



ETHIOPIA

Collective Punishment

War Crimes and Crimes against Humanity
in the Ogaden area of Ethiopia's Somali Regional State

HUMAN
RIGHTS
WATCH



Collective Punishment

**War Crimes and Crimes against Humanity in the
Ogaden area of Ethiopia's Somali Regional State**

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Ethiopia’s Somali Region**

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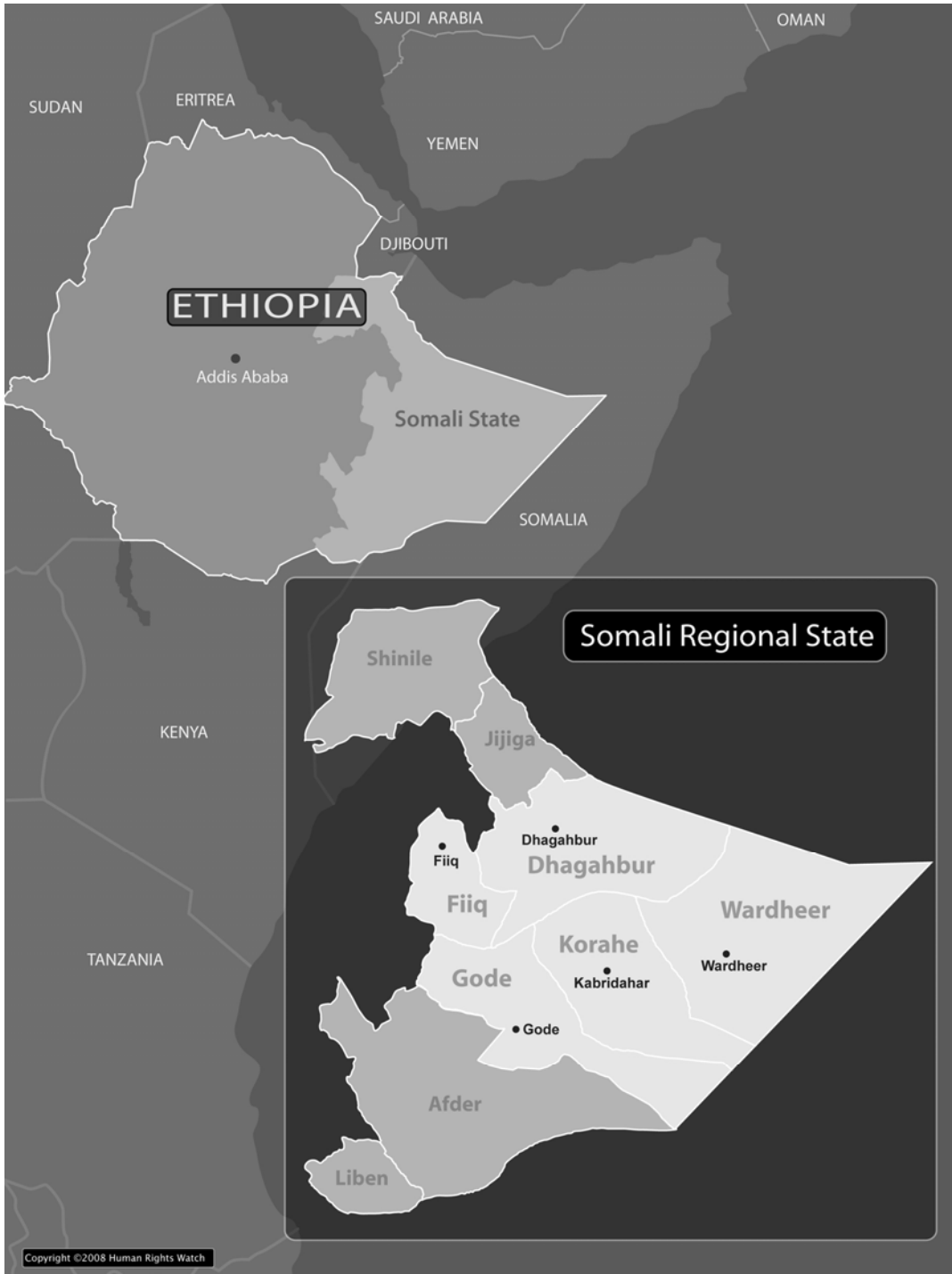
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Map 1: Ethiopia and Somali Regional State



Summary

Tens of thousands of ethnic Somali civilians living in eastern Ethiopia's Somali Regional State are experiencing serious abuses and a looming humanitarian crisis in the context of a little-known conflict between the Ethiopian government and an Ethiopian Somali rebel movement. The situation is critical. Since mid-2007, thousands of people have fled, seeking refuge in neighboring Somalia and Kenya from widespread Ethiopian military attacks on civilians and villages that amount to war crimes and crimes against humanity.

For those who remain in the war-affected area, continuing abuses by both rebels and Ethiopian troops pose a direct threat to their survival and create a pervasive culture of fear. The Ethiopian military campaign of forced relocations and destruction of villages reduced in early 2008 compared to its peak in mid-2007, but other abuses—including arbitrary detentions, torture, and mistreatment in detention—are continuing. These are combining with severe restrictions on movement and commercial trade, minimal access to independent relief assistance, a worsening drought, and rising food prices to create a highly vulnerable population at risk of humanitarian disaster.

Although the conflict has been simmering for years with intermittent allegations of abuses, it took on dramatic new momentum after the Ogaden National Liberation Front (ONLF) attacked a Chinese-run oil installation in Somali Region in April 2007, killing more than 70 Chinese and Ethiopian civilians. The Ethiopian People's Revolutionary Democratic Front (EPRDF) government, led by Prime Minister Meles Zenawi, responded by launching a brutal counter-insurgency campaign in the five zones of Somali Region primarily affected by the conflict: Fiiq, Korahe, Gode, Wardheer, and Dhagahbur. In these zones the Ethiopian National Defense Forces (ENDF) have deliberately and repeatedly attacked civilian populations in an effort to root out the insurgency.

Ethiopian troops have forcibly displaced entire rural communities, ordering villagers to leave their homes within a few days or witness their houses being burnt down and

their possessions destroyed—and risk death. Over the past year, Human Rights Watch has documented the execution of more than 150 individuals, many of them in demonstration killings, with Ethiopian soldiers singling out relatives of suspected ONLF members, or making apparently arbitrary judgments that individuals complaining to soldiers or resisting their orders are ONLF supporters. These executions have sometimes involved strangulation, after which their bodies are left lying in the open as a warning, for villagers to bury. The information confirmed by Human Rights Watch is only a glimpse of what is taking place—real figures are likely to be higher.

Mass detentions without any judicial oversight are routine. Hundreds—and possibly thousands—of individuals have been arrested and held in military barracks, sometimes multiple times, where they have been tortured, raped, and assaulted. Confiscation of livestock (the main asset among the largely pastoralist population), restrictions on access to water, food, and other essential commodities, and obstruction of commercial traffic and humanitarian assistance have been used as weapons in an economic war aimed at cutting off ONLF supplies and collectively punishing communities that are suspected of supporting the rebels.

These crimes are being committed with total impunity, on the thinnest of pretexts. They are generating a perception in the area that simply being an ethnic Somali—and particularly a member of the Ogaadeeni clan which constitutes the backbone of the ONLF—is enough to render a person suspect in the eyes of the national government. As one young man told Human Rights Watch, “Anyone with a bowl of water is suspected of supplying the ONLF.”

Ethiopian military personnel who ordered or participated in attacks on civilians should be held responsible for war crimes. Senior military and civilian officials who knew or should have known of such crimes but took no action may be criminally liable as a matter of command responsibility. The widespread and apparently systematic nature of the attacks on villages throughout Somali Region is strong evidence that the killings, torture, rape, and forced displacement are also crimes against humanity for which the Ethiopian government bears ultimate responsibility.

The ONLF has also been responsible for serious violations of international humanitarian law (the laws of war). These include the summary execution of dozens of Chinese and Ethiopian civilians in the context of its April 2007 attack on the oil installation, the ONLF practice of killing suspected government collaborators, and the indiscriminate mining of roads used by government convoys. Those who ordered or carried out such acts are responsible for war crimes. Many civilians feel trapped with no refuge from ONLF pressure or the abuses by Ethiopian troops.

The Ethiopian government has repeatedly dismissed or minimized concerns about the human rights and humanitarian situation in Somali Region. It often claims, particularly to the international audience, that insecurity in the region is the work of Eritrean-backed “terrorists” seeking to destabilize Ethiopia. There is no question that the political dynamics in Somali Region intertwine with regional dynamics and are influenced by the continuing hostility between Eritrea and Ethiopia as well as events in neighboring Somalia. The application of terrorist rhetoric to the internal conflict with the ONLF, however, appears designed mainly to attract support from the United States as part of the “war on terror.” It does not justify violations of international human rights and humanitarian law.

The government faces complex challenges in Somali Region. The ONLF, which claims to be seeking self-determination for the region, represents only a segment of the divided Ethiopian Somali community. There are legitimate fears that the escalating conflict across the border in Somalia could spill into Ethiopia. The authorities face difficult questions on how to best establish the rule of law in a remote, poverty-stricken region largely inhabited by pastoralists who have little knowledge of or confidence in state institutions that have long neglected them. Instead of addressing these challenges in good faith with efforts to build institutions and accountability to support the rule of law and reduce the appeal of armed groups, the government has implemented violent repression, echoing the response to the region of previous Ethiopian administrations.

The Ethiopian government’s reaction to reports of abuses in 2007 has been to deny the allegations, disparage the sources, and actively restrict or control access to the

region by journalists, human rights groups, and aid organizations (including by expelling the International Committee of the Red Cross in July 2007).

Due to increasing alarm over humanitarian conditions, particularly malnutrition rates among children, the UN and some nongovernmental organizations were permitted to expand humanitarian programs in parts of the region in late 2007, a small positive step. However these operations have been limited to certain geographic areas, are vulnerable to constant government threats and harassment, are sometimes unable to operate with sufficient independence from government control, and have no protection mandate or capacity to respond to the attacks on civilians which remain the biggest priority for many affected communities.

The Ethiopian government's politicized manipulation of humanitarian operations, particularly food distribution, plus the continued restrictions on commercial traffic and trade are creating a situation that—in combination with the drought produced by failed rains—could quickly slip into catastrophe. The Ethiopian government should take urgent action to ensure that the needs of vulnerable civilians in Somali Region are prioritized, including in emergency appeals. Yet due to government obstruction and restrictions on access to conflict-affected zones, humanitarian agencies cannot even conduct the independent nutritional assessments needed to fully assess the scale and formulate a proper response to the potential crisis.

The international response to the situation ranges from insipid to disingenuous. Western governments, including the US, UK, and European Union, which cumulatively provide almost US\$2 billion of aid to Ethiopia every year and rely on the Ethiopian government as a key ally in a volatile region, have sent a number of delegations to the region but have refrained from even mild public concern, much less criticism. The US government, which is a staunch Ethiopian ally—particularly in counter-terrorism efforts—and has probably the greatest leverage of any of the donor governments, has minimized and possibly actively ignored internal concerns and reporting on the situation.

Instead of maintaining the complicity of silence, donor governments should start using their leverage to insist on three sets of immediate actions in Somali Region. Full recommendations are given below.

First, both the Ethiopian government and the ONLF should support full, unhindered and immediate access to the region for independent aid organizations, the media, and human rights groups, and the government should lift restrictions on commercial trade and civilian and livestock movement, including across the border with Somaliland. Implementing this recommendation would have an immediate positive effect on civilian access to water and grazing for their livestock, food, and local markets and could mitigate the impending food crisis. Humanitarian organizations should also have immediate, unimpeded access to conduct independent nutritional surveys in all affected areas and properly monitor food distribution to ensure it is not diverted.

Second, the Ethiopian government should immediately issue clear public orders to the armed forces and all other security agencies in Somali Region to cease abuses of civilians, including the military's forced relocations, extrajudicial executions, mass detentions, and mistreatment of detainees. The ONLF should also cease killings of civilians, including government officials, desist from the indiscriminate use of mines along key roads in Somali Region and publicly commit to abide by international humanitarian law.

Third, Ethiopian authorities should establish an independent commission of inquiry to investigate the allegations of abuses by all parties to the conflict and begin short and long-term efforts to ensure accountability for abuses by government security forces in Somali Region and elsewhere, including judicial and security sector reforms.

Rapid implementation of these recommendations could help to avert catastrophe in Somali Region. If the abuses continue, denied by the Ethiopian government and ignored by international donors, the outcome is all too clear: yet another cycle of human rights devastation, famine, and impoverishment in a region which already knows these trends all too well, and thousands of new victims, embittered by the repeated denial of their rights as human beings and Ethiopians.

Methodology

This report is based largely on interviews with Ethiopian refugees in countries neighboring Ethiopia. The Ethiopian government does not officially bar the media or human rights organizations from Somali Region, and parts of it, including the regional capital, Jijiga, are accessible to visitors. However, the region's five main conflict-affected zones—Fiiq, Wardheer, Dhagahbur, Gode, and Koraha—are under tight military control. Foreigners traveling into this area generally come under close scrutiny, and international journalists who have attempted to research stories have regularly been arrested. Residents of the region, like many other Ethiopians, fear the pervasive state security apparatus. This oppressive atmosphere makes conducting on-site research into human rights abuses an especially difficult task, not least because of the security risks to victims and witnesses.

Human Rights Watch repeatedly requested by letter that the Ethiopian government permit access to the conflict-affected region, but received no response. Because of the severe restrictions and the dangers that would be faced by Ethiopian staff and individuals we sought to interview, Human Rights Watch decided not to attempt to access conflict-affected zones.

Human Rights Watch researchers instead located and interviewed recent refugees from the conflict in neighboring countries, including Kenya, Somalia, and Djibouti. During September and October 2007, Human Rights Watch researchers conducted a month-long field mission to Kenya (Nairobi, Garissa, and several refugee camps around Dadaab) and Hargeysa, Somaliland, where we interviewed more than 70 victims and eyewitnesses of abuses, as well as traders, business leaders, and officials originating from Somali Region. Human Rights Watch researchers also conducted a short research trip to Addis Ababa to interview individuals from Somali Region.

Finally, telephone and in-person interviews were conducted with dozens of additional victims, eyewitnesses, ONLF representatives, regional government officials, journalists, pro-government militia leaders, and aid officials in a variety of locations, including in Somali Region, Addis Ababa, Djibouti, Somalia, Kenya, and Europe.

Human Rights Watch also sought out persons with particular profiles, such as traders and livestock herders active on the Ethiopian-Somali trading routes for information on trading restrictions, community leaders and regional officials for information on the political dynamics, and scholars and independent analysts with insights into the region's complex history. In November 2007 and March 2008 Human Rights Watch wrote to Prime Minister Meles Zenawi and other Ethiopian officials, presented preliminary research findings and requested information on the situation in Somali Region and meetings with Ethiopian federal officials. We also sought further details of allegations of ONLF abuses and the opportunity to interview victims of ONLF attacks in Ethiopia, but to date we have not received any response to these requests.

To the extent possible, all interviews were conducted in private, including in the refugee camps, with only the Human Rights Watch researcher, the interviewee, and (when necessary) a trained interpreter present. Interviewees were asked only to relate events that they personally experienced and witnessed. When allegations of abuse were made during interviews, the interviewees were again asked if they personally witnessed or experienced those abuses. Careful notes were taken during all interviews, and are on file with Human Rights Watch.

For the security of witnesses and their relatives who remain in Ethiopia, the names of most witnesses have been withheld, and other details such as the age, gender, and occupation have been changed where necessary to protect their identities. In some interviews the date and location of the interview is omitted if this could present a security risk to the witness. Ethiopian intelligence officials are active in many locations where Ethiopian refugees reside, including Kenya and the semi-autonomous Somaliland region of northern Somalia. In Somaliland in particular, there have been repeated incidents in which local authorities have detained refugees and forcibly returned them (under arrest) to Ethiopia, under pressure from Ethiopian security services.

In order to further corroborate the widespread allegations of extensive village burnings in Somali Region, Human Rights Watch worked with the Science and Human Rights Program of the American Association for the Advancement of Science to obtain

“before” and “after” satellite images of villages that had been reportedly burned. An initial list of 87 villages that had been reported to Human Rights Watch to have been burned was compiled, and from that list, villages whose exact coordinates could be established were selected as candidates for image acquisition. A further selection was made based on the availability of “before” images for each of those locations, as well as the strength of the eyewitness accounts from those villages.

For villages mentioned in this report as burned, a total of 11 sets of “before” and “after” images were selected. These images were reviewed for signs consistent with the reporting provided by Human Rights Watch, and in eight cases the imagery did provide indications of structural removal and, sometimes, burning. Special care was taken to differentiate nomadic settlements from permanent towns, and to identify changes in those towns associated with traditional nomadic migration rather than violent attacks. Ultimately, image analysis focused on the permanent towns only, given the difficulties of assessing nomadic populations from satellite imagery. Resulting images are highlighted in this report, and more details are available in a corresponding report released by AAAS.

The incidents detailed in this report are only a fraction of the information on abuses obtained by Human Rights Watch and largely focus on events in 2007, although there is credible evidence that many of the patterns of abuses are continuing. Human Rights Watch regrets the lack of cooperation from the Ethiopian authorities in our investigation. Despite our lack of access to Somali Region, this report presents unequivocal evidence from victims and eyewitnesses of numerous serious crimes in Somali Region in violation of international law. Further independent field investigations are urgently needed to address the crimes documented in this report and provide comprehensive documentation for future accountability mechanisms.

Note on Terminology

In this report Human Rights Watch uses the current administrative terms “Region 5” (known as *kilil amist* in Amharic), “Somali Regional State,” and “Somali Region” interchangeably to describe Ethiopia’s eastern Somali state. Where the term “Ogaden” or “Ogaden area” is used, it refers to either historical usage, or to the smaller geographic area within Somali Region which is largely although far from exclusively inhabited by ethnic Somali members of the Ogaadeen clan.

The Ogaden area roughly corresponds to five of Somali Region’s nine zones: Fiiq, Korahe, Dhagahbur, Gode, and Wardheer. The remaining zones—Shinile, Jijiga, Afder, and Liben—incorporate the colonial area known as the Haud, located north of the Ogaden along the border with Somaliland, and parts of former Eastern Hararghe and Bale.

In order to distinguish the clan from the geographic area, in this report the term “Ogaadeen” is used to describe the clan, a member of the Darood clan family, which contains numerous sub-clans represented across the Horn of Africa.

Place names present a challenge in Somali Region. For many years the Somali language had no written form and different spelling conventions were used by Italian and British colonial authorities. In 1972 the Somali Language Commission decided to use a Roman script for the written form of Somali, but included the letters “c” and “x” to represent the Somali sounds “*ayn*” and “h” respectively.

Contemporary sources and maps of Somali Region often mix three or more different spellings of geographic locations and ethnic Somali names. For example, alternative spellings of Dhagahbur include Degeh Bur, Dagahbur, Degehabur, and the Somali spelling, Dhagaxbuur. This report generally uses English spellings for locations unless the Somali version appears to be more commonly used in Somali Region and on relevant maps. In some cases where two variants are used by different sources, such as Aado/Caado or Yu’ub/Yucub, this report notes both spellings.

Part 1: Background

In April 2007, a low-intensity conflict between the Ethiopian government and an insurgency movement called the Ogaden National Liberation Front (ONLF),¹ made international news when the rebels attacked an oil site in Somali Regional State, in southeast Ethiopia, capturing and killing more than 70 Chinese and Ethiopian oil workers as well as scores of Ethiopian soldiers. Although the ONLF attack sparked international attention to the region for the first time in decades, Ethiopia's Somali Region has been a locus of conflict for more than a century.

Although geographically within Ethiopia, the Somali Region's ethnic Somali population remains culturally and economically intertwined with neighboring Somalia. Conflicts within and over the region have evolved in tandem with many of the 20th century's most significant national and regional developments in the Horn of Africa. These include the colonial era division of the Horn's Somali peoples among what eventually became four different countries²; the creation of Somalia in 1960 and the resulting spur to Somali secessionist movements in neighboring countries; and the 1991 collapse of the Somali state led by Mohamed Siad Barre, just 30 years after its creation.

A detailed examination of the many complex and contentious events that have influenced the dynamics in Somali Region is beyond the scope of this report. However, the following chapters identify in brief key, background factors and trace the most significant events influencing the evolution of the current armed conflict.

¹ In Somali, the ONLF is called Jabhadda Waddaniga Xoreynta Ogaadeenya (JWXO).

² In 1942 the various Somali territories included French Somaliland (which opted for independence in 1977 and is now known as Djibouti); Italian Somaliland (now south-central Somalia); British Somaliland (now northern Somalia or the self-declared Republic of Somaliland); the area now known as Puntland (since 1998, which was not part of the former British Protectorate of Somaliland); the Ethiopian Ogaden and Haud territories (now part of Ethiopia's Somali Regional State or Region 5); and Kenya's Northern Frontier District (renamed North Eastern Province).

