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## CERTIFICATE OF SERVICE

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I hereby certify that on this 13th day of November, 2018, a true copy of the foregoing was sent by electronic mail and U.S. Mail to the following counsel of record:

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By: /s/ Lindsay Barnes  
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# **EXHIBIT A**

**Martin R. Ganzglass**  
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## **Expert Report as to the Court System in Somalia**

### **Prefatory Statement**

I have been engaged by the Plaintiff in *Warfaa v. Ali*, No. 1:05-cv-701 (E.D. Va.) to present my expert opinion with regard to whether the Plaintiff had, during the time period relevant to this case, the ability to obtain an adequate legal remedy in a suit against the Defendant, Colonel Yusuf Abdi Ali, in the court systems in Somalia. I have been asked to provide my opinion in my capacity as an attorney who has worked extensively in Somalia and in particular due to my understanding of the Somali legal system. I was Special Assistant to U.S. Ambassador Robert Gosende and Admiral Jonathan Howe, the Special Representative of the UN Secretary General, in 1993 during Operation Restore Hope and the UNITAF mission in Somalia for the purpose of reviewing the status of and proposing how to restore the Somali judiciary and police. I have familiarized myself with the Plaintiff's claims and have evaluated the Plaintiff's ability to seek a legal remedy in the courts of what today constitutes the former nation of Somalia.

## Qualifications

My *curriculum vitae* is attached. I graduated from Harvard Law School in 1964 with an L.L.B. I was admitted to the Bars of the State of New York and the District of Columbia. I served as a principal in the firm of O'Donnell, Schwartz & Anderson, P.C. from 1988 to 2008. I retired from the firm and the practice of law and am no longer an active member of any bar. From 1972 until 1988 I was a principal in the firm of Delson & Gordon.

I have had substantial involvement with countries in the Horn of Africa, including the former country of Somalia. From 1966 to 1968, I was a Peace Corps Volunteer in Somalia, serving as Legal Advisor to the Somali National Police Force. I am author of *The Penal Code of the Somali Democratic Republic: Cases, Commentary and Examples*, published by Rutgers University Press in 1971.<sup>1</sup> That book became the leading treatise on the Somali Penal Code. Rutgers University Press donated 500 copies to Somalia. The book was used at the Somali National Police Academy and was widely distributed to Somali courts. I was also a contributor to *Constitutions of the Countries of the World* (Oceana Publications, Blaustein & Flanz,

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<sup>1</sup> MARTIN R. GANZGLASS, *THE PENAL CODE OF THE SOMALI DEMOCRATIC REPUBLIC, CASES, COMMENTARY AND EXAMPLES* (Rutgers Univ. Press, 1971).

Editors) in 1971, 1979 and 1981 for the portion on Somalia.<sup>2</sup>

From 1972 through 1988, while I was with the law firm Delson & Gordon, I represented the Embassy of the Somali Democratic Republic in the United States and the Somali Ministry of Mineral and Water Resources. During this time I also did occasional work for Somali Airlines. I made at least four visits to Somalia between 1979 and 1986.

In November 1992, President George H. W. Bush authorized Operation Restore Hope, which sent United States troops to Somalia to safeguard the delivery of humanitarian assistance to Somali civilians, following the collapse of the Siad Barre Regime. In April 1993, while Operation Restore Hope was ongoing, I served in Somalia as Special Assistant to U.S. Ambassador Robert Gosende and to Admiral Jonathan Howe, the Special Representative for Somalia to U.N. Secretary General Boutros Boutros-Ghali. I later authored an article entitled “The Restoration of the Somali Justice System,” which appeared in *Learning from Somalia: the Lessons of Armed Humanitarian Intervention* (Westview Press, Clarke & Herbst, Editors, 1997). The same article, with minor differences, also appeared in *International Peacekeeping*,

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<sup>2</sup> Martin R. Ganzglass, Somalia, in CONSTITUTIONS OF THE COUNTRIES OF THE WORLD (Albert P. Blaustein and Gisbert H. Flanz eds., November 1971); Martin R. Ganzglass, Somalia, in CONSTITUTIONS OF THE COUNTRIES OF THE WORLD (Albert P. Blaustein and Gisbert H. Flanz eds., November 1979); Martin R. Ganzglass, Somalia, in CONSTITUTIONS OF THE COUNTRIES OF THE WORLD (Albert P. Blaustein and Gisbert H. Flanz eds., November 1981)

Vol. 3 No. 1, Spring 1996, pp. 113-138.<sup>3</sup>

I have represented the Embassy of Eritrea in the United States and the Eritrean Ministry of Justice. I have assisted the Ministry in drafting a Penal Code and a Code of Criminal Procedure and in preparing a long-term plan for the development of the Ministry and the Eritrean court system.

