

**THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Abukar Hassan Ahmed,	:	Case No. 2:10-cv-00342
	:	
Plaintiff,	:	Electronically Filed
	:	
v.	:	District Judge George C. Smith
Abdi Aden Magan,	:	Magistrate Judge Mark R. Abel
Defendant.	:	
	:	DECLARATION OF
	:	NICHOLAS WILLIAMS IN SUPPORT OF
	:	MOTION FOR SUMMARY JUDGMENT

Pursuant to 28 U.S.C. § 1746, I, Nicholas Richard Williams, hereby declare and state as follows:

1. I am over eighteen years of age and am otherwise qualified to testify to the facts set forth below. All of the facts rendered herein are based upon my personal knowledge, save where I indicate otherwise.

2. I am Legal Counsel for Amnesty International, International Secretariat located at 1 Easton Street, London WC1X 0DW, United Kingdom.

3. The following documents are true and correct copies of documents prepared by Amnesty International:

4. Attached as Exhibit A is a true and correct copy of the June 1988 Amnesty International document titled *Somalia – Torture* (Bates Nos. P-000003 – 11);

5. Attached as Exhibit B is a true and correct copy of the August 1988 Amnesty International document titled *Detention Without Trial in Somalia* (Bates Nos. P-000012 – 21);

6. Attached as Exhibit C is a true and correct copy of the September 1988 Amnesty International document titled *Somalia: A Long-Term Human Rights Crisis* (Bates Nos. P-000921 – 976);
7. Attached as Exhibit D is a true and correct copy of extracts from the 1988, 1989 and 1990 Amnesty International Annual Reports relating to Somalia (Bates Nos. P-000068 – 77);
8. Attached as Exhibit E is a true and correct copy of the February 8, 1988 Amnesty International document titled *Death Penalty* (Bates Nos. P-000311 – 312);
9. Attached as Exhibit F is a true and correct copy of the March 22, 1988 Amnesty International document titled *Legal Concern / Fear of Torture* (Bates Nos. P-000313 – 314);
10. Attached as Exhibit G is a true and correct copy of the August 1988 Amnesty International document titled *Somalia: Detention Without Trial* (Bates Nos. P-000325 – 335);
11. Attached as Exhibit H is a true and correct copy of the October 4, 1989 Amnesty International document titled *Somalia: Human Rights Concerns Following An Amnesty International Visit in June 1989* (Bates Nos. P-000339 – 347);
12. Attached as Exhibit I is a true and correct copy of the December 1, 1988 Amnesty International document titled *Somalia: The Imprisonment of Members of the Issaq Clan Since Mid-1988* (Bates Nos. P-000363 – 368);
13. The above-listed documents have been compiled on the basis of investigations by Amnesty International from a wide variety of sources and contacts including primary and secondary source research, personal observations, and testimonies from victims of human rights

abuses. The documents have been prepared and stored in the ordinary course of business and according to established methods and procedures.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my recollection. Executed on July 5, 2012.



Nicholas Richard Williams

**THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
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ABUKAR HASSAN AHMED,	:	CASE NO. 2:10-cv-00342
Plaintiff,	:	
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v.	:	District Judge: George C. Smith
	:	Magistrate Judge: Mark R. Abel
	:	
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**EXHIBITS IN SUPPORT OF DECLARATION OF NICHOLAS WILLIAMS
IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT**

Exhibit A: June 1988 Amnesty International document titled *Somalia – Torture* (Bates Nos. P-000003 – 11).

Exhibit B: August 1988 Amnesty International document titled *Detention Without Trial in Somalia* (Bates Nos. P-000012 – 21).

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**Exhibit A: June 1988 Amnesty International document
titled *Somalia – Torture*
(Bates Nos. P-000003 – 11)**

EMBARGOED for Thursday 30 June 1988

amnesty international

SOMALIA TORTURE

JUNE 1988

SUMMARY

AI INDEX: AFR 52/11/88

DISTR: SC/CO/GR/PO

Torture is part of a persistent pattern of gross human rights violations in Somalia, which includes the long-term and often arbitrary detention of suspected political opponents of the government, the imprisonment of prisoners of conscience, unfair trials, harsh prison conditions and frequent use of the death penalty.

Amnesty International has received persistent reports of the torture of political prisoners in Somalia. Recent testimonies by torture victims, sometimes corroborated by medical examinations, are consistent with other allegations of torture received by the organization in recent years which reveal a systematic pattern of torture. The same torture methods are reported to have been regularly used on political prisoners for at least the past 10 years, and perhaps throughout the present government's 18 years in office.

Torture and ill-treatment are reported to have been regularly inflicted, particularly by the National Security Service (NSS) -- established in 1970 and responsible for arresting and interrogating those suspected of security offences -- and the Military Police -- responsible for similar activities in areas under mainly military authority, particularly in the north. Torturing those arrested for suspected political opposition is believed to be routine.

Godka prison ("The Hole" -- that is, a place from which it is extremely difficult to escape) is the NSS headquarters in the capital, Mogadishu, and is referred to in numerous testimonies as a place of torture. Torture methods include severe beating, electric shocks, submersion in water, wounding with knives, sexual assault and death threats.

Amnesty International's repeated appeals to the Somali Government to end torture and other grave violations of human rights have received little response.

This summarizes an eight-page document, TORTURE IN SOMALIA (AI Index: AFR 52/11/88), issued by Amnesty International in June 1988. Anyone wanting further details or to take action on this issue should consult the full document.

P-000003

EXTERNAL (for general distribution)

AI Index: 52/11/88
Distr: SC/CO/GR/PO

Amnesty International
International Secretariat
1 Easton Street
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United Kingdom

June 1988

TORTURE IN SOMALIA

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

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

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

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

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

Numerous testimonies of torture came from the NSS Headquarters in the

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

"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

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

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

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

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.

**Exhibit B: August 1988 Amnesty International document
titled *Detention Without Trial in Somalia*
(Bates Nos. P-000012 – 21)**

EXTERNAL (for general distribution)

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Distr: SC/CO/GR

Amnesty International
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August 1988

DETENTION WITHOUT TRIAL IN SOMALIA

Large numbers of suspected opponents and critics of the government in Somalia have been detained for long periods, often for many years, without being charged or tried. Many are believed to have been detained merely for seeking to exercise their internationally recognized right to peaceful expression of their opinions. Many are reported to have been tortured. Long-term and often arbitrary detention without trial of suspected political opponents of the government is part of a persistent pattern of gross human rights violations in Somalia, which includes torture, unfair trials of political prisoners and executions. 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 Power to Detain Law, the National Security Court Law, the National Security Law and the Establishment of the National Security Service Law. In 1979, a new constitution was introduced disbanding the SRC and making Somalia a one-party state ruled by the Somali Revolutionary Socialist Party (SRSP). 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 1982 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.

In late May 1988 SNM forces attacked Burao, Hargeisa, the port of Berbera, and several other towns in northwest Somalia. There was prolonged fighting in Hargeisa with heavy casualties on both sides and among the civilian population. The SNM took control of Burao, Mandera, Gebileh and certain other small towns, releasing political prisoners held in them. Numerous summary and arbitrary executions of suspected SNM supporters were reported in Hargeisa and hundreds of northerners living in Mogadishu were arrested too. The fate of several hundred prisoners, both those arrested and others held for long periods, kept either by the military police or else in Hargeisa central prison, was still unclear at the end of July 1988. There were fears that many had been killed by their guards. Up to 100,000 people had by that time fled across the border to take refuge in Ethiopia.

Criticism of the government is severely controlled. The Constitution (1979) states that no political party or political association is permitted other than the ruling official SRSP. The rights to freedom of opinion, of publication and of association are subject to "the laws of the land, public morals and the security of the country". The laws relating to national security impose far-reaching restrictions on these internationally recognized rights. "National security" is not defined in specific terms and a wide and often arbitrary interpretation is used as the grounds for arrest and detention.

Legislation providing for detention without trial

Suspected opponents of the government may be detained under the Power to Detain Law or under the Establishment of the National Security Service Law, both of these enacted in early 1970. The first provides for indefinite administrative detention without charge or trial; the second provides for detainees suspected of committing an offence against national security to be detained for an unlimited period while their case is investigated. In neither case do detainees have any protection from arbitrary detention, nor are there any safeguards to ensure that their internationally recognized rights are respected. In practice the detaining authorities do not specify under which law detainees are being held and no documents are drawn up to indicate the reasons or legal basis for the detention.

The Power to Detain Law (Law no. 1 of 10 January 1970) allows for the administrative detention without charge or trial for an indefinite period of anyone who is considered to be

"conducting himself so as to be dangerous to the peace, order or good government in the Somali Democratic Republic or is intriguing against the Supreme Revolutionary Council or by word or action acts against the aims and spirit of the Revolution" (article 1).

Originally, before the SRC was abolished in 1979, a District or Regional Revolutionary Council (mainly composed of members of the armed forces) or the security service could order the detention of anyone on these grounds. According to the law, the detention had to be reported to the SRC, which could order the person to be detained "in such place and for such period as the SRC may consider necessary in the interests of peace, order and good government" or else could revoke the detention. Only the SRC was legally entitled to order the release of a detainee. The law was made retroactive in order to legalize the detention in October 1969 of members of the deposed government. After the SRC was abolished subsequent legislation replaced references to the SRC with references to the government or to the Political Bureau of the SRSP.

Arrests of suspected political opponents are carried out by the National Security Service (NSS); the Military Police (known informally as Dhaban Jabinter, "The Back-breakers", meaning those who suppress "anti-revolutionary" elements); the police (especially the Criminal Investigation Department); or the "Victory Pioneers" (Gulwaadayal), a uniformed militia organization formed in the early 1970s to supervise "political orientation centres" at which attendance used to be compulsory. The power of the military police to detain civilians has never been clarified, nor indeed have the Victory Pioneers been legally empowered to detain people.

Suspected government opponents are usually transferred to NSS custody for interrogation, or, if arrested by military police, held by them in military custody. Prisoners may be held for investigation for years, particularly in the NSS Benadir Region headquarters in Mogadishu, known as Godka ("The Hole") - a detention centre where many detainees have said they were tortured. After investigations have been concluded, detainees may be transferred to a regular prison under the authority of the Somali Custodial Corps (prison service).

Virtually no safeguards are available to detainees held under the terms of the Power to Detain Law to protect them against long-term arbitrary detention. The names and numbers of detainees held under this law are not published and detainees receive no written order of arrest or notification of detention. Families are not informed officially of their relative's detention and are given no official explanation of the reasons for the imprisonment of the detainee or information about his or her whereabouts. In cases reported to Amnesty International, detainees' families have usually managed to find out through unofficial channels, as a result of paying a bribe to security officials, what has happened to those arrested, but in some cases detainees have "disappeared" and may have died in custody without any explanation or information being given by the authorities. While secretly detained, prisoners have in many cases been tortured.

Detainees have no right to challenge the validity of their detention in court. It seems that central records of detainees held under the Power to Detain Law are not kept by the authorities themselves. Nor is any formal mechanism for the review of administrative detentions under this law known to exist. Releases of detainees appear to take place as a result of decisions by security officers responsible for their arrest, by the SRSP Political Bureau or by the National Security Court or as a result of a presidential amnesty. Amnesties or "pardons" of prisoners, including some political prisoners, are customarily announced each year on 21 October, the anniversary of the 1969 revolution. On 21 October 1987, for example, a presidential "pardon" was announced for 1,697 convicted prisoners, but the authorities did not disclose the identities of those freed or whether they included political prisoners.

In addition to administrative detention under the Power to Detain Law, the Establishment of the National Security Service Law (Law no. 14 of 15 February 1970) provides for the detention of people for investigation if they are suspected of having committed an offence against national security. If such detainees are subsequently charged, for example with an offence against the National Security Law, they would be tried by the National Security Court. Under a different national security decree (article 5 of Law no. 8 of 26 January 1970), those detained by the NSS may be held for an unlimited period without charge while their cases are investigated. This decree also removed from such prisoners the right to habeas corpus (applicable in cases over which the ordinary courts have jurisdiction) and prohibited them access to legal counsel until investigations were complete and they had been charged with an offence. In some cases detentions for the purpose of investigation have lasted for a long time. For example, six former members of parliament and 16 others arrested in 1982, according to the authorities because they had committed subversion, were all detained incommunicado for more than five years and were not charged until shortly before they were brought to the National Security Court for trial in February 1988.

Article 26 of the Constitution (1979) states:

"No person shall be liable to any form of detention except when apprehended in flagrante delicto or pursuant to an order issued by competent judicial authorities in accordance with the procedure prescribed by law" (section 2).

The Constitution also states:

"a person who is subjected to detention for reasons of security shall be taken before a judicial body which is competent to try the offence with which he is charged without delay and within the time-limit prescribed by law" (section 3)

and,

"Every person who is deprived of his personal liberty shall immediately be informed of the offence he is suspected of committing" (section 4).

In practice, these constitutional protections have been systematically disregarded by the authorities in the cases of those detained for political reasons, in many cases on account of their non-violent political opinions.

A Canadian doctor, 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. In his report he stated that:

"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 1986, and I am not aware that it has, these kind of atrocities are continuing unabated at the present."

Untried Political Detainees

The longest-held political detainee is Yusuf Osman Samantar, known as "Berde'ad", a lawyer and former member of parliament under the civilian government overthrown in 1969, who has been detained since May 1975 on account of his non-violent criticism of the government and refusal to support it. He had also spent most of the previous six years in detention because of his non-violent opposition to President Mohamed Siad Barre's rule. He is believed to be detained under the Power to Detain Law of January 1970, although the authorities have never given any reasons for his arrest.

Other long term detainees include:

Abdi Dahir Abdullah - an army corporal, detained since mid 1982;

Sheikh Mohamed Moallim Hassan - a former director general in the Ministry of Justice and Religious Affairs, who had been detained several years previously, was re-arrested in mid- 1986, together with over 70 other people (some of whom were tried in April 1987), and who had criticized the government for not following Islamic teaching and laws;

Jama Ali Jama - an army colonel who has been detained since 1978 for his criticism of the government;

Abdi Aden Qeys - a wellknown poet in the Somali oral poetic tradition, detained since mid 1982;

Ali Yusuf - a medical student at the Somali National University detained since early 1984.

Some people appear to have been arrested arbitrarily because a close relative was a known political opponent of the government, or simply because they were members of a particular clan. Between about 1978 and 1982 members of particular sections of the Majerten clan were singled out for arrest because some DFSS leaders were members of this clan. From about 1982 the Somali National Movement (SNM) has been the main organization involved in armed opposition. It is composed predominantly of members of the Isaaq clan from the north. Isaaq clan members have been particularly targetted for arrest as suspected SNM sympathisers, often in the absence of any other evidence of their complicity with the SNM.

There have been some instances of Somalis suspected of political opposition to the government being arrested on their return to Somalia. For example, a rejected asylum applicant was arrested, detained and tortured following his forced return to Somalia from a European country in October 1987. He was detained on his arrival in Mogadishu and tortured.

Some people have been detained without trial for refusing, or seeking to evade, conscription into the armed forces. National Military Service is for two years and applies to all able-bodied men between the ages of 18 and 40 years, and to women between the ages of 18 and 30 years. There is no provision for conscientious objection. The precise penalties in law for seeking to evade or escape from being conscripted are not known to Amnesty International but military conscripts are believed to be subject to military laws and the jurisdiction of military courts. There have been reports that up to 7000 Ethiopian refugees in official refugee camps in northern Somalia were forcibly conscripted into the Somali army in August and September 1987 and that some were detained for seeking to evade this.

Several hundred Ethiopian civilians, both refugees and people abducted from eastern Ethiopia by Somali forces during the 1977 armed conflict with Ethiopia, are still detained, over 11 years later, secretly and incommunicado, in an NSS-controlled camp near Hawai in Lower Shebelle region. They include Tibebe Haile-Selassie, a medical doctor from Kebri Dahar hospital in Hararghe region in Ethiopia; Melaku Mankelklot, who is over 60 years old and whose wife, two daughters and son are also detained; and Yeshiharg Abunu Tikku, a 70-year old woman detained with her step-daughter, grand-daughter and two other relatives. Legesse Shifferaw, an

Ethiopian doctor, has also been detained in Mogadishu Central Prison since entering the country in 1983 to seek asylum. The government has not publicly acknowledged their detention, the only reason for which appears to be their Ethiopian nationality. Access to these prisoners by representatives of international organizations such as the International Committee of the Red Cross (ICRC) and the Office of the United Nations High Commissioner for Refugees (UNHCR) has never been permitted, although the ICRC has access to prisoners captured in armed conflict in 1977, including some 200 Ethiopian military personnel and one Cuban officer, who are still detained. Some detained Ethiopian refugees were released in 1987 but many others are still held without charge or trial.

Some members of the Oromo Liberation Front (OLF) are in detention too, including Baru Liben Sako and Salessa Jallo Boko, who have been held since 1978 without official acknowledgment. The OLF is one of a number of Ethiopian opposition organizations fighting the Ethiopian government. Although other such organizations have been allowed to operate in Somalia, the OLF is not recognized by the Somali Government, as it instead supports the Somali Abo Liberation Front which claims to be an Oromo organization opposed to the government in Ethiopia.

Many people have also been detained in recent years in northern Somalia on account of their alleged support for the SNM. A wave of arrests was precipitated in Hargeisa, Burao, Berbera and Gebileh in January 1987 by SNM attacks in the area and the assassination of the NSS commander in the northwest region. Many people - particularly school students - have been arrested in the north after demonstrating against trials of political prisoners. Demonstrations against the President during his visit to Hargeisa in March 1988 resulted in arrests of scores of people and the death of five school students who were shot dead by the presidential bodyguard after stone-throwing incidents. During curfews in force in the north since early 1987, curfew patrols by the army and NSS have carried out extensive arrests. There have also been reports during this period of extrajudicial executions by the security forces of suspected SNM supporters. In Gebileh (a town on the Ethiopian border) around 10 March 1988, following SNM attacks in the area, numerous unarmed civilians were rounded up by the army and detained. Many of them were tortured and 16 men - mostly farmers and nomads - were summarily tried on 12 March and promptly executed. Six others were tried and shot on 22 March.

This pattern of mass, arbitrary arrests and abuses of civilians in the north continued throughout 1987 and into mid-1988. Some prisoners were released after relatives paid a bribe or ransom, and several hundred other prisoners held outside the framework of the law were freed in November 1987, following an official review of the legality of detentions in the area. Those detained have included children like Mahad Abdi Ahmed, who was only 14 at the time of his arrest in September 1983. He is believed to have been released by the SNM when they captured Mandera prison in June 1988.

Detentions of members of the Isaaq clan since mid 1988

After the SNM attacks in the north at the end of May 1988 there were widespread arrests of suspected SNM supporters in Berbera and Mogadishu and many extrajudicial executions in Hargeisa. The fate of political prisoners held in Hargeisa Central Prison - including Khadra Ali Jama, Fahima Dahir Jama and Faisa Gur Siaib - is not known. Several political prisoners

arrested in Berbera, including the mayor, Haji Mohamed Ali ("Bursade"), were transferred to NSS custody in Mogadishu. Hundreds of prominent Isaaq civil servants, business people, airline staff, army officers, relief agency workers and others were also detained in June and July 1988.

These detainees include:

- Ibrahim Osman Foad ("Basbas") - a businessman in his 70s and former government minister;
- Saeed Adib - a colonel, director of Game Parks and Wildlife and a former secretary to the President and his tennis coach;
- Ahmed Nur Jama - lecturer at the Faculty of Agriculture in the Somali National University;
- Mohamoud Mohamed - deputy director of a UNHCR-funded educational project;
- Abiib Mirreh - a director of civil aviation;
- Mohamed Ibrahim ("Sa'abo-Yar") - director at Mogadishu airport office;
- Abdi Mohamed Rodol - chief pilot with the rank of captain (his second recent arrest);
- Mohamed Abdillahi ("Dubale") - an assistant commercial director;
- Faiza Ahmed Mohamed - a Somali Airlines stewardess (she is the daughter of Ahmed Mohamed Halla, a prisoner of conscience);
- Haji Jama Mohamed Miyateen - a partially blind businessman in his 80s;
- Ismail Jama Ahmed Haji Musse - an army colonel.

Political detainees arrested in Mogadishu are mostly detained in the National Security Service regional headquarters known as Godka, in Hangash military camp in Mogadishu, in Danane military camp, south of Mogadishu, or in other military centres. Some of those arrested since May 1988 are reported to have been tortured in Godka. Officials have allegedly demanded large sums of money from relatives of some of the prisoners for their release.

None of those arrested since May have yet been brought to trial and no reason or legal basis for their detention has been given. At the beginning of June 1988 Amnesty International urged President Mohamed Siad Barre to take steps to protect the basic human rights of these prisoners, pointing out that at a time of crisis it was particularly vital that measures be taken to protect prisoners from abuse of their human rights. The cases of other recently imprisoned members of the Isaaq clan from northern Somalia have been described in appeals issued by Amnesty International in June and July 1988.

Prison Conditions

Political detainees have been held in NSS custody for weeks, months, and sometimes years, without being charged and without access to relatives or a legal representative. Conditions of prisoners held in NSS centres are harsh. In many cases they have been tortured. Details of cases of torture

are contained in a separate Amnesty International document, Somalia: Torture (AI Index: AFR 52/11/88 of June 1988).

In Godka NSS prison in Mogadishu, prisoners are held in underground cells in permanent solitary confinement. The cells are mostly small, without enough room to stand up straight or stretch out, and with no beds or mattresses. Sanitary facilities are virtually non-existent. There are also larger cells which become severely overcrowded whenever mass arrests take place. The diet is very poor, although some prisoners' families are allowed after some time to provide food, for which they have to bribe guards to pass it on to the prisoner, and usually "pay" them also with a portion of the food. They have no contact otherwise with their detained relative, but they are able to guess from the receipt of food that he or she is there and is alive. Medical treatment is usually denied to prisoners, although many prisoners may be seriously ill as a result of torture and the harsh conditions in the prison. Most prisoners at Godka are reported to have been tortured. The NSS is also alleged to use other secret "safe houses" in Mogadishu for holding and torturing prisoners. Political prisoners in Hargeisa and in rural areas have often been held in military custody where similar harsh conditions prevail.

Political prisoners who have been convicted and sentenced are usually transferred to an ordinary prison administered by the Somali Custodial Corps. They are generally held in slightly better conditions and are given regular, though brief and controlled, access to relatives. They may, however, be subject to ill-treatment or brutality in such prisons as Mogadishu Central Prison, where women prisoners have complained of rape by male prison guards or torture by NSS or military police officers who exercise authority over prison guards.

Political prisoners considered to be of political importance are often transferred from their home regions to the maximum security prisons at Labatan Jirow prison near Baidoa or Lanta Bur prison near Afgoi. These are modern prisons, built in the early 1970s, and designed to hold political prisoners in special sections separate from convicted criminal prisoners. They are controlled by the NSS, not the prison service. Prisoners are held incommunicado, usually in permanent solitary confinement, and without any access to or communication with relatives or lawyers. They have no books or newspapers and are often held for long periods without being allowed any exercise in the open air. Diet is poor and medical treatment inadequate.

Amnesty International has on several occasions appealed to the prison and security authorities to provide urgently needed medical treatment for particular detainees reported to be seriously ill as a result of torture or the harsh conditions of their detention, but has received no reply from the authorities.

Several prisoners have died in custody, either as a result of torture or through denial of medical treatment. Warsame Ali Farah, a former member of parliament arrested with Ismail Ali Abokor and other members of parliament in 1982, died in detention in November 1984, without having seen any members of his family since his arrest two years earlier. The official autopsy report stated that he had died of nephritis - he had a long-standing kidney complaint - but did not point out that he had been denied medical treatment. He was only brought to Mogadishu for medical treatment shortly before his death. There was no inquest into his death. Indeed, Amnesty International has not heard of any inquest or official inquiry into the death of a prisoner in custody.

Amnesty International has appealed to the prison and security authorities to provide urgently needed medical treatment for particular detainees reported to be seriously ill as a result of torture or harsh conditions but there has been no response. These detainees include Yusuf Osman Samantar and also Safia Hashi Madar - a relief agency official and former biochemistry lecturer. She was arrested in Hargeisa in July 1985, when nine months pregnant, and accused of links with the SNM. She was initially denied medical attention when about to give birth shortly after arrest. After giving birth her child was removed and soon afterwards she was tortured. In May 1986, after 10 months incommunicado detention, she was brought to trial before the National Security Court in Hargeisa and sentenced to life imprisonment for a political offence. She was accused of belonging to the SNM, although she denied this and there seems to have been no evidence to support the charge. In early 1988 she was suffering from a kidney infection, severe depression, serious weight loss and chronic toothache, for which she was continually denied treatment. In March 1988 she was transferred to Mogadishu Central Prison, but still denied medical treatment. After making appeals on her behalf, Amnesty International learned that the security authorities had urged her to record an interview in which she would deny having been tortured and ill-treated. They had apparently promised to release her if she did so, but it seems she told them that she had been ill-treated in custody.

Amnesty International's Appeals to the Somali Government.

Amnesty International is appealing for the immediate and unconditional release of all prisoners of conscience imprisoned in Somalia on account of their non-violent opinions. Some of these prisoners of conscience are being detained for an indefinite period without charge or trial, such as Yusuf Osman Samantar, a lawyer and politician, and Sheikh Mohamed Moallim Hassan, an Islamic teacher (mentioned above).

Amnesty International is also investigating many cases of political prisoners who are being detained without trial in order to determine whether they are prisoners of conscience. The organization has asked the authorities to review the cases of all untried political detainees to ensure that no-one is imprisoned solely for his or her non-violent political views or activities.

Amnesty International considers that the detention for an indefinite period without charge or trial of political prisoners constitutes a violation of their human rights. It has appealed for those arrested in Somalia on political grounds for reasons other than their non-violent opinions to be either charged with a recognizably criminal offence and tried in accordance with internationally recognized standards, or else released. Legislation permitting indefinite detention without trial, namely the Power to Detain Law and relevant National Security legislation providing for detention for an unlimited period while inquiries are carried out, should be repealed.

Arrested persons should be immediately informed of the reason for their arrest and the legislation under which they are held. Their relatives should also be informed of their arrest and whereabouts in custody. Detainees should have the opportunity to challenge the reasons for, and the legality of, their detention before a properly constituted court. The authorities should acknowledge all arrests publicly and in writing.

Amnesty International is appealing to the Somali government to stop torture and to protect prisoners from torture in the future. Torture should be prohibited by law and made a criminal offence, with severe penalties for those convicted. No one should be held in secret or unacknowledged detention, for it is under such circumstances that detainees are often tortured. 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.

Amnesty International also has appealed for all political prisoners in Somalia to be allowed the following basic rights in custody in accordance with the United Nations' Standard Minimum Rules for the Treatment of Prisoners:

- (i) family visits promptly after arrest and regularly thereafter; permission to receive basic items from visitors, and regular correspondence;
- (ii) regular access to legal representatives;
- (iii) professional medical attention with hospital admission if necessary;
- (iv) contact with religious representatives and facilities to worship;
- (v) a nutritionally adequate diet and acceptable standards of hygiene;
- (vi) books and other reading matter and writing material;
- (vii) regular open air recreation and exercise;
- (viii) hygienic accommodation and conditions which are not degrading.

To meet these standards the present regimes in both ordinary prisons and security detention centers need to be overhauled and new prison regulations introduced.

