

A TESTIMONY

How Captain Ahmed Defied a Dictator's Orders to Bombard Hargeisa

NASIR M. ALI



Cover Photo: From left – Captain Ahmed Mohamed Hassan, Hon. Minister, Mohamed Kahin Ahmed, Minister of Interior (middle), and H.E Musa Bihi Abdi, the President of the Republic of Somaliland, during a state dinner where Ahmed received the Bravery Medal and Somaliland Citizenship at the Somaliland Presidential Palace in Hargeisa. October 29, 2020. © Somaliland Presidential Palace Communication Bureau.

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EXECUTIVE SUMMARY

Independence and freedom are not gifts. They come with struggle and hard-work. On 26 June 1960, Somaliland gained its independence from Great Britain, making Somaliland the first Somali independent state. In less than a week, Somaliland united with the Italian colony of Somalia to form the Somali Republic. This Republic was a merger of two independent political entities, from two different colonial rulers, the British Somaliland Protectorate and the Italian colony. The only justification for the unification was an ambition to realize a Greater Somalia. Somaliland's union with the Italian colony of Somalia took place without clear outlines of how the two states would merge or how the two entities would share political positions and resources in the new republic to be formed. This was a hasty move and a political gamble where the people of Somaliland were enthusiastic to form a Greater Somalian republic in the Horn of Africa. But, all these dreams collapsed when the two politically-independent entities failed to fairly distribute power and resources of the state. This was the beginning of Somalia's collapse. The country's anticipated greatness and its future were compromised, which paved a way for mistrust and suspicion among Somali citizens who are now grappling to restore the trust lost by Somalia in 1960.

The suspension of the state constitution and imposition of socialism over the state by the military government, with no idea of what such a system would

look like precipitated the collapse of the state. Eventually, the Somali Democratic Republic ceased to function as a state, albeit with weak governments sponsored and protected by the international community in Mogadishu. The irresponsible policies and strategies adopted by the military against state citizens should be regarded as the midwife of Somalia's disintegration and three decades of dismay.

Unfortunately, Somalia's state resources and military, created to defend the country from external threats and enemies, were used to destroy all of Somaliland's cities by leveling them to the ground. This practice, from an indigenous Somali leadership, left unforgettable mark on survivors and families of those who lost their loved ones due to the indiscriminate shelling and aerial bombardments against innocent civilians.

This study narrates the testimony of one of the heroes of the Somali Air Force who dared to defy his commander's cruel order to bombard his own people indiscriminately. His heroic act deserves appreciation and acknowledgment from everyone who has a sense of humanity. The decision taken by Captain Ahmed is a true reflection of humanity and a clear dividing-line between wrong-order from a commander on one hand to rational-thinking and nationalism on the other hand.

INTRODUCTION

The Berlin Conference of 1884–1885 and the scramble for Africa¹ was the precursor to the arrival of colonial powers and partitioning of the region, in particular, the Somali peninsula of the Horn of Africa. They went on to establish colonial-architected states with attributes of modern statehood, such as boundaries, political institutions², and security establishments including the criminal justice system, especially, police and courts.³ Somaliland was a product of an external power following the arrival of the British in the Horn of Africa. It became a British Protectorate and remained under British indirect rule for over 70 years.⁴

Within that period, the British Somaliland Protectorate experienced some degree of political, social, economic, and cultural developments, with the establishment of schools, health facilities, and infrastructures necessary for human development, which remain to this day. These include the two well-known elite schools, Amoud and Sheikh. The two schools were the main

sources of knowledge in Somaliland and were also responsible for the education of the country's future leaders. Indeed, these two schools produced a generation that contributed to changing the image of the Somali state after independence. They were also responsible for rebuilding the state of Somaliland from ashes of conflict in the post-1991 period.

After a prolonged struggle against imperial rule spearheaded by Somaliland intellectuals⁵ among other frontlines, a new dawn emerged when the people of Somaliland celebrated their independence from Britain on 26 June 1960. This makes Somaliland the first Somali independent state in the Horn of Africa, and Hargeisa was where the first Somali independence flag was hoisted.⁶ However, independence did not last for long. It disappeared after five days when Somaliland merged with the Italian colony of Somalia which gained its independence from Italy on 1 July 1960. This hasty and unplanned union between two different political entities from two different

¹ Lewis, I. M. (2002). *A Modern History of the Somali: Revised, Updated, and Expanded*, 4th edition. United Kingdom: Long House Publishing.

² Woodward, Peter (1996). *The Horn of Africa: State Politics and International Relations*. London: I.B. Tauris Publishers

³ Markakis, John (1998). *Resource Conflict in the Horn of Africa*. London: Sage Publications.

⁴ Carroll, Anthony & B. Rajagopal (1993). The Case for the Independent Statehood of Somaliland, *American University Journal of International Law and Policy*, pp. 653–683.

⁵ Retrieved from a special interview conducted by Horn Cable TV with Abdilahi Adan Ahmed

(Kongo) in Sharjah, the United Arab Emirates (UAE) in 2016. Abdilahi received his military training from Egypt. He is a veteran and retired diplomat. He served as Somalia's ambassador to Egypt, Sudan, Italy, and was Somalia's ambassador to Arab League for 18 years. Now he lives in Sharjah in the UAE. Available at <https://www.youtube.com/watch?v=bYvDR6ND6Us&t=2199s>. Accessed 5 December 2020.

⁶ The New York Times (1960). "Somaliland Marks Independence After 73 Years of British Rule", June 26, 1960.

colonial powers served as a precursor to Somalia's conflicts and crises, which led to the collapse of the Somali state after 31 years of its independence and unification.

When crimes committed by Somalia against Somaliland in the 1980s are examined, their origins go as far back as the early creation of the Somali state in 1960. Such unification was forged on unequal terms, which deepened the suspicion and mistrust among Somali citizens.⁷ This study details the formation of the Somali state and the unwavering support of Somaliland citizens, and how their euphoria and exhilaration dissipated when they came to know the reality in Somalia. The study examines crimes committed by the military junta and narrates Captain Ahmed's defiance to bombard Hargeisa following the eruption of the war in May 1988. The core message that this study advances is that anyone who has moral ethics and values can disregard any order that is against moral values and humanity.

SEEDING THE WEEDS OF INJUSTICE

In less than a week, the hard-won independence of Somaliland could no longer be enjoyed, because of the unification with Italian Somalia in what became a scheme of Pan-Africanism.⁸ The

Somali Republic was an amalgamation of two politically-independent entities, under two different colonial powers, the British "Protection" and the Italian rule.⁹ According to the late president of the Republic of Somaliland and the last civilian-elected prime minister ousted by the military in October 1969, the agenda of Greater Somalia was part of the growing Pan-Africanist movements sweeping through many parts of Africa.¹⁰

One of the heartbreaking and distressing issues, which could be regarded as the first seed for later conflicts and crises in Somalia is the two different documents approved by the two assemblies. Upon unification, the national assembly of the new Republic was formed by the legislatures of both territories with 33 members from British Somaliland and 90 members from the Italian Somalia forming the national assembly of the Republic with a total of 123 seats.¹¹ The elected Council of British Somaliland approved the Act of Union, while the Italian Somalia constituent assembly never ratified the same Act of Union. But approved the constitution of the former Trust Territory of Italian Somalia as the constitution of the union and the new republic to be established by the two independent political entities.¹² Therefore, the legislative instruments setting up the union between

⁷ Dualeh, Hussein A. (2002). *Search for a New Somali Identity*. Printed in the Republic of Kenya.

⁸ Duyvesteyn, Isabelle (2005). *Clausewitz and African War: Politics and Strategy in Liberia and Somalia*. New York: Frank Cass.

⁹ Krennerich, Michael (1999). "Somalia". In: *Elections in Africa: A Data Handbook*. New York: Oxford University Press.

¹⁰ Retrieved from a video of an interview with Somaliland's late president, Mohamed Haji Ibrahim Egal, on 20 January 1994. The interview was conducted by three Djiboutian journalists in Djibouti. Available at <https://www.youtube.com/watch?v=WOQGDlyOFul>. Accessed 5 December 2020.

¹¹ *Ibid.*

¹² *Ibid.*, 7.

Somaliland and Somalia were complicated and confused and finally made the outcome uncertain.

Somaliland became independent on 26 June 1960, after independence, Somaliland drafted an Act of Union, sending it to Somalia. The document was never ratified by the legislative assembly in Italian Somalia. Instead, Somalia passed the *Atto di Unione*, which differed significantly from Somaliland's Act of Union.¹³ This means that Somalia's constituent assembly on 21 June 1960 adopted a Constitution which came into force on 1 July 1960, as the Constitution of the Somali Republic.¹⁴ Following its passage, the Somaliland people became increasingly dissatisfied with the progress of the union arguing that the act carried no force in the Somaliland territory because it had not been approved by the Somaliland legislature. Somaliland emphasized this dissatisfaction by boycotting the constitutional referendum.¹⁵ So, while the two peoples of Somaliland and Somalia united in a union recognized by the international community, the legality of the legislative instruments establishing the union was questionable, and this finally led to the collapse of the Somalia state.¹⁶

In this regard, at first the people of Somaliland were enthusiastic about the

unification with the Italian colony of Somalia, but later on, they started feeling that their share of state opportunities had been marginalized.¹⁷ It is a reality that the unfair distribution of political positions and other state resources between the two political entities could be considered as the major source of Somalia's state collapse and disintegration. Therefore, without considering that the two entities hailed from two different political backgrounds, Italian Somalia occupied the key positions of the government including the president, the prime minister, the foreign and interior ministers, and the Army Chief of Staff. Not only had they taken over key positions in government and the army but they also took over the legislative body of the state, and all key ambassadors.¹⁸

Astonishingly, Somaliland, which was a separate entity from Italian Somalia and gained independence on 26 June 1960, was recognized by over 34 countries including Israel, Egypt, and the U.N. Security Council members.¹⁹ On Independence Day the Prime Minister, the late Mohamed Haji Ibrahim Egal, was appointed as the Minister of Defense. One fact that cannot be disregarded in this case is that Somaliland has secured only 4 out of the 15 ministers in the first unity government.²⁰

¹³ Lalos, Dimitrios (2011). Between Statehood and Somalia: Reflections of Somaliland Statehood, *Washington University School of Law*, Volume 10, Issue 4, pp. 789–812.

¹⁴ Cotran, Eugene (1963). Legal Problems Arising out of the Formation of the Somali Republic, *The International and Comparative Law Quarterly*, Vol. 12, No. 3 (Jul., 1963), pp.1010–1026.

¹⁵ *Ibid.*, 13.

¹⁶ *Ibid.*, 14.

¹⁷ *Ibid.*, 1.

¹⁸ *Ibid.*, 7.

¹⁹ The Reporter (2009). "Stabilizing the Horn" (Tannock, Charles), 31st October, p. 14.

²⁰ Bulhan, Hussein A. (2008). *Politics of Cain: One Hundred Years of Crises in Somali Politics and Society*, 1st edition. Bethesda, MD, USA: Tayosan International Publishing.

