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PAST HUMAN RIGHTS ABUSES IN SOMALIA

**Report of a preliminary study conducted for the United
Nations (OHCHR/UNDP-Somalia)**

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OBJECTIVES, METHODOLOGY AND SUMMARY OF FINDINGS

Objectives

1. In December 2001, the consultant was recruited as a human rights investigator by the United Nations to carry out a short-term preliminary study on past human rights in Somalia and to find out if crimes of international jurisdiction (ie. war crimes, crimes against humanity or genocide) had been perpetrated during the country's civil war, which has lasted over the last fifteen years. The study was commissioned jointly by the United Nations Co-ordination Unit (UNCU) under the auspices of UNDP-Somalia, and the Office of the High Commissioner for Human Rights (Somalia Country Program). The following were the terms of reference for the consultant in undertaking this assignment.
 - ◆ To obtain a comprehensive picture of past human rights abuses in Somalia through the collection and collation of relevant data from multiple sources inside and outside Somalia with a view to providing this information to the international community and to the national authorities within the context of the ongoing process of national reconciliation in that country;
 - ◆ To identify the gaps in the existing documentation on human rights violations in Somalia, assess the veracity of existing evidence and advise the UN on supplementary work that needs to be undertaken by way of investigations;
 - ◆ To produce a brief preliminary report for the international community cataloguing what evidence exists, where the evidential gaps are and advising on the possible legal and quasi-legal options available.

In furtherance of the above objectives of the project the international human rights consultant was required to undertake the following activities for and on behalf of the United Nations:

- ◆ Identify sources of evidence of past human rights atrocities committed in Somalia from 1988 to the present. The focus will be on allegations of genocide, war crimes and crimes against humanity.
- ◆ Consult with international organizations that monitor the human rights situation in Somalia (especially Human Rights Watch, Amnesty International and African Rights), obtain copies of previous reports and written/forensic evidence.
- ◆ Consult with Somali institutions (such as the Hargeisa-based Technical Committee for the Investigation of War Crimes (WCIC) and the Mogadishu-

based Dr. Ismail Jumalle center for human rights) to obtain evidence collected.

- ◆ Identify other key witnesses, survivors, and families of missing persons and/or recommend methods by which to obtain further evidence from individuals within Somalia and the Diaspora.
- ◆ Prepare a brief preliminary report which contains: a) a chronology of past human rights violations in Somalia; b) a catalogue of evidence which has been collected thus far by international institutions as well as individuals; c) a commentary on the veracity of the evidence collected so far and where the evidentiary gaps lie, and d) recommendations on future investigations and proposal for future action.

Background to the study

2 The United Nations has been monitoring the human situations in Somalia on a systematic basis for the last decade. Following the highly-publicized UN-led international humanitarian intervention in 1992 – 1993, There were intense efforts within the United Nations system to ensure that the issue of human rights in Somalia remained in integral part of the international agenda. On March 10, 1993, the UN Human Rights Commission, through resolution 1993/86, called for the appointment of an Independent Expert on the situation of human rights in Somalia. In that resolution, the commission requested the Secretary General to appoint, for the period of one year, “a person having wide experience in the field of human rights : an independent expert to assist the Special Representative of the Secretary General for Somalia through the development of a long term program of advisory service for re-establishing human rights and the rule of law, including a democratic constitution, as well as the eventual holding of a periodic and genuine election by universal suffrage and secret ballot.” In accordance to this resolution, the Secretary General promptly created the position of independent expert on Somalia and appointed an human rights professional who immediately embarked on the task of investigating, documenting and reporting on the human rights violations committed in Somalia. Over the years the successive experts who have performed this task have made numerous field trips to Somalia, documenting ongoing violations and submitting periodic reports to the Human Rights Commission as well as to the Secretary General. The reports so submitted went into considerable detail regarding reported incidents of human rights violations in Somalia and contributed significantly to the understanding of the international community on what was taking place in Somalia.

3 While this effort to monitor ongoing human rights violations in Somalia was laudable, concern was raised both within Somalia and internationally that serious past violations in the country remained unaddressed and that failure to deal with them was likely to hamper national reconciliation efforts in the country. There were

allegations that crimes against humanity, war crimes and genocide had been committed in Somalia and that a mechanism other than that of an independent expert needed to be established to address these claims as the issues raised would, if proven, constitute crimes of international jurisdiction. There was particular emphasis on the issue of impunity, with several commentators pointing out that as long as persons suspected of having committed serious violations remained unaccountable for their actions, it was going to be difficult for the country to move towards durable peace. However, there was still no tangible evidence that crimes of international jurisdiction had indeed been committed.

- 4 In May 1997 mass graves were discovered in Hargeisa, Capital City of the self-declared independent state of "Somaliland" in the country's northwestern region. According to eyewitnesses the graves revealed hundreds of bodies, dressed in civilian and military clothing, bound together in groups of 5 - 10, victims of what appeared to have been well-organized extrajudicial executions during the war. The mass graves unearthed by torrential rains, constituted what many observers and human rights activists contended was irrefutable evidence of the existence of crimes of international jurisdiction in that part of Somalia. There was an immediate public outcry, spearheaded by the authorities in "Somaliland", for the establishment of an international commission of inquiry to investigate the issue of past war crimes, in Somalia. There was intense media focus on the issue of past human rights abuses in Somalia and calls by the authorities in Hargeisa for a systematic investigation of these suspected crimes. This was echoed elsewhere in the country as well as within certain sections of the international community.

- 5 In a report to the Human Rights Commission in 1998 the then Independent Expert on the situation of human rights in Somalia expressed the hope that truth about what had happened in Hargeisa and elsewhere in the country would become known. Stated he expert in her report:

" If these are mass killings, they would constitute a crime against humanity which is not subject to a statute of limitations according to the 1968 convention on the non-Application of statutory Limitations to war crimes and crimes Against Humanity [Independent Expert] therefore believes that it is essential that local Somali expertise is strengthened, especially with regard to preserving evidence, until the time is appropriate for full and comprehensive investigations into these claims to be carried out and the perpetrators brought to justice. This is essential as the world is now moving towards the establishment of a permanent international criminal court to try those accused of committing genocide, war crimes against humanity."

6. There was a concerted push to have the United Nations take the lead in the investigation of past crimes, not just in "Somaliland" where the mass graves were uncovered, but elsewhere in Somalia where allegations similar to those made by the

population in Somaliland were now being vocalized. Following a visit to Somalia in September 2001, the current Independent Expert on the human right situation in Somalia wrote a letter to the Secretary General, expressing the need to establish an investigative panel with the mandate of investigating these allegations. He said:

7. It was against this background that the idea of conducting this preliminary study was conceived. By embarking on the task of collecting existing evidence and documentation on past human rights violation in Somalia both UNDP-Somalia and OHCIIR hoped to contribute to the process of truth-finding which is considered an essential element of the peace process that the United Nations system as a whole is trying to support in Somalia. The main objective of the research, therefore, is to create a basic database on violations in Somalia and provide a starting point for the work of an international commission of inquiry, assuming that one is established to look into these matters.

Methodology and Scope

- 8 This report is based on over 150 testimonies collected by the consultant in various parts of Northern and Southern Somalia as well as on existing reports on human rights violations, which have been prepared by local and international organizations working on the country. Most of the testimonies are based on interviews personally conducted by the consultant either directly or through a translator. A number of testimonies collected in Hargeisa were taken from video recordings of live interviews conducted by officials of the Technical Committee of the war crimes Investigation Commission (WCIC) a body established by the government of "Somaliland" following the discovery of the Hargeisa mass graves, which is charged with the task of documenting allegations of past violations. While the interviews by the (WCIC) appeared to have been conducted in a professional manner the consultant made extra efforts to re-interview some of the witnesses who had already appeared before the (WCIC) in order to be assured of the credibility of the accounts. The consultant sought to consult the following categories of people during this assignment:

- Victims of human rights violations
- Families of the victims (widows, widowers, brothers, sisters etc)
- Eyewitnesses to the killings, torture, rape etc
- Former soldiers (government and rebel armies)
- Former and current medical personnel, international and local
- Humanitarian workers
- Government officials
- NGO leaders
- Human rights workers (international and local)
- Internally Displaced Persons (IDPs)
- Refugees in neighboring countries

- Somalilanders in the diaspora
- Clan leaders and elders

9. Given the nature of the research and the limited time at the disposal of the consultant, some of the categories could not be interviewed e.g. Somalilanders in the diaspora, refugees in the neighboring countries and clan elders. However, the consultant believes that efforts need to be made to interview these categories of persons in order to get a clearer picture of what has been going on throughout Somalia during the last decade or so.
10. Most of the testimonies collected in the preparation of this report were conducted under circumstances that guaranteed objectivity, impartiality and confidentiality. 95% of all the testimonies collected were found to be highly credible; the 5% that were believed to be of questionable credibility were disregarded and have not been considered in the preparation of this report. Testimonies found to pass the credibility muster are included as appendices at the end of the report. At the request of some witnesses as well as some officials of the WCIC, a number of witness testimonies bear fictitious names in order to protect the witnesses from any reprisals or negative consequences. It must however be noted, that most witnesses, even those providing potentially sensitive or damaging testimony, expressed no concern whatsoever regarding the use of their true identities.
10. This research took place within a span of three months, only one of which was actually spent in the field, i.e. inside Somalia. This was due to serious travel restrictions imposed by the UN that made it impossible for the consultant to visit some of the important sites and other places agreed upon at the commencement of the consultancy. The travel restrictions were issued with regard to the prevailing security situation. The consultant could not travel to Bossasso or any part of "Puntland" in Northeastern Somalia due to insecurity in the area. Similarly, the consultant failed to secure clearance to travel to Mogadishu or Kismayo thus making it impossible to obtain first-hand accounts of violations that are reported to have taken place there in the past decade. In the end the consultant was only able to visit Hargeisa for a period of three weeks and Baidoa for one week. While in Hargeisa, the consultant was able to travel by road to the town of Borama on the Ethiopian border as well as to the port of Berbera located about 150 km north of Hargeisa on the Red Sea coast.
11. In order to obtain information on the places that could not be visited due to travel restrictions, the consultant made efforts to interview internally displaced people (IDPS) in Hargeisa who are original inhabitants of other parts of Somalia such as Kismayo and Mogadishu. These witnesses were able to provide some basic information on human rights violations in these areas and helped the consultant deepen his knowledge of the events that had taken place there. The consultant was able to interview over 20 people from different parts of Somalia who had gone through different experiences during the war. Some of these had been victims

themselves while others had been eye-witnesses to some gruesome violations either at their places of origin or during their flight to Hargeisa.

Summary of findings

12. Based on the information obtained before, during and after the visit to Somalia, the consultant was able to come up with the following findings:

- A genocide appears to have been conceived, planned and perpetrated by the Somalia government against the Isaac people of northwestern Somalia ("Somaliland") between May and July 1988 in violation of Articles II and III of The International Convention on the Prevention and Punishment of the Crime of Genocide.
- Violations of international humanitarian law, which rise to the level of war crimes, could have been committed by the Somalia National Army (SNM) between May 1988 and April 1991, in violation of common Article 3 of the Geneva Conventions and the corresponding protocols, as well as other international instruments on the subject
- Human rights abuses and violations of international humanitarian law, rising to the level of war crimes and crimes against humanity were probably committed by most of the armed factions and militias that were active in Central and Southern Somalia in the immediate aftermath of the fall of president Said Barre in January 1991. These include Siad Barre's Marehan militia made up of remnants of the Somali National Army. Some of the crimes have continued until recently.
- Suspected perpetrators of most atrocities in Somalia's civil conflict are well known and easily identifiable. Some of them are still active in the armed conflict within Somalia while others have taken refuge in other countries where they continue to lead normal lives.
- As long as the issue of past human rights abuses is not addressed to the satisfaction of most Somalis, especially those in Somaliland, the ongoing peace process is likely not to succeed.

The following sections of this report will provide detailed substantiation of the above findings, and recommendations will be proposed at the end of the report.

II. THE EVIDENCE COLLECTED

Overview

13. This section focuses mainly on human rights violations perpetrated in three regions of Somalia namely "Somaliland" (northwestern region), Bay and Bakool region and the Mogadishu area. It also includes information obtained on human rights violations reported in other areas such as Kismayo and parts of northeastern Somalia "Puntland". As indicated in the first section of this report, the information contained here is based mainly on first-hand accounts but also on reliable second-hand accounts such as testimonies from family members who were told about the abuses by the victims. Efforts have been made to point out areas in which further corroborating evidence is required, or where there are perceived inconsistencies in the testimonies of individual witnesses.

(i) Violations in Somaliland

Repression against the Isaaq clan

14. In late 1980, a group of people living in the United Kingdom belonging to the Isaaq clan of northern Somalia announced the formation of the Somali National Movement (SNM), an armed movement whose declared aim was to fight and topple president Siad Barre. By early 1982 the new armed movement had established a base in Ethiopia and commenced guerilla activities against the Somali National Army.
15. While the creation of SNM appeared to catch the Siad Barre government by surprise, it had become clear in the preceding few years that there was brewing hostility between the Siad Barre government and the majority of people in Northern Somalia, especially those from the Isaaq clan. At this time Siad Barre was seeking to consolidate his power which had been shaken severely since his humiliating defeat during the Ogaden war with Ethiopia 1977 -- 1978. Consequently he had turned his ire on those clans whose loyalty to the government was deemed to be in doubt and those whom he suspected to have colluded with his enemies during the war. He was already in full-scale battle with the Majerteen clan who had declared open rebellion to his rule by forming the SSDF (Somali Salvation Democratic Front). People belonging to clans from the North, with the exception of those from the Darod clans, had been systematically excluded from Barre's government resulting in a breakdown of trust between these clans and the government. Those in the army were denied promotions or fired for minor things while those in

government departments were either given early retirement or simply sidelined and forced to quit. However, up to 1981, this campaign of victimization was fairly quiet and the hostility largely latent.

16. The creation of the SNM brought all this latent hostility to the fore, and enabled the Siad Barre government to embark on an open campaign of victimization against all the Isaaq people throughout Somalia. During this period all Isaacs in government, especially in the army, were considered guilty until proven innocent. There existed no mechanism by which to prove those innocent; this meant that there was not a single Isaaq in government who did not feel threatened. Consequently a number of Isaaq people, including senior officers in the army, began to defect to join the SNM. This infuriated the Siad Barre government, which responded by ordering indiscriminate the arrest and transfers of Isaaq officers, irrespective of their rank. The war against the Isaacs had commenced.

17. As a first step, the Siad Barre government wanted to ensure that the SNM was deprived of mass support. Military surveillance was subsequently heightened in the Northwestern region, the home of the Isaaq clan. The president deployed some of his most trusted military operatives, most of them from his Marchan clan and some of whom had family ties with him, to ensure that no public support was expressed in the region for the SNM. Throughout Northwestern region freedom of expression and assembly was virtually outlawed and due process of law was only resorted to as a way of clothing the government's repressive acts with a cloak of legality. Arguing that the government was faced with a state of emergency that allowed the arbitrary arrest and prosecution of government critics to protect "national security", the Barre regime invoked highly repressive laws. Most of these laws had been promulgated in the early days of the Barre rule, among which was law No. 54, considered by observers the main legislation "used by the regime to eliminate real or potential opposition." (See *Somalia: A Government at war with its own people*, Africa Watch report, 1989, page 19). The following were some of the clauses of this notorious legislation:
 - Any person who commits, takes part or assists the commitment of actions endangering the freedom, unity and security of Somalia will be punished with death and expropriation of his wealth.
 - Any person who forms an organization whose intentions or activities are against the unity of the people or that is intended to cripple or to weaken the authority of the government will be punished with death and expropriation of his wealth.
 - The possession of "seditions" literature, which can be any material elite, including fiction, which is written, typed, printed or taped is punishable by five to fifteen years imprisonment.

