should be adopted and implemented in accordance with international law, including principles, rights and obligations established in WTO Agreements, and implemented in a fair, transparent and non-discriminatory manner. Trade-related measures should only be used in exceptional circumstances, where other measures have proven unsuccessful to prevent, deter and eliminate IUU fishing, and only after prior consultation with interested States. Unilateral trade-related measures should be avoided.

67. States should ensure that measures on international trade in fish and fishery products are transparent, based on scientific evidence, where applicable, and are in accordance with internationally agreed rules.

68. States should cooperate, including through relevant global and regional fisheries management organizations, to adopt appropriate multilaterally agreed trade-related measures, consistent with the WTO, that may be necessary to prevent, deter and eliminate IUU fishing for specific fish stocks or species. Multilateral trade-related measures envisaged in regional fisheries management organizations may be used to support cooperative efforts to ensure that trade in specific fish and fish products does not in any way encourage IUU fishing or otherwise undermine the effectiveness of conservation and management measures which are consistent with the 1982 UN Convention.

69. Trade-related measures to reduce or eliminate trade in fish and fish products derived from IUU fishing could include the adoption of multilateral catch documentation and certification requirements, as well as other appropriate multilaterally-agreed measures such as import and export controls or prohibitions. Such measures should be adopted in a fair, transparent and non-discriminatory manner. When such measures are adopted, States should support their consistent and effective implementation.

70. Stock or species-specific trade-related measures may be necessary to reduce or eliminate the economic incentive for vessels to engage in IUU fishing.

71. States should take steps to improve the transparency of their markets to allow the traceability of fish or fish products.

72. States, when requested by an interested State, should assist any State in deterring trade in fish and fish products illegally harvested in its jurisdiction. Assistance should be given in accordance with terms agreed by both States and fully respecting the jurisdiction of the State requesting assistance.

73. States should take measures to ensure that their importers, transshippers, buyers, consumers, equipment suppliers, bankers, insurers, other services suppliers and the public are aware of the detrimental effects of doing business with vessels identified as engaged in IUU fishing, whether by the State under whose jurisdiction the vessel is operating or by the relevant regional fisheries management organizations in accordance with its agreed procedures, and should consider measures to deter such business. Such measures could include, to the extent possible under national law, legislation that makes it a violation to conduct such business or to trade in fish or fish products derived from IUU fishing. All identifications of vessels engaged in IUU fishing should be made in a fair, transparent and non-discriminatory manner.

74. States should take measures to ensure that their fishers are aware of the detrimental effects of doing business with importers, transshippers, buyers, consumers, equipment suppliers, bankers, insurers and other services suppliers identified as doing business with vessels identified as engaged in IUU fishing, whether by the State under whose jurisdiction the vessel is operating or by the relevant regional fisheries management organization in accordance with its agreed procedures, and should consider measures to deter such business. Such measures could include, to the extent possible under national law, legislation that makes it a violation to conduct such business or to trade in fish or fish products derived from IUU fishing. All identifications of vessels engaged in IUU fishing should be made in a fair, transparent and non-discriminatory manner.

75. States should work towards using the Harmonized Commodity Description and Coding System for fish and fisheries products in order to help promote the implementation of the IPOA.

76. Certification and documentation requirements should be standardized to the extent feasible, and electronic schemes developed where possible, to ensure their effectiveness, reduce opportunities for fraud, and avoid unnecessary burdens on trade.

RESEARCH

77. States should encourage scientific research on methods of identifying fish species from samples of processed products. FAO should facilitate the

establishment of a network of databases of genetic and other markers used to identify fish species from processed product, including the ability to identify the stock of origin where possible.

REGIONAL FISHERIES MANAGEMENT ORGANIZATIONS

78. States should ensure compliance with and enforcement of policies and measures having a bearing on IUU fishing which are adopted by any relevant regional fisheries management organization and by which they are bound. States should cooperate in the establishment of such organizations in regions where none currently exist.

79. As the cooperation of all relevant States is important for the success of measures taken by relevant regional fisheries management organizations to prevent, deter and eliminate IUU fishing, States which are not members of a relevant regional fisheries management organization are not discharged from their obligation to cooperate, in accordance with their international obligations, with that regional fisheries management organization. To that end, States should give effect to their duty to cooperate by agreeing to apply the conservation and management measures established by that regional fisheries management organization, or by adopting measures consistent with those conservation and management measures, and should ensure that vessels entitled to fly their flag do not undermine such measures.

80. States, acting through relevant regional fisheries management organizations, should take action to strengthen and develop innovative ways, in conformity with international law, to prevent. deter, and eliminate IUU fishing. Consideration should be given to including the following measures:

80.1 institutional strengthening, as appropriate, of relevant regional fisheries management organizations with a view to enhancing their capacity to prevent, deter and eliminate IUU fishing;

80.2 development of compliance measures in conformity with international law;

80.3 development and implementation of comprehensive arrangements for mandatory reporting;

80.4 establishment of and cooperation in the exchange of information on vessels engaged in or supporting IUU fishing;

80.5 development and maintenance of records of vessels fishing in the area of competence of a relevant regional fisheries management organization, including both those authorized to fish and those engaged in or supporting IUU fishing;

80.6 development of methods of compiling and using trade information to monitor IUU fishing;

80.7 development of MCS, including promoting for implementation by its members in their respective jurisdictions, unless otherwise provided for in an international agreement, real time catch and vessel monitoring systems, other new technologies, monitoring of landings, port control, and inspections and regulation of transshipment, as appropriate;

80.8 development within a regional fisheries management organization, where appropriate, of boarding and inspection regimes consistent with international law, recognizing the rights and obligations of masters and inspection officers;

80.9 development of observer programmes;

80.10 where appropriate, market-related measures in accordance with the IPOA;

80.11 definition of circumstances in which vessels will be presumed to have engaged in or to have supported IUU fishing;

80.12 development of education and public awareness programmes;

80.13 development of action plans; and

80.14 where agreed by their members, examination of chartering arrangements, if there is concern that these may result in IUU fishing.

81. States, acting through relevant regional fisheries management organizations, should compile and make available on a timely basis, and at least on an annual basis, to other regional fisheries management organizations and to FAO, information relevant to the prevention, deterrence and elimination of IUU fishing, including:

81.1 estimates of the extent, magnitude and character of IUU activities in the area of competence of the regional fisheries management organization;

81.2 details of measures taken to deter, prevent and eliminate IUU fishing;

81.3 records of vessels authorized to fish, as appropriate; and

81.4 records of vessels engaged in IUU fishing.

82. Objectives of institutional and policy strengthening in relevant regional fisheries management organizations in relation to IUU fishing should include enabling regional fisheries management organizations to:

82.1 determine policy objectives regarding IUU fishing, both for internal purposes and co-ordination with other regional fisheries management organizations;

82.2 strengthen institutional mechanisms as appropriate, including mandate, functions, finance, decision making, reporting or information requirements and enforcement schemes, for the optimum implementation of policies in relation to IUU fishing;

82.3 regularize coordination with institutional mechanisms of other regional fisheries management organizations as far as possible in relation to IUU fishing, in particular information, enforcement and trade aspects; and

82.4 ensure timely and effective implementation of policies and measures internally, and in cooperation with other regional fisheries management organizations and relevant regional and international organizations.

83. States, acting through relevant regional fisheries management organizations, should encourage non-contracting parties with a real interest in the fishery concerned to join those organizations and to participate fully in their work. Where this is not possible, the regional fisheries management organizations should encourage and facilitate the participation and cooperation of non-contracting parties, in accordance with applicable international agreements and international law, in the conservation and management of the relevant fisheries resources and in the implementation of measures adopted by the relevant organizations. Regional fisheries management organizations should address the issue of access to the resource in order to foster cooperation and enhance sustainability in the fishery, in accordance with international law. States, acting through relevant regional fisheries mangement organizations, should also assist, as necessary, non-contracting parties in the implementation of paragraphs 78 and 79 of the IPOA.

84. When a State fails to ensure that fishing vessels entitled to fly its flag, or, to the greatest extent possible, its nationals, do not engage in IUU fishing activities that affect the fish stocks covered by a relevant regional fisheries management organization, the member States, acting through the organization, should draw the problem to the attention of that State. If the problem is not rectified, members of the organization may agree to adopt appropriate measures, through agreed procedures, in accordance with international law.

V. SPECIAL REQUIREMENTS OF DEVELOPING COUNTRIES

85. States, with the support of FAO and relevant international financial institutions and mechanisms, where appropriate, should cooperate to support training and capacity building and consider providing financial, technical and other assistance to developing countries, including in particular the least developed among them and small island developing States, so that they can more fully meet their commitments under the IPOA and obligations under international law, including their duties as flag States and port States. Such assistance should be directed in particular to help such States in the development and implementation of national plans of action in accordance with paragraph 25.

86. States, with the support of FAO and relevant international financial institutions and mechanisms, where appropriate, should cooperate to enable:

86.1 review and revision of national legislation and regional regulatory frameworks;

86.2 the improvement and harmonization of fisheries and related data collection;

86.3 the strengthening of regional institutions; and

86.4 the strengthening and enhancement of integrated MCS systems, including satellite monitoring systems.

VI. REPORTING

87. States and regional fisheries management organizations should report to FAO on progress with the elaboration and implementation of their plans to prevent, deter and eliminate IUU fishing as part of their biennial reporting to FAO on the Code of Conduct. These reports should be published by FAO in a timely manner.

