



PRESS RELEASE

THE AFRICAN UNION RELEASES THE KEY FINDINGS AND RECOMMENDATIONS OF THE REPORT OF INVESTIGATIONS ON SEXUAL EXPLOITATION AND ABUSE IN SOMALIA

Addis Ababa, 21 April 2015: The Chairperson of the Commission of the African Union (AU), Dr. Nkosazana Dlamini Zuma, today, formally released the key findings and recommendations (attached) contained in the report of an Independent Investigation Team established to investigate allegations of Sexual Exploitation and Abuse (SEA) by personnel of the AU Mission in Somalia (AMISOM).

The allegations were contained in a report by Human Rights Watch (HRW), titled “The Power These Men Have Over Us – Sexual Exploitation and Abuse by African Union Forces in Somalia” and released on 8 September 2014.

The Team of experienced investigators was drawn from Ghana, Tanzania and Zimbabwe, which are all non-Troop/Police Contributing Countries (T/PCCs) to AMISOM. The Team conducted its investigations both inside and outside Somalia between November 2014 and February 2015.

The Team investigated the twenty one (21) allegations contained in the HRW report. It found that two of these allegations are indeed proven cases of SEA perpetrated by AMISOM soldiers.

On the basis of its findings, the Team made a number of observations and recommendations to strengthen existing mechanisms that the AU Commission and the T/PCCs to AMISOM have put in place to address SEA.

In line with its “zero tolerance policy” and its commitment to address SEA, the Commission is, in this particular instance, engaging with the concerned countries, which have the primary responsibility for the requisite prosecutorial action to be urgently undertaken in order to ensure that the victims get justice and assistance, as maybe required. Furthermore, the Commission will be convening a meeting with the T/PCCs and Somalia, with a view to identifying the concrete steps to be taken to implement the recommendations contained in both the HRW and the Investigation Team report.

The Commission seizes this opportunity to reiterate its commitment and that of the Member States to continue to respect the dignity of all Somali women and girls and to uphold the religious and cultural values of Somalia, as AMISOM continues to implement its mandate to restore peace and stability in the country.

KEY FINDINGS AND RECOMMENDATIONS OF THE INVESTIGATION ON SEXUAL EXPLOITATION AND ABUSE (SEA) IN AMISOM BY AN INDEPENDENT INVESTIGATION TEAM

I. KEY FINDINGS

1. Based on the testimonies gathered and guided by the Terms of Reference (ToR), the following was established:

A. AMISOM MILITARY COMPONENT

a. Rape at Baidoa

- (i) On 30 May 2013, a 12 year old girl at the time, code name, VW30, was allegedly raped by a soldier from AMISOM (name still not known).
- (ii) In an interview with VW30 in Baidoa, she said the incident occurred at a location called Bakin not far from the AMISOM Camp. She said she was sent to Hospital in Baidoa for medical attention.
- (iii) The investigation team obtained a copy of the medical report, which is written in Somali. The translation of the medical report revealed that the victim's virginity was broken.
- (iv) The investigation team could not reconstruct the crime scene due to security concerns.
- (v) The mother of the victim gave the team a copy of a petition attached with the pictures of the victim and the alleged rapist. The petition was addressed to the Federal Government of Somalia (FGS), with copies to other individuals and organizations, including Human Rights Watch (HRW).
- (vi) Although two members of the investigation team visited the capital of the concerned Troop Contributing Country (TCC), with the aim of following up on the status of the case, it could not solicit any information because the team was not granted audience. However, during the team's consultation with the HRW representative in Nairobi on 15 January 2015, the team was informed that the alleged rapist was probably still in custody, awaiting trial.

b. Attempted Rape at Marine Market

- (i) On 8 May 2014, a case of attempted rape at Marine Market, AMISOM Base Camp, was reported against a Corporal of AMISOM.
- (ii) The victim, code name, VW6, accompanied by an interpreter reported the case to the Office of Security of the AMISOM Contingent. The incident happened at a restaurant in Marine Market between 07:00

and 08:00 on the said date. The case was investigated by the Special Investigation Branch (SIB) of the concerned AMISOM Contingent.