I have continued to remain in contact with Somali friends in the United States and Canada. I keep abreast of developments in Somalia through Somali websites; I subscribe to *The Journal of Anglo-Somali Society*, which reports on events in Somaliland and Somalia. I am also a member of the Anglo-Somali Society. I was a member of the Board of the Somali American Community Association.

On or about July 15, 2016, I was contacted by Henry Hunt, Chief of Publication Services Section of UNON, requesting that I give the UN permission, as the sole copyright holder, to reprint “The Penal Code of the Somali Democratic Republic –With Cases, Commentary and Examples.” I granted such permission by email dated July 16, 2016.

On November 2, 2016 I received an email from Henry Hunt forwarding an email of thanks from Emelia Asante, Programme Coordinator, Criminal

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<sup>3</sup> Martin R Ganzglass, The Restoration of the Somali Justice System, in 3 INTERNATIONAL PEACEKEEPING, no. 1 (1996).



Justice Programme (Somalia), UN Office on Drugs and Crime (UNODC), Regional Office for Eastern Africa. Her email was accompanied by a photograph of her and the Permanent Secretary of the Somali Ministry of Justice, Dr. Ismaail Jumaale, receiving a copy of the UN reprint of my book on the Somali Penal Code. Four hundred copies were provided by the UN to the Ministry.

### **Evidentiary Basis**

In preparing my expert analysis, I relied on my expertise in the field of the Somali legal system. In addition to the Plaintiffs' complaint, I relied on the following additional documents:

- AMNESTY INTERNATIONAL AND INTERNATIONAL COOPERATION FOR DEVELOPMENT, HUMAN RIGHTS IN SOMALILAND AWARENESS AND ACTION (1999) *available at* <http://www.amnesty.org/en/library/asset/AFR52/001/1999/en/478db4e3-e069-11dd-9086-4d51a30f9335/afr520011999en.pdf>
- Bureau of African Affairs, Background Note: Somalia, U.S. DEPARTMENT OF STATE, *available at* <http://www.state.gov/r/pa/ei/bgn/2863.htm>
- Martin R. Ganzglass, *The Restoration of the Somali Justice System*, in LEARNING FROM SOMALIA: THE LESSONS OF ARMED HUMANITARIAN INTERVENTION (Sheldon Clarke and Jeffrey Herbst eds., 1997).
- Martin R Ganzglass, *The Restoration of the Somali Justice System*, in 3 INTERNATIONAL PEACEKEEPING, no. 1 (1996).

- Martin R. Ganzglass, *Somalia*, in CONSTITUTIONS OF THE COUNTRIES OF THE WORLD (Albert P. Blaustein and Gisbert H. Flanz eds., November 1981).
- Martin R. Ganzglass, *Somalia*, in CONSTITUTIONS OF THE COUNTRIES OF THE WORLD (Albert P. Blaustein and Gisbert H. Flanz eds., November 1971).
- Martin R. Ganzglass, *Somalia*, in CONSTITUTIONS OF THE COUNTRIES OF THE WORLD (Albert P. Blaustein and Gisbert H. Flanz eds., November 1979).
- Mahamud M. Yahya, In *Siyaad Barre's Prison: A Brief Recollection*, in 5 BILDHAAN: AN INTERNATIONAL JOURNAL OF SOMALI STUDIES 77 (2005).
- PRESIDENTIAL DECREE ON THE COMPOSITION OF REGIONAL AND DISTRICT REVOLUTIONARY COMMITTEES (October 23, 1980) as reprinted in *Somalia*, in CONSTITUTIONS OF THE COUNTRIES OF THE WORLD (Albert P. Blaustein and Gisbert H. Flanz eds., November 1981).
- PRESIDENTIAL DECREE NUMBER 3 ON THE ESTABLISHMENT OF THE SRC COMMITTEES (October 23, 1980) as reprinted in *Somalia*, in CONSTITUTIONS OF THE COUNTRIES OF THE WORLD (Albert P. Blaustein and Gisbert H. Flanz eds., November 1981).
- PRESIDENTIAL DECREE NUMBER 4 ON THE ESTABLISHMENT OF SRC COMMITTEES (October 23, 1980) as reprinted in *Somalia*, in CONSTITUTIONS OF THE COUNTRIES OF THE WORLD (Albert P. Blaustein and Gisbert H. Flanz eds., November 1981).
- Walter S. Poole, *The Effort to Save Somalia, August 1992-March 1994*, OFFICE OF THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF, JOINT HISTORY OFFICE (2005).

