February 7

2016 State of Accountability in Somalia

2017

In 2016, all brakes were removed and corruption hit an all-time high. Payment of salaries was stopped and government property sold off in order to fund the most expensive vote-buying campaign in human history. 2017 will see an uptick in mid and low-level corruption, especially in food aid.

Unrestrained Corruption

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Executive Summary

The year 2016 was the worst year for accountability in Somalia as political actors sought to use whatever means possible to win the indirect elections process. Civil servants and members of the Somali Police and NISA have been unpaid for 7 months; while salary payments for most units of the Somali National Army (SNA) were discontinued in late 2015; although, until mid-2016, some units continued receiving stipends that was not paid for by the Somali government. In addition to the non-payment of salaries, the Somali federal government sold off public lands, all with the intention of funding allies and loyalists to the ruling party in the indirect elections.

The elections, as a consequence, were rife with corruption. When delegates refused to take money and vote a certain away, they would be replaced, intimidated, harassed and, in some incidences that occurred in Galmudug and HirShabelle, shot. Adding insult to injury, candidates that had been disqualified for engaging in public corruption or violence by the conflict resolution body were reinstated, and others held sham elections and won.

As a result of the plundering of the state's wealth in order to fund the election campaign of the president and his allies, security significantly worsened in 2016. Security forces take part in criminality in order to support their livelihood, further eroding public trust in the government. Extortion, robbery, murder, and torture are some of the more than 500 reports marqaati has received, mostly concerning the security forces.

As the election season comes to an end, the year 2017 will see less high-level corruption than 2016, no matter who wins. However, massive mid and low-level corruption will occur especially with the expected increase in food aid as a result of the drought. Officials and security officers that had not been paid for months will be expected to oversee the delivery of food aid. Unless they are paid their dues, even the best of them will take part in the loot.

While 2017 presents an opportunity to tackle corruption in Somalia, as most presidential candidates that have a good chance have said they will combat it, there needs to be more commitment by all stakeholders to demand transparency and closer monitoring of government activities by independent non-government third parties. Somalia's international donors have a special responsibility to their taxpayers to demand accountability for their misused and embezzled aid monies.

Not keeping the rampant corruption in check will continue to erode public support for the government and lose it the little legitimacy it now has. Inaction will lead to insecurity that will affect not only Somalia, but the whole world, and also lead to mass migration of youth running away from a merciless terrorist group and a kleptocratic government.

Introduction

marqaati has released its first annual corruption report for 2016 driven by its mission to root out corruption at all levels of Somalia's federal and local institutions. 2016 has been a year in which marqaati received in excess of 500 reports of corruption from ordinary people and from all walks of life.

It has been also a year when Somali's have upped their voices in challenging practices of corruption as a result of marqaati's efforts at the frontlines in building a culture of public participation in combating corruption in Somalia.

The standard definition of corruption is given by the World Bank as the '*abuse of public office for private gain',* which includes giving and receiving bribes; favouritism; nepotism; extortion and fraud.

Unless confronted, corruption will have a heavy impact on Somalia's society. It is undermining Somalia's state-building efforts, democracy and rule of law, eroding human rights and the quality of life of Somali's, and also allows threats to human security to flourish such as organized crime and terrorism. Corruption in Somalia is hurting the poorest disproportionally as funds intended for development are being diverted.

The consequences economically are two-fold: firstly, it undermines the Government's ability to provide essential welfare services, perpetuating the inequality and injustices ordinary Somalis face daily. Secondly, it discourages donors in committing to foreign aid and investment.

Through our work, fight and determination, marqaati envisions a Somalia where corruption is history, a taboo and where effective oversight in clamping down corruption exists in all state institutions.

In this report, we take contemplative look back at the various forms of corruption that has occurred in 2016, which will lay the foundations for what needs to be done in order to secure free and fair elections in 2020 and to strengthen Somalia's state institutions. From the indirect electoral process to theft of private land, this report will attempt to draw a clear picture and measure of corruption in Somalia.

Methodology

The findings in this report are based on interviews, questionnaires, reports from electoral delegates, workers within individual campaigns of candidates, candidates themselves, clan elders, civil service staff from across key federal ministries, and members of the public.