18. The government made life impossible for people in the northwest, especially in Hargeisa, considered a hotbed of anti-government radicalism and presumed

breeding ground for SNM recruits. Even the slightest manifestation of community organizing or mobilization was violently repressed and those involved were carted away into detention without trial. Others were taken through hastily organized trials that did not even pretend to abide by due process rules. People were held in pre-trial detention for lengthy periods of time during which they were not allowed family visits or procure the services of a lawyer.

19. Torture was rampant during this period. Both pre-trial detainees and "convicted" prisoners were subjected to harrowing and painful experiences that forced them to "confess" and implicate themselves in anti-government activities such as "belonging to illegal organizations" contrary to the provisions of law No. 54 of the state of Somalia. Torture during interrogation was so common that it had become accepted as a normal activity in detention. Mohamed Barood Ali with whom the consultant spent considerable time in Hargeisa has recorded in an exclusive draft memoir made available to the consultant the torture prisoners received at the hands of the NSS (National Security Service) officers shortly after their arrest:

"Torture methods were brutal. There were indiscriminate beatings of the whole body; dipping in water; torture through particularly sensitive or painful body parts. The torturers were military police officers, specially trained for the purpose and supervised by one of the NSS officers leading the investigation. There was nothing to prevent the NSS officers from taking part in [the] torture. They usually took part in it and enjoyed it."

He describes the torture he personally suffered following his arrest in Hargeisa for "belonging to an illegal organization" and possessing "seditious" literature in contravention of law No. 54 referred to above:

"...At 7.00 p.m. the lights were extinguished throughout the prison building. I heard footsteps approaching my cell door. The door opened; two military police officers and one member of the interrogation team entered; they told me to stand up and be searched for the tenth time that week. Then they blinded me and put me in the back of a Land Rover. About 45 minutes later the car stopped. I was made to come down, still blind folded and handcuffed. They tied my feet together. I was to lie on my stomach, they put a heavy weight on my back while four soldiers held me down. The weight was held on either side of me by two other soldiers who let it descend gradually while the leader kept asking me if I was ready to confess - I cried out in excruciating pain. But there was no let-up and finally I fainted. When I regained my consciousness, I was wet throughout. Apparently they had thrown a bucket of water over my body to bring me back. As soon as I opened my eyes the leader asked

me to sign a prepared statement. I declined. He ordered that I should be given the water treatment. They forced my mouth open and poured large [quantities] of water until I almost suffocated. I vomited. They repeated this several times."

20. Reports of the systematic use of torture throughout this period were made to international organizations, foreign governments and to individuals working on the country. In its 1990 edition of "Country Reports on Human Rights Practices" the U.S State Department discussed the use of torture in prisons in Somalia:

"Some recently released short-term detainees complained that they were subjected to forms of torture such as "mig" in which their hands and feet were tied together behind their backs with a rope, which was pulled tight so that the body was arched backwards to resemble the swept-back wings of a Mig aircraft."

People arrested in Northern Somalia would be transferred to prisons in Mogadishu where they would be subjected to severe torture by the NSS. In a report issued by Amnesty International in 1988, the organization listed torture as one of its biggest concerns in Somalia. The report gave accounts of torture as reported to it:

"Three men described burns from cigarettes or the white-hot tip of an electrical appliance. One man received electric shocks to his legs, while another was forced to watch another prisoner being shocked. Three were cut by knives or bayonets. Five described being tied and repeatedly submerged or held under water until they lost consciousness -sometimes they would then be interrogated as they were coming to. Most of these men were sure they were going to die, as these submerging would usually take place at night in the ocean outside Mogadishu, and no one would notice if somebody drowned (a 14-year old from Hargeisa simply had his head repeatedly forced under water in a pail). The demoralization and threat to life was a constant reality, but sometimes they would direct verbal threats, a pistol held to the head, and so on."

21. Other methods of torture are described in a report commissioned by the Bureau of Refugee Programs of the State Department during the same period. The report, titled "*Why Somalis Flee*" records a synthesis of accounts of conflict experiences in northern Somalia by Somali refugees, displaced persons and others. The author of this report records some of these forms of torture as:

- Beatings with gun butts
- Beatings with sticks and clubs
- Stabbing with knives
- Burning plastic dripped over or attached to subject

- Petrol poured in ears
- Use of clips to tear flesh
- Use of clips on testicles
- Immersion in excrement sewage tank
- Prolonged chaining in own excrement
- Buried alive for limited periods
- Wrists and ankles bound
- Prolonged nakedness

21. As the SNM rebellion intensified and the movement demonstrated its determination to challenge the Somali National Army, repression of civilians in the north became more severe. After 1985 reports of disappearances began to surface. The army would conduct swoops in the villages in the north, arrest mainly men of fighting age and take them away, accusing them of supporting the SNM or planning to cross the (Ethiopian) border to join the rebel fighters. Some of these men would be transferred to Mogadishu and then taken to prisons such as Lantar Buur or Libatan Jirow, while others would simply disappear never to be heard of again. These are suspected to have been summarily executed.

22. A few other people arrested by government forces in the north would be tried in military courts mainly in response to international criticism directed against the government. However, these military courts and tribunals lacked even a semblance of due process and were considered by the population to be a mere mockery of justice. In most cases the defendants were not given the opportunity to prove their innocence; almost all cases there were no lawyers allowed and it was not clear whether the judges presiding over the trials had any legal training or experience. Besides there were no appeals from these trials and sentences, including death, were carried out within a day or days of the verdict. According to a former military officer who spoke with the consultant in Hargeisa, these trials were simply an indirect way of persecuting the Isaaqs and lacked legal basis. In many cases charges would be written by clerks of the court and the accused person would be forced to put a thumbprint on the document. The court would then proceed on the basis of this "confession". Judges routinely took the orders of arresting officers and would sentence people to death before properly assessing the evidence in accordance with the law. In one reported case the division commander in Hargeisa, Abdillahi Mokhtar, wrote to the court in connection with two accused people, asking that they be killed. "There is no need to keep them in cells," he reportedly wrote to the judge. These people were subsequently sentenced to death and their sentences carried out the same day. Indeed no one expected to get any justice from these military courts. Among the population it was joked that the courts operated on a strange legal dictum, which went as follows: "*Qab ama ha gabin, amba waan ku gababsiin.*" (Whether or not you have committed the offence you will be found guilty).

War breaks out

SNM targets the army, army targets the population

22. The situation in the northwest took a dramatic turn for the worse in May 1988 when the SNM mounted daring attacks into Somalia from its bases in Ethiopia, capturing the town of Burao and the northern capital city of Hargeisa within a span of four days. What followed was an all-out war of colossal proportions that resulted in the deaths of tens of thousands of people, mostly civilians. According to a widely respected report by Africa Watch, between 50,000 and 60,000 people, mostly civilians are believed to have perished during this particular stage of the war.
23. The consultant received dozens of testimonies regarding the atrocities that took place in Somaliland during this period. Based on these testimonies, as well as information contained in independent reports that described the situation in northern Somalia during this time, it appears that while the SNM waged its war on the Somali National Army, the government forces targeted both the SNM and the Isaaq civilian population, engaging in a campaign of cold-blooded murder and extermination which would qualify as a genocide under international law (see section II below).
24. According to witness testimonies, the SNM attack on Burao took place first on the 27th of May 1988. The Somali National army was routed from the town and the SNM reportedly armed a number of Isaaq young men in order to beef up its force. There are reports that the SNM carried out a number of executions of government soldiers who had been captured in the town, itself a clear violation of the Geneva Conventions. In response, the government forces turned their superior firepower on the town, carrying out sustained aerial bombardment that caused extensive destruction on the town and the neighboring villages. It is impossible to put a precise figure of those killed during these air raids, but witnesses talk about the killing of over one thousand civilians within a time-span of three days. The attack on Burao caused immediate pandemonium in Hargeisa and Berbera. Systematic arrests of men and boys of the Isaaq clan began, and there were reports of widespread cases of executions by the army (see sections below). Hundreds of people went missing from Hargeisa and Berbera during these few days. Then on May 31st the SNM attacked Hargeisa causing the explosion of an already highly volatile situation. For the next few weeks, Hargeisa was the scene of one of the most intense battles in recent history. By the end of July, the town of Hargeisa had been reduced to rubble, and most of its population had either perished in the heavy bombardment of the town by the government forces or fled to refugee camps across the border in Ethiopia.

Report: Atrocities in Hargeisa

(i) *Shelling*

25. Witnesses in Hargeisa told of the indiscriminate shelling of the city's residential areas by the Somali National Army troops who were positioned in the hills above the military headquarters of the 26th sector. According to their accounts, from the day it was reported that the SNM had entered Hargeisa, the shelling of the town was sustained, bombs were falling everywhere, on houses, on business premises, and even on mosques. People died in their homes as their houses collapsed on them, while others tried to run out into the streets only to be indiscriminately shot at by army troops who were roaming in large numbers within the city. Even though the army knew the general location of the SNM forces there was no attempt to minimize the damage on civilians; instead the army was targeting civilians simply because most of the civilians in the city were Isaaqs.

(ii) *Cold-blooded execution of Isaaq soldiers and civilians*

26. Even before SNM entered Hargeisa on May 31st, the Somali National Army had already started rounding up all Isaaq army officers and soldiers and was holding them at the military headquarters of the 26th sector, north of Hargeisa town. The manner in which these servicemen were rounded up suggested the existence of a well calculated policy of elimination. According to reports, all the army units were required to identify the Isaaq servicemen within their ranks (see section on 'genocide' below); the servicemen would then be asked to go to the sector headquarters with their belongings and the impression would be created that they were being sent to Mogadishu by air as a security measure. Then, while at the sector headquarters they would be stripped of their belongings, thrown into the cells within the sector tied up with ropes and promptly executed by firing squad in an open field near the sector headquarters. Their bodies would then be buried in the open field. Civilians rounded up in the city would also be put in the cells at the military headquarters where they would similarly be tied up before being taken to the execution grounds.
27. Many compelling testimonies were collected in Hargeisa detailing the manner in which the executions in the city were carried out by army personnel under the command of high-ranking officers. One of these testimonies came from a 62-year old heavy machine driver who was then working for the Ministry of Public Works in Hargeisa as a bulldozer operator. He told the consultant that soldiers from the Somali army went to his house the afternoon after the SNM attack on Hargeisa, drove him to his work place at the Ministry of Public Works and ordered him to take one of the giant caterpillar bulldozers which he was accustomed to and follow them to the sector headquarters. From the sector headquarters he was directed to an open field at a place called Malkodurduro, near Malkodurduro elementary school. He was stunned by what he saw there: dead bodies lying all over; all were tied

behind their backs, and tied to each other in groups of ten. He said he could tell they had just been killed because fresh blood was still oozing out of their bodies. Most of them were military people in their uniforms, the rest wore civilian clothes, suggesting they may have been civilians. At this point he was ordered by the soldiers accompanying him to use the bulldozer to dig up graves and bury the bodies. He buried about 100 bodies that day. He said he identified all those killed as Isaaqs. That evening he was taken to the sector headquarters where he slept under guard. The following day he was again ordered to go to the open field at Malkodurduro where he saw another heap of bodies about 100 in his estimation, which he was forced to dig graves and bury. He said he was forced to do this on a daily basis for 58 days and that he became somewhat accustomed to carrying out this macabre task. Apart from the Malkodurduro sites, the witness said he buried bodies at two other sites the Milk Factory site near the 2nd division military headquarters and the Badhka site, not far from the Malkodurduro site. He said that while during the first few days he was burying bodies clothed in military uniform, he noticed during subsequent times that there were more bodies in civilian clothing including those of women and young children. According to his testimony, the number of bodies he buried varied from day to day. Sometimes he would be exhausted from the work, as it was too much for him. Stated the witness.

"During one particular day, I was tired and could bury no more bodies; I had already buried 80-100, was tired and could not bury any more, but those supervising me told me: 'There are 150 more bodies there, go and bury them. I was forced to bury these additional bodies as well. So it could have been up to 250 bodies I buried that single day. It was a mixture of bodies in military and civilian clothing, but predominantly military. This was at the Malkodurduro site. During the last few days the number of bodies was fewer, 5 here, 6 there. During the 58 days, I worked on consecutive days, and I worked and buried bodies every day; only about 3-4 days were spent digging graves and no new bodies were brought. Otherwise I buried people every single day".

In the end, the witness said, he had to escape from his captors when he felt it was safe enough to do it.

28. More witnesses related stories that corroborated the general accounts of the systematic arrest, detention and execution of soldiers and civilians. In a different interview in Hargeisa, the consultant heard how a non-commissioned soldier who had been arrested was spared death on the orders of a sympathetic general. But he had spent enough time in the cells at the 26th sector headquarters to witness the transfer of over 500 soldiers through the cells to the execution grounds. Witness stated

"I was (held) in the compound of the 26th sector, and our barracks served as cells for the Isaaq soldiers, and civilians arrested during the war. I was taken to one of those cells; I shared the cell with 2 other people from my unit and 18 others from different units, all Isaacs. In the other rooms I could see people being taken out in groups of 4, then we would hear echoes of gunshots as the people were being killed. The killings started after the SNM entered Hargeisa and continued until June 25..... people would come in untied, and would leave tied together in groups. We could see through the ventilation holes what was going on. I was not watching all the time but I noticed over 500 people coming through the cells and going to be killed".

29. Those carrying out the executions were very careful to distinguish between the Isaacs and the non-Isaacs during the arrest and only single out the Isaaq people for execution. The consultant watched on video a witness interviewed by the WCIC who explained how they were being divided into clans:

"People were being arrested and killed, civilians and military people alike. I was arrested on the 7th of June (1988). I was taken to Col. Abdillahi Mokhtar, the commander of the 2nd division; we were divided into clans; the commander said I was Isaaq and that was why I was being arrested. We were taken straight to prison. We were all in rooms, each holding about 40 people; people were being taken in a pick-up truck. At 5 am, one of the rooms was already empty. I was waiting for my turn but the truck never came. Somebody came and said the shooting had stopped. Those people killed had not committed any crime; they were killed simply because they were Isaacs."

30. The executions and the mass burials were going on while the city was being shelled and the army was therefore able to kill a lot of Isaacs without attracting too much public attention. Family members of the soldiers and civilians arrested did not even know what was happening to their relatives. Those who suspected it and tried to go to the 26th sector or the execution grounds were turned away and could not even take bodies of their loved ones for burial. Ms Fatuma Ali (not her real name) was a wife of an Isaaq officer who was taken in during the mass arrest of Isaaq soldiers and civilians. She was from the Gadarbursi clan and therefore felt safe enough to go to the sector headquarters to inquire what had become of her husband whom she had not heard of in 4 days. She was shocked to learn from a colleague of her husband's that he had been killed together with other Isaacs. She saw a heap of dead bodies outside the sector headquarters and then saw the bulldozer go past to dig the graves for the executed people. She wanted to identify and take the body of her husband but soldiers were sent to clear her away while the bulldozer was digging the trench

for the dead. She was hit and asked by a soldier why she was watching, yet none of her Gadabursi people had been killed. That evening she returned to the burial site with her eldest son and noticed legs of her husband protruding from the freshly-dug mass grave but she could not take the body away.