Political and Historical Context

The People and the Area

Precise demographic data is difficult to obtain but it is estimated that approximately four million ethnic Somalis, largely pastoralists or agro-pastoralists, and almost entirely Muslim, currently inhabit Ethiopia's Somali Region.³ It is one of Ethiopia's poorest states, with some of the lowest literacy rates and levels of services in the country. Geographically on the periphery, the region's lack of infrastructure, weak administrative structures, and pervasive historical mistrust of what many Somalis perceive as "*habasha*" or Ethiopian "highlander" dominated culture have all contributed to an ambivalent affiliation with the Ethiopian polity and national identity.

Many Ethiopian Somalis share mistrust of the federal government and a sense of marginalization from their rightful national share of services and development. Since the regional government was established in 1992, the lack of confidence has increasingly included regional as well as federal institutions. While the federal government has made attempts to develop Somali Region, regional governments have frequently failed to absorb and spend available funds due to insufficient capacity, corruption, and other problems.

Beyond this general disillusionment with state structures, however, Somali communities at the regional and local levels are often deeply divided by clan, political, ideological, and resource-based tensions. All of the major Somali clan families are found in Somali Region. The Somali Darood are the largest clan family numerically—with the Darood Ogaadeen clan estimated to be the largest single clan, constituting perhaps 40 to 50 percent of Ethiopian Somalis. Non-Ogaadeeni Darood such as the Marehan, and other clan families including the Dir (Isse), Isaaq, Hawiye, Bantu, and Rahaweyn also inhabit Somali Region.

³ The Ethiopian Office of Population and Housing Census Commission estimated in 1997 that the total population of Somali Region was almost 3.4 million.

The Ogaadeen clan of the Darood clan family mostly inhabit the central Ogaden plateau of Somali Region, or the administrative zones called Fiiq, Dhagahbur, Gode, Korahe, and Wardheer, along with other non-Ogaadeeni clans. The Issa live in the area north of the Hareghe highlands north of Dire Dawa (today called Shinile zone), and the Isaaq inhabit the prized pasture land known in the colonial era as the Haud, on the border with Somaliland, as well as parts of the Ogaden.

The division between Ogaadeeni and non-Ogaadeeni clans—and the historical fear among many non-Ogaadeeni clans of Ogaadeeni dominance—is an important fault line in the region’s dynamics, affecting affiliation to the various armed opposition groups, competition for power sharing, and the strategies used by the federal government to suppress opposition.

The Ogaden and Somali Nationalism in the Colonial Era

Somali political struggle in the Horn of Africa has a long history and the area known as the Ogaden, which constitutes a key part of Somali Region, has had a pivotal role in that history. As early as 1899, the Dervish fighters of Sayyid Mohammed Abdule Hassan launched a 20-year struggle against British, Italian, and Ethiopian occupiers, retaking control of much of the Ogaden and other Somali territories before finally suffering defeat at the hands of British forces in 1921.⁴

The territory was also the subject of an intense power struggle during the colonial period, pitting the competing claims of Ethiopia (then called Abyssinia), whose Emperor Menelik II first extended his claim to the region in 1887,⁵ against the colonial powers Italy and Britain. When the Italian military invaded Abyssinia in 1936, the Ogaden region was incorporated into the Italian East African Empire. Just five years later in 1941 the Allied powers defeated the Italian forces in East Africa and all the Somali territories, including the Ogaden, were briefly united under a single British military administration.

⁴ I.M. Lewis, *A Modern History of the Somali* (4th ed.) (Oxford: James Currey, 2002), pp. 63-91.

⁵ I.M. Lewis, *A Modern History of the Somali*, p. 51.

Following World War II, the Allied powers established the Four Power Commission (Britain, United States, Soviet Union, and France) to decide the fate of defeated Italy's colonial possessions. Divergent claims were presented to the Commission, which was itself deeply divided. Italy wanted its colonial possessions returned; Ethiopia wanted control over the Ogaden territory; while Britain supported a united Somalia under British colonial administration. Somali clans were also divided, with some petitioning to remain with Ethiopia and others advocating for a "Greater Somalia."⁶

In the end, Britain restored Ethiopian sovereignty over the Ogaden territory and abandoned its vision of one united Somali state administered by Britain. On September 23, 1948, the Ogaden was transferred from British to Ethiopian control, with little incident, but over the strenuous objections of Somali nationalists.⁷ The additional territories of the "Reserved Areas," which are largely inhabited by non-Ogaadeeni Somali clans, were handed over to Ethiopian control in 1948 and 1954.

The Role of Somalia and Insurgency Movements in the 1960s and 1970s

Somali nationalism gained significant momentum with the establishment of an independent Somalia in 1960. The new Somali constitution called for the "union of Somali territories" and the Somali flag featured a five-pointed star against a UN-blue background, each point of the star symbolizing one of the five Somali regions.⁸

Somalia's new government swiftly started a diplomatic and military campaign to unite the three "missing" regions to the new Somali state. The latter effort included supporting Somali insurgent groups in southeastern Ethiopia, the beginning of a strategy of cross-border insurgency support on both sides of the Ethiopian-Somali border that was to endure for decades.⁹

⁶ Cedric Barnes, "The Somali Youth League, Ethiopian Somalis and the Greater Somalia Idea, c.1946-48," *Journal of East African Studies*, vol. 1, no.2, July 2007.

⁷ Ibid.

⁸ Article VI (4) of the Somali Constitution reads: "The Somali Republic shall promote, by legal and peaceful means, the union of Somali territories..." The five regions included the three "missing" Somali territories administered by other countries: the Somali territories in Ethiopia, Kenya and French Somaliland.

⁹ Somali support for self-determination and secessionist movements was not confined to the Somali population in eastern Ethiopia. Kenya declared a state of emergency in 1963 to respond to a secessionist movement in its Northwest Frontier District (now called North Eastern Province). The emergency powers associated with this declaration were maintained until the early

The first insurgent activities began in the early 1960s, supported by the Somali government. Activities escalated in 1963 to include attacks on police stations and convoys.¹⁰ This, alongside rising Oromo nationalism, provoked an Ethiopian military crackdown on southeastern Ethiopia and a series of clashes with the Somali military.¹¹ Under Emperor Haile Selassie, the Ethiopian military employed abusive counter-insurgency tactics to deal with the problem of Somali “agitation” in the east. Many of these tactics, including the confiscation or destruction of large numbers of livestock to put pressure on Somali pastoralists and controlling water points,¹² have been replicated by successive administrations.

The Somali-backed insurgency in Ogaden and neighboring Oromo territories caused Ethiopia to declare martial law in parts of the region in 1966. It took Ethiopia until 1971 to pacify the region through a combination of military campaigns and the careful cultivation of pro-Ethiopian Ogaadeeni and Oromo figures.¹³ The 1969 military coup of Maj. Gen. Mohamed Siad Barre in Somalia also focused Somalia on domestic priorities, leading to diminished support for the insurgent groups previously supported by Somalia.¹⁴

The Somali-Ethiopian War over the Ogaden, 1977-78

In 1974 the political landscape changed dramatically when Emperor Haile Selassie was deposed by Mengistu Haile Mariam, who established the “Derg” (literally “committee” in Amharic) military rule. This development coincided with increasing efforts by Somalia’s President Siad Barre to bolster his regime. Siad Barre’s deals with some clan elders resulted in the 1976 establishment of the Western Somalia Liberation Front (WSLF). Based in Mogadishu and Hargeysa, the WSLF was able to

1990s and led to widespread and serious abuses of human rights by the Kenyan security forces against Kenyan Somalis. See Africa Watch (now Human Rights Watch/Africa), *Kenya: Taking Liberties*, (New York: Human Rights Watch, 1991), pp. 269-272.

¹⁰ John Markakis, *National and Class Conflict in the Horn of Africa*, (Cambridge: Cambridge University Press, 1987), pp. 177-180. See also Paul B. Henze, *Layers of Time: A History of Ethiopia* (New York: Palgrave Press, 2000), pp. 262-263.

¹¹ Markakis, *National and Class Conflict in the Horn of Africa*, p. 180.

¹² Africa Watch (now Human Rights Watch/Africa), *Evil Days: 30 Years of War and Famine in Ethiopia*, (New York: Human Rights Watch, 1991), pp. 71-72.

¹³ Markakis, *National and Class Conflict in the Horn of Africa*, pp. 191-200.

¹⁴ President Siad Barre sought to placate the Ethiopian government by formally disbanding the leading insurgent groups, but did not renounce Somalia’s claim to the Ogaden. Africa Watch, *Evil Days*, p. 72.

recruit disgruntled Ogaadeeni pastoralists who had suffered from the Ethiopian military campaigns and the famine of 1974-5.¹⁵

Somalia increased its support for the rebel groups fighting in the Ogaden but their guerrilla raids made less headway than the Somali army wanted. In early 1977 President Barre began sending in soldiers from the Somali regular army with the rebels, without uniform or heavy weaponry.¹⁶ In July 1977 the Somali army scaled up its campaign and launched a full-scale invasion, taking control of Jijiga and much of the southern Ogaden in September 1977.¹⁷ But Barre's invasion of Ethiopia soon led to a Soviet (and Cuban) military intervention on behalf of Ethiopia, and by early 1978 Somalia had suffered a devastating military defeat.¹⁸ Many of the worst abuses against civilians occurred after the Ethiopian victory, during the reoccupation by Ethiopian forces. Up to 500,000 people were internally displaced, and thousands of ethnic Somalis fled with the retreating Somali army into Somalia.¹⁹

The Ethiopian-Somali war and Mengistu's military victory had significant consequences in the region, setting the stage for Somalia's fragmentation and the eventual ouster of Somali President Siad Barre more than a decade later.²⁰ In the interim there were years of insurgency and counter-insurgency operations.

¹⁵ Africa Watch, *Evil Days*, p. 72-73.

¹⁶ Ibid, p. 75.

¹⁷ Markakis, *National and Class Conflict in the Horn of Africa*, p. 230.

¹⁸ For a detailed description of the events in 1977-78, see Gebru Tareke, "The Ethiopia-Somalia War of 1977 Revisited," *International Journal of African Historical Studies*, vol. 33, no. 3, 2000.

¹⁹ Africa Watch, *Evil Days*, pp. 79.

²⁰ Somali army officers led an unsuccessful coup attempt against Siad Barre following the 1978 defeat in the Ogaden. The surviving coup leaders later formed a new insurgency movement against the Somali government called the Somali Salvation Democratic Front (SSDF) and briefly garnered Ethiopian support, but later fell out of favor. Then-Colonel Abdullahi Yusuf, currently the President of Somalia's Transitional Federal Government, was one of the SSDF leaders detained by the Mengistu government in 1985. Africa Watch, *Evil Days*, p. 94.

Mengistu's "Secret Wars" in Southeast Ethiopia, 1978-84

Although riven by internal divisions, Ogaadeeni and Oromo insurgencies continued their operations in southeast Ethiopia, sometimes from bases on Somali soil.²¹ By early 1979, the insurgents controlled a substantial part of the countryside.²²

Africa Watch (the precursor to Human Rights Watch's Africa Division) analyzed Ethiopian counter-insurgency operations in this period and found that they followed a four-pronged approach: i) the forced displacement of much of the civilian population into shelters and protected villages; ii) military offensives against people and economic assets outside the shelters; iii) the sponsoring of insurgent groups against the WSLF and Somali government; and iv) attempts to promote the repatriation of refugees.²³ In December 1979, a new Ethiopian military offensive, this time including Soviet advisors and Cuban troops, "was more specifically directed against the population's means of survival, including poisoning and bombing waterholes and machine gunning herds of cattle."²⁴ Militarily, the counter-insurgency operations succeeded in greatly weakening the insurgents or driving them across the border into Somalia.²⁵

Abuses connected to the counter-insurgency operations in the Ogaden, Harerghe, and neighboring Oromo areas of Sidamo and Bale from 1978 (when the "official war" with Somalia ended) until 1984 generated several million displaced people. Human Rights Watch concluded in 1991:

[T]he great majority of the war affected population of southeast Ethiopia from late 1979 onwards was affected not by the fighting between the Somali and Ethiopian armies in 1977/8, but by the counter-insurgency strategy of the Ethiopian government which was implemented from December 1979 onwards. Many of the people were

²¹ Gebru Tareke, "From Lash to Red Star: the pitfalls of counter-insurgency in Ethiopia, 1980-82," *Journal of Modern African Studies*, vol. 40, no.3, 2002, pp. 468- 469.

²² Africa Watch, *Evil Days*, pp. 81-100.

²³ *Ibid*, pp. 83-84.

²⁴ *Ibid*, p. 85.

²⁵ Tareke, "From Lash to Red Star," *Journal of Modern African Studies*, pp. 469 – 472.

affected by the military operations of the army, others were affected by the forced relocations.²⁶

The policy of forced relocation affected more than two million people. The forced relocations, other abuses, and restrictions on movement posed by the ongoing military activities combined with drought in 1984 to worsen what was already chronic famine in the region.²⁷

Another key development in the region in the early 1980s was the formation of the Somali National Movement (SNM), which drew support from the Isaaq clan in northern Somalia. The SNM obtained support from Mengistu's government to fight Siad Barre and the WSLF, a deliberate strategy of divide and rule shared by both the Somali and Ethiopian governments, which further fragmented communities along clan lines.²⁸

The 1991 Overthrow of Mengistu and the Collapse of Somalia

In 1984 the Western Somali Liberation Front (WSLF) split and a breakaway group called the Ogaden National Liberation Front (ONLF) was formed.²⁹ Meanwhile, across the border in northern Somalia, the Ethiopian-backed SNM increased activities against the Somali government, which responded by arming Ethiopian Somali and Oromo refugees in the camps in Somalia.³⁰

By 1988 Mengistu's government was under pressure from Ethiopian insurgent groups, particularly the Tigray Popular Liberation Front (TPLF) and its then-ally, the Eritrean Popular Liberation Front (EPLF). In April 1988 Mengistu signed a peace agreement with Siad Barre in which both countries pledged to end support to cross-border insurgent groups.

²⁶ Africa Watch, *Evil Days*, p. 85.

²⁷ *Ibid.*, p. 100.

²⁸ *Ibid.*, pp. 95-96, 347. See also Africa Watch, *Somalia: A Government at War with its own People*, (New York: Human Rights Watch, 1990).

²⁹ Human Rights Watch noted in 1991 that the words "Western Somali" in WSLF reflected a commitment to a "Greater Somalia" while the use of "Ogaden National" indicates "the belief that the Ogaden are a nationality, not merely a clan, and indicates no relationship with the Somali state." Africa Watch, *Evil Days*, p. 347.

³⁰ *Ibid.*, pp. 347-351.

Neither government fully implemented the pledge and Ethiopia soon began supporting other Somali insurgent movements in southern Somalia.³¹ However, Ethiopia's threatened expulsion of the SNM provoked an escalation of fighting in northern Somalia that soon led to full-scale civil war, provoked a reverse influx of Ethiopian returnees and Somali refugees into eastern Ethiopia, and was the beginning of the end of the Siad Barre government.³² In January 1991 the Somali government collapsed.

In May 1991 the TPLF led by Meles Zenawi,³³ Ethiopia's current prime minister, succeeded in taking control of Addis Ababa and ousting Mengistu's repressive Derg government. The TPLF headed a coalition of political opposition groups called the Ethiopian People's Revolutionary Democratic Front (EPRDF). The TPLF gained support by including within the EPRDF groups claiming to represent different regions and ethnicities. It also established a federal administrative structure based on ethnic and linguistic distinctions, a model commonly known as "ethnic federalism."

³¹ By 1989 Ethiopia was providing arms and other support to the United Somali Congress (USC), a largely Hawiye clan supported insurgency operating in southern Somalia.

³² Africa Watch, *A Government at War with its own People*.

³³ As a TPLF leader fighting Mengistu, Meles Zenawi spent years in Mogadishu in the 1980s.

Ethnic Federalism and the Somali Region under the EPRDF

Ethnic federalism promised, for the first time in Ethiopia's long history, to respect the country's cultural diversity and give meaningful autonomy to its different ethnic groups. For Ethiopian Somalis, it was the first time that they were officially recognized as one of the country's peoples rather than as on the periphery of the Ethiopian political, cultural, and social center. This new stake in the national Ethiopian identity was bolstered by the collapse of the Somali state and the failure of Somali irredentist efforts in the 20th century.³⁴

By 1992 Somali Region became one of nine ethnic regions of Ethiopia delegated regional autonomy with its own president and Parliament.³⁵ That year the first regional elections took place, contested by a number of clan-based, politically inexperienced, and disorganized political parties in what was nonetheless an unprecedented display of multi-party politics.³⁶ Although the ONLF was not a member of the EPRDF coalition or an ally of the TPLF,³⁷ it won 60 percent of regional parliamentary seats and formed the new government.³⁸

As the ONLF continued to assert its demands for self-determination for the Ogaden, its relations with the EPRDF soured. The ONLF's Ogaadeeni clan perspective also alarmed members of other Somali clans, and disagreements over the name of the

³⁴ For further analysis of the dynamics of Ethiopian Somali identity since 1991, see Tobias Hagmann and Mohamud H. Khalif, "State and Politics in Ethiopia's Somali Region since 1991," *Bildhaan: An International Journal of Somali Studies*, vol. 6, 2006; and Tobias Hagmann, "Beyond clannishness and colonialism: understanding political disorder in Ethiopia's Somali Region, 1991 – 2004," *Journal of Modern African Studies*, vol. 43, no. 4, 2005.

³⁵ *Ibid.*

³⁶ *Ibid.*

³⁷ The EPRDF's members are the TPLF; the Oromo People's Democratic Organization (OPDO), which governs Oromia; the Amhara National Democratic Movement (ANDM), which governs Amhara region; and the Southern Ethiopia People's Democratic Front (SEPDF), which administers the Southern Nations, Nationalities and Peoples Region (SNNPR). The TPLF has also created satellite parties in the country's other regions, but they are not full members of the EPRDF.

³⁸ The ONLF won about 70 of the total 110 seats in the regional assembly, and the WSLF won 10. This provided Ogaadeen clans with a majority of seats. John Markakis, "The Somali in Ethiopia," *Review of African Political Economy*, no. 70, 1996. However not all Ogaadeeni supported the ONLF, see Abdi Ismail Samatar, "Ethiopian Federalism: autonomy versus control in the Somali Region," *Third World Quarterly*, vol. 25, no. 6, 2004.

region (“Ogaden” or “Somali Region”) and the location of the regional capital were the basis of early parliamentary disputes.³⁹

There was little political experience or administrative expertise within the new regional government. Divisions among the clans, and concerns over the ONLF’s functioning were compounded by mismanagement and allegations of corruption and by mid-1993 the regional executive council and president were replaced.⁴⁰

The Ethiopian government responded by attempting to limit the support base of the ONLF by throwing its support behind non-Ogaadeeni clans and politicians such as the minister for economic and international relations, Abdulmajid Hussein, an Isaaq clan member and former Ethiopian representative to the UN. For the ONLF and many Ogaadeeni clan members, the efforts of the central government to undermine the ONLF’s support base were seen as unwarranted central interference in their regional affairs and political issues.

In February 1994 the ONLF-dominated regional assembly triggered a confrontation with the central EPRDF government by voting to exercise the “right to self-determination” for Somali Region.⁴¹ The federal government moved swiftly, removing the second regional president, Hassan Jire Qalinle, and his deputy from their posts on charges of corruption and neglect of official duties (charges that were to be frequently used to replace Somali officials in later years). Most of the regional administration was replaced later that year and a new EPRDF affiliate party, the Ethiopian Somali Democratic League (ESDL), was formed by 10 non-Ogaadeeni political parties, with Abdulmajid Hussein as its president.⁴²

Although the ESDL was supported by the EPRDF, it also benefited from substantial support from non-Ogaadeeni clans alarmed by the ONLF’s Ogaadeeni dominance

³⁹ The ONLF succeeding in selecting Gode, deep in the Ogaadeeni heartland, as the regional capital, but lost their effort to name the region “Ogaden.” Abdi Ismail Samatar, “Ethiopian Federalism,” *Third World Quarterly*.

⁴⁰ Ibid. Regional presidents were repeatedly replaced in the following years. Between 1993 and 2005, there were 11 changes of president.

⁴¹ The 1994 Ethiopian constitution includes the right to self-determination and secession. Article 39 (1) states: “Every Nation, Nationality and People in Ethiopia has an unconditional right to self-determination, including the right to secession.”

