

# SOMALIA

## Beyond the Warlords

### The Need for a Verdict on Human Rights Abuses

#### Acknowledgements

In January 1993, Africa Watch conducted a fact-finding mission to Somalia, in order to inquire about the new situation created by the deployment of a large contingent of foreign troops to secure relief operations. The Africa Watch delegation consisted of consultant Ahmed H. Esa, Africa Watch associate Ben Penglase and Juan E. Méndez, Executive Director of Americas Watch, another division of Human Rights Watch. The object of the mission was to look into the extent to which the new military situation was promoting or hampering the development of a genuine civil society; to observe the behavior of all parties to the military conflict with respect to their obligations under the laws of war; and to assess the prospects of a political

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settlement founded on respect for human rights. This report is the product of that mission. It was written by Ben Penglase and Juan Méndez, and edited by Kenneth Roth. The authors acknowledge the comments offered by Dr. Esa, who is at the Institut Pasteur in Paris, and by Holly Burkhalter and Kenneth Roth, Washington Director and Deputy Director of Human Rights Watch respectively. Africa Watch would also like to extend its thanks and admiration to the international relief organizations and Somali organizations and individuals that assisted us with our visit to Somalia, especially the International Medical Corps and the International Committee of the Red Cross.

#### I. Introduction

The deployment of a large international military force in Somalia, led by the United States, has produced a dramatic improvement in the ability of relief agencies to reverse the terrible famine that was causing massive death among innocent civilians. In this sense, the international

community should be proud of the results achieved through an impressive coordination of military and civilian efforts. This application of an emerging international law principle of humanitarian intervention that allows for limited use of force even in the absence of consent by the local sovereign bodes well for future reactions by the international community to man-made disasters.

The task is far from accomplished, however, and already it is possible to note important shortcomings. The current effort does not adequately address the underlying causes of the destruction of Somalia's social fabric that ultimately led to the famine. In sponsoring a peace process, the United Nations is acting as if the cause of the disaster was simply war. The U.S. Special Envoy to Somalia, Ambassador Robert Oakley, has limited his diplomatic efforts to ensuring that the factions avoid attacking the international forces and observe a shaky cease-fire. In fact, it was not war alone that created this disaster, but rather the massive, persistent, deliberate violations of human rights committed by all the factions in the course of that war. The longer this important distinction is ignored, the harder it will be to achieve a lasting solution to the Somali conflict. The present gains against the famine may well be short-lived if the warlords are allowed to reenact the devastation they have brought upon Somalia.

Before 1991, dictator Mohamed Siad Barre tried to divide the rising opposition to his rule by exacerbating clan rivalries. After his ouster in January 1991, the clan-based factions vying for power fought a civil war with total disregard for the safety of the civilian population. Indeed, members of rival clans and sub-clans were targeted for murder solely on the basis of that affiliation, whether or not they engaged in combat. Young men were tortured and even mutilated to ensure that they would not join rival forces. Women and girls were raped. In rural areas, crops and livestock were looted to feed the troops. Farmers and herders were then prevented from resuming their labor, so as to deprive the enemy and their potential civilian supporters of food and sustenance. Once in control of territory, most of the various factional leaders made no attempt to provide for the welfare of the people in their areas or create any sort of meaningful public administrations, and demonstrated no care or remorse for the starvation and suffering that their actions created.

All factions recruited their troops, not only on the basis of clan membership, but also on the implied promise of a lucrative reward: fighters shared in the loot stolen or extorted from rival clans, and their leaders did nothing to discourage them. The looting and extortion was later directed against the expatriate relief agencies, until the international forces were deployed; for months while the world decided whether to act, intimidation of the nongovernmental organizations (NGOs) interfered with the urgent task of feeding the hungry, and prolonged the agony of the innocent. It is misleading, therefore, to see the lawlessness and anarchy as the result simply of war and breakdown of authority. Rather it is the direct result of a particularly abusive way of waging war. The warlords are self-serving, disingenuous and cynical when they pretend that "uncontrolled elements" are responsible for the acts of violence and intimidation that they themselves have directed and fomented.

The current peace process hosted by Ethiopia and sponsored by the United Nations ignores this crucial fact. It simply brings together some of the warlords and expects them to agree on a

cease-fire and on some future agenda for the distribution of power. Similarly, the military and relief effort on the ground in Somalia does little to reduce the power of the warlords and their factions. Rather, it engages their henchmen in local dialogues in a hasty attempt to rectify problems and satisfy international demands for some Somali participation. Entering into a dialogue with these thuggish leaders may well prevent attacks on American troops, but in the process unsavory and murderous characters are given a legitimacy they do not deserve. Neither the Addis Ababa-based peace process, nor the political diplomacy on the ground, includes any discussion of human rights issues, and that is precisely what is wrong with the present direction of the effort.

Human rights must be placed squarely on the agenda of the peace negotiations, and must become the centerpiece of localized strategies to bring Somali civilians into the relief effort. The peace talks in Addis Ababa must include an agreement, effective immediately, to respect universally-accepted standards of human rights and the laws of war, and that agreement should be backed by an aggressive United Nations presence throughout the land to monitor compliance. The peace talks must also include discussion of an effective procedure to ensure accountability for the many crimes of the recent past. The victims of Somalia's war must be reassured that their suffering will not be forgotten for the sake of a false and treacherous "national reconciliation." Because the only participants at the Addis Ababa talks are the warlords, who are guilty of atrocities, it is imperative to enlarge the composition of the talks so that representatives of Somali civil society without blood on their hands participate.

At the local and regional level, the U.N. Operation for Somalia (UNOSOM) must also help to make possible a system for holding accountable those who are responsible for gross human rights abuses. Clan and village elders, as well as members of organizations of civil society must be given the opportunity to participate, without fear of retaliation, in open and honest discussions about responsibility for the crimes committed against the innocent. Victims must be allowed a forum to come forward with their testimony, in the expectation that their stories will contribute to the establishment of truth and justice. Such a process will make it possible to sort out the victims from the perpetrators, and will prevent the thugs—some of whom are now posing as self-appointed "relief committee" members—from achieving power and legitimacy under the new security conditions created by the international forces.

In addition to the search for truth and justice, the relief effort must proceed in a way that encourages the development of genuine organizations of civil society. Somali non-combatants, especially women and young people, have struggled against overwhelming odds to maintain and nurture such organizations; they have provided relief in cooperation with international nongovernmental organizations, and they have kept orphanages, hospitals and feeding centers running despite intimidation and danger. To be sure, the warlords have their own front organizations that pose as public interest groups. But many effective—and often unheralded—organizations of civil society try to cut across clan affiliations and invite their fellow citizens to participate as Somalis. These organizations, and others that could be promoted, are not given enough opportunities to join actively in the current effort to feed the hungry and cure the sick. Indeed, U.S. and U.N. representatives, as well as some foreign NGOs now working in the country, have largely ignored these Somali civilian organizations. Their future role in reconstruction is at this point uncertain.

The clan system that is embedded in Somali culture is not in itself responsible for the destruction of Somalia: the deliberate policy of exacerbating clan rivalries is. Siad Barre initiated the policy, but the warlords bent on replacing him replicated his tactics. Most Somalis took refuge in their clans as the only protection against the rigors of this unusually dirty, cruel war.

There are clan elders and structures of collective moral leadership that are not only innocent of atrocities but have in fact played a courageous role in protecting people and correcting wrongs. They must be given an opportunity to emerge as an alternative leadership for Somalia, in keeping with the best traditions of the culture, with the hope that they can rid it of the current divisiveness and intolerance.

Key to the emergence of this alternative leadership is a process of truth and justice, and the active promotion of organizations of civil society. These steps are also essential to the success of the current relief effort, and the parallel effort to establish a secure environment. It will be a tragic mistake if the mission is declared accomplished, and the troops and NGOs leave, without establishing an official process for accountability for the egregious crimes of the warring factions, and without laying the foundation for the reemergence of civil society. Such a premature end to the international involvement in Somalia would only ensure a resumption of the cycle of human rights violations, devastation and famine. This means, of course, that the international community must be committed to long-term goals in Somalia; but those goals will be achieved sooner if accountability and promotion of civil society are given a high priority now.

## II. Background to the Current Situation

### Siad Barre's Divide-and-Rule Tactics

With no appreciable religious, linguistic, cultural or other divisions within Somalia, clan and sub-clan loyalty have emerged as the most important political factors in Somali politics. The reliance on clan identity and competition among clans and sub-clans, while long a part of Somali culture, was exacerbated by the divide-and-rule tactics of Siad Barre. The warfare that has racked Somalia since Siad Barre's ouster has also been based upon the manipulation of clan and sub-clan allegiances.

During his 21-year rule, Barre manipulated clan loyalties and rivalries, favored members of his own clan, and undermined independent sources of authority. In what was to be a recurring pattern, following an April 1978 coup attempt led mainly by army officers from the Majerten clan, Siad's forces singled out Majerten civilians for reprisals. After the creation in 1981 of the Somali National Movement (SNM), a guerilla force that drew its support from the Isaaq clan, the government unleashed a reign of terror against Isaaq civilians, killing 50,000 to 60,000 between May 1988 and January 1990.<sup>1</sup>

From the outset of his rule, Siad also favored members of his own clan, the Marehan, who were recruited in large numbers into the army and favored within the civil service. Despite this favoritism, Siad purported to outlaw "tribalism" by banning clan gatherings, such as engagement and wedding ceremonies, and co-opting elders by making them paid "peacekeepers." Independent institutions capable of challenging the government's power were destroyed, leading civilian politicians were arrested, independent civic organizations and political parties were outlawed, and any form of political dissent was prohibited. Thus, in seeking to maintain himself in power, Siad Barre fanned the flames of clan animosity while systematically destroying any institution that could cut across clan lines or act as an authentic mediator in disputes between clans.

Siad Barre was also responsible for introducing the strategy of banditry into the civil war,

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<sup>1</sup> See Africa Watch, *Somalia: A Government at War with Its Own People*, (January 1990), for details on this conflict.

particularly during the 1988 war against the SNM. During this brutal campaign, Siad's troops, many of whom later joined clan factions after the collapse of the central government, were allowed openly to loot and sell the spoils of the war in the markets of Mogadishu, with no fear of punishment.<sup>2</sup> This practice broke with traditional Somali customs governing competition between clans, and changed the character of the civil war. After Barre's ouster, other clan factions continued these tactics.