31. The Isaaq people in the military were lured to their deaths through false promises that they were being taken to Mogadishu for their own "protection". Therefore their arrest was orderly and calculated. But the civilian Isaacs were hounded from their homes or from the streets by force, sometimes as they tried to flee Hargeisa for their safety. Army trucks patrolled the streets of Hargeisa collecting civilian men, who would immediately be transferred to the sector headquarters before being taken for execution. One witness, a woman, described to the consultant how her male relatives were arrested as they tried to flee Hargeisa and later killed at the Malkodurduro site:

"We tried to go towards the east but unfortunately we had not walked far from home when a military truck full of soldiers stopped next to us. I recognized one of the civilian men in the truck; an officer called Dhuryc Hinig told my father, uncle and cousin to get onto the truck. We were told they were being taken to the military headquarters. Some of us tried to prevent the arrest but the soldiers opened fire on us. My uncle's wife was shot dead on the spot; she was carrying a child, which I took when she died. The next morning we went to the sector headquarters to get information. On the way there, at the Malkodurduro area under the tall acacia trees, we saw dead bodies lying in the open. I recognized the bodies of my father, uncle and cousin as well as other civilian man I had recognised in the military truck the previous day. I counted 28 bodies, some tied together. None of the bodies had military uniform. There were three women among the dead. There was the body of an old woman with a rosary hanging on the neck. None of my relatives killed belonged to the army. My dad was a mason. After this we all left town immediately towards the west and finally into refugee camps in Ethiopia"

32. Only a few people who were included in the mass arrest against the Isaacs in Hargeisa were lucky to escape alive. Some of these escaped after being taken to the execution grounds, shot at and left for dead. Hussein Aladin (not his real name) described his miraculous escape from death at the Malkodurduro execution site. He explained that he had been arrested from the Hargeisa hospital where he had been admitted prior to the outbreak of the war. He was taken to the 26th sector and was placed together with 62 soldiers in uniform, all Isaacs. They were then tied in groups of 4 and taken out to the site at Malkodurduro, near the elementary school.

They were all tied to some wooden sticks on the ground, with some soldiers holding their machine guns and AK47 guns; whenever four people were tied, the commander would give the order and the soldiers would shoot. Witness said he was in the seventh group to be placed for shooting. When the shooting started he was shot but not killed and fell down with the colleagues to whom he was tied. There was another round of fire that rendered him unconscious. That evening he started coming to, but he could not get up. He recounted his experience:

“I felt some wet heavy load on top of me, struggled until I saw the sky. That was when I realized that this heavy load was a stack of dead bloodied bodies. Then I started touching myself, but realized I was okay except for the bullet wounds on the stomach and the back.”

33. According to the witnesses interviewed, those taking part in the execution of Isaacs in Hargeisa did not bother to conceal their identity and were clearly identifiable. Scores of witnesses interviewed by the consultant as well as those who appeared before the WCIC panel affirm having identified one Captain Ali Ghanane who used to work at the 26th sector headquarters. He is believed to have been actively involved in the execution of most of the Isaacs at the Malkodurduro site. According to some witness he was the one picking out people to be killed. Ali Ghanane was executing the orders which came from the senior officers at the brigade headquarters. General Morgan, General Gebiyow and Colonel Abdillahi Mokhtar were believed to have issued the directives that the ‘execution unit’ to which Ali Ghanane belonged was carrying out. Others mentioned as having participated in the killings include Adan Dogor, believed to have been an assistant to Captain Ali Ghanane. Others mentioned include Captain Abdillahi Ahmed Wagig (Majerteen). A few testimonies have also indicated that Ali Samatar, then defense minister (??) was occasionally seen at the sector headquarters while the Isaacs were being brought in, and at least one witness claims to have seen Mr Samatar at the execution site. Others are: Shine (who according to testimony gave orders to shoot), Dhakare, Munyeh Abu and Awais Gedow.
34. The Isaacs brought for execution at the Hargeisa site appear to have come from different parts of Somaliland not just Hargeisa. According to a witness who escaped death at Malkodurduro, there were people in the cells at the 26th sector headquarters who had come from as far out as Gebiley, Adadley, Darawayne and Halimale, all military personnel. Others come from outside Hargeisa and had been captured near the airport, possibly civilians trying to flee the persecution. According to this witness, there was a large group of non-Hargeisa people who were being escorted to the execution site, and the witness overheard army officers telling each other that there were 70 Isaacs who had been arrested from Gebiley and brought to the sector headquarters. The witness was present when some of those people were being killed, and he only escaped death because one of the Majerteen army officers presiding over the killings was married to his sister. He says he escaped with 5 other people and adds:

"Apart from those five people, all the others were shot and their bodies dumped in a ditch. They were all tied together and as they were shot, they fell into the ditch; two of those tied together did not fall into the ditch; they fell outside. I tried to glance back to identify them but someone behind me told me not to look back"

35. Another witness told of the transfer of Isaaqs from Gebiley to the sector headquarters in Hargeisa. He said he was among fifty-eight people, all Isaaqs taken from 1st & 2nd division. The commander told them that they were being transferred to Mogadishu. Witness says that because the speech came from the commander and they all wore the uniform of the Somali army, they felt assured that it was a genuine transfer. They were asked to leave their weapons behind and were told that since war had broken out it would be safer if they were taken to Mogadishu. Some of the people of the people in the group were even allowed to go to their military residences in Gebiley town and inform their families of the impending transfer. But instead of being taken to Hargeisa airport for the trip to Mogadishu, they were taken to the 26th sector headquarters. They were all searched and distributed to 3 rooms. The witness then realized that they were there to be killed, and he witnessed at least six people being taken out in a pick-up truck. At this point, he says, a religious man in their cell read them the last rite, as it was clear that they were going to die. Only nine people, including the witness, survived, having lied, that they were from non-Isaaq clans. Says the witness:

"After killing the people, the killers must have believed that the last group had been taken out and that no Isaaqs were left. They said they were going to "start" with the other groups, at which point everyone they thought to be non-Isaaq was brought to our room. Of the 58 people collected in Gabiley 54 were killed. On that day alone, 88 people were shot dead"

Most of the people who were executed in Hargeisa during this period died from shooting. There was an execution unit, which comprised army sharp shooters who would pump bullets into the captured people once they had been lined up at the execution site. But some witnesses related stories of bizarre and unusual method of execution that was used by the army. According to a 62-year-old man who spoke to the WCIC in Hargeisa, the army sometimes killed people by draining their blood. He said he had been told that blood taken out of executed Isaaqs would be used to treat government soldiers wounded in the war. He explain how he learnt of the killing of 106 people through blood drainage:

"Three boys living with me, my son and two cousins had been arrested by the army. I went to the house of a person called Shine, who worked with a militia sympathetic to the Siad Barre government and asked him to help me secure the release of my

boys. Shine and I went to the military headquarters; on arrival there we saw a man crying loudly as he came out. When we asked him what was the matter he said "all the young boys under 25 had their blood drained out and they fell!" He said 106 people had died through this method that morning alone. I started crying with the man, because I knew my son and cousins had been part of the group. The man crying had also lost a son in the killing that morning"

The consultant later learnt from the WCIC officials that the bulldozer operator who had been forced to bury bodies at Malkodurduro and other sites in Hargeisa (see testimony above) had told WCIC that he had buried a number of bodies that had no visible marks or bloodstains on them and had wondered how they had died, only to be told by a soldier standing nearby that they had had their blood drained out. This seems to corroborate the account of the above witness.

(iii) Aerial bombardment and strafing

36. The artillery shelling of Hargeisa was accompanied by an intense aerial bombardment carried out by aircraft of the Somali army. Numerous witnesses recounted their horror at seeing aircraft bombers take off from Hargeisa airport to drop bombs on the city itself. According to these witnesses the bombardment campaign was indiscriminate and many people perished as a result. The effects of the bombing became even more severe as the people of Hargeisa tried to flee the city to safety. The aircraft would follow columns of people fleeing the city and would drop bombs on them to prevent their escape. There were numerous cases of death by strafing. Aircraft would fly very low where columns of people were visible and machine gun fire would erupt from the aircraft killing most people on the ground and wounding others seriously. As there were no functioning hospitals or medical facilities those badly injured were just left behind to die from their injuries or would be killed in successive raids. People fleeing Hargeisa tried to go east towards a place called Bio Chine, hoping to make it to the refugee camps in Ethiopia where they would be safe. But the bombardment and the strafing made it extremely difficult for most of them. In one bombing attack at a place called Chine Ate meaning "white shoulder", 25 people, mostly women and children are reported to have been killed. A witness to this attack explained how survivors stepped over dead bodies as they tried to save themselves. "They (the bodies) were just like stones on the ground", she said. To escape the bombardment and the strafing the fleeing population realized it would be safer to walk for long distances during the night and then hide in the bushes throughout the day. Any slight movement during the day was likely to be spotted by the aircraft bombers and indiscriminate destruction would follow. Many witnesses said the aircraft bombers would be flying over the area every day from 6 am to 6 p.m. they seemed to know which areas

people were concentrated in because sometimes they would attack groups of people who thought they were in safe hiding places.

(iv) Killing and rape by infantry units

37. When it became clear that people were still leaving Hargeisa in large numbers and were sheltering themselves from the aerial bombardment by walking at night, infantry troops were deployed in the areas thought to be the escape routes of the population. According to some witnesses, the encounter with infantry troops was the most brutal and horrifying part of the war period. The soldiers mercilessly gunned down people, slaughtered others with bayonets and gang-raped scores of women before killing them. A woman whose brother died during the flight from Hargeisa described the killing of an old lady, which she witnessed:

“The lady was around 55-60 years old and was carrying spaghetti on her back. Two soldiers asked us to stop and wanted to know which clan we came from. The lady lied that she came from a non-Isaaq clan, using a friend’s identity papers; but she was accused of being a spy for the SNM. She was machine-gunned from top to bottom. I escaped. 20 days later, the old lady’s body was still lying on the ground, with bloodstains. The spaghetti she had been carrying was still sprawled on the ground. I also saw the body of a small boy holding a can opener and tomatoes as I fled”

(v) Killing of animals and destruction of water reservoirs

38. The army’s determination to kill the Isaacs was manifested by its desire to make the survival of the fleeing population impossible. When the bombing raids could no longer target people they targeted their animals. Stories were told of how herds of sheep, cattle and camels were mercilessly bombed and destroyed by aircraft throughout the region as survivors of the Hargeisa carnage made their way out of the city into the refugee camps in Ethiopia. One witness said that the aim was not only to cripple the Isaacs economically, it was also calculated to cause the death of the population, most of whom depended on these animals for food and milk. Where the animals were not killed, the infantry troops simply herded them away and took them to the military barracks where they were slaughtered for the soldiers.

Apart from the killing of animals, the army destroyed water reservoirs in the area, making it very difficult for the people and their animals to survive during their flight. Most of the reservoirs were destroyed as a result of bombing by the army

aircraft, but some witnesses indicated that infantry soldiers poured poisonous substances into the well and people and animals who drank the contaminated water died instantly.

(vi) Arming of clan militia by the national army

39. The indiscriminate killing of people in Hargeisa and elsewhere was not the work of government forces alone. The consultant received reports that as soon as the SNM attacked Burao the army began arming militias belonging to clans that were sympathetic to the government. These militias were deployed together with government infantry troops and participated actively in the killings.

Reports were made of instances where the army sought the support of Ogadeni refugees living in UN-administered camps near the Ethiopian border. These refugees were given arms and taken to the towns to help fight the SNM, but they too turned their wrath against the Isaaq civilian population, killing hundreds of people, destroying villages near Hargeisa and raping women fleeing from the war.

There are also reports that the Gadabursi clan in the Western part of Somaliland had a militia that had been armed by the government to wage war against the Isaacs initially in areas near Borama but later in other parts of Somaliland including Hargeisa.

Reported atrocities in Berbera

40. The SNM attack on Burao sent panic waves throughout Somaliland. The port-town of Berbera, situated about 150Km(?) northwest of Burao was placed in a state of high alert, with the militia patrolling the streets and arresting people suspected to be sympathetic to the SNM. According to many witness reports, a curfew was imposed on the town, and civilians were not allowed to be outside their residences between 3.p.m and 6 a.m.

A few days after the attack on Burao, the military commander of Berbera, General Anjeh convened a public meeting in which he warned town residents against venturing out of the town. He said the town was in a state of emergency and that it had been sealed. Those leaving the town, he cautioned would be considered SNM sympathisers while those attempting to come in would be treated as SNM spies. He urged the residents to remain calm and let the army do the work of defending the town. However, while the commander's speech was reassuring to the majority of the people, a campaign of victimization against the Isaacs had already surreptitiously commenced within the town. According to credible witness testimonies the army was busy compiling and consolidating lists of all Isaacs working for the army and in government departments and arrests were continuing in an organized fashion even as the town commander gave his assurance of 'calm'. In

order not to raise public alarm families of Isaacs taken away were told that these people were being taken to the military base in the town for their own protection. But when their relatives inquired more about them or tried to take food and clothing items to them at the military base they were turned away and told that the people had been transferred to Mogadishu via Hargeisa. It was then that alarm spread through the town and all Isaacs in the area especially the men, began bracing themselves for a campaign of elimination.

- 41 As the clashes between the SNM and the Somali army intensified in Burao and Hargeisa, the authorities in Berbera suddenly became openly repressive against the Isaacs and mass arrests began in the town. Mobs of pro-government militia from the different clans accompanied government troops in combing the town and taking away Isaaq men of fighting age in a desperate attempt to forestall an SNM attack on the town. Men were hounded from their homes, from teashops along the streets of Berbera and from offices. According to multiple accounts, they would be taken to the Hlangash (military intelligence office) in Berbera, from where they would be tied and put in trucks, then driven in the direction of the airport. For a few days after these mass arrests began, no one knew for sure whether the detainees were being taken to the airport for transfer to other locations, or whether they were being taken out for execution, as some people secretly feared.
- 42 Confirmation that mass executions of Isaaq people were taking place came a few days later when a man well-known in the town resurfaced in the town shortly after his arrest from a teashop in Berbera and narrated how arrested Isaaq men were being systematically executed at a site located about two kilometers south of Berbera airport runway. The man, popularly known as Werer, told people that he had narrowly escaped death at the execution site when the executioners took him for dead. Explaining that the other Isaacs in his group had their throats slit by military officers, Werer said his throat had been cut with a sharp object but that had survived his injuries and was able to escape from the site the following morning. Those who saw Werer after his arrest say he had a bandage around his neck and was bleeding profusely. A 60yr old port worker who claimed to have known Werer very well told the consultant in Berbera what he knew and heard about the known very arrest and miraculous escape:

“One Morning there was a group of livestock dealers taken away by (the military) from the streets of Berbera, the arrest team was led by officer Dhakhare. Werer was among those arrested. When the arrested group did not come back for two days, we all thought they had been at the police station. Then Werer came back and told the people that the Isaaq men who had been arrested had been taken to a location near Berbera airport where they had been slaughtered by machetes and the blood smeared on their bodies. At 4.00a.m after the executions, Werer started coming to and realized he was not dead after all. He untied the

binds, and escaped into a near bush. He was in this bush throughout the day. Then in the evening when he tried to walk back home, he was too weak and he fainted. He was there throughout the night. Next evening, he regained consciousness and came to Jamalaye village and told people what he had seen. He said that only he had survived and that all the others had died."

