

KONTEKS:

Potrebno utvrditi prinudno regrutovanje dece od strane Al Šašaba i posledice odbijanja da se pristupi Al Šababovim redovima, u cilju analize i donošenja odluke u konkretnom slučaju, a povodom zahteva za azil lica poreklom iz Somalije prema izjavi iznetoj na zahtevu za azil i usmenoj raspravi;

PITANJE: Prinudno regrutovanje dece od strane Al Šašaba i posledice odbijanja da se pristupi Al Šababovim redovima u Somaliji

ODGOVOR:

Al Šabab je militantna islamistička grupa, povezana sa Al Kaidom, koja deluje u Somaliji.^{1 2 3} Pripadnici Al Šababa najviše su angažovani u borbi protiv TFG-a (Prelazna Savezna Vlada Somalije - Transitional Federal Government) i AMISOM-a (Misija Afričke Unije u Somaliji - African Union Mission in Somalia).^{4 5 6 7} Snage Al Šababa kontrolišu južni i veći deo centralne teritorije Somalije.^{8 9 10}

U oblastima pod kontrolom Al Šababa je rasprostranjen problem prinudne regrutacije dece od strane Al Šababa,^{11 12 13 14 15} od kojih su neka stara tek 7-8 godina.^{16 17 18} Deca se najčešće

¹ Immigration and Refugee Board of Canada: Somalia - Information about Al-Shabaab, including areas of control, recruitment procedures and affiliated groups, 29 November 2011 - <http://www.unhcr.org/refworld/country,COI,IRBC,,SOM,456d621e2,4f0eb6385,0.html> pristupljeno 28. septembra 2012.

² Wikipedia: Ash Shabaab - [http://en.wikipedia.org/wiki/Ash-Shabaab_\(Somalia\)](http://en.wikipedia.org/wiki/Ash-Shabaab_(Somalia)), pristupljeno 28. septembra 2012.

³ Center for Strategic & International Studies: Al Shabaab by Rob Wise/Executive summary, July 2011 - http://csis.org/files/publication/110715_Wise_AlShabaab_AQAM%20Futures%20Case%20Study_WEB.pdf, pristupljeno 28. septembra 2012.

⁴ Wikipedia: Ash Shabaab - [http://en.wikipedia.org/wiki/Ash-Shabaab_\(Somalia\)](http://en.wikipedia.org/wiki/Ash-Shabaab_(Somalia)), pristupljeno 28. septembra 2012.

⁵ Critical Threats: Somalia/Al Shabaab Leadership Profiles - <http://www.criticalthreats.org/somalia/al-shabaab-leadership> pristupljeno 01. oktobra 2012.

⁶ UK Border Agency: Somalia, Bulletin: Security situation in southern and central Somalia, 17 August 2012 - http://www.ecoi.net/file_upload/1226_1345551106_report-17-08.pdf, str 6

⁷ UK Border Agency: Somalia, Country of origin information report/Al Shabaab, 17 January 2012 - http://www.ecoi.net/file_upload/90_1326990363_ukba-2012-01-somalia-final.pdf

⁸ US Department of State: Country Report on Human Rights Practices for 2011 – Somalia/Executive summary, 24 May 2012 - http://www.ecoi.net/local_link/217680/324310_en.html

⁹ Immigration and Refugee Board of Canada: Somalia - Information about Al-Shabaab, including areas of control, recruitment procedures and affiliated groups/Areas of Control, 29 November 2011 - <http://www.unhcr.org/refworld/country,COI,IRBC,,SOM,456d621e2,4f0eb6385,0.html> pristupljeno 28. septembra 2012.

¹⁰ UK Border Agency: Somalia, Bulletin: Security situation in southern and central Somalia, 17 August 2012 - http://www.ecoi.net/file_upload/1226_1345551106_report-17-08.pdf, str 8

¹¹ UN General Assembly: Report of the Independent expert on the situation of human rights in Somalia, Shamsul Bari/Protection of children, 22 August 2012 - http://www.ecoi.net/file_upload/1930_1346843894_a-hrc-21-61-en.pdf

¹² Amnesty International: Annual Report 2012, The state of the world's human rights/child soldiers - <http://www.amnesty.org/en/region/somalia/report-2012#page>

¹³ US Department of State: Country Report on Human Rights Practices for 2011 – Somalia/Child Soldiers, 24 May 2012 - http://www.ecoi.net/local_link/217680/324310_en.html