### **The Fall of Siad Barre and the Ensuing War**

In January 1991, Siad Barre was forced from the capital by the United Somali Congress (USC), a rebel group created in January 1989 that drew its support from the Hawiye clan. The USC is only one of several rebel groups that control different regions of Somalia, each drawing its support from different clans or sub-clans. Other groups include: the Somali National Movement (SNM), which is dominant in the north and is supported largely by the Issaq clan; the Somali Salvation Democratic Front (SSDF), which is active in the northeast and central regions and represents the Majerten sub-clan of the Darod clan; the Somali Patriotic Movement (SPM) in the south, whose support comes mainly from the Ogaden sub-clan of the Darod; and the Somali National Front (SNF), which draws its support from members of the Marehan, a sub-clan of the Darod, and from some former supporters of Siad Barre.

With the flight of Siad Barre from Mogadishu, fighting soon broke out between two rival factions of the USC, one led by General Mohamed Farah Aideed, the USC's main military commander, and the other by Ali Mahdi Mohamed, a wealthy Mogadishu hotelier. The fighting between the rival USC factions soon became a war between two sub-clans of the Hawiye: Aideed relied upon the Habr Gedir sub-clan while Ali Mahdi's forces were based largely upon the Abgal sub-clan. The fighting was motivated almost exclusively by concerns over personal profit and clan allegiance, and the warring parties showed no restraint in targeting civilians of the opposite clan or in firing weapons indiscriminately without regard for the safety of civilians.

A mere three days after the ouster of Barre's forces from Mogadishu, Ali Mahdi declared himself Interim President of Somalia, to the immediate objection of General Aideed. Ali Mahdi also claimed that a conference attended by several of Somalia's armed factions in Djibouti in July 1992 had legitimized his claim to be Interim President. Various attempts to mediate the conflict between the two men failed, and on November 17, 1991, General Aideed's forces launched a large-scale attack on Ali Mahdi's forces, who occupied the northern part of Mogadishu. The capital soon became the scene of widespread and flagrant abuses, as both sides used artillery and anti-tank missiles, as well as automatic weapons, indiscriminately. Africa Watch estimates that in Mogadishu alone, 14,000 people were killed and 27,000 wounded between November 17, 1991, and February 29, 1992.<sup>3</sup> A cease-fire was agreed upon in early March, and despite frequent but short-lived breaches, a fitful peace in Mogadishu has been in effect for almost one year.

In January 1991, as forces loyal to Siad Barre fled Mogadishu, they moved through the Bay and Juba regions, Somalia's richest farming areas. Aideed-led forces pursued them and, for months, this fertile area was the scene of repeated sweeps and occupations by both forces. The sequence took a heavy toll on civilians as the warring factions looted food stored in underground silos, stole or killed livestock, ruined wells, raped women of various clans, and

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<sup>2</sup> See, for further examples, the chapter on "Unfair Economic Practices," in Africa Watch, *Somalia: A Government at War with Its Own People*, pp. 83-86.

<sup>3</sup> Africa Watch and Physicians for Human Rights, *Somalia: No Mercy in Mogadishu*, New York and Boston, March 1992, p. 5.

killed men of opposing clans to prevent them from taking up arms. These attacks on civilians so thoroughly disrupted production and distribution of food that, far more than the drought, they are responsible for the famine in Somalia.

In 1992, as alliances between clans—particularly in Mogadishu—began to collapse and warfare became more and more factionalized, a general situation of anarchy and lawlessness prevailed, and many of the clan fighters turned their attention more exclusively to looting and theft. Africa Watch believes that the looting and banditry prevalent in Somalia is not solely due to individual looters and bandits, but is a direct result of the manner in which the armed factions chose to recruit their forces and wage war. In fact, many observers argue that without the implied promise of fruitful looting, few factions would be able to summon any sizable military support. Because it is a direct outcome of this strategy to wage war that their "soldiers" become looters and thieves, senior commanders must be held responsible for the actions of those under their command.

All of the warring factions are responsible for attacks on civilians who were targeted solely on the basis of their clan identity. Particularly egregious was the scorched earth campaign waged by Siad Barre's forces as they fled from Mogadishu to their home area of Gedo region, traveling through regions inhabited largely by the Hawiye and the agricultural Rahanweyn and Digil clans. These abuses were repeated in March 1992, as the Somali National Front, a movement formed by some of the remnants of Siad Barre's army and members of the Marehan clan, took advantage of the fighting between the USC factions to mount an assault on Mogadishu. The SNF slaughtered non-Darod civilians, largely members of the Rahanweyn and Hawiye clans, who were perceived as supporters of the USC. Similarly, in April 1992, General Aideed's USC forces counter-attacked and entered traditional regions of support for the SNF (areas inhabited by the Marehan sub-clan), committing atrocities against Marehan and Darod civilians and staging raids across the Kenyan border.

The pattern was once again repeated as the SNF was reconstituted under the military leadership of General Mohamed Said Hersi "Morgan," Siad Barre's son-in-law and the former commander of the Somali army who destroyed the city of Hargeisa during the Siad Barre government's brutal war against the SNM in northern Somalia. With the assistance of the Kenyan military (in violation of a United Nations Security Council arms embargo), the SNF retook the Gedo region. In October 1992, the SNF captured the town of Bardera, committing atrocities against civilians who were thought to have supported the USC, and greatly disrupting relief efforts.

In early March 1992, Ali Mahdi and General Aideed signed a cease-fire, which ended most of the heavy artillery shelling in Mogadishu. In a later meeting in December 1992, coordinated by Ambassador Robert Oakley, the U.S. Special Envoy to Somalia, Aideed and Ali Mahdi agreed to cease hostilities and negative propaganda, to begin to remove checkpoints along the so-called "green line" dividing the city, and to restrict their weapons and combatants to designated compounds on the outskirts of the city. While these negotiations may have stopped organized clashes between the two factions, sporadic fighting continued in Mogadishu.

On January 1, 1993, serious fighting once again broke out, this time between the USC-Aideed forces and those of the Murusade clan, who were attempting to recapture territory that Aideed controlled. The Murusade forces shelled a troop cantonment of USC forces but were unsuccessful in taking control of the area. In late January 1993, there were clashes between the SNF under the command of General Morgan and SPM forces under the control of Col. Omar Jess in areas to the northwest of the southern port of Kismayu. On January 25, after warning

Morgan's troops to retreat, U.S. Army helicopter gunships and Belgian ground forces attacked, destroying several of Morgan's heavy weapons and forcing him to retreat.<sup>4</sup> U.S. forces attacked the SNF again on February 1, 1993.

In contrast to the fighting that devastated the southern areas of Somalia, the northeastern area has seen relative peace in the past year. Sporadic conflicts have occurred between Aideed's USC and the Somali Salvation Democratic Front, but generally this area has been spared the devastation of southern Somalia.

Similarly, in the self-declared Republic of Somaliland, despite clashes between two sub-clans of the dominant Isaaq clan in late 1991 and early 1992, peace has generally prevailed. This region, which is under the control of the Somali National Movement (SNM), declared its independence in May 1991. A peace conference in October 1992 reportedly established a committee of elders to mediate disputes between the sub-clans. In January 1993, a follow-up to this peace conference was independently organized by clan elders in the town of Borama. Despite the generally peaceful situation, Africa Watch has received disturbing reports that in mid-January in the city of Hargeisa six women were accused of prostitution and were stoned and lynched by Islamic fundamentalists. Five of the women subsequently died. The Somaliland authorities have reportedly issued a press release decrying the murders and announcing the arrest of 16 people.

### **Attacks on Civil Society**

Along with indiscriminate attacks on the civilian population, the warring factions also targeted elements of civil society that they perceived as potential rivals. These attacks on civil society decimated local authority that was independent of the armed factions.

A dramatic example of these attacks is the killing that occurred in Kismayu prior to the arrival of foreign troops.

From December 8 to 10, 1992, prominent civilians of the Harti clan were killed by forces under the command of Colonel Ahmed Omar Jess and his Somali Patriotic Movement (SPM). It is thought that Jess, who is a member of the Ogaden, viewed Harti elders as a potential political threat once the foreign troops had arrived.<sup>5</sup>

According to various press reports, Col. Jess ordered his militia to conduct house-to-house searches to eliminate prominent members of the Harti clan. One of those killed was Dr. Mohamed Musa Sugule. According to information received by Africa Watch, on December 9, Dr. Sugule was forcibly taken from his home by armed men and, in front of his family, shot in the head. According to another account of the killings reported in *The New York Times*, a survivor described how SPM fighters broke into his house on December 9, beating the women in the house and taking the men to a nearby beach where the Harti men were killed.<sup>6</sup> Doctors working in Kismayu while the killings were occurring reported that the wounded showed signs of having been shot deliberately and at close range, in the head or abdomen, and not in combat or cross-fire.

Africa Watch received a list of 126 Harti individuals—including intellectuals, clan elders

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<sup>4</sup> **Associated Press, "U.S. Attacks Somali Faction, About 40 Somalis Wounded," January 25, 1993.**

<sup>5</sup> **The Majerten, Dulbahante and Warsangeli sub-clans of the Darod are grouped together under the sub-clan name of Harti. The Ogaden is also a sub-clan of the Darod.**

<sup>6</sup> **Jane Perlez, "Somali Clan Killed Dozens of Rivals, U.S. Officials Say," *The New York Times*, December 29, 1992.**

and religious leaders as well as women and children—thought to have been killed by SPM forces during this episode. Somali refugees in Kenya allege that these names are only a portion of the 600 who were killed in Kismayu. Other reports have put the number of deaths between 100 and 200. Africa Watch cannot confirm any of these figures, but the fact that Omar Jess conducted a systematic campaign of execution of defenseless victims is, we believe, well established.

Another example of attacks on organizations perceived as threats to the warlords' powers is the harassment of the United Somali Salvation Youth (USSY), a Somali youth organization founded in September 1991 with the aim of educating and providing safety and protection for the youth of Mogadishu. The organization opened a school in South Mogadishu in August 1992, with the motto: "Put [down] the gun, take the pen, seek the knowledge."