VII. ROLE OF FAO

88. FAO will, as and to the extent directed by its Conference, collect all relevant information and data that might serve as a basis for further analysis aimed at identifying factors and causes contributing to IUU fishing such as, *inter alia*, a lack of input and output management controls, unsustainable fishery management methods and subsidies that contribute to IUU fishing.

89. FAO will, as and to the extent directed by its Conference, support development and implementation of national and regional plans to prevent, deter and eliminate IUU fishing through specific, in-country technical assistance projects with Regular Programme funds and through the use of extra-budgetary funds made available to the Organization for this purpose.

90. FAO should, in collaboration with other relevant international organizations, in particular IMO, further investigate the issue of IUU fishing.

91. FAO should convene an Expert Consultation on the implementation of paragraph 76 of the IPOA.

92. FAO should investigate the benefits of establishing and maintaining regional and global databases, including but not limited to, information as provided for in Article VI of the 1993 FAO Compliance Agreement.

93. The FAO Committee on Fisheries will, based on a detailed analysis by the Secretariat, biennially evaluate the progress towards the implementation of the IPOA.

The IPOA-IUU is a voluntary instrument that applies to all States and entities and to all fishers. Following the IPOA's introduction, the nature and scope of IUU fishing is addressed. This is followed by the IPOA's objective and principles and the implementation of measures to prevent, deter and eliminate IUU fishing. These measures focus on all State responsibilities, flag State responsibilities, coastal State measures, port State measures, internationally agreed market-related measures, research and regional fisheries management organizations. Special requirements of developing countries are then considered, followed by reporting requirements and the role of FAO.

ISBN 978-92-5-104601-2

9 789251 046012

Y1224EN/7/05.16

Annex 100

"UN agency urges implementation of accord to tackle illegal fishing", *UN News*, 12 July 2016

UN News (/en/)

UN agency urges implementation of accord to tackle illegal fishing



FAO/Sia Kambou | Offloading tuna in Côte d'Ivoire at Abidjan's main port.

12 July 2016

An international agreement aimed at tackling illegal fishing "marks the dawn of a new era," but rapid action is needed to ensure that its implementation is effective, the head of the United Nations Food and Agriculture Organization (FAO (http://www.fao.org/home/en/)) has said.

"Generations to come will recognize the importance of this achievement, your achievement," said FAO (http://www.fao.org/home/en/) Director-General José Graziano da Silva at an event held yesterday to celebrate the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (http://www.fao.org/documents/card/en/c/915655b8-e31c-479c-bf07-30cba21ea4b0/), which went into force on 5 June.

The treaty was adopted as an FAO agreement in 2009 after a years-long diplomatic effort, and is the first-ever binding international accord that focuses specifically on illicit fishing. More than 30 nations, as well the European Union on behalf of its 28 members, have acceded to the treaty.

Specifically, the treaty requires foreign vessels to submit to inspections at any port of call and for port states to share information on violations. An improvement on prior rules requiring countries to control the activities of their own fishing fleets, the new agreement is designed to raise the cost of illegal, unreported and unregulated fishing, as it blocks improperly caught fish from being brought to land and entering markets.

At the event, the FAO Director-General acknowledged that implementation of the agreement may prove challenging for some nations – especially developing and small island States – due to resource and capacity constraints.

The agreement has an article that explicitly enjoins parties to the treaty and international organizations to provide assistance and funding. The Republic of Korea has already confirmed it will make a financial contribution, and other parties should follow suit, Mr. Graziano da Silva said.

In addition, FAO has set up an inter-regional Technical Cooperation Programme and a Global Capacity Development Umbrella Programme to support logistical, legislative and legal aspects of translating the agreement into practice.

"FAO is working to deliver immediate support to those countries that are most in need of it," Mr. Graziano da Silva said.

Sustainable oceans, sustainable livelihoods

More than half of all fish exports come from developing countries, which underscores the importance, in terms of revenue, of sustainable management practices, FAO said.

It is estimated that illegal, unreported and unregulated fishing accounts for annual catches of up to 26 million tonnes globally, with a value of up to $23 billion.

Such fishing not only jeopardizes marine ecosystems but also threatens the livelihoods and food security of millions of fish workers around the world, Mr. Graziano da Silva said.

While the agreement constitutes a powerful and cost-effective tool, it cannot eliminate illegal, unreported and unregulated fishing on its own, and must be flanked by other tools and efforts, Mr. Graziano da Silva said, expressing his hope that the momentum generated by the treaty's entry into force will foster further collaboration.

The event was held on the sidelines of the annual FAO Committee on Fisheries (http://www.fao.org/fishery/about/cofi/en), which began yesterday. The Committee, a subsidiary body of the FAO Council, constitutes the only global inter-governmental forum where major international fisheries and aquaculture problems and issues are examined periodically on a worldwide basis.

Annex 101

"Ten Years Promoting and Strengthening Regional Cooperation For Securing Sustainable Fisheries In South West Indian Ocean (SWIO) Region", *UN FAO South West Indian Ocean Fisheries Commission (SWIOFC)*, 2015



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SOUTH WEST INDIAN OCEAN FISHERIES COMMISSION (SWIOFC)

Ten Years Promoting And Strengthening Regional Cooperation For Securing Sustainable Fisheries In South West Indian Ocean (SWIO) Region

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SOUTH WEST INDIAN OCEAN FISHERIES COMMISSION (SWIOFC)

Ten Years Promoting And Strengthening Regional Cooperation For Securing Sustainable Fisheries In South West Indian Ocean (SWIO) Region

Design: Michael Lusaba and John Kabubu, WWF;

With support from WWF

WWF



Acknowledgements:

We are greatly indebted to Dr Pedro Barros, FAO, for providing inputs from the SWIO Scientific Committee. We are also thankful to WWF CEAI for financial support, design and production of this booklet

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Acronyms

AU-IBAR	– African Union Inter-African Bureau for Animal Resources;
CSIR	– Council for Science and Industrial Research of South Africa
DWFN	– Distant Water Fishing Nation;
EAC	– East Africa Community;
EAF	– Ecosystem Approach for Fisheries;
EEZ	– Exclusive Economic Zone;
ETP	– Endangered, Threatened and Protected Species;
FADs	– Fishing Aggregating Devices;
FAO	– Food and Agriculture Organization;
HDI	– Human Development Index;
IUCN	– International Union for Conservation of Nature;
IUU	– Illegal, Unreported and Unregulated Fishing;
IOC	– Indian Ocean Commission;
IOTC	– Indian Ocean Tuna Commission;
MCS	– Monitoring, Control and Surveillance;
MDGs	– Millennium Development Goals;
MTC	– Minimum Terms and Conditions;
NGOs	– Non-Governmental Organizations;
ORI	– Oceanographic Research Institute;
PFRS	– Policy Framework and Reform Strategy;
ReCoMaP	– Regional Coastal Management Programme of IOC
RFB	– Regional Fisheries Body;
RFMO	– Regional Fisheries Management organization;
RECs	– Regional Economic Commission;
SIDA	– Swedish International Development Agency;
SIOFA	– South Indian Ocean Fisheries Agreement;
SWIO	– South West Indian Ocean;
SWIOFC	– South West Indian Ocean Fisheries Commission;
SWIOFP	– South West Indian Ocean Fisheries Project;
SWIOFish	– South West Indian Ocean Fisheries Governance and Shared Growth Programme;
UNCLOS	– United Nations Convention on the Law of the Sea;
UNDP	– United Nations Development Programme;
UNEP	– United Nations Environmental Programme;
WCS	– Wildlife Conservation Society;
WPCCTF	– Working Party for Coordination and Cooperation in Tuna Fisheries;
WWF	– World Wide Fund for Nature;

1. Abstract

This booklet was produced within the commemorations of 10th anniversary of establishment of the South West Indian Ocean Fisheries Commission (SWIOFC), to revive its history, and better understand the past. It reflects on SWIOFC's present and future roles, considering the current and expected challenges. It also serves as a short reference document to understand the work done in the Southwest Indian Ocean (SWIO) region for strengthening regional cooperation and sustainable marine fisheries management.

The booklet provides a general overview of the SWIO, including the SWIOFC geographical area of competence, relevance of coastal and marine fisheries, including the coastline, continental shelves and EEZ features; social and economic settings; and relevance and challenges of fisheries management.

The rational for SWIOFC is highlighted, based on the relevance of regional fisheries collaboration and cooperation, and in accordance to the international and regional legislation.

Subsequently the document focuses on SWIOFC, its objectives, functions, species covered, members, as well as its structure and the progress achieved since its establishment, relevant entities involved, decisions taken, leadership and challenges faced.

At the end, it addresses the future of SWIOFC taking in account the current and future fisheries issues and challenges.