⁴² Haggmann and Khalif, “State and Politics,” *Bildhaan: An International Journal of Somali Studies*. See also Samatar, “Ethiopian Federalism,” *Third World Quarterly*.

and agenda.⁴³ In the 1995 national and regional elections, the ESDL won a strong majority in the regional parliament (76 of 139 seats). It also won 15 of 23 seats allotted to Somali Region in the federal assembly.⁴⁴

The ESDL governed the region for almost four years, longer than any of its predecessors, but was also plagued by internal divisions and eventually lost credibility among the population, which perceived it as an EPRDF instrument due to the repeated federal interference in regional affairs. In 1998, a new party, the Somali People's Democratic Party (SPDP), was formed from a merger of ESDL and a splinter group of ONLF.⁴⁵ This party too has suffered from the widespread popular perception that it is an EPRDF puppet and has also been wracked by charges of corruption and incompetence.⁴⁶

Implementing Federal Policy: Structures of Control

The government has retained the administrative structures established under Mengistu's Derg government to ensure tight control over the population. Ethiopia is divided into ethnic regions which are further divided into zones, *weredas* (districts) and *kebele* (village or neighborhoods). The latter two are the primary units of administrative control and they exert enormous power over the daily lives of ordinary Ethiopians.⁴⁷

In Somali Region, this system of social control is enhanced by security committees, called *timmir* committees, which exist at every administrative level—region, zone, wereda, and kebele. At the wereda, zone, and regional levels, the committees usually include members of the armed forces, military intelligence, security,

⁴³ Hagmann and Khalif, "State and Politics," *Bildhaan: An International Journal of Somali Studies*.

⁴⁴ Ibid. The ONLF split on whether to participate in the regional elections, and there were charges of gerrymandering to support the ESDL and other electoral irregularities.

⁴⁵ Ibid. See also Samatar, "Ethiopian Federalism," *Third World Quarterly*.

⁴⁶ Ibid.

⁴⁷ As one study noted: "As is the case in many countries where state structures are poorly emancipated from society, the administrative and political structures in Ethiopia overlap and intersect in such a way that, in practice, the local administrative units [kebele, wereda, and zone levels] are infrequently politically neutral or independent bodies. Rather [...] they work in ways which often make them barely distinguishable in practice from the ruling party itself." Sarah Vaughan and Kjetil Tronvall, "Structures and Relations of Power," SIDA, March 2003, p. 41.

administration officials from the zone or wereda respectively, and representatives of the SPDP.⁴⁸

The security services exert intensive scrutiny and create a pervasive sense of intimidation through these administrative structures, many of which are dominated by regional party members. For example, the committees concern themselves with every detail of peoples' lives. One eyewitness described to Human Rights Watch the military's questioning of a 60-year-old man about an elderly relative visiting him. He said that they were questioning the man about the woman, "She is 70 years old, [and they were] asking for information about her son....That is the level of intimidation. They knew about her—you have to register your guests with the kebele."⁴⁹

Another way the federal government seeks to keep close control is through the presence of a number of federal advisors. These individuals work closely with certain regional officials, such as Abdi Mohammed Omar (also known as Abdi Illey), the regional head of security, and often become informally implicated in regional politics.

Although regional government officials, such as the regional president, theoretically exert significant power, most observers view the federal-regional dynamics as riven with factions and competition, with the regional president himself dependent on personal alliances and ever-fearful of powerful federal officials such as Abbay Teshaye, who is informally viewed as the top federal policymaker in Somali Region.⁵⁰ The rapidly shifting alliances were amply illustrated by the December 2007 detention of Ibrahim Haad, the businessman previously perceived by many Somalis to be a powerful figure with close links to the government, whose farm was attacked by the ONLF in April 2007.

The repeated removal of regional presidents and the continuing presence of powerful TPLF/EPRDF "technical advisors" in the region have reinforced the view of many Ethiopian Somalis that the regional administration has little real power and that the

⁴⁸ Human Rights Watch interview, (name and location withheld), December 20, 2007.

⁴⁹ Human Rights Watch interview, (name and location withheld), December 21, 2007.

⁵⁰ Abbay Teshaye is one of the seven founding members of the TPLF, was formerly the Minister for Federal Affairs charged with overseeing developments in the regions, and is considered to be a senior member of the Prime Minister's inner circle. He is informally viewed as the central decision-maker on policy in Somali Region within the federal government.

autonomy promised by ethnic federalism has been a hollow pledge. This perception is exacerbated by the EPRDF policy of appointing a parallel system of government-paid elders called *amakari* (advisor in Amharic) at each administrative level. This policy is viewed by some as proof of the government's intent to extend its authority over communities at every opportunity in the interest of maintaining security.⁵¹

Military forces are, of course, another key part of the federal government's security arsenal. Although there is little information available about the number and type of troops in the area, the Ethiopian National Defense Forces (ENDF) maintain a heavy presence. Well before the 2007 escalation in the conflict (see below), there were at least two ENDF *kifletor* (army divisions) present in Somali Region.⁵² According to a former member of the armed forces, in 2005, Division 12 was based in Jijiga and Division 14 in Kabridahar. More recently, sources told Human Rights Watch that at various times Divisions 11, 12, 13, 14, and 32 were deployed in the region.⁵³ Each division has four brigades of about 2,000 men each, which are stationed in major towns or weredas. Each brigade consists of two battalions of 1,000 troops commanded by a *shaleka* (Amharic for commander of 1,000). The bulk of the troops are from elsewhere in Ethiopia, such as Oromia and Amhara states, and do not speak Somali.

The increasing presence of federal security forces in Somali Region has done little to increase the legitimacy of the regional administration or ease tensions with the federal government. Although some Ethiopian Somalis support military presence in the region as a means of containing the ongoing conflict in neighboring Somalia, many people, including Ethiopian Somalis who do not necessarily support the ONLF, view the federal security forces as "TPLF military" and the latest manifestation of a long history of security-dominated central policy towards the region.⁵⁴

⁵¹ Credible sources told Human Rights Watch that the *amakari* exist at three administrative levels: regional, zonal, and wereda. At the regional level they are reportedly paid 2,500 Ethiopian birr per month. Human Rights Watch interview (name and location withheld), December 20, 2007.

⁵² Human Rights Watch interview with 24-year-old refugee, Kenya, October 6, 2008.

⁵³ Human Rights Watch interviews, Kenya and Hargeysa (Somaliland), September and October 2007, and telephone interview with (name withheld), Jijiga, November 2007.

⁵⁴ Samatar, "Ethiopian Federalism," *Third World Quarterly*.

The conduct of the ENDF operating in Somali Region since the early 1990s has been regularly punctuated by allegations of serious human rights abuses such as arbitrary arrest and detention, extrajudicial killings, and enforced disappearances, including of regional government officials.⁵⁵

⁵⁵ Mohamud H. Khalif and Martin Doornbos, “The Somali Region in Ethiopia: A Neglected Human Rights Tragedy,” *Review of African Political Economy*, no. 91, 2003.

Renewed Insurgency and Conflict in Somali Region

The agendas, leadership, interconnections, and sources of support received by the various armed groups operating in Somali Region are often unclear. However they can be distinguished in two significant ways: whether they are Ogaadeeni or Somali nationalists, and whether there is a militant Islamist component to their agenda. The aims and tactics of the various groups are diverse.

The major armed group currently fighting the Ethiopian government in Somali Region is the ONLF. Although it often claims to represent Ethiopian Somalis across clan lines, the ONLF remains essentially an Ogaadeeni sub-clan-based insurgency, operating largely in the zones inhabited by the Rer Abdalle sub-clan of the Mohammed Zubeir. Many Ethiopian Somalis concerned by the historical marginalization of Somali Region by successive Ethiopian governments and the role of the Ethiopian security forces do not necessarily support the ONLF. Even among Ogaadeeni sub-clans there is varying support for the group and diverse views on the ONLF's role, strategy, and tactics.⁵⁶

The Ogaadeeni clan's relations with other clans in Somali Region are further complicated by competition over resources, a cause of friction that has become worse in recent years due to increasing cycles of drought, environmental degradation, and the increasing number of pastoralists shifting to agro-pastoralism.⁵⁷ In the past decade there have been serious inter-clan clashes over territory and political competition that have displaced thousands of people.⁵⁸

The ONLF's current goals are murky. Although ONLF statements seem to espouse Ogaadeeni—rather than Somali—self-determination, for instance by referring to or calling for “Ogadenia,” it is unclear whether the ONLF seeks secession from the

⁵⁶ Credible sources told Human Rights Watch that many former ONLF supporters in the diaspora have become increasingly critical of the ONLF's tactics as the conflict has escalated.

⁵⁷ The shift towards agro-pastoralism in turn fuels further conflict in areas of limited cultivable land as farmers seek to enclose and protect land from livestock, a development that is at odds with traditional communal ownership and use of land. See CHF International, “Grassroots Conflict Assessment of the Somali Region, Ethiopia,” August 2006, http://www.chfhq.org/files/3707_file_Somali_Region_Assessment_8.4.06.pdf (accessed March 29, 2008).

⁵⁸ Tobias Hagmann, “The Political Roots of the Current Crisis in Region 5,” *Crisis in the Horn of Africa*, September 21, 2007, <http://hornofafrica.ssrc.org/Hagmann/>, (accessed March 17, 2008).

Ethiopian state or simply greater regional autonomy. In reality, the ONLF primarily thrives on anti-Ethiopian sentiments and grievances more than any stated policy objective.

The ONLF operates as a rurally-based guerilla force consisting mostly of small units (20-30 fighters) assigned to different zones. Its units, domestically called “anti-peace elements” by the Ethiopian government, are constantly on the move. ONLF fighters regularly interact with civilians, particularly pastoralists in the area frequented by the ONLF, and obtain food and water in the countryside and from a network of civilian supporters in the towns and villages.

Little is known about the precise agenda and size of a second armed opposition group, the United Western Somali Liberation Front (UWSLF), which surfaced in 2006 and briefly took two aid workers hostage.⁵⁹ However, their public statements suggest an Islamist and Somali nationalist agenda,⁶⁰ in contrast to the essentially Ogaadeeni clan-based agenda of the ONLF.⁶¹ The UWSLF may draw support from the remnants of the militant Islamist group known as al-Itihaad al-Islaami ee Soomaaliya Galbeed (the Islamic Union of Western Somalia), which began to operate in the Somali Region by 1991.⁶² An Ethiopian military offensive in 1996 reportedly destroyed most of al-Itihaad’s military capacity in both eastern Ethiopia and southwestern Somalia.⁶³ Al-

⁵⁹ “Abducted ICRC staff released in Ethiopia,” ICRC news release, 06/109, September 23, 2006, http://www.icrc.org/Web/eng/siteengo.nsf/htmlall/ethiopia-news-230906?OpenDocument&style=custo_print (accessed March 30, 2008).

⁶⁰ The regional conflicts and massive refugee movements between eastern Ethiopia and Somalia in the 1980s generated a significant Somali—and specifically Ogaadeeni—diaspora in the Arab world, which was heavily influenced by Islamist religious and political movements. Confidential communication to Human Rights Watch, June 2007.

⁶¹ The resurrection of the WSLF name and allusion to “Greater Somalia” suggests that it may draw support from non-Ogaadeeni clan members seeking to distance themselves from the ONLF and its “Ogadenia”-centered agenda. See also the use of the term “mujahidin” in a recent UWSLF statement. “Ethiopian Islamist rebel group claims to have killed eight soldiers,” Text of report on Xaajo website on May 4, on file with Human Rights Watch.

⁶² After Mengistu’s overthrow, the Ethiopian branch of al-Itihaad was initially registered in 1991 as a legal political party. However it soon began pursuing a military strategy, including grenade attacks and bombings in Dire Dawa and Addis Ababa, prompting an Ethiopian offensive against al-Itihaad bases in both Somali Region and the Gedo region of neighboring Somalia between 1992 and 1997. This operation is largely believed to have dismantled al-Itihaad’s military wing. The deputy leader of al-Itihaad, Sheikh Hassan Dahir Aweys, later became a leader of the Islamic Courts Union in Somalia. For further analysis of the origins of al-Itihaad in both countries see International Crisis Group, “Somalia’s Islamists,” Africa Report no. 100, December 12, 2005. For further analysis of the Islamic Courts Union and Sheikh Aweys’ role in recent events in Somalia, see Human Rights Watch, *Shell-Shocked: Civilians Under Siege in Mogadishu*, vol. 19, no. 12(A), August 2007, <http://hrw.org/reports/2007/somalia0807/>, pp. 32-33.

⁶³ International Crisis Group, *Somalia’s Islamists*, p. 9.

Itihaad claimed responsibility for several grenade attacks and bombings in 1995 and 1996, including in Addis Ababa, which killed and wounded dozens of people.⁶⁴ After September 11, 2001, al-Itihaad was placed on a US list of organizations and individuals designated for asset freezes due to terrorist links.⁶⁵

The Somalia and Eritrea Connections

In 2006 the situation in Somali Region was exacerbated once again by events in neighboring Somalia. In June 2006 an alliance of Islamic courts (Islamic Courts Union, ICU) drove the Somali warlords out of Mogadishu, where they had ruled under a reign of violence. Led by Sheikh Aweys of al-Itihaad, the ICU's ascendance stoked fears in both Addis Ababa and Washington of spreading Islamist extremism and revived militant Somali nationalism. The presence in Mogadishu of individuals with alleged links to al Qaeda and the 1998 East Africa embassy bombings did little to quell rising concern. With border tensions with Eritrea still unresolved, Ethiopia was further provoked by allegations of Eritrean support to the ICU, the ONLF, and other Ethiopian insurgent movements.⁶⁶

In December 2006, following the passage of UN Security Council resolution 1725 authorizing an African Union intervention in Somalia, Ethiopian forces backed the weak Somali Transitional Federal Government in an offensive to oust the ICU and establish the TFG in power in Mogadishu. While the Ethiopian and TFG forces were initially successful in overthrowing the ICU, a coalition of insurgent groups soon started to launch attacks on the Ethiopian forces and the TFG in Somalia.⁶⁷ Since the December 2006 ouster of the Islamic Courts Union from Mogadishu, the al-Shabaab military wing of the Islamic Courts is reported to have tried to establish a presence in Somali Region.

⁶⁴ Ibid.

⁶⁵ See US Department of the Treasury, Office of Foreign Assets Control, "Executive Order 13224," September 25, 2001, <http://www.treasury.gov/offices/enforcement/ofac/reports/tar2004.pdf> (accessed March 30, 2008).

⁶⁶ Reports that Eritrea and the Islamic Courts Union were supporting not only the ONLF but also the Oromo Liberation Front were particularly alarming to Ethiopia. Human Rights Watch, *Shell-Shocked*, pp. 31-33.

⁶⁷ Human Rights Watch, *Shell-Shocked*.

The relations between the ONLF and militant Islamist groups such as al-Itihaad and al-Shabaab are unclear. Although the Ethiopian government routinely claims they are connected, there are credible reports that the ONLF and al-Shabaab clashed in Somali Region in late 2007. The ONLF has repeatedly sought to distance itself from some of the more militant Islamist groups operating in the region, particularly in the context of growing US and Ethiopian concerns over individuals and groups with alleged links to al Qaeda operating in neighboring Somalia.⁶⁸

What is established, however, is that many of these groups—and other Ethiopian insurgent groups such as the Oromo Liberation front (OLF)—have received support from Ethiopia’s arch rival, Eritrea. Both the ONLF and OLF established a presence in Eritrea during the Ethiopian-Eritrean war of 1998-2000, and received training as well as logistical and military support. Eritrea continues to host the leaders of both insurgent movements and leaders of the Islamic Courts Union in Somalia, and the ONLF and OLF also had a presence in Mogadishu in 2006. The Eritrean factor and concerns over its support to the various Ethiopian insurgent groups were one of the key underlying reasons for Ethiopia’s intervention in Somalia in support of the Somali transitional government in 2006.⁶⁹

Escalation in 2007

It is no coincidence that Ethiopia’s intervention in Somalia coincided with a serious escalation in the conflict in Somali Region. Beginning in early 2007, the ONLF increased its targeting of representatives of the regional and local administrations in Somali Region, as well as military convoys. In January 2007 ONLF rebels attacked Garbo wereda in Fiiq zone, killing five local officials who refused to hand over heavy weapons to the rebels. A week later, the ONLF attacked Gunagada police station in Dhagahbur zone. Twenty-five people were killed in the attack, including the local head of security, Sa’ad Aw Siyad. The ONLF also abducted a number of officials,

⁶⁸ For instance, a document called the “Political Programme of the Ogaden National Liberation Front” on the group’s website notes “that every individual, regardless of religious affiliation, has a right to fully practice his or her faith.” <http://www.onlf.org/POLITICAL.htm> (accessed March 24, 2008). Credible sources also told Human Rights Watch that until the Ethiopian government restricted US military activity in Somali Region in 2006-2007, the ONLF cooperated with the US forces in their efforts to combat extremist activity in the region. Confidential communication to Human Rights Watch, July 2007.

⁶⁹ After the Islamic courts established control of Mogadishu, several Ethiopian insurgent groups based in Eritrea announced a new alliance, exacerbating fears in Addis Ababa. “Statement on the Alliance for Freedom and Democracy (AFD),” ONLF statement, June 15, 2006, http://www.oduu.com/comments/index.php?news_id=991 (accessed March 30, 2008).

including the police commissioner, Bedel Abdi Nor, who according to released detainees was later executed.

Although the ENDF had already increased its presence in the conflict-affected zones of Somali Region following the ONLF's January 2007 attacks, the April 2007 attack on the Chinese-run Obole oil installation⁷⁰ and a May 2007 grenade attack on the regional president, Abdullahi Hassan, in Somali Region's capital, Jijiga, which killed five people and injured dozens including Hassan, provoked an escalated response.⁷¹ The Obole attack came just as Ethiopian forces in Mogadishu were involved in fierce fighting with Somali insurgents.

According to credible sources, after the Obole attack senior regional and security officials met in Jijiga. Those present included Prime Minister Meles' senior advisor on security, Abbay Tsehaye, and army chief of staff General "Samora" Yunes, as well as the military commander from Harar. They are reported to have identified the most important sources of ONLF support as: a) rural villagers and communities; b) commercial traffic of *khat* (a mild narcotic grown in the area) and other trade items; c) humanitarian aid; d) and local businessmen.⁷² The abuses uncovered by Human Rights Watch appear directly or indirectly connected to measures targeting each of these alleged sources of support.

Prime Minister Meles Zenawi announced on June 9, 2007, that the Ethiopian government had commenced a large-scale counteroffensive to suppress the ONLF rebellion, and brought large numbers of military reinforcements into the region.⁷³

From June to September 2007, the counterinsurgency campaign appears to have been at its peak. This period was characterized by systematic and intensive efforts

⁷⁰ Stephanie McCrummen and Edward Cody, "Scores Are Killed in Ethiopia Attack; Separatist Group Targets Oil Field," *The Washington Post*, April 25, 2007.

⁷¹ Andrew Heavens and Tsegaye Tedesse, "Deadly Blast Injures Regional Leader in Ethiopia," *The Washington Post*, May 29, 2007. The Ethiopian government blamed the ONLF, which denied responsibility.

⁷² Confidential communication to Human Rights Watch, July 2007, and Human Rights Watch interviews (name and location withheld), December 20-21, 2007.

⁷³ "Prime Minister Zenawi says government started cracking down on ONLF," news conference reported on Kilil5, June 10, 2007.

by Ethiopian forces to relocate, terrorize, and punish communities in areas of ONLF operation or perceived to support the insurgency, using various abusive strategies.

From September 2007 the Ethiopian government's strategy appears to have shifted from the direct use of military forces to increased forced recruitment and deployment of local militia forces. The almost total obstruction of humanitarian aid that was implemented in mid-2007 was slightly relaxed, perhaps due to growing international pressure, although humanitarian operations remained tightly controlled.

Reports of village burnings and relocations have diminished in 2008. This may reflect a change of strategy on the part of the Ethiopian military and fewer clashes with the ONLF, or may be the simple result of thousands of people having now fled the region. However, concerns over many of the other patterns of abuses documented in this report, such as arbitrary detention, torture, rape, and mistreatment in custody remain as intense as ever.

Part 2: Violations by the Ethiopian Government

The government's counter-insurgency response involves a multi-pronged approach aimed at cutting off economic resources, weakening the ONLF's civilian support base, and confining its geographic area of operation. To achieve these aims the Ethiopian armed forces have committed numerous violations of human rights, violations of the laws of war that amount to war crimes, and crimes against humanity against the civilian population. These have included widespread forced relocations of civilians, destruction of their villages, willful killings, and summary executions, and torture, rape, and other forms of sexual violence.

Some of the current government's counter-insurgency strategies—such as attempting to constrict rural civilian movement and assets and using brutal force to terrorize civilian populations—have a long history of use by previous governments. However, the EPRDF government has also introduced new methods, such as forced recruitment of local militia and the manipulation of clan dynamics.

The pattern of abuses by government forces in 2007, although intensified, is unfortunately not new. In the course of conducting the research for this report, eyewitnesses to atrocities frequently told Human Rights Watch researchers about previous incidents of village burnings, summary executions, rape, and torture at the hands of security forces, some dating back a decade.