In September 1992, the USSY decided to organize a peace march and fast, appealing to the two USC factions to end the fighting and calling upon the two USC leaders to resign. During the demonstration, troops loyal to Ali Mahdi opened fire on the marchers, killing Abdullahi Farah Aideed and wounding a young woman known as Shena.

According to the USSY, the USC-Aideed constantly threatens the organization, trying to force it to withdraw from the building it occupies, which is the otherwise abandoned site of the former Ministry of Education. The USC-Aideed claims control of the building and some of Aideed's cronies occupy some rooms. Although members of the organization have not been physically attacked, they have received several letters from the USC calling upon them to evacuate the building, and fear for the safety of their staff and students.

### **The Famine**

As Africa Watch has noted previously, war and famine in Somalia feed on each other, creating a cycle of suffering and violence. As the war disrupted commerce and prevented people from feeding themselves, internationally donated food became a valuable commodity and the target of theft and extortion. This in turn provoked more hunger, and more violence. This cycle combined with the utter devastation of the war and the complete destruction of a viable economy to ensure that the control of food became the key to power and profit.

However, this cycle was not inevitable and does not excuse the warring factions from their responsibility in the creation of a horrendous humanitarian disaster. In particular, the devastation inflicted upon the Rahanweyn and other farming communities by the different armed factions—the looting of their harvests and the theft of their livestock—ensured that these communities would starve or remain at the mercy of internationally donated food. The further disruption of relief deliveries kept these communities suffering and, far more than drought, is the factor responsible for the 300,000 people estimated by the U.N. to have died.<sup>7</sup>

After the fall of Siad Barre there were early signs that the clan-based fighting would lead to famine, disease and loss of life of extraordinary proportions. Between June and November 1991, the International Committee of the Red Cross (ICRC) conducted a thorough survey of the incidence of malnutrition in the southern part of the country. The results were astounding: elsewhere in the world, the ICRC considers a situation alarming when it finds a small percentage of the population severely malnourished, and 10 to 20 percent "moderately malnourished." In

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<sup>7</sup> For details on the diversion of relief supplies, see Africa Watch, *Somalia: A Fight to the Death*, February 13, 1992, Vol IV, No. 2, pp. 18-20.

southern Somalia, in late 1991, the ICRC found 40 percent severely malnourished, and 50 percent moderately malnourished. In 1991 and 1992, the central region lost 70 percent of its livestock, while the south lost 50 percent. This shows that the combination of the fighting and the drought had so quickly created a disaster that the international community was unprepared, and generally unwilling, to take drastic action to cope with the new situation. The ICRC assessment came at a time when the fighting intensified, particularly in Mogadishu, as described above.

### **III. The Response of the International Community**

#### **The Response of Relief Organizations**

Throughout 1992, the ICRC and other relief organizations struggled desperately to meet Somalia's massive humanitarian needs, while increasing insecurity impeded their operations. On January 5, 1992, Dr. Martinka Pumpalova, a Bulgarian doctor working with UNICEF in the northeastern city of Bosaso, was murdered. Some organizations pulled out temporarily as a result. For those that stayed, security conditions deteriorated to the point that they took the unprecedented step of hiring security guards to protect the delivery of their services. The following case exemplifies both the dangers to relief operations and the impunity enjoyed by thugs under the command of warlords.

In August 1992, eleven men—including two Somali staff of the ICRC and three members of the Somali Red Crescent Society (SRCS)—were killed in the southern port of Kismayu. The eleven men, along with their families, were attempting to board a flight and leave Kismayu under ICRC protection, when a truck that they were in was diverted from the airport by forces loyal to General Aideed.

The victims were members of the Majerten and Dulbahante sub-clans of the Darod clan. Despite animosity between the Darod and the Habr Gedir, these people had elected to stay in the Kismayu area to continue assisting the foreign staff of the ICRC after Habr Gedir forces under General Aideed's command took control of Kismayu in May 1992.

However, by August 1992, the ICRC and SRCS staff members along with their families—a total of 45 people—asked the ICRC to help them leave Kismayu. The group planned to travel to Garoe, a city in the northeast where the Darod predominate and where they felt they would be safer. As the ICRC had transferred two other people several days earlier, they did not expect any difficulties at the airport. Nevertheless, the ICRC spoke in advance with the leaders of the various factions in Kismayu about the transfer and obtained signed promises guaranteeing safe passage.

On August 19, a truck bearing ICRC and Somali Red Crescent symbols, accompanied by a car carrying a pregnant woman and escorted by two technicals (four-wheel drive vehicles mounted with heavy weapons), drove the group of 45 people to the airport, 20 miles outside of central Kismayu. The ICRC had scheduled a flight to arrive from Mombasa, Kenya, with 10 tons of food, and then planned to transport the people from Kismayu to Garoe. When the vehicles approached the airport, the men guarding the airport did not allow them on the tarmac. The airport guards were new men who had replaced those that the ICRC had dealt with just several days before. The guards informed the ICRC staff that they had to wait outside the tarmac until the plane landed and that no one was allowed to leave the airport. They also refused to recognize the papers signed by the SNA authorizing the departure of the 45 people, even after the ICRC staff went to the city and brought the SNA official who had signed them. The guards stated that the official who signed the papers was not their commander, and became upset when the ICRC officer asked them who their commanders were. After the plane arrived, the guards surrounded it with their technicals and threatened to blow it up.

While the ICRC expatriate staff was attempting to defuse the situation and ensure the safety of the plane, another group of guards told the driver of the ICRC truck that was carrying the people to turn around and return to the ICRC's offices in town. The driver complied with the orders and began to return to town, escorted by a technical carrying airport guards. On the way back to town, the men in the technical prevented the truck driver from returning to the airport after ICRC staff—who encountered the truck on the road—had ordered him to take the families back to airport.

Shortly thereafter, the armed men in the technical told the truck driver to stop and ordered the passengers to get out. Armed men appeared from the surrounding bush and encircled the truck, and the male passengers were separated from the women. The armed men then marched the eleven male passengers into the bush. Several minutes later gunshots were heard. After the shooting, the truck driver walked back from the bush to where the truck was parked and told the guards to release the women and children, as the men had been killed. The women and children were released, and the truck was ransacked, apparently to make the incident look like the truck had been ambushed and looted.

The following day, a sister of one of the men who was killed went to the area, where she found 7 or 8 bodies, one of them her brother, who had been shot in the leg and mouth. The families of those killed and the woman who identified the bodies were later evacuated from Kismayu.

Two days after the killings, ICRC representatives met with General Aideed and other factional leaders who were in Kismayu to establish the local office of the Somali National Alliance. (At this time the factions in Kismayu were the Somali Patriotic Movement, the USC-Aideed, and the SNA—an alliance between the SPM, the USC-Aideed, and two smaller factions, the SDM and SSNM). General Aideed reportedly stated that he knew nothing about the incident. According to a statement later issued by the SNA Leadership Council, the SNA "expressed shock and abhorrence" and "apologized to the ICRC for this unfortunate and intolerable incident." The SNA also promised to form a committee to investigate the incident and determine who was responsible. Several weeks later the ICRC was informed by Aideed's faction of the USC that the eleven men were actually still alive and had been abducted by "uncontrolled elements."

Despite the SNA's insistence that it knew nothing about the killing, witnesses in Kismayu noted that one of the technicals involved in the diversion of the truck remained in Kismayu and continued to patrol the airport. The testimonies given to Africa Watch indicate that the killings, due to the planned and coordinated way in which they occurred, could not have happened without at least the knowledge, if not the expressed orders, of the leaders of the local factions. It appears, that the killings occurred either because one of the SNA factions wanted to assert its control over the airport or because the SNA saw the ICRC's transfer activities as a challenge to its authority.

On August 1992, the situation in Somalia had deteriorated to such an extent that television screens the world over showed tragic images of Somalis of all ages dying of hunger. Until then the media had largely ignored Somalia, so there was little public pressure to respond. International public opinion began to change after a well-publicized July visit to Somalia by U.S. Senator Nancy L. Kassebaum and her public call on the Bush Administration to support U.N. efforts there.<sup>8</sup> Around the same time, as the fall campaign for the presidential elections in the United States got started, then candidate Bill Clinton stressed the humanitarian disaster in Somalia as evidence of the Bush administration's inept foreign policy, thereby contributing to heightened media attention. The pressure of public opinion forced President Bush to act. On the

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<sup>8</sup> See Senate Concurrent Resolution 132, 102nd Congress, Passed by Voice Vote, July 31, 1992.

eve of the Republican Convention in August, he announced a unilateral decision to organize an air lift of emergency food supplies to Mogadishu, dramatically increasing the levels of material support that the international community was providing to Somalia. Several nongovernmental organizations with extensive experience in other disaster situations joined the effort, while the ICRC and other organizations that had been working in Somalia for many months substantially increased their own contributions.

All observers agree that the August air lift, and its effect on the actions of other countries, U.N. agencies and NGOs, began to turn the tide of famine. It did not, however, immediately produce satisfactory results, precisely because it evaded the issue of providing armed protection to the humanitarian relief services. Relief supplies were abundant, but the famine continued because of the inability to deliver them.

The looting and extortion, including far-reaching protection rackets, continued after the air lifts began, and even intensified. The relief organizations did the best they could under the circumstances. They hired armed security guards, a method virtually unheard of in other disaster situations. In some cases, such protection had to be bought from the same sources that had created the intimidation and insecurity, as the following case makes clear.

Dr. Mohamed Ali Warsame, a gynecologist and one of the best-known doctors in Somalia, went missing and was probably murdered in Mogadishu in November 1992. It is believed that Dr. Warsame was killed because he was a Darod, and as a prominent doctor aroused the envy and anger of Hawiye doctors affiliated with General Aideed's wing of the USC.

Dr. Warsame had originally fled Somalia after the fall of Siad Barre and lived temporarily in exile in Kenya. While in Kenya, Dr. Warsame contacted S.O.S. Kinderdorf, an Austrian non-profit organization that since 1985 has run a school, maternity clinic and orphanage in Mogadishu. (He had been a consulting physician with SOS-Kinderdorf before going into exile.) In November 1992, Dr. Warsame agreed to move back to Mogadishu and assist SOS Kinderdorf with their maternity hospital, despite some hesitation about his personal safety because Dr. Warsame was a Darod and the clinic was located in a part of Mogadishu controlled by General Aideed's Habr Gedir troops. Prior to his departure, SOS Kinderdorf consulted with their medical team in Mogadishu to ensure that Dr. Warsame would be safe.

