

# Somalie : le groupe minoritaire des Gabooye/Midgan

Recherche rapide de l'analyse-pays

Berne, le 5 juillet 2018

## **Impressum**

Editeur

Organisation suisse d'aide aux réfugiés (OSAR)  
Case postale, 3001 Berne  
Tél. 031 370 75 75  
Fax 031 370 75 00  
E-mail : [info@osar.ch](mailto:info@osar.ch)  
Internet : [www.osar.ch](http://www.osar.ch)  
CP dons : 10-10000-5

Version disponible en français et en allemand

COPYRIGHT

© 2018 Organisation suisse d'aide aux réfugiés (OSAR), Berne

Copies et impressions autorisées sous réserve de la mention de la source

# 1 Introduction

Les questions suivantes ont été tirées d'une demande adressée à l'analyse-pays de l'OSAR :

1. De quelles informations dispose-t-on sur la situation des droits humains pour les membres de la caste des *Gabooye* en Somalie ?
2. Dans quelle mesure l'État somalien peut-il protéger les membres de la caste des *Gabooye* ?

Les informations reposent sur une recherche limitée dans le temps (recherche rapide) dans des documents accessibles au public actuellement à disposition de l'OSAR.

## 2 Les *Gabooye* en Somalie

### 2.1 Clans et minorités en Somalie

**Les *Gabooye* (connus aussi sous le nom de *Midgan*, *Madhiban* et *Musse Deriyo*) ne constituent pas un clan, mais un groupe minoritaire.** Selon un rapport de l'*Immigration and Refugee Board of Canada* (IRB) de décembre 2012, les *Gabooye* (autre orthographe possible : *Gabooye*, aussi connu sous le nom de *Midgan*) forment un groupe minoritaire en Somalie et une « caste professionnelle » qui exerce des métiers traditionnels. Lors d'une présentation organisée en mai 2009 par l'*Austrian Center for Country of Origin and Asylum Research* (ACCORD), le Professeur *Joakim Gundel*, l'un des politologues spécialisés de la région Somali, a déclaré que la majorité de la population somalienne était composée de Somali, une ethnie d'éleveurs nomades appartenant aux clans dits « nobles » des *Darood*, des *Hawiye*, des *Dir* et, selon le point de vue, des *Isaaq*. À côté, il y a les premiers groupes de population d'éleveurs-agriculteurs sédentaires connus sous le nom de *Digil-Mirifle* ou de *Rahanweyn* et les groupes dits minoritaires. Les minorités ne forment pas des clans, même si les Somali nomades les appellent parfois ainsi pour les assimiler à leurs structures. Parmi les groupes minoritaires, il y a des groupes parias ou des serfs collectivement qualifiés de *Sab*. En tant que serfs traditionnels des clans d'éleveurs, les *Sab* ne peuvent avoir d'interactions avec des Somali que par l'intermédiaire d'un patron somali (*abaan*). Les *Gabooye* qui se caractérisent par la pratique de « bas » métiers comptent aussi parmi les *Sab* (ACCORD, décembre 2009). Selon la *Gabooye Minority Organisation for Europe and North America* (*Organisation Gabooye*), une ONG établie au Royaume-Uni, citée par IRB, les *Gabooye* se qualifient eux-mêmes de *Gabooye* alors que d'autres clans se réfèrent à eux comme des *Midgan*, une appellation que l'*Organisation Gabooye* estime dévalorisante (IRB, décembre 2012).

**La « caste professionnelle » des *Gabooye* et ses sous-groupes.** Selon ACCORD (décembre 2009), les *Gabooye* se composent des *Tumaal* (forgerons), des *Midgan* (cordonniers, chasseurs et cueilleurs, droguistes et coiffeurs) et des *Yibro* (singulier *Yibir*), prétendus descendants des premiers juifs dans la Corne de l'Afrique avec une fonction mythique.

ACCORD identifie aussi les *Howleh*, les *Hawraar Same* et les *Habar Yaquup* comme sous-groupes des *Gabooye*. Bien que certains *Gabooye* affirment que la notion de *Gabooye* désigne toutes les « castes professionnelles » du Somaliland, *Minority Rights Group International* (MRG, octobre 2010) signale que les *Tumaal* et les *Yibir* rejettent cette désignation. MRG identifie quant à lui les *Gabooye*, les *Tumaal* et les *Yibir* comme les trois principales « castes professionnelles ». Il écrit que les *Gabooye* se répartissent entre deux lignées, les *Madhiban* et les *Musse Deriyo*.

**Les *Gabooye* vivent sur tout le territoire somalien, même s'ils vivent en majorité dans la région du Somaliland et du Puntland.** L'IRB (décembre 2012) écrit, en se référant aux indications fournies en novembre 2012 par l'*Organisation Gabooye*, que les *Gabooye* se trouvent majoritairement dans le Nord de la Somalie (Somaliland), mais que quelques-uns vivent aussi dans la capitale Mogadiscio. L'*UN Integrated Regional Information Network* (IRIN) (cité par l'IRB, 2012) rapporte que 8 000 familles de *Gabooye* regroupant environ 48'000 personnes vivent dans le quartier de Daami à Hargeisa, la capitale du Somaliland. Selon ACCORD (2009), les *Gabooye* et leurs sous-groupes vivent au Nord de la Somalie, mais sont aussi disséminés dans le sud du pays. MRG (octobre 2010) écrit que les *Gabooye* représentent le groupe minoritaire dominant dans le Somaliland.