**Exhibit C: September 1988 Amnesty International
document titled *Somalia – A Long-Term Human Rights Crisis*
(Bates Nos. P-000921 – 76)**

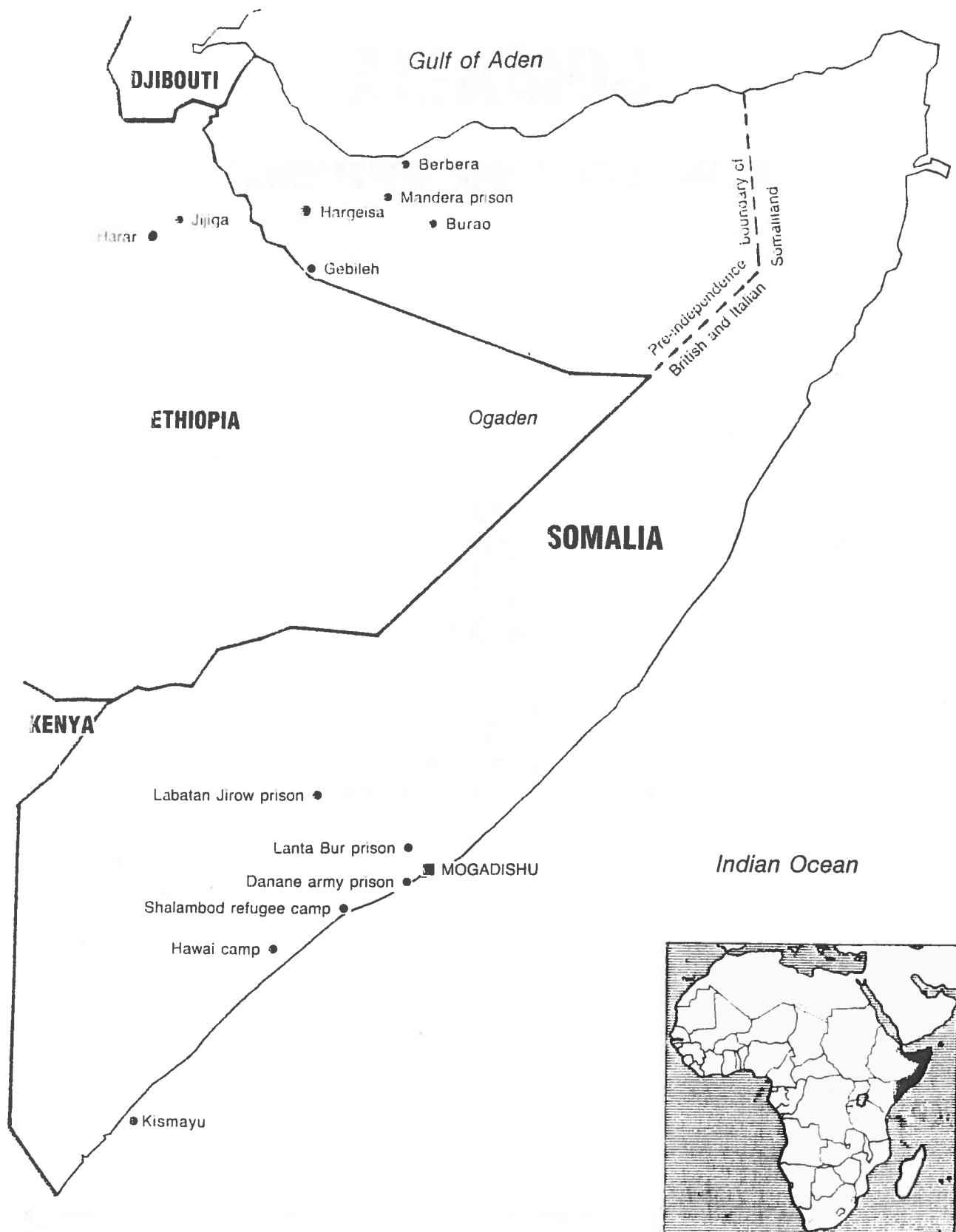
SOMALIA

A LONG-TERM HUMAN RIGHTS CRISIS



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SOMALIA (SOMALI DEMOCRATIC REPUBLIC)

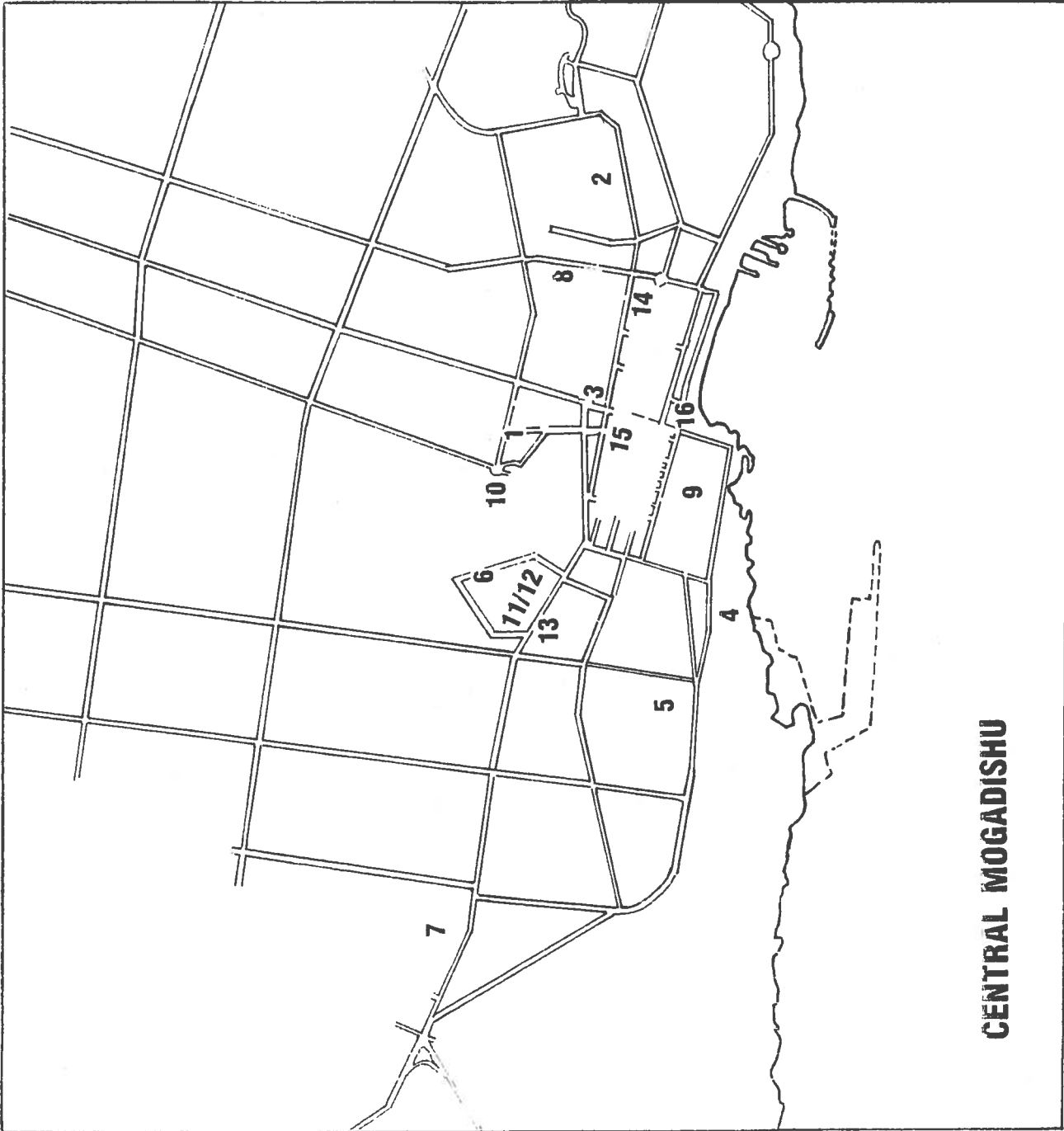


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S O M A L I A: A LONG-TERM HUMAN RIGHTS CRISIS

1. Human Rights in Somalia

Human rights have been persistently violated in Somalia ever since 1969 when the present government assumed power. These violations increased during the 1980s, as the government took stern measures against suspected political opponents and those believed to have links with armed opposition organizations.

The evidence reveals a consistent pattern of torture, lengthy and often arbitrary detention of suspected political opponents of the government and unfair trials of political defendants. Prisoners have been kept for years in harsh conditions, incommunicado and without proper medical treatment. Many prisoners have been executed after unfair, frequently summary trials, and many unarmed civilians have been executed extrajudicially by the security forces.

A number of those detained without trial or serving long prison sentences are prisoners of conscience, incarcerated because of their opinions, who have not used or advocated violence. One prisoner of conscience in Somalia, Yusuf Osman Samantar, a lawyer and former member of parliament, has been in prison without charge or trial almost throughout the present government's 19 years in office.

The human rights violations documented in this report have often been brought to the attention of the Somali government. Amnesty International has repeatedly called on it to end these grave violations of basic human rights. But the appeals have largely gone unanswered. Recently the government accused Amnesty International of interfering in its internal affairs and making propaganda for the opposition. To this, Amnesty International replied that human rights were a matter of concern to the international community and that the government was under an obligation to protect these rights, particularly in view of its commitment to uphold the Universal Declaration of Human Rights. Amnesty International reiterated its political impartiality and that it had carefully scrutinized information coming from politically motivated sources. The government has not consented to receive an Amnesty International mission and in early 1988 refused to issue visas to Amnesty International delegates wanting to visit Somalia to observe an important political trial. Meanwhile torture, numerous detentions and other human rights violations continue. The organization's concern has been increased by news of major human rights abuses during fighting in the north between government and opposition forces, which began in late May 1988.

This report is based on evidence collected over some years about political prisoners, torture, laws providing for the trial or detention of political defendants, political trials, prison conditions and executions. Former political prisoners' testimonies have been a crucial part of the information on a human rights situation that has been difficult to document. Some of these testimonies, particularly those that describe torture in detail, are included in

the report. However, the names of the victims have in most cases been withheld at their request for fear of reprisals against their relatives in Somalia - even years after the victims have left prison. The government's repression of dissent and criticism and its efforts to prevent any information about human rights being collected within Somalia, or given to anyone abroad, have hindered the documentation of human rights abuses in Somalia over the years. Information from political sources, such as opposition organizations, has been carefully scrutinized in order to ensure that Amnesty International's reporting on Somalia and appeals to the government of Somalia are based on reliable and impartial evidence which has been corroborated by independent sources.

The government's first prisoners of conscience in 1969 were members of the elected civilian government which it overthrew in a military coup. Many of them were held without trial for four years. Former Prime Minister Mohamed Ibrahim Egal was detained from 1969 to 1975, rearrested in 1976, sentenced to 30 years' imprisonment, then released the following year. Mohamed Abshir Musse, former chief of police, was detained without trial from 1969 to 1982 except for a few months' freedom in 1973. Prisoners of conscience arrested in the 1970s and 1980s have included government ministers, diplomats, civil servants, members of parliament, army officers, lawyers, Islamic religious leaders and teachers (sheikhs), business people, university lecturers, teachers and students, poets in the Somali oral poetic tradition, doctors and scientists, and countless farmers and nomads. Particularly disturbing has been the widespread and arbitrary imprisonment of school students, some as young as 12. Many refugees too have been arbitrarily detained for long periods.

Since 1978 people suspected of supporting the armed opposition have been imprisoned. Following a war with Ethiopia in 1977-78 and an unsuccessful coup attempt by a part of the army in 1978, the government faced armed opposition by Somali exile groups based in Ethiopia - the Democratic Front for the Salvation of Somalia (DFSS) and the Somali National Movement (SNM). It has reacted by making widespread and often indiscriminate arrests or even killing people in parts of the country from which these groups have drawn their support - for example in Mudug region in the south between 1978 and 1982 and in the north since 1983. A state of emergency was in force throughout the country from October 1980 until March 1982. Since then the northern regions have been under virtual military rule by the northern sector army commander.

Amnesty International believes that many of those arrested had not used violence or advocated armed opposition but were seized arbitrarily and without good cause. Many other political prisoners may have advocated armed struggle against the government or may have had political links with the armed opposition. Amnesty International does not claim that all political prisoners in Somalia have been or are prisoners of conscience. Nevertheless, the protection of the basic human rights of all prisoners arrested on political grounds has been a long-term Amnesty International concern in view of the pattern of arbitrary detention, unfair trial and torture of such prisoners.

Since 1969 many thousands have been jailed for political reasons, either on the basis of actual evidence of their involvement in opposition activities or for privately criticizing the government or President or else merely because they were a relative or associate of a supposed political opponent. It is impossible to estimate the actual number of political prisoners: this information is not disclosed by the government, and clearly the individual prisoners Amnesty International knows about are only a fraction of those held throughout the country. The increase in armed opposition activity in the 1980s has meant an increase in the number of suspected government opponents arrested.

The torture of political prisoners was reported several times in the 1970s but more frequent reports of this in the 1980s indicate that it has become routine and systematic. Regularly used torture methods include:

- the "Mig", so-called from the swept-back wings of the MIG aircraft: the prisoner is placed face down on the ground, hands and feet tied together behind the back with a rope, which is pulled tight so that the body is arched backwards, in which position the victim is beaten, often until unconscious;
- water torture: the victim is tied up and submerged in water until nearly drowned - either dipped head first into a bucket or tank of water, or else put in the sea tied up in a sack;
- electric shocks;
- squeezing with pliers of the testicles of male prisoners;
- rape (in the case of female victims).

Torture is inflicted particularly by the National Security Service (NSS) and the military police. The NSS is the main state organization responsible for internal security and the arrest and interrogation of people regarded as a threat to national security. The military police perform similar functions in the north.

The establishment of the NSS in 1970 was part of a series of legal measures by the new military government in its first year of office designed to suppress and punish any opposition to its rule. A series of decrees created a battery of national security laws which enabled the indefinite detention without trial of political opponents - beginning with retroactive legislation which legalized the detention of members of the overthrown government - and permitted the summary trial of people alleged to have criticized or opposed the new government. These new laws and the special court procedures, which conflict with international legal and human rights standards, are still in force and underlie many of the human rights violations described below.

The death penalty has been much used against alleged government opponents - some of them innocent of any offence except criticizing the government. None of those sentenced to death or executed have received fair trials by international

standards. Moreover, many opponents or suspected opponents of the government have been killed outright - victims of extrajudicial execution by the security forces.

Abuses by armed opposition groups have been reported too. They include the assassination of government officials and the killing of dissidents or suspected government spies within their own organizations. There have been far fewer such killings, however, than those carried out by government forces. In the course of the fighting between government and opposition forces since 1978 neither side has acknowledged holding captured combatants, and it is feared that many on both sides have been executed - although Amnesty International has not been able to document this.

Thousands have fled from Somalia in recent years because of political persecution or their opposition to the government. Some have joined the SNM or OFSS in Ethiopia; others have sought asylum or stayed on in other countries. The Somali government has offered amnesty to those wishing to return but no formal amnesty law has been passed. Since 1986 a few former government opponents have returned voluntarily to Somalia under these arrangements without facing any difficulties, but Amnesty International has heard of others being detained when they have returned to Somalia voluntarily, or in some cases, unwillingly, after failing to obtain asylum abroad.

Somalia is a member of the United Nations, the Organization of African Unity (OAU) and the League of Arab States. It ratified the African Charter on Human and Peoples' Rights in 1986 but it is not a party to the International Covenant on Civil and Political Rights or the International Covenant on Economic, Social and Cultural Rights - the international treaties which make the Universal Declaration of Human Rights legally binding on governments. In 1969 Somalia signed the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, and in 1978 it acceded to the United Nations' Convention Relating to the Status of Refugees and the Protocol to this Convention.

2. Background

Somalia, situated in northeast Africa - the "Horn of Africa" - is one of the world's least developed countries with an average per capita annual income of US\$ 280. It has a population of about five million. The country comprises the former colonial territories of Italian Somaliland (in the south) and British Somaliland (in the north). Its geographical area of 637,000 square kilometres is bounded by the Gulf of Aden, the Indian Ocean and the neighbouring states of Ethiopia, Djibouti and Kenya. The British Somaliland Protectorate in the north became independent on 26 June 1960. The United Nations Trusteeship territory of Somalia in the south, administered by Italy, became independent on 1 July 1960. On this date too they merged to form the Somali Republic. Further steps towards achieving constitutional, legal and political unity were taken in the following years.

Except for small minority communities the country's population is composed of a single ethnic group, the Somali, who are divided into four main patrilineal

clans (Darod, Hawiye, Isaaq, Dir) and numerous subdivisions of these and other clans. Somalis are predominantly Sunni Muslims of the Shafi rite. The official languages are Somali and Arabic but English and Italian are spoken also.

The economy is traditionally based on herding camels and other livestock. Some 75 per cent of the population are pastoral nomads. There is also an important agricultural sector in the south. The small urban-industrial and business sectors are centred on the capital, Mogadishu, in the south of the country; the major northern city, Hargeisa; and the ports, Berbera and Kismayu. Somalia has large foreign debts and is heavily dependent on international aid for its development budget. The country has been badly affected by drought and famine, particularly from 1974 to 1975 and again in the mid-1980s, and has received considerable relief aid from the international community. Many international relief agencies are working in the country, both with Somali communities and with refugees. The Somali government has given refuge to more than 800,000 people, most of them of Somali ethnic origin, who have fled from Ethiopia in the past decade as a result of upheavals due to war, drought and political persecution. In recent years some have returned voluntarily to Ethiopia under the auspices of the Office of the United Nations' High Commissioner for Refugees (UNHCR).

The substantial Somali population outside Somalia includes an estimated two million people in the Ogaden area of eastern Ethiopia; a quarter million in northeastern Kenya; some 200,000 in Djibouti; hundreds of thousands of Somali migrants in the Middle East and elsewhere; and thousands of Somalis who are now refugees or asylum-seekers in Europe, North America, Africa, the Middle East and other places. Both post-independence constitutions (of 1961 and 1979) have included the aim of unifying the Somali people in the Horn of Africa. This is symbolised by the five-pointed star on the country's flag, which, as well as illustrating the merging of the two former British and Italian colonial territories, refers to Somali-populated territory in neighbouring Ethiopia, Djibouti and Kenya. The Somali government's support for a guerrilla organization in Ethiopia's Ogaden area - the Western Somali Liberation Front (WSLF) - led to war with Ethiopia in the Ogaden from 1977 to 1978. Somali forces captured Jijiga in July 1977 but were later repulsed and forced back to Somalia. There has been tension between Somalia and Ethiopia ever since, with occasional further fighting, until April 1988 when a peace treaty was signed by the two countries. Somalia recognized the independence of the Republic of Djibouti in 1977 and is no longer pursuing its claims to territory in Kenya.

On 21 October 1969 the civilian government was overthrown shortly after the assassination of President Abdirashid Ali Shermake by a soldier in a private feud. Major General Mohamed Siad Barre, the army commander, seized power in a coup, later called the "October Revolution", which was widely welcomed in view of the political and economic failures of previous civilian governments. The new ruling military Supreme Revolutionary Council (SRC) suspended the constitution, abolished the National Assembly (parliament), banned all political parties, detained most of the former government and many others and renamed the country the Somali Democratic Republic.

The "October Revolution" set Somalia on a socialist path, resulting in the signing of a Treaty of Friendship and Cooperation with the Soviet Union in 1974 and the formation of the Somali Revolutionary Socialist Party (SRSP), the only legally permitted party, in 1976. Somalia received military and other aid from the Soviet Union and security assistance from the German Democratic Republic. Relations with the Soviet Union began to change after the 1974 revolution in Ethiopia, which overthrew Emperor Haile Selassie's government, and the Treaty of Friendship and Cooperation was abrogated after the 1977-1978 war with Ethiopia, when the Soviet Union and Cuba gave military support to the Ethiopian army against the Somalia-backed WSLF and the Somali armed forces which fought with it. Somalia later gave the United States military and port facilities and became the recipient of US military and economic aid.

In 1979 a new constitution was adopted, under which the SRC military rulers handed over power to the SRSP, in particular to the SRSP's Political Bureau - whose members had been senior SRC members. Elections were later held from among candidates presented by the SRSP for a newly created People's National Assembly (parliament). Socialism remains the official aim of the SRSP and the constitution declared Somalia to be a socialist state, with Islam the state religion. President Mohamed Siad Barre has been head of state since 1969 and was re-elected unopposed for a further seven-year presidential term in 1986. He has been General Secretary of the SRSP and has chaired its Political Bureau since 1976.

In 1978 there was an unsuccessful coup attempt by members of the armed forces in which hundreds were killed. Seventeen army officers were convicted of treason and executed while many others were imprisoned or detained without trial. Other army officers involved in the coup attempt fled the country and later formed an armed opposition based in Ethiopia called the Somali Democratic Action Front (SODAF), which was later re-formed as the Somali Salvation Action Front (SOSAF). Many of the coup participants and members of this opposition group were from one particular sub-clan of the Majerten section of the Darod clan. In 1981 SOSAF combined with left-wing opposition groups to form the DFSS which is also known as the Somali Salvation Democratic Front (SSDF). In 1981 other opponents of the Somali government living in the United Kingdom formed a separate opposition organization, the Somali National Movement (SNM), which in 1982 moved its headquarters to Ethiopia. The SNM consists mainly of members of the Isaaq clan from northern Somalia.

The DFSS, and later the SNM, formed fighting forces in Ethiopia to overthrow the Somali government and launched attacks on Somali government forces within Somalia. The Ethiopian government gave considerable support to the DFSS and SNM, allowing them to use a radio station (Radio Kulmis, later renamed Radio Halgan). The DFSS fought mainly in southern Somalia while the SNM has been active in the north, particularly during the past three years. In 1982 two small border towns in central Somalia, Goldogob and Balambale, were occupied by the DFSS with the assistance of Ethiopian forces. The Somali government, however, as well as backing the WSLF fighting in the Ogaden, allowed Ethiopian and Eritrean opposition organizations such as the Eritrean People's Liberation Front (EPLF) and the Tigray People's Liberation Front (TPLF) to operate from within Somalia.

Little DFSS military activity has been reported since 1985 and some DFSS members have returned voluntarily to Somalia under a government amnesty. At least 50 DFSS members in Ethiopia, including the former DFSS leader Colonel Abdullahi Yusuf Ahmed, have been detained by the Ethiopian authorities since 1985. This was after internal conflicts within the DFSS and political disagreements with the Ethiopian authorities which led to fighting between Ethiopian security forces and the DFSS in 1985 and 1986, in which several DFSS fighters were killed.

In April 1988 a peace treaty was signed by the Ethiopian and Somali governments whereby each agreed to remove troops from border areas and cease supporting opposition organizations from the other's country. They also agreed to exchange prisoners captured in the 1977-1978 war.

In late May 1988 SNM forces attacked Burao, Hargeisa, the port of Berbera, and several other towns in northwest Somalia. There was prolonged fighting in Hargeisa with heavy casualties on both sides and among the civilian population. The SNM took control of Burao, Mandera, Gebileh and certain other small towns, releasing political prisoners held in the prisons. Numerous summary and arbitrary executions of suspected SNM supporters were reported in Hargeisa and hundreds of northerners living in Mogadishu were arrested too. The fate of several hundred prisoners, both recently arrested and long-held, kept either by the military police or else in Hargeisa Central Prison, was unclear by mid-July 1988. There were fears that many had been killed by their guards. Up to 100,000 people had by that time fled across the border to take refuge in Ethiopia.

3. Torture

There have been persistent reports of the torture of political prisoners. Recent testimonies by torture victims, some of them corroborated by medical examinations, are consistent with other allegations of torture received by Amnesty International in recent years which suggest that torture has been inflicted systematically. The same torture methods have been regularly inflicted on political prisoners for at least the past 10 years.

Torture and ill-treatment are reported to have been regularly used on the prisoners particularly by the NSS and military police. In many torture testimonies the Benadir Region NSS Headquarters in Mogadishu is mentioned as a torture centre. (Benadir region is the administrative region where the capital is situated.) This is the main NSS investigation centre in Mogadishu, built under Italian colonial rule. It is known as Godka ("The Hole") because of its underground cells. Political prisoners have faced torture there, although sometimes they have been taken to other NSS prisons or secret NSS "safe houses" to be tortured. The Hargeisa military police headquarters, as well as NSS interrogation centres in Hargeisa, have also frequently been mentioned as torture centres. Political prisoners have been detained and tortured in military camps too, particularly in the countryside in the northwest.

One torture method described by former victims (many of whom were tortured in Godka) is the "Mig" - in which victims are bent double, tied up and beaten. Other torture methods described by former victims include electric shocks, submersion in water (either in the sea while tied up in a sack or else in a water-tank until nearly drowned), repeated dipping of the head under water in a sink or bucket, forced ingestion of large quantities of water, suspension upside down for long periods, wounding with knives, sexual assault, and death threats.

Torture is not actually forbidden by the 1979 constitution 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 many torture allegations Amnesty International has received, it is not aware of any steps taken by the authorities to prevent torture, nor of any prosecution of a member of the security forces for inflicting torture.

Detainees usually seem to have been tortured to get them to admit having been involved in political opposition and to inform on other government opponents. The statements of certain prisoners who had been tortured into making false confessions were either admitted as evidence by the National Security Court or else verbally cited in court as admissions of guilt by prosecution witnesses, such as the NSS officers who had done the interrogating.

The secrecy surrounding National Security Court trials has prevented Amnesty International from describing in detail the acceptance as evidence of confessions apparently made under torture. In some trials no documentary evidence against defendants seems to have been presented by the prosecution, the court having relied heavily on oral statements by those who had interrogated the defendants - and allegedly tortured them too. Prisoners' signed confessions have clearly been of importance during pre-trial investigations and in the preparation of prosecution cases by the office of the Prosecutor of the National Security Court. One defendant in the February 1988 trial of six former members of parliament and others, Suleiman Nuh Ali (whose testimony is given below), maintained that after being tortured he was brought before someone he was told was a judge who warned him that if he did not sign a prepared statement he would be tortured again. He signed the statement, knowing it was false but wishing to avoid further torture. The statement was not produced at his trial but was evidently mentioned in the oral prosecution evidence given by his interrogators and others.

Torture or ill-treatment have sometimes, apparently, been intended to be punishment for political opposition. Many people demonstrating against the government have been arrested arbitrarily, the majority being released a few weeks or months later without having been charged or tried. Frequently those so held have been beaten and ill-treated although they have not invariably been tortured in the ways described above.

Women prisoners have reportedly been raped, sexually assaulted or sexually humiliated - by, for example, being paraded naked in front of security officers. Many women members of Islamic organizations who were among those arrested in 1986 were treated in ways that were degrading on account of their religious

beliefs - being forced to bare their heads, arms and legs in front of men, for instance, or being forbidden to pray regularly at the set times. During curfews in the north of the country in 1987 and early 1988 security officers frequently entered people's homes claiming to be looking for suspected SNM agents, and ill-treated the inhabitants, beating and raping them and stealing their belongings. Amnesty International has received numerous complaints of people being arrested during such raids, supposedly for suspected political offences but actually in order to extort money from their families or as part of personal disputes, by threatening to detain them indefinitely or, in the case of women, to rape them.

Amnesty International has received many torture testimonies. Usually the victims have asked for their identity not to be disclosed; however, in one case the subject appears to have intended his identity to be known despite the risk of punishment by the authorities for revealing that he had been tortured. Suleiman Nuh Ali is an architect and civil engineer who was arrested in 1982, tried in February 1988, condemned to death and is now serving a 24-year prison sentence after the death sentence was commuted (see photograph page 31). He has described how he was taken from Godka NSS Prison to a beach near Mogadishu:

"One night at about 9 p.m. in late 1982 my cell-door 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... 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 a 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 was 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."

Another testimony received by Amnesty International came from a woman arrested in 1978 after her husband had fled to Ethiopia and joined an opposition organization there. She was detained without trial for six years and was adopted by Amnesty International as a prisoner of conscience. On release in 1984 she fled from Somalia and is still receiving treatment for the after-effects of torture.

"After being taken to Godka, 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 [name withheld]. 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 policeman 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 then put in solitary confinement for four years."

An unsuccessful asylum applicant who was forcibly returned to Somalia by a western country in October 1987 and was arrested on arrival has described the torture he faced in Godka NSS Prison. He was tortured the night after his return when he was interrogated about alleged communication with government opponents while he was abroad:

"They put me down on the ground, face down, and tied my hands and my feet together behind 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... came back and continued to ask me: 'Tell me exactly why you went to X [name of country withheld]. I said: 'Because I was to be recruited into the army and because I miss my brother that 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 left alone for two days and nights. The only food they gave me was one piece of bread a day and water. My cell was two by two metres, with cement floors and walls. It was totally dark in the cell. At times we were four prisoners in that cell. Sometimes when prisoners were taken out for torture they did not come back and I fear that some of these people might have been killed.

"Two nights after the first torture I was taken out of my cell, handcuffed and brought to another room in Godka. Lieutenant... and two other men were already there. Lieutenant... 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... kept asking me about contacts with SNM people outside Mogadishu, in Ethiopia or other places. The treatment was extremely painful, but I said: 'I have no contact whatsoever with SNM people, not in 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.

"During interrogation sessions they mainly asked for information about opposition groups abroad. They also wanted me to work for them as an agent to infiltrate opposition groups, SNM and DFSS, which are based in Ethiopia, and to liquidate their leaders and army officers.

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

"While I was imprisoned at Godka prison I saw two prisoners whom I recognised as former asylum-seekers. I heard that there were about 20 prisoners who had been arrested for having applied for asylum in other countries and had been given three to 15 years imprisonment."

In late December 1987 he was released and fled the country again trying once more to get asylum.

Other accounts of torture given to Amnesty International are in Appendix II. In still other cases Amnesty International has heard that prisoners have fallen ill or been maimed as a result of torture, or else have died. Abdillahi Jama Galaal (see photograph page 30), a former army colonel detained in 1982 with former Vice President Ismail Ali Abokor and others and tried in February 1988, is reported to have had a testicle injured as a result of torture. It later had to be removed by surgery. His wife too was detained for four months in Godka and tortured in order to extract information about him. It seems her thigh was fractured as a result of torture. He was allegedly tortured again shortly before his trial in order to make him give evidence against certain defendants. According to unofficial reports he had previously been coerced into signing a statement under torture but was suspected of planning to retract this in court. In court he was himself charged and appeared as a defendant and not as a prosecution witness. He was apparently not allowed to give evidence. An Ethiopian woman, Tsehai Negussie, abducted from Ethiopia by Somali forces in 1977 and kept in the Central Prison in Mogadishu for the past eight or more years, reportedly died in prison in February 1988 as a result of the torture, rape and other types of ill-treatment she underwent in custody for several years.

3.1 Medical Examinations of Torture Victims

A Canadian doctor, acting on behalf of the Canadian Centre for the Investigation and Prevention of Torture, between November 1986 and April 1988 interviewed and medically examined 19 Somali refugees who had been tortured in Somalia on various occasions during the past 10 years. The victims, who included people arrested and tortured when they were only 12 or 14 years old, had been arrested on suspicion of collecting money for the SNM, for taking part in protests and demonstrations, for criticizing the government, or simply because they were related to a member of an opposition organization. All were detained without trial, some by the military police, but most by the NSS.

The doctor who conducted the examinations described the conditions in which the torture victims were kept; the beating and torture of the prisoners using methods mentioned above; and the symptoms the torture victims still had at the time he examined them. The latter included dizzy spells, headaches, stomach pains, backache, aching eyes, knee pain, coughing and choking. There were frequent psychological complaints of nightmares, poor sleep, poor appetite, short-term memory, concentration difficulties, fatigue, depression and anxiety. The refugees were also visibly injured with scars from wounds that had not healed properly, and burn scars which the doctor found consistent with their accounts of whippings, bayonet cuts and burns. His report, plus a postscript, and two other medical and psychiatric reports on torture victims are in Appendix I.

4. Political Prisoners

Numerous suspected opponents and critics of the government have been imprisoned for long periods, often for many years, frequently without charge or trial. Many are believed to have been detained merely for attempting to exercise their internationally recognized right to peaceful expression of their views. Many are reported to have been tortured.

Criticism of the government is strictly controlled. The 1979 constitution states that no political party or political association is allowed except for the ruling official Somali Revolutionary Socialist Party (Article 7). The rights to freedom of opinion, of publication and of association are subject to "the laws of the land, public morals and the security of the country" (Article 24). The laws on national security impose far-reaching restrictions on these internationally recognized rights. "National security" is not clearly defined and a wide and often arbitrary interpretation is used as the grounds for arrest and detention.

The political freedom which existed in Somalia from the time of Independence (1960) until the 1969 assumption of power by the Supreme Revolutionary Council was incomplete - the laws, for example, effectively prohibited the formation of a communist party - but in October 1969 still more far-reaching restrictions were imposed and all the existing political parties were banned.

Opposition to the government was curbed by the NSS and its network of informers, and there was considerable government control of the media and all types of publication. Criticism of the government, the President or the political prominence of the President's family or clan (the Marehan, a sub-clan of the Darod clan) was sometimes expressed in graffiti on buildings, anonymous pamphlets, or indirectly in sermons in mosques or in poems read at private gatherings or circulated on cassette tapes. Seldom could any arrest be linked to an actual public utterance or written document. The grounds for many arrests appeared to be arbitrary and unclear. Former prisoners have often claimed that they had done nothing to provoke their arrest and had not been given any actual reason for it, although some admit they were critical of the government or the President in private. Some appear to have been arrested simply for being insufficiently enthusiastic when required to express support for the government.

All organizations in Somalia must be officially authorized and many officially recognized bodies - for example, trade unions, professional associations and women's and youth organizations - are connected with the SRSP. One independent community organization in Hargeisa in 1981, formed as a voluntary self-help group to improve conditions in Hargeisa Hospital, was labelled subversive by the authorities and its members - who included doctors - were arrested, tortured, and jailed by the National Security Court for long prison terms or for life. The security authorities apparently considered all such organizations or groupings as fronts for political opposition inspired by or linked to an external organization - for example, the DFSS (if its members were from the Majarten clan) or the SNM (if its members were from the Isaaq clan).