On November 11, 1992, Dr. Warsame flew into Mogadishu and was driven to the SOS compound. He was given a tour of the hospital and shown his room. At 6:00 that evening, Dr. Warsame came to the main office and then walked out of the building with a Catholic nun who worked for the organization. An eyewitness to the abduction told Africa Watch that soon after this, a white car was seen inside the SOS compound, the gate of which was open, and a man pushed Dr. Warsame into the car. Guards who were supporters of Aideed's USC and who had been hired by SOS under pressure from Aideed's men, were responsible for the abduction. One of them was the one who pushed Dr. Warsame into the car.

Staff from SOS immediately went to General Aideed's headquarters to inquire about Dr. Warsame's whereabouts. A USC official told them that they did not need to look for Dr. Warsame any longer because he was being taken to see Aideed. However, Dr. Warsame never reappeared and his body was never found. Although there has been no confirmation, his family believes that he was killed several days after his abduction. Several other SOS staff were threatened and had to leave Somalia.

Despite this and other examples, it is also true that some NGOs have been able, over time, to hire legitimate security guards who have proven themselves loyal to their employers. Still, the relief organizations had to acquiesce in the payment of fees—in cash or in kind—for "services" provided in warehouses, ports and airports by armed Somali groups. Some nongovernmental

organizations decided to restrict their operations to delivery of products like sorghum, which is insufficient to provide a balanced diet to famine victims but is unattractive to looters because it carries a low market value.

At the same time, the relief organizations decided that the way to respond to the many obstacles to the effective delivery of aid was to flood the market with food, in the belief that even looted food helps to solve the famine, since it eventually makes its way to the markets. By November, that tactic seemed to be yielding some results: in Mogadishu, food was relatively abundant in the markets and prices were dropping. However, market prices are not in themselves a reliable indicator of the severity of a famine, since those without income or resources may still go hungry. Moreover, ordinary distribution channels are in such chaotic state that food may be cheap in Mogadishu while unavailable only miles away.

All of the NGOs consulted by Africa Watch agreed that, by November, the famine was by no means under control; in fact, even as of February 1993 there remained pockets of malnutrition and hunger in some rural areas. A recent survey by Medecins sans Frontieres in the Baidoa and Hoddur region found that the daily mortality rate from December 15 to January 14 was 15.8 per 10,000 people, increasing to 46.9 per 10,000 for children under the age of five. The organization stated that these numbers were seven times higher than in similar situations involving displaced persons.<sup>9</sup>

### The United Nations

After the fall of Siad Barre, the United Nations left the country on grounds of insecurity. For one year, different U.N. agencies alternated short and timid presences in Somalia with prolonged absences. Meanwhile, the world body seemed oblivious to the gathering tragedy. On January 23, 1992, the United Nations finally acknowledged its responsibility to act. By Resolution 733, the Security Council declared itself "gravely alarmed at the ... heavy loss of human life ...." Earlier in January, James Jonah, a high-ranking U.N. official who had been appointed Special Envoy, visited the country. His visit did more harm than good. Bypassing neutral Somalis who had offered to facilitate his mission, Jonah allowed his visit to be manipulated by General Aideed and then issued a hasty statement on the prospects for a cease-fire which only exacerbated tensions.<sup>10</sup> Because of his refusal to hear other factions, the airport was shelled heavily during his visit and was later closed for ten days, enormously complicating relief operations.

On March 17, 1992, the Security Council issued Resolution 746, calling for the dispatch of a U.N. technical team to Somalia. In its first two resolutions, the U.N. simply called on the warring factions to respect the lives of relief workers, and to allow them to fulfill their humanitarian duties. In the third (No. 751 of April 24, 1992), it agreed in principle to deploy a U.N. security force.<sup>11</sup> But it still took another four months for the U.S. to begin an airlift to Somalia. Then, on

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<sup>9</sup> Agence France-Presse, "MSF Says Health Situation in South 'Extremely Critical,'" February 4, 1993, I cited in Foreign Broadcast Information Service, February 5, 1993.

<sup>10</sup> For further details, see, Africa Watch, *Somalia: A Fight to the Death*, February 13, 1992, Vol. IV, Number 2, pp. 7-10.

<sup>11</sup> It is important to note that, due largely to the influence of the Bush Administration, these resolutions were watered down and became ineffective. Although high-ranking officials at the State Department made public calls for emergency humanitarian action in Somalia, the White House did not want to raise the profile of foreign policy issues during an election year. At hearings before Congress in April, U.S. diplomats confirmed that their position at the Security Council had been to soften the language of the resolutions, out of concern for the security of an international peace-keeping operation. See Human Rights Watch, *World Report 1993*, New York, December 1992, pp. 44-45.

August 28, 1992, the Security Council issued Resolution 775, welcoming "the material and logistical support from a number of States and [urging] that the airlift operation be effectively coordinated by the United Nations...."

In addition to bungling the Jonah mission in January, the U.N. continued through the year to dither on Somalia. For months, the Security Council resolutions were not implemented. Officials and agencies delayed the establishment of a presence on the ground, or stationed themselves in neighboring countries. As a result, the U.N. provided no leadership or coordination to the courageous efforts of the ICRC and other nongovernmental agencies, which were forced to take on responsibilities that the U.N. was skirting. The only bright spot in this dismal picture was the April 28 appointment of Mahmoud Sahnoun, an experienced Algerian diplomat, as the Secretary-General's Special Envoy to Somalia. Mr. Sahnoun displayed active diplomacy on the ground, including painstaking negotiations with the warring factions. He promoted the work of neutral Somali clan elders, women and organizations of civil society, and encouraged them to participate in relief operations as well as in the peace process. For months, Mr. Sahnoun pleaded with the U.N. agencies to send permanent representatives to Mogadishu and to establish programs. His efforts went unheeded because the U.N. personnel—including many who would have volunteered to go to Somalia—were barred from moving there by a general directive declaring the country dangerous. In October 1992, after Mr. Sahnoun repeatedly and publicly criticized this inaction, U.N. headquarters forced him to resign.

The U.N. continued to call on the warring factions to allow the delivery of humanitarian aid (Resolution 767 of July 27, 1992), but only on August 28, 1992 did it authorize the deployment of 3,000 peace-keeping troops. Even then, however, no such levels of international armed presence were achieved until December 1992. The U.N. had sent a lightly-armed force of 500 Pakistani troops in late September, pursuant to the April 24 resolution, but never increased that presence in accordance with the August resolution.<sup>12</sup> Even the 500 Pakistani troops did not actually take up protective positions at Mogadishu airport until mid-November, because the USC-Aided forces would not lend their consent.

The failure to act decisively to implement resolutions adopted by the international community was disastrous. Armed militias and so-called uncontrolled elements took advantage of the situation and increased their extortion of nongovernmental organizations attempting to deliver emergency assistance; they also increased the looting of those supplies by force of arms. In November, during the Thanksgiving holiday and after his defeat in the Presidential election, President Bush decided to send a division of American troops to Somalia. On December 3, the Security Council issued Resolution 794, taking action under Chapter VII of the Charter of the United Nations "to establish a secure environment for humanitarian relief operations...."

#### IV. The Situation after December 1992

On December 9, 1992, a large international force led by the U.S. Marines began its deployment in Somalia to protect the delivery of emergency humanitarian assistance. As of February 1, 1993, there were some 24,000 American troops and about 13,000 troops of other nationalities deployed throughout Somalia. Twenty-two nations are participating in the military effort, the majority of them with financial support or with small military contingents.

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<sup>12</sup> **Boutros Boutros-Ghali, Secretary General, Letter to the President of the Security Council, 29 November 1992 (U.N. document S/24868).**

All the NGO officials interviewed by Africa Watch in Somalia agreed that, given the situation at the end of the year, the deployment of troops was necessary to protect the delivery of services. They also agree that it has made an enormous difference in their ability to stem the famine.

Although precise figures are only now being collected, it is abundantly clear that the more secure environment provided by the international military presence has produced an immediate, dramatic improvement for most Somalis. To be sure, some improvement had started earlier, after the air lifts, thanks to the courageous efforts of the leading NGOs working under extremely dangerous conditions. The death rate was also declining because, by December, many of the weakest and most vulnerable had already died. Nonetheless, the deployment of foreign troops has had an almost instantaneous beneficial effect on the ability of NGOs to deliver food and services. As of early January, meals and supplemental food were being delivered to virtually all parts of southern and central Somalia, without interference from thugs or bandits. Severely malnourished children were on their way to recovery. At the orphanage in Baidoa, newly arrived children were still bearing the heart-breaking marks of malnutrition; but their care providers told our delegation that virtually all of them would be saved. Before the deployment, each new arrival had a 50-50 chance of survival.

Still, in some parts of Somalia the task of delivering relief supplies remains very dangerous, as the following case illustrates:

On January 2, 1993, Sean Devereux, a 28-year-old British UNICEF worker, was shot and killed in Kismayu. He was the first foreign relief worker to have been killed since the military intervention began on December 9.<sup>13</sup> According to UNICEF sources quoted in the press, Devereux was shot three times in the back of the head and in the middle and lower spine by a lone gunman.<sup>14</sup> He was shot at approximately 7:00 p.m. as he was walking from an NGO meeting to the UNICEF house with two Somali office staff, who were not hurt. Shortly before the shooting, unknown Somali men had asked about Devereux at the UNICEF compound.

Initial reports from U.S. military sources stated that Devereux was killed as a result of a wage dispute with his guards. However, Col. Fred Peck, the U.S. military spokesman, later stated that this explanation was incorrect, and UNICEF denied that their guards were responsible. A UNICEF press release stated that all of their security guards were in the compound when Devereux was shot. UNICEF also denied that any wage dispute existed.

Although the motives for Devereux's killing are not certain, Africa Watch believes that it is likely that he was killed as a result of statements that he had made to the international press regarding the killings carried out by Col. Jess's forces against Harti civilians. Devereux was, in fact, one of the main sources for an article that appeared in *The New York Times* detailing the killings, and he had been quoted in *The Washington Post* and on British Broadcasting Corporation radio condemning the violence in Kismayu. Devereux had previously been threatened in Kismayu but, after spending the Christmas holidays in Nairobi, Kenya, had chosen to return to Somalia.