### **Compensation**

I am not being compensated for my work on this case except for payment of out- of-pocket expenses. My opinion is not conditioned on any payment.

### **Previous Expert Testimony**

In the last four years, I have not served as an expert witness by deposition or at trial. Prior to that, I submitted written expert reports on two occasions, in *Yousuf v. Samantar* and in *Ahmed v. Magan*.

### **Executive Summary**

It is my conclusion that, given the state of the legal system in Somalia, the Plaintiff could not have obtained an adequate legal remedy in the court systems of Somalia during the Barre Regime. After its fall, the Plaintiff could not have obtained an adequate legal remedy in the court systems of the part of Somalia governed by the current Federal Government, Puntland or the Somaliland Republic.

The Barre Regime, as a dictatorship, ignored all laws in cases involving political prisoners, dissidents, or alleged opponents to the Regime. I know of no instances in which anyone sued the government for unlawful

activity during this time period. It would have been impossible for ordinary citizens, such as the Plaintiff, to bring suit for acts constituting human rights violations against an official of the Barre Regime, such as Colonel Yusuf Abdi Ali.

It is unlikely that, after the overthrow of the Siad Barre Regime, the court system of the Somaliland Republic, a self-declared autonomous state in northern Somalia that is not formally recognized by the United States, had adequate resources to fairly decide human-rights cases. Even in the unlikely event that the Plaintiff could receive a fair hearing of their case in the Somaliland courts, given that the United States does not formally recognize the Somaliland Republic, I do not believe that any legal judgment by the Somaliland courts would be enforceable in the United States, nor do I know of any case in which the United States has enforced a judgment of the Somaliland courts. This would render useless such a decision against a former official of the Barre Regime living in the United States, such as the Defendant, Colonel Ali, unless such official submitted to the jurisdiction of the Somaliland courts.

Further, it is my opinion that the Plaintiff would not be able to bring a human- rights case in other parts of Somalia. Following the fall of the Siad Barre Regime in 1991, the absence of a central government and the

dominance of warlords or regional governments with their own judiciary in these parts of Somalia left the regions without a functioning court system or a trained judiciary.

Lastly, despite the impediments described above, should the Plaintiff attempt to prosecute a human-rights case in Somalia against a former member of Barre's government, the Plaintiff's status as members of the Isaaq clan would expose him to the risk of reprisals against himself and his family.

### **The Government of Somalia**

***The Barre Regime.*** Somalia became independent on July 1, 1960 after the Somaliland Protectorate under British rule and Italian Somaliland under an Italian-administered United Nations trusteeship united to form the new country. The resulting Somali Republic adopted its first national constitution in 1961. Following a coup on October 21, 1969, General Mohamed Siad Barre became President of Somalia. He renamed the country the Somali Democratic Republic. Barre served as the head of state for Somalia from 1969 until 1991 when he was overthrown and forced to flee the country. Barre's Regime was an increasingly repressive dictatorship.

***Post-Barre Regime.*** In 1991 the government of Siad Barre was ousted from power. Following the overthrow of the Siad Barre Regime, Somalia ceased to exist as a nation. It disintegrated into regions or districts, controlled

by warlords using clan-based militias to practice extortion, murder, rape, and robbery. There was no central government in Somalia, no seat of government in the capital, Mogadishu, and no Constitution providing for or recognizing a federal system of government. Instead, two warlords, both claiming to be President of Somalia, engaged in a brutal war for domination in Mogadishu and the surrounding areas.

The purpose of my April 1993 assignment as Special Assistant to Ambassador Gosende and Admiral Howe was to assess the state of the Somali judiciary and police and to make recommendations for the restoration and rebuilding of the Somali justice system after the Barre Regime. As part of my mission in Somalia in 1993, I visited police stations and courts in Mogadishu (on both sides of the Green Line that separated areas controlled by two warring factions), the towns of Baidoa and Bardera in the south, the town of Borama in what is now known as the Somaliland Republic in the north, and the town of Bosasso in the northeast, in what is now known as Puntland.

My recommendations from my assignment and 1993 visit were contained in a report to the United States Agency for International Development and in an article I wrote for a symposium conducted by the Woodrow Wilson School at Princeton University. This article was later published by Westview Press. As explained in that report, it was clear at that

time that there was no functioning court system in Somalia, with the exception of a very few local courts in small areas of homogenous populations where local judges could administer a rudimentary form of justice acceptable to the local community. Generally speaking, however, Somalia was in a state of chaos, with an inadequate police force and judicial system.