¹⁴ Human Rights Watch: No Place for Children; child recruitment, forced marriage, and attacks on schools in Somalia/Summary, February 2012 - http://www.ecoi.net/file_upload/2016_1330009031_somalia0212forupload.pdf

na prevaru odvođe iz škola ili se namame i odvedu na putu do škole,^{19 20 21} ali se dešava i da se direktno na silu odvođe iz svojih kuća.²²

Dečaci koji se prisilno regrutuju u Al Šababove borce se uglavnom šalju u borbe,^{23 24 25} dok se devojčice se prinudno regrutuju da bi čistile i kuvale za Al Šababove borce.^{26 27 28 29} Medjutim, prisilno regrutovane devojčice se često i odvođe da bi služile kao žrtve silovanja od strane Al Šababovih boraca,^{30 31 32} a neretko su i primorane da se udaju za njih.^{33 34 35 36}

¹⁵ Still Human Still Here: A commentary on the October 2012 Somalia Operational Guidance Note/ Forced recruitment (by Al-Shabaab and Government forces), 3 December 2012 - <http://stillhumanstillhere.files.wordpress.com/2009/01/shsh-commentary-on-oct-2012-somalia-ogn.pdf>

¹⁶ Amnesty International: Annual Report 2012, The state of the world's human rights/child soldiers - <http://www.amnesty.org/en/region/somalia/report-2012#page>

¹⁷ Immigration and Refugee Board of Canada: Somalia - Information about Al-Shabaab, including areas of control, recruitment procedures and affiliated groups/Recruitment, 29 November 2011 - <http://www.unhcr.org/refworld/country.COI.IRBC.,SOM.456d621e2.4f0eb6385.0.html> pristupljeno 28. septembra 2012.

¹⁸ Still Human Still Here: A commentary on the October 2012 Somalia Operational Guidance Note/ Forced recruitment (by Al-Shabaab and Government forces), 3 December 2012 - <http://stillhumanstillhere.files.wordpress.com/2009/01/shsh-commentary-on-oct-2012-somalia-ogn.pdf>

¹⁹ US Department of State: Country Report on Human Rights Practices for 2011 – Somalia/Child Soldiers, 24 May 2012 - http://www.ecoi.net/local_link/217680/324310_en.html

²⁰ Human Rights Watch: No Place for Children; child recruitment, forced marriage, and attacks on schools in Somalia/Summary, February 2012 - http://www.ecoi.net/file_upload/2016_1330009031_somalia0212forupload.pdf

²¹ Still Human Still Here: A commentary on the October 2012 Somalia Operational Guidance Note/ Forced recruitment (by Al-Shabaab and Government forces), 3 December 2012 - <http://stillhumanstillhere.files.wordpress.com/2009/01/shsh-commentary-on-oct-2012-somalia-ogn.pdf>

²² Still Human Still Here: A commentary on the October 2012 Somalia Operational Guidance Note/ Forced recruitment (by Al-Shabaab and Government forces), 3 December 2012 - <http://stillhumanstillhere.files.wordpress.com/2009/01/shsh-commentary-on-oct-2012-somalia-ogn.pdf>

²³ Amnesty International: Annual Report 2012, The state of the world's human rights/child soldiers - <http://www.amnesty.org/en/region/somalia/report-2012#page>

²⁴ US Department of State: Country Report on Human Rights Practices for 2011 – Somalia/Child Soldiers, 24 May 2012 - http://www.ecoi.net/local_link/217680/324310_en.html

²⁵ Still Human Still Here: A commentary on the October 2012 Somalia Operational Guidance Note/ Forced recruitment (by Al-Shabaab and Government forces), 3 December 2012 - <http://stillhumanstillhere.files.wordpress.com/2009/01/shsh-commentary-on-oct-2012-somalia-ogn.pdf>

²⁶ Amnesty International: Annual Report 2012, The state of the world's human rights/child soldiers - <http://www.amnesty.org/en/region/somalia/report-2012#page>

²⁷ Human Rights Watch: No Place for Children; child recruitment, forced marriage, and attacks on schools in Somalia/Summary, February 2012 - http://www.ecoi.net/file_upload/2016_1330009031_somalia0212forupload.pdf

²⁸ Immigration and Refugee Board of Canada: Somalia - Information about Al-Shabaab, including areas of control, recruitment procedures and affiliated groups/Recruitment, 29 November 2011 - <http://www.unhcr.org/refworld/country.COI.IRBC.,SOM.456d621e2.4f0eb6385.0.html> pristupljeno 28. septembra 2012.

