

IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF VIRGINIA

ALEXANDRIA DIVISION

**BASHE ABDI YOUSUF, ET AL.**

**Plaintiffs,**

**v.**

**MOHAMED ALI SAMANTAR**

**Defendant.**

Civil Action No. 1:04 CV 1360

**DEFENDANT’S OPPOSITION TO PLAINTIFFS’ MOTION  
FOR LEAVE TO PROCEED ANONYMOUSLY**

**INTRODUCTION**

Defendant Mohamed Ali Samantar, by and through his undersigned attorneys, submits this Memorandum of Law in Support of his Opposition to Plaintiffs’ Motion for Leave to Proceed Anonymously submitted by Plaintiffs Jane Doe I, John Doe I, John Doe II, John Doe III, and John Doe IV (“Anonymous Plaintiffs”).

Anonymous Plaintiffs allege that Defendant should be held responsible for the actions of members of the government of Muhammad Siad Barre that governed Somalia between 1969 and 1991 (“Barre Government”). In light of the allegations and unsubstantiated accounts of inter-clan violence, Anonymous Plaintiffs believe that they are justified in proceeding anonymously. However, as described below, Anonymous Plaintiffs do not qualify for such relief and the Court should deny the Motion for Leave to Proceed Anonymously.

## ANONYMOUS PLAINTIFFS HAVE NO BASIS TO PROCEED ANONYMOUSLY

This Court recently highlighted the limited conditions under which a plaintiff may be allowed the "rare dispensation" of anonymity. Jane Doe I v. Merten, 219 F.R.D. 387, 391 (E.D. Va. 2004) ("Doe I") (quoting James v. Jacobson, 6 F.3d 233, 238 (4<sup>th</sup> Cir. 1993) ("James"). The circumstances of the Anonymous Plaintiffs do not satisfy the stringent standards for permitting anonymity. In Doe I, this Court identified the following factors as ones to be considered with others as appropriate, in evaluating anonymity requests:

- (1) whether the justification asserted by the requesting party to proceed anonymously is merely to avoid the annoyance and criticism that may attend any litigation or is to preserve privacy in a matter of sensitive and highly personal nature;
- (2) whether identification poses a risk of retaliatory physical or mental harm to the requesting party or even more critically, to innocent non-parties;
- (3) the ages of the persons whose privacy interests are sought to be protected;
- (4) whether the action is against a governmental or private party; and relatedly
- (5) the risk of unfairness to the opposing party from allowing an action against it to proceed anonymously.

Doe I, 219 F.R.D. at 391-92 (quoting James, 6 F.3d at 238).

Only under rare circumstances should anonymity be permitted. Id. A necessary corollary is that there is a judicial duty to inquire into the circumstances of particular cases to determine whether anonymity is necessary. Id.

An application of the above factors to the instant circumstances should lead the Court to deny Anonymous Plaintiffs' motion. Four of the five enumerated Doe I factors either have no application here or weigh unequivocally against anonymity. Only the second factor, risk of retaliation, could have any arguable relevance to the Anonymous Plaintiffs' situation, but its

application in the instant action is unsupported by the facts as stated in the Complaint and Motion for Leave to Proceed Anonymously.

## ARGUMENT

### THE ANONYMOUS PLAINTIFFS FAIL TO PRESENT ANY EVIDENCE OF A RISK OF RETALIATORY PHYSICAL OR MENTAL HARM TO THEMSELVES OR INNOCENT NON-PARTIES

Many of the courts that have permitted plaintiffs to proceed anonymously have done so based on the attestation of the plaintiff and/or his/her attorney of the plaintiff's existence and basis for seeking anonymity. Moe v. Dinkins, 533 F. Supp. 623, 627 (S.D.N.Y. 1981) ("Moe") (anonymity permitted by intervenors who submitted sealed affidavits, signed in their true names, that attest to the plaintiffs' existence and accuracy of the allegations in the complaint). Id. Moreover, courts have looked favorably on affidavits by anonymous plaintiffs signed under their pseudonym that attest to the facts in the complaint. See, Roe v. Wade, 410 U.S. 113, 124, (1973). See also, Doe v. Poelker, 497 F.2d 1063, 1065 n.2 (8th Cir. 1974), rev'd on other grounds, 432 U.S. 519 (1977). Courts have also looked favorably on the petition where plaintiff's attorney filed an affidavit stating that plaintiffs are real people whom he or she interviewed. Moe, 533 F. Supp. at 627. Anonymous Plaintiffs fail to reveal their existence in any form, either under seal or through an alias affidavit. Moreover, Anonymous Plaintiffs' attorneys have not submitted affidavits attesting to their clients' existence and to having met or interviewed them.

Lacking any personalized basis for the veracity of their claims for anonymity, Anonymous Plaintiffs attempt to demonstrate otherwise that there is a "legitimate fear of retaliation" for the filing of the lawsuit. Anonymous Plaintiffs' Memorandum of Law in Support of Motion for Leave to Proceed Anonymously ("Anon. Memo"), at 7. As all but one of the cases

cited by Anonymous Plaintiffs attest, evidence of a legitimate fear of retaliation is routinely established based on actual threats that the plaintiffs received. See, Doe v. Barrow County, Georgia, 219 F.R.D. 189, 193-94 (N.D. Ga. 2003) (legitimate fear of retaliation based on affidavit from individual who attested to receiving threats of retaliation, anonymous plaintiff's affidavit asserting a fear of retaliation, and a record of threats made against the court itself); Doe v. Advanced Textile Corp., 214 F.3d 1058, 1069 (9<sup>th</sup> Cir. 2000) (legitimate fear or retaliation based on evidence of extreme nature of the threatened retaliation by parties not before the court against anonymous plaintiffs and anonymous plaintiffs' highly vulnerable status to grant anonymity); Javier v. Garcia-Botello, 211 F.R.D. 194, 196 (W.D.N.Y. 2002) (legitimate fear of retaliation based on plaintiffs' allegations of defendants' threats of violence, defendants' demonstrations of intent to carry out those threats, and defendants' having been criminally charged for similar threats in the past); Doe v. I.N.S., 867 F.2d 285, 286 (6<sup>th</sup> Cir. 1989) (legitimate fear of retaliation based on current Chinese government's anti-religious policies and record of past repression, as well as plaintiffs' allegations of acts taken against family residing in China).

In the only case that Anonymous Plaintiffs cite in which there is no evidence of an actual threat of retaliation, the appellate court states that there was no basis for the trial court to have granted anonymity. Instead, the appellate court acknowledges that the plaintiff requested it, the defense did not object, and the trial court failed to exercise its discretion to review whether anonymity was appropriate. See, Doe v. Chicago, 360 F.3d 667, 669 (7<sup>th</sup> Cir. 2004).

Anonymous Plaintiffs' circumstances are in no way in line with those of the plaintiffs in the above-cited cases. Anonymous Plaintiffs' Memorandum of Law fails to reference any specific act of retaliation, real or threatened, that Anonymous Plaintiffs or their families have

been subjected to by Defendant or any third party. As a result, there is no such basis for a legitimate fear of retaliation by the Anonymous Plaintiffs or their families.

Plaintiffs in human rights cases have been permitted to proceed using pseudonyms. But the cases cited by Anonymous Plaintiffs can easily be distinguished as the plaintiffs were able to demonstrate that a government had threatened them, their families, or third parties in similar situations. See, Doe v. I.N.S., 867 F.2d 285, 286 n.1, 287 (6<sup>th</sup> Cir. 1989) (providing anonymity for plaintiff seeking asylum for religious beliefs to protect plaintiff's family in China given Chinese government's history of persecuting citizens for such beliefs); Doe v. Islamic Salvation Front, 993 F. Supp. 3, 10 (D.D.C. 1998) (extremist political party accused of violence against women and that forced plaintiffs into hiding); Xuncax v. Gamajo, 886 F. Supp. 162, 170 (D. Mass. 1995) (anonymity based on allegations of threats by Guatemalan military against family still living in Guatemala); But see Kadic v. Karadzic, 70 F.3d 232 (2d Cir. 1995) (no discussion of basis for anonymity provided).

Due to the lack of any government in Somalia, Anonymous Plaintiffs cannot argue that there is a fear of governmental retaliation. They attempt to create an impression of a fear of retaliation in Somalia by anyone directly or indirectly associated with the alleged human rights violations by the Barre Government. Anon. Memo, at 2-3. However, Anonymous Plaintiffs fail to present any facts to demonstrate that any individual speaking out against the Barre Government since its collapse has been the subject of retaliation.

Such risk of retaliation is at worst small. As noted in the affidavit of Mahmoud Haji Nur, “[t]he remnants of the Barre [Government] do not exist in an organize[d] fashion and would be incapable of taking retaliatory action against Plaintiffs or their families.” Affidavit of Mohmoud

Haji Nur, ¶ 12, attached hereto as Exhibit 1<sup>1</sup>. Similarly, “[t]oday, the remaining members of the [Barre] government do not exist in an organized fashion and would be incapable of taking retaliatory action against Plaintiffs or their families. Affidavit of Mohjamed Abdirizak, ¶ 10, attached hereto as Exhibit 2; See also, Affidavit of Alessandro Campo, ¶ 11, attached hereto as Exhibit 3.

Anonymous Plaintiffs point out that two individuals, Muhammad Sa’id Hirsi and Muhammad Hasi Gani, were associated with the Barre Government and currently reside in Somalia and control a militia. Anon. Memo, at 3. Anonymous Plaintiffs however fail to demonstrate whether either has retaliated against an individual for speaking out against individuals directly or indirectly associated with the Barre Government.

Anonymous Plaintiffs similarly argue that they fear retaliation by the government of Somaliland based on its own association with the Barre Government and its own human rights record. Anon. Memo, at 5.<sup>2</sup> However, Anonymous Plaintiffs fail to acknowledge that the President of Somaliland, Dahir Riyale Kahin, is a member of the Gadabursi sub-clan, a sub-clan of Dir, and he was elected in internationally monitored elections in 2003 by a country that is dominated by the Isaaq clan. U.S. Department of State, Bureau of African Affairs, Background Note: Somalia (Nov. 2004) at <http://www.state.gov/r/pa/ei/bgn/2863.htm>. (“Background Note”),

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<sup>1</sup> Defendant submits that the reports relied on by Anonymous Plaintiffs that are authored by entities other than public offices or agencies, (i.e., the “independent groups”), should not be given any consideration at all as none have been properly authenticated. Fed. R. Evid. 901. Anonymous Plaintiffs’ counsel does not purport to authenticate those reports and in any event, lacks the personal knowledge to do so. The reports are hearsay, and in some cases contain multiple layers of hearsay for which no hearsay exceptions apply. Fed. R. Evid. 802. Therefore, those reports by the entities other than government offices carry no evidentiary weight. See, Anon. Memo, n 4, Exhibits 1, 3, 6, 8, 10, 11.

