

SOMALIA FACES THE FUTURE HUMAN RIGHTS IN A FRAGMENTED SOCIETY

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I. SUMMARY

The departure of the last troops of the United Nations' Somalia operation in March 1995 marks a critical juncture for Somalia, and for international peacekeeping. In researching this report, Human Rights Watch set out to discover what would be left behind when the U.N. withdrew, what the prospects would be for the future, and what recommendations should be made to Somalis and the international community based on what we learned. The resulting recommendations are directed at Somali leaders at all levels of society (including those in the Somali diaspora), at various governments in the region, and at the wider international community, in particular the major European powers and the U.S. They concern the protection and promotion of human rights in Somalia, but also larger issues of international peacekeeping, peace enforcement and humanitarian intervention.

In this report, Human Rights Watch calls upon Somalia's *de facto* authorities to take responsibility for the armed groups acting on their authority, to impose discipline on these forces and hold them accountable for their actions, and to bring human rights considerations into their discussions with other authorities, not least the elimination of practices that discriminate by reason of clan affiliations. Within this broad framework, Human Rights Watch is also calling for an end to the indiscriminate use of force by parties to ongoing conflict in Somalia, to extrajudicial or judicial executions, and to amputations, hostage-taking and forced displacement. Human Rights Watch recommends to the United Nations the incorporation of a human rights component into all peacekeeping operations, while calling upon the international community to make the long-in-force, but never enforced, arms embargo on Somalia a reality until representative government has been reestablished there.

This report considers some of the lessons learned—and those wrongly drawn—from the U.N. operation in Somalia that has now come to an end. First authorized by the Security Council in April 1992, UNOSOM (the United Nations Operation in Somalia) had taken assertive action to support aid deliveries only in December 1992, when backed by 24,000 U.S. troops and 13,000 others under U.S. command in the United Nations International Task Force (UNITAF). In May 1993 UNOSOM and UNITAF were replaced with a program with a broader mandate called UNOSOM II, although those U.S. forces that remained continued to function under a separate U.S. command.

Today the international community risks misreading the Somalia experience as a blunt warning against all engagement in the crises that generate complex emergencies, from war-driven famine to genocide. That the intervention was costly in peacekeepers' lives and produced only limited results is often cited as an argument against engagement. At the same time, many observers fail to note the importance of the U.N.'s overwhelming emphasis on brokering deals between powerful military leaders, to the detriment of those in Somali society seeking reconstruction and reconciliation (and the U.N.'s own programs to this end). Indeed some critics of the operation have argued that it was because the U.N. sought to go beyond simple wooing of the warleaders that clashes with the U.N. took place and the peacekeeping force fell short of its objectives to leave Somalia with some kind of government in place. These critiques should not go unchallenged. (Although these leaders are commonly termed "warlords," this report uses the neutral term "warleader," as their function within each subclan's collective leadership is to lead it in war.)

We conclude, in contrast, that a principal problem of the Somalia operation was that it was pursued firstly as an exercise in conflict resolution between powerful individuals, without addressing the policies each pursued which led to Somalia's continuing devastation. The U.N. dealt with the warleaders as if with national leaders, but without holding these claimants to authority and legitimacy accountable for their actions against any consistent standard. Nor did this approach take fully into account what could be called the constituencies of the warleaders, the relations between distinct parts of society, and the efforts to build bridges of political participation between them—a focus of this report. Stopping the fighting was clearly a crucial goal for the U.N. mission, but the way this was pursued often ran counter to efforts to promote a return to civil society in which fundamental human rights had protection and respect.

In Somalia the focus on a few personalities meant the U.N. (and United States) negotiators treated Somali warleaders first as colleagues, then as outlaws, and finally, after the withdrawal of U.S. and European troops by mid-March 1994, again as the sole principals in the brokerage of power. These swings in the treatment of one or the other of

the warleaders opened the U.N. to charges of partisanship. The U.N. and U.S. negotiators seemed arbitrarily to pick and choose between warleaders for commendation and criticism, without any regard for their respective human rights record (or other objective criteria). Open conflict between U.N. forces and a warleader's militia reinforced this perception—in part because the only immutable principle in the U.N.'s approach to a brokered peace appeared to be that its own forces not be subject to attack. In addressing the crisis largely as a matter of arranging cease-fires and alliances with warleaders who had made no commitment to observe international standards, the U.N. mission undercut its own authority and lost sight of its humanitarian mission. Negotiations based on anything but full information and principles may appear—and become—dangerously arbitrary, bringing the integrity of an international operation into question.

Limited, timely and informed actions by the international community can, with economy of effort, counter policies and actions that expose a population to starvation and death. They have the potential to be an effective foil to genocide and other crimes against humanity that also pose dangers to international security and peace. A consistent foundation on the international standards of human rights and humanitarian law, moreover, is the best guarantee against charges of partisanship. That international action to halt crimes against humanity must be in no way "partisan" to anything but humanity should be self-evident: but unfortunately this is not yet fully accepted by the peacekeeping establishment. UNOSOM peacekeepers told Human Rights Watch that even the release of objective information on human rights observance would put neutrality in question; the premise being that anything that disrupts a status quo is a sign of partisanship. A real lesson of the Somalia intervention is that the U.N. peacekeeping and peace enforcement establishment must make human rights integral to its response to such emergencies. The U.N. should ensure that support for human rights monitoring and protection and public reporting becomes a norm in peacekeeping as it has gradually become an accepted part of other aspects of international affairs. To disseminate information on human rights becomes "political" only when to do so is extraordinary—only when information about breaches of humanitarian norms is routinely suppressed or released on a selective basis.

The Somalia experience should also lead the international community to improve its capacity to act opportunely to avert catastrophe before it reaches the level of the Somalia crisis, and to build flexibility into its responses to humanitarian challenges as they arise. United Nations Secretary-General Boutros Boutros-Ghali's efforts to foster the U.N.'s current focus on crisis prevention is an appropriate and critical part of this development.

Human Rights Watch has believed from the inception of the Somalia crisis that the U.N.'s humanitarian role there must have as a central aim the restoration of conditions in which human rights are respected and can have lasting protection. Human rights abuses on an enormous scale were, after all, the principal cause of the famine which triggered the intervention. A part of the role of the intervention force was to protect relief convoys; the U.N. was also to assist in political and economic reconstruction in order to remove the need for future assistance, while allowing hundreds of thousands of Somali refugees to return home. To that end, the U.N. should have helped restore guarantees of Somalis' basic human rights so that they could fully participate in rebuilding their society. The U.N. did not, however, consider human rights monitoring or protection to be among its mission priorities in Somalia.

The U.N.'s withdrawal opens the way for the international community either to help Somalia rebuild civil society, or to thwart progress to this end. The situation is one of opportunity and of threat. The military leaders of Mogadishu, whose rivalry had been the U.N.'s focus, confounded predictions of post-U.N. chaos by initially cooperating through a joint "Peace Committee" in the administration of the capital's harbor and airport. Other traditional authorities and representatives of Somalia's population continue to engage in inter- and intra-clan consultations with a view to reconciliation. There has been no clear signal that Somalia will rapidly return to the state of calamity of 1991-1992 that led to an international rescue mission. On the other hand, the reemergence of fragile local authorities, the reaching out of clan-based authorities to other clans, and the revival of commerce and other aspects of civil society are extraordinarily vulnerable to disruption. The disruptive capacity of a warleader who sees little personal advantage in a society at peace remains high.

The greatest threat to Somalia's reconstruction may be posed by external intervention that disrupts the uneasy balance between rival military leaders and competing social groups. Although the traditional authorities that stand

behind the military chiefs now appear prepared to end the conflict of the past five years, a commitment from a foreign government to support one party to the conflict could change this irrevocably. With the withdrawal so recent, the potential for regional and international powers to manipulate Somali affairs remains high. Prospects of one or more states deciding to do so, through arms supplies or mere finance, may rise if the United Nations was indeed to turn away from concerns with Somalia in the aftermath of the U.N.'s troop withdrawal. A disturbing sign that competing powers are already poised to fight over Somalia's potentially rich pickings emerged from interviews by our researcher in January, February and March: international fruit companies are now hiring militiamen and heavily armed "technicals" from the warleaders to fight on their behalf over Somalia's still-limited banana exports.

There have been many analyses of the United Nations' response to the crisis in Somalia since the collapse of central government there in 1991. Clashes between international and Somali forces, attacks on aid workers, and the politics of the U.N. effort itself have dominated this reporting. So too have critiques that the U.N. arrived too late, stayed too long, and spent too much. This report is different in that it takes as its point of departure the human rights situation of the ordinary Somali in Somali society. It centers on the relation of Somalis to *de facto* authorities—the clan councils, traditional *sultans*, *ugases*, *sheikhs*, and *imans*, and of course the warleaders—while examining the larger picture of human rights abuse and protection. It considers the potential for the traditional and modern authority structures now emerging in the country to halt abuses and provide protection, and ways the international community can best encourage this. The U.N. is a part of this picture, but only a part.

Somalia's *de facto* authorities, their armed agents (militias, police and others), and the characteristic ways in which they abuse or protect the human rights of Somalis are the principal subjects of this report. A common theme is that human rights observance, like the emerging pattern of authority itself, is largely differentiated along clan and subclan lines. This in turn reflects dramatic population movements by many of Somalia's clan-based communities in the course of the past five years, and the continued antagonism among some of them. The forcible takeover of territory by rival population groups, and their consolidation of control over resources and transportation routes, was accomplished through indiscriminate killings, selective assassination and executions, and the use of rape as weapons of terror and intimidation, as we demonstrate here. The resulting patterns of exclusion and forced displacement by reason of subclan affiliation form the backdrop to recent moves toward inter- and intra-clan reconciliation. But discrimination by reason of one's clan identity is still a constant in the treatment accorded to different population groups by the competing authorities of modern Somalia.

In examining the human rights situation in Somalia, Human Rights Watch has considered both the applicable standards of humanitarian law (the laws of war) and standards of human rights law which can provide a useful measure of human rights observance even in situations of fragmented *de facto* authority. The actions of the organized armed groups of Somalia's competing authorities have included breaches of these norms, ranging from hostage-taking, rape, summary execution and the selective assassination of civilians, to the indiscriminate use of heavy weapons with wanton disregard for the lives of civilians. The actions of United Nations forces are assessed strictly against their obligations under humanitarian law and are also found wanting, notably with respect to the indiscriminate use of force by United States air power in civilian areas and against civilian targets. The report recommends changes in the U.N.'s procedures for ensuring adherence to humanitarian law.

Although the human rights dimension of UNOSOM's own role and its relation with the warleaders is discussed here, this report focuses primarily on the abuses committed on the authority of Somali leaders against other Somalis, and the potential for human rights protection in the long term. To this end we examine the relation between the warleaders, the United Nations mission, and the patchwork of authority identified at the community level. In particular, we examine the reemergence of local authority structures that show some promise in assuming responsibility for their actions. These largely traditional structures frequently hold both a capacity for abuse, through their influence on militia and local police, and the potential to remedy abuse and provide a check on the warleaders even in the absence of a national system of law. The relationship of these *de facto* authorities to the militias, police, bandits and nominally private guards was misread by the U.N. to its cost.

New information concerning the structures, recruitment base and leadership of the militias and the police, and their relation to the ubiquitous private guards and bandits of the UNOSOM period, is a crucial part of the human rights picture shown here. This report provides evidence that the warleaders do, in fact, exercise a considerable degree of command and control over their forces, particularly when mobilizing for war and raiding, and should be held directly responsible for the abuses committed by those forces. The leaders had the authority in some cases to restrain and discipline their subordinates during the difficult times of 1992-94 but did not do so; to the contrary, many of the systematic abuses described below could not have occurred without the warleaders making them happen.

In the aftermath of the U.N. mission, Somalis face the task of reconstruction in their own way. Grassroots efforts, led by a broad variety of activists and elders, offer an alternative to the cycle of violence, although law and order remains an issue dominated by clan discrimination and kinship status, and the warleaders engage in reprisals against key elders to counter their efforts at negotiation. The greatest danger to the broad-based efforts at reconstruction could come from the international community—if any nation chose to interfere now by backing one or more warleader.

This report is largely based on more than seventy interviews carried out by Human Rights Watch consultant John Prendergast in Somalia, Kenya and Ethiopia during January and February 1995. Those interviewed included Somali elders, sultans and other traditional leaders, local Somali government officials, and officials of subclan-based political factions. Gen. Said Hersi Morgan, one of Somalia's best-known warleaders, was interviewed, as were representatives of other warleaders. Interviews were also carried out with members of particularly vulnerable groups, notably ethnic minority communities, the displaced, and with other members of civil society, including members of women's self-help organizations. Non-Somali and Somali officials of aid agencies, of the United Nations in Somalia, and others provided further useful information through extensive interviews. Most names have been omitted from citations in order to safeguard the security of those interviewed.

John Prendergast visited Somalia during the last weeks of the United Nations Operation in Somalia (UNOSOM II), with a brief to assess the basis for human rights protection in post-UNOSOM Somalia. In the course of his mission he visited the interior towns of Baidoa, Bur Hakaba, and Luuq, and the ports of Kismayu, Merca and Mogadishu. Further interviews were carried out in Nairobi, Kenya, where the United Nations now bases its operations related to Somalia, and in Addis Ababa and Washington, D.C. The report also draws upon material from a Human Rights Watch mission to Somalia in October 1993, when Prendergast spent several weeks in Bardera, Baidoa and Kismayu, and material produced by consultant Patrick Gilkes, who conducted extensive interviews on our behalf in Addis Ababa, Nairobi and Somalia in December 1993. The report was written by Michael McClintock and edited by Cynthia Brown.

The U.N. Missions

A Military Approach to a Humanitarian Problem

The international community tended to focus on battles over the capital city and port of Mogadishu. The complexities of a fragmented state were easily misunderstood as a running fight between a few competing "warlords." The rivalry between self-proclaimed "interim president" Ali Mahdi Mohammed, a warleader and politician of the Abgal clan who dominates North Mogadishu and Middle Shebelle Region, and Gen. Mohammed Aideed, a warleader of the Habr Gedir, whose control extends over South Mogadishu and significant parts of the area between the south's two rivers, has provided a theme running throughout UNOSOM's presence.¹ Another warleader who has preoccupied the U.N. is Gen. Said Hersi Morgan, formerly a chief commander of Siad Barre's army and now head of the Somali Patriotic Movement (SPM). Morgan is the warleader of the Harti subclan and heads the coalition that controls the port of Kismayu. Yet another is Col. Ahmed Omar Jess, a warleader of the Ogadeni subclan also operating in the Kismayu area.

¹ Gen. Aideed heads the Somalia National Alliance (SNA), which fields a militia composed largely of members of the Habr Gedir Sa'ad and Ayr subclans of the Hawiye. Ali Mahdi, in turn, nominally heads the Somali Salvation Alliance (SSA), drawing support principally from the Abgal subclan of the Hawiye, while also working occasionally in coalition with other faction leaders. "Faction" is the term generally applied to the clan-based political-military organizations led by the rival warleaders.

The military dimension of UNOSOM/UNITAF, and its preoccupation with the warleaders of Mogadishu, colored and undercut the U.N.'s own programs to nurture the reemergence of community-based authority. The overwhelming emphasis on dealing with military leaders—and pursuing military solutions—swamped these other programs. At the same time, there was no effective plan for transforming the show of force of December 1992, when U.S. troops arrived, into a measured response to changing circumstances. Although political reconstruction became a significant part of UNOSOM's overall program after May 1993, political support at the highest level of UNOSOM's direction was largely reserved for initiatives concerning the warleaders. One Somali UNOSOM official went so far as to tell Human Rights Watch that she herself had virtually no contact with the U.N. Secretary-General's last special representative in Somalia, Victor Ghebo, because he "dealt only with the faction leaders." (She added that of the top UNOSOM officers "no one was interested in human rights."² Other Somali and foreign observers concur.)

UNOSOM wanted desperately to find a key to understanding the seemingly anarchic or random violence that had initially threatened the Somali people's survival in 1991 and 1992, and a lever to influence it. The warleaders were ostentatiously present in the foreground of the intervention. They could hardly be ignored. At the same time, while damage to long-term reconstruction was done from the start of the U.N.'s Somalia operation, with the public embrace of the warleaders as the principals in the drama, there was a reluctance to treat the warleaders as representative (as they indeed were) or to hold them to any kind of standard as de facto authorities who claimed to be able to take power and form a government. For example, the U.N.'s missions did not challenge the warleaders about their abuses against Somalis. A concentration on high-level political deals with the leaders it called "warlords" provided the framework of the U.N.'s mission.

Ignoring Abuse

In keeping with a tradition in which peacekeeping has been largely segregated from the U.N.'s human rights machinery, UNSOM ignored not only the critical role that human rights abuse had played in creating the 1991-92 famine but also the warleaders' reliance on abuse to maintain their influence.³ This willful blindness was based on the view that human rights reporting would have posed obstacles to conflict resolution. As one former UNOSOM advisor put it to Human Rights Watch in a March 1995 interview, publicly tallying the abuses of various factions, would have "compromised the U.N.'s neutrality."⁴

² Somali official, Human Rights Watch interview, Nairobi, January 19, 1995.

³ For background on the use of the deprivation of food as a weapon, see Human Rights Watch, *The Lost Agenda: Human Rights and U.N. Field Operations* (New York: Human Rights Watch, June 1993) (section on Somalia, pp. 107-134), and Human Rights Watch Women's Rights Project, "Seeking Refuge, Finding Terror—The Widespread Rape of Somali Women Refugees in Northwest Kenya," *A Human Rights Watch Short Report*, October 4, 1993. For background on the civil war before the fall of Siad Barre see Africa Watch (now Human Rights Watch/Africa), *Somalia: A Government at War with its own People* (New York: Human Rights Watch, 1990).

⁴ Former UNOSOM advisor, Human Rights Watch telephone interview, Washington, D.C., March 1995.

Holding warleaders accountable by day-to-day monitoring and reporting of their exercise of (de facto)⁵ authority may also have been considered to foreclose future options—in which their reputations might need rehabilitation as they became allies, or a foreign government's choice to support as a sovereign leader. Although the U.N. broke new ground by incorporating human rights monitoring into peacekeeping programs in El Salvador and Cambodia, this was not to be the case in Somalia. The U.N. determined from the start to address only the symptoms of gross abuse—the requirements of humanitarian relief—without considering the human rights issues behind them. Some of the practices that violated human rights were largely peripheral to armed conflict: they included hostage-taking, arbitrary detentions, summary executions, systematic rape. Others reflected the disregard for civilian life of those expanding or defending their territorial claims: such as the drive-by strafing of civilians. These everyday occurrences for Somalis largely fell outside the U.N.'s areas of concern—and were excluded utterly even from its public information program. The U.N. was therefore blindsided by its own refusal to address the heart of the Somali crisis: the relation of the warleaders and other Somali leaders to their own people.

Misreading the Warleaders

UNOSOM wavered between identification of the warleaders as the primary decision-makers in Somali political life, and dubbing them mere terrorists. In apparent contradiction, the "warlords" were at once responsible for the violence and unable to control the clan gunmen that were its instruments and their strength.

Yet the warleaders were, in fact, more than mere gunmen. As representatives of their clan-based communities, both they and their clans' larger body of leadership could be held accountable for their actions, and held to certain standards. The clan-elder-merchant-militia-warleader relationship was complex, but should not have been mystifying: the warleaders too were clan leaders, but neither paramount nor unaccountable to others. As a longtime aid official put it, "A warlord could not not be a clan leader, while a clan leader does not have to be a warlord."⁶ The U.N. mission did not, however, effectively use the relation of the warleaders to their respective communities as a lever, or fully recognize the capacity of the authorities in the background to make or break them.

Much of the warleaders' strength was founded on a promise of protection, supremacy and spoils for their clans, and the domination of others in an order founded on social and economic division and discrimination. This clan chauvinism, like the human rights abuse that was often a consequence of predation against other communities, was difficult for the U.N. to address without challenging the foundation of the clan's support for the warleaders. To the

⁵ Although none of the warleaders represented the Somali state, these de facto authorities meet the definitions of centrally-directed leadership, controlling armed forces, population and territory that make them subject to international humanitarian law. In addition, international human rights law provides useful standards against which to monitor and assess the actions taken by a claimant to authority that is in practice exercising actual control over a population and territory.

⁶ Aid officer, Human Rights Watch interview, Nairobi, January 18, 1995. He added in the same vein, "The distinction between a militia leader and a clan leader is nonexistent; the origins are in the clan leadership. [Gen. Mohammed Farah] Aideed is a senior Habr Gedir [subclan] leader." A Somali source noted further that "elders" included the *oday* (which means old man) and the *akhyaar*, a term that has no connotation of age, but is rather connected to wisdom, influence, and understanding. He added that the latter are often the real leaders. Somali NGO leader, Human Rights Watch interview, January 20, 1995, Nairobi.

extent that the U.N. dealt with alternatives to the warleaders, efforts were undermined by its emphasis on dealings with the warleaders as the principal option for meaningful dialogue. At the same time, so long as the spoils reached the clans who provided the fighting men, and the militias provided the clan protection, there was little pressure from them on the warleaders to do other than they had always done. As time went by, moreover, and the depredations on other communities continued, warleaders could also appeal to their supporters' fear of revenge and retaliation as a way to maintain support.

The degree to which each warleader in fact controlled the armed men and the use of violence in certain areas deserved comment and denunciation by the U.N. But warleaders claimed they could not control their gunmen, that the violence was random and that a multiplicity of armed groups could be responsible for any given attack or civilian death, distancing themselves from accountability for abuses in areas they in fact controlled or dominated. The U.N. did not challenge their claims, and so contributed to the international image of Somalia as one of sheer anarchy. It also left the warleaders entirely free to act as they wished. There was virtually no pressure on the warleaders to observe international standards in their treatment of civilians and evasion of accountability even for attacks on U.N. forces was facilitated by the U.N.'s reluctance to attach blame.

The Legacy of UNOSOM

After March 1994, the umbrella of UNOSOM protection was progressively withdrawn as UNOSOM abandoned many areas of the country. Now that the last U.N. troops have left Somalia, attention must be given to what has been left behind. A limited international effort of aid and reconstruction is planned, including ongoing programs of United Nations agencies—notably UNICEF, the World Food Program, UNESCO and the UNDP—as well as a functioning alliance of international aid agencies and local Somali organizations. Most of these agencies believe they can operate without the security umbrella of UNOSOM, dealing directly with local counterparts and authorities. Some will decentralize to adapt to the fragmented mosaic of authority in Somalia today.

The larger heritage of the UNOSOM presence is difficult to assess. On the one hand, some of the warleaders that were in large part responsible for the deaths of hundreds of thousands in 1991 and 1992 maintain their grip on territory and their domination of sectors of the population (others have lost significant leverage). Efforts to boost Somalia's reconstruction from the bottom up have had some positive effect which has not entirely been erased, notably the persistence of adaptations of the U.N.'s district council structures in some areas.⁷ On the other hand, in some ways UNOSOM actually boosted the power of the Mogadishu warleaders—by providing a source of political legitimacy, huge amounts of cash, and even arms—as documented further below.

The Somali employees UNOSOM left behind are a further legacy to which the international community must pay particular attention. Threats face those whose close association with the United Nations' programs made enemies of the warleaders. Human Rights Watch has protested to the Security Council the apparent indifference with which UNOSOM has treated threats against some of its Somali employees. Somali members of UNOSOM's political division asked for Human Rights Watch's help during our recent visit to Somalia, and in a letter to Secretary-General Boutros-Ghali that was copied to all members of the Security Council, Human Rights Watch/Africa urged immediate action, including evacuations if necessary—to protect former UNOSOM employees who fear for their safety.⁸ The situation of former UNOSOM employees—and the fate of those who had already suffered reprisals before the withdrawal—must not be ignored because it is now "out of sight."

⁷ Some critics of UNOSOM maintain that the mission's support for local initiatives to restore civil society spelled disaster. Though this work enraged certain warleaders, who feared rival sources of authority, the political reconstruction effort was, in fact, flawed less in its substance than in the haste and lack of local consultation with which it was planned and put into motion.

⁸ Abdullahi An-Na'im, Executive Director, Human Rights Watch/Africa, letter to Secretary-General Boutros Boutros-Ghali, February 15, 1995.

Somali Military and Political Forces

Human Rights Abuses

Since before the U.N. intervention, and still currently, abuses by agents of Somalia's de facto authorities have included killings of civilians through the indiscriminate use of heavy weapons, the deliberate, targeted killing of civilians, execution-style killings of captives, rape and other cruel and degrading treatment, and forced displacement and controls on freedom of movement. All of these abuses appear in patterns that reflect discriminatory treatment along clan lines.

Protection from abuses, and compensation for past abuses is also sometimes available, although often depending almost exclusively on clan affiliation. *Shari'a* (Islamic law) has been credited with significantly reducing common crime in areas in which it has been enforced. Even in those areas where local authorities have agreed to impose either traditional forms of judgment and punishment for crimes, or *shari'a*, the clan of the offender and the victim may be a determining factor. The virtual absence of due process guarantees in the current Somali application of *shari'a* and in traditional proceedings, as well as the cruel and irrevocable punishments often handed down—including summary executions and amputations—are further concerns.

The deliberate deprivation of the basic needs for survival, which resulted in hundreds of thousands of deaths in the civil war, also continues along clan lines, although without the mass killings and the destruction of water systems and the means of production that marked the civil war. That the systemic looting of vulnerable populations has not recently led to massive starvation and death, however, is also a consequence of recent improvements in rainfall and bountiful harvests. The implication is that a return to massive inter-clan conflict could again result in the mass starvation of the past—if it coincided, as in parts of 1991-1992, with severe drought and abandoned agricultural production. Systematic murder on the authority of Somali clans and their warleaders has continued to be reported in the past year, although nothing like the scale of the massacres of 1991 and 1992. Some of these deliberate and arbitrary killings have occurred in the aftermath of battles to control towns or neighborhoods. Murder driven by clan differences has often been reported in the context of moves by victorious militia to expel civilians of rival communities wholly from an area. This clearance of civilian populations from their homes and land has been a feature of the civil war since even before the fall of Mohamed Siad Barre, who ruled Somalia from 1969 to 1991.

Somalis Most at Risk

The situation of the Somalis who are most at risk of deliberate and arbitrary killing, of forced displacement, rape and other abuse is documented in many of the Human Rights Watch interviews cited in this report. These are the hundreds of thousands of Somalis who have been displaced from their homes and dispossessed of their means of support, as well as ethnic minority communities, who face expulsion from their land or looting of their means of survival by the armed militias of more powerful groups. The victimization of women, particularly the displaced, is widespread. And as noted above, some former UNOSOM employees face or have suffered reprisals for their involvement with the U.N.

Others are under threat because they are leaders of their own communities and are seen to pose a challenge to the coalitions led by rival warleaders. Although a rupture of custom, attacks on traditional leaders have been a particularly disturbing part of the recent human rights record. Such killings may be of enormous significance to current efforts by councils of elders and other community leaders to agree to alternatives to continuing conflict.

A common theme emerging from interviews with clan leaders, members of Somali nongovernmental organizations and other Somalis who met with Human Rights Watch in January and February 1995 was a weariness with the war and lawlessness of the past four years. A common desire for law and order frequently took the form of support for the introduction of the "*hudud*" punishments derived from Islamic law. Traditional means of arbitration between clan elders have also been revived in many areas to provide some means of redress for both abuse by rival authorities and common crime: they can work so long as a victim of abuse has a subclan strong enough to act on his or her behalf. There appears to be a consensus among the traditional leaders Human Rights Watch met that law is the essential precondition of a restoration of order in Somalia. At the same time, but there is little sign of progress either in

reintroducing the pre-civil war system of law and justice, or in establishing reformed and effective structures in its place.⁹

⁹ An exception is the northwest region known as Somaliland whose leaders declared independence from Somalia in 1991; developments in Somaliland fall largely outside the scope of this report.

The most dramatic limitations on local, and particularly traditional remedies to abuse—and the protection of the population—are in their discriminatory application. Protection, compensation and justice are in many areas applied strictly on the basis of one's clan identity. As an agency official noted, "The only human rights protection is the structure of the clan, in the sense that it is the clan that protects rights."¹⁰ Security and justice too often depend ultimately on one's kinship group and its relative power in a local community.

Exhaustion at the permanent threat of violence has led increasingly to intra- and inter-clan consultations to seek political solutions. A series of inter-clan conferences in the south during the past year has brought together clan elders, businessmen, women's groups, intellectuals and religious leaders, while excluding or marginalizing warleaders' representatives. Mostly held without UNOSOM encouragement or support, these conferences have reached interim agreements toward both resolving inter-clan conflict and undercutting the warleaders who claim their support from rival clans.

The warleaders clearly see such negotiations as a threat. This has been shown by killings and threats apparently intended to intimidate or to eliminate key elders in pivotal communities that contemplate a course of inter-clan relations independent of the warleaders. These killings have continued despite what a longtime aid official in Somalia described to Human Rights Watch as the ordinary Somali's "horror" at attacks on clan elders. But below we document several recent cases in which elders were seized and killed, threatened with death or had relatives kidnapped by agents of the principal warleaders.

The Warleaders: Threats to Reconstruction

From early 1994 to its withdrawal, UNOSOM had an open accommodation with the capital's warleaders, to the detriment of community-based authority structures throughout the rest of the country. The most serious danger with UNOSOM's withdrawal is that this will be followed by direct, unilateral support for one or other of the warleaders by donor or neighboring governments. The prospect of governments jockeying to support one or more rival warleaders, once freed from commitments to UNOSOM to pursue their own short-term interests, poses the most serious threat to the development of community-based authorities that can resist the warleaders.

Outside support for the warleaders would seriously jeopardize the hard-won progress toward reconciliation between grass roots community leaders. It is only through broad participation through their communities that Somalis can hope to counter the power of the warleaders and their "factions." A foreign government might rationalize recognition of one or more of the warleaders as helping promote a "natural" process interrupted by UNOSOM—a process of realpolitik in which one warleader would ultimately have prevailed over all others. But unilateral support now would constitute a blatant interference in the efforts of Somalia's citizens to restore a semblance of order and respect for fundamental rights in their country.