From 1969 to 1977 the government was allied with the Soviet Union and criticism of the government's socialist orientation or policies led to people being labelled "anti-revolutionary" and being arrested or dismissed from government employment. Nevertheless, Yusuf Osman Samantar, a lawyer and leader of Somalia's only pre-1969 socialist party (the Somali Democratic Union) was in prison for most of this period because he refused to support military rule (in 1969) or the SRSP (in 1976). He is Somalia's longest held prisoner of conscience, detained without trial since May 1975 as well as for most of the previous six years.

After a rupture with the Soviet Union in 1978 the political situation changed and in 1981 several known Marxists, including three members of parliament, were detained for some years, apparently because of their political views. But political arrests have often been difficult to interpret - as in the case of the 1982 detention of the third Vice-President, Ismail Ali Abokor, and five other members of parliament and of the SRSP central committee, who held various different political views and were from different clans. Unofficial sources indicated that the six had opposed the President's nomination for a further five-year term as SRSP General Secretary - although they were later tried in 1988 on other grounds.

Some political prisoners have been jailed for their religious opinions. In 1975, 10 sheikhs (religious teachers) were arrested, tried and executed for opposing a law they considered contrary to the Shari'a (Islamic law). Many



Yusuf Osman Samantar
detained without trial since 1975



Safia Hashi Madar
jailed for life

Muslims were arrested in 1986 for advocating closer adherence to Islam and the introduction of Islamic laws, and nine sheikhs were condemned to death in April 1987, although their death sentences were later commuted. They were charged with, among other things, forming a subversive organization and importing religious literature from an officially recognized Islamic organization in Saudi Arabia. Seventy others still detained without trial since 1986 include Sheikh Mohamed Moallim Hassan, a former Director General in the Ministry of Justice and Religious Affairs who was also detained several years before for criticizing the government.

Some people seem to have been arrested arbitrarily because they were closely related to a known government opponent, or simply because they belonged to a particular clan. Between about 1978 and 1982 members of particular sections of the Majerten clan were singled out for arrest, apparently because certain DFSS leaders were members of this clan. Since 1982 Isaaq clan members have been particular targets for arrest as suspected sympathisers of the SNM (which is mainly composed of Isaacs from the north). Among them is Safia Hashi Madar, a relief agency employee. She is serving a life sentence for alleged membership of the SNM and has been adopted by Amnesty International as a prisoner of conscience.

Many people have been detained in recent years in northern Somalia on account of their alleged support for the SNM, often in the absence of any other

evidence of complicity with the organization. The detainees have included children. The testimony of a 12 year old boy who was arrested in the north and underwent torture, and the testimonies of several other former prisoners who were aged under 18 when arrested, are included in Appendix II. People have been detained without trial for long or short periods and there have been many National Security Court trials - some of them described later - and people have been sentenced to death and executed, accused of belonging to the SNM. A wave of arrests was precipitated in Hargeisa, Burao, Berbera and Gebileh in January 1987 by SNM attacks in the area and the assassination of the NSS commander in Hargeisa. Many people - particularly school students - have been arrested in the north after demonstrating against the arrests and trials of political prisoners. Demonstrations against the President during his visit to Hargeisa in March 1988 prompted the arrest of scores of people and the death of five school students, who were shot dead by the presidential bodyguard after stone-throwing incidents. During the curfews in force in the north since early 1987, army and NSS curfew patrols have made many arrests. Extrajudicial executions of suspected SNM supporters by the security forces have been reported during this period too.

This pattern of the mass arbitrary arrest and abuse of civilians in the north persisted throughout 1987 and on into 1988. Some prisoners were released after relatives had paid a bribe or ransom. Several hundred other prisoners held illegally were freed in November 1987 following an official review of the legality of detentions in the area but many more arrests were reported in early 1988.

There have been some instances of Somalis suspected of actively opposing the government being arrested on returning to Somalia. For example, the arrest, detention and torture of an unsuccessful asylum applicant who was forcibly returned to Somalia in 1987 as described on page 11. Amnesty International considered him to be a genuine refugee at the time that he was repatriated to Somalia.

Some have been detained for refusing, or trying to evade, conscription into the armed forces. National Military Service applies to all able-bodied men between the ages of 18 and 40 and to women of between 18 and 30. Military service lasts for two years, except in the case of higher education graduates, who serve for 18 months. There is no provision for conscientious objection. Conscription is not applied systematically but arbitrary "round-ups" of men of conscription age have often been reported (it is not known if women have been conscripted). Amnesty International does not know what the legal penalties for seeking to evade conscription are but conscripts are believed to be subject to military law and the jurisdiction of military courts. There have been reports of as many as 7000 refugees from Ethiopia in official refugee camps in northern Somalia being forcibly conscripted into the Somali army in August and September 1987 and of some being detained for trying to evade this.

Several hundred Ethiopian men, women and children abducted from eastern Ethiopia by Somali forces during the 1977-1978 war with Ethiopia, are still in prison 11 years later. They are kept in secret and incommunicado in an NSS-controlled camp near Hawai in Lower Shebelle region. They include Tibebu Haile-Selassie, a doctor; Melaku Menkelklot, who is aged over 60, and whose wife, two

daughters and son are detained too; and Yeshiharg Abunu Tiku, a 70-year-old woman detained with her step-daughter, grand-daughter and two other relatives. The government has not publicly acknowledged their detention, the only reason for which appears to be their Ethiopian nationality. Access to these Ethiopian prisoners by representatives of international organizations such as the International Committee of the Red Cross (ICRC) or the UNHCR has never been permitted, although the ICRC was apparently able to see some of the military prisoners captured during the war in 1977, including some 200 Ethiopian soldiers and one Cuban officer, who are still in detention although their exchange for Somali soldiers in Ethiopian custody was apparently agreed in April 1988.

Hundreds of other Ethiopian civilians were detained in 1977 while fleeing to Somalia to escape from the fighting. Among them were a family of six - a mother, her two daughters aged three and five, and her three sons aged between 16 and 20. The youngest daughter was killed and the other badly injured in Dusa Mareb military camp when a soldier threw a grenade at them. The mother and surviving daughter were released in 1985 and allowed to leave the country, but her three sons (Afework, Mesfin and Million Yehesus Imru) are still being detained in Hawaii camp. Between 1979 and 1981 a further 250 or more Ethiopian refugees, mostly belonging to the Amhara ethnic group, were sent to Mogadishu Central Prison. They were moved in 1981 to El-Jalle prison near Barawa in southern Somalia. The authorities reportedly forced many of them to join the WSLF forces fighting the Ethiopian army in Ethiopia. Those remaining in Somalia were moved to a new resettlement camp at Shalambod near Merca, where they were virtual prisoners. Some 500 are believed to be there still, although not so severely restricted as before. In February 1988 Amnesty International asked the authorities about some of these detained refugees and asylum seekers - including Legesse Shifferaw, an Ethiopian doctor held in Mogadishu since 1983, and a Ugandan and a Sudanese refugee who had been detained in Mogadishu since early 1987. The authorities did not respond.

Several members of the Oromo Liberation Front (OLF) are in detention too, including Baru Liben Sako and Salessa Jallo Boko, who have been held since 1978 without official acknowledgment. The OLF is one of a number of Ethiopian opposition organizations fighting the Ethiopian government. Although other such organizations are allowed to operate in Somalia, the OLF is not recognized by the Somali government, as it instead supports the Somali Abo Liberation Front which claims to be an Oromo organization fighting in Ethiopia.

After the SNM attacks in the north at the end of May 1988 there were widespread arrests of alleged SNM supporters in Berbera and Mogadishu and many extrajudicial executions in Hargeisa. The fate of political prisoners held in Hargeisa Central Prison - including Khadra Ali Jama, Fahima Dahir Jama and Faisa Gur Siaib, three students - is not known. Several prisoners in Berbera including the mayor, Haji Mohamed Bursade, were transferred to NSS custody in Mogadishu. Hundreds of prominent Isaaq civil servants, business people, airline staff, army officers and others were also detained in June and July.



Yeshiharg Abunu Tiku,
detained since her abduction
from Ethiopia in 1977



Afework (left) and his brother, Million (right)
Yeheyus Imru, Ethiopian refugees -
detained since they fled to Somalia in 1977



Fahima Dahir Jama
jailed for life



Faisa Gur Siaib
jailed for 8 years



Khadra Ali Jama
jailed for 8 years

5. Detention without Trial

Suspected government opponents may be detained under the Power to Detain Law or under the Establishment of the National Security Service Law, both of which were passed by SRC decrees in early 1970. The first prescribes indefinite administrative detention without charge or trial; the second permits detainees suspected of committing an offence against national security to be indefinitely detained while their cases are being investigated. Neither protects detainees from being held arbitrarily, nor are there any safeguards to ensure that their internationally recognised rights are respected. In practice, the detaining authorities do not specify under which law detainees are being held and no documents are drawn up to indicate the reason or legal basis for the detention.

The Power to Detain Law (Law no. 1 of 10 January 1970) allows the indefinite administrative detention without charge or trial of anyone considered to be

"conducting himself so as to be dangerous to the peace, order or good government in the Somali Democratic Republic or is intriguing against the Supreme Revolutionary Council or by word or action acts against the aims and spirit of the Revolution" (Article 1).

Originally, before the SRC was abolished in 1979, a District or Regional Revolutionary Council (mainly composed of members of the armed forces) or the security service could order the detention of anyone on these grounds. According to the law, the detention had to be reported to the SRC, which could order the person to be detained "in such place and for such period as the SRC may consider necessary in the interests of peace, order and good government" or else could revoke the detention. Only the SRC was legally entitled to order the release of a detainee. The law was made retroactive in order to legalize the detention in October 1969 of members of the deposed government. After the SRC was abolished subsequent legislation replaced references to the SRC with references to the government or to the Political Bureau of the Somali Revolutionary Socialist Party.

The Establishment of the National Security Service Law (Law No. 14 of 15 February 1970) permits the detention of people for investigation if they are suspected of offences against the security of the state. The law entitles the NSS to "arrest any person in case they are informed or have a well-grounded suspicion that a crime was committed against the security of the state". The detention must be referred to the National Security Court to be confirmed or revoked, although there is no time limit on this.

According to another national security decree (Article 5 of Law No. 8 of 26 January 1970), those detained on these grounds, may be held indefinitely without charge while their cases are investigated. This decree also removed from such prisoners the right to habeas corpus (applicable in cases over which the ordinary courts have jurisdiction) and forbade them access to a lawyer until

investigations were complete and they had been charged with an offence. In some cases, such detentions for investigation have been very protracted. Six former members of parliament and 16 others arrested in 1982 and accused of subversion were all detained incommunicado for more than five years and not allowed to see legal counsel (or any other visitors) until after they had been charged, shortly before they were brought to the National Security Court for trial in February 1988.


The names and number of detainees held under these two laws have not been published. Families are not officially informed of their relative's detention and receive no official explanation of why they are in prison, nor are they told where they are. In the cases Amnesty International knows about the detainees' families have usually managed to find out via unofficial channels (sometimes by bribing security officials) what has happened to their relatives, but sometimes detainees have simply "disappeared" and may have died in custody in unexplained circumstances. While in secret detention prisoners have frequently been tortured.

Detainees are not entitled to challenge the validity of their detention in court. Apparently the authorities do not keep central records about detainees, nor does there seem to be machinery for regularly reviewing detentions under this law. Releases seem to be the result of decisions by the security officers responsible for the detention, by the SRSP Political Bureau, by the National Security Court or because of a presidential amnesty. Amnesties or "pardons" of prisoners, including some political prisoners, are normally announced annually on 21 October - the anniversary of the 1969 revolution. On 21 October 1987, for example, a presidential "pardon" was announced for 1,697 convicted prisoners, but the authorities did not disclose the identities of those freed nor whether any had been political prisoners.

Political arrests have also been made (particularly in the north) by the military police (known unofficially as Dhabar Jabintar, "the back-breakers" - meaning those who break "anti-revolutionaries") and the Victory Pioneers (Gulwaadaya), a uniformed militia established in all towns and villages in the early 1970s to supervise political "orientation centres" at which attendance used to be compulsory. The power of the military police to detain civilians has never been clarified, nor indeed have the Victory Pioneers been legally entitled to detain people. Many people have been detained for months and tortured by the military police. Those arrested by the Victory Pioneers have usually been handed over to the NSS for interrogation. The police Criminal Investigation Department also arrests and detains people on political grounds, but normally hands them over to the NSS.

Article 26 of the 1979 Constitution states:

"No person shall be liable to any form of detention except when apprehended in flagrante delicto or pursuant to an order issued by competent judicial authorities in accordance with the procedure prescribed by law" (Section 2).

 <p>Signature of Bearer</p>	<p align="center">SOMALI DEMOCRATIC REPUBLIC National Security Service</p> <p>IDENTITY CARD No. _____</p> <p>NAME _____</p> <p>DESIGNATION/RANK. _____</p> <p>DATE AND PLACE OF BIRTH _____</p> <p>SEX. _____</p> <p>BLOOD GROUP. _____</p> <p>Date of Issue _____</p> <p align="center">HEAD OF THE NATIONAL SECURITY SERVICE.</p>
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Note: Under the State
Law No. 14 of 15-2-70

(Article 4)

1. If urgent need be, the members of the National Security Service shall, without any warrant, have the power to search any person, property or house, and to sequester any property, in case they are informed, or have a well-grounded suspicion that a crime was committed against the Security of State.

(Article 5)

2. The members of the National Security Service shall have the power to enter any licenced premise or any other concern to make an in-

quest there on for purpose — relat-
ing to the National Security.

(Article 6)

3. The members of the National Security Service shall, without any warrant, have the power to arrest any person, in case they are informed or have well-grounded suspicion that a crime was committed against the Security of the State.

(Article 7)

4. Any person, Diplomatic Missions excepted, residing in the Somali territory shall be obliged to cooperate with the members of the National Security Service in the execution of their duty.

National Security Service identity document

The constitution also states:

"A person who is subjected to detention for reasons of security shall be taken before a judicial body which is competent to try the offence with which he is charged without delay and within the time-limit prescribed by law" (Section 3)

and,

"Every person who is deprived of his personal liberty shall immediately be informed of the offence he is suspected of committing" (Section 4).

In practice, these constitutional protections have been systematically disregarded by the authorities in the cases of those detained for political reasons, in many cases on account of their non-violent political opinions.

6. Political Trials

Amnesty International has learned of the trial and conviction of many political prisoners by the special National Security Court established in 1970. This court has jurisdiction over cases with a political aspect or which concern national security. Defendants convicted by the National Security Court have received long prison sentences, or have even been condemned to death and executed for activities which amounted to the peaceful exercise of their basic human rights. The structure and procedure of the National Security Court have prevented defendants receiving fair trials in accordance with recognized international standards of fair trial.

Amnesty International believes that many people serving prison sentences imposed by the National Security Court for political offences are prisoners of conscience. They include Aden Yusuf Abokor, a doctor and former director of Hargeisa Hospital who was sentenced to 20 years' imprisonment after conviction in 1982 for "organizing a subversive organization" together with 19 other doctors, teachers, business people and students who also received long prison sentences; Safia Hashi Madar, an employee of an American non-governmental relief agency, Transcentury Foundation, who was sentenced to life imprisonment in Hargeisa in 1986 accused of belonging to a subversive organization; and Abdi Ismail Yunis, former Dean of Education at the Somali National University, and Suleiman Nuh Ali, an architect and civil engineer, both condemned to death by the National Security Court in Mogadishu in February 1988 - the death sentences were later commuted to 24 years' imprisonment.

The National Security Law (Law No. 54 of 10 September 1970, unofficially known as "the law of 26 articles") prescribes death for 20 different political offences. The death penalty is mandatory for all of them. Most are accompanied by the additional penalty of confiscation of property, which is, in effect, a way of punishing the condemned person's family as well. Several other political

offences carry penalties ranging from three years to life imprisonment (which, in Somalia, is imprisonment until death).

Many of these offences are vaguely defined, enabling the National Security Court to consider a wide range of activities as capital offences or else crimes warranting imprisonment. Indeed, the definition of these offences is sometimes so broad that, in effect, arbitrary imprisonment is permitted. Furthermore the law draws no distinction between offences involving the use or intended use of violence, and those involving non-violent political activities or expression of opinion.

Political offences punishable by death are specified in the following articles:

- "acts against the independence, unity or security of the Somali State" (Article 1);
- "organizing a subversive association" (that is, "any association whose aims or activities are directed against the national unity or directed towards subverting or weakening state authority") (Article 3);
- "conspiracy against the state" (Article 4);
- "organizing the unlawful occupation of public buildings ... for the purpose of subverting or weakening state authority" (Article 10, 2(a));
- "receiving or raising funds for subverting or weakening state authority" (Article 11);
- "exploiting religion for creating national disunity or subverting or weakening state authority" (Article 12);
- "organizing strikes, walk-outs, stoppages" (Article 17);
- "publishing anti-state propaganda" (Article 18).

Other political offences punishable by imprisonment are:

- "participating in a subversive organization" (Article 3 (2) - punishable by life imprisonment);
- "possession of seditious material" (Article 19 - punishable by imprisonment for five to 15 years);

- "rumour-mongering" (afminshar-ism - an offence meaning 'having a mouth like a saw', in the Somali language) (Article 21 - punishable by imprisonment for two to 10 years.

All political offences, as well as public order offences (including murder) and serious criminal offences by government officials, fall within the jurisdiction of the National Security Court. This court was created under the National Security Court Law (Law No. 3 of January 1970). It is based in Mogadishu (in the former parliament building). Its regional sections have powers equivalent to those of the Mogadishu-based court. The court consists of a president, who belongs to the armed forces, and four counsellors, who may be members of the security or armed forces (not required to have, and who do not generally have, any legal or judicial qualifications), or judges or law graduates. The President of the National Security Court since its inception, Brigadier General Mahmoud Ghelle Yusuf, is also a Minister of State in the Office of the President with special responsibility for security matters. Until October 1987 he was Minister of Marine Transport and Ports; previously he was a member of the SRC and cabinet after 1969. He is said to have no legal or judicial qualifications. Some defendants have reported that at their trials or during interrogation they were brought before a judge who was a security officer in charge of their interrogation and torture. This would suggest that the National Security Court cannot be considered impartial or independent of the government and the security services.

The court has a special prosecutor who is not under the authority of the Attorney General or Minister of Justice. The prosecutor is entitled to have people detained, and is to be present at, or represented at a detainee's consultation with his or her lawyer (as laid down in Article 1 of Law No. 17 of 17 April 1970).

Defendants are entitled to legal representation by defence counsel but in practice lawyers are prevented from presenting a full legal defence. All practising lawyers must belong to the official Somali Lawyers' Corporation. State legal aid is granted in the case of capital offences or offences punishable by 20 or more years' imprisonment. Defendants are kept incommunicado and not allowed bail until they are formally charged, which is often only just before the trial. Many defendants have been denied any legal representation and some have even been condemned to death without having a lawyer. Certain students condemned to death in 1985 and Safia Hashi Madar (who was sentenced to life imprisonment in 1986) were tried without being allowed defence counsel. Lawyers have been intimidated into not defending clients in political cases and defendants have often been unable to find legal counsel willing to defend them. Defence counsel are allowed only brief, supervised access to their clients after they have been charged and get little opportunity to present their cases adequately or to cross-examine witnesses, especially if those witnesses are NSS officers.

The National Security Court has exclusive jurisdiction over political offences and is a final court: those convicted by it have no right of appeal to a higher court, in contravention of Article 14(5) of the International Covenant

on Civil and Political Rights which, although not ratified by Somalia, has been proposed as a safeguard in all death penalty cases by the United Nations Economic and Social Council (ECOSOC). Nor is there any automatic review of conviction or sentence. However those condemned to death, or their close relatives, may petition the President for clemency.

The court makes its own rules of procedure. Trials are theoretically held in open session except when security reasons are given by the authorities to justify conducting a trial in camera. Often, only a few of the defendant's close relatives are allowed to attend, but some trials have been held in complete secrecy, without even defendants' relatives being present. International observers, foreign journalists and diplomatic observers have rarely, if ever, been allowed to attend court. Verdicts are not always reported by the news media (which are state-controlled) and copies of trial judgments are difficult to obtain, even by the relatives or lawyers of those convicted.

The opening of trials before the National Security Court has seldom been announced beforehand and most trials have soon been over - within a few days, sometimes even within a few hours. Amnesty International has heard of nocturnal trials; of defendants appearing in court without having been told beforehand that they had been charged or that they were being taken to court; of denial of legal representation before and during trials; and of judges refusing to pay any attention to defendants' complaints that they have been tortured and need urgent medical attention. Many of those tried by the court have been tortured and the evidence thereby obtained has frequently been the basis of conviction. Documentary evidence or signed "confessions" have, however, rarely been presented by the prosecution, which has usually relied on the oral statements of witnesses - particularly of NSS officers - who have referred to confessions allegedly made by defendants while in custody without being required to produce any evidence to support their statements.

Details about National Security Court trials have been very difficult to obtain, even when the defendants have been prominent citizens - for example the treason trials of the Vicechairman of the SRC, Jama Ali Korshel, in 1970 (which resulted in his conviction and imprisonment), of former Vice-President Major General Mohamed Ainanshe Guled and two others who were tried and executed in 1972, and of former Vice-President Ismail Ali Abokor and others in February 1988 (described below). Many more political trials are believed to have been held in recent years than have been publicly announced. The charges have frequently been to do with "organizing or participating in a subversive association" - namely the SNM - although often there seems to have been no evidence, apart from confessions made under duress, that the defendants had been in contact with the SNM.

Amnesty International knows of other summary and informal trials of political prisoners, particularly in the northern regions which have been under de facto military rule since about 1983 owing to the scale of SNM activities. These trials have been held before hastily convened "courts" composed of army officers and conducted outdoors. They have apparently been held in order to punish widespread political opposition on the part of the civilian population in remote towns or rural areas where SNM guerillas were operating and attacking

government forces or installations. The trials, which resulted in summary death sentences and long prison sentences being passed on defendants alleged to have links with the SNM, were organized quite separately in those areas from National Security Court trials which were more formal and held in proper courts.

In Burao, for example, in December 1984, scores of people were arrested after an SNM attack. They were accused of supporting the SNM and tried within a few days. Forty-three of them were condemned to death and promptly executed outside the town. They included prominent local business people and teachers. In Gebileh (a town on the Ethiopian border) around 10 March 1988, following SNM attacks in the area, numerous unarmed civilians were rounded up by the army and detained. Many of them were tortured and 16 men - mostly farmers and nomads - were summarily tried on 12 March and promptly executed. Six others were tried and shot on 22 March. The trials were reportedly informal, swift and devoid of any formalities or legal procedure. According to reports, defendants were hardly allowed to speak in their defence let alone be legally represented, and the military judges pronounced them guilty paying virtually no regard to judicial standards of evidence.

6.1 Three National Security Court Trials

Amnesty International has received details about three particular National Security Court trials in recent years, at which the defendants, who were convicted and sentenced to death or lengthy imprisonment, were both unfairly tried and appear to have been convicted merely on account of their political views. The death sentences were later commuted. Amnesty International considers all these prisoners to be prisoners of conscience.

The Trial of Doctors, Teachers and Others in Hargeisa, February 1982

Dr Aden Yusuf Abokor, medical director of Hargeisa hospital, and other doctors, teachers, civil servants and business people in Hargeisa were arrested in late 1981 and tried by the Hargeisa National Security Court in February 1982. Twenty defendants were convicted of political offences, including organizing or participating in a subversive organization and publishing or distributing anti-state propaganda. They belonged to an unofficial voluntary community organization which was engaged in self-help projects, among them improving the facilities at Hargeisa hospital. The group had met the local authorities to discuss local development. Its criticism of government policy in the area is believed to have prompted the arrests.

No evidence was presented at the trial that the accused had used or advocated violence towards the government. Those convicted were given prison sentences ranging from three years to life imprisonment. By early 1988 some had been released, having completed their sentences, but 13 were still in prison. Dr Abokor, aged 40, is serving a 20-year sentence, and 12 others are serving sentences of between 20 years and life imprisonment. Over the last six years there have been several demonstrations in the north calling for the release of these prisoners of conscience, and many people, including relatives of the prisoners, have been detained for weeks or months for taking part.

After a four-day hearing of the cases against the first 17 of the defendants, eight of them (including the four named above) were convicted and sentenced to death and confiscation of their property; five others were sentenced to imprisonment; and four were acquitted. The cases against Mohamed Aden Sheikh and the three other former members of parliament and another defendant were heard separately and they were acquitted and released. After international appeals for clemency the eight death sentences were commuted by President Mohamed Siad Barre: Ismail Ali Abokor and Omer Arteh Ghalib received unspecified prison sentences to be served under house arrest, while each of the other six was sentenced to 24 years' imprisonment. Mohamed Aden Sheikh and the three other acquitted ex-members of parliament were later put under house arrest too, without explanation.

Reports of the proceedings received by Amnesty International suggested that the trial of Ismail Ali Abokor and others had been extremely unfair. The presiding judge, Brigadier General Mahmoud Ghelle Yusuf, had refused defence counsels' requests for several defendants to be examined for evidence of torture and for them to receive urgent medical treatment for the after-effects of torture. Amnesty International learned that Suleiman Nuh Ali, Abdi Ismail Yunis, Abdillahi Jama Galaal and Ahmed Mohamed Halla in particular had been tortured several times since arrest and were still suffering from the after-effects. However, no investigation was conducted into the torture allegations made in court. Defendants' admissions of guilt during pre-trial detention were reportedly mentioned by prosecution witnesses (who included government officials, NSS officers and other prisoners) but no written statements by the defendants, who all pleaded not guilty, were presented to the court as evidence. The case against the defendants was apparently based mainly on the uncorroborated statements of NSS officers about what they claimed defendants had admitted under interrogation. Defence lawyers had little opportunity to present their own witnesses or cross-examine prosecution witnesses.

Although 13 defendants were convicted of organizing opposition to the government in league with the SNM, no substantial evidence of this or of their involvement with the SNM appears to have been presented in court. Amnesty International has concluded that they were arrested and are still in prison for quite different reasons. Several of the defendants were associates or relatives of ex-Vice-President Ismail Ali Abokor, the most prominent defendant. At the time of his arrest he was also the most prominent member of the Isaaq clan in the government. He and Omer Arteh Ghalib were both known to be critical of the President, and particularly of government policy on the northern region and action taken against members of their clan in reprisal for armed opposition by the SNM. All the other convicted defendants were from the Isaaq clan and are believed also to have been imprisoned because they were prominent Isaaq clan members known to be critical of the government.



Ismail Ali Abokor
under house arrest



Omer Arteh Ghalib
under house arrest



Mohamed Aden Sheikh
under house arrest



Adillahi Jama Galaal
jailed for 24 years

The Trial of Nine Sheikhs in Mogadishu, April 1987

On 8 April 1987 nine sheikhs were condemned to death by the National Security Court in Mogadishu. They were arrested in Mogadishu in May 1986 after they had criticized the government for restricting religious activities and had called for the introduction of "moderate Islamic laws". They included a 60-year-old sheikh, Hassan Olhaye Khalil, and a blind Quranic teacher, Sheikh Nur Barud Gurhan. They were convicted of offences against the National Security Law, including "exploiting religion for creating national disunity or subverting or weakening state authority" (Article 12), which carries a mandatory death sentence. Ten sheikhs were executed in 1975 for this offence.

Their trial in April 1987 started without prior notice and lasted only a few hours. None of the defendants were legally represented as they were denied legal counsel of their choice and refused to accept court-appointed counsel. They had no right of appeal but the nine death sentences were commuted to life imprisonment by President Mohamed Siad Barre on 4 August 1987 following numerous appeals on behalf of the defendants. Five of the many others arrested with them were brought to court at the same time and received long prison sentences but a further 70 or more remain in detention without charge or trial. Amnesty International regards all 14 convicted prisoners, and the others arrested at the same time who are still being detained without trial, as prisoners of conscience imprisoned for their beliefs and religious teaching.

The Trial of Six Former Members of Parliament and Others in February 1988

On 1 February 1988 six former members of parliament, arrested in 1982, faced trial before the National Security Court in Mogadishu together with 16 other defendants. They included the country's former Third Vice-President, Brigadier General Ismail Ali Abokor; former Foreign Minister, Omer Arteh Ghalib; former university Dean Abdi Ismail Yunis; and a leading architect, Suleiman Nuh Ali. The authorities stated shortly after their arrest that they were being held for investigation, accused of committing a political offence contrary to Article 1 of the National Security Law (treason). A parliamentary committee (including the president of the National Security Court, which tried them six years later) stripped them of their parliamentary immunity from arrest on the grounds that they were arrested in flagrante delicto (in the course of committing an offence). In 1984 the Attorney General said the investigations into their cases were over, nevertheless they were not charged or tried for a further four years.

After almost six years in custody they were formally charged shortly before being tried. The main charges were "organizing a subversive organization" (named as the SNM) and "organizing an armed band". They were not allowed to consult defence counsel until just a few days before the trial began, and then only in the presence of the prosecuting attorney. Observers from international organizations such as Amnesty International, the Inter-Parliamentary Union and the Arab Lawyers Union, were not allowed into the country to observe the trial. Foreign journalists and diplomats were also excluded from the trial. Only a few of the defendants' relatives were allowed to attend.



Dr Aden Yusuf Abokor
jailed for 20 years



Mohamed Haji Mohamoud
jailed for 30 years



Imprisoned doctors and others members of a community self-help group,
working at Hargeisa hospital, 1981



Suleiman Nuh Ali
jailed for 24 years



Abdi Ismail Yunis
jailed for 24 years



Political prisoners on trial before the National Security Court
Mogadishu, February 1988

NATIONAL SECURITY COURT

Mogadishu, 31.1.1988

I am responding to your kind letter which reached me on 31 January 1988.

The information according to which these people have been detained ON ACCOUNT OF THEIR POLITICAL VIEWS, is without any foundation.

signed

SPECIAL PROSECUTOR
NATIONAL SECURITY COURT



Xafiiska Xeer Ilaalinta Guud Maxkamadda Badbaada da Dalka

مكتب المدعي العام لمحكمة الأمن القومي

Глх. _____

Ujeedo -Aadan Maxamad Samaknab.-

Mundisho 31.1.1988.-

Waxaan kaaga jawaabayaa warqaddaadii xushmeida badan
lahayd oo i soo gaartay 31.1.1988.-

Waa jirtaa in 1da Febraayo 1988, Maxkamadda Dadbaddada Dalka la hor keeni doono Andan Maxamed Samakaa iyo 16-kale oo qarkood ka mid ahaayeen Golaha Shaabiga ayagoo ku eedsayin dembiye kala duwan oo ku xusan Xeerarka Cigaabta Soomaaliyeed.-

Wararka sheegaya in dadkaasi u xiran yihiin PINRADOODII
SIYAASADEED aageed, was warar wal iyo raad lahayn.-

Andan Maxamed Samakab, waxaa difaacaya koox ka kooban 5-qareen (5 Avvocati) oo ugu heer sareeya oo uu asagu doortay, Maxkamadda la hor keeni doono albaabada waa u furan yihiin dadweynaha oo dhan iyo eheladiisa.