In addition to the above, this report is based on information gathered by the Somalia Accountability Feedback Mechanism, which has received more than 500 verified reports from

office holders and members of the public in all corners of Somalia. Some individual reports may cover several departments.

Somalia's federal elections: August 2016 – February 2017

The indirect electoral process has been undermined by multiple actors ranging from the federal and regional governments to the individual contenders. marqaati has substantial empirical evidence of bribery, intimidation, voter list manipulation and outright fraud that has undermined the legitimacy and distorted many of the parliamentary elections. marqaati conducted a separate report on the corruption in the elections, which was published in December 2016; it can be found at: https://marqaati.org/en/2016/12/the-indirect-elections-highly-irregular-and-barely-legitimate/

Intimidation and harassment

marqaati in December interviewed 47 elders and parliamentary candidates in Mogadishu, South-West State, Galmudug, Puntland and Jubaland. 26% of the participants said that they have experienced harassment and intimidation from clan-members and political actors who have a strong vested interest in the contested seat.

Common practices of intimidation and harassment which were recorded included forcing candidates to withdraw from running the contest and blocked from entering the building where voting is happening by security forces.

Bribery

Bribing at all levels during the elections have been both systematic and normalized. Bribes were primarily targeted at three key electoral actors: elders, delegates, and the State Indirect Electoral Implementation Team (SIEIT). With votes going for as much as $30K per vote, this is probably the most expensive election, per vote, in history.

Elders

32% of elders admitted they experienced bribery in some form or another. Elders were a target because they establish the list of delegates and amend them. Given this fact, elders were bribed to remove unfavourable delegates; in other instances they were bribed to select all 50 delegates favourable to the candidate.

For example, marqaati has obtained hard evidence that an elder was paid $150,000 USD to create a list of delegates who will specifically vote for a candidate. The list was changed four times, and delegates suspected of disloyalty to the bribe-paying candidate were replaced.

In another case study, the campaign team of the sitting President, Hassan Sheikh, paid $100,000 USD to the elder to create a list – favourable to a candidate who will vote for the incumbent at the presidential elections on the 8th of February. The delegate marqaati interviewed, said as a result, he was only given $200 USD – much lower than he had expected.

Bribing the elders and thereby shaping the delegates' list gives political actors more control of the outcome, and is cost-cutting. $100,000 - $150,000 USD to create a favourable delegates' list is far more effective than paying $20,000 to each delegate with no guarantee of the vote, as happened in one race in HirShabelle. The losing candidate spent $20K per vote and lost, while the one who spent $30K per vote won.

Delegates

39% of elders and candidates admitted to witnessing delegates taking bribes; Delegates were bribed across almost all elections in every state. Asked by marqaati why they would pay upwards of $300K for a seat in parliament, one political operative said it was to do with prestige, immunity, and obviously the chance to elect the next president and probably recoup spent money.

SIEIT

The State Indirect Electoral Implementation Team has been both complicit in corruption under its watch and has also directly engaged in behaviours and practices of corruption during the electoral process.

In instances where elders were bribed to alter and define a new list of delegates – marqaati has found that SIEITs have violated one of the processes most fundamental checks, balances and verification. As stated in the official document outlining the responsibilities of SIEIT:

'' d) Checking the list of delegates: The SIEIT will ensure that the list of delegates submitted by the elders is the same list that communities and sub-clans were consulted on. The FIEIT must confirm that the consultation on the list has been done; ''

marqaati has obtained evidence that one elder was bribed four times to change the list of delegates. SIEIT Somaliland confirmed the list in this case study but it did not submit to FIEIT that the ''consultation on the list has been done''.

26% of elders and candidates told us that they have seen, experienced or heard SIEIT accepting bribes. Candidates have also bribed SIEIT directly to remove delegates that may harm their aspirations for selection. In this case study – the elder was also bribed to sign the paper document.

SIEIT furthermore has also failed disastrously in one of its other core functions as outlined in the official Doorashadaa 2016 document which is to:

''Bringing together delegates for the voting process: the SIEIT is also responsible for conducting the voting process of the delegates''

SIEITs have been bribed to execute dark practices of corruption, violating the above such as changing schedule to favour one candidate or postponing the voting so that one candidate may have more time to buy votes from delegates.