In the aftermath of the killing, UNICEF evacuated its foreign staff from Kismayu. The U.S.

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<sup>13</sup> Since Devereux's death, Kurt Lustenberger, a 32-year-old Swiss man working with the ICRC, was killed on January 14, in Bardera, and Valerie Place, a 23-year-old nurse with Irish Concern was killed near Afgoi on February 22. Two U.S. Marines, Pfc. Domingo Arroyo and Lance Cpl. Anthony Botello; and a civilian employee of the U.S. Army, Lawrence Freedman, have also been killed. Army Pvt. David J. Connor died in an truck accident.

<sup>14</sup> "Unicef quits town after British aid man killed," *The Independent* (London), January 4, 1993.

military also began an investigation into Devereux's death and the earlier killings of Harti civilians. Officials of Col. Jess's SPM also promised to investigate.

There have been few signs of resistance to the presence of foreign troops, and only a very limited number of armed encounters between them and armed Somalis. The delivery of food to ports and airports, its transportation within Somalia, and the provision of meals and other services to needy persons has been generally free of interference due to the protective cover of the international forces. In addition to guarding entry points and routes, the international forces escort convoys of food wherever needed, displaying an impressive ability to coordinate their actions with the needs of the NGOs.

It is our impression that the drought is indeed over, but that the famine is not. UNICEF officials told us that the Gedo region (south and west of Bardera, toward the borders with Ethiopia and Kenya) was still insufficiently served, and there may be pockets of starvation that have not yet been reached. Elsewhere, there are thousands of displaced persons who may be safely out of danger of starvation, but whose nutritional needs have not been completely met. The same is true for many more thousands who are being fed in their own villages. It must be understood that a very high percentage of the population in the south-central region is now wholly or partially dependent on relief assistance for their food. Unemployment is rampant, as what little industry existed in Somalia has been destroyed, and the war has left farming families without seeds and tools so that they will not be able any time soon to fend for themselves.

Economic activity, including market-oriented production and normal distribution channels, has been deeply disrupted by the fighting and dislocation. For that reason, the encouraging but slow recovery of some crops, the assistance provided by some NGOs in the form of seeds, tools and veterinarian services to rehabilitate agriculture and livestock, and the economic activity generated by the foreign presence remain completely insufficient at this time to cover the needs of the population. It is important, of course, to implement relief programs that reduce the dependence on imported, donated food, because Somalis need to recover not only health and nutrition, but also self-reliance. But it would be a serious mistake to declare victory against famine and leave Somalia before it is certain that the secure environment needed to overcome famine can be maintained.

Paradoxically, the increased security for those delivering humanitarian services has resulted in more insecurity for others in Somalia. With relief supplies no longer easy picking, thugs and looters, be they under the control of organized forces or acting on their own, have turned to other targets for theft and extortion. Foreign journalists have been victimized repeatedly. The insecurity for Somalis is probably greater, although it is rarely makes the international press. This transferred insecurity is a particular problem in Mogadishu, because the city is large and it is not possible to secure most of its quarters. Adding to that problem is that the conflict between rival factions of the USC remains unresolved, and the cease-fire that such forces observe is at best precarious. In Kismayu and Bardera, where there is a strong international presence, the insecurity is even more closely related to the unsettled political violence.

In the first few days, it is quite clear that armed thugs acting on their own did withdraw and adopt a "wait-and-see" attitude. But they soon realized that the foreign forces would concentrate on protecting the humanitarian services and would not guard the general population. As a result, large urban and rural areas were left where it was safe to assume that there would be no presence of foreign troops. As thugs moved to unprotected areas looking for new victims, these

areas became more dangerous than before the foreign troops arrived.<sup>15</sup>

A similar effect has been created with respect to organized forces. Arriving ahead of the deployment of troops, U.S. Ambassador Robert Oakley immediately engaged in talks with some of the warlords, to warn them against any attempt to attack the foreign troops. This diplomacy was very successful in ensuring a smooth landing for the international military contingents, as well as swift achievement of the goal of protecting relief services. Military spokesmen have frequently pronounced the accomplishment of objectives "ahead of schedule." One key element of these negotiations is that the warlords agreed to take their "technicals," artillery pieces and troops out of the areas where the international troops would operate. In some cases, they placed that materiel in encampments that were easy to supervise, or they hid some of their weapons. In other instances, however, many of these troops, and weapons were simply removed from the sight of the international troops, and sent to regions in which inter-clan fighting is still taking place. The result is additional instability and insecurity in those areas.

Those in charge of the international military operation have countered calls to increase disarmament and policing efforts by responding that the forces have no authority to disarm, citing the narrow scope of the U.N. mandate, which speaks of "establish[ing] a secure environment for humanitarian relief operations in Somalia..." (items 7 and 10). They also point out that to disarm, all Somalis would have to be told that owning and displaying weapons is illegal, which it currently is not. Some authority would have to legislate that possessing a gun is a punishable offense, and another authority would have to take responsibility for applying appropriate sanctions. For the U.N. forces to do all or part of this, it is argued, would make them in fact the government of Somalia, in the form of an occupation force—a responsibility that they are reluctant to assume.

Although Africa Watch takes no position on the issue of expanding the mandate of the foreign troops, we note here that their limited mandate has created or at least exacerbated a legal vacuum on the ground. A limited international military mandate makes sense if there is some other authority that is responsible for maintaining law and order. Even if that authority is derelict in the discharge of its duties, or too weak to perform them adequately, there at least would be an authority to go to in demand of protection. In Somalia, however, such authority simply does not exist, as the United Nations has explicitly recognized in its resolutions.<sup>16</sup> Under such circumstances, the unintended result of a limited mandate is the generation of more insecurity everywhere except in the delivery of emergency assistance.

In fact, the U.N. forces have not applied such a strict interpretation of their mandate. The rules of engagement have been adapted over time. For example, while the small peace-keeping force deployed in mid-1992 adopted a policy of not shooting at all, not even in self-defense,<sup>17</sup> the massive forces deployed in December (known as the United Nations Task Force, or UNITAF)

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<sup>15</sup> **In January 1993, the international troops began wider patrolling efforts, somewhat alleviating this problem. Still, large areas of Somalia remain where there is no international military presence.**

<sup>16</sup> **See below for efforts currently under way to reconstitute a police body in several Somali cities.**

<sup>17</sup> **The commander of the U.N. force, Brig. Gen. Imtiaz Shaheen, has said that the troops were allowed to fire any time that they perceived a threat, but that Shaheen had chosen to be very cautious about the exercise of this power because his force was so small. Also, U.N. troop deployment was contingent upon acceptance by the warring factions, which was never fully granted. Keith Richburg, "Top U.N. Officer In Somalia Says Tactic Were Apt: Pakistani Defends His Troops But Says They Were Too Few," *The Washington Post*, January 23, 1993.**

were authorized from the start to shoot in self-defense or when they perceived any danger to themselves or to the relief operation. Because weapons pointed at them were understood to constitute such a danger, UNITAF forces were authorized to open fire. In the first days of the December deployment, these rules resulted in a passive attitude by the international forces in the presence of weapons on the streets of Mogadishu. At the same time, some NGOs complained that their hired guards were disarmed, which placed the NGOs again in danger of being looted or extorted by those who retained their weapons. Soon thereafter, the rules were changed: the foreign troops began to confiscate weapons when they were displayed in public, since that was said to create a public danger. If rifles, assault rifles and handguns were carried in cars, but concealed, their owners were allowed to keep them. By agreement with the organized factions, artillery pieces, "technicals" and all other crew-served weapons were placed in cantonment areas, and if any of them were found in the streets they were subject to confiscation.

Even while maintaining the rules of engagement as described above, the international forces in January abandoned their passivity in a few significant ways. On January 8, U.S. forces attacked and destroyed an encampment in South Mogadishu, which was under the control of General Aideed. U.S. military commanders justified the action as legitimate under the rules of engagement, because they claimed that individuals in the camp had previously fired on U.S. forces. The following week, U.S. Marines conducted a highly publicized raid of the Bakara market in Mogadishu, where they found and confiscated caches of weapons. On January 25, U.S. forces attacked a contingent under the command of General Morgan as his troops were closing in on the southern port of Kismayu. U.S. forces have also begun to patrol certain neighborhoods of Mogadishu, unrelated to the delivery of emergency relief assistance, to provide a degree of protection to the city.

At times, this stepped-up protective presence has seemed to backfire. On January 15, near Buur Leego, a town on the road between Mogadishu and Baidoa, a serious incident resulted in tragic loss of life. U.S. Marines approached a truck at night just as the truck, with many civilians on board, was being held up by gunmen. The Marines were fired upon and they returned fire. The shooting left one assailant and five civilians dead; the other assailants escaped, and at least six Somalis were wounded. A few days earlier, near Wanlaweyn, on the same road, looters held up a vehicle of an international relief organization that carried wounded men, and shot the driver in the leg. It was reported that a short time earlier, U.S. Marines had confiscated the weapons borne by the relief agency's guards, for lack of registration documents.<sup>18</sup>

The international forces deployed in December have generally made a consistent effort to treat civilians with respect and to avoid useless confrontation. Relief workers and independent observers told Africa Watch that, for the most part, foreign troops on patrol or providing escort to food deliveries were judicious in limiting their use of force.

However, there have been several troubling exceptions to this restraint. Most recently, on February 4, 1993, U.S. Marines shot and killed a 13-year-old boy, who they stated was running behind a military truck and appeared to be about to throw a grenade at them. According to Somali eye-witnesses, though, the boy was merely pointing at the soldiers, with empty hands, and had a box, probably a military ration package, in his pocket.<sup>19</sup> In another notable exception

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<sup>18</sup> Steve Vogel, "U.S. Troops in Somalia Chafe at Police Role," *The Washington Post*, January 21, 1993; and Alison Mitchell, "6 Somalis Killed as Bandits Clash With G.I.'s," *The Washington Post*, January 17, 1993.