- (iii) The investigation team was privy to the statements of the victim and the alleged offender and of the SIB.
- (iv) In her statement, the victim said among others that the Corporal from AMISOM was not able to have sexual intercourse with her but that when he held her, she raised alarm and struggled with him. That as a result, she fell down and the Corporal ran to the nearby bush. According to the victim, the suspect had earlier on told her that he would have sex with her.
- (v) On his part, the Corporal also said, inter alia, that it was the victim who held a knife in a jovial manner towards him. That he seized the knife in the presence of the victim's junior brother and that was the only thing that happened between the two of them.
- (vi) According to the medical report, there was no carnal knowledge of the victim. The SIB investigation established a case of assault.
- (vii) As part of the investigation, on 28 January 2015, the team visited the AMISOM Contingent HQ to inquire about the final outcome of the case. The Contingent Legal Officer stated that the Corporal had been put on formal warning and, as a result, he is banned from embarking on any peace support operations.

c. Gang Rape at Maslah Camp

- (i) In September 2013, a case of gang rape of a Somali woman by AMISOM soldiers was reported to AMISOM Mission HQ. The information received indicated that Somali National Army soldiers took the woman to Maslah Camp, and she was gang raped by AMISOM soldiers.
- (ii) In an interview with an informant, she said that an investigative committee was set up by the Somali Government, which initially included an AMISOM representative, to look into the allegation. The case was, however, investigated only by the Somali Government.
- (iii) According to the Informant, during one of the regular meetings with the Somali Government officials, she was informed by the latter that the woman's account of what happened was found not to be credible.
- (iv) As a follow-up to the case, on 15 November 2014, the investigation team met with another Informant of the Somali Ministry of Women and Human Rights Development. With regard to the case, the informant said a fresh committee chaired by his Minister had been set up to investigate the case, but that they were yet to commence work. When asked why the delay, he said it was due to the political situation at the time.

- (v) Because the allegation was leveled against AMISOM soldiers, the responsible AMISOM Contingent Commander was interviewed. The Contingent Commander said he was not in the Mission at the time and that he had no information about the case.
- (vi) Efforts to inquire about the case in the Capital of the TCC by two members of the investigation team were unsuccessful due to the fact that the team was not granted audience.

d. Sexual Exploitation and Abuse of Women and Girls at AMISOM Base by an AMISOM Contingent

- (i) HRW reported instances of paid sex occurring at the AMISOM base perpetrated by AMISOM soldiers. They gave instances of women and girls who have agreed to sexual relationship with troops because they were promised marriages that never happened.
- (ii) In these cases also the investigation stalled, because HRW could not link the team to any victim to assist in identifying perpetrators.

e. Case of alleged sexual harassment of a local employee, interpreter, code name VW3 by an AMISOM Officer

- (i) VW3 told the team of an alleged constant harassment she faced when she was working with one Major, an AMISOM Officer, in June 2010.
- (ii) Here, the team could not contact the alleged perpetrator for statement because he had rotated back to the TCC after his mission with AMISOM. Unfortunately, the team also could not pursue the issue in the TCC's country because it was not granted audience during its visit.

f. Repatriation of Two AMISOM Officers

- (i) According to the HRW report in October 2012, two AMISOM Contingent officers were repatriated because they had left the base to meet with Somali women for sex. The two officers, a Lieutenant-Colonel and a Major were reportedly in charge of civil-military relations and intelligence, respectively.
- (ii) To establish the veracity or otherwise about the conduct of the officers, the investigation team extended its work to the Contingent HQ of the Officers. The Chief Administrative Officer (CAO) and his staff could not provide the team with information as to why the two officers were repatriated because they were not in the Mission at the time. The CAO requested for time to inquire from his colleagues in the capital and to provide a feedback to the investigation team.
- (iii) As part of the team's consultation and a follow up to the case among others, two members of the investigation team visited the

Army HQs of the TCC. The team met with the Commander of the Land Forces, the Director of the Peace Support Operations (PSO) and the Legal Officer.

