

I. Summary

The year 2007 brought little respite to hundreds of thousands of Somalis suffering from 16 years of unremitting violence. Instead, successive political and military upheavals generated a human rights and humanitarian crisis on a scale not seen since the early 1990s.

Since January 2007, residents of Mogadishu, the Somali capital, have been gripped by a terrifying campaign of violence that has killed and injured hundreds of civilians, provoked the largest and most rapid displacement of a civilian population for many years, and shattered the lives, homes, and livelihoods of thousands of people. Although overlooked by much of the world, it is a conflict whose human cost is matched by its regional and international significance.

The conflict in Mogadishu in 2007 involves Ethiopian and Somali government forces against a coalition of insurgent groups. It is a conflict that has been marked by numerous violations of international humanitarian law that have been met with a shameful silence and inaction on the part of key foreign governments and international institutions.

Violations of the laws of war documented in this report include the deployment of insurgent forces in densely populated neighborhoods and the widespread, indiscriminate bombardment of these areas by Ethiopian forces. The deliberate nature of these bombardments, evidence of criminal intent, strongly suggests the commission of war crimes.

Underpinning the developments in Somalia is the striking rise to power and rapid collapse of the Islamic Courts Union (ICU), a movement based on a coalition of sharia courts, in Mogadishu in mid-2006. The Islamic Courts were credited with bringing unprecedented stability to a city plagued by lawlessness and extreme violence. Speculation about whether early indicators of extreme and repressive action by the ICU would evolve into more moderate policy was cut short by the events that followed.

The presence of some radical and militant Islamist elements within the ICU and their belligerent statements stoked fears within and outside the region. The ICU's dominance also threatened the Somali Transitional Federal Government (TFG), which had little international support and minimal popular legitimacy, particularly in Mogadishu. In December 2006 Somalia's historic rival Ethiopia intervened in Somalia in support of the TFG and with the backing of the United States government, and ousted the ICU in a matter of days. Although the campaign was conducted in the name of fighting international terrorism, Ethiopia's actions were rooted in its own regional and national security interests, namely a proxy war with Eritrea and concern over Ethiopian armed opposition movements supported by Eritrea and the ICU.

Following the establishment of Ethiopian and TFG troops in Mogadishu in January 2007, residents of Mogadishu witnessed a steady spiral of attacks by insurgent forces aimed at Ethiopian and TFG military forces and TFG officials. Increasingly, Ethiopian forces launched mortars, rockets, and artillery fire in response. A failed March 21 and 22 disarmament operation by the TFG resulted in the capture of TFG troops and—in scenes evocative of the deaths of US soldiers in 1993—the mutilation of their bodies in Mogadishu's streets.

In late March Ethiopian forces launched their first offensive to capture Mogadishu's stadium and other locations, which met with resistance from a widening coalition of insurgent groups. Ethiopian forces used sustained rocket bombardment and shelling of entire neighborhoods as their main strategy to dislodge the mobile insurgency and then occupy strategic locations. Hundreds of civilians died trying to flee or while trapped in their homes as the rockets and shells landed. Tens of thousands of people fled the city.

Four days of intense bombardment and fighting was ended by a brief ceasefire negotiated by the Ethiopian military and Hawiye clan elders. The ceasefire faltered and then broke in late April, when Ethiopian forces launched their second major offensive to capture additional areas of north Mogadishu. Again, heavy shelling and rocket barrages were used against insurgents in densely populated civilian neighborhoods. Hundreds more people died or were wounded. On April 26 the TFG, which played a nominal role supporting the Ethiopian military campaign, declared victory. Within days,

insurgent attacks resumed, increasingly based on targeting Ethiopian and TFG forces with remote-controlled explosive devices.

Based on dozens of eyewitness accounts gathered by Human Rights Watch in a six-week research mission to Kenya and Somalia in April and May 2007, plus subsequent interviews and research in June and July, this report documents the illegal means and methods of warfare used by all of the warring parties and the resulting catastrophic toll on civilians in Mogadishu.

The insurgency routinely deployed their forces in densely populated civilian areas and often launched mortar rounds in “hit-and-run” tactics that placed civilians at unnecessary risk. The insurgency possibly used civilians to purposefully shield themselves from attack. They fired weapons, particularly mortars, in a manner that did not discriminate between civilians and military objectives, and they targeted TFG civilian officials for attack. In at least one instance, insurgent forces executed captured combatants in their custody, and subjected the bodies to degrading treatment.

Ethiopian forces failed to take all feasible precautions to avoid incidental loss of civilian life and property, such as by failing to verify that targets were military objectives. Ethiopian commanders and troops used both means of warfare (firing inherently indiscriminate “Katyusha” rockets in urban areas) and methods of warfare (using mortars and other indirect weapons without guidance in urban areas) that violated international humanitarian law. They routinely and repeatedly fired rockets, mortars, and artillery in a manner that did not discriminate between civilian and military objectives or that caused civilian loss that exceeded the expected military gain. The use of area bombardments in populated areas and the failure to cancel attacks once the harm to civilians became known is evidence of criminal intent necessary to demonstrate the commission of war crimes. The Ethiopian forces also appeared to conduct deliberate attacks on civilians, particularly attacks on hospitals. They committed pillaging and looting of civilian property, including of medical equipment from hospitals.