<sup>19</sup> Diana Jean Schemo, "Boy's Death in Somalia Tests Uneasy U.S. Role," *The New York Times*, February 20, 1993.

to the restrained use of force, the French troops during the first few days of the intervention were reportedly unnecessarily hostile and harsh to the civilian population, sometimes coming close to provoking dangerous incidents. On December 11, a French Foreign Legion contingent had set up a checkpoint in Mogadishu. A beat-up old van overloaded with civilian passengers failed to stop, apparently due to brake failure, and the French troops opened fire, killing two person and wounding seven others. U.S. Marines who were present also opened fire.<sup>20</sup> At first, French and U.S. military authorities claimed that the troops had been fired upon, but later they admitted that they had never been under attack. As a result of this incident, the French troops have been moved out of Mogadishu, to Hoddur, where there have apparently been no new problems. In another incident, a U.S. Marine is reported to have entered a private home in Mogadishu and opened fire on a Somali who happened to have a gun in his possession.

At the incident in Buur Leego, described above, we believe the U.S. Marines may have acted in violation of their obligations under the laws of war. They were operating at night, using night-vision goggles, as they approached a civilian vehicle. For that reason, they presumably were aware that there were women and children in the truck. We do not dispute the legality of their decision to open fire to put down an attack on them. Under those circumstances, however, a soldier is still under an obligation to use means that will minimize potential harm to civilians that may be caught in the cross-fire. In addition, under the rule of proportionality, soldiers must refrain from causing incidental loss of civilian life that is excessive in relation to the anticipated military advantage.<sup>21</sup> In this instance, a legitimate question arises as to whether the troops could not have protected themselves from attack by means that exacted a lesser cost in innocent lives. Similarly, in the incident involving the shooting of the 13-year-old boy, it appears, at the very least, that the use of lethal force was disproportionate to the potential threat, and should not have been used.

To issue a more definitive judgment, we would need to have more information on the details of these episodes. Our point, however, is that their tragic consequences should have led to a detailed, honest examination of the circumstances, and eventually to disciplinary action if appropriate. Instead, we are dismayed to see that U.S. military spokesmen have hurried to pronounce their actions legitimate, without the benefit of serious inquiries. This is particularly disturbing because it repeats a pattern established by the command of U.S. forces in Panama and in the Gulf War, where there has been a complete refusal to investigate acts of war by U.S. forces that caused serious civilian casualties.<sup>22</sup>

Military law specialists stationed with the troops in Somalia have sought the expertise of the ICRC in developing guidelines for the behavior of troops in case of combat. There is a program to provide compensation for innocent victims, although so far it appears to have benefitted only the victims of traffic accidents involving the American troops. In addition, press reports suggest that the families of those shot by U.S. troops are sometimes treated in an unnecessarily callous fashion.<sup>23</sup> As during the Gulf War, military spokesmen consistently refuse to provide any

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<sup>20</sup> Michael R. Gordon, "Pentagon Says Killing of 2 Somalis May Have Been Accidental," *The New York Times*, December 12, 1992.

<sup>21</sup> Despite the humanitarian mandate of the international forces, Somalia has become an international armed conflict and, consequently, all forces operating there are bound by the laws of war, or international humanitarian law. The principles cited above have achieved the status of customary law.

<sup>22</sup> See Americas Watch, *The Laws of War and the Conduct of the Panama Invasion*, May 1990; Middle East Watch, *Needless Deaths in the Gulf War*, November 1991.

<sup>23</sup> Diana Jean Schemo, "Boy's Death in Somalia ...," *op cit*

information on the identity or number of Somali casualties inflicted in the course of the few encounters that have taken place. It is known that some Somali militias and others wounded in attacks by the foreign troops have been taken to military hospitals, but public information about them has so far been unavailable.<sup>24</sup>

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.<sup>25</sup> We are told that the Office of the Judge Advocate General assigned to the American force deployed in Somalia has advised that such actions must be undertaken. However, the press has been repeatedly frustrated in its effort to obtain any such information from the military. In reporting shooting incidents, the military press officers have consistently responded to inquiries about Somali casualties that such information is unavailable because the troops did not attempt to verify whether there had been Somali casualties.<sup>26</sup> This response suggests that important humanitarian obligations imposed by the Geneva Conventions are not being properly discharged, as indeed it was not in Panama and in the Gulf War.

### **The Status of Civil Society since the Deployment of International Troops**

Throughout the worst moments of the famine, the NGOs that stayed in Somalia to confront it (ICRC, Medecins Sans Frontieres, Save the Children-UK, International Medical Corps) obtained invaluable help from persons and groups that have received scant credit and attention: their Somali employees, the clan elders and civic leaders who helped to coordinate their efforts, and Somali doctors and other health professionals who labored selflessly for months without reward. Even under the most dangerous conditions, Somalis have created their own organizations of civil society to provide some educational and health services, as well as employment and development opportunities. These unsung heroes of the Somali catastrophe have also struggled courageously to keep those organizations alive against overwhelming odds. All experts agree that any serious plan to address the famine, and to reconstruct Somalia after it, must build upon this invaluable foundation. And yet since December their voices have not been appropriately heard and their counsel has not been assiduously sought.

In Mogadishu, a group of women started a women's development organization called IIDA in 1991. IIDA states that in the last two years it has maintained its independence from the factions in the capital, and that its membership cuts across clan lines. With assistance from German NGOs and the ICRC, IIDA provides a variety of services, including: running an elementary coeducational school and a cooperative that employs women in weaving and other crafts; providing food and other support to the staff of hospitals; and assisting the ICRC with a program to employ Somalis in sweeping and cleaning up the streets of Mogadishu.

IIDA leaders told us that they had fruitful discussions with Mr. Sahnoun until his dismissal in October 1992. Since then, they have had no contact with local officials of the United Nations, who they consider unresponsive. IIDA did participate in meetings of relief organizations in the Seychelles and in Addis Ababa, the latter held in December 1992. They asked to attend the Addis Ababa peace conference that began on January 4, 1993, but were told that the meeting was restricted to the fighting factions. IIDA insists that it is ready to discuss the future of Somalia,

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<sup>24</sup> **Keith Richburg, "Marines in New Clash Amid Somali Turf Wars," *The Washington Post*, January 7, 1993.**

<sup>25</sup> **Arts. 15, 16 and 17, I Geneva Convention of 1949.**

<sup>26</sup> **This attitude prevailed also in the U.S. military operations in Panama and the Gulf War. See footnote 16.**

and that the peace negotiations should include them and other independent groups.

IIDA leaders reported that many of the international NGOs were equally unresponsive to their suggestions and requests for assistance, although UNITAF had, from time to time, provided IIDA with armed escort to relief operations as requested. They told Africa Watch that they had requested a meeting with U.S. Ambassador Robert Oakley, which took place on January 14. Expressing a "need to pay more attention to them in the future," Oakley reportedly donated \$5,000 for IIDA's school, and advised them to link up with foreign aid agencies.<sup>27</sup>

A group of young residents of the capital formed the Union for Somali Salvation Youth (USSY) in 1991, with the purpose of mediating disputes through discussion with the leadership of the warring factions. In September 1992, they organized a peaceful demonstration and a fast to appeal to the factions led by Ali Mahdi and Aideed to stop fighting. (As described earlier in this report, that demonstration was attacked by Ali Mahdi supporters.) In August 1992, USSY occupied the battered building of the Ministry of Education, where it offers elementary and intermediate education to thousands of children.

The USSY leaders told us that the foreign NGOs and UNOSOM officials have been generally unresponsive to the organization's appeals for assistance, on the grounds that the object of the foreign presence is to provide food, not education. At times, USSY has been told that it must bring a letter from General Aideed, because the NGOs do not wish to be seen as supporting groups that oppose the established warlords.

Other Somali NGOs have long been active in other parts of Somalia. In the north, for example, organizations like the Somali Relief and Rehabilitation Association (SORRA) and the Somali Relief Association (SOMRA) have run clinics, schools and sanitation projects; mediated clan disputes, and provided valuable assistance to international NGOs working there. These organizations and others have often been a means for Somali intellectuals and activists not involved in waging war to do useful work for their communities. However, they have been able to raise meager if any resources and do not generally receive assistance from the U.N., international NGOs or outside sources.

United States officials repeatedly told us that the immediate effect of Operation Restore Hope was a noticeable replacement of war lord cronies with a newly emerging Somali leadership with clean hands, and that organizations of Somali civil society and other grass roots leaders were being empowered by their role in coordinating the delivery of aid. From our on-site observations, we believe that such may be the intent of the relief and security policies currently being implemented, but we do not share the far-too-optimistic view that this important objective is already being accomplished. The dissatisfaction expressed to us by IIDA and USSY are illustrations of our point.

U.S. officials told us that Mogadishu is especially complicated in this regard because the capital is not completely secured. In the interior of the country, they said, the story is different: in Baidoa the foreign troops have secured the town and the displacement of the warlords in favor of to a new leadership is already visible. Indeed, Baidoa was repeatedly touted as the "model" of what is being accomplished in the political realm through Operation Restore Hope.

In Baidoa, however, we found a very different picture. The town is definitely secure, and the

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<sup>27</sup> **Alistair Lyon, "Somali Women Create Jobs for Poor," Reuters Information Service, Mogadishu, January 22, 1993.**

humanitarian assistance proceeds quite smoothly, but there is still a long way to go before an alternative Somali leadership emerges. We talked to many NGO workers, and invariably they told us that the same people who for months had held them hostage are now in charge of coordinating relief services with them and the UNITAF troops. The thugs who used to control relief operations with their guns have simply redefined themselves as members of "relief committees." As late as January 2, 1993, CARE was looted of fifty tons of food. Irish Concern decided to invest in education, and began rebuilding a school in December, after the Marines had secured Baidoa. The same night, all of the construction materials were looted; they reportedly showed up in the local market a few days later.

UNOSOM and United States diplomats actively encourage the formation of "regional relief committees" as a means to bring Somalis into the delivery of humanitarian assistance. It appears that, in some places, the idea works. Wajit, a town northwest of Baidoa where Irish Concern is present, seems to have succeeded in creating an effective local structure under the protective umbrella of UNITAF. In contrast, in Buur Akaba, midway between Mogadishu and Baidoa, the local relief committee, still dominated by allies of General Aideed, seems itself to be the source of insecurity for relief operations. An American NGO that works in the town reportedly experienced serious threats because it refused to recruit workers through the committee.

