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SUBJECT: 1988 HUMAN RIGHTS REPORT - SOMALIA

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1. NOFORN - ENTIRE TEXT.

2. THE FOLLOWING IS POST'S SUBMISSION OF 1988 HUMAN RIGHTS REPORT FOR SOMALIA.

3. BEGIN TEXT:

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- SOMALIA

SOMALIA'S FORMAL GOVERNMENTAL STRUCTURE INCLUDES THE

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PRESIDENT, THE COUNCIL OF MINISTERS, AND THE NATIONAL PEOPLE'S ASSEMBLY. PRESIDENT MOHAMED SIAD BARRE, WHO SEIZED POWER IN A BLOODLESS COUP IN 1969, IS ALSO HEAD OF THE ARMED FORCES AND SECRETARY GENERAL OF THE SOMALI REVOLUTIONARY SOCIALIST PARTY (SRSP), THE SOLE LEGAL POLITICAL PARTY. IN 1986, PRESIDENT SIAD WAS ELECTED TO A 7-YEAR TERM IN SOMALIA'S FIRST DIRECT PRESIDENTIAL ELECTION, WITH 99.9 PERCENT OF THE VOTE. THE COUNCIL OF MINISTERS IS APPOINTED BY PRESIDENT SIAD. THE MEMBERS OF THE PEOPLE'S ASSEMBLY WERE LAST ELECTED ON A SINGLE SLATE IN 1984, WITH NO PROVISION FOR ALTERNATIVE OR DISSENTING VOTES. INFORMAL AND FORMAL CONSULTATIONS BETWEEN THE LEADERSHIP AND CLAN GROUPS ALSO HAVE A MAJOR IMPACT ON INTERNAL POLITICS.

CONFLICT AMONG SOMALIA'S FIVE MAJOR CLANS AND NUMEROUS SUBCLANS HAS BROKEN OUT REPEATEDLY OVER THE CENTURIES. THE ANTIREGIME SOMALI NATIONAL MOVEMENT (SNM), WHICH FINDS SUPPORT AMONG THE NORTHERN ISAAK CLAN, LAUNCHED ARMED ATTACKS IN NORTHERN SOMALIA IN MAY 1988, KILLING NON-ISAAKS AND SUSPECTED OPPONENTS AND DESTROYING THEIR PROPERTY. IN RESPONDING, THE SOMALI NATIONAL ARMY INFLICTED ADDITIONAL HEAVY DAMAGE ON HARGEISA, THE PRINCIPAL CITY OF THE NORTH, AND ON BURAO. THE MILITARY POLICE, THE UNIFORMED REGULAR POLICE, AND THE NATIONAL SECURITY SERVICE (NSS) BECAME INCREASINGLY ACTIVE IN THEIR PURSUIT OF REBELS AND SUSPECTED DISSIDENTS. THE NSS, CREATED IN 1970, HAS ESSENTIALLY UNLIMITED POWERS OF ARREST, DETENTION, SEARCH, AND CONFISCATION. OVER THE YEARS THE NSS HAS

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DETAINED THOUSANDS OF PEOPLE FOR POLITICAL OR UNSPECIFIED REASONS, OFTEN FOR YEARS WITHOUT TRIAL. THERE HAVE BEEN NUMEROUS ACCUSATIONS, AND CREDIBLE MEDICAL EVIDENCE, THAT THE NSS TORTURES MANY DETAINEES. SOLDIERS, POLICE, AND GOVERNMENT EMPLOYEES ARE POORLY PAID AND POORLY DISCIPLINED, AND THEREFORE PRONE TO TREAT CITIZENS HARSHLY AND SUBJECT THEM TO EXTORTION.

SOMALIA HAS FEW PROVEN NATURAL RESOURCES, AND MOST OF ITS ESTIMATED 7.7 MILLION PEOPLE MANAGE A BARE SUBSISTENCE AS HERDSMEN OR FARMERS. THE CAPITAL CITY, MOGADISHU, NOW HAS A POPULATION EXCEEDING A MILLION,

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MANY OF WHOM ARE UNEMPLOYED MIGRANTS FROM THE COUNTRYSIDE. THE GOVERNMENT IN 1983 INTRODUCED POLICIES TO ENCOURAGE DEVELOPMENT OF THE SMALL PRIVATE SECTOR AND TO INITIATE ECONOMIC REFORMS. KEY FOREIGN EXCHANGE REFORMS WERE REVERSED IN SEPTEMBER 1987, SERIOUSLY WEAKENING THE EXPORT SECTOR WHILE DRYING UP ESSENTIAL IMPORTS AND FORCING UP PRICES IN URBAN MARKETS (INFLATION REACHED 13 PERCENT PER MONTH IN AUGUST 1988). HOWEVER, SINCE MID-1988, THE GOVERNMENT HAS RENEWED ITS COMMITMENT TO IMF-PROPOSED STRUCTURAL REFORMS, INCLUDING STEEP CURRENCY DEVALUATION.

THE HUMAN RIGHTS CONSEQUENCES OF THE WAR IN THE NORTH HAVE BEEN PROFOUND. THE SOMALI ARMED FORCES USED ARTILLERY EXTENSIVELY AGAINST INSURGENTS WHO BARRICADED THEMSELVES IN URBAN AREAS OF HARGEISA AND BURAO, AND BOMBED AND STRAFED ZONES POPULATED BY CIVILIANS. BOTH SIDES HAVE EXECUTED SUSPECTED OPPONENTS. ABOUT 400,000 SOMALIS HAVE FLED THE FIGHTING, INTO ETHIOPIA, DJIBOUTI, MOGADISHU OR THE SOMALI COUNTRYSIDE. THESE REFUGEES' INACCESSABILITY HAS MADE RELIEF WORK DIFFICULT OR IMPOSSIBLE. THE

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AMEMBASSY NAIROBI

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TOWNS OF HARGEISA AND BURAO NOW HAVE LESS THAN A TENTH
OF THEIR FORMER INHABITANTS.