43

The Werer story sent shock waves throughout the town and Isaaqs felt increasingly insecure. The Werer ordeal itself took a tragic turn when after he had narrated his experience to the people he was picked up by the military police on the pretense that he was being taken to hospital, and was never to be seen again. The 60-year-old port worker who said he knew Werer said he last saw him while the latter was in police custody:

"I saw Werer myself, and observed his neck injuries. I was walking beside Berbera hospital when a police/military Land Rover drove in. Werer was in that vehicle. There was a white bandage around his neck. They had treated him and he was being taken to the station nearby. The Land Rover then quickly went from the police station and went to the NSS office. All this time we could see Werer. He was about 45 years old. I knew him well. He did not have a permanent job, he was not a military person. I heard he was subsequently killed. I do not know how he was killed but the last time he was seen was when I saw him."

44. It soon became clear that Isaaqs arrested in the town were being taken to an open field near the southern tip of the Berbera airport runway. The consultant received dozens of witness testimonies about how executions routinely took place at that location. Hussein Farah Ali (not his real name) told the consultant in an interview in Berbera, what he witnessed and heard during this period:

"I was arrested together with 63 other Isaaq people, all from Berbera. When the war started (in Burao), there was a curfew imposed here. Everyone had to be in their house at 2.00 p.m. That night, soldiers came to my house and arrested me; they came in two cars, and were about 15. They just knocked on the door, told me I was under arrest, nothing else. I just followed them. Because of the curfew, nobody knew what was going on during the night; but in the morning news would spread that so and so had been taken out in the night, and they'd never be heard of again. The night before, I was arrested, 134 people had been taken away, all Isaaqs. I knew many of them. They were never returned, never released. We heard they had been taken to the airport and killed there"

He explained how, after his arrest, he was taken together with 63 other people to a place near the airport where a big crater had been dug by a bulldozer. Most of the detainees were thrown out into the crater "like sacks" Only 5 were left in the lorry, including the witness; the others were all presumably killed.

45.

A survivor of the airport executions provided greater details of the ordeal that most Isaacs went through in Berbera:

"I was captured twice during the war; during the first incident there were 13 of us and we were arrested at the port area near the location where they quarantine cattle. They [the military] took us to a place called Dabr Chebin. In the evening, we were taken out again to a place just next to the airport. We were tied, two by two, with our hands behind our backs. Then they would throw people out of the vehicle and machine-gun them instantly. The man I was tied up with was hit at the back of the neck and he died instantly. I was hit on the shoulder. The soldiers thought I was dead like the others. They felt our pulse and concluded we were all dead. Later, I got up and ran. I walked from the airport all the way to Burao-Sheikh where my family gave me medication until I got better a while later".

46. During this period, the military in Berbera was suspicious of all Isaacs not just those in the town but those who were attempting to come in as well. A number of witnesses told the consultant how they were arrested upon arrival from Saudi Arabia from where they had been expelled for lack of proper residence papers. According to these witnesses the ships carrying the returnees docked at the port of Berbera but the military in Berbera did not permit them to proceed to their homes. Instead, the people were taken to the military 'Hangash' in the town where they were sorted out by clan. The Isaacs were all taken away some in the direction of the airport, while those from other clans were allowed to go home after interrogations by the military intelligence officers. One of these witnesses recounted what befell his Isaac colleagues who had come from Riyadh in Saudi Arabia on a ship to Berbera:

"I had just been expelled from Riyadh and our ship docked in Berbera port. At the port, the security forces were separating people into clans, Isaacs and 'others'. There were a lot of people on the ship, 56 of who were Isaacs. From the port our luggage was put into different vehicles. We were taken to the cement factory, where we were further separated according to our places of origin. Captain Dhakhare, the military commander of the port was leading a group of military people interrogating us. We were then taken to the military police headquarters, then to a

place near the airport, we were put in groups of 5, then tied to each other. The person tying us was saying "these are italics that have been sending money to the SNM from Saudi Arabia; shoot them in the face" I witnessed the shooting dead of 26 people. Then there was a man who came in a bulldozer, and there was a truck. The dead bodies were all put on the truck. The bodies were taken away. I do not know where to. In the night, the soldiers were taking people from the room we were in and taking them out in-groups of 4 to execute them. By the next morning only 8 of us were left, and we felt like we were dead anyway because we had been so severely beaten".

47. According to some reports, victims of the killings in Berbera included nomads from the grazing areas near the town, who were taken to the execution site along with their animals. The soldiers accused these nomads mainly Isaaqs of providing food and other forms of support to the SNM guerillas fighting government forces in the vicinity of Burao. A witness to the anti-Isaaq campaign in Berbera told the consultant:

"Hassan Dhiriye (not real name), a wealthy businessman, told us he was taking his herd of camels, near the airport and at this hill he saw many bodies and carcasses and also saddles that people use to sit a top camels, which shows the people killed were not just soldiers but also nomads coming from their grazing areas"

48. The hill referred to here was nicknamed "Crashers Hill", located about 2 kilometers from the Berbera airport. The consultant was told that this was the other site, apart from the site located at the southern end of the airport runway, where executions of Isaaqs in Berbera are said to have taken place. This is a site where construction companies used to remove rocks and sand for the construction of government structures and private houses. Witnesses who identified the site to the WCIC team reported having seen 54 bodies at the site during the period when arrests were taking place in Berbera. Also another witness, Abdillahi Jireh Duale, who used to be Finance Minister of Somalia in the 1960s told WCIC that he was brought to the "Crashers Hill" site by soldiers from Berbera was shown the remains of the Isaaqs killed there. He was asked to pay half a million Somali shillings if he wanted to leave the place alive. He is said to have made the arrangement to buy his freedom.

49. In this campaign, against the Isaaq people, the army enlisted the support of Ogadeni refugees who had their own scores to settle with the Isaaq people. For a long time the Siad Barre government had made the Ogadenis believe that the presence of Isaaqs in northern Somalia was the only hurdle to their dream of integrating and finally settling in the region. The government therefore armed Ogadenis in refugee camps as soon as the war broke out in Burao, and the ruthlessness with which they

carried out this anti-Isaaq campaign has since created deep resentment between the two clans. Some of the Ogadeni militia were integrated into the regular army to beef up the security force. According to survivors of the killings in Berbera, the Ogadeni militias from refugee camps were given express orders by government military commanders to "liquidate" all Isaacs in the town. Stated one witness in Berbera:

"There were militias (like refugees in the camps) who would work with the government and they were given orders to liquidate Isaacs. Haji Ismail was the head of these militias and was given the order to shoot on sight all the Isaacs that he encountered and not to bother bringing them to the government. Thirty new Ogadeni militia recruits were brought from the refugee camps to work in the NSS office (Witness worked for the commander Dahir was transferred and Mohamed Ali Shine replaced him as NSS commander in Berbera. One of those ordering and taking part in the killing in Berbera was Inspector Dhakhare, who was an Ogadeni. Others were Ina Alas (also from Ogaden) and one Khalif Abderahman. Dhakhare and the others used to be away all night and the next morning they would boast. "We have killed so many [idors] last night" employing a derogative name used to describe Isaacs".

50. Many Isaacs tried to flee Berbera during this period in order to avoid being arrested and executed. But the army was always alert, and those caught while trying to flee were usually shot dead on the spot. They were considered SNM sympathizers trying to join the guerilla movement to fight government troops. While many people trying to flee were successful, many gave up due to exhaustion and heat, as it was very hot in the Berbera region during this time. Others may have died after stepping on landmines which had been planted by government forces to prevent the advance of the enemy troops. Some of those arrested while trying to run were killed in villages near Berbera. A witness confirmed the killing of two people arrested in flight by the security forces. The names of these are Abdillahi Shire Mire and Abdi Shire Farah. The two people who had previously stayed at a hotel owned by the witness, were arrested at a place called Hagal, east of Berbera and were promptly executed. Other guest staying at the hotel owned by the witness were arrested and subsequently executed, presumably to pre-empt their escape. Said the witness:

"There were many guests staying at the hotel during that time. One of the guests later told me that 10 of the guests were taken out of the hotel, to the military barracks and shot dead. This guest told me that he escaped to the top floor of the hotel where he stayed until all the others had been taken. Some of the people included in this group were well known in Berbera. One was Abdi Ibrahim Ahmed, and another was Ina Maalim, a brother of Abu Shira who is a well-known teacher in Berbera".

- 51 The systematic targeting, arrest and execution of Isaaqs in Berbera appears to have continued unabated for a period of several weeks, but was said to have subsided when General Ahmed Warsame, the ruthless commander of the army in the area, was transferred and replaced with General Yusuf Talan, who was described by many witnesses as having been humane and sympathetic. Talan was from the Gadabursi clan and his strategy was to try and pacify the Isaaqs rather than try to eliminate them altogether. When he took over the command he reportedly ordered nine Isaaq elders to be brought before him. He sent two delegations, one to the east and another to the south to encourage the Isaaqs to stop providing support to the SNM. He gave orders that no civilian in Berbera should be touched. He even reversed an order made by his predecessor against sending food to an area east of Berbera where a sub-clan of the Isaaqs lived. Because of his humane nature, he was very popular with the Isaaqs left in the town but was under intense criticism from his colleagues in the military who wanted to step up the campaign against the Isaaqs. Hussein Maalim, a Darod general who was the head of the port security openly accused General Talan and Dahir of helping the Isaaqs. Although Gen Talan was later removed as head of the army and replaced by Hussein Maalim himself had managed to quieten some of the anti-Isaaq hysteria in the town and by his actions, may have saved a lot of lives. A few other commanders took their cue from Gen. Talan and refused to persecute Isaaqs who had not committed any crime. An example was Ina Sheikh, a military commander who resisted orders to detain Isaaqs and refused to allow Isaaq soldiers in his unit to be touched.

Killing of Isaaqs in Other Parts of the North

51. While the persecution of Isaaqs was concentrated in the three northern towns of Hargeisa, Burao and Berbera, other towns and villages in the North experienced similar treatment from the army, and the Isaaq people in these areas were subjected to serious human rights violations. The towns of Erigavo, Arabsiyo, Gar Adag, Aynabo and El Alfwen all experienced killings targeted at Isaaqs. Many witnesses claimed that, like in Hargeisa, Berbera and Burao, there exist mass graves in these areas. Consultant interviewed a survivor from El Alfwen who witnessed the massacre of twenty-five people including his own father, a nomad, a few kilometers from El Alfwen Township. He said that within a span of three days, one hundred and thirteen people in the locality were executed, all Isaaqs. He said government soldiers appeared determined to exterminate all the men young and old, in the neighborhood. Stated the witness:

“The village of El Alfwen was then occupied by the military of Said Barre. All the time there was a practice of rounding up young men. On this day, the village people had evacuated to a little nomadic village near El Alfwen. At around 2.p.m, three technicals [gun carriers] and one car carrying military personnel came from the southern part of the village. The elders asked all

the young people to hide. I climbed on top of a tree; at this point the elders started the afternoon prayer. The soldiers came, interrupted the prayer and took all the 27 elders and a 13-year old boy and my father to a site about 500 meters away. They fired on the elders. The machine gun mounted on the technical also opened fire. Only 2 people survived the shooting, one of whom sustained severe injuries. I later came down from the tree and was joined by 2 women. The seriously injured person was still lying there, the other had scampered away to safety. We were very scared and all I could do was bury my father quickly on a shallow grave before we ran off. We did not bury the other bodies and wild animals may have eaten them. The burial site is still visible and I can help you identify it. In that area alone I know of over 15 sites where people were brought executed and buried. There was no military confrontation. It was just a massacre."

The witness added:

"I heard of another incident, still in El Alfwen, where 45 men were ordered by soldiers to climb on the blade of a bulldozer tractor, raised very high off the ground by the machine, and then thrown onto the ground. By the time they fell many of them were dead. Then the bulldozer ran over the survivors, finishing them off. Those who did not die were shot. This happened on the 1st of October (1998). I was in the vicinity but did not witness it myself. I know the two survivors of this incident, and I can take you to them for further testimony. I know the commanders of some of the massacres. One was nicknamed "Kurtin" a full colonel. He was like a regional governor there. The other commander was nicknamed "Dhoore".

Reported SNM Atrocities

- 51 In its attempt to fight and defeat the government forces in the north, the SNM committed a number of abuses which, though not in any way comparable to the atrocities committed by government troops, were in violation of international humanitarian law governing conflicts not of an international character such as the one SNM was engaged in against the government army.
- Unconfirmed reports indicate that SNM soldiers occasionally rounded up and killed government officials in areas they captured. There have also been allegations that the guerilla movement would execute surrendered soldiers without any form of due process. It has also been claimed that the SNM on occasion targeted for reprisal

civilians believed to be supporting the government. Ogadeni refugees were particularly targeted by the SNM as they were considered to be directly supporting of the government in its campaign against the Isaacs. Witnesses said that while a number of Ogadeni were specifically armed by the government and recruited in the war against Isaacs, many innocent Ogadenis suffered at the hands of the SNM. This was supported by the findings of a report prepared by the General Accounting Office (GAO) of the US government which stated in 1989:

"The SNM has continued its attacks on Ogadeni refugees. During our visit to Somalia in early March 1989, 11 Ogadeni refugees (5 men, 3 Women, 3 children) were killed and 16 wounded during an SNM attack on a truck carrying Ogadeni refugees. We were told that incidents of this type were characteristic of an emerging SNM pattern of terrorizing the Ogadeni refugees to force their removal from traditional Isaaq territory"

Another US government report published in February 1989, confirmed accounts that the SNM were executing their opponents, some of whom were buried in mass graves in the North. Said the US Country Reports on Human Rights Practices for 1988:

"When the SNM attacked cities in northern Somalia in May (1988), it executed government officials, suspected opponents, wavering supporters, and non-Isaacs. One mass grave in Burao contains the bodies of 71 such victims"

52. There are also widespread reports that the SNM routinely attacked the refugee camps located in northern Somalia, which provided sanctuary to thousand of Ethiopian refugees, mainly from the Ogaden tribe who had escaped there following the Ogadeni war of 1977-78. Although the true nature of these attacks is controversial, owing to the fact that the Somali army is known to have enlisted many of these refugees in the armed struggle against the SNM, there are credible reports that indicate that the SNM engaged in a vicious campaign against all the refugees aimed at forcing them out of the northern region. There were at least 11 refugee camps in northern Somalia before May 27 1988. These were Adidas, Agabar Arapsio, Bixin, Biyoley, Darimaan, Dawaale, Las Dhure, Sabaad and Tug Waggi. These camps were administered by UNHCR, with their internal security provided for by the Somali government. A report commissioned by the state department's Bureau for Refugee Programs provides testimonies of SNM attacks on refugee camps, resulting in multiple casualties:

"Nine of the camps were reported to have been objects of at least one and usually several violent attacks which took place between May 27 and December 31, 1988. The attacks against these camps appeared to be systematic and coordinated. Each of

which interviewees from these camps provides eyewitness accounts of such attacks, all of which were attributed to the SNM. Ethiopian refugees who resided in the nine camps that had been attacked, reported that they observed the deaths of 241 unarmed civilian refugees during these attacks. Some refugees reported that while shooting appeared indiscriminate, the attackers seemed to give higher priority to the Ethiopian refugee men as targets. About 90% of the victims were said to have been killed by gunshots; 5% by artillery shell explosions; 3% by knifing, and 2% by other means. About 80% of the killings reportedly took place in the immediate context of an armed attack on refugee camps. About 8% were said to have been summary executions killings of people selected only because they were refugee men, and 11% were reported to have taken place on roads outside the camps as the refugees were attempting to flee to safety".