This letter was received by an Amnesty International group who are working on behalf of Lt Col Aden Mohamed Samakab, arrested in 1982 and co-defendant at the trial of the six former members of parliament including Ismail Ali Abokor. At the trial which started the next day, 1 February 1988, Samakab was convicted of treason and sentenced to life imprisonment, later reduced to 20 years. The general public and international organizations were excluded from the court. The Amnesty International group is continuing to work on his behalf.



(Dr. Cusmaan Mays Macallin) G/Sarg

7. Ill-treatment of Prisoners

Political prisoners have been in NSS custody for weeks, months and sometimes years, without being charged and without access to relatives or lawyer. Conditions in NSS centres are harsh. In Godka NSS prison in Mogadishu prisoners are kept in underground cells in permanent solitary confinement. The cells are very small, without enough space for inmates to stand upright or stretch out, and there are no beds or mattresses. Sanitary facilities are virtually non-existent. There are also larger cells, which are severely overcrowded whenever mass arrests take place. The quality and quantity of prisoners' food is very poor. Although some prisoners' families are allowed, after a while, to send in food, they often have to first bribe the guards to pass it on to the prisoner concerned, and usually also "pay" them with a portion of the food. Families have no other contact with their detained relative: however, the receipt of food is regarded as an acknowledgement that he or she is there and alive. Medical treatment is denied even though many inmates are apt to be seriously ill as a result of torture and harsh conditions. Most Godka prisoners are reported to have been tortured and the NSS is alleged to use other secret "safe houses" in Mogadishu too for holding and torturing prisoners.

Political prisoners in Hargeisa and the north are often held in military custody, for example in the army's 26th sector headquarters in Hargeisa (known as Birjeh). The military police prison there has small cells similar to those in Godka and torture is reportedly routine. Amnesty International has heard of prisoners being kept for weeks in punishment cells, chained to the floor and allowed out to the toilet only every two or three days. Military camps in Dusa Mareb, Danane, Adadle and other places have also been used to detain civilian political prisoners.

Political prisoners considered especially important, including both prisoners detained without trial and prisoners convicted by the National Security Court, have sometimes been moved from their home regions to Labatan Jirow prison near Baidoa or Lanta Bur prison near Afgoi. These are modern maximum security prisons, built in the early 1970s, designed to house political prisoners in special quarters separate from convicted criminal prisoners. They are controlled by the NSS, not the prison service. Prisoners are kept incommunicado, usually in permanent solitary confinement, unable to communicate with relatives or lawyers. They have no books or newspapers and often go without outdoor exercise for long periods. The food is poor and the medical services inadequate.

Labatan Jirow prison has an underground section where political prisoners are held in solitary confinement. Cells are about five by three-and-a-half metres in size. They have no windows and the electric light is on permanently.

Lanta Bur prison has two rows containing about 15 individual cells for political prisoners. Each cell has a toilet, shower, bed and mattress. There are no windows, only permanent artificial light, and the cells are virtually soundproof. Prisoners held under these conditions suffer particularly from

nervous tension and eye complaints, and several prisoners are said to have had nervous breakdowns. There are also larger cells for prisoners held together.

Prisoners who have been convicted and sentenced are usually transferred to an ordinary prison administered by the Somali Custodial Corps (prison service) where conditions are generally slightly better and they are allowed regular, although brief and supervised, visits by relatives. Convicted prisoners are kept separately from prisoners awaiting trial or untried detainees (who may also be in these prisons), but those convicted of political offences are not separated from convicted criminal prisoners. Prison food is poor but prisoners' relatives can take food for them, although they often have to bribe guards to accept it or else give them some of it. Some prisoners have been in solitary confinement for months or have undergone ill-treatment or brutality. In Mogadishu Central Prison (known as Galshire, from the Italian word for prison, carcere) prisoners have been given electric shocks or have been beaten while tied on to a table, and women prisoners have complained of rape by male prison guards and of being beaten.

Former prisoners in Hargeisa Central Prison have said that they could "pay" senior prison officials to get better cells and better treatment, but those unable to do this had to endure overcrowding and bad conditions. Some prisoners had to pay bribes in order to be released when their sentence had been served. Bribes were also necessary to receive food sent in by their relatives. Conditions in Mandera prison were reportedly worse with prisoners in the condemned cells (many of them sentenced for political offences) apparently having to "pay" their guards for water and for the electric light in their cells.

The conditions in which Ethiopian men, women and children prisoners are kept in Hawaii camp (see page 16) are harsh and - apart from the prisoners who are medical personnel and who provide the only available medical treatment to their fellow prisoners - are forced to do hard, unpaid agricultural work for long hours.

Several political prisoners are known to have died in custody, either as a result of torture or through denial of medical treatment. Warsame Ali Farah, an ex-member of parliament arrested with Ismail Ali Abokor and others in 1982, died in detention in November 1984, without being able to communicate with his family since his arrest more than two years before. The official autopsy report stated that he had died of nephritis - he had a long-standing kidney complaint - but it did not point out that he had been denied medical treatment for this and other ailments for more than two years. He was not moved to Mogadishu from Labatan Jirow prison for medical treatment until shortly before his death. There was no inquest into his death. Indeed, Amnesty International has not heard of any inquest or official inquiry into the death of any prisoner in custody.

Amnesty International has appealed several times to the prison and security authorities to provide urgently needed medical treatment for particular detainees reported to be seriously ill as a result of torture or harsh conditions but has received no reply. These detainees include Yusuf Osman Samantar, Suleiman Nuh Ali, Abdi Ismail Yunis and Safia Hashi Madar. Ms Madar

was arrested in Hargeisa in July 1985, when nine months pregnant, and accused of links with the SNM. She was initially denied medical attention when about to give birth shortly after arrest. After giving birth her child was removed to her family without her knowledge or consent. Later she was tortured. In May 1986 she was brought to trial before the National Security Court in Hargeisa and sentenced to life imprisonment for a political offence. She was accused of belonging to the SNM, although she denied this and there seems to have been no evidence to support the charge. In early 1988 she was suffering from a kidney infection, severe depression, serious weight loss and chronic toothache, for which she was continually denied treatment. In March 1988 she was transferred to Mogadishu Central Prison, but still denied medical treatment. After appeals were made, Amnesty International learned that the security authorities had urged her to record an interview in which she would deny having been tortured and ill-treated. They had apparently promised to release her if she did so, but it seems she stated that she had been ill-treated in custody.

8. The Death Penalty

The law provides for execution for a wide range of political and non-political offences. The penal code enacted in 1962, shortly after independence, prescribed the death penalty for several offences against the security of the state and for murder. The 1970 National Security Law increased the number of capital offences, making the death penalty mandatory for 20 different offences against the security of the state (detailed in Chapter 6), including treason, espionage, subversion, sabotage, publishing or distributing "anti-state propaganda", and several offences involving non-violent political, religious or trade union activities.

In 1975 the death penalty was introduced and made mandatory for embezzling public funds exceeding 100,000 Somali shillings (about US\$ 600). The death penalty is also mandatory for members of the security forces convicted by court martial of desertion or other serious military offences.

The National Security Court has jurisdiction over all capital offences whether political or criminal, except military offences which are tried by court martial. Amnesty International's criticisms of the National Security Court have already been described (see Chapter 6). Although the law allows defendants in capital cases legal representation and the court must assign a defence lawyer to defendants who cannot afford legal fees, several defendants facing death sentences on political charges have been denied legal representation or the opportunity to present a full legal defence themselves.

Condemned individuals are entitled to petition the head of state for clemency and he may confirm or commute the sentence. However, there is no automatic review of death sentences by the head of state. This omission makes it even more serious that there is no right of appeal to any higher court. Several death sentences have been carried out within hours of conviction and sentencing, indicating that even the right to petition for clemency has been ignored.

Execution is deferred by law in the case of pregnant women, nursing mothers (until one year after the birth) and the insane. There appear to be no lower or upper age limits for imposition of death sentences or executions. Several high school students have been condemned to death for political offences. Some were believed to have been under 18 years of age but Amnesty International has not been able to confirm reports that juveniles have actually been executed.

Prisoners condemned to death are held separately in special cells in Mogadishu Central Prison and several regional prisons, including Mandera prison in the northwest. Executions may take place within the prison or in public. In Mogadishu there have been many public executions at the Police Academy. Executions are carried out by firing squads composed of members of the armed forces, police or prisons service.

Statistics on the use of the death penalty are not published by the government. More than 200 death sentences are believed to have been passed between early 1985 and mid-1988, the majority carried out. Several death sentences were imposed for murder. Halima Farah Hassan was publicly executed in Mogadishu on 14 February 1986 after being convicted by the National Security Court of murdering her husband. Beyene Hapte, an Ethiopian refugee, was shot in May 1986 after being convicted of espionage. More than 100 members of the armed forces were reportedly condemned to death and executed over this period.

Recent examples of the use of the death penalty are as follows (some of the trials have been described in more detail in earlier chapters):

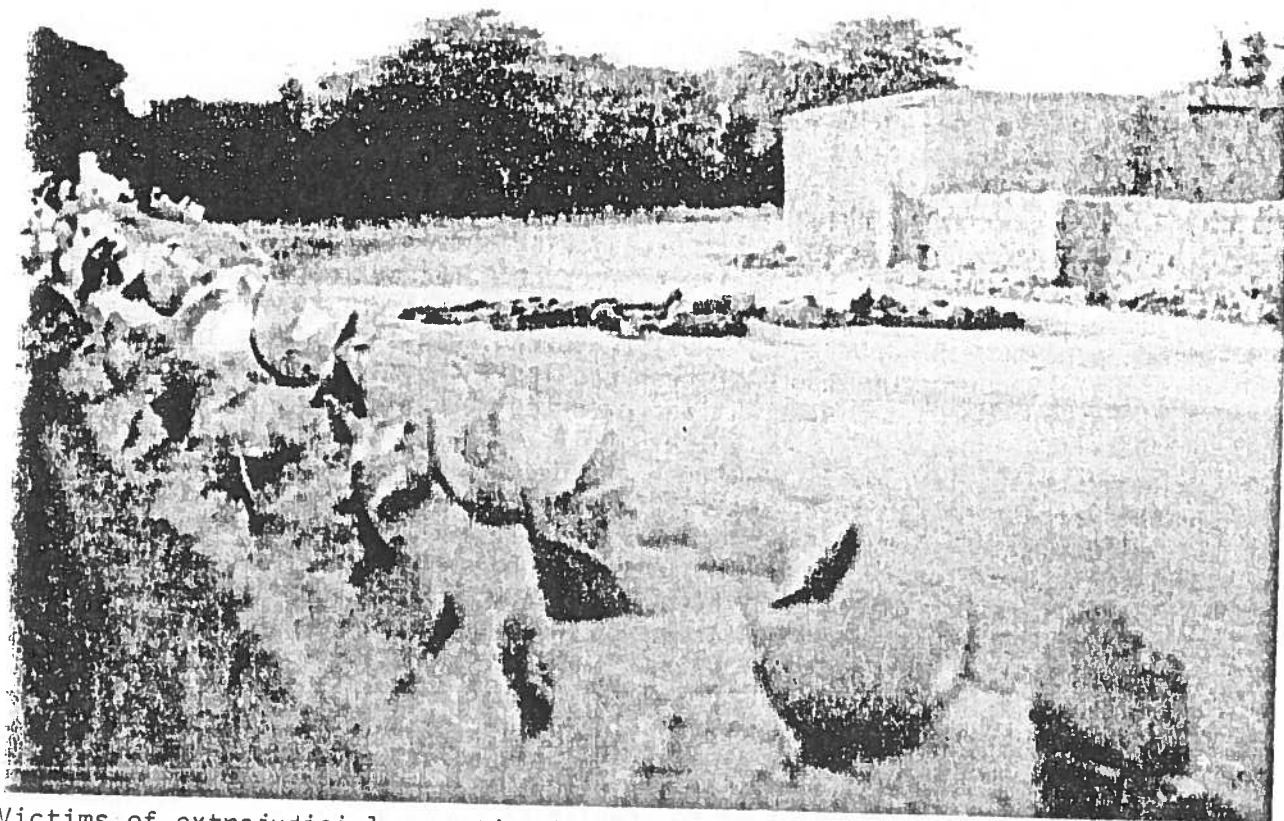
- In October 1984 seven people, most of them high school students aged between 18 and 20, were sentenced to death in Hargeisa by the National Security Court which convicted them of membership of a subversive organization (the SNM). They had been arrested four months previously following explosions in Hargeisa and the distribution of anti-government leaflets. They were severely tortured while held in the 26th army sector headquarters and forced to sign statements confessing to political offences. On 25 November 1984, the day before their scheduled execution in Mandera prison, SNM supporters hijacked a Somali Airlines aircraft and demanded, among other things, the release of these prisoners. President Mohamed Siad Barre agreed to review the death sentences and 15 months later commuted six of them. Amnesty International learned that the seventh condemned prisoner, Abdi Damar Abby, was secretly executed in Mandera prison in March 1986, although the government has neither confirmed nor denied this.
- In December 1984 in Burao, northern Somalia, after mass arrests of alleged SNM supporters following an SNM attack in the area, scores of people were summarily tried by a military court convened in the town within a matter of hours. The court proceedings were brief and reportedly followed no recognized judicial pattern, being held secretly without witnesses being called and without legal defence counsel for the accused. Forty-three people were condemned to death and all were executed outside the town by soldiers a few hours after trial.

- In May 1986 three school students were condemned to death in Hargeisa after being convicted of organizing a subversive organization (the SNM). The sentences were commuted to terms of imprisonment in late 1987 or early 1988.
- In April 1987 nine sheikhs were condemned to death by the National Security Court in Mogadishu under an article of the National Security Law restricting the right to religious freedom. Following international appeals, the sentences were commuted by the President in August 1987 but the length of the prison sentences which replaced the death penalty was apparently not announced. This article of the National Security Law had also been applied in May 1975 when 10 other sheikhs were convicted under it and executed hours later.
- In August 1987 four men were condemned to death accused of involvement in the assassination in December 1986 of the northern region NSS commander. One was said to be seriously ill as a result of torture and another prisoner arrested with them, Mohamed Ali Jama, an airline pilot, had reportedly already died in custody, as a result of torture. The four were executed in public in Hargeisa within hours of being sentenced.
- In February 1988 eight people, including two former members of parliament, were condemned to death by the National Security Court in Mogadishu. However, all the sentences were commuted by the President four days later - two of them to indefinite house arrest, and six to 24 years' imprisonment.
- In March 1988 in two separate incidents in the northern region border town of Gebileh more than 20 men, including business people, farmers and nomads, were executed within hours of being sentenced to death in summary trials.

The number of people at present under sentence of death in Somalia is not known.

9. Extrajudicial Executions

In the last decade there have been many more extrajudicial executions of alleged political opponents than judicial executions following political trials. Several thousand unarmed civilians have allegedly been killed by government security forces in areas where opposition guerrillas have been active. Many civilians in the Mudug and Hiran regions in southern Somalia were killed between 1978 and 1982 in reprisal for the 1978 coup attempt by soldiers from these areas and in reaction to armed attacks by the DFSS which drew its support from sections of the Majarten clan in these areas. Many civilians have also been killed in the northwest regions since 1982 when the SNM became active. People there allegedly



Victims of extrajudicial execution by government soldiers, Hargiesa, June 1988

supported the guerrillas or permitted or sent relatives to join the opposition forces. It has been difficult to confirm details about most of these killings because they occurred in remote rural areas under virtual military control.

The security forces are said to have destroyed or poisoned wells - vital for the pastoral economy - seized livestock, burned down entire villages, and rounded up farmers and nomads - killing some - as part of a government policy to punish areas sympathetic to opposition organizations and deprive them of their basic means of livelihood. A report allegedly addressed to the President in January 1987 by General Mohamed Saeed Hirsi ('Morgan'), commander of the 26th sector forces in northern Somalia, advocated a number of punitive measures in northern areas where there was support for the SNM, among them, "rendering uninhabitable the territory between the army and the enemy, which can be done by destroying the water tanks and the villages lying across the territory used by them [the SNM] for infiltration". The government has denied the authenticity of this document and Amnesty International cannot confirm that it is genuine. However, the measures advocated in it seem to be precisely the same as those carried out by the government's security forces along the frontier with Ethiopia in the northwest regions.

The recent extrajudicial executions of unarmed civilians by Somali security forces included many reported in early 1987 in Hargeisa, which at the time was

practically cut off from other parts of the country following SNM attacks and government counter-attacks. During curfews and security force house searches many people were shot dead by the army. Throughout 1987 and in early 1988 more civilian extrajudicial executions were reported in the northwest regions. After the SNM attacked Hargeisa on 31 May 1988 and overran part of the town, government forces conducted house-to-house searches for SNM supporters, arbitrarily killing many people. Expatriate medical staff in Hargeisa at the time reported the summary execution of 21 people outside their house in three separate incidents on 31 May and 1 June 1988. These were all deliberate extrajudicial executions of alleged political opponents as distinct from the indiscriminate heavy casualties caused by the battle in the town or subsequent bombardment by the government forces. The number of extrajudicial executions carried out in Hargeisa between late May and mid-July 1988 when this report was being prepared, is not known but appears to have been very high.

Abuses by opposition forces have also been reported. Internal conflicts within the DFSS led to the withdrawal from it in 1985 of two left-wing groups, and one of their leaders, Abdurahman Aideed Ahmed, was allegedly killed in Ethiopia by order of the DFSS. There have been political killings by the SNM too. Some government officials have been assassinated by it, for instance, the regional commander of the NSS in Hargeisa in December 1987. The SNM are said also to have executed SNM fighters in Ethiopia in 1987 whom they suspected of being Somali government agents.

10. Amnesty International's Appeals to the Somali Government

Amnesty International has been appealing to the Somali government for many years to take action on a wide range of human rights violations. It has recommended a series of measures which could decrease human rights abuses and promote respect for civil and political rights. But the government has not responded and has refused to allow Amnesty International delegates to visit the country - most recently in early 1988.

The following appeals and recommendations have so far been submitted to the Somali government.

10.1 Torture

Amnesty International is appealing to the government to end torture and to protect prisoners from being tortured in future. The organization recommends the following immediate measures:

- (i) The head of state and senior government members, especially the officials responsible for administering law and justice, should publicly condemn torture. Officials who hold and interrogate prisoners should be told that torture is unlawful and will not be tolerated under any circumstances.

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- (ii) Torture should be prohibited by law and made a criminal offence, with severe penalties for those convicted of inflicting it.
- (iii) The government should ensure that confessions or other statements obtained through torture are not used as evidence in court except in the trials of alleged torturers.
- (iv) Noone 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, lawyers and doctors should have immediate and regular access to them.
- (v) All prisoners should have the chance to challenge in court the legality of and the reasons for their detention.
- (vi) Safeguards against torture should include regular inspection of interrogation centres by independent officials, judges, and national and international humanitarian organizations.
- (vii) All complaints and reports of torture should be investigated immediately and impartially and the results made public.
- (viii) Torture victims should be compensated for their suffering, given appropriate medical treatment and rehabilitated.

In addition, Amnesty International is calling for a full and independent inquiry into allegations that two state organizations have regularly tortured prisoners: the National Security Service and the Military Police. There should be a careful review of the legislation concerning these two organizations. Their activities should be legally controlled and the prisoners in their custody safeguarded - this is essential if prisoners' human rights are to be protected.

10.2 Prisoners of Conscience and Other Political Prisoners

Amnesty International is appealing for the immediate and unconditional release of all prisoners of conscience held in Somalia on account of their beliefs. Some of them are in indefinite detention without charge or trial - for instance, Yusuf Osman Samantar and Sheikh Mohamed Moallim Hassan. Others are in prison after conviction in unfair trials by the National Security Court - for instance, Abdi Ismail Yunis, Suleiman Nuh Ali, Dr Aden Yusuf Abokor, and relief worker Safia Hashi Madar. Former Vice-President Ismail Ali Abokor, and Omer Arteh Ghalib, a former Foreign Minister, are under house arrest.

Amnesty International is investigating the cases of many other political prisoners in detention without trial or sentenced by the National Security Court, as it believes they too may be prisoners of conscience. It has asked the authorities to review the cases of all untried political detainees and convicted political prisoners and to see that noone is imprisoned solely for his or her non-violent political views or activities.

As regards Ethiopian prisoners abducted from Ethiopia in 1977 or detained or restricted since seeking asylum in Somalia, Amnesty International is calling for their unconditional release and permission for them either to return voluntarily to Ethiopia, or, if they fear persecution there, to seek resettlement in another country should the government not grant them asylum in Somalia. Amnesty International believes that to this end they should be allowed immediate access to international organizations, such as the UNHCR and the ICRC.

Amnesty International considers the repeal of several items of national security legislation necessary in order to protect the internationally recognized right to freedom of expression.

10.3 Detention without Trial

Indefinite detention without charge or trial of political prisoners constitutes a violation of human rights. Amnesty International has appealed for those arrested in Somalia on political grounds for reasons other than their opinions to be either charged with a recognizably criminal offence and tried in accordance with international standards of fair trial or else released. Legislation permitting indefinite detention without trial - namely, the Power to Detain Law and national security legislation prescribing indefinite detention during pre-trial investigation - should be repealed.

Those arrested should immediately be told why they have been arrested and under what law and their relatives should be informed of their arrest and whereabouts. Detainees should be able to challenge the reasons for and legality of their detention before a properly constituted court. The authorities should acknowledge all arrests publicly.

10.4 Unfair Trials

Amnesty International has urged the Somali government to ensure that all who are charged with political offences receive fair trials in accordance with internationally recognized standards. It recommends that:

- (i) those arrested should be brought to court promptly and not detained any longer unless they are to be charged with a criminal offence;
- (ii) those arrested should be allowed access to a lawyer of their own choosing soon after arrest and lawyers should be allowed regular and private meetings with their clients in order to prepare their defence or deal with other legal matters.
- (iii) trials should be open to the general public and observers, unless actual national security is at stake.

- (iv) defence counsel should be allowed to examine and cross-examine all witnesses, present evidence and witnesses and in general adequately represent their clients; their right to pursue their calling according to international standards without intimidation should be protected;
- (v) the judiciary's independence should be guaranteed; judges should be properly trained, be independent of the security forces and executive and not subject to government pressure; civilians should not be tried by military judges or security officials whose duty, as investigative officers is incompatible with judicial functions; and judges should be encouraged to uphold international legal standards and the rule of law and not be intimidated.
- (vi) those convicted of an offence should have the right of appeal to a higher court.

10.5 III-treatment of Prisoners

Amnesty International has appealed for all political prisoners in Somalia to be allowed the following basic rights in custody in accordance with the UN Standard Minimum Rules for the Treatment of Prisoners:

- (i) family visits soon after arrest and regularly thereafter, permission to receive basic items from visitors, and regular correspondence;
- (ii) regular access to lawyers;
- (iii) professional medical attention and admission to hospital if necessary;
- (iv) contact with religious representatives and facilities for worship;
- (v) a nutritionally adequate diet and acceptable standards of hygiene;
- (vi) books, other reading matter and writing material;
- (vii) regular open air recreation and exercise;
- (viii) hygienic accommodation and conditions that are not degrading.

To meet these standards the present regimes in both ordinary prisons and security detention centres will need to be overhauled and new appropriate prison regulations introduced.

10.6 The Death Penalty

Amnesty International urges the government to do the following:

- (i) commute all outstanding death sentences;
- (ii) at the very least reduce substantially the number of capital offences and see that the death penalty is imposed only for the most serious offences and never for non-violent dissent;
- (iii) ensure that those facing death receive fair trials in accordance with international standards, including the right to legal representation and to appeal to a higher court;
- (iv) introduce automatic reviews of all death sentences by the head of state;
- (v) allow a reasonable period to elapse after sentencing before execution in order to enable a full review of the death sentence and consideration of any petition for executive clemency;
- (vi) abolish public executions.

Amnesty International is also asking the government to move towards eventual abolition of the death penalty.

10.7 Extrajudicial Executions

Amnesty International is calling on the government to inform all security force members that no one may be arbitrarily deprived of life and that the execution of prisoners or any other unarmed people, or combatants captured in fighting, is a criminal offence which will be severely punished. It has called for independent public inquiries into allegations of the extrajudicial execution of civilians by members of the security forces.

10.8 Ratification of International Human Rights Instruments

Amnesty International believes Somalia's ratification of the following international human rights instruments would be an important step towards improving respect for human rights in the country:

- (i) the International Covenant on Civil and Political Rights, together with its Optional Protocol;
- (ii) the International Covenant on Social, Economic and Cultural Rights;
- (iii) the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment;
- (iv) the 1977 Additional Protocols I and II to the Geneva Conventions of 12 August 1949, which include provisions for the humane treatment of victims of international and non-international conflict.

APPENDIX I

REPORTS OF INTERVIEWS AND MEDICAL EXAMINATIONS OF TORTURE VICTIMS FROM SOMALIA
CONDUCTED BY DOCTORS ON BEHALF OF
THE CANADIAN CENTRE FOR THE INVESTIGATION AND PREVENTION OF TORTURE

1. Report by Dr Wendall Block, 18 November 1987, plus Postscript

In this report I will summarize descriptions and evidence of torture and oppression in Somalia. They are based on interviews and physical examinations of 13 Somali refugees I conducted at the West Central Community Health Centre in Toronto, Canada, between November 1986 and October of 1987 on behalf of the Canadian Centre for the Investigation and Prevention of Torture. Most of these sessions were one-and-a-half to two hours long, and were the basis for medical-legal reports prepared for their refugee hearings. An interpreter was required for only one interview, the others speaking adequate English on their own.

The refugees I saw were all men, between the ages of 18 and 38 (the youngest was only 12 when the incidents he related to me had occurred). Nine of them had at least a grade 12 education, and most were the sons of parents who owned small businesses. It is my belief that the men I saw were exceptionally fortunate, and were able to leave Somalia because they were young, male, and had the education and financial connections which enabled them to get here.

The men I interviewed were detained in Somalia for a number of presumed reasons, ranging from fund-raising for the SNM to students taking part in protests, to verbal criticism of government policies, to simply being a relative of a member of an opposition organization or being suspected of writing anti-government graffiti. Every man I interviewed denied ever being formally charged on any count; none of them were ever brought to trial; and none of them ever had access to a lawyer throughout the experiences they described, their detentions varying in length from a week for a 14-year-old to almost three-and-a-half years for a 27-year-old student protester.

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 in. 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.

While in detention these men were all interrogated, assaulted, and tortured. Aside from the inhuman conditions described above, there were regular, brutal beatings with kicks, punches, rifle butts, whips, sticks and clubs all described. The beatings might be haphazard in some cases, while in others specific parts of the body, for instance the knees or the soles of the feet, would be persistently beaten. Sometimes they would be blindfolded for these beatings; one man described being put inside a large bag and beaten. Two men described being beaten while tied for one or two hours in what they called "Mig" (chest to floor, arms and legs pulled back so that wrists are tied to ankles) or "Vig" (wrists tied to ankles anteriorly) positions, and one was hung upside down, beaten, and left hanging until he lost consciousness. These beatings would often occur daily or every other day for weeks or months - a few men described transfers to areas where beatings occurred perhaps twice a week as being a great change for the better.

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.

These centres were often described in Hargeisa, in the north, and Mogadishu, the national capital in the south, although smaller centres were named as well. An NSS centre called Godka ("The Hole") in Mogadishu seemed particularly notorious.

The incidents described to me spanned the period between August 1977 and August 1986. Most of these men continued to complain of a variety of somatic and psychological problems typical of torture victims. Somatically these 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 most common visible, physical scars were those of abrasions and lacerations, entirely consistent with whippings, kicks, bayonet cuts, and the other methods of beatings described. They were located on faces, chests, backs, abdomens, arms, legs, and feet. Many of the abrasions had the hypopigmented, thickened scarring which suggests former infection, and I was told that in the

prisons almost everyone had chronically draining wounds (there was no medical care). Some of the ankle abrasion scars were consistent with rope burns resulting from long periods of bondage. Three of the men had burn scars, quite easily distinguishable from the burn scars many of them had from traditional medical or ceremonial rites.

In all of these interviews and examinations, the scars and complaints I found were consistent with the history of detention and torture I was given. It was my impression that the men related to me quite frankly and directly, albeit with some anxiety as it obviously brought up painful memories, and their legal status in Canada would depend to some extent on my report.

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 1986, and I am not aware that it has, these kinds 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.

It is my earnest hope that the information in this report will somehow contribute to a renewal of basic human rights in Somalia.

Postscript, 11 April 1988

Since writing the report of November 1987, I have interviewed and examined another six victims of torture in Somalia. They ranged in age from 19 to 45, the youngest being only 14 when he was first detained. Five were male, one female. They all had at least some secondary school education, some had post secondary.

Their detentions ranged from two to seven months, except for one detention of six years. They took place between 1979 and 1985. Imprisonments in Godka, Mandera, and other NSS centres were described. Five were held in cells by themselves, as small as roughly two by one-and-a-half meters in size. Food was always poor, toilets were not in the cells, there were no beds, and lighting and ventilation poor.

These six people were never tried; they had no recourse to lawyers or even to visits from their families. During their detentions they were subjected to frequent beatings (punches, kicks, clubs). The 14-year-old was not beaten until he was detained again a few years later. The man who was detained for six years was not beaten either - he was simply kept in his cell for six years, never stepping out, no one ever coming in. Four were burned with cigarettes or other

hot objects. Three described being repeatedly submerged in water. Several were tied in contorted positions while they were beaten (for example, the "Mig", in which the person lies on his chest, wrists tied behind his back and ankles pulled back to be tied under the wrists). Two described being put in tiny cells for extended periods of time - these were so small the person could not sit down or change position. The woman told me that rape was frequently attempted. The youngest man told me he was forced to watch electric shock torture, or pliers being used to squeeze a prisoner's testicles.

On examination I saw the scars of burns, abrasions, lacerations, consistent with what I had been told. Three had chipped or missing teeth.

2. Report by Dr Philip P Berger, 7 December 1987

Between April 1986 and September 1987 I interviewed and examined in detail four Somali refugee applicants (three men and one woman). They ranged from age 22 to 37 years when examined and were detained between 1978 to 1986. The three men were detained respectively for seven months' total over two detentions, several days during one detention and six years during one detention. The woman was detained twice for a total for five weeks. The ages of the men when first detained were 14 years, 13 years and 30 years respectively, and of the woman, 17 years.