A concerning trend during the election period marqaati has observed is the inadequate checking and verifications of delegates by SIEIT.   We found that 2% from our survey witnessed misrepresentation of clan during the voting process. marqaati has further evidence of a delegate who voted twice. The delegate has co-operated with marqaati who voted in two races and showed us ID to prove his story. This begs the question – how many delegates voted twice, particularly where winning margins were close but also the level of bribes given by candidates and received could be far more than we know.

Unrealistic winning margins

An alarming number of candidates received more than 80% of the votes and many received 100% of the votes – a statistical impossibility in a free and fair election. Statistically, most races should have been won by a simple majority to two thirds majority, with very rare cases of 80 per cent and more.

Of 98 election results analysed, we have detected 89 elections in which the winners received 78.4% or above, including 58 that got between 84% and 98%; two were no contest (all opposing candidates suspiciously stepped down at the last moment); and 15 got 100% of the votes.

This suggests that over 76% of the candidates received unbelievably wide margins of victory between 84% and 100%, as shown below:

Victory Margins Across all Regions

- Win margins more than 84 per cent
- Win margins between 78 and 84 per cent
- Win margins below 78 percent

The list of 98 races analysed can be found at the aforementioned December report which is available here: https://marqaati.org/en/2016/12/the-indirect-elections-highly-irregular-and-barely-legitimate/

Conflict resolution

Individuals who had been disqualified by the electoral conflicts resolution team have been reinstated and have won the re-run of their elections in February 2016. This includes two

individuals who had used violence at the voting venue; their victories in the re-runs were as illegitimate as before as they bribed their way to victory.

The presidential election

The main contenders for the presidency, including the incumbent, have stated that they plan to fight corruption if elected. This is however contradicted by their actions as all are planning to use substantial amounts of money to bribe MPs.

marqaati has also documented reports of payment of $500-$1000 to MPs by presidential candidates in order to sign the required 20 MPs for each presidential candidate. This is a clear foreshadowing of the presidential election, where some MPs are seeking to recoup some of their spending in their election campaign. Reports suggest that votes will cost from $50K-$100K depending on the influence of the MP.

Although money will change hands, it is unlikely that it will be enough to sway MPs to vote for other than their intended persons. This is evident in conversations with some MPs who have said that they will take money from the president, who is currently throwing money around, but intend to vote for another candidate.

marqaati will follow up on any winning candidate that has promised to fight corruption or reclaim illicitly gained wealth.
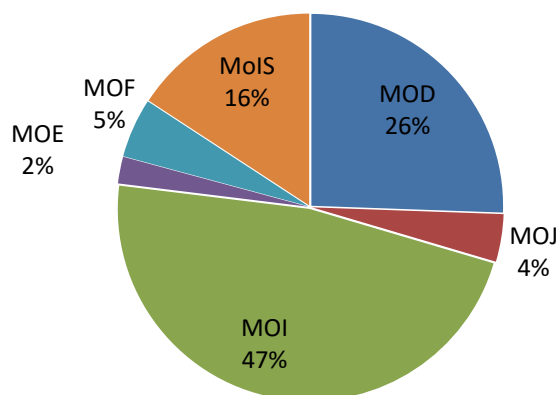
Corruption in ministries

There were 782 corruption reports from individuals working in ministries and members of the public that saw or directly experienced practices of corruption. Direct experience can be understood as experiencing corruption from agents of the federal government responsible for upholding law and order, such as the police and local courts.

The figure to the right illustrates the proportion of reports that are identifiable with the relevant ministries. The Ministry of Defense, Ministry of Interior and Ministry of Internal Security are the ministries with the most complaints

There are several reasons why this is the case. They tend to be the largest ministries that include the police, traffic police, military and NISA. The three ministries represent most ministry-civilian engagement on a day to day basis, such as law enforcement and security.

Complaints from each ministry in 2016

MoIS 16%
MOF 5%
MOE 2%
MOD 26%
MOJ 4%
MOI 47%

In addition, they lack any legal frameworks governing their mandates and jurisdictions; as well the complete absence of oversight bodies that helps root out corruption. A combination of these factors is having an erosive effect on Somali society and reinforcing an environment that is conducive to corruption.