<sup>2</sup> Defendant requests clarification as to whether Anonymous Plaintiffs reside in Somaliland or Somalia. Specifically, page 5 of the Anon. Memo states that that they and their families reside in Somaliland, while references to their residence elsewhere in the Anon. Memo and Complaint state that Anonymous Plaintiffs reside in Somalia. See generally, Complaint and Anon. Memo.

attached hereto as Exhibit 4. The election of Dahir Kahin contradicts Anonymous Plaintiffs' arguments that the Isaacs live in fear of a former Barre Government official.<sup>3</sup>

Inter-clan conflict is the second basis under which Anonymous Plaintiffs claim to be subject to a threat of retaliation. Somalia is comprised of clans, which then branch off into sub-clans, sub-sub-clans, etc. There are six major clans in Somalia: Darood (a/k/a Darod), Hawiye, Isaaq, Dir, Rahanwan, and Digil. Somalia, A Country Study ("LOC Country Stud."), ch. 2 Segmentary of Social Order, (Helen C. Metz, ed., Library of Congress 1992), at [http://lcweb2.loc.gov/frd/cs/somalia/so02\\_03a.pdf](http://lcweb2.loc.gov/frd/cs/somalia/so02_03a.pdf), attached hereto as Exhibit 5. Somaliland, however, is dominated by the Isaaq clan. Plaintiffs' Opposition to Defendant's Motion to Dismiss for Lack of Personal Jurisdiction and for Failure to State a Claim Upon Which Relief Can Be Granted, at 6. Anonymous Plaintiffs are all members of the Isaaq clan. Anon. Memo, at 3.

Anonymous Plaintiffs fail, however, to acknowledge that Defendant, the person whom they are trying to hold responsible for alleged human rights violations, is not a member of the Darod clan, or any of the other five major clans of Somalia. Instead, Defendant is a member of the Tumaal clan. The Tumaal clan is not a sub-clan of any of the aforementioned noble clans. LOC Country Stud., ch. 2, Segmentary of Social Order. Instead, the Tumaals are *sab*, a derogatory term that means ignoble. Id., ch. 2, Specialized Occupational Groups, at [http://lcweb2.loc.gov/cgi-bin/query/D?cstdy:1:./temp/~frd\\_176A::](http://lcweb2.loc.gov/cgi-bin/query/D?cstdy:1:./temp/~frd_176A::), attached hereto as Exhibit 6. As *sab*, the Tumaal have been outcasts in Somali society who originally were thought of as metal workers and who have been tolerated for their occupational utility. Id. Anonymous Plaintiffs fail to allege any facts related to inter-clan retaliation by Tumaals against Isaacs. This probably

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<sup>3</sup> The Somaliland electorate apparently does not place any credence on the hearsay report by Africa Watch Committee provided in Exhibit 11 in the Anon. Memo.

is due to the fact that the outcasts who supported the Barre Government were expelled after its downfall. Report on Minority Groups in Somalia: Joint British, Danish and Dutch Fact-Finding Mission to Nairobi, Kenya., 51 (Sept. 17-24, 2000), attached hereto as Exhibit 7. In fact, Defendant himself fled Somalia under a hail of gunfire.

Lacking evidence of retaliation by Tumaals, Anonymous Plaintiffs attempt to create a threat of retaliation by members of Darod sub-clans who may be loyal to the Barre Government, including, specifically the Marehans. Anon. Memo, at 3. Anonymous Plaintiffs' evidence to support the allegation of likely retaliation by loyal Darod sub-clans is not credible. See, Affidavit of Martin R. Ganzglass, ¶ 9, 21, 22.

Anonymous Plaintiffs reliance on reports by the Department of State and Department of Homeland Security similarly do not demonstrate any credible threat of inter-clan violence against Anonymous Plaintiffs. The Department of State's travel advisory is intended to protect U.S. citizens while traveling in Somalia and Somaliland, especially given that the U.S. Government lacks an embassy or other diplomatic relations with both. While the travel advisory notes that instability exists in eastern Somaliland, it is only a "potential" for inter-clan violence and the advisory does not state that any actual inter-clan violence has occurred. United States Department of State, Bureau of Consular Affairs, Travel Warning Somalia (Dec. 7, 2004), at [http://travel.state.gov/travel/cis\\_pa\\_tw/tw/tw\\_933.html](http://travel.state.gov/travel/cis_pa_tw/tw/tw_933.html), attached hereto as Exhibit 8. Further, neither the travel warning nor the notice of the renewal of the Temporary Protection Status Program states the names of the clans that are or potentially can be engaged in violence. Id. See also Extension of the Designation of Temporary Protected Status for Somalia, (July 19, 2004), 59 Fed Reg. at 47938, attached hereto as Exhibit 9. While Anonymous Plaintiffs attach weight to violence between the Isaaq and the Mijertain, such violence is unlikely to affect the



Anonymous Plaintiffs since the Mijertain, like the Isaacs, were part of the opposition to the Barre Government. LOC Country Stud., ch. 2, Persecution of Majeerteen, at [http://lcweb2.loc.gov/cgi-bin/query/r?frd/cstdy:@field\(DOCID+so0040\)](http://lcweb2.loc.gov/cgi-bin/query/r?frd/cstdy:@field(DOCID+so0040)), attached hereto as Exhibit 10.

**ANONYMOUS PLAINTIFFS FAIL TO DEMONSTRATE THAT ANY OTHER FACTORS APPLY TO THEIR PETITION FOR ANONYMITY**

Consideration of the other relevant factors identified by the courts leads to the conclusion that Anonymous Plaintiffs should not be permitted to proceed anonymously. Regarding the third factor presented in Doe I, Anonymous Plaintiffs acknowledge that they are all adults, so their age is not an issue that compels anonymity. Anon. Memo, at n. 5.

The fourth factor, whether the action is against the government versus a private party, similarly weighs against anonymity. Courts in general are less likely to grant a plaintiff permission to proceed anonymously when the plaintiffs sue a private individual than when the action is against a governmental entity. Doe I, at 394 (citing S. Methodist Univ. Ass'n of Women L. Students v. Wynne & Jaffe, 599 F.2d 707, 713 (5<sup>th</sup> Cir. 1979)). The reason for this is that the filing of an action challenging the validity of government activity generally involves no injury to the Government's reputation, while an action against a private party can result in damage to the defendant's reputation as well as economic harm. Doe I, 219 F.R.D. at 394.

Anonymous Plaintiffs argue that their action is against a private person for the acts of his subordinates under his direction while acting in an official capacity. Anon. Memo, p. 11. That argument, however, is weakened by the fact that Anonymous Plaintiffs are suing Defendant as a private person. Here, Anonymous Plaintiffs are seeking damages from Defendant as an individual for any injuries they allege they suffered and in no way seek any damages or other recourse from any government at all.

Anonymous Plaintiffs fail to demonstrate that they are asking the Court to permit them to proceed anonymously “merely to avoid the annoyance and criticism that may attend any litigation or is to preserve privacy in a sensitive and highly personal matter.” Anon. Memo, at 11. Specifically, they believe that the nature of rape, detention, and murder merit such a finding. However, in Jane Doe v. Shakur, 164 F.R.D. 359, 361 (S.D.N.Y.1996) (“Shakur”), the United States District Court for the Southern District of New York held that an alleged victim of a brutal sexual assault was not entitled to anonymity. Id. The court held that the plaintiff chose to bring the lawsuit, made serious charges, and put her credibility in issue, and as a result, fairness required that she be prepared to stand behind her charges publicly. Id. In addition, the case was a civil suit for damages, where the plaintiff was seeking to vindicate her own interests, and was not a criminal case where rape shield laws might provide anonymity. Id.

As demonstrated by the court in Shakur, Jane Doe should not be permitted to proceed anonymously based on an allegation of rape. Similarly, Anonymous Plaintiffs’ other allegations of torture, detention, and murder of family members are not sufficient bases to assert that privacy is a concern. See, Doe I, 219 F.R.D. at 392 (quoting S. Methodist Univ. Ass’n of Women Law Students v. Wynne & Jaffe, 599 F.2d 707, 713 (5<sup>th</sup> Cir. 1979)). Further, allegations of having been a victim of a crime is likely to elicit sympathy, but do not rise to the level of the salacious attention or opprobrium that could accompany disclosure of the kinds of personal information that has been held to warrant anonymity.


Anonymous Plaintiffs’ argument that they would be unfairly prejudiced if they are not permitted to proceed anonymously fails as well. Such anonymity is not tolerable “[i]f plaintiff were permitted to prosecute this case anonymously, [defendant] would be placed at a serious

disadvantage, for he would be required to defend himself publicly while plaintiff could make her accusations from behind a cloak of anonymity.” Shakur, 164 F.R.D. at 361.

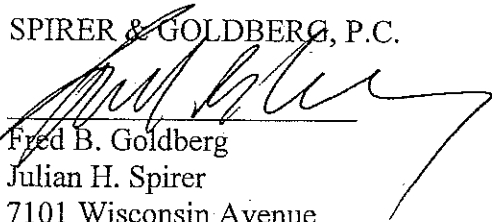
Anonymous Plaintiffs acknowledge the limitation they seek to place on Defendant, but their offer to limit disclosure of their identities to the Court, Defendant and his counsel, and experts will nonetheless prejudice Defendant’s ability to defend himself. Anon. Memo, at p. 11. Proof of the allegations of the complaint will be based largely on the credibility of the plaintiffs. Defendant will need to access to personal information in the hands of third parties to attempt to impeach all the plaintiffs’ credibility. Defendant will therefore be prejudiced if he is denied the ability to disclose the Anonymous Plaintiffs’ names to potential witnesses who could contribute to his defense.

Respectfully submitted,

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Attorneys for Defendant

CERTIFICATE OF SERVICE


I, Harvey J. Volzer, hereby certify that on this 5th day of January, 2005, I caused to be served a true and correct copy of the foregoing Opposition to Plaintiffs' Motion for Leave to Proceed Anonymously, by overnight courier and facsimile, on the following:

Robert R. Vieth, Esq.  
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Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT FOR  
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ALEXANDRIA DIVISION

BASHE ABDI YOUSUF, ET AL.

Plaintiffs,

v.

MOHAMED ALI SAMANTAR

Defendant

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Civil Action No. 1:04W1360

ORDER

Upon consideration of Defendant's Opposition to Plaintiffs' Motion for Leave to Proceed Anonymously, and any opposition thereto, it is this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_, hereby :

ORDERED Plaintiffs' Motion for Leave to Proceed Anonymously is DENIED and that the claims of Plaintiffs, John Doe I, Jane Doe I, John Doe II, John Doe III, and John Doe IV are DISMISSED.

IT IS SO ORDERED

\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE

At Alexandria

IN THE EASTERN DISTRICT COURT FOR  
THE EASTER DISTRICT OF VIRGINIA

ALEXANDRIA DIVISION

BASHI ABDI YOUSUF, et al

Plaintiffs,

MOHAMED ALI SAMANTAR

Defendant.

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Civil Action No. 1:04W1360

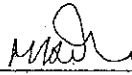
AFFIDAVIT OF MAHMOUD HAJI NUR

I, Mahmoud Haji Nur under oath, do hereby state as follows:

1. I am over eighteen years of age and am otherwise qualified to testify to the facts and opinions set forth below. All of the opinions rendered herein are based on my personal knowledge, information, or belief.
2. From 1973-1978, and again in 1980, I represented Somalia as the Somali Ambassador to the Sudan.
3. From 1978-1980, I represented Somalia as the Somali Ambassador to Kenya.
4. From 1981-1986, I represented Somalia as the Somali Ambassador to the United States.
5. From 1987-1990, I served as the Chairman of the Somali Ports Authority.
6. From 1991 through the present I have resided in the United States.
7. I am originally from an area now forming part of Somaliland, which was formed from the northern part of Somalia after the fall of the Barre administration in 1991.