In Baidoa, the NGOs openly refuse to work with the Regional Relief Committee; nine of the eleven foreign NGOs active in the area boycott a periodic meeting between the relief committee, the NGOs and the UNITAF civilian-military operations command. Some clan elders apparently are beginning to join local efforts at relief coordination and reconstruction, but the official committee that enjoys the support of UNOSOM and UNITAF is dominated by the Somali Democratic Movement (SDM), a Rahanweyn-based militia that was allied with General Aideed. Our delegation did come in contact with Somalis who have played no part in the destruction of Baidoa and who are struggling to provide sorely needed services in cooperation with international NGOs. Impressive examples are the citizens group that runs the Baidoa orphanage and the Somali women who daily feed and care for dozens of children there. However, when the Africa Watch delegation was in Baidoa, however, these valuable citizens were not represented in the Regional Relief Committee, and they were far from exerting influence in the community beyond their own humanitarian efforts.

During our visit to Baidoa, we noticed that insistent talk about the imminent departure of the U.S. Marine Corps contingent deployed there was creating some anxiety about security after the troops left, and probably prevented well-meaning Somalis from stepping forward into positions of leadership. The Marines did leave on January 23, 1993, to return to the United States, and they were replaced by 900 Australian troops. According to subsequent press reports, the transfer of military duties went smoothly and conditions in Baidoa have continued to improve.

## **V. The Present Needs and Some Recommendations for Action**

### **Civil Society**

For a lasting peace in Somalia, a legitimate government, accountable to its citizenry and sensitive to their needs, must be helped to emerge. It is hard to envision such a government arising from any combination of the presently warring factions. Africa Watch believes that this authority has to be built from the ground up, and that it is primarily the responsibility of the United Nations to generate conditions for such a process to take place. Representatives of local communities must be encouraged to participate in the decisions that affect their lives, free of interference from the armed factions. That participation must begin as soon as possible where it

is not now occurring and it must be strengthened and solidified where it has already started. Discussions with these local representatives should lead to the identification of the most urgent community problems and their solutions: how to establish security and basic services, including education and health, and most important, how to make those who are entrusted with those tasks accountable to the community.

For legitimate local authorities to begin to assert themselves, several steps must be taken. First, local leaders who are independent of the armed factions will have little incentive to assert themselves unless their long-term safety can be guaranteed. For the reasons stated earlier, the international forces can be a protective umbrella, but they are no substitute for Somali law enforcement bodies that are urgently needed. As UNOSOM has begun to perceive, an integral part of creating a safe environment is the creation of a responsible and lawful local police force. Second, active on-the-ground diplomacy by the U.N. must assist communities in establishing the conditions to permit the free selection of local leaders who are accountable to their constituencies. UNOSOM representatives should help to empower these leaders by encouraging their participation in relief and rehabilitation efforts. Third, the national-level peace talks currently taking place in Addis Ababa must be broadened to include the participation of elements of civil society other than the warlords. If it appears, as it now does, that the Addis peace conference will include only the warring factions and result in their future assumption of leadership roles in Somalia, local figures of authority who are independent of the warlords will be discouraged from participating in local governance.

### **1. The Creation of a Safe Environment**

The continuing insecurity in Somalia has brought into sharp focus the question of whether the international forces should proceed to disarm the country. An overwhelming majority of Somalis openly call for disarmament and many argue that, without it, the gains made in defeating starvation will be ephemeral. There are so many guns in the streets and roads, and they are in the hands of so many disparate and irresponsible elements of society, that it is not enough to ensure that the warlords refrain in the short term from using the weapons they control. It is further argued that if there is no disarmament, banditry will accelerate as farmers return to their lands to harvest crops and those crops once again become valuable commodities.

Moreover, it is sometimes argued that a concerted, consistent policy of disarmament is a natural and necessary extension of the mandate conferred by the Security Council on the international forces to protect the delivery of humanitarian assistance. In that light, disarmament is simply another method—and perhaps a more efficient one—of achieving a secure environment for the aid and development programs. In addition, humanitarian activity is not limited to hot food kitchens; it also includes support for the reconstruction of agriculture and livestock breeding, as well as for the rehabilitation of market mechanisms for the distribution of food and health care to needy people. These activities cannot be adequately protected while the country is awash in weapons.

Africa Watch takes no position on whether the mandate of the U.N. forces should be extended to include disarmament.<sup>28</sup> However, we continue to stand by our call, issued in early 1992, for military protection of humanitarian relief efforts, and we believe that the December 3, 1992 Security Council Resolution was an important response to the urgent need to save lives. We

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<sup>28</sup> **In keeping with our mandate as an organization that concerns itself exclusively with the international law of human rights, and not with other aspects of international law and policy, Africa Watch (a division of Human Rights Watch) takes no position on the matter of the possible expansion of the current U.N. mandate for military forces in Somalia.**

simply state here that the problem of disarmament remains a stumbling block to long-term efforts to build a secure environment and that this broader goal must be addressed, by the United Nations in its role as mediator in the armed conflict, by the organized factions that are collectively responsible for the insecurity they have created, and by organizations of Somali civil society that can attest to the pressing need to establish the rule of law.

A noticeable increase in patrolling and occasional disarmament activity, in our view, are not enough to address the problem of insecurity and its potential effect on humanitarian assistance. These actions constitute gestures and not a concerted, consistent policy. They send a signal of uncertainty which serves as a disincentive for Somalis of good will to step forward and assume leadership roles.

If disarmament does proceed—and especially if the effort is led by UNITAF—we believe the following principles should apply. To generate confidence, a policy of disarmament must be even-handed and avoid any perception of playing favorites. It cannot start with those who are easier to disarm, such as hired armed guards, because it would once again leave relief NGOs, Somali families, legitimate businesses and foreign visitors at the mercy of the more-difficult-to-disarm thugs and warlords. In addition, most hired guards use their weapons only for defensive purposes and are loyal to their employers; for the most part, they are not contributing to the climate of insecurity. With respect to the armed factions, disarmament must proceed simultaneously so as to avoid creating unfair advantages, and it has to be carefully supervised to avoid concealment of weapons. It must be accompanied by some form of receivership in neutral hands, with full public disclosure and verified destruction of weapons and munitions. There must also be a concerted plan to prevent importation of new weapons.<sup>29</sup>

The U.N.-sponsored conference in Addis Ababa, Ethiopia, held between January 4 and January 15, produced an important agreement on disarmament, even if little other progress was achieved. Participants agreed to disarm by March 1. There are reasons to be skeptical about this agreement. One is that not all military factions were present or fully participating, so that the disarmament agreement does not bind all fighting forces, let alone the countless Somalis with guns who at any time can be considered "uncontrolled." Another reason is that the agreement contains precious little detail on implementation and verification. Finally, the past behavior of the forces that now pledge to disarm does not inspire confidence in their good faith. In fact, on February 4, U.S. General Robert Johnston, the commander of the UNITAF forces, called upon the armed factions to begin the disarmament process and inform the U.N. by February 15 of the location and composition of their troops and weapons.<sup>30</sup> The deadline went unheeded and was extended until February 23.<sup>31</sup>

Nevertheless, the Addis Ababa agreement to disarm could be an important step in that

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<sup>29</sup> **The Security Council has established and reiterated an arms embargo for Somalia (United Nations Security Council Resolution 733, adopted on January 23, 1992). Yet, nothing has been done to control weapons importation or to make violators pay a political price, as when materiel and personnel belonging to the Kenyan armed forces were captured. In Nairobi and in Mogadishu, we met with NGO and U.S. government relief officials who thought no arms embargo was in place. U.N. officials have reportedly said that an embargo is impossible to enforce. Even admitting those serious difficulties, it seems to us that the U.N. must do something to take its own decisions seriously if it expects them to have any positive effect.**

<sup>30</sup> **Agence France-Presse, "Foreign Forces Tell Rival Factions To Begin Disarming," February 4, 1993, Iquoted in Foreign Broadcast Information Service, February 5, 1993.**

<sup>31</sup> **Molly Moore, "Somali Warlords Break U.N. Deadline," *The Washington Post*, February 16, 1993.**

direction. In the first place, it could provide a clear mandate for the U.N. forces to proceed to take weapons out of circulation. For this, the agreement may have to be complemented with a specific request from all parties to the U.N. to implement the agreement and verify compliance.

Even if the warlords' commitments are heeded, long-term security will depend on the creation of a responsible police force, backed by an independent judicial system.

We are encouraged by the announcement that detailed arrangements have been made for an orderly transfer of the military command of UNITAF to the United Nations, because it provides assurances to Somalis that the international community is committed to a long-term strategy of ensuring security in Somalia. In our view, some degree of certainty about the immediate future will go a long way toward encouraging Somalis to come forward and provide an alternative leadership to that of the warlords.

## **2. The Creation of a Somali Police Force**

Creation of a Somali police force has been unanimously pronounced as urgent, and yet for more than one month after the deployment of foreign troops very little was done. We have heard that in Wajit a successful effort is under way to create a local police force, complete with uniforms donated by European sources. In Mogadishu, U.S. troops recently began patrolling in the company of some armed Somalis who the U.S. hopes will form a police force for the city. In early February, the U.N. Development Program announced a project to fund the training of 6,000 policemen.<sup>32</sup> Some European countries have reportedly offered technical assistance and training to a future Somali police force.

It is encouraging to note that the international community is taking concerted steps in this direction. Without more information on the details of these plans, it is hard to comment on them. Nevertheless, Africa Watch believes that some basic principles should guide the development of these projects. First, it is important not to wait for a comprehensive political settlement, because a possible result could be that the ranks of the future police would be filled by the demobilized combatants of the factional militias, a terrifying prospect. Second, at the outset it is best not to envision a national police force but local and regional bodies. Recruitment of the right people would be easier to control, and from the start small local forces can be made accountable to the community. Legitimate Somali leaders should be encouraged to devise mechanisms that would ensure citizen-based review of police actions. Third, communities that have attained a small amount of order (in the north and northeast, for example) should be immediately assisted with the creation of police forces. This may provide models to follow elsewhere.