Summary of Conclusions and Recommendations **Somalia's de facto Authorities**

- The patchwork of de facto authorities in Somalia includes subclans' councils of elders, merchants or business figures, traditional leaders such as sultans, sheikhs and ugas, religious leaders, and a range of local authorities based on structures introduced by the United Nations. The warleaders are part of this matrix.

¹⁰ Human Rights Watch interview, Kismayu, January 28, 1995.

International organizations, agencies and human rights advocates should develop communications with de facto authorities at the local and subclan level as alternatives to dealing exclusively with subclan warleaders.

- The armed agents of these authorities include part-time and standing militias, police and armed guards. These personnel often play multiple roles. An individual can be a militiaman, a contract guard, a policeman, or serve in each of these capacities depending on circumstances. They remain largely accountable to their warleader and their clan in a relationship documented in the body of the report. The warleaders and other clan authorities are usually in a position to halt systemic abuse by these forces.

The collective authorities of subclans should be held accountable before Somali and international public opinion for abuses by agents acting on their authority, including their clans' warleaders. This means firstly that human rights observance should be the object of regular monitoring and reporting; and that information on human rights abuse should never be suppressed as a political tactic.

- Discrimination by reason of clan identity is a force behind a wide range of human rights and humanitarian law abuses. The pattern of abuse documented in this report includes cases in which ordinary Somalis were

- deliberately killed solely because of membership in a rival clan, subclan or minority;
- killed through the indiscriminate use of force by armed agents who disregard the safety of "enemy" civilians;
- raped because of clan or minority identity;
- forcibly expelled from a town or a region, stripped of their goods and cut off from their livelihood;
- forced to flee their homes through constant threats to life and security by members of rival clans;
- restricted in their movements and the right to reside in certain areas because of their clan identity.

Somali leaders from the local, community level and the subclan to the regional and national level should be pressed by the international community to commit themselves to upholding fundamental principles of nondiscrimination in their exercise of authority.

- Regardless of clan identity, Somali civilians are at risk of death or maiming due to indiscriminate use of force, including the promiscuous use of heavy weapons in densely populated areas both in Mogadishu and elsewhere. All of the warleaders and their respective militias are responsible for such abuses as a matter of routine.

The warleaders of Somali subclans and others whose agents exercise armed force should take steps to closely regulate the use of force by those under their command, through the production of regulations founded on international standards, and disciplinary measures to enforce them. Any deaths resulting from the use of armed force by de facto authorities should be registered, and compensation paid for civilian deaths.

- Tens of thousands of Somali women live in displaced persons or refugee camps where they are particularly vulnerable to sexual abuse. Sexual abuse is also common when marauding clan-based militias raid or forcibly occupy territories inhabited by members of rival clans. Women who are members of Bantu ethnic minorities are at particular risk.

Somalia's de facto authorities should be held publicly accountable by Somali and international public opinion for rapes committed by forces under their authority. The failure to punish members of militia and other forces for rape suggest that rape is an authorized practice. Somali subclan leaders, including warleaders, should be pressed to establish clear regulations that outlaw and punish rape, to immediately investigate allegations of rape, to detain and subject to criminal proceedings anyone credibly accused of rape, and to provide compensation to rape victims. Local authorities should provide security for women in camps for the displaced.

- Extrajudicial executions still frequently occur in the course of clan-based conflict, or in its aftermath. Agents of warleaders sometimes carry out such killings as public executions, with the bodies displayed to intimidate others. Cases

documented by Human Rights Watch include those of Somali elders and other traditional leaders extrajudicially executed by agents of warleaders for seeking reconciliation between clans and subclans.

Somalia's de facto authorities should be held publicly accountable for killings by those under their authority, including agents of warleaders acting on behalf of the subclan they represent. Warleaders and other subclan authorities should renounce the use of murder as a political tool, and take steps to stop such killings, including the promise that those responsible will be brought to justice.

- The justice system throughout most of Somalia continues to be based on the traditional elders' system of negotiation, a means through which compensation for an injustice may be arranged through arbitration, although Shari'a and the pre-civil war Somali penal codes applied in some areas. Human Rights Watch welcomes efforts to introduce some form of rule of law in Somalia. We are concerned, however, that all forms of the administration of justice, whether traditional or modern, should comply with international standards. In North Mogadishu, in Gedo Region, and in some parts of the northeast and northwest (Somaliland), Islamic leaders dominate local councils and police acting on behalf of shari'a courts (applying Islamic law) carry out law enforcement duties. Shari'a courts have been credited with bringing dramatic reductions in common crime and lawlessness in some areas. Traditional punishments for unlawful killings have included summary executions without due process of law. Punishments under shari'a have included amputation and stoning for crimes ranging from adultery and theft, to murder. Fair trial guarantees are largely absent, and punishments are cruel and irreversible. In Somali application of shari'a law as well as in negotiations under the traditional diya system, the clan identity of the victim and the accused may result in bias and impunity.

De facto authorities should institute at least rudimentary systems of justice in areas they control, and acknowledge those systems already established. Authorities should bear responsibility for allowing courts to be independent and pledge to subordinate themselves to their rulings. Some system of justice, traditional or otherwise, is absolutely necessary. Authorities responsible for the administration of traditional forms of justice, and the administrators of shari'a courts, should provide fair trial guarantees, including the right to trial before an independent and impartial court to maintain one's innocence, to present a defense, and to appeal a sentence. Cruel and irrevocable punishments should not be sought or carried out.

- There is little freedom of movement and residence without consideration of clan identity. Whole communities have been expelled or forced to flee their homes and land, and remain under threat of death should they return. The situation is especially critical for the hundreds of thousands of Somalis who remain refugees in numerous countries, afraid to return home to potentially hostile local authorities.

The de facto authorities should reverse measures by which people are excluded from certain areas or occupations by reason of their clan affiliation, or forcibly displaced. Those displaced by reason of their clan identity should have the right to return to their places of origin. De facto authorities of powerful subclans should guarantee the safety of returnees and send emissaries to meet the displaced within the country and those abroad to offer support for their return.

The United Nations and the International Community

- Some limited progress has been made toward political reconstruction, particularly at the local level. Subclans have in some cases taken steps to limit or withdraw support for their warleaders, as measures to promote cross-clan reconciliation. Similarly, the withdrawal of the U.N. has removed a major source of political and economic resources (and legitimacy) from the Mogadishu warleaders, which some observers believe may lessen their capacity to return to sustained conflict.

The international community should do nothing that might sustain the warleaders whose gunmen have dominated past relations with the United Nations. To this end the U.N. should enforce its longstanding embargo on the flow of arms to Somalia.

- The U.N. peacekeeping operation excluded human rights considerations from its program, turning a blind eye to the abuse of Somalis by Somalis, while concentrating on bringing Somali warleaders to the bargaining table. Despite recommendations from the U.N. human rights establishment and the General Assembly to do so, it neither monitored the abusive policies and practices of the rival authorities nor made adherence to international standards an essential element of its negotiations.

The United Nations should take steps to ensure that a human rights monitoring, analysis and reporting office is part of peacekeeping operations wherever they take place. International human rights and humanitarian law standards should become essential norms cited in the brokering of cease-fires and peace agreements by U.N. negotiators, with a view to making clear that these are not negotiable.

- Even when the U.N. was moved to take steps to confront abusive actions by a Somali warleader, such as ambush attacks on U.N. peacekeepers, or using a hospital as a defended position, the legal framework of its action was unclear. The leadership of UNOSOM considered the mission to be empowered by a Security Council resolution to detain Somalis, but did not elaborate.

The United Nations should clarify the legal foundations of police actions taken by peacekeepers, including legal procedures which would regulate detentions in the course of peacekeeping operations so that detainees would enjoy internationally recognized safeguards against arbitrary detention. In the absence of an international criminal court, alternative legal provision should be made to deal with situations in which individuals charged with crimes against humanity are detained by peacekeepers.

- The U.N.'s peacekeeping forces did not operate with a clear and public position regarding their obligations under the laws of war. The UNOSOM command did not exercise to the full its command responsibility to ensure the laws of war were respected, that training and rules of engagement were adapted and reviewed to ensure these norms were observed, and that breaches were monitored and duly subject to judicial action.

The United Nations should acknowledge that its peacekeeping operations are bound by international humanitarian law and ensure that all troops committed to peacekeeping operations are fully trained to observe these standards. The United Nations peacekeeping office should itself ensure that rules of engagement observed by national contingents are consistent with international standards and should monitor observance of humanitarian norms by U.N. forces.

- Military spokesmen of the U.N. and separate United States commands consistently refused to provide regular and detailed information on the identity or number of Somali casualties resulting from encounters with U.N. forces. The Geneva Conventions place a clear obligation on forces participating in any military action to collect the enemy dead, to identify them, to provide information to relatives if possible, and to bury them as appropriate (Articles 15, 16, and 17, First Geneva Convention of 1949).

The United Nations and United States forces should make full and detailed information public concerning civilian and other casualties incurred in the course of peacekeeping operations. Such disclosures should be made both to meet obligations under international standards, and to promote public confidence in the accountability of United Nations forces.

- No single U.N. authority collected and disseminated information concerning the observation of the laws of war by U.N. forces—or measures taken to establish accountability for alleged abuses by these forces. By decentralizing this process to each independent national detachment (and of course their parent armed forces), the U.N. evaded its responsibility to account for its actions and to ensure each component element was held individually accountable. Although some national contingents brought troops to trial for torture, aggravated assault, murder and related crimes, no central register of complaints, legal processes and remedies to abuse was established.

Procedures should be introduced for all peacekeeping operations which would add transparency to the monitoring, investigation and remedy of abuses by the U.N.'s own forces. To this end, a central registry should be established that would log all reports of possible violations of the laws of war, the measures taken to investigate these reports, any criminal or disciplinary proceedings that result, and the nature of any punishments awarded and compensation paid. Public access to this registry should be guaranteed in the country of operations, with copies of these materials available at U.N. headquarters in New York and Geneva.

● The U.N.'s provision of public information on its military operations was based on a public policy of unconditional defense of U.N. actions, sometimes baldly misrepresenting incidents that were already on the public record. The net effect was to evade or to undermine independent reporting and assessment of actions by U.N. forces and by doing so to evade accountability. Information was distorted or withheld concerning several incidents including major loss of civilian lives in which U.N. forces were widely believed to have violated humanitarian law. This was both an evasion of accountability and a practice that undermined efforts to promote international standards with the parties to the conflict in Somalia.

The provision of public information on United Nations operations, so that the international community is fully informed, should be a high priority of U.N. peacekeeping operations, both as they are planned and as they unfold. This is important not only to ensure accountability by U.N. forces, but to ensure that the public is made aware of the reality of conflicts and complex emergencies on which action is being taken in its name. The public needs to be able to make informed decisions when asked to support the contributions of aid workers and military forces from their countries.

● Several soldiers of U.N. contingents have been held accountable by their national institutions for gross abuses of humanitarian law. U.N. forces have been found responsible for the torture, ill-treatment and murder of detainees. Reports indicate that U.N. forces were also responsible for the indiscriminate use of force in retaliation for prior attacks, excessive use of force in confronting crowds, and the disproportionate use of force when under attack. No U.N. or national disciplinary proceedings are known to have resulted from these latter practices, however. No acknowledgment of the violation of humanitarian law through these practices is known to have been made by representatives of UNOSOM or of the national military contingents in the U.N. force. The U.N. has not made public either the procedures or the full reports of most internal investigations of incidents resulting in multiple civilian deaths. And full independent investigations of these incidents have not been possible.

The United Nations, in consultation with the governments whose troops were committed to the Somalia crisis, should review the record of incidents there in which civilians were killed in disputed circumstances, particularly in cases in which crowds were involved, and as a consequence of aerial rocketing, strafing, bombardment or shelling. The findings of these reviews should be made public. They should provide the basis for future guidelines on the use of force by peacekeepers and for the development of procedures for investigating killings in disputed circumstances of future operations. Gross breaches of the laws of war should result in criminal proceedings against those responsible.

II. BACKGROUND TO HUMANITARIAN INTERVENTION

The U.N.'s intervention in Somalia emerged from earlier neglect. In crisis for most of the 1980s, Somalia was abandoned by most international assistance agencies and diplomats in January 1991, the month that longtime dictator Mohamed Siad Barre fled and Somalia fell into anarchy. The basic institutions essential to any modern nation-state had vanished in the last years of Siad Barre's rule. Formal administration, and essential services had all disappeared, as had most of the people who staffed governmental departments. In 1991 Somalia was a nation without a government or central security force, where a collection of armed clan militia fought over spoils and, in a combination of political and ethnic conflict, ravaged the land and systematically killed and displaced the civilian population.

By the time the U.N. secretary-general appointed an envoy to seek an end to the conflict in Somalia, the Algerian diplomat Mohammed Sahnoun, the tactics used by all parties were playing a major role in creating and spreading famine.¹¹ When Ambassador Sahnoun criticized U.N. inaction and called for stronger response to the famine, he was forced to resign in October 1992—while hundreds of thousands of Somali civilians faced starvation and thousands more were being killed by the armed factions.

During 1991 and 1992—when the U.N. made no serious, sustained effort (other than Sahnoun's) to break the cycle of civil war, human rights abuse, and famine—as many as 500,000 Somalis are estimated to have died. Another two million fled their homes to become displaced persons within their own country or unwelcome, and often victimized, refugees in Kenya.¹² In the words of the secretary-general's special envoy, Mohamed Sahnoun, "A whole year [1991] slipped by whilst the U.N. and the international community, save for the International Committee of the Red Cross and a few nongovernmental organizations, watched Somalia descend into this hell. The damage will not be repaired."¹³

The U.N.'s inaction was in large part a function of its lack of experience with anything like the situation in Somalia. The U.N.'s peacekeeping doctrine and institutions were, and by and large remain, wholly distinct from the elaborate apparatus of humanitarian assistance. Created over decades to deal with the humanitarian emergencies posed by flood, famine and disease and mass population movements, the U.N.'s emergency assistance programs were ill-prepared to address a crisis in which relief workers would have no guarantee of immunity from belligerents. Humanitarian intervention—with U.N. troops—was perceived to be needed to make it possible for the full potential of global relief to move into action. The dilemma the international community faced in 1991 was summarized in a June

¹¹ Amb. Mohammed Sahnoun of Algeria was appointed special representative on April 28, 1992; he travelled to Somalia on May 1.

¹² See: Human Rights Watch, *The Lost Agenda*, pp. 107-134); and Human Rights Watch Women's Rights Project, *Seeking Refuge, Finding Terror*.

¹³ Ray Bonner, "Why We Went," *Mother Jones*, March/April 1993. Amb. Sahnoun was talking at a meeting of international donors.

1993 book by Human Rights Watch on humanitarian intervention, *The Lost Agenda: Human Rights and U.N. Field Operations*:

The U.N. appeared incapable of responding to humanitarian needs in a country with no government, and its agencies would not return to Somalia without a formal cease-fire. Yet it was clear to observers on the ground that a durable cease-fire was not possible in Somalia at that time, not least because much of the violence was fueled by lack of food—the very food the U.N. could provide."¹⁴

¹⁴ Human Rights Watch, *The Lost Agenda*, p. 118.

The military enabling effort and the humanitarian agencies' work to feed starving Somalis and set the country on the road to recovery proved awkward—largely because it was new and virtually untried. What the U.N. failed to try was a crucial partnership of the humanitarian and peacekeeping agencies with the U.N.'s underfunded and underappreciated human rights institutions.¹⁵ By excluding a human rights component to its Somalia mission, the U.N. turned a blind eye to the origins of the crisis, the Siad Barre regime's record of gross human rights abuse and the fomenting of intolerance that provided a model for continuing inter-clan conflict.

A human rights dimension of the U.N.'s institutional apparatus could have served as a means to establish objective measures of the actions of self-styled political and military leaders. In practical terms, this could have meant seeking pledges to respect the rights of members of others' subclans: the abuses could not be resolved by brokered cease-fires alone.

The U.N. peacekeepers' blindness to ongoing human rights monitoring was matched by a refusal to examine the past records of the warleaders. Human Rights Watch urged, in June 1993, that such examination was crucial, "given that the disaster in Somalia was created, in large measure, by massive, persistent, deliberate violations of human rights committed by all armed factions..."¹⁶ As a consequence, the country's long-term recovery would depend on making human rights a central concern,

with human rights conceived in terms of authentic political participation, legitimate representation in a credible government, and accountability for the human rights violations of the recent past, beginning with the documentation and exposure of past abuses. A durable peace requires that the parties agree to respect human rights and to allow their behavior to be monitored.¹⁷

There was, however, no recognition that the brutal conduct of the war aimed at punishing civilian communities had created the famine. Quite the contrary, the peacekeepers determined to deal with the warleaders as if with a clean slate. Although Adm. Jonathan Howe, special representative of the secretary-general at the inception of UNOSOM II, had early in his posting refused to meet with General Morgan, whom he described as "a cold-blooded murderer"¹⁸ (for

¹⁵ Only months before, in July 1991, the U.N.'s El Salvador mission, ONUSAL, had opened its offices in San Salvador with a staff that included forty-two human rights observers. A less successful prototype of human rights monitoring within the U.N. peacekeeping framework was the U.N.'s mission that arrived in Cambodia in March 1992. For a critique of both, see *Ibid.*, pp. 12-47.

¹⁶ *Ibid.*, p. 125.

¹⁷ *Ibid.*

¹⁸ Molly Moore, "Deep in the desert with a Somali Militia," *Washington Post*, February 23, 1993. Some 50,000 to 60,000

his role in the destruction of the northern city of Hargeisa under Siad Barre), he later told Human Rights Watch that accountability for the past was out of the question: "I don't mean to belittle human rights, but we've had so much difficulty with things happening at the present that looking at the past, at before we came to Somalia, is something we just haven't had a chance to look at."¹⁹

members of the Isaaq clan, the predominant group in the northwest, were reportedly killed by forces under Morgan's command between May 1988 and January 1990. With the destruction of Hargeisa, some 400,000 people fled the northwest into Ethiopia. See *Ibid.*, p. 110.

¹⁹ Human Rights Watch interview with Adm. Howe, Mogadishu, December 1993.

Some effort was made to convince UNOSOM to pay attention to human rights from within the U.N. system. A post of independent expert for Somalia was created by the U.N. Commission on Human Rights in March 1993, and the commission also recommended that the secretary-general establish a human rights unit for UNOSOM. But these steps produced little. In a disappointing report in October 1993, written without the benefit of a visit to Somalia, the expert concluded that it was "premature to propose any concrete activity" because Somali political forces lacked a serious commitment to the Addis Ababa peace agreement of March 1993.²⁰ Plans for a UNOSOM human rights office in Somalia were cited in the secretary-general's August 1993 report, but as of March 1994, UNOSOM II was still only "planning to establish an Office of Human Rights."²¹

In practice, UNOSOM's human rights office never functioned, nor did it have institutional support from U.N. headquarters. In March 1995, a policymaker of the U.N. peacekeeping establishment told Human Rights Watch that the U.N. Department of Peacekeeping Operations had no human rights component per se: "It was not in our mandate." She added that her office (UN PKO) was never notified on human rights issues arising in the Somalia operation, except occasionally on the issue of the treatment of prisoners (Somalis held in Somali prisons) "specifically, the lack of food." At the same time, individual member states handled disciplining of their own troops.²²

Command of U.N. field operations is exercised by an officer appointed by the secretary-general, with the consent of the Security Council. According to a U.N. review of peacekeeping operations, "the commander has full

²⁰ "Report by Mr. Fanuel Kozonquizi, the independent expert, on the conditions in Somalia, prepared in accordance with paragraph 6 of Commission of Human Rights Resolution 1993/86 of March 3, 1993." Agenda item 114 (B), 48th session U.N. General Assembly.

²¹ United Nations document S/26317, August 17, 1993, said an UNOSOM Office of Human Rights was to be established "to be staffed by a six-person investigation team from Member States and will, among other things, assist in the establishment of a local Somali human rights committee." This never happened. Another proposal that lapsed was made in General Assembly resolution 48/146, requesting the Commission on Human Rights to consider the establishment of a group of international human rights monitors. See Amnesty International, "Peacekeeping and Human Rights," AI Index: IOR 40/01/94, January 1994, p. 14 and note 67; and United Nations Department of Public Information, *United Nations Peacekeeping, Information Notes, Update: May 1994* (New York: United Nations, Reprint, July 1994), DPI/1306/Rev, p. 113.

²² Official, U.N. Department of Peacekeeping Operations, New York, Human Rights Watch telephone interview, March 1995.

authority over the operation except for disciplinary questions."²³ While holding "general responsibility for the good order and discipline of the operation," the commander is limited in his or her means to exercise this:

He may make investigations, conduct inquiries and require information, reports and consultations for the purpose of discharging this responsibility. Responsibility for disciplinary action in national contingents provided for the operation, however, rests with the commanders of the national contingents. Reports concerning disciplinary action are communicated to the commander who may consult with the commander of the national contingent and, if necessary, through the Secretary-General with the authorities of the troop-contributing Government concerned.²⁴

²³ United Nations Department of Public Information, *The Blue Helmets: A Review of United Nations Peacekeeping* (New York: United Nations, 1990, DPI/1065-40500), p. 407.

²⁴ *Ibid.*, p. 407

Since the 1956 agreement to establish a U.N. force for Egypt, national authorities have traditionally had exclusive jurisdiction over crimes committed by their soldiers in the course of U.N. peacekeeping operations.²⁵ The agreed procedures for chain of command control of U.N. forces do not preclude central monitoring and documentation of national contingent's disciplinary action (or lack of same). A former U.N. official told Human Rights Watch, however, that "no U.N. office kept detailed records on the disciplining of soldiers from the UNOSOM force as a whole."²⁶ The need for both central records and a monitoring capacity was stressed in the report of the U.N.'s Research Institute for Social Development (UNRISD) in an April 1993 forum:

There is a need to establish a monitoring unit to assess the conduct of peacekeeping personnel and public perceptions concerning the behavior of United Nations security personnel. It is important that there exist an office (or ombudsman) with sufficient resources and powers to investigate and deal promptly with complaints concerning behavior."²⁷

The failure to monitor the human rights practices of either Somali leaders or UNOSOM troops meant opportunities to halt and punish abuse were missed—and the U.N.'s own reputation in the field suffered accordingly.

The U.N. had similarly failed to monitor human rights in Somalia before and during the civil war that overthrew Siad Barre, from 1990 through 1992. U.N. humanitarian agencies and policymakers therefore failed to see early-warning signals: the mobilization of pro- and anti- government forces along clan lines, the fomenting of inter-clan hatred and conflict, the mass destruction of cities and decimation of rivals' civilian communities, and the nearly complete disintegration of the state should have been communicated to international decision makers long before famine became the ultimate threat to Somali survival.

By the time UNOSOM troops arrived in force two years after Siad Barre's fall, the crisis was far advanced. The two years allowed the warleaders to fragment the country, to consolidate their use of food as a weapon, and to deny resources to civilian communities as the source of their power. When UNOSOM/UNITAF arrived in force, and facilitated the arrival of aid at the levels needed, the warleaders were already in a position to take maximum advantage of the situation: the new aid, and the resources flowing from UNOSOM's mere presence in the country, would provide them with a new source of power.

The disintegration of the state combined in Somalia with a crisis in which war and policy and nature conspired to annihilate whole populations. De facto authorities worked with militias in the murder of their enemies, the deliberate killing of civilians from clans they designated their enemies, and measures intended to destroy whole communities through hunger and thirst. The deliberate destruction of wells, burning of crops and looting of food stores there combined with drought to spell the death of hundreds of thousands, and to threaten the lives of many more. The human rights dimension was integral to the origins of the Somali crisis, but efforts to make the U.N. address human rights

²⁵ See Amnesty International, *Peacekeeping and Human Rights*, p. 2, citing the 1956 Status of Forces Agreement and the model status-of-forces agreement for peacekeeping operations, U.N. document A/45/594, October 9, 1990, para. 47(b), and United Nations, *The Blue Helmets*, p. 58.

²⁶ Former UNOSOM officer, Human Rights Watch telephone interview, Washington, D.C., March 1995.

²⁷ Amnesty International, *Peacekeeping and Human Rights*, p. 22, citing UNRISD workshop, Geneva, April 29-30, 1993.

issues (by Human Rights Watch, among other organizations), came up against ingrained resistance from a peacekeeping establishment unable rapidly to adapt to the changing world.

III. INTERNATIONAL STANDARDS

International standards that apply to Somalia since 1991 can be drawn from humanitarian law, the laws of war, which establish minimum standards applicable to internal and international armed conflict. These apply to the Somali situation in which internal conflict has acquired international dimensions through the presence of United Nations peacekeepers.²⁸ These norms applied equally to the Somali "faction" militias and to the forces of UNITAF and UNOSOM. At a minimum, Article 3 common to the four Geneva Conventions of August 1949, which applies expressly to non-international conflicts, requires the protection of those not taking active part in hostilities, including civilians, those combatants who have laid down their arms, and those placed *hors de combat* through sickness, wounds, detention or any other cause. With respect to these protected persons, Article 3 forbids

- (a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
- (b) taking of hostages;
- (c) outrages upon personal dignity, in particular, humiliating and degrading treatment;
- (d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

Article 3 also states clearly that humane treatment must be accorded without discrimination: a fundamental tenet of international human rights law with particular relevance in Somalia, given the way clan structures affect human rights abuse and protection. Protected persons "shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria."

In addition to humanitarian law, the principles of international human rights law can be applied both to authorities at the local level and to the actions of warleaders, who exercise enormous power and authority over the lives of ordinary Somalis. It is worth pointing out that, in applying the standards of humanitarian law, Human Rights Watch does not confer any special status to those engaged in armed conflict. Applying human rights standards to the actions of Somalia's rival authorities, in turn, provides an objective means to assess actions that have little to do with conflict, even when such standards apply in law only to governments.

The record of Somali leaders' attacks on U.N. forces involved gross abuses of international standards. Somali forces repeatedly ambushed U.N. forces using Somali civilians as human shields, as well as firing from buildings that should always be protected in conflict, such as hospitals. Somali forces also deliberately attacked UNOSOM medical

²⁸ There is considerable debate on whether the presence of international troops, and in particular the U.N. forces' fighting with local militias, has made the conflict one of an international character, in which case, all four Geneva Conventions would apply. Human Rights Watch believes that the U.N. and all the component forces of a U.N.-mandated military force should be prepared to apply all aspects of the four Geneva Conventions in situations in which they are engaged in combat. Even acknowledging that the Somalia situation is unique, we believe that the most basic standards of international humanitarian law, that have acquired the status of customary international law, are definitely binding on all forces operating in Somalia under the U.N. banner.

personnel, in violation of principles of humanitarian law: In September 1994, for example, Habr Gedir forces of the SNA attacked the U.N. field hospital in Baidoa, Bay Region, killing three Indian military doctors serving there.²⁹

²⁹ Reuters, "Somalis kill 3 Indian doctors at U.N. Hospital," *New York Times*, September 1, 1994.

Somali forces also violated international law by carrying out unprovoked attacks on U.N. forces engaged in humanitarian missions. On August 22, 1994, for example, ten days before attacking the Baidoa hospital, Habr Gedir forces had ambushed a supply convoy escorted by members of the Indian U.N. contingent, killing seven and wounding nine.³⁰ Somali forces in several incidents were also reported to have violated humanitarian law standards by mutilating the bodies of U.N. troops.

The human rights record of UNITAF and UNOSOM, in turn, was marked by the promiscuous use of the enormous firepower of U.N. forces, in particular the airpower of the United States contingent. In a series of armed clashes with Somali forces, scores of Somali civilians died when both sides used automatic weaponry without consideration for civilian safety. After the June 5, 1993 ambush of U.N. peacekeepers in which the twenty-four Pakistani troops were killed, the incident that marked the beginning of open conflict between UNOSOM forces and General Aideed's SNA, the humanitarian mission quickly degenerated. Defensive action and the guarding of convoys was rapidly transformed into special operations manhunts, days-long attacks with helicopter and fixed-wing gunships and an enormous toll of Somali civilian casualties.

In addition to the destruction of large areas of Mogadishu through aerial rocketing and shelling, the troops of several UNOSOM contingents were also found to have tortured or murdered Somali captives. Although Canadian military disciplinary procedures resulted in prosecutions and convictions of troops from their contingent that were responsible for gross abuses, no single UNOSOM office took effective responsibility for ensuring that uniform standards of discipline and accountability were enforced.³¹ Similarly, as this report goes to press, no single U.N. source has issued a comprehensive balance sheet of complaints made of abusive treatment by UNOSOM troops or of remedies offered in the form of criminal proceedings or compensation. U.S. Defense Department officials contacted by Human Rights Watch in March 1995 did not, in turn, identify any central repository of such information as it concerned the U.S. contingent in Somalia.

Although the body of humanitarian law is binding on the armed forces of all member states of the United Nations, provisions to monitor compliance with these standards by U.N. troops were notoriously absent under UNOSOM and UNITAF. Ironically, the U.N. has made no explicit commitment binding its own forces to observe the

³⁰ Ibid. The attackers in the Bay Region incidents were identified as Habr Gedir forces in Somalia Task Force, "Critique of the 'Report of the Secretary-General Concerning the Situation in Somalia, 17 September 1994,'" (Washington, D.C.: Somalia Task Force, October 1994). This source criticizes the U.N. report for having failed to identify the particular "armed militia" that carried out the attacks, although this was commonly known: an example of the U.N. fearing to hold anyone accountable because it might jeopardize "peace" efforts.

³¹ A Canadian army spokesman announced the arrest of four Canadian paratroopers for the murder of a Somali at Belet Huen in April 1993. Marie-Claude Lorti, "Meurtre d'un Somalien: quatre militaires canadiens arrêtés," *La Presse* (Montreal), April 2, 1993.

terms of humanitarian law, even though its component forces are so bound. Human Rights Watch has stressed that the U.N. itself is obliged to observe these standards in that humanitarian law has assumed the status of customary international law. But humanitarian law was cited in UNOSOM's mission only after attacks on U.N. troops had begun in early 1993; Security Council resolution 814 (1993), of March 26, 1993 declared that those responsible for breaches of humanitarian law would be "held individually accountable."³² The concern emerged through UNOSOM II's work to reestablish the Somali police: the police were to be prepared for "the investigation and facilitating the prosecution of serious violations of international humanitarian law," but, having no jurisdiction over U.N. forces, the police were to focus only on those who attacked the U.N.³³

³² Cited in Amnesty International, "Peacekeeping and Human Rights," p. 12.