THESE CALAMITIES OVERSHADOWED SEVERAL POSITIVE HUMAN
RIGHTS DEVELOPMENTS IN SOMALIA DURING 1987-88,
INCLUDING THE EXCHANGE AND REPATRIATION UNDER
INTERNATIONAL RED CROSS (ICRC) AUSPICES OF SEVERAL
THOUSAND ETHIOPIAN PRISONERS OF WAR HELD BY SOMALIA
SINCE THE 1977-78 OGADEN WAR; THE TRIAL IN FEBRUARY
1988 AND COMMUTATION OF DEATH PENALTIES BY PRESIDENT
SIAD OF 22 SOMALIS WHO HAD BEEN DETAINED WITHOUT

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CHARGE SINCE 1982; AND TWO GOVERNMENT-HOSTED
INTERNATIONAL CONFERENCES DEALING WITH CULTURAL
DISCRIMINATION AGAINST WOMEN (NOTABLY, CIRCUMCISION
AND INFIBULATION) AND DEFINING GOVERNMENT POLICIES FOR
CORRECTING ABUSES.

SECTION 1 RESPECT FOR THE INTEGRITY OF THE PERSON,
- INCLUDING FREEDOM FROM:

A. POLITICAL KILLING

WHEN THE SNM ATTACKED CITIES IN NORTHERN SOMALIA IN
LATE MAY, IT EXECUTED GOVERNMENT OFFICIALS, SUSPECTED
OPPONENTS, WAVERING SUPPORTERS, AND NON-ISAACS. ONE
MASS GRAVE IN BURAO CONTAINS THE BODIES OF 71 SUCH
VICTIMS. FOREIGN AID WORKERS AND OTHER EYEWITNESSES
TO THE FIGHTING IN NORTHERN SOMALIA HAVE STATED THAT
WHEN THE GOVERNMENT COUNTERATTACKED, SOLDIERS AND
SECURITY AGENTS LINED UP AND SHOT DOZENS AND PERHAPS
HUNDREDS OF PERSONS, EITHER BECAUSE THEY WERE

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SUSPECTED REBELS OR BECAUSE THEY WERE MEMBERS OF THE ISAAK CLAN WHO ENCOUNTERED GOVERNMENT PATROLS. PRIOR TO THE OUTBREAK OF FIGHTING THERE WERE OCCASIONAL SHOOTINGS BY SECURITY FORCES, PARTICULARLY CURFEW PATROLS.

THE ALLEGATIONS OF EXECUTIONS BY BOTH GOVERNMENT AND ANTI-GOVERNMENT FORCES ARE CREDIBLE, BUT NUMBERS ARE DIFFICULT TO ESTIMATE. POLITICAL KILLINGS OF THIS SORT PROBABLY FLUCTUATE IN DIRECT PROPORTION TO THE INTENSITY OF FIGHTING BETWEEN THE GOVERNMENT AND THE SNM. THERE ARE ALSO CHARGES OF RANDOM KILLINGS BY CURFEW PATROLS, THE MILITARY POLICE, AND THE NSS, BUT
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CORROBORATING EVIDENCE IS LACKING. BECAUSE NUMBERS OF PEOPLE DETAINED BY THE NSS OVER THE PAST 18 YEARS HAVE NEVER AGAIN BEEN HEARD FROM, IT IS ASSUMED THAT SOME OF THEM WERE KILLED. ON THE OTHER HAND, AMONG DETAINEES TRIED IN 1988 BEFORE THE NATIONAL SECURITY COURT AND SENTENCED TO DEATH, THERE IS NO EVIDENCE THAT ANY WERE ACTUALLY EXECUTED.

B. DISAPPEARANCE

THERE ARE NO RELIABLE FIGURES AS TO UNEXPLAINED DISAPPEARANCES. SUCH INCIDENTS HAVE PROBABLY INCREASED SINCE LATE MAY WHEN THE FIGHTING IN THE NORTH BROKE OUT. AS WITH POLITICAL KILLINGS, GOVERNMENT SECURITY FORCES AS WELL AS INSURGENTS WERE PROBABLY RESPONSIBLE FOR DISAPPEARANCES. MANY HUNDREDS OF CIVILIANS WERE FORCED TO LEAVE HARGEISA AND BURAO ALONG WITH THE INSURGENT FORCES -- AT LEAST SOME OF THEM INVOLUNTARILY -- WHEN THE INSURGENTS FLED THOSE TWO TOWNS; THERE ARE CREDIBLE REPORTS THAT THE REBELS ARE NOW FORCIBLY PREVENTING THEM FROM RETURNING HOME. DISAPPEARANCES ATTRIBUTABLE TO THE GOVERNMENT ARE HARD TO DISTINGUISH FROM ARBITRARY ARRESTS AND DETENTIONS (SECTION 1 D, BELOW) BECAUSE DETENTIONS ARE NOT EXPLAINED OR ACKNOWLEDGED BY THE AUTHORITIES.

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C. TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING
- TREATMENT OR PUNISHMENT

RECURRING REPORTS, SOMETIMES SUPPORTED BY MEDICAL
EXAMINATIONS, INDICATE THAT THE NSS AND THE MILITARY
POLICE OFTEN TORTURE DETAINEES. METHODS OF TORTURE
INCLUDE SUBMERSION IN WATER, ELECTRIC SHOCK, PLACING
PRISONERS IN CONTORTED POSITIONS FOR EXTENDED PERIODS,
SEVERE BEATING, WOUNDING WITH KNIVES, AND RAPE (OF
MALES AND FEMALES). WOUNDS INFLICTED DURING TORTURE
SOMETIMES FESTER BECAUSE OF UNSANITARY PRISON

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CONDITIONS AND DENIAL OF MEDICAL CARE, PERMANENTLY
DAMAGING THE HEALTH OF DETAINEES. KIDNEY AILMENTS
SEEM COMMON AMONG LONG-TERM PRISONERS. SOMALI
OFFICIALS CONSISTENTLY DENY THAT TORTURE IS PRACTICED;

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THE NATIONAL SECURITY COURT HAS REFUSED TO ADMIT INTO EVIDENCE ALLEGATIONS OF TORTURE.

SOME POLITICAL DETAINEES IN MAXIMUM SECURITY PRISONS ARE DENIED CONTACT WITH THEIR FAMILIES, AND IN SOME CASES KEPT IN SOLITARY CONFINEMENT IN CELLS AS SMALL AS TWO SQUARE METERS. MEDIUM SECURITY PRISONS HOUSING COMMON CRIMINALS ARE ALSO UNSANITARY AND OVERCROWDED, THOUGH FAMILY VISITS ARE ALLOWED.