8. I closely follow the developments in Somaliland and the rest of Somalia, and I am knowledgeable about Somaliland's government and judiciary and the general state of affairs in the rest of Somalia.
9. A Somali bringing a claim for victimization against a former member of the Barre administration could have brought such a claim in Somaliland for events that took place in Somaliland or the rest of Somalia.
10. Somaliland's law provides cause of action for damages to victims of torture, prisoner abuse, and crimes against humanity.
11. After the fall of the Barre administration in 1991, a Somali bringing a claim for victimization against a former official of the Barre administration would have had no fear of reprisal for himself or family members still residing in Somaliland, the rest of Somalia, or outside of Somalia.
12. Conditions in Somalia, outside of Somaliland, since 1991 have been chaotic and characterized by tribal warfare. However, this situation should have no impact on the Plaintiff's ability to bring a claim against former Barre officials. The remnants of the Barre Administration do not exist in an organized fashion and would be incapable of taking retaliatory action against Plaintiffs or their families.
13. The year 1997 marks no particular change in Somalia's situation outside of Somaliland, as chaotic conditions continue to exist to date.
14. A Somali bringing a claim for victimization in the U.S. or elsewhere against a former member of the administration would have been able to collect information about his case since 1991.

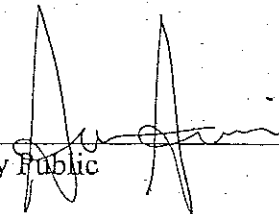
I solemnly affirm under the penalties of perjury that the contents of the foregoing Affidavit are true to the best of my knowledge, information and belief.

  
\_\_\_\_\_  
Mahmoud Haji Nur

I, ANISE ANNI, a Notary Public in and for the State of VA, do hereby certify that Mahmoud Haji Nur subscribed his name to the foregoing document and made oath that the statements contained therein are true and correct to the best of his knowledge, before me on this 15<sup>th</sup> day December, 2004.

My commission expires:

05/31/08

  
\_\_\_\_\_  
Notary Public



IN THE EASTERN DISTRICT COURT FOR  
THE EASTERN DISTRICT OF VIRGINIA

ALEXANDRIA DIVISION

BASHI ABDI YOUSUF, et al.

Plaintiffs,

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MOHAMED ALI SAMANTAR

Defendant.

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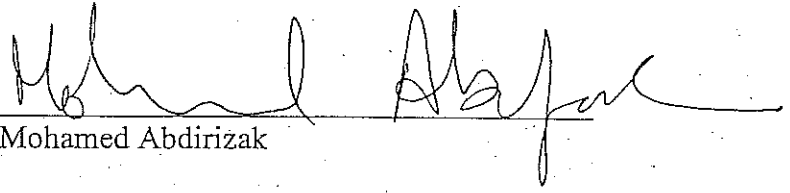
AFFIDAVIT OF MOHAMED ABDIRIZAK

I, Mohamed Abdirizak, under oath, do hereby state as follows:

1. I am over eighteen years of age and am otherwise qualified to testify to the facts and opinions set forth below. All of the facts and opinions rendered herein are based on my personal knowledge.
2. I was born and raised in Mogadishu, Somalia.
3. I left Somalia in 1986 to pursue higher education in the Pakistan, but I returned to Somalia in the summers of 1987 and 1988.
4. In 2000, I obtained a Masters Degree from the Johns Hopkins School of Advanced International Studies in Washington, DC.
5. In 2001-2002 I served with the United Nations Development Program for Somalia, operating out of Nairobi, Kenya.
6. During my tenure with the United Nations Development Program for Somalia, I made several missions into the Northwest region of Somalia, referred to as Somaliland.

7. Following the collapse of the Somali government in 1991, Somaliland unilaterally proclaimed its secession from the rest of Somalia and formed its own government and judiciary system over the following years. Somaliland has enjoyed stability from 1991 until the present, except for a brief period in 1994.
8. From my tenure with the United Nations Development Program's Somalia Country Office, I am aware that the United Nations funded and implemented a Rule of Law program with several components, including strengthening the Somaliland judiciary system and law enforcement.
9. Since 1991, Somaliland has been the only consistently stable region in Somalia. There have been brief periods of stability in other parts of Somalia since 1991, except perhaps Mogadishu, which experienced clan warfare. However, for over ten years, a Somali living in Somaliland, or another stable area of Somalia, would have been able to gather the necessary information to bring a claim against a former government official no differently than today.
10. I do not believe that a Somali would have a reasonable fear of reprisal for bringing claims against a former government official because the former members of the government did not have a unified political interest. The government was comprised of individuals from various clans with different political beliefs. Today, the remaining members of the government do not exist in an organized fashion and would be incapable of taking retaliatory action against Plaintiffs or their families.
11. The year 1997 marks no particular change in Somalia's situation.

I declare under penalty of perjury that the foregoing is true and correct.



Mohamed Abdirizak

IN THE EASTERN DISTRICT COURT FOR  
THE EASTERN DISTRICT OF VIRGINIA

ALEXANDRIA DIVISION

BASHI ABDI YOUSUF, et al.

Plaintiffs,

V.

MOHAMED ALI SAMANTAR

Defendant.

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Civil Action No. 1:04W1360

AFFIDAVIT OF ALESSANDRO CAMPO

I, Alessandro Campo, under oath, do hereby state as follows:

1. I am over eighteen years of age and am otherwise qualified to testify to the facts and opinions set forth below. All of the facts and opinions rendered herein are based upon my personal knowledge.
2. I am a graduate of the University of Rome 'La Sapienza' and hold a M.A. degree in law.
3. From March 1999 to December 2001, I served as the Legal Expert for the United Nations and the Italian Embassy to Somalia. I currently am employed as short-term expert (justice and home affairs sector) with an EC project in Albania.
4. Between September 23 to October 9, 1999, I participated in a mission of the United Nations Development Office for Somalia ("UNDOS") to assess the courts and judicial authorities in Somaliland. My trip resulted in the publication of "Assessment of the Judiciary System of Somaliland" for UNDOS.
5. I also am the co-author of a paper entitled "The Evolution and Integration of Different Legal Systems in the Horn of Africa: The Case of Somaliland" published in Global Jurist

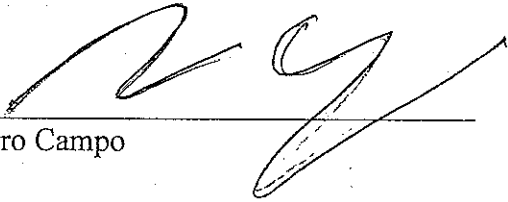
Topics.

6. From my assessment of Somaliland's judiciary, and based upon information generated by the Somaliland Government that I deem to be reliable, there has been a relatively independent and functioning judiciary within Somaliland since 1991. This judiciary also receives international support, as do other of Somaliland's institutions.
7. Somaliland's judiciary is competent to hear claims such as these, for torture and crimes against humanity, and could do so relatively independent of political influence.
8. A Somali bringing a claim for victimization against a former member of the Barre administration could bring such a claim in Somaliland for events that took place in Somaliland, in 'Puntland' for the events that took place in North East Somalia, and in Mogadishu for the events that took place in Benadir Region that is the district around Mogadishu. Somalia is to be considered as a de facto federal State with three national authorities (including their own judicial systems and law enforcement agencies) that control different areas of the country, i.e. Somaliland for NW Somalia, Puntland for NE Somalia and the Transitional National Government for Benadir Region.
9. Somaliland's law provides causes of action for damages to victims of torture, prisoner abuse, and crimes against humanity.
10. In the event of a judgment, Somaliland's judicial system provides adequate mechanisms for enforcement.
11. After the fall of the Barre administration in 1991, a Somali bringing a claim for victimization against a former official of the Barre administration would have had little or no fear of reprisal for himself or family members still residing in Somaliland, the rest of Somalia, or outside of the area. The remnants of the Barre Administration do not exist in

Somalia, or outside of the area. The remnants of the Barre Administration do not exist in an organized fashion and would be incapable of taking retaliatory action against Plaintiffs or their families.

12. A Somali bringing a claim for victimization in the U.S. or elsewhere against a former member of the Barre administration would have no appreciably greater difficulty collecting information for that claim in 1991 than today.
13. The year 1997 marks no particular change in the situation outside of Somaliland (as chaotic conditions continue to exist to date) or in Somaliland (where relatively stable conditions have existed since 1991).

I declare under penalty of perjury that the foregoing is true and correct.

  
Alessandro Campo



# U.S. DEPARTMENT of STATE

Bureau of African Affairs  
November 2004

Geography

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Background Notes A-Z

## Background Note: Somalia



### PROFILE

#### OFFICIAL NAME:

Somalia

NOTE: Somalia has been without a central government since 1991, and much of the territory has been subject to serious civil strife. There is no official U.S. representation in Somalia. Statistical data on Somalia in this report date from 2002 and are subject to dispute and error.

#### Geography

Area: 637,657 sq. km.; slightly smaller than Texas.

Cities: *Capital*--Mogadishu. *Other cities*--Hargeisa, Berbera, Merca, Kismayo, Bosasso, Baidoa.

Terrain: Mostly flat to undulating plateau rising to hills in the north.

Climate: Principally desert; December to February--northeast monsoon, moderate temperatures in north, and very hot in the south; May to October--southwest monsoon, torrid in the north, and hot in the south; irregular rainfall; hot and humid periods (tangambili) between monsoons.

#### People

Nationality: *Noun*--Somali(s). *Adjective*--Somali.

Population (July 2001 est., no census exists): 7,488,773 (of which an estimated 2-3 million in Somaliland).

Annual growth rate (2001 est.): 3.48%.

Ethnic groups: 85% Somali, 15% non-Somali (Bantu and Arabs).

Religion: 99.9% Muslim.

Languages: Somali (official), Arabic, Italian, English.

Education: *Literacy*--total population that can read and write, 24%; male 36%; female 14%.

Health: *Infant mortality rate*--123.97/1,000 live births. *Life expectancy at birth*--total population: 46.6yrs.

Work force (3.7 million; very few are skilled workers): *Pastoral nomad*--60%. *Agriculture, government, trading, fishing, industry, handicrafts, and other*--40%.

#### Government

Type: None.

Independence: July 1, 1960 (from a merger of the former Somaliland Protectorate under British rule, which became independent from the UK on June 26, 1960, and Italian Somaliland, which became independent from the Italian-administered UN trusteeship on July 1, 1960 to form the Somali Republic).

Constitution: None in force. Note: The Transitional National Government (TNG) created in August 2000 was formed to create a new constitution and hold elections within 3 years, however, the TNG failed to establish effective governance in Somalia and its mandate expired in August 2003. In August 2004, the Somali Transitional Federal Assembly (TFA) was established as part of the IGAD-led Somalia National Reconciliation Conference. The

peace process has produced a new draft constitution and is expected to result in the formation of the Somali Transitional Federal Government (TFG) in the following months.