2. Introduction

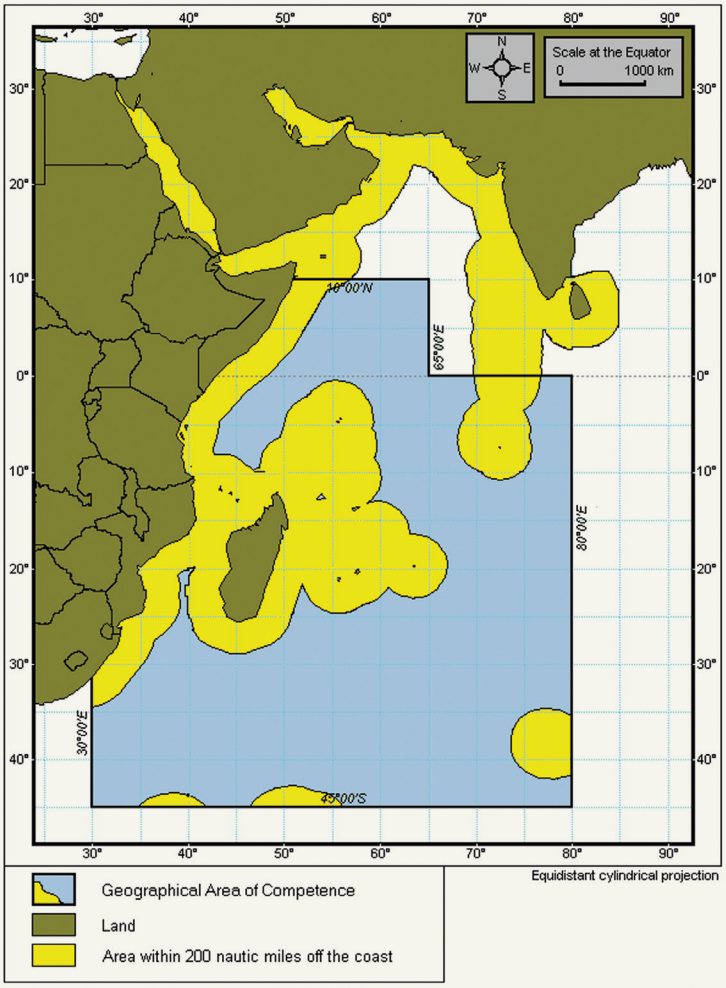
2.1. Rationale for the Booklet

This booklet was produced within the commemoration of 10th anniversary of establishment of SWIOFC, to capture the trajectory of this organization, including important moments, to revive its history, so that everyone better understands the past. It is equally to reflect on its present role, taking in account the current reality, and for the future, considering the expected challenges. It is also intended as short reference document to understand the work done in the SWIO region for strengthening regional cooperation and sustainable marine fisheries management.

2.2. Geographical definition of South West Indian Ocean (SWIO) region and area of competence of SWIOFC

The area of competence of the Commission are all waters under the national jurisdiction of coastal states included within a line drawn as follows: from a point on the high water mark on the East African coast at latitude 10° 00 N, thence due east along this parallel to the longitude 65°00 E, thence due south along this meridian to the equator, thence due east along this parallel to the longitude 80° 00 E, thence due south along this meridian to a parallel 45° 00 S, thence due west along this parallel to the longitude 30° 00 E, thence due north along this meridian to the coast of the African Continent.

This area corresponds to the Exclusive Zones of countries within most of FAO Fishing area 51 (Indian Ocean, Western).



2.3. Relevance/Importance of coastal and marine fisheries in SWIO region

2.3.1.Length of coastline, area of continental shelf and of the EEZ

The membership of SWIOFC includes four of the five countries with the largest coastlines of the African continent (Madagascar, Somalia, South Africa , Mozambique, and Egypt), five countries with the largest EEZs of the continent (South Africa, Seychelles, Mauritius, Madagascar, and Somalia), and three of the five countries with the largest continental shelves of the continent (South Africa, Morocco, Madagascar, Mozambique, and Namibia). SWIOFC also includes non-African countries, namely France, Maldives and Yemen . These attributes relate to the economic, environmental and social relevance of the coastal and marine environment including fisheries resources for these SWIO states.

2.3.2. Social and economic settings

With an estimated population of more than 185 million people, from sparse to heavily populated countries, the SWIO has some of the poorest countries (seven) in the world , middle income (two), high (two) and one very high Human Development Index (HDI) states.

The development of most of these countries relies heavily on the use of natural resources, including fisheries.

[1] Only a part of South Africa's coastline, EEZ and continental shelf is within SWIOFC.
[2] As part of the island of Socotra, Yemen, lies with the SWIOFC boundary
[3] Human Development Index: poor below 0.55; middle 0.55 to 0.70; high 0.70 to 0.79; very high greater than 0.8

2.3.3. Relevant fisheries in the region

The SWIO has the longest unfragmented fringing reefs in the world, and globally has the second highest coral reef diversity after the Western and Central Pacific. It is one of most important marine biodiversity hotspots on the planet.

The rich natural environment provides the resources - such as fish and invertebrates – which support the livelihoods of more than 60 million people living in the coastal belt. The fisheries have artisanal, semi-industrial and industrial sub-sectors targeting a variety of resources, such as mollusks and small pelagic fish mainly caught by beach/reef collectors, subsistence and artisanal fishers, and, therefore, with significant local and national relevance; demersal fish including fish and crustaceans (such as shrimp, lobster, crab, langoustine) that constitute the most important coastal and continental shelf fisheries group; and large pelagic fish (such as tuna and tuna-like species, billfish and sharks) which are also of great economic importance and constituting some 70% of offshore catches (WWF Concept Note, 2015).

Invariably fisheries are extremely important for the economies of the SWIO countries. Across the region artisanal fisheries provide a major source of livelihood and food security. The semi-industrial and industrial shrimp fisheries mainly operated in Mozambique and Madagascar but also Tanzania and Kenya represent one of the main sources of foreign income to those two countries from natural resources. The shrimp fisheries of the SWIO have experienced an increasing involvement of artisanal and small scale fishers in recent years. Most SWIO countries (with the exception of the Maldives) license foreign fishing vessels to fish to tuna within their waters and seek greater participation and economic benefits from this sector. Some 70% to 80% of the Indian Ocean tuna catch (the total of which is worth USD 2 to 3 billion) is caught in the Western Indian Ocean. Important tuna landing ports and processing hubs include Port Louis/Mauritius (capacity 120,000 tons/year), Victoria/Seychelles (100,000 tons/year), Antsiranana/Madagascar (36,000 tons/year) and Mombasa/Kenya (20,000 tons/year).

2.3.4. Main challenges

Relevant challenges include:

Overfishing: Overfishing is an issue for the fisheries sector worldwide, including from the SWIO region. Globally 29% of the world fish stocks are over-exploited; 61% fully fished; and only 10% under-fished (FAO, 2014). All SWIOFC countries have overfished stocks that need to be better managed. The Scientific Committee of the SWIOFC regularly monitors the status of stocks in SWIOFC's zone of competence. In 2013, 34% of the relevant marine SWIO fish stocks were overexploited, while 66% were not. The trend, from 2005 to 2013, although with some variations, is an increase in the number of overexploited fish stocks. Overfishing threatens livelihoods and food security of local communities; and national and regional economies.

Negative Ecosystem Impacts: Negative ecosystem impacts can result from fishing with destructive gear such as explosive, poisons, heavy bottom trawls and small meshed nets. Also from by-catch, when most of it discarded dead, or when endangered, threatened and protected species (ETP) are killed. These affect the ecosystem's balanced animal communities, its habitat (such as coral reefs, mangroves, sea grass beds and sea bottom substrate) and its biodiversity. By-catch includes important non-targeted commercial fish stocks, juveniles of the targeted stocks and endangered, threatened and protected (ETP) species (including marine turtles, marine mammals, sea bird, sharks, etc.). Discards have socio-economic dimensions affecting food security and livelihoods of the local fishing communities.

Illegal, Unregulated and Unreported (IUU) fishing: A main contributor to overfishing and marine ecosystem damage. it is estimated that IUU fishing cost up to US$1.5 to 2 billion/year for Sub-Saharan Africa countries. In the SWIO region, IUU is estimated to be around 400 million/year threatening fish stocks, distorting markets, undermining governance structures, and imposing considerable costs on the economies of developing countries, including the

livelihoods of coastal fishing communities. Existing international/regional instruments addressing IUU fishing have not been effective due to a lack of political will among the affected countries and a lack of human, technical and financial resources to enforce existing legislation. Dynamite fishing, use of nets with small mesh size, and fishing in critical/prohibited/protected habitats are common in coastal fisheries, while in offshore fisheries, violation of fishing zones and underreporting by the industrial fishing fleets are the common features.

Degradation of critical coastal habitats: The degradation of critical coastal habitats such as mangrove, sea-grass beds and estuaries from natural and anthropogenic factors, affecting reproduction and nursery grounds, and consequently the recruitment of relevant fish stocks.

Climate Change: The impacts from climate change on regional habitats, species and communities needs are still not fully understood, but it is clear that significant changes in local weather patterns, runoff and sea level rise will threaten critical marine ecosystems including key breeding, nursery and feeding grounds for fish, affecting recruitment, abundance and occurrence.

The challenges above have to be addressed not only nationally, but equally through strengthened regional collaboration and partnerships with relevant stakeholders, so as to be able to produce mitigating ecological and socio-economic impacts.

3. Relevance/Importance of Regional Collaboration on Fisheries

Although SWIO states may differ in historical, political, social and economic specificities, they have common fisheries interests, taking in account that they share common fish stocks, comparable physical, biological realities, and similar aspirations:

a) Ensuring adequate research and training, sharing of information and experiences;
b) Establishing coherent, coordinated and sustainable marine fisheries management, and national and regional fisheries policies/strategies for their own benefit;
c) Securing far greater social and economic benefits;
d) Joining their efforts to guarantee more effective and cost-effective monitoring, control and surveillance of fishing fleets; and
d) Better influencing regional and international fisheries processes.

Regional fisheries collaboration and cooperation can be ensured through Regional Economic Communities (RECs), like the Indian Ocean Commission (IOC), East Africa Community (EAC) and Southern Africa Development Community (SADC), but also, through Regional Fisheries Bodies (RFBs) and Management Organizations (RFMOs) such as the Indian Ocean Tuna Commission (IOTC), South West Indian Ocean Fisheries Commission (SWIOFC), and South Indian Ocean Fisheries Agreement (SIOFA) as provided for under international fisheries/sea instruments, primarily UNCLOS and UNFSA.

