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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

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.

"When the car finally stopped I could hear the sound of the sea waves. We were on a beach. I was taken out and made to kneel down on the sand. They started tying my feet together with the same type of cloth. Then they tied my feet to my head and neck by putting my head between my knees and my chin to my navel. They framed me into a small ball, almost breaking my back. One man sat on my feet to prevent me from turning over backwards, and the other sat on my back. Everything in my stomach came out from my mouth. The one sitting on my feet squeezed my testicles. I fainted and came to with water pouring over my mouth.

"They then removed the cloth from my head and laid me on my back. At first the water was relief to me but I found out that it was another type of torture - the water torture. One of them held my head between his knees, so I could not turn my face to either side. Then he held my nose tight while someone else poured water continuously on my mouth. There was no way to breathe - when I tried to breathe through my mouth, water came in. There was only one thing to do - gobble down the water. When the stomach filled up, they repeated the first process to drain me out. They repeated this process so many times. It felt like drowning.

"Later they used the crude system. They kicked me with heavy boots on my ribs, kidneys, my head and testicles. At the time, I did not feel any pain. But I started to ache when I was brought back to my cell. When they came for me the following night, they had to carry me because I could not walk. I can't remember how many nights this was repeated. I remember one guy saying on my second night that I had 28 more days to go.

"They forced me to sign a typed document at their office, about two weeks after the torture. I did not read it but I also could not, because I could hardly move. Then about a month later they took me by car to a place where a guy told me if I didn't sign I would go through the same process again. I signed before him, not once but a number of times and a number of papers."

In other cases, torture or ill-treatment was apparently intended as a punishment for political opposition. People demonstrating against the government, for example, have been arrested on a widespread and arbitrary basis: most of those arrested have been released after some weeks or months without being charged or tried. In most cases the prisoners were beaten and ill-treated, although they were not always subjected to the more brutal torture methods listed above.

Women prisoners have reportedly been subjected to rape, sexual assault or sexual humiliation - for example being paraded naked before other security officers. Many women who were among members of Islamic organizations arrested in 1986 were subjected to treatment degrading to their religious beliefs, such as being forced to bare their heads, arms and legs in front of men, and not being allowed to engage in regular and religiously prescribed prayer. During curfews in the north of the country in 1987 and early 1988 security officers frequently entered people's homes, supposedly on raids seeking suspected SNM agents, and ill-treated the residents with beatings, rape and theft of their property. Amnesty International has received numerous complaints of people being arrested during such raids, supposedly for suspected political offences, but in

reality as a means of extorting money from their families by means of threats that they would be detained indefinitely or, in the case of women, raped.

Another testimony received by Amnesty International is from a woman arrested in 1978 after her husband fled to Ethiopia and joined an opposition organization there. She was held for six years and adopted by Amnesty International as a prisoner of conscience. On her release she fled from Somalia and is still undergoing medical treatment for the after-effects of torture.

"After being taken to Godka ("The Hole" - the main NSS detention centre in Mogadishu), I was immediately stripped and questioned. They handcuffed me and tied me to a chair for three hours. Then suddenly I was blindfolded, put into a car and driven somewhere. When I entered this place I was aware of a very bright light, that's all. They handcuffed my hands behind my back and tied my head to my knees. The men there abused and humiliated me. I was struck with what seemed like the butt of a pistol all down my spine. I was kicked from one side to the other. After some time of this they took me back to Godka, still blindfolded and naked.

"When I returned, the blindfold was removed. I saw a man I knew well... When he saw me he fell into a rage - he was furious at the guards for letting me stay conscious. He shouted and screamed at them, and then at me, hitting me and slapping me all over. Then he raped me.

"The other policemen did this to me, too. They put out their cigarettes on my body and attached wires to my breasts.

"I don't remember those early days and weeks and months very well. The first day, yes. All the rest is blurred. I was unconscious a lot of the time, or I was too weak or too tired. I can only tell you how it all started. There was no real routine to the torture. I didn't know when to expect it or why. When it happened it was always at night, from nine o'clock to about three in the morning.

"Usually, I was blindfolded, so I can't remember the instruments that they used. There was electric shock treatment, with wires attached to my body. And I was put on a chair that seemed to swivel round. Then there was the sack. I was tied up in a sack and taken down to the sea and was continually pushed under the water until I vomited. Then it was done again. There were many beatings and other humiliations. And when they raped me, many of the officers would do it to me.