The conditions of imprisonment were uniform for the 14 year-old male, 30 year-old male and 17 year-old woman (age of detention). They were kept in cells (described as "closets") that were too small to stretch out or stand up in. The cells were cold and unclean. They were usually fed one meal of cereal or rice and water each day. The male detained at 13 years was left unconscious after his beatings and has no memory of his detention conditions.

All four suffered physical abuse. The woman was gang-raped several times. She reported being beaten with rifle butts, sticks and fists. She had hot liquid and cold water poured on her. She was forced to eat noodles until she vomited. She was burned with hot sticks, had hot pepper placed in her eyes and in her vagina. She had a finger lacerated with a wire cutter. She exhibited extensive non-specific scarring on all four extremities (particularly her legs), her face and her left breast. Although it was not possible to relate these to a specific method of torture, the scars were consistent and compatible with her history. Some were suggestive of cuts and deep wounds.

The first man stated that he was repeatedly burned with cigarettes to his back, chest, abdomen and arms. He exhibited over 100 one-centimetre mostly circular pigmented scars in these areas, which were strongly suggestive of previous cigarette burns. These scars are similar to cigarette burn scars that I have observed in dozens of other cases from all over the world.

The second man stated he was repeatedly stabbed with bayonets in his chest, back and buttocks. He says he was hung by his legs from a tree, kicked and slapped and burned with cigarettes to his face. He exhibited severe and extensive scarring with over 50 scars over all parts of his body. Most notable were identically shaped scars on his chest. These were in the form of crosses

with each line of the cross ranging from five to seven centimetres and the scars were strongly suggestive of injury with a sharp object occurring in a similar fashion to different areas of his body. In over 10 years of examining over 200 torture victims I have never observed such dramatic signs of previous injury. (In fact amongst my regular patients I have never observed these types of findings). He also exhibited four symmetrically located circular one-centrimetre scars on his face which were strongly suggestive of previous cigarette burns.

The third man stated he was repeatedly beaten with wood and fists, stabbed with a bayonet and hung upside down in the hot sun for up to one hour. His ankles were tightly cuffed in an inversion position, cutting the medial aspect of the ankles. He exhibited symmetrical scarring of the medial aspects of both ankles suggestive of bilateral similar trauma to these areas. This was consistent with the history of the ankles being tightly cuffed. He had a large thick scar corresponding to the area of the alleged bayonet wound.

All four provided detailed histories of physical abuse. They all exhibited non-specific signs of torture and the first and third exhibited specific signs of torture.

3. Report by Dr Donald E Payne, 10 November 1987

During 1986 and 1987 I performed psychiatric assessments on 10 refugee claimants from Somalia who alleged that they were detained and tortured in Somalia. They consisted of nine men and one woman, who were aged 20 to 34 with an average age of 26.7 years. They reported having been detained after engaging in peaceful protests, such as distributing leaflets, or because of their association with other people who had been detained. Seven of the detainees reported that they felt they were detained because of their membership in a clan which was being persecuted.

All the detainees reported being held in very poor conditions which were unhygienic and being fed poorly. Cells were typically very small with no light or very limited daylight with floors of dirt or dirty concrete and very limited sanitary facilities. Seven of the cases reported having been held in solitary confinement and this was usually associated with a sensory deprivation.

They received physical torture which was rough and brutal and it appears that little effort was made to hide the fact that the victims had been tortured. They were punched, kicked and hit with sticks, whips and rifles. Three reported having had their heads submerged in water and two suffered hot water burns. Five were forced into awkward, painful and humiliating positions or were suspended.

Almost all reported threats to their lives and found this quite terrifying as it appeared that their death could result from a whim of the guards rather than requiring any order from a higher authority. No medical care was provided at their place of detention for medical illnesses or injuries resulting from their torture. One case was transferred to military hospital.

All the cases seen showed evidence of a post-traumatic stress disorder.

APPENDIX II

ADDITIONAL TESTIMONIES OF TORTURE

(These testimonies were given to Amnesty International on condition the informant's name was not revealed lest there were reprisals against his or her family in Somalia. Amnesty International considers their fears justified.)

CASE I

"A" was arrested by the National Security Service in January 1980 along with eight other persons after some political leaflets had been distributed and slogans or other political statements had been painted on walls. Following his arrest he was handcuffed, had most of his clothes taken off and was placed in a small unlit cell which had a dirt floor and contained faeces. He was given no food for 48 hours. He was held in his cell until August 1980.

During his detention he was taken out every two to four nights and tortured. He was placed blindfolded in the back of a station wagon and driven for approximately half an hour to the place of torture. During his torture he was blindfolded and handcuffed. He was physically abused and placed in awkward positions. He had a hood placed over his head and the cord on it pulled tight so that his head was pulled down to his knees. He had someone sit on his thighs, when he was in an uncomfortable position. He was forced to kneel while his mouth was held open by clamps and water poured down his throat. When he became unconscious with this treatment, his testicles were squeezed, with the pain briefly bringing him back into consciousness again. He suffered burns to his feet and wrists when he was forced to put his feet in very hot water and had hot water poured over his wrists. He still has scars associated with these burns as well as other scars on his body associated with his physical torture.

CASE II

In May 1982 "B" was arrested while participating in a student demonstration in protest against the arrest of some teachers. He was in prison from May 1982 until July 1982. On the night of his arrest he was beaten up and had material pushed under his fingernails. He was kept in a very small cell by himself and was not allowed any visitors or contact with other detainees. While in detention he was taken out of his cell to be tortured approximately every two days. He was physically assaulted and repeatedly placed in water until he almost suffocated. At these times his entire body would be submerged and people would put their feet on him to hold him down. He was shown pliers and threatened with having his testicles pulled out if he did not provide the information that was requested of him. He was threatened with being killed and was aware that other detainees had been killed in detention. He was frightened during the detention and this fear was intensified by the fact that he was still relatively young, aged 20, and in his second year of high school.

Following his release he returned to high school. After completing high school he was conscripted into the army and when he refused this he was imprisoned again from January until May 1985 when his family paid a large bribe to have him released. During this detention he was kept in a dirty, unlit underground cell. He was beaten up but not as badly as during his first detention and was twice submerged in water.

CASE III

In September 1982, "C" was arrested while completing his last year of high school and was detained for about 20 days. During this detention he was treated roughly but not actually tortured. After completing school he was called up to an army training camp. Within the camp various slogans against the government were being passed around on sheets of paper and he along with others was detained on suspicion of being involved with this. Following his arrest he was beaten up and told that if he did not tell who else was behind the slogans and if he did not confess himself he would be kept in prison for life. He was shown prisoners who had been tortured and was told that the same fate awaited him if he did not tell everything. When he denied involvement he was tortured in a variety of ways. His place of detention was close to the ocean and he would be taken down to the ocean, placed in a boat and then put in the water where he was held under until he almost suffocated and then pulled up and interrogated. This went on for some time, at least until he started vomiting, and he usually ended up unconscious. Once he regained consciousness the interrogation would continue. This submersion in the ocean occurred approximately twice a week during the first six months of his two-year detention and approximately twice a month after that.

He was also tortured by being placed in a chair and punched all over his body until he collapsed. He had the soles of his feet beaten until they were red. When he was asleep at night he often had hot water, tea or cold water thrown over him. Whenever he was wanted at night for interrogation he would be hit with a stick or kicked in order to wake him up. He was insulted and insults were made against his father who was also in detention. He reported that the worst aspects of his detention occurred during the last year when he was forced to work every day building houses. His job was to carry heavy stones and cement, something which was quite difficult, especially with the injuries to his legs and body due to his torture. Whenever he fell down or dropped anything he was beaten on the spot. His legs became swollen and his injuries did not have time to heal because of the ongoing beatings.

He was released in late 1984.

CASE IV

"D", a woman aged nearly 30 years, arrested in 1984, claimed that she had been denied entry into university or government jobs because of her clan and her father, who was arrested in 1983 and has not been heard of since. Their home was

frequently searched, and members of her family were questioned, including herself. In 1984 she was arrested by the NSS and told that because she had not told them all she knew, she would be imprisoned for life.

She was brought to Mogadishu's central prison, and put in a room so small she could barely lie down in it. There was no window, only a small opening in the door through which the guards spoke to her or passed her food. There was a small light, turned off at night. It was very hot, there were biting insects, and she lost weight on the poor diet of maize and bread. Water was brought only with meals. She did not have a toilet but was taken to one three times a day. Although she was provided with a blanket and sheet, cold water was often poured on the floor to make sleeping impossible. She had no contact with a lawyer or anyone outside the prison. She was never tried or formally charged with an offence.

She was frequently beaten at night, usually by three men at a time. They blindfolded her, kicked her and struck her with hard objects which she could not see. She was pushed hard against the wall and struck about her face and body. Some of her teeth were knocked out in this way. They also used some kind of hot object to burn her. When she tried to defend herself they tied her up with her wrists and ankles pulled together behind her. Sometimes they gripped her neck and threatened to choke her or to bring her to the ocean, put her in a bag, and submerge her. They attempted to rape her, but she says the cell was too small and the men too disorganized to overcome her struggles against them. She was released after six months and told she would be watched.

Four years later, she continues to have right shoulder pain, frequent headaches, poor sleep, nightmares, poor appetite, diminished memory and concentration, frequent crying episodes, and is easily irritated. She has three upper teeth missing, and has a two-centimeter circular scar on the skin overlying these teeth, suggesting their loss through trauma. She has a laceration scar on her back, and several scars on her abdomen which are consistent with burning by some kind of instrument. There is also a scar on her abdomen which is consistent with her report of being burned there with a cigarette, and she has laceration and abrasion scars on her arms and one leg.

CASE V

In September 1984, "E" and his father were arrested at home and taken blindfolded into detention. "E" was held in solitary confinement in a small cell with no window. He was not allowed any visitors or contact with lawyers. No exercise facilities were provided and on several occasions he went for a month without being allowed to bathe. Sanitary facilities were a pail in the cell which was often not emptied more than once a week. His diet was poor, consisting of maize and millet, these often being bad or badly cooked.

During his detention he was taken blindfolded out of his cell at night, approximately twice a week, to be tortured. He was then hung upside down by his ankles, apparently on a pulley so that he could be raised and lowered. While in this position he was beaten with sticks, punched and kicked. His head was forced into a bucket of water and held down by the torturers' feet. He was

repeatedly asked "Do you want to die?" and "What were you doing?". He had great psychological difficulty dealing with this experience, was overwhelmed by it, had difficulty accepting that it was real, and lived in the anticipation that he was going to be killed. He was unexpectedly released in an amnesty on 21 October 1985.

CASE VI

In November 1984, "F", a Somali returning from abroad, was detained at Mogadishu airport on arrival, was searched, blindfolded and taken away by the authorities. When he reached his place of detention he was beaten up and had his head knocked against the wall, during which time the guards were laughing and joking around over their capture of him. He was given dirty pyjamas full of lice to wear and was hit whenever he tried to remove the blindfold to look at the guards.

During his detention he was kept in a corridor of the prison with many others including old men, women and young children, all of whom were groaning and in distress. He was forced to stand up. He was asked whether he wanted to sit down, to go to sleep or to use the toilet, and whenever he said "Yes" he was laughed at and beaten. He was fed hard bread and a glass of tea which was to serve four people.

After two or three days he asked for water and was given hot water to drink. When he complained about this, he was again physically assaulted.

After a few days he was interrogated by a colonel who asked him why he joined the SNM and how much money the movement had collected. When he refused to answer and denied knowledge, he was whipped and kicked and was forced to watch another prisoner being tortured with electrical shocks. He was forced to his knees and the colonel took out a pistol threatening to shoot him if he would not talk. He was then threatened with a knife, after being told that he was not worth wasting bullets on. He was hit on the back of his left shoulder with the knife, producing a puncture wound. He also suffered an injury to the right side of the bridge of his nose and was beaten up so that he almost became unconscious. He was then blindfolded again and taken back to his spot in the corridor during which time he was insulted and hit by the guards.

He was later released without being charged or tried.

**Exhibit D: Extracts from the 1988, 1989 and 1990 Amnesty
International Annual Reports relating to Somalia
(Bates Nos. P-000068 – 77)**

AMNESTY INTERNATIONAL REPORT — 1988

Amnesty International Publications
1 Easton Street London WC1X 8DJ
United Kingdom

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- it seeks the release of prisoners of conscience. These are people detained for their beliefs, colour, sex, ethnic origin, language or religion who have not used or advocated violence;
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- it opposes the death penalty and torture or other cruel, inhuman or degrading treatment or punishment of all prisoners without reservation.

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government forces during the year and was responsible for killing some government officials in the north, as well as several SNM members in Ethiopia who were alleged to be Somali Government agents.

Large numbers of people were arrested in the north in mid-January and the following weeks. They were detained for long periods without charge. Arrests in Hargeisa, Burao, Berbera and Gebileh followed attacks in the region by the SNM, the assassination of the regional security chief and demonstrations against the government in these towns. The identities of few detainees held by the security forces, particularly the National Security Service (NSS), could be confirmed. Some of those arrested in the north were released after relatives paid bribes or ransoms. Several hundred who had been detained outside the framework of the law were reportedly freed in November, following an official review of detentions in the area. However, several hundred people were believed to be detained without trial in the north at the end of the year.

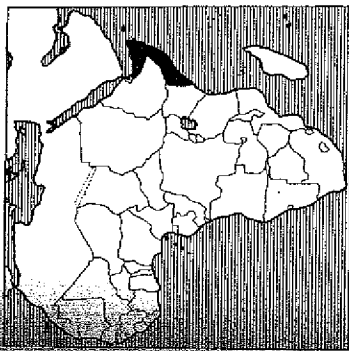
In October a Somali asylum-seeker was returned to Somalia from Norway and arrested on arrival by the NSS. He was detained for nearly two months and tortured under interrogation about his attempts to seek asylum and alleged contacts with the SNM abroad. After his release, he again left Somalia.

Many political detainees arrested in previous years were still held without trial at the end of 1987. They included Yusuf Osman Samantar, a prisoner of conscience detained without trial since 1975. His arrest in 1975 followed six years of almost continuous detention without trial.

Some 70 civilians and members of the armed forces who had been arrested in mid-1986 because of their non-violent religious activities also remained in detention without charge or trial at the end of 1987. They had criticized the government for not following Islamic teaching and laws and had called for the repeal of restrictions on the right to religious freedom. Among the detainees was Sheikh Mohamed Moalim Hassan, a former director general in the Ministry of Justice and Religious Affairs, who had been a prisoner of conscience following a previous arrest.

Several hundred Ethiopian nationals who had entered Somalia to seek asylum or had been abducted from eastern

SOMALIA



More than 50 prisoners of conscience were held throughout 1987. One of them had been detained without charge or trial almost continuously since 1969, when the present government came to power. There were hundreds of new politically-motivated arrests and many people were detained without trial. Among them was at least one person who had been returned to Somalia against his will after unsuccessful attempts to seek asylum in other countries. A number of other people were imprisoned after unfair trials, including nine religious teachers who were prisoners of conscience. The nine prisoners' initial death sentences were later commuted to life imprisonment. There were reports that political prisoners were tortured and several prisoners of conscience were said to be seriously ill as a result of harsh prison conditions. An unknown number of people were sentenced to death and there were at least four public executions. Unofficial sources suggested that more than 100 people were executed but this information could not be confirmed. There were also reports of extrajudicial executions.

Increasing armed conflict in the north, particularly in the areas between Hargeisa and the border with Ethiopia, led to widespread arbitrary arrests, ill-treatment and extrajudicial executions by the security forces. Civilians suspected of collaborating with the armed opposition Somali National Movement (SNM) were targets of these abuses. The SNM, which is based in Ethiopia, launched several attacks against

ditions remained very harsh were reported during 1987. Severe food shortages for prisoners continued, but unlike previous years when a large number of prisoners died as a result of the conditions, the Amnesty International Report 1987, local press reported that food supplies destined for prisons had been illegally diverted and sold and that two senior prison officers were arrested in September on suspicion of selling food supplies meant for prisoners. No details about any proceedings against them were available by the end of the year.

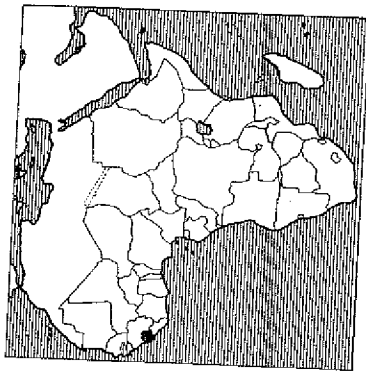
A commission of inquiry, chaired by a High Court judge, was established by the government in September to investigate the administration of the Prisons Department and the welfare of prisoners and to recommend improvements. The commission was established apparently because reports from various sources about harsh conditions of imprisonment. It had not made any of its findings public by the end of 1987.

In November the head of state, Major General Joseph Momoh, declared a state of "economic emergency" intended to help solve the country's serious economic problems. The state of "economic emergency" allowed for the deportation, exclusion, restriction or detention without trial of people whose activities were considered by the authorities to be "inimical to the good administration of Sierra Leone". A large number of people were arrested under these emergency regulations in November and December. At the end of 1987 a number of them had been charged and tried for economic offences but others were still held in pre-trial detention.

An Amnesty International delegate observed parts of the treason trial when it began in June. He concluded that the conduct of the proceedings he attended appeared to conform to internationally recognized standards for fair trial. Amnesty International expressed concern at the death sentences imposed on the 16 men convicted in October and called on President Momoh to commute them if they were confirmed by the Court of Appeal. No other death sentences and no executions were reported in Sierra Leone in 1987.

alleged that an object had been inserted into his anus. The following day they were released from custody without charge and admitted to hospital where both required treatment in an intensive care unit for two weeks. The authorities made no public response to the men's claims of torture and were not known to have conducted an inquiry into their allegations.

SIERRA LEONE



Sixteen people were sentenced to death after a major treason trial but they had not been executed by the end of the year. In November a state of "economic emergency" which allowed the government to detain people without trial was declared. There were reports that conditions in the country's prisons remained harsh.

About 50 people were arrested in March in connection with a conspiracy to overthrow the government. A number were released uncharged, but 18 people were charged with treason and murder. Among them was the then Vice President, Francis Minah. Their trial began in June before the High Court in Freetown. In October, 16 were found guilty of treason and sentenced to death. Four were also convicted of murdering a police officer killed at the time of their arrest. A soldier and a police officer were not convicted of treason but were sentenced to prison terms for failing to report the conspiracy to the authorities. All submitted appeals to the Court of Appeal, but their cases had not been heard by the end of 1987.

New reports suggesting that prison con-

Ethiopia by Somali forces during the armed conflict with Ethiopia in 1977 in the Ogaden area, were held incommunicado at a secret camp controlled by the NSS near Hawai in Somalia's Lower Shebelle region. They appeared to be prisoners of conscience, held because of their national origin. A number of Ethiopian asylum-seekers allegedly detained on security grounds, some of whom were released in 1987, also appeared to be prisoners of conscience. It was reported that up to 7,000 other Ethiopians accommodated in officially recognized refugee camps were forcibly conscripted into the army in August and September. Other refugees were reportedly imprisoned for seeking to evade this form of conscription.

In April nine Islamic teachers who had been arrested in Mogadishu in May 1986 were condemned to death by the National Security Court. They included a 60-year-old sheikh, Hassan Olhaye Khalil, and a blind Quranic teacher, Sheikh Nur Barud Gurhan. They were convicted under the 1970 National Security Law on charges including "exploiting religion for creating national disunity or subverting or weakening state authority", which carries a mandatory death sentence. None of the defendants was represented by legal counsel of his choice, and their trial lasted only a few hours. They had no right of appeal. However, their death sentences were commuted to life imprisonment by President Mohamed Siad Barre on 4 August. At least five other prisoners of conscience were sentenced to long prison terms at the conclusion of the same trial.

Four people arrested in December 1986 were executed in public in Hargeisa on 13 August 1987, shortly after the National Security Court convicted them of the murder of the NSS regional commander, Colonel Ahmed Aden Abdi. The four included Abdi Ahmed Jama, a businessman who was said to be seriously injured as a result of torture. Another person arrested in connection with this murder was Mohamed Jama, a former airline pilot. Unofficial sources reported that he died in custody in mid-July as a result of torture. Mariam Aden, a housewife, and a number of traders and students were also sentenced to long prison terms in the same trial.

No information about the trial proceedings was disclosed by the authorities, but it appeared that some defendants had been

convicted on the basis of unsubstantiated allegations that they supported the SYD. Many other people were detained after Colonel Abdi's murder, for which the SYD claimed responsibility. Some of them escaped when the SNM attacked Hargeisa on 15 May and others were apparently released without charge later in the year.

In February reports indicated that some former members of Parliament, detained since 1982, were to be tried. The trial had not occurred, however, by the end of the year. The six included Ismail Ali Abokor, a former Vice President; Omar Arteh Ghailib, a former Foreign Minister; and Mohamed Aden Sheikh, president of the Somali Academy of Sciences (see Amnesty International Report 1987). In September Brigadier General Mahmoud Chelle Yusuf, a government minister who is also President of the National Security Court, announced that the trial of the six would begin on 1 February 1988. It was believed that Ismail Abdi Yunis, a former university dean, Suleiman Nuh Ali, an architect, and 14 other political detainees would be tried at the same time and that they would face charges carrying a mandatory death sentence. Despite repeated assurances by government law officers that the prisoners would have access to legal counsel for preparation of their defence, none of them apparently had been permitted to consult a lawyer from the time of arrest in 1982 to the end of 1987.

The authorities continued to disclose few details about the conduct of trials before the National Security Court, but it was clear that defendants did not receive fair trials. They had no right to legal counsel until they were formally charged, usually shortly before their trial began, and access to a lawyer of their choice was restricted. Trials were often short or summary and most of the judges were military officers, some of whom had no legal training. In contravention of international standards, there was no right of appeal to a higher court, even in cases where the death sentence was imposed.

Many political prisoners sentenced after unfair trials before the National Security Court in previous years remained imprisoned. They included Aden Yusuf Abokor, a hospital director, and 13 doctors, teachers, businessmen and students. They were arrested in Hargeisa and sentenced by the National Security Court in

1982 to prison terms of up to 30 years for belonging to an allegedly subversive organization. The organization was a community self-help group. Amnesty International investigated the cases of numerous other prisoners who in 1987 were serving prison sentences imposed by the court in previous years for alleged subversion or links with the SNM.

In October a presidential pardon was announced to mark the 18th anniversary of President Mohamed Siad Barre's accession to power. Although 1,697 convicted prisoners reportedly benefited from the pardon, the identities of those released were not disclosed. No prisoners of conscience were known to have been among those freed.

There were reports of prisoners being tortured and ill-treated, particularly those arrested in the north by the National Security Service. In a testimony consistent with other descriptions of torture in Somalia, one political prisoner reported that he had been kicked and beaten with truncheons while bent backwards in a position nicknamed the "Mig", subjected to electric shocks, submerged headfirst in water until he nearly drowned and beaten on his sexual organs while tied to a steel frame. Female prisoners were reportedly sexually assaulted, as were women in their homes during frequent security force searches for political opponents in the north.

Conditions in prisons were harsh, particularly in the maximum security prisons of Labatan Jirrow, near Baidoa, and Lanta Bur, near Afgoi. Many political prisoners were reportedly held incommunicado, denied medical attention and required to rely on relatives for food. Relatives often had to bribe prison staff to deliver food to their family members. Some prisoners apparently became ill as a result of harsh conditions and inadequate medical treatment, including Omar Arteh Ghailib and Mohamed Aden Sheikh (mentioned above); Safia Hashi Madar, who worked as an aid agency official before her arrest in 1985; and Mohamed Ali Sulub, a doctor freed from prison in 1986 and rearrested in early 1987.

It was not known how many death sentences were imposed or executions carried out during the year. In addition to the four public executions which took place in Hargeisa in August more than 100 executions may have occurred. Some 50 people

were reportedly executed in Hargeisa in mid-January and a similar number of military personnel in August and September. The death penalty was mandatory for several offences addressed in National Security Court trials, some of which did not involve violence. In some cases death sentences were carried out only hours or days after conviction. Reports of alleged SNM supporters being extrajudicially executed in the north were frequent but difficult to confirm.

There were also unconfirmed reports that several SNM members in Ethiopia, who were accused of being Somali Government agents, were executed by the SNM.

Amnesty International appealed during 1987 for the release of prisoners of conscience detained without trial or sentenced after unfair trials. The organization sought the commutation of death sentences imposed on nine Islamic teachers in April and urged that, as prisoners of conscience, the nine should be released unconditionally.

SOUTH AFRICA

Hundreds of prisoners of conscience, including children, were held on account of their non-violent opposition to apartheid. Thousands of people were detained without charge or trial under state of emergency regulations, which were renewed for a further year and extended in June, or under other security laws permitting indefinite incommunicado detention without trial. There were renewed reports of the torture and ill-treatment of prisoners, particularly political detainees held without charge, and deaths in custody under suspicious circumstances. Many people were prosecuted for alleged political offences and it was common at such trials for detainees who had not been charged to be compelled to give evidence as state witnesses. In a number of cases, both defendants and witnesses under detention complained of torture or ill-treatment.

The number of people executed increased to an unprecedented level and many new death sentences were imposed. There were 164 executions in Pretoria Central Prison and hangings were also

AMNESTY INTERNATIONAL REPORT 1989

Amnesty International USA
322 Eighth Avenue, New York, NY 10001

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party supporter, was arrested on 20 March outside his house in Dakar a few weeks after the curfew had been imposed. He was allegedly beaten in police custody and died in hospital the next day, apparently as a result of injuries he had sustained. There was no judicial investigation into the circumstances or cause of his death. According to the Minister of Justice this was because his relatives had not lodged a complaint with the authorities.

Amnesty International expressed concern to the government about the imprisonment of Abdoulaye Wade and others who appeared to have been detained for the peaceful exercise of their rights to freedom of association and expression. The organization called for a full investigation into the circumstances of Malang Cassama's death in view of allegations that he had been ill-treated while in police custody.

The government replied that none of those detained during the state of emergency was a prisoner of conscience. The Minister of Justice disagreed with Amnesty International that the most prominent supporter of Casamance autonomy, Father Augustin Diamacoune Senghor, had been a prisoner of conscience while imprisoned between 1982 and 1987. He challenged the accuracy of Amnesty International reports that prisoners detained in Casamance in 1986 and 1987 had been tortured. However, the government was not known to have carried out any independent investigation into these reports.

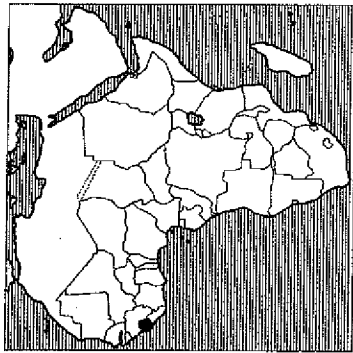
SIERRA LEONE

Twelve people, including a former Vice-President, had their death sentences for treason confirmed on appeal. Their further appeal to the Supreme Court had not been heard by the end of the year. A judicial commission of inquiry into the prison system heard reports of cruel, inhuman or degrading treatment of prisoners over several years.

In March and again in November the government renewed the state of "economic emergency" which had originally been imposed in November 1987 in an attempt to solve the country's severe economic problems. It empowers the authorities to order the preventive detention

without charge or trial of any person in the interests of public safety.

In September the Court of Appeal in the capital city of Freetown rejected the appeals of 12 of the 16 people sentenced to death in October 1987 (see Amnesty International Report 1988). They had been convicted of treason and murder in connection with their alleged involvement in a plot to overthrow the government in March 1987.



Among the 12 whose appeals were rejected were Francis Minah who, at the time of his arrest, was Vice-President, Minister of Justice and Attorney General, and Mohamed Kai Kai, former Assistant Superintendent of Police. All 12 lodged appeals with the Supreme Court which had not been heard by the end of the year. Two others sentenced to terms of imprisonment in connection with the conspiracy also appealed.

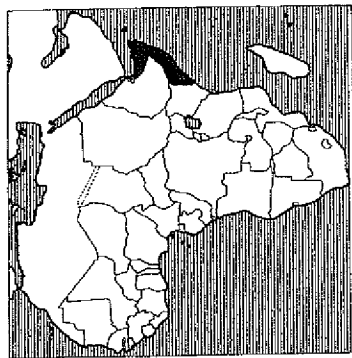
The four defendants whose appeals were upheld were acquitted and released from custody. One of them, Kazim Allie, a Lebanese national, was immediately expelled from the country.

No other death sentences and no executions were reported in 1988.

One person was known to have been arrested on account of the views he had expressed. Foday Fofana, a correspondent for the British Broadcasting Corporation (BBC), was arrested after reporting on tensions between the Saudi and Lebanese communities in Sierra Leone. He was released uncharged after 24 hours following protests from local journalists.

The Commission of Inquiry, which was appointed by the government in September 1987 to investigate the administration

and six others were sentenced to death after an unfair trial before the National Security Court. Although these sentences were commuted, the two, and four other former members of parliament acquitted of capital offences, were placed under house arrest until their release in October. Torture of political prisoners was widespread and prison conditions were extremely harsh.



Early in the year the opposition Somali National Movement (SNM) launched several attacks against government forces from bases in Ethiopia. In April a peace treaty was signed by the Ethiopian and Somali Governments which led to an exchange of prisoners of war. Nearly 3,000 Ethiopian civilians were freed and returned to Ethiopia or allowed to go to a country of their choice. They had been abducted by Somali forces during the 1977-1978 war and detained secretly in the Hawai camp near Barawe and in other Somali prisons, in extremely harsh conditions. The freed Ethiopians included about 800 women and some 400 children.

In May SNM forces captured the northern west town of Burao and parts of the northern capital of Hargeisa but both were regained by government forces in mid-1988. The fighting continued at the end of the year and there were heavy casualties. There were many reports of civilian extrajudicial executions by government troops and both sides were alleged to have summarily executed captured combatants. Estimates of deliberate killings of unarmed civilians by government planes and artillery varied from 15,000 to 50,000. Most of Hargeisa's half million population fled the city. Another million and a half people were displaced or sought asylum in Ethiopia.

of Sierra Leone's prisons, continued its work in 1988. It had not reported its findings by the end of the year. Headed by Mr Justice M.E. Tolle Thompson, the commission was set up after persistent reports over several years of cruel, inhuman or degrading treatment of criminal suspects and sentenced prisoners. Pademba Road Prison in Freetown was mentioned frequently in such reports (see Amnesty International Report 1987).