D. ARBITRARY ARREST, DETENTION, OR EXILE

ALTHOUGH THE SOMALI CONSTITUTION ACCORDS CITIZENS THE RIGHT TO FORMAL CHARGES AND A SPEEDY TRIAL, THE CRIMINAL CODE WAS MODIFIED IN 1970 TO EXEMPT CRIMES INVOLVING NATIONAL SECURITY FROM TIME LIMITS AND RULES OF PROCEDURE. PERSONS SUSPECTED OF A SEDITIOUS INTENT, OR PERCEIVED AS A POLITICAL THREAT, MAY BE HELD INDEFINITELY WITHOUT BEING BROUGHT TO TRIAL. DETENTIONS BY THE SECURITY SERVICES MAY NOT BE REVIEWED OR OVERTURNED BY THE COURTS. PRECISE ESTIMATES OF THE NUMBER OF DETAINEES ARE IMPOSSIBLE, BECAUSE THE GOVERNMENT DOES NOT DISCLOSE SUCH INFORMATION, BUT THEY PROBABLY NUMBERED IN THE THOUSANDS AT THE HEIGHT OF THE CONFLICT IN THE NORTH; SOME HAVE BEEN RELEASED SINCE FIGHTING SUBSIDED. FOR A DISCUSSION OF FORCED OR COMPULSORY LABOR, SEE SECTION 6 C.

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THE GOVERNMENT DOES NOT PRACTICE EXILE. IN JULY AND SEPTEMBER 1988 PRESIDENT SIAD BARRE OFFERED AMNESTY TO DISSIDENTS ABROAD WHO WISHED TO RETURN TO SOMALIA.

E. DENIAL OF FAIR PUBLIC TRIAL

THE SOMALI JUDICIAL SYSTEM INCLUDES CIVIL AND CRIMINAL COURTS, HEADED BY THE SUPREME COURT, WHICH ARE OPEN TO THE PUBLIC. THERE IS A SEPARATE NATIONAL SECURITY COURT, AFFILIATED WITH THE NATIONAL SECURITY SERVICE, WHERE PROCEEDINGS ARE NOT USUALLY OPEN TO THE PUBLIC. IN SEPTEMBER 1988, A U.S. CONSUL FOR THE FIRST TIME WAS PERMITTED TO ATTEND A TRIAL OF THE NATIONAL SECURITY COURT. THE PROCEEDINGS WERE SYSTEMATIC;

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ATTORNEYS FOR THE DEFENSE APPEARED COMPETENT AND THEY ARGUED THEIR CASE WITH VIGOR; WITNESSES DID NOT APPEAR UNDER DURESS. THE OFFENSE BEING TRIED, POSSESSION OF SEDITIONARY MATERIALS, WOULD NOT HOWEVER BE A CRIME IN THE U.S.

LAW NO. 54 OF 1970 PROVIDES THE DEATH PENALTY FOR POLITICAL OFFENSES "AGAINST NATIONAL SECURITY", DEFINED AS BEHAVIOR "WHICH MAY BE CONSIDERED PREJUDICIAL TO THE MAINTENANCE OF PEACE, ORDER AND GOOD GOVERNMENT". THE LAW DOES NOT DISTINGUISH BETWEEN VIOLENCE AND NON-VIOLENT CRITICISM OR OPPOSITION TO THE GOVERNMENT. IN ITS VERDICTS AND SENTENCES, HOWEVER, THE NATIONAL SECURITY COURT SOMETIMES APPEARS TO MAKE THIS DISTINCTION.

IN THE CIVIL AND CRIMINAL COURTS, LEGAL ASSISTANCE IS PROVIDED, AND THERE ARE ESTABLISHED RULES OF EVIDENCE. THERE ARE NO RELIGIOUS COURTS IN SOMALIA. IN CIVIL PROCEEDINGS RELATING TO FAMILY MATTERS, SUCH

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AS MARRIAGE AND INHERITANCE, THE JUDGE MAY CITE
PREVAILING ISLAMIC SHARI'A LAW IN RENDERING DECISIONS.

ALTHOUGH NOMINALLY INDEPENDENT, THE JUDICIARY IS IN
FACT NOT DISTINGUISHABLE FROM THE EXECUTIVE, WHICH
REVIEWS AND CONTROLS JUDICIAL DECISIONS. ALL JUDGES
IN THE SUPREME COURT AND LOWER COURTS ARE APPOINTED BY
THE PRESIDENT WITH THE ADVICE OF THE HIGHER JUDICIAL
COUNCIL, OF WHICH THE PRESIDENT IS THE CHAIRMAN.
JUDGES OF THE NATIONAL SECURITY COURT GENERALLY ARE
MILITARY OFFICERS POSTED TO THE COURT.

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THE RIGHT TO APPEAL EXISTS IN CRIMINAL AND CIVIL
CASES, BUT NOT IN CASES HEARD BY THE NATIONAL SECURITY
COURT. FOR PERSONS CONVICTED BY THE NATIONAL SECURITY
COURT, THE ONLY AVENUE FOR CLEMENCY IS THROUGH THE
POLITBURO OF THE SRSP.

F. ARBITRARY INTERFERENCE WITH PRIVACY, FAMILY, HOME
- OR CORRESPONDENCE

THE NATIONAL SECURITY SERVICE SEARCHES HOMES WITHOUT
WARRANTS; THE NSS ALSO MONITORS COMMUNICATIONS AND
OPENS MAIL, ALTHOUGH THERE IS NO EVIDENCE THAT SUCH
PRACTICES ARE EXTENSIVE.

PRESS GANGS PROVIDE THE MILITARY WITH CONSCRIPTS.
AFTER THE OUTBREAK OF FIGHTING IN THE NORTH, THE PRESS
GANGS' ACTIVITIES INCREASED GREATLY. PRESS GANGS AND
GROUPS POSING AS PRESS GANGS HAVE REPORTEDLY ABDUCTED
PEOPLE IN ORDER TO EXTORT MONEY FROM THEIR FAMILIES.