53.

Other reports have suggested that the SNM engaged in a wave of reprisal killings against people from clans believed to have conspired with the Somali army to persecute the Isaaq people. These killings are claimed to have taken place when the SNM finally took over the northwest following the demise of the Siad Barre regime. Although former SNM operatives interviewed by the consultant firmly denied allegations of systematic killings on the part of the guerilla movement they acknowledged that a number of excesses may have occurred in the immediate aftermath of the war and that surrendered government soldiers and civilians may have been executed in violation of the Geneva Conventions governing the conduct of fighting groups during armed conflict. One former SNM official said there were reports in 1991 that an SNM colonel had engaged in reprisal killings against his opponents. The official added that the SNM authorities that came to power in the region in 1991 tried to deal with the issue by setting up military courts which sentenced people believed to have colluded with the government to kill Isaacs. According to the official, the military courts relied on Isaaq villagers who went around pointing out those people who had been responsible for atrocities against Isaacs. This, acknowledged the official, raised serious due process issues. The military courts are believed to have sentenced those charged to various forms of punishment including execution, although SNM sources indicated that less than 2% of those brought before the courts were sentenced to execution. Said the official:

"Others were treated very well. Take the example of Mohamed Farah, a Marehan who was relative of Siad Barre. He was reported to have been good to the Isaaq people and when the SNM captured Berbera and put him to trial, he was released. The SNM even organized transportation for him to go to Djibouti where his family were. There was also the case of Col. Shideeye, who had been a commander of a brigade of the

Somali Army. He was also let go by the court; it was said that although he had killed many SNM soldiers in combat, he had been good to civilians. 95% of the accused people were released."

54. Veracity of evidence collected in Somaliland

(i) *Corroboration*

Witness accounts collected in Somaliland relating to the war corroborate each other in many material instances and lead the consultant to believe that they are highly credible. All persons interviewed, victims and eyewitnesses alike, described the same sequence of events after the outbreak of the war in the north: the arrest of military personnel, the targeting of men and boys, the artillery and aerial bombardment, the arming of pro-government militia, the strafing of fleeing civilians on the roads leading out of the combat zones, the burning of villages, the destruction of animals and water reservoirs and poisoning of wells, as well as the use of anti-personnel landmines. The consultant interviewed people from different areas, on different occasions and was struck by the similarity of the accounts provided. Even where there were inconsistencies, the consultant noted that these were based on basic memory lapses and not the result of fabrication or intent to mislead. 95% of the witness accounts come from direct eyewitnesses, while the rest come from close relatives and family members, who were either part of these experiences or very close to them. In most instances the victim accounts were corroborated by physical wounds, injuries or marks consistent with the particular incidents described. Witnesses claiming to be victims of torture bore visible wounds on their bodies that were consistent with their accounts. In other cases witnesses were able to point out physical marks of a different nature for example bullet-ridden doors to their residences which proved the existence of an attack on the residences, houses with roofs blown out, etc.

(ii) *Voluntariness of the interviews*

55. Because most of the people in Somaliland were appalled by what happened to them during the war, there were scores of people ready to volunteer information on particular incidents reported. None of the witnesses had to be compelled in any way to give details of what happened to them or their relatives, and those who had the opportunity to tell their stories did not have any objections to having their names used even in situations where they were giving evidence on particularly sensitive issues. Indeed the decision not to use people's real names was made by the consultant out of concern for witnesses' future safety and not because the witnesses themselves requested it. Most of the witnesses gave names of other witnesses to the same incidents and, in the case of interviews conducted by the WCIC, gave specific details about how they and the other potential witnesses could be located in case of future need for further interviews. Furthermore, all witnesses said they would be

willing to give these accounts to any formal body of inquiry or tribunal that might be set up with regard to the violations in Somaliland.

(iii) Consistency of accounts of executions

56. Stories told by witnesses regarding the mass executions that took place in Hargeisa, Berbera, Burao and elsewhere exhibited remarkable similarities and were considered by the consultant to be high on the credibility scale. Survivors who had been detained during different periods, at different times, by different units, all gave corresponding testimonies of experiences lived during the war period. Different witnesses cited the same names of those carrying out the arrests and executions and in some instances gave similar names of those believed to have been executed during this period. For example, the witnesses from Hargeisa who spoke about the executions at the Malkodurduro site provided testimonies that were strikingly similar. They told of how the arrested Isaaq people were taken by armed soldiers into prison cells at the military headquarter of the 26th sector; how lists of soldiers and government officers targeted for death were "approved" by the military high command within the sector headquarters; how the victims were tied together in the cells in preparation for the executions; and how the witnesses either watched the executions happen, heard guns going off in the vicinity of Malkodurduro site or simply inferred what was going on from the fact that people were taken out of the cells bound together and never returned. Survivors and witnesses to the executions in Berbera also provided testimonies with similarities, yet many of them witnessed the incidents at different times and from different locations. The consultant was particularly struck by the ability of many of these witnesses to remember the places, dates and days of the week in which these incidents took place, as well as names of people with them during these executions. Consultant crosschecked some of these dates and days of the week with the calendar and was satisfied that most of these witnesses had their facts right. The accounts provided in terms of methods by which most of the people were said to be executed were consistent in most instances, and witnesses who were met and were unsure how certain things happened refrained from speculating and clearly indicated to the consultant that they were not sure.

(iv) Existence of mass graves

57. While the existence of wounds and other bodily injuries of victims provide proof of individual violations, the existence of mass graves in Hargeisa and elsewhere in Somaliland provides irrefutable proof that mass murders took place in these areas. As indicated earlier, there are identified mass graves sites in Hargeisa, Berbera and Burao, Erogavo, Gebiley and Arabsio while there are many unidentified ones scattered all over the countryside. WCIC believes that there exists hundreds of sites throughout Somaliland and investigations to identify more sites were continuing at the time of this consultancy.

58. When the heavy rains exposed the existence of these mass graves in 1997, the United Nations requested the forensic support of professional organization based in the US known as Physicians for Human Rights. A forensics team of two experts, one from the US and the other from Canada conducted an on-site assessment of alleged mass grave sites in Hargeisa between 17 and 21 December, 1997 and examined as many as 116 alleged graves in three areas on the southern and southwestern outskirts of the city. Test excavations were undertaken by the team at two of the sites, one in an area called Badhka and other in the Malkodurduro elementary school area just next to the mass graves. Noted the report on one of the execution sites:

“Feature BDK - (grave) contains one young adult male and one adult male individual, both completely skeletonized. The clothed adult male has indications of cranial trauma, in particular on the left side of the cranial vault. No evidence of trauma is seen on the unclothed young adult male. Remnants of preserved hair and fingernails are found with these individuals. Loops of cotton-like material associated with the individuals may be discarded ligatures. Patterned impressions on the floor of the grave are consistent with grave having been dug by an earth moving machine, as stated by a witness to the Government’s Technical Committee for the Investigations of War Crimes (WCIC). The context of these discoveries lead the forensic team to conclude that many other mound features in this and other nearby sites are likely to contain human remains”.

59. The forensic team’s findings corroborated witness accounts according to which many of the people executed at the Malkodurduro site and elsewhere were tied up in groups of 3-10 before being machine gunned to death.

“Three of the individuals are tightly grouped and bound to each other by ligature, consisting of a single continuous length of 4 mm wide rope binding their wrists together behind their back, with rope connecting them to each other in a line. Two are clothed while one is unclothed. The fourth individual was discovered in the south wall of the excavation and is not totally exposed. This clothed individual is not connected by ligature to the other three. No clear indication of trauma were identified in the three individuals linked by the ligature. The fourth individual has fractures at the junction of the left ascending ramus of the mandible to the Mandibular body. Preserved hair and fingernails are found associated with all four of these individuals”.

Based on this assessment, the forensic team arrived at conclusions that human rights violations were committed against the individuals buried at the excavated sites;

“The forensic team, having observed a large number of suspected and known mass grave sites in the vicinity of Hargeisa, Somalia and having conducted an assessment examination of two graves containing a minimum of six individuals concludes that human rights violations were committed against these individuals”.

56. The War Crimes Investigation Commission in Hargeisa possesses maps and other data showing the locations of known mass graves in Somaliland. While carrying out this investigation, the consultant visited some of the suspected mass gravesites in the Hargeisa and Berbera and was able to see, even without any forensic assistance, evidence of what constituted mass murder. The consultant was particularly interested in visiting the site at Malkodurduro near the former 26th sector headquarters due to the overwhelming amount of testimonies collected in relation to killings at this particular site. The consultant therefore made two separate visits there which confirmed beyond any doubt that atrocities of a mass scale were carried out in those grounds. During the initial visit, the consultant was shown the graves that had been filled up following their exposure by the rains in 1997, and observed bones, binding ropes and other debris consistent with testimonies provided by multiple witnesses and survivors to the 1988 testimony of two people who own some of the land that is believed to contain graves of thousands of massacre victims. The first land owner, owner of the portion of land next to Malkodurduro elementary school (site of the graves excavated by the forensic team from Physicians for Human Rights) told the consultant that although he had owned and cultivated his portion of land for over 40 years, it had become almost impossible to cultivate the land following the war period because there are human remains all over the farm, said the 70 year old farmer:

“When we first started farming (after the war in Hargeisa) we were discouraged and disgusted with what we kept finding human remains, clothing, personal articles, etc. All we did was rebury the bones and the other remains. It was too tiring, so we gave up. But we now plan to start transforming it into a real farm”.

The farm owner explained to the consultant how upon return from exile in Ethiopia in the aftermath of the war in Hargeisa he found out that thousands of people had been killed at the site and buried in shallow graves all over his farm. He said that there were still hundreds of unburied bodies when he returned, some of which were still lying on his farm:

"I had evacuated when the killings were going on. When we came back the whole place was full of bodies tied together in groups of 5-7. The bodies I saw were mostly soldiers, but there were also many women and children. I think that these were people attempting to flee. Before I fled (into exile) I could hear the screaming near the 26th sector headquarters (located about 300 - 400 meters from the farm). So I fled to Harshin with my family, only to come back and find this".

In a different farm located about 300 meters from Malkodurduro elementary school, also identified by the WCIC as a mass grave site, the consultant observed scattered human remains such as femur bones, skulls and shoulder blades which further indicated the past existence of atrocities in the areas. Some clothing items were found to be protruding from the recently cultivated grounds and other personal items such as belts, necklaces and shoes were clearly identifiable. This particular site pointed to the possible execution of women and children during the massacres. Bones with small shoulder blades and remains of shoes and sandals of very small sizes pointed to deaths of children. Similarly the remains of pieces of clothing that are traditionally worn by Somali women such as the black netted scarf (known as the "gambo"), the shoulder wraps ('garbasar') and women's underskirt ('forforat') clearly indicated that scores of women had met their deaths on these grounds. There were also pieces of Somali headdresses, the 'hijaab' and the 'naggab' (facial cover), which are uniquely feminine. The consultant was told that clothing items and other artifacts had always surfaced on the farm every time it was cultivated and that this was the case in several other farms within the neighborhood of what used to be the 26th sector military headquarters. Consultant also visited the suspected mass gravesites in Berbera. The visit, undertaken in the company of WCIC investigators, provided further proof of mass killings. The site identified for the WCIC by people who had survived the killings there in 1988 bear similar characteristics as those observed in Hargeisa. There were visible marks most likely made by bulldozer tractors as they dug the graves, and there were numerous skeletal remains lying in the open despite efforts by the WCIC and the local community to rebury them as part of the effort to preserve the evidence. There are also remains of human clothing in addition to items of personal nature such as those found in the Malkodurduro areas in Hargeisa. During the site visit the consultant collected dozens of rusted bullet cartridges some believed to have been fired from semi-automatic weapons, which litter the suspected execution grounds located about 1 kilometer from the Berbera airport runway. This helped corroborate numerous witness and survivor accounts documented in Berbera and elsewhere by both the consultant and the WCIC investigators. The consultant also visited a second site in Berbera, nicknamed the "Crashers' Hill" where there were similar signs of atrocities. At the crater on Crasher's hill, referred to by one of the witnesses as the site of a massacre of 54 persons in June 1988, the consultant found many skeletal remains and spent firearm cartridges. He also observed mounds of earth in the nearby bushes believed by the WCIC and

some people in Berbera to contain remains of several hundred people killed as part of the campaign against the Isaaqs conducted by Siad Barre's army in 1988.

Nature of crimes committed in Somaliland

(i) Violations against international humanitarian law.

57. There exists a body of laws that govern the conduct of fighting units during Armed Conflict not of an international nature such as the one that existed in northern Somali during the period under probe. This body of law is codified under the four Geneva conventions of 1949 as well as their corresponding protocols of 1977. Each of the four Geneva conventions contains a provision, common Article 3, that deals with the kind of conflict that existed in Somalia between 1981 - 1991. Article 3 of the Geneva conventions states as follows:

In the case of armed conflict not of an international character occurring in the territory of one of the high contracting parties, each Party to the conflict shall be bound to apply as a minimum, the followings provisions:

(1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other causes, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex birth or wealth or any other similar criteria.

To this end the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

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

(2) The wounded and sick shall be collected and cared for:

58. Given the atrocities that have been detailed elsewhere in this report, known to have taken place especially in the northwest Somalia, it is clear that common Article 3 of the Geneva conventions was violated by both parties to the conflict. Apart from the taking of hostages (Article 3 (1) (b)) which, though it may have happened was not reported to the consultant, all the other clauses of this Common Articles were violated. Of particular concern was the violation of clause (a) involving "violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture". The consultant believes that all these were violated during the conflict.

(ii) Genocide

59. Based on the totality of evidence collected in Somaliland and elsewhere both during and after his mission, the consultant firmly believes that the crime of genocide was conceived, planned and perpetrated by the Somali Government against the Isaaq people of northern Somali between 1987 and 1989

Proving genocide

59. Of all the crimes that invoke universal criminal jurisdiction, genocide is by far the most serious and also the most difficult to prove. According to the 1948 international convention on the Prevention and Punishment of the crime of Genocide, genocide means any of the following acts committed with intent to destroy, in whole or in part a national, ethnical, racial or religious group such as:
- (a) Killing members of the group;
 - (b) Causing serious bodily or mental harm to members of the group;
 - (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part.
 - (d) Forcibly transferring children of the group to another group (Article II)

The convention further provides, in Article III:

The following acts shall be punishable:

- (a) Genocide
 - (b) Conspiracy to commit genocide
 - (c) Direct and public incitement to commit genocide
 - (d) Attempt to commit genocide
 - (e) Conspiracy to commit genocide
60. While the violence and killing of people elsewhere in Somalia can be said to been the result of a conventional war turned sour, what happened in Somaliland after SNM attacked the northern towns of Burao and Hargeisa went far beyond the confines of any definition of "war". It appears that the Somali government and army, angered at the determination with which the

SNM was waging its war, coupled with the fact that the guerilla army drew its support from the members of the Isaaq clan in the north had decided, at some point during the war, to exterminate the Isaaq clan as a way of Pacifying the northern region.