**Pas d'alliances avec des clans, bonnes relations aux autres groupes minoritaires.** D'après le secrétariat de l'*Organisation Gabooye* (IRB, décembre 2012), les *Gabooye* ne sont « pas vraiment alliés » aux plus grands clans de Somalie, mais entretiennent de bonnes relations avec d'autres groupes minoritaires.

## 2.2 Discrimination des *Gabooye*

**Les groupes minoritaires sont beaucoup plus souvent victimes de meurtres, de tortures, de viols, d'enlèvements, de demandes de rançons, de pillages de terres et de propriétés.** Selon l'*U.S. Department of State* (USDOS, avril 2018), les groupes minoritaires restent très exposés aux exactions commises par les milices de plusieurs groupes dissidents (« *faction militias* ») et les membres des clans majoritaires, car ils n'ont souvent pas de bras armé. Ils subissent des tortures, des viols, des enlèvements, des demandes de rançons, des pillages de terre et de propriétés et même des meurtres. Selon le rapport d'une mission d'enquête du *Danish Immigration Service* (DIS) et de *Landinfo* (janvier 2013), les *Gabooye* comptent parmi les groupes les plus marginalisés et menacés de Mogadiscio.

**Les groupes minoritaires sont fortement exclus et discriminés, leurs droits humains fondamentaux sont bafoués.** En Somalie, les groupes minoritaires sont victimes de violations des droits humains fondamentaux (MRG, octobre 2010). D'après l'USDOS (avril 2018), ils souffrent de nombreuses formes de discrimination et d'exclusion. Ainsi dans la plupart des régions, les clans dominants excluent les membres d'autres groupes de toute participation aux institutions gouvernementales et les discriminent dans le monde professionnel, dans les procédures judiciaires et dans l'accès aux services publics. MRG rapporte en outre que les membres des groupes minoritaires sont souvent victimes de discours de haine qui servent à construire des stéréotypes des minorités en lien avec leur apparence et leurs pratiques traditionnelles, afin d'aggraver encore leur discrimination (MRG, octobre 2010). L'expert de la Somalie *Markus Virgil Höhne* (2015) écrit que les groupes minoritaires sont

prétérités dans la vie publique et politique et relève que la distinction entre groupes majoritaires et minoritaires reste pertinente.

**Discrimination des groupes minoritaires, y compris les Sab, dans le monde professionnel.** Selon ACCORD (décembre 2009), les membres des Sab se voient traditionnellement refuser le droit de posséder des terres et du bétail et de participer au commerce local, ainsi qu'à l'économie et à la politique. MRG (octobre 2010) écrit que les Sab travaillent généralement dans l'artisanat ou dans les services, qu'ils sont sur le marché en tant que vendeurs-euses, commerçant-e-s ou bouchers-ères, aides de ménage ou de cuisine et marchand-e-s de thé. La *Somaliland National Human Rights Commission* (novembre 2010) rapporte que les membres des groupes minoritaires ne peuvent occuper que les emplois peu prisés tels qu'éboueurs-euses, cordonniers-cordonnières, cireurs/cireuses de chaussures, forgerons, potiers-potières ou exciseuses et circonciseurs. Ce sont des emplois mal rémunérés qui ne permettent pas de mener une vie autonome. Une femme membre des Gabooye a ainsi déclaré à MRG que les Isaaq (le clan majoritaire dominant dans le Somaliland) se contenteraient d'insulter une personne membre des Gabooye et ne lui donneraient jamais de travail (MRG, octobre 2010).

**Beaucoup de Gabooye perdent leur occupation traditionnelle et se voient contraints de s'installer ailleurs.** L'*Africa Research Group of the UK Foreign and Commonwealth Office* (2008, cité par l'*UK Home Office*, janvier 2012) et MRG (octobre 2010) signalent qu'une partie des « castes professionnelles » ne peuvent plus exercer leurs métiers traditionnels et ne trouvent pas d'autre emploi. Comme seuls quelques membres des groupes minoritaires peuvent se targuer d'une bonne formation, la plupart sont mal préparés au monde du travail moderne selon MRG (octobre 2010). À cause de la situation de conflit et du déclin des moyens de subsistance traditionnels, beaucoup de membres des groupes minoritaires ont migré dans les agglomérations urbaines ou vivent dans des camps de personnes déplacées (*Internally Displaced Persons – IDPs*) ou de réfugiés dans les pays voisins (MRG, octobre 2010).

**Discrimination dans le secteur de la formation.** D'après l'*organisation Gabooye* (IRB, décembre 2012), la plupart des enfants des Gabooye sont exclus de l'école. Selon la *Somaliland National Human Rights Commission* (novembre 2010), les enfants des groupes minoritaires ne peuvent pas aller à l'école, parce que leurs parents n'ont pas les moyens de payer les frais de scolarité. Ils seraient de toute façon victimes de harcèlement de la part des autres enfants.

**Pas de mariage possible entre les clans majoritaires et les groupes minoritaires.** Selon MRG (octobre 2010), la structure clanique qui existe en Somalie interdit et punit les mariages entre des membres des clans majoritaires et ceux des groupes minoritaires. MRG illustre la situation par un exemple qui s'est produit au Somaliland : il s'agit d'un mariage contracté en secret entre une femme d'un groupe minoritaire et un homme d'un clan majoritaire. La femme a été battue par les membres de la famille du mari et a dû être hospitalisée. L'homme a été forcé par sa famille de divorcer. MRG rapporte en outre le cas d'un autre couple mixte avec cinq enfants. La femme, membre d'un clan majoritaire, a été rejetée par sa famille. L'homme, qui fait partie des Gabooye, s'est finalement vu contraint de divorcer d'elle pour « lui restituer sa dignité ».