In October 2004, a Transitional Federal Government (“TFG”) was elected by delegates to the latest of many lengthy, internationally-sponsored conferences that were convened outside of Somalia for security reasons. At the November 2004 United Nations Security Council meeting held in Nairobi, Kenya, the newly elected TFG President, Abdullahi Yusuf, himself a warlord from Puntland, requested that the United Nations provide a protective force for the TFG so it could sit in Mogadishu. As designated by the Transitional Federal Charter (“TFC”), the TFG was intended to be temporary, to be replaced in 2009 by a representative government. However, the TFC was amended in January 2009 to extend the TFG’s mandate until 2011. Then, in February 2011, the TFG unilaterally extended its mandate for three additional years, until August 2014. Subsequently, as a result of the intervention of President Museveni of Uganda, the TFG President and the TFG Speaker of the Parliament, signed the Kampala Accord, which in effect,

extended their rule for another year only, that is until August 2012. Currently, Somalia has a central Federal Government with a Prime Minister and parliamentary system. The judicial system in the area controlled by Federal Government, is both civil and military. The military courts have jurisdiction over crimes involving national security such as crimes arising out of attacks by Al Shabaab. The judges of the civil courts are not well trained and are replaced on occasion when the Government changes. A 2010 U.S. Department of State Report stated with respect to arrest and detention:

Judicial systems were not well established, were not based upon codified law, did not function, or simply did not exist in most areas of the country. The country's previously codified law requires warrants based on sufficient evidence issued by authorized officials for the apprehension of suspects; prompt notification of charges and judicial determinations; prompt access to lawyers and family members; and other legal protections for the detained; however, adherence to these procedural safeguards was rare. There was no functioning bail system or the equivalent. Arbitrary arrest was a problem countrywide.

I believe this situation persists today.

The Parliament of the Federal Government determines how many federal regions there are. Currently, there are the autonomous regions of Puntland, Galmudug, Jubaland and South West State. To the best of my knowledge, the judiciary in each of these regions are poorly trained and the courts are underfinanced.



***Republic of Somaliland.*** Following the fall of the Barre Regime in 1991, the local government in the northwest region that was formerly the Somaliland Protectorate withdrew from the 1960 union that formed the Somali Republic and established the self-declared “Republic of Somaliland,” commonly referred to as Somaliland. Somaliland is not part of the TFG. Despite its persistent efforts, Somaliland has not been recognized as an independent country by the United States, Great Britain or any member of the European Union. While Somaliland insists that it is independent, the position of the other regional governments in the former Somalia, as well as the position of the Federal Government, is that Somalia should remain a unified country, consisting of all of the territory comprising Somalia from its independence in 1960 through the end of the Siad Barre Regime.

### **Analysis**

***Legal System Under the Barre Regime.*** The Barre Regime was a dictatorship. I know of no Somali who sued the government under any law for any unlawful activity of the Barre Regime. Despite the fact that the Criminal Procedure Code (“CPC”) under the Barre Regime required an accused to be brought before a judge within forty-eight hours and provided procedures for trials, I know of instances where my friends were imprisoned without charge or trial. They were held under brutal conditions for years. The Regime, as a

dictatorship, simply ignored all laws in cases involving political prisoners, dissidents, or alleged opponents to the Regime. Under the Regime, it was simply impossible for ordinary citizens, such as the Plaintiff, to bring suit for acts constituting human rights violations against an official or military officer of the Barre Regime, such as Yusuf Abdi Ali.

***Judiciary in the Republic of Somaliland Post-Barre Regime.*** It is my opinion that plaintiff cannot obtain an adequate remedy from the Somaliland courts. Absent any recognition of Somaliland by the United States, there is a serious question as to whether any legal judgment rendered by the courts of Somaliland would be enforceable in the United States. If not recognized, such a judgment would be worthless against a former official of the Siad Barre Regime living outside of Somaliland.<sup>4</sup> It is not clear to me that Somaliland would have jurisdiction over an official unless that official submitted to the jurisdiction of the courts of Somaliland.

In addition, it is not clear that Somaliland's judiciary is adequate to the task of fairly deciding cases involving human-rights violations. In 1998, an international conference on Human Rights in Somaliland was held in Hargeisa, the capital of Somaliland. A report on the conference was issued by Amnesty International and the International Cooperation for

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<sup>4</sup> I understand that Mr. Ali is currently living in Fairfax County, Virginia.