61. A keen study of the conduct of the Somali army during the war in the north, particularly from May 1988, clearly shows that the Siad Barre government was engaged in a systematic campaign of elimination against the Isaaq people, and was not simply engaged in a war to fight and defeat the SNM; this campaign seems to have been carried out with the intent to destroy the Isaaq clan. In so doing, the government violated both Articles II and III of the Genocide Convention as cited above. Indeed, apart from the action described in Article II (d) i.e. "forcibly transferring children of one group to another, the government engaged in every other action prohibited under both articles of the convention. And most importantly, there is clear evidence as will be illustrated below that the government had both the intent and the capability to carry out this crime.

Actions that demonstrate genocidal intent against the isaaqs

(a) Preparation of "lists of death"

62. As indicated elsewhere, the turning point of the war between the Somali army and the SNM came in May 1988 when the guerilla army attacked the key northern towns of Burao and Hargeisa. However, information from multiple witness accounts show that while the SNM attacks provided the Somali army with the justification to wage the brutal war against the Isaaq people, the government's campaign to eliminate the "Isaaq threat" had already been carefully planned and orchestrated at high levels of government even before the SNM offensive. Barely days after the offices of all the Isaaq personnel, and these lists were used as the base of the calculated and organized arrests that took place throughout the region during the very first days after the SNM attack. At least two witnesses in Hargeisa and Berbera indicated that these "lists of death" had been prepared a few months before the SNM attacks. Then, from May 27th, reports indicate that there was an order issued to all military units and government departments to submit these lists of Isaaq personnel. According to available information, military commanders and senior government officials from clans other than Isaaq were charged with the responsibility of establishing the lists and ensuring that the persons included in the lists were surrendered to the nearby military headquarters in a manner that did not arouse too much suspicion. That is why most of the Isaaq military people arrested were told that they were simply being transferred to other cities in order to "ensure their protection". Those in Hargeisa were told that they were being transferred to Mogadishu, while those in Berbera, Gebiley and elsewhere. But the aim of the government at this point appears to have been to liquidate these people as a first step in its war of extermination against the Isaaq people or at least to execute them

solely on the basis of their ethnic identity. Upon arrest, these people were immediately escorted to the military headquarters where the lists would be closely scrutinized by senior army commanders to ensure non-Isaaqs were not included inadvertently, and then they would all be hounded to military cells within the headquarters and prepared for execution. Executions usually took place promptly at selected location, followed thereafter by mass burials. This process would repeat itself every day and would be closely supervised by local military commanders, other times by top military officers of the national army. At least three testimonies indicate that the country's top military and defense leaders (e.g. General Morgan, Gebiw and Ali Samatar) were present near the execution grounds and were routinely present when the "lists of death" were being approved at the Military headquarters.

62. There is nothing to indicate that the persons included in these "lists of death" were engaged in any illegal conduct or actions for which they were being incinerated. They were simply being singled out on the basis of their ethnicity. A witness in Berbera told the consultant how the arrests of the Isaaq began to take place in the town:

"I was working with a shipping agency in Berbera. The war had just started on Friday. They started arresting Isaaqs in the military and other government departments. We were told that many people were arrested including Ali Kawden, Ali Jireh, Mahmoud Ismail, etc from the army and many others from the other government departments. The first wave of arrests affected the senior government officials including the military, then the next wave included those of the lower level, and so on"

62. Similar waves of arrests were taking place in other parts of the northwest. An Isaaq ex-soldier who was included in a similar swoop in Gebiley recounted how his name and those of his Isaaq colleagues were being called out from a list which had obviously been prepared well in advance:

"We were asked to leave our weapons behind and told to sit down in a single file. There was a list and everyone on that list was earmarked; the deputy commander (of the 2nd division) was calling out the names. We were taken to the headquarters of the military (in Hargeisa). Both Gebiw and General Morgan were there, and also Ali Samatar. We were taken in; the personnel officer took the list to Morgan and Gebiw, who approved the list. We were then searched and distributed to 3 rooms (to be prepared for execution"

62. In many cases these "lists of death" were in possession of unit commanders, which facilitated the orderly arrest and transfer of all Isaaq personnel in different parts of the armed forces. A witness in Hargeisa, a former military officer attached to the Garage

Factory (army vehicle maintenance unit), explained how the list in his department was brought in by his own officer in charge, leading to the arrest and subsequent killing of his Isaaq colleagues in the department:

"That afternoon the colonel in charge of the repair factory, known as Col. Abdi Salan, came to the garage carrying a document which he handed to his operations officer known as Ahmed Day and said: "bring me all the people on this list". Behind him was a pick-up vehicle, parked on the grounds. Four of the people on that list were found. Their names were: Yusuf Kahin Abdi, Omar Seleban (Suleiman), Mohamed, Seleban Ali Hlayd and Ali Ahmed Mohamed. I heard later that Lt. Mohamed Osman "Dolab" had also been arrested at the headquarters. All these men, including others taken the previous night were in my unit, the garage factory. Two nights after they had gone missing, a major from the headquarters confirmed to me that all of them had been killed. When I found out about this, I went to see all the other Isaaq personnel in my company to warn them that we were being watched and to advise those who could escape to do so". The same witness related how he foiled a plan by his seniors to access other existing lists, thereby saving some Isaaq lives:

"Afterwards I was called to an office where there were senior officers of (my) company. Because I had the keys to the cupboard where the lists were kept. They told me: 'can you get us the list of the whole company?' I said I had no keys on me, that I had left them at home. Four of the officers thereafter held a closed door meeting which I was not permitted to attend. The next day, arrests (within the company) took place.

63. Where there existed no lists of Isaaq personnel, witnesses said new lists were hurriedly prepared, unit by unit within the army and also in government departments. A former officer of the National Security Service (NSS) testified thus:

"When the fighting started in Burao, they (the army) started rounding up all Isaaq people, government workers especially the army officers. Our office (NSS) was required to give the names of all the Isaaq officers on the staff. There were only four Isaaq officers present in the NSS office then; others like Dahir Das, Ali Bidar Mohamed and Musa Aden Saad stayed away upon hearing of the order. ... All the servicemen in Berbera were collected; they were usually told they were being put on planes to Mogadishu and that they would be safe but usually these people were taken to Hargeisa or other parts to be killed. Any officer sent to Mogadishu would normally be safe".

67. Testimonies from detained people who witnessed the transfer of the Isaacs included in these lists show that the new detainees were brought in unit by unit, put in the same cells and sometimes executed together. A survivor of the executions at the Malkodurduro site in Hargeisa gave details of units from which people were taken to the 26th sector headquarters and subsequently executed:

"15 people died from my division, in the 50th division, 35 people were killed, then 41 from the 5th division. 62 died from the 2nd division headquarters, and 2 survived. In the 11th brigade 13 people died, one survived. In the construction unit, 14 people were killed; in the missile anti-aircraft unit, 20 people were killed. 7 were killed from the communications department, 9 from tanks corps, 9 from artillery, and 10 from the ammunition department".

Another witness who appeared to have been detained at the 26th sector headquarter at the same time said he saw many Isaacs from the Demining Department of the army escorted into the prison and being distributed into three different rooms, a commonly-used pre-execution procedure. However, the witness affirmed that this particular batch of army prisoners may have escaped execution. Another witness, a civilian who owned a truck expropriated by the army during the war period testified how one Ali Nour, an officer in the logistics department "collected all the Isaacs from the logistics department to be killed". He said out of the 40 Isaac officers who were taken out from the logistics department, only one survived. His name was Yusu Sheikh Ibrahim Hujale, nicknamed "Mani sheikh".

68. However, not all military commanders were enthusiastic about facilitating the elimination of the Isaac within their units. Some refused to prepare the infamous lists or, where the lists already existed, refused to use them. Others openly resisted orders, as in the case of one Ahmed Yeere, a Dabalhante colonel who was chief of directorate at the military headquarters who openly criticized the policy of killing Isaac servicemen. Recounts a witness who escaped death through the actions of this officer:

"We were 35 Isaacs in the unit. On the fourth day of the war we were asked to lay down our arms. We were told to go out and listen to a list of names being read out. All of us were asked to go out, and our (non-Isaac) colleagues were put on the lorry with us to act as guards. 10 Isaacs were added from the transportation department; we were now 45 Isaacs. We were taken round the Pepsi Company, to a spot where people were being killed. We could see the bulldozer, and a number of bodies were lying in the area near the bulldozer. Ahmed Yeere came running and ordered that we be brought back (26th sector headquarters): he was asked to take us out again but was

apparently resisting orders. He said 'these people have worked for the army, are patriots and all have sworn to be honest to their country'. He said he had never seen any of these people committing a crime, and he would not take them there (execution grounds). He said 'go and look for civilian Isaaqs, not military. These people do not deserve to be killed.' He kept threatening".

(b) Disproportionality in army vs. SNM strength

69. The sheer size of the section of the Somali army deployed to deal with the SNM insurgency in northern Somalia suggested that the government considered itself not simply at war with a rebellious movement but with the population at large. Although the SNM was modestly equipped guerrilla force that apparently numbered less than 6,000 men at the height of the war, some of the most specialized units of the 35,000 - strong Somali National army were carrying out counter-insurgency operations in the north, using significantly superior firepower against the SNM. Apart from its regular troops, the army recruited in its ranks refugees from the Ogadeni clan whose main desire was to crush the Isaaqs and take over part of the northern territory. Government army also employed the use of south African Mercenaries in the aerial bombardment of Hargeisa that led to thousands of civilian deaths as well as the strafing missions which killed a lot of Isaaq civilians, men and women, trying to flee Hargeisa at the onset of the war. The use of force by the Somali National army was unrestrained and no consideration was given whatsoever to the existence of hundreds of thousands of innocent civilians trapped in the fighting districts. It is clear from the accounts provided with regard to the conduct of the Somali army during this period that the enemy was not simply the SNM but the Isaaq people as a whole. For this reason the army routinely targeted Isaaq civilians with the full knowledge that most of them were innocent, thereby not only violating the laws governing armed conflicts, but engaging actively in actions in furtherance of the government's genocidal motives. Other Isaaqs including women and children who were clearly not engaged in the armed struggle. Numerous testimonies were collected in the northwest, suggesting that all Isaaqs were considered to be supporters of the SNM and were therefore treated as enemy. Indeed, the terms "Qurmis" or "idors" which began as derogatory terms to describe the SNM and other guerrilla movements, soon came to be understood as a collective term for all Isaaqs. People who witnessed cold-blooded executions told of the presence of women and children in the killing fields, though there was a higher percentage of men. As indicated elsewhere, the consultant collected evidence that children and women had been buried at the discovered mass grave sites near Hargeisa; and further testimony points to the existence of many other sites in which killing of animals belonging to the clan as well as the destruction and poisoning of water wells, the lifeline of 80% of the region's nomadic population, all point to a genocidal motive by a higher repressive government. This policy does not appear to have exempted any Isaaq, irrespective of their age or status. Even the few Isaaqs who survived from these killings such as the executions in Hargeisa and Berbera,

only managed to do so through the actions of good non-Isaaq people, through blood connections or family links with non-Isaaq clans or simply by using money to buy their way out of captivity. Others were thought to be dead after massacres, only to recover from their wounds and escape while others were spared because they were performing functions that were necessary to the government during this period, an example being a Somali airlines engine operator in Berbera who cheated death three times because his superiors wanted him to run crucial engine systems for them at Berbera airport. Still others had to lie that they belonged to clans other than the Isaaq to escape the pogrom. A witness from Hargeisa explained how he escaped death by lying that he came from a Darod clan although he was Isaaq.

"I was one of the 16 people taken to the execution grounds, but I claimed to be Warsangeli. We were being tied in hatches of 6. When they came to me, I said I was Warsangeli and could recite the clan tree. At this point I was separated from the group; the other people were shot. I felt safe because I had passed for Warsangeli".

(c) Policy Of Ethnic Cleansing

71. The government's policy of fighting the Isaaqs included the expropriation of the clan's ancestral land and the redistribution of this land to members of 'friendly' clans who would ensure the security of the region and the continued domination of the Siad Barre troops. Many northerners claim that the Barre government was determined to expel the Isaaqs who survived the war to the refugee camps in Ethiopia and to replace them with member of Darud clans such as the Ogadenis. Unconfirmed reports indicated that the Ogadenis were given livestock (camels, cows and sheep) bought for them by the Siad Barre government to encourage them to become nomads in the place of Isaaqs. As an incentive the government allocated them watering holes free of charge and encouraged them to migrate and settle in the areas in large numbers especially when most of the Isaaqs had run away to the refugee camps in Ethiopia after the outbreak of the war in the north. These Ogadenis were armed by government, incited against the Isaaqs and told that the land in the northwest would belong to them once the Isaaqs were "gone". This provided a major incentive for the Ogadenis to kill and exterminate the Isaaqs, and explains why the campaign against Isaaqs succeeded so much even in areas where government troops had minimal presence. It appears that even before the outbreak of the war in the north, Ogaden people had already been incited against the Isaaqs in a campaign of ethnic cleansing by the government. The consultant was told of case a in Berbera where infuriated Isaaqs by making provocative comments such as "it's only a matter of time and all this land and houses will belong to us." There were also unverified accounts of confiscation of houses and other properties belonging to the Isaaqs and their redistribution to members of other clans especially the Ogadenis.

(d) The Morgan letter and the "Campaign of obliteration" against Isaaqs

72. In early 1987, long before the SNM launched its offensive against the northern towns of Burao and Hargeisa, the supreme army commander of the northern region, General Mohamed Saeed Hirsi, popularly known as "General Morgan" sent a secret memorandum to President Said Barre in which he outlined ways in which to carry out a "campaign of obliteration" against the Isaaq clan in northern Somalia. If proved authentic, this memorandum would provide irrefutable proof of the existence of the criminal intent on the part of the Somali government which is a necessary ingredient in proving genocide.
73. The Morgan report was a 5-page document, classified as top secret, sent to the president of the republic and copied exclusively to two of his top military advisors, the Ministers of defense and interior, both related to the president through marriage. It is important to note here that general Morgan himself was related to Siad Barre, having married the president's eldest daughter and the president rarely questioned the latter's judgment when it came to matters of "national security". In the report, the general talked about the threat posed by the SNM in the north and proposed tough new measures aimed at neutralizing this threat. The General suggested nothing short of a "campaign of obliteration" against the SNM and its entire support base, meaning the Isaacs. Said the report:

"It has been demonstrated to us that unless Qurmis and its supporters are subjected to a *campaign of obliteration*, there will come a time when they will raise their heads again. But today we possess the right remedy for the *virus* in the body of the Somali state."

The report gave an outline of what he thought constituted the remedy for the said "virus". The government, he said, needed to take the following actions;

- 1) Balancing the well-to-do to eliminate the concentration of wealth in the hands of SNM supporters.
- 2) Reconstituting the local council in such a way as to balance its [then] membership which is exclusively from a particular people, as well as the dilution of the school population with an infusion of children from the refugee camps in the vicinity of Hargeisa.
- 3) *Rendering uninhabitable* the territory between the army and the enemy, which can be done by *destroying the water tanks, and the villages* lying across the territory used by them for infiltration.

- 4) Removing from the membership of the armed forces and civil service all those who are open to suspicion of aiding the enemy especially those holding sensitive posts.

General Morgan made it clear in this report that by "enemy" he meant not just the SNM fighters but the Isaaqs as a whole. He wrote in a different section of his report that "it has become evident that the Isaaq [are] by the act and intent, with the SNM" suggesting that the actions he proposed were to be directed against the Isaaqs generally and not limited to the SNM. He also talked of the need to have a policy of "economic strangulation" against the people who work for the enemy" and indicated that advance measures had already been taken in this regard such as freezing of bank accounts and confiscation of public transport vehicles. He concluded his report on a chilling note:

"...it is prudent to take precautionary measures before it is too late. Upto now we have been walking on ground deliberately strewn with broken glass in an attempt to reduce the momentum of our efforts. It is essential to sweep away the broken glass without leaving a single piece behind. There is a Somali proverb: (Oh hyena, you cannot drag away hides without making a sound)."