"This went on for about a year, I was later put in solitary confinement for four years."

Thousands of people have fled from Somalia in recent years because of political persecution or on account of their opposition to the government. Some have joined the SNM or DFSS in Ethiopia, while others have sought asylum or stayed on in other countries. The Somali government has made offers of amnesty for those who wish to return but no formal amnesty law has been passed. Since 1986 a small number of DFSS and SNM members have voluntarily returned to Somalia without difficulties under such arrangements. However, Amnesty International has also learned of the detention of others who have returned to Somalia voluntarily or, in some

cases, involuntarily after having failed to obtain asylum abroad.

An asylum seeker who was returned to Somalia in October 1987 was arrested at the airport on arrival and tortured. He had refused conscription in 1981 and was arrested, tortured and detained without trial for three years. In 1987 he was again told to join the army but he refused again. He left Somalia to seek asylum in another country but his application was turned down and he was sent back to Somalia. He has described to Amnesty International what happened to him on his return in October 1987, but requested that his identity is not revealed for fear of reprisals to his relatives in Somalia:

"When I arrived at Mogadishu, I was immediately taken to a car by security officials and brought to Godka prison, run by the NSS, where I was held until 24 December 1987. I am certain that they must have been informed in advance that I was coming.

"On my first night at Godka prison, at around midnight, they blindfolded me and took me out of prison. I was taken into a car and brought to a construction site - the buildings were half-finished and had no roofs yet. Other people in the car went away and only Lieutenant Y (name withheld) remained with me. He threatened me: 'We will not harm you much if you tell us what we want. Why did you go to Z?' (Name of country where he had applied for asylum).

"I said: 'Because I was a refugee in Somalia and had a lot of problems that I could not resist any more'. (He had been born in Ethiopia but is of Somali ethnic origin and his family had fled to Somalia in 1964).

"Then Lieutenant Y called on four other men. They put me down on the ground, face down, and tied my hands and my feet together on my back. This method is called 'Mig'. It caused heavy pressure on my chest. Then they started to kick me and beat me with rubber sticks all over my body, specially on my elbows, knees and wrists. It was extremely painful. This treatment continued for about 20 minutes until I was nearly fainting. Then Lieutenant Y came back and continued to ask me: 'Tell me exactly why you went to Z'. I said: 'Because I was to be recruited into the army and because I miss my brother who had already been compelled to go to Ethiopia and fight the opposition movements and got killed there in 1981'. Then I could not talk any more because blood was running from my nose, my tongue was full of sand and dirt and I had extreme pain all over. I fainted. When I woke up again I was back in my cell. I was then left alone for two days and nights. The only food they gave me was one piece of bread a day and water.

"Two nights after the first torture I was taken out of my cell, handcuffed and brought to another room in Godka. Lieutenant Y and two other men were already there. Lieutenant Y pointed at me, laughing, and said: 'This will be your last night in this world'. He came at me and kicked me very hard in my testicles. I screamed in pain. The other men ripped off my clothes and put me down on a steel bed and tied my arms and feet to the bed. Then they started to beat me with rubber-sticks and at the same time applied electricity that was connected to the bed and gave me repeated electric shocks. Lieutenant Y kept asking me about contacts with SNM

people outside Mogadishu, in Z, Ethiopia or other places. The treatment was extremely painful, but I said: 'I have no contact whatsoever with SNM people, not in Z, Ethiopia or other places'. They hit my head and all over my body. One of them took my testicles with his hands to crush them. It was the worst time in my life. An old injury on my back resulting from an accident was cut open again. At last I fainted. Electric torture was applied to me at least two times later.

"Some nights later I was again taken out of my cell and brought to a room with a huge water-tank. My hands and feet were tied and I was hung from my feet and put into the tank. They kept me in the water until I could not resist any more and swallowed water and fainted. Then they took me out and brought me back. This water-torture is very common and was applied to me a number of times.

"The torture was inflicted by NSS officials at the instruction of Lieutenant Y who was reporting directly to the colonel in charge of the prison. This colonel was also the head of NSS, Police and CID (Criminal Investigation Department) for the eastern region of Mogadishu.