THE SOMALI REVOLUTIONARY SOCIALIST PARTY IS NOT AS
ACTIVE AS IT WAS IN ITS EARLY YEARS IN PROPAGANDIZING
AND MOBILIZING THE POPULATION. MOBILIZATION CAMPAIGNS
STILL TAKE PLACE, HOWEVER, ESPECIALLY DURING THE
ANNUAL PREPARATIONS FOR NATIONAL DAY. MEMBERSHIP IN
THE SRSP IS A REQUIREMENT FOR HIGHER RANKING
OFFICIALS, BUT SEEMS TO BE A FORMALITY, NOT A

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SIGNIFICANT IMPOSITION.

C., D., AND E. DETENTION, TORTURE, TRIAL AND
- IMPRISONMENT: SOME CASE HISTORIES

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INVESTIGATIONS BY A DELEGATION OF THE U.S. NATIONAL ACADEMY OF SCIENCES, THE CANADIAN CENTRE FOR INVESTIGATION AND PREVENTION OF TORTURE, AND AMNESTY INTERNATIONAL, AS WELL AS INFORMATION COLLECTED BY THE EMBASSY, REVEAL A NUMBER OF CASE HISTORIES OF POLITICAL PRISONERS. THE FOLLOWING HAVE BEEN SELECTED BECAUSE THEY HAVE SOME TIE WITH THE UNITED STATES.

A. SULEIMAN NUH ALI, AN ARCHITECT WHO GRADUATED IN 1971 FROM HOWARD UNIVERSITY IN WASHINGTON, DC. HE WAS ARRESTED ON SEPTEMBER 12, 1982, BY THE NSS, AND HELD UNDER THE PREVENTIVE DETENTION LAW, CHARGED UNDER LAW NO. 54 WITH "CREATING A SUBVERSIVE ORGANIZATION" AND "ESTABLISHING AN ARMED GROUP" WHICH CARRIED OUT AN ASSAULT ON A PRISON AND ATTEMPTED TO ASSASSINATE A MAJOR GENERAL OF THE SOMALI NATIONAL ARMY. ACCORDING TO THE NATIONAL ACADEMY OF SCIENCES, SULEIMAN NUH ALI "IS NOT KNOWN TO HAVE BEEN INVOLVED IN ANTI-GOVERNMENT POLITICAL ACTIVITIES NOR TO HAVE EVER PRACTICED OR ADVOCATED VIOLENCE". AT THE TIME OF HIS ARREST, HE WAS WORKING AS AN ENGINEER AND CONSULTANT FOR USAID. NUH ALI WAS REPORTEDLY MISTREATED DURING THE EARLY DAYS OF HIS DETENTION; HE HAS EYE PROBLEMS BECAUSE HE WAS KEPT CONTINUOUSLY IN ARTIFICIAL LIGHT; HIS CELL MEASURED 1.2 BY 1.8 METERS. IN FEBRUARY 1988, NUH ALI AND 21 OTHER DEFENDANTS WERE BROUGHT TO TRIAL BEFORE THE NATIONAL SECURITY COURT. NUH ALI WAS FOUND GUILTY UNDER LAW NO. 54 AND SENTENCED TO DEATH. THE SENTENCE WAS COMMUTED TO LIFE IMPRISONMENT BY PRESIDENT SIAD BARRE.

B. ABDI ISMAIL YUNIS, A MATHEMATICIAN WHO EARNED A MASTERS DEGREE IN 1972 FROM THE STATE UNIVERSITY OF NEW YORK (SUNY) AT NEW PALTZ. HE WAS ARRESTED IN

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MARCH 1982 WHILE VISITING HIS PARENTS IN HARGEISA, AND
LATER CHARGED WITH THE SAME CRIMES AS SULEIMAN NUH ALI
UNDER LAW NO. 54. ABDI ISMAIL YUNIS WAS REPORTEDLY
TORTURED DURING THE EARLY PERIOD OF HIS CONFINEMENT.
TESTICULAR WOUNDS INFLICTED THEN LED TO INFECTIONS.
HE IS REPORTED ALSO TO HAVE SUFFERED FROM SKIN
IRRITATIONS CAUSED BY TICKS OR MITES, PROBABLE
RHEUMATOID ARTHRITIS, AND SEVERE BACK PAIN. HE WAS
HELD IN SOLITARY CONFINEMENT AT THE NSS PRISON IN
MOGADISHU. THEN IN FEBRUARY 1988 HE WAS ONE OF THE
DEFENDANTS BROUGHT TO TRIAL BEFORE THE NATIONAL

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SECURITY COURT, FOUND GUILTY, AND SENTENCED TO DEATH.
THE SENTENCE WAS COMMUTED TO LIFE IMPRISONMENT BY
PRESIDENT SIAD BARRE. ABDI ISMAIL YUNIS IS NOW
REPORTEDLY IN LABAATAN-JIROW HIGH SECURITY PRISON. HE

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IS PERMITTED NO VISITORS AND THERE IS NO NEWS OF HIS PRESENT CONDITION.

C. MOHAMMED BARUD ALI, A CHEMIST EDUCATED IN THE UNITED KINGDOM, WAS DIRECTOR OF THE PEPSI COLA PLANT IN HARGEISA AT THE TIME OF HIS ARREST ON NOVEMBER 4, 1981. BARUD ALI WAS CONVICTED OF ANTI-REVOLUTIONARY ACTIVITIES AND SENTENCED ON MARCH 6, 1982, TO LIFE IMPRISONMENT. HE IS BELIEVED TO BE HELD IN LABAATAN-JIROW PRISON, BUT HAS NOT BEEN SEEN BY HIS FAMILY OR OTHERS IN MORE THAN FIVE YEARS.