²⁹ Still Human Still Here: A commentary on the October 2012 Somalia Operational Guidance Note/ Forced recruitment (by Al-Shabaab and Government forces), 3 December 2012 - <http://stillhumanstillhere.files.wordpress.com/2009/01/shsh-commentary-on-oct-2012-somalia-ogn.pdf>

³⁰ Human Rights Watch: No Place for Children; child recruitment, forced marriage, and attacks on schools in Somalia/Summary, February 2012 - http://www.ecoi.net/file_upload/2016_1330009031_somalia0212forupload.pdf

³¹ Immigration and Refugee Board of Canada: Somalia - Information about Al-Shabaab, including areas of control, recruitment procedures and affiliated groups/Recruitment, 29 November 2011 - <http://www.unhcr.org/refworld/country.COI.IRBC.,SOM.456d621e2.4f0eb6385.0.html> pristupljeno 28. septembra 2012.

³² Still Human Still Here: A commentary on the October 2012 Somalia Operational Guidance Note/ Forced recruitment (by Al-Shabaab and Government forces), 3 December 2012 - <http://stillhumanstillhere.files.wordpress.com/2009/01/shsh-commentary-on-oct-2012-somalia-ogn.pdf>

³³ Amnesty International: Annual Report 2012, The state of the world's human rights/child soldiers - <http://www.amnesty.org/en/region/somalia/report-2012#page>

³⁴ Human Rights Watch: No Place for Children; child recruitment, forced marriage, and attacks on schools in Somalia/Summary, February 2012 - http://www.ecoi.net/file_upload/2016_1330009031_somalia0212forupload.pdf

Al Šabab u borbama koristi decu kao “živi štit”.^{37 38 39} Takodje, koriste ih kao bombaše samoubice,^{40 41 42 43} za nošenje municije, vode ili hrane, kao i za prikupljanje obaveštajnih podataka i uklanjanje ubijenih i ranjenih vojnika.^{44 45} Deca se koriste i za postavljanje bombi i drugih eksplozivnih naprava.^{46 47 48}

Prema podacima UNICEF-a, u prvoj polovini 2012. godine registrovano je 1382 slučaja regrutovanja maloletnih boraca u Somaliji, što predstavlja povećanje u odnosu na prethodnu godinu.⁴⁹

Dokumentovano je da se primoravanje dece da se bore u redovima Al Šababa najviše vrši u gradovima Kismayo, Baidoa i Merka,^{50 51 52 53} kao i u oblasti Galguduud.^{54 55} Medjutim, Al

³⁵ Immigration and Refugee Board of Canada: Somalia - Information about Al-Shabaab, including areas of control, recruitment procedures and affiliated groups/Recruitment, 29 November 2011 - <http://www.unhcr.org/refworld/country.COI.IRBC.,SOM.456d621e2.4f0eb6385.0.html> pristupljeno 28. septembra 2012.

³⁶ Still Human Still Here: A commentary on the October 2012 Somalia Operational Guidance Note/ Forced recruitment (by Al-Shabaab and Government forces), 3 December 2012 - <http://stillhumanstillhere.files.wordpress.com/2009/01/shsh-commentary-on-oct-2012-somalia-ogn.pdf>

³⁷ US Department of State: Country Report on Human Rights Practices for 2011 – Somalia/Child Soldiers, 24 May 2012 - http://www.ecoi.net/local_link/217680/324310_en.html

³⁸ Human Rights Watch: No Place for Children; child recruitment, forced marriage, and attacks on schools in Somalia/Summary, February 2012 - http://www.ecoi.net/file_upload/2016_1330009031_somalia0212forupload.pdf

³⁹ Still Human Still Here: A commentary on the October 2012 Somalia Operational Guidance Note/ Forced recruitment (by Al-Shabaab and Government forces), 3 December 2012 - <http://stillhumanstillhere.files.wordpress.com/2009/01/shsh-commentary-on-oct-2012-somalia-ogn.pdf>

⁴⁰ US Department of State: Country Report on Human Rights Practices for 2011 – Somalia/Child Soldiers, 24 May 2012 - http://www.ecoi.net/local_link/217680/324310_en.html

⁴¹ Human Rights Watch: No Place for Children; child recruitment, forced marriage, and attacks on schools in Somalia/Summary, February 2012 - http://www.ecoi.net/file_upload/2016_1330009031_somalia0212forupload.pdf

⁴² Immigration and Refugee Board of Canada: Somalia - Information about Al-Shabaab, including areas of control, recruitment procedures and affiliated groups/Recruitment, 29 November 2011 - <http://www.unhcr.org/refworld/country.COI.IRBC.,SOM.456d621e2.4f0eb6385.0.html> pristupljeno 28. septembra 2012.