During 1988 the commission was told that large amounts of government supplies and funds had been stolen by suppliers and Prisons Department officials. It was also told that as many as 100 people arrested during the disturbances in Pujehun District in 1983 and 1984 (see Amnesty International Report 1984 and 1985) may have died in police cells and prisons from inadequate food and medical care. One witness told the commission that he had been in prison with several relatives and that six of them had died inside. Others said they had been forced to sleep on the ground without blankets and had been denied adequate food, medical care and washing facilities. Between 1983 and 1987 Amnesty International had repeatedly called on the government to investigate the high rate of prison deaths from malnutrition and disease.

Amnesty International appealed to President Joseph Momoh to commute the 12 death sentences confirmed by the Court of Appeal in September if they should be upheld by the Supreme Court.

SOMALIA

Large numbers of unarmed civilians were extrajudicially executed in the north by government forces after opposition attacks in May. Hundreds of Isaaq clan members living in the north, whom the government suspected of opposition activities or sympathies, were arrested and detained without trial. Many other suspected government opponents arrested before 1988, including prisoners of conscience, remained in prison throughout the year. One of them had been held for virtually all the government's 19 years in power. At least 30 death sentences were imposed but it was not known if there were any executions. Two former members of parliament

Extrajudicial executions of suspected government opponents and SNM supporters were widespread in the north, particularly after the SNM offensive in May. Foreign aid workers who left Hargeisa a few days after the fighting began said that they had seen the bodies of many execution victims in the areas of the city controlled by government troops. Thousands of civilians fleeing Hargeisa were deliberately killed by government artillery bombardment. Hundreds of other civilians, including prisoners, were reportedly extrajudicially executed in the north over the following months, particularly in the Burao and Berbera areas.

In June at least eight people from the Issaq clan in the north, who had been deported from Saudi Arabia for illegal residence, were reportedly arrested on arrival in Berbera and extrajudicially executed. In El Awein district, about 300 kilometres east of Hargeisa, more than 300 civilians were extrajudicially executed in October and December by government troops.

Political opponents were detained without trial throughout the year. Members of the Issaq clan — which the government apparently viewed as linked to the SNM — were especially vulnerable to this abuse. Thousands were detained after mass arrests in Mogadishu, Berbera and Hargeisa. Those arrested included civil servants, relief agency employees, Somali Airlines staff and army and police officers. Most of the arrests seemed to be arbitrary, and to lack evidence that the detainees supported the SNM or engaged in armed opposition. By the end of the year some had been released without charge but more than a thousand others remained in detention without charge or trial.

Hundreds of school students, teachers and others were also arrested and detained without charge or trial in Hargeisa after demonstrating against President Mohamed Siad Barre during his visit there in late March.

In Gobleh, a small town near the Ethiopian border, the army rounded up hundreds of elders, farmers and nomads in mid-March after SNM attacks in the area. Many were reportedly tortured for suspected links with the SNM. Twenty-two of them were summarily tried, condemned to death and immediately executed.

Five army and navy cadets who had applied for asylum in Egypt and were training there, were forcibly returned to

Somalia by the Egyptian authorities in August. All Issaq clan members, they were detained by the Somali authorities on arrival in Mogadishu. They remained in military custody at the end of the year.

In November wounded government soldiers took part in a peaceful protest against their inadequate medical treatment in Mogadishu. Military courts reportedly handed down long prison terms to several demonstrators, who may be prisoners of conscience.

After the SNM's capture of Burao and Mandera in May, they released hundreds of political prisoners and those under sentence of death held in these towns. They also released numerous political prisoners held in Hargeisa by the National Security Service and military police. The Central Prison of Hargeisa, however, remained under government control. Political prisoners still held there at the end of the year included Fahima Dahir Jama, sentenced to life imprisonment for political reasons, after an unfair trial in 1986.

Two presidential amnesties declared in November resulted in the release of 103 political detainees held without charge or trial, most of whom were Issaq clan members arrested in mid-1988. Other prisoners were released during the year without public announcement, allegedly after their families paid large sums of money to the security officers responsible for their detention.

Numerous political prisoners arrested in previous years continued to be detained without charge or trial throughout 1988. They included Yusuf Osman Samantar ("Berda'ad"), a lawyer and former member of parliament, who had been held since 1975 and for most of the six years previous to that. Another was Sheikh Mohamed Moallim Hassan, a religious teacher detained in 1986 for criticizing the government's restrictions on religious activities.

Twenty-two political prisoners detained since 1982 were brought to trial in February before the National Security Court in Mogadishu. They were not charged or given access to their lawyers until shortly before trial. Among them were six former members of parliament — including former Vice-President Ismail Ali Abokor and former Foreign Minister Omer Arish Ghalib — Abdi Ismail Yunis, a former university dean, and Suleiman Nuh Ali, a leading architect. All 22 were

charged with forming a subversive organization, the SNM, and with armed opposition to the government. Observers from international organizations, including Amnesty International, foreign journalists and diplomats were denied entry to the trial.

A number of factors — including insubstantial evidence and allegations of torture while under interrogation — led Amnesty International to conclude that the trial was grossly unfair and that those convicted, who were all from the Issaq clan, were prisoners of conscience held for peacefully criticizing the government. Eight defendants, including Ismail Ali Abokor and Omer Arish Ghalib, were convicted of treason and sentenced to death. These sentences were commuted by President Siad Barre following international appeals for clemency. Five others received long prison terms. Of the remaining nine defendants who were acquitted, the four other former members of parliament were placed under house arrest. These included Mohamed Aden Sheikh, former president of the Somali Academy of Sciences. There was no right of appeal.

The six former members of parliament were released on 21 October, the 19th anniversary of the present government. Ten others in the case remained in prison at the end of the year.

Many prisoners serving sentences imposed after unfair trials by the National Security Court in previous years were held throughout 1988. They included prisoners of conscience, such as the former director of Hargeisa hospital, Aden Yusuf Abokor was sentenced in 1982 to 20 years' imprisonment for organizing a community self-help organization which the government considered "subversive". Sheikh Nur Barud Gurhan and eight other teachers of Islam were serving indefinite prison sentences — after their death sentences imposed in 1987 were commuted — on account of their religious activities.

There were reports of systematic torture of political prisoners by the National Security Service and military police. Evidence indicated routine torture at the Be-nadir Region headquarters of the security service in Mogadishu, known as Godka ("the hole"). Prisoners arrested in 1988 in Hargeisa, Mogadishu and other places were reportedly subjected to torture such as the "Mig" — victims were beaten while

bent over at the waist and tied hand-to-foot — electric shocks and submersion in water until near suffocation.

Conditions for long-term detainees and convicted political prisoners were harsh, particularly in the maximum security prisons of Lanta Bur and Labatan Jiraw. Prisoners there were held incommunicado and denied medical attention. Safia Hashi Madar, a relief agency official and former biochemistry lecturer, was sentenced after an unfair trial in 1986 to life imprisonment. She was reportedly suffering from injuries resulting from torture, an untreated kidney infection, and severe depression. Tsehai Negussie, an Ethiopian woman, reportedly died in Mogadishu Central Prison in February after more than 10 years of ill-treatment, including rape. She had been abducted from Ethiopia and imprisoned in Somalia since the 1977 war.

Throughout 1988 Amnesty International continued its appeals for the release of prisoners of conscience arrested because of their alleged beliefs or clan origin. The organization called for immediate measures to stop torture and prevent extrajudicial executions by the army. It criticized use of the death penalty as well as executions by opposition forces.

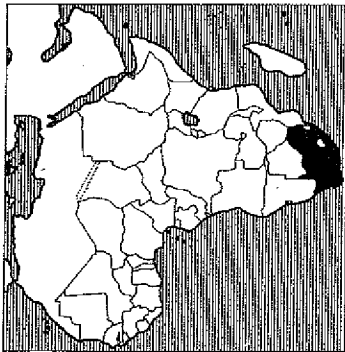
Amnesty International delegates seeking to observe the major treason trial in February were denied entry into the country. After eight death sentences were imposed at this trial, the organization urgently appealed for commutation. Amnesty International also called for the release of those imprisoned or placed under house arrest after the trial, all of whom it considered to be prisoners of conscience.

In May the organization submitted information about its concerns in Somalia to the United Nations procedure (under the Economic and Social Council Resolutions 728F/1503) for confidentially reviewing communications about human rights violations. The submission was also sent to the government, together with recommendations for measures to halt abuses but no response was received.

In September Amnesty International published a 52-page report entitled *Somalia: A Long-Term Human Rights Crisis*. The report detailed serious human rights abuses over many years and the crisis marked by mass extrajudicial executions in mid-1988. It contained evidence of torture provided by doctors who had ex-

amined former prisoners, and details about unfair political trials. The government issued a statement denying the abuses. However, the President invited Amnesty International to visit the country and at the end of the year a mission was planned for early 1989.

SOUTH AFRICA



Thousands of people, including many prisoners of conscience, were detained without trial under state of emergency regulations or other security laws on account of their actual or suspected activities in opposition to apartheid. Many others were jailed for alleged political offences after trials which may have been unfair – defendants and uncharged detainees required to testify against them under threat of further imprisonment alleged that they had been tortured or ill-treated while held incommunicado in prolonged pre-trial detention. There were new deaths in custody of political detainees in suspicious circumstances. The death penalty continued to be used at a high rate: 117 people were hanged at Pretoria Central Prison and further executions were believed to have been carried out in Transkei and other nominally independent "homelands". Death sentences imposed on the "Sharpeville Six" and others, including four white police officers convicted of murdering prisoners, were commuted by State President P.W. Botha.

There was continued armed opposition to the government, in particular by the military wing of the banned African National Congress (ANC), which was re-

portedly responsible for various bombings and other acts of sabotage, some of which caused civilian deaths. A number of alleged ANC guerrillas were arrested or brought to trial during the year. In contrast, those responsible for a series of sabotage attacks directed at organizations critical of the government were not identified or apprehended. Such attacks included a bomb explosion which destroyed the Johannesburg headquarters of the South African Council of Churches (SACC) and an arson attack which destroyed the offices of the Southern African Catholic Bishops' Conference (SACBC) in Pretoria. The SACC and SACBC have long been critical of the government.

In June the government renewed for a further year the nationwide state of emergency which has been continuously in force since 12 June 1986. In February it had invoked its emergency powers to restrict drastically the activities of 18 political, community and other organizations. These included two human rights groups – the Detainees' Parents' Support Committee and the Detainees' Support Committee – which had actively monitored and campaigned against the use of detention without trial, torture and other human rights violations. Subsequently, the activities of over a dozen other non-violent organizations, including the End Conscription Campaign (ECC), were similarly restricted.

Detention without trial continued to be used extensively. Most political detainees were held under the emergency regulations. These empower all police and other security forces personnel to arrest people arbitrarily and detain them without charge for up to 30 days if they believe it will contribute to the termination of the emergency or preserve public order. After 30 days a detainee may be held for an indefinite period at the discretion of the Minister of Law and Order. When issuing such an order the Minister is not required to take account of any representations made by the detainee nor to divulge his or her reasons for issuing the order.

Many prisoners of conscience were among those held under the emergency regulations throughout 1988. A number of people have been detained without charge or trial since the emergency was first imposed in mid-1986; there were more than 100 such people remaining in detention at the end of the year. They included Sehlolo

Dennis Neer, a leading black trade unionist from Port Elizabeth, Ivy Gcina, leader of a women's organization in the same city; and Thabo Makunyane, a former student and a previous prisoner of conscience. They and other emergency detainees had no effective means of challenging their detention or learning how long it might continue.

Although there were releases of long-term and short-term emergency detainees, increasingly detainees were served with restriction orders curtailing their freedom of movement, association and expression. Raymond Suttner, a white law lecturer held without charge since June 1986, was released on 5 September but placed under nightly house arrest. He was required to report to the police twice daily and prohibited from writing or saying anything for publication, from attending political gatherings and from having more than four visitors at any one time. He was forbidden to enter any educational institution and was therefore unable to return to his university teaching post. Stringent restrictions were similarly imposed on other released detainees, including newspaper editor Zwelakhe Sisulu. Released in December after almost a year in detention without charge or trial, he was placed under nightly house arrest and prohibited from writing for publication.

In September the plight of emergency detainees was brought into sharp focus when three prisoners of conscience escaped from detention while receiving treatment at a Johannesburg hospital. They successfully sought refuge in the US Consulate and appealed publicly for the state of emergency to be lifted and all detainees freed. Five weeks later the government agreed to withdraw their detention orders and the three were able to leave the consulate freely.

Those detained under the emergency included children and young people. At the end of May the Minister of Law and Order stated that no children under 16 were currently detained, although he acknowledged the continuing detention of a number of 16- and 17-year-olds. Dr Max Coleman, a leading South African human rights activist, challenged the Minister's assertion. He interviewed five detainees in Johannesburg's Diepkloof Prison, one of the prisons used to hold emergency detainees, who confirmed in sworn state-

ments that they were under 16 years of age. Not all political detainees were held under state of emergency legislation. Some were held under security laws which have permanent effect, notably the Internal Security Act (ISA) of 1982 and similar laws in force in each of the four nominally independent "homelands". The most commonly used provision was Section 29 of the ISA, which permits security police to detain suspects indefinitely for interrogation without charge or trial, in solitary confinement and incommunicado throughout. In some cases detainees held under emergency regulations were transferred to Section 29 detention when lawyers sought access to them, or when court applications challenging the grounds for their detention were initiated. Former prisoner of conscience Noma India Mleketo, for example, was first held under the emergency regulations after her arrest in Cape Town on 21 September. When court action was initiated to challenge the officially stated reasons for her detention she was placed under Section 29 on 12 October. She remained in incommunicado detention at the end of the year.

As in previous years, Section 29 of the ISA was directly associated with reports of torture and ill-treatment. In one case, Petrus Mokaba, a student activist, was alleged to have been chained to a chair and beaten, and subjected to sleep deprivation and other ill-treatment while detained under Section 29 in March. His sister sought a court order to protect him from further assault but this was denied. By the time of the court hearing – at which police officers denied torturing him – Petrus Mokaba's mother, who had seen him in detention shortly after his alleged torture, was unable to give evidence as she herself had been detained under the emergency regulations.

Police torture and ill-treatment of uncharged political detainees was also reported from the "homelands". In July and August students and others detained after widespread protests in the Venda "homeland" were reported to have been severely abused by local police. In particular by being beaten on the body and soles of their feet with *sjamboks*, a type of whip. In Transkei a former university student, Aga Khan Tiya, was reported to have been suffocated with a wet towel and stabbed in the throat while under interrogation by



AMNESTY INTERNATIONAL REPORT --- 1990

This report
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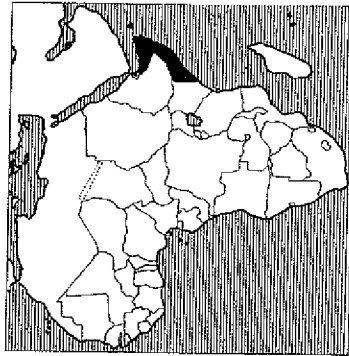
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specified amounts of heroin and morphine. Two people were sentenced to death following conviction for drug-trafficking. Five people convicted of drug-trafficking were executed, four in May and one in November, bringing the number of people hanged for drugs offences since 1975 to 25. The appeals of nine others against death sentences were pending. No death sentences or executions for offences not related to drugs were reported.

Amnesty International continued to appeal for the unconditional release of Teo Soh Lung and Vincent Cheng, and for the lifting of restrictions imposed on Chia Thye Poh and other former ISA detainees. It also urged commutation of all death sentences and an end to further executions.

SOMALIA



Over 50 prisoners of conscience - one of them held for almost 20 years - and hundreds of other political prisoners were released under a general amnesty for political prisoners announced in January. A human rights lawyer and several Islamic leaders were among prisoners of conscience arrested in mid-1989, but most were freed within a few months. Hundreds of other political prisoners arrested in 1988 remained in detention without trial, and more were arrested during the year and held for varying periods. Some were tortured or ill-treated in detention, and prison conditions were harsh. Over 200 people were reportedly shot dead by the security forces during anti-government demonstrations in Mogadishu in July. Amid mass arrests, 46 people

detained by military police were extrajudicially executed. In several parts of the country where insurgents were active, reprisal killings of civilian non-combatants were reported. Over 100 people were estimated to be under death sentences during 1989, although no official figures were available; several were executed.

There was fighting throughout the year in the north between the opposition Somali National Movement (SNM) and government forces. The latter committed numerous human rights violations against civilians suspected of supporting the SNM, particularly members of the Issaq clan. Many people fled to Ethiopia, adding to the 400,000 Somali refugees already there, most of whom had fled Somalia in 1988. Fighting also broke out in the south of the country, in particular between government troops and the newly formed Somali Patriotic Movement (SPM); here too there were reports of reprisals by government troops against unarmed civilians, thousands of whom fled to Kenya. The SNM also reportedly killed a number of unarmed government supporters in early 1989. The victims were members of the Ogaden clan from Ethiopia living in refugee camps in the north.

On 25 January the government announced a general amnesty for all political prisoners and government opponents living abroad. In the following months, hundreds of prisoners of conscience and other political prisoners were freed, and there was increasing public debate about human rights and political freedoms. An Amnesty International visit took place in June - the first time representatives from the organization had been allowed to visit during President Mohamed Siad Barre's 20-year rule. However, in a major setback for human rights, there were mass arrests and extrajudicial executions of suspected government opponents shortly afterwards. Some of those arrested were released in October. The government announced in August that political parties other than the ruling Somali Revolutionary Socialist Party would be permitted to contest the next parliamentary elections, postponed to December 1990.

Among the first to be freed under the general amnesty was Yusuf Osman Samantar, a lawyer and former member of parliament, detained continuously since 1975 and previously for several other

periods since 1969. By March, over 50 prisoners of conscience and several hundred other political prisoners had been released. Among them were prisoners of conscience sentenced to death or long prison terms after unfair trials by the National Security Court. They included Aden Yusuf Abokor, medical director of Hargeisa hospital, and others jailed with him in 1982; Abdi Ismail Yunis, a former university dean, and Suleiman Nuh Ali, an architect, who were both serving 24-year prison terms after the commutation of death sentences imposed on them in early 1988; and nine Islamic leaders originally sentenced to death in 1986, whose sentences were commuted to life imprisonment. Also freed were Safia Hashi Madar, a relief agency employee sentenced to life imprisonment in 1985, and five military cadets detained without trial after being forcibly repatriated from Egypt in August 1988. One of the cadets had incorrectly been reported to have died in custody (see *Amnesty International Report 1989*).

Other prisoners of conscience were released later in the year. Fahima Dahir Jama, a school student, and four other women held in Hargeisa since 1986 were freed in August. However, hundreds of other political prisoners detained in 1988 after SNM attacks in the north were believed to be still imprisoned at the end of the year in Hargeisa, Berbera and Borama. Also still held were Hussein Mohamed Nur, an Ethiopian pilot detained without trial since 1976, and Ahmed Dhoze Farah, a district judge detained without trial since 1979.

There were numerous new arrests of critics and suspected opponents of the government. Some were held for only a few days, but over 20 were detained without trial for several months. Ismail Jumaale Osobleh, a prominent lawyer who had defended many political prisoners in the previous decade, was arrested in Mogadishu on 13 July. Others detained at the same time were Abdulkadir Aden Abdullah Osman, an engineer and son of a former president of Somalia; Abdirashid Sheikh Ali Sufi, *Imam* of Casa Populare mosque in Mogadishu; and several other religious leaders.

On 14 July there were mass arrests after anti-government demonstrations at the main mosques in Mogadishu. The demonstrators were protesting at the arrests of religious leaders who had criticized the

government's handling of investigations into the murder the previous week of the Roman Catholic Bishop of Mogadishu, Monsignor Salvatore Colombo. Some of the protesters attacked members of the security forces, several of whom were killed. Troops retaliated by shooting demonstrators and other suspected government opponents. In three days, over 200 people were reportedly killed, although the government only acknowledged 28 deaths. Hundreds of other suspected government opponents were arrested, including many who had not taken part in the demonstrations. They were held in National Security Service or army detention centres, such as Danane army camp, 50 kilometres southwest of Mogadishu. Most were released unchanged after a few days or weeks. However, some were still detained without trial at the end of the year, or were unaccounted for and feared killed.

On 16 July soldiers made over 100 arrests in the Medina district of Mogadishu. Forty-seven of those arrested, of whom all except two were members of the Issaq clan, were separated from the rest and taken in army trucks to Jezira, 30 kilometres on the way to Danane army camp. On the beach, soldiers shot them, killing all but one who survived with injuries. President Siad Barre ordered an inquiry into the incident, to be headed by the Chairman of the Defence Committee of the National Assembly. The result of the inquiry had not been disclosed by the end of the year.

On 24 July security forces arrested Major General Aden Abdullahi Nur, a former defence minister, and General Mohamed Abdullah Ba'adleh, a former interior minister. They were accused of inciting opposition to the government - the former in connection with an army mutiny in Kismayu, and the latter in connection with the July demonstrations. Both were members of the National Assembly and ministers in the President's office; they were still detained without trial at the end of 1989.

Despite the constitutional and legal requirements that prisoners should be referred to a court within 48 hours of arrest, Ismail Jumaale Osobleh, other prisoners of conscience and other political detainees were not taken to court or charged with any offence. The government alleged that Ismail Jumaale Osobleh was

"mobilizing an illegal assembly, holding secret meetings to overthrow the government, inciting trouble, and in possession of seditions and anti-government publications". He was also questioned about his meetings with Amnesty International delegates in June, although the government denied that this was the reason for his arrest.

Ismail Jumaale Osoobleh and Abdulkadir Aden Abdullah Osman were released on 21 October in an amnesty to mark the 20th anniversary of President Siad Barre's accession to power. A total of 1,468 other prisoners were freed in the amnesty, but their identities and the reasons for their imprisonment were not made public, so it was not clear if any were political prisoners. Several religious leaders were freed on 1 November, but Abdirashid Sheikh Ali Sufi was still detained without charge or trial at the end of the year.

Abukar Haasan Ahmed, known as "Yare", a law lecturer arrested in Mogadishu in November 1988, was tried by the National Security Court in March 1989, after spending four months in pre-trial detention on charges of possessing seditious publications. One of these was an Amnesty International report, *Somalia: A Long-Term Human Rights Crisis*, published in September 1988. He pleaded not guilty and complained that he had been tortured by National Security Service officers. The judges did not order any investigation of his torture allegations and he was convicted. He was freed on payment of a fine and later fled the country to avoid rearrest.

Some reports were received of torture or ill-treatment of people arrested during the year for political reasons, particularly after the July demonstrations. Prison conditions were harsh and dozens of criminal prisoners in Mogadishu central prison reportedly died owing to poor conditions and medical neglect. Eleven port employees in Mogadishu died on 16 October after military police arrested them and imprisoned them in an arms store, where they died from suffocation. Eight police officers were later arrested and charged with responsibility for their deaths.

Hundreds of extrajudicial executions were reported in areas where insurgents were active. For example, over 200 civilians were killed by government troops in Erigavo, the capital of Sanag region in the north, soon after SNM forces withdrew after

capturing the town for some hours on 16 March. Killings of civilians by soldiers were also reported near Belet Wein in central Somalia and around the southern port of Kismayo after armed opposition activity by the United Somali Congress (USC) and mutinous soldiers in mid-1989. Dozens of civilians were killed by soldiers in Dobleh, on the Kenyan border, on 20 September, after fighting with SPM forces in the area. Others fled to Kenya, but 18 of them were forcibly returned to Somalia by the Kenyan authorities a few days later and were reportedly killed by Somali soldiers. In villages near Galkayo in central Somalia, over 120 civilians were reportedly killed by troops on 24 November for allegedly providing assistance to the USC or to soldiers who had mutinied.

Some 100 or more people were believed to be under sentence of death during the year in prisons throughout the country. Several executions were reported in Mogadishu central prison.

Amnesty International welcomed the release in early 1989 of many prisoners of conscience for whose release it had been appealing for many years. It continued to work for some prisoners who had not been released, some of whom were freed later in the year.

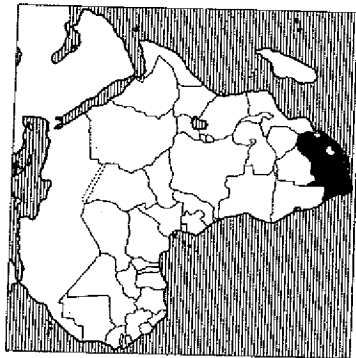
In February Amnesty International drew attention to its concerns about torture in an oral statement delivered to the United Nations Commission on Human Rights. In May the organization submitted further information about its concerns in Somalia for United Nations review under a procedure, established by Economic and Social Council Resolutions 728F/1503, for confidential consideration of communications about human rights violations. The submission was also sent to the government, together with recommendations for measures to halt abuses, but no response was received.

An Amnesty International delegation visited Somalia in June for talks with the government at the President's invitation. The delegates met President Siad Barre, relevant government ministers and officials, and received assurances that the government would cooperate with Amnesty International in the protection of human rights in Somalia.

In July, deeply concerned at new human rights abuses so soon after its visit, Amnesty International appealed for the

release of Ismail Jumaale Osoobleh and other prisoners of conscience arrested with him, and for an impartial investigation into the extrajudicial executions at Jozire. In October Amnesty International submitted to the government a series of recommendations for measures to guarantee protection of human rights and published details of its current human rights concerns. The following month it sent the government a full report of its visit, as the basis for further talks requested for early 1990. It urged the government to amend national security laws which were incompatible with international human rights standards and to adopt safeguards to protect people from torture or extrajudicial execution.

SOUTH AFRICA



Scores of people, including prisoners of conscience, were detained without charge or trial under state of emergency regulations. Hundreds of others were released following a wave of hunger-strikes, but most of them had their freedom of movement, association and expression restricted. Five prisoners of conscience who had been in custody since late 1984 or early 1985 were freed by the Appeal Court. Allegations continued to be received that political detainees, including some held in the nominally independent "homelands", were tortured. Three former security police officers said they had been part of a "death squad" which had murdered government opponents in South Africa and abroad. At least 60 people were hanged at Pretoria Central Prison and further executions were believed to have been carried

out in the "homelands". However, the authorities in the Transkei "homeland" announced a moratorium on executions.

P.W. Botha resigned as State President and was replaced in July by F.W. de Klerk. The National Party was returned to power in September with a reduced majority following a general election, from which the majority black population was excluded. The election took place in the face of a defiance campaign organized by the Mass Democratic Movement (MDM), a broad coalition of anti-apartheid groups. During the campaign the number of arrests and allegations of police brutality increased.

The newly elected administration relaxed controls on demonstrations and released eight long-term political prisoners, including Walter Sisulu, former Secretary-General of the banned African National Congress (ANC). These government measures coincided with a reduction in violent activities by the ANC. However, the high level of violence continued in Natal between supporters of Chief Gatsha Buthelezi's Inkatha movement, a conservative KwaZulu "homeland"-based organization, and supporters of the United Democratic Front (UDF), a broad coalition of anti-apartheid organizations.

In June the government renewed for a further year the nationwide state of emergency which had been continuously in force since June 1986. Emergency regulations continued to be used by the authorities to ban political meetings, demonstrations and politically sensitive funeral processions. The activities of certain organizations, including human rights groups, were prohibited under the regulations. All members of the police and security forces retained immunity from prosecution for acts committed in "good faith" during the exercise of their emergency powers. They also retained powers to arrest people considered a "threat to public safety" and to detain them incommunicado, without charge or trial, for up to 30 days. The Minister of Law and Order held powers to prolong such detentions indefinitely by administrative order.

At the beginning of the year, at least 1,000 critics and opponents of the government were held without charge or trial under the emergency regulations. Many prisoners of conscience were among them, including the leading UDF member Mutile Henry Fazzie and his wife, Ethesia

**Exhibit E: February 8, 1988 Amnesty International
document titled *Death Penalty*
(Bates Nos. P-000311 – 312)**



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Death Penalty

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8 February 1988

SOMALIA:

Ismail Ali ABOKOR (Brigadier General), former member of parliament
and Vice-President of Somalia

Omer Arteh GHALIB, former Vice-Speaker of parliament, former Foreign Minister

Suleiman Nuh ALI, architect and civil engineer

Abdi Ismail YUNIS, former director of higher education

Ahmed Mohamed HALLA (Lieutenant Colonel), prisons officer

Abdullahi Jama GALLAL (Lieutenant Colonel), army officer

Ahmed Omer ABDULLAH, unemployed

Abdi Abdillahi MADAR, unemployed

=====

These eight prisoners, arrested in 1982, were condemned to death by the National Security Court in Mogadishu on 7 February 1988. After a four-day trial they were convicted of "organizing a subversive association" and "organizing an armed band". The charges referred to alleged involvement with the opposition Somali National Movement (SNM), based in Ethiopia, which is engaged in armed opposition to the Somali Government in the north of the country.

Five other defendants were sentenced to life imprisonment or 24 years' imprisonment, and four others were acquitted. Five other prisoners arrested with them but tried separately on 6 and 7 February, including four other former members of parliament - Dr Mohamed Aden Sheikh, Colonel Osman Mohamed Ghelle, General Omar Mohamed Haji and Mohamed Yusuf Weirah - were acquitted. One other member of parliament arrested with them, Warsame Ali Farah, had died in detention in 1983.

Amnesty International believes the eight condemned prisoners named above are prisoners of conscience imprisoned on account of their non-violent opinions and opposition to President Mohamed Siad Barre. They were detained incommunicado following their arrest in 1982 and were only allowed brief meetings, in the presence of security officers, with defence lawyers and relatives a few days before the trial.

All eight prisoners, except Ismail Ali Abokor and Omer Arteh Ghalib, are reported to have been tortured on several occasions since their arrest. The prosecution's case is said to have been based on the "confessions" made by some of the defendants, although all defendants pleaded not guilty and no written statements of confession were presented to the court by the prosecution. The judges refused to conduct any investigation into the allegations of torture and denied a defence request for independent medical doctors to examine defendants for torture injuries.

Amnesty International believes the defendants did not receive a fair trial. International observers, including delegates from Amnesty International, the Inter-Parliamentary Union and the Arab Lawyers Union, were not allowed into the country to attend the trial. Diplomatic observers and foreign journalists were also excluded but some relatives of defendants were allowed to attend the trial.

The judges were Brigadier General Mahmoud Ghelle Yusuf, who is also a Minister of State in the President's Office, and two military officers. The

Telephone 01-833 1771 Telegrams: Amnesty London WC1 Telex: 28502

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P-000311

prosecutor, Colonel Osman Maye Maallin, is alleged by one defendant to have participated in his interrogation in 1987 after which he was tortured again to make him confess and implicate other defendants.