D. SAFIA HASHI MADAR, A BIOCHEMISTRY GRADUATE AND TEACHER, WAS WORKING WITH ETHIOPIAN REFUGEES FOR THE U.S.-BASED TRANS CENTURY FOUNDATION WHEN ARRESTED IN HARGEISA IN JULY 1985. NINE MONTHS PREGNANT AT THE TIME OF HER ARREST, SHE WENT INTO LABOR ON THE SECOND DAY OF HER DETENTION. TAKEN TO A HOSPITAL FOR DELIVERY, SHE WAS SEPARATED FROM HER INFANT SON, WAS RETURNED TO PRISON, AND FOR TWO MONTHS RECEIVED NO INFORMATION ABOUT HER CHILD, WHO HAD BEEN PLACED IN THE CARE OF HER FAMILY. SAFIA HASHI MADAR WAS REPORTEDLY BEATEN AND RAPED WHILE IN DETENTION. BROUGHT TO TRIAL IN MAY 1986 BEFORE THE NATIONAL SECURITY COURT, AND CHARGED WITH MEMBERSHIP IN A SUBVERSIVE ORGANIZATION (BELIEVED TO BE THE SNM), SHE WAS DENIED LEGAL REPRESENTATION, CONVICTED, AND SENTENCED TO LIFE IMPRISONMENT. AMNESTY INTERNATIONAL BELIEVES THAT SAFIA HASHI MADAR MAY HAVE BEEN CRITICAL
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OF THE GOVERNMENT, BUT THAT SHE WAS NOT INVOLVED IN ANY VIOLENT ACTIVITY; SOME OF HER RELATIVES ARE KNOWN TO OPPOSE THE GOVERNMENT AND HAVE ALSO BEEN DETAINED. SAFIA HASHI MADAR IS NOW IN THE CENTRAL PRISON IN MOGADISHU, AND IS REPORTED TO BE SUFFERING FROM A KIDNEY INFECTION, DEPRESSION AND MALNUTRITION.

E. (NOTE: PRIVACY ACT WAIVER NECESSARY BEFORE THIS
- ITEM MAY BE USED.)

NUR ABBY HUSSEIN, AN AMERICAN CITIZEN WHO WORKED AS A CONSULTANT FOR USAID AND CHEVRON OIL IN SOMALIA, WAS DETAINED FOR TWO MONTHS IN 1986 BY THE NSS, BUT RELEASED AFTER A HEARING BEFORE THE NATIONAL SECURITY

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COURT. IN JUNE 1988 HE WAS REARRESTED, AND IN SEPTEMBER 1988 HE WAS TRIED AND CONVICTED BY THE NATIONAL SECURITY COURT ON A CHARGE OF POSSESSING SEDITIOUS MATERIALS -- THREE CASSETTES OF SOMALI POETRY CRITICAL OF THE GOVERNMENT. A U.S. CONSUL WAS PERMITTED TO ATTEND THE TRIAL. THE COURT SENTENCED NUR ABBY HUSSEIN TO FIVE YEARS IMPRISONMENT, AND HE IS NOW IN MOGADISHU CENTRAL PRISON. NUR ABBY HUSSEIN HAS APPARENTLY NOT BEEN ILL-TREATED. HE HAS ALLEGED, HOWEVER, THAT WITNESSES IMPORTANT TO HIS DEFENSE WERE EXCLUDED FROM HIS TRIAL. NUR ABBY HUSSEIN HAS A KIDNEY TRANSPLANT AND OTHER HEALTH PROBLEMS.

SECTION 2 RESPECT FOR CIVIL LIBERTIES, INCLUDING:

A. FREEDOM OF SPEECH AND PRESS

MOST SOMALIS GET THEIR NEWS BY WORD OF MOUTH OR -- CONSISTENT WITH SOMALIA'S STRONG ORAL TRADITION -- BY TRANSISTOR RADIO. EXCEPT FOR RADIO, THE MODERN MEDIA

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ARE NOT IMPORTANT. THE GOVERNMENT DOES NOT ALLOW PUBLIC EXPRESSION OF DISSENTING VIEWS AND OWNS AND OPERATES THE RADIO AND TELEVISION, AS WELL AS THE COUNTRY'S SIX NEWSPAPERS. THE CENTRAL CENSORSHIP BOARD RETAINS CONTROL OVER ALL MEDIA (FOREIGN AND LOCAL), INCLUDING PUBLICATIONS CIRCULATED WITHIN THE COUNTRY -- FILMS, PLAYS, CONCERTS, LECTURES, AND OTHER MEANS OF COMMUNICATION, SUCH AS VIDEOTAPES, WHETHER IMPORTED OR PRODUCED IN SOMALIA. AN EDITOR WAS REPORTEDLY DETAINED IN 1988, AFTER HE RE-RAN AN ARTICLE NO LONGER IN LINE WITH GOVERNMENT POLICIES.
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IN THE PAST, SOME ITALIAN PUBLICATIONS HAVE BEEN BANNED, AS WELL AS THE QUARTERLY JOURNAL "HORN OF AFRICA" PUBLISHED IN NEW JERSEY BY EXPATRIATE SOMALI AND ETHIOPIAN INTELLECTUALS.

B. FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION

ALTHOUGH SOMALIS GATHER INFORMALLY AT TEAHOUSES AND GOSSIP INCESSANTLY ABOUT POLITICS, MORE FORMAL MEETINGS ARE PERMITTED ONLY WITH GOVERNMENT SPONSORSHIP, TO ADVANCE GOVERNMENT PURPOSES. POLITICAL PROTEST MEETINGS ARE NOT PERMITTED. PROFESSIONAL AND CIVIC ORGANIZATIONS MAY BE FORMED ONLY WITH GOVERNMENT SPONSORSHIP AND PARTICIPATION. THE SRSP IS THE ONLY LEGAL POLITICAL PARTY. UNDER LAW NO. 54, MEMBERSHIP IN AN OPPOSITION GROUP IS PUNISHABLE BY DEATH. FOR A DISCUSSION OF FREEDOM OF ASSOCIATION AS IT APPLIES TO LABOR UNIONS, SEE SECTION 6 A.

C. FREEDOM OF RELIGION

ISLAM IS THE STATE RELIGION OF SOMALIA, AND NEARLY 100 (#) SOMALIS ARE PERMITTED TO UNDERTAKE THE HAJJ, AND MANY DO. MEMBERS OF OTHER RELIGIONS MAY PRACTICE THEIR FAITHS FREELY, BUT MAY NOT PROSELYTIZE. MUSLIM CHARITABLE ORGANIZATIONS ARE

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PERMITTED TO FUNCTION, AS ARE CHRISTIAN VOLUNTARY ORGANIZATIONS PROVIDED THAT THEY REFRAIN FROM PROSELYTIZING.