³³ Ibid.

On June 6, 1993, the day after twenty-four U.N. peacekeepers were killed, the Security Council repeated its affirmation that those who violate humanitarian law would be held "individually accountable".³⁴ The resolution further declared that the U.N. would be "authorized to take all necessary measures against all those responsible for the armed attacks... to establish the effective authority of UNOSOM II throughout Somalia, including to secure the investigations of their actions and their arrest and detention for prosecution, trial and punishment." On June 17, 1993, a Security Council resolution called for the arrest of General Aideed. It was never made clear, however, what legal norms would be applied to any of the detentions carried out by U.N. forces.³⁵

No clear legal basis for such actions as detention was provided by the U.N. throughout the life of its Somalia mission. This in effect meant that some Somalis were arbitrarily held in a form of unregulated administrative detention without trial. If it is now known that some captives were tortured or killed in custody, we know this only because certain military contingents brought charges against their abusive personnel which eventually reached the courts and the media in their home countries. There were none of the due process safeguards for U.N. prisoners that are required of governments. Although it does not appear that large numbers of detainees were held at any time of the intervention,³⁶ the months-long detention of some Somali leaders, like SNA leader Osman Hassan Ali "Ato" (known generally as Osman Ato) were injustices—in that no U.N. official could explain why they were not arbitrary. They were also the subject of recrimination between the U.N. and the communities from which detainees were seized.

The absence of a basis in law through which to prosecute those responsible for grave abuses may also have contributed to the U.N.'s myopic passivity concerning abuses of Somalis by Somalis. So long as it had no clear legal framework to prosecute Somalis for abuses committed against U.N. personnel, there was even less prospect of holding Somali authorities accountable for atrocities against their own people. There was, and is, no international criminal court

³⁴ Security Council resolution 837, June 6, 1993.

³⁵ UNOSOM officials said they could, in fact, detain persons indefinitely under UNOSOM's Security Council mandate. Statement Relevant to the Detention of Osman Hassan Ali (Ato), UNOSOM, Mogadishu, September 23, 1993, and Farouk Mawlawi, UNOSOM spokesperson, "Addition to Statement Relevant to the Detention," UNOSOM, Mogadishu, September 23, 1993. A press report in October 1993 cited ICRC sources who said seventy-three prisoners were in UNOSOM custody, and that the ICRC was "still trying to establish on what grounds they are being held..." The same report said that UNOSOM had officially said family visits were permitted, "except for reasons of security," but that no one at the U.N. was aware of any visits having taken place. Richard Dowden, "U.N. detainees 'denied rights'," *Independent* (London), October 18, 1993.

³⁶ International Committee of the Red Cross (ICRC) press statement no. 94/4, January 18, 1994, reported that ICRC delegates had visited 206 prisoners held by UNOSOM over the previous eight months (as well as a U.S. pilot and a Nigerian soldier captured by a Somali faction). The last eight Somali detainees seized during the open confrontation with General Aideed were released into ICRC custody on the day of the communiqué.

to which the U.N. could readily turn in such scenarios, and the U.N.'s peacekeeping machinery offered no alternative legal mechanism.

IV. HUMAN RIGHTS IN A DIVIDED SOCIETY

The fragmentation of the Somali state has left a multitude of de facto authorities, often competing, sometimes collaborating, and almost inevitably backed by a degree of armed force. Based largely on the division of Somali society into a profusion of clan families, clans and subclans, these largely traditional authorities provide the body of leaders from which the warleaders derive their authority. A clan's authority ultimately lies with its traditional authorities (of whom the warleaders are only a part). These local authorities engage in complex interaction with neighboring local authorities even from nominally rival communities. It is primarily at the local level, where these authorities and their communities are organized largely on a subclan basis, that limited progress has been made toward establishing systems of order, as well as the development of inter-community alliances, dispute-resolution mechanisms, and commercial relationships. These measures by local authorities can provide a check on the power of the warleaders.

Discriminatory treatment shapes much of the human rights situation in Somalia's divided society: an individual may be singled out for summary execution, rape, or expulsion from a community solely by reason of clan affiliation. The coercive agents of Somali de facto authorities, in turn, are recruited along clan lines and driven by clan loyalties. The remedies to abuse and to common crime, too, are largely reduced to a form of commerce between clans, with punishment and compensation a question arbitrated, although Islamic courts applying shari'a are functioning in some areas.³⁷

Although the relation to authority of most Somalis is through traditional clan structures, significant sectors of the population fall outside this multi-tiered system. Those who have no clan to stand behind them, or who come from Somalia's large Bantu ethnic minority populations, may be marginalized by traditional and modern authority structures alike, and so more vulnerable to abuse. For the majority of ethnic Somalis, however, the clan elders are their intermediaries in dealings with other clans and with regional and national figures. The subclan provides the means through which they seek justice, mobilize in temporary grassroots militias, and secure access to essential resources.

While the subclan may have the capacity to protect the individual, killings and forced displacement by reason of one's clan identity continue to be a regular feature of Somali society. In April 1994, longstanding rivalry between the Hawaadle and Habr Gedir subclans led to an outbreak of fighting in South Mogadishu that illustrates these divisions of society.³⁸ After fierce clashes, when Gen. Aideed's Habr Gedir militia emerged triumphant, the Hawaadle were expelled wholesale from the city. The expulsion, and summary executions carried out at that time, were described to Human Rights Watch by two Somali U.N. officers:

In April 1994, the Hawaadle and Habr Gedir fought near the airport and near the Green Line. The Hawaadle were defeated. The Habr Gedir militia went after civilians throughout South Mogadishu, very specifically targeting Hawaadle households. Ninety-eight percent of the Hawaadle in South

³⁷ "Diya," or "blood money" is a form of compensation for the victims of crime that is negotiated with the representatives of the individual responsible. Traditionally, every Somali is a member of a diya-paying group which is organized along subclan family lines. It is the diya-paying group which negotiates and ultimately pays, not the individual and his or her nuclear family.

³⁸ According to one analyst, the Hawaadle, which had maintained a community in South Mogadishu, were the principal group to benefit from the bloody estrangement between General Aideed's SNA and the UNOSOM. After open conflict broke out in June 1993, the Hawaadle took over UNOSOM jobs and contracts as the Habr Gedir turned to open fighting. John Prendergast, *The Gun Talks Louder Than the Voice, Somalia's Continuing Cycles of Violence* (Washington, D.C.: Center of Concern, July 1994), p. 6, citing Africa Confidential, March 18, 1994, p. 6.

Mogadishu were displaced from their homes. When fighting first broke out, it was "ethnic cleansing." People fear coming back because many Hawaadle were pulled out their houses, killed, and had their bodies displayed on the First July Square.³⁹

³⁹ U.N. officers, Human Rights Watch interview, Mogadishu, February 1, 1995. The leader of the Hawaadle in the Mogadishu fighting was faction leader Abdi Osman "Pilot."

Another source confirmed this, and said that after the fighting "the Habr Gedir militia killed eight to ten men, mostly of them middle-aged, and displayed their corpses after as a warning to others. The square is now commonly known as "The Tribuna," or viewing stand.⁴⁰

Killings Through the Indiscriminate Use of Force

Killings through the indiscriminate use of firepower are less likely to be documented than other killings, the victims often remain anonymous. But this type of killing appears to account for the majority of civilian dead in Mogadishu and other urban areas both before and since UNOSOM began. The use of indiscriminate shelling by the rival forces of Ali Mahdi and General Aideed reached its extreme between November 1991 and March 1992, when shelling by heavy artillery killed at least 14,000 people and injured some 27,000, as much of Mogadishu was reduced to rubble. The majority of the victims were civilians.⁴¹

The full range of weapons left by Siad Barre—heavy artillery, tanks, mortars, missiles—were used, often by untrained teenagers. A particularly favored weapon was the "technical"—an open-backed land cruiser or truck on the back of which was mounted a recoilless rifle, heavy machine gun, mortar, or other weapons system. The technicals moved through streets at high speed, spraying a target with fire before disappearing. Like so many other weapons, they were used indiscriminately by the forces of the warleaders.

The persistent use of heavy weapons even in densely populated urban areas continued sporadically after UNOSOM arrived, although it did not reach the level of early 1992. A Somali official noted that during major confrontations the past pattern can resume: "In Mogadishu, [when clashes break out] there is heavy fighting all day long with heavy artillery. Casualties are usually civilians killed randomly."⁴² The potential for a renewal of major clashes involving the mass destruction of civilian areas through artillery barrages remains. Most recently reported incidents, however, have involved indiscriminate fire on a lesser scale.

A clash in September 1994 between Ali Mahdi's Abgal forces and a rival leader of the United Somali Congress (USC), Mohammed Kanyare, in the neighborhoods of Bermuda and Medina in South Mogadishu illustrates recent abuses of the laws of war through the indiscriminate use of force. According to Somali sources, Kanyare, who lived in Bermuda and headed the Murosade faction of the USC, had opened contacts with Aideed.⁴³ Fighting broke out between Murosade and Abgal militias in September and soon spread to Medina. Abgal forces apparently responded after

⁴⁰ Somali official, Human Rights Watch telephone interview, Nairobi, March 1995.

⁴¹ Africa Watch (now Human Rights Watch/Africa), "Somalia—A Fight to the Death?," (*A Human Rights Watch Short Report*: New York, February 13, 1992), based on calculations made by Human Rights Watch and Physicians for Human Rights. Other estimates have put the figure at 30,000 dead or more. See also, Human Rights Watch, *The Lost Agenda*, p. 113.

⁴² Somali aid official, Human Rights Watch interview, Nairobi, January 19, 1995.

⁴³ This account is based on an interview with two Somali UNOSOM officials, Human Rights Watch, Mogadishu, February 1, 1995.

Kanyare had brought in militia and heavy weapons into the area and received the support of Habr Gedir (Sa'ad) militia forces. Heavy weapons were reportedly used indiscriminately, without concern for the protection of civilians, and the looting and burning that followed the fighting reportedly followed strict clan lines:

As they were being pushed out of Medina, the Murosade fired a mortar into the Medina market in December, killing ten civilians. The Murosade were finally driven out of Medina in late December, and the front shifted to Bermuda, where there were no gains by either side in the whole month of January. Abgal continue to control the majority of the area. Most Abgal houses were burned and looted by the Murosade. In Bermuda only nine Abgal houses have been spared in the Murosade-controlled area of Bermuda—by reason of inter-clan marriages.⁴⁴

The use of heavily armed technicals also continues to be reported in many parts of the country. A Somali relief worker, for example, told Human Rights Watch of a massacre in a remote village last year:

There was a massacre in Gudude by the Habr Gedir of Ogadenis at the end of July 1994. Seven Ogadenis—including women—were killed when a Habr Gedir technical opened fire in the village. The local security returned fire and killed six Habr Gedir. It was sparked by four Habr Gedir being killed a few days before in battle. In 1991-92, massacres were common. They have stopped now. If you kill, you must expect revenge, so why kill?⁴⁵

Extrajudicial Executions

Extrajudicial execution is widely reported as a political tool to eliminate particular individuals, with many cases reported to Human Rights Watch from the Mogadishu area. Asked to confirm that the display of bodies was still a practice in South Mogadishu, a Somali official provided several recent examples of individuals who had been seized from their homes and then executed. He added that just a week before discussing this with Human Rights Watch he had been visited by a survivor of a failed execution in Mogadishu's Red Square:

I cannot remember the number of times that I have seen such a barbaric action in the Red Square "Tribuna" of South Mogadishu. In fact, [name withheld] is one of the survivors of such an atrocity. I met him a week ago here in Nairobi... It was Friday, 22 April 1994 at midnight, when a group of armed men attacked him in his house, near the International Airport of Mogadishu, and took him to the Red Square. He was laid down together with eight other young men and all of them were shot. Their bodies were displayed and left there. Apart from the heavy injuries that he is still suffering, Mr. [withheld] is the only survivor among those nine men. Among the murdered were Abdi Hassan Guleid

⁴⁴ Ibid. Another Somali source, a senior official, said this disastrous conflict for the Murosade was a consequence of Kanyare's failure to consult traditional authorities: "Mohammed Kanyare was the chairman of the USC and he switched to Aideed's side in 1994 without consulting his people. His sub-subclan followed him (the Habr Mohammed), who attacked the Abgal but were defeated. He is the biggest loser of all." Human Rights Watch interview, Nairobi, January 20, 1995.

⁴⁵ Somali official, Human Rights Watch interview, Nairobi, January 21, 1995.

and Hulli Mohamud. He was unable to remember the names of the other people who were killed and displayed.⁴⁶

⁴⁶ Former Somali UNOSOM advisor, Human Rights Watch telephone interview from Washington, D.C., March 1995.

Recently, political murder of community leaders has become more common, sometimes apparently motivated by efforts at reconciliation led by traditional clan leaders. Although the warleaders risk losing support should they disregard the collective leadership of the clans from which their manpower is drawn, warleaders may aim to preserve their control by disrupting inter-clan reconciliation. A Somali observer told Human Rights Watch, "These killings are rare—because of fear of retribution."⁴⁷ Another source stressed powerful traditional injunctions against attacks on elders: "In one case in Belet Weyne, in 1992, a clan elder was killed deliberately. It was a horror story; an enormous scandal. An elder being targeted is very rare."⁴⁸ This notwithstanding, Human Rights Watch was told of a series of execution-style murders of clan leaders by General Aideed's Somali National Alliance (SNA) forces in recent months. A week before our researcher visited Mogadishu at the beginning of February 1995, a sultan and nine other Degodia people were reportedly seized and slaughtered by Habr Gedir militia, apparently for having sought to promote reconciliation with other subclans. Their bodies were reportedly put on display by General Aideed's forces in Mogadishu.⁴⁹

Similarly, a senior elder of the Digil-Mirifle, Sultan Abdi Hamid Sheikh Hussein, from Dinsor, was reportedly murdered in December 1994—apparently because he was advocating for the rights of the Digil-Mirifle (also known as the Rahanweyne). He was reportedly killed in front of SNA headquarters near Digfer Hospital in Mogadishu.⁵⁰ Other Somali sources told Human Rights Watch that dissent in areas of Mogadishu controlled by General Aideed's forces was routinely suppressed by murder. One source illustrated this with the case of a Rahanweyne religious leader, Sultan Abdulhamid Sheikh, who had expressed strong critical views at a conference hosted by Aideed in November 1994 in South Mogadishu: "He was killed that night."⁵¹

Intimidation sometimes takes the form of threats to the families of independent leaders. A sultan from Lower Shebelle who was interviewed by Human Rights Watch described his family's kidnaping by SNA militia in 1994 as a measure of intimidation as well as in demand of ransom; the sultan now lives in hiding.⁵² Sometimes intimidation related to local efforts to cooperate with UNOSOM's political initiatives, such as the creation of district councils or the administration of the police.

Acts of intimidation are also reported even between close allies; a Somali analyst told Human Rights Watch that General Aideed's longtime supporter, Osman Ato, who had spent months in UNOSOM detention in 1993, had himself been threatened:

⁴⁷ Somali official, Human Rights Watch interview, Nairobi, January 20, 1995.

⁴⁸ Aid official, Human Rights Watch interview, January 18, 1995.

⁴⁹ Senior elder, Human Rights Watch interview, Baidoa, January 24, 1995.

⁵⁰ A former senior UNOSOM advisor identified the person responsible for the murder of Sultan Abdi Hamid Sheikh Hussein as a senior leader of the Ayr group of the Habr Gedir (Human Rights Watch was also given the individual's name). This source said the murder was ordered because the Sultan had refused to attend Aideed's

reconciliation conference in November 1994. Somali official, Human Rights Watch interview, Nairobi, January 19, 1995.

⁵¹ The victim was an elder of the Dabarare subclan of the Digil/Rahanweyne. Somali official, Human Rights Watch interview, Nairobi, January 20, 1995. The killing was also confirmed with a Somali former UNOSOM advisor in a March 1995 telephone interview from Washington, D.C.

⁵² Somali traditional leader, Human Rights Watch interview, Baidoa, January 24, 1995.

On his release, Ato announced that he was for peace. He met with the ugas (a traditional "chief of chiefs") in North Mogadishu. After saying that he was maybe not with Aideed, his house was forcibly entered, and Aideed's thugs intimidated him into falling into line. Ato underestimated Aideed.⁵³

Another Somali commentator also described a growing rivalry with the two Habr Gedir leaders, and the limits on Aideed's options to deal with his colleague. "Osman Ato is also asking questions of Aideed's leadership. Aideed sees Ato as the real challenge, but can't kill him because Ato is influential within [Habr Gedir subclan] Sa'ad."⁵⁴

⁵³ Somali analyst, Human Rights Watch interview, Nairobi, January 19, 1995.

⁵⁴ Senior Somali elder, Human Rights Watch interview, Nairobi, January 20, 1995.

A Somali official told Human Rights Watch on January 23, that just five days before, the wife and three children of Gen. Omar Abdulle, a Rahanweyne leader from Bay Region, had been kidnapped by SNA forces in Mogadishu. This was allegedly intended to influence his work as a member of an inter-factional committee formed to establish the police at the national level. He had, according to this account, been pressured by the SNA to agree to have more Habr Gedir police. "He said he couldn't do this on his own authority, and his family was soon kidnapped."⁵⁵

Other warleaders, too, have been responsible for kidnappings, threats and atrocities targeting community leaders, including several notorious incidents of mass killings. In December 1992, just days before the first U.N. troops landed, the warleader Col. Ahmed Omar Jess, a member of a branch of the Ogadeni subclan (the Mohammed Zubeir sub-subclan), sent his forces from house to house in the southern port of Kismayu, to seize and kill prominent members of the Harti subclan (which includes the Majerteen and Dolbahante). Human Rights Watch received the names of 126 clan elders, religious leaders and others from the Harti community who were reportedly killed in Kismayu between December 8 and 10, 1992.⁵⁶

UNOSOM's civilian employees were also targeted by the warleaders' forces. A series of attacks occurred in the wake of the open hostilities between UNOSOM and General Aideed after June 5, 1993. Somalis who were involved in the political side of UNOSOM's work, including the area of public information, were under particular risk. In an attack on July 7, four Somali employees of the U.N. paper, *Maanta*, were murdered by Aideed's SNA militias. A senior Somali analyst described this to Human Rights Watch:

Four *Maanta* employees were killed in mid-1993 in an ambush at K5 (a traffic circle) in Mogadishu. Three were killed on the spot; one was taken and cut into pieces. *Maanta* was attempting to mobilize people for peace. Aideed wanted to close down *Maanta*.⁵⁷

In February 1995, in Mogadishu, as the U.N. prepared to withdraw, Human Rights Watch also met with Somali staff members of UNOSOM's Political Affairs Division who sought assistance with their requests for support and protection from the U.N. A letter to Human Rights Watch, dated February 2, 1995, described cases in which they and colleagues had been threatened with death, suffered beatings and stabbings, or been attacked with gunfire in assassination attempts. The letters' signatories were fourteen UNSOM staff members who served as national officers, translators, interpreters and secretaries. These staff were afraid of more and worse to come.

It is apparent that the aftermath of UNOSOM will affect our lives... We also dread [meeting] the same fate as that of the Rwandan Tutsi intellectuals working for the U.N. who were left behind to be

⁵⁵ Somali official, Human Rights Watch interview, Baidoa, January 23, 1995.

⁵⁶ Human Rights Watch, *The Lost Agenda*, p. 114 and Africa Watch, "Somalia: Beyond the Warlords; The Need for a Verdict on Human Rights Abuses," *A Human Rights Watch Short Report*, vol. 5, no. 2, p. 10. The Harti is a name given to a subdivision of the Darod clan grouping the Majerteen, Dulbahante and Warsangeli sub-clans.

⁵⁷ Somali analyst, Human Rights Watch interview, Nairobi, January 19, 1995.

massacred. ...Heinous revenge was already taken against UNOSOM local personnel.... One can simply envisage the recurrence of the same fate for us...⁵⁸

⁵⁸ Staff of UNOSOM-Political, letter to Human Rights Watch consultant John Prendergast, February 2, 1995 (names are withheld).

They believed their plight was due to their responsibilities for the "bottom up" side of UNOSOM's program: the development of district councils, women's groups and other building blocks of civil society that persisted even as top-level UNOSOM officials dealt primarily with the warleaders. As described in their letter, their work at the community level "put us under the scrutiny of those who did not like the political course, initiatives, policies and intentions of the mission."⁵⁹

One Somali analyst told Human Rights Watch that there were particular problems for the former Somali employees who worked in the political reconstruction effort:

For those working in the political affairs division, justice, or in public relations for UNOSOM, there are many problems. They have been accused by faction leaders of misinformation. There are frequent SNA broadcasts against Somalis working with UNOSOM. They are accused of helping to bring back neocolonialism. They are warned by factional representatives: "We will see what will happen to you when UNOSOM goes." The Somali UNOSOM workers will lose salaries and their ability to hire personal security. Factional leaders felt threatened by the district councils; and it was the UNOSOM-Political Somalis who helped UNOSOM construct the district councils.⁶⁰

This source cited the murder of employees of the UNOSOM newspaper, *Maanta*, and the assassination attempt on UNOSOM political advisor Prof. Ahmed Mumin Warfa, as examples of the threat.

Professor Warfa, who was the senior advisor to Leonard Kapungo, director of UNOSOM-Political, from late 1992 to September 1994, told Human Rights Watch of his own experience and the threat facing colleagues who may be left behind. He said he was ambushed on February 24, 1994 by eleven gunmen led by an SNA militia leader, days after SNA officials threatened him with death. He was shot five times, but received emergency treatment in Mogadishu. He subsequently fled to Nairobi with his family.⁶¹ Professor Warfa believes that members of UNOSOM's Political Division staff, from translators to specialists, are now vulnerable "to one of the young gunmen." Those who were involved in "grassroots work" for UNOSOM-Political face the most serious threat.⁶²

Another Somali, responsible for humanitarian assistance in Baidoa (Bay Region), told Human Rights Watch of his being targeted over the disbursement of aid. He told us that shortly after UNOSOM troops pulled out of Baidoa, one group which had been denied assistance had in December 1994 sent ten gunmen to capture him at his home. He had armed men with him, however, and they repulsed the attack. He added that "the elders eventually settled the problem."⁶³

⁵⁹ Ibid.

⁶⁰ UNOSOM officer, Human Rights Watch interview, Nairobi, January 19, 1995.

⁶¹ Professor Ahmed Mumin Warfa, Human Rights Watch interview, Nairobi, January 19, 1995.

⁶² Ibid.

⁶³ Somali UNOSOM officer, Human Rights Watch interview, Baidoa, January 23, 1995.

Senior non-Somali UNOSOM officials interviewed by Human Rights Watch denied that local staff would be at risk; some implied that any trouble they would face would be no responsibility of the United Nations. For example, Babikar Khalifa, the officer-in-charge of UNOSOM-Political Division, told Human Rights Watch in Nairobi, "No one is at risk. The Somalis are exaggerating. Only those that meddled in politics are at risk, and UNOSOM can't be blamed."⁶⁴ That UNOSOM's political affairs division, in the conduct of its agreed mission, may have been seen by the warleaders inherently to be "meddling in politics," however, would tend to reinforce concerns for the safety of its Somali employees.

When Human Rights Watch raised the question of post-withdrawal security with U.S. Amb. Daniel Simpson, he too expressed skepticism that ex-UNOSOM staff would face risks, while, like Mr. Khalifa, suggesting that it was their own fault if they did: "Somalis who worked for UNOSOM were doing it for the money"; he added, "they made their own deals."⁶⁵

At the time of the withdrawal, however, the U.N. had not taken effective action to protect its Somali employees. A Somali analyst told Human Rights Watch:

The U.N. has done nothing. The Somali UNOSOM employees went to the director of the Political Office and gave him a letter, especially after the threats intensified after the U.N. moved from the embassy compound to the airport. There has been no reply as of yet. The U.N. is abandoning people from the Political Division just like they did those from the Justice Division ... These people should be given political asylum if they cannot be given protection.⁶⁶

Local UNOSOM officials were in large part dependent on private guards, and had salaries commensurate to this need; even where armed relatives provided security for Somali employees, funds were needed to pay for their food and upkeep. All of these salaries, however, were due to end at the end of February, and with them the possibility of maintaining private guards. "The presence of UNOSOM also inhibited attacks; now that they are going, the UNOSOM 'family' is not there to protect them."⁶⁷

Forced Displacement and the Vulnerable Dispossessed

Hundreds of thousands of Somalis have been dispossessed and displaced in the past five years, expelled from their homes and cut off from their source of livelihood because of their kinship. Many internally displaced as well as those who have fled across borders have returned to their places of origin, while others continue to flee their homes under threat of death. The expulsion of civilians from rival or weaker communities continues to be an objective of clan-based militias. Even at the height of UNOSOM's military presence in Somalia, operations by competing warleaders resulted in the expulsion of members of "enemy" groups from whole territories.

The enormous populations displaced since 1992 are highly vulnerable to abuse. In December 1994, in an appeal for \$70.3 million for continuing emergency assistance in Somalia, the U.N.'s under secretary-general for humanitarian affairs, Peter Hansen, stressed the particular needs of those displaced by the years-long Somali crisis. The

⁶⁴ Babikar Khalifa, officer-in-charge of UNOSOM-Political Division, Human Rights Watch interview, Nairobi, February 1, 1995.

⁶⁵ Amb. Daniel Simpson, Human Rights Watch interview, Nairobi, February 2, 1995.

⁶⁶ UNOSOM officer, Human Rights Watch interview, Nairobi, January 19, 1995. In a telephone interview with former UNOSOM staff in Mogadishu, from New York, Human Rights Watch was told that as of March 25, no change in the U.N. position had been communicated to staffers who had sought assistance.

⁶⁷ Ibid.

U.N. at that time said there were an estimated 350,000 displaced within Somalia, and another 600,000 Somali refugees in Ethiopia and Djibouti who need assistance.⁶⁸

⁶⁸ Barbara Crossette, "Somalia Aid Groups Seek Help as U.N. Leaves," *New York Times*, December 23, 1994.

In February 1995, an official of the International Organization for Migration told Human Rights Watch that between 150,000 and 200,000 internally displaced people remained in Mogadishu as UNOSOM prepared to withdraw, with most of them from Lower Juba and Lower Shebelle. Security problems, and the impossibility of controlling distribution of assistance fairly, meant that systematic efforts to assist this population had largely ceased over the past year. Although an estimated eighty to ninety camps were located around the city, with each housing from thirty people to thousands, no registration of the displaced and no formal organization of the camps had been carried out. The vast majority of the displaced are women and children: the IOM estimated up to 80 percent.⁶⁹ The displaced are also housed in and around other towns and cities of the south.

In the past year, forced displacement has taken many forms. The Abgal routed the Murosade out of the Medina neighborhood of Mogadishu, and the Murosade in turn burned many of the Abgal homes in neighboring Bermuda. But most of the new displacement in Somalia was caused by Habr Gedir advances, pushing Biyaamal leaders (officials, elders, and the sultan) out of Merca and the Hawaadle from South Mogadishu, Belet Weyne, Bullo Berti, Jalalaxi, and Lower Shebelle. Those displaced correspond to those who present a military or political challenge to the Habr Gedir. For example, when the Hawaadle attacked Habr Gedir-occupied Belet Weyne on December 26, 1995, the latter responded by destroying two Hawaadle villages, Badeere and Bowholle in Hiran Region. Some Bantu have been pushed from the west to the east side of the Juba River, primarily by Ogadeni gunmen looking to expand their territory.

The displaced who are members of ethnic minority groups, or agricultural communities expelled from their land, are frequently targeted. So too are members of these communities in areas disputed between more powerful groups. A pattern of raiding, sometimes with an aim to strip communities of their harvests, in other cases to expel them from the land, has been the frequent context of clan-based murder, rape, and terror. In the civil war of 1991-1992, raiders frequently stripped whole communities of the very means of survival—destroying wells and looting or destroying food stores, tools, seeds and livestock. A consequence of these scorched-earth tactics between the Juba and Shebelle rivers, the country's principal agricultural area, was that the effects of famine were magnified for precisely those food-producing communities on which the Somali people had depended. Today the survivors of these agricultural communities continue to be subject to raiding and land-grabs. One interviewee said simply, "The most vulnerable now are those who always were: the Bantus, the Rahanweyne. For thirty years these people have been displaced by land grabbing, and are still vulnerable."⁷⁰

As that source noted, a principal target of looters and of eviction operations are members of the large communities of Bantu (or Gosha) farmers and plantation workers in the area between and on both sides of the Juba and Shebelle rivers.⁷¹ A Bantu elder told Human Rights Watch of Ogadeni raids in the Juba river valley:

⁶⁹ Aid official, Human Rights Watch interview, Mogadishu, January 31, 1995.

⁷⁰ Aid official, Human Rights Watch interview, Nairobi, January 19, 1995.

⁷¹ The Gosha speak a Bantu language and form a group distinct from the ethnic Somali population; large numbers of Gosha were brought forcibly to what is now Somalia as slaves from the south in the 18th and 19th century. They and the Oromo,

The Ogadenis are trying to chase out the Bantu northwest of Gelib. The villages of Haraawe, Osman Moto, Malenda and others were targeted because of their fertile land. The Ogadenis come at night to the house or farm and take all possessions. They don't burn houses, and only attack you if you try to stop them.⁷²

Bantu leaders described a recent example in which raiders waited for crops to be harvested, then moved to seize them:

originating in Ethiopia, are the principal minority groups in the country. Both were among the principal victims of the civil war and the famine and they remain particularly vulnerable population groups. (See John Prendergast, *The Gun Talks Louder Than the Voice*, pp. 16-17). As the community leaders interviewed by Human Rights Watch referred to themselves as Bantu, rather than Gosha, this text uses the former term.

⁷² Bantu leader, Human Rights Watch interview, Kismayu, January 28, 1995.