4. International Legislation promoting Regional Fisheries Collaboration, through RFB/RFMOs

International cooperation for managing shared fish stocks

International legislation obliges coastal states to cooperate for effective conservation and sustainable use of shared fish stocks. This includes several articles of the United Nations Convention on the Law of the Seas (UNCLOS), among others:

- Art. 63(1) – for the same stock or stocks of associated species occurring within the exclusive economic zones of two or more coastal States;
- Art. 63 (2) – for the same stock or stocks of associated species occurring both within the exclusive economic zone and in an areas beyond and/or adjacent to the zone;
- Art. 116 - States fishing on the high seas to attend to the rights, duties and interests of coastal states and also cooperate in the conservation and management of the high seas fisheries;
- Art. 64 - cooperation between fishing and coastal states through international organizations to conserve and promoting the objective of optimum utilization of shared stocks, including:

    - establishing total allowable catches;
    - adopting conservation and management measures;
    - considering effects on associated and dependent species;
    - contributing and exchanging data;
    - promoting optimum utilisation.

Regional framework for managing shared fish stocks

The United Nations Fish Stocks Agreement (UNFSA) addresses long-term conservation and sustainable use of straddling and highly migratory fish stocks. It's Article Art. 8 (1) - Establishes the role of Regional Fisheries Bodies/Management Organisations (RFBs/RFMOs) in providing the mechanisms for achieving cooperation between and among states participating in shared fisheries.

For tuna, the Indian Ocean Tuna Commission (IOTC) - an FAO, Article XIV Body - is responsible for adopting conservation and management measures to ensure the long-term sustainability of tuna stocks.

The South West Indian Ocean Fisheries Commission (SWIOFC) – an FAO Article VI Body is responsible for promoting regional cooperation in the utilization and management of fish stocks within the EEZs of the South West Indian Ocean (SWIO) states.

The South Indian Ocean Fisheries Agreement (SIOFA) – recently established aims to promote regional cooperation for management of deepwater fish stocks outside the EEZ.

5. Objective of SWIOFC

The main objective of the South West Indian Ocean Fisheries Commission (SWIOFC) is to promote the sustainable utilization of the living marine resources of the Southwest Indian Ocean region, by the proper management and development of the living marine resources, and to address common problems of fisheries management and development faced by the members of SWIOFC, without prejudice to the sovereign rights of coastal States.

SWIOFC promotes the application of the provisions of the FAO Code of Conduct on Responsible Fisheries, including the precautionary approach and the ecosystem approach to fisheries management.

6. Functions of SWIOFC

The functions and responsibilities of the Commission include:

- to contribute to improved governance through institutional arrangements that encourage cooperation amongst members;
- to help fishery managers in the development and implementation of fishery management systems that take due account of environmental, social and economic concerns;
- to keep under review the state of the fishery resources in the area and the industries based on them;
- to promote, encourage and coordinate research related to the living marine resources in the area and draw up programmes required for this purpose, and to organize such research as may be necessary;
- to promote the collection, exchange, dissemination and analysis or study of statistical, biological, environmental and socio-economic data and other marine fishery information;
- to provide a sound scientific basis to assist Members in taking fisheries management decisions;
- to provide advice on management measures to member governments and competent fisheries organizations;
- to provide advice and promote co-operation on monitoring, control and surveillance, including joint activities, especially as regards issues of a regional or sub-regional nature;
- to encourage, recommend and coordinate training in the areas of interest of the Commission;
- to promote and encourage the utilization of the most appropriate fishing craft, gear, fishing techniques and post harvesting technologies.

7. Species and stocks coverage

All living marine resources.

8. Members

The Commission is composed of such Members and Associate Members of the FAO that are coastal States, whose territories are situated wholly or partly within the area of the Commission, and can join by notifying, in writing, the Director-General their interest in becoming a member of the Commission.

Current membership includes Comoros, France, Kenya, Madagascar, Maldives, Mauritius, Mozambique, Seychelles, Somalia, South Africa, United Rep. of Tanzania, and Yemen.

9. Organisation Structure of SWIOFC

Principal body

The governing body of SWIOFC is the Commission. It is composed of all Members. Meetings of the Commission are held at least once every two years. The Commission has a Scientific Committee and may establish, on an ad hoc basis, such other committees or working parties as it may consider necessary.

Currently it is composed by two Working Parties, namely the Working Group on Fisheries Data and Statistics, and the Working Party for Coordination and Cooperation in Tuna Fisheries.

Secretariat

The Secretariat is provided by FAO Subregional Office for Southern Africa. It was based in Harare, Zimbabwe, but has recently moved to Maputo, Mozambique. SWIOFC is a member of the Regional Fishery Body Secretariats Network that meets biennially.

10. Evolution/Progress of SWIOFC work since its establishment

10.1. Establishment/Foundation of SWIOFC, including founding members

SWIOFC was established in 2004 by Resolution 1/127 of the FAO Council under Article VI 1 of the FAO Constitution. Its Rules of Procedures were adopted by the Commission at its First session in 2005.

Founding members include Comoros, France, Kenya, Maldives, Mauritius, Mozambique, Seychelles, Somalia, South Africa, and Tanzania. Observers, at the 1st session included the, Republic of Korea, EU, FAO, IOC, IUCN, SADC, SIDA, SWIOFP, UNDP, and UNEP.

10.2. Relevant entities involved in SWIOFC work and their contribution

A variety of entities has been engaging with SWIOFC throughout its existence, to partner, facilitate and/or support some of its activities, including:

- Development and Financial Agencies:

    - Swedish International Development Agency (SIDA);
    - Swedish Board of Fisheries;
    - World Bank.
- Intergovernmental Organisations:
    - Africa Union Inter-African Bureau for Animal Resources (AU-IBAR);
    - Nairobi Convention;
    - Regional Economic Communities (RECs):
    - Indian Ocean Commission (IOC);
    - Southern Africa Development Community (SADC);
- Non-Governmental Organisations (NGOs):
    - International Union for Conservation of Nature (IUCN);
    - Wildlife Conservation Society (WCS);
    - World Wide Fund for Nature (WWF);
- Projects:
    - Ecosystem Approach to Fisheries (EAF) - Nansen
    - Regional Coastal Management Programme (ReCoMaP);
    - Smartfish Project;
    - South West Indian Ocean Fisheries Project (SWIOFP);
    - South West Indian Ocean Fisheries Governance and Shared Growth (SWIOFish);
- Regional Fisheries Management Organisations (RFMO):
    - Indian Ocean Tuna Commission (IOTC);
    - South Indian Ocean Fisheries Agreement (SWIOFA);
- Regional Research Institutions:
    - Council for Science and Industrial Research (CSIR);
    - Oceanographic Research Institute (ORI);
- SWIO governments (Comoros, France, Kenya, Madagascar, Maldives, Mauritius, Mozambique, Seychelles, Somalia, South Africa, Tanzania and Yemen);
- United Nations:
    - United Nations Food and Agriculture Organization (FAO);
    - United Nations Development Programme (UNDP);
    - United Nations Environmental Programme (UNEP).

10.3. Relevant decisions/programmes/actions taken

SWIOFC has sought to better structuring/updating itself. It was the first FAO Article VI fisheries body to undertake an external performance review. To adequately address the relevant challenges, has been instrumental to promote regional cooperation in fisheries aspects, including guidance in the implementation of important fisheries projects, like SWIOFP (in close collaboration with the World Bank), EAF Nansen (in close collaboration with FAO), and recently SWIOFish (in close collaboration with the World Bank).

Relevant aspects include strengthening regional fisheries scientific information and statistics, coordination and cooperation on relevant regional fisheries, and fisheries management, including MCS.

Year	Relevant decisions taken
2005	Adoption of the Rules of Procedure; Establishment of the Scientific Committee; Establishment of the Programme of Work for the Commission.
2006	Approval of the Establishment of the Working Group on Fisheries Data and Statistics; Agreement to link with SWIOFP through an Ad-Hoc Steering Committee.
2007	Endorsement for Mozambique to set up an Informal Network of Heads of MCS.
2009	Establishment of a Regional Steering Committee for EAF Nansen Project
2011	Endorsement of the project proposal for SWIOFish .
2012	Performance review of SWIOFC and priority areas for the future Establishment of the Working Party for Coordination and Cooperation in Tuna Fisheries (WPCCTF) EAF Nansen work in SWIO region
2014	SWIO Regional meeting on Millennium Development Goals (MDGs)

10.4. Leadership of SWIOFC

The leadership of SWIOFC has been secured by the SWIO member states on a rotational basis, including both mainland and island states, and has successively included so far the following Chairs:

- Mrs Nancy Gitonga (Kenya);
- Mr Rodrigues Bila (Mozambique);
- Mr Rondolph Payet (Seychelles);
- Mr Godfrey Monor (Kenya);
- Dr Hussain Hassan (Maldives);
- Mr Daroomalingum Mauree (Mauritius); and
- Mr Hosea Gonza Mbilinyi (Tanzania)

The secretariat has always been secured by the FAO subregional office for Southern Africa, initially based in Harare (Zimbabwe), but very recently moved to Maputo (Mozambique), through Mr Aubrey Harris, FAO Senior Fisheries Officer.

10.5. Challenges/Constraints faced

The main challenges included:

- Lack of adequate human, technical and financial resources to timely implement all the relevant actions, mainly taking in account the very weak economies of the majority of the member countries;
- Political instability and piracy, which affected sometimes the implementation of agreed/planned actions;
- Official languages (English and French) are maintained for a good flow of communications among the member countries, but this also increases financial costs, which could otherwise be channeled to implement other activities;
- Unsettled maritime boundaries in some cases, which sometimes affects adequate engagement of member states in a more effective and stronger regional cooperation.