Development. The conference was attended by representatives of those two organizations as well as Somaliland Government Officials and local non-governmental organizations (“NGOs”). With respect to justice and prison conditions, the report concluded in part: “The legal system in Somaliland is mostly staffed by unqualified people . . . Corruption is common and it is alleged that a legal case can be won or lost on the basis of financial leverage. There are numerous violations of human rights due to the underdeveloped legal system.”<sup>5</sup> While the situation may have improved since 1998, the judicial system in Somaliland still suffers from lack of trained personnel and resources; it is my opinion that the courts in Somaliland today are incapable of providing an adequate legal remedy to the Plaintiff.

***Other Courts in Post-Barre Somalia.*** The court systems in the other parts of Somalia—that is, Puntland, Mogadishu, Galmudug, Jubaland and the Southwest State lack trained judges and personal. It is my opinion that given the absence of properly functioning courts able to provide legal remedies and trained judges in the former Somali Republic, and the continued dominance of Al-Shabaab in parts of the country, plaintiff would not be able to bring a human-rights case in the other parts of Somalia. In Mogadishu, while the

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<sup>5</sup> AMNESTY INTERNATIONAL AND INTERNATIONAL COOPERATION FOR DEVELOPMENT, HUMAN RIGHTS IN SOMALILAND AWARENESS AND ACTION (1999) available at <http://www.amnesty.org/en/library/asset/AFR52/001/1999/en/478db4e3-e069-11dd-9086-4d51a30f9335/afr520011999en.pdf>

Government controls most of the city there are frequent suicide attacks by Al Shabaab, particularly of government buildings and places frequented by government officials. The **Federal Government relies heavily on African troops in Somalia, (AMISOM) for security and training of the Somali Armed Forces. The US does not maintain an Embassy in Mogadishu but recently named a US Ambassador and fulfills diplomatic functions from an Office in the US Embassy in Nairobi, Kenya.** Al Shabaab controls substantial portions of the south central part of the country and only permits its version of Sharia law.

In my opinion, a member of the Isaaq clan who attempts to prosecute a human- rights claim against a member or members of the former Barre government would reasonably fear reprisals by former members of the Red Berets, a special-forces unit recruited from among Barre's Marehan clansmen, and the National Security Service ("NSS"), the primary intelligence entity under the Barre Regime. While the Barre government no longer holds power in Somalia, many positions in the Barre government were based on clan affiliation. In Somalia, clan affiliation has become even more significant since the overthrow of the Barre Regime. Presently, in the absence of any strong central or regional government, security for any Somali depends on being in an area where his or her clan is in the majority.

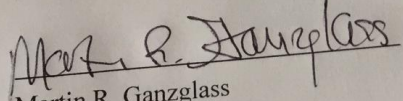
Most members of the Red Berets and NSS were members of Siad Barre's clan, the Marehan. The Red Berets and the NSS, along with elements of the Somali army were responsible for many of the human- rights violations suffered by the Isaaq and other tribes. In my opinion, an Isaaq who was known to be prosecuting a human-rights case relating to acts taken by the Army, Red Berets or the NSS, or searching for information to support such a case, would reasonably fear for his or her own safety, as well as for the safety of his or her family members, if that person or a family member encountered a Marehan former Red Beret or NSS member.

### **Conclusion**

As such, it is my professional opinion that the Plaintiff would not be able to bring suit against Colonel Ali in Somalia nor obtain an adequate legal remedy if such suit proceeded during the time period relevant to this case. At the time of the Barre Regime, it was impossible for ordinary citizens, such as the Plaintiff, to bring suit against a member of the government. Today, Somalia more than twenty years after the overthrow of Siad Barre still lacks a strong central government able to provide security and, in many instances, pay its police and armed forces, with an inadequate — or in some regions poorly functioning — court system, which is incapable of addressing cases involving human-rights abuses. Further, by bringing a claim of this nature

in a court in Somalia, the Plaintiff may face retaliation, risking his safety and the safety of his family.

I swear under penalty of perjury, under the laws of the United States, that the statements I have made are true and correct to the best of my knowledge.