Defendants have no right of appeal to a higher court but the death sentences require confirmation by the Head of State. In some previous cases death sentences have been confirmed within hours and executions have taken place shortly afterwards. There are therefore fears that presidential review of these eight death sentences could be completed swiftly and that executions could follow without delay.

RECOMMENDED ACTION: Telegrams/telexes/express letters/airmail letters:

- urging that these eight death sentences be commuted on the grounds that the death penalty violates the right to life and is an extreme form of cruel, inhuman and degrading punishment that is incompatible with the Universal Declaration of Human Rights;
- urging a review of all the convictions on the grounds that the defendants did not receive a fair trial, and an independent investigation into the allegations of torture;
- refer to Amnesty International's belief that those sentenced to death are prisoners of conscience for whose release the organization has been appealing for some years.

APPEALS TO:

His Excellency Mohamed Siad Barre
President of the Somali
Democratic Republic
People's Palace
Mogadishu, Somalia

Telegrams: President Siad Barre,
Mogadishu, Somalia
Telexes: via Ministry of Foreign
Affairs: 639 MOG

COPIES TO:

- His Excellency Lieutenant General Mohamed Ali Samatar, Prime Minister, Office of the Prime Minister, Mogadishu, Somalia
- His Excellency Brigadier General Ahmed Suleiman Abdullah, Vice Prime Minister, Mogadishu, Somalia (responsible for national security)
- Sheikh Hassan Abdillahi Farah, Minister of Justice and Religious Affairs, Mogadishu, Somalia
- Dr Hussein Sheikh Abdirahman, Attorney General, PO Box 1745, Mogadishu, Somalia
- Brigadier General Mahmoud Ghelle Yusuf, President of the National Security Court, National Security Court, Mogadishu, Somalia
- Dr Mohamed Ali Hamud, Minister of Foreign Affairs, Mogadishu, Somalia and to diplomatic representatives of Somalia in your country.

TARGET GROUPS: MEMBERS OF PARLIAMENT (copy appeals to the President of the People's Assembly, Mr Mohamed Ibrahim Ahmed, People's Assembly, Mogadishu);

LAWYERS (copy appeals to legal and judicial officials above);

EDUCATIONALISTS/ACADEMICS/SCIENTISTS (for Abdi Ismail Yunis, a mathematician, and Suleiman Nuh Ali)

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 8 March 1988.

- Please take action as soon as you receive this Urgent Action appeal. Carefully read the recommended action. If possible, send a telegram or express letter immediately to one or more of the addresses given. Other letters can be sent afterwards.
- Telegrams and letters should be brief and courteous. Stress that your concern for human rights is not in any way politically partisan. Refer to relevant provisions in international law, such as the United Nations Universal Declaration of Human Rights:

Article 3 — "Everyone has the right to life, liberty and security of person."

Article 5 — "No one shall be subjected to torture

- The name of Amnesty International may be used, although letters written in a private or personal capacity may be more effective.
- Copies of appeals should be sent to relevant diplomatic representatives in your country.
- In Urgent Action cases, Amnesty International has to act rapidly to prevent the ill-treatment of prisoners. An appeal is issued when Amnesty International believes it has received reliable and accurate information in such cases. It is not always possible to verify all details independently and in some instances the situation outlined in the appeal may change. Urgent Action participants are always notified of any significant new facts.

Copies of any replies received from government authorities

**Exhibit F: March 22, 1988 Amnesty International document
titled *Legal Concern / Fear of Torture*
(Bates Nos. P-000313 – 314)**

INTERNATIONAL SECRETARIAT
1 Easton Street London WC1X 8DJ
United Kingdom

**URGENT
ACTION**

EXTERNAL (for general distribution)

AI Index: AFR 52/06/88
Distr: UA/SC

22 March 1988

UA 72/88 Legal Concern/Fear of Torture

SOMALIA: Mukhtar DEEG
 Ismail Yusuf IBRAHIM
 Abdulleh Malik MOHAMED
 Ina (=son of)"Omar QADOON
 Mohamed Saeed UDDAL

=====

On 5 March 1988 these five high school students aged probably between 18-20 years, were arrested in the town of Burao, northern Somalia, after demonstrations in the town against the government.

The demonstrators were protesting against the conviction by the National Security Court in Mogadishu on 7 February 1988 of 13 people from northern Somalia. These included former Vice-President Ismail Ali Abokor, former foreign minister Omar Arteh Ghalib, a former Dean of Education at the Somali National University, Abdi Ismail Yunis, and architect Suleiman Nuh Ali. Other demonstrators may also have been arrested.

Eight of the 13 who were tried in February were condemned to death for subversion and links with the armed opposition Somali National Movement (SNM). The death sentences were all commuted by President Siad Barre: Ismail Ali Abokor and Omar Arteh Ghalib were placed under indefinite house arrest, while the others received 24-year prison terms. Commenting on the trial, Amnesty International said it had been "grossly unfair", many of the prisoners had been tortured and several of those convicted, including those mentioned above, were prisoners of conscience. (See UA 37/88 - AFR 52/02/88, 8 February; and follow-up AFR 52/04/88, 15 February 1988).

The five students arrested in Burao are detained without charge or trial. AI has received reports of routine torture or illtreatment, particularly in the north, of people arrested for criticising the government and subsequently accused of having links with the SNM. AI fears that these prisoners could be tortured or ill-treated and that they could be summarily tried by the National Security Court, where they might face the death penalty.

RECOMMENDED ACTION: Telegrams/Cables/airmail letters:

- expressing concern that the students were reportedly arrested for protesting over a political trial which Amnesty International believes to have been grossly unfair;

Telephone 01-833 1771 Telegrams: Amnesty London WC1 Telex: 28502

Amnesty International is an independent worldwide movement working for the international protection of human rights. It seeks the release of men and women detained anywhere because of their beliefs, colour, sex, ethnic

- urging that they be immediately released if their only offence is their criticism of the trial of Ismail Ali Abokor and others;
- seeking assurances that their basic human rights are being respected, in particular that they are not being subjected to any torture or illtreatment in custody;
- urging that if they are accused of a recognizably criminal offence, they be given a fair trial in accordance with international standards (mentioning that trials before the National Security Court do not meet these standards); and that if they are not to be charged and brought to trial, they should be released.

APPEALS TO:

His Excellency Brigadier General Ahmed Suleiman Abdullah
Vice Prime Minister
Mogadishu, Somalia (responsible for national security)

Telegrams: Vice Prime Minister, Mogadishu, Somalia

Mr Mohamed Abdullah Bacadleh
Minister of the Interior
Ministry of the Interior
Mogadishu, Somalia

Telegrams: Minister Interior, Mogadishu, Somalia

Brigadier General Jibril Mohamed
Commander of the National Security Service
National Security Service Headquarters
Mogadishu, Somalia

Telegrams: Commander National Security Service, Mogadishu, Somalia

COPIES TO:

Brigadier General Mohamed Said Hersi
Military Commander of the Northern Region
Northern Region Military Headquarters,
Hargeisa, Somalia

Dr Hussein Sheikh Abdirahman
Attorney General
PO Box 1745
Mogadishu, Somalia

and to diplomatic representative

PLEASE SEND APPEALS IMMEDIATELY
or your section office, if send

- Please take action as soon as you receive this Urgent Action appeal. Carefully read the recommended action. If possible send a telegram or express letter immediately to one or more of the addresses given. Other letters can be sent afterward.
- Telegrams and letters should be brief and courteous. Stress that your concern for human rights is not in any way politically partisan. Refer to relevant provisions in international law, such as the United Nations Universal Declaration of Human Rights:

Article 3 — "Everyone has the right to life, liberty and security of person."

Article 5 — "No one shall be subjected to torture

... always possible to verify all details independently and in some instances the situation outlined in the appeal may change. Urgent Action participants are always notified of any significant new facts.

**Exhibit G: August 1988 Amnesty International document
titled *Somalia: Detention Without Trial*
(Bates Nos. P-000325 – 335)**

amnesty international

SOMALIA

DETENTION WITHOUT TRIAL

AUGUST 1988

SUMMARY

AI INDEX: AFR 52/12/88

DISTR: SC/CO/GR/PO

Detention without trial of political prisoners, often for many years, is part of a persistent pattern of gross human rights violations in Somalia which include torture, unfair trials, harsh prison conditions and the death penalty.

There are virtually no safeguards available to detainees held under the 1970 Power to Detain Law against long-term arbitrary detention. Names and numbers of detainees are not published, families of detainees are not informed of their relatives' detention and the grounds for detention and whereabouts of the detainee are not given. Detainees have no right to challenge the validity of their detention and there is no formal mechanism for the review of administrative detention. Many prisoners have been tortured while secretly detained.

Political prisoners can also be detained for an unlimited period for alleged offences against national security while their cases are investigated. Six former members of parliament were detained incommunicado for more than five years before being charged and brought to trial in February 1988.

Amnesty International considers that long-term detention without charge or trial of political prisoners is a violation of their human rights. It has appealed for the release of detained prisoners of conscience such as Yusuf Osman Samantar, a lawyer and former member of parliament, who has been held for almost the whole of the government's 19 years in office because of his non-violent political views. It has appealed for all political detainees to be either charged and tried in accordance with international standards, or else released. It has also urged that legislation permitting indefinite detention without trial and indefinite detention during pre-trial investigation be repealed.

This summarizes a 10-page document, SOMALIA: DETENTION WITHOUT TRIAL (Index: AFR 52/12/88) issued by Amnesty International in August 1988. Anyone wanting further details or to take action on this issue should consult the full document.

AMNESTY INTERNATIONAL, 100, NEWINGTON GREEN, LONDON, WC1X 8DL, UNITED KINGDOM

P-000325

EXTERNAL (for general distribution)

AI Index: AFR 52/12/88
Distr: SC/CO/GR

Amnesty International
International Secretariat
1 Easton Street
London WC1X 8DJ
United Kingdom

August 1988

DETENTION WITHOUT TRIAL IN SOMALIA

Large numbers of suspected opponents and critics of the government in Somalia have been detained for long periods, often for many years, without being charged or tried. Many are believed to have been detained merely for seeking to exercise their internationally recognized right to peaceful expression of their opinions. Many are reported to have been tortured. Long-term and often arbitrary detention without trial of suspected political opponents of the government is part of a persistent pattern of gross human rights violations in Somalia, which includes torture, unfair trials of political prisoners and executions. 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 Power to Detain Law, the National Security Court Law, the National Security Law and the Establishment of the National Security Service Law. In 1979, a new constitution was introduced disbanding the SRC and making Somalia a one-party state ruled by the Somali Revolutionary Socialist Party (SRSP). 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 1982 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.

In late May 1988 SNM forces attacked Burao, Hargeisa, the port of Berbera, and several other towns in northwest Somalia. There was prolonged fighting in Hargeisa with heavy casualties on both sides and among the civilian population. The SNM took control of Burao, Mandera, Gebileh and certain other small towns, releasing political prisoners held in them. Numerous summary and arbitrary executions of suspected SNM supporters were reported in Hargeisa and hundreds of northerners living in Mogadishu were arrested too. The fate of several hundred prisoners, both those arrested and others held for long periods, kept either by the military police or else in Hargeisa central prison, was still unclear at the end of July 1988.

Criticism of the government is severely controlled. The Constitution (1979) states that no political party or political association is permitted other than the ruling official SRSP. The rights to freedom of opinion, of publication and of association are subject to "the laws of the land, public morals and the security of the country". The laws relating to national security impose far-reaching restrictions on these internationally recognized rights. "National security" is not defined in specific terms and a wide and often arbitrary interpretation is used as the grounds for arrest and detention.

Legislation providing for detention without trial

Suspected opponents of the government may be detained under the Power to Detain Law or under the Establishment of the National Security Service Law, both of these enacted in early 1970. The first provides for indefinite administrative detention without charge or trial; the second provides for detainees suspected of committing an offence against national security to be detained for an unlimited period while their case is investigated. In neither case do detainees have any protection from arbitrary detention, nor are there any safeguards to ensure that their internationally recognized rights are respected. In practice the detaining authorities do not specify under which law detainees are being held and no documents are drawn up to indicate the reasons or legal basis for the detention.

The Power to Detain Law (Law no. 1 of 10 January 1970) allows for the administrative detention without charge or trial for an indefinite period of anyone who is considered to be

"conducting himself so as to be dangerous to the peace, order or good government in the Somali Democratic Republic or is intriguing against the Supreme Revolutionary Council or by word or action acts against the aims and spirit of the Revolution" (article 1).

Originally, before the SRC was abolished in 1979, a District or Regional Revolutionary Council (mainly composed of members of the armed forces) or the security service could order the detention of anyone on these grounds. According to the law, the detention had to be reported to the SRC, which could order the person to be detained "in such place and for such period as the SRC may consider necessary in the interests of peace, order and good government" or else could revoke the detention. Only the SRC was legally entitled to order the release of a detainee. The law was made retroactive in order to legalize the detention in October 1969 of members of the deposed government. After the SRC was abolished subsequent legislation replaced references to the SRC with references to the government or to the Political Bureau of the SRSP.

Arrests of suspected political opponents are carried out by the National Security Service (NSS); the Military Police (known informally as Dhaban Jabinter, "The Back-breakers", meaning those who suppress "anti-revolutionary" elements); the police (especially the Criminal Investigation Department); or the "Victory Pioneers" (Gulwaadayal), a uniformed militia organization formed in the early 1970s to supervise "political orientation centres" at which attendance used to be compulsory. The power of the military police to detain civilians has never been clarified, nor indeed

Suspected government opponents are usually transferred to NSS custody for interrogation, or, if arrested by military police, held by them in military custody. Prisoners may be held for investigation for years, particularly in the NSS Benadir Region headquarters in Mogadishu, known as Godka ("The Hole") - a detention centre where many detainees have said they were tortured. After investigations have been concluded, detainees may be transferred to a regular prison under the authority of the Somali Custodial Corps (prison service).

Virtually no safeguards are available to detainees held under the terms of the Power to Detain Law to protect them against long-term arbitrary detention. The names and numbers of detainees held under this law are not published and detainees receive no written order of arrest or notification of detention. Families are not informed officially of their relative's detention and are given no official explanation of the reasons for the imprisonment of the detainee or information about his or her whereabouts. In cases reported to Amnesty International, detainees' families have usually managed to find out through unofficial channels, as a result of paying a bribe to security officials, what has happened to those arrested, but in some cases detainees have "disappeared" and may have died in custody without any explanation or information being given by the authorities. While secretly detained, prisoners have in many cases been tortured.

Detainees have no right to challenge the validity of their detention in court. It seems that central records of detainees held under the Power to Detain Law are not kept by the authorities themselves. Nor is any formal mechanism for the review of administrative detentions under this law known to exist. Releases of detainees appear to take place as a result of decisions by security officers responsible for their arrest, by the SRSP Political Bureau or by the National Security Court or as a result of a presidential amnesty. Amnesties or "pardons" of prisoners, including some political prisoners, are customarily announced each year on 21 October, the anniversary of the 1969 revolution. On 21 October 1987, for example, a presidential "pardon" was announced for 1,697 convicted prisoners, but the authorities did not disclose the identities of those freed or whether they included political prisoners.

In addition to administrative detention under the Power to Detain Law, the Establishment of the National Security Service Law (Law no. 14 of 15 February 1970) provides for the detention of people for investigation if they are suspected of having committed an offence against national security. If such detainees are subsequently charged, for example with an offence against the National Security Law, they would be tried by the National Security Court. Under a different national security decree (article 5 of Law no. 8 of 26 January 1970), those detained by the NSS may be held for an unlimited period without charge while their cases are investigated. This decree also removed from such prisoners the right to habeas corpus (applicable in cases over which the ordinary courts have jurisdiction) and prohibited them access to legal counsel until investigations were complete and they had been charged with an offence. In some cases detentions for the purpose of investigation have lasted for a long time. For example, six former members of parliament and 16 others arrested in 1982, according to the authorities because they had committed

Article 26 of the Constitution (1979) states:

"No person shall be liable to any form of detention except when apprehended in flagrante delicto or pursuant to an order issued by competent judicial authorities in accordance with the procedure prescribed by law" (section 2).

The Constitution also states:

"a person who is subjected to detention for reasons of security shall be taken before a judicial body which is competent to try the offence with which he is charged without delay and within the time-limit prescribed by law" (section 3)

and,

"Every person who is deprived of his personal liberty shall immediately be informed of the offence he is suspected of committing" (section 4).

In practice, these constitutional protections have been systematically disregarded by the authorities in the cases of those detained for political reasons, in many cases on account of their non-violent political opinions.

A Canadian doctor, 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. In his report he stated that:

"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 1986, and I am not aware that it has, these kind of atrocities are continuing unabated at the present."

Untried Political Detainees

The longest-held political detainee is Yusuf Osman Samantar, known as "Berde'ad", a lawyer and former member of parliament under the civilian government overthrown in 1969, who has been detained since May 1975 on account of his non-violent criticism of the government and refusal to support it. He had also spent most of the previous six years in detention because of his non-violent opposition to President Mohamed Siad Barre's rule. He is believed to be detained under the Power to Detain Law of January 1970, although the authorities have never given any reasons for his arrest.

Other long term detainees include:

Abdi Dahir Abdulleh - an army corporal, detained since mid 1982;

Sheikh Mohamed Moallim Hassan - a former director general in the Ministry of Justice and Religious Affairs, who had been detained several years previously, was re-arrested in mid- 1986, together with over 70 other people (some of whom were tried in April 1987), and who had criticized the government for not following Islamic teaching and laws;

Jama Ali Jama - an army colonel who has been detained since 1978 for his criticism of the government;

Abdi Aden Qeys - a wellknown poet in the Somali oral poetic tradition, detained since mid 1982;

Ali Yusuf - a medical student at the Somali National University detained since early 1984.

Some people appear to have been arrested arbitrarily because a close relative was a known political opponent of the government, or simply because they were members of a particular clan. Between about 1978 and 1982 members of particular sections of the Majerten clan were singled out for arrest because some DFSS leaders were members of this clan. From about 1982 the Somali National Movement (SNM) has been the main organization involved in armed opposition. It is composed predominantly of members of the Isaaq clan from the north. Isaaq clan members have been particularly targetted for arrest as suspected SNM sympathisers, often in the absence of any other evidence of their complicity with the SNM.

There have been some instances of Somalis suspected of political opposition to the government being arrested on their return to Somalia. For example, a rejected asylum applicant was arrested, detained and tortured following his forced return to Somalia from a European country in October 1987. He was detained on his arrival in Mogadishu and tortured.

Some people have been detained without trial for refusing, or seeking to evade, conscription into the armed forces. National Military Service is for two years and applies to all able-bodied men between the ages of 18 and 40 years, and to women between the ages of 18 and 30 years. There is no provision for conscientious objection. The precise penalties in law for seeking to evade or escape from being conscripted are not known to Amnesty International but military conscripts are believed to be subject to military laws and the jurisdiction of military courts. There have been reports that up to 7000 Ethiopian refugees in official refugee camps in northern Somalia were forcibly conscripted into the Somali army in August and September 1987 and that some were detained for seeking to evade this.

Several hundred Ethiopian civilians, both refugees and people abducted from eastern Ethiopia by Somali forces during the 1977 armed conflict with Ethiopia, are still detained, over 11 years later, secretly and incommunicado, in an NSS-controlled camp near Hawai in Lower Shebelle region. They include Tibebe Haile-Selassie, a medical doctor from Kebri Dahar hospital in Hararghe region in Ethiopia; Melaku Mankelklot, who is over 60 years old and whose wife, two daughters and son are also detained;

Ethiopian doctor, has also been detained in Mogadishu Central Prison since entering the country in 1983 to seek asylum. The government has not publicly acknowledged their detention, the only reason for which appears to be their Ethiopian nationality. Access to these prisoners by representatives of international organizations such as the International Committee of the Red Cross (ICRC) and the Office of the United Nations High Commissioner for Refugees (UNHCR) has never been permitted, although the ICRC has access to prisoners captured in armed conflict in 1977, including some 200 Ethiopian military personnel and one Cuban officer, who are still detained. Some detained Ethiopian refugees were released in 1987 but many others are still held without charge or trial.

Some members of the Oromo Liberation Front (OLF) are in detention too, including Baru Liben Sako and Salessa Jallo Boko, who have been held since 1978 without official acknowledgment. The OLF is one of a number of Ethiopian opposition organizations fighting the Ethiopian government. Although other such organizations have been allowed to operate in Somalia, the OLF is not recognized by the Somali Government, as it instead supports the Somali Abo Liberation Front which claims to be an Oromo organization opposed to the government in Ethiopia.

Many people have also been detained in recent years in northern Somalia on account of their alleged support for the SNM. A wave of arrests was precipitated in Hargeisa, Burao, Berbera and Gebileh in January 1987 by SNM attacks in the area and the assassination of the NSS commander in the northwest region. Many people - particularly school students - have been arrested in the north after demonstrating against trials of political prisoners. Demonstrations against the President during his visit to Hargeisa in March 1988 resulted in arrests of scores of people and the death of five school students who were shot dead by the presidential bodyguard after stone-throwing incidents. During curfews in force in the north since early 1987, curfew patrols by the army and NSS have carried out extensive arrests. There have also been reports during this period of extrajudicial executions by the security forces of suspected SNM supporters. In Gebileh (a town on the Ethiopian border) around 10 March 1988, following SNM attacks in the area, numerous unarmed civilians were rounded up by the army and detained. Many of them were tortured and 16 men - mostly farmers and nomads - were summarily tried on 12 March and promptly executed. Six others were tried and shot on 22 March.

This pattern of mass, arbitrary arrests and abuses of civilians in the north continued throughout 1987 and into mid-1988. Some prisoners were released after relatives paid a bribe or ransom, and several hundred other prisoners held outside the framework of the law were freed in November 1987, following an official review of the legality of detentions in the area. Those detained have included children like Mahad Abdi Ahmed, who was only 14 at the time of his arrest in September 1983. He is believed to have been released by the SNM when they captured Mandera prison in June 1988.

Detentions of members of the Isaaq clan since mid 1988

After the SNM attacks in the north at the end of May 1988 there were widespread arrests of suspected SNM supporters in Berbera and Mogadishu and many extrajudicial executions in Hargeisa. The fate of political prisoners held in Hargeisa Central Prison, including Khadija Ali, is still unknown.

arrested in Berbera, including the mayor, Haji Mohamed Ali ("Bursade"), were transferred to NSS custody in Mogadishu. Hundreds of prominent Isaaq civil servants, business people, airline staff, army officers, relief agency workers and others were also detained in June and July 1988.

These detainees include:

- Ibrahim Osman Foad ("Basbas") - a businessman in his 70s and former government minister;
- Saeed Adib - a colonel, director of Game Parks and Wildlife and a former secretary to the President and his tennis coach;
- Ahmed Nur Jama - lecturer at the Faculty of Agriculture in the Somali National University;
- Mohamoud Mohamed - deputy director of a UNHCR-funded educational project;
- Abiib Mirreh - a director of civil aviation;
- Mohamed Ibrahim ("Sa'abo-Yar") - director at Mogadishu airport office;
- Abdi Mohamed Rodol - chief pilot with the rank of captain (his second recent arrest);
- Mohamed Abdillahi ("Dubale") - an assistant commercial director;
- Faiza Ahmed Mohamed - a Somali Airlines stewardess (she is the daughter of Ahmed Mohamed Halla, a prisoner of conscience);
- Haji Jama Mohamed Miyateen - a partially blind businessman in his 80s;
- Ismail Jama Ahmed Haji Musse - an army colonel.

Political detainees arrested in Mogadishu are mostly detained in the National Security Service regional headquarters known as Godka, in Hangash military camp in Mogadishu, in Danane military camp, south of Mogadishu, or in other military centres. Some of those arrested since May 1988 are reported to have been tortured in Godka. Officials have allegedly demanded large sums of money from relatives of some of the prisoners for their release.

None of those arrested since May have yet been brought to trial and no reason or legal basis for their detention has been given. At the beginning of June 1988 Amnesty International urged President Mohamed Siad Barre to take steps to protect the basic human rights of these prisoners, pointing out that at a time of crisis it was particularly vital that measures be taken to protect prisoners from abuse of their human rights. The cases of other recently imprisoned members of the Isaaq clan from northern Somalia have been described in appeals issued by Amnesty International in June and July 1988.

Prison Conditions

Political detainees have been held in NSS custody for weeks, months, and sometimes years, without being charged and without access to relatives or a

are contained in a separate Amnesty International document, Somalia: Torture (AI Index: AFR 52/11/88 of June 1988).

In Godka NSS prison in Mogadishu, prisoners are held in underground cells in permanent solitary confinement. The cells are mostly small, without enough room to stand up straight or stretch out, and with no beds or mattresses. Sanitary facilities are virtually non-existent. There are also larger cells which become severely overcrowded whenever mass arrests take place. The diet is very poor, although some prisoners' families are allowed after some time to provide food, for which they have to bribe guards to pass it on to the prisoner, and usually "pay" them also with a portion of the food. They have no contact otherwise with their detained relative, but they are able to guess from the receipt of food that he or she is there and is alive. Medical treatment is usually denied to prisoners, although many prisoners may be seriously ill as a result of torture and the harsh conditions in the prison. Most prisoners at Godka are reported to have been tortured. The NSS is also alleged to use other secret "safe houses" in Mogadishu for holding and torturing prisoners. Political prisoners in Hargeisa and in rural areas have often been held in military custody where similar harsh conditions prevail.

Political prisoners who have been convicted and sentenced are usually transferred to an ordinary prison administered by the Somali Custodial Corps. They are generally held in slightly better conditions and are given regular, though brief and controlled, access to relatives. They may, however, be subject to ill-treatment or brutality in such prisons as Mogadishu Central Prison, where women prisoners have complained of rape by male prison guards or torture by NSS or military police officers who exercise authority over prison guards.

Political prisoners considered to be of political importance are often transferred from their home regions to the maximum security prisons at Labatan Jirow prison near Baidoa or Lanta Bur prison near Afgoi. These are modern prisons, built in the early 1970s, and designed to hold political prisoners in special sections separate from convicted criminal prisoners. They are controlled by the NSS, not the prison service. Prisoners are held incommunicado, usually in permanent solitary confinement, and without any access to or communication with relatives or lawyers. They have no books or newspapers and are often held for long periods without being allowed any exercise in the open air. Diet is poor and medical treatment inadequate.

Amnesty International has on several occasions appealed to the prison and security authorities to provide urgently needed medical treatment for particular detainees reported to be seriously ill as a result of torture or the harsh conditions of their detention, but has received no reply from the authorities.

Several prisoners have died in custody, either as a result of torture or through denial of medical treatment. Warsame Ali Farah, a former member of parliament arrested with Ismail Ali Abokor and other members of parliament in 1982, died in detention in November 1984, without having seen any members of his family since his arrest two years earlier. The official autopsy report stated that he had died of nephritis - he had a long-standing kidney complaint - but did not point out that he had been denied medical treatment. He was only brought to Mogadishu for medical treatment shortly before his death. There was no inquest into his death. Indeed, Amnesty International has not heard of any inquests into the deaths of political prisoners in Somalia.

Amnesty International has appealed to the prison and security authorities to provide urgently needed medical treatment for particular detainees reported to be seriously ill as a result of torture or harsh conditions but there has been no response. These detainees include Yusuf Osman Samantar and also Safia Hashi Madar - a relief agency official and former biochemistry lecturer. She was arrested in Hargeisa in July 1985, when nine months pregnant, and accused of links with the SNM. She was initially denied medical attention when about to give birth shortly after arrest. After giving birth her child was removed and soon afterwards she was tortured. In May 1986, after 10 months incommunicado detention, she was brought to trial before the National Security Court in Hargeisa and sentenced to life imprisonment for a political offence. She was accused of belonging to the SNM, although she denied this and there seems to have been no evidence to support the charge. In early 1988 she was suffering from a kidney infection, severe depression, serious weight loss and chronic toothache, for which she was continually denied treatment. In March 1988 she was transferred to Mogadishu Central Prison, but still denied medical treatment. After making appeals on her behalf, Amnesty International learned that the security authorities had urged her to record an interview in which she would deny having been tortured and ill-treated. They had apparently promised to release her if she did so, but it seems she told them that she had been ill-treated in custody.

Amnesty International's Appeals to the Somali Government.

Amnesty International is appealing for the immediate and unconditional release of all prisoners of conscience imprisoned in Somalia on account of their non-violent opinions. Some of these prisoners of conscience are being detained for an indefinite period without charge or trial, such as Yusuf Osman Samantar, a lawyer and politician, and Sheikh Mohamed Moallim Hassan, an Islamic teacher (mentioned above).

Amnesty International is also investigating many cases of political prisoners who are being detained without trial in order to determine whether they are prisoners of conscience. The organization has asked the authorities to review the cases of all untried political detainees to ensure that no-one is imprisoned solely for his or her non-violent political views or activities.

Amnesty International considers that the detention for an indefinite period without charge or trial of political prisoners constitutes a violation of their human rights. It has appealed for those arrested in Somalia on political grounds for reasons other than their non-violent opinions to be either charged with a recognizably criminal offence and tried in accordance with internationally recognized standards, or else released. Legislation permitting indefinite detention without trial, namely the Power to Detain Law and relevant National Security legislation providing for detention for an unlimited period while inquiries are carried out, should be repealed.

Arrested persons should be immediately informed of the reason for their arrest and the legislation under which they are held. Their relatives should also be informed of their arrest and whereabouts in custody. Detainees should have the opportunity to challenge the reasons for, and the legality of, their detention before a properly constituted court. The authorities should acknowledge all arrests publicly and in writing.

Amnesty International is appealing to the Somali government to stop torture and to protect prisoners from torture in the future. Torture should be prohibited by law and made a criminal offence, with severe penalties for those convicted. No one should be held in secret or unacknowledged detention, for it is under such circumstances that detainees are often tortured. 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.

Amnesty International also has appealed for all political prisoners in Somalia to be allowed the following basic rights in custody in accordance with the United Nations' Standard Minimum Rules for the Treatment of Prisoners:

- (i) family visits promptly after arrest and regularly thereafter; permission to receive basic items from visitors, and regular correspondence;
- (ii) regular access to legal representatives;
- (iii) professional medical attention with hospital admission if necessary;
- (iv) contact with religious representatives and facilities to worship;
- (v) a nutritionally adequate diet and acceptable standards of hygiene;
- (vi) books and other reading matter and writing material;
- (vii) regular open air recreation and exercise;
- (viii) hygienic accommodation and conditions which are not degrading.

To meet these standards the present regimes in both ordinary prisons and security detention centers need to be overhauled and new prison regulations introduced.