SINCE 1985 THE GOVERNMENT HAS LICENSED ALL MOSQUES AND
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KORANIC SCHOOLS, AND SINCE 1986 IT HAS APPOINTED ALL IMAMS. THE NSS MONITORS SERMONS AND OCCASIONALLY DETAINS RELIGIOUS LEADERS WHOM IT CONSIDERS TOO OUTSPOKEN. THE GOVERNMENT IS SUSPICIOUS OF SHI'ITES, WHETHER SOMALI OR FOREIGN, AND IS ANXIOUS TO PREVENT THE DEVELOPMENT OF RADICAL ISLAMIC MOVEMENTS. LAW NO. 54 PROVIDES THE DEATH PENALTY FOR "EXPLOITING RELIGION FOR CREATING NATIONAL DISUNITY OR SUBVERTING OR WEAKENING STATE AUTHORITY". IN 1987 THE DEATH SENTENCES OF NINE ISLAMIC TEACHERS CONVICTED BY THE NATIONAL SECURITY COURT WERE COMMUTED TO LIFE IMPRISONMENT. THOSE NINE AND SEVERAL OTHER RELIGIOUS PERSONS REMAIN IN PRISON.

D. FREEDOM OF MOVEMENT WITHIN THE COUNTRY, FOREIGN
- TRAVEL, EMIGRATION, AND REPATRIATION

POLICE AND MILITARY CHECKPOINTS CONTROL TRAVEL BETWEEN TOWNS, IN BORDER AREAS, AND IN AREAS OF INTERCLAN VIOLENCE. THE NORTHERN REGION HAS BEEN UNDER AN 8:00 P.M. TO 5:00 A.M. CURFEW SINCE 1986. IN MAY 1988, WHEN FIGHTING BROKE OUT IN THE NORTH, MASS MIGRATIONS OVERWHELMED THESE TRAVEL CONTROLS. SIGNIFICANT SHIFTS OF POPULATION CONTINUED, AS CITIES SUCH AS BERBERA LOST INHABITANTS WHILE MOGADISHU ABSORBED WAR VICTIMS AND ECONOMIC MIGRANTS IN INCREASING NUMBERS.

SOMALI CITIZENS BETWEEN THE AGES OF 15 AND 40, MALE AND FEMALE, ARE PROHIBITED FROM LEAVING SOMALIA WITHOUT OFFICIAL PERMISSION. THE U.S. EMBASSY CONTINUED THROUGHOUT 1988 TO ISSUE NON-IMMIGRANT AND IMMIGRANT VISAS.

-
SOMALIS WHO HAVE GONE ABROAD ARE PERMITTED TO RETURN.

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TWICE IN 1988 PRESIDENT SIAD BARRE PROMISED AMNESTY TO
ANTI-GOVERNMENT SOMALIS RETURNING FROM FOREIGN
COUNTRIES.

SOMALIA HOSTS AN UNKNOWN NUMBER OF REFUGEES FROM
ETHIOPIA. THE UNITED NATIONS HIGH COMMISSIONER FOR
REFUGEES (UNHCR) PROVIDES FOODSTUFFS FOR 870,000, BUT
MOST OBSERVERS AGREE THAT LITTLE MORE THAN 350,000
PERSONS ARE FULL-TIME RESIDENTS OF THE REFUGEE CAMPS.
THE PROGRAM OF SUPPORTING REFUGEES FROM ETHIOPIA
CONTINUES DESPITE THE WAR IN THE NORTH AND THE EXODUS

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OF SOMALIS INTO ETHIOPIA. THE GOVERNMENT HAS SUPPLIED ARMS TO AN UNDETERMINED NUMBER REFUGEES TO FIGHT THE SNM INSURGENTS IN THE NORTH. SOME REFUGEES HAVE BEEN CONSCRIPTED; OTHERS HAVE APPARENTLY JOINED THE GOVERNMENT SIDE VOLUNTARILY, AT LEAST IN PART BECAUSE OF LONGSTANDING ENMITY BETWEEN THE OGADENI (REFUGEE) AND ISAAK (SNM) CLANS.

THE GOVERNMENT IS APPEALING TO SOMALIS WHO FLED ACROSS THE BORDERS INTO ETHIOPIA AND DJIBOUTI TO RETURN TO THEIR HOMES. IT HAS ACCUSED THE SNM OF DRIVING THE POPULATION OUT OF THE NORTHERN TOWNS AND FORCING THEM TO STAY IN THE COUNTRYSIDE. ACCORDING TO WAR VICTIMS REACHING MOGADISHU FROM THE NORTH, THERE IS TRUTH TO THESE CHARGES.

SECTION 3 RESPECT FOR POLITICAL RIGHTS: THE RIGHTS
- OF CITIZENS TO CHANGE THEIR GOVERNMENT

SOMALIA HAS ONLY ONE INDIGENOUS ETHNIC GROUP, THE SOMALI, WHICH IS DIVIDED INTO CLANS AND SUBCLANS. CLAN IDENTIFICATION IS VERY STRONG, AND FOR MANY SOMALIS THE TRADITIONAL CLAN SYSTEM IS THE ACCEPTED VEHICLE OF POLITICAL EXPRESSION. PRESIDENT SIAD BARRE AND OTHER OFFICIALS CONSULT FREQUENTLY WITH CLAN LEADERS. SINCE 1982, HOWEVER, THE PRESIDENT HAS BEEN WIDELY PERCEIVED AS FURTHERING THE INTERESTS OF HIS FAMILY AND HIS MAREHAN SUBCLAN RATHER THAN BALANCING THE INTERESTS OF ALL CLANS. FACED WITH DIFFICULTIES IN PLACATING OTHER CLANS, THE PRESIDENT HAS FALLEN BACK INCREASINGLY ON HIS ROLE AS COMMANDER OF THE ARMED FORCES AND SECRETARY GENERAL OF THE SRSP TO MAINTAIN HIMSELF IN POWER.

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THE SRSP IS THE ONLY LEGAL PARTY; OPPOSITION GROUPS AND CRITICISM OF THE GOVERNMENT ARE ILLEGAL. THUS THE PEOPLE HAVE NEITHER THE LEGAL RIGHT NOR THE ABILITY PEACEFULLY TO CHANGE THEIR GOVERNMENT OR THE FORM OF THEIR GOVERNMENT. IT IS CONCEIVABLE, HOWEVER, THAT

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OVERWHELMING CONSENSUS AND SUSTAINED PRESSURE FROM CLAN ELDERS COULD BRING ABOUT PEACEFUL CHANGES IN THE GOVERNMENT.