⁴³ Still Human Still Here: A commentary on the October 2012 Somalia Operational Guidance Note/ Forced recruitment (by Al-Shabaab and Government forces), 3 December 2012 - <http://stillhumanstillhere.files.wordpress.com/2009/01/shsh-commentary-on-oct-2012-somalia-ogn.pdf>

⁴⁴ US Department of State: Country Report on Human Rights Practices for 2011 – Somalia/Child Soldiers, 24 May 2012 - http://www.ecoi.net/local_link/217680/324310_en.html

⁴⁵ Human Rights Watch: No Place for Children; child recruitment, forced marriage, and attacks on schools in Somalia/Summary, February 2012 - http://www.ecoi.net/file_upload/2016_1330009031_somalia0212forupload.pdf

⁴⁶ US Department of State: Country Report on Human Rights Practices for 2011 – Somalia/Child Soldiers, 24 May 2012 - http://www.ecoi.net/local_link/217680/324310_en.html

⁴⁷ Immigration and Refugee Board of Canada: Somalia - Information about Al-Shabaab, including areas of control, recruitment procedures and affiliated groups/Recruitment, 29 November 2011 - <http://www.unhcr.org/refworld/country.COI.IRBC.,SOM.456d621e2.4f0eb6385.0.html> pristupljeno 28. septembra 2012.

⁴⁸ Still Human Still Here: A commentary on the October 2012 Somalia Operational Guidance Note/ Forced recruitment (by Al-Shabaab and Government forces), 3 December 2012 - <http://stillhumanstillhere.files.wordpress.com/2009/01/shsh-commentary-on-oct-2012-somalia-ogn.pdf>

⁴⁹ Still Human Still Here: A commentary on the October 2012 Somalia Operational Guidance Note/ Forced recruitment (by Al-Shabaab and Government forces), 3 December 2012 - <http://stillhumanstillhere.files.wordpress.com/2009/01/shsh-commentary-on-oct-2012-somalia-ogn.pdf>

⁵⁰ US Department of State: Country Report on Human Rights Practices for 2011 – Somalia/Child Soldiers, 24 May 2012 - http://www.ecoi.net/local_link/217680/324310_en.html

⁵¹ Immigration and Refugee Board of Canada: Somalia - Information about Al-Shabaab, including areas of control, recruitment procedures and affiliated groups/Recruitment, 29 November 2011 - <http://www.unhcr.org/refworld/country.COI.IRBC.,SOM.456d621e2.4f0eb6385.0.html> pristupljeno 28. septembra 2012.

⁵² UK Border Agency: Somalia – Country of Origin Information (COI) report, 17. January 2012 - http://www.ecoi.net/file_upload/90_1326990363_ukba-2012-01-somalia-final.pdf, str 234

Šabab ponekad regrutuje decu i u oblastima koje nisu pod njihovom kontrolom, kao što su Puntland i Somalilend.⁵⁶ Čak i u slučaju napuštanja Somalije, deca nisu bezbedna, jer se prisilno regrutovanje sporvodi i u izbegličkim kampovima u Keniji.^{57 58}

Deca koja odbiju da se bore u redovima Al Šababa suočena su sa rizikom da budu pogubljena od Al Šababa.^{59 60 61} Takođe, njihovi roditelji ili nastavnici koji pokušaju da ih spase regrutacije ili koji pokušaju da pobegnu sa njima, bivaju izloženi pretnjama ili bivaju ubijeni od strane Al Šababa.^{62 63}

Oni koji dezertiraju iz Al Šababovih redova izloženi su poteri, čak i van teritorije pod njihovom kontrolom (u Mogadišu, čak i u Puntladnu) i preti im rizik da budu ubijeni od strane Al Šababa.⁶⁴

KOMENTAR/ZAKLJUČAK:

