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1.3.1. Individuals contravening Sharia law in Al-Shabaab controlled areas

Following Hanbali precepts, Al-Shabaab imposes a strict version of Sharia.242 The group imposes a system of 'law and order' centered on the 'harsh' interpretation of Islamic law and the *hudūd* punishments.243 These are mandated by Sharia in relation to crimes committed 'against the rights of God', such as illicit sexual relations (*zina*), theft and highway robbery, alcohol consumption, and apostasy.244 Other offences, such as drug usage and dealing, pornography, speeding, espionage are also sanctioned, leading to, among others, arrest and detention, as well as often exposing civilians to torture and beatings.245

In general, to enact its 'strict moral codes of behavior' Al- Shabab relies on the *jaish al-hisba*, an armed force it uses as both police and morality enforcement force.246 Along with supervising the public morale, Hisbah enforces the many religious-moral decrees issued by Al-Shabaab.247 Hisbah officers, who wear their own types of uniform, can either punish minor offences on the spot, often whipping the perpetrator, or bring more serious offenders to the court for further trial.248 Moreover, Al-Shabaab imposes its interpretation of Islam and full adherence to its precepts to both Muslims and non-Muslims alike.249

Against this backdrop, women are required to be fully veiled,250 while television, cinema, music, internet,251 watching sports, smoking, selling khat, the shaving of beards and other behaviour considered 'un-Islamic' are prohibited.252 People caught while engaging in any of these activities, such as 'smoking, having illicit content on cell phones, listening to music, watching or playing soccer, wearing a brassiere, or not wearing a hijab' are detained under 'inhumane conditions.'253 Listening to international media outlets in areas controlled by Al-Shabaab is also prohibited.254

According to various sources interviewed by the EUAA, people are not allowed to have and use smartphones, which prevents many of the above-mentioned activities from taking place altogether.255 According to a Somali judge based in the South-West State, people caught with smartphones are detained while their devices are destroyed.256

In general, there are nuances in the interpretation and the implementation of some of these rules, while at times the group has reportedly adopted a pragmatic middle-ground approach between nominal prohibition and de facto tolerance.257 As noted by Salim Said Salim, a Somali legal expert interviewed for this report, Al-Shabaab also relies on uncodified Sharia-based sources, which often leads to inconsistencies in its interpretation and implementation.258

For further background information on the legal framework, the societal attitudes, and the sanctioning of immoral behaviour in Al-Shabaab controlled areas see the EASO COI report Somalia: Actors, published in July 2021,259 and the EASO COI report Somalia: Targeted Profiles, published in September 2021.260

Apostasy, blasphemy, and converts

Al-Shabaab embrace *takfirism* and declare Muslim adversaries, including the Somali government, to be apostates. Based on *takfirism* one is either a true believer or an apostate who is excommunicated from the religion. Al-Shabaab use this stance to provide the justification for killing other Muslims, including 'Sufis, civilians, and Somali government officials'.261 According to a Somali legal expert interviewed in April for this report, and who wished to remain anonymous for security reasons, the militant group refers to members and collaborators of the Somali government as *maamulka ridada*, which means the 'government of apostasy'. Al-Shabaab's understanding and interpretation of apostasy is wide and arbitrary.262

According to Humanists International, the global representative body of the humanist movement,263 in areas controlled by the group, people of non- Muslim faiths and converts from Islam routinely face execution.264 Furthermore, 'Al-Shabaab threaten[s] to execute anyone suspected of converting to Christianity and consider[s] such converts as high-value targets', according to Open Doors, an international Christian advocacy organisation,265 and other humanitarian groups.266

Blasphemy is also sanctioned with death, as documented in the case of Hassan Tohow Fidow, an 83 year old man who was executed by a firing squad in El Buur in 2021.267 Further recent examples of the sanctioning of blasphemy by the group could not be found within the sources consulted by EUAA within the time constraints of this report.

Al-Shabaab is against the practice of Sufism, the formerly prevalent approach to Islam in Somalia,268 and imposes a religious conduct that is aligned with its Salafi interpretation of Islam.269 Information on the current treatment of Sufis in Al-Shabaab controlled areas is scarce, 270 however, according to two interviewed sources for this report, they do not feel safe in such areas and cannot freely practice their faith.271 In the past, Al-Shabaab has destroyed Sufi shrines, killed Sufi clerics, and militarily clashed with the Sufi militia Ahlu Sunna Wal Jamaa.272 More recently, on 7 June 2024, about 30 Sufi scholars belonging to the Ahlu Sunna Wal Jamaa group were abducted in the Laantaburo area, near Afgooye (Lower Shabelle), where they had gathered from across the country to perform their religious ceremonies.273

Stealing and thefts

Al-Shabaab cracks down on 'banditry, armed robbery, theft', which are collectively classified under the *hudūd* category of *hiraba* and '"spreading corruption in the land"/*mufsid fil-ard*'.274 Within this context, during the reference period of this report, ACLED kept track of the following reported incidents involving the sanctioning of such 'crimes':