**Discrimination des Somali de retour et des personnes déplacées internes membres de groupes minoritaires.** Selon USDOS (avril 2018), les Somali-ne-s de retour de l'étranger et les personnes déplacées membres de groupes minoritaires subissent des discriminations, parce qu'ils n'ont pas de liens ni d'alliances avec les clans puissants.

## 2.3 Situation des Gabooye au Somaliland et au Puntland

**Mauvaises conditions de vie, discriminations et violences persistantes contre les Gabooye au Somaliland, exemples de 2011 et 2012.** Selon MRG (octobre 2010), les préjugés des clans majoritaires à l'encontre des membres de la minorité persistent au Somaliland, ce qui priverait les chances de formation et les possibilités d'ascension sociale de ces derniers. D'après les indications que le secrétariat de l'*Organisation Gabooye* a données à l'IRB (décembre 2012), les *Gabooye* subissent une forte discrimination au Somaliland. Le groupe est toujours exposé à la violence, même si le gouvernement du Somaliland affirme que la situation s'est améliorée. Cette situation a incité un sultan des *Gabooye* à implorer les Somali, en particulier les membres du clan *Isaaq*, à mettre fin à leurs pratiques discriminatoires à l'égard des *Gabooye*, lors d'une cérémonie à Hargeisa en 2011. D'après la même source, des cas relevant clairement de la discrimination ethnique ou clanique des *Gabooye* se sont produits au Somaliland. En 2011, deux femmes d'un certain âge, membres des *Gabooye*, ont ainsi été publiquement violées par un groupe d'hommes, puis arrêtées et battues. Dans le cadre d'une autre affaire, une fille membre des *Gabooye* a vu tous les membres de sa famille élargie incarcérés pendant dix mois suite au suicide de son fiancé. La famille a été rendue responsable de ce suicide, parce qu'elle avait refusé de donner son aval au mariage. En octobre 2012, deux membres de cette famille ont été condamnés à mort et les autres relâchés.

**Violence sexuelle contre les femmes membres des minorités.** L'IRB écrit (décembre 2012) en se référant à un rapport publié par le HCR en 2010 que les personnes déplacées sont souvent victimes de violations des droits humains quand elles font partie des minorités. Elles subissent notamment des violences sexuelles. MRG (octobre 2010) fait état de schémas de viol inquiétants et persistants de femmes membres des minorités dans le camp de personnes déplacées de Bosasso (Puntland) par des hommes des clans majoritaires et parfois par des membres de la police du Puntland, de l'armée ou des services de sécurité.

**Les groupes minoritaires vivent dans la pauvreté et dans des logements insalubres.** D'après l'USDOS, les groupes minoritaires vivent toujours dans une pauvreté extrême (USDOS, avril 2018). Bien qu'ils soient citoyen-ne-s du Somaliland, quelques-uns sont considérés au Somaliland comme de « basses » castes, d'après la *Somaliland National Human Rights Commission* (novembre 2010). Ils seraient les plus pauvres d'entre les pauvres et vivraient dans des conditions indignes, leurs abris de fortune dans les bidonvilles ne les protégeant même pas du vent et des intempéries. Ces personnes n'auraient pas accès aux institutions et services sanitaires tels que le ramassage des ordures ou les latrines. Dans certains quartiers, il n'y aurait qu'une latrine à disposition pour 50 familles.

**Pas de reportage indépendant, les médias craignent des conflits avec les clans majoritaires.** Au Somaliland, les médias ne relaient guère les cas de discrimination ou de violence contre les membres des *Gabooye*, car ils craignent les conflits avec les membres des

clans majoritaires qui dominent le gouvernement et les tribunaux (info communiquée par le secrétariat de l'organisation Gabooye à l'IRB, décembre 2012).

### 3 Manque de protection de l'État

**Passivité des autorités et manque de protection de l'État, y compris au Somaliland et au Puntland.** D'après l'USDOS (avril 2018), les meurtres, tortures, viols, enlèvements, demandes de rançons, pillages de terre et propriétés dont les groupes minoritaires sont victimes sont souvent commis avec l'aval des autorités locales et fédérales. Selon ACCORD (décembre 2009), l'État n'assurait, au moment de la publication du rapport, aucune protection des groupes minoritaires en Somalie. C'était également le cas au Somaliland et au Puntland où les structures étatiques existaient, mais ne fonctionnaient pas au point de garantir une protection efficace aux groupes minoritaires. Bien qu'il règne au Somaliland un certain climat de tolérance à l'égard des minorités, MRG constate en octobre 2010 que les progrès sont très limités à cause de la passivité du gouvernement et de son attitude négative à l'égard des défenseurs et défenseuses des droits humains.

**Un système judiciaire fragmenté et sous influence en Somalie, y compris au Somaliland et au Puntland.** Selon les indications de l'USDOS (avril 2018), le système judiciaire civil n'est toujours pas en état de fonctionner dans l'ensemble du pays. Des tribunaux locaux dominés par le principal clan local et ses fractions alliées auraient été institués dans quelques régions. Dans la plupart des régions, le système judiciaire est basé sur une combinaison de droit coutumier traditionnel, de droit islamique (*sharia*) et de droit formel. La justice est fortement influencée par la corruption et la politique clanique. Il y a au Somaliland des tribunaux qui fonctionnent, mais les juges qualifiés font cruellement défaut. Il manque une documentation juridique systématique permettant de constituer des précédents. Par ailleurs, les accusations de corruption se multiplient. Selon les indications que des ONG internationales ont fournies à l'USDOS, de hauts fonctionnaires interviennent régulièrement pour influencer les jugements. Les fonctionnaires locaux utiliseraient arbitrairement les lois pour arrêter et incarcérer des gens sans procès. Les tribunaux du Puntland sont confrontés, selon l'USDOS (avril 2018), aux mêmes défis et restrictions qu'en Somaliland et ne sont pas capables de garantir une protection juridique homogène.