We received a few reports from the ministry of finance compared to the above ministries due to the fact that most members of the public do not directly interact with them. And when they do, as in tax collection, most corruption that takes place there is beneficial to both parties and we consequently receive fewer complaints. Corruption that takes place here includes tax evasion, falsification of receipts, and diversion of collected monies.
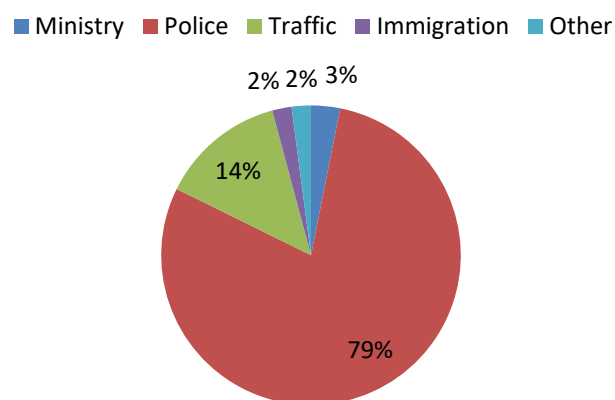
Ministry of Interior

marqaati received 232 cases of corruption reports, 47% of the total complaints in 2016, from the Ministry of Interior.

Somali Police Force and Traffic Police

The majority of corruption reports that we have received concerning the Police fall into two categories:

1. ''Laaluush'' – harassing civilian vehicles into paying cash, ranging from $0.5 USD to $5 USD, and cargo trucks up to $50.

2. Creating illegal ''isbaaro'' or checkpoints that facilitates Laalush.

Corruption complaints in MOI by department 2016

■ Ministry ■ Police ■ Traffic ■ Immigration ■ Other

2% 2% 3%
14%
79%

Case 1:' I am a male who lives in Karan district, I am 23 years old. I am complaining about Somali police who, when I went to visit my aunt in Suqa Holaha, stopped me and started beating me with the butt of their guns. I now have big wounds on my back due to the beating. I did not do any crime, and they just beat me. They said the reason is because they suspected me. Do the Somali government troops have the right to beat whoever they suspect, that's what I want to know."

Case 2:'I am a poor man in Mogadishu, aged 38. My daughter was killed. She was killed by three civilian men and two men who are police officers in AbdiAziz district. I reported the incident to the police post; my daughter's dead body was photographed by the C.I.D.; they however refused to investigate the case. I am originally from Puntland'.
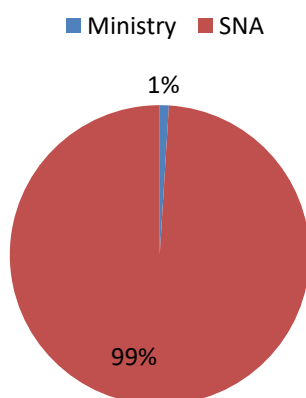
Case 3: '' I want to complain about police in Bakara market who killed a poor girl; they shot her in the head. The government should prosecute the policemen who are killing civilians"

Case 4: 'I am complaining about government officer currently taking money from public vehicles at the bus stage at Zope junction, especially the road that leads to Madina. I am 22, male'

The use of extortion by the Somali Police Force and Traffic Police is common in Mogadishu at checkpoints. Whilst they use legal cover to continue with their illicit work, checkpoints rarelymcheck suspected cars for weapons and explosives, or check that vehicles are complying with tax rules.

In a previous 29 day investigation, marqaati conducted a study on the effectiveness of checkpoints in 2013 in specific neighbourhoods. These neighbourhoods had a significant security presence but still there occurred an unacceptable number of incidents involving a car bomb, hand grenades and IEDs.

Corruption complaints in MOD by department 2016

■ Ministry ■ SNA

1%

99%

Ministry of Defence

Corruption occurring from the Ministry of Defense is alarming, systematic and organized. Out of the 228 reports from the Ministry, 97% are concerned with foot soldiers dressed in the Somalia National Army dress code robbing people at gunpoint.

Corruption in the military makes up for 26% of the total report cases which is more than some ministries alone such as the Ministry of Justice and Internal Security.