Forced Displacement and Destruction of Villages

In an attempt to cut off civilian support to the ONLF and concentrate its rural support base in designated larger villages and towns, Ethiopia's scaled up counterinsurgency campaign against the ONLF has involved widespread forced displacement, particularly between June and August 2007. The government has ordered civilians to relocate from small villages and pastoralist settlements to designated towns throughout the conflict-affected zones, typically ordering the villagers and nomads to move within two to seven days. To secure compliance with the evacuation orders, the Ethiopian army repeatedly implemented a phased system of terror involving the confiscation and killing of livestock, public executions, and the destruction of villages by burning.

Villagers and pastoralists who refuse to evacuate have been killed, and many villages and nomadic settlements have been burned by the army, while water sources and wells have been destroyed. Evacuated villages and settlements become no-go areas: civilians who remain behind risk being shot on sight, tortured, or raped if spotted by soldiers. Human Rights Watch received reports of 87 villages and nomadic settlements that were partially or totally burned and/or forcefully evacuated during government military operations between June 2006 and August 2007, but the actual number of such burned or evacuated villages is likely to be much higher, even within that time period.

International humanitarian law prohibits the forced transfer of the civilian population during a conflict unless specifically for the security of the civilian population or because it is required for imperative military reasons.⁷⁴ Relocating civilians to prevent them from assisting insurgent forces or to punish them for doing so is prohibited. The destruction of civilian property is also unlawful.⁷⁵ The Ethiopian government's forced relocation of thousands of civilians in conflict-affected areas of Somali Region amounts to the unlawful transfer of the population and collective punishment of Ogaadeeni communities perceived to be supporting the ONLF. Individuals who ordered or carried out such acts intentionally or recklessly are responsible for war crimes.

⁷⁴ Protocol II, art. 17.

⁷⁵ See, e.g., ICC Statute, art. 8(2)(b)(v).

Cases of Forced Evacuation, Killings, and Village Burnings

The cases documented below are in general based on multiple eyewitness interviews conducted by Human Rights Watch, and offer detailed accounts of incidents in particular villages. These case studies reflect a pattern of Ethiopian army abuses that have taken place across the conflict-affected region, but this is by no means a comprehensive list. The scale of village burnings, killings, and other abuses is believed to be significantly larger than the number of cases described below.

The patterns of such attacks are strikingly similar: the Ethiopian military first issues orders to the villagers to evacuate the villages within two to seven days. When the villagers refuse to evacuate, the army returns to carry out killings and other atrocities, and burns the village. Should soldiers see villagers or pastoralists in the area after the evacuation and burning of the village, they are often beaten and detained, summarily executed or, if women or girls, raped.

For example, in late May and early June 2007, the Ethiopian armed forces and regional authorities removed much of the rural population of Wardheer wereda, in Wardheer zone, and some villages in neighboring weredas in Korahe zone towards Wardheer town and other sites including Walwal, Danood, and Qoriley. They evacuated more than a dozen villages in an approximately 60-kilometer radius of Wardheer town alone during this operation, including Daratoole, Lahelow, Neef-Kuceliye, Qamuuda, Dhurwaa-Hararaf, Ubatale, Wa'do, Aado (Caado), Arowela, Yu'ub (Yucub), and Laanjalelo. The majority of these villages were burned after their forced evacuation. Similar operations of forced relocation and occasional burnings of villages have taken place around other major towns, such as Garbo, Sagag, Dhagahbur, and Shilabo.

In addition to information from eyewitnesses, Human Rights Watch received numerous accounts from people who were not present at the time of the alleged burnings but saw the villages afterwards while traveling through the region. Sometimes their accounts could not be corroborated by other witness testimony. However, satellite imagery obtained by Human Rights Watch has confirmed that

some of the villages mentioned by these individuals did show signs of significant destruction and removal of structures and indications of burning.

For example, in October 2007 a 35-year-old refugee in Kenya told Human Rights Watch researchers that when he was fleeing the attacks around Wardheer in July 2007, he observed that Dameerey village, located between Wardheer and Aware towns, was burned. Human Rights Watch was unable to corroborate this claim with other eyewitness accounts, but “before” and “after” satellite images acquired in December 2006 and March 2008 confirm a significant removal of structures and signs of burning in Dameerey village.



Dameerey— December 23, 2006 (Lat: 7.548; Long: 44.978) © 2008 DigitalGlobe.

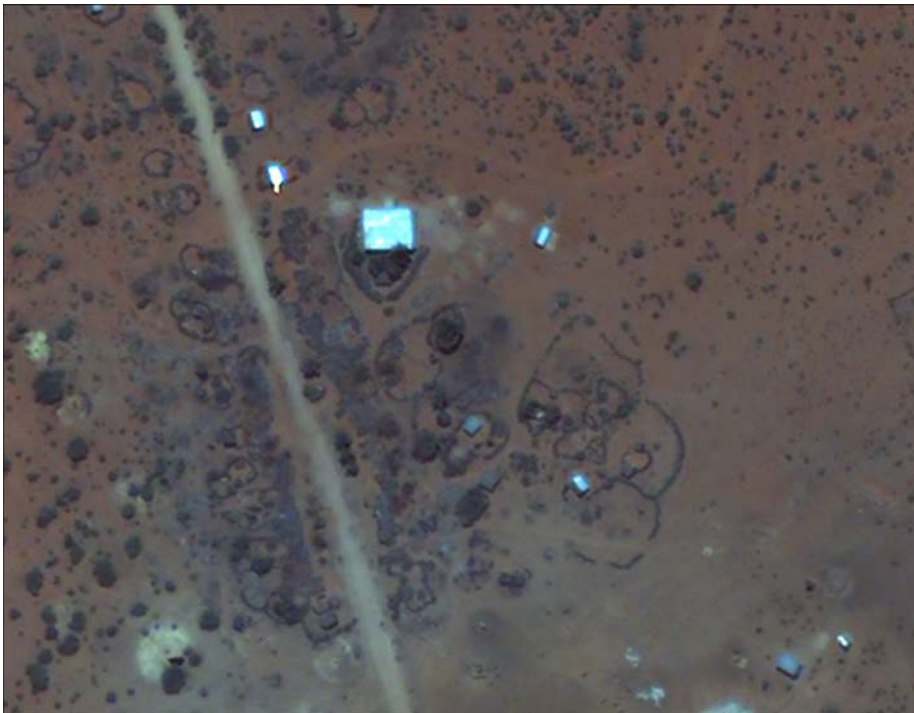


Dameerey— March 7, 2008: Structures comprising almost the entire town (about 65 structures) were removed, possibly burned, since the collection of the previous image. © 2008 DigitalGlobe.

In another example, several refugees from Shilabo wereda claimed that Lasoole village (near Shilabo town, in Korahe zone) was burned in June or July 2007, but were not eyewitnesses to the events. Satellite imagery later confirmed their allegations.



Laasoole— March 30, 2005 (Lat: 6.233; Long: 44.754) ©2008 DigitalGlobe.



Laasoole— July 17, 2007: About 76 structures, most of the town, were likely removed or damaged since the collection of the previous image, and burning is likely on the roadway. Note that multiple new structures (not shown) also appeared in this area since the collection of the first image. © 2008 DigitalGlobe.

Ela-Obo, February 2007

In February 2007, government forces came to the nomadic settlement of Ela-Obo, a watering point in the Fiiq wereda of Fiiq zone, and ordered the civilian population to relocate to nearby Galalshe village. According to an eyewitness, an army commander gathered the population and told them, “The government has decided to move people into one bigger place. You are ordered to leave here and move to Galalshe. If you don’t move to Galalshe, we’ll remove you ourselves.”⁷⁶

When some of the villagers tried to argue with the officer, saying they didn’t want to leave their homes, the commander ordered the arrest of six camel herders, and the rounding up of the camels. In front of the gathered villagers, the commander then ordered the six men executed, and the camels shot. Five men were shot dead: Deq Yusuf Lacag, Hassan Abdurrahman Muhumed Omar, Haji Abdi Ibraahim, Khadar Keenadiid, and Waajir Sheikh Osman, while a sixth survived. Some 20 camels were also killed. After the soldiers left, the survivor was taken away by his relatives and brought to a neighboring village.

Four days later soldiers returned to Ela-Obo after receiving information that there had been a survivor of the execution. They detained and summarily executed two female and two male relatives of the survivor: Ardo Muhumed Mohamoud, 18, Hodan Muhumed Mohamoud, 20, Abdullahi Hussein Abdi, and Muhumed Hassan.⁷⁷ Following the second deadly incident, most villagers fled.

In late February, a few weeks after the initial killings, soldiers followed suspected ONLF tracks into Ela-Obo. After the remaining villagers again refused to leave the area, the soldiers summarily executed another nine herders: Ahmed Nur Hussein Mataan, Abdi Aden Ahmed, Nasir Osman Aden, Mohamed Abdi Saahid, Nur Ayaanle Sheikh Mohamed Ali, Mohamed-gurey Ali Taraar, Mohamed Beddel Gaas, and two brothers from the Bashir Mukhtar family. All nine were buried in the nearby

⁷⁶ Human Rights Watch interview with (name withheld), Nairobi, September 22, 2007.

⁷⁷ Human Rights Watch interview, Nairobi, September 22, 2007.

settlement of Malqaqa. Seven other men detained that day remain missing and are feared dead.⁷⁸

Wardheer and Shilabo weredas, May/June 2007

In late May and early June 2007, the armed forces and Ethiopian regional authorities began to forcibly displace the rural population from villages in Wardheer and neighboring weredas towards Wardheer town and other designated locations. Many villages in a 60-kilometer radius of Wardheer were affected including Daratoole, Lahelow, Neef-Kuceliye, Qamuuda, Dhurwaa-Hararaf, Ubatale, Wa'di, Aado (Caado), Arowela, Yu'ub (Yucub), and Laanjalelo. Villagers were ordered to evacuate their villages and were warned that failure to obey the orders would lead to the burning of their villages. An elder in Wa'di (Wacdi), a village north of Wardheer town, told Human Rights Watch that on June 15, 2007, Ethiopian officials came to Wa'di and ordered the civilians to leave the village, warning that if they refused the order, their village would be burned.

Over the next weeks, many of the villages in the vicinity of Wardheer town were partially or totally burned: Daratoole was burned in mid-June; Qamuuda (in neighboring Shilabo wereda, Korahe zone) was burned on June 21; Neef-Kuceliye on June 23; Wa'di, Laanjalelo, Aado, and Jinnoole were burned in mid-July.⁷⁹

Many additional villages and nomadic settlements in the Wardheer wereda were emptied of their population, either on orders of the government or because the residents feared attacks.

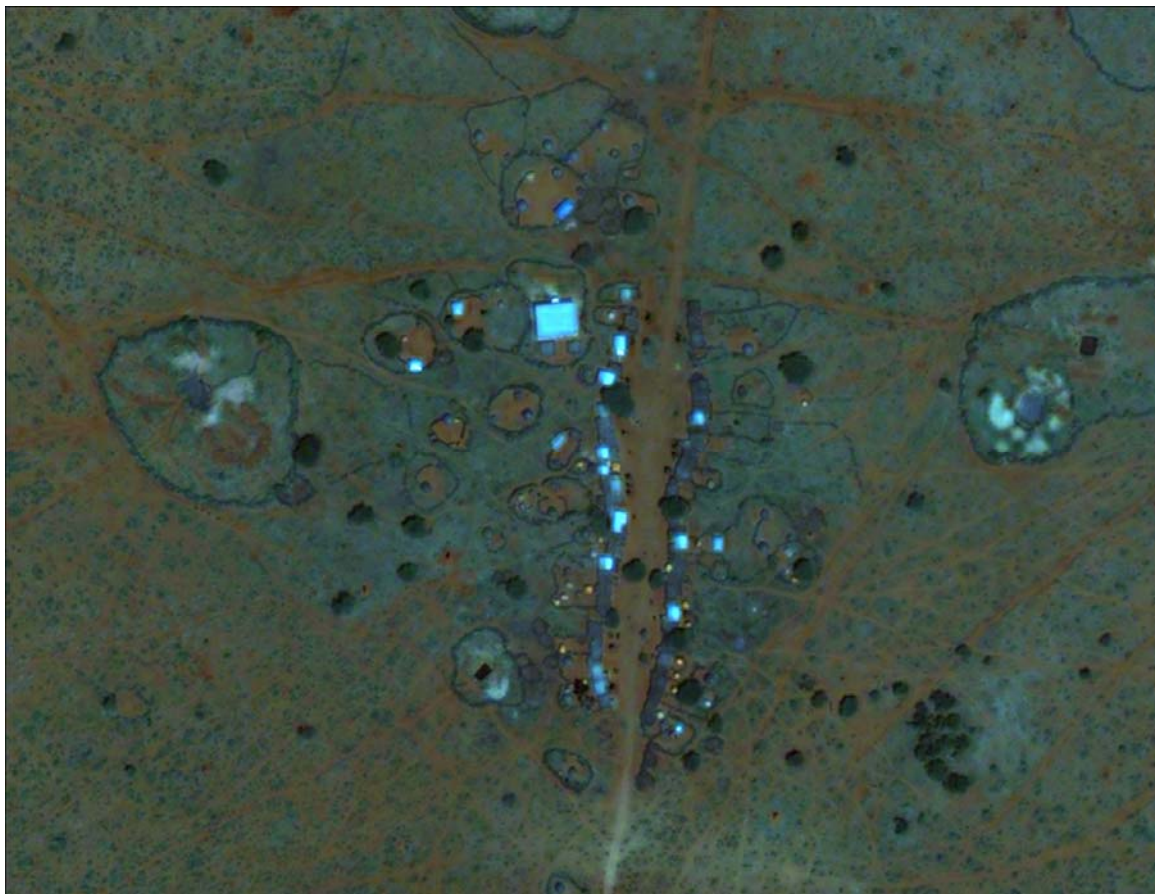
Some of the burnings may have been in reprisal for ONLF activity in the area. A person present in Qamuuda when it was burned by the army described the attack to Human Rights Watch, and explained that ONLF fighters had passed through the village just the evening before:

⁷⁸ Human Rights Watch interviews in Nairobi and Dadaab refugee camp, September 22 and October 5, 2007, respectively.

⁷⁹ Confidential information on file with Human Rights Watch.

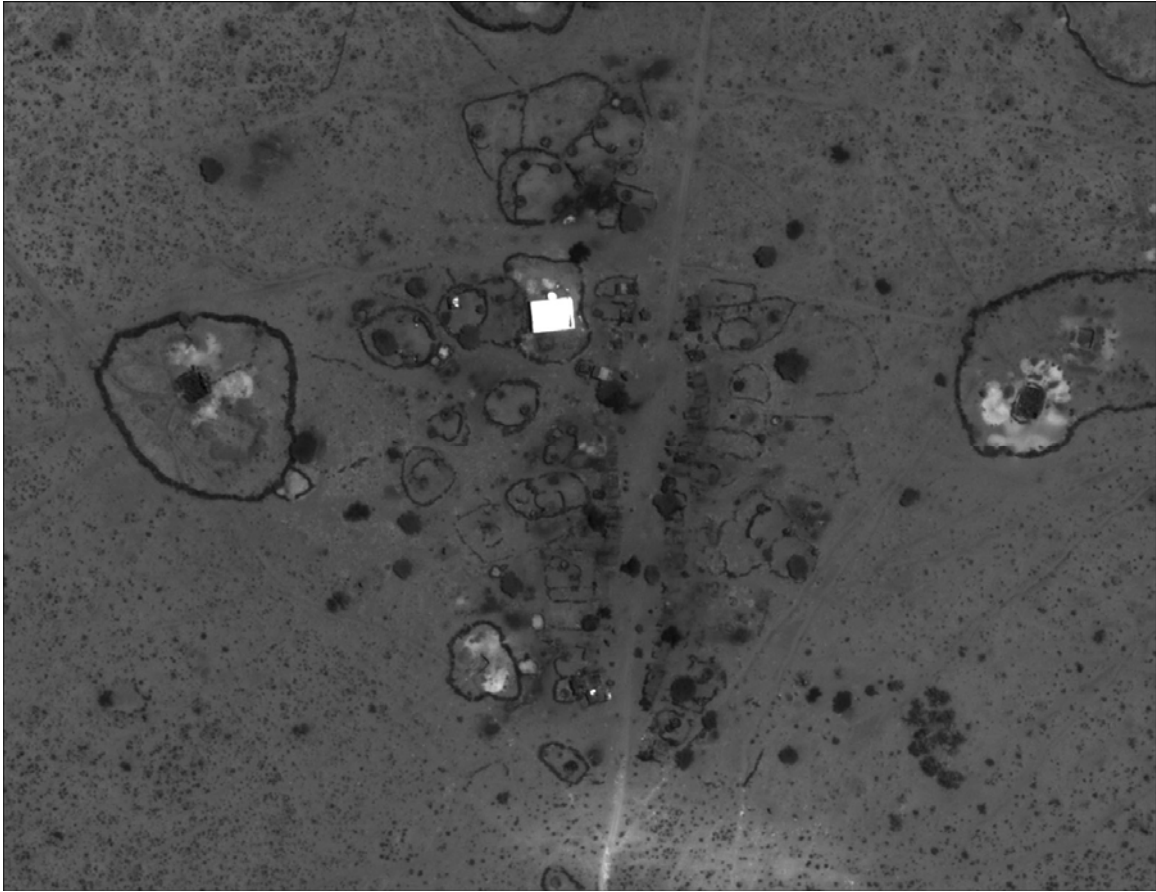
When Qamuuda was burned, I was there. It is about 30 houses. It was alleged ONLF visited the village. They entered on that morning and burned around 8 a.m. and left around 3 p.m. They used fuel they found in the village to burn by setting fire. I saw ONLF in Qamuuda several times. They were carrying guns, came out of the bush. When Qamuuda was burned, the ONLF came there just before the burning.⁸⁰

Satellite images confirmed the destruction of Qamuuda.



Qamuuda— December 23, 2006 (Lat: 6.543; Long: 44.903) ©2008 DigitalGlobe.

⁸⁰ Human Rights Watch interview with (name withheld), Dadaab refugee camps (Kenya), October 6, 2007.



Qamuuda— March 24, 2008: About 85 structures were likely removed or damaged when compared with the previous image. © 2008 DigitalGlobe.

About a week after the burning of Qamuuda, government soldiers entered the nearby village of Jaleelo, also in Shilabo wereda, apparently following the tracks of suspected ONLF fighters operating in the area. A witness told Human Rights Watch that the soldiers stayed in the village for two days, slaughtering and eating some of the goats of the villagers. During their time in the village, the soldiers shot dead two unidentified young men who approached the village and then tried to run away when they saw the soldiers. After two days, the soldiers told the villagers to leave Jaleelo, and burned the homes in the village before departing.⁸¹

⁸¹ Human Rights Watch interview with 40-year-old refugee woman, Dadaab refugee camp (Kenya), October 6, 2007.

Labiga and Faafan Valley, June 2007

Among the worst killings of civilians by the Ethiopian army were those that occurred during an army operation in the Faafan Valley in June 2007. Soldiers allegedly willfully shot and killed at least 25 civilians, including men, women, and children. The Faafan Valley and the Gohdi basin are located southwest of Dhagahbur town in Dhagahbur zone, and are an ONLF stronghold.⁸²

In mid-June 2007, pro-government militias known as *tadaaqi* came to the Gohdi basin surrounding Labiga town, and began ordering nomads and residents of the smaller settlements to move immediately to Labiga town. When the villagers refused to move, the *tadaaqi* began rounding up and confiscating the villagers' camels.

According to an eyewitness:

Initially, the [*tadaaqi*] told the villagers from the area to move to Labiga. The villagers refused. Labiga is located in a long valley know as Gohdi, and there are 14 small villages in this valley. All the people from these villages were ordered to relocate to Labiga, which lies on the main road. When the villagers refused, the [*tadaaqi*] came and confiscated their camels. The [*tadaaqi*] was holding the camels in an enclosure near Koracelis. They gathered hundreds of camels confiscated from the villages along the valley over several days.⁸³

Following the confiscation of the camels, the camel owners sent a delegation of elders to meet with the *tadaaqi* to try and get the camels released, but the *tadaaqi* refused the request. The camels were kept in eight traditional *xero* enclosures (each *xero* can hold up to 200 camels) in Koracelis town. After failing to negotiate the release of the camels, the camel owners decided to attack the *tadaaqi* camp and get their camels released by force, according to two eyewitnesses interviewed separately

⁸² The area may have been specifically targeted after ENDF officials viewed video and other materials confiscated from journalists who visited the area. In May 2007, a *New York Times* team visited the Faafan Valley, accompanied by ONLF fighters, and noted the strong support enjoyed by the ONLF in the area. On May 16, 2007, Ethiopian authorities detained the *New York Times* reporters in Dhagahbur, and their videotapes were confiscated, including scenes of villagers showing support for the ONLF. See "Ethiopia Releases Detained Times Journalists," *New York Times*, May 23, 2007.