VOTING FOR THE 171-MEMBER PEOPLE'S ASSEMBLY ENTAILS ONLY A VOTE FOR OR AGAINST THE SRSP'S NATIONAL SLATE, ALTHOUGH CANDIDATES NEED NOT NECESSARILY BE PARTY MEMBERS TO BE INCLUDED ON THE SLATE. PRESIDENT SIAD BARRE WAS THE SOLE CANDIDATE FOR PRESIDENT IN 1986, AND WAS REELECTED TO A SEVEN-YEAR TERM WITH 99.9 PERCENT OF THE VOTE.

SOMALIA'S TRADITIONAL AND MODERN POLITICS ARE MALE DOMINATED. THERE ARE A FEW WOMEN MEMBERS OF THE PEOPLE'S ASSEMBLY AND PARTY CENTRAL COMMITTEE, TWO WOMEN VICE MINISTERS AND A WOMAN AMBASSADOR, BUT THEY EXERCISE LITTLE POWER. THE SOMALI WOMEN'S DEMOCRATIC ORGANIZATION, THOUGH SUBORDINATE TO THE PARTY, HAS ADVOCATED GREATER POLITICAL PARTICIPATION AND MOBILIZATION FOR WOMEN. IT HAS ALSO ATTEMPTED TO MOBILIZE PUBLIC OPINION AGAINST THE PRACTICE OF FEMALE CIRCUMCISION, AND HAS SUCCESSFULLY GENERATED THE SUPPORT OF THE GOVERNMENT, THE PARTY AND SOMALI RELIGIOUS LEADERS FOR PROHIBITION OF THIS PRACTICE.

SECTION 4 GOVERNMENTAL ATTITUDE REGARDING
- INTERNATIONAL AND NON-GOVERNMENTAL
- INVESTIGATION OF ALLEGED VIOLATIONS OF

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HUMAN RIGHTS

APPARENTLY AS A RESULT OF INTERNATIONAL PRESSURE, IN FEBRUARY 1988, THE GOVERNMENT BROUGHT TO TRIAL 22 PERSONS WHO HAD BEEN DETAINED WITHOUT CHARGES SINCE 1982. AFTER THE NATIONAL SECURITY COURT PRONOUNCED EIGHT DEATH SENTENCES IN THESE CASES, PRESIDENT SIAD BARRE COMMUTED THEM TO LIFE IMPRISONMENT.

ALTHOUGH THE GOVERNMENT HAS GENERALLY NOT REPLIED TO INQUIRIES BY HUMAN RIGHTS ORGANIZATIONS, IT DID PERMIT

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A VISIT OF INQUIRY IN 1987 BY THE COMMITTEE ON HUMAN RIGHTS OF THE U.S. NATIONAL ACADEMY OF SCIENCES. ONLY ONE OF THE DELEGATION'S REQUESTS WAS GRANTED FOR APPOINTMENTS WITH SOMALI GOVERNMENT OFFICIALS. THE NATIONAL ACADEMY'S REPORT, "SCIENTISTS AND HUMAN RIGHTS IN SOMALIA", WAS PUBLISHED IN JANUARY, 1988.

IN SEPTEMBER 1988, AFTER THE PUBLICATION BY AMNESTY INTERNATIONAL OF A REPORT ENTITLED "SOMALIA: A LONG-TERM HUMAN RIGHTS CRISIS," PRESIDENT SIAD INVITED AN AMNESTY INTERNATIONAL DELEGATION TO VISIT SOMALIA.

BETWEEN AUGUST 23 AND SEPTEMBER 1, 1988, THE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC), MAKING TWENTY FLIGHTS IN A BOEING 707, REPATRIATED 3,543 ETHIOPIAN, 246 SOMALI, AND ONE CUBAN PRISONER OF WAR HELD SINCE THE 1977-78 OGADEN WAR. ALTHOUGH THERE IS A LIST OF MISSING PERSONS WHO MAY HAVE BEEN HELD PRISONER, THE ICRC'S PRISONER EXCHANGE HAS BEEN BASICALLY COMPLETED. ICRC REPRESENTATIVES HAVE NOT

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BEEN PERMITTED TO MEET WITH SOMALI POLITICAL PRISONERS. ALTHOUGH THE ICRC HAS BEEN ALLOWED TO VISIT THE NORTH AS PART OF GOVERNMENT-ORGANIZED TRIPS FOR DONORS IN CONNECTION WITH EMERGENCY ASSISTANCE, IT HAS NOT YET BEEN GRANTED PERMISSION TO TRAVEL WITHOUT GOVERNMENT ESCORT.

THERE ARE NO SOMALI ORGANIZATIONS WHICH ADDRESS HUMAN RIGHTS ISSUES. IN TRIALS BEFORE THE NATIONAL SECURITY COURT, HOWEVER, INDIVIDUAL LAWYERS HAVE ARGUED THAT THEIR CLIENTS' HUMAN RIGHTS WERE VIOLATED.

SECTION 5 DISCRIMINATION BASED ON RACE, SEX,
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RELIGION, LANGUAGE OR SOCIAL STATUS

ESPECIALLY SINCE THE OUTBREAK OF FIGHTING IN MAY 1988, THERE HAVE BEEN ALLEGATIONS OF GOVERNMENT DISCRIMINATION AGAINST ISAAK BUSINESSMEN. ISAAKS' BANK ACCOUNTS AND OTHER ASSETS HAVE BEEN SEIZED ON SUSPICION THAT THEY WERE COLLABORATING WITH THE SNM. ISAAK BUSINESSMEN HAVE SUFFERED OTHER SETBACKS, BUT IT IS NOT CLEAR IF THESE ARE DISCRIMINATION-RELATED. FOR EXAMPLE, THE ANNUAL HAJJ-SEASON EXPORTS OF LIVESTOCK TO SAUDI ARABIA FROM BERBERA WERE DISRUPTED BECAUSE THEY COINCIDED WITH THE OUTBREAK OF THE FIGHTING.