The Transitional Federal Government forces failed to provide effective warnings when alerting civilians of impending military operations, committed widespread pillaging and looting of civilian property, and interfered with the delivery of humanitarian assistance. TFG security forces committed mass arrests and have mistreated persons in custody.

Reaction to these serious international crimes has been muted to the point of silence. Despite the scale and gravity of the abuses in Mogadishu in 2007, there has been no serious condemnation by key governments or institutions. The human rights crisis that has permeated Somalia for years, now significantly amplified in the past six months, has yet to even reach the agenda of many international actors. Easing the suffering of Somali civilians and building a stable state cannot be accomplished in a human rights vacuum.

Key governments and international institutions such as the United States, the European Union and its members, the African Union, the Arab League, and the United Nations Security Council must recognize the urgent need for human rights protection and accountability in Somalia.

International donors and actors must take immediate action to condemn the appalling crimes that have been perpetrated and send a clear signal to all the warring parties that impunity for these crimes will not be tolerated. The United States and the European Union provide significant financial, technical, and other assistance to both Ethiopia and the Somali Transitional Federal Government and should use their leverage to press for respect for human rights and international humanitarian law.

Independent human rights monitoring and reporting must be increased and international donors should encourage, assist, and finance efforts to make those responsible for abuses accountable for Somalia's latest cycle of violence.

II. Key Recommendations

To the Transitional Federal Government of Somalia (TFG)

- Immediately issue clear public orders to all TFG security forces to cease attacks on and mistreatment of civilians and looting of civilian property, and ensure that detainees have access to family members, legal counsel, and adequate medical care while in detention.
- Ensure humanitarian assistance to all civilians in need, including by facilitating the access of humanitarian agencies to all displaced persons in and around Mogadishu.
- Investigate allegations of abuses by TFG forces and hold accountable the members of the TFG forces, whatever their rank, who have been implicated in abuses.
- Take all necessary steps to build a competent, independent, and impartial judiciary that can provide trials that meet international fair trial standards. Abolish the death penalty as an inherently cruel form of punishment.
- Invite the United Nations Office of the High Commissioner for Human Rights (OHCHR) to increase the number of staff monitoring and reporting on human rights abuses in Somalia and request technical support for the judiciary and the establishment of an independent national human rights commission.

To the groups comprising the insurgency

- Cease all attacks on civilians and civilian objects, including government officials and employees not directly participating in the hostilities. Cease all attacks that cause indiscriminate or disproportionate harm to civilians or civilian objects, including attacks in crowded civilian areas, such as busy roads, village or city streets, markets, or other public gathering places.

- Avoid locating, to the extent feasible, insurgent forces within or near densely populated areas, and where possible remove civilians from the vicinity of such forces. Avoid using populated areas to launch attacks and cease threatening civilians who protest the use of their neighborhoods as launching sites. Never purposefully use civilians to shield insurgent forces from attack.
- Publicly commit to abide by international humanitarian law, including prohibitions against targeting civilians, using indiscriminate and disproportionate attacks, and using civilians as “human shields.”

To the government of Ethiopia

- Cease all attacks that deliberately target civilians and cease using means and methods of combat that cannot discriminate between civilians and military objectives. Civilian objects such as schools, hospitals, and homes must not be attacked unless currently being used for military purposes.
- Cease all indiscriminate attacks and attacks in which the expected civilian harm is excessive compared to the concrete and direct military gain anticipated. In particular, cease the use of area bombardments of populated areas of Mogadishu.
- Issue clear public orders to all forces that they must uphold fundamental principles of international humanitarian law and provide clear guidelines and training to all commanders and fighters to ensure compliance with international humanitarian law.
- Investigate and discipline or prosecute as appropriate military personnel, regardless of rank, who are responsible for serious violations of international humanitarian law including those who may be held accountable as a matter of command responsibility.

To the European Union and its member states, the European Commission, the United Nations Security Council, the African Union, the Arab League, and the government of the United States

- Publicly condemn the serious abuses of international human rights and humanitarian law committed by all parties to the conflict in Mogadishu in 2007, and call on the Ethiopian government and the Transitional Federal Government of Somalia to take all necessary steps, including public action, to ensure that their forces cease abuses against civilians.
- Support measures to promote accountability and end impunity for serious crimes in Somalia, including through the establishment of an independent United Nations panel of experts to investigate and map serious crimes and recommend further measures to improve accountability.
- Publicly promote and financially support civil society efforts to provide humanitarian assistance, services such as education, monitoring of the human rights situation, and efforts to promote national solidarity. Promote and support TFG efforts to improve the functioning of the judicial system and to establish a national human rights commission. Provide voluntary contributions to support an expanded OHCHR field operation in Somalia.