**Les groupes minoritaires n'ont qu'un accès limité au système judiciaire.** Selon MRG (octobre 2010), les membres des groupes minoritaires n'ont qu'un accès très restreint au système judiciaire et ce, qu'ils aient été victimes d'un crime ou qu'ils soient eux-mêmes sur le banc des accusés.

**Les conflits sont souvent résolus de façon extrajudiciaire.** L'USDOS (avril 2018), le DIS et *Landinfo* rapportent en janvier 2013 que les conflits sont souvent résolus par les aînés des clans ou au niveau du sous-sous-clan plutôt que par la police ou les tribunaux. D'après la même source, les membres des groupements minoritaires (*Gabooye, Tumaal, Beadiris et Jareer*) sont par conséquent plus souvent lésés que ceux des clans majoritaires, qui sont protégés par leur appartenance clanique. D'après l'USDOS, les clans règlent souvent les conflits par des pratiques traditionnelles. En conséquence, il arrive parfois que des clans ou sous-clans entiers soient appelés à rendre des comptes à cause des infractions prétendument commises par certains individus.

**Les victimes renoncent souvent à porter plainte, parce que les policiers font partie des clans majoritaires.** La femme membre d'un groupe minoritaire qui s'était mariée en cachette avec un homme du clan majoritaire et qui avait été violemment battue par la famille de ce dernier (voir paragraphe 3.2) a renoncé à signaler le cas à la police. Motif : la personne qui a recouru à la violence faisait partie du même clan que celle engagée à la police à qui elle aurait dû rapporter l'affaire (MRG, octobre 2010).

## 4 Sources

ACCORD, décembre 2009:

*«Somalia is often misrepresented as a country with an ethnically homogeneous population, culture and language. Indeed, the perceived **majority of the population are composed of the ethnic nomadic-pastoralist Somalis who speak Af-Maxaa-tiri (i.e. the “noble clans” of the Darood, Hawiye, Dir, and – depending on one’s perspective – the Isaaq), which became the official language of Somalia after independence. The other large group is composed of the mainly sedentary agro-pastoralist people, residing in the inter-riverine area between the Juba and Shabelle rivers in Southern Somalia, known as Digil-Mirifle or Rahanweyn. They speak AfMaay-tiri, which is quite distinct from Af-Maxaa-tiri. Outside this homogeneity, one also finds the minorities. (...)***

***Minorities are not clans, although this is what the Somali Nomadic clans call them because they want to assimilate them into their structure. Among the minorities, one can find the ‘outcaste’ groups, or bondsmen known collectively as sab, as well as groups of ethnic Bantu descent and the coastal groups, including those of Arabic descent such as the Bajunis and Barawanis.***

### 4.1. Sab

***The sab are traditionally bondsmen of the pastoralist clan groups and they can only have relations with the Somali through an abbaan (Somali patron). Internally the sab may have segmented lineage systems along the Somali pattern. Intermarriage is not allowed nor accepted between these minorities/sub-minorities and the “noble” nomadic clans. The sab are traditionally denied the right to own land or livestock, to participate in the local businesses, market economy, or politics. The sab practice various but despised professional skills. Hence sab often refer to groups identified in terms of their occupation. They protect themselves by keeping their own affairs secret, this being their only power to resist the dominance of the Somali nomads, as this creates a dependency of the latter on these groups when it comes to house construction and various kinds of handicraft. They speak a language of their own, although it is disappearing. Sab include the following groups:***

#### **Gabooye/Midgan**

***In the North, the Gabooye are composed of the Tumaal (blacksmiths), Midgan (shoemakers, hunters and gatherers, poison makers, and hairdressers), and Yibr (see below for details). Groups which belong to Gabooye/Midgan include the Madhibaan, Muuse***



**Dhariyo, Howleh, Hawraar Same, and Habar Yaquup. These groups are also found scattered in Southern Somalia.**(...)

The Yibr or Yibro (some find Yibro is a mispronunciation) live along the coast in Mogadishu and in Bosasso, Borama, and Burco. In the South, they are described as being distinct from Gabooye. **The Yibr are often claimed to be descendants of early Hebrews who settled in the Horn of Africa.** According to Virginia Luling, the 'Hebrew' idea is not an anti-Semitic invention by others, but was and is maintained by the Yibr themselves, who have found in this a way of dignifying their outcast status. (...) **Members of Yibr used to have mythological functions in society** (and do not involve themselves in other tasks in traditional Somali society): They collected the Samanyo (a birth gift) from new-born babies and newly-married girls in exchange for giving them a good fortune. Historically, the Yibr enjoyed some protection before independence through this superstitious practice that prevailed about them, and which is now no longer widely practiced. After independence they suffered from the banning of the Samanyo custom and other related traditions by the government. With the presence of radical Islamic groups like Al-Shabaab with strong anti-Jewish attitudes, the Yibr who claim historical descent from the Hebrews have been increasingly suspected by Somalis with a radical Islamic orientation. Therefore members of the Yibr may be targeted in South Central Somalia, despite the fact that they are Muslims today. Further sub groups present in the South are the Yahhar, Galgalo (woodcarvers), Boon, and Eyle. (...)