11. The Future of SWIOFC and Challenges to be addressed

11.1. The reality of fisheries in Africa and in SWIO region

At the pan-African level, the work on fisheries has gained recently recognition at the highest political level, for the first time ever, with the adoption in 2014, by the African Head of States, of the Africa Fisheries and Aquaculture Policy Framework and Reform Strategy (PFRS). This changed dramatically the way fisheries had been previously addressed in the continent, to be currently considered one of the main economic areas to be focused, and to secure food security and alleviate poverty.

At the regional level, the SWIO region is organised in several Regional Economic Communities (RECs), like the IOC, EAC, SADC, which include fisheries, as one of their priority areas, including the promotion of regional fisheries cooperation, through agreed strategies and protocols. For example the SADC Fisheries Protocol, which includes six (Madagascar, Mauritius, Mozambique, Seychelles, South Africa and Tanzania) of the twelve SWIOFC countries, addresses inter alia management of shared fisheries resources, harmonisation of fisheries legislation, fisheries law enforcement, fisheries access agreements, and high seas fishing.

Institutionally, regional fisheries in SWIO are being addressed through three RFB/RFMOs, namely IOTC (all SWIOFC members belong to IOTC), SWIOFC and SIOFA (so far only three SWIOFC members have adhered to SIOFA), addressing more or less the same countries, although with clear distinct mandates. This calls for improved inter-institutional coordination among them to be effective.

In addition, the SWIO region is currently witnessing the implementation of several regional fisheries initiatives which are extremely important for strengthening regional cooperation and coherence among the countries for ensuring improved fisheries management. These include the Smartfish Project, SWIOFish Project (both at national and regional levels), WWF fisheries work, which are addressing important aspects for regional fisheries management, including regional Minimum Terms and Conditions (MTC).

It is equally important to also consider the impacts climate change on occurrence, distribution, seasonality and abundance of fisheries resources. For example, variations on runoff are linked with recruitment and catches of shallow water shrimp in Mozambique. For the small scale fishers this aspect is crucial as it directly affects their subsistence.

11.2. The role of SWIOFC based on current and expected future challenges

SWIOFC needs to take in account the current and future scenarios to continue to be relevant and an important actor in promoting fisheries regional cooperation. This includes (i) leading and fast tracking harmonization of fisheries legislation; (ii) assuming more active coordinating role in ensuring regional cohesion and engagement with DWFN and also effective MCS in the region; (iii) be a technical arm of the various RECs from the region, as far as the fisheries aspects are concerned, not only to ensure coherence and effectiveness, but equally to fast track the implementation of the various fisheries-related regional protocols/strategies; and (iv) adequately addressing climate change impacts, mainly for the small scale fisheries.

SOUTH WEST INDIAN OCEAN FISHERIES COMMISSION (SWIOFC)



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First Session of the South West Indian Ocean Fisheries Commission, held at the Mombasa Beach Resort, Mombasa, Kenya, from 18 to 20 April 2005: For the 1st Photo.



© IMAGE COURTESY OF FAO

First Session of the Scientific Committee of the South West Indian Ocean Fisheries Commission, held at the Dar-es-Salaam Conference Centre, Dar-es-Salaam, Tanzania, from 31 May to 3 June 2006.

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Session Number	Place	Date	Sessional Chairs	Elected Bureau to steer the Commission in the Inter-sessional Period	Participating Countries and Observers	Relevant Decisions Taken
1st	Mombasa (Kenya)	18-20 April 2005	Nancy Gitonga	**Chair**: Mozambique (Rodrigues Bila); **1st Vice-Chair**: Seychelles (Rondolph Payet); **2nd Vice-Chair**: Kenya (Nancy Gitonga)	Comoros, EU, France, Kenya, Maldives, Mauritius, Mozambique, Seychelles, Somalia, South Africa, Tanzania, Republic of Korea, IOC, IUCN, SADC, SIDA, SWIOFP, UNDP, UNEP, FAO	Examined outcomes of COFI; Examined outcomes from 4th Meeting of RFB Secretariats; Reviewed fisheries management in SWIO; Discussed collaboration with other regional organizations and programmes; Adopted the Rules of Procedure; Established the Scientific Committee; Established a Programme of Work for the Commission; Elected Members of Bureau
2nd	Maputo (Mozambique)	22-25 August 2006	Rodrigues Bila	**Chair**: Seychelles (Rondolph Payet); **1st Vice-Chair**: Madagascar (Mamy Andriantsoa); **2nd Vice-Chair**: Mozambique (Rodrigues Bila)	Comoros, Kenya, Madagascar, Maldives, Mauritius, Mozambique, Seychelles, Somalia, Tanzania, Yemen, IUCN, Swedish Board of Fisheries, SWIOFP, ORI, UNEP, NEPAD, FAO	Approved the Establishment of the Working Group on Fisheries Data and Statistics; Agreed to link with SWIOFP through a Committee; SWIOFC to hold a Regional Conference on MDG; Agreed to engage in on-going MCS activities
3rd	Mahe (Seychelles)	17-20 December 2007	Rondolph Payet	**Chair**: Madagascar; **1st Vice-Chair**: Maldives (Hon. Hussain R. Hassan); **2nd Vice-Chair**: Seychelles (Rondolph Payet)	France, Kenya, Madagascar, Maldives, Mauritius, Mozambique, Seychelles, Somalia, South Africa, Tanzania, Yemen, IOC, IOTC, ReCoMaP, SWIOFP, SIDA, World Bank, FAO	Agreed that the 2nd Working Party on Fisheries Data Statistics should address Harmonization of fishery frame surveys; Agreed to establish the Ad-Hoc Steering Committee for SWIOFP; Hold a Conference on MDG to be held in Seychelles; Endorse Mozambique to set up an Informal Network of Heads of MCS; Endorsed a project proposal on Safety at Sea for Small Scale Fishers Agreed on recommendation SWIOFC 2-01

Session Number	Place	Date	Sessional Chairs	Elected Bureau to steer the Commission in the Inter-sessional Period	Participating Countries and Observers	Relevant Decisions Taken
4th	Mombasa (Kenya)	23-25 September 2009	Godfrey Monor and Mamy Ramanantsao	**Chair**: Maldives (Hon. Hussain R. Hassan); **1st Vice-Chair**: Mauritius (Daroomalingum Mauree); **2nd Vice-Chair**: Madagascar	Comoros, France, Kenya, Madagascar, Maldives, Mauritius, Mozambique, Seychelles, South Africa, Tanzania, African Union, ASCLME, CSIR, IOC, IOTC, ORI, Swedish Board of Fisheries, SWIOFP, UNEP, Wildlife Conservation Society, World Bank	Commended the EAF Nansen Project; Raised the Need for Transparency and Regional Cooperation in Fishing Agreements Established a Regional Steering Committee for EAF Nansen Project; Appreciated Initiatives of SADC in fighting IUU fishing; Held the SWIOFP Steering Committee Meeting
5th	Male (Maldives)	13-16 March 2011	Hussain Hassan	**Chair**: Mauritius (Daroomalingum Mauree); **1st Vice-Chair**: Tanzania (Hosea Gonza); **2nd Vice-Chair**: Maldives (Hon. Hussain R. Hassan)	Comoros, Kenya, Madagascar, Maldives, Mauritius, Mozambique, Seychelles, South Africa, Tanzania, ASCLME, SWIOFP, Swedish Board of Fisheries, World Bank, FAO	Discussed relevant outcomes of COFI and the Meeting of RFB Secretariats Network; Examined the process of EAF; Endorsed a project proposal for SWIOFish ; Held a Special review Meeting of SWIOFP Steering Committee
Ad-Hoc Special Special Meeting of SWIOFC	Maputo (Mozambique)	30 September 2011	Daroomalingum Mauree	-----		Addressed the performance review of SWIOFC Support for a significant reinforcement of SWIOFC
6th	Flic en Flac (Mauritius)	08-11 October 2012	Daroomalingum Mauree	**Chair**: Tanzania (Hosea Gonza); **1st Vice- Chair**: Madagascar; **2nd Vice-Chair**: Mauritius (Daroomalingum Mauree);	Comoros, Kenya, Madagascar, Maldives, Mauritius, Mozambique, Seychelles, South Africa, Tanzania, AU, ASCLME-GEF, IOTC, Smartfish Project, SWIOFP, World Bank, WWF, FAO	Performance review of SWIOFC and priority areas for the future (financial structure, secretariat moved to a coastal member country (Mozambique), SWIOFC from FAO advisory to management body); SWIOFC to be the forum for development of regional component of SWIOFIsh Establishment of SWIOFC Working Party for Coordination and Cooperation in Tuna Fisheries (WPCCTF) Steering Committee for the RBM project in SWIO EAF Nansen work in SWIO region



SOUTH WEST INDIAN OCEAN FISHERIES COMMISSION (SWIOFC)

Ten Years Promoting And Strengthening Regional Cooperation For Securing Sustainable Fisheries In South West Indian Ocean (Swio) Region

With support from WWF

Annex 102

Report of the Monitoring Group on Somalia pursuant to Security Council resolution 1630 (2005), S/2006/229, 4 May 2006 (Extracts)

United Nations S/2006/229

Security Council

Distr.: General
4 May 2006

Original: English

Letter dated 4 May 2006 from the Chairman of the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia addressed to the President of the Security Council

On behalf of the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia, and in accordance with paragraph 3 (i) of Security Council resolution 1630 (2005), I have the honour to transmit herewith the report of the Monitoring Group on Somalia (see enclosure).