**Exhibit H: October 4, 1989 Amnesty International document
titled *Somalia: Human Rights Concerns Following An
Amnesty International Visit in June 1989*
(Bates Nos. P-000339 – 347)**

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4 October 1989

**SOMALIA: HUMAN RIGHTS CONCERNS FOLLOWING AN AMNESTY INTERNATIONAL VISIT
IN JUNE 1989**

As the 20th anniversary of President Mohamed Siad Barre's government approaches, on 21 October 1989, Amnesty International has appealed to the Somali Government to take a series of measures to prevent human rights violations and to remedy abuses which have taken place.

These appeals and recommendations arise out of Amnesty International's work in recent years against human rights violations in Somalia, leading to a General Amnesty for all political prisoners in January 1989, and an Amnesty International delegation's visit to Somalia in June 1989.

In addition, the appeals relate to new human rights abuses which occurred in July 1989 shortly after the delegation's visit:

- Ismail Jumaale Ossobleh, the country's most prominent lawyer, who has defended prisoners of conscience and been a prisoner of conscience himself before, has been detained without charge or trial since July 1989: Amnesty International has adopted him as a prisoner of conscience for the second time.
- Forty-six political prisoners arrested after demonstrations in Mogadishu in July 1989 were killed by soldiers at Jezira beach near Mogadishu, according to reliable reports: a committee of inquiry has been appointed by the President, but Amnesty International is anxious that the investigation should be impartial and thorough, that its results should be published, and that those responsible for the killings should be brought to justice.

Numerous other extrajudicial executions of unarmed civilians or prisoners have taken place in the past 16 months since intensified rebel fighting in the north. There have been no detailed and independent investigations into these killings nor, in Amnesty International's view, have sufficient measures been taken to prevent such killings in the future.

Other particular human rights concerns include the detention of certain other suspected government opponents, including a number of political prisoners not so far released under the government's General Amnesty of January 1989 - two have been held for over 10 years.

Amnesty International's Visit to Somalia

Amnesty International was allowed to visit Somalia for the first time in 20 years between 24 June and 2 July 1989. The visit followed publication in September 1988 of a major Amnesty International report on its concerns in Somalia, Somalia: A Long-Term Human Rights Crisis (AI Index: AFR 52/26/89). This documented a persistent and long-established pattern of gross violations of fundamental human rights in Somalia, which included torture and ill-treatment of prisoners, lengthy and often arbitrary detention without trial, unfair trials of large numbers of suspected government opponents, extrajudicial executions and the use of the death penalty.

Later in 1988 the government released a number of prisoners of conscience and other political prisoners. In a further important move in January 1989, the government declared a General Amnesty for political prisoners.

When Amnesty International's visit took place, most prisoners of conscience and political prisoners known to Amnesty International had already been released under the General Amnesty. During the months leading up to the visit there appeared to be a significant change in the human rights situation, with the authorities allowing greater freedom of association and expression of opinion, including views critical of the government. Later, in August, the President was reported to have declared his support for amending the Constitution to permit the formation of political parties other than the ruling Somali Revolutionary Socialist Party for the parliamentary elections postponed to late 1990. No information is yet available on any steps being taken to facilitate this.

Amnesty International's delegates had extensive talks with senior government officials, including President Mohamed Siad Barre, and received assurances that the government would cooperate with Amnesty International.

However, 11 days after the delegation left Somalia, there were new arrests of government critics, followed by anti-government demonstrations at mosques in Mogadishu, and mass arrests by the security forces. Forty-six of those arrested were reportedly executed extrajudicially on the night of 15 July, and at least 50 people taken prisoner are feared to have been killed too.

Amnesty International has submitted to President Mohamed Siad Barre a series of recommendations, which are based on its delegates' meetings in Mogadishu but refer to events after their visit too, about measures

needed to protect human rights in Somalia. These include recommendations about legal and institutional reforms and changes in the practices of the security forces.

Human Rights Abuses after the Amnesty International Visit

Less than two weeks after the delegates' visit to Somalia, on 13 July 1989, several prominent critics of the government were arrested in Mogadishu. They were Ismail Jumaale Ossobleh, a lawyer mentioned above; Sheikh Abdulrahman Sheikh Ali Sufi, the Imam of Casa Populare mosque; several other religious leaders; and Abdulkadir Aden Abdullah Osman, a former government minister and son of Somalia's former President.

Ismail Jumaale Ossobleh had been among several lawyers, businessmen and other members of the professions who had met the Head of State on 8 July 1989 and called for improvements of human rights and political freedoms. The religious leaders had been critical of the government for its restrictions on religious activities and for the way it was dealing with investigations into the murder on 9 July 1989 of the Roman Catholic Bishop of Mogadishu, Monsignor Salvatore Colombo.

The next day, 14 July, after demonstrations at many mosques in Mogadishu protesting at the arrests, violent confrontations occurred between the demonstrators and the security forces. Several soldiers were killed and large numbers of demonstrators were shot dead by the security forces. The government admitted that 23 people had been killed and 59 wounded but unofficial sources put the number very much higher.

Over the next two or three days there were mass arrests of demonstrators and of other suspected government opponents who were picked up in the streets or after curfew or were taken from their homes by soldiers. Some of those arrested were held by the National Security Service but most were taken into military custody at Dahane military camp, 50 kilometres southwest of Mogadishu, or in military centres in Mogadishu.

There have been persistent and reliable reports that 46 of these prisoners were executed extrajudicially at a beach in Jezira, 30 kilometres southwest of Mogadishu, on the night of 15 July.

The Detention of Ismail Jumaale Ossobleh and others

Ismail Jumaale Ossobleh, who was arrested on 13 July 1989, is in his early fifties and is a lawyer, educated at Padua University in Italy, and a former journalist - he was editor of *La Tribuna*, a weekly political journal in Mogadishu in the 1960s. He was Minister of Information in the last civilian government in 1969, which led to his detention with other members of the government when Major General Mohamed Siad Barre and the Supreme Revolutionary Council assumed power in October 1969. He was held for four

years without trial and was adopted by Amnesty International as a prisoner of conscience. Returning to private law practice in his home city of Mogadishu, he went on to become President of the official Somali Lawyers Corporation. He has defended prisoners of conscience in several major political trials over the past 15 years, including the treason trial of six former members of parliament in February 1988.

Abdulkadir Aden Abdullah Osman, who was arrested with him and is also still detained without charge, was Minister of Public Works in President Mohamed Siad Barre's first government in 1969. He later resigned and was detained without trial for a year in 1971, suspected of opposition to the government. Aged in his fifties, he is an engineer by profession, educated at Rome University in Italy, and has his own business in Mogadishu. His father, Aden Abdullah Osman, was the first President of Somalia and held office from 1960 to 1967, after which he retired to private life.

Ismail Jumaale Ossobleh and Abdulkadir Aden Abdullah Osman are still detained in the National Security Service headquarters in Mogadishu without having been charged or brought to court. They are said to have gone on hunger-strike for some time towards the end of July in protest at their detentions. Ismail Jumaale Ossobleh is presently reported to be in reasonably good health and to receive family visits. Abdulkadir Aden Abdullah Osman is said to be ill with hepatitis and to be denied admission to hospital, although he has access to a medical doctor in prison and to his family.

Most of the religious leaders arrested with them are believed to have been released. The majority of the demonstrators and other people arrested after the 14 July disturbances, who numbered well over a thousand, have been released, but some are reportedly still detained and there are fears for the safety of several who were detained and have apparently not been freed, remaining unaccounted for.

Amnesty International expressed its concern at the arrests on 13 July of Ismail Jumaale Ossobleh and others and called on the government to explain the grounds for these arrests and their legal status. Amnesty International urged that they should be given prompt access to their legal representatives, families and medical doctors.

Ismail Jumaale Ossobleh was among a number of people outside the government whom the Amnesty International delegates met during their visit in June. Because of fears expressed by certain individuals that if they met the delegates they could be arrested or subjected to other punishment afterwards, Amnesty International requested and was given assurances by the authorities that its delegates could meet anyone they wished and that no-one would suffer reprisals for meeting them.

The government denied that Ismail Jumaale Ossobleh was arrested for meeting Amnesty International's delegates in Mogadishu. Amnesty International has been told by government representatives that the official

reasons for his detention are that he was "mobilising an illegal assembly, holding secret meetings to overthrow the government, inciting trouble and in possession of seditious and anti-government publications". The nature of the publications which may have been in his possession is not known but they are not believed to have advocated violence against the government. The government, however, is said to be seeking to link him with the opposition United Somali Congress (USC), an opposition group formed in Italy in early 1989 by members of the Hawiye clan from Mogadishu and the surrounding areas, which declared its support for the Somali National Movement (SNM) and armed struggle against the government. Although he belongs to this large southern clan, Amnesty International believes that he has not been involved in using or advocating violence against the government and is not a member of the USC. There are fears that he could be detained for a prolonged and indefinite period without being charged with any offence and without having an opportunity to challenge in fair court proceedings the grounds for his detention.

By the end of September 1989, the government had not explained the legal basis for his detention. Article 26 of the Constitution states that no one may be detained except when apprehended in flagrante delicto (in the course of committing an offence) or pursuant to a court order, and that anyone arrested "on grounds of security" must be brought before the competent judicial authority within the time limit prescribed by law, or else released. The time limit specified by the Criminal Procedure Code is 48 hours (article 39). Somali government law officers have told Amnesty International that this limit applies to all prisoners arrested in Somalia. However, this time limit has rarely been observed, and in cases falling under the National Security Law, which includes all political cases, there are in fact no limits on the length of time for which suspects may be held in detention without charge. Furthermore, the provision for habeas corpus, which is a remedy for unlawful detention, is not available for those held under the National Security Law. There is thus no effective legal remedy for arbitrary or unlawful detention without limit.

There are also fears that Ismail Jumaale Ossobleh could be charged under the National Security Law and tried by the National Security Court. Many offences under the National Security Law carry a mandatory death penalty, including several offences which do not include the use or advocacy of violence and which are disturbingly similar to the allegations the government has made against him.

The structure and functioning of the National Security Court fall seriously short of internationally recognized standards in the following respects: it lacks independence, not all its judges have legal or judicial training, defence rights in trials before the court are severely restricted, and it permits no right of appeal.

As well as these procedural deficiencies, Amnesty International is gravely concerned that many defendants in National Security Court trials in recent years were wrongfully convicted, precisely because of the lack of

independence of the court. This applies to several major political trials where Ismail Jumaale Ossobleh led the defence on behalf of a range of defendants, who were later adopted by Amnesty International as prisoners of conscience. Over 30 of these prisoners, who included a former Vice-President of the Republic, members of parliament, religious leaders, medical doctors and businessmen, were found guilty and condemned to death. In 1975, 10 religious leaders (sheikhs) whom he defended were condemned to death and executed only a few hours after a swiftly convened National Security Court trial in the middle of the night. Death sentences imposed on 17 of his clients in 1986 and 1988 were later commuted and all are now free.

In Amnesty International's view, the numerous and serious defects of the National Security Court render it incapable of guaranteeing fair trial. Amnesty International has recommended major changes to make it compatible with recognized international standards of fair trial.

The government has not revealed the reasons for the detention of Abdulkadir Aden Abdullah Osman, although they may be the same as for Ismail Jumaale Ossobleh. Amnesty International has adopted both men as prisoners of conscience, imprisoned for their non-violent opinions and criticisms of the government.

Extrajudicial Executions

Many extrajudicial executions have been reported to Amnesty International in the past year, most of them related directly or indirectly to the armed conflict in the north. The government has faced armed opposition from different groups since a coup attempt in 1978, and from the Somali National Movement (SNM), in particular, since 1982. The SNM draws much of its support from members of the Issaq clan from the north. There were many reports of massive extrajudicial executions of unarmed civilians in the north - members of the Issaq clan - after SNM attacks on Burao and Hargeisa in late May 1988. Detailed and reliable information on human rights abuses during the fighting has been difficult to obtain, due to the northwest region being effectively isolated from the rest of the country.

Sufficient details have emerged from independent sources, as well as the accounts of survivors and refugees, for example among the 400,000 or more who fled from northwestern Somalia to Ethiopia in June and July 1988, to confirm that there was a pattern of arbitrary executions of alleged SNM supporters in these towns and surrounding areas - including the port of Berbera, which was not attacked directly by the SNM - and indiscriminate attacks on fleeing civilians by government artillery and airplanes. Unarmed civilians shot by troops in Hargeisa and Burao were estimated to number some hundreds, while estimates of the total number of those killed through shelling and aerial attacks range up to 50,000.

These reports have been corroborated by the findings of detailed research on human rights issues relating particularly to refugees from Somalia which was published by the United States Department of State in August 1989. In a 65-page report entitled "Why Somalis Flee", Robert Gersony of the Department of State's Bureau for Refugee Programs concluded:

"In response to the SNM's May 1988 intensification of the civil conflict in northern Somalia, the Somali Armed Forces appear to have engaged in a widespread, systematic and extremely violent assault on the unarmed civilian Issak population of northern Somalia, in places where and at times when neither resistance to these actions nor danger to the Somali Armed Forces was present. The Somali Armed Forces conducted what appears to be a systematic pattern of attacks against unarmed, civilian Issak villages, watering points and grazing areas in northern Somalia, killing many of their residents and forcing the survivors to flee for safety to remote areas within Somalia or to other countries. Simultaneously the Somali Armed Forces engaged in a pattern of round-ups, summary executions and massacres of many hundreds, if not more, unarmed civilian Issaks. Some of these actions appear to have been reprisals for acts committed by the SNM; the motives for others are not clear. But the appearance that victims were selected for these killings principally because of their ethnic identity is unmistakable."

The report cites massacres of over 500 people in Berbera in mid-1988, when "Issak men were systematically rounded up and murdered, mainly by having their throats cut, and then buried in mass graves". One burial location was identified about one kilometre from the end of the Berbera airport runway. Ground and air attacks on fleeing civilians were reported, with hundreds killed fleeing from Hargeisa in particular, and many incidents of killing, looting and rape far removed from the scene of actual fighting.

Killings by the SNM are also covered in the report, which states that after capturing Burao on 27 May 1988, the SNM "conducted summary executions of 50 or more prisoners, some after perfunctory court martials. Some of the victims may have been Somali Armed Forces soldiers or officers, while others were civilians who had played no role whatsoever in government, the military or politics. Events surrounding these killings suggest that SNM commanders must have been aware of and at least condoned these executions."

The SNM are also stated to be responsible for several hundred killings of unarmed civilians in mid-1988, including refugees from Ethiopia (most probably of non-Issak Somali origin).

Further extrajudicial executions by the Somali security forces have been reported during 1989, for example in Erigavo in the north, where over 200 unarmed civilians were reportedly killed after the SNM occupied the town on 16 March and then withdrew; and in parts of the south where new armed opposition activity broke out - towards the Kenyan border, in particular, where some thousands of people fled from alleged army killings in July and September.

The Jezira Beach Massacre

Of particular concern to Amnesty International since its visit to Somalia have been the reports of killings of people arrested in Mogadishu after the 14 July demonstrations. There have been persistent and credible reports of the killing of 46 people, nearly all members of the Issaq clan, on a beach near Jezira, some 30 kilometres southwest of Mogadishu, on the night of 15 July. They were arrested in the Medina district of Mogadishu and taken in military vehicles towards Danane military camp, where hundreds of other prisoners were also being taken. A survivor of the massacre is said to have reported the incident to the Minister of the Interior, as a result of which the President subsequently ordered a committee of inquiry to be set up.

The committee of inquiry is headed by the chairman of the Defence Committee of the People's Assembly, and reportedly includes members of the armed forces and security services. No information is at present available to Amnesty International on the terms of reference and the work of this committee, or on the government's present reaction to the report of the 46 extrajudicial executions.

People alleged to have been killed in this incident are reported to include the following: Mohamed Bashe Abdillahi, a university student; Mohamed Ismail Ahmed, an accountant; Abdirahman Ahmed Dhimbil, a physics lecturer at the Somali National University; Ali Mohamed Diriye, a civil engineer; Hussein Mohamed Farah, a senior police officer; Fuad Abdillahi Ibrahim, a customs officer; Khadar Nur Jama, a mechanic from Djibouti; Abdirizak Aideed Mohamed, a businessman, and his cousin, Abdirashid Ahmed Mohamed; Jama Aden Mohamed ("Barosin"), a relief agency employee; Mohamed Mussa Mohamed, said to be an employee of the Islamic Relief Agency; Saeed Mohamed Mumin ("Gurre"), a professor at the Somali National University; and Yusuf Abdillahi Roble, a medical doctor.

In addition, many other people who were arrested in Mogadishu in mid-July 1989 are said to be unaccounted for since their arrest. Whereas the majority of those arrested were soon traced by their relatives and were released after some days or weeks in custody, there are fears for the safety of over 50 people whose families have apparently not been able to establish their whereabouts since their arrest.

Amnesty International's Appeals to the Somali Government

Amnesty International has appealed to the Government of Somalia to commit itself to a thorough review of the laws of Somalia and the practices of the Somali security forces to make these compatible with recognized international human rights standards.

Amnesty International's recommendations include abolishing laws which make the expression of non-violent opinions a criminal or even capital offence, and laws providing for indefinite detention without trial. International standards of fair trial should be incorporated into all legal proceedings: trials by the National Security Court, in particular, are systematically unfair. The organization also stressed again the urgent need for impartial investigations into allegations of extrajudicial executions, bringing those responsible to justice, and instituting measures to prevent unlawful killings.

Other recommendations concerned safeguards against torture or ill-treatment of prisoners; the death penalty; and ratification of international human rights instruments - promised by the government - as evidence of permanent commitment to respect human rights.

Particular appeals have been made for:

- the release of Ismail Jumaale Ossobleh, Abdulkadir Aden Abdullah Osman, and any other prisoners of conscience still held;
- the full implementation of the General Amnesty of January 1989, to ensure that no prisoners arrested for political reasons in previous years remain in custody without charge or trial - such as a number of prisoners still believed to be detained in the north since 1988 and others held for many years earlier, including two detainees in Labatan Jirow prison - Ahmed Dhere Farah, a district judge held since 1979, and Hussein Mohamed Nur, an Ethiopian pilot held since 1976 or 1977.
- a thorough and impartial investigation into the reports of the extrajudicial execution of 46 prisoners at Jezira beach on 15 July, and for those responsible to be brought to justice; Amnesty International has also asked the authorities to account for other prisoners arrested in connection with the 14 July disturbances who are not known to have been released yet.

**Exhibit I: December 1, 1988 Amnesty International
document titled *Somalia: The Imprisonment of Members of
the Issaq Clan Since Mid-1988*
(Bates Nos. P-000363 – 368)**

Amnesty International
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1 December 1988

SOMALIA: THE IMPRISONMENT OF MEMBERS OF THE ISSAQ CLAN SINCE MID-1988

Hundreds of members of the Issaq clan originating from the northern regions of Somalia have been detained since the end of May 1988. They were arrested in different parts of the country after Somali National Movement (SNM) guerrillas captured the northern town of Burao and gained control of parts of the northern capital of Hargeisa in late May. The government has regained control over Burao and Hargeisa but fighting is still continuing in a substantial part of the northwest.

Those arrested are held incommunicado in harsh conditions. There are reports of the torture and ill-treatment of a number of the detainees and the death in custody of at least two of them. However the secrecy of imprisonment has made it difficult to obtain further details. Virtually all are detained for an indefinite period without charge or trial. A few have been given prison sentences but without a formal trial.

The SNM draws most of its support from members of the Issaq clan and its political leadership and guerrilla commanders (most of them former Somali army officers) are almost all from this large northern clan. After the SNM attacks on Burao and Hargeisa in May 1988, there were mass arrests of Issaq clan members in Hargeisa, the port of Berbera, the town of Borama (a small town on the Ethiopian border where the majority Gadabursi clan supports the government), elsewhere in the north, and also in the capital, Mogadishu, in the south. The largest number of arrests took place in Mogadishu, where thousands of Issaq clan members reside and are prominent in the civil service, business community and the professions. Many Issaq army officers were also detained.

The security forces evidently embarked on mass arrests of Issaq clan members because these were suspected of supporting the SNM, either because of sharing the grievances cited by the SNM to justify its armed struggle against the government, including accusations that the government has discriminated against the northern regions and against the Issaq clan in particular, or because they were alleged to contribute directly to the SNM with money or active political support. Many Issaq clan members do

sympathise with the SNM , but there are also a number of Issaqs in high government posts, including one of the Vice-Presidents.

Amnesty International is concerned that most of these arrests have been carried out arbitrarily and without evidence that particular individuals were actively engaged in support of the SNM and armed opposition to the government. The arrests appear to have been targetted at Issaq clan members partly in reprisal for the SNM attacks in the north and also to deter Issaqs from supporting the SNM.

The SNM was formed in the United Kingdom in 1981 by opponents of the Somali government living there, most of whom were members of the Issaq clan and came from the north, which was a British Protectorate until independence in 1960. Amongst other issues, the SNM campaigned against arrests of government critics in the north. For example, several doctors and civil servants were arrested in November 1981 after forming an independent community self-help group working at Hargeisa hospital and were jailed for long prison terms for "membership of a subversive organization". These prisoners were adopted by Amnesty International as prisoners of conscience.

In 1982 the SNM moved its headquarters to Ethiopia and launched an insurgency against the Somali government, with which Ethiopia had been at war in the Ogaden area of Ethiopia in 1977-1978. The SNM formed a loose alliance with the Democratic Front for the Salvation of Somalia (DFSS), set up in 1978 by former army officers, mostly from the Majarteen clan in the south. The SNM and DFSS shared a radio station broadcasting against the Somali government (Radio Kulmis, later renamed Radio Halgan) and they were given considerable support by the Ethiopian government. From their bases in eastern Ethiopia, the SNM launched several attacks against Somali government forces in the northwest between 1983 and 1988. The SNM claimed responsibility for the assassination in December 1986 of the regional commander of the National Security Service in Hargeisa and later helped several people detained for alleged involvement in this incident to escape to Ethiopia.

In April 1988 the Ethiopian and Somali governments signed an agreement to withdraw units of their security forces deployed along their common border, to repatriate prisoners of war captured in the Ogaden war in 1977-1978, and to cease supporting opposition organizations from the other's country. Somalia had previously allowed certain Ethiopian and Eritrean opposition organizations to operate within Somalia and had also backed the Western Somali Liberation Front's armed activities in the Ogaden. Somalia had also previously laid claim to parts of Ethiopian territory populated by ethnic Somalis. In August 1988 246 Somali soldiers held by Ethiopia were exchanged for 3,543 Ethiopian soldiers and civilians and one Cuban soldier held in Somalia.

On 27 May 1988 SNM forces crossed the border into Somalia and launched a major attack on Burao and quickly captured it. They also captured

Mandera, 70 kilometres northeast of Hargeisa, and released several hundred prisoners held there, who included many political prisoners. On 31 May they attacked Hargeisa, gaining control over many northern parts of the city and releasing hundreds of political prisoners arrested in the previous four months and held by the National Security Service and military police.

Immediately after the Burao attack, apparently in retaliation, the government security forces arrested many prominent civilians in Hargeisa. Some 60 of them were transferred to Mandera prison, which the SNM captured a few days later. They were released just before orders for their execution arrived. Several hundred other prisoners in Mandera prison were also freed, including many political prisoners and several prisoners who had been condemned to death for political or other offences. Other arrested people continued to be held in government-controlled parts of Hargeisa. Some were later released but it is not known what happened to the remainder. The central prison in Hargeisa, which contained about 700 prisoners, including some convicted for political offences, remained in government hands. The present whereabouts of some women political prisoners who had been held in Hargeisa prison are not known, they are said to have been transferred to military detention centres during the fighting. The fighting in Hargeisa continued into early August, when the government regained control over the city, although fighting in rural areas is reported to be continuing.

In the first few weeks of the fighting in Hargeisa, large numbers of unarmed civilians were killed when government soldiers shot people on the street and in house-to-house searches. There were also heavy casualties from the fighting in the city between the Somali army and the SNM. Foreign aid workers who were evacuated from Hargeisa a few days after the fighting began testified to seeing many dead bodies of civilians in the streets: in many cases they had been deliberately executed in areas of the town controlled by government troops. Several thousand other civilians were killed when SNM-held areas were bombed by Somali Airforce planes. One Somali Airforce pilot defected to Djibouti in July, saying that he was refusing to obey orders to bomb civilian targets in the north. Thousands more civilians from Hargeisa were deliberately killed by artillery bombardment as they fled towards the Ethiopian border to escape from the fighting and the killings in the city.

Foreign diplomats and aid workers visiting Hargeisa in mid-August 1988 and later months estimated that some 15,000 to 50,000 people - mostly civilians - had been killed and a substantial proportion of the city's buildings had been destroyed. The city's population of over a half million nearly all fled. Over 400,000 people sought asylum in Ethiopia and are in Harshin, Hartishek and Awale refugee camps there under the protection of the United Nations High Commission for Refugees or are sheltering with members of the Issaq clan who already lived in Ethiopia. Over one-and-a-half million other people from the areas of the fighting are estimated to be displaced and homeless within northwest Somalia. Burao's population of 70,000 nearly all fled and most of the town is in ruins. There is said to

be continued sporadic fighting on the outskirts of Hargeisa, Burao and Berbera and clashes between SNM and government forces in the rural areas.

Many extrajudicial executions by government soldiers were reported in Burao and the areas surrounding it. In addition, there were numerous arrests and extrajudicial executions of Issaq clan members in Berbera. Some 40 or more prominent people from Berbera, including the Mayor of Berbera, Haji Mohamed Ali ("Bursade") - who was later released uncharged - were transferred to detention in Mogadishu. There were reports of many victims of extrajudicial executions being buried at the end of the Berbera airport runway. In Borama, many Issaqs were arrested and are believed to be still detained. In Kal Sheikh, a small town 60 kilometres south of Erigavo, over 100 people including traders, elders and nomads, were reportedly executed arbitrarily by government soldiers on 2 October 1988 in reprisal for an attack in the area by the SNM.

Reliable information on human rights abuses during the fighting has been difficult to obtain. For months the affected areas were closed to all visitors and there were no reliable and independent sources of information. Some accounts have been received from Somali refugees although access to them has also been restricted. Apart from some visits organized recently by the government for diplomats, international relief agency officials, and two of the many foreign journalists who had sought access to the north, it is still a closed-off area.

Investigation into the recent political arrests and killings has also been difficult to pursue because of the government's refusal to admit that they have occurred and its failure to respond to inquiries. The government initially denied that any fighting was taking place in the northwest of the country and on repeated occasions has issued blanket denials that human rights abuses have been committed by its forces, accusing the SNM of being behind all the atrocities. The government has not acknowledged capturing any SNM guerrillas: indeed, both sides in the conflict are believed to have summarily executed captured combatants. The SNM claims that it has released government soldiers captured by the SNM in the course of the fighting in Hargeisa. However, military and security officers captured by the SNM in Burao on 27 May 1988 are believed to have been summarily executed. A number of technical experts from the People's Republic of China seized by the SNM in Hargeisa were set free shortly afterwards.

In August 1988 the government set up a Constitutional Committee, headed by the vice-chairman of the National Assembly (parliament), to "establish the origin of the troubles in the north, evaluate the damage and seek solutions". The committee is not known to have issued any report so far, nor is it clear that it is investigating reports of human rights violations. In September the President offered an amnesty to any political opponents outside the country who returned to Somalia. However, without legal guarantees and a major change in the human rights situation in the country, it does not appear to Amnesty International that this offer provides adequate safeguards to enable refugees or other government

opponents to return to Somalia without the risk of arrest, torture, prolonged arbitrary detention or even execution.

In early November 1988 the President ordered the release of a number of political prisoners who had been arrested in Mogadishu. Eleven prisoners, including army officers and some Somali Airlines officials, were freed on 2 November and their names published. Ninety-two others, nearly all army and police officers, whose names were also announced, were freed on 19 November. A few other prisoners have been released without public announcement. For example, it has been reported that some prisoners were released after their families paid large sums of money to the security officers responsible for their detention.

Amnesty International has the names of over 200 members of the Issaq clan arrested in Mogadishu and other towns after the SNM attacks on Burao and Hargeisa in late May 1988, who are believed to be still in custody. Most arrests took place in June and July, after which the frequency of arrests diminished and several people who were arrested were only held for a few days before being released. The total number of those arrested since May is much higher, probably several hundreds at least. At least one expatriate was arrested - Kurt Ackerman, a Swiss national working for a religious organization in Hargeisa as a teacher. After being evacuated from Hargeisa, he was detained in "Godka" prison (the headquarters of the National Security Service in Mogadishu) for over a week because of his criticisms, made in private, of human rights abuses by the government forces in Hargeisa.

Most of those arrested in Mogadishu or transferred to Mogadishu after arrest elsewhere (for example, in Berbera) are believed to be held either in "Godka" prison, where political prisoners are routinely tortured, or in military custody. Some prisoners have been transferred to the maximum security prisons of Lanta Bur or Labatan Jirow outside Mogadishu. Other prisoners are held in regional prisons in Hargeisa, Berbera and Borama.

Among those detained, Amnesty International has received details in particular about large numbers of detentions of government employees, including people working in senior positions in government ministries, city councils and state-owned companies; Somali Airlines staff, including pilots, engineers and managers; medical and veterinary doctors; businessmen and accountants; employees of international and national aid and relief agencies; and members of the armed forces and police. Cases of particular concern to Amnesty International are those of five army and navy cadets training in Egypt who were deported to Somalia by the Egyptian authorities in August 1988, despite having applied for asylum there, and arrested on arrival in Mogadishu. One of them, Dirie Sugul Roble, is reported to have died in custody from torture, while the other four are still detained - Mohamed Hersi Dirie, Abdiwahab Haji Hassan, Mohamed Mohamoud Ibrahim, and Ahmed Yasin Mohamed.

Amnesty International has made numerous inquiries and appeals to the Somali authorities about these prisoners but has received no satisfactory response - in most cases, its appeals have been unanswered. The organization is adopting those still detained as prisoners of conscience because it believes they were arrested arbitrarily because of their clan membership and not on the basis of any substantial evidence of their involvement with the SNM or direct support for armed opposition to the government.

In September 1988, Amnesty International published a major report on human rights violations in Somalia, "Somalia: A Long-term Human Rights Crisis" (AI Index: AFR 52/27/88). This detailed a consistent pattern of torture, lengthy and often arbitrary detentions, and unfair trials of suspected government opponents. It gave cases of prisoners of conscience who have been held for years in harsh conditions, often incommunicado and without trial or proper medical treatment. It also reported on many executions of political opponents, as well as ordinary convicted criminals.

After the report was published in September 1988, President Mohamed Siad Barre denied the abuses but told a visiting British journalist that he was inviting Amnesty International to visit Somalia. Amnesty International has accepted the President's invitation to visit Somalia in order to express its concerns about these detainees and to discuss with the government the other violations of human rights and the recommendations made to the government by Amnesty International, which are set out in the report.