74. This secret "report" is believed to have been leaked to the press by persons within the Siad Barre government who were alarmed by what appeared to be a campaign to 'finish' the Isaaq people of the north. As far as the consultant could tell, the authenticity of the report has never been in serious doubt. However, because of the report's centrality in proving the existence of genocidal '*mens rea*' at the highest levels of the Somali government, it is absolutely essential that its authenticity be conclusively determined.
75. If the Morgan report is authenticated, it would be immaterial to inquire whether the Somali government did or did not officially endorse the genocidal proposals and statements made in the report. As mentioned above, General Morgan, as military commander of the north, had all the power to implement whatever measures he deemed necessary to maintain 'national security' in the region. People from the north with whom the consultant discussed this 'report' said president Barre trusted Morgan 'one hundred per cent' and did not question anything he proposed or implemented.
76. Finally, given that General Morgan was still military commander after open hostilities with the SNM broke out in May 1988, and given the fact that the campaigns against the Isaaqs appeared to be one of 'obliteration', just as he had suggested in his 'report', it can be safely assumed that General Morgan had decided, with apparent approval from his government, to implement the proposals contained in his own "report". Furthermore, some of the actions later undertaken by the army

against Isaaq interests such as the wholesome destruction of Isaaq villages, animals and water resources had been expressly discussed in the Morgan "report" as being necessary for the maintenance of the law and order in the northern region. Consequently, consultant concludes that a genocide against the Isaaq people was conceived and planned, possibly in early 1987, and was carried out in 1988 with the tacit approval of the highest levels of the Siad Barre government.

The need to address past human rights abuses in Somaliland

77. Many people in Somaliland, including political leaders, made it clear to the consultant that the issue of past human rights abuses is considered a critical element of national reconciliation that should be addressed immediately by the United Nations system within the context of the ongoing peace initiatives both in the region of Somaliland and in the rest of Somalia. Victims and witnesses of human rights abuses spoke of the need to have closure and to be satisfied that the international community will help Somalia break the cycle of impunity that has characterized the country's political development over the last decade. The witnesses said that the recent exposure of mass graves in Somaliland had retraumatized the population and that due to the heightened level of awareness in the region of human rights issues there is need for the United Nations and the rest of the international community to take concrete measures not only to appease the families and victims but also to render some form of justice, however transitional. Fatuma Dhiriye (not her real name), who recently identified her brother's remains in a shallow grave near Hargeisa told the consultant:

"I cannot forget and forgive until I can see and hear that those who did this face justice"

Several other commentators in Somaliland expressed similar sentiments. Another person, a survivor of a massacre in Hargeisa, hoped that the problem of abuses in Somaliland would be addressed by the UN in the same way as the organization addressed other cases of serious human rights violations in such places as Rwanda and Sierra Leone. "We are the same as Rwanda", she said.

The commentators warned that unless the issue of past human rights abuses was addressed to the satisfaction of Somalis, especially those in Somaliland, the current peace process is likely not to succeed.

III. REPORTED VIOLATIONS IN OTHER PARTS OF SOMALIA

(a) Bay and Bakool region

77. Although the consultant spent less than a week in Baidoa, capital of Bay and Bakool region, he was able to collect testimonies about serious human rights abuses that took place there at different times during the country's civil war. The first wave of violations in the region appears to have taken place in 1991 in the immediate aftermath of the fall of the Siad Barre government. According to multiple reports, as the Barre forces retreated from Mogadishu to the deposed president's home region of Gedo, extreme cases of human rights violations were reported especially in the villages surrounding the town of Baidoa.

(i) Reign of terror by Barre's Marehan militia

78. According to multiple testimonies and reports, members of the Marehan clan, the president's group carried out reprisals against the Digil-Mirifle clans of Bay and Bakool for what they considered the region's disloyalty to the president during the waning days of his regime. The Digil-Mirifle community was accused of having collaborated with Barre's enemies to force his downfall, and the Marehans were waging this campaign with extreme brutality. This included extra judicial killings directed against the people of Bay and Bakool region, looting of livestock and other property, systematic pillaging of Digil-Mirifle villages and the raping of thousands of young women caught in this campaign of mayhem and destruction. A young woman from Bardheere, a township 30 kilometers (?) from Baidoa related to the consultant the experiences she underwent in the region before finally fleeing to become an internally displaced person in Somiland:

"I left the region because all our cattle and belongings were looted by the Marehans. At around the time I left, there was intense fighting. There was heavy gunfire. I do not know who was fighting, all I know is that there were stray bullets that came into the compound and killed my father. He was outside the front door. We all ran to pick him up, at that time two men came from the buses, grabbed my mother and dragged her to an unknown place. The men had no uniform but we could tell they were militias from the Marehan. I do not know who was commanding them at that time. All I know is that they were reported to be looting and raping people. I had always been warned by my parents to always run and hide when I saw the Marehan. We did not bury our father, we just left him lying there, then my mother returned and we realized she had been raped, she has blood on her and her clothes had been torn to tatters.... While we were fleeing, there was much fighting. There was so much crossfire that people in front of you just fell and died under the hail of bullets".

The witness explained how widespread rape was during this period and described how she was almost raped herself by the Marehans:

"At that time I was feeding a baby and still suffering from childbirth pains. Four men broke in, grabbed my husband and put a gun to his head, and then asked me to take my clothes off. I was wearing a 'gutimo' (women's garment tied at the shoulder) one man unwrapped it and exposed my nakedness, only to discover that I was still bleeding due to the recent birth. On seeing this, the man said 'I do not want to soil myself with this woman, she is bleeding'. That is how I escaped. But although I was lucky, other women were not as lucky, even those who had just had babies. They were raped indiscriminately. I heard of numerous cases of rape recounted by women. It was very common. Women were considered lucky if only one person raped them -it was usually gang rape. In fact the stigma previously attached to rape dissipated as people became used to it as a common occurrence. I heard of a case from my aunt where a young bride was raped by a whole gang. Her new husband could not take it, so he hit one of the rapists, he was shot dead instantly. The bride held on to him and was shot dead too."

79. Cold-blooded massacres were being carried out during this time by the Marehans, mostly against men and boys, but also against women and children. There was nowhere to hide, as the Marehans had no fear violating even the holy sanctuaries such as mosques. They simply stormed in, dragged people out, shot the men dead, raped their women and pillaged the villages. Asha Guleid (not her real name) recounted her experience to the consultant at a Hargeisa IDP camp:

"My husband was Dhuran and I am Hawiye. We lived in Wajid, near Baidoa. The Marehans came into Wajid and started looting, raping, pillaging. Most of us ran to the sheikh or the mosques. The soldiers ignored Islam tradition of not violating a sheikh's residence or mosque. They came, took our belongings, rounded up all women and tied them outside. I was then 9 months pregnant and was ill. Some other women were old and sickly and had nothing to catch a man's eye and that was how we escaped. As for the men, they were all lined up and shot, including my husband. I must have gone into a coma or something afterwards as I was unconscious for some period."

When I came to I realized I had already given birth, but I do not remember going into labor or anything. You can't put a figure on the number of men who died in the area. The soldiers were wearing uniforms - I do not know which units they came from. The soldiers made fun of us, called us names, saying all women were whores and only fit to have fun with. For me, I was in profound shock and all sounded distant. We were there for a few days and then started walking up towards Bossaso. Numerous people died on the way. We walked over corpses but we could not do anything, and at some point we could not feel anything, no compassion, no hate, no anger, nothing. Just lived on hopelessly. My new born baby, a boy, died at Wajid."

80. When the Marehans first attacked the Bay and Bakool region in early 1991 they were running away from the USC forces which had defeated Barre in Mogadishu. As the USC forces were being supported by members of the Hawiye clan, many people with Hawiye backgrounds were targeted for killings and persecution by the Marehans. During a subsequent wave, the Marehans were fleeing the Gedo region after being dislodged there by USC forces, believed to have had the backing of clans of the Digil-Mirifle community. The Marehans therefore felt sandwiched between different enemies, which made them even more brutal. Almost everyone living in the villages around Baidoa lost a relative or a friend during this mayhem in 1991. Baidoa itself was badly hit, and most of the town's buildings were reduced to rubble. The killing was indiscriminate and appeared calculated to instill terror on the civilian population in the area. A survivor of the violence told the consultant in Baidoa what she witnessed:

"The Marehans were on the run. I am from Awdinle village in Baidoa, on the way to Bardheere and Qansadhere. All of a sudden they come and started shooting and looting in the village. It was almost sunset, my son who was 13 years old was shot outside his father's kiosk, and the entire place was looted. A lot of people were shot and killed not just my son. At least 10-15 people were killed that day alone, some from my sub-clan."

Another witness talked about how he lost his son after the Marehans attacked Baidoa.

"My son was shot by the Marehans in Baidoa, this was at Sigale market in the center of the town. The Marehans were looting all the properties there. My son was 28 years old then. He was ordered to collect the looted property for the Marehans and he resisted, he was shot on the spot. His name was Adam Abubakr and he was

shoemaker her in Baidoa. He had a daughter and a wife. The Marchans were fleeing, coming from Mogadishu. They were uniformed. One of my neighbors was passing by and witnessed the shooting (of my son) and he collected the body."

81. The Marchans were in control of the Baidoa area, according to witnesses, for a period of a 9 months after the fall of Siad Barre. This was when most of the violations took place. They appeared strong and organized, having recently been part of the national army of Somalia, but they were poorly disciplined and resorted to looting and plunder, killing those people from whom they were unable to steal. A young woman in Baidoa related how her father, a prominent local elder was killed by the Marchans when they discovered he was not carrying any money for them to steal:

"My father was a clan elder here in Baidoa town. He was going to the Mosque at noon on March 3rd when at Sigale market, they stopped him to check whether he was carrying any money. When they could not get anything from him, they killed him. I was in the market when I heard that my father had been killed. I ran to the family to inform them"

The woman also lost 2 brothers in subsequent Marchan violence. She stated:

"After some days, my brother was killed in Baidoa. This was at Isha village, they put him in a house and shot him from outside. He was 22 years old. He had been running from the Marchan. He was a burden and was captured from his butchery. My 2nd brother was killed during the same period. This was at Adable Ade village near Bonkay (Baidoa district). He was collected with a group of other men and they were all shot. He operated a small kiosk. I do not know the names of the other people killed together with my brother but I know their families.

82. It was partly as a result of the suffering inflicted on the people of the Bay and Bakool region by the Marchans that the international community began exploring ways of assisting Somalia through an international humanitarian intervention that eventually arrived in the country in 1992 as "Operation Restore Hope". Because of the campaign of violence unleashed on the local population by the Marchans, the people were not able to venture out of their homes in fear of falling prey to marauding militia, and as a result were not able to plant crops in order to sustain themselves. When international humanitarian organizations tried to come in to provide relief to the people, they were attacked by the militia and the relief items confiscated by the local warlords to be used for members of their militia. This resulted in the famine of 1991-1992 which

captured world attention. The epicenter of this crisis was Bay and Bakool region. Images of men, women and children dying in their homes out of starvation dominated the media and Baidoa, capital town of the region was nicknamed 'the town of death'. Efforts to put a precise figure on those who died of war or starvation have been unsuccessful, however, consultant was told that people in Baidoa town alone died in their thousands during this period. Those who survived made it through severe food rationing while others were lucky to be still alive by the time the first international troops arrived in the area to secure the redistribution of food supplies and other humanitarian relief.

(ii) Killing, rape and plunder by Aideed militia

83. Serious violations of human rights did not come to an end in Bay and Bakool with the arrival of international troops. In 1995, General Hussein Farah Aideed invaded the region and took over control of the area, beginning what was to be another very painful period for the Digil-Mirifle communities of the region. The atrocities that accompanied Aideed's attack and takeover of Baidoa are massive and rise to the level of crimes against humanity. Extrajudicial executions were carried out on a systematic basis by the Aideed militia, and the suffering that the local people endured was in many ways more severe than that which they had endured during the occupation of the area by the Marehans. The violations were mainly committed against the civilian population although the Aideed militia claimed it was only engaged in war against armed Rahanwein fighters. The Rahanweins had taken up arms in protest to the occupation of the region and had created the Rahanwein Resistance Army (RRA), formed on 26 October 1995 to pursue this objective.
84. During the investigation mission to the Bay and Bakool region, consultant received compelling testimonies of gross human rights violations committed against the Rahanwein community by Aideed militia since 1995. Witnesses told of a campaign of terror and intimidation that was characterized by acts of extreme brutality, a campaign in which hundreds of people are believed to have been extrajudicially and summarily executed simply because of their ethnic affiliation. Because of the massive support provided to the RRA by the local population, Rahanwein ordinary civilians in Baidoa and elsewhere were routinely rounded up and taken into captivity, and many have still not been accounted for. This brutal campaign lasted over four years and only came to an end in June 1999 when the RRA managed to overpower the Aideed militia and take over a significant portion of the region including Baidoa. A 55 year old man who had lived through some of the initial atrocities of the Aideed militia before fleeing to Hargeisa told the consultant:

"When I saw what was happening in Wajid (near Baidoa), I was shocked. Soldiers [of Aideed's militia] would go to mosques, pull out

people, kill them and rape the women. Rape had become a way of entertainment. I decided to leave before they could rape my daughters or wife in front of me. In Wajid I witnessed an incident where the militia locked up people in their homes and set the houses alight. The houses in the South were 'mtule' (made of clay and straw-thatched roof) and they easily burn if set alight."

85. Rape of Rahanwein women became commonplace during the reign of terror unleashed by Aideed's militia in the Bay and Bakool region. Cases of rape in the region seem to have increased after the creation of the RRA; the Aideed militia, angered by the fact that Rahanwein men were escaping from areas of its control to join the RRA, began storming into homes and raping the defenseless women. Some women would be gang-raped and left alive to tell the story, others would be shot and killed after rape while a few others are reported to have died as a result of the rape. Children were not spared during this chilling raping rampage aimed at humiliating Rahanwein men. Idriss Osman (not his real name) recounted to the consultant in Baidoa how his 9-year-old daughter was gang raped in the presence of his wife by young men belonging to the Aideed militia:

"The militia broke into my home while I was attending the funeral service of a neighbor who had been killed by the same Aideed forces. They got into the house and in the presence of my wife, raped my daughter. 4 militia men gang raped her. I heard the commotion from my neighbor's yard but I could not go into the house, as my neighbors warned me I'd get shot. I even pleaded with them to rape the mother instead of the daughter. When they finished, they left, then I took my daughter, she was bleeding, when I went to file a report of the incident to the leader of the militia, I was savagely beaten. Since that time my daughter is not mentally sound, and she has a paralyzed leg. She is also absent-minded. Sometimes at night she has nightmares and she jumps and tries to run away."

Sometimes the raping sprees would be accompanied by acts of senseless brutality. Another witness related how militiamen, frustrated by their inability to catch a group of Rahanwein women that they wanted to rape, went on a killing rampage instead:

"Some armed militiamen came to the village of Howlwadag in Baidoa district, they wanted to rape our ladies. But the ladies, alerted about the militiamen's intentions, fled in panic. Some of the ladies went through my compound. The militiamen stormed my compound in pursuit of the ladies. They found my wife bathing out 6-month-old baby. One of them fired a gun. The other snatched the gun from him and shot my wife on the chest."