The night before last, looters came to the house of [name withheld by Human Rights Watch], a Bantu from Makalango village [on the west bank of the Juba, across from Kamsuma]. He had just harvested sim-sim. They tied him to a tree and took everything. No one knows who, they wore masks made of cloth. They usually come into town on foot with machine guns; no horses, no vehicles. The daughter discovered him at noon the next day, still tied. This happens weekly to different people. Those responsible are Habr Gedir, Biyaamal, Sheikhal, Galgaal, and Ogadeni. The last three are the worst, because they don't want to farm, they just want to take what others cultivate.⁷³

Elsewhere, whole communities have been expelled on pain of murder. Bantu community leaders described recent developments in the Lower Juba region:

Bantus have to pay protection money throughout the Juba valley. The worst situation is in the Juba valley northwest of Gelib. The Ogadenis come from Bilegsa and Farshalbele [near Merere] to Bantu villages by foot and begin firing guns so people run away, and then they loot, day, night, anytime. Villages looted in the last year were Osman Moto, Kalanje, Marere Jimo, Hargesu, Mukuyuni, Shargard, Moblen, Kumaydhe, Libanga, Kamtande, Hatul-Baraka, Sandariya, Abdalakakane, Asbole, Beledul-Karim, Kumbarera, Bula-Marer, Haraw, Kulow, Danbaley, and Jija... Sometimes they beat Bantus and force them to carry properties from these villages to Afmadow by foot. They are trying to move Bantus off their land; they loot and tell Bantus to leave. This only happens northwest of Gelib. Attacks are usually carried out by twenty or more men. About half the people of Mofi are gone...⁷⁴

The attacks by Ogadeni on Bantu communities in Lower Juba are echoed by attacks by Habr Gedir forces on Ogadenis, apparently aiming to protect trade routes and access to the production of the inter-river region.⁷⁵ In the face of Habr Gedir military power, it is the Ogadenis who are most vulnerable, according to one commentator, himself an Ogadeni. While the same source noted that the Habr Gedir had helped Bantus in recent fighting, he added, "Bantus are trapped in the middle, suspected by the Ogadeni of supporting Habr Gedir, and vulnerability increases for Bantus when fighting erupts."⁷⁶

⁷³ Bantu displaced in Kismayu, Human Rights Watch interview, Kismayu, January 29, 1995.

⁷⁴ Bantu displaced in Kismayu, Human Rights Watch interview, Kismayu, January 29, 1995.

⁷⁵ An Ogadeni relief officer told us "The Habr Gedir are there for military and political strategy—they have outposts in Lower Juba to protect Lower Shebelle. They won't invest too much in the Juba valley because they know they can't control it." Somali relief officer, Human Rights Watch interview, Nairobi, January 21, 1995.

⁷⁶ Ibid.

In some areas, Bantu farmers are protected, while reduced to a form of servitude in that they are regularly subjected to looting of their crops and goods by their nominal protectors. One interviewee described the Bantu situation in areas under Habr Gedir control as fairly positive. The Habr Gedir "are using the Bantus as laborers," by this account, but "the Bantus are not slaves, they are contract farmers..."⁷⁷ Such accounts should be balanced, however, against evidence of other measures to prevent Bantu leaders from organizing independently, including attacks on those who threaten to ally themselves with rivals. A Habr Gedir official described this:

Those not armed are the most vulnerable. The Bantu, for example. SAMO [Somali African Muki Organization], the Bantu political faction, was allied with Ali Mahdi, although some switched to Aideed. It doesn't represent the Bantu grassroots; it's just one or two people. The SAMO-SSA chairman lives in Medina in Mogadishu. Aideed's people would kill him if they could. In Afgoi, SAMO tried to have a Congress in October 1993, but Aideed's militia shot it up and destroyed all the preparations. People have no chance to get together to discuss. The SAMO-SSA wanted to change chairmen in June 1994, but Ali Mahdi refused.⁷⁸

In the Shebelle river valley, in Hiran region north of Mogadishu, the Bantu population had suffered displacement and starvation earlier in the civil war, and now provides labor to dominant clans:

In Hiran Region, the Bantu are completely neglected and have no influence. Their lands have been taken since the civil war began by Hawaadle and sometimes Habr Gedir. They were displaced by the fighting, and often came back and found their land occupied. They are often working on their own land now for someone else. They won't necessarily go hungry; they are needed for their labor.⁷⁹

Another source used almost the same terms to describe the situation of farmers of the Hawaadle and Rahanweyne communities who were displaced from Lower Shebelle and other areas by the Habr Gedir, but allowed to return as laborers: "They now work the land they used to own."⁸⁰

Sexual Abuse in an Absence of Law

The sexual abuse of women by the armed men of rival clans' militias or *moryan*—bandit—raiders has been a persistent feature of the Somali conflict. Women among the hundreds of thousands of displaced, and others who lack the protection of powerful clan structures, are particularly vulnerable. One prominent Somali woman official described rape by both bandits and clan-based militias as endemic: in Benadir Region, which includes Mogadishu, "The moryan rape indiscriminately."⁸¹ Compensation has sometimes been won—for the victim's diya group, not the woman herself—when elders have sought restitution from the offending clan. The official interviewed told Human Rights Watch that she had herself witnessed a raid in August 1994, when she was in Jowhar, to the north of Mogadishu in Middle Shebelle region, in which "Abgal gunmen crossed the main road and raped numerous Galgaal women." In that case compensation was sought and won ("Elders sat and discussed this afterward and money was paid by the Abgal").⁸²

⁷⁷ This account continued, "The Bantu are safe and doing well, bringing vegetables to Mogadishu that they produce for themselves and working on the farms of others for money or bananas." Ibid.

⁷⁸ UNOSOM officer, Human Rights Watch interview, Nairobi, January 19, 1995.

⁷⁹ U.N. aid officer, Human Rights Watch interview, Baidoa, January 22, 1995.

⁸⁰ Aid official, Human Rights Watch interview, Baidoa, January 24, 1995.

⁸¹ Somali official, Human Rights Watch interview, Nairobi, January 19, 1995.

⁸² Ibid.

In Kismayu, a health officer stressed that "mothers and children suffer worst in war." Cut off from resources and services, and restricted in their movements, they are readily victimized by "looters." In Kismayu, rape was most common in 1991-1992, and continues.⁸³

The enormous toll of famine and war that peaked in 1992 had Baidoa, in Bay region, as its virtual epicenter, with women and their children predominant among the dead. Of the women who have survived, many were displaced by the conflict and are living in and around Baidoa. In a long interview, a senior Rahanweyne elder told Human Rights Watch that he continued to be most concerned about the safety of women and children in Bay region.

⁸³ U.N. health officer, Human Rights Watch interview, Kismayu, January 28, 1995.

Most fathers ran away from their families when the war came; women and their children were unable to run. Most of those who died were mothers and children. Baidoa was the City of Death. The men caused the deaths of the children and women.⁸⁴

Participants in a Somali program for displaced people in Baidoa described rape as a frequent threat to women in the region, including its own members. For the displaced, "rape is common."⁸⁵ According to its members, the program was established as a cooperative in April 1993 in order to create employment for the women in town, and now has sixty-five women participating in training and income-generating activities. It also runs a school. Most of the members have small children, and 40 percent are widows; most survive by collecting firewood or through petty trading. "The women feed the families." The displaced are mostly members of the Hariin subclan of the Rahanweyne and have little protection from rape:

One woman from the organization—who is now in the hospital—was looking for firewood when she was raped by sixteen men. She couldn't walk and was left for two days until she was discovered. This was in November 1994. Her name is [name withheld by Human Rights Watch] and she lives in BP1, one of the displaced camps in Baidoa. She is Hariin, as are most of the women in the displaced camps. Subclan fighting devastated the Hariin, especially at the hands of the Hadamo subclan of Rahanweyne.⁸⁶

The women's vulnerability is compounded by the long walks in isolated areas required by their struggle to survive. According to the women interviewed, each usually requires six trips to bring water for her family and to reach the market to sell. Collection of firewood often requires a walk of up to fifteen kilometers outside the center of town. Rape is always a danger: "Men wait for them to leave the camp."⁸⁷

A staggering number of rapes, as well as abductions and forced marriages, occurred during the civil war. Rape was a tactic of war used by all the militias, particularly during the fighting of 1991-92, but by no means confined to those years. In the course of research in Somalia in October 1993, Human Rights Watch received accounts of rape by all the Somali factions. A forty-year-old Rahanweyne woman in a camp for displaced persons in Bay region gave the following account of an attack by Marehan militia: "The Marehan killed, looted, raped, and kidnapped women....As far

⁸⁴ Senior elder, Human Rights Watch interview, Baidoa, January 24, 1995.

⁸⁵ Members of women's group, Human Rights Watch interview, Baidoa, January 24, 1995. In a Bay region women's association visited by Human Rights Watch in October 1993, the members estimated that about three-quarters of their approximately 500 members had been raped. (Human Rights Watch interview, Baidoa, October 1993.)

⁸⁶ Members of women's program, Human Rights Watch interview, Baidoa, January 24, 1995.

⁸⁷ Ibid.

as I know, about sixty women were taken. I know them personally. They even took one of my daughters....She is nineteen years old. [She] is now in Kenya....She was forcibly married to a Marehan, a gunman."⁸⁸

⁸⁸ Human Rights Watch interview, Baidoa, October 1993.

Testimonies about the activity of Aideed's forces in 1992 were equally horrific. A fifty-two-year-old Rahanweyne woman from Baidoa interviewed in Bay region during October 1993 said, "The Aideed forces came and took Baidoa from the Marehan by force.... Where they found Marehan people were staying, they raped the women and killed many people."⁸⁹ A twenty-two-year-old Elai woman from Jawarey, a village between Saco Weyne and Bardera, said:

I was in the market early in the morning when people started shooting both in the air and at people. It was the Aideed militia, all Hawiye. They raped many women. They looted the market stalls of money, clothes, and sugar. That is what they came for. Not grain or anything else. Then they moved through the town collecting all the animals they could find. Many more women were raped.⁹⁰

A forty-year-old man from the Darod, interviewed in Gedo region during October 1993, told of an attack by the Ajuran, a Hawiye clan: "They raped many women and then killed some of them. They did not take any captives."⁹¹ An Ajuran woman of about the same age from Middle Juba region was interviewed in that region during October 1993 and described an attack by other Hawiye soldiers. She said, "They took about ten women to care for the animals that they stole. I have not seen any of them again. They raped nearly all the women."⁹²

Other women of the Rahanweyne described attacks by Ogadeni militia. One, from the Leisan clan, described how women were forced to betray their husbands or face being raped: "Nine of ten women were raped. When they came to the village, they asked the women where the men, the livestock, and the grain were. If the woman didn't answer, she got raped. If she did, she had to escort the soldiers to the food or livestock or the husband."⁹³

A UNOSOM official gave Human Rights Watch examples of cases in Gedo region, during its visit there in October 1993. In early October, a woman was raped by more than twenty people on the Bardera to Baidoa road; the previous week, when a group of women was stopped while traveling on the same road, the Rahanweyne women were singled out and raped.⁹⁴

⁸⁹ Ibid.

⁹⁰ Human Rights Watch interview, Gedo region, October 1993.

⁹¹ Human Rights Watch interview, Baidoa, October 1993.

⁹² Human Rights Watch interview, Gedo region, October 1993.

⁹³ Human Rights Watch interview, Baidoa, October 1993.

⁹⁴ UNOSOM official, Human Rights Watch interview, Gedo region, October 1993.

The women of some vulnerable communities, notably the non-Somali minority known as the Bantu (or Gosha), fall outside the Somali clan structure. Their communities lack militias, and ethnic Somalis accord them low social status. A Rahanweyne official told Human Rights Watch the Bantu suffered because "many believe that the Bantu are inferior, and think they shouldn't have rights."⁹⁵ The latter was described by one interviewee as placing them largely outside traditional systems of arbitration and compensation.

⁹⁵ U.N. aid official, Human Rights Watch interview, Baidoa, January 22, 1995.

There are constant compensation meetings between elders—agreeing blood money—that are very elaborate. The individual receives money after the clan negotiates in an everyday process. But social status dictates level of recompense; it is not a process of equals. The Bantus can't take advantage of these processes.⁹⁶

Members of the Bantu agricultural communities of the Juba river area described rape as a routine of raiders who loot, intimidate and sometimes kill the rural population. When militia from clans seeking to take over an area raid Bantu communities, rape is endemic. "The number of rapes is so large it is uncountable. Rapes happen during attacks, as well as against women in the fields."⁹⁷ One case was cited of a person killed in 1994 for having tried to stop the rape of his wife:

Mohammed Sekondo was killed in Fagan village in Jamaame District. He was killed by Ogadenis. Abdi "Dhere" is the militia man who killed him. Abdi tried to rape Mohammed's wife and Muhammed said, "You will never rape my wife in front of me," so then Abdi shot him. The leader of the Ogadeni militia responsible for this is Ahmed Hanshi, a Mohammed Zubeir [an Ogadeni subclan] commander.⁹⁸

Many of the women interviewed by Human Rights Watch said that sexual abuse was a major concern underlying women's support for shari'a law. A leader of a women's group working with Rahanweyne displaced in Baidoa, for example said, "All of the women support shari'a," because it would mean that rape would be severely punished: "If a man rapes a woman, he will be beaten badly the first time and killed the second."⁹⁹ The same women told us that, in their view, a Somali interpretation of shari'a would adapt to Somali tradition:

Shari'a supports women's rights. Inheritance is fair under shari'a—it recognizes women's rights. It allows Muslim women to go outside the house and have jobs. The branch of Islam in Sudan is different than in Somalia. If women don't want to cover themselves in Somalia, there is no problem. Women are collecting water, tending livestock; they can't wear heavy clothes covering themselves up.¹⁰⁰

⁹⁶ Aid official, Human Rights Watch interview, Nairobi, January 21, 1995.

⁹⁷ Bantu displaced in Kismayu, Human Rights Watch interview, Kismayu, January 29, 1995.

⁹⁸ Ibid.

⁹⁹ Leader of a women's organization, Human Rights Watch interview, Baidoa, January 24, 1995.

¹⁰⁰ Ibid.

The same woman explained, however, that to date "no one has dealt with rape: not UNOSOM, the elders or the police...No one believes the woman's testimony over the man."¹⁰¹ Other sources in Baidoa told Human Rights Watch that elders and religious leaders are presently discussing shari'a, and that "the restrictions on women wouldn't be compulsory."¹⁰²

¹⁰¹ Ibid.

¹⁰² Aid official, Human Rights Watch interview, Baidoa, January 24, 1995.

Bantu community leaders also see shari'a as effective in reducing sexual abuse: "When the fundamentalists came into the area, they reduced the problems; rapists are afraid of the fundamentalists, who were preaching that it was against Islam."¹⁰³

V. HUMAN RIGHTS AND SOMALI AUTHORITY

A welter of competing authorities in Somalia has gradually filled the vacuum left by the collapse of central government in 1991. The human rights situation of the ordinary Somali depends largely on his or her place within this patchwork, largely of clan and subclan, into which much of Somali society is divided. A level of authority can be found in each of these clan-defined fragments of the body politic with varying capabilities to protect the rights of its members—or to abuse the rights of others.

These authority structures combine traditional forms that bring together the elders, merchants and religious leaders of a clan with the modern administrative systems promoted by the United Nations. These authorities also have a capacity to collaborate with others across clan lines, through largely traditional mechanisms of arbitration and alliance building. They may, at the same time, mobilize forces dedicated to exclude others from the exercise of their fundamental rights or to be the instrument of the deprivation of such rights.

The human rights situation of the ordinary Somali depends largely on these local authorities. It is principally through their clans that they relate to powerful warleaders, and to members of other clans and subclans. The clan elders and traditional authorities such as the ugas or sultans are the arbiters of social relations at the grassroots, but also act through the district and regional councils that can bring different communities together in local government. These local authorities can be the agents of either protection or abuse in Somali communities.

Local Leadership and District Councils

Human Rights Watch interviews conducted in January and February 1995 found evidence that consultations, arbitration and judgments within and between clan councils had in some areas resulted in the restoration of a degree of protection for the local communities from gross abuses by rival militias as well as from purely criminal acts by private citizens. The traditional councils of leaders of subclans and subclan alliances provide the underlying authority of the warleaders, the military-political leaders who are themselves among their clan's elders. The clan's joint leadership, however, makes the decisions required to raise militias to support a warleader, or to withdraw such support. Its capacity to resolve inter-clan disputes, and to resolve conflict, is shown further below.

To a degree, the traditional authority structures now reemerging in Somalia intersect with local structures established by UNOSOM. The focus of what UNOSOM termed the "bottom-up" side of its efforts for political reconstruction was the district council. This model was intended to permit a form of proportional representation so that councils reflected the composition (and, in theory, the interests) of the local population. To this end, district councils in many cases drew upon the leadership within the councils of elders of each subclan, as well as other sectors of society (the UNOSOM model required women members, for example). A problem, in the words of a Somali relief worker, was to determine "who are the representative elders."¹⁰⁴

¹⁰³ Bantu displaced in Kismayu, Human Rights Watch interview, Kismayu, January 29, 1995.

¹⁰⁴ Somali official, Human Rights Watch interview, Nairobi, January 21, 1995.

The district councils were intended to become a basic building block of a restored Somali government: from them, regional councils were to have been drawn, which in turn were to have sent representatives to form a Transitional National Council. A total of fifty-three councils had been established in the eighty-one districts of central and southern Somalia (the northwest was excluded) by the end of 1993.¹⁰⁵ UNOSOM's program to create district councils throughout Somalia was much criticized for the haste in which each council was established (sometimes just one week), the lack of consultation with traditional authorities in each district, and the way council seats were allocated to various communities—allocations that among other things sometimes failed to take into account recent major population movements, leaving the original inhabitants of a district potentially without representation. More commonly, district councils were seen to have been too easily packed or intimidated by the warleaders of the more powerful clans.

Only one warleader, General Aideed, flatly refused to take part in the creation of the district councils, and, shortly after they began, attacked UNOSOM's political reconstruction efforts across the board. In the view of a Somali formerly on the UNOSOM staff, Aideed had initially believed he could dominate the process, but opted to boycott it after UNOSOM successfully warded off SNA domination.¹⁰⁶ The same observer identified Aideed's ultimate frustration in not being able to dominate the U.N.'s political process as a factor leading to the all-out attacks on U.N. forces that began on June 5, with the killing of twenty-five Pakistani soldiers and the wounding of fifty-four others.

The Somali communities were never before approached on a democratic basis. Nevertheless, in four months in 1993 fifty-nine district councils were formed, as well as five regional councils. Aideed had wanted to use this to control the eventual Transitional National Council. When he couldn't, the Pakistani soldiers were killed. In January 1994, the district council and regional council formation process halted. It now exists only on paper.¹⁰⁷

As the dust from UNOSOM's withdrawal settles, its efforts to bring together previously rival communities in model local authority structures has left a limited legacy. Local and regional authority structures, including variations on the UNOSOM model of the district council, in some areas provide real vehicles for inter-clan relations and governance. In a range of interviews around southern Somalia, leaders of many clan groupings described widely different situations in different parts of the country. In some areas, the district councils continued to be seen as a useful vehicle for reconciliation and the expression of inter-clan interests; in others, a single clan grouping backed by a warleader and a strong militia dominated all others. Dominant groups themselves vary. Some regions are dominated by clan groupings that had habitually lived in a region before the civil war, and maintained self-defense militias; others are newcomers who have come to dominate more directly through a recent display of military force, sometimes backed by major movements of population into a town from which a rival clan has been expelled or overpowered.

The norm in many regions has been described, by members of groups represented on local councils as well as those excluded, as one of domination by the more powerful. The powerful, in turn, may be the original inhabitants of a

¹⁰⁵ United Nations Department of Public Information, *Information Notes: United Nations Peacekeeping, Update: May 1994*, p. 116.

¹⁰⁶ Former UNOSOM official, Human Rights Watch interview, Nairobi, January 19, 1995.

¹⁰⁷ Ibid.

region, who represent a majority population, or a clan represented there only by businessmen and traders backed by a militia detachment that dominate the town as a virtual occupying force.

Mogadishu

The situation in Mogadishu appears to be the exception to the pattern of authority emerging (or reemerging) in much of the rest of Somalia. There a city of some one million people has been divided north and south into two distinct zones, each garrisoned by rival militias under warleaders backed by powerful clans. Each of the dominant clans, the Abgal to the north and the Habr Gedir to the south, has for over two years drawn upon the extraordinary resources of UNOSOM (and other aspects of the international aid effort centralized there) to reinforce its military and economic power.

The wealth of Mogadishu in particular enabled the rival warleaders to maintain and deploy larger forces of better armed men than those controlling other regions of the country. Many were actually on U.N. and relief agency payrolls, as nominally private guards—although Human Rights Watch was told by many sources that such guards were both recruited through and loyal firstly to sponsoring warleaders/clans, and indeed remitting a high percentage of their wages to the warleaders (see below). As a center of recruitment for standing militias, in turn, Mogadishu also attracted large numbers of young gunmen looking for employment, or spoils, with many would-be recruits from nomadic backgrounds integrated into the urban military retinues of the warleaders. A consequence has been a high concentration of military power under these individuals' control, including relatively large armed contingents apparently recruited on a freelance basis rather than through clan levies.

The benefits for the Habr Gedir and Abgal subclans of their warleaders' success in controlling resources were clearly a crucial factor in sustained clan support for these leaders. At the same time, the traditional leaders of the Habr Gedir and the Abgal have seen the cost of all-out war over Mogadishu, and may be reluctant to support renewed conflict that would inevitably disrupt economic renewal, as well as threaten the physical survival of large sectors of their communities. Mogadishu is perhaps unique for the level of destruction and death caused by the indiscriminate use of heavy weapons since the fall of Siad Barre. Year-long artillery battles between Ali Mahdi's Abgal militia and the Habr Gedir forces of General Aideed in 1991-1992 demolished much of the city, causing some 30,000 deaths. What remains to be seen is whether the disproportionate personal power of the Mogadishu warleaders, who might be seen to have an interest in continuing conflict, will be balanced by that of other traditional authorities at the clan level who are prepared to restore a relationship of equals to their dealings with other communities.

Even outside Mogadishu, domination of local authority structures by dominant clans or warleaders was sometimes described as virtually total. For example, a longtime relief worker in Somalia told Human Rights Watch that in the Juba river town of Bardera, in Gedo region, despite its Rahanweyne and Ogadeni population, the Marehan clan has since 1993 controlled everything through "a committee of twelve." Control was such that there was "a real fear of speaking out independently there. It's a Marehan mafia."¹⁰⁸ A "very structured" detachment of the Marehan SNF (Somali National Front) militia forces numbering some 200, was reportedly based in Bardera.¹⁰⁹

¹⁰⁸ Aid official, Human Rights Watch interview, Baidoa, January 25, 1995. See also John Prendergast, *The Gun Talks Louder Than the Voice*, p. 14, who identifies Bardera's most influential figure as Omer Haji and dates Marehan control over this part of Gedo region to state-sponsored measures under Siad Barre.

¹⁰⁹ Aid official, Human Rights Watch interview, Nairobi, January 30, 1995.

Gedo's principal town, Bardera "is relatively quiet, with occasional shootings," since UNOSOM left, according to an aid official there.¹¹⁰ Omer Haji, the political and militia leader of the Somali National Front (SNF), was considered "the undisputed leader," with the support of the ugas and elders of the Marehan. Although dominated by the Marehan, the district council in Bardera remained after UNOSOM left (three of the twenty-one members of the district council were Rahanweyne).¹¹¹ Although it provided no public services, the council began, on the elders' authority, to levy a defense tax to pay for security under Omer Haji.¹¹² In addition to work through the traditional clan structure, the SNF and Islamic fundamentalists are reported to have "an informal alliance" in Gedo Region. The same source notes that there is "strong sentiment for shari'a" in the region: the first act of the governor appointed there in January was to declare shari'a law for the entire Gedo Region.¹¹³

An area centered on the northern town of Luuq, near the Kenyan border in Gedo region, is the principal center of shari'a in southern Somalia. A Somali from the region told Human Rights Watch that the Islamic local government in Luuq, in Gedo region near the Ethiopian border, combined traditional and post-UNOSOM characteristics. The elders in Luuq had refused to create a district council on the UNOSOM model, in part because of a requirement that it had to include a woman. A district commissioner was named, however, who can call meetings of elders, or be called to meetings by them. "The traditional system is intact, but it includes the commissioner, who has lots of authority and is supported by the sheikhs."¹¹⁴

The fundamentalists established an Islamic government in Luuq, and follow shari'a. The higher-level people are sheikhs; people are appointed according to their knowledge of religion. There is a district commissioner who has a committee which is the decision-making body on political matters. The

¹¹⁰ Ibid.

¹¹¹ Ibid.

¹¹² Ibid. The same source noted that what little services were available were provided privately, for example, "the electricity in the market is provided by private businessmen; the traders are key; the *khat* [a mild narcotic] trade generates huge amounts of cash."

¹¹³ Ibid.

¹¹⁴ Aid official, Human Rights Watch interview, Luuq, January 22, 1995.

sheikhs have a board which controls the commissioner, who controls the police, who patrol and control the bridge.¹¹⁵

The police, in turn, work under the direct authority of the shari'a court ("If two people fight, police note it in the register and take them to the shari'a court.")¹¹⁶

Omer Farah Mohammed, the district commissioner of Luuq District, told Human Rights Watch that the authority there was Islamic, and that the leadership of the district had been chosen by the intellectuals—religious men—and the elders, "who at once represent and lead the population." He said that what he called "the Islamic Group of Luuq" controls some thirty villages, with the furthest village about one hundred kilometers north of Luuq, as well as controlling the border with Ethiopia.¹¹⁷

Political and military control of Kismayu, the port city in the southern region of Lower Juba, has been consolidated under the warleader General Morgan. Managing through a reputedly astute balancing of Majerteen and Marehan clan interests, Morgan has also claimed to have built alliances with other clans there. An uneasy truce has been maintained over recent months between Morgan and forces of the Habr Gedir clan warleaders General Aideed and Osman Ato.

A longtime observer described the alliance between the Marehan and Majerteen subclans as shaky, but Morgan's control of the district council as complete. UNOSOM, in turn, is said to have supported Morgan's system for want of a clear alternative:

¹¹⁵ Ibid.

¹¹⁶ Aid official, Human Rights Watch interview, Luuq, January 22, 1995. The local militia in Luuq, also under control by the Islamic group there, has reportedly been outfitted with green uniforms.

¹¹⁷ Omer Farah Mohammed, District Commissioner, Luuq District, Human Rights Watch interview, Luuq, January 22, 1995.

Morgan's faction is the SPM, for which he is the ultimate authority. The district council (DC) in Kismayu is loyal and answerable to Morgan, and is a shaky mix of Marehan and Majerteen. The DC administers the port, airport, and facilitates NGO activities. It carries out no services. Some DC members were in government positions of power under Siad. There is a strategic mix of businessmen, politicians, and elders in Morgan's alliance. The DC is Morgan's puppet. Sayiid Hussein is his most important ally. UNOSOM legitimized Morgan's DC in order to turn over the port and airport to someone.¹¹⁸

In his own account of the local authority structure General Morgan maintained that it is both representative and fair. He told Human Rights Watch he sought to use traditional leaders to defuse conflict, and that the Kismayu district council now administers the city. A committee of twenty-five elders, in turn, was to provide the overall regional authority, which he said would represent nine Darod subclans and eight other clan groupings.¹¹⁹ This regional committee is envisaged as overseeing "security, social services, inter-clan mediation"; its representatives to be chosen by "the subclans themselves." General Morgan insisted that "this is not an SPM creation, but rather the regional native people—including the Bantu."¹²⁰

A senior Majerteen elder stressed the elders' control of the district council:

The elders make decisions, then bring decisions to the district council. The elders' council [Golaha Tashiga Odayasha] is the most important decision-making body in Kismayu. The elders are now more important. The district council manages the police and taxes at the port and airport and market. Water, sanitation, and electricity are all private.¹²¹

A Somali aid official told Human Rights Watch that the situation in Kismayu and the surrounding area had improved. "Now there is little abuse of human rights: no raping, torturing, killing. There is nothing like 1992. Men kill each other randomly, nothing else."¹²²

¹¹⁸ Aid official, Human Rights Watch interview, Nairobi, January 18, 1995.

¹¹⁹ Gen. Said Hersi Morgan, Human Right Watch interview, Kismayu, January 27, 1995. The non-Darod subclans were identified as the Galgaal, Sheikhal, Biyaamal, Hawaadle, Abgal, Bantu, Tunni, Bajuni.

¹²⁰ Ibid.

¹²¹ Senior elder, Human Rights Watch interview, Kismayu, January 27, 1995.

¹²² Aid official, Human Rights Watch interview, Kismayu, January 28, 1995.

A clan-based district council and militia without a single powerful warleader was described in interviews in Baidoa, the principal city of Bay Region. The region is populated predominantly by members of the Rahanweyne clan, and has resisted subordination to the principal warleaders of more powerful clans. Although leaders and others interviewed there repeatedly warned that Aideed's SNA militia would attempt to take the city upon the departure of UNOSOM, they also described progress in developing inter-clan structures there. Although there were three major Rahanweyne companies engaged in trade out of Baidoa, Habr Gedir businessmen operated freely, dominating much of the commerce with the rest of the country.¹²³

A senior Ogadeni elder told Human Rights Watch that in Bay Region charismatic elders played the principal role in trying to arbitrate between clans and to keep peace and order. They are leaders of an elders' committee bringing together elders of various subclans. Each subclan, in turn, has a militia of one to two hundred armed men available to protect their area: "a defensive militia."¹²⁴ The elders in Baidoa themselves also claimed to be taking control of the police, transforming the district council into a representative administrative authority, and making steps toward a return to law and order. A Rahanweyne official of a U.N. agency told Human Rights Watch that the elders had effectively made the system work:

When UNOSOM left, police took control of the situation of the town. The community supports the police. They work by the will of the elders and the community. The chief of police reports to the district council and to Haji Mukhtar [the senior elder in Baidoa]. UNOSOM originally went to the elders and the elders chose the former police. The elders did the screening; they tried to screen out bad ones. Two policemen were arrested due to releasing a thief before a trial.¹²⁵

A senior Rahanweyne elder in Bay Region told Human Rights Watch that authority was being restored in the region:

In Bay, there are no moryan. An armed Rahanweyne peacekeeping force replaced UNOSOM. The elders are the most powerful; they control the SDM [Somali Democratic Movement] and the district council. The DC won't be changed; it's good the way UNOSOM left it.¹²⁶

He also told us that there now are eight different groups in the Bay Region acting under the authority of the elders: a youth club, the Somali Democratic Movement (SDM), a tax collecting group, the army officers, the Family Life Program (a women's association), a commercial group, a religious group, and an elders' group. He said a high council is to be established to manage all this: the Gudiga Sare Baidoa, the High Council of Baidoa. To this end, tax collection

¹²³ Aid official, Human Rights Watch interview, Baidoa, January 25, 1995.