What happened to Somaliland in the early days of their independence and unification with the Italian colony of Somalia is not more different than what Rounaq Jahan (2018) discussed in his book, *Pakistan: Failure in National Integration*.²¹ Jahan argues that the inherent disparities between East and West Pakistan were undoubtedly deepened by the policies pursued by the ruling elite in the first decade of Pakistan's independence. Therefore, integration and political inclusiveness which is vital to the state-building process, never materialized in both Somalia and Pakistan. As a result of that political failure to accommodate all Somali citizens, all politicians from Somaliland were not interested in what happened and how the Somali leaders managed the union of the two independent political entities.

It suffices to say that the mismanagement of Somaliland's independence by the Somaliland politicians and irrational practices of Somalian leaders are the major source of Somalia's problems which eventually led it to collapse.²² However, Somaliland leaders persuaded the people of Somaliland not to vote for the unitary constitution in a public referendum in 1961.²³ As a result of the dissatisfaction of the public, and politicians, officers hailing from Somaliland organized a coup against the government in Mogadishu in 1961.²⁴ Although this coup attempt was not successful, it was a wake-up call as the public wondered why those officers from Somaliland had attempted a coup. The

ministers from Somaliland resigned from their positions in the unitary government in protest against the injustice experienced by the Somaliland people after the unification. However, the government retaliated with strong measures against the Somaliland people. Hussein Ali Dualeh (2002) explains the measures as follows:

The government increased the tax on essential commodities from 4% to 20%; taxes on fuel were increased by 25%. The government argued that they are simply unifying the taxation systems of the two united regions, as the south was already paying these high tax rates. Nevertheless, the perceived reality of the [Somalilanders] was very different from the argument of the government. Most [Somaliland] people were merchants and thus exporters and importers, so they perceived that this action is intended to cripple the economy of [Somaliland].

These acts and other similar measures had become the first confrontations between the people in Somaliland and their government that eventually led Somaliland people to become hostile to the Mogadishu-based government. Since then, the citizens of Somaliland had an uneasy and

²¹ Jahan, Rounaq (2018). *Pakistan: Failure in National Integration*. Dhaka: University Press Limited.

²² Ibid., 5.

²³ Ibid., 1.

²⁴ Ibid., 5.

confrontational relationship with the central government in Mogadishu²⁵ and remained marginalized from power and other state opportunities till its total collapse and disintegration in 1991.

The fact, however, remains that the source of Somalia's collapse started from the very beginning, the establishment of the Somali state. The political and economic marginalization of Somaliland from state opportunities and the subsequent bombing of its cities indeed should be considered as the root of troubled relations between Somaliland and Somalia.²⁶ Therefore, the Somali state, which emerged from the union of British Somaliland Protectorate and the Italian colony of Somalia, and the unjust distribution of power and resources between the two entities in 1960, was the source of later conflicts and served as the midwife in delivery of Somalia's protracted civil war and its subsequent disintegration. This war not only created a power and authority vacuum in Italian Somalia but also caused massive waves of displaced people from Somalia moving to other Horn states and also more distant countries.²⁷

²⁵ Mushtaq, Najum (2007). Somalia: Anatomy of an unending conflict, *New African*, No. 459.

²⁶ Ibid., 7.

²⁷ Milner, James H. S. (2009). *Refugees, the State, and the Politics of Asylum in Africa*. New York: Palgrave Macmillan.

²⁸ K. Herrmann, Richard & N. Lebow, Richard (2004). *Ending the Cold War: Interpretations, Causation, and the Study of International Relations* (eds). New York: Palgrave Macmillan.

ARMING THE REGIME

The involvement of external powers in the internal affairs of the African states is regarded as a major if not the sole driver of African state fragility. The end of the Second World War led the world to move from physical conflicts and confrontations to what one may describe as the 'Cold War'.²⁸ Consequently, the friendly relations among the allied forces during the War, particularly the British, and the Americans on the one hand; and the Union of Soviet Socialist Republics (USSR) on the other hand faded, mainly due to ideological differences. This decline led those powers to mutual fear and suspicion, and what was universally known as the "Cold War" had come into being following the emergence of the U.S. and the Soviet Union as major powers on the international scene.²⁹

Furthermore, the establishment of allied blocs such as NATO in 1949 by the West, and the Warsaw Treaty Organization, also known as the 'Warsaw Pact', by the East in 1955 as a collective defense against NATO was another milestone in escalation of ideological differences between the West and the East post-Second World War era.³⁰ Although no confrontations took place between the two opposing camps, regions

²⁹ Macfarlane, S. Neil (2003). "Taking Stock: The Third World and the End of the Cold War". In *The Third World beyond the Cold War: Continuity and Change* (eds). New York: Oxford University Press Inc., New York.

³⁰ E. Kanet, Roger (2006). The Superpower Quest for Empire: The Cold War and Soviet Support for 'Wars of National Liberation', *Routledge Taylor & Francis*, Vol. 6, No. 3, (August 2006), pp. 331–352.

far beyond the borders of both the U.S. and the USSR experienced the adverse impact of the Cold War where many developing and underdeveloped countries fell under the influence of the two blocs and served as proxies for the East and West.

Somalia became a servant of American and Soviet empires where it allied with both the West and the East at different times.³¹ In the early years of the military government, it allied with the USSR and received military training and hardware, but, this alliance was ended by Somalia's war against Ethiopia to regain the Somali region in Ethiopia. Somalia was defeated by Ethiopia which gained support from the Communist bloc including the USSR, Cuba, Libya, Southern Yemen, among others.

In response to this fiasco, Somalia expelled the Russian experts based in Berbera and leased it to the Americans. According to the New York Times (1989), the Somalia government had been receiving United States military aid as part of America's support of the Somalia military government since the early 1980s. In return, Somalia allowed America to use Berbera Port, a strategic seaport straddling to the Gulf of Aden.³² Also, America offered military training, supplied military equipment, including weapons and ammunition to Somalia. Therefore, America's role in supplying arms to Somalia was obvious before Congress voted against America's

policies to supply weapons to the ruthless military ruler of Somalia in 1989 following the massive campaign of the Somaliland diaspora living in the West, in particular, the United States. However, allying with the Americans during the Cold War made Somalia a victim and an orphan of that War where its state institutions ceased to function effectively for close to three decades.³³

Therefore, America should be held accountable for its role in the crimes and atrocities committed by the military junta. A declassified document dated 19 August 1988 from the U.S. Department of Defense in reference to "human rights abuses in Somalia" provides critical and reliable information to the U.S. government on the accounts of human rights violations in Somalia since the May 1988 outbreak of fighting including mass executions, indiscriminate airstrikes, artillery shelling of civilian areas, forced conscription, and neglect or abuse of refugees displaced by the fighting. Though this document states the crimes against humanity committed by the government, on the other hand, the document goes on to explain that in Siad's absence, the United States would face difficult policy choices as the struggle to consolidate power evolved and rapprochement with the Soviets became a possibility, particularly if U.S. aid were not forthcoming. The document clearly stated that Somalia will require continued military

³¹ Lefebvre, Jeffrey A. (1998). The United States, Ethiopia, and the 1963 Somali-Soviet Arms Deal: Containment and the Balance of Power Dilemma in the Horn of Africa, *The Journal of Modern African Studies*, Vol. 36, No. 4 (Dec. 1998), pp. 611–643.

³² The New York Times (1989). "Report for U.S. Says Somali Army Killed 5,000 Unarmed Civilians" (Perlez, Jane), September 9, 1989.

³³ The Washington Post (1992). "Orphan of the Cold War: Somalia Lost its Key Role" (Keith B. Richburg), October 15, 1992.

and economic assistance from Western and Middle East supporters. This show how the U.S. government prioritized its national interest even in the face of a catalog of grave abuses of human rights.³⁴

Western countries, in particular, the United States, continued political and economic backing for the government of Mohamed Siad Barre for political and strategic reasons, while Barre's regime committed atrocities and abuses against Somaliland citizens. The American government was accused by human rights groups of playing an indirect role in the killing in northern regions, now Somaliland. According to the Washington Post (1989), critics pointed in particular to an ill-timed shipment of \$1.4 million worth of automatic rifles and ammunition to the government in June 1988. The arms arrived in the middle of a period when the Somali Army deliberately murdered at least 5,000 civilians over just a few days, a report prepared for the State Department attested to this mayhem.³⁵ To validate the points raised by the Washington Post in 1989, the arrival of those assault rifles to the battlefield, better known as M16 rifles, changed the balance between the two warring parties, where both forces, the government, and the SNM were using same weapons. Therefore, Somaliland citizens are aware of the role played by America in the conflict.

Unfortunately, the backing from the U.S. was sustained despite growing allegations from international human rights groups that the Somali government was committing atrocities against its own people. High on a list of offenses was the destruction of Somaliland cities including Hargeisa, where thousands of civilians died in 1988 during wide ranging bombing and rocket attacks by various Somali armed forces in their war against the Somali National Movement (SNM).³⁶

African countries including Somalia failed to protect and meet the needs and expectations of their citizens, but invested the meager resources they had to build the capacity of the state's coercive apparatus used in suppression and oppression against socially and economically insecure, dissent and discontented citizens.³⁷ This has never helped the survival of African states or the human security of their citizens. Instead many African states collapsed or remain in a fragile and insecure state of affairs. Somalia's practices, for instance, against its citizens was a Pandora's Box which complicated Somalia's affairs and made the future of the country uncertain.³⁸ Other acts were committed such as confiscation of the citizens' properties, arbitrary detention, and subjugation by using foreign aid prompted the formation of the armed movements against the Mogadishu regime, particularly

³⁴ A background paper for the Deputy Assistant Secretary of Defense/ISA (Africa). Subject: Human rights abuses in Somalia. Available at <https://cja.org/what-we-do/litigation/warfaa-v-ali-col-tukeh/evidence/>. Accessed 12 December 2020.

³⁵ The Washington Post (1990). "Massacre in Somalia spurred shift in U.S. Policy" (Henry, Neil), February 19, 1990.

³⁶ Ibid.

³⁷ Bulhan, Hussein A. (2013). *In-between Three Civilizations: Archaeology of Forgotten Experience and the Triple Heritage of Somalis*. Bethesda, Maryland: Tayosan International Publishing.

³⁸ Ibid., 18.

the Somali Salvation Democratic Front (SSDF) and the SNM, from the northeastern region of Somalia and what is known as northern regions, present-day Somaliland, respectively.

THE OUTRAGE AND SLAUGHTERING

States are primarily responsible for ensuring and securing the rights of their citizens. However, the relationship between the state and citizen often breaks down, when states are unable or unwilling to provide for the rights of their citizens. Therefore, through incompetence or lack of capacity, many governments cease to ensure that their citizens have access to the fundamental conditions for human dignity. As such, people who cannot have access to basic rights in their own country are entitled to flee, which is widely recognized and accepted as an important part of what makes the international society of states both legitimate and civilized.³⁹

In the developed world, citizens' rights were guaranteed while the responsibility of the citizens⁴⁰ was also enshrined in the laws of

their respective states.⁴¹ This is why the state-society relations in the developed world are flourishing compared to developing countries.⁴² In connection to this, democratic constitutions protect citizens from the government and certain laws or regulations that may cut into individual rights and freedoms.⁴³ Successful states use local identities, local capacities, and local institutions to promote their development whereas a dysfunctional state undermines all of those indigenous assets.⁴⁴ Indeed, a lack of democratic institutions and leaders in developing countries hamper state-society relations.⁴⁵ In Africa, respect for citizens' rights, despite being enshrined in individual African constitutions and the continental human rights regime such as the African Charter on Human and Peoples' Rights adopted in 1981 and entered into force in 1986, has not been sufficiently implemented.⁴⁶

One of the fundamental causes of Somalia's collapse and disintegration has been the failure of its political, economic, and social institutions.⁴⁷ It is universally accepted that the state bears a responsibility to protect its

³⁹ Betts, Alexander (2013). *Survival Migration: Failed Governance and the Crisis of Displacement*. New York: Cornell University Press.