The most common type of corruption which breaks the law is looting under the pretext of searching residences in neighbourhoods for security reasons.

Case study 1:

''We are complaining about Somali National Army in Shiirkole, who rob civilians at night. They rob mobiles, laptops and any other things they have by first claiming that they are Security forces and that they bring what they have at their disposal. I live in Bakara market Mogadishu and I am 20 years old male''

Case study 2: ''We are complaining about some SNA, who at night rob civilians living near and around the Ex- Dairy Factory, while pretending that they are the ones securing the area and other

civilian encounters with them they take what he/she is carrying. I live in Mogadishu near Zoope Km5 and I'm 23 years old male''

Case study 3: ''We are complaining about forces dressed in Army uniforms, who at loot houses in Moalin Nur, Madina dherkenley district. I'm 20 years old male living in Bakara market.''

Case study 4: We have also received a number of reports which concerns harassment, intimidation and use of torture by the Somali National Army.

''Today alone I witnessed the second time people being torture and threatened and they were civilians who live in poor shelters (Slums)''

Whilst this may not initially be categorized as corruption but rather a state crime, the total absence of accountability, complicity and no retribution are drivers of corruption.

Ministry of Health

The corruption reports received relating to the Ministry of Health typically included complaints during the recruitment process in the local hospitals.

''I am complaining about the corruption to do with employment. I have a high school certificate and passed the entry exam to begin work, but my job was given to somebody else who did not do the exam. I live in Wardhiigley and am 18 years old.''

Corruption is a major driver in fostering disillusionment and marginalization amongst the youth and such cases can be exploited by A.S who prey on such vulnerable people who offer employment and an alternative lifestyle.
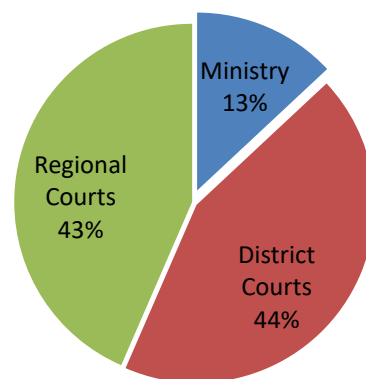
Ministry of Justice

Corruption in the judiciary is rampant in Somalia. The very same institution that can be used to tackle corruption in Somalia – is corruption's main instigator.

Somalia does not have an effective judiciary that guarantees fairness in the legal process – and is affected by bribes, intimidation or threat to life and incompetent and unqualified court officials.

Land disputes and processes of opening cases are were cases of corruption received the most reports both at district and regional level.

MOJ Corruption Complaints 2016

Ministry 13%

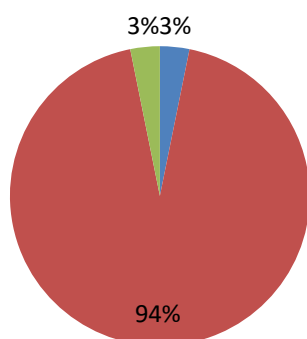Regional Courts 43%

District Courts 44%

Case study 1:

''I'm complaining about Banadir Regional Court that took 150 USD to open my case and 30 USD to write a letter to defendant without giving me a receipt for payment''

Case study 2:

We are complaining about Hodan district court that don't rule land dispute fairly and they take bribe to rule in one's favour''

Ministry of Internal Security

MOIS Corruption Complainst 2016

■ Ministry ■ NISA ■ Region

3%3%

94%

After the military, the Somali National Intelligence and Security Agency constitutes the second most corrupt organ of the security apparatus.

Case study 1:

''We are complaining about armed men dressed in NISA, who loot and rob local people living in bakaraha during the night.''

Case study 2:

''We are complaining about some NISA police that asked us to give them bribe. We were in a mini van going to Kenya''

Case study 3:

''We are complaining about NISA at Aden Abdulle Airport who are in charge of checking people who want a visa to Kenya. We could not get a visa without paying a $150 bribe to the NISA office at the airport''.

It is quite clear that security institutions that do not pay their officers perpetuate this cycle of bribery. A quick fix to officers pay across all security institutions will significantly reduce corruption but not necessarily – root out corruption. The environment and culture in which NISA operate for example is conducive to corruption.