**Branches:** *Executive*--Somalia has had no functioning national government since the United Somali Congress (USC) ousted the regime of Maj. Gen. Mohamed Siad "Barre" in January 1991. The present political situation in much of Somalia is marked by inter-clan fighting and random banditry, with some areas of peace and stability. On October 10, 2004, Abdullahi Yusuf Ahmed was elected Transitional Federal President of Somalia for a five-year period. *Legislative*--parliamentary (Transitional Federal Assembly, established in August 2004. On November 3, 2004, Ali Mohamed Gedi was appointed Prime Minister of Somalia.) *Judicial*--Supreme Court: not functioning; no nationwide system; Islamic (shari'a) and secular courts in some localities.

Political party: None functioning.

Legal system: None functioning.

Note: In 1991 a congress drawn from the inhabitants of the former Somaliland Protectorate declared withdrawal from the 1960 union with Somalia to form the self-declared Republic of Somaliland. Somaliland has not received international recognition, but has maintained a de facto separate status since that time. Its form of government is republican, with a bicameral legislature including an elected elders chamber and a house of representatives. The judiciary is independent, and various political parties exist. In line with the Somaliland Constitution, Vice President Dahir Riyale Kahin assumed the presidency following the death of former president Mohamed Ibrahim Egal in 2002. President Kahin was elected President of Somaliland in elections determined to be free and fair by international observers in May 2003. Parliamentary elections are scheduled to take place in April 2005. Suffrage: 18 years of age; universal (no nationwide elections).

Administrative subdivisions: 18 regions (*plural*--NA; *singular*--Gobolka). Awdal, Bakool, Banaadir, Bari, Bay, Galguduud, Gedo, Hiraaan, Jubbada Dhexe, Jubbada Hoose, Mudug, Nugaal, Sanaag, Shabeellaha Dhexe, Shabeellaha Hoose, Sool, Togdheer, Woqooyi Galbeed.

Central government budget: N/A.

Defense: N/A.

National holiday: July 1 (June 26 in Somaliland).

### Economy

GNP: N/A.

Annual growth rate: N/A.

Per capita income: N/A.

Avg. inflation rate: N/A.

Natural resources: Largely unexploited reserves of iron ore, tin, gypsum, bauxite, uranium, copper, and salt; likely petroleum and natural gas reserves.

Agriculture: *Products*--livestock, bananas, corn, sorghum, sugar. Arable land--13%, of which 2% is cultivated.

Industry: *Types*--sugar, textiles, packaging, oil refining. Most industry defunct since 1991.

Trade (1999): *Exports*--\$110 million (f.o.b., 1999 est.): livestock, bananas, hides and skins, sugar, sorghum, corn. *Major markets*--Saudi Arabia, Yemen, United Arab Emirates, Italy, Pakistan. *Imports*--\$314 million (f.o.b., 1999 est.): food grains, animal and vegetable oils, petroleum products, construction materials. *Major suppliers*--Djibouti, Kenya, Brazil, Saudi Arabia, India.

Aid disbursed (2000): \$115 million. Primary donors--European Union, United States, U.S. aid--\$29.6 million.

### GEOGRAPHY

Somalia is located on the east coast of Africa on and north of the Equator and, with Ethiopia, Eritrea and Djibouti, is often referred to as the Horn of Africa. It comprises Italy's former Trust Territory of Somalia and the former British Protectorate of Somaliland (now seeking recognition as an independent state). The coastline extends 2,720 kilometers (1,700 mi.).

The northern part of the country is hilly, and in many places the altitude ranges between 900 and 2,100 meters (3,000 ft.-7,000 ft.) above sea level. The central and southern areas are flat, with an average altitude of less than 180 meters (600 ft.). The Juba and the Shabelle Rivers rise in Ethiopia and flow south across the country toward the Indian Ocean. The Shabelle, however, does not reach the sea.

Major climatic factors are a year-round hot climate, seasonal monsoon winds, and irregular rainfall with recurring droughts. Mean daily maximum temperatures range from 30°C to 40°C (85° F-105°F), except at higher elevations and along the east coast. Mean daily minimums usually vary from about 15°C to 30°C (60°F-85°F). The southwest monsoon, a sea breeze, makes the period from about May to October the mildest season at



Mogadishu. The December-February period of the northeast monsoon also is relatively mild, although prevailing climatic conditions in Mogadishu are rarely pleasant. The "tangambili" periods that intervene between the two monsoons (October-November and March-May) are hot and humid.

#### PEOPLE

The Cushitic populations of the Somali Coast in the Horn of Africa have an ancient history. Known by ancient Arabs as the Berberi, archaeological evidence indicates their presence in the Horn of Africa by A.D. 100 and possibly earlier. As early as the seventh century A.D., the indigenous Cushitic peoples began to mingle with Arab and Persian traders who had settled along the coast. Interaction over the centuries led to the emergence of a Somali culture bound by common traditions, a single language, and the Islamic faith.

Today, about 60% of all Somalis are nomadic or semi-nomadic pastoralists who raise cattle, camels, sheep, and goats. About 25% of the population are settled farmers who live mainly in the fertile agricultural zone between the Juba and Shabelle Rivers in southern Somalia. The remainder of the population (15%-20%) is urban.

Sizable ethnic groups in the country include Bantu agricultural workers, several thousand Arabs and some hundreds of Indians and Pakistanis. Nearly all inhabitants speak the Somali language, which remained unwritten until October 1973, when the Supreme Revolutionary Council (SRC) proclaimed it the nation's official language and decreed an orthography using Latin letters. Somali is now the language of instruction in schools, to the extent that these exist. Arabic, English, and Italian also are used extensively.

#### HISTORY

Early history traces the development of the Somali state to an Arab sultanate, which was founded in the seventh century A.D. by Koreishite immigrants from Yemen. During the 15th and 16th centuries, Portuguese traders landed in present Somali territory and ruled several coastal towns. The sultan of Oman and Zanzibar subsequently took control of these towns and their surrounding territory.

Somalia's modern history began in the late 19th century, when various European powers began to trade and establish themselves in the area. The British East India Company's desire for unrestricted harbor facilities led to the conclusion of treaties with the sultan of Tajura as early as 1840. It was not until 1886, however, that the British gained control over northern Somalia through treaties with various Somali chiefs who were guaranteed British protection. British objectives centered on safeguarding trade links to the east and securing local sources of food and provisions for its coaling station in Aden. The boundary between Ethiopia and British Somaliland was established in 1897 through treaty negotiations between British negotiators and King Menelik.

During the first two decades of this century, British rule was challenged through persistent attacks by a dervish rebellion led by Mohamed Abdullah, known as the "Mad Mullah" by the British. A long series of intermittent engagements and truces ended in 1920 when British warplanes bombed Abdullah's stronghold at Taleex. Although Abdullah was defeated as much by rival Somali factions as by British forces, he was lauded as a popular hero and stands as a major figure of national identity to many Somalis.

In 1885, Italy obtained commercial advantages in the area from the sultan of Zanzibar and in 1889 concluded agreements with the sultans of Obbia and Aluula, who placed their territories under Italy's protection. Between 1897 and 1908, Italy made agreements with the Ethiopians and the British that marked out the boundaries of Italian Somaliland. The Italian Government assumed direct administration, giving the territory colonial status.

Italian occupation gradually extended inland. In 1924, the Jubaland Province of Kenya, including the town and port of Kismayo, was ceded to Italy by the United Kingdom. The subjugation and occupation of the independent sultanates of Obbia and Mijertein, begun in 1925, were completed in 1927. In the late 1920s, Italian and Somali influence expanded into the Ogaden region of eastern Ethiopia. Continuing incursions climaxed in 1935 when Italian forces launched an offensive that led to the capture of Addis Ababa and the Italian annexation of Ethiopia in 1936.

Following Italy's declaration of war on the United Kingdom in June 1940, Italian troops overran British Somaliland and drove out the British garrison. In 1941, British forces began operations against the Italian East African Empire and quickly brought the greater part of Italian Somaliland under British control. From 1941 to 1950, while Somalia was under

British military administration, transition toward self-government was begun through the establishment of local courts, planning committees, and the Protectorate Advisory Council. In 1948 Britain turned the Ogaden and neighboring Somali territories over to Ethiopia.

In Article 23 of the 1947 peace treaty, Italy renounced all rights and titles to Italian Somaliland. In accordance with treaty stipulations, on September 15, 1948, the Four Powers referred the question of disposal of former Italian colonies to the UN General Assembly. On November 21, 1949, the General Assembly adopted a resolution recommending that Italian Somaliland be placed under an international trusteeship system for 10 years, with Italy as the administering authority, followed by independence for Italian Somaliland. In 1959, at the request of the Somali Government, the UN General Assembly advanced the date of independence from December 2 to July 1, 1960.

Meanwhile, rapid progress toward self-government was being made in British Somaliland. Elections for the Legislative Assembly were held in February 1960, and one of the first acts of the new legislature was to request that the United Kingdom grant the area independence so that it could be united with Italian Somaliland when the latter became independent. The protectorate became independent on June 26, 1960; five days later, on July 1, it joined Italian Somaliland to form the Somali Republic.

In June 1961, Somalia adopted its first national constitution in a countrywide referendum, which provided for a democratic state with a parliamentary form of government based on European models. During the early post-independence period, political parties were a fluid concept, with one-person political parties forming before an election, only to defect to the winning party following the election. A constitutional conference in Mogadishu in April 1960, which made the system of government in the southern Somali trust territory the basis for the future government structure of the Somali Republic, resulted in the concentration of political power in the former Italian Somalia capital of Mogadishu and a southern-dominated central government, with most key government positions occupied by southern Somalis, producing increased disenchantment with the union in the former British-controlled north. Pan-Somali nationalism, with the goal of uniting the Somali-populated regions of French Somaliland (Djibouti), Kenya and Ethiopia into a Greater Somalia, remained the driving political ideology in the initial post-independence period. Under the leadership of Mohamed Ibrahim Egal, prime minister from 1967 to 1969, Somalia renounced its claims to the Somali-populated regions of Ethiopia and Kenya, greatly improving its relations with both countries. Egal attempted a similar approach with Ethiopia, but the move towards reconciliation with Ethiopia, which had been a traditional enemy of Somalia since the 16<sup>th</sup> century, made many Somalis furious, including the army. Egal's reconciliation effort toward Ethiopia is argued to be one of the principal factors that provoked the military officers, led by Maj. Gen. Mohamed Siad Barre, to stage a bloodless coup on October 21, 1969, bringing an abrupt end to the process of party-based constitutional democracy in Somalia.

Following the coup, executive and legislative power was vested in the 20-member Supreme Revolutionary Council (SRC), headed by Maj. Gen. Siad Barre as president. The SRC pursued a course of "scientific socialism" that reflected both ideological and economic dependence on the Soviet Union. The government instituted a national security service, centralized control over information, and initiated a number of grassroots development projects. Barre reduced political freedoms and used military force to seize and redistribute rich farmlands in the interriverine areas of southern Somalia, relying on the use of force and terror against the Somali population to consolidate his political power base.