⁴⁰ Frost, Mervyn (2002). *Constituting Human Rights: Global civil society and the society of democratic states*. New York: Routledge.

⁴¹ Bellamy, Richard (2008). *Citizenship: A Very Short Introduction*. New York: Oxford University Press.

⁴² Migdal, Joel S. (2004). *State in Society: Studying How States and Societies Transform and Constitute One Another*. London: Cambridge University Press.

⁴³ Rosen, Jonathan D. & Samir Kassab, Hanna (2019). *Corruption, Institutions, and Fragile States*. Switzerland: Palgrave Macmillan.

⁴⁴ Kaplan, Seth D. (2008). *Fixing Fragile States: A New Paradigm for Development*. Westport, Connecticut: Greenwood Publishing.

⁴⁵ Zhao, Dingxin (2001). *The Power of Tiananmen: State-Society Relations and the 1989 Beijing Student Movement*. Chicago: University of Chicago Press.

⁴⁶ University of Pretoria (2006). *Africa Human Rights Law Reports*. Pretoria: Shumani Printers.

⁴⁷ Omar, Mohamed O. (1992). *The Road to Zero: Somalia's Self-destruction*. London: HAAN Associates.

citizens from external threats. The state is also responsible for the provision of social security services to its citizens.⁴⁸ However, it is common to see African states externalizing internal issues by blaming neighbors or other distant powers for their political turmoil. This approach has only increased the vulnerability of African states and the mistrust between both African states and their citizens. Political conflicts and disagreements in Africa have been a driving factor for the emergence of armed movements against the state, although the objectives and political goals of their emergence vary from one context to another.

Following Somalia's failure to annex the Somali region in Ethiopia with mainland Somalia, the Somali government executed senior military officers in the suburb of Jijiga, the current capital of Somali Regional State of Ethiopia.⁴⁹ This execution was a scapegoat exercise and had two objectives. One objective was to divert the blame of the political and foreign policy failure of Somalia towards the military. Another objective was to purge any threat from the military, in particular, preventing a mutiny. This was a source of discontent and distrust within Somalia's military inner circle as each blamed the other for the defeat.

It is important to understand why SNM has emerged. The movement was fighting against a military regime that annihilated, terrorized, and stigmatized Somali citizens.⁵⁰ The military response to the armed movement was imbalanced. Yet, it responded by targeting the people who had family ties with the members of the armed movement. This approach fueled the conflict and increased the mistrust between the people and the military government. Therefore, the failure of the state to differentiate blameless citizens from the dissidents was a major misstep. To deter and discourage those who wanted to join the armed movement, the government began nationwide extrajudicial killings, targeting those who were from Somaliland regions. Arbitrary detention and mass disappearances were also customs of the day. As a result, the movement garnered the sympathy of the grassroots.

According to Amnesty International, thousands of people fled from their homes in Somalia (current Somaliland) in the 1980s because of political persecution or on account of their opposition to the government. Some joined the SNM in Ethiopia, while others sought asylum or remained in other countries.⁵¹ According to Amnesty International, a Canadian physician, acting on behalf of the Canadian Center for the Investigation and Prevention

⁴⁸ Rotberg, Robert I. (2003). *Failed States, Collapsed States, Weak States: Causes and Indicators*. In: *State Failure and State Weakness in a Time of Terror*. Harrisonburg, VA: R.R. Donnelley.

⁴⁹ *Ibid.*, 8.

⁵⁰ Africa Watch (1990). *A Government at War with Its Own People: Testimonies about the Killings*

and the Conflict in the North. London: Africa Watch.

⁵¹ Amnesty International (1988). *Torture in Somalia*. Available at <https://cja.org/what-we-do/litigation/warfaa-v-ali-col-tukeh/evidence/>. Accessed 12 December 2020.

of Torture, interviewed and conducted medical examinations between November 1986 and April 1988 of 19 Somali refugees who had been tortured in Somalia on different occasions during the previous 10 years (1978–1988). The victims, who included people arrested and tortured when they were as young as 12 or 14 years old, had been arrested on suspicion of collecting money for the SNM, for taking part in protests and demonstrations, for verbally criticizing the government, or simply because they were related to a member of an opposition organization. All were detained without being tried, some by the military, and the police, but most by the National Security Service (NSS), a notorious secret service force, which tortured people without trials.⁵²

This kind of intervention never helped the situation but derailed the hopes and momentums of peace and reconciliation. Consequently, it led to the launch of new operations in major cities such as Hargeisa, and Burao to destroy the regime in Somaliland. The May 1988 incursion of the movement to Hargeisa and Burao began a three-year-long (1988-1991) war between the military government on the one hand, and an armed movement, on the other.⁵³ The war caused many casualties, destruction of cities, and the entire residents of the major cities in Somaliland fled to

neighboring Ethiopia for shelter and safe-haven.⁵⁴

However, in retaliation to the movement's penetration and intrusion into major cities, the military regime indiscriminately started shelling the cities both from land and air. In what appears to be a wide range of atrocities and crimes against humanity committed by Somalia's military regime against civilians,⁵⁵ the Somalia Air Force bombarded the major Somaliland cities, including Hargeisa and Burao. The fighter jets of Somalia Air Force would take off from Hargeisa airport and bombard Hargeisa itself. Unfortunately, this was done by Somalian personnel alongside South African and Zimbabwean mercenaries. According to the New York Times (1988) more than 10,000 people were killed in the first month after the conflict began in late May 1988.⁵⁶ No other single community has experienced state-sponsored acts such as extrajudicial killings, arbitrary detention, confiscation of properties, and constant and continued harassment and subjugation as the people of Somaliland experienced.⁵⁷

There were many costs and consequences of Barre's military intervention in Somaliland. These include the mental health consequences of physical and psychological torture in the context of the Siad Barre regime's engagement in torture practices on

⁵² *Ibid.*

⁵³ *Ibid.*, 8.

⁵⁴ The New York Times (1988). "Over 300,000 Somalis, Fleeing Civil War, Cross Into Ethiopia" (Perlez, Jane), August 13, 1988.

⁵⁵ Human Rights Watch (2009). *Somaliland: 'Hostage to Peace' - Threats to Human Rights and*

Democracy in Somaliland. New York: Human Rights Watch.

⁵⁶ *Ibid.*, 54.

⁵⁷ International Crisis Group (2006). *Somaliland: Time for African Union Leadership*. Africa Report N° 110. Addis Ababa/Brussels/Hargeisa: International Crisis Group.

the people of Somaliland, including the targeting of civilians in the 1980s where an estimated 50,000–100,000 people lost their lives, and over 500,000 were displaced. The human rights abuses committed under the leadership of General Mohamed Siad Barre created multiple mental health, physical, and social harms on the people of Somaliland.⁵⁸ For example, Mr. Warfaa, who survived from annihilation and torture of Barre's regime, is not able to sleep in the same room with his wife because his sleep is so disturbed and his distress through the night makes it impossible for his wife to have normal sleep. Emphasizing the Warfaa case, Dr. Allen Keller was diagnosed with cognitive disorder as a consequence of head trauma sustained in the context of torture.⁵⁹

The June 1988 report released by Amnesty International gives an account of testimonies by tortured victims. It states that torture is part of a persistent pattern of gross human rights violations in Somalia, which includes long-term and often arbitrary detention of suspected political opponents of the government and unfair trials of political prisoners. Indeed, Amnesty International repeatedly appealed to the Somali government to take steps to end these severe violations but Somali government officials did not respond to the crimes and atrocities being committed against its own citizens.⁶⁰ However, this intervention was a politically-driven aimed

to annihilate Somaliland citizens, but boldly not the interest of the Somalia state.

On 14 July 1989 the military government massacred innocent civilians in Gesira Beach in Somalia's capital, Mogadishu. The only crime the civilians were accused of was belonging to the group of Somaliland people who were fighting with Somalia's military government in northern regions, now Somaliland. The Red Hats, who wear crimson-fringed berets mainly from Barre's inner circle ordered the handcuffed prisoners into the sandy gorge and fired point blank into them.⁶¹ According to the Washington Post, the date of the carnage was Friday, 14 July 1989; a day in which many things changed in Somalia. Before then, Western countries, including the United States, were inclined to continue political backing for the military government, where Somalia had been an ally of the United States against the expansion of the Soviets into the Horn of Africa.⁶²

The indiscriminate killing and massacre in Gesira Beach (July 1989) helped prompt a reversal in American policy towards Somalia. A few months before the Gesira killing, the Bush administration had asked Congress to grant Somalia more than \$20 million in economic support for a military government that was falling apart. The Gesira Beach killings, however, not only led Congress to strike down the request but also persuaded the administration to distance itself from the

⁵⁸ The Mental Health Consequences of Torture in Somaliland: In the case of Warfaa v. Ali (Col. Tukeh) – Expert Report Produced by: Dr. Daryn Reicherter, M.D., Human Rights in Trauma Mental Health Program, Department of Psychiatry and

Behavioral Sciences, Stanford University School of Medicine.

⁵⁹ *Ibid.*

⁶⁰ *Ibid.*, 51.

⁶¹ *Ibid.*, 35.

⁶² *Ibid.*

Barre regime. The Gesira Beach massacre led the United States to cut the size of its Embassy staff in Mogadishu by more than half, from 189 to 85. The violence also appeared to help bring about a greater change within the U.S. Embassy in Mogadishu, where officials had differed sharply over how the situation in Somalia should be reported to Washington.⁶³

In contrast to the earlier arguments, the paradigm shift and change of U.S. policy towards Somalia appears to be an outcome of the political changes in the Soviet Union and Eastern Europe that led to a reduction in East-West tensions and diminished the strategic significance of the Horn of Africa. For political and economic reasons, the Soviets withdrew their political and economic backing for the Marxist government ruling Ethiopia under Colonel Mengistu Hailemariam. In that regard, the United States on the other hand decided to reduce its support to Somalia's military ruler, General Mohamed Siad Barre.⁶⁴

The massacre in Gesira Beach is not the only inhuman act that happened in Somalia against the indigenous Somaliland citizens, but there are many instances similar to or worse than it. The grave violations of human rights and atrocities committed against Somaliland citizens in the Gabiley District deserve mention.⁶⁵ The testimony of Mohamoud Tani Warfaa against a former military colonel, Yusuf Abdi Ali better known

as Tukeh⁶⁶, in the United States is a classic example. Though the defendant contradicted a portion of his testimonies, such as conceding that the Somali government committed abuses under the Barre regime, on the other hand, he insisted that he was defending his country from infidels (SNM) where torture was part of a common plan to treat "the civilian population as the enemy," and to "control, repress, or eliminate [those who revolt against the state]" that culminated in the strafing of civilian areas by aircraft. After years of deliberations, the District Court for the Eastern District of Virginia, Alexandria Division, found Yusuf Ali guilty where Mr. Warfaa was ruled to receive \$500,000 in damages; \$400,000 in compensatory damages, and \$100,000 in punitive damages.⁶⁷

Mr. Warfaa is not the only victim of Tukeh's torture. Ahmed Aw Muse Madar testified that he was living in the town of Arabiyo, which is 37 kilometers from Hargeisa and within the District controlled by Tukeh in the 1980s, Gabiley District. He claimed that his brother, Abdi Aw Muse Madar, was "captured, tortured, burned, and, at the end, shot to death," along with seven others in 1988. According to Mr. Madar, in either late 1987 or early 1988, he, his brother, and five other family members were arrested by Tukeh's forces and spent over two months separated from his brother in various overcrowded jails in the area. When he saw

⁶³ *Ibid.*

⁶⁴ *Ibid.*

⁶⁵ Al Jazeera English (2016). *Somaliland: Kill All but the Crows*. Available at <https://www.youtube.com/watch?v=JNBtIc2wHU8>. Accessed 16 December 2020.