⁸³ Human Rights Watch interview with (name withheld), Dadaab refugee camps (Kenya), October 5, 2007.

by Human Rights Watch: “The owners of the camels organized themselves, took their weapons, and attacked the [*tadaaqi*] camp to release the camels.”⁸⁴

During the attack on the *tadaaqi* camp to free the camels, at least four armed camel owners (Wayel Abdi Iman, Asad Yusuf Iley, Mohammed Abdi Yare, and Miyir), two local residents, and an unknown number of *tadaaqi* militia members were killed.⁸⁵

Following the attack by the armed camel owners on the *tadaaqi* camp and the freeing of their camels, the Ethiopian army deployed a large force to the area, burning down the villages and willfully killing at least 20 civilians. A woman living in Diyaar village at the time it was attacked told Human Rights Watch that the soldiers shot dead her husband, Mohammed Abade Hassan, 30, and her father-in-law, Abade Hassan Omar, 70, during the attack:

The soldiers arrived from all corners. They went into every village and set it on fire, and they were shooting as they burned them. They started burning Diyaar, Hunjurri, Koracelis, Labiga, and Gohdi. It was early in the morning.

There are lots of farms around the area. We owned a farm. My husband was killed that morning, around 5:30 a.m. He was hit by the bullet in front of the house. We were new to the area, I was only there for 13 days when the attack happened. My children were staying with their grandmother who lived in the same area and they fled with them. My husband’s father was also killed in that morning after he was shot. I also saw the bodies of others.⁸⁶

A second eyewitness from Diyaar, a 28-year-old man, was himself shot in the shoulder by the soldiers as he stood in the doorway of his home. Soldiers shot and

⁸⁴ Human Rights Watch interview, Dadaab (Kenya), October 5, 2007. A second witness told Human Rights Watch: “Two days before the fighting started, the army took away camels from the villages, lots of camels. The camel herders fought to defend their camels. They succeeded to get their camels back.” Human Rights Watch interview with (name withheld), Hargeysa (Somaliland), September 25, 2007.

⁸⁵ Human Rights Watch telephone interviews, October – November 2007.

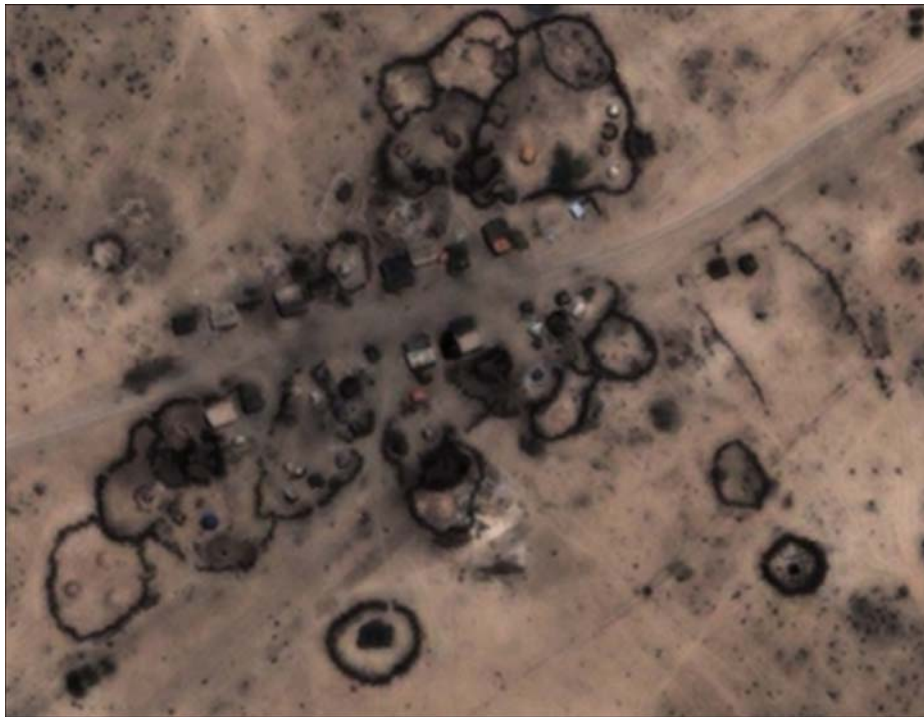
⁸⁶ Human Rights Watch interview with (name withheld), Hargeysa (Somaliland), September 25, 2007.

killed his wife Fadumo Ibrahim, 28, and two young children, Abdinasir Mohammed Farah, 1, and Halima Mohammed Abdi, 2. He told Human Rights Watch:

When the fighting happened around Labiga, I was in Diyaar. [The army] launched a [military] operation around 2:30 a.m. The people in the villages confronted them. The soldiers shot me in front of my house. My wife and two children died ten meters away from me. She died in the shooting along with my two children. The bullet hit me in the shoulder and they left me for dead.⁸⁷

At least six other civilians were shot dead during the army attacks on Diyaar and Koracelis, including Sharaf Moallim Abdi Dagaal, 35, and her two children aged 2 and 3; Mohammed Abdi Qara-yar, 63, and Hassan Mataan Moallim Abdi, 25.⁸⁸

Satellite images of Labiga confirm accounts of burning and destruction.



Labiga— September 26, 2005 (Lat: 8.118; Long: 43.391) © 2008 DigitalGlobe.

⁸⁷ Human Rights Watch interview with refugee, Nairobi, September 24, 2007.

⁸⁸ Human Rights Watch telephone interviews, October – November 2007.



Labiga— February 28, 2008: Almost the entire town (about 40 structures) was likely removed or damaged subsequent to the collection of the previous image, and the grey/white areas are possible evidence of burning. © 2008 DigitalGlobe.

Another 12 civilians were killed around Labiga and Hunjurri villages, according to other eyewitnesses. During the first army raid, soldiers reportedly shot nine civilians in Labiga and Hunjurri, most of them in their farms, their homes, or while trying to run away from the army: Muhumed Yusuf Omar, 23, his brother Muhuyadin Yusuf Omar, 21, and their brother-in-law Ahmed Abdullahi Adan, 41; Abdullahi Muhumed Mataan, 61; Sheikh Mohammed Hassan Wahar, 65; Farhan Ali Shide, 13; Abdullahi Ahmed Af-da'un, 14; Qorgab Ali Abshir, 19; and Moallim Ahmed Mohammed Hashi, 30, a Koranic school teacher. Three days later, soldiers returned to Labiga and killed another three civilians as they attempted to return to their homes: Sheikh Ahmed; and Yusuf Abdi "Adhi-fool" and his young daughter.⁸⁹

⁸⁹ Human Rights Watch telephone interviews (names and locations withheld), October – November, 2007.

Lahelow, June 2007

In June 2007, the military commander of Wardheer came to Lahelow, a nomadic settlement of some 1,000 families located southwest of Wardheer town, near the boundary between Wardheer and Korahe zones, and ordered the population to gather for a meeting. He informed the population that the government ordered them to leave the area within seven days and relocate to Wardheer town. Since most of the population of Lahelow consisted of pastoralists who needed grazing land for their livestock, many residents refused to relocate.

When the seven-day deadline expired, a military force of some 200 soldiers returned and detained five civilians: Mohammed Abdi Wayd, 23; two sons of Sheikh Hussein Abdi Gaye, 8 and 19; Bashir Jama Abdullahi, 16; and a girl who used to work in a local vegetable shop. The first night they killed Mohammed Abdi Wayd by strangling him, and threw his body outside their base. The next day, the villagers found the bodies of the other four detainees, shot to death. Following the summary executions, most of the population of Lahelow fled the area, and soldiers burned some of the homes.⁹⁰ The army brought 10 commandeered civilian trucks to move the remaining civilian population of Lahelow to Wafdug town.⁹¹

The army continued to summarily execute civilians who were found in the “closed” zone of Lahelow. A few weeks after the killing of the five civilians, soldiers shot dead a local official from Lahelow, Sulub Mohammed Elmi, when he tried to return home to the village.⁹² In mid-September 2007, soldiers allegedly shot dead a group of five young camel herders near Lahelow, including Abdulrahman Hassan, 19, and confiscated their camels.⁹³

Malqaqa, June 2007

In June 2007 soldiers came to Malqaqa, a settlement of 40 farms in the Fiiq wereda of Fiiq zone, and ordered the villagers to relocate to the neighboring, larger village of

⁹⁰ Human Rights Watch interview with (name withheld), Nairobi, September 23, 2007, and follow-up interview by telephone, October 30, 2007.

⁹¹ Confidential information on file with Human Rights Watch.

⁹² Human Rights Watch interview, Nairobi, September 23, 2007.

⁹³ Human Rights Watch interview with (name withheld), Garissa (Kenya), September 20, 2007.

Galalshe, where there was an army base. After removing the residents, the soldiers burned all of the farms in the village and destroyed the crops. Soldiers dug up the *khat* plants, which were the mainstay of the farms, to ensure that villagers would not return to their homes. An eyewitness from Malqaqa told Human Rights Watch that many of the young men from Malqaqa were detained by the army at their base in Galalshe, where they suffered beatings and abuse.⁹⁴

Warandhaab, June 2007

According to a witness, in late June 2007, soon after ONLF fighters ambushed an army convoy near the village of Warandhaab, located on the main road between Kabridahar and Sheygoosh, in Korahe zone, soldiers burned the village:

Usually, the soldiers leave their camps [in the main towns] to carry out [counterinsurgency] operations. If the soldiers are ambushed [by the ONLF], then the villages near the ambush are burned. This is what happened in Warandhaab. The soldiers came into the village and told all the villagers to leave and move to Galadiid village. Then, Warandhaab was burned down. Warandhaab had about 40 houses.⁹⁵

Wardheer town, July 2007

Residents of urban centers have not been spared forced resettlement during 2007. After residents of small rural settlements in Wardheer wereda were ordered to move to Wardheer town and had their villages burned down (see above), the Ethiopian army began ordering residents living on the outskirts of Wardheer town to move towards the center of town. Soldiers then began to burn some kebele (neighborhoods) in the town itself. According to two separate eyewitnesses, the army burned parts of kebeles 1 and 4, and Qoddobaha kebele in July.⁹⁶ One of the residents removed from kebele 4 told Human Rights Watch:

⁹⁴ Human Rights Watch interview with (name withheld), Dadaab (Kenya), October 5, 2007.

⁹⁵ Human Rights Watch interview with (name withheld), Garissa (Kenya), September 20, 2007. A second eyewitness confirmed the burning of Warandhaab to Human Rights Watch, but did not know the circumstances of the burning. Human Rights Watch interview with (name withheld), Garissa (Kenya), September 21, 2007.

⁹⁶ Human Rights Watch interview with (name withheld), Dadaab refugee camps (Kenya), October 6, 2007; Human Rights Watch interview with (name withheld), Dadaab refugee camps (Kenya), October 6, 2007.

I had an iron sheet house and an adjoining hut in neighborhood 4 of Wardheer town. The soldiers came one morning in July, and said, “[name removed], get out of here.” They were removing residents from three [kebeles], 1, 4, and Qoddobaha, and telling people to move deeper into town.⁹⁷

A second eyewitness confirmed that the three neighborhoods had been partially burned and destroyed, adding that “all of the suburban neighborhoods of Wardheer had their residents moved deeper into town.”⁹⁸

Reprisal Killings

In addition to the forced displacement, village burnings and killings associated with the government’s systematic campaign to remove civilian populations from rural, conflict-affected areas, Ethiopian forces have also carried out a large number of reprisal killings and other serious rights violations.

In most of the several dozen incidents involving willful killings or summary executions investigated by Human Rights Watch, the armed forces carried out reprisal attacks against civilians after clashes between ONLF fighters and government soldiers near their villages, or after receiving information that ONLF fighters had visited particular villages (often by tracing presumed ONLF tracks). The military has also sought to pressure the relatives and village elders to produce ONLF members, and has detained or killed those who are unable to comply with the order. This is a form of collective punishment. The laws of war do not permit belligerent reprisals during internal armed conflicts,⁹⁹ and collective punishments are prohibited outright.¹⁰⁰

⁹⁷ Human Rights Watch interview with (name withheld), Dadaab refugee camps (Kenya), October 6, 2007.

⁹⁸ Human Rights Watch interview with (name withheld), Dadaab refugee camps (Kenya), October 6, 2007.

⁹⁹ See ICRC, *Customary International Humanitarian Law*, rule 148, citing common article 3 to the Geneva Conventions, and Protocol II, art. 4.

¹⁰⁰ Collective punishment is prohibited under Protocol II, art. 4(2)(b).

Dalal, February 2007

In mid-February 2007, ENDF soldiers came to Dalal village, near Qorrahey village (in Korahe zone), and ordered the civilian population to gather for a meeting. At the meeting, the soldiers accused the residents of supporting and feeding ONLF forces. Sheikh Mohammed and two other village elders told the soldiers they were wrong, saying that their own children were starving and it would be impossible to provide food to the ONLF. The soldiers then accused Sheikh Mohammed's eldest son of having died fighting for the ONLF, when in fact he had died fighting for the Ethiopian army in Badme during the Ethiopia-Eritrean conflict. Sheikh Mohammed and the two other elders argued back, and the soldiers took them away and summarily executed them.

When the soldiers returned the bodies of the three elders to the village, the remaining crowd became enraged. The soldiers began beating and detaining some of the women. Among those detained was the 22-year-old daughter of one of the elders, whom the soldiers beat and raped before releasing.¹⁰¹

Gurdumi, April 2007

In early April 2007, an ENDF force came to the village of Gurdumi in Aware wereda, Dhagahbur zone, and the military commander ordered the population to gather at the center of the village, near the administration office. In his speech, the commander ordered the villagers to bring back their ONLF relatives from the bush. The military commander then held lengthy talks with the village elders, who explained to him that they had no power to order ONLF relatives to return from the bush, let alone arrest them. The commander allegedly threatened the elders, saying that those who failed to bring back their "sons" would be killed.

A few hours after the meeting, the commander ordered the arrest of the elders. Four or five elders, including Abdullahi Qabile, a local official, and Hiiray Farah were brought to the village center and summarily executed. The army displayed their bodies, and refused the villagers immediate permission to bury them. Several others, including village elder Sheikh Yusuf Abdullahi, were detained and remain unaccounted for.¹⁰²

¹⁰¹ Human Rights Watch interview with (name withheld), Nairobi, September 17, 2007.

¹⁰² Human Rights Watch interview with (name withheld), Garissa (Kenya), September 21, 2007.

Gudhis, June 2007

In June 2007 heavy fighting occurred between ONLF insurgents and government troops in the area around Gudhis town, in the Gudhis wereda of Gode zone. A week after the fighting, ENDF soldiers entered Gudhis early in the morning, confiscated five goats, and returned to the nearby bush to slaughter and eat them. The same afternoon, the soldiers returned to Gudhis and detained eight men and a woman. The woman, Fadumo Hashi Aden, and one of the men, Abdiwahad Hassan, were released unharmed. The other seven men were shot near the village, according to a resident whose relatives were among the dead. Those killed were Rashid Gamadiid Abdurahman, Mohammed Mawsar Adan, Ibrahim Geed Abdiweli, Mohammedweli Shukri, Daabuul Mohammed Shukri, Mohammed Good Aden, and Ibrahim Hashi Abdi.¹⁰³

Aleen, July 2007

In early July 2007, fighting took place between government forces and ONLF fighters near the village of Aleen (also known as Caleen), northeast of Shilabo town in Koraha zone. Following the fighting, ENDF soldiers entered the village of Aleen with their wounded. The soldiers, angry because of their losses, began killing civilians in and around the village, accusing them of supporting the ONLF. Among those killed that afternoon was Fatumo Abdi Hussein, 80, the mother of ONLF fighter Nur Faalug Mohamoud. Also killed were two boys, one of them Fatumo's grandson, Abdullahi Yare Mohamoud Faalug.¹⁰⁴

As the village was burying the dead the next day, the soldiers returned and opened fire on the mourners, killing at least two and as many as four village elders, including Sheikh Ibrahim Farah and Mohammed Abdi Muse. After the shooting, most of the villagers fled in fear, and soldiers set the village on fire. According to an eyewitness: "They burned Aleen village on this very same day. The people fled the village because of the army's entrance and the killings that took place. But in the afternoon we saw from a distance the smoke from the burning village."¹⁰⁵

¹⁰³ Human Rights Watch interview with (name withheld), Dadaab refugee camps (Kenya), October 5, 2007.

¹⁰⁴ Human Rights Watch interview with (name withheld), Dadaab refugee camps (Kenya), October 5, 2007.

¹⁰⁵ Human Rights Watch interview with (name withheld), Dadaab refugee camps (Kenya), October 5, 2007.

A second eyewitness who was present in Aleen during its destruction recalled that the army commander had ordered the village evacuated before the burning:

I fled with my wife and children [from Lahelow] to Aleen, which is closer to Shilabo. In Aleen, there is a motorized borehole. We went there to look for water. The soldiers came to Aleen, after they burned down Lahelow. Then they burned Aleen. We were there at the time. The soldiers arrived and ordered the people out of their homes. They gathered all of the people together. Then the commander ordered the village burned. The commander told us, "I have told you already to leave these small villages," and then they forced us out. Then they burned down all the homes. The houses are just huts, so it is easy to burn them.¹⁰⁶

Qoriley, July 2007

One of the more gruesome summary executions by Ethiopian forces took place on July 24, 2007 near Qoriley village in Wardheer zone. During the early morning hours, approximately 400 soldiers from the military base in Danood arrived in Qoriley, and then gathered the villagers together for a speech by the military commander. According to an eyewitness:

The soldiers entered some houses and took money, food and clothes as they made their way to an old [abandoned] army base in Qoriley. At around 1 p.m., they came out of the base and gathered people around a number of large trees in the village. There were three Somali men who were guiding the army [names withheld]. These Somali men talked to the people, translating the speech of the army commander [name withheld].¹⁰⁷

Human Rights Watch interviewed two additional witnesses who gave very similar accounts of the commander's speech. He accused the population of Qoriley of

¹⁰⁶ Human Rights Watch interview with witness from Aleen (name withheld), Nairobi, September 23, 2007.

¹⁰⁷ Human Rights Watch telephone interview with Ridwan Hassan-Rage Sahid, location withheld, October 30, 2007.

supporting the ONLF, and of not doing enough to bring their ONLF relatives back from the bush, reportedly telling the civilians, “We’ve been very patient with you, but today our patience has run out.”¹⁰⁸ The Somali interpreter then read out a list of nine men and two women to be detained. Those detained were Hassan Burale Elmi and his brother Ali Burale Elmi, who had another brother in the ONLF; Ahmed Gani Guled; Hassan Abdi Abdullahi; Farah Hussein Halosi; Abdi-hiis Sheikh Mohamoud Umar; Ilmoge Beddel; Kifah Rage; Bogos Shukri Mataan; and two women, Ayan Ali Good and Ridwan Hassan-rage Sahid, who were accused of being the wives of ONLF members.¹⁰⁹

Following their arrests, the nine men and two women were taken to the Qoriley military camp, which the soldiers had reoccupied that morning. During the night, the soldiers severely beat the two most senior elders in the group, Farah Hussein Halosi and Hassan Burale Elmi, breaking Hassan Burale Elmi’s hand. The two detained women were also beaten (but not raped), and accused of being married to ONLF members.¹¹⁰

The next morning, the soldiers released the youngest of the detainees, Kifah Rage, and ordered him to walk a flock of goats to the Danood army base. The remaining 10 detainees were walked to Babaase village, about an hour’s walk from Qoriley, where they spent a second night in detention.

Several eyewitnesses interviewed by Human Rights Watch described how the villagers found the strangled bodies of the 10 detainees a few days later outside Babaase village. A businessman from the Qorile area told Human Rights Watch what he had seen: “All the [detainees] were taken to Babaase where they were strangled

¹⁰⁸ Human Rights Watch interview with (name withheld), Dadaab refugee camps (Kenya), October 5, 2007. A Koranic teacher from Qoriley who also attended the military commander’s speech summed it up for Human Rights Watch: “The commander threatened, ‘We will kill you and we will arrest you. We will make an example of this village, because you support the ONLF and not the government, so we will burn this whole village. If you are not working for the government, there will be no camels moving around, and we will not allow you to access the water well. Only those who work with us will be allowed to have access to the water.’ He was trying to recruit new militia members. He spoke for up to three hours or so.” Human Rights Watch interview with (name withheld), Nairobi, September 23, 2007.

¹⁰⁹ Human Rights Watch interview with (name withheld), Nairobi, September 22, 2007; Human Rights Watch interview with (name withheld), Dadaab refugee camps (Kenya), October 5, 2007; Human Rights Watch telephone interview with Ridwan Hassan-rage Sahid, October 30, 2007.