The SRC became increasingly radical in foreign affairs, and in 1974, Somalia and the Soviet Union concluded a treaty of friendship and cooperation. As early as 1972, tensions began increasing along the Somali-Ethiopian border; these tensions heightened after the accession to power in Ethiopia in 1973 of the Mengistu Haile Mariam regime, which turned increasingly toward the Soviet Union. In the mid-1970s, the Western Somali Liberation Front (WSLF) began guerrilla operations in the Ogaden region of Ethiopia. Following the overthrow of the Ethiopian Emperor in 1975, Somalia invaded Ethiopia in 1977 in a second attempt to regain the Ogaden, and the second attempt initially appeared to be in Somalia's favor. The SNA moved quickly toward Harer, Jijiga, and Dire Dawa, the principal cities of the region. However, following the Ethiopian revolution, the new Ethiopian government shifted its alliance from the West to the Soviet Union, and the Soviet Union supplied Ethiopia with 10,000 – 15,000 Cuban troops and Soviet military advisors during the 1977-78 Ogaden war, shifting the advantage to Ethiopia and resulting in Somalia's defeat. In November 1977, Barre expelled all Soviet advisers and abrogated the friendship agreement with the U.S.S.R. In March 1978, Somali forces retreated into Somalia;

however, the WSLF continues to carry out sporadic but greatly reduced guerrilla activity in the Ogaden. Such activities also were subsequently undertaken by another dissident group, the Ogaden National Liberation Front (ONLF).

Following the 1977-1978 Ogaden war, desperate to find a strong external alliance to replace the Soviet Union, Somalia abandoned its Socialist ideology and turned to the West for international support, military equipment, and economic aid. In 1978, the United States reopened the U.S. Agency for International Development mission in Somalia. Two years later, an agreement was concluded that gave U.S. forces access to military facilities in Somalia. In the summer of 1982, Ethiopian forces invaded Somalia along the central border, and the United States provided two emergency airlifts to help Somalia defend its territorial integrity.

From 1982 to 1988 the United States viewed Somalia as a partner in defense in the context of the Cold War. Somali officers of the National Armed Forces were trained in U.S. military schools in civilian as well as military subjects. Paranoid and weakened following the Ogaden war, the Barre regime violently suppressed opposition movements and ethnic groups, particularly the Issaq clan in the northern region, using the military and elite security forces to quash any hint of rebellion. By the 1980s, an all-out civil war developed in Somalia. Opposition groups began to form following the end of the Ogaden war, beginning in 1979 with a group of dissatisfied army officers known as the Somali Salvation Democratic Front (SSDF). In 1981, as a result of increased northern discontent with the Barre regime, the Somali National Movement (SNM), composed mainly of the Issaq clan, was formed in Hargeisa with the stated goal of overthrowing of the Barre regime. In 1988, at the President's order, aircraft from the Somali National Air Force bombed the city of Hargeisa in northwestern Somalia, the former capital of British Somaliland, killing nearly 100,000 civilians and insurgents. The warfare in the northwest sped up the decay already evident elsewhere in the republic. Economic crisis, brought on by the cost of anti-insurgency activities, caused further hardship as Siad Barre and his cronies looted the national treasury.

By the end of the 1980s, armed opposition to Barre's government, fully operational in the northern regions, had spread to the central and southern regions. Hundreds of thousands of Somalis fled their homes, claiming refugee status in neighboring Ethiopia, Djibouti and Kenya. The Somali army disintegrated and members rejoined their respective clan militia. Barre's effective territorial control was reduced to the immediate areas surrounding Mogadishu known as the Benadir, earning Barre the title "Mayor of Mogadishu" and resulting in the withdrawal of external assistance and support, including from the United States. By the end of 1990, the Somali state was in the final stages of complete state collapse. In the first week of December 1990, Barre declared a state of emergency as USC and SNM forces advanced toward Mogadishu. Barre began to lose control over his own militia groups and became increasingly isolated. In January 1991, armed opposition factions drove Barre out of power, resulting in the complete collapse of the central government. Barre later died in exile in Nigeria. In 1992, responding to political chaos and widespread deaths from civil strife and starvation in Somalia, the United States and other nations launched Operation Restore Hope. Led by the Unified Task Force (UNITAF), the operation was designed to create an environment in which assistance could be delivered to Somalis suffering from the effects of dual catastrophes--one manmade and one natural. UNITAF was followed by the United Nations Operation in Somalia (UNOSOM). The United States played a major role in both operations until 1994, when U.S. forces withdrew.

The prevailing chaos in much of Somalia after 1991 contributed to growing influence by various radical Islamic groups, including al-Tabliq and Al-Ittihad Al-Islami (Islamic Unity). These groups, which are among the main non-clan-based forces in Somalia, share the goal of establishing a fundamentalist Islamic state. While each organization differs in its approach, Al-Ittihad supports the use of violence to achieve that goal and has claimed responsibility for terrorist acts in the region. In the mid-1990s, Al-Ittihad came to dominate territory in Puntland as well as central Somalia near Gedo. It was forcibly expelled from these localities by Puntland forces as well as Ethiopian attacks in the Gedo region. Since that time, Al-Ittihad has adopted a longer-term strategy based on integration into local communities and establishment of Islamic schools, courts, and relief centers.

After the attack on the United States of September 11, 2001, Somalia gained greater international attention as a possible base for terrorism--a concern that became the primary element in U.S. policy toward Somalia. The United States and other members of the anti-terrorism coalition examined a variety of short- and long-term measures designed to cope with the threat of terrorism in and emanating from Somalia. The United Nations also took an increased interest in Somalia, including proposals for an increased UN presence and

for strengthening a 1992 arms embargo.

#### **GOVERNMENT**

Somalia has no national government at present; however, a two-year reconciliation process led by the Inter-governmental Authority on Development (IGAD) resulted in the formation of a transitional parliament, known as the Transitional Federal Assembly, in August 2004 and the formation of transitional government institutions, known as the Transitional Federal Government, is expected in the coming weeks. For administrative purposes, Somalia is divided into 18 regions; the nature, authority, and structure of regional governments vary, where they exist.

#### **Principal Government Officials**

Somalia has no national government at present; however, Abdullahi Yusuf Ahmed was elected as Transitional Federal President of Somalia in October 2004 and Ali Mohamed Gedi was appointed Prime Minister on November 3. While a cabinet is expected to be formed in the coming weeks, all Somali officials are currently resident in Nairobi and have not established governing institutions inside Somalia.

The self-declared, and unrecognized by the international community, Republic of Somaliland consists of a regional authority based in the northern city of Hargeisa, including a President, Vice President, Parliament and Cabinet officials.

#### *Other Ministers N/A*

Ambassador to the United States--vacant

Ambassador to the UN--Ahmed Abdi Hashi, representing the now-expired Transitional National Government, which occupies Somalia's seat at the UN.

#### **POLITICAL CONDITIONS**

In the wake of the collapse of the Somali Government, factions organized around military leaders took control of Somalia. The resulting chaos and loss of life promoted the international intervention led by the United States, UNITAF. That operation was followed by the United Nations Operation in Somalia (UNOSOM), which ended in 1994. Since 1991, there have been fourteen efforts at national reconciliation; to date, none has been successful. Various groupings of Somali factions have sought to control the national territory (or portions thereof) and have fought small wars with one another. Dahir Riyale Kahin was elected President of the self-declared "Republic of Somaliland," which is made up of the former northwest provinces of the Somali republic, in presidential elections deemed free and fair by international observers in May 2003. In 1998, the area of Puntland in the northeast declared itself autonomous (although not independent) as the "State of Puntland" with its capital at Garowe. Puntland declared it would remain autonomous until a federated Somalia state was established.

Efforts at mediation of the Somali internal dispute have been undertaken by many regional states. In the mid-1990s, Ethiopia played host to several Somali peace conferences and initiated talks at the Ethiopian city of Sodere, which led to some degree of agreement between competing factions. The Governments of Egypt, Yemen, Kenya, and Italy also have attempted to bring the Somali factions together. In 1997, the Organization of African Unity and the Intergovernmental Authority on Development (IGAD) gave Ethiopia the mandate to pursue Somali reconciliation. In 2000, Djibouti hosted a major reconciliation conference (the 13th such effort), which in August resulted in creation of the Transitional National Government (TNG), whose 3-year mandate expired in August 2003. In early 2002, Kenya organized a further reconciliation effort under IGAD auspices known as the Somalia National Reconciliation Conference. In August 2004, the Somali Transitional Federal Assembly (TFA) was established as part of the IGAD-led process. Abdullahi Yusuf Ahmed was elected Transitional Federal President of Somalia on October 10, 2004 and Ali Mohamed Gedi was appointed Prime Minister on November 3 as part of the continued formation of a Transitional Federal Government (TFG). While a cabinet is expected to be formed in the coming weeks, all officials are currently resident in Nairobi and have not established governing institutions inside Somalia.

The absence of a central government in Somalia since 1991 has allowed outside forces to become more influential by supporting various groups and persons in Somalia. Djibouti, Eritrea, and Arab states supported the now-defunct TNG, which became one faction among many in Somalia. Ethiopia has provided political support to Somaliland and assisted a group of southern warlords organized as the Somalia Reconciliation and Restoration Council (SRRC), which opposed the TNG.

**ECONOMY**

Somalia lacks natural resources and faces major development challenges, and recent economic reverses have left its people increasingly dependent on remittances from abroad. Its economy is pastoral and agricultural, with livestock--principally camels, cattle, sheep, and goats--representing the main form of wealth. Livestock exports in recent years have been severely reduced by periodic bans, ostensibly for concerns of animal health, by Arabian Peninsula states. Drought has also impaired agricultural and livestock production. Because rainfall is scanty and irregular, farming generally is limited to certain coastal districts, areas near Hargeisa, and the Juba and Shabelle River valleys. The agricultural sector of the economy consists mainly of banana plantations located in the south, which has used modern irrigation systems and up-to-date farm machinery.

A small fishing industry has begun in the north where tuna, shark, and other warm-water fish are caught, although fishing production is seriously affected by poaching and the lack of ability to grant concessions because of the absence of a generally recognized government. Aromatic woods--frankincense and myrrh--from a small and diminishing forest area also contribute to the country's exports. Minerals, including uranium and likely deposits of petroleum and natural gas, are found throughout the country, but have not been exploited commercially. Petroleum exploration efforts, at one time under way, have ceased due to insecurity and instability. Illegal production in the south of charcoal for export has led to widespread deforestation. With the help of foreign aid, small industries such as textiles, handicrafts, meat processing, and printing are being established.

The absence of central government authority, as well as profiteering from counterfeiting, has rapidly debased Somalia's currency. By the spring of 2002, the Somali shilling emitted by the TNG had fallen to over 30,000 shillings to the U.S. dollar. The self-declared Republic of Somaliland issues its own currency, the Somaliland shilling, which is not accepted outside of the self-declared republic.

There are no railways in Somalia; internal transportation is by truck and bus. The national road system nominally comprises 22,100 kilometers (13,702 mi.) of roads that include about 2,600 kilometers (1,612 mi.) of all-weather roads, although most roads have received little maintenance for years and have seriously deteriorated.

Air transportation is provided by small air charter firms and craft used by drug smugglers. A number of airlines operate from Hargeisa. Some private airlines, including Air Somalia and Daallo Airlines, serve several domestic locations as well as Djibouti and the United Arab Emirates. The UN and other NGOs operate air service for their missions.