⁶⁶ It is a Somali word that means Crow, a black bird found in Somaliland, but also in many parts of the world.

⁶⁷ Warfaa v. Ali Legal Monitoring, summary report by Mills Legal Clinic, Stanford Law School.

his brother again for the first time, Mr. Madar claimed Abdi was ostensibly tortured, with burns on his face, hands, arms, and legs, and expressed fear and knew he would be killed. "They already beat him, and there's nothing left [...] what he's been through, death would be better." Mr. Madar stated he and his family were questioned without a lawyer and declared innocent and released in Arabiyso, but his brother Abdi was declared guilty, tied to a wall, and shot in front of his family.⁶⁸ The Al Jazeera English program "People & Power" produced and released series of documentaries in 2016 named "*Somaliland: Kill All but the Crows*" about the atrocities and crimes committed by Barre's regime. One of the references of this documentary is the atrocities and crimes committed by Colonel Yusuf Abdi Ali against the residents of Gabiley District.⁶⁹

The horrible stories and testimonies from the victims and survivors cannot be summed up in a single research paper. But, it's obvious that during the 1980s, the people faced extreme forms of state repression including rape, torture, imprisonment, persecution, detainment without trial, confiscation of properties, and summary executions in the hands of the military. Collective effects of trauma are generated by experiences such as separation from family, uncertainty relating to immigration decisions, and direct and radiating effects of torture. In addition to physical abuse, the Barre regime performed psychological torture and warfare against the people of Somaliland.⁷⁰

To control the people of Somaliland, the Barre regime maintained power through repressive and abusive means. Two methods of exerting control – torture and the disruption and reorganization of social networks – imposed psychological and physical pain onto members of the [Somaliland] citizens and other Somalis. With the prevalence of the armed forces and widespread abuses in Somaliland, civilians were acutely aware of the possibility of imminent detention and torture without cause or charge. Such fear and exposure include additional psycho-social harms on the victim community.⁷¹

To prevent the international community from uncovering evidence of atrocities committed in Somaliland during the conflict (1988–1991), the military government denied diplomats, journalists, and relief officials, including the International Committee of the Red Cross, access to the north of the country, now Somaliland. This is a testimony of what the military regime has done in Somaliland during the military confrontations. The foreign aid workers who were present in Somaliland during the eruption of the conflict confirmed the mass executions of civilians by the military government. This extreme state intervention changed the vibrant cities of Somaliland including Hargeisa which were abandoned and/or razed to ghost towns.⁷² However, the world affirmed what Barre's regime has done in Somaliland and categorized it as an act of genocide. Given the emphasis on this point, the United Nations Rapporteur for

⁶⁸ *Ibid.*

⁶⁹ *Ibid.*, 65.

⁷⁰ *Ibid.*, 58.

⁷¹ *Ibid.*

⁷² *Ibid.*, 54.

human rights and a forensic team from the Center for Justice and Accountability in the United States of America have shown acts of genocide and crimes against humanity committed by Somalia's military government.⁷³ Each year, Somaliland discovers hundreds of people buried in mass graves believed to be rounded up and shot to death. This is important evidence in the pursuit of justice against those who committed these crimes against humanity.⁷⁴

A TESTIMONY FROM A LIVING WITNESS

On May 27 and 31st 1988, the SNM forces launched their military offensive against the military garrisons in what was known as the northern regions of Somalia, now the Republic of Somaliland, in particular, Burao and Hargeisa cities respectively. The movement's primary objective was to weaken the strong presence of the military government of Somalia in those regions and finally overthrew the regime. However, the government's military was stronger than the movement and resources not proportional, where the military regime was receiving external support from several foreign countries including the United States of America and some Middle East countries. To consolidate power and sustain its physical presence in those regions, the military government employed all measures and means available to stop the penetration of

the movement into the country, including the Somalia Air Force bombing of cities indiscriminately.⁷⁵ This has not achieved the intended outcome of deterring the movement and instead was counterproductive as many citizens in the above-said regions opted to join the war voluntarily.

Captain Ahmed Mohamed Hassan better known as Ahmed Dheere is one of the fighter pilots deployed in Hargeisa to bombard it. Captain Ahmed was born in Jowhar in 1953, a town around 90 kilometers north of Mogadishu. He took his primary, intermediate and secondary education in Mogadishu, and went to Egypt for military education and later the USSR for further military training in the 1970s. A father of four children, Mr. Ahmed is currently living in Luxembourg with his family. Mr. Ahmed hails from a religious family where his father was working with the Public Works Bureau during the colonial rule and was also a peace-maker, mediator, and peace-advocate. His family background greatly influenced his practices even when he joined the Somalia Air Force. Mr. Ahmed was one of the Somali pilots who received their military training both in Egypt and the USSR and flew the Sukhoi Su-22 (fighter-bomber) and MiG-17 at different times. These warplanes were among the fighter jets that belonged to the Somali Air Force.

⁷³ The Center for Justice and Accountability. *Forensic Report: Preliminary Assessment of Mass Graves in the Vicinity of Hargeisa, Somalia*. Available at <https://cja.org/cja/downloads/Forensic%20report-%20preliminary%20assessment%20of%20mass%20graves%20in%20the%20vicinity%20of%20Hargeisa,%20Somalia.pdf>. Accessed 16 December 2020.

⁷⁴ Al Jazeera English (2014). *Investigating genocide in Somaliland*. Available at <https://www.aljazeera.com/features/2014/2/6/investigating-genocide-in-somaliland>. Accessed 16 December 2020.

⁷⁵ *Ibid.*, 55.

Following the eruption of the war between the military government and the SNM, the Somali Air Force fighter-bombers were deployed in Hargeisa to bombard it and other target areas, too, to force the rebels either to retreat or surrender. Hargeisa was the takeoff place and at the same time was the target site, where the fighter jets were bombing indiscriminately. This makes Hargeisa the first city in contemporary history where a fighter jet takes off from an airport in the same city which it bombs indiscriminately.⁷⁶ Somalia's government destroyed all Somaliland cities by leveling them to the ground using Somalia's state resources and military created to defend the country from external threats and enemies.

After the 1977–78 war between Ethiopia and Somalia, Mr. Ahmed became vocal against the military government's acts against the Somali citizens. This led the military government to detain Ahmed for years, however, he was later released. After his release, Ahmed was not entitled to perform the duties of his job but still receiving payments for his service. However, from 1978 to 1986, Mr. Ahmed was attending a bureau that was assigned for checking his presence in the country. Given the emphasis on how the military regime was suspicious about its own citizens, Mr. Ahmed emphasized that some of the air force personnel including pilots were transferred to other government offices.⁷⁷ However, Mr. Ahmed was ordered to resume his duties in the air force in 1986.

⁷⁶ Retrieved from speech addressed by Mohamed Kahin Ahmed at Hargeisa Cultural Center. Available at <https://www.youtube.com/watch?v=OAysCdMZM-w>. Accessed on 18 December 2020.

Two MiG-17 fighter jets flew from Baledogle to Hargeisa following the eruption of the war in May 1988. Baledogle, is a military airbase around 87 kilometers northwest of Mogadishu that served as the largest base for the Somalia Air Force. One of the pilots was Ahmed, and his given assignment was to bombard Hargeisa with another colleague flying with the second MiG-17 who was also his commander. Captain Ahmed explains "The reason behind the selection of those two MiG-17 was that the two fighter jets were capable of carrying two bombs of 500kg in each wing. During that period, the aerial bombardment in Hargeisa and nearby areas was intense and relentless by Somali pilots and hired South African and Zimbabwean mercenaries". He continues his testimonies by saying that "in the military, the air force cannot fight alone but always engages in wars backed by ground soldiers, artillery, and armored vehicles. In the fight against the movement, General Mohamed Said Hirsi better known as "Morgan" was the commander of the northern division that gave commands to various government forces present in northern regions, including the air force".

It is necessarily important to note that Captain Ahmed doesn't have a clan affiliation with the people of Somaliland but instead hails from one of Somalia's major clans. He is an Abgal, one of the major sub-clans of the Hawiye who predominantly inhabit the central and southern regions of Somalia, including Mogadishu. His

⁷⁷ Retrieved from discussions between Captain Ahmed and Dr. Jama Musa Jama. Available at <https://www.youtube.com/watch?v=OAysCdMZM-w>. Accessed on 18 December 2020.

testimony to what has happened in Somaliland in the 1980s doesn't necessarily reflect in one way or another clan relationship with the people of Somaliland. But, it reflects his true personality and the sense of human dignity he has had since his childhood.

As Ahmed and his colleagues arrived in Hargeisa in the evening, the plan was to start bombing immediately after receiving a briefing from the commanders followed by scouting the target sites in an overflying mission. After the briefing, the surveillance plane took them on an overflying mission over Hargeisa city to show them the target sites. During that overflying journey, Captain Ahmed realized the intention of the military and their cruel plan not to discriminate the civilian areas from the rebel strongholds. "This is what changed my mind and I had only two options to figure out: either to defect or raise sickness excuse. The second option was impossible as I was on a duty mission, but decided on the first option", Captain Ahmed stated emotionally by recalling what has happened in this region. "During the overflying tour, they show us too many targets in the Hargeisa city, but, finally they told us to start bombing from the valley to the north, western, and northeastern onwards", Ahmed added. Because most of the military garrisons and the airport are situated on the south, southeastern, and southwestern part of the city. The valley which is a seasonal dry valley that does not sustain regular water flow divides the Hargeisa city into two main parts.

The two MiG-17s were not the only fighter jets supposed to bombard Hargeisa and other target sites, but other warplanes

belonged to the Somalia state with mercenaries' pilots from South Africa and Zimbabwe hired by the military government were also bombing Somaliland. "Their target was to bombard Hargeisa city itself to Geed-deeble where the people escaping the crossfire and shelling sought refuge" Ahmed testifies. Geed-deeble is a resort and tourism destination around 25 kilometers north of Hargeisa, and the major source of Hargeisa's water supplies. Captain Ahmed continues to elaborate on the horrible events further by saying that "the hunter planes by mercenaries from South Africa and Zimbabwe were bombing Geed-deeble, while the MiG-19 was bombing outside the cities and the border areas. However, the MiG-17 was scheduled to bombard Hargeisa every 30 minutes from early morning till evening".