¹²⁴ Senior Ogadeni elder, Human Rights Watch interview, Nairobi, January 20, 1995.

¹²⁵ U.N. aid official, Human Rights Watch interview, Baidoa, January 22, 1995.

¹²⁶ Senior elder, Human Rights Watch interview, Baidoa, January 24, 1995.

began in January, with immediate funding aimed at support for a militia and the new High Council. "Taxation began with the shops first and will follow with the animal traders and import/exporters. They give receipts for taxes."¹²⁷

A Somali official of a U.N. agency also described the district council of Baidoa as relatively functional even with the withdrawal of UNOSOM.

¹²⁷ Ibid.

The district councils reflect a fair representation of clan distribution according to elders; there is no clan left out. The structure is good, although the members are questionable. Plus they have no resources, no one trusts a tax. That's why there are now discussions for a High Council, a kind of parliament. It would have a very broad base, allowing many people to come. The district council would be the executive body, while the High Council discusses issues as the parliament and would make decisions...The real power lies with the elders. All structures rely on them. The district council and the regional council depend on the elders. The attempt now is to put together all factions for the 'common interest.' The problem is one of organizing the economy—allocation of land, ownership.¹²⁸

A leader of a women's cooperative in Baidoa told Human Rights Watch that the representation of women at the local level had improved, although the two women on the district council had done little for women in Bay Region. A council of elders meeting had, however, "decided to give women more involvement, because men realized that women have rights. They want us to participate in decisions of Baidoa High Council." She herself will be on the new council and promised to push for "more appointments for women and equal access to regional programs."¹²⁹

The Situation in the Northeast

In the far northeast regions of Bari and Nugaal, authority structures have also built upon the traditional leadership of councils of elders. District councils had been established in some towns, notably Garowe in Nugaal, although not in the port city of Bosaso. According to an aid official, the district councils continue to function in the northeast. In part because the population is made up of members of a single subclan, the councils were fairly representative for those areas. Although liaising with relief agencies, the councils did not at the withdrawal of UNOSOM deal with security and policing matters.¹³⁰ The dominant faction in the northeast, the Somali Salvation Democratic Front, represents the Majerteen and Marehan, and is dominated by rival warleaders Mohammed Abshir and Abdullahi Yusuf.¹³¹

The People under Habr Gedir "Occupation"

Interviewees from many non-Habr Gedir groups described the domination of some areas by Habr Gedir forces as an "occupation." Sometimes, whole populations were forcibly expelled; in other cases, farmers and plantation workers are allowed to remain if they agree to work for Habr Gedir traders or businesses. Habr Gedir movements against the people of one area, in turn, have repercussions for others. Attacks by Habr Gedir militia on Ogadeni

¹²⁸ Somali aid official, Human Rights Watch interview, Baidoa, January 24, 1995.

¹²⁹ Leader of a women's organization, Human Rights Watch interview, Baidoa, January 24, 1995.

¹³⁰ Aid official, Human Rights Watch interview, Nairobi, January 18, 1995. The same source noted that security was still a matter dominated by the warleaders. The murder of the district commissioner of Gardho in September 1994, for example, was widely believed to have been carried out by warleader Mohammed Abshir's men due to the commissioner's support of Abdullahi Yusuf. "When both Abshir and Yusuf were in Bosaso, there was trouble."

¹³¹ John Prendergast, *The Gun Talks Louder Than the Voice*, p. 2.

communities have rebounded also on the Bantu communities of the region. This was described by a Somali relief worker:

Tensions increased between SNA and the Ogadenis in late April [1994]. Open war started on July 18, 1994. This impacted the Bantus in that they are interdependent: they couldn't market products as commerce was halted, but they had their own food, although they were victimized by looters. The Bantus are mostly on the west side of the river, where there is better agricultural potential. The Ogadenis were displaced between Kamsuma and Gob Weyne and moved north to Afmadow and Gudude. The SNA didn't go that far as they weren't gaining anything; they displaced the Ogadenis but didn't hold the territory because there are too few Habr Gedir. The majority of these Ogadenis had already lost assets; they were former pastoralists whose livelihood had been constrained by fighting, lack of seeds or insect infestation. In the fighting, it is estimated that twenty-three were killed and fifty injured. The Habr Gedir hadn't expected to push the Ogadenis out, but the latter ran out of ammunition.¹³²

Another interviewee from the region said that the Habr Gedir control Gelib and Jamaame with no more than fifty militia, with a primary view to controlling the road from the Juba valley to Mogadishu. Although this source said the SNA "administers the area by force," he added that this is done largely through alliances with local authorities. The district council, for example, is dominated by the Biyaamal; ("only the governor is Habr Gedir").¹³³ Sometimes the arrangements broke down, as in an Ogadeni raid on Gelib in July 1994.

Sometimes raids intended to expel particular communities succeed only in the short term. An example given to Human Rights Watch was the brief incursion into Gelib, a town on the southern reaches of the Juba River, in July 1994, when "Ogadeni [Absame] technicals blew into Gelib and pushed all non-Ogadenis out of town;" fearing an SNA counterattack, the Ogadenis evacuated three days later.¹³⁴ Although the raiders reportedly drove the SNA out, taking some Habr Gedir property, one source told us that Absame elders did not support the raid and "scolded the gunmen."¹³⁵ In this case the SNA did not react militarily, and an uneasy truce was restored.¹³⁶

Many interviewees described the Habr Gedir militia as an occupying force in much of the region extending from Mogadishu to the Juba River in the southwest, north to control the road to Belet Weyne, and throughout the coastal area of Lower Shebelle Region. Some observers noted that local alliances by Habr Gedir leaders had resulted in an uneasy accommodation in many areas, with local acquiescence to Habr Gedir control.

In many areas Habr Gedir forces in General Aideed's SNA have moved to control trade, to take over agricultural production in some areas, and to control key transportation routes. Although the estimated 800,000 people of the Habr Gedir subclans were primarily concentrated in the regions of central Somalia prior to the civil war, the taking of Mogadishu by military force in the overthrow of Siad Barre, and the subsequent consolidation of control by the Habr Gedir over South Mogadishu, led to a population movement of clan members into the city as well as the rich agricultural areas of the adjoining region of Lower Shebelle. In contrast, Ali Mahdi's support base, the Abgal subclan of the Hawiye, originates in North Mogadishu and up through Middle Shebelle Region, areas it still dominates.

¹³² Aid official, Human Rights Watch interview, Nairobi, January 21, 1995.

¹³³ Somalia U.N. officer, Human Rights Watch interview, Kismayu, January 28, 1995.

¹³⁴ Aid official, Human Rights Watch interview, Kismayu, January 28, 1995.

¹³⁵ Ibid.

¹³⁶ Ibid.

Since the Habr Gedir's takeover of Merca, southwest of Mogadishu, in April 1994, SNA control extends to the west to the towns of the lower Juba River, in the region of the same name, although the level of control decreases with the distance from Mogadishu. That notwithstanding, General Aideed's SNA, and clan, can reasonably be held accountable for abuses of authority by Habr Gedir militia reported in this area. An account by an aid official described the SNA's takeover of Merca and the nature of its control over the area:

The Habr Gedir did not establish any authority whatsoever. The district council was disbanded, and a new council formed which is totally impotent. The militias are in control, as they are all the way to Gelib and Jamaame in Lower Juba. ...There is now a regional coordinator from the SNA, but the problems come from the militias, not the local government. They always want a salary increase and are always extorting. The Sulayman subclan of the Habr Gedir appears to be independent of Aideed. A regional coordinator was appointed in December 1994. The SNA regional security coordinator is named Abdul Kadir, and is based in Shalambod [close to Merca]. All requests and problems now go through the SNA regional coordinator, who is a Habr Gedir civilian from Merca. There is communication between the SNA regional coordinator and the militias. They listen to the SNA, but the SNA doesn't control them.¹³⁷

An immediate consequence of the Habr Gedir takeover of Merca was the flight of much of its indigenous population, members of the Biyaamal subclan.

Merca is empty compared to old times. The sultan has recently come back, but most Biyaamal have not come back to town despite an agreement in Mogadishu for their safe return. The Biyaamal are afraid of militia intimidation; the Habr Gedir want to control everything, including trade.¹³⁸

In the lower Juba river valley, the authority exercised by the SNA from Jamaame, near the coast, upriver to Gelib was described as almost exclusively military, under the command of Habr Gedir Ayr warleader and businessman Osman Ato:

In Lower Juba, the district council in Jamaame is controlled by the SNA. The district commanders and militia are the only structure of authority. In Mogambo, there are five huge technicals with anti-aircraft guns. There are at least three technicals in Gelib. There is no civilian administration. Osman Ato's farm is where the main commander is based, and the farm is run by Ato's sister.¹³⁹

Discriminatory treatment was reported in other areas in which clan militias aimed to take or to retake territories for the exclusive or dominant use of their own people. A leader of the Digil-Mirifle (Rahanweyne) people of Lower Shebelle, now in hiding, described the situation of his community since the Habr Gedir militia seized control as one of virtual servitude.

In Lower Shebelle, the Digil-Mirifle were disarmed and are helpless. The Digil-Mirifle used to own farms; taken by the Habr Gedir; now they work on their own farms. The Digil-Mirifle Lower Shebelle do not have any say in decisions. We are slaves who have been conquered.¹⁴⁰

¹³⁷ Aid official, Human Rights Watch interview, Merca, January 22, 1995.

¹³⁸ Ibid.

¹³⁹ Aid official, Human Rights Watch interview, Nairobi, January 18, 1995.

¹⁴⁰ Traditional leader, Human Rights Watch interview, Baidoa, January 24, 1995.

In some areas, the treatment of Habr Gedir traders has provided an immediate pretext for military operations in regions predominantly populated by members of other groups. In an August 1994 attack on Belet Weyne, in northern Hiran region, due north of Mogadishu, the SNA set out to drive the Hawaadle clan from the town in an operation that was coordinated with attacks to break the same clan's control over the road to Mogadishu airport. The attack on Belet Weyne had as an added dimension a sentiment by many of the town's residents that the Hawaadle were effectively maintaining a military occupation. In addition, the Hawaadle had recently humiliated and expelled Habr Gedir families from the town.

Hawaadle had occupied Belet Weyne, had all the business and contracts, and didn't share business with locals. When the airport road was taken by the SNA, one hundred Habr Gedir families resident in Belet Weyne were thrown out of the east side of the town and harassed until they left. The Habr Gedir accused the Hawaadle of major looting during what they refer to as the "Night of the Long Knives." After the Habr Gedir families left Belet Weyne, the SNA retaliated and attacked Belet Weyne, looting Hawaadle properties on the east side of town, while leaving the fourteen non-Hawaadle clans on the west side untouched. The U.N.'s Zimbabwean troops were completely outnumbered and stripped completely by the SNA forces. The U.N. evacuated the Zimbabweans by helicopter. The SNA executed the Hawaadle governor, accusing him of looting.¹⁴¹

The same source described the aftermath of what non-Hawaadle groups in Belet Weyne were said to have called the "liberation" of the town:

[SNA leader] Osman Ato then disbanded the district council and appointed an Emergency Council. Each subclan appointed one man. The SNA troops are largely at the city limits, not in the town. Ato took the weapons captured from the Zimbabweans and from the Ethiopian border and gave out weapons to all non-Hawaadle subclans in town to restore the balance of power. When the SNA came in, the locals looted the NGOs which were perceived as pro-Hawaadle...The SNA liberation gave them license to clean the Hawaadle out.¹⁴²

On December 26, 1994, fighting reportedly lasted eight hours when the Hawaadle counterattacked on Bullo Berti and Belet Weyne. Rocket propelled grenades and mortars were reportedly used, and twenty casualties were reportedly evacuated to hospitals in Mogadishu.¹⁴³ The SNA's standing force in Belet Weyne now is estimated at no more than eighty men.¹⁴⁴

The control of territory by the Habr Gedir, if not always the populations in each territory, has as an immediate objective the control of the economy of the area between the Juba and Shebelle rivers. Apparently no less important in the projection of Habr Gedir military power is its control over the key transportation routes that any rival force would require to attack General Aideed's strongholds in Mogadishu. The strength of the Habr Gedir's military control of the southern region, however, has been questioned. One senior Ogadeni elder described what he saw as an overextension of the Habr Gedir's forces that could combine with changing political situation due to UNOSOM's withdrawal that could undercut Aideed's control:

¹⁴¹ Aid official, Human Rights Watch interview, Nairobi, January 21, 1995.

¹⁴² Ibid.

¹⁴³ Ibid.

¹⁴⁴ Aid official, Human Rights Watch interview, Nairobi, January 30, 1995.

The Habr Gedir are an occupying force on the west bank of the Juba and in Lower Shebelle. Aideed is a sinking ship; people distrust him. He has little power to govern, but can cause damage. He retains more ammunition and technicals, but this is man vs. machine. He is fighting from Galkaiyo to near Kismayu. Let him cook in his own broth. The Habr Gedir cannot fight all of Somalia.¹⁴⁵

¹⁴⁵ Senior elder, Human Rights Watch interview, Nairobi, January 20, 1995.

The Militias as Agents of Authority

The principal bulwark against raiders from rival clans or bandits, if not common crime, are the local militia structures existing throughout much of the country on the authority of traditional councils of elders. Local authorities interviewed by Human Rights Watch presented the arming of local men as a prime objective in many communities, as a kind of standby militia that could be called to arms by the community's leaders in time of emergency. The development of such militias under the direct control of local authorities was, in some areas, also described as a major factor undercutting the importance of the warleaders. The warleaders, with their small standing groups of armed men, continue to be the decisive military force only insofar as they can draw upon the voluntary support of their clans. The question today is whether this support will continue.

The forces known as militias differ significantly in form and substance. Few are uniformed, and they generally use a grab-bag of weapons. They may be on permanent call to a warleader, or part-time soldiers called up by their communities—or unaccountable roving groups engaged in banditry who occasionally hire out their services. They may receive payment for their services, particularly if permanently attached to a warleader; they more frequently do not, but receive payment in kind through looting.

The moryan, the bandit gangs, contrast distinctly with both the networks of clan-based self-defense militias and the "faction" armies at the service of the warleaders (although their membership may overlap). The latter are accountable, to various degrees, to their clan councils or to the personal figure of the warleader, or to lower-ranking warleaders allied with the major faction leaders. The bandit groups cannot easily be shown to act on the authority of anyone. Protection from the militias of rival communities as well as the independent gangs is at the heart of most Somali communities' concerns.

UNOSOM provided very little in the way of protection for the Somali citizen, apart from its limited actions to remove the means to wage war from the militias, through ineffective efforts to enforce the arms embargo and to disarm the militias, its infrequent action to separate clashing militias, and of course the pursuit of its original mission, which was to protect the delivery of relief assistance. But protection of civilians was a need generated both by the constant flux of raiding and armed clashes, and the threat of anarchic criminality.

The standing armed forces with personal loyalties to warleaders, the "factions," are relatively small in number, and dependent upon the resources available to the warleaders. Although no precise figures are available, and force levels are themselves in constant flux, the individuals interviewed by Human Rights Watch gave a range of figures for the standing forces of major warleaders that generally ranged in the low hundreds. Discussions of the levels of authority attributed to the warleaders centered on their vulnerability to the disenchantment of their base communities, as expressed through the clan councils of elders. Where warleaders were seen to have exceeded their authority, by failing to consult or disregarding the sentiments of the elders; to have failed in war; or to offer little in the way of guaranteeing resources to the clan, they may lose the support of the clan's elders and armed men and find their forces may abandon them.

The foundation of a warleader's armed faction on clan support was described in one interview as an almost contractual one:

The popular base of any faction is through clan support. It is like an electoral college: the subclan supports the clan which supports the militia and the political leaders. They are warlords and clan leaders at the same time.¹⁴⁶

¹⁴⁶ Aid official, Human Rights Watch interview, Nairobi, January 18, 1995.

The powerful subclans that back warleaders like General Aideed rely on the armed power of their clans to support their takeover of land and property, while the elders' authority guarantees impunity for killings.

Another interviewee, a senior elder from the Ogadeni clan, stressed that the situation in Mogadishu, where the warleaders dominated society, was the exception rather than the rule:

The call of the clan is still the strongest. The elders and chiefs retain authority; they are the main piece of the Somali mosaic. The disintegration in Mogadishu is the exception. Traditional authorities are still very strong, especially in nomadic areas, which are the majority. These traditions still govern the life of the majority; maybe even more in the absence of a government.¹⁴⁷

The warleaders' real power is in their capacity to call upon the clans for temporary manpower, either for defense or attack. By far the largest numbers of armed men are accountable to their clan elders' councils, not the warleaders; they are raised at the behest of the clan councils for the defense of the clan or for other operations at the behest of the clan, but do not remain mobilized for long periods. It is through the clan councils, moreover, that the warleaders assume their own authority and can be held accountable for their actions.

Although estimates regarding force levels in Somalia are generally speculative, the small numbers generally given for the central core of gunmen permanently on call to the warleaders can illustrate the importance of the clan's grassroots support to their operations. General Morgan's reputation in Somalia dates from his role as a key officer of Siad Barre; Morgan led the government's devastation of the northern city of Hargeisa in Northwest region, and is held responsible by many Somalis—and others—for the deaths of up to 60,000 people in the army's campaign in the region.¹⁴⁸ More recently, Morgan's services as a warleader have been linked to the Majerteen clan, and his stronghold has been the southern port city of Kismayo—captured in an assault under the guns of UNOSOM in February 1993 from the rival warleader Colonel Jess.

In 1994 UNOSOM estimated that Morgan, operating under the name of the Somali Patriotic Movement (SPM), directly controlled about one hundred militiamen and about twenty technicals.¹⁴⁹ At that time Morgan could also call upon small standing forces maintained by the warleader General Gebiyo, an Ogadeni. More importantly, he could call upon the thousands of armed men of the Marehan and Majerteen subclans (part of the Darod clan) so long as their elders chose to respond to his call to mobilization.¹⁵⁰

¹⁴⁷ Senior elder, Human Rights Watch interview, Nairobi, January 20, 1995.

¹⁴⁸ See note 12, and Human Rights Watch, *The Lost Agenda*, p. 110.

¹⁴⁹ John Prendergast, *The Gun Speaks Louder Than the Voice*, p. 13.

¹⁵⁰ An aid official elaborated: "Morgan is allied with Omar Afgal, the notorious head of the Marehan militia. It also includes the Majerteen and Dolbahante militias. Afgal implemented Morgan's plan to retake Kismayu in 1993. It is an alliance of necessity between Marehan and Majerteen." Aid official, Human Rights Watch interview, Kismayu, January 28, 1995.

General Morgan himself told Human Rights Watch that his plans for the defense of Kismayu—against the Ogadeni groups that formerly made up the majority population there, or any Habr Gedir incursion—centered on local militia. "Groups are beginning to develop self-defense consciousness, especially Digil-Mirifle. The people are ready to defend themselves. There is a secret plan in event of attack." Mobilization, as in the cases of other clan-based militias, requires calling part-time soldiers to arms. He maintains he can "mobilize 5,000 people in seven to ten days." He adds that although there are as yet no uniforms, these are planned, as well as a radio communication system to work with the police. General Morgan said that in addition to the militia, he had a national security service which deals with intelligence matters. As to training and discipline, General Morgan said cryptically that training "is gained in fighting," while "discipline depends on motivation."¹⁵¹

A longtime relief worker in Somalia told Human Rights Watch that recruitment for Morgan's militia was done by the subclans, and that forced recruitment was simply unheard of. "Morgan talks to elders about external threats in order to mobilize; the clan elders are relied upon to mobilize people."¹⁵² The militias, in turn, are loyal first to their families, and secondly to Morgan:

Morgan's militias are all part of subclans which are supported by and supporters of the elders. Morgan has to be in tune with the elders. Here militias are largely controlled by families, unlike some in Mogadishu. Families place members into militia. The militias themselves are confusing. There are young gunmen as well as organized units. The young gunmen who are in the regular militia might also form bandit groups on the side. The standing militia...needs to be fed. Morgan is rich; he has the khat trade as well. The militia have no uniforms, but some wear the U.S.Army-provided uniforms given during Siad Barre's time. He seems to keep some of his militia out of town, perhaps for training.¹⁵³

A Majerteen aid worker added that "everyone has guns in Kismayu," and

the whole town can be called a militia. The army veterans control the others. There are perhaps 3,000 to 5,000 in Kismayu alone. They are divided into divisions, commanded by officers. They have training outside the town. When disobedient, they discipline them. There is no separation between the Marehan and Majerteen militia [others disputed this assertion]. Each section has leaders, and they are all under Morgan.¹⁵⁴

The militia organization in Baidoa, according to a Somali elder cited above, had been established after the twenty-five chiefs of the different subclans were instructed to choose members for the "militia/army" in proportion to the size of their communities: "The biggest subclans had to contribute one hundred, medium eighty, and smallest sixty." Once the manpower was identified, organization proceeded along military lines:

Divisions were created by the military officers, not based on tribe. They have a mix of weapons. While in Baidoa, they trained every morning. They had education, marching, weapons training. They were punished for wrongdoing: first counseled, then jailed.¹⁵⁵

¹⁵¹ Gen. Said Hersi Morgan, Human Right Watch interview, Kismayu, January 27, 1995.

¹⁵² Aid official, Human Rights Watch interview, Kismayu, January 28, 1995.

¹⁵³ Ibid.

¹⁵⁴ Somali aid official, Human Rights Watch interview, Kismayu, January 27, 1995.

¹⁵⁵ Senior elder, Human Rights Watch interview, Baidoa, January 24, 1995.

He added, however, that he was still worried about an SNA attack. "Three times they've come to Baidoa to cause trouble since UNOSOM left." People were buying guns in order to protect their harvest, while families were "moving together to have more men to protect the household."¹⁵⁶

A former UNOSOM official further explained the preparations for defense of the region:

¹⁵⁶ Ibid.

Now they have a militia, but it is a small force, with small arms, little ammunition, and no technicals. The elders organized the purchase of weapons for self-defense. There is a committee of Rahanweyne military officers led by Ahmed Sheikh Muhaddin. They have collected many Rahanweyne soldiers from the previous army.¹⁵⁷

Another Rahanweyne U.N. officer added that the reorganization of the militia had been accomplished in November 1994, when 1,800 men assembled in Baidoa for training as the Indian U.N. forces withdrew. He contrasted the situation with that of 1991-1992, when the Rahanweyne had been unarmed. Weapons have been purchased since then, mainly in Ethiopia. Training had been intensive, and defense plans count on being able to call the militia to arms within one day in the event of a raid.

The militia had different camps and checkpoints when they were in Baidoa for a month. Former military officers living in Baidoa were called to command the troops. They have no uniforms. They can be recalled in one day through the elders. When they came to Baidoa [in November], first the elders gave lectures about self-defense and how to treat the people. The commanders gave instructions, and training in shooting, evasion, camouflage. Some were given guns. The Bur Hakaba militia had checkpoints on the road to Mogadishu.¹⁵⁸

A Rahanweyne leader of a women's group in Baidoa told Human Rights Watch that some women were also members of the militia and the police. She herself had previously fought to defend the town, regularly carried a Beretta pistol, and said she was ready to "die defending Baidoa from the SNA."¹⁵⁹

Estimates concerning General Aideed's SNA forces also tend to contrast relatively small numbers of armed men with the large forces that can be mobilized in a short time. A U.N. official noted that Aideed's forces are intending to take over guarding the aid agencies that remain in Mogadishu, and that there are plans for them to be uniformed in the near future. He observed that most SNA militiamen reportedly carry Soviet-made AK-47s, while their heavy artillery is all Soviet (although "there is no standardization"). Rearming his forces reportedly continued even as UNOSOM prepared to withdraw. ("Ethiopia sent ninety truckloads of weapons to Aideed in November.")¹⁶⁰

¹⁵⁷ Somali official, Human Rights Watch interview, Baidoa, January 23, 1995.

¹⁵⁸ Somali official, Human Rights Watch interview, Baidoa, January 22, 1995. He added that the mobilization was not entirely a success: "A small group did loot; this was a group of people left behind in villages who were resentful and hungry, and they came and caused problems. Most have gone home; the militia only intended to stay a short time."

¹⁵⁹ Leader of a women's organization, Human Rights Watch interview, Baidoa, January 24, 1995.

¹⁶⁰ U.N. aid official, Human Rights Watch interview, Baidoa, January 26, 1995.

The same source noted that in addition to militia formations, which draw upon different divisions of the Habr Gedir clan, "the SNA has an intelligence unit and a chief of security, John Doty, who is known as Aideed's 'hit man' of whom the Habr Gedir are scared. He is an ex-colonel and exercises authority when there are discipline problems or loyalty questions."¹⁶¹ A Somali relief worker told Human Rights Watch that although civilians are not yet sufficiently organized to assume leadership from warleaders, the capacity to do so is there, given international support. A key part of the equation is that the clans control the vast majority of the militias, and can withdraw support from the warleaders. This interviewee urged the international community not to "withdraw support for civil society" by encouraging domination by one or other faction at the regional level. He proposed continued support at the district level, and for traditional authorities like the ugases and sultans. By his account, "the local authorities can control 80 percent of gunmen, and there is no need to create new structures. We need to empower civil groups and maintain the link between traditional groups and international community."¹⁶²

Private Guards and the Warleaders

A differentiation of the armed men now operating in Somalia into militiamen, who act on some form of authority, and bandits, who do not, can be drawn further to identify a third major group: the nominally private guards who proliferated under UNOSOM's sway. The recruitment of private security guards had been a necessity for the aid agencies operating in Somalia before UNOSOM was established, and continued to be a norm of operations in Somalia after U.N. troops arrived. Hundreds of armed men were employed both by private aid agencies, and by U.N. for its own operations. Frictions often arose between the UNOSOM/UNITAF peacekeepers over the role of private guards employed by nongovernmental agencies (sporadic efforts to disarm these guards are discussed further below).

The need for privately recruited guards was never eliminated—not least because a major recruitment pool was the large body of armed men loyal to the dominant subclans and their warleaders, who in turn benefited from the payments made. The private guards provided security against random violence and the real threat of independent banditry. To the extent that they represented both armed force and the political/military authority of their subclans, they provided a kind of policing service: but strictly for payment, even when operating in areas like North and South Mogadishu in which they appear to have served both faction leaders and their private employers. In such circumstances, the employment of private guards often provided protection from the very *de facto* authorities to which the guards were themselves affiliated—rather like hiring guards from the police force as a guarantee against police harassment. As a consequence, the functions of UNOSOM police, militiamen and private guards often overlapped. A police officer could also work as a private guard—and be a member of a militia; but the common denominator appears to be that those in *de facto* authority provided no protection without it being privately contracted for with one of their people. If this was not done, the agents of authority themselves could turn to banditry.

An example of these complex security arrangements can be found in the restoration of export agriculture in coastal agricultural areas, where banana plantations have been taken over by Habr Gedir militias. Finance for security operations have been provided by foreign fruit companies, notably the American transnational Dole and an Italian company called Somalfruit.

In Lower Shebelle, the Habr Gedir have taken over more than half of the plantations. Somalfruit is a key export company controlled by them...The Habr Gedir are just interested in property and production. If you don't have your own security force, you can't go in and farm on the bigger plantations. The Bantu have only small farms, so the Habr Gedir are not interested.¹⁶³

¹⁶¹ Ibid.

¹⁶² Somali aid official, Human Rights Watch interview, Nairobi, January 21, 1995.

¹⁶³ Somali aid official, Human Rights Watch interview, Kismayu, January 29, 1995.

The takeover of land by the Habr Gedir and the developing relation of the militias with international fruit companies was explained further in an interview with two Somali members (members of the Digil-Mirifle and Galgaal groups respectively) of UNOSOM's political division:

In the Lower Shebelle the land belongs to Bantu, Digil-Mirifle [Rahanweyne] and many other businessmen. But the Habr Gedir have taken many farms and are exporting bananas. Dole hired a Habr Gedir man to contract to buy produce. Although both Somalfruit and Dole are controlled by Habr Gedir, there is an intra-Habr Gedir dispute over exports. Several Habr Gedir merchants have totally monopolized trade. The Biyaamal, Bantus and many others have lost control of their land. People can go back but they can't own. Whatever they produce they have to sell to Habr Gedir merchants. The Bantus can't sell produce freely and are looted frequently. The Bantus provide labor and are extorted.¹⁶⁴

Funding for the SNA's security efforts for agribusiness is provided through the payment of fees by interested parties.

Security remains the main constraint to increased production. Dole has set up a collection point at Shalanbod for banana purchases; exporting is done by a local representative of Dole, which pays fees to the local militia.¹⁶⁵

Another Somali in Merca told Human Rights Watch of the competition between Somalfruit and Dole in which "company representatives each have militias and technicals," even though both are represented by the Habr Gedir sub-clan Sa'ad.

Neither company has land or plantations themselves; they are trying to influence farmers to sell to them. Threats [from gunmen] to farmers are common. Farmers aren't organized, and the companies exploit the disorganization.... There are allegedly thirty-six technicals in Shalanbod. There was fighting at Mogadishu seaport today [February 2] between the two companies; Malaysian troops killed three Somalis because of the fighting.¹⁶⁶

One donor aid official told Human Rights Watch that the rivalry over the banana trade was a cause for intra-SNA feuding, and that as a consequence, "Quorirole has gone to hell rapidly."