- (iv) In response to the above case, the Director PSO explained that the two did not commit SEA. They were repatriated because of insubordination and violation of Mission instructions. He added that no complaint was lodged by the Somali authorities or by any victim. Consequently, no judicial proceedings have been taken against the Officers due to lack of evidence.

g. Rape of Women and Girls and other sexual abuse at an AMISOM's Contingent's Base while accessing Medical or Humanitarian Services

- (i) The HRW report alleged two cases of rape and four of sexual exploitations against the AMISOM Contingent troops. The women were reportedly abused while seeking medical/humanitarian services at the Contingent HQ Base.
- (ii) When interviewed about the said allegations, the CAO said the Contingent used to provide medical services to the locals. However, they have stopped due to lack of drugs. He refuted the allegations and said the services offered by the Contingent to the Somali population are among the tasks of the Mission. He indicated that he has been in the Mission since July 2013, and no one has come to complain about SEA to the Contingent.
- (iii) The investigation team again raised the said allegations during its visit to the TCC's capital. In response, the Director of the PSO corroborated the statement of CAO of the Contingent.
- (iv) Efforts made by the team to get to the said victims through HRW and through its own means proved futile.

h. Alleged Rape of a 16 year old girl by AMISOM Soldiers

- (i) The above-mentioned case was also raised in the HRW report. The report revealed that early 2012 an oral complaint was made by relatives of a 16-year old girl to the responsible AMISOM Contingent HQ. As a result, a Legal Officer of the concerned AMISOM Contingent in Mogadishu took part in a preliminary investigation into the allegation.
- (ii) According to the HRW, the Legal Officer told them that his office interviewed the girl and a few witnesses at the location of the incident and established that the family fabricated the story because the girl's mother wanted access to medical care. That the investigators never compiled a formal file on the case and closed the investigation before receiving the results of the medical examination.

- (iii) In an interview with the TCC's Legal Officer, on 12 November 2014, on the above subject matter, he said he had not seen any preliminary investigation on the case. When asked why a mother should tag her daughter as having been raped just to seek medical care when the Contingent have been providing medical services to the local population, the Legal Officer said he could not comment on the case because he had no information on the allegations and that he was not in the Mission at the time.
- (iv) During interview with the Director of PSO in the Capital of the TCC, he said no one saw the girl who was allegedly raped. According to him, it was a village chief who accompanied the mother and said she was suffering from tuberculosis for a long time without drugs for treatment. She therefore wanted an easy way to approach the Command of the Contingent to get assistance to access a doctor hence; they made up the story to get attention. However, she was attended to by a physician at Level 1 Hospital like any other Somali.
- (v) The investigation team made attempts to solicit information in terms of access to some rape victims from two HRW contacts in Mogadishu. Unfortunately, one of the contacts reached informed the team by email that they had no survivors of SEA. The other never responded to the teams email. In the mentioned case for example, an access to the alleged rape victim would have provided the needed facts to either support or negate the allegation.

B. AMISOM POLICE COMPONENT: With regard to the AMISOM Police Component, the investigation team had found no reported case of SEA.

C. AMISOM CIVILIAN COMPONENT: As regards AMISOM Civilian Component, the following were noted:

- (i) The investigation team received a complaint from an AMISOM local female civilian staff, code name VW3, that she has been sexually harassed by an AMISOM Military Officer.
- (ii) The same local staff also alleged that three other local female staff told her that they were sexually harassed by some AMISOM civilian international staff. The team had an interview with one of the local female staff, code name, VW21, who said her concern was a verbal abuse (not sexual) on her by the Contingent's Commander. Efforts made to have the testimonies of the other two colleagues, were futile.
- (iii) It is however, important to state that one case of sexual harassment that came to the attention of leadership at AMISOM Mission HQs was investigated by a Board of Inquiry (BoI). The Board, however, found no evidence to support the claim of the complainant. Since these cases were sexually related, the investigation team found it worth mentioning.