Therefore, as the plan was to start bombing after the overflying tour, Mr. Ahmed started raising several concerns including technical issues, as the MiG-17 had passed its age of service, as part of his tactics to delay the operation. However, Ahmed reached his decision to defect, and defect during daylight. In the morning of the next day he took off from Hargeisa where the plan was bombing Hargeisa, but, immediately flew to Djibouti. Mr. Ahmed dropped the bombs in an area not far from Hargeisa city. "There is a way in which the pilot can drop bombs with a fuse – out of danger – that delays explosion, in particular, when the fighter jet encounters technical problems. Therefore, I dropped the two bombs in a safe area

behind Naaso Hablood,"⁷⁸ Ahmed said. Naaso Hablood, is twin hills situated on the northern outskirts of Hargeisa. Also, Ahmed switched the jet's radio communication off to avoid tracing from Somalia's Air Force interception which may destroy it in the Somalia's airspace.

Also, the other very critical issue faced him after his defection was the shortage of fuel. "Always they gave us 900 liters of fuel, and the emergency light appears when the level approaches 400 liters" Captain Ahmed attested. On the other hand, it was foggy which did not allow him to see easily Djibouti, since he could not communicate with radar, therefore, he flew deep into Djibouti airspace by approaching the Gulf of Tadjoura, around 175 kilometers northwest of Djibouti's capital, the Djibouti city. This was behind his intended plan (13 minutes) to fly to Djibouti city. "Immediately I faced several challenges, including a shortage of fuel, and a lack of communication," Ahmed said. While he was changing his altitude, he instantly saw natural land along the beach, then returned to it, and decided for an emergency landing in an area which he assumed is a natural runway near the Gulf of Tadjoura on 12 July 1988. "I managed to land along the beach safely, and interestingly, two French Mirages were following me but never believed or expected that a fighter jet could land along the beach without a trouble, such as crash," Ahmed said.

The environment was harsh with unfavorable weather; therefore, he washed up in the sea to resist the burning weather. He climbed a mountain nearby to see towns

or movement of people near to him and finally saw two fishermen and approached them. "We spoke to each other in Arabic," Ahmed says. The fishermen were Afar, a Cushitic people living in Djibouti, Eritrea, and Ethiopia. "They were surprised when they saw someone who is coming in their direction in this hostile environment", Ahmed added. But he told them that he was the person who landed there with the fighter jet. He stayed with them during the night, and finally, sailed to Djibouti with the fishermen.

When they reached Djibouti they handed him over to the Gendarmerie, a police force in Djibouti, and the police started writing the statements. According to Ahmed, the Gendarmerie informed him that they cannot take him to a hotel for security reasons, so he stayed with the Gendarmerie during the night. The next morning, the Gendarmerie handed Ahmed to the Minister of Interior, and interestingly, the minister said to Ahmed, "You saved your brothers and sisters, and we'll save you" Ahmed accentuated. Those kind statements from Djibouti's Interior Minister made him feel at home and safe. On the next day, he met with the minister and two other non-Djiboutians, one was a European and the second was an African, from the Italian Embassy and the U.N. respectively. They started writing out his statements, and the Djibouti Government handed over Ahmed to the U.N. After a few days (probably late July 1988), the U.N. transferred him to the country he is living in today, Luxembourg.

⁷⁸ *Ibid.*

The account of Captain Ahmed's history teaches us two great things: first, the true meaning of humanity and commitment, and the second is how the family background, where and how a person has been raised influences and determines his/her decision, either negatively or positively. Another living example explaining the latter point and in contrast to Ahmed's position and decision not to take the wrong-orders from his command, is his colleague who was the pilot of the second fighter jet, the MiG-17. He declined to accept Ahmed's proposal not to bomb the city he lived in for 15 years. His colleague responded that he is "obeying the orders from his command and bombing Hargeisa city is a must and a given assignment" Captain Ahmed testifies. Unfortunately, Captain Yusuf, Ahmed's colleague started bombing the city he lived in for years, while Ahmed defected to Djibouti to save his people's lives.

There is an excellent quote which is relevant with what Captain did, it says "do good for others. It will come back in unexpected ways". Ahmed gained a reward immediately after he started his journey to Djibouti. One of the rewards was that he landed in an area where the climate is harsh and unfriendly and impossible to land, too. But, landed safely. The second reward was that Djibouti never accepted Somalia's demands to extradite, but, the Interior Minister of Djibouti clearly stated during his first meeting with Captain Ahmed by saying that "You saved your brothers and sisters, and we'll save you", and finally handed him over

to the United Nations. Allah says in the Qur'an "Surely Allah is with those who shun evil and those who do good".⁷⁹

UNFOLDING THE REALITY

In Somalia, the domination of politics and the economy had become a custom. The source of this marginalization policy was Somalia's politicians who mainly hailed from Italian Somalia and could be linked to the political philosophy of domination and egoism. According to Hussein Ali Dualeh (2002), since independence, the Somali state had secured around 4.482 billion dollars as foreign aid for 148 projects. Surprisingly, around 139 projects went to Somalia, while only 9 were sent to Somaliland. In other words, the people of Somaliland received around 142 million dollars out of about 4.4 billion dollars of development aid. This fact, however, shows how ill-gotten resources of the Somali people were only invested in Somalia, while Somaliland regions were marginalized. Besides that, the taxes paid by the Somaliland citizens, the weapons bought to defend the people, and the armies created and trained to defend the nation, were also used against Somaliland citizens and destruction of their cities.

Except for the economic marginalization faced by Somaliland during the 31 years of illegitimate union (1960–1991), it has a political dimension as well. Somaliland has been an independent state similar to many parts of Africa and united with Somalia to form the Greater Somalia state in the Horn

⁷⁹ Source: Surah An-Nahl 16: 128. Available at <https://quran.com/16/128>. Accessed 20 December 2020.

of Africa including Djibouti, and the other two regions in Ethiopia and Kenya. The argument advanced here is that Somaliland did not receive any sensible response from Somalia. Somalia has failed to acknowledge the political history of Somaliland where both Somalia and Somaliland were two politically-independent entities united to form the Greater Somalia republic in the Horn of Africa.

The senior officials of the former military government of Somalia and even the current politicians in Somalia failed to acknowledge the massacre and crimes against humanity committed by the military government. Abdirahman Gulwade was the Chief of Custodial Corps during the military junta, he publicly defended the atrocities committed by the military government by saying that, "the military government was right to shell and bombard Hargeisa and other cities because those people were allying with Somalia's enemy".⁸⁰ This coincides with Tukeh's argument before the Court in the United States. Mr. Tukeh clearly stated that "SNM destroyed our country and made it like that – without a government – for twenty-five years and was backed by communist Russia and Cuba".⁸¹ But, never regretted what he did against innocent civilians in Gabiley District in Somaliland.

History repeats itself. Farmajo's hostile policies against Somaliland and politicization of development and humanitarian aid, and the argument of Abdirahman Gulwade, Mohamed Abdi

Yusuf, and so many others who insist on the rightfulness of the military government's extrajudicial killings of innocent civilians could be described as the continuation of Barre's cruel policies against the people of Somaliland. They have nostalgia about the glory of the past and would like to see the return of the military government's era of subjugation and repression in the 1980s, to commit other crimes against the citizens of this great nation, Somaliland. This is a wake-up call not only for those who are victims or who survived the annihilation of the military government but also gives caution to those born post-1991.

⁸⁰ Retrieved from interview conducted on 23 January 2020 with Abdirahman Gulwade. Available at

<https://www.youtube.com/watch?v=zcBJlguksRs>. Accessed 20 December 2020.

⁸¹ Ibid., 67.

CONCLUSION

Somaliland has experienced extreme negative consequences of its unification with Somalia in a project aimed to realize the Greater Somalia agenda. However, the successive Somalia regimes led by Italian Somalia leaders from 1960 to 1991 marginalized Somaliland economically and politically, followed by reckless and irresponsible acts that leveled the Somaliland cities to the ground. The machinery used to destroy Somaliland cities and massacre its people was the Somali national army created to protect the Somali citizens from any external threat.

In every generation and time, someone who has both ethical and moral values lives. Captain Ahmed Mohamed Hassan is one of the living humans in the world we are living in today as he declined and defied the dictator's order to bombard and destroy his own cities, which he was trained and sworn to defend from external threats and enemies. This study is a testimony of his personality which demonstrates that we still have persons who can defy the wrong-orders of their masters for the good of humanity.

Economic and political marginalization followed by extrajudicial mass killings and massacres, the torture witnessed by Somaliland people in many parts of the country, and the destruction of the Somaliland cities by the state military which was supposed to defend the citizens, served

as a driver of Somaliland's withdrawal from the illegitimate union of 1960. Indeed, the people of Somaliland are better off today when compared to the past sufferings and misery which Somaliland citizens experienced from 1960 till 1991. In the post-1991 period, universities and other economic spots emerged albeit with limited support from the international community and the absence of *de jure* recognition where the state is ineligible for bilateral and multilateral funding.

Therefore, while Somaliland has a strong case for statehood under international law, the outside world should nevertheless respect the rights of the Somaliland citizens who loudly say, "We are independent, and we should have the same rights as other global citizens". Surprisingly, the Western world that advocates for the adoption of liberal human rights agendas failed to acknowledge the crimes against humanity occurring in Somalia, while some even supplied weapons, ammunition, and economic aid to Somalia's military regime. But, Somalilanders say, "never, never again to a union with Somalia, and we are aware of those who supplied weapons to Somalia military dictator to slaughter us". A quote from Mohamed Ibrahim Warsame "Hadraawi", a well-known and reputable Somali poet deserves mentioning: "Gobanimadu Waa Geed Ku Baxa, Dhiigga Geesiga". This means that "Sovereignty is a Tree that can only be Nourished with the Blood of the Hero".

ANNEXES

1. A Government at War with Its Own People: Testimonies about the Killings and the Conflict in the North by Africa Watch, 1990.

SOMALIA
A Government at War
With Its Own People
Testimonies About the Killings and
the Conflict in the North

AN AFRICA WATCH REPORT

January 1990

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PREFACE

This report is based on research and extensive interviews conducted by Africa Watch with newly arrived refugees in Djibouti in August 1989, and from June-October in England and Wales, where there is now a sizable refugee community, following the outbreak of war in Somalia.

This is not a comprehensive study of civil and political rights in Somalia. It is a detailed analysis of the conflict in the north, providing information and eye-witness accounts concerning the human rights abuses that preceded the outbreak of war in May 1988, and examines in depth the government's conduct of the war, relying principally on the direct testimony of eye-witnesses. Wars have broken out more recently in the central and southern regions of the country. Most of those uprooted from their homes as a result of these conflicts are displaced within Somalia, although several thousand people have crossed the border and sought refuge in Kenya and tens of thousands have joined the refugees in Ethiopia. For lack of access to those displaced and refugees, Africa Watch has not been able to gather sufficient information about the wars in the central and southern regions to include relevant material in this report. Consequently, the focus of this report is exclusively the conflict in the northern region, which is the oldest and the most bloody of the wars in Somalia.

We sought permission from the Ethiopian government to visit the refugee camps. We regret that the Ethiopian government did not comply with our request. However, given the number of refugees, all recent arrivals in Djibouti and in Europe, we believe that the information we have been able to collect and the testimonies we have gathered are sufficient to enable us to present a comprehensive report about the war in the north. We sought interviews only with civilian victims of war. None of those we interviewed was a combatant. Interviews were conducted privately, for the most part in people's homes.