#### 6. State Protection

**Generally, at present there is no state protection provided for minorities in Somalia. This**

**includes Somaliland and Puntland where state structures do exist, but they are not functioning to such a level as to ensure effective protection of minorities.»** Source: Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD), Clans in Somalia, décembre 2009, pp.11, 14, 15-16, 21: [www.ecoi.net/en/file/local/1193130/90\\_1261130976\\_accord-report-clans-in-somalia-revised-edition-20091215.pdf](http://www.ecoi.net/en/file/local/1193130/90_1261130976_accord-report-clans-in-somalia-revised-edition-20091215.pdf).

Danish Immigration Service (DIS) et Landinfo, janvier 2013:

«Regarding the clan system and conflict resolution an international NGO working in Gedo explained that **conflicts are settled through the clan elders at the sub sub-clan level, which is the basis that provides security. Usually, people would not approach the police and the courts in order to settle disputes. Regarding clan protection a local NGO in Mogadishu (A) stated that the unarmed marginalized groups have more fears than people belonging to the major clans and this will continue as long as the police and security forces are weak institutions. The marginalized groups in this context are the caste groups, i.e. the Midgan, Tumul, Benadiris and Jareer. The NGO also mentioned the Arabs still residing in the city as being part of the marginalized groups** (...)

#### 5.1 Vulnerable groups

Aside from the urban poor [see below] an international NGO working in S/C Somalia (B) explained that **there are two groups of people which are most vulnerable in Mogadishu. These two groups are either marginalized or exploited:**

**Marginalized: some belong to minority/marginalized groups such as Midgan, Gaboye, Tumul and Jareer.** In Bondheere as well as in Shangani you will find areas where Jareer are living.» Source: Danish Immigration Service (DIS) und Landinfo, Update on security and human rights issues in South-Central Somalia, including in Mogadishu; Joint report from the Danish Immigration Service's and the Norwegian Landinfo's fact finding mission to Nairobi, Kenya and Mogadishu, Somalia; 17-28 octobre 2012, janvier 2013, pp. 51, 58: [www.nyidanmark.dk/NR/rdonlyres/68C10A22-BFFC-4BD6-899D-60FB6B0F7AC5/0/FFMSomalia2013Final.pdf](http://www.nyidanmark.dk/NR/rdonlyres/68C10A22-BFFC-4BD6-899D-60FB6B0F7AC5/0/FFMSomalia2013Final.pdf).

Höhne, Markus Virgil, 2015:

«Besides these 'majority' groups, so called 'minority' groups exist everywhere in the Somali setting. In the north, these are mainly Midgan or Madhiban, Muuse Diriye, Tumaal and Yibir. They constitute 'caste-like' groups and their traditional occupations are shoemaker, haircutter, and blacksmith. In the past, some were also hunters; Yibir were considered 'sorcerers'. **The majority–minority group divide is still relevant, and many minority group members are disadvantaged in public and political life.**» Source: Höhne, Markus Virgil, Between Somaliland and Puntland: Marginalization, militarization and conflicting political visions 2015: <http://riftvalley.net/publication/between-somaliland-and-puntland#.Wz3VXdUzY-V>.

Immigration and Refugee Board of Canada: Somalia (IRB), 4 décembre 2012:

«**The Gabooye [also spelled Gaboye, Gabooyo; also known as Midgan], a minority group in Somalia, are an occupational "caste" defined by their traditional professions (Somalia Report 18 May 2011; MRG Oct. 2010, 12; ACCORD Dec. 2009, 15).** (...)

**In a telephone interview with the Research Directorate, the Secretary of the Gabooye Minority Organisation for Europe and North America (Gabooye Organisation), a UK-based NGO that monitors the social, economic and political situation of the Gabooye in East Africa (11 June 2012), explained that the "clan" refers to itself as Gabooye, while other clans use the "rude" term Midgan (6 Nov. 2012).** Similarly, Minority Rights Group International (MRG) indicates that, in Somaliland, Gabooye "is a preferred and non-insulting term replacing the **historically pejorative associations of 'Midgan' as used by majority clans**" (MRG Oct. 2010, 12, 34, note 49). MRG also states that the "commonly accepted term" in Somalia is "Madhiban" (ibid., 30). (...)

**The traditional occupation of the Musse Deriyo is reportedly pottery-making (MRG Oct. 2010, 30). Sources indicate that the Tumul are traditionally blacksmiths (ibid., 12; ACCORD Dec. 2009, 15). The Yibr are described as being "traditionally ritual specialists" (MRG Oct. 2010, 12), having "mythological functions in society," and engaging in "superstitious practice[s]" (ACCORD Dec. 2009, 16). However, the Secretary of the Gabooye Organisation indicated that the names of the various Gabooye sub-groups refer to family lineage rather than occupational differences (6 Nov. 2012).** (...)

### **3. Location of Gabooye/Madhiban in Somalia**

**According to the Secretary of the Gabooye Organisation, the Gabooye are primarily located in the north of Somalia [Somaliland], although some reside in Mogadishu (6 Nov. 2012). The ACCORD report indicates that the Gabooye and its sub-groups are**

**found in the north of the country and are also "scattered in Southern Somalia" (Dec. 2009, 15). MRG states that the occupational groups are located throughout Somalia and are the principal minority in Somaliland (Oct. 2010, 12). However, it notes that due to conflict and the loss of traditional livelihoods, many occupational minorities have relocated to urban areas or camps for internally displaced persons (IDPs), as well as to refugee camps in other countries (MRG Oct. 2010, 12). An article published by the UN's Integrated Regional Information Networks (IRIN) indicates that the Daami district of Hargeisa, the capital of Somaliland, is home to 8,000 Gabooye families, comprising approximately 48,000 people (UN 2 July 2010). Further or corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.**