Prisilno regrutovanje i odvođenje dece u redove Al Šababa je široko rasprostranjeno u Somaliji, naročito, ali ne isključivo u oblastima koje kontrolišu snage Al Šababa. Rekrutovana deca su prisiljena da učestvuju u borbama, da izvršavaju druge zadatke u vezi sa borbama kao što su logistička pomoć ili postavljanje eksplozivnih naprava, pa čak i da služe kao „živi zid“. Prinudno regrutovane devojčice nalaze se u skoro robovskom položaju, s obizom da služe za

⁵³ Still Human Still Here: A commentary on the October 2012 Somalia Operational Guidance Note/ Forced recruitment (by Al-Shabaab and Government forces), 3 December 2012 - <http://stillhumanstillhere.files.wordpress.com/2009/01/shsh-commentary-on-oct-2012-somalia-ogn.pdf>

⁵⁴ UN General Assembly: Report of the Independent expert on the situation of human rights in Somalia, Shamsul Bari/Protection of children, 22 August 2012 - http://www.ecoi.net/file_upload/1930_1346843894_a-hrc-21-61-en.pdf

⁵⁵ Still Human Still Here: A commentary on the October 2012 Somalia Operational Guidance Note/ Forced recruitment (by Al-Shabaab and Government forces), 3 December 2012 - <http://stillhumanstillhere.files.wordpress.com/2009/01/shsh-commentary-on-oct-2012-somalia-ogn.pdf>

⁵⁶ Immigration and Refugee Board of Canada: Somalia - Information about Al-Shabaab, including areas of control, recruitment procedures and affiliated groups/Recruitment, 29 November 2011 - <http://www.unhcr.org/refworld/country,COI,IRBC,,SOM,456d621e2,4f0eb6385,0.html> pristupljeno 28. septembra 2012.

⁵⁷ Immigration and Refugee Board of Canada: Somalia - Information about Al-Shabaab, including areas of control, recruitment procedures and affiliated groups/Recruitment, 29 November 2011 - <http://www.unhcr.org/refworld/country,COI,IRBC,,SOM,456d621e2,4f0eb6385,0.html> pristupljeno 28. septembra 2012.

⁵⁸ UK Border Agency: Somalia – Country of Origin Information (COI) report, 17. January 2012 - http://www.ecoi.net/file_upload/90_1326990363_ukba-2012-01-somalia-final.pdf, str 235

⁵⁹ US Department of State: Country Report on Human Rights Practices for 2011 – Somalia/Child Soldiers, 24 May 2012 - http://www.ecoi.net/local_link/217680/324310_en.html

⁶⁰ Immigration and Refugee Board of Canada: Somalia - Information about Al-Shabaab, including areas of control, recruitment procedures and affiliated groups/Recruitment, 29 November 2011 - <http://www.unhcr.org/refworld/country,COI,IRBC,,SOM,456d621e2,4f0eb6385,0.html> pristupljeno 28. septembra 2012.

⁶¹ UK Border Agency: Somalia – Country of Origin Information (COI) report, 17. January 2012 - http://www.ecoi.net/file_upload/90_1326990363_ukba-2012-01-somalia-final.pdf, str 234

⁶² Human Rights Watch: No Place for Children; child recruitment, forced marriage, and attacks on schools in Somalia/Summary, February 2012 - http://www.ecoi.net/file_upload/2016_1330009031_somalia0212forupload.pdf

⁶³ Immigration and Refugee Board of Canada: Somalia - Information about Al-Shabaab, including areas of control, recruitment procedures and affiliated groups/Recruitment, 29 November 2011 - <http://www.unhcr.org/refworld/country,COI,IRBC,,SOM,456d621e2,4f0eb6385,0.html> pristupljeno 28. septembra 2012.

⁶⁴ Danish Immigration Service: Security and human rights issues in South-Central Somalia, including Mogadishu; Report from Danish Immigration Service's fact finding mission to Nairobi, Kenya and Mogadishu, Somalia/ Tracking down defectors from Al-Shabaab, 30 January to 19 February 2012 - http://www.nyidanmark.dk/NR/rdonlyres/90821397-6911-4CEF-A8D0-6B8647021EF2/0/Security_human_rights_issues_South_CentralSomalia_including_Mogadishu.pdf

obavljanje kućnih poslova, ali i da pružaju seksualne usluge Al Šababovim borcima. U slučaju protivljenja prinudnom regrugovanju, dete kao i članovi njegove porodice izloženi su visokom riziku da za odmazdu zbog odbijanja, budu ubijeni od strane pripadnika Al Šababa.