In this connection, the Committee would appreciate it if the present letter, together with its enclosure, were brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) Nassir Abdulaziz **Al-Nasser**
Chairman
Security Council Committee established pursuant to
resolution 751 (1992) concerning Somalia

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Enclosure

Letter dated 5 April 2006 from the members of the Monitoring Group on Somalia addressed to the Chairman of the Security Council Committee established pursuant to resolution 751 (1992)

We have the honour to transmit herewith the report of the Monitoring Group on Somalia in accordance with paragraph 3 (i) of Security Council resolution 1630 (2005).

(*Signed*) Bruno **Schiemsky**
Coordinator
Monitoring Group on Somalia

(*Signed*) Melvin E. **Holt**, Jr.

(*Signed*) Harjit S. **Kelley**

(*Signed*) Joel **Salek**

S/2006/229

Report of the Monitoring Group on Somalia pursuant to Security Council resolution 1630 (2005)

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Abbreviations

APRCT	Alliance for Peace Restoration and Combat against Terror
BAM	Bakaraaha Arms Market
FAO	Food and Agriculture Organization of the United Nations
ICAO	International Civil Aviation Organization
IGAD	Intergovernmental Authority on Development
IMB	International Maritime Bureau
IMO	International Maritime Organization
MFV	Motor fishing vessel
MV	Merchant vessel
NVCG	National Volunteer Coast Guard
OLF	Oromo Liberation Front
ONLF	Ogaden National Liberation Front
RPG	Rocket-propelled grenade
TFG	Transitional Federal Government
UNDP	United Nations Development Programme
UN-Habitat	United Nations Human Settlements Programme
WFP	World Food Programme

Summary

It is the task of the Monitoring Group to observe and report information regarding arms embargo violations and related matters in the context of unfolding events in Somalia. To that end, the Monitoring Group has highlighted its findings for the current mandate period, noting the major factors and developments in the present summary and describing them more fully in the body of the report.

Arms embargo violations and the militarization of central and southern Somalia continue. Violations comprise a number of different types and forms, including arms and ammunition, military advice and training, military materiel and equipment, and financial support. Those involved in arms embargo violations consist of the three principal antagonists — the Transitional Federal Government (TFG), Mogadishu-based opposition groups and the militant Islamic fundamentalists — and other important actors, including the business elite, pirate groups and clans involved in feuds over natural resources and other issues.

The Monitoring Group considers the militant fundamentalists to be those Islamic fundamentalists who are contending for national political power in Somalia and who have demonstrated their willingness to do so through violent means. In Somalia, these militant fundamentalists have been generally referred to as Al Itihad Al Islaami or Al Itisaam. They, like TFG and the opposition groups in Mogadishu, have been obtaining, receiving and otherwise buying arms and other forms of military-related support in violation of the arms embargo on a sustained basis.

It is significant to note that since the end of the last mandate, the militant Islamic fundamentalists have conspicuously and loudly moved out from underneath the protective umbrella of the main opposition groups headquartered in Mogadishu. In doing so, they have actively and aggressively asserted their independence as the third force among the major antagonists. After effectively declaring their independence from the main opposition alliance, the militants, through the sharia courts, have engaged the militias of the key opposition leaders in a number of bloody military-style engagements in and around Mogadishu. The militants, like the other principal antagonists, are well armed, trained and provisioned. They have significantly added to the geographic areas in central and southern Somalia under their influence and control.

The three antagonists and the other important actors referred to above have obtained their arms and other forms and types of military support from three basic sources: a widening circle of States that clandestinely provide support to the antagonist of their choice; the arms supermarket in Mogadishu, the Bakaraaha Arms Market; and individuals and businesses. While States tend to be the main suppliers of the full range of military support, including finances, there are powerful individuals and businesses that also channel arms, military equipment and financial support to the antagonist of their choice.

The arms and other military support referred to above have sometimes been provided to an intended recipient as a contribution to be used to foster the interests of both the giver and the user; at other times, however, arms and military support items must be purchased.

The Monitoring Group, since its advent in 2004, has diligently conducted investigations with a view to exposing the financial networks and sources that permit the seemingly unending purchases of arms and other forms and types of military support in violation of the arms embargo. During its activities leading up to its previous report, published in October 2005 (see S/2005/625), the Monitoring Group uncovered the various revenue sources of local warlords in their independently administered local administrations: airport and seaport fees, international commercial charcoal sales, permits for foreign fishing operations, ransom from acts of piracy, road checkpoints and others. Revenues generated from these sources help to explain the capability of warlords to maintain their militias and continuously purchase arms.

In its ongoing pursuit to determine the financial sources behind the purchases of arms and other military support, the Monitoring Group has, during the current mandate, uncovered the existence of a number of large business cartels and associated businesses, headquartered in Mogadishu, with complex and sprawling business empires inside and outside of Somalia. Their business operations generate millions of dollars each year. They spend a portion of these dollars to maintain well-armed and well-equipped militias, including the buying of arms and other military support items. They also provide support to warlords and have direct relationships and connections with the militant fundamentalists; in some cases, they are themselves militants.

The business cartels, associated businesses and local administrations have created a very powerful cross-clan web of economic vested interests. Their combined economic, military and political strength is powerful enough to bring the process of establishing a new government in Somalia to a standstill, in an effort to maintain a status quo that ensures the preservation of those highly lucrative interests.

Certain members of the business elite, the opposition-based alliance, including dissident ministers of TFG and warlords of local administrations, and militant fundamentalists are regular, long-time members of a select group of arms embargo violators who have previously been identified by the Monitoring Group and the Panel of Experts before it (see S/2003/223, S/2003/1035, S/2004/604, S/2005/153 and S/2005/625). Some of these same individuals and parties are again identified in the present report.

I. Introduction

A. Mandate

1. In paragraph 3 of its resolution 1630 (2005) of 14 October 2005, the Security Council conferred the following mandate on the Monitoring Group on Somalia:

(a) To continue the tasks outlined in paragraphs 3 (a) to (c) of resolution 1587 (2005);

(b) To continue to investigate, in coordination with relevant international agencies, all activities, including in the financial, maritime and other sectors, that generate revenues used to commit arms embargo violations;

(c) To continue to investigate any means of transport, routes, seaports, airports and other facilities used in connection with arms embargo violations;

(d) To continue refining and updating information on the draft list of individuals and entities who violate the measures implemented by Member States in accordance with resolution 733 (1992), inside and outside Somalia, and their active supporters, for possible future measures by the Council, and to present such information to the Committee as and when the Committee deems appropriate;

(e) To continue making recommendations based on its investigations, on the previous reports of the Panel of Experts (see S/2003/223 and S/2003/1035) appointed pursuant to resolutions 1425 (2002) of 22 July 2002 and 1474 (2003) of 8 April 2003 and on the previous reports of the Monitoring Group (see S/2004/604 and S/2005/153) appointed pursuant to resolutions 1519 (2003) of 16 December 2003, 1558 (2004) of 17 August 2004 and 1587 (2005) of 15 March 2005;

(f) To work closely with the Committee on specific recommendations for additional measures to improve overall compliance with the arms embargo;

(g) To assist in identifying areas where the capacities of States in the region can be strengthened to facilitate the implementation of the arms embargo;

(h) To provide to the Council, through the Committee, a midterm briefing within 90 days from its establishment;

(i) To submit, for the Security Council's consideration, through the Committee, a final report covering all the tasks set out above, no later than 15 days prior to the termination of the Monitoring Group's mandate.

2. The Monitoring Group was based in Nairobi and comprised the following experts: Bruno Schiemsky (Belgium), arms expert and coordinator; Melvin E. Holt, Jr. (United States of America), arms expert; Harjit Kelley (Kenya), maritime expert; and Joel Salek (Colombia), finance expert.

3. The Monitoring Group travelled to France and areas of concern in Kenya, Oman and Yemen.

4. Throughout the period of its mandate, the Monitoring Group kept the Security Council and its Committee established pursuant to resolution 751 (1992) informed of its activities by submitting periodic progress reports through the United Nations Secretariat and by providing a midterm briefing to the Committee in February 2006.

5. The Monitoring Group received much-appreciated support and assistance from the United Nations Secretariat and other United Nations agencies, in New York and the region.

B. Methodology

6. The Monitoring Group interviewed government officials in the region, including members of the Transitional Federal Government (TFG), and, where relevant, representatives of diplomatic missions, civil society organizations and aid agencies. The Monitoring Group also contacted numerous key, knowledgeable individuals from Somali civil society, including members of the opposition.

7. The two reports of the Panel of Experts (see S/2003/223 and S/2003/1035) and the previous reports of the Monitoring Group (see S/2004/604, S/2005/153 and S/2005/625) were also taken into consideration during the investigations. The evidentiary standards and verification processes outlined in the Monitoring Group's first and second reports also apply to the present mandate.

II. Known arms embargo violations during the mandate period

Arms flows continue

8. Notwithstanding the political overtures for a rapprochement between TFG and the Mogadishu-based opposition, behind-the-scenes arms flows into Somalia continue at a steady pace. The flow of arms also contributes to the ongoing militarization of central and southern Somalia by TFG, opposition alliance forces headquartered in Mogadishu and the militant Islamic fundamentalists. Militarization by the three main antagonists in central and southern Somalia, and others, involves the receipt of arms shipments, military materiel, equipment, training and guidance, and assistance aimed at creating military-style organizations and structures, including command and control capabilities, and financial support. In addition to arms per se, these other forms of military materiel and financial support also constitute arms embargo violations.