#### **4. Affiliated Clans and Risks Faced**

**According to the Gabooye Organisation secretary, the Gabooye are "not really allied" with any major clans in Somalia, but are reported to be on good terms with other minority groups (6 Nov. 2012). In contrast, a report by the UK Border Agency indicates that there are members of the Midgan, Tumal and Yibr groups that "have assimilated into major clan or sub-clan groups" (23 Oct. 2012, para. 3.10.6). (...) The Gabooye Organisation secretary stated that, although the Somaliland government claims that the situation has improved, discrimination against the Gabooye in Somaliland is "bad" and violence against them continues to occur (6 Nov. 2012). In 2011, a sultan of the Gabooye, at a ceremonial event in Hargeisa, entreated Somalis, and the Isaq [also Issaq, Isaaq] clan in particular, to stop their discriminatory practices against the Gabooye (Somaliland Times 24 Dec. 2011). The Isaq are reportedly the dominant clan in Somaliland (ACCORD Dec. 2009, 13). According to MRG, there is a "more tolerant atmosphere" for minorities in Somaliland than in the rest of Somalia, but progress has been limited because of lack of government action and persistent societal prejudices (Oct. 2010, 3).**

**The Secretary of the Gabooye Organisation indicated that there had been "a few recent incidents" in Somaliland that were "very clear cases of ethnic or clan discrimination" against Gabooye people because of the severity of their treatment (6 Nov. 2012). She provided the example of two elderly women who were gang-raped in public, jailed, and beaten in 2011 (ibid.). In another incident, the entire extended family of a Gabooye girl was reportedly imprisoned for 10 months because her fiancé, a member of a majority clan, had committed suicide after her family refused to consent to their marriage (ibid.). The Secretary indicated that the family was held responsible for the boy's suicide and, as of October 2012, two members of the family had reportedly been sentenced to death, while the rest had been released from prison (ibid.). According to the Secretary, the Somaliland media rarely reports on incidents of discrimination or violence against the Gabooye because they do not want to come into conflict with members of the majority clan, who dominate the government and courts (ibid.). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.**

**Sources indicate that majority clans prohibit intermarriage with a member of a minority group (MRG Oct. 2010, 15; UN 2 July 2010; see also Somaliland Times 24 Dec. 2011). A Gabooye elder from Hargeisa interviewed by IRIN states that a couple entering into a mixed marriage would be killed (ibid.). MRG reports on mixed couples who were variously forced to divorce, beaten, and shot at by majority clan relatives (Oct. 2010, 15, 18).**

**Similarly, in a 2011 article, Somalia Report interviewed a majority woman whose family members physically abused her and threatened to kill her and her son due to her marriage to a Gabooye man, who was himself forced to flee the country (18 May 2011). (...)**

*The UNHCR reports that minority IDPs across the country are at risk of physical assault, killings, and theft, and have no legal recourse through formal or informal channels (UN 5 May 2010, 16). **The UNHCR adds that minority IDPs are vulnerable to human rights violations, including sexual and gender-based violence (ibid.,35). MRG says similarly that minority women, and in particular minority IDP women, are at high risk of gender-based abuses (Oct. 2010, 19). MRG researchers visiting IDP camps in Bosasso in 2009 reported "a disturbing and persistent pattern of rape of minority women [including Madhiban and Midgan women], perpetrated by majority men and sometimes by members of the Puntland police, army, or security service" (Oct. 2010, 20).***

**According to the Secretary of the Gabooye Organisation, the majority of Gabooye are not permitted to go to school with other Somali children (6 Nov. 2012). This statement is corroborated by the Somaliland National Human Rights Commission, which states that minority children do not go to school because they cannot afford the fees and especially because they risk mistreatment by other children (1 Nov. 2010). MRG similarly indicates that poverty and fear of discrimination and segregation prevents minority children from going to school (Oct. 2010, 17).**

*The Gabooye elder interviewed by IRIN stated that, in the Gabooye community of Daami in Hargeisa, there are no facilities for maternal and child health (UN 2 July 2010). **The Somaliland National Human Rights Commission reported that minority group members live in "sub-standard accommodation" in "slums" and lack access to sanitation facilities and services such as garbage collection and latrines (1 Nov. 2010).**» Source: Immigration and Refugee Board of Canada: Somalia (IRB), The Gabooye (Midgan) people, including the location of their traditional homeland, affiliated clans, and risks they face from other clans, 4. décembre 2012: [www.ecoi.net/en/document/1324236.html](http://www.ecoi.net/en/document/1324236.html).*

Minority Rights Group International (MRG), octobre 2010:

**«The clan structure of the majorities continues to exclude minorities from significant political participation and employment; limits their access to justice where abuse has been perpetrated against them or they stand accused of a crime; denies them their rights to development, education and sustainable livelihoods; and prevents and punishes inter-marriage with members of majority groups. Majorities also routinely subject minority members to hate speech, which has served to perpetuate stereotypes of minorities relating to their physical appearance and traditional practices, and thus heighten their exclusion. (...)**

**The report highlights a more tolerant atmosphere for minorities in the relatively peaceful self-declared Republic of Somaliland. Progress, however, has been limited by government inaction, negative government attitudes towards human rights defenders, and persistence of prejudicial attitudes among members of the majority clans that affect the educational and social advancement of minorities. (...)**

**Occupational groups: historically known as Midgan (or commonly known nowadays as Gabooye, Madhiban and Musse Deriyo, and originally hunters and leatherworkers with other**

ritual and craft tasks performed for the majorities); Tumal (blacksmiths); and Yibro (ritual specialists). They are scattered throughout Somalia (Somaliland and Puntland), Ethiopia and Djibouti. (...)

