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1.3.2. Individuals contravening religious (and customary) tenets elsewhere in Somalia

For background information on the legal framework, the societal attitudes, and the sanctioning of religious laws - including for apostasy, blasphemy, or immoral behaviour - elsewhere in Somalia, see relevant sections in the EUAA COI Report Somalia: Actors (July 2021),304 and the same chapter on Individuals contravening religious (and customary) laws/tenets elsewhere in Somalia, in the EUAA COI Report Somalia: Targeted Profiles (September 2021).305 This section should be read in conjunction with them.

Salafism is widespread in Somalia today.306 Not all Salafis are political extremists, and many would not support political violence as embraced by Al-Shabaab.307

Contravening Sharia laws in areas beyond Al-Shabaab territorial control laws lead to various consequences and is sanctioned with different penalties depending on the violations and on the relevant institution sanctioning them.308 Moreover, Al-Shabaab moral policing extends well beyond the areas they firmly control and reaches contested areas, as well as areas under government control. In practice, Al-Shabaab remains aware and monitors the local civilian population also in areas and towns from which it has lost control.309

In Somalia, corporal punishment is not foreseen by the Somalia Criminal Code, and only considered a recognised form of punishment under Islamic Law and by the Sharia courts.310 In Somaliland, corporal punishment is unlawful under article 24 of the Constitution 2001 and article 2 of the Juvenile Justice Law 2007.311

Under Sharia law, corporal punishment is lawful as a sentence for crime, except possibly in Somaliland.312 Islamic law permits corporal punishment, such as stoning, amputation or flogging.313 However, according to a local legal expert interviewed by the EUAA, corporal punishments for crimes such as adultery, alcohol consumption, or theft, although prescribed under Sharia law, ‘are rarely prescribed and enforced’ in Sharia ‘courts’ or on occasion of

Sheikhs, *Ulama* or *Qadi* arbitrations. Due to strict evidentiary requirements and the presumption of innocence typical of Islamic jurisprudence, the application of such penalties is 'quite rare in practice'.314

Apostasy, blasphemy and converts

Blasphemy and defamation of Islam are criminalised by law,315 including at Art. 313-315 of the Penal Code.316 Punishments include fines and imprisonment up to two years,317 de facto not more than four according to a local source.318

Somalia de facto maintains the death penalty for apostasy.319 Even though this concept is not mentioned in the Criminal Code,320 it is foreseen by the Sharia law.321 However, according to a Somali legal expert, apostasy has not been the subject of specific accusations or landmark cases recently.322

Conversion from Islam to another religion is not explicitly outlawed,323 but it is prohibited as per the country's interpretation of the Sharia, it is sanctioned with imprisonment up to two years,324 and it is socially unacceptable. Strong societal pressure compels people to fully adherence to Sunni Islamic traditions.325 In Somaliland, the constitution explicitly prohibits Muslims from converting.326 A similar provision is to be found in the constitution of Puntland. 327 At the same time, federal and FMS governments maintain bans on the propagation of religions other than Islam.328

Those suspected of conversion reportedly face imprisonment, as well as harassment and intimidation – including death threats – by members of their community.329 Open worship or religious gatherings can result in violent reprisals, forced divorces, or even execution by extremist groups.330 Members of the small Christian community in the country, accounting for about 1 000, or 'hundreds', according to similar estimates,331 as well as members of other non-Islamic religious groups – including Shia Muslims, Hindus, Buddhists, Jews, and those not affiliated with any religion - refrain from practicing their religious beliefs in public.332

In Somaliland, in October 2022, Hoodo Abdi Abdillahi received a seven-year prison sentence on blasphemy charges related to her alleged conversion from Islam to Christianity. Her sentence was shortened to five years in May 2023.333 Still in Somaliland, in 2022, the Supreme Court sentenced a local female resident to 5 years of prison for, among others, apostasy, blasphemy, and spreading of Christianity. In August 2023, the Court conditionally released her after she declared 'a return to Islam'. However, she was subject to reimprisonment should she be 'found practicing Christianity or communicating with Christians'.334 Other cases of physical assaults and beatings, imprisonment and persecution, trial, death and violence threats failing to 'return

to Islam', were documented in Somaliland in the period 2019-2021.335

In South-Central Somalia, various instances of social sanctioning against converts were reported during the reference period. On 5 May 2024, Mohammad Abdul, who had converted to Christianity on 20 March, survived a knife attack by his relatives on the outskirts of Kismayo. His wife and 5 children were taken away by his relatives and brought back to 'their people'.336 After having recovered his family and having relocated in a different location in Lower Juba, Abdul was physically assaulted by his relatives again in July 2024, and again in October 2024, while accusing him of leading Christian prayer meetings behind closed doors.337 On 20 January 2025, in Lower Juba, a Christian convert from Islam belonging to a secret fellowship was physically assaulted and struck with a heavy metal object by his wife for worshipping the Christian faith at their home together with other people.338