Martin R. Ganzglass

Date: 11/2/18

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Martin R. Ganzglass

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**EDUCATIONAL BACKGROUND**

**City College of New York**, New York, NY  
Bachelor of Arts, 1961

**Harvard Law School**, Cambridge, MA  
Bachelor of Laws, 1964

**EMPLOYMENT HISTORY**

**Appellate Court Branch, National Labor Relations Board**, Washington, D.C., 1964-1966

**Peace Corps Volunteer**, Mogadishu, Somalia, 1966-1968  
*Legal Advisor to the Somali National Police Force*

**Delson & Gordon**, New York, N.Y., 1968-1972  
*Attorney*

**Delson & Gordon**, Washington D.C., 1972-1988  
*Managing Partner*

**O'Donnell, Schwartz & Anderson, P.C.**, Washington, D.C., 1988-2007  
*Partner*

**O'Donnell, Schwartz & Anderson, P.C.**, Washington, D.C., 2007-2013  
*Of Counsel*

**PUBLICATIONS**

FICTION

*THE ORANGE TREE*

*SOMALIA - SHORT FICTION*

*CANNONS FOR THE CAUSE*

*TORIES AND PATRIOTS*

*BLOOD UPON THE SNOW*

*SPIES AND DESERTERS*

*TREASON AND TRIUMPH*

NON-FICTION

THE PENAL CODE OF THE SOMALI DEMOCRATIC REPUBLIC, CASES, COMMENTARY AND EXAMPLES (Rutgers Univ. Press, 1971)

*Somalia*, in CONSTITUTIONS OF THE COUNTRIES OF THE WORLD (Albert P. Blaustein and Gisbert H. Flanz eds., November 1981).

*Evaluation of the Judicial, Legal, and Penal Systems of Somalia*,  
REPORT TO THE SPECIAL REPRESENTATIVE OF THE UN SECRETARY-GENERAL UNOSOM II (Apr. 22, 1993).

*The Restoration of the Somali Justice System*, in 3 INTERNATIONAL  
PEACEKEEPING, no. 1 (1996).

*The Restoration of the Somali Justice System*, in LEARNING FROM SOMALIA: THE LESSONS OF ARMED  
HUMANITARIAN INTERVENTION (Sheldon Clarke and Jeffrey Herbst eds., 1997).

*Allegations of Human Rights Violations against Mohamed Ali Samantar*, JOURNAL OF THE ANGLO-SOMALI  
SOCIETY Issue no. 47, Spring 2010.

ONE HAND DOES NOT CATCH A BUFFALO (50 YEARS OF AMAZING PEACE CORPS STORIES): THE 48 HOUR  
RULE, 101-107 (Aaron Barlow ed., Solas House, Inc. 2011)



# **EXHIBIT B**

## **EXPERT REPORT OF ROBERT GOSENDE**

My testimony will address the history, politics and governance of Somalia from 1969 to 1991. It is intended to provide background to the jury to assist them in evaluating the context in which the events at issue in this case occurred.

My expertise and testimony are based on my more than thirty years in the U.S. Foreign Services with responsibilities relating to Africa. During these many years, I traveled regularly throughout Africa, including Somalia. My association with Somalia began in 1968, when I served as Cultural Affairs Officer in the U.S. embassy in Mogadishu. I remained in close touch with developments in that country from that time. In the 1980s, I served for several years as Deputy Director, and then Director for African Affairs for the U.S. Information Agency. These positions required me to remain highly knowledgeable about current events in African countries, including Somalia. I spoke regularly with officials of both the U.S. and African governments, and reviewed U.S. government reports, scholarly works, human rights reports, and other sources of information about events in Africa, including Somalia. In 1992, President Clinton appointed me to serve as his Special Envoy to Somalia because of my widely-recognized expertise relating to Somalia.

Somalia is located in the northeastern area of Africa. It occupies the tip of the region commonly known as the Horn of Africa, because of the region's resemblances on the map to a rhinoceros's horn. It is one of the poorest countries in the world, with extremely low levels of education and literacy, and relatively no industrial activity.

Somalia's environment is very arid and generally unsuited to most agriculture. Most of Somalia's population is nomadic or semi-nomadic, tending herds of sheep, goats, and camels, living a difficult life in harsh conditions. During the dry season, nomadic Somalis congregate in villages or encampment near reliable water sources; during the rainy seasons, they follow their herds as they forage for food and water throughout the countryside.

On October 21, 1969, the Somali Armed Forces toppled the democratically elected government of Somalia and seized power in a bloodless coup. The military suspended the constitution, abolished democratic institutions and declared most groups not sponsored by the government (including political parties and civic or religious groups) to be illegal. Power was assumed by a new governing body, the Supreme Revolutionary Council (SRC), composed of high-ranking military officers. At the time, Somalia was a close ally of, and heavily dependent on, the Soviet Union. The influence of the Soviet Union can be seen in the SRC's proclamation that Somalia was a one-party Marxist state committed to the philosophy of "scientific socialism." The military also jailed political opponents such as Gen. Mohamed Abshir Musse, the first commander of the Somali National Police, who would spend nine years in a small underground cell in a remote, maximum-security prison for his commitment to democracy and his pro-American views.