**The occupational groups are a distinct minority grouping comprising three main groupings practicing specific nonpastoralist occupations and crafts, which were essential to the nomadic economy. They are found in all Somali territories; in Somaliland, they are the principal minority. Members of the occupational groups are not physically distinct from the pastoralist clans with whom they lived and are not regarded as having a non-Somali or foreign origin. They speak local dialects of the Somali language. The three main groups are Midgan (singular Midgan, plural Midgo), also known as Gaboye in Somaliland, who were traditionally hunters and leatherworkers but also undertook various arts and craft work and male circumcision and female genital mutilation (FGM); Tumal, traditionally blacksmiths; and Yibro (singular Yibir, plural Yibro), traditionally ritual specialists.** Some traditional occupations died out in the mid/late twentieth century. Yibro, for example, can no longer benefit from their once main income of samanyo birth and wedding payments by 'nobles' (received in exchange for promises of good fortune), since this custom was banned by the Siad Barre government in the early 1970s as 'tribalistic'.

**The few educated members of occupational groups work in any chosen field, but most find work in manual and service jobs, such as market-selling and trading, butcheries, domestic work, cooking and selling tea. However, they have lost their monopoly over their traditional tasks (where these still exist), and have often failed to find replacement employment. With the disappearance of their traditional lifestyles, and as a result of conflict, many have moved to urban settlements or IDP camps or fled to refugee camps in neighbouring countries. (...)**

**The Somali minorities collectively – and minority members individually – suffer denial and abuse of the whole range of basic human rights set out in international and regional conventions including the International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR), Convention Against Torture (CAT), International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), and the African Charter on Human and Peoples' Rights, all of which are legally binding on Somalia. Many of the abuses minorities have experienced in conflict situations are also violations of the Geneva Conventions and other provisions of international humanitarian law.**

**Hate speech (...)**

**Weak political representation (...)**

**Prohibition on inter-marriage**

**Despite the customary prohibition by clans on intermarriage with a minority, such relationships have historically probably always taken place, clandestinely at least, although they are rare. This restriction on intermarriage has excluded minorities from forms of clan support or advancement through marriage ties. A case reported to MRG researchers of a mixed marriage in Somaliland in 2009 is described below, where a majority man and**

**minority girl developed a clandestine relationship and married, thus provoking intense hostility from the husband's clan.**

*I risked my life. I am Madhiban and I married an Issaq man about a month ago. We knew about the risk we were getting into but we decided to run away and marry far from our village. We came to Gabileh and **the family of my husband gave us a hard time. They forced my husband to divorce me and I was beaten up by some of his relatives.** They filled a bottle with sand and hit me on my head. They identified me as the major problem, the one tempting their son. **I was terribly injured and my family had to take me to hospital.** The elders met and I was given compensation [magdhaw in Somali]. Their message was clear: 'Take your compensation and leave our son alone'. We are considered inferiors and no-one wants to marry us.*

*The forcibly-divorced Madhiban wife showed MRG's researcher the scars from the injury to her head. **She said she did not report the assault to the police, 'because the person who injured me and the person I am supposed to complain to are from the same clan'.** An Ogaden woman living in an IDP camp in Mogadishu spoke about the following incident:*

***I know a girl from the Hawadle clan who got married to a Midgan man. They were neighbours in Beletweyne [in central Somalia] but her family did not accept her choice. She has five children; three boys and two girls. Her parents no longer consider her as their daughter and severed contacts with her. She loves her parents and wants to visit them but she fears they might harm her for her choice of husband. Realizing the ordeal, her loving husband decided to divorce her so that her 'dignity is restored'.***

### **Employment**

***Since few minority members have received much education, with the exception of some who managed to travel abroad, they are ill-equipped for most modern employment opportunities.** In addition, majority clan members now seeking employment in manual jobs previously associated with minorities are often favoured over minorities. **A Gaboye woman in Somaliland told MRG's researcher: The Issaq will never give you a job and they will always call you names** and say, 'Why are you letting your parents pay so much for an education which will not lead you anywhere? Why don't you stay at home and help your mother?' (...)*

***MRG's researchers visiting IDP camps in Bossaso in 2009 were told of a disturbing and persistent pattern of rape of minority women, perpetrated by majority men and sometimes by members of the Puntland police, army or security service. (...)***

***Darod: the largest majority clan-family. (...)***

***Gaboye: the commonly accepted term nowadays in Somaliland for Madhiban and Musse Deriyo minorities, historically called Midgan. (...)***

***Issaq: the dominant majority clan in Somaliland and its capital Hargeisa. The Somali National Movement (SNM) force, which defeated the Siad Barre government in the northwest in 1991, was based on Issaq clan members.***

**Midgan: the largest occupational 'excluded'/discriminated against minority**, traditionally mainly leather-workers and hunters, **sub-divided into Madhiban and Musse Deriyo line-ages**, as they are more commonly named nowadays, and also known as Gaboye (see above). (...)

Gaboye is a preferred and non-insulting term replacing the historically pejorative associations of 'Midgan' as used by majority clans. See Gaidon, M., *The Yibir of Las Burgabo, NJ, USA*, Red Sea Press, 2005. **Some Gaboye claim the term Gaboye represents all occupational groups in Somaliland, but MRG's researchers found that this is not generally accepted by Tumul or Yibro.**» Source: Minority Rights Group International (MRG), No Redress: Somalia's Forgotten Minorities, octobre 2010, pp. 3, 8, 12, 14, 15, 20, 30, 34 ( 49): <http://minorityrights.org/wp-content/uploads/old-site-downloads/download-912-Click-here-to-download-full-report.pdf>.