The banana exporters have competing militias which are used as strongmen for different companies. Dole has a representative, as does an Italian company. Aided gets a slice. People are getting killed because of this.¹⁶⁷

In an interview in Nairobi, an American diplomat put much of the blame for the fighting over bananas on the Italian fruit handlers.

Dole saw an opportunity in the spring of 1994, so went in, providing fertilizer and pesticides. Dole bought 14,000 tons of bananas, a shipload every ten days. In August 1994 Italy mounted an aggressive

¹⁶⁴ UNOSOM officers, Human Rights Watch interview, Mogadishu, February 1, 1995.

¹⁶⁵ Ibid.

¹⁶⁶ Somali aid official, Human Rights Watch interview, Nairobi, February 2, 1995.

¹⁶⁷ Aid official, Human Rights Watch interview, Nairobi, January 19, 1995.

effort to get Dole out, but eventually compromised at fifty/fifty. Now they're pushing Americans out again...Italian-supported Somalfruit hired technicals; both now have security forces; Dole doesn't pay militias, farmers do. Italians want a monopoly. It's not clear to what extent Dole and Somalfruit have forged alliances with the SNA and SSA [Somali Salvation Alliance].¹⁶⁸

¹⁶⁸ American diplomat, Human Rights Watch interview, February 2, 1995. He added that Italy had "a lucrative monopoly" on banana exports from Somalia before 1991, and was anxious to retain cultural and commercial links.

The Habr Gedir are not the only purveyors of security services to private business. Although exports from the Lower Juba valley have not yet resumed to any significant degree, at least one foreign exporter is now reportedly hiring security personnel from the militia of Colonel Jess in the Badhaade region. According to one source, an Australian firm called Morris and Company is reportedly "in Badhaade looking for business, and looking for security down to Ras Kiamboni."¹⁶⁹

Traditional Justice, Shari'a and the Police

Although traditional systems of justice are now making inroads against the anarchy of 1991-1992, these systems are themselves prone to a denial of due process of law, and harsh punishments. Somalis may be executed if held responsible for crimes under shari'a or under traditional justice systems under the authority of councils of clan elders. Amputation has also been reported in some areas under shari'a law. Execution-style killings, however, may also be carried out on a wholly arbitrary basis, on the order of traditional authorities or warleaders. As a representative of a Muslim relief agency told Human Rights Watch, "Torture is not common in Somalia, but killing is."¹⁷⁰

Recovering law and order was a desire expressed to Human Rights Watch by a wide range of Somalis. Although the vacuum has still to be filled, shari'a and traditional systems function with a degree of overlap. Shari'a law has acquired increasing importance in several regions of the country. One observer described the support for shari'a to Human Rights Watch as a backlash against clan-based anarchy that has been encouraged because "random violence, murder and rape have declined immensely where it is introduced."¹⁷¹

Implementation of a UNOSOM program aimed at establishing a professional Somali police force began in May 1993, when 5,000 Somali police were hired "to assist in the performance of police functions."¹⁷² The United States pledged \$2 million toward the police program as well as agreeing to meet police equipment needs from excess Defense Department equipment stocks. A U.S. grant of a further \$6 million was provided toward rebuilding the Somali judicial and penal systems. Major contributions for the police and judicial programs were also made by Japan (\$10 million) and

¹⁶⁹ Somali official, Human Rights Watch interview, Nairobi, January 10, 1995.

¹⁷⁰ Aid official, Human Rights Watch interview, Mogadishu, January 31, 1995.

¹⁷¹ Aid official, Human Rights Watch interview, Baidoa, January 23, 1995.

¹⁷² United Nations Department of Public Information, *Information Notes: United Nations Peacekeeping, Update: May 1994*, p. 113. This reports states flatly that "5,000 former Somali policemen were hired," and gives no information of screening for past abuses, if any, during this initial stage of the police program.

Italy (\$4.5 million).¹⁷³ A U.N. report after one year said the program was providing basic infrastructure, training and personnel:

¹⁷³ Ibid. Other contributions toward the police and judicial programs included \$4.5 million from Italy, \$1.6 million from Sweden and \$1 million from Norway. A number of countries provided police advisers or trainers. A U.S. aid consultant, told Human Rights Watch that much of the program was "a waste of money." By his account, AID was unable to account for much of the expenditure, although UNOSOM-Justice "did some physical rehabilitation of court buildings." A major problem was that the police were "not responsible to anyone," and were paid at unsustainably high levels. Human Rights Watch interview, Nairobi, January 19, 1995.

UNITAF/UNOSOM had re-established 107 police stations in Somalia's districts. Nationally, there were 6,737 policemen at the regional and district levels, 311 judicial personnel in eight regions and twenty-six districts, and over 700 prison officers in two regions. It was also planned to put in place a Somali police rapid deployment force, known as Darawishta...¹⁷⁴

The judicial program was short-lived, however, and if anything less successful even than the police program. According to UNOSOM-Political officers interviewed by Human Rights Watch, a Judiciary Reestablishment Committee created by UNOSOM brought together Somali jurists in May 1993, but was dismissed in November 1994.¹⁷⁵ Another UNOSOM officer attributed the committee's fate to UNOSOM bowing to the pressures of the warleaders:

In April 1993, UNOSOM created a Justice Committee. Aideed and Ali Mahdi didn't want it because the appointees were non-factional; the SNA constantly condemned it over the radio. UNOSOM eventually dismissed the committee and allowed Aideed and Ali Mahdi to appoint their own committee. The people on the original committee have had to hide up until now, fearing for their safety.¹⁷⁶

From November 1994 UNOSOM had effectively invited the rival factions SNA and SSA to appoint their own judicial committee, with UNOSOM paying the salaries of judges appointed by the factions.¹⁷⁷

The police program was largely equipped with excess U.S. military equipment. As of October 1993, police had been provided with 350 vehicles and 5,000 M-16 rifles, as well as handguns, batons and handcuffs. A grant of up to \$25 million in U.S. Department of Defense surplus commodities covered vehicles, communications equipment and small arms.¹⁷⁸ The establishment of the police, numbering 8,500 in all, with a high proportion in Mogadishu, illustrated the way in which a good idea—to restore an essential basis for law and order—was turned to the advantage of the warleaders. Although in some regions, UNOSOM police have now been taken under the authority of district councils, councils of elders or religious councils, elsewhere their weapons and skills are now to varying degrees at the service of warleaders.

¹⁷⁴ United Nations Department of Public Information, *Information Notes: United Nations Peacekeeping, Update: May 1994*, p. 117.

¹⁷⁵ Former UNOSOM officers, Human Rights Watch interview, Mogadishu, February 1, 1995.

¹⁷⁶ Somali UNOSOM official, Rights Watch interview, Nairobi, January 19, 1995.

¹⁷⁷ Ibid, and other UNOSOM officials, Human Rights Watch interview, Mogadishu, February 1, 1995.

¹⁷⁸ John Prendergast, *The Gun Talks Louder Than the Voice*, p. 49, citing Ken Menkhaus, "Political Report on Emerging Coalitions," (UNOSOM-Kismayo), October 9, 1993, p. 3.

Many sources suggest the UNOSOM police were to a large extent at the service of the warleaders from the start—despite professional training by foreign police experts, and efforts to hold them to professional standards by some UNOSOM officers. A top former UNOSOM advisor explained to Human Rights Watch that in Mogadishu, the police force level "was cut between Aideed and Ali Mahdi. All police came from those two camps." From the beginning of the police program, March 1993, "UNITAF legitimized the sole leadership of these two. There was no screening of any kind in Mogadishu. Aideed and Ali Mahdi delivered thousands of men each as candidates."¹⁷⁹ The same source said some of Siad Barre's top police ended up as part of the UNOSOM police system.¹⁸⁰ Other Somali sources told Human Rights Watch that the 3,000 U.N. police posts allocated to Mogadishu were split evenly between the two sides of the city.

The police function itself often blurred into others. At the same time, according to one observer, police in some areas "commonly hire out their security services."¹⁸¹ Similarly, even when UNOSOM was still present, the police sometimes appeared virtually indistinguishable from the militia of their sponsoring warleaders. A former UNOSOM advisor told Human Rights Watch that from the days of UNITAF, recruitment and funding for police was dealt with on a "pragmatic" basis, and varied by unit. "The Belgians, for example, were presented with the local militia as the local police. When UNOSOM II came in, they balked at paying these people, saying that police can't be part of militias or guilty of crimes against humanity." Procedures for training the police, too, varied widely.¹⁸² Another observer illustrated the overlap of police-militia-guard functions by commenting that part of the job of ferrying arms to the Abgal during fighting in Bermuda was undertaken by North Mogadishu's police.¹⁸³

While the police in Mogadishu were recruited through the screen of the rival warleaders, elsewhere recruitment also followed clan lines.

In Belet Weyne, only Hawaadle and Galgaal [both are Hawiye subclans] could lead the police, and decisions flowed down from them. In Baidoa, only Rahanweyne. The communities filtered out the minorities. In Gedo, it's mostly Marehan.¹⁸⁴

Another observer noted that in Belet Weyne, "almost all police were Hawaadle" when UNOSOM left; when the SNA took over the town, all of the police fled.¹⁸⁵ Since then, however, Human Rights Watch was told that SNA leader Osman Ato had reestablished a force there by drawing upon an equal number of recruits from each of the fourteen subclans in the community (the same source added, "This is fizzling out because of the lack of payment").¹⁸⁶

¹⁷⁹ Somali aid official, Human Rights Watch interview, Nairobi, January 19, 1995.

¹⁸⁰ Somali UNOSOM official, Human Rights Watch, January 19, 1995, Nairobi. Another source, noted that in Kismayu "UNOSOM took some of the lowest ranking police during Siad's era and made them the highest." There police received arms and vehicles, and provided protection for relief compounds as an alternative to Morgan's militia until UNOSOM's withdrawal. Aid official, Human Rights Watch interview, Nairobi, January 18, 1995.

¹⁸¹ Aid official, Human Rights Watch interview, Mogadishu, February 1, 1995.

¹⁸² Former UNOSOM officer, Human Rights Watch telephone interview, Washington, D.C., March 1995. The same source added, "The Mogadishu police did nothing," and said police advisors complained that the police "never made an arrest."

¹⁸³ Aid official, Human Rights Watch interview, Mogadishu, February 1, 1995.

¹⁸⁴ Former UNOSOM officer, Human Rights Watch interview, Nairobi, January 19, 1995.

¹⁸⁵ Aid official, Human Rights Watch interview, Nairobi, January 20, 1995.

¹⁸⁶ Aid official, Human Rights Watch interview, Nairobi, January 21, 1995.

The lack of protection by any central authority, including UNOSOM, provided a strong incentive to local communities to establish their own capacity for self-defense. The UNOSOM-funded police, which were not formally accountable either to the district councils or the traditional councils of elders, provided little in the way of protection from any but petty crime. Police established in some areas under shari'a law, however, served the community under the authority of its traditional authorities, and sometimes through district councils whose composition and mandate were simply transformed on local initiative to meet local demands.

In some regions, UNOSOM's police personnel have come under the direct control of local authorities, either in the form of modified district councils, or directly by councils of elders. Elsewhere, where UNOSOM police were never wholly independent of rival warleaders, police now act more directly in tandem with the militias. Critiques of the UNOSOM police vary according to the towns and cities of southern Somalia in which they are made, and the kinship group from which the critics belong. A common denominator, however, is that the experiment left little in the way of a constructive legacy. A more comprehensive condemnation came from a U.N. agency official interviewed by Human Rights Watch who described the force flatly as "a bloody monster, 8,500 men with guns and vehicles." In Mogadishu, he added, "they belong to Ali Mahdi and Aideed, and always have been part of their security apparatus."¹⁸⁷ UNOSOM's indirect support of the warleaders is discussed further below.

While a major problem of the police and justice program was the conundrum of law enforcement without an agreed basis in law, an equally serious obstacle to effectiveness was the lack of accountability by UNOSOM police even to the political structures established by UNOSOM itself, the district councils. By attempting to maintain direct control of the police, to the exclusion either of clan elders or the district councils, the U.N. peacekeepers in effect created a system without clear lines of accountability to anyone.¹⁸⁸ Doing so without having established an effective system of human rights monitoring, reporting and protection compounded the problem.

To many observers, the police appeared crippled by clan bias, despite the efforts of UNOSOM to promote its independence; limited in its scope to matters deemed non-threatening to the warleaders; and prone to corruption. Recruited variously from candidates presented by the warleaders themselves, or ex-police tainted by service with Siad Barre's corrupt regime, UNOSOM's police had inauspicious beginnings. The police program, like so many aspects of

¹⁸⁷ U.N. aid official, Human Rights Watch interview, Baidoa, January 26, 1995.

¹⁸⁸ A Somali aid official suggested that UNOSOM's reluctance to empower the district councils through control over the police was a crucial flaw in the overall program, leaving the police without accountability and the councils without authority. "UNOSOM succeeded in reestablishing the police: uniforms, vehicles, arms and salaries. The main problem is accountability: UNOSOM made them accountable to UNOSOM instead of the political organizations in town. Now UNOSOM is gone. They are not seen as a force with the authority to intervene in conflicts. They don't have the force to capture criminal gangs. UNOSOM itself avoided creating a powerful DC, and feared putting the police under the authority of the DC. UNOSOM questioned the integrity of the DC..." Somali official, Human Rights Watch interview, Baidoa, January 24, 1995.

the UNOSOM initiative, was also vastly different in its implementation depending on the UNOSOM forces involved in setting it up and the locale in which they operated. Few candidates were effectively screened, and screening was in some cases reportedly done according to criteria which suggested an indifference either to a need for neutrality or a candidate's human rights record.¹⁸⁹

¹⁸⁹ An aid official with long service in Somalia told Human Rights Watch that he had been unaware of any screening; "UNOSOM gave it lip service, but police commanders had to reabsorb clan members, no matter what their record. This was a classic case of obligation vs. responsibility. With the absence of UNOSOM, the police will break up. The police in the capital can't be independent of the politics of the capital." Aid official, Human Rights Watch interview, Nairobi, January 18, 1995.

To the casual observer, the police did little to instill a climate of either law or order. A sultan from Lower Shebelle Region, who is himself in hiding from the Habr Gedir's SNA, told Human Rights Watch, for example, that in South Mogadishu, "There is a prison, controlled by UNOSOM police which is not controlled by SNA, but never takes SNA prisoners." (He added, "When the Habr Gedir need to imprison someone, they keep him for a day or two but usually kill him.")¹⁹⁰ Other sources also suggested that the intermeshing of clan loyalties ultimately reduced the police to acting only to apprehend those without clear clan protection ("The prisons are for poor people accused of common crimes")¹⁹¹ while ostentatious political murder went unpunished.

The lack of formal control over the police, in the absence of a national legal structure, and the tendency of police to work with or overlap with the militias, are frequent criticisms. A relief officer gave the following assessment:

No policeman can stand alone without government behind him, so they've aligned themselves with the militia leaders. The U.N. has supported uniformed militia. They will support the rule of law and order of the clan or the militia leader, and do so with U.S. equipment. These are clan-based police, but don't even fully represent a clan because they don't represent all subclans and consequently are impotent. When salaries are cut, they will join the militias.¹⁹²

Another relief worker concurred, noting that in many places, the police are "fragmenting into factions. One police car was made into a technical: a Murosade policeman uses it in fighting against the Abgal. If clan fighting breaks out, the police take sides."¹⁹³

In Baidoa, although courts were still not functioning, a senior elder said some control was being exercised over crime, that some fifty detainees were held in Baidoa's prison, and that the elders had decided in October 1994 to impose the death penalty for murder. Four people were said to have been executed since then, apparently after being found guilty through the traditional medium of the council of elders itself. An example given by this elder of progress in suppressing crime was the action taken when a man had threatened CARE and attempted to extort \$200,000: "The police killed him when trying to capture him in April 1994."¹⁹⁴ Another Baidoa resident described the same case in less salutary terms, however, as an example of the sometimes arbitrary nature of traditional justice:

The elders often don't test their authority, but sometimes they react: four people threatened a CARE staffer in early 1994; the CARE staffer gave the threatening note to a senior elder and four hours later the four people were shot, after the elder gave the order to the police.¹⁹⁵

A Rahanweyne relief worker told Human Rights Watch that the punishment of crime committed by people with strong clan affiliations in Baidoa was largely left up to their subclans. In the matter of the death penalty, according to this source, only the Leyson subclan had taken action.

¹⁹⁰ Traditional leader, Human Rights Watch interview, Baidoa, January 24, 1995. A similar view was expressed by a senior elder of the Rahanweyne in Baidoa, Bay region, who contrasted practices there with areas under the control of the SNA: "There is one prison in Baidoa, with roughly fifty people there. The SNA don't capture people, they just kill them." Senior elder, Human Rights Watch interview, Baidoa, January 24, 1995.

¹⁹¹ Somali UNSOM official, Human Rights Watch interview, Nairobi, January 19, 1995.

¹⁹² Aid official, Human Rights Watch interview, Nairobi, January 21, 1995.

¹⁹³ Somali UNOSOM official, Human Rights Watch interview, Nairobi, January 19, 1994.

¹⁹⁴ Ibid.

¹⁹⁵ Aid officials, Human Rights Watch interview, Baidoa, January 26, 1995.

Everyone agreed on a death penalty, but it is only practiced by the Leyson. The Leyson executed two murderers publicly; one in October and one in November 1994. The evidence was there; the two killers killed their own brothers as well as others. The Leyson elders decided to execute them. The militia brought one up the main street to the spot where he killed his brother, tied him and shot him.¹⁹⁶

A Somali member of UNOSOM's humanitarian division based in Baidoa gave a similar account, ascribing the elders' introduction of the death penalty to a response to the vacuum left as UNOSOM withdrew:

¹⁹⁶ Somali aid official, Human Rights Watch interview, Baidoa, January 23, 1995.

There were lots of shootings after UNOSOM left during December 1994. The elders met and decided that everyone who kills someone would be killed in the same location by the parents of the aggrieved. Two men shot their brothers on two different occasions. Both were killed in public in the place where they killed their brothers.¹⁹⁷

Another, non-Somali, source in Baidoa said, "The death penalty is everywhere," but described its application as inconsistent. In October 1994, he said, "Two women were executed for adultery, convicted by an Islamic court." The source contrasted the situation in Baidoa with that in Luuq, however, in northern Gedo region, which is under Islamic law. "In Luuq, the rules in the Islamic court are very strict. If you get a two-year sentence, you do two years. In Baidoa they bribe their way out of jail."¹⁹⁸

The establishment of shari'a courts in some areas has been credited with rapid improvement in the local security situation. The situation in North Mogadishu over the past six months, when shari'a was introduced, contrasted favorably according to one source with that in the south of the city, where there was "zero police presence." In the north, "There is a rule of law through shari'a courts," with deterrence of common crime through harsh penalties. Severed hands and feet "hang on links."¹⁹⁹ Some sources, however, said that in North Mogadishu the application of shari'a had been distorted by clan bias. According to one source, "the Murosade are upset at the introduction of shari'a because one Murosade got his hand lopped off," a punishment carried out in the midst of ongoing Abgal and Murosade fighting.²⁰⁰ (A spokesman for General Aidede's SNA, in contrast, said that in its plans to "form a government" shari'a was "on the back burner.")²⁰¹

¹⁹⁷ Somali former UNSOM officer, Human Rights Watch interview, Baidoa, 23 January 23, 1995. This source also described an earlier "execution", of an SNA member called "Gutale" who was accused of "killing up to fifteen people before UNOSOM came." As a consequence, "Police captured him in January 1993, and he was sentenced to death."

¹⁹⁸ Aid official, Human Rights Watch interview, Baidoa, January 25, 1995.

¹⁹⁹ Aid official, Human Right Watch interview, Nairobi, February 1, 1995. Popular support for the police and the penalties of shari'a courts, in turn, are credited with increasing the influence of religious leaders in North Mogadishu, and an increase in the number of Islamic NGOs and Koranic schools there.

²⁰⁰ U.N. aid official, Human Rights Watch interview, Baidoa, January 26, 1995.

²⁰¹ Jama Abdi "Blue", Chairman, Tawakal Airlines, Human Rights Watch interview, Nairobi, February 1, 1995. Jama Abdi is

In contrast, in Middle Shebelle region, to the north of Mogadishu and also under the control of Ali Mahdi's coalition, Human Right Watch was told that district councils continued to function, and that 400 to 500 police were operating. District administrations had reportedly assumed control over the police and established courts, although their basis in law is not clear. According to relief workers based in the region, the Middle Shebelle's governor did not want shari'a, "because shari'a has its own police." The regional government, which brings together influential members of the Abgal and Galgaal clans that are the majority population there, controls the police.²⁰²

one of General Aideed's financiers.

²⁰² Aid officials, Human Rights Watch interview, Nairobi, January 22, 1995. Another source explained that in Middle Shebelle, "[the population is] 90 percent Abgal; the authority is Abgal; the armed militia are Abgal." The Abgal, in turn, "see Ali Mahdi as their political leader, but they have their own traditional and administrative leaders." Somali aid official, Human Rights Watch interview, January 21, 1995.

In Lower Juba, some Absame community representatives based in Doble have reportedly requested the Islamic organizations to come and protect their areas. According to one source, the reason is that "the fundamentalists try to end looting. For example, a bandit robbed a shop in Doble and killed the owner. The community went to the fundamentalists and gave consent to them to bring justice; they caught and killed the bandits."²⁰³ The two major fundamentalist groups are Al-Itahad (armed) and Islah (unarmed), with the latter described as a splinter group of the former on the west bank of the Juba.

The fundamentalists are an organized authority; they dispense justice. In the Doble conference shari'a law was adopted. They are waging a hearts and minds campaign. They want to provide some basic welfare services. They are going into communities to win them over. They complain they are getting less funding now from the outside than before. They have integrated into the community.²⁰⁴

The situation of the police in Kismayu was described by an agency official as "becoming more effective, although still clan-based."²⁰⁵ Another, Somali official concurred that the situation of security had improved "dramatically" over the previous months, and that the police were effective, with the drawback that there was still no law to be enforced and no government to back the law.²⁰⁶ Although police and militia personnel were sometimes reportedly mixed, an estimated 200 police were said to be operating in Kismayu, with most of them based at the airport, the police headquarters and guarding the compounds of relief agencies.²⁰⁷

General Morgan's position on law and order was that "If you go to jail, you stay there." By his count, there were twenty prisoners in the Kismayu jail at the time of our interview, "including members of the militia." Although he confirmed that there are no courts, he said traditional leaders reach a judgment on each case, with the subclans of the offender and offended participating in the decision. He estimated that twenty cases had been resolved in the past two to three months. General Morgan told Human Rights Watch he plans to use the regional committee to establish a court. He said he prefers the preexistent Somali penal law, but that there is sentiment for shari'a, which he says he will not oppose.²⁰⁸

²⁰³ Somali official, Human Rights Watch interview, Nairobi, January 20, 1995.

²⁰⁴ Ibid.

²⁰⁵ Somali aid official, Human Rights Watch interview, Kismayu, January 28, 1995.

²⁰⁶ Somali U.N. aid official, Human Rights Watch interview, Kismayu, January 28, 1995.

²⁰⁷ Aid worker, Human Rights Watch interview, Kismayu, January 28, 1995. According to this source, police began protecting the NGO and U.N. compounds in April 1994 when the Indian troop contingent withdrew.

²⁰⁸ Gen. Said Hersi Morgan, Human Rights Watch interview, Kismayu, January 27, 1995.

The situation of women in Kismayu was discussed with leaders of some of the women's organizations based there. A leader of a Kismayu women's group said women are at present treated fairly by police, but the absence of a clear legal order continued to be a problem. "If women are accused of crimes, they are taken to jail. But as there are no courts, the police only hold them until elders come and settle the matter." She added that she would personally support shari'a law in Kismayu and said she believed "100 percent of the women do."²⁰⁹

²⁰⁹ Leader of Somali women's group, Human Rights Watch interview, Kismayu, January 28, 1995.

According to the Somali Red Crescent, the Kismayu jail was in the past known for atrocious conditions, with poor sanitation and routine ill-treatment. When Red Crescent visited in mid-1994, a boy had been found there bound with ropes and badly injured. Following a report by Red Crescent and visits by UNOSOM, steps were reportedly taken to improve conditions. Red Crescent now continues to monitor the jail.²¹⁰

The warleaders and other local authorities have, in sum, shown a capacity to offer security in areas they control when it is not their own forces carrying out abuses. An aid official with long experience in Qoriole, a market town in Lower Shebelle southwest of Mogadishu, described, for example, security measures taken by General Aideed's SNA forces after they took control of the region:

The SNA is quite organized in each district, controlling a district council and administrator in each district. The SNA and district council are parallel administrations. The latter deals with day-to-day issues. In Qoriole, there is hardly anyone with guns. The SNA wields authority through civilians. Road conditions have improved from Qoriole to Mogadishu, where there used to be lots of bandits. Through a combination of SNA operations, checkpoints and some income-generation opportunities for young gunmen they have shut down the bandits over the last five months. Frequently RPGs [rocket propelled grenades] were being shot at buses, killing five, ten, fifteen people at a time, and then the bus would be picked clean. The SNA went undercover on the buses and outgunned the bandits.²¹¹

Accountability for the actions of one's own militia, however, has yet to be a normal feature of warleader's disciplinary measures or control over militias by the other authorities of their clans of origin. The perception of leaders of particularly vulnerable communities is that Habr Gedir militia, for example, acting on the authority of the clan's elders and the SNA, literally get away with murder, while these authorities deny all responsibility. An anecdotal account of an incident in the market place of Qoriole, which is now under virtual occupation by the SNA (the Habr Gedir's major population center is in central Somalia, and traditionally pastoral), describes the impunity with which private criminal acts are shielded by de facto authorities:

In Qoriole market, a Habr Gedir killed a Hawaadle in front of everyone—December 12, 1994. The Habr Gedir torture and beat people in front of the public and Habr Gedir leaders tell the sultan or others that it is random violence. The Habr Gedir came in with tractors and farmed whatever land they wanted. No one could challenge them. They compensate with money; if you refuse, you are killed. They have special armed militia to protect the Habr Gedir (Ayr) farmers.²¹²

Although Habr Gedir authorities may have a capacity to provide equal protection for all people in areas under control, there has been little evidence of an intent to do so.

Controlling the Militias and the Gunmen

The subclan councils are the principal authority with the capacity both to hold their armed members accountable for human rights abuse and common crime, and to provide redress for abuse. In Somalia's traditional

²¹⁰ Somali Red Crescent, Human Rights Watch interview, Kismayu, January 28, 1995.

²¹¹ Aid official, Human Rights Watch interview, Mogadishu, February 2, 1995.

²¹² Senior elder, Human Rights Watch interview, Baidoa, January 24, 1995.

justice system, councils of elders provide a forum through which an aggrieved party seeks restitution of goods, or payment for injuries received. Payment of diya, or blood money, is a matter negotiated between the diya-paying group of the offender and that of the victim. Traditional justice also results in judgments of guilt or innocence for crimes and the determination and execution of punishments.

Accountability depends in part on the nature of the relation of abusive forces to established authorities. The part-time militias which constitute the largest armed forces operating in Somalia are raised by each the community's council of elders, which may send representatives to each household seeking the service of the clan's young men.²¹³ This community base can serve as an obstacle to discipline and accountability, in that the elders must in turn be accountable for any punishment to a misbehaving member's family.

Militia members are volunteers—there is no tradition of forced conscription into the militias—and individuals are apparently rarely subject to discipline. Accountability for the acts of militiamen is to the clan,²¹⁴ however, and sometime their traditional leaders can take drastic action to rein in young gunmen. Relief workers in Baidoa told Human Rights Watch that the Leyson subclan, for example, had dealt with two of their uncontrollable young gunmen through the drastic measure of execution. This contrasted, in their view, with the Luwaay sub clan, which they found "either unable or unwilling to control the gunmen."²¹⁵

Several interviewees told Human Rights Watch of specific cases in which traditional systems of redress were invoked for abuses by militias, including for such acts as looting. A Bantu from Jamaame District, for example, told Human Rights Watch that clan militias acting under the umbrella of General Aideed's SNA could sometimes be held accountable:

The SNA only want to loot; they don't want to chase people away. If the Habr Gedir loot, you can go to their elders and the elders will make the looters give the valuables back. The same is true for the Biyaamal and Galgaal militia. All of them are part of the SNA.²¹⁶

²¹³ A longtime aid official described the militias as a mix of freelance gunmen and local levies, both structured and unstructured. The common denominator, in his view, was that when a clan was under threat, the community's young men took up arms: "when the clan is under pressure from outside, then everyone responds immediately, and the young men don't need to be told; they are absolutely conditioned." Aid official, Human Rights Watch interview, Nairobi, January 18, 1995.

²¹⁴ Ibid. This source said, however, that he believed there was little censure of egregious violators by militia leaders within the clan. "There is the payment of diya between clans... The clan takes responsibility, but individuals are not sanctioned. They will not hand over an individual."

²¹⁵ Aid officials, Human Rights Watch interview, January 24, 1995, Baidoa, Somalia.

²¹⁶ Members of the Bantu community, Human Rights Watch interview, Kismayu, January 28, 1995.

Compensation, if not justice, for attacks on UNOSOM's Somali employees was sometimes won through the traditional system, where the victim had a clear clan identity and a diya-paying group to support his family's claim. The murder of a driver for UNICEF in the Bay Region city of Baidoa and two others with him, in early January 1995, apparently by an out-of-uniform policeman shooting from a UNOSOM police car, was dealt with by the clans of the respective victim and perpetrator. According to relief workers in Baidoa, the clan of the driver was paid eighteen million Somali shillings (about U.S. \$360) in compensation. (The killer himself is not known to have been punished.)²¹⁷

²¹⁷ Aid officials, Human Rights Watch interview, Baidoa, January 24, 1995.

Some cases have also been reported in which gross abuses by troops of a UNOSOM contingent have also been the object of compensation through traditional channels. The death under torture in March 1993 of sixteen-year old Shidane Abukar Arone, in the custody of troops of the elite Canadian Airborne Regiment, reportedly resulted in the payment of compensation to his family in the form of one hundred camels.²¹⁸ The incident, and the death in Canadian custody of at least three other Somalis, ultimately resulted in several convictions of Canadian troops charged with torture and murder, and the disbanding of the Airborne Regiment.