- on 25 June 2024, in Saakow (Middle Juba), Al-Shabaab attacked two civilians accused of stealing (and committing adultery);[275]

- on 17 January 2025, in a public square in Qunyo Barrow village near Jilib (Middle Juba), Al-Shabaab amputated the right hand of a civilian accused of several shop thefts.[276]

Adultery and sexual misconduct

Sexual intercourse is only permitted within a marriage. In all other cases the hadd penalty prescribes, according to classical fiqh doctrines, 100 lashes for non-married individuals and death by stoning for married individuals, but it may only be applied under special circumstances.[277]Against this backdrop, during the reference period of this report, ACLED kept track of following reported incidents involving Al-Shabaab's sanctioning of adultery and sexual misconduct through corporal punishments as well as execution in one case:

- public flogging with 100 lashes: on 12 May 2023, a man in Ceel Buur (Galgaduud), who was then exiled for one year;[278] on 12 November 2023, a man in Jamaame (Lower Juba), who was then exiled out of the town;[279] on 21 January 2025, a young boy in Qunyo Barrow village near Jilib (Middle Juba);[280]

- attacking and injuring: on 30 July 2024, a young girl in Saakow (Middle Juba);[281] on 19 December 2024, a civilian in a public square in Qunyo Barrow village near Jilib (Middle Juba);[282] on 24 January 2025, two civilians at a public square in Jamaame (Lower Juba); [283]

- executing: on 17 March 2025, two civilians in a public square in Buqda Caqable village near Bulo Burto (Hiraan), after accusing them of committing sexual offences in Belet Weyne.[284]

Khat and tobacco

The leaves of the khat plant (or Catha Edulis), an evergreen shrub, are chewed for their stimulatory effect by many Somalis.[285] Known in Somalia as *Qaad* or *Jaad*, khat's licit or illicit status in Islamic jurisprudence has been highly contested.[286] However, based on more recent information gathered through interviews, khat can neither be brought nor traded nor chewed in areas controlled by the group.[287] Khat is viewed as *haram* - forbidden - and traders caught smuggling or selling khat face serious consequences.[288] According to another interviewed source, in several reported incidents Al-Shabaab confiscated smuggled khat from locals and burned it, while it was less clear how the group punished smugglers in the areas under their control.[289]

Within this context, based on ACLED data, during the reference period, Al-Shabaab abducted civilians transporting and trading in *mira/*khat in various locations across Somalia, often taking them to Jilib,290 such as in Jamaame (Lower Juba) on 28 September 2024,291 and 15 November 2024.292 For more information on Al-Shabaab targeting of khat dealers in areas outside Al-Shabaab's direct control please see section 1.3.2 Individuals contravening religious (and customary) tenets elsewhere in Somalia.

In the past, the groups' approach to khat has not always been the same. In 2006, the Islamic Courts Union in Somalia, immediately after gaining control of most of the southern part of the country, prohibited its consumption.293 Later, according to Skjelderup (2011), Al-Shabaab leadership has remained divided on the issue for years, while de facto adopting a pragmatic and half-hearted ban in the areas they controlled, as a way to maximise benefits and limit unpopular measures. Reportedly khat traders were allowed to sell khat at dedicated marketplaces outside towns, while khat chewers were allowed to consume khat in private houses or dedicated chewing zones,294 depending on the Al-Shabaab area and the decree or *fatwa* in force locally.295 According to the same source, the chewing of khat was conceived as an ordinary crime (*ta'zīr*) when done not in line with Al-Shabaab's regulations.296

Regarding tobacco, according to oral sources, smoking is currently prohibited, at least in public.297 Previously, in Al-Shabaab controlled areas, there were reportedly designated zones for smoking tobacco, while smoking of hashish was always conceived as *hadd* crime.298 Basically, the smoking of tobacco was conceived as an ordinary crime (*ta'zīr*) when done not in line with al-Shabaab's regulations.299 Further information could not be found among the sources consulted by the EUAA within the time constraints of this report.

Foreign influence

Under Salafism's worldview, it is crucial to keep Islam cleansed of un-Islamic influences, and 'impure' acts that can legitimise the exercise of *hisba*. Hisba is the term for the religious duty of '"commanding right and forbidding wrong"'. Salafists, who are however a diverse group with many neither embracing nor accepting political violence,300 tend to strictly adhere to the rules of their moral code of what is considered *halal* (allowed) or *haram* (forbidden). This moral code regulates behaviour, actions, social relations, and personal appearance, including dress code.301

Within this context, in Al-Shabaab controlled areas, and probably because perceived as innovations (*'Bi'da'*), men are not allowed to have a fluffy haircut, wear trousers, have moustache or be clean shaved, while women cannot wear a bra because perceived as a Western creation. *Bi'da*, innovations, are automatically forbidden because they are not grounded in the sacred texts, the Qu'rān and the *Haʔīth*.302 People travelling to Al-Shabaab controlled areas are supposed to abide to these rules, including leaving their smart phone behind and having their hair neatly cut.303 Additional and more recent information could not be found within the sources consulted by EUAA within the time constraints of this report.

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