The European Community and the World Bank jointly financed construction of a deepwater port at Mogadishu (currently closed). The Soviet Union improved Somalia's deepwater port at Berbera in 1969. Facilities at Berbera were further improved by a U.S. military construction program completed in 1985, but they have become dilapidated. During the 1990s the United States renovated a deepwater port at Kismayo that serves the fertile Juba River basin and is vital to Somalia's banana export industry. Smaller ports are located at Merca, Brava, and Bossaso. Absence of security and lack of maintenance and improvement are major issues at most Somali ports.

Radiotelephone service is available to both to regional and international locations. The public telecommunications system has been destroyed or dismantled, but cellular phone service is readily available throughout the country. Somalia is linked to the outside world via ship-to-shore communications (INMARSAT) as well as links to overseas satellite operators by private telecommunications operators (including cellular telephone systems) in major towns. Radio broadcasting stations operate at Mogadishu, Hargeisa, and Galkayo, with programs in Somali and some other languages. There are two television broadcast stations in Mogadishu and one in Hargeisa.

**DEFENSE**

There are no Somali armed forces. Before the collapse of the Siad Barre regime and dissolution of the national armed forces in 1991, the Somali National Army was made up of the army, navy, air force, and air defense command. Various groups and factions throughout Somalia currently control militias ranging in strength from hundreds to thousands. These militias are in general poorly trained and lightly armed, although some groups possess limited inventories of older armored vehicles and other heavy weapons and small arms are prevalent throughout Somalia.

**FOREIGN RELATIONS**

Somalia followed a foreign policy of nonalignment for a brief period following independence. In 1970, the Siad Barre regime declared a national ideology based on scientific Socialism and aligned its foreign policy with the Soviet Union and China. In the 1980s, Somalia shifted its alignment to the West following a territorial conflict with Ethiopia over the disputed Somali-populated region of the Ogaden from 1977-78, which was supported by the Soviet Union. The central government also sought ties with many Arab countries, and continued to receive financial and military support from several Arab countries prior to its collapse in 1991. Five countries, including Saudi Arabia, Libya and Egypt, extended recognition to the now-expired Transitional National Government and continue to provide assistance to Somalia.

The status of expatriate Somalis has been an important foreign and domestic issue. The Somali-populated region of the Horn of Africa stretches from the Gulf of Tadjoura in modern-day Djibouti through Dire Dawa, Ethiopia, and down to the coastal regions of southern Kenya. Unlike many countries in Africa, the Somali nation extends beyond its national borders. Since gaining independence in 1960, the goal of Somali nationalism, also known as Pan-Somalism, has been the unification of all Somali populations, forming a Greater Somalia. This issue has been a major cause of past crises between Somalia and its neighbors--Ethiopia, Kenya, and Djibouti.

In 1963, Somalia severed diplomatic relations with the United Kingdom for a period following a dispute over Kenya's northeastern region (Northern Frontier District), an area inhabited mainly by Somalis. Related problems have arisen from the boundary with Ethiopia and the large-scale migrations of Somali nomads between Ethiopia and Somalia.

In the aftermath of the 1977-78 Somali-Ethiopian war, the Government of Somalia continued to call for self-determination for ethnic Somalis living in the Ogaden region of eastern Ethiopia. At the March 1983 Nonaligned Movement summit in New Delhi, President Siad Barre stated that Somalia harbored no expansionist aims and was willing to negotiate with Ethiopia over the disputed Ogaden region.

Since the fall of the Barre regime, the foreign policy of the various entities in Somalia has centered on gaining international recognition, winning international support for national reconciliation, and obtaining international economic assistance.

#### **U.S.-SOMALI RELATIONS**

Although the U.S. never formally severed diplomatic relations with Somalia, official relations were interrupted by the fall of the government and have not been fully reestablished in the continued absence of a national government. The United States maintains informal contacts with a number of entities in Somalia.

**Principal U.S. Official**  
Ambassador--vacant

The U.S. Embassy has been closed since 1991. U.S. contacts with Somalia, including consular coverage, are maintained by U.S. Embassy Nairobi, Kenya.

#### **TRAVEL AND BUSINESS INFORMATION**

The U.S. Department of State's Consular Information Program provides Consular Information Sheets, Travel Warnings, and Public Announcements. **Consular Information Sheets** exist for all countries and include information on entry requirements, currency regulations, health conditions, areas of instability, crime and security, political disturbances, and the addresses of the U.S. posts in the country. **Travel Warnings** are issued when the State Department recommends that Americans avoid travel to a certain country. **Public Announcements** are issued as a means to disseminate information quickly about terrorist threats and other relatively short-term conditions overseas which pose significant risks to the security of American travelers. Free copies of this information are available by calling the Bureau of Consular Affairs at 202-647-5225 or via the fax-on-demand system: 202-647-3000. Consular Information Sheets and Travel Warnings also are available on the Consular Affairs Internet home page: <http://travel.state.gov>. Consular Affairs Tips for Travelers publication series, which contain information on obtaining passports and planning a safe trip abroad are on the internet and hard copies can be purchased from the Superintendent of Documents, U.S. Government Printing Office, telephone: 202-512-1800; fax 202-512-2250.

Emergency information concerning Americans traveling abroad may be obtained from the Office of Overseas Citizens Services at (202) 647-5225. For after-hours emergencies, Sundays and holidays, call 202-647-4000.

The National Passport Information Center (NPIC) is the U.S. Department of State's single, centralized public contact center for U.S. passport information. Telephone: 1-877-4USA-PPT (1-877-487-2778). Customer service representatives and operators for TDD/TTY are available Monday-Friday, 8:00 a.m. to 8:00 p.m., Eastern Time, excluding federal holidays.

Travelers can check the latest health information with the U.S. Centers for Disease Control and Prevention in Atlanta, Georgia. A hotline at 877-FYI-TRIP (877-394-8747) and a web site at <http://www.cdc.gov/travel/index.htm> give the most recent health advisories, immunization recommendations or requirements, and advice on food and drinking water safety for regions and countries. A booklet entitled Health Information for International Travel (HHS publication number CDC-95-8280) is available from the U.S. Government Printing Office, Washington, DC 20402, tel. (202) 512-1800.

Information on travel conditions, visa requirements, currency and customs regulations, legal holidays, and other items of interest to travelers also may be obtained before your departure from a country's embassy and/or consulates in the U.S. (for this country, see "Principal Government Officials" listing in this publication).

U.S. citizens who are long-term visitors or traveling in dangerous areas are encouraged to register at the Consular section of the U.S. embassy upon arrival in a country by filling out a short form and sending in a copy of their passports. This may help family members contact you in case of an emergency.

#### **Further Electronic Information**

**Department of State Web Site.** Available on the Internet at <http://www.state.gov>, the Department of State web site provides timely, global access to official U.S. foreign policy information, including Background Notes and daily press briefings along with the directory of key officers of Foreign Service posts and more.

Export.gov provides a portal to all export-related assistance and market information offered by the federal government and provides trade leads, free export counseling, help with the export process, and more.

**STAT-USA/Internet**, a service of the U.S. Department of Commerce, provides authoritative economic, business, and international trade information from the Federal government. The site includes current and historical trade-related releases, international market research, trade opportunities, and country analysis and provides access to the National Trade Data Bank.

SOMALI  
(SAMAAL)

DAAROOD

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MAJEERTEEN  
MAREEHAAN  
DULBAHANTE  
WARSANGALI  
YUUSUF  
KABLALAH

ISAAQ

HABAR YOONIS  
HABAR AWAL  
HABAR TOL  
JAALO  
HABAR JAALO  
IIDAGALE

HAWIYE

HABAR GIDIR  
ABGAAL  
BIYAMAAL  
HAWAADLE  
MURURSADE  
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Section 1 of 14

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## Somalia

### Persecution of the Majeerteen

In the aftermath of the Ogaden debacle, a group of disgruntled army officers attempted a coup d'état against the regime in April 1978. Their leader was Colonel Mahammad Shaykh Usmaan, a member of the **Majeerteen** clan. The coup failed and seventeen alleged ringleaders, including Usmaan, were summarily executed. All but one of the executed were of the **Majeerteen** clan. One of the plotters, Lieutenant Colonel Abdillaahi Yuusuf Ahmad, a **Majeerteen**, escaped to Ethiopia and founded an anti-Siad Barre organization initially called the Somali Salvation Front (SSDF; later the Somali Salvation Democratic Front, SSDF) (see [Sources of Opposition](#), ch. 5). During their preeminence in the civilian regimes, the **Majeerteen** had alienated other clans. Thus, when Siad Barre sent the Red Berets against the **Majeerteen** in Mudug Region, other clans declined to support them.

The Red Berets systematically smashed the small reservoirs in the area around Galcaio so as to deny water to the Umar Mahamuud **Majeerteen** sublineages and their herds. In May and June 1979, more than 2,000 Umar Mahamuud, the **Majeerteen** sublineage of Colonel Ahmad, died of thirst in the waterless area northeast of Galcaio, Garoowe, and Jerriiban. In Galcaio, members of the Victory Pioneers, the urban militia notorious for harassing civilians, raped large numbers of **Majeerteen** women. In addition, the clan lost an estimated 50,000 camels, 10,000 cattle, and 100,000 sheep and goats.

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**The Danish Immigration Service**

*Ryesgade 53*

*DK-2100 Copenhagen Ø*

*Phone: + 45 35 36 66 00*

*Website: [www.udlst.dk](http://www.udlst.dk)*

*E-mail: [dok@udlst.dk](mailto:dok@udlst.dk)*

## **Report on minority groups in Somalia**

**Joint British, Danish and Dutch fact-finding mission to Nairobi, Kenya**

**17 – 24 September 2000**

tribes through patronage and perform specific duties, in return for which they are paid and allowed to remain in the territory of the tribe of attachment. The *sab* attached to a 'noble' tribe identify themselves with it in relation to other tribes. They have no recognised genealogy of their own. They are not land owning groups. Conventional paths to upward social mobility are not open to them. They are excluded from the councils of elders. They have no right to claim compensation for murder from 'noble' Somali except through the patron to whom they are attached, and the (lower) compensation is paid to the patron (N.B. this is in contradiction with Yassin Hersi Jama's statement that for the killing of a Madhiban no *diya* is paid). They cannot contract legitimate marriage with Somalis.

According to Perouse de Montclos, *sab* castes cannot demand reparations from a Somali in case of murder, unless they do it through their master.<sup>80</sup>

The *sab* have a reputation for witchcraft and magic. The Midgan's poisoned hunting arrows are feared. The Yibirs are despised by all Somalis, who never speak to them if they can avoid doing so, and are feared for their skills in witchcraft. Whenever a son is born to a 'noble' Somali, and at marriages, a Yibir has the right to a gift in return for an amulet and blessing.

Although the position of the *sab* had many points in common with the position of slaves in Somali society, their position was nevertheless distinct. The *sab* were a ritually impure group of people segregated from the Somalis by general prohibitions, e.g. to eat together or to marry. Although they owned no land, they were nonetheless distinct communities with their own customs. Their adoption by 'noble' Somalis implied a voluntary contract, while ownership of slaves entailed absolute rights of possession. The *sab* have the right to move from 'noble' family to family at will.