Whether the alleged infractors in the militias are clan volunteers or freelance gunmen for hire, most commentators suggest that warleaders deliberately avoid enforcing standards that would check members' freedom to despoil and rape, on the grounds that militiamen expect compensation in the form of a virtual license to do so. Others suggested that punishment was avoided because it could disrupt an uneasy relation between the warleaders and those who fight for money and other material rewards, as well as clan loyalties. One Somali leader told Human Rights Watch he had "never heard of any faction leader severely punishing militia members. They have solidarity among themselves in killing and raping. If a leader were to challenge a member, he might face a severe reaction."²¹⁹

Clans and warleaders have, however, on occasion been reported to have taken harsh measures to enforce their control over their forces, particularly when disloyalty may be suspected. In some cases, militiamen have reportedly been killed at the order of warleaders, although Human Rights Watch has been unable to document individual cases of this kind. Militiamen in Belet Weyne, which was occupied by SNA forces in July 1994, were reportedly punished by SNA officers who locked them in containers for a time.²²⁰

Common crime can result in punishment agreed upon by clan elders or determined by Islamic courts, or in compensation to a victim or a victim's family or clan provided by the perpetrator's clan. Sometimes, however, traditional procedures disintegrate into no more than crude vengeance along clan lines. For example, according to one interviewee, "In Gelib, a Sheikhal woman was killed by an Ogadeni [in late 1994]; her Sheikhal relative ran down to the market hours later and picked out an older Ogadeni man and killed him."²²¹

A former UNOSOM advisor told Human Rights Watch that traditional procedures had, in fact, been largely replaced by mere revenge in many areas. "Traditionally in nomadic areas, if there was a cross-clan killing, the murderer would be handed over to the disposition of the aggrieved. But this has collapsed in the last few years." The collapse in inter-clan conciliation, in turn, was attributed in part to the sheer scale of looting and murder as warleaders led clans against one another. "They add up the injury and go for revenge."²²²

²¹⁸ Charles Trueheart, "Canadian Guilty of Killing Somali," *Washington Post*, March 18, 1994.

²¹⁹ Senior elder, Human Rights Watch interview, Nairobi, January 20, 1995.

²²⁰ Aid official, Human Rights Watch interview, January 21, 1995, Nairobi.

²²¹ Aid official, Human Rights Watch interview, Kismayu, January 28, 1995.

²²² Somali former UNOSOM official, Human Rights Watch interview, Nairobi, January 19, 1995.

The structures established by UNOSOM, notably the district councils, have, however, provided a formal vehicle for cross-clan collaboration at the local level to which traditional community structures contribute. Although in many cases dominated by warleaders, some district councils have been described whose composition and scope of action appears to represent community interests. In some regions, for example Bakool, which borders Ethiopia to the northwest, the post-UNOSOM district councils are described by agency officials as having potential as vehicles through which all parts of each community can be represented. At the same time, to the extent that the district councils reflect the makeup and traditional leadership of the population, there is an unrealized potential for holding these authorities accountable for the actions of police and militia within their jurisdictions.

One U.N. official staying behind in post-UNOSOM Somalia stressed that the agencies "want to interrelate with district councils," because it was at the local level that accountability could be established. An example of past practice was the killing of a foreign staff member of Médecines du Monde-Greece in Bakool: "No one was held responsible and the murderer walked the streets." The problem was that the leaders of factions don't have control over the local militia. "Now we'll try the district council. The local district council must take responsibility for security and apprehending culprits."²²³

It remains to be seen whether the district councils will be able to go beyond the parochialism of the councils of elders and other traditional sources of authority. While elders traditionally settle conflicts, "they've never been responsible for governing before."²²⁴ With security a primary concern of the elders, the capacity of the district councils to implement their decisions will be most severely tested in the manner in which they both maintain order within the community, through policing and a system of law, and protect the community from attack. Their greatest challenge will be the degree to which they provide a forum in which inter-clan differences can be settled and governance can proceed in a manner protecting equally the interests of all parts of their communities.

VI. THE UNITED NATIONS IN SOMALIA

When the U.N. initially decided to act, through the creation of UNOSOM, it did so under Chapter VI of the Charter of the United Nations, which concerns "Pacific Settlement of Disputes." Its terms apply to situations in which the belligerents agree to cease hostilities. In such situations U.N. forces are authorized to use force in self-defense. Movement to implement the mandate was slow. Although authorized in April 1992, a group of fifty U.N. observers did not arrive until July. In September, the first troops arrived: a contingent of 500 soldiers from Pakistan, but did not take up defensive positions at Mogadishu airport until mid-November. A Canadian battalion was posted at Bossaso in the far Northeast (Bari) during December 1992.²²⁵

The United Nations International Task Force (UNITAF) which landed in mid-December 1992 was under U.S. command and comprised 24,000 U.S. troops and 13,000 from other nations. Its deployment followed a decision by the outgoing Bush Administration that humanitarian intervention could no longer be put off. Security Council Resolution 794 of December 1992 mandated UNITAF "to use all necessary means to establish as soon as possible a secure environment for humanitarian relief operations," and to send up to 38,000 troops to Somalia. The U.S.-led operation was called "Operation Restore Hope."

²²³ Somali official, Human Rights Watch interview, Nairobi, January 30, 1995.

²²⁴ Aid officials, Human Rights Watch interview, Baidoa, January 24, 1995.

²²⁵ The early stage of the U.N. role is summarized in Human Rights Watch, *The Lost Agenda*, pp. 116-119.

In May 1993, UNOSOM and UNITAF were replaced by U.N. mission with a broader mandate. UNOSOM II's mandate was under Chapter VII of the U.N. Charter ("Actions with Respect to Threats to the Peace, Breaches of the Peace and Acts of Aggression") which authorizes the U.N. to determine to use force against risks to international peace and security. This is the only part of the Charter that authorizes U.N. peacekeeping operations without the consent of the state. UNOSOM II's mandate was to cover all of Somalia's regions, including the secessionist north-west. Although UNOSOM and UNITAF had been authorized to use force, UNOSOM II's mandate included responsibilities that made the use of force more likely.

The general mandate of UNOSOM II was "to assume responsibility for the consolidation, expansion and maintenance of a secure environment throughout Somalia" (Resolution 814). A U.N. report summarized the political dimensions of the task as a mandate:

to provide humanitarian and other assistance to the people of Somalia in rehabilitating their political institutions and economy and promoting political settlement and national reconciliation. Such assistance should include economic relief and rehabilitation of Somalia, the repatriation of refugees and displaced persons within Somalia, the re-establishment of national and regional institutions and civil administration in the entire country, the re-establishment of Somali police, mine-clearance and public information activities in support of the United Nations activities in Somalia.²²⁶

In support of these objectives, military tasks were to include monitoring cease-fires and preventing a resumption of hostilities, including by "taking appropriate action against any faction that violated or threatened to violate the cessation of hostilities."

The show of force in December 1992 appeared initially to have an immediate and beneficial impact. Insecurity in Mogadishu eased and the airport and port reopened to relief shipments. Within weeks, food deliveries were made to most areas of southern and central Somalia without major security problems. Within its narrow mandate the mission did ensure delivery of food supplies. Many critics have remarked, however, that the restoration of security in Mogadishu and on convoy relief routes was paralleled by a temporary withdrawal of many of the militiamen and heavily armed technicals from the presence of the U.N. troops, with a consequent rise in violence in areas remote from the capital.²²⁷

A series of clashes between forces of the warleaders Colonel Omar Jess and Gen. Mohammed Said Hersi "Morgan," both seeking to control of the port of Kismayu, provided an early test of UNOSOM's commitment to enforce a cease-fire and maintain the military status quo. On January 23, two Somalis were reported killed by Belgian peacekeepers in Kismayu; and on January 25, U.S. forces attacked a Morgan column as it approached Kismayu.²²⁸ When Morgan ultimately retook Kismayu from General Aideed's ally Colonel Jess in fighting on March 17, 1993, despite the presence of some 800 Belgian troops and one hundred Americans, the U.N. was blamed for having allowed it to happen.

²²⁶ United Nations Department of Public Information, *Information Notes: United Nations Peacekeeping, Update: May 1994*, DPI/1306/Rev.3/Reprint- July 1994, p. 106.

²²⁷ Africa Watch, "Somalia: Beyond the Warlords: The Need for a Verdict on Human Rights Abuses," *A Human Rights Watch Short Report*, Vol. 5, No. 2, March 7, 1993, p. 16.

²²⁸ Africa Watch, "Beyond the Warlords," p. 29; Agence France Press, January 24, 1993.

It is clear that Morgan flouted the rules of war in his attack in a manner that made the peacekeepers' response difficult. A U.S. military spokesman said that some 200 of Morgan's men had advanced into Colonel Jess's territory dressed as herders while hiding their weapons under women's skirts. They had then "used the women to protect them when they confronted about fifty of Colonel Jess's men as well as Belgian soldiers." Some fifty people were reportedly wounded in the clash, and Colonel Jess's men had then fled the city.²²⁹ General Aideed condemned the assault as "a U.S.-condoned action."²³⁰ Colonel Jess's repeated efforts to regain control over Kismayu, in turn, would be repeatedly thwarted by UNOSOM troops over the next three years. Although Morgan was himself, with Aideed, the only warleader to be singled out at one time or another as an outlaw by U.N. or U.S. officials (in Morgan's case for his past record), Morgan's takeover under the noses of the Belgians, and Jess's subsequent hobbling by Belgian and American troops, would rightly or wrongly be attributed by General Aideed to bias against his bid for control.

An expectation of many Somalis, and a vocal demand of Somalis who initially opposed the U.N. mission, was that U.N. forces would move promptly and effectively to disarm the rival factions and unattached gunmen that posed a permanent threat to ordinary Somalis. UNOSOM's lack of a clear mandate to this end, however, meant there was no concerted effort to evenhandedly disarm. Where U.N. forces took action to halt fighting, or to confiscate arms or destroy weapons dumps, they were often accused of being biased toward one faction or another. Like the enforcement of often notional cease-fires negotiated by UNOSOM, disarmament was the object of deep Somali suspicion, and was criticized for inconsistent implementation over time and by various U.N. national contingents. At the inception of the mission, however, the most serious failing of the disarmament policy was that it was neither clearly enunciated nor seriously implemented in an evenhanded manner.

Several operations early in UNITAF's mission led to seizures of large quantities of arms. On January 14, 1993, for example, after a reconnaissance flight had reported activity at an airstrip fifty kilometers west of Mogadishu, U.S. troops of the 10th Mountain Division, backed up by six helicopter gunships, reportedly moved in to capture a half-million rounds of 7.62mm ammunition as well as 89,000 rounds for M-16s, 1,400 rifle grenades, 420 anti-tank grenades, and two fifty-caliber machine guns. They had all just arrived by air.

Similarly, on January 8 and January 11, the U.S. troops of UNITAF attempted to reduce the supply of arms in Mogadishu by closing down the markets. The "Argentine" arms market in North Mogadishu, under Ali Mahdi's control, was closed on January 8 when marines seized a small tank, two armored personnel carriers, and several technicals, as well as 250 rifles and machine guns and ammunition. Three days later, the larger Bakaraha market in the south of the city, the area controlled by General Aideed, was closed. Within a matter of months, weapons were again openly available in the markets; they were never unavailable clandestinely.²³¹ But no consistent policy appears to have been in play, and sporadic measures to halt the influx and sale of arms, or to seize arms caches were not matched by measures to strip the standing militias of their weaponry.

Within a few days of arrival, members of the U.S. forces had stated publicly that they had no plans to disarm the population.²³² In practice, U.S. and other contingents at different times implemented different policies; the net result was the confusion of the public and all parties to the conflict, and again a suggestion, in an atmosphere of polarization and fear, that a hidden agenda of bias was being pursued. Disarmament, in contrast to measures to stop the import or

²²⁹ Donatella Lorch, "Talks on Somalia suspended by U.N.," *New York Times*, March 18, 1993.

²³⁰ Jennifer Parmelee, "Somali peace talks suspended as result of clash in southern town," *Washington Post*, March 18, 1993.

²³¹ See, for example, Africa Watch, "Beyond the Warlords," p. 17.

²³² See Col. F. M. Lorenz, "Law and Anarchy in Somalia," *Parameters*, U.S. Army War College, Carlisle, Pennsylvania, Vol. XXIII, No. 4, Winter 1993-94.

trade in weapons, had been viewed primarily as a voluntary program during the first stage of the U.N. operation. In contrast, UNOSOM II was authorized to take control of the war leaders' heavy weapons, and to seize "the small arms of all unauthorized armed elements."²³³ The situation varied from area to area, depending on the national origin of U.N. forces as well as the locale in which they operated.

²³³ United Nations Department of Public Information, *Information Notes: United Nations Peacekeeping, Update: May 1994*, p. 105. For example, "weapons-policy-cards" were printed and distributed to UNITAF personnel and also to humanitarian relief organizations. The full record of such measures is beyond the scope of this report.

The differing application of U.N. policies was of particular concern to many officials of nongovernmental aid agencies, who told Human Rights Watch that in some areas U.N. contingents focused on stripping their own employees and Somali farmers of their small arms, while ignoring the militias that preyed upon them. Somalis from Bay Region, for example, expressed nearly unanimous consternation at the differential impacts of disarmament. According to their accounts, UNOSOM's rather aggressive policy of small arms collection there succeeded in disarming NGO guards and many Rahanweyne herders and farmers whose weapons were their only protection against looters and bandits. Because the larger caches of the militias were outside of UNOSOM's immediate areas of operation, they remained relatively untouched, which increased both the imbalance of military power and the vulnerability of certain populations to attack.²³⁴

After June 5, 1993, in the months of open conflict with General Aideed's forces, "coercive disarmament" was pursued on a selective basis in Mogadishu, if not with great success. The political impact was that disarmament was a selective process, aimed at either the weak or the designated enemy. After the November 1993 rapprochement with General Aideed, disarmament would again be considered a voluntary affair, with U.N. efforts to provide cantonments for weapons turned in. Efforts to disarm the militias and the public would largely lapse over UNOSOM's final year. One problem was the absence of a clear basis in law through which arms possession could be regulated: but more important was a lack of commitment either to protect ordinary Somalis from the armed militias or to commit U.N. troops to do so. In summary, implementation of "coercive" disarmament was uneven and inconsistent; private guards employed by nongovernmental relief agencies were sometimes arbitrarily disarmed, while gunmen of the war leaders preying upon them and the civilian population were not. Complex policies for the regulation and registration of arms were developed, but never fully implemented.

Things Fall Apart

On June 5, 1993 twenty-four soldiers from the Pakistani units serving with UNOSOM were killed in a series of attacks that started in the morning and continued until late afternoon; fifty-six more were wounded, eleven seriously. UNOSOM estimated Somali casualties, militia and civilian, at thirty-five dead and about a hundred injured. Responsibility for the attacks was promptly attributed to forces of General Aideed's SNA. A cease-fire had ostensibly been in force.

Earlier that morning, a Somali was shot by UNOSOM forces trying to disperse demonstrators in front of Radio Mogadishu at about 9:30 A.M. A short time later, attacks were made on the Pakistani Brigade headquarters in the National Stadium and on Pakistani UNOSOM troops at two relief feeding centers, at several military posts, and at key points along the streets linking these places. Some of the UNOSOM troops were attacked when they were returning from the inspection of an authorized weapons storage site; others were ambushed while attempting to rescue those attacked earlier or to evacuate the wounded from the most serious fighting. This was at Checkpoint 89, on October 21 Road, where a number of factors suggested a well organized assault, if not premeditation: the weight and length of fire, the distribution of gunmen to prevent flank attacks, the firing discipline, the location of weapons, and the nearly simultaneous attacks elsewhere. Surprisingly, UNOSOM estimated subsequently that only around 200 militia fighters were involved in the clashes.²³⁵

²³⁴ Human Rights Watch interviews, Baidoa, Bay Region, October 1993.

²³⁵ Details of these incidents can be found in Professor Tom Farer, "The Report of an Inquiry, Conducted Pursuant to the Security Council Resolution 837, into the 5 June 1993 attack on U.N. Forces in Somalia," United Nations, New York, August 12, 1993. An executive summary of the report was reprinted in U.N. document S/26351, August 24, 1993. The report is available in English from the Office of the Under Secretary-General for Peacekeeping, New York.

The Security Council responded to the attacks the next day by adopting Resolution 837, which condemned what had happened and described it as "part of a calculated and premeditated series of cease-fire violations." It underlined the secretary-general's authority "to secure the investigation of actions [of the responsible parties] and their arrest and detention for prosecution, trial and punishment." It also requested that the secretary-general "urgently enquire into the incident, with particular emphasis on the role of those faction leaders involved." He was also authorized to take "all necessary measures against all those responsible." The resolution also discussed the need for neutralizing radio broadcasts that contributed to violence, a reference to the critical broadcasts aimed at UNOSOM, made over Radio Mogadishu by General Aideed's SNA.

On June 7, General Aideed released five of the six Pakistani troops captured on June 5; the sixth soldier, who was wounded in the leg, was released on June 10. It appears that UNOSOM decided on retaliatory action almost immediately. Even before the Security Council resolution, UNOSOM had begun to evacuate staff, flying 270 to Nairobi on June 6 and another forty-four on June 8. On June 10, the diplomats remaining in Mogadishu pulled out, and four American AC-130 "Spectre" gunships arrived in the region.²³⁶ The airport was closed to traffic on June 11 at midnight.

Before dawn on June 12, helicopters from the U.S. Rapid Deployment Force (RDF) launched attacks on Aideed's headquarters, the radio station, and weapon depots. Three days of attacks followed June 12, but it was only on June 17 that Admiral Howe identified Aideed as responsible for the assault on the Pakistani troops by issuing a warrant for his arrest. Two weeks later, Admiral Howe placed a price of \$25,000 on Aideed's head and distributed posters which carried a large picture of Aideed with "WANTED" written across his face in English. The subsequent fighting, largely in Mogadishu and lasting until November, overshadowed events elsewhere in the country, forced the political reconciliation process into abeyance, and endangered any progress that UNOSOM might make in other areas, such as the creation of local district councils.

The UNOSOM offensive that began on June 12, when it took over Radio Mogadishu and attacked three official arms dumps, two illegal arms caches, and a relay station, was carried out by AC-130 gunships and Cobra helicopters, with troops from the U.S. Rapid Deployment Force following up on the ground to destroy weapons and ammunition. According to the deputy U.N. commander, General Montgomery, who was also the commander of the RDF, the operation was precise and careful. He told the BBC, "We knew there were not civilians living in most of these sites, and we knew that by conducting the operations at the time we did, that we would not be in a position where we would be necessarily endangering lives of any noncombatants."²³⁷ Estimates for the number of Somali casualties of the UNOSOM responses varied. UNOSOM claimed only one Somali was killed, while the SNA talked of more than ten killed. UNOSOM, however, admitted to about 200 people detained, including a close aide of General Aideed, Ali

²³⁶ Following the Security Council's resolution, the U.S. flew in four AC-130s for use with the RDF, plus another 2,000 American troops. The AC-130s are greatly improved versions of the AC-47 gunships used by the U.S. in the Vietnam War. They are slow-moving, heavily armed planes, with a 105mm gun and a 20mm cannon plus 7.6mm machine guns, and have extensive computer and electronic capacity to help pinpoint targets, in daylight or in darkness.

²³⁷ Gen. Thomas Montgomery, interviewed by Roger Hearing, BBC, Mogadishu, June 12, 1993.

Keidye. Admiral Howe announced that Radio Mogadishu was being removed from General Aideed's control and would be returned to "the Somali people."²³⁸

²³⁸ In a statement put out in Somali translation on June 12, Adm. Howe declared, in disregard for fundamental principles of free expression, that "all radio broadcasts will be censored so they are not used for propaganda purposes against UNOSOM" (Radio Manta, Mogadishu, June 12, 1993). "Propaganda" is not the same as incitement to commit crimes.

The same day, Pakistani troops fired in disputed circumstances on a small civilian demonstration, and at least two civilians were killed by gunfire. Observers claimed Pakistani troops had fired upon Somali demonstrators without provocation. Human Rights Watch wrote the U.N. Secretary-General on June 15 calling for an immediate inquiry into the incident.²³⁹ UNOSOM officials subsequently said that an investigation was conducted out into the deaths, but no conclusions were made public. The inquiry should have determined whether the firing by Pakistani troops responded to a real and immediate threat to their own lives or to others, whether they panicked or accidentally discharged their weapons in the face of a hostile crowd, or whether they fired deliberately and without cause in violation of international standards on the use of lethal force in crowd control situations.

A second incident in which twenty Somali civilians were shot dead took place at Kilometer 4, a roundabout four kilometers from the center of Mogadishu, also known as K 4. There is some dispute over what happened. Pakistani troops stationed in a former hotel and on the roof of the former Egyptian Embassy claimed they were fired on from the crowd, and that they fired warning shots after seeing gunmen in the crowd. There were also claims that casualties were caused by Somali gunmen firing into the crowd; witnesses in a second group of demonstrators approaching from another direction said that they were fired upon from positions that could not have been held by the Pakistanis.²⁴⁰

In July, another series of operations demonstrated the depth of the conflict between UNOSOM and Aideed. In some cases, the actions were a response to sniper fire at UNOSOM positions, such as an attack on July 7, in which six Somali civilians employed by the U.N. were murdered. Most UNOSOM operations followed a pattern, with ground troops searching an area, backed up by reconnaissance and strike helicopters circling overhead. One of the first occurred on July 1, when thirteen helicopters fired missiles at a suspected arms dump belonging to Osman Ato. The following day, when the Italians searched a compound on the ground, they encountered a roadblock when they tried to leave the area and were ambushed. Three Italian soldiers died, thirty were wounded. U.S. Cobra helicopters, Italian helicopters, and tanks were called in to disperse the attackers.²⁴¹

In August 1993, UNOSOM positions became more frequent targets of mortar attacks, and sniping appeared to increase. In the first week of August, seven U.S. soldiers were injured in several incidents. A massive explosion attributed to a land mine blew up a truck carrying troops, killing four American servicemen. A few days earlier, a land mine had wounded two. Five days later, three U.S. Humvee armored vehicles drove through a crowd of demonstrators, opening fire after they were stoned. Journalists at the scene said that it was only after the U.S. fired that any Somalis

²³⁹ Summarized in Africa Watch, News Release, "Africa Watch Calls on Security Council to Convene Special Session on Somalia," July 15, 1993.

²⁴⁰ Details of this and other incidents can be found in African Rights, "Somalia: Human Rights Abuses by the United Nations Forces," London, July 1993.

²⁴¹ According to UNOSOM military spokesmen, the Italians had also been the target of children carrying grenades who had approached vehicles. (UNOSOM military briefings, Mogadishu, July 3 and 4, 1993.)

replied in kind.²⁴² Hours-long attacks from helicopter and Spectre gunships were reported on repeated occasions, such as an operation on June 17 aimed at cordoning off General Aideed's own compound; at least sixty Somalis were reported killed at that time in circumstances in which it is still impossible to distinguish combatants from noncombatants. Five U.N. peacekeepers, including four Moroccans and one Pakistani, were killed.²⁴³

²⁴² Angus Shaw, "U.S. patrol opens fire on demonstrators," AP, Mogadishu, August 12, 1993.

²⁴³ Donatella Lorch, "U.N. attack in Mogadishu follows hours of bombing by U.S.," *New York Times*, June 18, 1993.

Ironically, one of UNOSOM's military actions that appears to have been most destructive to efforts to encourage civilian alternatives to the warleaders was an attack seemingly intended to eliminate Aideed and his principal commanders. On July 12, 1993, the house of Aideed supporter Abdi Abdiid was targeted by U.S. forces on the grounds that it was an Aideed command center—and that a meeting of Aideed loyalists was taking place at the time. In fact, some eighty people who were indeed meeting at the Abdi house are believed to have included elders drawn from a wide range of subclans, including the Habr Gedir, Ogadeni, Dir, Majerteen, Murosade, Sheikhal and others, who were apparently meeting to discuss mediation between UNOSOM and Aideed.²⁴⁴

Cobra helicopters of the independent U.S. command attacked the Abdi house in a morning raid with missiles and rockets. The U.N. command later said sixteen antitank missiles and 2,000 rounds of 20mm cannon fire had been used in the raid, which largely demolished the building.²⁴⁵ UNOSOM subsequently described the building as a command and control center for the Somalia National Alliance. The SNA—and other sources—have claimed it was a peace and reconciliation meeting. The presence of elders of a broad number of subclans would tend to substantiate this, although the full roster of the dead has never been made public. The International Committee of the Red Cross (ICRC), estimated there were fifty-four dead and 174 wounded.²⁴⁶ General Aideed's SNA claimed the actual figure was seventy-three dead, including twenty-two women and ten children, with another 234 wounded.²⁴⁷ A Department of State official later told Human Rights Watch that its estimates had risen to over thirty deaths.

Although no evidence is known to have been produced that the house was a defended military position, UNOSOM subsequently described the attack as flawless. Its aims were, it said, to disrupt General Aideed's command capabilities, to respond to recent attacks on UNOSOM and the murder of six Somali U.N. employees, to continue to put pressure on General Aideed's militia to drive it from its base of operations, and to facilitate the disarmament of General Aideed's militia complex. Admiral Jonathan Howe, in command of UNOSOM operations, insisted the raid "hit a key military planning cell of key Aideed advisers,"²⁴⁸ but there was little evidence to this end.

²⁴⁴ For communities represented, see John Prendergast, *The Gun Talks Louder Than the Voice*, p. 22. Prendergast also cites Mark Bradbury (*The Somali Conflict: Prospects for Peace*, Oxfam Research Paper no. 9, October 1993, p. 32), who suggests the killings may have "prevented an early resolution to the conflict." Other observers have concluded that the attack served to undercut growing internal opposition to Aideed and solidified his leadership under an anti-U.N. banner. It took over a year for the divisions present within the Habr Gedir before the incident to reappear.

²⁴⁵ Keith B. Richburg, "U.N. helicopters assault in Somalia targeted Aideed's top commanders," *Washington Post*, July 16, 1993.

²⁴⁶ Ibid.

²⁴⁷ SNA press release, Mogadishu, July 13, 1993. The SNA provided no detailed evidence to back up its assertions.

²⁴⁸ Richburg, "U.N. helicopters assault..", *Washington Post*.

The phases of the operation included a "precision air strike against the building," the insertion of ground troops to search the building, and, after seventeen minutes, a withdrawal. UNOSOM initially acknowledged thirteen deaths, though it subsequently raised the figure to twenty. A military spokeswoman, Maj. Leann Swieczkowski, said that the photographs taken inside the house showed it was a "forward command center," although UNOSOM later said that evidence of the casualties had not been recorded because the U.N. military photographer's camera had broken. (Casualties were also shown in a video record of the destruction taken by the SNA soon after the attack: this was later widely broadcast.) According to a UNOSOM leaflet a few days later, "the SNA officials who were killed were responsible for the deaths of six innocent Somalis. The SNA said women and children were killed, but that was pure propaganda."²⁴⁹ Admiral Howe described the operation as "a clean surgical strike" and identified some of the reported dead as having been part of a very small hard-line group that continues to want to attack the international community and also to murder Somalis as well."²⁵⁰

In the attack on the Abdi house the United States breached the laws of war by attacking the house without having confirmed that it was other than it appeared—a civilian villa, not a military command center. A confidential U.N. report on the attack questioned the legal and human rights implications of massive military assaults that target particular individuals, and concluded that "as a matter of policy, short prior notice of a destruction of a building with humans inside must be given." It counseled against further such attacks without warning on "legal, moral and human rights" grounds. The three-page report was prepared by the U.N.'s Justice Division in Somalia the day after the attack.²⁵¹

The attack on the Abdi house breached the rule of proportionality in humanitarian law even if it was conducted in good faith in the belief that it was indeed a defended command center. The applicable principle is that the legitimacy of a military target does not provide unlimited license to attack it. The law of war principles of military necessity and humanity (which are also considered principles of customary international law, which apply to all armed conflicts) require that the attacking party always seek to avoid or minimize civilian casualties and, thus, prohibits disproportionate and other kinds of indiscriminate attacks.

The rule of proportionality as it relates to civilian casualties and damage to civilian objects in the course of military operations is most clearly defined and regulated in the First Additional Protocol to the Geneva Conventions.²⁵² Article 51(5)(b) formulates the rule concerning collateral civilian casualties and damage as follows:

²⁴⁹ "UNOSOM Leaflets Mogadishu Residents, AFP, Mogadishu, July 17, 1993. See also Angus Shaw, "U.N. Puts on Show of Military Strength," AP, Mogadishu, July 19, 1993.

²⁵⁰ Adm. Howe, BBC World Service, July 12, 1993. In a press release on July 19, UNOSOM claimed that the dead included Aidid's chief planner, Omar Ahmed Kas, "believed responsible for attacks on the port area," Abshir Kahiye (Farrah), "chief planner for attacks on the airport," and Abi Hersi, "in charge of the propaganda program." Among known wounded were Abdi Qirdeed, "believed to have planned the June 5 ambush," and Abdulkadir Hajji (Dohoo-Dohoo) "believed responsible for planning the murders of four UNOSOM civilian employees and two Somali policeman." The press release, which says "collateral damage" was low, does not explain the basis for these attributions, and UNOSOM has never provided its evidence for these assertions.

²⁵¹ Keith B. Richburg, "U.N. report criticizes military tactics of Somalia Peace Keepers," *Washington Post*, August 5, 1993.

