Chapter Five
Evidence of Humanitarian Law Violations in Somalia

Introduction

The Somali rules of warfare and IHL applicable to the conflict in Somalia have been examined in Chapters 3 and 4; this chapter will examine the extent to which either set of rules has been respected. It is not the purpose of this chapter to document each and every violation of the rules in Somalia. It aims rather to demonstrate the existence of evidence of serious violations of both IHL and Somali customary rules of warfare. Whilst the information documented in this chapter is drawn from refugee accounts, NGO reports, press accounts, and reports from government and international organizations sources, we do not know the extent to which the information is comprehensive. Restrictions imposed by the government on human rights organisations and insecurity in war-affected areas limited independent observation and therefore affect its comprehensiveness. It may well be that people who cross borders are not giving precise information. Nevertheless, within the range of available information, a pattern may be discernable.

The chapter is divided into two parts. Part One examines violations committed during the first phase of the conflict (1988 to 1990) between the Somali National Army and the Somali National Movement in the Northwest regions of Somalia. Part Two looks at violations committed in the central and southern regions during the conflict between the SNA on the one hand and the USC and the SPM rebels on the other hand in the last eighteen months (summer 1989 to January 1991) before the collapse of the state. It also examines the conflicts between the various non-state clan and sub-clan-based armed groups in the period of fighting (1991 to 2003) after the collapse of the state. During this period, fighting also occurred in the Northwest (in Burao in January 1992, in Berbera in March 1992, in Hargeisa in November 1994 and Burao again in March 1995) and also the Northeast regions of Somalia. However, compared with the war between the SNA and the SNM (1988 to 1990) or the clan-based armed groups (1991-2003), these conflicts were not marked by similar patterns of atrocities. Indeed, they vary in terms of duration and location, with different possible causes, forms and types of fighting. This may be explained by a number of factors.

For example, in the Northwest, the prevailing situation was of the State versus the SNM, armed rebels of a single clan, the Isaaq people who felt they were being marginalised. The SNM, according to stated policies at the time, sought only to
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overthrow the Barre regime. However, given that Somalia consisted of a union of two colonial entities – British Protectorate in the north and Italian Somaliland in the south – the government exploited the emergence of the SNM rebels as an entity that wanted to break away. By using its entire military might, it therefore waged a war characterised by ferocious brutality. There is nothing new about this situation.\(^1\) In contrast, the intra-Isaaq fighting in the Northwest regions featured SNM fighters, all of whom belonged to the same clan. Consequently, shared values and trust existed between them. They therefore respected to a large degree the common clan xeer including the Somali customary rules of warfare.\(^3\)

The conflicts were not fought along Isaaq clan lines and they were often limited in scope and duration. On the other hand, the traditional social institutions in the north-west that were less affected during the British colonial era than those in the south were able to play an influential role.\(^4\)

With regard to the fighting outside northern regions, in the central and southern regions (summer 1989 to 1990), the SNA carried out similar campaigns after labelling individual clans as enemies of the central government. There is limited information about violations committed by the SNA. The lack of access to the war-affected areas by human rights investigators has rendered the task of documenting violations impossible. The available information also lacks specificity. In the Northeast, the SSDF and the USC fought for control of the clan border area in the Mudug region and its provincial capital Gaalk’yo between 1991 and 1993. In June 1992, the SSDF also engaged in fighting with the Al-Ittihad al-Islamia fighters in Boosaaso and Garowe, whilst in August 2002 fighting occurred between the forces of Colonel Abdullahi Yuusuf and Jama Ali Jama. These conflicts, which were for political control of territory and cities, were limited in scope and duration. There is no available information documenting violations of IHL during the inter-clan USC and SSDF fighting in Mudug. This does

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1. See Chapter 1 section 7.1.
2. In Iraq, Turkey, Iran, Russia (Chechnya) national armies waged wars characterised by ferocious brutalities in order to put down uprisings aiming at territorial independence.
3. In its report covering events in 1996, Amnesty International noted that scores of rebel fighters detained in Somaliland since 1995 and more than 600 others captured during the year were released in November that year. See Amnesty International Report 1997, p. 285.
4. For example, the conflict in January and March 1992, the “national army” of “Somaliland” administration fought against SNM faction known as Red Flag. After nine months of intermittent, highly mobile warfare, clan elders managed to bring the warring parties to peace talks thereby concluding a peace agreement in the town of Sheikh in October in 1992. Regarding the conflict in 1994 and 1995, Garhajis militia challenged Egal’s administration for control of Hargeisa airport and Burao. However, with the Somaliland’s unified army and the revenues from Berbera port at his disposal, Egal was able to defeat the Garhajis militia.