NATION-WIDE, LIVESTOCK EXPORTS IN 1988 WERE ALSO SEVERELY CURTAILED DUE TO THE GOVERNMENT'S POLICY OF OVERVALUING THE SHILLING.

MEMBERS OF CERTAIN CLANS AND SOME INDIVIDUALS CAPITALIZE ON THEIR POLITICAL CONNECTIONS TO GAIN ECONOMIC ADVANTAGE OR PRIVILEGE, BUT THERE IS NO OVERT DISCRIMINATION AGAINST PEOPLE WHO LACK SUCH OPPORTUNITIES. THERE IS NO DISCRIMINATION IN ACCESS TO EDUCATION AND HEALTH SERVICES ON CLAN OR ETHNIC GROUNDS, BUT THESE SERVICES ARE AVAILABLE ONLY IN LARGER URBAN AREAS OF THE COUNTRY. THE FIGHTING IN THE NORTH HAS CLOSED SCHOOLS THERE AND MADE MEDICAL CARE MORE DIFFICULT TO OBTAIN. ALTHOUGH GIRLS ARE FREE TO ATTEND SCHOOLS, THEIR ENROLLMENTS REMAIN FAR BELOW THOSE FOR MALES AT ALL LEVELS OF EDUCATION FOR TRADITIONAL AND CULTURAL REASONS.

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ALTHOUGH THEY HAVE CONSIDERABLE INHERITANCE AND OWNERSHIP RIGHTS, SOMALI WOMEN SUFFER FROM TRADITIONAL DISCRIMINATION IN WORK AND FAMILY MATTERS. PRACTICES

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SUCH AS FEMALE CIRCUMCISION REMAIN PREVALENT DESPITE THE GOVERNMENT'S ADOPTION IN 1988 OF A POLICY PROHIBITING THIS PRACTICE. THE PAYMENT OF DOWRY AND BRIDE WEALTH ARE COMMON MARRIAGE CUSTOMS. DIVORCE LAWS AND PRACTICES STRONGLY FAVOR THE MALE PARTNER.

SECTION 6 WORKER RIGHTS

A. AND B. RIGHT OF ASSOCIATION; RIGHT TO ORGANIZE AND
- BARGAIN COLLECTIVELY

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WORKERS ARE NOT FREE TO ORGANIZE INDEPENDENT UNIONS. THERE IS A SINGLE LABOR CONFEDERATION, THE GENERAL FEDERATION OF SOMALI TRADE UNIONS (GFSTU), WHICH IS GOVERNMENT-CONTROLLED, WITH GOVERNMENT-APPOINTED OFFICIALS. THE GFSTU'S MAIN FUNCTION IS TO MONITOR THE WORK FORCE AND PROVIDE A CONDUIT FOR WORKER GRIEVANCES. THE GFSTU IS A MEMBER OF THE ORGANIZATION OF AFRICAN TRADE UNION UNITY AND THE INTERNATIONAL CONFEDERATION OF ARAB TRADE UNIONS. IT PARTICIPATES IN THE INTERNATIONAL LABOR ORGANIZATION. ORGANIZING A STRIKE IS PUNISHABLE BY DEATH. NEVERTHELESS THERE WAS A TRANSPORTATION STRIKE IN 1987; NO KNOWN DEATH SENTENCES RESULTED FROM IT.

C. FORCED OR COMPULSORY LABOR

PRISONERS MAY PERFORM LABOR AS PART OF THEIR PENAL SERVITUDE. IN OTHER RESPECTS COMPULSORY LABOR IS NOT PERMITTED. THE GOVERNMENT AND PARTY OCCASIONALLY ORGANIZE CAMPAIGNS, HOWEVER, OF "VOLUNTARY LABOR" TO CLEAN STREETS OR BOOST PRODUCTION OF STATE-OWNED FACTORIES.

D. MINIMUM AGE FOR EMPLOYMENT OF CHILDREN

THE MINIMUM AGE FOR EMPLOYMENT OF CHILDREN IS 15, AND PERSONS UNDER 18 ARE NOT PERMITTED TO WORK AT NIGHT OR IN CERTAIN HAZARDOUS OCCUPATIONS. THE LEGISLATION, HOWEVER, IS NOT EFFECTIVELY IMPLEMENTED AND THERE IS CONSIDERABLE CHILD LABOR ON THE MARGINS OF THE ECONOMY. CHILDREN SELL CIGARETTES ON THE STREET, CARRY BAGS IN THE MARKET, AND WATCH AND CLEAN CARS TO SUPPORT THEMSELVES AND/OR TO SUPPLEMENT FAMILY INCOMES.

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E. CONDITIONS OF WORK

SOMALIA HAS COMPREHENSIVE LABOR LEGISLATION SETTING MINIMUM SAFETY AND HEALTH STANDARDS FOR THE WORKPLACE. THESE ARE APPLICABLE TO THE SMALL MODERN SECTOR OF AN ECONOMY THAT IS PREDOMINANTLY PASTORAL

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AND AGRICULTURAL. IN THEORY THE WORKDAY IS EIGHT HOURS PER DAY, 48 HOURS PER WEEK, WITH LIMITS ON OVERTIME HOURS. WORKERS ARE ALSO ENTITLED TO PAID HOLIDAYS, ANNUAL LEAVE, HOLIDAY BONUSES, AND A VARIETY OF FRINGE BENEFITS. IN REALITY, HOWEVER, THE SALARY SCALE IS EXTREMELY LOW, ESPECIALLY IN THE PUBLIC SECTOR. THE AVERAGE SALARY OF A CIVIL SERVANT IS ABOUT USD 10 PER MONTH. PRODUCTIVITY IN THE PUBLIC SECTOR IS CORRESPONDINGLY LOW, AND MANY CIVIL SERVANTS MA

E MINIMAL APPEARANCES IN THEIR OFFICES. WORKERS RESORT TO SECOND JOBS, CORRUPTION, ASSISTANCE FROM OTHER FAMILY MEMBERS, AND REMITTANCES FROM ABROAD TO SUPPORT THEMSELVES AND THEIR FAMILIES. A PROGRAM OF CIVIL SERVICE REFORM HAS MADE LITTLE HEADWAY BECAUSE INFLATION HAS NULLIFIED SALARY INCREASES.

END TEXT.

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