Sources of arms, military materiel and finance

9. There are three fundamental sources that the principal actors and others use to obtain military-related support in violation of the arms embargo — the arms supermarket, the Bakaraaha Arms Market, clandestine support by States; and support from individuals and businesses, as described below.

A. Bakaraaha Arms Market, the opposition and the militant fundamentalists

10. As reported by the Monitoring Group in the past in great detail, large quantities of arms are provided through the Bakaraaha Arms Market (BAM) in Mogadishu, where they are purchased chiefly by the opposition alliance and militant fundamentalists. The arms experts of the Monitoring Group have gathered details concerning some large deliveries of arms to BAM and subsequent purchases (see

IV. Coastal resources and piracy

A. Coastal resources

71. The coastal waters of Somalia are rich in natural resources, including one of the world's richest fishing grounds and potential commercial quantities of seabed resources such as hydrocarbons and minerals. Access to these natural resources is being sold off by Somali warlords and businesses, sometimes through the services of foreign commercial companies that act as agents and intermediaries for the acquisition of fishing permits and, more recently, exploitation rights for seabed resources. At the time of the writing of the present report, the Monitoring Group was pursuing viable investigative leads indicating that companies registered in one particular South-East Asian country were actively conducting deals involving seabed resources. Also, and by way of example, the Monitoring Group has learned that an Australian company has purchased 50.1 per cent of the sole and exclusive rights to all seabed minerals, oil exploration and related development in Puntland, including the Sanaag and Sool regions. All of these activities translate, ultimately, into additional revenues for warlords or businessmen, which the Monitoring Group knows are being used to sustain and maintain their respective positions of power through the purchase of arms and military materiel for militias.

72. The Monitoring Group is also following up on information that indicates that a particular business in the same South-East Asian country mentioned above is in a position to award commercial fishing permits for the entire Somali coast.

73. Various local administration leaders and warlords have long realized that commercial exploitation of Somalia's fisheries and the granting of permits to foreign fishing organizations and individuals are a lucrative income-generating activity. Some permits are typed out on the previous Government's letterhead, while others bear the personal seals of warlords. Some owners or operators of fishing vessels state that they negotiate the licences before coming to Somali waters, while others make their way to one of the Somali ports in the hope of making some sort of arrangement with the local warlord to be able to take commercial quantities of fish in the adjacent Somali waters.

74. The Monitoring Group is in possession of a commercial fishing permit issued by the "National Fishing Authority, Jubbaland State", located in southern Somalia, to a commercial fishing company, owner of the *MFV Feng Jong*, located in an East Asian country. The Monitoring Group has learned that the commercial fishing company paid $80,000 for the permit.

75. In general, the Monitoring Group has learned that fishing permits can cost as much as $150,000 per year, per boat. The Monitoring Group has no audited figures for the number of permits issued, but maritime experts with knowledge of foreign fishing activities in Somali waters conservatively estimate that in any one season over 500 fishing vessels may be encountered in the Somali exclusive economic zone. Permits are issued in complete disregard for any international regulations or long-term sustainability of the fisheries, resulting in indiscriminate fishing and severe long-term degradation of the Somali fishery.

B. Piracy

Evolution of piracy in Somalia

76. With ships being attacked as far as 400 miles from the Somalia coastline, and the numbers of hijackings and attempted hijackings rising sharply, the shipping world is reeling with concern. From the beginning of 2005 to the end of March 2006, there were 45 attempted hijackings and 19 successful hijackings off the Somali coast. As a result, the International Maritime Organization (IMO) and the International Maritime Bureau — a division of the International Chamber of Commerce whose main task is to monitor maritime crime and malpractice — have issued repeated warnings to the ships operating in these areas.

77. In the late 1980s, during the time of the Government of Siyad Barre, Somali pirates posed as law enforcement officers in order to board ships. They typically initiated the assault of a ship by using verbal commands and warnings. If necessary, they graduated to the use of automatic weapons and other armaments (firing warning shots) to intimidate the crew and gain physical access and control of a vessel.

78. Somali pirates during that period were not as sophisticated as the pirates operating along the Somali coast today. Pirates of that period can be more accurately and correctly described as armed sea robbers. Sea robbers are passengers or crew members of private vessels who commit armed robberies of commercial vessels in seaports and territorial waters — normally up to 12 miles off a coast. They operated along the length of the Somali coast in loosely organized, ad hoc groups, and lacked sophisticated communication procedures and equipment and methods of operation. They took possession of a vessel for their own narrow uses, stealing whatever money and cargo was on board, such as diesel fuel, lubricant oil, stores and provisions. They typically did not take the crews of vessels hostage or ask for ransom money.

79. During the early 1990s, there was also another type of pirate in Somali coastal waters, the self-described coast guard(s). They targeted vessels that were fishing illegally and vessels that were engaged in dumping toxic substances in the coastal waters.

80. With the continuing breakdown in Somalia of national law and order, as a result of the fall of the Siyad Barre Government and its institutions, fisheries enforcement was left to regional authorities using armed local militias to protect what they considered to be their property; in some cases, this involved seizing vessels deemed to be a threat to their respective self-defined interests. However, this type of enforcement action was insufficient to deter foreign fishing trawlers in search of lucrative commercial fishing grounds from moving closer to the Somali coast. As a result, direct confrontation was triggered between the foreign fishing vessels and Somali traditional inshore fishermen, causing local communities to become more aggressive towards the foreign vessels, eventually ending in armed Somalis chasing them with speedboats.

Organizations and operations

81. This type of grass-roots enforcement by the coast guards, coupled with the activity of the armed sea robbers, evolved into the much more sophisticated and

lucrative money-making activity of today that is aptly referred to as piracy: an international crime committed in international waters — beyond the 12-mile territorial limit of a State — by crews or passengers of a private vessel for private gain and directed at another private vessel, typically accompanied by illegal acts of violence, detention or depredation.

82. The information presented on piracy in the present section is indicative, at best, of the current type of Somali pirate organizations and operations in existence in Somali waters at the time of the writing of the present report. The information is far from complete; however, the Monitoring Group continues its investigation. During the current mandate, the Monitoring Group interviewed, among numerous other knowledgeable sources, the crews of pirated vessels — the *MV Semlow* (a Kenyan-owned cargo ship), the *MV Safina Al Bisarat* (an Indian-registered trading dhow) and the *MFV Feng Jong*. The resulting composite of information suggests a profile of current Somali pirate organizations and operating techniques.

83. Somali pirates have land-based headquarters that provide planning, command, control and coordination of vessel seizures. The Monitoring Group has also been informed that the pirates have their own intelligence or information-gathering networks, elements of which are located in other countries in the region. Individuals in the networks inform the pirate headquarters of details of vessels operating off the Somali coast.

84. The pirate leadership ensures that pirate assault crews are properly trained, equipped and directed. Pirate assault crew operations include the following characteristics: the crews have communications, navigation and seamanship skills for the marine environment; about 10 pirates participate in the attack on a target vessel and use three boats during the attack — two speedboats and a provisions boat; the pirates who board the target vessels using boarding ladders are typically armed with pistols, AK-47 assault rifles and RPGs; immediately following the boarding of the target vessel, they secure the vessel and take over the ship's command centre, the bridge. Using the ship's radio equipment or a satellite telephone they contact their land-based headquarters for further instructions. The pirates control the crew of the vessel by intimidation and threats of physical violence and do not permit the crew to maintain the ship's log. Once in control of the seized vessel, the pirates may use it as an ad hoc mother ship to target and attack other ships that present an opportunity.

85. A pirate assault crew will attack any ship without regard for its flag State, the nationality of the crew or the cargo it carries. Being aware of the limited range and seakeeping qualities of their inshore speedboats, Somali pirates have resorted to capturing fishing trawlers and dhows for use as mother ships for their ventures up to 400 miles from the shore. Once they have commandeered a vessel, the pirates direct the captain to head for busy sea lanes and, using the captured vessel's radar, they are able to monitor ship movements up to 60 miles away. They then lie in wait for an unsuspecting merchant ship to appear above the horizon, at which time they launch their attack in speedboats, RPGs, assault rifles and flares, as necessary. Not all attempted hijackings are successful, and not all attempts are reported by victim ships.

86. Having seized a ship, a pirate assault crew typically detains the vessel and demands ransom payments. The pirates are not interested primarily in the value of

the ship or the cargo, per se; their chief intent is to extort money from the owners or operators of the international ship.

87. These groups have complex, secretive international networks that facilitate negotiations and movements of ransom monies. The pirate groups use their connections located in other States of the region to facilitate ransom transactions or transfers of money. Clandestine financial services and arrangements provided through their connections help pirate organizations channel ransom payments from the ship owners to the warlords in charge of the pirate groups.

88. Recent ransom transactions have shown that pirates have asked for ransom to be paid in cash, typically United States currency in the form of used $50 bills. In one case the pirates specified that they did not want to be paid with packages of serialized new currency. The Monitoring Group has been informed that, to date, at least $2 million cash in ransom money has been paid to Somali pirates by owners and operators of hijacked vessels.

89. Monies obtained through ransom are used to purchase arms. The Monitoring Group continues to investigate the relationship between piracy, ransom paid and the purchase of arms and the maintenance of strong and capable militias by pirate groups.