¹¹⁰ Human Rights Watch telephone interview with Ridwan Hassan-rage Sahid.

with ropes. I saw the ropes on their neck when we arrived [at] the scene. I saw the bodies of Ahmed Ghani Guled, Farah Hussein Halosi, and Ayan Ali Good.”¹¹¹

One of the detainees, Ridwan Hassan-rage Sahid, survived the strangulation, and later told Human Rights Watch what she had experienced.¹¹² She explained that the soldiers and the detainees had left the army camp in two groups, and the detainees were strangled soon after they left Babaase. Wounds on her neck appeared consistent with the attempted strangulation she described:

It was still early morning, before day break, and we were in a forested area. After a while, the soldiers stopped us under some trees, next to a water-well. The soldiers undressed all the men before they strangled them. They took away their sarongs, watches, and shoes. The women were not undressed.

They took away two men, Ilmoge Beddel and Abdi-hiis Sheik Mohamoud Umar. They put a rope around the neck of each of them as we stood watching. Then, they hanged Ilmoge from a tree, after a soldier climbed into the tree and put the rope around a branch. But they did not hang Abdi-hiis. Instead, they put the rope around his neck and two soldiers pulled in opposite directions, strangling him.

Then I was taken away with two men, Hassan Abdi Abdullahi and Ahmed Gani Guled. First they pulled ropes around the necks of the two men and pulled in opposite directions, and both fell down. They put me in a ditch while they were strangling the other two. One soldier tried to strangle me with the metal stick used for cleaning the gun [by pushing it down on my throat], but I twisted his finger until he released me. Then two other soldiers came and they put a rope around my neck and started pulling.

¹¹¹ Human Rights Watch interview with 35-year-old businessman, Dadaab refugee camps (Kenya), October 5, 2007.

¹¹² Human Rights Watch telephone interview with Ridwan Hassan-rage Sahid. Ridwan Hassan-rage Sahid also told her story to the *Los Angeles Times* in 2008. See Edmund Sanders, “Ethiopia War Gets Little Attention,” *Los Angeles Times*, March 23, 2008, <http://www.latimes.com/news/nationworld/world/la-fg-survive23mar23,1,5787043.story> (accessed May 23, 2008).

That is the last thing I remember, until I woke up still in the ditch. A naked body was on top of me, it was Ahmed Gani Guled, who was dead. I couldn't move out of the ditch until I was found by some women who came to the waterhole.¹¹³

All other nine detainees were found strangled to death.

Speaking on condition of anonymity, a regional government official confirmed to Human Rights Watch that the Ethiopian army had strangled up to 12 detainees in Qoriley. According to the official, the attack on Qoriley occurred shortly after ONLF forces destroyed a commercial truck belonging to the Marehan clan outside Qoriley, and the elders of Qoriley refused to provide compensation to the Marehan clansmen. The regional official told Human Rights Watch that the actions of the army had outraged some civilian officials, who had gone to complain to the military about the Qoriley killings, but no soldiers had been arrested or punitive action taken by the army.¹¹⁴

Galalshe and San-Xaskule, August 2007

After forcing most of the rural population to relocate to the larger village of Galalshe which was home to an ENDF military base (see above), soldiers in August 2007 burned many of Galalshe's 400 civilian homes. The burning of Galalshe and other villages in the area was apparently in retaliation for heavy fighting between government forces from Galalshe and ONLF fighters in the nearby Daakhato Valley, four hours' walk away. As the soldiers began burning homes in Galalshe, the inhabitants tried to stop them. In response, the soldiers opened fire on the civilians, killing between eight and 15 civilians, including Mohamoud Rage Egal, 60, Abdulkadir Rage Egal (Mohamoud's brother), Aydid Muhumed Egal, Sheikh Abdullaahi Omar Egal, Farah Abdi Bade, Omar Faruk Mohammed, Fadumo Mohamoud Rage, and Dalha.¹¹⁵

¹¹³ Human Rights Watch telephone interview with Ridwan Hassan-rage Sahid.

¹¹⁴ Human Rights Watch telephone interview with regional government official (name and location withheld), November 6, 2007.

¹¹⁵ Human Rights Watch interview with (name withheld), Garissa (Kenya), September 21, 2007.

San-Xaskule, another village in the area, was also burned around the same time by army forces, and five civilians were reportedly killed there, including Mohammed Abdi Samad, Fadumo, Mohammed Abdi “Arab,” and Halimo Sharif Mohammed.¹¹⁶

Bukudhaba, August 2007

Around August 17, 2007, fierce fighting took place between the army and ONLF forces near the villages of Bukudhaba, Milmil, and Haahi, in Aware wereda, Dhagahbur zone. Afterwards, ENDF soldiers entered Bukudhaba village on August 18, killing at least eight civilians, including six elders, and burned down Bukudhaba and other villages in the area.

Bukudhaba was a large village of some 200 households located south of Aware town, and is famous for its large water reservoirs, which serve the pastoralist communities in the area. According to the villagers, Bukudhaba was also regularly visited by ONLF forces.¹¹⁷

Several witnesses recounted to Human Rights Watch how the soldiers came to Bukudhaba the morning after the fighting and executed a group of elders at the village mosque before burning down the village. One man told Human Rights Watch:

The soldiers came early in the morning, they were looking for men. They went to the mosque and found elders who were praying at the mosque, and shot five elders inside the mosque, including some guests to the village. They killed a sixth man outside the mosque.¹¹⁸

Several others gave Human Rights Watch similar accounts of the killings at the mosque. Although she was not in Bukudhaba at the time of the attack, a relative of Hiis Sulub Dagaal, an elder who was partially blind, told Human Rights Watch that he had been shot and killed during the attack on Bukudhaba:

¹¹⁶ Human Rights Watch interview with (name withheld), Garissa (Kenya), September 21, 2007.

¹¹⁷ Human Rights Watch interview with (name withheld), Nairobi, September 17, 2007.

¹¹⁸ Human Rights Watch telephone interview with (name withheld), November 14, 2007.

He had left Dhagahbur because the army had confiscated all of our properties, so he went to stay [...] in Bukudhaba. [During the attack,] only the elderly were left in the village; they found [Hiis Sulub Dagaal] and six other men at the mosque. They shot them. I don't know whether they killed them in the mosque or outside the mosque, I was only told they were shot. He is buried in the village.¹¹⁹

The soldiers returned the next day to burn down the village, and killed two more men, Yusuf Dhirig and Abdullahi Mohammed Ismael, as well as a woman, Fadumo Ahmed Ali, accusing them of belonging to the ONLF.¹²⁰ “They shot people and started burning the village,” said a 42-year-old man who described the burning of Bukudhaba to Human Rights Watch.

When they were burning Bukudhaba, I was in Baarta village which is less than a kilometer away, and I could see the smoke. The army proceeded to Baarta and burned that village also. Bukudhaba is a big village of about 200 houses with two water reservoirs. They damaged the water reservoirs by blowing up the wooden walls with explosives. This happened on the same day they burned Bukudhaba.¹²¹

¹¹⁹ Human Rights Watch interview with (name withheld), Nairobi, September 22, 2007.

¹²⁰ Human Rights Watch interview with (name withheld), Dadaab refugee camps (Kenya), October 5, 2007.

¹²¹ Human Rights Watch interview with (name withheld), Dadaab refugee camps (Kenya), October 5, 2007.

Rape and Other Sexual Violence

Human Rights Watch research found that the Ethiopian armed forces have been responsible for numerous instances of sexual and gender-based violence against women and girls in conflict-affected areas of Somali Region. Women taken into military custody as suspected ONLF spies or for providing the insurgents military support are frequently raped or otherwise sexually assaulted while being transported to or held in military camps. Soldiers have also assaulted and raped women and girls in urban areas as well as when they are collecting firewood, water, and other vital supplies in rural areas that the ENDF considers “closed.” Human Rights Watch is unaware of any instances since 2007 in which soldiers have been disciplined or punished for committing acts of sexual violence.

Rape and other sexual violence is prohibited under the laws of war and is a war crime.¹²² When committed as part of a widespread or systematic attack on a civilian population, it is a crime against humanity.¹²³

Rape of Women in Military Custody

Human Rights Watch has documented cases of rape of female detainees by government soldiers at military bases in Wardheer, Dhagahbur, Kabridahar, Jijiga, Shilabo, Duhun, and Fiiq towns, and many smaller military bases in the conflict-affected zones, indicating that rape is a widespread abuse in the region. According to many of the women and men interviewed by Human Rights Watch, rape of female detainees regularly occurs in military custody and often involves senior military officials, including base commanders, and interrogators.

In June 2007 a 38-year-old woman was detained by soldiers as she entered Dhagahbur town from her home in Kariir to sell some goats. She was taken by the soldiers to the brigade headquarters. She told Human Rights Watch that during her

¹²² Protocol II, art. 4(2)(e). See ICC Statute, art. 8(2)(e)(6).

¹²³ See ICC Statute, art. 7(1)(g).

25-day detention, soldiers had raped her on five separate occasions before she was transferred to a police station.¹²⁴

In June 2007, soldiers arrested a 17-year-old student from her home in Duhun, in Duhun wereda, Fiiq zone, accusing her of being an ONLF supporter. The nine soldiers took her to the Duhun military base, where she was detained together with about 15 other female students in a dark hole in the ground. The soldiers beat her on the first night of her detention, and then beat and raped her the second night. During her three-month detention, she was raped at least 13 times. According to the student, most of the 40 or so women who were detained at various times during those three months were raped, and the camp commander himself participated in the rapes:

Every night, they took all of us girls to [interrogations]. They would separate us and beat us.

The second time they took me, they raped me. It is hard to talk about, a man who is more powerful than you can do whatever he wants to you, so they violated me and raped me as they wanted. All three of the men raped me, consecutively. Then we were returned to the hole.

I was in a lot of pain and there was no doctor, until today I have not seen a doctor. I was held in the prison for three months, and raped on at least 12 other occasions, by different groups of soldiers. The commander of the base also participated in the rapes and beatings. We were all raped—the girls and the mothers. They brought new girls and women all the time, at least 40 girls and women were detained during the three months I was there.¹²⁵

On May 23, 2007, the day after fighting in the area between the army and ONLF forces, the soldiers detained some villagers, including two women and a 16-year-old girl from Toon-Eli village in Korah zone and took them to the Dhuumo-Dhumodle

¹²⁴ Human Rights Watch interview with (name withheld), Hargeysa (Somaliland), September 25, 2007.

¹²⁵ Human Rights Watch interview with (name withheld), Nairobi, September 23, 2007.

army base in Kabridahar. The two women and girl were detained there with another nine women, many of them relatives. Soldiers raped at least seven of the 12 women. On the night of May 29-30, soldiers executed Sahan Hussein and Khadar Ali Hussein in front of the other female detainees by strangling them with ropes after forcing them to confess to being ONLF members.¹²⁶

In addition to these cases, based on victims' accounts, many other former detainees reported witnessing rapes or seeing strong evidence of rape, such as women and girls who returned to their cells with ripped clothes, and bleeding from their private parts. A 19-year-old university student studying in Addis Ababa who was detained in Dhagahbur town in May 2007 when he returned home for a holiday, and kept for two months at a military base there, witnessed several such cases. During his detention, he saw a severely injured 23-year-old woman who was suffering from a swollen belly and an injured right arm after soldiers apparently raped her. She died from her injuries while at the base.¹²⁷

A 30-year-old shopkeeper from Wardheer town was detained from early May until July 28, 2007 at the "Transport Tanks" military base in Wardheer town, accused of providing economic support to the ONLF. He told Human Rights Watch of several cases of rape of women detainees that he personally witnessed:

The women were accused of supporting the ONLF, cooking food for the fighters and spying for the ONLF. Most of the women were being raped. As we were moved outside our room, I witnessed women who were interrogated and raped. I saw with my own eyes two girls being raped, at different times. We could hear their screams and could see these things with our own eyes. One girl was raped by five soldiers one night I was taken out, I was handcuffed at the time, and another time two girls were being raped just meters away from me. All the time when they interviewed the girls, they used to force them to undress

¹²⁶ Human Rights Watch interview with 26-year-old woman refugee, Dadaab refugee camps (Kenya), October 5, 2007.

¹²⁷ Human Rights Watch interview with 19-year-old student, Hargeysa (Somaliland), September 27, 2007. After his release, the witness was also informed that his mother, aged 63, had been raped while being detained in a separate cell at the *kifletor* base in Dhagahbur.

themselves. Six soldiers were with the two girls when I saw them being raped; the interrogator was there also. When the women refused to answer the questions, the interrogator allowed the soldiers to rape them.¹²⁸

In mid-May 2007, patrolling army soldiers detained a group of women and men from a small, unnamed nomadic settlement about two kilometers south of Shilabo town. The group was divided into several groups and told they would be taken to the military base in Shilabo for questioning. One of the women described how soldiers had taken her and another 10 women into a nearby forest, where they were beaten and raped before being left for dead:

Before we reached the town, the soldiers started beating us with thick sticks. They beat me very hard until I fell to the ground. This time while lying on the ground I was raped. I don't know how many men raped me. Other women were raped too. It is a woodland area. We were about ten women, all of us were raped.

After the rape, some of the soldiers continued beating women, others were strangled with a rope but they didn't die. In our group, we were shot. I was hit behind the left shoulder with a bullet. The army left us in the woodland. We were found by townspeople who took us to the town.¹²⁹

Sexual Violence against Women Collecting Wood and Water

On May 8, 2007, army soldiers detained a 20-year-old charcoal seller from Kabridahar town while she was collecting wood near the military base in the Bam Burat area. The soldiers accused her of spying for the ONLF, and immediately began beating her with the wood she had collected and jumping on her body. At least three soldiers raped the woman. She lost consciousness from the beatings and the repeated rapes, and woke up nine days later at the military base in Kabridahar. After

¹²⁸ Human Rights Watch interview with 37-year-old shopkeeper, Garissa (Kenya), September 20, 2007.

¹²⁹ Human Rights Watch interview with 22-year-old refugee, Nairobi (Kenya), September 17, 2007.

she was detained a month, her uncle managed to secure her release from the military base. She required extensive medical treatment for her wounds.¹³⁰

In July 2007 patrolling soldiers from the Garbo base raped two young women on consecutive days as they went to fetch water from wells located a day's walk from their homes in Fiiq zone. The first woman was detained by the soldiers around noon as she left the wells; two soldiers raped her and threw her off a cliff, causing her serious injuries. The second woman, who had just given birth to her first child, was detained around the same time the next day, and raped by three soldiers. Angry villagers protested by throwing stones at the army encampment. When the soldiers responded with gunfire, the villagers fled.¹³¹

¹³⁰ Human Rights Watch interview with (name withheld), Hargeysa (Somaliland), September 27, 2007.

¹³¹ Human Rights Watch telephone interview with (name withheld), Bossaso, September 14, 2007.

Arbitrary Detention, Abuse and Torture, and Execution of Detainees

For years, the Ethiopian armed forces and other security services, including the police, have detained hundreds of civilians for allegedly being ONLF members or supporters. Periods in detention without charge range from a few days to—more commonly—several months or even years, and detainees are often re-arrested upon release, even if they change locations.

Although persons from all backgrounds and ages—including many elders—have been arbitrarily arrested and detained, government security forces have targeted certain groups – market traders, school and university students, business leaders, and opposition politicians—on suspicion of spying, organizing, or providing financial or other support to the ONLF. Others have been detained simply because they have relatives in the ONLF, or after having disagreements with military officials (such as demanding compensation for vehicles commandeered by the army).

Individuals arrested are held in a variety of detention facilities: military bases, federal police prisons, and local, administrative police facilities. There are also unofficial detention centers. In Jijiga alone there are a range of detention centers, four or five of which were repeatedly mentioned to Human Rights Watch by former detainees who had suffered or witnessed abuses: the Regional Central Prison known as “Jail Ogaden” (because of the large numbers of Ogaadeeni held there) which reportedly holds between 400 to 600 prisoners; kebele and wereda jails, of which the center in Jijiga’s kebele 4 is the most notorious—it holds several hundred prisoners in a range of conditions, including underground cells; Jijiga’s military bases—Garabcase and the air defense facility called Ayer Hail; and Qumaadaha, a former police training center located in Jijiga’s kebele 5, which is reported to hold prisoners of national security interest and political detainees.¹³²

Although there appear to be few judicial protections for detainees across the spectrum of detention facilities in Somali Region, the likelihood of mistreatment appears to be greatest for persons held in military custody, where most detainees

¹³² Human Rights Watch interviews, telephone interviews, and confidential communications, November and December 2007.

find themselves outside the reach of Ethiopia's legal system. Legal requirements limiting the period of detention without charge and requiring judicial oversight of detentions are routinely ignored.¹³³ Almost all persons formerly held in military detention interviewed by Human Rights Watch suffered severe beatings and torture. As described above, detained women and girls have routinely been raped at military bases and Human Rights Watch has also documented several dozen extrajudicial executions in military bases, sometimes carried out in front of other detainees in order to terrorize them into confessing involvement with the ONLF.

The mistreatment of persons in custody is a serious violation of both the laws of war¹³⁴ and international human rights law.¹³⁵ Detained individuals must be treated humanely at all times; it is irrelevant whether or not they are members or supporters of an armed opposition group.

While there has been a surge of arrests since the April 2007 ONLF attack on Obole, arbitrary detention and torture in military custody are long-standing problems in Somali Region. Many former detainees interviewed by Human Rights Watch recounted not only the abuse they suffered in military custody after the April 2007 attack, but also similar arbitrary arrests and abuse they had personally experienced previously, often dating back to the late 1990s and early 2000s.

For example, Amina, a 19-year-old student, told Human Rights Watch how she was detained in 2003 (when she was 15) for nine months, then again in 2006 for six months, and fled Ethiopia when the soldiers came looking for her again following the Obole attack in April 2007. During both periods of military detention, she suffered regular, severe beatings and torture.¹³⁶ Muhumed, an 18-year-old student, told Human Rights Watch how he had been detained at military camps in Dhageh Medow for three months in 2004 (when he was 15), for 19 days in May 2006, and for nine

¹³³ Article 19 of the Ethiopian constitution provides that persons taken into custody should be brought before a court within 48 hours.

¹³⁴ See Common article 3 to the 1949 Geneva Conventions; Protocol II, art. 4.

¹³⁵ See ICCPR, art. 7; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, art. 1.

¹³⁶ Human Rights Watch interview with Amina, Nairobi, September 23, 2007.

months in December 2006. He told Human Rights Watch about the beatings and torture he endured during his last detention:

I was taken out from my home the last time and they brought me to the military camp and they beat me for three hours. They accused me of being with the ONLF and giving them help. I told them I was a student....At first they beat me on my head with sticks, and then they beat me with an electric rope all over my body. One was kicking me. Then they tied my hands behind my back. Then they spoke to me for hours, they said if I tell them the truth they would release me. I told them, "I told you the truth already, before you beat me. I have no information about what you are talking about." One of them then kicked me in the face and I lost a tooth. I was in a lot of pain. The next two nights they beat me the same way. They tied me out in the sun for the whole day, next to the guard house.¹³⁷

Arbitrary Arrest and Detention

Many of the former military detainees interviewed by Human Rights Watch claimed that they had been arrested on suspicion of supporting the ONLF without any evidence to support such suspicions.¹³⁸ As one young man put it bitterly, "Anyone with a bowl of water is suspected of supplying the ONLF."¹³⁹ A young woman voiced the same sentiment, saying "If you make tea in a teashop, the army would accuse you that the man who bought tea is an ONLF member....There is no way to escape."¹⁴⁰

Indeed, the cases investigated by Human Rights Watch indicate that the armed forces arrest those they suspect of supporting the ONLF on the slimmest conjecture, and then attempt to beat and torture confessions. Most of the former detainees

¹³⁷ Human Rights Watch interview with Muhumed, Hargeysa (Somaliland), September 27, 2007.

¹³⁸ In some of the arbitrary detention cases researched by Human Rights Watch, the only apparent evidence produced by the ENDF (to the detainees) was the fact that other detainees, following beatings and torture, had given their names. "Evidence" obtained under torture is particularly unreliable, as torture victims will often give false information in an attempt to end torture and abuse.

¹³⁹ Human Rights Watch interview with 28-year-old man from Fiiq zone, (name withheld), Nairobi, September 23, 2007.

¹⁴⁰ Human Rights Watch interview with 49-year-old woman, Garissa, September 21, 2007.

interviewed by Human Rights Watch denied having any connection to the ONLF, although some people mentioned having relatives, often distant relatives, involved in the ONLF. This is an insufficient basis for detention.

The military's broad, unchecked power to arbitrarily arrest, detain, and abuse suspects is illustrated by the case of Ruqiya, a prominent trade woman in Dhagahbur. In March 2007, she was transporting a truckload of grain from Aware to Dhagahbur when soldiers stopped her, demanded she offload the truck, and then commandeered the vehicle. When the vehicle was later destroyed in an ONLF ambush, her husband went to the police to report the loss and ask for compensation. That same night, soldiers took her husband, saying they just wanted to question him and would soon return him. The husband has not been seen again.