Lewis' findings mostly date from well before the Siad Barre era. Even then, he noted that restrictions placed on the *sab* were gradually disappearing. In 1960 the Somali government, in its drive to replace tribal particularism by national solidarity, passed legislation officially abolishing the status of client and upholding the right of every Somali citizen to live and work where he chose, irrespective of his particular clan or lineage affiliation.<sup>81</sup> Siad Barre, in his policy of modernisation and abolition of tribalism, or 'clanism', tried to emancipate the minorities and some members of the occupational castes, especially Midgan and Yibir, held important offices during his regime, including in the military. As a result the occupational castes supported Siad Barre and they were accordingly expelled after his downfall. In Somaliland, their role in the conflict between Barre and the Isaaq-based Somali National Movement (SNM) earned them the hostility of the SNM rebels, and of the Isaaq as a group. Also, whereas other former adversaries in this area have reconciled, the Midgan, Tumul and Yibir have not been party to any peace agreement. They have found recovery after the war especially difficult and consider themselves as being discriminated against, in spite of the one seat they obtained in the Somaliland parliament.<sup>82</sup>

### 9.3.2 Occupations

The Midgan, Tumul and Yibir are called occupational castes because they traditionally perform specialised occupational services. The Midgan women also performed female circumcision and acted as midwives to the dominant Somali clans.

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<sup>80</sup> Perouse de Montclos (1997).

<sup>81</sup> Lewis, I. M. Blood and Bone, the Call of Kinship in Somali Society (Lawrenceville, 1994), p. 144.

<sup>82</sup> Rebuilding from the ruins: A Self-Portrait of Somaliland (DRAFT), Somaliland Centre for Peace and Development/War-torn Societies Project (WSP) (Hargeysa, October 1999).

Wednesday January 5, 2005

## Travel Warning

United States Department of State  
Bureau of Consular Affairs  
Washington, DC 20520

*This information is current as of today, Wed Jan 05 13:49:37  
2005.*

### SOMALIA

**December 07, 2004**

This Travel Warning is being issued to remind Americans of continued concerns about the security situation in Somalia. This supersedes the Travel Warning of June 7, 2004.

The Department of State warns U.S. citizens against all travel to Somalia, including the self proclaimed "independent Republic of Somaliland". Inter-clan and inter-factional fighting can flare up with little warning, and kidnapping, murder, and other threats to U.S. citizens and other foreigners can occur unpredictably in many regions. There is no U.S. Embassy or other U.S. diplomatic presence in Somalia.

There have been attacks against foreigners in the self-declared "Republic of Somaliland" in northern Somalia. The Sanaag and Sool Regions in eastern Somaliland, bordering on Puntland (northeastern Somalia), are subject to insecurity due to potential inter-clan fighting. There have also been several fatal attacks against international relief workers, including Westerners, throughout Somalia and Somaliland. In addition, serious fighting has occurred in the Mogadishu area, the Puntland region in northern Somalia, and the districts of Gedo and Bay (especially the vicinity of Baidoa) in the south. Territorial control in the Mogadishu area is divided among numerous groups; lines of control are unclear and frequently shift, making movement within this area extremely hazardous.

U.S. citizens are urged to use caution when sailing near the coast of Somalia. Merchant vessels, fishing boats and recreational craft alike risk seizure and their crews being held for ransom, especially in the waters near the Horn of

Africa and the Kenyan border.

The U.S. government cannot provide services to U.S. citizens in Somalia. U.S. citizens who plan to travel to Somalia despite this Travel Warning are urged to register and obtain updated information on travel and security from the U.S. Embassies in neighboring countries. Travelers to the self-declared "Republic of Somaliland" should register with the U.S. Embassy in Djibouti, and travelers to Puntland or southern Somalia should register with the U.S. Embassy in Nairobi.

The U.S. Embassy in Djibouti is located at Plateau du Serpent, Boulevard Marechal Joffre, Djibouti City; telephone (253) 35-39-95. The after-hours telephone number is (253) 35-13-43. The mailing address is Ambassade Americaine, B.P. 185, Djibouti, Republique de Djibouti. The workweek in Djibouti is Sunday through Thursday. The U.S. Embassy in Nairobi is located on United Nations Avenue, Gigiri, Nairobi, Kenya; telephone (254)(20)363-6000; after-hours emergencies (254)(20)363-6170. The mailing address is P.O. Box 606 Village Market 00621, Nairobi, Kenya.

U.S. citizens should also consult the Department of State's Consular Information Sheet for Somalia, the Worldwide Caution Public Announcement, and the East Africa Public Announcement, which are located on the Department's internet website at <http://travel.state.gov>. American citizens may obtain up-to-date information on security conditions by calling 1-888-407-4747 toll-free in the United States or 317-472-2328 from overseas.

This site is managed by the Bureau of Consular Affairs, U.S. Department of State.  
External links to other Internet sites should not be construed as an endorsement of the views contained therein.

1 of 2 DOCUMENTS

FEDERAL REGISTER

Vol. 69, No. 151

Notices

DEPARTMENT OF HOMELAND SECURITY (DHS)  
Bureau of Citizenship and Immigration Services

[CIS No. 2319-04]

Extension of the Designation of Temporary Protected Status for Somalia

69 FR 47937

DATE: Friday, August 6, 2004

ACTION: Notice.

**SUMMARY:** The Temporary Protected Status (TPS) designation for Somalia will expire on September 17, 2004. This notice extends the Secretary of Homeland Security's designation of Somalia for 12 months until September 17, 2005, and sets forth procedures necessary for nationals of Somalia (or aliens having no nationality who last habitually resided in Somalia) with TPS to re-register and to apply for an extension of their employment authorization documentation for the additional 12-month period. Re-registration is limited to persons who registered under the initial designation (which was announced on September 16, 1991) and also timely re-registered under each subsequent extension of the designation, or who registered under the re-designation (which was announced on September 4, 2001) and also timely re-registered under each extension of the re-designation. Certain nationals of Somalia (or aliens having no nationality who last habitually resided in Somalia) who previously have not applied for TPS may be eligible to apply under the late initial registration provisions.

**EFFECTIVE DATES:** The extension of Somalia's TPS designation is effective September 17, 2004, and will remain in effect until September 17, 2005. The 60-day re-registration period begins August 6, 2004, and will remain in effect until October 5, 2004.

**FOR FURTHER INFORMATION CONTACT:** Colleen Cook, Residence and Status Services, Office of Programs and Regulations Development, Bureau of Citizenship and

Immigration Services, Department of Homeland Security, 425 "I" Street, NW.,  
Ullico Building, 3rd Floor, Washington, DC 20529, telephone (202) 514-4754.

#### SUPPLEMENTARY INFORMATION:

#### What Authority Does the Secretary of the Department of Homeland Security Have To Extend the Designation of TPS for Somalia?

On March 1, 2003, the functions of the Immigration and Naturalization Service (Service) transferred from the Department of Justice (DOJ) to the Department of Homeland Security (DHS) pursuant to the Homeland Security Act of 2002, Public Law 107-296. The responsibilities for administering TPS held by the Service were transferred to the Bureau of Citizenship and Immigration Services (BCIS).

Under section 244 of the Immigration and Nationality Act (Act), 8 U.S.C. 1254a, the Secretary of DHS, after consultation with appropriate agencies of the Government, is authorized to designate a foreign state or (part thereof) for TPS. The Secretary of DHS may then grant TPS to eligible nationals of that foreign state (or aliens having no nationality who last habitually resided in that state).

Section 244(b)(3)(A) of the Act requires the Secretary of DHS to review, at least 60 days before the end of the TPS designation or any extension thereof, the conditions in a foreign state designated for TPS to determine whether the conditions for a TPS designation continue to be met and, if so, the length of an extension of TPS. 8 U.S.C. 1254a(b)(3)(A). If the Secretary of DHS determines that the foreign state no longer meets the conditions for TPS designation, he shall terminate the designation, as provided in section 244(b)(3)(B) of the Act. 8 U.S.C. 1254a(b)(3)(B). Finally, if the Secretary of DHS does not determine that a foreign state (or part thereof) no longer [\*47938] meets the conditions for designation at least 60 days before the designation or extension is due to expire, section 244(b)(3)(C) of the Act provides for an automatic extension of TPS for an additional period of 6 months (or, in the discretion of the Secretary of DHS, a period of 12 or 18 months). 8 U.S.C. 1254a(b)(3)(C).

#### Why Did the Secretary of DHS Decide To Extend the TPS Designation for Somalia?

On September 16, 1991, the Attorney General published a notice in the **Federal Register** at 56 FR 46804 designating TPS for Somalia. The Attorney General extended this TPS designation annually, determining in each instance that the conditions warranting such designation continued to be met. The Attorney General extended and re-designated TPS for Somalia by publishing a notice in the **Federal Register** on September 4, 2001, at 66 FR 46288, based upon extraordinary and temporary conditions resulting from the armed conflict and lack of functioning state institutions. The last extension of TPS for Somalia by the Attorney General was published in the **Federal Register** on July 26, 2002, at 67 FR 48950.

After the transfer of functions and authority from the Service and DOJ to BCIS and DHS, DHS extended TPS for Somalia by Notice published in the **Federal Register** on July 21, 2003, at 68 FR 43147. This extension expires on September 17, 2004.

Since the date of the most recent extension, DHS and the Department of State (DOS) have continued to review conditions in Somalia. It is determined that a 12-month extension is warranted because the extraordinary and temporary

conditions that prompted designation persist. Further, it is determined that it is not contrary to the national interest of the United States to permit nationals of Somalia (or aliens having no nationality who last habitually resided in Somalia) who otherwise qualify for TPS to remain temporarily in the United States. 8 U.S.C. 1254a(b)(1)(C).

DOS observes that more than nine years after the withdrawal of the United Nations Operation in Somalia and thirteen years after the fall of Mohammed Siad Barre's regime, Somalia still lacks a central government. The mandate of the Transitional National Government for Somalia (TNG) expired in August 2003. In October 2002, the Inter-Governmental Authority (IGAD) was established, but has failed to produce a Somali central government. (DOS Recommendation (May 13, 2004)). The BCIS Resource Information Center (RIC) notes that the third and final phase of the peace talks did not fully start as scheduled on May 6, 2004 due to disagreements among delegates over a power-sharing formula. (RIC Report (May 11, 2004)). In January 2004 Somali leaders signed an agreement to establish a new Federal Transitional Parliament. Several faction leaders have since retracted their support for the agreement. (DOS Recommendation (May 13, 2004)).

Fighting has continued throughout the country, particularly in Mogadishu, Las Anod and Baidoa, as well as in the Bari, Bay, Bakol, Gedo, Lower Shabelle, Middle Shabelle, and Middle Juba regions. Inter-clan fighting throughout the country continues to increase. *Id.* The BCIS RIC notes that, although most of the armed conflict has been confined to the central and southern part of Somalia, tensions have arisen between the self-declared republic of Somaliland and the self-declared autonomous region of Puntland over the disputed regions of Sool and Sanaag. (RIC Report (May 11, 2004)). The increasing instability in Puntland caused many international humanitarian organizations to withdraw international staff from the region. (DOS Recommendation (May 13, 2004)).

The BCIS RIC reports a continued complex emergency situation in Somalia. Increasing conflict in the north is disrupting agricultural activity and further limiting access to health and social services. A number of Somalis are threatened by the drought in the northern and central regions of the country. (RIC Report (May 11, 2004)). The Sool Plateau in the north and the regions of Togdheer, Lowere Nugal and the central area face extreme food shortages due to a drought. *Id.* Additionally, Somalia currently lacks the institutions to address the demands of a large volume of returnees from the United States. (DOS Recommendation (May 13, 2004)).