In the late 1970's, the Barre regime expelled its Soviet advisors, and by 1980, Somalia was turning to the United States for military and economic aid. Barre's militarized government remained firmly in control, despite severe economic problems

caused by drought and war. Somalia continued to be run by a small group of military officers led by Barre through the 1980's.

Throughout the period of the military government (1969-1991), the military dominated almost all aspects of life in Somalia. Military and police officers headed government agencies and public institutions responsible for economic development, financial management, trade, communications, and public utilities. In some areas of the country, military officers replaced civilian government officials; in other areas, military officers simply asserted control over civilian officials. Units of the Army were stationed around the country to deter domestic opposition and civil unrest. The military government also created new security agencies, with units in many towns and villages, to help it maintain surveillance over the population. To further strengthen its control over the Somali population, the military imposed strict censorship over the flow of information within the country.

The legal system also came to function as an arm of the military. New military courts were created and given jurisdiction over civilians accused of "security" crimes. The National Security Court (NSC), set up as the judicial arm of the SRC and composed of military officers, traveled around the country to hear especially prominent "national security" cases. The Mobile Military Court (MMC), operating from headquarters in Hargeisa and composed of a network of military officers through northern Somalia, also tried suspected political opponents of the regime. These military courts presided over "show" trials that were intended to deter opposition to the military regime. These courts often authorized executions and long prison sentences.

The military government's repressive practices led in the early 1980s to the formation of several opposition groups. These groups generally had both military and political wings, articulated the grievances of people persecuted by the regime, and sought, at least initially, to become nationwide opposition movements. Among the most prominent of these groups were the Somali Salvation Democratic Front (SSDF), which found its support primarily among the Mijertain clan in the northeastern and southern regions of Somalia, and the Somali National Movement (SNM), which found its support primarily among the Isaaq clan in the northwestern region of Somalia. The military's tight control over the political system, however, caused these groups to remain secretive about their existence and their objectives and ultimately led these groups to focus on armed opposition to the regime. They opened small camps in the eastern areas of Ethiopia and launched small-scale incursions into Somalia throughout the 1980s.

The military government responded to these movements with a campaign of terror that led to many serious human rights violations. The Geneva Conventions, which the Somali government had ratified, and which required the military to respect the distinction between combatants and civilians, were disregarded by the Somali army. Throughout the 1980s, Amnesty International and other human rights groups documented the military's use of torture, summary executions and prolonged detention without charges or trial to deal with suspected opponents. These widespread human rights violations eventually prompted the United States Congress by 1987 to make deep cuts in aid to Somalia and to halt all aid by 1989.

The counter-insurgency campaign in the countryside was especially brutal. The military government seemingly regarded the country's nomads and farmers as the

economic and manpower bases of the insurgent groups. Collective punishment to terrorize civilians and deter them from providing food, shelter or other support to these groups was common. Measures used by the Army against civilians included the arrest and execution of suspected government opponents (including women and children) the burning of villages, the use of landmines, the destruction of reservoirs and the killing of livestock. Entire regions of the country were devastated by the military in its effort to squelch opposition.

The military government's persecution of the Isaaq clan, the dominant clan in the northwest region of Somalia, was particularly long and bloody. From the outset, the military had identified members of the Isaaq clan as potential opponents because of their economic prosperity and identification with the previous government. The government therefore imposed harsh economic measures on the north and enforced repressive measures with particular cruelty in the north. For example, in December 1981, thirty doctors, engineers, teachers, government employees and economists who had organized a community group to improve local facilities in Hargeisa were arrested and charged with treason for belonging to the organization. At their "show trial" before the National Security Court in February 1982, three men were sentenced to life imprisonment on the grounds that they had funded the illegal organization, and others were sentenced to prison terms of up to thirty years. These men would spend almost seven years in solitary confinement and were released after an international campaign was launched on their behalf.

Civil war in the north finally broke out in late May 1988 when the SNM attacked Burao and Hargeisa, two of the main cities in the north. In response, the government

launched an indiscriminate attack on Hargeisa and the surrounding towns and cities. The attack was directed at the city itself. Although SNM combatants may have been in the city at the time, the city was populated by civilians, many of whom were killed. Government troops arrested and executed any Isaaq men, especially members of the armed forces, businessmen, and civil servants, it feared would assist the SNM. The Somali Army and the Air Force used artillery shelling and aerial bombardment in heavily populated urban centers to retake Hargeisa, Burao and Berbera (a northern port city), leveling these cities. The attacks killed thousands of civilians and caused between 300,000 and 400,000 Isaaq to flee to refugee camps in Ethiopia.