"While I was imprisoned at Godka prison I saw two prisoners whom I recognised as former asylum-seekers. They were among 20 prisoners sentenced for having applied for asylum and given three to 15 years imprisonment."

The Medical Examination of Torture Victims

A Canadian physician, acting on behalf of the Canadian Centre for the Investigation and Prevention 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. 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 Police, but most by the NSS.

The physician who carried out the examinations has first of all described the conditions under which the torture victims were held:

"Some of these men were detained in military camps, but almost all of them were imprisoned in National Security Service centres. Some of them described being put in small cells with 10 to 20 other inmates, while some were held in solitary confinement in cells so small they could not stand straight up or lie straight out. The usual food was some rice or bread with weak tea once or twice a day, and sometimes nothing at all. All of the men I questioned lost weight while incarcerated (as much as 18 kilograms). Drinking water was rarely readily available.

"Many of the cells were completely dark, so that a sense of time was completely lost (one man detained for nine months thought three or four years had passed). Sometimes there would be a pail for a toilet, or access to a toilet at specific times or on request, but sometimes there was no

facility at all, and the men would end up sleeping on floors filthy with their own urine and faeces. There were often biting insects, poor ventilation, and hot temperatures. Some men were given blankets to sleep with, but all slept on the floors of their cells."

He has also described beatings and torture of the prisoners which include methods previously mentioned, and other methods such as the following:

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

Finally the physician has described the symptoms still present in the torture victims at the time he examined them, which included spells of dizziness, headaches, stomach pains, back pains, aching eyes, knee pains, coughing, and choking feelings. Psychologically there were frequent complaints of nightmares, poor sleep, poor appetite, difficulties with short-term memory and concentration, fatigue, depression and anxiety. Some of these symptoms might be expected in anyone separated from their family, home and culture, but the degree of the symptoms suggested much greater trauma. The refugees were also visibly injured with scars from wounds that had not healed properly, and burn scars which the physician found consistent with their stories of whippings, bayonet cuts and burns.

He concluded:

"There is no doubt in my mind that detention without trial, under horrendous conditions and accompanied by brutal torture, exists as a daily reality in Somalia. Further, it seems to be carried out as a means of stamping out political opposition and criticism. Unless something drastic has happened in Somalia since then, and I am not aware that it has, these kind of atrocities are continuing unabated at the present.

"Again I would like to emphasize my impression that I saw the lucky men - men who had survived, men who could get out of the country. Without my asking for the information, these men described: two brothers and one father who had disappeared; one father and one brother dead in prison; one other father dying shortly after release from prison; two relatives executed after coup attempts and two military colleagues executed on suspicion of conspiring; two fellow-students and two fathers killed without trial."

Amnesty International's Appeals to the Somali Government

Amnesty International is appealing to the Somali Government to stop torture and to protect prisoners from torture in the future. Particular measures that Amnesty International considers should be undertaken immediately are the following.

- (i) The Head of State and senior members of the government, and all officials concerned with the administration of law and justice, should publicly condemn torture. Officials whose task it is to hold and interrogate prisoners should be instructed that torture is unlawful and will not be tolerated under any circumstance.
- (ii) Torture should be made a criminal offence, with severe penalties for those convicted of torture.
- (iii) The government should take steps to ensure that confessions or other statements obtained through torture cannot be invoked as evidence in legal proceedings except in proceedings against an alleged torturer.
- (iv) No-one should be held in secret or unacknowledged detention. The government should ensure that all detainees are brought before a judicial authority promptly after arrest and that relatives, legal counsel and medical personnel should have immediate and regular access to them.
- (v) All prisoners should be given adequate opportunity to challenge before a court the legality of and the reasons for their detention.
- (vi) Safeguards against torture should include the regular inspection of interrogation centres by independent officials, judges, and national and international humanitarian organizations.
- (vii) All complaints and reports of torture should be immediately and impartially investigated. The findings of the investigation should be made public.
- (viii) Torture victims should be compensated for their suffering and provided with appropriate medical care or rehabilitation.

As an additional measure to prevent torture, Amnesty International is calling for a full and independent inquiry into allegations of torture by two state organizations which have been reported to torture prisoners routinely: the National Security Service and the Military Police. A thorough review of legislation relating to these two organizations and the establishment of legal controls over their activities and of safeguards for prisoners in their custody are essential in order to protect the basic human rights of such prisoners.