When Ruqiya and male elders from her clan went to the army base the next day to inquire about her husband, the soldiers accused her of lying, saying her husband had run off with the ONLF, and promptly detained her at the military camp. That same night, the camp commander viciously beat her:

When the sun came down, the commander came and they put me in a dark hole. He started asking me lots of questions. He then started beating me with a strong stick, on the head and on the legs, and another also beat me with his gun. They were telling me that I was distributing food to the rebels and that they would kill me. They took off my headcover, but they left me with my clothes. They beat me like this for about half an hour. I was terrified that I would be killed.¹⁴¹

Her clan elders finally convinced the military commander to release her so she could be hospitalized for her injuries. However, after her release, she found her store had been closed with a government seal, and that all of her stock had been impounded by the authorities. Afraid she would be “disappeared” like her husband, she fled to Kenya.¹⁴²

¹⁴¹ Human Rights Watch interview with Ruqiya, Nairobi, September 22, 2007.

¹⁴² Human Rights Watch interview with Ruqiya, September 22, 2007.

Torture and Beatings

Almost all of the former detainees interviewed by Human Rights Watch who were detained on military bases reported severe beatings and torture during their arrest and interrogation. Detainees frequently reported being beaten and tortured to the point of unconsciousness. Sexual violence against female detainees occurs frequently at military bases, as discussed above. Torture, beatings, and sexual violence all appear to be an officially tolerated practice by military commanders, and there are incidents of base commanders personally participating in all such abuses.

Human Rights Watch interviewed more than 30 victims of severe beatings and torture at military bases and has documented several dozen additional cases from family members of victims and former detainees. These abuses took place at military bases throughout the conflict-affected area, including in Jijiga, Wardheer, Kabridahar, Dhagahbur, Shilabo, Fiiq, Hamaro, Dhuhun, Qoriley, Gabagabo, Isku Dholey, Higlaleey, Dhagahmadow, Garbo, Yu'ub, Sheygoosh, and Harar, indicating that beatings and torture are a routine and widely tolerated practice at military bases. Many additional cases of beatings and torture were documented involving army soldiers on patrol or when staying at temporary military bases during patrols.

Soldiers typically start violently beating persons almost as soon as they are taken into custody. Twenty-four-year-old Ayan told Human Rights Watch how she began being beaten within earshot of her home after soldiers came to arrest her in the middle of the night:

During the night, the soldiers came to our home. We were asleep. They knocked at the door and my mother opened the door. They said, "Where is your daughter? We need to ask her some questions." There were at least 10 soldiers.

As soon as I left the house, they started beating me – my mother could hear my screams. They were beating me with wooden batons. Three of them were beating me while the others were holding my arms. They

just started beating me without saying anything. I lost all of the feeling after a while, the beating was very bad.¹⁴³

Twenty-year-old Faduma, a student from Shilabo town, was repeatedly taken from her home at night in July 2007 to be questioned by soldiers about suspected links to the ONLF. The first two nights, she was not seriously harmed, but on the third time she was taken from her home, the soldiers beat her unconscious, leaving her for dead:

The next [third] night, at 4 a.m. or so, three Ethiopian soldiers came to my house again. Two were dressed in military uniforms, the other had his face covered with a piece of white cloth. Unlike the previous night, they pulled me outside right away by my scarf, and locked the house and took me with them violently. They slapped me two times, and told me to walk with them.

I was taken towards the military camp called “Darash.” There is a water-well between the town and the camp. They threatened to throw me inside the well if I didn’t confess to them. They threatened to strangle me if I didn’t confess, and throw my body into the well. At that moment, they began slapping and kicking me, and punching me with their fists, throwing me from one to the other.

The investigator withdrew a pistol from his waistband and threatened, “If you don’t confess, I will force you to tell me everything you know with this pistol.” I was confused and felt helpless, so I started crying. He ordered the soldiers to beat me until I confessed. Besides threatening to rape me, they said they would use the pistol to kill me. They threw me down on a pile of garbage. As I fell down, one of the soldiers kicked me in the back. At that moment, they left me on the pile of garbage and I fell unconscious. When I regained consciousness,

¹⁴³ Human Rights Watch interview with 24-year-old Ayan, Nairobi, September 23, 2007.

I found a herder who was watering his animals by the well holding my hand.¹⁴⁴

Once at the military camps, the detainees are regularly taken from their cells for “interrogation.” Soldiers order the detainees to confess involvement with the ONLF, which often involves severe beatings to the point of unconsciousness. A 30-year-old shopkeeper from Wardheer town described the beatings and torture he received at the “Transport Tanks” military base on the town’s eastern outskirts:

I was taken to the military camp, to an investigative officer called Hailu. He and two soldiers accompanied me and took me to a room in the camp, it had no door that could be closed, it was just an open room. It had garbage inside, it was filthy. They said, “You will tell us the truth or you will die here.” I replied to them that I don’t have any lies to tell them, because I don’t support those people [ONLF]. They insisted I tell them about my financial support to the rebels, and they questioned me for some minutes, telling me to tell them the truth, that I was with the ONLF. I refused to admit to such things, and then the investigator ordered the two soldiers to start beating me.

They started beating me with the backs of their AK-47 guns. They hit me once with the gun in my face, and then started beating me. They also hit me with the gun barrel in my teeth, and broke one of my teeth. Then they started beating me with a fanbelt on my back and my feet. It lasted for more than one hour. Then they tied both my legs and lifted me upside down to the ceiling with a rope, and kept beating me more, saying I had to confess.

For two months, we underwent this same ordeal, being taken from our rooms at night and being beaten and tortured. They were selective, not everyone was beaten this badly every time. It was just a random

¹⁴⁴ Human Rights Watch interview with 20-year-old Faduma, Garissa, September 21, 2007.

process, different people suffered differently. They would beat me about two to three times a week, at least.¹⁴⁵

Ahmed, a 22-year old student, was arrested in July 2006 on suspicion of supporting the ONLF, and taken to the military base in Dhagahbur. He described how he was interrogated and beaten virtually nightly for 18 nights, and remained in poor health from the beatings when interviewed by Human Rights Watch more than one year later:

I was tortured a lot at this camp. When the night came, they took me to a separate room. I was beaten the first night, with sticks and also kicked. They kicked me in the head and in the left kidney, I still have problems with my vision now. The first night they didn't ask me anything, they just beat and kicked me. Five soldiers did the beating. I was beaten to the point of unconsciousness.

The next day they left me alone [until the evening]. At night, they came to get me and took me to the room. There were five soldiers. They interrogated me, saying I was working with the ONLF, this was the first time they asked me any questions. One of them was speaking to me in Somali. I told them I was a student and just studied my lessons, and had nothing to do with the rebels. They started beating me again, and one of them punched me very hard in the private parts and I became unconscious. They took me back to my room...In the evening, the soldiers came again. It was for 18 nights consecutively, that is why I am still very sick now. Then, they beat me every few days. I was kept in the camp for two months. Then I was transferred to the police jail until August 2007. I was never brought in front of a judge for trial, they just kept me [detained] like this.¹⁴⁶

¹⁴⁵ Human Rights Watch interview with 31-year-old shopkeeper, Garissa, September 20, 2007.

¹⁴⁶ Human Rights Watch interview with 22-year-old Ahmed, Hargeysa (Somaliland), September 27, 2007.

Extrajudicial Executions at Military Bases

According to eyewitnesses interviewed by Human Rights Watch, Ethiopian soldiers have carried out extrajudicial executions of detainees at a number of military bases in Somali Region, including military bases in Wardheer, Dhagahbur, Duhun, Hamaro, and Shilabo. In most of these cases, the detainees were extrajudicially executed in front of the other detainees at the military camp, often in the presence of the camp's military commander, demonstrating high-level responsibility.

Following the May 28, 2007 grenade explosions in Dhagahbur, the army extrajudicially executed two students and two nomads at the military base in Dhagahbur. An 18-year-old student detained alongside the two students who were executed explained to Human Rights Watch that they were part of a group of five students, between 16 and 18, who had been arrested at the Makhtal Dahir school in May 2005, and since then imprisoned at a prison in Dhagahbur town on charges of supporting the ONLF. He explained how after the May 28 grenade attacks, soldiers came to the prison, read out the names of the four to be executed, and then took them away to the military base:

After the explosions in Dhagahbur in May, two of the students detained with us were killed. They killed Beddel Mohamoud Abdi and Hussein Abdi Farah. One night they were taken out by the army. They were killed with two other men, nomads, who were detained from the countryside. One of them was called Ahmednasir Dahir. Before they were killed, the army came and read out their names and were taken to the *kifletor* (division) where they were killed. The *kifletor* is very near to the regional headquarters.¹⁴⁷

The bodies of the four victims were found outside the military base on May 30, showing signs of strangulation. Since the students executed by the soldiers had been in detention since May 2005, they could not have played a direct role in the

¹⁴⁷ Human Rights Watch interview with 18-year-old student, Hargeysa (Somaliland), September 25, 2007. This extrajudicial execution is also documented by the Ogaden Human Rights Committee, "Ogaden: Ethiopian Forces Massacre, Displace and Starve Out the Civilian Population with Impunity," p. 23.

grenade explosions in Dhagahbur on May 28, 2007. It appears that their execution was a military-sanctioned act of reprisal for the grenade attacks.

Halima, a 17-year-old student from Duhun, told Human Rights Watch how she had personally witnessed the execution of two of her classmates while being detained at a military base in Duhun. In front of an estimated 65 detainees, the military commander of the camp tried to force the two girls to confess to being ONLF members before ordering their summary execution:

I witnessed the killing of two girls. They wanted to intimidate the rest of us, so they brought the two girls who they said were the strongest ONLF supporters. They made the rest of us watch while they killed the two girls. First they tried to get them to confess, saying they would kill them otherwise. Then they shot both of them with their guns.

Their names were Faduma Hassan, 17, and Samsam Yusuf, 18. Both were students. They were my classmates. We were all just students, we had nothing to do with the ONLF. This was the second day after I arrived in the jail, at lunchtime. The commander was present at the time of the killings, he was the one speaking to the girls. All of the detainees, girls and boys, had to watch the killings. We were about 65 in total at that stage.¹⁴⁸

A 19-year-old student from Hamero town in Hamero wereda, Fiiq zone, told Human Rights Watch how the Ethiopian army detained two male students suspected of involvement in the ONLF in early June, and strangled them to death inside the military base before throwing out the bodies. She herself went to see the mutilated bodies, which lay unburied in the streets for two days before the military commander allowed them to be buried:

Some of our students were killed after the oil incident. Ahmed Mohammed, 18, a student, was killed. He was arrested many times

¹⁴⁸ Human Rights Watch interview with Halima, Nairobi, September 23, 2007.

before. After the oil incident, they took him to the military compound in June 2007 and they killed him. They strangled him. I saw his body, he had suffered a lot of torture. But if we cry and recognized his body, they would have arrested us also. After they killed him, they threw his body into the street. They initially refused to allow his relatives to bury the body, but after two days, they gave permission to allow to bury the body. He had been arrested two times before this time. Then, they just arrested and killed him.

Another one was killed together with him, another student, Mohammed Omar, 17, he was also strangled the same way. He had been arrested four days before he was killed. They were not student leaders or Ogadeni activists, but they were accused of supporting the ONLF. They have some distant relatives who are ONLF soldiers, not commanders.¹⁴⁹

From May to July 2007, at least seven detainees were extrajudicially executed at the “Transport Tanks” military camp outside of Wardheer, according to a former detainee who was detained at the military camp during this period. According to the former detainee, the soldiers first took five men and women from the communal cell he shared, and killed them by strangulation to terrorize the other detainees into confessing: “They take a rope and wrap it around the person’s neck, and then two soldiers pull from opposite sides. Then, when the persons were dead, they would bring us to see the bodies and tell us we were to die the same way if we don’t confess to them.”¹⁵⁰ Among the five killed were Fartoum Ugas, in his 20s; Nour Abdi, about 25; Daher Hussein, 21; a woman named Hawa, married and in her 30s; and a man in his 40s from Jinnoole village. The bodies were later taken away in a military truck, and may have been buried on the grounds of the military base.¹⁵¹ A few nights later, a man in his mid-40s and an older woman were removed from the same communal cell in the evening. The next morning, the detainees saw their bodies near

¹⁴⁹ Human Rights Watch interview with 19-year-old student from Hamero, Nairobi, September 23, 2007.

¹⁵⁰ Human Rights Watch interview with (name withheld), Garissa (Kenya), September 20, 2007.

¹⁵¹ Human Rights Watch interview, Garissa, September 20, 2007.

the washing facilities, and noticed that the man had visible head injuries and bleeding (the woman's body was covered with a blanket).¹⁵²

Former Detainees and Collective Punishment

Most of the former detainees interviewed by Human Rights Watch obtained their release from military detention after relatives paid bribes to military officials and stood as personal guarantors for the released detainee. A few of the former detainees interviewed by Human Rights Watch obtained their release by escaping from detention facilities. In most cases, released detainees were asked by their families to flee the region, so they would not be re-arrested. When released and escaped detainees fled, the military authorities often responded by detaining their relatives or guarantors.

Twenty-year-old Nimo was detained in December 2006 in Shilabo, and spent three months in military detention and in police custody, suffering regular beatings and rape. After three months, she was finally released when six clan elders stood as personal guarantors for her. When her mother took her to Kenya for medical treatment and safety, two of the six elders were detained by the military, and later released on 5,000 Birr bail (about US\$550).

Khadra, a 17-year-old girl, was detained in Duhun military base for three months in 2007, suffering severe beatings and multiple rapes. Her father managed to collect 3,000 Birr (about \$330) to pay to the military officials as a bribe, and at least 12 elders stood as personal guarantors to the military commander. Following her release, she fled to Kenya, and many of the elders who stood as guarantors were arrested and remained in detention at the time of the Human Rights Watch interview in September 2007.¹⁵³

¹⁵² Human Rights Watch interview, Garissa, September 20, 2007.

¹⁵³ Human Rights Watch interview with Khadra, Nairobi, September 23, 2007.

Forced Recruitment of Pro-Government Militias

Anybody who works for the government—teachers, doctors, clerks, administrators—has to join a militia. I left because I didn't want to die.

— Hassan Abdi Hees, head accountant¹⁵⁴

The Ethiopian military maintains a significant presence in the major towns and some strategically important villages. However, the rural areas remain largely out of the military's control and so it relies heavily on locally recruited informers and militia for military intelligence, supplemental forces, and local knowledge. A former soldier told Human Rights Watch, "There is no military presence in small towns. There is *daba-goodhi* [collaborators] which the Ethiopian army calls '*tadaaqi*'. Usually the commander of the brigade will ask the local elders to bring [boys and men] to help their army protect peace, the army provides [them] with weapons and ammunition."¹⁵⁵

Although the use and recruitment of local militia is a longstanding practice, in 2007 the Ethiopian authorities engaged in a systematic campaign of forced recruitment of local civilians into pro-government militias, ordering village elders to recruit specific quotas for the militias, or provide money and weapons instead. In some villages, the authorities have detained or killed elders or seized property to force civilians to comply with orders to join the militia.

Civilians forced to join the militia are often sent into battle without any military training. The forced recruits are generally lightly armed (at times, they are told to find their own weapons) and simply told to go find and fight the ONLF. As a result, the forced recruits suffer disproportionate casualties against the more experienced and better trained ONLF fighters.

Since 2007 even government employees have been ordered to pick up weapons and join pro-government militias, or risk being fined, fired, or detained. According to

¹⁵⁴ Jeffrey Gettleman, "Ethiopians Said to Push Civilians Into Rebel War," *New York Times*, December 15, 2007.

¹⁵⁵ Human Rights Watch interview with former ENDF soldier, (name and location withheld), October 6, 2007.

confidential sources as well as published accounts, Ethiopian officials have forced “untrained civilians—including doctors, teachers, office clerks and employees of development programs financed by the World Bank and United Nations—to fight rebels in the desolate Ogaden region.”¹⁵⁶

In addition to this recent surge in forced recruitment of pro-government forces, there are also a number of longer-established pro-government militias which tend to be more voluntarily recruited, most of them composed of the same Ogaadeeni subclans and some from non-Ogaadeeni clans. These militias are known as *tadaaqi* (literally, riflemen in Amharic).

A former resident of Wardheer told Human Rights Watch of the forced recruitment efforts by the Ethiopian army in Wardheer town in June 2007, which led him to flee to Kenya. In June, a defecting ONLF officer called Adan Taani held a series of rallies in Wardheer together with an Ethiopian commander, ordering members of the Abraham subclan of the Ogaadeen clan to form militias to fight the ONLF. The elders of the Abraham subclan initially resisted the demands to form the militia, explaining to the army commander that it was difficult for them to ask their fellow clansmen to join a pro-government militia at the same time as many of their families were being burned out of their rural homes by the army. The military commander rejected their concerns, offering the elders a simple choice: “The commander insisted guns should be taken up [against the ONLF]. He gave the elders two options—[each family should] either bring a gun or a man to confront the ONLF.”¹⁵⁷ The witness went on to explain just how dangerous the work of the forced recruits was:

Elders and fathers are forced either to bring their sons or bring a gun as a contribution to the fight. The militias are not trained: They are told to go out, find the ONLF, and fight them. Some of them join the ONLF when they find them in the bush, but most of the men cannot join [the

¹⁵⁶ Jeffrey Gettleman, “Ethiopians Said to Push Civilians Into Rebel War,” *New York Times*, December 15, 2007. Confidential sources confirmed to Human Rights Watch that large numbers of civil servants in Somali Region had been forced to fight against the ONLF and had been deployed to front-line villages. A memo from the regional government obtained by Human Rights Watch lists dozens of individuals, including regional government staff, who were ordered to report to various locations for deployment. On file with Human Rights Watch.

¹⁵⁷ Human Rights Watch interview with (name withheld), Dadaab refugee camps (Kenya), October 6, 2007.

ONLF] because they have families in the towns, and defecting would endanger those lives.

The *daba-qoodhi* (a derogatory term used to describe government collaborators) are told by Ethiopian commanders to go find the ONLF tracks, follow them and fight them. The tracks can be easily traced: the sand in those areas is soft and it is easily feasible to follow a track from three days ago. The ONLF march in lines, so they are easily traceable. If they don't follow the tracks and return without a fight with the ONLF, either they are sent back immediately or the team leader is replaced. Usually, the team leaders are detained if they do not achieve gains against the ONLF.¹⁵⁸

In late June and early July 2007, several rallies were organized by pro-government militia leaders in Wardheer town, with the aims of collecting money and recruiting militia forces. Militia forces beat young men who refused to attend, and closed the tea shops during the rallies to increase attendance.¹⁵⁹

In mid-June 2007, officials in Wardheer ordered government employees to take up weapons and fight together with regular army units against the ONLF. Even former government employees were pressured to join the pro-government militias, and threatened with detention or fines if they refused. Residents told Human Rights Watch that they observed armed civilian officials being moved out of Wardheer later in June 2007, and also recognized civilian officials among the militia forces in some villages outside Wardheer.¹⁶⁰

In March 2007 army soldiers came to the village of Qarrijuqood, Duhun wereda, in Fiiq zone, seeking to forcibly recruit civilians to fight against the ONLF. One villager told Human Rights Watch how the soldiers came to his 70-year-old father and told him to "volunteer" two of his five sons for recruitment into the militia:

¹⁵⁸ Human Rights Watch interview with (name withheld), Dadaab refugee camps (Kenya), October 6, 2007.

¹⁵⁹ Confidential information on file with Human Rights Watch.

¹⁶⁰ Confidential information on file with Human Rights Watch.

My father is about 70 years of age. The army accused him of refusing to contribute men to fight alongside the army. The army wanted two of us in particular – myself and the oldest [brother], 32. The reason is because the other three were not suitable for the militia [One was a religious devotee who travels a lot; the other had a large family; while the third brother is only 15 years old].

The army collected large numbers of men for recruitment. After few nights, [my brother] and the other newly recruited were taken on trucks to another location. He was among four of the recruits who tried to escape on the way out of Duhun. They army shot them. My brother and a cousin Mohamoud Abdi Jiiliye died; the other two escaped.

We moved out of Qarrijuqood to Daaco-dhowrta. Days later, an army unit from Gudhis came to the area to collect new recruits. They set up a temporary base nearby Daaco-dhowrta. The family sent my sister to warn me to avoid the area and avoid herding the camels. I ran away into the countryside. But they arrested many people among them my sister who came to the bush to warn me. They kept my sister in Fiiq for more than two months and later released her. She was raped in the prison by soldiers.¹⁶¹

In May 2007 troops arrested Aden Mohammed Anshur, the village leader (*ugaas*) of Laasoole, in Shilabo wereda, and took him to the Shilabo military base. Aden Mohammed Anshur was a respected Ogaadeeni leader, and had been part of a delegation of Ogaadeeni elders that participated in talks with ONLF leaders in London in 2003. He was released from detention and ordered to raise a pro-government militia, but went back to Laasoole and did not respond to the order. In early June 2007 the ENDF returned to Laasoole and executed him, together with a second elder, Duulane Guuleed Arab, and then burned down the village.¹⁶²

¹⁶¹ Human Rights Watch interview with Mohammed, Nairobi, September 22, 2007.