The question which ought to be asked is, should NISA be physically interacting with passengers and dealing with issuing visas? One would argue that it should be the embassies working alongside the Immigration Directorate in receiving applications, cross-checking details and paper

work. The role of NISA would perhaps come in during the security vetting process. This case illustrates the pressing need for legal frameworks that sets a mandate for security actors, frameworks for cross-institutional coordination and relevant oversight bodies.

Grabbing of public land

Since 2012, public land has been privatised without any transparency. This includes lands owned by ministries, local government, the custodial corps, government hotels, and schools. Some notable places are Hotel SYL, Hotel Uruba, Film Academy, *Bangaariyada*, national oil depot, and so on. Alarmingly, some private land was taken over by the government 'for security reasons' and immediately privatised to high ranking government individuals and their business associates.

In 2016, the federal government privatised the Tarabunka Square and parts of Hargaha and Saamaha. The process was not transparent in the slightest; marqaati came to know about these through leaks by sources in government.

marqaati demands that the Somali government releases the details of the land privatisation process and the full list of individuals who have benefitted from it.

Crony Capitalism

Government contracts were provided to relatives, friends and associates of the Somali president. This was done mostly in Mogadishu as the Somali government currently directly controls only most parts of the capital.

Companies that do redundant services have been created and the public forced to use them in order to benefit individuals with political power. For instance, Sahal handling Servivces (SHS) was created in mid-2016 to carry passengers to and from the airport. It is based on public land that was privatised at KM4 at the NISA checkpoint: NISA officers force travellers off their personal cars and onto buses owned by SHS. Passengers are forced to pay $11 for the remaining half a mile to the airport, even if they have their own cars. This does not include individuals with security connections, a discrimination which increases public hatred of the security forces.

SHS is owned by businessmen with close ties to the president, including the president's brother. The latter, together with the president's wife, has acted as the president's money launderer, buying land and businesses on behalf of the president. marqaati demands that an investigation be launched into the wealth generated by relatives of the president in the past 4 years.

The government also gave land to Dubai-based Simatech to the north of Mogadishu airport, which opened a dry port. The land was partly private land that the government nationalised 'for security reasons'. The services being provided at that venue could have been provided within the lands of Mogadishu seaport; the dry port is redundant, and was created to benefit Somali businessmen with government ties.

Non-payment of salaries

Salaries have not been paid for more than 7 months for the civil servants and up to 18 months for the security forces, especially the SNA, although most SNA received stipends 9 months ago. s has been the norm in the past 4 years, salaries that have been unpaid when the year ends will never be paid.

The reason for non-payment of salaries is not because of a lack of money -- tax collections are at $180M p/a according to the former state minister of finance -- but because of the elections. State resources, including taxes and public property that was sold off, were plundered in order to finance members of the ruling party running for parliament, and the president's own election.

The result has been a poor attendance for work by the civil servants, and inaction by the security forces. The latter make ends meet by engaging in criminality, as shown by the reports marqaati receives from the public, or work as security guards in order to make ends meet. As a consequence of this, the morale of government workers is poor across the board which in turn fuels incompetence, corruption, and insecurity.

Prospects for 2017

While last year was the worst year for accountability, it was mainly due to the elections. No matter who wins the presidency, this year will see less grand corruption than last year. All the candidates who have a chance to win the election have promised to fight corruption, which presents an opportunity to pressure them to meet their campaign promises and gain some ground against corruption.

With the looming famine, mid and low-level corruption will see an uptick, and food meant for the starving will be diverted by government and non-government officials. Avoiding this will require a more robust demand for accountability by the international donors whose money will be stolen.

Recommendations

In order to ensure that the massive corruption of 2016 is not repeated this year, marqaati recommends the following:

- All government land that was given away illegally should be renationalised.
- The long-delayed national anticorruption commission should be created, as per the constitution.
- A special commission to investigate the corruption that took place should be created, and perpetrators prosecuted.
- Steps should be taken now to ensure that the public in government-held areas can vote in 2020.
- The international community should prosecute dual-nationals that have engaged in corruption, especially those nations that have said they would do so.
- Transparency and accountability should be tied to all aid to the Somali government, no matter who wins the election.