II. OBSERVATIONS

2. Below are some significant observations made in the course of the investigations:

- (i) It was observed that although each contingent has its own Military Police section, at the Military Force HQs, there is no Military Police Detachment or Unit in the Mission. There is only a staff officer with the appointment of a Provost Marshal. In line with the Guidelines to AMISOM TCCs, there is the requirement for a military police detachment which is supposed to be under the operational control of the Force Commander. The Detachment may be placed under the tactical control of a Sector when deployed in the specific MP Task. The MP Detachment is proposed to have 5 officers and 43 men.
- (ii) It was noted that at the AMISOM Mission HQs Base Camp, that there are no recreational facilities such as gymnasium, volleyball and basketball courts and mess activities for the AMISOM community. It is needless to comment on the benefit of having mentioned facilities in an environment such as that of AMISOM.
- (iii) Although AMISOM has a policy on Prevention and Response to SEA, it appears there is no Force Commander's Directive on SEA. This point is based on the fact that the team made efforts to obtain one but never got it.
- (iv) The reporting mechanism on SEA as spelt out in AMISOM's policy on Prevention and Response to SEA is quite explicit. Indeed, it provides the needed guidelines if professionally applied.
- (v) The team also noted that disciplinary cases involving repatriations of military personnel were sometimes carried out without the knowledge or information of the AMISOM Mission HQs.
- (vi) The investigation team also observed that there are a number of shops and living accommodations at the AMISOM Mission HQs Base. The accommodation is home to 34 families with 193 women, men and children. 143 of them have been issued with ID cards. Some of these houses have shops attached from which locals sell items patronized by AMISOM personnel both troops and civilians. About 5 km from the Mission HQs but within the base to the north-eastern end, is an area called Marine Market where a number of shops are located.
- (vii) The AMISOM Contingent Camp at the former Somalia National University also has five shops and one local Somali house. There are also two shops at the AMISOM Forces Camp at the former Somalia Military Academy.
- (viii) The team also observed that the Head of Mission (HoM) and the Force Commander (FC) are not regularly informed of serious matters involving the troops, including the outcome of such cases as per requirements under Common Art. 7.3 of the MOU between the AU and the respective TCCs. The team noted that there is no information sharing between the TCCs and Mission HQ on the same.
- (ix) The team noted also that there is a gap in legal jurisdiction as regards civilian personnel who commit serious misconduct, especially of criminal nature compared with uniformed personnel.

- (x) Some of the TCCs demonstrated their disagreement on the idea of establishing the on-site permanent military court which involves different countries, because each country has its own way of dealing with misconduct and also due to inconsistency between different countries legal system as to what exactly an offence is, in the sense that an offence in one particular country may not be an offence in the other. With the exception of one TCC, the rest agree to convene an ad hoc court in host country in order to ensure transparency and afford immediate access to witness(es) and evidence in mission area.
- (xi) It was observed that the contingents visited do not have the FC Directives on SEA.

III. COMMENTS/ANALYSIS

3. Considering the number of allegations contained in the HRW report against AMISOM personnel, it was indeed, a step in right direction for the AU to constitute an investigation and a research team to look into the allegations. This decision is a clear indication of AMISOM's policy position on zero tolerance on SEA. It is important to state that the entire investigation was quite complex due to the political and security situation in Somalia. Nevertheless, the investigation team has been able to establish some facts on the ground. In the light of the numerous allegations, the team wishes to briefly comment/analyze on some specifics.

4. With regards to the specific case of the allegation of rape in Baidoa against an AMISOM soldier, the investigation team could not obtain the testimony of the alleged rapist since he has been repatriated. Efforts made to pursue the case in the concerned country were unsuccessful, because the team was not granted audience by the TCC's Military Command while there. However, based on the pieces of evidence gathered, including the victim's medical report and the fact that the suspect is reportedly still in custody, it is clear that some gross misconduct did take place. Similarly, the fact that the suspect is still in custody suggest that the Military High Command has not let the suspect off the hook. That notwithstanding, the lack of feedback to both AMISOM and the victim's family as to the current status of the case, appears to show some lack of transparency in the handling of the case.