It was around 4 p.m. And I was coming from the mosque. A friend came to help me but when we tried to take my injured wife to the hospital, the militia prevented us, we finally managed to get my wife to the hospital but she died the following morning. My 6 month old infant died three months later."

86. There were also widespread reports that the militia engaged in theft, looting and extortion throughout the period it controlled the Bay and Bakool region. People suspected to have money would be targeted and robbed. Those who resisted were shot dead and the money or other property taken. A witness in Baidoa described how the militiamen robbed his wife and subsequently killed her:

"My wife was a businesswoman and used to sell sorghum and other commodities in the market. Militiamen came to her storeroom and collected all the money she had in her custody. They did not shoot her the first time, they left. But my wife was left cursing, saying loudly, "may God punish you for this crime". At this point the militiamen came back and told my wife, "We are God" they put a gun on her head and shot her. They looted everything. They took 50 million Somali shillings. I was at home. It was about 3 p.m. And I was preparing to go to the mosque for prayers. My wife's body was brought to me in a wheelbarrow. My wife and I had been married for 25 years. She left me with 6 children."

These stealing and looting were not random. The militia routinely visited business premises and bus parks on a regular basis to steal money that had been collected there. In a particular case reported by a survivor, the militiamen went to the bus park in Baidoa town and tried to get money from a truck owner. The truck owner threw the money at the witness, whereupon the militia set upon the witness, causing him severe injury. He reported:

"I was a turn-boy when Aideed was in charge here. At the bus station in Baidoa some militiamen came and tried to rob us of money they wanted to get money from a truck-owner. The owner refused to hand over the money and instead threw it at me in the ensuing melee; a passenger who tried to draw a knife to defend himself was shot. I was next to this passenger. The bullet went into his body, then exited and lodged itself on my chest through the back, the bullet stayed there until I was operated on at Baidoa hospital. The passenger died of his wounds 24 hours later. The person who (shot us) was one of Hussein Aideed's personal bodyguards. His name was Ina "Qoom Dorshe" or "eliminator of human beings." I used to see him roadblocks and in the town as I traveled as a turn-boy

between Baidoa and Bardheere. I now limp on one leg, I got paralyzed as a result of the shooting”

The militiamen tried every method of extorting money from the population. People were forced to give bribes to the militia in order to be allowed free passage through certain zones. Sometimes people injured by the militia would bribe the same militia to be allowed access to public medical facilities. In one reported case, a woman had to “buy” the corpse of her husband, killed by the militia in order to accord it a dignified burial. She recounted her ordeal to the consultant:

“When Aideed occupied Baidoa, I was outside the city, my husband was working at the airport. So the militia just captured him, brought him to the police station and shot him in the leg. He was accused of being an ember of the Rahanwein militia (RRA) he remained in custody without treatment for 20 days, then died of his wounds. When I discovered that he was dead I asked to take his body but they (militia) refused, and finally I had to buy the corpse of my husband in order to bury it. I gave the money (approximately 1 million Somali shillings) to the commander of the police station”

In a different interview, the consultant heard how a survivor of a massacre carried out by Aideed’s militia had to “make arrangements with the same militia in order to access medical care. The arrangements involved the paying of a bribe of 600,000 Somali shillings. Recounted the survivor:

“I was in great pain and had lost hope in this life [after surviving a massacre]. A donkey-cart driver was passing nearby and said he’d take me to hospital. He took me to my house first, then sent a message to the hospital. We had to arrange a bribe of 600,000 Shillings to Aideed’s militia to allow me get medical treatment. It was then that I started recovering and becoming myself again. I was in Baidoa hospital for 40 days.”

87. Humanitarian workers operation in the region during this period did not receive any form of protection by the authorities under Aideed. Indeed some were targeted by the militia. On 24 June 1997, a 35-year Portuguese doctor working with MSF-France, Dr. Ricardo Marques, was shot dead inside a patient’s ward at Baidoa hospital where he worked, reportedly by armed militiamen belonging to Aideed’s faction. According to informed sources, the doctor was killed because he refused to give prescription for drugs specifically demanded by some patients who were part of the Aideed militia. He reportedly spoke his mind, and in this way became an enemy to these militia people engaged fraud within Baidoa hospital. The killing of Dr. Ricardo provoked widespread condemnation of the Aideed militia by members of the international community and led to the closure of all MSF operations in the area. According to the then UN Independent Expert for Somalia, who recorded the case of Dr. Marques in her report to

the Human Rights Commission, Aideed had promised to launch investigations into the circumstances leading to the death of Dr. Marques and to punish those responsible. However, the matter remained unaddressed right up to the time the Aideed militia left Baidoa town.

88. During the final days of the militia's control of the Bay and Bakool region, there were reports of public mass executions of suspected RRA sympathizers as well as massacres of civilians. While in Baidoa, consultant traveled to the village of Doynoonay, located about 20 kilometers from the town where reports of a massacre by Aideed forces had been made. While at Doynoonay, the consultant received credible testimony that close to fifty Rahnwein men had been picked up by Aideed's forces from the village, transported to a public location in downtown Baidoa and executed in cold blood. During this incident the entire village of Doynoonay was razed to the ground by the militia. Only the mosque was left standing. Those who were not picked out for execution were forced to flee the village in a panic. Women were raped, and animals belonging to the people of the village were looted. A survivor of the massacre described to the consultant how the incident evolved.

"I was waiting for some donkey carts carrying charcoal from the bush when I discovered a person pointing a gun at me. I was instructed to stand and go into a bus. We were taken a distance from the village. Then [a militia commander named] "Farabadan" came and instructed his militia to destroy the village entirely. In the bus were 52 men and 2 women. We were brought to Baidoa at about 3.30pm. The militia began to select the people, putting them in a pick-up for shooting. He counted one to three and the shooting started. (Most of the victims died instantly). The 10 of us, me and 9 dead bodies were taken in a pick-up and dumped at a bushy site outside Baidoa. I was lying there among the bodies. I was the only survivor [in that group]"

A survivor from a different group taken from Doynoonay village explained how he escaped death by pretending that he was dead after the shooting.

"We were taken to Baidoa [from Doynoonay] where we were dropped next to the Bank and they [militia] started dividing us into groups of 10. At first 10 people were taken away, 3 people were released including an old man working for a mosque. At this point they opened fire at us, and I received five bullets. One cut my toe, and hit the other leg, another two on my back. The Hilux (pick-up) was collecting the bodies. I pretended to be dead but I could hear what they were saying. Among the 8 people there, only 3 were not dead."

The total number of those executed during this incident is believed to be somewhere between 40 and 50. The chief of Doynooney village told the consultant he believed 47 young men had been executed during the incident. He said that the number of those collected in the village was 60, from which 13 had been released, leaving 47 dead.

88. Aideed's occupation of Baidoa town and the region came to an end on 6 June 1999 when the RRA is reported to have enlisted the support of the Ethiopian government from whom it apparently received significant amounts of war equipment. Allegations that the RRA itself committed systematic atrocities during this period remain uncorroborated but may need to be looked at in some depth. The consultant heard rumors that a large number of Ethiopian nationals who had been supporting Aideed during his rule were captured by the victorious RRA forces, executed extrajudicially and buried in mass graves within Baidoa town. These rumors were however not confirmed and more investigation needs to be undertaken to establish this.

b) Mogadishu and Kismayo regions

89. Even though the consultant was unable to make it to Mogadishu and Kismayo areas to carry out on-site investigations of past human rights violations there, secondary sources provided information which pointed to the existence of serious human rights violations in these areas over the last decade. The consultant noted that some of these violations would, if proven, rise to the level of war crimes and crimes against humanity. Indeed reports by credible human rights organizations indicate that most of the factions involved in the armed conflict in Somalia have at different times committed crimes of international jurisdiction. Some of the incidents and battles cited in support of this include:-

(i) USC war against Siad Barre:

90. Reports indicate that around July 1989 when the war to topple Siad Barre spread to Mogadishu, thousands of civilians may have been killed. Some reports quote a figure of 25,000 people killed during this confrontation between the Barre forces and the USC.

(ii) Fighting between forces of Mahdi and Aideed, Mogadishu, 1991

91. According to reports, when Ali Mahdi and Farah Aideed failed to agree on whom was going to take over from Siad Barre as president of Somalia, Aideed launched a large-scale attack on Mahdi forces who occupied the northern part of Mogadishu. Africa Watch estimated that over 14,000 people died in the battle and over 27,000

wounded. The report adds that the capital Mogadishu "became the scene of widespread abuses":

"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."

(iii) Killing of Harti clan elders by Col. Jess, 1992

92. In December 1992, shortly before the international troops of "Operation Restore Hope" arrived in Somalia, the forces of the Somalia Peoples Movement (SPM) led by Col. Ahmed Omar Jess reportedly carried out a campaign of elimination against leaders of the Harti clan (comprising Majerteen, Dulbahante, Warsangeli and other sub-clans of the Darod.) Jess, an Ogadeni, reportedly viewed the Harti leaders as potential threats once the international forces arrived and therefore ordered his militia to conduct house to house searches to eliminate prominent members of the Harti clan. There are allegations that over 600 people had died in this campaign. One international human rights organization claimed it had received a list of 126 Harti leaders killed as a result of Col. Jess order. States an Africa Watch report that recorded the incident:

"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.

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

and at
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. Doctors working in Kismayu while the killings were occurring reported that the wounded showed signs of having been shot deliberately an date 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 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.”

(ii) Atrocities by Gen. Morgan's SNF in Gedo region, 1992.

93. General Saeed Hersi "Morgan", former commander of Somali National army staged military offensive that led to the capture of the town of Bardhera, reportedly committing serious atrocities against civilians who were thought to have supported the USC.

(iii) Abuses by the United Nations forces.

94. The consultant received numerous unverified reports about grave human right abuses believed to have been committed by the United Nations forces that went into Somalia in 1992 as part of the international humanitarian intervention force (UNOSOM). Because of the inability of the consultant to obtain security clearance to visit the areas of Kismayu and Mogadishu, from where these reports of abuses by international forces were made, there are no eyewitness testimonies on these allegations. However, a lot has been written by individuals and independent human rights organizations both within and outside Somalia. In a report published in July 1993, by an organization called African Rights, multiple references have been made with regard to abuses by international forces. The report, which purports to have documented abuses by UNOSOM troops in Mogadishu, Kismayo and Belet Weyne indicates that the nature of human rights abuses that reportedly took place suggested it not merely the work of individual soldiers but stemmed from "the highest echelons of the (UN) command structure.”:

“In Mogadishu, there is prima facie evidence that UNOSOM forces have committed a number of grave breaches of the Geneva Conventions. These include the bombardment of a

political meeting on 12 July, the attack on Digfer hospital on 17 June, and firing on unarmed demonstrators on 2 June. In addition there are cases of killing of unarmed civilians, civilians, and forced relocation of Mogadishu residents by means of demolition of their homes. United States, Pakistani, Tunisian, Italian and other troops have been responsible. These are not cases of undisciplined actions by individual soldiers, but stem from the highest echelons of the command structure."

(iv) Fighting between USC-Aideed and Murusade clan, 1993.

95. On January 1 1993, fighting broke out between the USC faction led by Gen. Aideed and the Murusade clan who were attempting to take over Aideed's territory.

IV. RECOMMENDATIONS

Based on the research undertaken by the consultant on past human rights abuses in Somalia considering the findings contained in this preliminary report the following recommendations are proposed:

A) Creation of an international commission of inquiry.

As a medium-term measure, the United Nations should immediately begin to explore modalities of creating an independent, objective and impartial international human rights investigative commission to jurisdiction including the crime of genocide have been committed in the national territory of Somalia over the last 15 years. These allegations, which have been made on numerous occasions and by various individuals and organizations both within and outside Somalia, should be taken by the United Nations with the seriousness they deserve. The Office of the High Commissioner for Human Rights, in consultation with the Independent Expert should help in the process of identifying suitable candidate for appointment to the proposed practicalities of setting up such a commission. The commission should to the extent possible, be based inside Somalia and should possess such substantive and support staff as will be necessary to carry out an in-depth and medium-term investigation into all the allegations that have been made of gross human rights abuses throughout Somalia. In the event that the security situation in Somalia is deemed inconducive to the operations of such a commission, consideration should be given to other appropriate and accessible locations such as Nairobi from where the majority of UN agencies working in Somalia are now operating. The following are the proposed features of such a commission:

- 1) It should have a strong forensic component. This will be necessary in order to carry out a scientific evaluation of existing evidence, assessment of identified mass graves and other information necessary to determine whether crimes of international jurisdiction were committed in Somalia
- 2) It should be staffed by experienced human rights experts. The allegations made with respect to human rights violations in Somalia are of a most serious nature and require that those investigating them be well-versed in all aspects of international humanitarian law, human rights law and international criminal law. Investigators should possess adequate experience in the investigation of serious human rights violations, in particular war crimes, crimes against humanity and genocide.
- 3) Commission should have appropriate gender balance. A lot of gender-specific abuses have taken place in Somalia over the last two decades. However, getting information on these abuses is complicated by cultural and religious taboos that stigmatize victims such as women. During the assessment mission, the consultant observed that Somali women are more reluctant to talk about experiences such as rape to male researchers than they are relating the same to female researchers. Given the

preponderance of rape during the civil conflict in Somalia, the commission of inquiry would need to be exceptionally gender-sensitive in its approach in order to collect the most accurate data in the most efficient manner.

- 4) Commission should have adequate resources and mandate. This is crucial for an effective research and fact finding endeavor such as the one proposed here. The United Nations should ensure there are sufficient funds for the proper execution of the commissions work and should ensure that the investigators appointed for the task have the proper mandate to be in a position to collect information from all existing sources, official and private, government and non-government. Researchers should feel free to travel anywhere in pursuit of leads on serious allegations of abuses, and all governments that form part of the United Nations should be required to cooperate with researchers.

B) Preservation of existing evidence.

As a short-term measure, the United Nations should take immediate action to ensure the preservation of any existing evidence located inside or outside Somalia. For example, the mass grave sites in Hargeisa and elsewhere in Somaliland should be professionally preserved until such a time as the commission of inquiry or a forensic team is able to determine the evidential worth of these sites. The Office of the High Commissioner should continue in its efforts to find ways of funding preservation efforts.

C) Other proposed activities.

As a prelude to the appointment and establishment of the proposed commission of inquiry, the United Nations should consider undertaking the following activities:

- i) To commission a short-term preliminary assessment which will focus on abuses committed in Mogadishu and other parts of the South. The present researcher was unable to interview victims and eyewitnesses to the abuses alleged to have taken place there due to security-related travel restrictions. It is crucial that direct testimonies on these abuses be compiled to provide the proposed commission of inquiry with a good starting point.

ii) To provide financial and training support for bodies and organizations within Somalia that are engaged in the collection of data on past human rights abuses. In this regard the government appointed War Crimes Investigative Committee in Somaliland should be encouraged and supported directly by the United Nations in its task of documenting the abuses that took place in the north.

iii) Increase the monitoring capacity of the Office of the High Commissioner for Human Rights in Somalia. Currently, there is only one professional officer appointed by the United Nations for this task. As a prelude to the establishment of the proposed commission, this office should be beefed up and at least three professional investigators appointed, each allocated a geographic zone of operation in Somalia. This will ensure the existence of sufficient raw data by the time the proposed commission commences its operations.