

***Washington, DC., US, February 21 (Infosplusgabon) - Somali authorities are unlawfully detaining and at times prosecuting in military courts children with alleged ties to the Islamist armed group Al-Shabab, Human Rights Watch said in a report released on Wednesday.***

The 85-page report, "It's Like We Are Always in a Prison: Abuses Against Boys Accused of National Security Offences in Somalia," details due process violations and other abuses since 2015 against boys in government custody for suspected Al-Shabab-related offences.

A summary of the report on the website of the human rights watchdog said Somalia's federal government has promised to promptly hand over captured children to the United Nations child protection agency (UNICEF) for rehabilitation.

However, it said, the response of Somalia's national and regional authorities has been inconsistent and at times violated international human rights law.

The government's capture of 36 children from Al-Shabab on 18 January 2018 required a week of negotiations involving the UN and child protection advocates to work out procedures for dealing with them.

"Children who suffered under Al-Shabab find themselves at risk of mistreatment and hardship in government custody," said Laetitia Bader, senior Africa researcher at Human Rights Watch and author of the report. "The government's haphazard and at times outright abusive approach harms children and compounds fear and mistrust of security forces."

Human Rights Watch interviewed 80 children formerly associated with Al-Shabab, boys previously detained in intelligence custody, lawyers, child protection advocates, and government officials; conducted research into military court proceedings; and visited two prisons.

According to the UN, since 2015, authorities across Somalia have detained hundreds of boys suspected of being unlawfully associated with Al-Shabab.

Somalia is obligated under international law to recognise the special situation of children, defined as anyone under 18, who have been recruited or used in armed conflict, including in terrorism-related activities, and assist their recovery and reintegration.

Children who participate in armed groups can be tried for serious crimes, but legal proceedings should comply with juvenile justice standards and non-judicial measures should be considered.

Human Rights Watch said Somali authorities have not handled security cases involving children in a consistent manner. While government officials had previously admitted to detaining boys they classified as “high risk,” Human Rights Watch said it found that factors including socioeconomic status, clan background, and external pressure may influence the outcome of a boy’s case.

Boys arrested in security operations have often been held by intelligence forces, namely Somalia’s National Intelligence and Security Agency (NISA) in Mogadishu or Puntland’s Intelligence Agency (PIA) in Bosaso. Intelligence agencies decided how they categorized children, how long they kept children, and if and when they handed them over to UNICEF.

Independent oversight of screening processes and custody has been severely limited, Human Rights Watch said.

It added that officials and guards have subjected children to coercive treatment and interrogations including cutting them off from their relatives and legal counsel, threatening them, and on occasion beating and torturing them, primarily to obtain confessions or as punishment

for speaking out or disorder in the cells.

A 16-year-old held for months in a NISA facility in 2016 said: "They would take me out of my cell at night and pressure me to confess. One night, they beat me hard with something that felt like a metal stick. I was bleeding for two weeks, but no one treated me."

"Somali authorities should end arbitrary detention of children, allow for independent monitoring of children in custody, and ensure access to relatives and legal counsel. If children are to be prosecuted for other serious offences, they should be tried in civilian courts that guarantee basic juvenile justice protections, and any punishment should consider alternatives to detention and prioritize the child's reintegration into society," Human Rights Watch said.

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