Stealing and thefts

Theft and other crimes against property are regulated by the Penal Code at art. 480-495, which foresee different punishments, depending on the gravity of the offence, with fines and imprisonment up to 10 years, such as in the case of robbery or extortion.339 As mentioned above, while the Sharia law prescribes corporal punishments in case of theft – unless justified by a situation of need/hunger – the de facto enforcement of these provisions is quite complicated in practice,340 and rarely escalated to court – either state or Sharia – level.341 In most parts of Somalia, 'minor' crimes like theft or stealing are taken care of by family elders. In everyday practice, neither Sharia nor statutory law are regularly appealed, except for family issues, where Sharia is used, of for cases of rape and other grave crimes where statutory law is used, at least in cities.342

In relation to Al-Shabaab's capacity to sanction certain offenses outside their control area,343 in the reference period following case was also recorded:

- on 29 May 2024, suspected Al-Shabaab abducted a civilian accused of cattle rustling at the animal market in Beerhani village near Kismaayo (Lower Juba), while taking him to Jilib district.344

Adultery and sexual misconduct

Adultery is regulated by the Penal Code, at art. 426, within the wider context of 'Crimes against the Family'.345 The punishment for adultery is imprisonment up to two years.346 Other types of crimes relevant in this context that are regulated in the code include: 'Crimes against Morals

and Decency', which deal with acts such as 'carnal violence', 'obscene acts', 'prostitution', 'homosexuality', supply and consumption of alcohol, and 'Crimes against the Health of the Human Race', such as abortion.347 For more information on the treatment of homosexuality and LGBTIQ+ individuals see section 1.8.

According to Said Salim Said, 'de facto, however, adultery and sexual misconduct cases rarely, if ever, reach the state courts system or the Sharia courts, with public reports about such cases basically not existent. When this exceptionally happen though, adjudication is preferably referred to elders or back to family members for a consensual solution.'348

In relation to Al-Shabaab capacity to sanction certain offences outside their control area,349 based on ACLED data, in the reference period, Al-Shabaab sanctioned adultery and sexual misconduct on following reported occasions:

- by attacking and injuring: on 17 December 2024, a civilian near Qoryooley (Lower Shabelle);350 on 18 January 2025, two civilians in a public square in Buulo-Madiina village near Afgooye (Lower Shabelle);351

- by torturing and injuring: on 21 January 2025, a young boy was tortured and publicly lashed 100 times in a public square in Kuunyo Barrow village near Wanla Weyn (Lower Juba).352

Khat or *mira* users and dealers

While khat's licit or illicit status is highly contested, most Salafi scholars in Somalia consider khat use to be *haram*.353 However, according to local sources interviewed by the EUAA, khat is not forbidden by the state law, and even the government profits substantially from taxing its trade.354

This notwithstanding, khat sellers and dealers are often targeted by Al-Shabaab – outside the areas they directly control. Based on ACLED data, during the reference period, the following illustrative events have taken place in Somalia in areas beyond Al-Shabaab's direct control:355

- Al-Shabaab ambushed and killed civilians on motorbikes or other type of vehicles, often transporting or distributing *mira*/khat in various locations across Somalia, including in:

Dinsoor (Bay) on 10 September 2024;356 Shalambood (Marka, Lower Shabelle) on 23 September 2024;357 Buulo Cadey in Dinsoor (Bay) on 1 January 2024;358 at Qoryoley Bridge in Qoryooley (Lower Shabelle) on 17 March 2025;359 Bula Tubanay within Afmadow town (Lower Juba), on 10 February 2025;360

- Al-Shabaab targeted *mira*/khat markets (or distribution points) causing an undetermined number of fatalities and casualties in: Xaawo-Cabdi village near Afgooye (Lower Shabelle) on 27 September 2024,361 and on 17 August 2024;362 in Yeed (Bakool) on 15 January 2024;363 in Hudur (Bakool) on 9 September 2024;364 in Afgooye (Lower Shabelle) on 2 December 2024,365 and 25 January 2025;366 in Luuq (Gedo), on 7 February 2025;367 in Mogadishu, Darussalam, on 17 February 2025;368

- Al-Shabaab abducted civilians, often taking them to Jilib, who were transporting and dealing with *mira*/khat in various locations across Somalia, including in: Afmadow (Lower Juba) on 26 January 2024, when they abducted an unknown number of civilians;369 in and around Kismayo (Lower Juba) on 9 August 2024,370 20 September 2024,371 and 28 December 2024 when they also tortured the victim;372 in Buurdhuubo near Garbahaarey (Gedo) on 25 September 2024.373

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