## **3. Diplomacy on the Ground and Participation in Relief Efforts**

Involvement of Somalis in the immediate tasks of humanitarian assistance, and in decisions about security, is an explicit goal of UNOSOM and UNITAF. Africa Watch supports that idea, but insists that much more needs to be done in practice to achieve it. In Mogadishu and Baidoa, we were allowed to sit in at daily meetings between NGO representatives, UNOSOM humanitarian coordinators, and officers of UNITAF assigned to civilian-military operations. No Somali citizens attend those meetings. Those daily sessions are very effective in achieving an impressive degree of coordination between the military and the foreign relief side of the operation. We understand that their narrow purpose is to coordinate security for relief efforts and to report any security problems. Even so, we register our concern that the daily insecurity suffered by Somali communities does not merit anything remotely resembling that level of

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<sup>32</sup> Reuters Information Service, "U.N. Launches Somalia Reconstruction Program," Mogadishu, February 5, 1993.

attention, and that the opinion of legitimate organizations of Somali civil society in matters affecting their vital interest is not more actively sought.

To bolster independent authority, the U.N. must begin active, on-the-ground diplomacy, to make the concept of regional relief committees work. In particular, the U.N. should work with local communities to ensure that the regional relief committees are independent of factional control, are accountable to local citizens, and do not replace existing private Somali NGOs.

In Baidoa, this active diplomacy is precisely what is lacking. Technically, UNOSOM has representatives in each of the seven centers (outside Mogadishu) where the military and relief operations are coordinated. In practice, the UNOSOM official in Baidoa had spent little time there as of early January. In general, we observed that UNOSOM's presence throughout Somalia was passive and almost unnoticed. Relief workers complain that, in the absence of civilian UNOSOM officials, they and U.S. military officers are forced to engage in complex negotiations with local and regional officials of the warring factions.

We believe that an expanded civilian U.N. presence would encourage genuine organizations of civil society and other Somalis with clean hands to displace the warlords from positions of authority. Currently, there is no serious effort to conduct U.N. diplomacy on the ground in Somalia, and without it, there is little hope that Somalis who are not responsible for the crimes of the recent past will come forward and participate in recreating a Somali state. The absence of the U.N. is troublesome because, without active on-the-ground diplomacy, the structures conceived by UNOSOM such as the regional relief committees are an easy prey for the local powers that be, meaning the organized thugs of the political factions.

#### **4. Broaden the Peace Process**

The efforts by Ambassador Oakley on the ground in Somalia have been directed at securing from the warlords their cooperation in not attacking the international forces. But in reaching out very publicly to the warlords, he has conferred a measure of legitimacy on them. This is especially problematic because in fact distinctions are made between the warlords. Oakley openly refuses to talk to some warlords while seeking out Aideed and Ali Mahdi. While we do not believe that the intent is to sanction any warlord's rise to power, this clearly different treatment is exploited by the favored ones as a certificate of legitimacy. Africa Watch believes that no distinctions should be made among murderers, so that there can be no perception that the international community plays favorites.

Ambassador Oakley has made a point of refusing to meet with General Morgan, and has called him a "cold-blooded murderer."<sup>33</sup> Africa Watch agrees that Oakley should not meet with Morgan precisely because of that reason, but we are at a loss to understand the logic of meeting with other warlords whose hands are equally full of the blood of innocent Somalis. During our visit to Mogadishu we raised this question with Ambassador Oakley's closest aides, and we were told that the U.S. Special Envoy saw no political future for General Morgan in Somalia. The implication of this answer is that political considerations, not their human rights records, account for the difference in the way each warlord is dealt with. In our view, none of the warlords should have a political future in a reconstituted Somalia, and it is crucial that the current efforts by the international community are carefully designed to avoid giving any of them preferential treatment.

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<sup>33</sup> Molly Moore, "Deep in the Desert With a Somali Militia," *The Washington Post*, February 23, 1993.

Somali public opinion, with good reason given the international community's attitudes during the Siad Barre dictatorship, is skeptical about the impartial nature of the current involvement. For that reason, it is important to convey unequivocal signals that the international community recognizes no better or worse warlords and certainly does not legitimize any of them. To the degree that the international community must deal with the warlords, such a fact should be recognized as a necessary evil, and talks should take place at a low level and not as public photo opportunities.

This is especially needed now, as the U.S. Special Envoy prepares to yield a large measure of responsibility to the United Nations. Mr. Oakley should take public steps to avoid the unwanted effect of legitimizing any of the warring factions. And, as the United Nations assumes a larger role in the command of a reconstituted UNITAF and enters into a new phase of the relief and peace-making operation, it is incumbent upon its appointed representatives on the ground to make similar pronouncements. In particular, due to a widespread perception among Somalis that the United Nations is biased in favor of one of the factions, its representatives must firmly establish their impartiality by clearly emphasizing that there are no particular friends or pre-arranged scenarios for the distribution of power.

The peace conference in Addis Ababa is, up to now, a conversation among warlords. As stated earlier, we object to the exclusion of organizations of civil society from these talks: if the talks are to achieve any beneficial result, they cannot be conversations among mass murderers. Though the imperative of talking to the warring factions to obtain assurances on security arrangements must be acknowledged, a broader political discussion should not rely exclusively on these factions. The U.N. and the government of Ethiopia, as sponsors of the Addis Ababa peace process, need urgently to expand the representation of Somali society at the talks, and specifically to break through the factional—and to a large degree fictional—representation of clans and sub-clans and achieve a fair representation of different sectors through traditional as well as emerging leadership.<sup>34</sup>

### **5. A Proper Role for Clan and Sub-clan Participation**

Representatives of all regions of Somalia must be encouraged to discuss whether they want a national government or an appropriate regimen of autonomy and federation. Somali individuals, families and groups must be allowed to decide where they want to live. All emerging local, regional or factional authorities must be asked to pledge that in each territory they will respect the rights of minorities to live there, to work, to worship, to associate peacefully, to express themselves and to participate in the affairs of the community. This must include those Somalis who are not identified with any clan or sub-clan.

### **Accountability**

There must be an effort to make those responsible for egregious crimes accountable to the Somali people and to the international community. On at least two occasions the Security Council has warned that there will be a price to pay for the violations committed against human decency, and it is time to propose and implement a plan for that purpose.

#### **1. Accountability Must Be Included on the Agenda of the Peace Talks**

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<sup>34</sup> **In this regard, we note that large numbers of Somalis currently in exile across the country's borders support mass murderers such as General Morgan, solely because they believe their sub-clan's survival depends on him. In our view, it is urgent to find ways in which all sectors of Somali society – including those now living abroad – can feel adequately represented at the peace talks.**

There needs to be a more aggressive mediation role by the United Nations. Up to now, the U.N. has allowed the warlords to set the agenda for the talks. That may have been a necessary first step to set the process in motion and achieve some momentum, and indeed, some early results are encouraging. But a precarious cease-fire and a pledge to disarm in the future are not enough. In particular, the U.N. needs to force the parties to agree to respect human rights and to allow their behavior to be monitored, as well as a process to achieve accountability for the crimes of the past.

## **2. The U.N. Should Document Past and Ongoing Human Rights Violations**

As it has done in other countries, the United Nations should deploy specialized personnel to investigate and document violations of human rights that have been committed in recent years, in order to preserve the memory of those abuses and to offer the victims and their relatives an appropriate forum to tell their stories. At some point, the courts and civilian authorities of a reconstituted Somali state must decide whether there will be prosecutions and punishment. In the meantime, as they select their future leaders, Somalis will be able to make informed judgments as to the responsibility borne by each warlord and faction for the crimes perpetrated against the Somali population. This investigation and truth-telling must be a credible, long-term effort, conducted under rigorous research standards with guarantees of impartiality, balance and reliability.

The U.N. will need to commit resources to the verification and truth-telling efforts we propose, as it does to its military, relief and diplomatic tasks. For these equally important exercises for bringing human rights into sharper focus, governments must be willing to provide the U.N. with adequate funding and in-kind assistance, and to allow their own officials to be assigned temporarily to U.N. duties. In Central America, in the Balkans, in Cambodia and in Namibia, the United Nations has amassed a body of experience in such human rights monitoring. Although there will be a need to avoid errors committed in those experiments, Somalia presents a challenge that the United Nations must face with creativity and vision.

A new Security Council meeting is expected on Somalia as this report goes to press (February 1993). We are encouraged to learn that the United States Mission to the United Nations has submitted a draft resolution that includes language calling upon the U.N. to "receive, collect, and preserve information relating to serious violations of international humanitarian law in Somalia." We firmly support the idea, and encourage the Clinton Administration to find ways to support its passage and implementation, by providing the necessary resources. We believe that the effort must be thorough and broad; it will be necessary to assign experienced human rights monitors and investigators to many areas. We call on the United States and other governments to fund this effort generously so that the U.N. can hire capable monitors, and wherever possible to assign their own experienced investigators to work under the U.N.'s direction.

Once the evidence of atrocities has been compiled, we believe it will show that several warlords and military leaders have been responsible for massive violations that can rightly be called crimes against humanity. At that point, the courts of a reconstituted Somali state will bear the burden of prosecuting and punishing the perpetrators. If they are unable or unwilling to live up to this obligation, then the United Nations should create an international tribunal to bring to justice those who may be guilty of crimes against humanity.

## **3. Verifying the Peace Accords**

The United Nations must offer its services to the parties to the negotiations, not only as a

mediator of the talks, but in verification of compliance with the agreements reached. To this end, in addition to troops of different nationalities, the United Nations must be prepared to deploy civilian agents in sufficient number to monitor the behavior of all factions, to verify implementation of the cease-fire and other specific accords, and to witness a peaceful transition to a new Somali state. In particular, civilian monitors—backed where necessary by foreign troops—are needed to monitor compliance with human rights standards by those entrusted with governmental functions, and compliance with the laws of war and the truce by armed factions until they disarm.

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*Africa Watch is a non-governmental organization which was established in May 1988 to monitor human rights practices in Africa and to promote respect for internationally recognized standards. Its Chair is William Carmichael; its Vice-Chair is Alice Brown. Its research associates are Janet Fleischman and Karen Sorensen; Bronwen Manby is a Schell Fellow; Abdelsalam Hassan is a consultant and Anthony Levintow, Ben Penglase and Urmi Shah are Associates.*

*Africa Watch is a division of Human Rights Watch, which also includes Americas Watch, Asia Watch, Helsinki Watch, Middle East Watch and Fund For Free Expression. The Chair of Human Rights Watch is Robert L Bernstein and the Vice-Chair is Adrian W DeWind. Aryeh Neier is Executive Director of Human Rights Watch, the Deputy Director is Kenneth Roth; Holly J. Burkhalter is Washington Director; Gara LaMarche is Associate Director and Susan Osnos is Press Director.*

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