Based upon this review, the Secretary of DHS, after consultation with appropriate government agencies, finds that the conditions that prompted designation of Somalia for TPS continue to be met. 8 U.S.C. 1254a(b)(3). There are extraordinary and temporary conditions in Somalia such that it is not prudent to return nationals of Somalia (or aliens having no nationality who last habitually resided in Somalia) if these aliens meet the other statutory requirements for TPS. The Secretary of DHS also finds that permitting nationals of Somalia (or aliens having no nationality who last habitually resided in Somalia) who meet the eligibility requirements of TPS to remain temporarily in the United States is not contrary to the national interest of the United States. 8 U.S.C. 1254a(b)(1)(C). On the basis of these findings, the Secretary of DHS concludes that the TPS designation for Somalia should be extended for an additional 12-month period. 8 U.S.C. 1254a(b)(3)(C).



**If I Currently Have TPS Through the Somalia TPS Designation, Do I Still Re-Register for TPS?**

Yes. If you already have received TPS benefits through the Somalia TPS designation, your benefits will expire on September 17, 2004. Accordingly, individual TPS beneficiaries must comply with the re-registration requirements described below in order to maintain their TPS benefits through September 17, 2005. TPS benefits include temporary protection against removal from the United States, as well as employment authorization, during the TPS designation period and any extension thereof. 8 U.S.C. 1254a(a)(1).

**If I am Currently Registered for TPS, How Do I Re-Register for an Extension?**

All persons previously granted TPS under the Somalia designation who wish to maintain such status must apply for an extension by filing (1) a Form I-821, Application for Temporary Protected Status, without the filing fee; (2) a Form I-765, Application for Employment Authorization; and (3) two identification photographs (1 1/2 inches x 1 1/2 inches). See the chart below to determine whether you must submit the one hundred and seventy five dollar (\$ 175) filing fee with Form I-765. Applicants for an extension of TPS benefits do not need to be re-fingerprinted and thus need not pay the seventy-dollar (\$ 70) biometric services fee. Children beneficiaries of TPS who have reached the age of fourteen (14) but were not previously fingerprinted must pay the seventy dollar (\$ 70) biometric services fee with the application for extension.

An application submitted without the required fee and/or photos will be returned to the applicant. Submit the completed forms and applicable fee, if any, to the BCIS District Office having jurisdiction over your place of residence during the 60-day re-registration period that begins August 6, 2004, and ends October 5, 2004. [\*47939]

If	Then
You are applying for employment authorization until September 17, 2005	You must complete and file the Form I-765, Application for Employment Authorization, with the \$ 175 fee.
You already have employment authorization or do not require employment authorization	You must complete and file Form I-765 with no fee. fn1
You are applying for employment authorization and are requesting a fee waiver	You must complete and file: (1) Form I-765 and (2) a fee waiver request and affidavit (and any other information) in accordance with 8 CFR 244.20.

fn1 An applicant who does not seek employment authorization documentation does not need to submit the \$ 175 fee, but must still complete and submit Form I-765 for data gathering purposes.

**How Does an Application for TPS Affect my Application for Asylum or Other Immigration Benefits?**

An application for TPS does not affect an application for asylum or any other immigration benefit. Denial of an application for asylum or any other immigration benefit does not affect an applicant's TPS eligibility, although the

grounds for denying one form of relief may also be grounds for denying TPS. For example, a person who has been convicted of a particularly serious crime is not eligible for asylum or TPS. 8 U.S.C. 1158(b)(2)(A)(ii); 8 U.S.C. 1254a(c)(2)(B)(ii). Also, a person convicted of any felony or two misdemeanors committed in the United States is not eligible for TPS. 8 U.S.C. 1245a(c)(2)(B)(i).

#### **Can I Apply for Another Immigration Benefit While Registered for TPS?**

Yes. Registration for TPS does not prevent you from applying for another non-immigrant status or from filing for adjustment of status based on an immigrant petition. 8 U.S.C. 1254a(a)(5). TPS alone, however, does not lead to adjustment of status. 8 U.S.C. 1254a(f)(1). For the purposes of change of status and adjustment of status, a registered TPS beneficiary is considered as being in and maintaining lawful status as a nonimmigrant. 8 U.S.C. 1254a(f)(4).

#### **Does This Extension Allow Nationals of Somalia (or Aliens Having No Nationality Who Last Habitually Resided in Somalia) Who Entered the United States After September 4, 2001, To File for TPS?**

No. This is a notice of an extension of TPS, not a notice of re-designation of TPS for Somalia. An extension of TPS does not change the required dates of continuous residence and continuous physical presence in the United States. This extension does not expand TPS availability to those beyond the current TPS eligibility requirements of Somalia. To be eligible for benefits under this extension, nationals of Somalia (or aliens having no nationality who last habitually resided in Somalia) must have been continuously physically present and continuously resided in the United States since September 4, 2001, the date of the last re-designation of TPS for Somalia.

#### **What is Late Initial Registration?**

Some persons may be eligible for late initial registration under 8 U.S.C. 1254a(c)(1)(A), 8 U.S.C. 1254a(c)(2), and 8 CFR 244.2. To apply for late initial registration an applicant must:

- (1) Be a national of Somalia (or alien who has no nationality and who last habitually resided in Somalia);
- (2) Have been continuously physically present in the United States since September 4, 2001;
- (3) Have continuously resided in the United States since September 4, 2001; and
- (4) Be both admissible as an immigrant, except as provided under section 244(c)(2)(A) of the Act, and not ineligible under section 244(c)(2)(B) of the Act.

Additionally, the applicant must be able to demonstrate that during the registration period for the initial designation (from September 16, 1991 to September 16, 1992), or during the registration period for the re-designation (from September 4, 2001 to September 17, 2002), he or she:

- (1) Was a nonimmigrant or had been granted voluntary departure status or any relief from removal;

(2) Had an application for change of status, adjustment of status, asylum, voluntary departure, or any relief from removal or change of status pending or subject to further review or appeal;

(3) Was a parolee or had a pending request for reparole; or

(4) Was the spouse or child of an alien currently eligible to be a TPS registrant.

An applicant for late initial registration must file an application for late registration no later than 60 days after the expiration or termination of the conditions described above. 8 CFR 244.2(g).

#### **What Happens When this Extension of TPS Expires on September 17, 2005?**

At least 60 days before this extension of TPS expires on September 17, 2005, the Secretary of DHS will review conditions in Somalia and determine whether the conditions for TPS designation continue to be met at that time, or whether the TPS designation should be terminated. Notice of that determination, including the basis for the determination, will be published in the **Federal Register**.

If the TPS designation is extended at that time, an alien who has received TPS benefits must re-register under the extension in order to maintain TPS benefits. If, however, the Secretary of DHS terminates the TPS designation, TPS beneficiaries will maintain the immigration status they had before TPS (unless that status had since expired or been terminated) or any other status they may have acquired while registered for TPS. Accordingly, if an alien had no lawful immigration status prior to receiving TPS and did not obtain any status during the TPS period, he or she will revert to that unlawful status upon termination of the TPS designation.

#### **Notice of Extension of Designation of TPS for Somalia**

By the authority vested in DHS under sections 244(b)(1)(C), (b)(3)(A), and (b)(3)(C) of the Act, DHS has consulted with the appropriate government agencies and determined that the conditions that prompted designation of Somalia for TPS continue to be met. 8 U.S.C. 1254a(b)(3)(A). Accordingly, DHS orders as follows:

(1) The designation of Somalia under section 244(b)(1)(C) of the Act is extended for an additional 12-month period from September 17, 2004, to September 17, 2005. 8 U.S.C. 1254a(b)(3)(C).

(2) There are approximately 324 nationals of Somalia (or aliens having no nationality who last habitually resided in Somalia) who have been granted TPS and who are eligible for re-registration.

(3) To maintain TPS, a national of Somalia (or an alien having no nationality who last habitually resided in Somalia) who was granted TPS during the initial designation period or re-designation period must re-register [\*47940] for TPS during the 60-day re-registration period from August 6, 2004, until October 5, 2004.

(4) To re-register, the applicant must file the following: (1) Form I-821, Application for Temporary Protected Status; (2) Form I-765, Application for Employment Authorization; and (3) two identification photographs (1 1/2 inches by 1 1/2 inches). Applications submitted without the required fee and/or photos will be returned to the applicant. There is no fee for filing a Form I-821 for re-registration. If the applicant requests employment authorization, he or she

must submit one hundred and seventy five dollars (\$ 175) or a properly documented fee waiver request, pursuant to 8 CFR 244.20, with the Form I-765. An applicant who does not request employment authorization must nonetheless file Form I-765 along with Form I-821, but is not required to submit the fee. The seventy-dollar (\$ 70) biometric services fee is required only for children beneficiaries of TPS who have reached the age of 14 but were not previously fingerprinted. Failure to re-register without good cause will result in the withdrawal of TPS. 8 U.S.C. 1254a(c)(3)(C). Some persons who had not previously applied for TPS may be eligible for late initial registration under 8 CFR 244.2.

(5) At least 60 days before this extension terminates on September 17, 2005, the Secretary will review the designation of Somalia for TPS and determine whether the conditions for designation continue to be met. 8 U.S.C. 1254a(b)(3)(A). Notice of that determination, including the basis for the determination, will be published in the **Federal Register**. 8 U.S.C. 1254a(b)(3)(A).

(6) Information concerning the extension of designation of Somalia for TPS will be available at local BCIS offices upon publication of this notice and on the BCIS Web site at <http://uscis.gov>.

Dated: July 19, 2004.

**Tom Ridge,**

*Secretary of Homeland Security.*

[FR Doc. 04-18005 Filed 8-5-04; 8:45 am]

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## **Somalia**

### **Persecution of the Majeerteen**

In the aftermath of the Ogaden debacle, a group of disgruntled army officers attempted a coup d'état against the regime in April 1978. Their leader was Colonel Mahammad Shaykh Usmaan, a member of the **Majeerteen** clan. The coup failed and seventeen alleged ringleaders, including Usmaan, were summarily executed. All but one of the executed were of the **Majeerteen** clan. One of the plotters, Lieutenant Colonel Abdillaahi Yuusuf Ahmad, a **Majeerteen**, escaped to Ethiopia and founded an anti-Siad Barre organization initially called the Somali Salvation Front (SSDF; later the Somali Salvation Democratic Front, SSDF) (see [Sources of Opposition](#), ch. 5). During their preeminence in the civilian regimes, the **Majeerteen** had alienated other clans. Thus, when Siad Barre sent the Red Berets against the **Majeerteen** in Mudug Region, other clans declined to support them.

The Red Berets systematically smashed the small reservoirs in the area around Galcaio so as to deny water to the Umar Mahamuud **Majeerteen** sublineages and their herds. In May and June 1979, more than 2,000 Umar Mahamuud, the **Majeerteen** sublineage of Colonel Ahmad, died of thirst in the waterless area northeast of Galcaio, Garoowe, and Jerriiban. In Galcaio, members of the Victory Pioneers, the urban militia notorious for harassing civilians, raped large numbers of **Majeerteen** women. In addition, the clan lost an estimated 50,000 camels, 10,000 cattle, and 100,000 sheep and goats.

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