INTRODUCTION

There is a painful irony in Somalia's predicament. Internal conflict is tearing apart the one nation in Africa that is truly homogeneous – ethnically, culturally, and linguistically, a unity that has been strengthened by a common Islamic heritage. Somalia had other advantages. Independence was celebrated in 1960 amidst genuine enthusiasm at the opportunity to unite the southern and northern regions, which had been colonized by Italy and Britain respectively. History bequeathed Somalia a unique opportunity to forge a united nation. Today, after twenty years of rule by the regime of President Mohamed Siad Barre, all that seems a distant memory. Massive human rights abuses, resulting in war, disintegration and mistrust, have made it impossible to keep alive the dream of unity. The flight of hundreds of thousands of refugees to Ethiopia, Djibouti, Kenya, the United Kingdom, Holland and Canada, and the additional hundreds of thousands displaced within the country are a sad testimony to the colossal failure of the dream of unity. The loss of their homes is also a powerful indictment of the repressive policies and practices of the regime in power.

It is difficult to overstate the Somali government's brutality towards its own people, or to measure the impact of its murderous policies. Two decades of the presidency of President Siad Barre have resulted in human rights violations on an unprecedented scale which have devastated the country. Even before the current wars the human rights of Somali citizens were violated systematically, violently and with absolute impunity.

The cost is staggeringly high in any terms, with people dead, wounded, displaced and impoverished and cities demolished. The most bloody conflict, and the longest lasting, has been the war in the north against the Isaak clan, the largest in the region. The government has been actively at war with the Isaaks throughout the 1980s, and particularly since 1981, after the creation of an Isaak-based anti-government guerrilla organization, the Somali National Movement (SNM). Suspecting every Isaak of supporting the SNM, the government unleashed a reign of terror and lawlessness in northern Somalia. The authorities exploited the emergence of the SNM to justify the savagery against

2. Torture in Somalia by Amnesty International, June 1988.

EXTERNAL (for general distribution)

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International Secretariat
1 Easton Street
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United Kingdom

June 1988

TORTURE IN SOMALIA

Amnesty International has received persistent reports of the torture of political prisoners in Somalia. Recent testimonies by torture victims, corroborated in particular cases by medical examination, are consistent with other allegations of torture received by Amnesty International in recent years, which reveal a systematic pattern of torture. The same torture methods are reported to have been used routinely against political prisoners for at least the last 10 years, and perhaps during the whole of the present government's 18 years in office.

Torture is part of a persistent pattern of gross human rights violations in Somalia, which includes long-term and often arbitrary detention of suspected political opponents of the government and unfair trials of political prisoners. Amnesty International's repeated appeals to the Somali government to take steps to end these severe violations has received little response.

President Mohamed Siad Barre, Head of State of the Somali Democratic Republic, assumed power in October 1969 when, as commander of the army, he established the military Supreme Revolutionary Council (SRC). A series of laws affecting political prisoners were introduced by the SRC in 1970. These included the Preventive Detention Law, the National Security Court Law, the National Security Law and the law establishing the National Security Service (NSS). In 1979, a new constitution was introduced disbanding the SRC and making Somalia a one-party state ruled by the Somali Revolutionary Socialist Party. The various laws of 1970 affecting political prisoners remain in effect.

Since an unsuccessful coup attempt by members of the armed forces in 1978, the government has faced armed opposition from organizations based in Ethiopia, the Democratic Front for the Salvation of Somalia (DFSS) and the Somali National Movement (SNM). The SNM has been particularly active in Somalia's northern region since 1981 and in reaction to its activities there have been widespread arbitrary arrests, ill-treatment, and summary executions by government military and security forces of civilians suspected of collaborating with the SNM.

Torture and ill-treatment of prisoners are reported to have been carried out routinely in particular by the NSS and Military Police. The NSS was established in early 1970 as the state security organization responsible for arresting and interrogating those suspected of a security offence. The Military Police have been responsible for similar activities in areas under mainly military authority, particularly in the north. Torture of people arrested for suspected political opposition is believed to be routine.

Numerous testimonies of torture name the NSS Headquarters in the capital, Mogadishu, called Godka ("The Hole" - i.e. a place from which it

2

is impossible or extremely difficult to get out) as the place of torture. Political prisoners have been subjected to torture there although sometimes those held there have also been taken elsewhere to be tortured. One particular torture method described by Godka inmates is the "Mig", where victims are bent double and then beaten; it is named after the MIG airplane. Other methods of torture reported by former victims include severe beatings; electric shocks; submersion in water (either in the sea or a water-tank) until near-drowning, while tied in a sack; suspension upside down for long periods; wounding of prisoners with knives; sexual assault on men and women; and death threats.

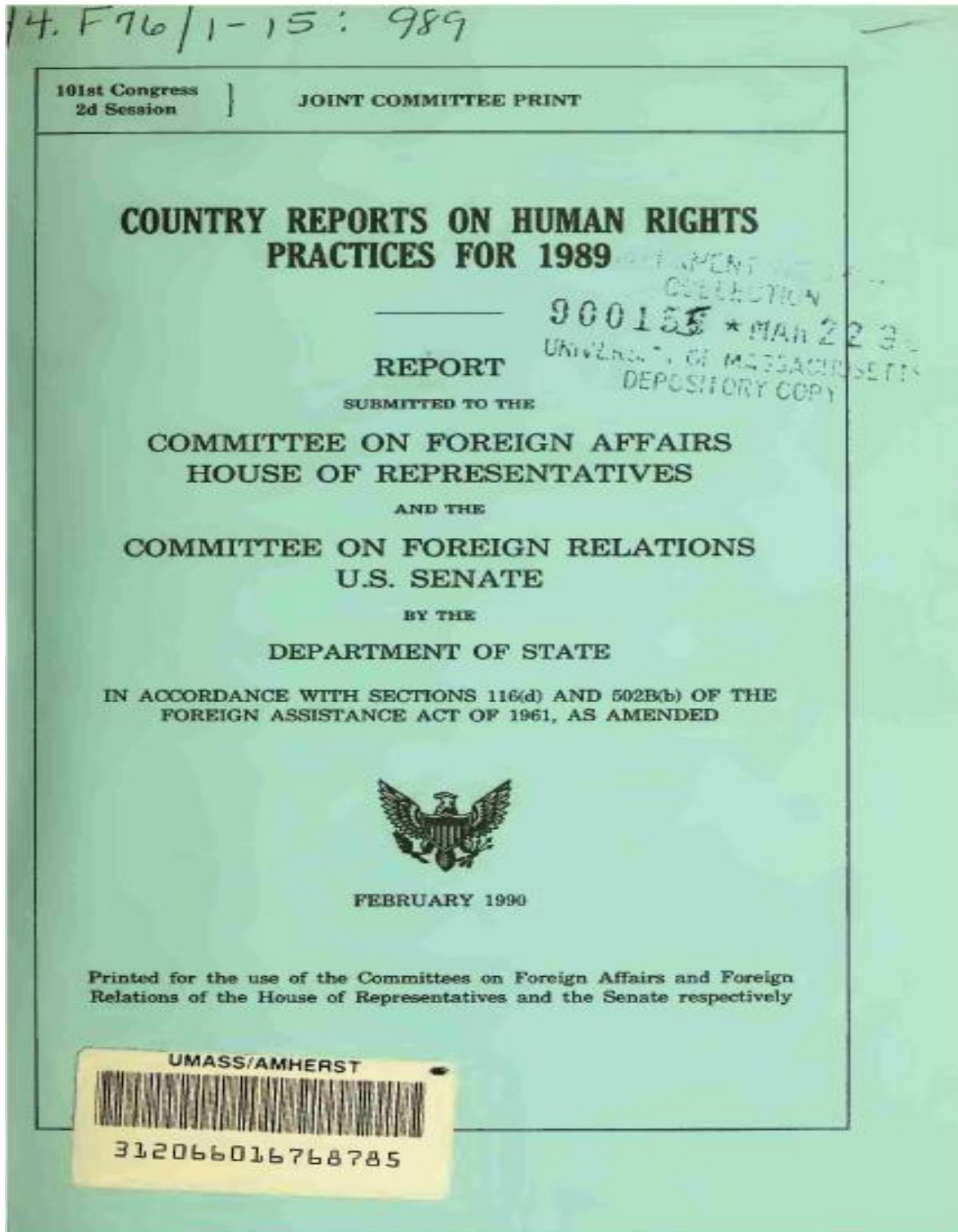
Torture is not specifically prohibited by the Constitution of 1979, but article 27 states that "a person who is deprived of his personal liberty shall not be subjected to any physical or moral violence". Despite the considerable number of allegations of torture received by Amnesty International, the organization does not know of any steps taken by the authorities to prevent torture, nor of any case of a member of the security forces being prosecuted for torturing a prisoner.

In most cases, detainees appear to have been tortured to make them confess involvement in political opposition activities and provide information on other government opponents. In a number of cases in which prisoners were tortured into making false confessions their statements were either admitted as evidence by the National Security Court or were verbally cited in court as admissions of guilt by prosecution witnesses, such as the NSS officers who interrogated them. The secrecy surrounding National Security Court trials has prevented Amnesty International from being able to document in detail the admissions as evidence of confessions apparently made under torture. In some trials there was no documentary evidence against defendants but the court relied heavily on oral statements by those who interrogated the defendants, and allegedly tortured them too. During pre-trial investigations and in the preparation of prosecution cases by the office of the Prosecutor of the National Security Court, signed confessions by prisoners have clearly played an important role. One defendant in a February 1988 trial of six former members of the government and others alleged that after torture he was brought before someone he thought was a judge who told him that if he did not sign a prepared statement he would be tortured again. He signed the statement, knowing it to be false but wishing to avoid further torture. The statement was not produced in his trial but it was evidently linked to oral prosecution evidence from interrogators and others.

Amnesty International has received many testimonies of torture. In most cases, the victims have requested that their identity should not be disclosed. In the case above, however, the torture victim and defendant in the February 1988 trial, Suleiman Nuh Ali, appears to have intended that his identity should be revealed despite the risk that the authorities might punish him for disclosing his torture. Suleiman Nuh Ali is an architect who was arrested in 1982, tried this year and is currently serving a 24-year prison sentence after the death sentence which was originally imposed upon him was commuted. His testimony of torture is as follows:

"One night at about 9 p.m. in late 1982 my cell-door (in Godka NSS prison in Mogadishu) was opened by a warden whom I hadn't seen before. It was at the time they usually took me to the office of Colonel X (name withheld) for interrogation but that night was different. I was first handcuffed. I was blindfolded with a red coarse cloth. They led me through the main gate of the jail and I was put into a Toyota Landcruiser. I was laid on my back on the steel floor. They drove off very fast. All along they gave me punches on my sides.

- 3. Country Reports on Human Rights Practices for 1989 submitted to the Committee on Foreign Affairs House of Representatives and the Committee on Foreign Relations U.S. Senate by Department of State, February 1990.