Somaliland Human Rights Commission, 1<sup>er</sup> novembre 2010:

**«Discrimination against Minorities**

**Some minority groups in Somaliland are considered to be of a low caste. Although they are citizens of Somaliland, minority groups were denied access to elements of a decent life. They live an undignified life. They are the poorest among the poor of Somaliland.**

• **Income: Members of minority clans can only work in most undesirable jobs. They can only obtain jobs as street sweepers or janitors, shoe maker/shoe mender, shoe polishing, blacksmith, potter, and circumcision practitioner. These jobs are low paying jobs, with an income from these jobs; they cannot afford to live a decent life.**

• **Shelter: They live in sub standard accommodation, in huts made of cardboard and dried milk tins, which do not protect from weather conditions.**

• **Education: Minority children do not attend schools. Parents are poor and cannot afford to pay the nominal fees; but the issue that most defers minority children from going to school is being afraid of other children's bullying and name calling.**

• **Sanitation: Minority communities live in slums and do not have access to basic services such as garbage collection. Municipality trucks do not go to their neighborhoods to collect garbage. Garbage piling up poses serious health risk for the community. Due to poor housing, people in the minority community do not have enough latrines in some neighborhoods there are one latrine for fifty families.**» Source: Somaliland National Human Rights Commission, Somaliland National Human Rights Submission to Universal Periodic Review November 1st, 2010, 1<sup>er</sup> novembre 2010: [https://lib.ohchr.org/HRBodies/UPR/Documents/Session11/SO/SNHRC\\_SomalilandNationalHumanRightsCommission-eng.pdf](https://lib.ohchr.org/HRBodies/UPR/Documents/Session11/SO/SNHRC_SomalilandNationalHumanRightsCommission-eng.pdf).

UK Home Office, 17 janvier 2012:

**«Dr Cedric Barnes, in the Foreign and Commonwealth Office's Africa Research Group, observed in a paper dated 16 May 2008 (FCO Analyst Paper 2008) that: "The term minority has come to cover a wide and diverse range of peoples in Somalia. Some minorities may be more identifiable (e.g. appearance, dialect, accent) than others. Others, especially those are**

*treated as lower 'castes' – due to the stigma associated with their way of life, profession, putative ancestors, etc. – will be indistinguishable from majority Somali clan groups. **The groups that are associated by occupation may no longer exclusively practice the occupation with which they are traditionally identified.***» Source: UK Home Office, Country of Origin Information Report; Somalia, 17 janvier 2012, pp. 164-165: [www.ecoi.net/en/file/local/1277148/90\\_1326990363\\_ukba-2012-01-somalia-final.pdf](http://www.ecoi.net/en/file/local/1277148/90_1326990363_ukba-2012-01-somalia-final.pdf).

USDOS, 20 avril 2018:

*«The provisional federal constitution states, “The judiciary is independent of the legislative and executive branches of government.” **The civilian judicial system, however, remained largely nonfunctional across the country. Some regions established local courts that depended on the dominant local clan and associated factions for their authority. The judiciary in most areas relied on a combination of traditional and customary law, sharia (Islamic law), and formal law. The judiciary was subject to influence and corruption and was strongly influenced by clan-based politics.** Authorities did not respect court orders. Civilian judges often feared trying cases, leaving military courts to try the majority of civilian cases. In July the legislative branch attempted to exert authority over the judiciary by passing a motion annulling a Federal High Court decision requiring eight seats in parliament be re-contested following allegations of corruption in the electoral process. President Farmaajo pressed the parliament to respect judicial independence, but the court decision was ultimately not enforced.*

***In Somaliland functional courts existed, although there was a serious shortage of trained judges, limited legal documentation upon which to build judicial precedent, and increasing allegations of corruption.** Somaliland’s hybrid judicial system incorporates sharia, customary law, and formal law, but they were not well integrated. There was widespread interference in the judicial process, and **government officials regularly intervened to influence cases, particularly those involving journalists. International NGOs reported local officials interfered in legal matters and invoked the public order law to detain and incarcerate persons without trial.***

***Puntland courts, while functional, lacked the capacity to provide equal protection under the law and faced similar challenges and limitations as courts in Somaliland.***

***Traditional clan elders mediated conflicts throughout the country. Clans frequently used and applied traditional justice practices swiftly. Traditional judgments sometimes held entire clans or subclans responsible for alleged violations by individuals. (...)***

#### **National/Racial/Ethnic Minorities**

*More than 85 percent of the population shared a common ethnic heritage, religion, and nomad-influenced culture. **In most areas the predominant clan excluded members of other groups from effective participation in governing institutions and subjected them to discrimination in employment, judicial proceedings, and access to public services.***

***Minority groups, often lacking armed militias, continued to be disproportionately subjected to killings, torture, rape, kidnapping for ransom, and looting of land and property with impunity by faction militias and majority clan members, often with the acquies-***



***cence of federal and local authorities. Many minority communities continued to live in deep poverty and to suffer from numerous forms of discrimination and exclusion.***

*Representatives of minority clans in the federal parliament were targeted by unknown assailants, whom minority clan members alleged were paid by majority clan members. **Somali returnees and IDPs from marginalized clans suffered discrimination, since they often lacked powerful clan connections and protection.***» Source: US Department of State (USDOS), Country Report on Human Rights Practices 2017 - Somalia, 20 avril 2018: [www.state.gov/j/drl/rls/hrrpt/2017/af/277045.htm](http://www.state.gov/j/drl/rls/hrrpt/2017/af/277045.htm).