The fighting in the north eventually spread to other parts of the country. In the central and southern areas, including the areas around Mogadishu, the government unleashed a reign of terror against those suspected of supporting or belonging to the United Somali Congress (USC), another insurgent group. The USC responded with a full scale assault on the military government. Heavy fighting soon engulfed Mogadishu and in January 1991, President and Major General Siad Barre fled Somalia and the military government collapsed.

Robert Goseude

April 11, 2005

Robert Goseude



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Resume  
For

**Robert R. Gosende**

**Current Position:**

Associate Vice Chancellor  
for International Programs  
The State University of New York (SUNY)  
(Appointed by the Board of Trustees of The State University in January, 2000)

- 1998-89: Special Assistant to the Chancellor for International Programs
- 1999-00: Director, Office of International Programs

**Experience in the Foreign Service of the United States:**

- 1996-98: Minister-Counselor for Press and Cultural Affairs and Director of the U.S. Information Service in the Russian Federation, American Embassy, Moscow
- 1994-96: Edward R. Murrow Professor of Professor of Public Diplomacy, Fletcher School of Law and Diplomacy, Tufts University
- 1994: Senior Advisor to the Assistant Secretary of State for African Affairs, U.S. Department of State, Washington, D.C.
- 1992-93: President Clinton's Special Envoy for Somalia
- 1992: Diplomat in Residence, Institute for the Study of Diplomacy, School of Foreign Service, Georgetown University
- 1989-92: Director for African Affairs, U.S. Information Agency, Washington, D.C.
- 1986-89: Deputy Associate Director, Bureau of Educational and Cultural Affairs, U.S. Information Agency, Washington, D.C.
- 1983-86: Minister-Counselor for Public Affairs, American Embassy, Pretoria, South Africa
- 1981-83: Deputy Director for African Affairs, U.S. Information Agency, Washington, D.C.
- 1979-81: Deputy Director, Office of Program Coordination and Development, U.S. Information Agency, Washington, D.C.
- 1978-79: Fellow, Center for International Affairs, Harvard University
- 1974-78: Cultural Affairs Officer, American Embassy, Warsaw, Poland
- 1971-74: Director, U.S. Information Service, American Consulate General, Cape Town, South Africa

- 1970-71: Field Program Officer, American Embassy, Pretoria, South Africa  
 1968-70: Cultural Affairs Officer, American Embassy, Mogadishu, Somalia  
 1966-68: Assistant Cultural Affairs Officer, American Embassy, Tripoli, Libya

#### **Experience before joining the Foreign Service**

- 1984-86: Faculty Member, School of Education, University of Massachusetts at Amherst  
 Served as the Deputy Headmaster and Chairman of the English Department of the Tororo School for Girls in Tororo, Uganda. This school was established with a grant provided by the U.S. Agency for International Development  
 1981-84: Teacher of English, Spanish, and History, East Longmeadow High School, East Longmeadow, MA  
 1960-61: Teacher of English, Spanish, and History, Valley Regional High School, Deep River, CT

#### **Education:**

- 1959-60: M.A. in History and Education, American International College  
 1954-58: B.A. in History and Political Science, American International College

#### **Military:**

- 1954-68: Member of the U.S. Army Reserve and Massachusetts Army National Guard  
 1960 Graduate of the Massachusetts Military Academy, Boston, MA.  
 1961 Graduate of the U.S. Army Infantry School, Fort Benning, GA.  
 1962-64: Company Commander, "A" Company, 104<sup>th</sup> Infantry Battalion, 26<sup>th</sup> "Yankee" Division, Massachusetts Army National Guard, Springfield, MA  
 1964-68, U.S. Army Reserve Europe, Civil Affairs/Intelligence Officer

**Languages:** Russian, Polish, Arabic, Afrikaans, Swahili, Somali

#### **Awards:**

- 2001: Palmes Academiques Republic of France  
 1983-1992: Outstanding Service Awards from the United States Information Agency  
 1991, 1992, 1993: Presidential Outstanding Service Awards  
 1993: Department of State Award for Valor for Service in Somalia  
 1991: Doctor of Humane Letters (Honoris Causa), American International College  
 1989: Distinguished Service Award of the American Institute of Polish Culture

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and Art

1989: Distinguished Service Award - American Council for Polish Culture

1988: Alumni Achievement Award from American International College

**Professional Associations/Memberships:**

1975-present: National Association for Historic Preservation

1998-present: Fellow, American Foreign Policy Association