SOMALIA

people in their homes, and summarily executed at least 46 young men, mainly Isaaks, at a nearby beach. In response to the growing political discontent, the President announced that multiple political parties would be allowed to organize and to contest elections to a new People's Assembly within 16 months. He offered to negotiate with dissident organizations, but his initial attempts had been rebuffed at year's end.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

During 1989 extrajudicial killing was employed as a method of warfare in Somalia's civil conflict. Government forces were the worst though not the only offenders. While some incidents could be attributed to poor leadership and training, the pattern of raids on civilian villages, reprisal killings, and summary executions suggested that extrajudicial killing had official sanction (see Section 1.g., for details). Following the extensive July disorders and killings, the President formed an investigating committee, but at the end of 1989 the committee had not released its findings, and the Government had not brought those responsible to justice. There have been persistent reports that the perpetrators were members of the Marchan subclan (Rer Koshin) to which the President and his family belong.

b. Disappearance

Disappearances continued to occur in Somalia during 1989. They were hard to distinguish from arbitrary arrests and detentions (see Section 1.d.) and extrajudicial killings, because these are not acknowledged by the authorities. For example, an interpreter employed by the U.S. Office of Military Cooperation has been missing since July 17 and is presumed to have been among the victims of the shootings at the beach.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is forbidden by Article 27 of the Constitution. Senior government officials repeatedly deny that it is practiced as a government policy and, in fact, instances of torture appeared to decrease in response to a governmental reform effort and international pressure. Some recently released short-term detainees complained, however, that they were subjected to forms of torture such as the "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. The Canadian Centre for Victims of Torture continued to report seeing torture victims from Somalia.

Harsh prison conditions do not provide sanitation, adequate water, or medical care. Prisoners receive the absolute minimum of food necessary for survival because it is customary for food to be supplied from outside by their families. Amnesty International (AI) stated that the conditions at the maximum security prisons of Lants Bur and Labatan Jirow, where political prisoners are often held incommunicado, were particularly life-threatening.

4. Why Somalis Flee: Synthesis of Accounts of Conflict Experience in Northern Somalia by Somali Refugees, Displaced Persons and Others, a report Submitted to Bureau for Refugee Programs, Department of State, August 1989.

WHY SOMALIS FLEE

Synthesis of Accounts of Conflict Experience

in Northern Somalia

by Somali Refugees, Displaced Persons and Others

Report Submitted to:

Robert L. Funseth, Acting Director
Bureau for Refugee Programs

Ambassador Herman J. Cohen
Assistant Secretary of State
Bureau for African Affairs

Report Submitted by:

Robert Gersony
Consultant
Bureau for Refugee Programs
Department of State
August 1989

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Washington, D. C. 20520
(202) 647-7371

Bureau for Refugee Programs
RP/PA, Room 1282 SA-1
Department of State
Washington, D. C. 20520
(202) 663-1026

INTRODUCTION

In February 1989, the author was engaged by the Department of State's Bureau for Refugee Programs to undertake an assessment of designated Somali and Ethiopian refugee issues. The Bureau's Director decided to have the assessment conducted as a result of the Bureau's perception of a mounting refugee crisis in this area of the Horn of Africa. A longstanding civil conflict between the insurgent Somali National Movement (SNM) and the Government of Somalia had suddenly intensified in May 1988 and was thought to be the principal cause of this crisis.

In the eight months between May 1988 and January 1989, an estimated 300,000 – 500,000 Somali refugees had arrived in eastern Ethiopia from northern Somalia, sometimes at the rate of 4,000 a day. Mobilized through the United Nations High Commissioner for Refugees, the international community provided food and cash contributions approaching an annualized level of roughly US\$50 million to assure the survival of these refugees. Somali refugees were said to be arriving in Djibouti and Kenya as well. Hundreds of thousands of other Somalis were thought to be internally displaced inside Somalia.

Another population of concern to the Refugee Bureau were hundreds of thousands of refugees who had fled from Ethiopia to sanctuary in Somalia as many as ten years earlier, who were still residing in refugee camps in northern Somalia and who were also severely affected by the intense fighting which broke out there in May 1988. These refugee camps had been established under the auspices of the United Nations High Commissioner for Refugees (UNHCR).

In August 1988 the Deputy Assistant Secretary for International Refugee Assistance in the Bureau for Refugee Programs visited the affected region. His reports suggested that detailed study of numerous aspects of the northern Somalia situation was required. Among the concerns was how scarce assistance resources for the Somali refugees in the inhospitable environment of eastern Ethiopia should be allocated, based in part on an assessment of how long they were likely to stay there and the possibilities for their voluntary repatriation. An additional concern was whether it would be possible to return to a normal, internationally monitored program of refugee assistance for the Ethiopian refugees in northern Somalia. The answer to both concerns hinged in large measure on the experiences, motivations and intentions of the refugees themselves.

The author was engaged by the Bureau for Refugee Programs to examine such issues as the root causes of refugee flows, internal displacement, and disruption of the UN refugee camps in northern Somalia; refugee protection issues; and prospects for repatriation and return strategies which could offer durable solutions for the affected populations.

6. The United States General Accounting Office and National Security and International Affairs Division Report to the House of Representatives, May 1989.



United States
General Accounting Office
Washington, D.C. 20548

National Security and
International Affairs Division

B-225870

May 4, 1989

The Honorable Dante B. Fascell
Chairman, Committee on Foreign Affairs
House of Representatives

The Honorable Howard Wolpe
Chairman, Subcommittee on Africa
Committee on Foreign Affairs
House of Representatives

The Honorable Sam Gejdenson
House of Representatives

In response to your requests, we are examining the U.S. role in assisting Somalia in light of recent reports of increased human rights violations in the northern part of the country. As part of our review, we visited Somalia and Ethiopia between February 25 and March 10, 1989. In Ethiopia we interviewed 60 Issak refugees. You requested that we provide an interim report on our observations regarding the conflict in northern Somalia and the resulting conditions. We plan to issue a report that addresses all of the objectives of the review after our work is fully completed. Our objectives, scope, and methodology are discussed in appendix II.

In this report we focus on the causes for the flight of Issak refugees to Ethiopia and the conditions for their return to Somalia, the extent of destruction that occurred in the northern city of Hargeisa, the use of U.S. assistance during the conflict, and the role of the United Nations High Commissioner for Refugees (UNHCR) in distributing U.S. assistance and its reaction to the arming of Ogadeni refugees.¹ In addition, we have provided information on the Somali government's response to the conflict.

Background

Somalia is strategically located on the east coast of Africa and, along with Ethiopia and Djibouti, is often referred to as the Horn of Africa. Since a 1969 coup, President Siad Barre has ruled Somalia with the

¹The Ogaden is a territory in Ethiopia to which Somalia has made irredentist claims. It is populated largely by ethnic Somalis. During the 1977-78 Ogaden War, Ethiopia retook the Ogaden, and Somalia became the host to over 800,000 refugees who fled the territory. Over the years, voluntary repatriation has reduced the refugee population by more than half. This group of people is referred to as Ogadeni refugees throughout the report.

7. Declassified Document from the U.S. Department of State dated 1988. Document Number: 1988MOGADI07335.

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- 8. Declassified Document from the U.S. Department of State dated 1990. Document Number: 1990MOGADI05606.

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- 9. Declassified Document from the Deputy Assistant Secretary of Defense/ISA (Africa). Subject: Human rights abuses in Somalia dated 19 August 1988.

(b)(3):10
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4653 [redacted]

19 August 1988

Background Paper for the Deputy Assistant Secretary of Defense/ISA (Africa)

SUBJECT: Human Rights Abuses in Somalia (U)

1. (U) PURPOSE: To provide information on human rights violations in Somalia since May's outbreak of fighting.

2. (U) POINTS OF MAJOR INTEREST:

a. ~~(S/NP)~~ Since mid-May, the upsurge in fighting between government forces and Somali National Movement (SNM) rebels has resulted in numerous -- but frequently unconfirmed-- reports of human rights violations. These reports fall into several categories of alleged abuses: executions, indiscriminate airstrikes, artillery shelling of civilian areas, forced conscription, and the neglect or abuse of refugees displaced by the fighting.

(b)(1),(b)
(3):50 USC
3024(i),(b)
(3):50 USC
403 (g),1.4
(c)

(b)(1),1.4
(c),(b)
(3):50
USC 3024
(i),(b)
(3):50
USC 403
(g)

b. ~~(S/NP/NOCON)~~ Summary execution by the government of northern tribesmen refusing to fight, SNM combatants, and suspected civilian sympathizers. Troops have been accused of murdering and committing abuses against the populations of Berbera and Hargeisa, but these claims remain unconfirmed.

[redacted]

c. ~~(S/NP)~~ Indiscriminate air and artillery strikes on civilian areas were frequently cited. Such shelling and bombing during attempts to dislodge rebel positions at Burao, Hargeisa and Adadle.

(b)(1),(b)
(3):50 USC
3024(i),(b)
(3):50 USC
403 (g),1.4
(c)

(b)(1),1.4 (c),(b)(3):50 USC 3024(i),(b)(3):50
USC 403 (g)

d. ~~(S/NP/NOCON)~~
[redacted]

(b)(1),(b)(3):50 USC 403 (g),(b)(3):50 USC 3024(i),1.4 (c)

relief agencies recently charged Mogadishu with conscripting northern refugees, but this is not confirmed. The SNM as well was accused by northern tribal elders of impressment.

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10. Declassified Document from the U.S. Department of State dated 1988. Document Number: 1988MOGADI12222.

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| | USIE-00 | SP-02 | SR-06 | PRS-01 | /082 W | | |

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SOMALIA

SOMALIA'S FORMAL GOVERNMENTAL STRUCTURE INCLUDES THE

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11. The Mental Health Consequences of Torture in Somaliland: In the case of Warfaa v. Ali (Col. Tukeh) – Expert Report Produced by Dr. Daryn Reicherter, M.D., Human Rights in Trauma Mental Health Program, Department of Psychiatry and Behavioral Sciences, Stanford University School of Medicine.

The Mental Health Consequences of Torture in Somaliland

In the case of Warfaa v. Ali (Col. Tukeh)

Expert Report Produced by:

Dr. Daryn Reicherter, M.D.

Human Rights in Trauma Mental Health Program

Department of Psychiatry and Behavioral Sciences

Stanford University School of Medicine

I. Introduction

This report was created by Dr. Daryn Reicherter, with the support of the Human Rights in Trauma Mental Health Program (HRTMHP), an interdisciplinary program based at Stanford University and comprising members of the Department of Psychiatry and Behavioral Sciences, the School of Law, the WSD Handa Center for Human Rights and International Justice, and the Palo Alto University Clinical Psychology graduate program. The program faculty and staff include clinical-academic psychiatrists, professors of medicine, private treating psychotherapists and social workers, human rights lawyers, law professors, and graduate and undergraduate students. The members of this program have amassed considerable expertise in trauma mental health from a range of disciplinary perspectives that render us qualified to submit this report.

This submission is based on HRTMHP's review of the evidence in the case of *Warfaa v. Ali (Col. Tukeh)*, along with a comprehensive and comparative literature review on the psycho-social impact of torture on individuals, their families, and their communities. The report also relies on the professional opinions of health and mental health experts from Somaliland.

This report relies upon our deep knowledge of empirical research that links trauma exposure with psychophysiological and neurobiological outcomes, thereby elucidating the mechanisms by which torture gives rise to the psychosocial outcomes documented in the record. This report is also informed by our long experience treating, representing, and working with victims of severe trauma in communities impacted by massive human rights violations. Dr. Reicherter is a Clinical Professor at Stanford University, School of Medicine's Department of Psychiatry and Behavioral Sciences and the Medical Director of the Center for Survivors of Torture in San Jose California. A full *curricula vitae*, including publications and relevant court activities is attached.