Pirate groups

90. There are at least four pirate groups operating in Somali waters, as follows:

(a) *National Volunteer Coast Guard (NVCG).* This group focuses on intercepting small boats and fishing vessels; it operates close to shore in the greater area of Kismaayo, along the southern coast of Somalia. Its leader/commander is Mohamed Garaad;

(b) *The Marka groups.* These consist of several scattered and less well-organized small groups, operating out of the greater Marka area of Lower Shabelle. They generally have fishing boats and fleets with longer operating ranges than NVCG. Their boats, in some cases, have guns mounted on the decks. These groups intercept a variety of types of vessels. They participate in sea robbery, smuggling and piracy activities and are financed by Sheik Yusuf Indohaadde, warlord and Governor of Lower Shabelle;

(c) *The Somali Marines*. Organizationally and operationally, these are the most sophisticated of all Somali pirate groups. They are organized along military lines, with a Fleet Admiral (Mohamed Ali Hassan), Admiral (Mohamed Osman), Vice Admiral (General "Gray", head of marine operations) and head of financial operations (Afweyne). They appear to have the capability to operate at a greater distance offshore than the other pirate groups and participate in acts of piracy involving vessel seizure, kidnapping and ransom demands. They operate in areas in the central Somalia coastal region, including off of Haradheere, their main base area, and Ely, a satellite location north of Haradheere;

(d) *The Puntland groups.* These may be Somalia's traditional or original fishermen pirates or armed sea robbers, representing some of the longer-existing pirate groups. They are experienced, older men who conduct their pirate activities in a low-key manner and are located in four geographic areas: south-east of Socotra Island; Ras Asir, off north-east Somalia; Alula Cape, off northern Somalia; and

Bareda Village, 150 kilometres east of Bossaso, Puntland. It has been reported that these traditional Somali pirates provide training to the Somali Marines. They participate in smuggling and acts of piracy and use modified fishing vessels to carry out attacks on vessels.

C. Link to arms embargo violations

91. The Monitoring Group has learned that ransom monies obtained from acts of piracy are being used, in part, for personal profit and to buy arms. In the case of the Somali Marines, for example, who are of the Saleeban sub-clan (Hawiye clan), they purchase arms for use by their pirate assault crews and to strengthen their militias. Their militias are being used to fight the militias of the Sa'ad sub-clan (also Hawiye clan), both located in the Mudug region, in central Somalia. They are fighting over control of access to water.

92. The Monitoring Group continues its investigation with the purpose of better understanding Somali pirate organization and operations, including the use of ransom monies to purchase arms and maintain militias.

D. Case study: an act of piracy by the Somali Marines — the dhow *Safina Al Bisarat*

93. The *Safina Al Bisarat*, an Indian-owned and -registered dhow, has been operating between India, the Middle East and Somalia for the past six years, carrying various types of goods between various ports.

94. On its most recent voyage to Somalia, during January 2006, the *Al Bisarat*, having offloaded goods at the port of El Ma'an, proceeded south along the Somali coast to the port of Kismaayo, where it took on board a commercial load of 18,000 25-kilogram bags of charcoal. The *Al Bisarat* departed Kismaayo for Ajman, Dubai, United Arab Emirates, on 14 January, proceeding north-east along the Somali coast.

95. After two days of travel, on 16 January the vessel was about 200 miles north-east of Kismaayo, when it was suddenly and quickly attacked by three small speedboats carrying 10 men brandishing weapons. The men were pirates from the Somali Marines; they were armed with AK-47 assault rifles, RPG launchers and pistols. Pulling alongside the *Al Bisarat* and using ladders, the pirates quickly boarded the vessel. Once on board, the pirates conducted a security sweep and brought the captain and the 15-member crew under control. The captives were then threatened with physical violence unless they followed the pirates' orders.

96. After taking control of the vessel and the entire crew, the pirates went to the bridge, where the ship's radio is kept. The leader of the pirates made radio contact with his headquarters, notifying the leadership that the assault crew had taken control of the ship and asking for further instructions. A few of the pirates then stationed themselves at various strategic positions around the dhow, with the head of the pirate assault crew taking over the bridge and radio. The three speedboats used by the pirates for the assault were attached to the hijacked vessel for towing, and three of the pirates remained with one of the boats, which contained a cache of weapons, fuel and other provisions.

97. Following the pirates' radio contact with their leadership, the captain of the *Al Bisarat* was ordered to change his ship's direction of travel and move not towards land, but out to sea, to the busy shipping lanes. At that point, the intent of the pirates seemed clear enough: the *Al Bisarat* would be used as a mother ship, a platform that the pirates would use to approach other unsuspecting vessels and then suddenly launch their attack. From the moment the pirates had initiated their surprise attack on the *Al Bisarat*, to the takeover and control of the ship, the use of the radio to contact their headquarters and the giving of instructions to move the *Al Bisarat* to the shipping lanes, the Somali Marines demonstrated an effective level of competence and knowledge of dhow operations and the maritime environment in which they operated.

98. For the next three days, using the *Al Bisarat* as cover, the pirates plied the shipping lanes, hunting for their next victim. Opportunities presented themselves on each of the three days: on 17 and 18 January, the pirates tried to hijack an unidentified container ship and a tanker, respectively, by giving chase with their speedboats and simultaneously shooting at them. Their actions were intended to intimidate and to cause the ships to stop and surrender to the pirates; but in neither case did the tactic work, and the vessels escaped capture. However, one of the ships had received a direct hit from an RPG fired by a pirate — smoke was visible in the area of the bridge. The damage sustained, in terms of both ship structure and human casualties, is unknown by the Monitoring Group. Neither of the vessels has filed a public report of the attempted hijackings.

99. On 19 January, the pirates attempted another hijacking about 300 kilometres off the Somali coast. This, too, was unsuccessful. In this instance, the name of the vessel is known: the Bahamas-registered bulk carrier *MV Delta Ranger*. Little did the pirates know that this attack would trigger a chain of events that would make it their last. The *MV Delta Ranger* reported the attack to the International Maritime Bureau (IMB) at Kuala Lumpur. The hunters had now become the hunted.

100. The IMB report of the attempted hijacking was received by United States naval forces that were operating in the open ocean far off the Somali coast. Using information from the report, the naval forces were able to locate the suspected mother ship of the pirates. The United States Navy then initiated a discreet surveillance of the *Al Bisarat*.

101. After dusk on the moonless night of 20 January, the *Al Bisarat* was followed at close range by helicopter. Upon hearing the noise of the helicopter engine, the pirates panicked. They immediately ordered the ship's captain to change course and head towards the Somali coast, hoping to seek the safety of Somali territorial waters.

102. United States naval forces followed the *Al Bisarat*, continuing their surveillance at a distance. At about 0800 hours on 21 January, a United States naval ship, the *USS Winston S. Churchill*, made unsuccessful attempts to establish ship-to-ship radio contact with the *Al Bisarat*. The pirates ordered the ship's captain not to respond to the radio communications and further ordered him to maintain course and speed towards the Somali coast.

103. At approximately 1130 hours, the *Churchill* fired warning shots in the direction of the *Al Bisarat*, causing the vessel to stop. Between approximately 1130 and 1430 hours, the *Churchill* attempted to establish communications with the *Al*

Bisarat, issuing verbal warnings that it would begin to take more aggressive actions to obtain compliance with its requests. Towards the end of a three-hour standoff, the *Churchill* again fired warning shots in the direction of the *Al Bisarat*. Following this action, the pirates capitulated and the *Al Bisarat* broke radio silence, communicating with the *Churchill*. Anticipating their arrest, some of the pirates hid their weapons on board the *Al Bisarat* and some threw their weapons overboard. Then, shortly before 1500 hours, United States naval personnel boarded the *Al Bisarat*, took the 10 pirates into custody and located the weapons that had been hidden. The pirates were transferred to the custody of the authorities of the Government of Kenya on Sunday, 25 February. They are currently being held in the coastal city of Mombasa, Kenya, awaiting criminal prosecution for acts of piracy.

V. Analysis of trends and patterns of arms embargo violations

A. Continued militarization and greater instability

104. The militarization of Somalia by the three principal antagonists, the business elite and the other important groups, including pirate groups, and clans feuding over natural resources continues its forward momentum uninterrupted. The Monitoring Group has noted that, because of the continuous flow of arms, military materiel and financial support entering Somalia — regardless of the fundamental source — the process of militarization continues to feed the general pattern of instability and insecurity. The Monitoring Group also observes an increasing rate of overall militarization and notes that there appears to be a correspondingly greater volatility of the security situation, particularly in central and southern Somalia. This pattern of militarization and the trend towards increasing volatility greatly increases the chances of more fighting and the resulting loss of life. That this is the case was demonstrated by the heavy fighting that took place in and around Mogadishu during January, February and March 2006 involving opposition alliance members — warlords of local administrations and dissident TFG ministers, business elite and militants.

105. Clandestine State support is an integral part of the ongoing process of militarization in Somalia. The Monitoring Group noted the pattern of State support for major antagonists in its report of 4 October 2005. The trend continues, but is more pronounced in the current mandate than during the previous mandate. Increasing numbers of States are making clandestine contributions to their respective clients, in violation of the arms embargo. This activity contributes dangerously to greater instability, in an already highly unstable situation. Independent of the exact nature of the support provided, this phenomenon, per se, is highly provocative and adds to the unpredictable nature of the security situation in Somalia, with a possible negative impact on the relations of certain States in the region. For example, the potential exists for a negative spillover effect on regional State-to-State relations — at least three Intergovernmental Authority on Development (IGAD) members are involved in the clandestine contributions, two of them to the same major antagonist and the third to another.

106. Since TFG, the militant fundamentalists and the Mogadishu-based opposition alliance all have State support, and there is no meaningful political reconciliation apparent on the horizon, each of the main Somali antagonists will want to be on a