5. In the case of an attempted rape reported by VW6 against an AMISOM soldier, at the Marine Market in the Base Camp, the case was investigated by the Special Investigation Branch (SIB) of the responsible Contingent. The outcome of the investigation revealed that the Corporal was culpable of assault. Having carefully perused the statements of the victim and the alleged offender as well as the medical report, the investigation team is of the view that the assault was of a sexual nature. Thus, it is the opinion of the team that the physical intrusion of the victim who was 14 years at the time under the circumstances is tantamount to sexual abuse. The team's opinion stems from the UN SG's Bulletin 12, Sections 1 and 3.2(b).

6. In any case according to the AMISOM's Contingent's Legal Officer, the Corporal has been banned from all PSOs as part of his punishment for his conduct. It is worth stating that AMISOM Mission HQs has no information pertaining to the case on its record. Certainly, a feedback will assist AMISOM as well as AU to have a record/tracking system of individuals who, during PSOs, misconducted themselves and as a result have been banned from participating in PSOs.

7. In the case of the allegations reported against a Contingent of one of the TCCs, the evidence gathered during the follow-up investigations in the capital of the TCC did clarify some of the issues. However the evidence collected appeared to be one sided, since the team could not have access to the alleged victims in all the reported cases against that Contingent. The HRW contact in Somalia,

who could have also been of assistance to the investigation team, politely declined to assist with a blanket message that they did not have any survivors on SEA. It is the opinion of the investigation team that the message only sought to close the door of assistance to the team. This in the view of team is quite unfortunate since, to a larger extent, it is the HRW research work that precipitated this investigation.

8. During the inspection tour of the AMISOM Base Camp, the team observed a numbers of makeshift living accommodations and shops were in the Camp. In all, there were 34 families living in the Camp. Because of security reasons, the shop owners were asked to relocate to an area called Marine Market. Although some have relocated, there are some shops still within the living accommodations. There are no Post Exchanges (PXs-Military Base Shops) at the Base Camp. As a result, the shops in the Camp provide basic necessities which are being patronized by AMISOM personnel.

9. It is imperative to state that the issue of locals living at the Base Camp is embedded with a lot of challenges and implications. For instance, in the course of the investigations, the issue of the existence of brothels in AMISOM Base Camp always came up but no one was willing to assist the team to establish the truth or otherwise. Undoubtedly, with or without evidence, the existence of 34 families living side by side with AMISOM personnel certainly creates an environment conducive for SEA. This is more so when majority of the family members are women, most of them widows. Again, besides heightening the perception of prostitution, the Base Camp being used as a home by the locals has serious security and intelligence ramifications. Much as some individuals may hold the view that AMISOM is providing safe haven for the locals, the risk involved is quite enormous. In the greater interest of AMISOM, the team is of the view that the AU, in consultation with the Government of Somalia, should direct the relocation of the families out of the Base Camp.

10. In the course of the investigations, the team established that in almost all the reported cases of SEA that came to the knowledge of leadership at AMISOM Mission HQs, Police and Military components investigations were initiated. The challenge, however, has been sometimes military personnel were repatriated without the knowledge of the Mission HQs. Additionally, there is obvious lack of recordkeeping regarding disciplinary case at all levels.

IV. CONCLUSION

11. On 17 October 2014, the African Union Chairperson, H.E. Dr Nkosazana Clarice Dlamini-Zuma, authorized the deployment of investigation and assessment teams to look into a number of allegations reported by the HRW report against AMISOM personnel. The said allegations are contained in the HRW research work on the titled 'The Power These Men Have Over Us'. The investigation team was specifically tasked to investigate allegations of SEA made against AMISOM personnel, particularly the Ugandan and Burundian Contingents as well as other civilian personnel. The team commenced its work on 31 October 2014 and ended on 6 February 2015. However, there was a break period between 3 December 2014 and 13 January 2015.