²⁵² Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protections of Victims of International Armed Conflicts (Protocol I) of June 8, 1977 (International Committee of the Red Cross: Geneva, 1977). The United States has not ratified Protocol I, but has expressed its support for many rules in the Protocol and has declared others to be customary law. See Middle East Watch, *Needless Deaths in the Gulf War, Civilian Casualties During the Air Campaign and Violations of the Laws of War* (New York: Human Rights Watch, 1991), pp. 27-64 for a discussion of legal standards applicable to air attacks, and the incorporation of international standards into U.S. military doctrine.

an attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated.²⁵³

Article 57(2) stipulates precautions that must be taken by those planning or deciding upon an attack to ensure that these principles are not violated. They include verification of the nature of the objective to be attacked, taking all feasible precautions to avoid civilian injury or death, and to refrain from attacking where risks to civilians are excessive. Article 57(a)(ii) requires the attacker to take all feasible precautions "in the choice of means and methods of attack" with a view to avoiding or minimizing incidental killing or injury of civilians. A commander should refrain from launching any attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, "or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated" (Article 57(2)(a)(iii)). Article 57(2)(c) requires that "effective advance warning shall be given of attacks which may affect the civilian population, unless circumstances do not permit." In the case of the Abdi House there were clear alternative to its destruction without warning. Rather than the minimum injury to civilians required to achieve the objective, the raid appears to have approached the maximum.

²⁵³ Protocol I contains detailed rules, mostly reaffirmations or clarifications of existing customary law, which implement the customary principles that a distinction should be made between combatants and civilians and that civilians and civilian objects may not be the object of attacks. See Middle East Watch, *Needless Deaths*, p. 31.

In addition to having been a violation of human rights and humanitarian law, the attack on the Abdi house was a terrible political mistake. Widely regarded as having claimed overwhelmingly civilian victims, among them advocates of reconciliation, the Abdi house attack became a symbol of the U.N.'s loss of direction in Somalia. From humanitarian champion, the U.N. was itself in the dock for what to the casual observer looked like mass murder. The United Nations, and in particular its American forces, lost much of what remained of its moral high ground. Although the report on the incident by the United Nations Justice Division rebuked UNOSOM for applying the military methods of declared war and open combat to its humanitarian mission, the report was never published.²⁵⁴ As in its reluctance to make human rights a part of its dealings with the warleaders, the peacekeepers determined to avoid a close and public examination of their own record against objective international standards.

In an incident on September 9, 1993, U.S. forces may have used disproportionate force in responding to an attack on Pakistani forces. Cobra helicopters using 20mm cannons opened fire on a crowd of Somalis, and dozens of civilians were killed. About a hundred Pakistani troops with three tanks, four armored personnel carriers, and a bulldozer had been trying to clear obstacles on October 21 Road when they were ambushed, and a tank was hit and burned. The Pakistanis called for reinforcements, and at least a dozen helicopters responded. According to UNOSOM, the helicopters fired only at a wall behind which armed militia were hiding. The colonel who commanded the attack said that he had not seen any children in the crowd, though he admitted seeing women present. UNOSOM claimed that the militia were hiding behind women and children, a tactic used on occasion by Gen. Aideed's men. According to UNOSOM's spokesman: "In an ambush there are no sidelines or spectator seats. The individuals on the ground were considered combatants."²⁵⁵

General Aideed's spokesman subsequently stated that 125 Somalis were killed, including women and children. The figure could not be confirmed, but reporters visiting a hospital saw dozens of newly wounded, including children. UNOSOM sources privately accepted that at least sixty Somalis had died; UNOSOM casualties were one dead and four wounded.²⁵⁶ A UNOSOM spokesman said the clash would be investigated. If any investigation has been carried out, no results have been published.

²⁵⁴ Richburg, "U.N. report criticizes military tactics," *Washington Post*.

²⁵⁵ U.S. Army spokesman, Maj. D. Stockwell, quoted in "U.N. Forces Defend Attack on Guerilla Ambush," UPI, September 10, 1993.

²⁵⁶ UNOSOM's official briefing referred to helicopters firing "at armed militia in defensive positions and on nearby walls." It itemized five UNOSOM/U.S. casualties and added, "We understand that there was a sizable number of Somali casualties, but it is impossible to ascertain an accurate figure" (UNOSOM military spokesman, Mogadishu, September 9, 1993). See also UNOSOM press briefing, Mogadishu, September 9, 1993. A statement from Adm. Howe's office added that UNOSOM deplored "General Aidid's callous disregard for human life and the practice of using women and children in his attack" (UNOSOM press release, Mogadishu, September 9, 1993).

Another major clash came on September 13, when soldiers from the RDF came under fire after searching two compounds and detaining fifty Somalis for questioning. The soldiers promptly called in helicopter assistance, and a Blackhawk and two Cobra helicopters arrived to lend support. During the subsequent fighting, two missiles hit the Benadir Hospital, partially demolishing the operating theater and destroying the hospital's blood bank, according to the ICRC. It was not clear whether the missiles had been aimed at the hospital, or whether firing was thought to have come from it: Eyewitnesses had in fact claimed that gunfire had been directed at U.N. troops from another nearby hospital, the Medina. The ICRC subsequently said that the Digfer Hospital outside the area of the fighting had treated forty injured. General Aideed claimed that sixty-five had been killed, but this figure appeared to be an exaggeration. U.N. casualties were three wounded.

The U.S. Decision to Withdraw

The possibility of bringing in elite U.S. Army Rangers to assist in the hunt for Aideed was first indicated in public by President Clinton's coordinator on Somalia, Ambassador Shinn. The aim originally was characterized as apprehending General Aideed:

[I]t is very important that [Aideed] be removed from the equation...and there are various ways to do that...it takes a very specially trained kind of group to go out in an urban environment, where you are in a totally unfamiliar environment, and identify and arrest and bring back without a lot of bloodshed someone who lives in that area.²⁵⁷

The contingent of 400 Rangers was thought to include elements of the Delta Force, the U.S. army unit used for special operations, particularly to combat terrorists and in other crisis situations.²⁵⁸ Neither U.S. nor UNOSOM spokesmen would confirm that these troops were intended to try to capture General Aideed, and Pentagon sources said the force should not be viewed as "hit teams." Their deployment was said to be no more than an effort to improve the overall situation in Mogadishu. Their first reported operation was on August 30, in Mogadishu, when fifty Rangers descended on ropes from helicopters onto a villa targeted as an Aideed command and control center: in the first of many mistakes, however, the Rangers attacked the wrong house, in this case the office and residence of the United Nations Development Program.²⁵⁹

²⁵⁷ "Seven people die in attack in Somalia," UPI, Washington, August 11, 1993.

²⁵⁸ Patrick J. Sloyan, "How the Warlord Outwitted Clinton's Spooks," *Washington Post*, April 3, 1994, describes the deployment of Delta Force commandos as fact, the consequence of a presidential order authorizing a special operations action to capture Aideed.

²⁵⁹ Nine sleepy U.N. employees were roused from their beds and taken off for interrogation, but released after four hours. Massimo Alberizzi, "Aid staff held in Somali raid, U.N. denies bungle," Reuters, Mogadishu, August 30, 1993. See also Reid G. Miller, "U.N. Raid in Mogadishu picks wrong house, terrifies U.N. employees," AP, Mogadishu, August 30, 1993.

Operations by helicopter-borne Rangers and Rapid Deployment Force aircraft increased during September 1993. On September 25, a Blackhawk helicopter was shot down for the first time, prompting a reconsideration of the American tactic of near-continuous helicopter overflights. The helicopter landed in a street but caught fire. The two pilots escaped, but three soldiers left inside it were killed. Troops sent into the area to recover the bodies encountered heavy fighting. At least six U.N. soldiers were injured, and Somali casualties were heavy. Hospital sources later said that five Somalis, including three young girls, had been killed and fifty-six wounded. The SNA alleged much higher figures—sixty-nine killed and 196 wounded. According to reports, the remains of the soldiers were mutilated and displayed by crowds, though this charge was subsequently denied by U.N. military spokesmen. The casualties brought the number of U.N. troops killed since May 4 to fifty-six and the number injured to 203. No official estimates were given for Somali casualties, but the numbers of killed and injured were estimated in the hundreds.

The turning point for the American presence in Somalia came on October 3 and 4, 1993 when eighteen U.S. Rangers died, eighty-four American troops were injured, and one—Chief Warrant Officer Michael J. Durand—was taken prisoner. One Malaysian was killed and seven were injured in the later stages of the battle. Two helicopters were shot down and three damaged, and a number of armored vehicles were destroyed. Over 200 Somalis were killed and another 700 or so injured.²⁶⁰

At around 3:30 p.m. on October 3, the Rangers had helicoptered into an area about 500 yards from the densely populated Bakhara market district; they brought in some vehicles as well. In a raid on the Olympic Hotel, Rangers successfully seized twenty-four alleged members of the SNA militia and drove them away. At 4:20 p.m., however, a helicopter had been shot down, and twenty minutes later a second had gone down about 800 yards away. With no landing zone to lift out their wounded, the Rangers on the ground moved back to protect those in the helicopters, who by then were coming under increasingly heavy fire.

Two hours after the first helicopter crashed, about 200 men from the RDF attempted to enter the area on the ground but were forced to withdraw under heavy fire. UNOSOM then sent a much larger force, with elements of the RDF, a platoon of Rangers, a company of armored vehicles, twenty-four Malaysian armored personnel carriers (APCs), and some Pakistani tanks and APCs—a total of some seventy vehicles. The force took three hours to fight its way to the area where the Rangers were pinned down and removed them.²⁶¹

The high level of Somali casualties appears to have been caused in part by the sheer number of militia involved. The Rangers reckoned they were pinned down by several hundred fighters and facing considerable fire from rocket-propelled grenades. In addition, most of the fighting took place in primarily residential areas, close to the Bakhara market or along the roads, as reinforcements fought their way through.

The American casualties—and Durand's capture—led to an immediate change in U.S. policy towards Somalia and the U.N., building upon disquiet over the deaths of the three American soldiers in their downed helicopter in late September. That incident had already led to pressure in Congress for a redefinition and a narrowing of the mandate for

²⁶⁰ The ICRC said that more than 700 Somalis, a third of them women and children, were injured, but it could not count the dead because the bodies were not taken to a central location. The SNA figures for casualties on this occasion were 315 dead and 812 wounded.

²⁶¹ Much of this detail comes from Maj. David Stockwell, UNOSOM military spokesman (and himself a Ranger), interviewed by Jim Dingman on WBAI, New York, October 6, 1993. For more detail see Rick Atkinson, "The raid that went wrong," *Washington Post*, January 30, 1994, and "Night of a Thousand Casualties," *Washington Post*, January 31, 1994.

U.S. troops in Somalia. President Clinton had admitted then that he was concerned by the increasing involvement of U.S. troops in the conflict.²⁶²

After the October clashes, President Clinton promptly advised Congress that he would be sending 10,000 new troops to Somalia and substantial quantities of equipment. Significantly, at the same time, the president also set a firm deadline of March 31, 1994, for withdrawal of all U.S. troops and made it clear that he wanted to see a change in policy away from attempting to capture Aideed and towards greater emphasis on the U.N.'s humanitarian role in Somalia. Congressional pressures, displayed in a series of critical but non-binding motions, reinforced the president's position that, for internal U.S. political reasons, it was time for United States troops to leave Somalia.

²⁶² *New York Times*, September 28, 1993.

The decision was greeted with dismay by others committed to the peacekeeping operation. Kofi Annan, the U.N. under-secretary in charge of peacekeeping operations, who was all too aware of the dozens of casualties suffered by Pakistani, Nigerian, Malaysian and other national contingents, commented on the United States' retreat: "The impression has been created that the easiest way to disrupt a peacekeeping operation is to kill Americans."²⁶³

The U.N. continued for a time to insist that it wanted to arrest Gen. Aideed, but the level of conflict scaled down following an announcement from Gen. Aideed of a unilateral cease-fire on October 9. Another gesture made by Gen. Aideed was the release on October 13 of the American prisoner—after initial concern that he would be held hostage to unpalatable political demands—and of a Nigerian peacekeeper, Umar Shantali who had been seized six weeks earlier. The United States' announcement that it withdraw its forces was followed by a rush by other countries to announce that they, too, would leave by the end of the year or by the end of March 1994. Italy had already made it clear that it would be pulling out its troops. Germany, Belgium, and France all followed suit. The U.N. suspended its warrant of arrest against Gen. Aideed, and agreed to a cease-fire in mid-November.²⁶⁴

Accommodating the Warleaders

Throughout its last year, UNOSOM's armed truce and practical collaboration with the warleaders was largely sustained. Although punctuated by attacks on peacekeepers, with dozens of casualties, UNOSOM was not drawn into major battles with Somali forces. After November 1993, when the U.N. withdrew its challenge to arrest General Aideed and the United States declared it would bring its own troops home, active operations by UNOSOM forces gradually ground to a halt. As the European and U.S. troops withdrew from UNOSOM in March 1994, UNOSOM's nearly 20,000 remaining troops began a gradual withdrawal from the Somali interior, and over the year withdrew increasingly into their own heavily fortified compounds, with occasional forays out to protect convoys. "Force protection," duties aimed primarily at guaranteeing the security of the armed contingents themselves, came over time to be a primary occupation of UNOSOM's military forces.

A UNOSOM-sponsored conference held in Nairobi in March 1994, like others hosted since UNOSOM was established, brought the warleaders together in a vain effort to negotiate a semblance of order in Somalia. As on previous occasions, warleaders Aideed and Ali Mahdi were cajoled into agreeing to a cease-fire which neither believed in or would support. The agreement served, however, to reaffirm UNOSOM's initial orientation toward the warleaders: an assumption that the warleaders would, ultimately, bring their own solutions to Somalia's lack of a central authority. Some observers saw the Nairobi conference as the effective end of UNOSOM efforts to encourage alternatives to political reconstruction, even though "bottom up" reconstruction programs would linger on over UNOSOM's last year. A Somali official told Human Rights Watch that in the wake of the Nairobi accord, UNOSOM's political approach "was reoriented to favoring the factions and centralization." This, in turn, "totally marginalized the rest of society," at least from international processes to promote reconciliation and rebuilding.²⁶⁵

²⁶³ "U.N. official rebukes U.S.," Reuters, January 30, 1994.

²⁶⁴ Security Council Resolution 885, November 16, 1993.

²⁶⁵ Somali former UNOSOM official, Human Rights Watch interview, January 19, 1995, Nairobi.

Even before, and during, the open conflict of 1993, UNOSOM had effectively supported the rivals through its recruitment practices and by enabling large portions of the enormous flow of resources required to sustain its operations to be diverted into their coffers. In Mogadishu this meant dividing the patronage of civilian employment between Aided and Ali Mahdi. This meant, for example, that the two rivals presented their candidates for thousands of UNOSOM police posts, and benefited from the salaries, arms and authority provided these forces.

The warleaders' political relationship with UNOSOM was a critical factor from the beginning of UNOSOM's presence. As initially friendly interlocutors with the new U.N. and United States' top representatives, Ali Mahdi and Gen. Aided gained stature and legitimacy. As the enemy of the Americans, and Boutros Boutros-Ghali, Aided's standing soared even higher. His accountability for his own forces' actions toward the people under his authority was masked by the exigencies of conflict, and the seeming indifference of UNOSOM to these Somali-to-Somali human rights matters. As Gen. Aided's SNA turned to open confrontation with UNOSOM, his actions and rhetoric provided a rallying cry for many Somalis who were suspicious of foreign intervention of any kind. The military response by UNOSOM, in turn, with its missile and rocket attacks that demolished whole blocks of residential Mogadishu, proved an even more effective rallier to potential supporters of the warleader.

The degree to which Aided's baiting, bloodying and extortion of UNOSOM served to maintain or to improve support for his leadership by the clans who provide his militiamen is debateable. Ironically, many commentators have suggested that without UNOSOM as Aided's adversary, as well as a source of material spoils to be shared with his clan, his political fortunes will decline. One Somali official told us that he believes the SNA "will become weaker and may not continue to exist" without UNOSOM. "UNOSOM's presence drove many groups into the SNA camp: without it the unifying theme against outsiders is gone."²⁶⁶ This assessment may, however, be an overstatement. The enormous material advantage UNOSOM's presence meant to the warleaders should not, however, be underestimated as a factor in their standing.

A range of Somali elders, NGO workers and others told Human Rights Watch that UNOSOM had been a primary source of resources and power for Mogadishu's warleaders throughout the intervention, although in particular in its last fourteen months. At its peak in early 1994 UNOSOM reportedly directly employed or engaged contractual services involving the employment of some 17,000 Somalis, including some 11,000 in Mogadishu alone. Centralization

²⁶⁶ Somali official, Human Rights Watch interview, Nairobi, 30 January 1995. Another Somali official expressed similar sentiments, in a description of the way a warleader's power depends on a clear perception of threats: "Aided is a member of a Habr Gedir group—which includes elders—that makes decisions in their area. Politically he is the most prominent. There is internal dissent, but they are united against outsiders. Aided can only retain power if the Habr Gedir are in conflict and they have to unite. The SNA is a misnomer; none of the former allies support him now, but the name is kept to support illusion. The political/administrative structure is only on paper. Only the clan structure exists for decision-making. The Habr Gedir have a war chest only for war." (Human Rights Watch interview, Nairobi, January 21, 1995.)

in South Mogadishu, in turn, was a factor behind a high proportion of jobs and contracts going to members of the Hawiye subclans, and notably the Habr Gedir.²⁶⁷

Another source of income for Gen. Aideed's clan was the reported control of currency exchange by "SNA" patrons²⁶⁸ for the vast sums of dollars flowing in for UNOSOM's operations (much of which was converted into Somali currency for local expenses.) However inadvertent, support for the de facto authorities whose armed forces were responsible for gross human rights abuse was cause for concern even from the early stages of the UNOSOM presence.

Support for the military capacity of the warleaders was provided both by spillover of the resources of the huge UNOSOM operation, as the warleaders put forward their candidates to provide the personnel and services required, and more directly. UNOSOM operations, as well as the relief workers of U.N. and private relief agencies, recruited many Somalis as armed guards for their semi-permanent installations, their residences, and their vehicles. Sometimes heavily-armed vehicles, the famous "technicals," were hired, complete with crew. The guards, like the vehicles, were often seconded from the very militias whose depredations they were hired to neutralize. The system functioned as a kind of protection racket, and provided a livelihood to many of the young gunmen who remain behind in the aftermath of UNOSOM's departure. A second source of direct support, including arms, was UNOSOM's deployment of 8,500 police—many of them recruited through Gen. Aideed and his rival warleaders themselves.

²⁶⁷ John Prendergast, *The Gun Talks Louder Than the Voice*, p. 6, citing Aidan Harley, "Pact might pull Somalia back from abyss," Reuters, March 24, 1994 and Ken Menkhaus, "Getting out vs. Getting Through: U.S. and U.N. Policies in Somalia," *Middle East Policy*, vol. 3, no. 1, 1994, p. 148.

²⁶⁸ Menkhaus, "Getting out v.s. Getting Through," p. 160.

A senior Somali official contrasted the channeling of largesse to the faction leaders and the boosting of their political stature by making them parties to negotiations, to the persistent neglect of traditional clan authority structures. He told Human Rights Watch that an enormous proportion of the funding of UNOSOM went into the coffers of the SNA. He added, "The SNA is now only a name for Aideed," and said that Aideed received a 30 percent cut of the rents paid for houses by the U.N. and the salaries paid to armed guards and escorts for U.N. and NGO personnel.²⁶⁹ The numbers of Somalis employed by UNOSOM progressively declined in the course of 1994, to a mid-December level estimated at 5,000 to 6,000 employed in such roles as officials, clerical workers, guards and drivers.²⁷⁰ In addition, 8,500 Somalis received UNOSOM salaries as police.

A senior advisor to UNOSOM confirmed that many of the Somali UNOSOM workers were Aideed supporters. This former official identified some of the Aideed and Habr Gedir connections by name:

The currency exchange was done for UNOSOM by Abdi Rashid, a close Aideed colleague. He would give UNOSOM one rate, and turn around and sell the dollars at a higher rate. The chief of the Somali staff unit was a Sa'ad relative of Aideed. UNOSOM rented 300 cars, fifty to sixty houses, as well as paying the salaries of 2,500 employees: all of this was paid for in shillings converted from dollars by Abdi Rashid. The original misperception was that the Abgal-Habr Gedir conflict was the central problem. But 50 percent of the resources went into Aideed's stronghold in South Mogadishu. There were cars, houses, rents, commerce and security contracts; many people moved to South Mogadishu for employment.²⁷¹

The outbreak of open hostilities between UNOSOM and Aideed's SNA in June 1993 was the occasion for considerable comment on the matter of indirect support for the SNA. The close practical relationship was linked to a letter sent in July 1992, by an Aideed lieutenant, to all aid agencies operating in Mogadishu, that warned the agencies not to hire local employees, lease vehicles or rent houses "without permission" from General Aideed's organization.²⁷² U.N. construction projects, in turn, relied strongly on a company run by Aideed lieutenant Osman Ato, who, even after months of open conflict, told the press he still had major contracts with the United Nations.²⁷³ A *Washington Post* article described the debate:

²⁶⁹ Senior Somali official, Human Rights Watch interview, Nairobi, January 20, 1995.

²⁷⁰ Donatella Lorch, "As U.N. Mission Winds Down, Peace Remains Elusive," *New York Times*, December 17, 1994.

²⁷¹ Somali aid official, Human Rights Watch interview, Nairobi, January 19, 1995.

²⁷² Keith B. Richburg, "U.S. Officials in Somalia Defend Raid on U.N. Site," *Washington Post*, September 7, 1993.

²⁷³ Ibid.

... [Admiral] Howe said, "There certainly has been no deliberate payments to General Aideed." But others here believe the odds are high that some U.N. payments, for rent on buildings, contracts for workmen or money to Somali guards may end up in the hands of Aideed or his allies. "They ought to be looking at where the money goes," a diplomat said. "Why not turn off some of the revenue for nastiness? You'd have to be crazy not to think that since so many of the people we have to employ live on this side of town, that the money isn't going to him."²⁷⁴

While the hemorrhage of UNOSOM resources to the SNA militias appears to have declined briefly after June 5, 1993, the available evidence suggests that there was a return to the previous high reliance on SNA services after the "hunt for Aideed" was suspended in November. Although the flow of UNOSOM resources to the SNA was, at the end of UNOSOM's mission, at a high level, quantifying the degree to which U.N. funds and material directly contributed to the capacity of a Somali militia to commit gross abuses cannot be done with precision. Views expressed by Somali observers, however, are useful both as an expression of perceptions of this unintended aspect of the U.N.'s presence, and as an indicator of the real severity of the problem.

Crossing the Clan Divide

Throughout the life of UNOSOM, critics of the faction warleaders have grasped at any suggestion that their strength might be waning, their armed men deserting them and the popular support from clan elders and their communities dissolving into enmity. At the same time, an emphasis on a warleader's firm support by a clan or subclan (although never on clan authorities' own accountability) could shift to rhetoric stressing the lack of popular support, domination by terror and generally declining fortunes. The language used to describe the warleaders and their forces has been a fairly consistent indicator of their changing stature vis à vis UNOSOM, from a respectful treatment as honorable interlocutors to the disdainful epithets of terrorist, thug and delinquent.

As noted, many of the Somalis interviewed by Human Rights Watch in the last days of UNOSOM's mission believed its departure would sever Mogadishu's warleaders from a major source of their power. Without UNOSOM, they maintained, the warleaders could lose the support of their clans for continuing conflict, and be encouraged to seek political solutions through which their communities could begin rebuilding the country. The level and nature of support derived by the warleaders from UNOSOM, directly and indirectly, was described as a major factor in their sustained exercise of power over the past two years.

The reassertion of authority by traditional subclan leaders apart from the clans' leaders-in-war has been reported in many areas, with one of its manifestations a series of inter-clan conferences in which political accommodation appeared to be the primary end. Even in the year prior to the withdrawal of UNOSOM, a series of inter-clan conferences, largely without UNOSOM sponsorship, appeared to present new options for reconciliation that would marginalize the warleaders. Conferences that have brought together clan leaders, while excluding warleaders, have reportedly made progress in reconciling differences over resources, in arbitrating disputes, in seeking remedies for criminal actions—including human rights abuse—and in addressing other of the underlying factors that continue to generate conflict.

The traditional role of the elders, as representatives of their communities in dealings with others, frequently takes the form of negotiating compensation when a crime is committed. More far-reaching contacts between communities may result in alliances or in other agreements with an immediate effect on the prospects for conflict.

²⁷⁴ Ibid. Adm. Jonathan T. Howe was appointed the special representative of the secretary general at the inception of UNOSOM II.

A conference held at Badhaade in January 1995, a town near the Kenyan border in Lower Juba region, for example, was described to Human Rights Watch by a Somali analyst as an attempt to get back to traditional reconciliation. Hosted by the Sultan of Badhaade and a Somali NGO called HEAL, only elders and ugases ("chiefs of chiefs") were invited, not factions. The agenda focussed on community issues like free movement, grazing and water rights, and inter-clan dispute mechanisms; a followup conference was scheduled for March, to take place in Afmadow.²⁷⁵ Another Somali observer told us that, by excluding the warleaders, the Badhaade peace meeting had created a good atmosphere for communication. Further such conferences, he said, could provide a useful means to access legitimate local authority.²⁷⁶

At another conference of elders held in June 1994 in Doble, in the interior of Lower Juba, near the Kenyan border representatives of the many subdivisions of the Absame clan (a Darod clan grouping) met, without faction representatives, and rejected the leadership of warleaders General Gebiyo and Col. Ahmed Omar Jess.²⁷⁷ An Ogadeni source stressed that the Doble conference had weakened the power of the warleaders in Lower Juba, with forty elders newly empowered as decision-makers, and an imam (religious leader) named. A UNOSOM-created district council, in turn, was to be the medium for the elders' decisions to be implemented.²⁷⁸ A former leading official of the Political Division of UNOSOM told Human Rights Watch that the Doble conference meant that warleaders Colonel Jess and General Gebiyo, both of Darod subclans, had been marginalized and that because of this "there won't be any more intra-Darod fighting."²⁷⁹

The most promising measures to bring an end to lawless raiding and inter-clan clashes have emerged in the northwestern regions that were formerly British Somaliland. In May 1991, leaders of the Somali National Movement (SNM), the front dominated by the majority Isaaq clan that controlled northwestern Somalia, declared unilateral independence of what they called the Republic of Somaliland.²⁸⁰ Although some conflict continues in the region, this is the region of Somalia that has seen the most significant rebuilding of the infrastructure of government and economic revival. Progress there has been attributed in part to avoidance of efforts aimed at reaching a too speedy, and potentially facile, solution to the complex issues underlying the conflict there. A national reconciliation conference held in Boroma in 1993 was prolonged for four months, but provided a basis for subsequent agreements and real progress toward rebuilding government there.²⁸¹

A similar conference was called by elders from subclans of the Mudug region, at the juncture of northern and southern Somalia in April 1993. The Galkaiyo conference, too, has been cited as a potential model, and was notable in that it was called by the clan elders, and was largely ignored by UNOSOM (which refused it support). The conference seems to have worked—to the extent that agreements resulted in the return of property, withdrawal of clan militias, the

²⁷⁵ Human Rights Watch interview, January 20, 1995, Nairobi with a Somali NGO leader.

²⁷⁶ Somalia aid official, Human Rights Watch interview, Nairobi, January 21, 1995.

²⁷⁷ The Absame clan includes the Ogadeni, the Abasqul, and the Bartire. Without the Absame clan's backing Jess had also lost the support of Aideed. Senior elder, Human Rights Watch interview, January 20, 1995, Nairobi.

²⁷⁸ Somali aid official, Human Rights Watch interview, Kismayu, January 28, 1995.

²⁷⁹ Somali former UNOSOM official, January 19, 1995.

²⁸⁰ See Africa Watch, "Somalia - Beyond the Warlords; The Need for a Verdict on Human Rights Abuses," *A Human Rights Watch Short Report*, vol. 5, no. 2, p. 7, for background on the self-declared Republic of Somaliland.

²⁸¹ Mark Bradbury, *The Somali Conflict: Prospects for Peace*, Oxfam Research Paper no. 9, October 1993, p. 3, cited in Prendergast, *The Gun Talks Louder Than the Voice*, p. 5.

opening of roads, and a cease-fire that held at least into mid-1994—because, to cite one observer, "People sent their real leaders to the peace talks..."²⁸²

In Mogadishu, the Abgal and Habr Gedir at the time of writing continued to cooperate in the administration of the port and harbor facilities through a peace committee. The committee, in turn, has expressed an intent to establish a Benadir regional authority. Benadir is the region comprising Mogadishu and the surrounding area. Although the most significant peace process now under way in the capital, the peace committee continues to exclude the Hawaadle and most of the Murosade, and most other subclans: the way these excluded groups are handled in the next stage of the committee's negotiations may be crucial to the prospects of renewed civil war.

²⁸² Mark Bradbury, *The Somali Conflict: Prospects for Peace*, Oxfam Research Paper no. 9, October 1993, p. 28, on "their real leaders," and Michael Maren, "The U.N. Provides Somalis the Incentive to Fight," *Somalia News Update*, v. 3, no. 20, July 11, 1994, cited in John Prendergast, *The Gun Talks Louder Than the Voice*, p. 22. Maren describes the coming together of "community leaders, religious figures, businessmen, students, as well as faction representatives."

The prospect of Somalia's divided society growing together, with warleaders yielding their authority to clan elders concerned with replacing endless war with reconciliation, cooperation and commerce, may not be entirely illusory. A prediction that the departure of UNOSOM from Somalia will not be followed by further major clashes between the small armies of the warleaders, however, would seem to tempt fate. The professionals of war have spent much of the past year rearming, as UNOSOM withdrew to its fortifications and concentrated on "force protection"—its own protection—largely relinquishing any efforts to enforce the U.N.'s own arms embargo. One analyst has estimated that Gen. Aided and Osman Ato control roughly 160 of the heavily armed "technicals" that have been the weapon of choice of the conflict. He added, "There weren't that many in the entire country in 1992."²⁸³

The end of conflict and the restoration of civil society in Somalia will depend ultimately on whether the combination of modern and traditional leaders of Somali society will assert their authority over the leaders whose lives have been built on war. Their willingness to do so, in turn, may ultimately depend on the international community's continuing support for alternatives to Mogadishu's warleaders, and its rejection of appeals to use international resources to enable one or the other to prevail through force of arms.

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Human Rights Watch/Africa

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²⁸³ Human Rights Watch interview, Washington D.C., March 1995.