Within this report, we inform the reader of the mental health consequences of physical and psychological torture in the context of the Siad Barre regime's engagement in torture practices on the people of Northern Somalia (Somaliland). This includes the targeting of civilians, primarily from the Isaaq clan in northern Somalia, now Somaliland, between 1987-1989. An

12. Warfaa v. Ali Legal Monitoring, the summary report by Mills Legal Clinic, Stanford Law School.



International Human Rights and
Conflict Resolution Clinic

Mills Legal Clinic

Crown Quadrangle
559 Nathan Abbott Way
Stanford, CA 94305-8510
Tel: 650.724.1900
Fax: 650.723.4426

Warfaa v. Ali Legal Monitoring, Day 1

Monday, May 13, 2019

Stanford Law School International Human Rights & Conflict Resolution Clinic

This account summarizes what occurred on the first day of trial in the case of *Farhan Mohamoud Tani Warfaa v. Yusuf Abdi Ali*, No. 1:05cv701 (LMB/JFA). The trial is set to continue over the next three days in the Federal Courthouse in Alexandria, Virginia. The Center for Justice and Accountability invited the Stanford Law Human Rights & Conflict Resolution Clinic to conduct neutral trial observation and produce daily reports of the proceedings for interested parties, including the Somali diaspora.¹

District Judge Leonie Brinkema of the Eastern District of Virginia began the trial at 10:00 a.m. Counsel Benjamin Klein (DLA Piper) gave the Opening Statement for the Plaintiff, which focused on Mr. Warfaa's perseverance through trauma, abuse, and attempted extrajudicial killing perpetrated by Mr. Ali. Klein recounted how Mr. Ali came to Gebiley in 1987, accused the people of the village of seizing a government water truck, and returned two days later to arrest seventeen men, including Mr. Warfaa. Klein emphasized the torture Mr. Warfaa endured while in custody. During what would be his final interrogation, it is alleged that Mr. Ali shot Mr. Warfaa at point blank range: "BANG! BANG! BANG!," and left him for dead. Klein concluded by reminding the jury of the plaque over the door of the courthouse which reads, "*Justice delayed, justice denied.*" Mr. Klein stressed that there was no doubt this is a story of justice delayed, but it does not need to be a story of justice denied.

Counsel Joseph Peter Drennan next opened for the Defense. He claimed that his client, Mr. Ali, was indeed enlisted in the Somali National Army (SNA), and was a "promising young soldier" who served Somalia honorably, fought against the "murderous Somali National

¹ This report is the product of the students of the Human Rights & Conflict Resolution Clinic and is not attributable to the Center for Justice & Accountability or Stanford Law School.

- 13. Forensic report: a preliminary assessment of mass graves in the vicinity of Hargeisa, Somalia.

UNITED NATIONS

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Economic and Social Council

Distr. GENERAL

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30 November 1998

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-fifth session
Item 19 of the provisional agenda

ADVISORY SERVICES AND TECHNICAL COOPERATION IN
THE FIELD OF HUMAN RIGHTS

Situation of human rights in Somalia

Addendum

Forensic report: preliminary assessment of mass graves
in the vicinity of Hargeisa, Somalia

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Annex*

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| Report of a mission to conduct an on-site assessment of alleged mass graves in the vicinity of Hargeisa, Somalia | 4 |
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* The full report of the mission is reproduced in the annex in the language of submission.

E/CN.4/1999/103/Add.1
page 2

SUMMARY REPORT

1. The mission was carried out by Physicians for Human Rights (PHR) under the auspices of the Office of the United Nations High Commissioner for Human Rights in accordance with Commission on Human Rights resolution 1997/47 of 11 April 1997. The mission, to conduct an on-site assessment of alleged mass graves in the vicinity of Hargeisa, Somalia, was carried out at the request of the independent expert of the Commission on Human Rights on the situation of human rights in Somalia, Ms. Mona Rishmawi. The forensic team provided by PHR consisted of forensic anthropology experts William D. Haglund, PhD, from Seattle, Washington, United States of America, and Owen B. Beattie, PhD, from Edmonton, Alberta, Canada. Between 17 and 21 December 1997, the forensic team observed and examined a minimum of 92, and possibly as many as 116 alleged graves in three areas on the southern and southwestern outskirts of Hargeisa. These sites are referred to locally as the Milk Factory site, the Malko Durduro Elementary School site and the Badhka site. Test excavations at suspected mass grave features were undertaken by the team at two of the sites, one in the area of the Badhka site (designated site BDK and feature BDK-1) and the other in the area of the Malko Durduro Elementary School site (designated site MKD and feature MKD-1). These features were subsequently shown to be graves.

2. Feature BDK-1 contains one young adult male and one adult male individual (designated BDK-1-1 and BDK-1-2, respectively), 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 the grave having been dug by an earth moving machine, as stated by a witness to the Government's Technical Committee for the Investigation of War Crimes of the Siad Barré Regime (hereafter referred to as the Technical Committee). The context of these discoveries leads the forensic team to conclude that many of the other mound features at BDK and nearby sites are likely to contain human remains.

3. Recent superficial disturbance by children of a suspected grave at the Malko Durduro Elementary School site (MKD) had partially exposed human skeletal remains and a possible rope ligature. This information had been reported to members of the Technical Committee. The forensic team decided to examine these discoveries further, partly in an effort to secure forensic information before additional damage could be done to the site, and to establish the nature of the ligature. Four completely skeletonized adult male individuals were discovered in feature MKD-1, and designated MKD-1-1 to MKD-1-4. They were partially excavated in relief and closely examined.

4. Three of the individuals (MKD-1-1, MKD-1-2, and MKD-1-3) are tightly grouped and bound to each other by a ligature, consisting of a single continuous length of 4 mm wide rope (organic fibre, double strand, 2-spun). These three individuals have knotted loops of this rope binding their wrists together behind their back, with the rope connecting them to each other in a line. MKD-1-1 and MKD-1-2 are clothed, while MKD-1-3 is unclothed.

The fourth individual (MKD-1-4) 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 indications of trauma were identified in the three individuals linked by the ligature. The fourth individual (MKD-1-4) 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.

5. During the excavations of BDK-1 and MKD-1, the forensic team regularly reviewed in detail all procedures and discoveries with members of the Technical Committee and their professional associates. This was done within the context of an ongoing field workshop, and was supplemented at the end of the mission by a formal classroom presentation and discussion.

6. 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 exhibiting evidence of perimortem injury, binding and haphazard burial, concludes that human rights violations were committed against these individuals. Therefore, the team recommends that the United Nations, in consultation with the Technical Committee:

(a) Provide assistance to the Technical Committee relating to the procedures for the collection of witness testimony;

(b) Provide assistance to the Technical Committee relating to compiling a comprehensive grave registry, including detailed survey, in the vicinity of Hargeisa, as well as in other regions and towns with suspected mass graves;

(c) Establish a means of providing financial support for the conduct of thorough investigations of alleged and known mass grave sites and human rights violations linked to the period from 1988 to the present; and

(d) In carrying out recommendation (c), (i) authorize and assemble an international team of forensic specialists, to work with local professionals for the purpose of conducting investigations of selected mass graves, and (ii) encourage and support additional forensic investigations, conducted by local professionals trained in forensic methods, and assisted by international specialists.

7. These initiatives have the potential to reveal a series of human rights violations resulting in the deaths of many individuals. The value of this information, above and beyond the obligation to expose and document such violations, relates to the knowledge imparted to the survivors about the true circumstances leading to the disappearance of their kin, and the ability of the community and society to deal with this knowledge through the repatriation and reburial of their dead. The forensic evidence compiled provides the foundation for any future pursuit of legal accountability for identified crimes.

14. A goatherd boy next to the abandoned remains of his young clansmen, massacred by government forces in 1989, Burao, Somaliland. @Hamish Wilson.



15. Excavation of mass graves in Somaliland by an international forensic team.



Source: Available at <https://somaliland1991.wordpress.com/2012/10/19/guddiga-dabagalka-xasuuqii-shacbiga-sland-uu-u-gaystay-taliskii-siyaad-barre-oo-soo-bandhigay-lafaha-dad-ku-aasnaa-xabaal-wadareed-iyo-khubarada-ku-hawlan-oo-shaaca-ka-qaaday-in-la-xasuuqay/>. Accessed 18 December 2020.

16. Remains of Hargeysa museum bombed out in 1988.



Source: Remains of Hargeysa Museum bombed in 1988. Available at <https://mapio.net/pic/p-14387962/>. Accessed 18 December 2020.

17. Mosque and building destroyed during the military government bombing.
@Hamish Wilson.



18. A MiG-17 fighter jet sits atop this memorial to the indiscriminate bombardment of Hargeisa.



Source: Hargeisa War Memorial. Available at <https://www.atlasobscura.com/places/hargeisa-war-memorial>. Accessed 18 December 2020.

ABOUT THE STUDY

Somalia's ruthless military intervention in what was known as the northern regions of Somalia, now the Republic of Somaliland, has been a global news item both in newspapers and television since the 1980s. One of the major sources of the conflicts was social exclusion and marginalization of the Somaliland community within the state. Also, lack of inclusive development, manipulation of power, and accumulation of ill-gotten resources by a few, served as key drivers of Somalia's disintegration and state collapse. The practice of Somalia disrupted the euphoria of the people of Somaliland and delegitimized state institutions and their relations with citizens.

The people of Somaliland experienced extreme forms of state repression and persecution, where torture, rape, confiscation of properties, destruction of water reservoirs, torching, and razing of houses became customary. The central objective of this study is to document atrocities and crimes committed by Somalia's military government against the people of Somaliland by collecting testimonies from different perspectives including victims, survivors, and also those whose role was to participate in massacring and killing innocent citizens, but who decided not to engage in those horrible inhuman acts. One of them is Captain Ahmed who was one of the pilots of the Somalia Air Force instructed to bombard Hargeisa but decided to defect to Djibouti.

The evidence that emerges from this study is that the Somalian military government was deliberately involved in the extermination and forceful displacement of the people of Somaliland for political and economic ends. A declassified document dated 19 August 1988

from the U.S. Department of Defense referenced as "human rights abuses in Somalia" provides critical and reliable information to the U.S. government on the accounts of human rights violations in Somalia's northern regions including mass executions, indiscriminate airstrikes, artillery shelling of civilian areas, forced conscription, and neglect or abuse of refugees displaced by the fighting. However, the international community were reluctant to criticize or even force the military junta of Somalia to stop the intentional mass killing, summary execution, torture, rape, and annihilation of its own citizens. This kind of practice unveils the hypocritical nature of the international system and how the national interest of any state influences its foreign policy objectives even if a given country is engaging in crimes against its own citizens, such as Somalia.

ABOUT THE INSTITUTE

The INSTITUTE FOR PEACE AND CONFLICT STUDIES (IPCS) is a higher learning and research institution based and operating within the institutional framework of the University of Hargeisa, Somaliland. The IPCS was established in February 2008 in response to the long-recognized call for an in-depth multidisciplinary approach to understanding and addressing the conflict and violence that has engulfed many parts of the Horn of Africa. The mission of the IPCS is to provide interested scholars, institute members and students with opportunities to engage in intensive study and research on Somaliland and Somali-inhabited regions in the Horn of Africa on an interdisciplinary basis.



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