12. Investigations have established that there was evidence on the existence of SEA against AMISOM personnel especially in one of the Contingents. This was confirmed through testimonies received by the investigation team and a medical report on one of the victims. Several statements/testimonies also insinuated widespread occurrences suggestive of SEA, but these could not be officially substantiated. Probably, more cases could have been unearthed by the investigation team, if not for the unwillingness and reluctance of some individuals to assist the investigation team with credible evidence. If the HRW representative/contact had assisted the investigation to access some of the alleged victims, most probably more cases would have also been established. Whatever

the reason might be for their inability to assist the team in accessing victims mentioned in their report, the HRW has lost an opportunity to show case the strength of its research work, which triggered this investigation. Indeed, if the object of the HRW research was to report on the plight of the vulnerable in Somalia with the ultimate aim of bringing the perpetrators to book, then HRW might be having a different agenda.

13. It is pertinent to state that investigations established the existence of SEA in AMISOM. However, although SEA does not seem to be widespread, captured in this report are a number of observations made and situations identified as creating easy avenues for those who may desire to indulge in acts of SEA. These include testimonies from both AMISOM and non-AMISOM persons, description of the structure of AMISOM camps, and pictures taken at various locations in the two main camps in question. It was also established that some cases of SEA were brought to the attention AMISOM leadership at the Mission HQ and at Police and Military component levels and investigations were initiated.

14. In sum, the investigation team wishes to reiterate that if the recommendations made are fully implemented, SEA in AMISOM may be eliminated or drastically reduced and, where it occurs, there will appropriate sanctions to as deterrent to others.

V. RECOMMENDATIONS

15. In the light of the above, the following are recommended:

- (i) The AMISOM Mission HQs should remind all contingents of the provision in the MOUs Article 7 Section 7.3 (common to all TCCs) that requires that contingent commanders should regularly inform the Head of Mission of any serious matters including disciplinary cases.
- (ii) The responsible Contingent HQs should update AMISOM Mission HQs on the status of the rape case of VW30, so that an informed decision can be taken on the matter. The Contingent HQs should also officially inform the Mission HQs about the disciplinary action taken against the Corporal regarding the case of attempted rape reported against him.
- (iii) The AMISOM Conduct and Discipline Office should monitor all reported cases of SEA and maintain a record/tracking system on all SEA offenders.
- (iv) The AU Commission should ensure that recreational facilities are provided for AMISOM personnel.
- (v) The AMISOM Mission HQs should establish a Force Provost Unit which should include a Special Investigative Section. Although a BoI system is already in place in AMISOM to investigate SEA, the establishment of a Provost Unit manned by professionals will serve as a complement to Bols, whose work could be relied upon at the Mission Headquarters level. This dual system operates in most Armies and in UN Peace Support Missions. Also as pertains in UN Missions the Provost Unit should have authority to investigate issues involving all members of a mission including civilians.
- (vi) The AU Commission should establish an Office of Internal Oversight Services (OIOS) with similar responsibilities to that of the UN. The OIOS of the UN is an operationally independent office that assists the Secretary-General in fulfilling his internal oversight

responsibilities in respect of the resources and staff of the Organization (including mission personnel) through internal audit, inspections, investigations and monitoring and evaluation. The Office has the authority to initiate, carry out and report on any action it considers necessary to fulfill its responsibilities with regard to its oversight role. If the AU had such an Office, its activities would have likely been handy in the instance of SEA allegations.

- (vii) The AU Commission, in consultation with the Federal Government of Somalia, should direct and ensure the relocation of all locals living in all AMISOM camps.
- (viii) If not already in existence, a Force Commander's Directive on SEA should be issued to all military contingents.
- (ix) A PX system should be established in AMISOM to cater for the basic needs of the AMISOM community.
- (x) All repatriations must seek the approval of the HoM.
- (xi) The report mechanism as spelt out in the policy on prevention and response to SEA should be adopted as guidelines for investigation teams and Bols on SEA.
- (xii) Action should be taken by the AU/AMISOM to deal with jurisdictional gaps for serious crimes committed by civilian personnel to avoid impunity on the part of the civilian component.

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Peace and Security

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