¹⁶² Human Rights Watch interview with Yusuf, Nairobi, September 22, 2007.

The army also uses threats and coercion to recruit militia members. Villagers reported during the June 2007 village burnings around Wardheer that the military had demanded weapons and militia volunteers or else threatened to burn down the village.¹⁶³ In another instance in mid-July, soldiers confiscated a truck loaded with desperately needed food for Wafdug and Yucub in Wardheer wereda, telling the residents that the truck would only be released if they provided 100 militia fighters to the ENDF.¹⁶⁴

On August 15, 2007, soldiers came to El-weyne in Danaan wereda (Gode zone) the morning after ONLF forces had been in the village to buy supplies such as sugar, goats, rice, and tea. The soldiers gathered the villagers together and ordered them to take up arms against the ONLF. Ibrahim Omar Asaade, a trader in his 60s, protested, saying “they [ONLF] will kill us if we do that.” A soldier then stabbed Ibrahim Omar Asaade to death with his bayonet, according to a relative who was present at the time: “One soldier put a bayonet in [Ibrahim Omar Asaade’s] kidney. He repeatedly stabbed him several times while the bayonet was still in the rifle.”¹⁶⁵ Four other villagers were also killed by the soldiers, including Dahabo Ali and her sister Sirad Ali.¹⁶⁶

The army base in Danaan itself was attacked by ONLF fighters around April 2007. The morning after the attack, soldiers gathered together young men from the village, and ordered the men to fight the ONLF. According to the sister of one of the young men, a group of about 10 of the men refused to fight and were shot dead by the soldiers.¹⁶⁷

Other witnesses told similar stories of how their relatives had been forcibly recruited by the military to fight the ONLF. One woman told Human Rights Watch how in October 2007 the ENDF had forcibly recruited her brother, Farah Nur Ibrahim, a school teacher from Yucub village in Wardheer wereda, and seven other relatives from the village to go fight the ONLF. The army gave them weapons but no military training, and just days afterwards her brother and three others were killed in fighting against the ONLF: “My brother was among eight men from close relatives who were

¹⁶³ Confidential information on file with Human Rights Watch.

¹⁶⁴ Confidential information on file with Human Rights Watch.

¹⁶⁵ Human Rights Watch interview with (name withheld), Dadaab (Kenya), October 5, 2007.

¹⁶⁶ Human Rights Watch interview with (name withheld), Dadaab (Kenya), October 5, 2007.

¹⁶⁷ Human Rights Watch interview with 27-year-old woman from Danaan, Dadaab (Kenya), October 5, 2007.

given guns by the army to fight the ONLF. They received the guns just few days before their death. Of the eight, four died while the other four are wounded.”¹⁶⁸

¹⁶⁸ Human Rights Watch interview with 34-year old refugee woman, Nairobi, October 7, 2007.

“Economic war”: Confiscation of Livestock, the Trade Embargo, and Other Restrictions

The ethnic Somali population of Somali Region consists mostly of pastoralists and agro-pastoralists. Livestock production and trade are the principal economic activities in the region and are essential to the livelihoods and survival of the majority of rural inhabitants of Somali Region, as well as for the vibrant trader community in the urban towns.¹⁶⁹

The economy of Somali region and the well-being of the population depend on the movement of persons and goods, both to access grazing and water for the livestock and in order to transport them to local markets. Livestock herders constantly move camp to ensure adequate foraging and water for their herds, which in turn are transported to Somaliland and Puntland, both for local consumption and export to the Gulf States, the main export market. In return, vital supplies such as rice, sugar, flour, and clothes are transported by truck from Hargeysa, Berbera, and other locations in northern and southern Somalia to Somali Region and sold at the local markets. Several important trade routes link Somali Region with coastal ports in Somalia: a northern trade route via Hargeysa to Berbera and a southern route through Gode to Mogadishu. Additional routes lead to Bossaso and other port cities.

Attacking and confiscating livestock as a way of penalizing or controlling ethnic Somali pastoralists is not a new strategy. Human Rights Watch described a similar strategy used by the government of Emperor Haile Selassie to subdue insurgent movements in Somali Region in the 1960s:

More serious for the civilian population in the area was the government’s policy of mounting punitive expeditions, which killed or confiscated large numbers of animals, depriving the pastoral communities of the basis for their survival.

¹⁶⁹Agro-pastoralism is practiced in many parts of Somali Region, particularly the northern and southern areas around Jijiga and Shinile, as well as along the perennial Juba, Genale and Shabelle rivers. However, poor rains in 2006 and 2007 caused extensive crop failure throughout the region. See S. Devereux, “Vulnerable Livelihoods in Somali Region,” IDS Research Report No. 57, Institute of Development Studies, Brighton, 2006.

Military administration remained in the Ogaden after the insurrection. Most major towns had curfews for at least a year. Ogaden clan leaders documented a number of incidents in May 1964, when 75 people were reported killed by the army, together with more than 14,000 domestic animals killed or confiscated, and July 1964, when 22 people were killed and over 8,000 animals killed or confiscated. This “economic war” against the Ogaden was supplemented by a policy of encouraging Amhara farmers to settle in the more fertile areas, especially in the Jijiga area. The process of land registration became a vehicle for settler farmers claiming land rights, depriving pastoralists of use rights. The lack of access to these pastures became critical when drought struck in 1973-4.¹⁷⁰

The Ethiopian government adopted a similar strategy of confiscating or killing livestock, often in conjunction with efforts to forcibly relocate villagers, as the case study of Labiga illustrates above. When combined with a rigid trade embargo on the conflict-affected zones and restrictions on movement, the effect on civilians has been disastrous.

Effects of the Trade Embargo

For years the Ethiopian government has intermittently tried to regulate livestock trade from the region. However, following the ONLF attack on Obole in April 2007, the Ethiopian government imposed a total commercial trade embargo on the war-affected area of Somali Region (Fiiq, Dhagahbur, Gode, Korahe, and Wardheer—the Ogaadeeni-inhabited zones), prohibiting all commercial truck movement in the region and across the border into Somalia, as well as the free movement of livestock by foot. In meetings with UN officials, the Ethiopian authorities claimed that this embargo was necessary to impede the flow of arms and other supplies to the ONLF.¹⁷¹ The trade embargo effectively shut down the vital trade route between Somaliland and Somalia and the war-affected areas of Somali Region, and further prevented the mostly pastoralist population from bringing livestock to markets for sale.

¹⁷⁰ Africa Watch, *Evil Days*, p. 71

¹⁷¹ Confidential information on file with Human Rights Watch.

The trade embargo was rigorously enforced through the confiscation of trucks and supplies that violated the embargo, as well as occasional killings of livestock and people who sought to evade it. The army patrols the main roads in the area and has set up checkpoints at entry points into towns to prevent embargo violations.

Within weeks of the April 2007 Obole attack, the armed forces began confiscating commercial vehicles that moved goods into conflict-affected zones of Somali Region. In May 2007 the last major trade convoy left Hargeysa in Somaliland, consisting of 18 trucks stocked with food items and clothing. All 18 trucks were stopped and confiscated by the army near Dhagahbur, and were taken to the military base in Dhagahbur. At the end of September 2007, four months afterwards, all 18 trucks remained confiscated at the military base, according to their owners.¹⁷²

The army continued to confiscate goods and trucks moving in and out of the affected region, a tactic that soon forced the commercial traders to stop their trade, as the risk of losing their goods and vehicles was simply too high. In early June 2007, businessman Mohammed Abdi Khalif was transporting goods (sugar, oil, and other food items) from Hargeysa in Somaliland to Aware town in Ogaden when he was stopped by a military patrol 12 kilometers before reaching Aware, near the village of Dud Adaad. The patrol accused him of delivering food to the ONLF, and confiscated his truck, using the goods he was transporting for their own consumption without compensation. After keeping the truck for one month at an Aware military base, they released it, emptied of its goods. The loss of an entire truck of goods, not to mention the truck itself in many cases, is a crippling loss for small traders.

In early September 2007, the army eased up the trade embargo slightly, allowing commercial trucks from Hargeysa, Somaliland, to travel to the non-conflict affected town of Hartasheik in Somali Region, a longer route, and then proceeding with a military escort (paid for by the truck owners) to Dhagahbur.¹⁷³ However, the government continued to restrict most commercial access to the conflict-affected

¹⁷² Human Rights Watch interview with trader, Hargeysa (Somaliland), September 26, 2007; Human Rights Watch interview with businessman, Hargeysa (Somaliland), September 28, 2007.

¹⁷³ Human Rights Watch interview with trader, Hargeysa (Somaliland), September 26, 2007.

zones: in mid-September, three commercial trucks traveling from Hargeysa, Somaliland to Aware were confiscated by the army in Bukudhaba village.¹⁷⁴

While the government's confiscation of commercial trucks and the restriction of trade were the most visible signs of the trade blockade, its impact extended much deeper, threatening civilians in affected areas with a humanitarian crisis. Vital supplies such as rice, flour, sugar, clothes, and other food items virtually disappeared from the markets in the region, except for small stocks smuggled into the region at great risk. The goods available in the market doubled or even tripled in price, placing them well beyond the means of most ordinary citizens, particularly as they could no longer sell their livestock because of the same blockade. One trader explained the rise in prices to Human Rights Watch in September 2007:

Before the blockade, the price for a sack of sugar was 220 Birr (US\$24) [wholesale]. During my last trip, I sold them for 550 Birr (\$60). Rice was 200 Birr (\$22), now it costs 550 Birr (\$60). Maize was 80 Birr (\$9), now it is 200 Birr (\$22). The farthest you can [smuggle] food is Dhagahbur. Before, I used to transport to Fiiq three or four times per month.¹⁷⁵

An interagency United Nations humanitarian assessment mission to Somali Region conducted in late August and early September 2007 estimated that the trade embargo had reduced the flow of commercial goods by 80 to 90 percent (since the assessment included some non-conflict affected regions, the reduction in conflict affected zones would be even greater). The assessment mission also estimated that an estimated 60 to 80 percent of the population depended on livestock sales for their income, and had been gravely affected by the ban on livestock trade. On average, in the areas visited by the assessment team, food prices had increased by 95 percent since the commercial embargo. The mission found that “food prices have increased so dramatically that access is severely constrained for the urban poor....the food availability in rural areas is reported far less than in major towns.”¹⁷⁶

¹⁷⁴ Human Rights Watch interview with businessman, Hargeysa (Somaliland), September 26, 2007.

¹⁷⁵ Human Rights Watch interview with businessman, Hargeysa (Somaliland), September 28, 2007.

¹⁷⁶ United Nations, Report on the Findings from the UN Humanitarian Assessment Mission to the Somali Region, Ethiopia, 30 August-5 September 2007, p. 13.

As of March 2008, many of the restrictions on commercial traffic described above were still in place. Monthly convoys were reportedly permitted to travel to the major towns with military escort, but not to the rural villages.

Restrictions on Movement, Herding, and Access to Water Sources

Concentrating the civilian population in military-controlled urban areas, ordering rural residents to relocate to these urban centers and often burning their rural homes has been accompanied by severe restrictions on the movement of the civilian population, goods, and livestock. The conflict-affected rural areas of Somali Region have effectively been “closed” and put off-limits to the civilian population. Civilians found in these “closed” areas risk being killed or detained, and often have their livestock confiscated.

Although the food situation in the major towns has been affected significantly by the trade embargo, the conditions in the “closed” areas where villages have been burned and villagers forced to relocate is much worse because of the severe restrictions placed on movement. Local residents told Human Rights Watch that men from the “closed” Lahelow area have been arrested when trying to leave Wardheer town with food supplies, and that restrictions have reportedly been placed on the amount of water and food that can be taken out of towns.¹⁷⁷ The existence of these restrictions was confirmed by an interagency UN assessment mission that visited the area in late August and September 2007:

The team also found that the movement of food from towns to villages and from one village to another was strictly monitored and controlled by the military in some areas. For instance in Birqod of Dhagahbur wereda, all the food stocks were registered by the military and checked on a daily basis to ensure that food was not leaving the towns. Those interviewed reported that the reason for these restrictions were to ensure that ONLF members did not access food.¹⁷⁸

¹⁷⁷ Confidential information on file with Human Rights Watch.

¹⁷⁸ United Nations, Report on the Findings from the UN Humanitarian Assessment Mission to the Somali Region, Ethiopia, 30 August-5 September 2007, p. 13-14.

Among those most severely affected by the ban on movement are the pastoralists. Their livestock cannot be relocated to urban areas for long periods of time, as there is inadequate access to grazing and water in these locations. However, the livestock herders risk arrest and death, and the confiscation of their livestock, if they continue to live their pastoralist lifestyle. When they enter towns to sell milk or livestock, they are often detained on suspicion of supporting, supplying, or spying for the ONLF. The ban on livestock trading to Somaliland has deprived them of their income, and contributed to a substantial drop in livestock prices within the region.¹⁷⁹ One woman who fled the area described the plight of her relatives to Human Rights Watch:

The nomads are not allowed to move freely to the areas they want to go to feed their camels. They can only feed around the towns. It is difficult for the nomads because the soldiers go on foot, so the nomads can't see them coming. If the soldiers see the camel tracks, they will follow them and accuse you of feeding the rebels and they may kill you, or take some camels, or shoot the camels.¹⁸⁰

Human Rights Watch documented a number of cases in which army soldiers apprehended or killed nomadic herders in “closed” rural areas. In mid-September 2007, as discussed above, the army reportedly killed five young camel herders in the Lahelow area of Ogaden. According to the brother of one of the victims:

My younger brother, Abdulrahman Hassan, was killed with four other relatives, just in the last five days. They were killed in the Lahelow area—every week the soldiers used to conduct sweep operations in this area. The soldiers are ordering the people to leave this area with their animals, so that there are no animals in the ONLF areas [to feed the ONLF fighters]. Those who refuse are shot dead with their animals if they are found there. My brother was 19, he was there with 80 camels. The others were killed in the same area, and all of the camels

¹⁷⁹ United Nations, Report on the Findings from the UN Humanitarian Assessment Mission to the Somali Region, Ethiopia, 30 August-5 September 2007, pp. 5, 11-12.

¹⁸⁰ Human Rights Watch interview with (name withheld), Nairobi, September 22, 2007.

were taken away. The boys from the other camps [who were killed] had their own camels.¹⁸¹

In late June 2007, soldiers reportedly killed Abdi Asker Muhumed and his brother Ahmed Asker Muhumed, both in their early 20s, when they were discovered watering their camels at a water well in Maleyko, southwest of Garbo. The bodies of the two brothers were left behind by the soldiers, and discovered and buried by other pastoralists.¹⁸²

Three other herders were killed in the same area in April 2007, according to the elderly sister of two of the victims. Ahmed Mohammed Gedi was found alone by soldiers in the Helo-Dere area, just west of Garbo, looking for a group of stray camels, and was killed: “They shot him in the head with three bullets. They don’t like to see a lone man in the bush, and worse, Ahmed tried to escape from them.”¹⁸³ According to the sister, four or five days later, Ahmed’s brother Dayib Mohammed Gedi, was looking for the same stray camels in the area between Garbo and Sagag, together with an unidentified man he met on the road, and was discovered by the soldiers. Both men were shot dead and their bodies were found after the army moved on.¹⁸⁴

Human Rights Watch received additional credible reports of similar cases of Ethiopian forces shooting livestock—and sometimes the men accompanying them—dating from December 2007, indicating a continuing pattern of abuse.¹⁸⁵

Water is equally essential to human and livestock survival and the Ethiopian government has placed draconian restrictions on water access in many locations, preventing civilians from accessing vital water sources and shooting camels transporting water in some regions.

¹⁸¹ Human Rights Watch interview with (name withheld), Garissa (Kenya), September 20, 2007.

¹⁸² Human Rights Watch interview with (name withheld), Nairobi, September 22, 2007.

¹⁸³ Human Rights Watch interview with (name withheld), Nairobi, September 22, 2007.

¹⁸⁴ Human Rights Watch interview with (name withheld), Nairobi, September 22, 2007.

¹⁸⁵ Confidential communication to Human Rights Watch, January 2008.

For example, in late July 2007, the army placed military guards at water points throughout Wardheer town, preventing the civilian population from accessing the water sources. Women and children were repeatedly chased away by the soldiers when they attempted to collect water, and the soldiers also shot dead donkeys brought to the water sources to ferry water. At that time, a well owner from Wardheer confirmed that he received orders from the military not to allow civilians to use his well, and that soldiers at his well were chasing away any civilians who had come to seek water.¹⁸⁶ Another resident reported similar restrictions in Qoriley:

We have a well in Qoriley which is surrounded by wire. The army has prohibited us from using it, so you have to sneak in at night. All these things have been imposed on us this year. At nighttime, we will try and get some water to store in our houses. But if the soldiers see you are fetching water, they can kill you.¹⁸⁷

At the same time, the military began killing and confiscating camels transporting water from villages around Wardheer, including an estimated 28 camels transporting water shot outside Ubatale in early July.¹⁸⁸ In some of the villages burned by the ENDF, soldiers also purposefully destroyed water sources. In August, the army lifted some of the restrictions on water use for the residents of Wardheer, but kept up a strict ban on access to water for nomads from outside the town.¹⁸⁹

Restrictions on Humanitarian Assistance

Despite longstanding humanitarian needs and a worsening humanitarian situation, the Ethiopian government has severely restricted humanitarian agencies from operating in the conflict-affected areas of Somali Region.

On July 25, 2007, the Ethiopian authorities expelled the International Committee of the Red Cross (ICRC) from Somali region, accusing the organization, which has been

¹⁸⁶ Confidential information on file with Human Rights Watch.

¹⁸⁷ Human Rights Watch interview with (name withheld), Nairobi, September 22, 2007.

¹⁸⁸ Human Rights Watch interview with (name withheld), Nairobi, September 24, 2007.

¹⁸⁹ Human Rights Watch interview with (name withheld), Nairobi, September 24, 2007.

working in Ethiopia for more than three decades and operates on the basis of strict neutrality, of “collaborating with the enemy [ONLF]” and “spreading baseless accusations” against the Ethiopian authorities.¹⁹⁰ The ICRC was the only international agency working throughout the region and had a large water and sanitation project constructing boreholes and wells, conducted livestock management trainings for herders, and confidentially monitored prison conditions and the adherence of all parties to the laws of war during the conflict, its mandated activities.¹⁹¹

Aside from the ICRC, only a handful of international and Ethiopian humanitarian non-governmental organizations (including Médecins Sans Frontières (MSF), Médecins Du Monde, Save the Children, and Action Contre la Faim) were operating in the region, and most faced severe restrictions on their ability to operate effectively as of mid-2007. In September 2007 the Ethiopian authorities refused two MSF country sections permission on three separate occasions to enter or move around conflict-affected areas of the region. An emergency request by MSF-Belgium for 24 to 48-hour access to the war-affected town of Fiiq to supply urgently needed medicines was among the requests that were refused by the Ethiopian authorities.¹⁹²

In late August and early September 2007, the Ethiopian authorities finally allowed an interagency United Nations humanitarian assessment mission access to some of the conflict-affected areas to investigate humanitarian conditions. In its report, which was the subject of intense negotiations between the UN and the Ethiopian government before its release, the UN assessment team confirmed the growing humanitarian needs. The report also stated that the UN team “encountered a pervasive fear for individual safety and security among the population visited,” and that “the human rights situation and protection situation for the civilian population in the areas of military operation is alarming and requires urgent attention.”¹⁹³

¹⁹⁰ “Ethiopia Deadline for Red Cross,” *BBC*, July 24, 2007; “Ethiopia: ICRC deplors expulsion from Somali Regional State,” ICRC press release, July 26, 2007.

¹⁹¹ “Ethiopia: ICRC deplors expulsion from Somali Regional State,” ICRC press release, July 26, 2007.

¹⁹² “MSF Denied Access to Somali Region of Ethiopia,” MSF Press Release, September 4, 2007.

¹⁹³ United Nations, Report on the Findings from the UN Humanitarian Assessment Mission to the Somali Region, Ethiopia, 30 August-5 September 2007, pp. 5-6.

Human Rights Watch received credible reports that Ethiopian security officials severely threatened several Ethiopian nationals working for the United Nations on the assessment mission, accusing them of links to the ONLF and threatening their families.

After an itinerary for the mission was agreed upon following two days of negotiations in the regional capital Jijiga, advance parties of Ethiopian officials were sent to the areas to be visited, carefully preparing local elders for the meetings and threatening them and local residents with serious consequences if they made unauthorized statements to the mission. A number of prominent individuals were arrested prior to the UN mission's arrival, including Suldan Fowski Mohamed Ali and Ahmed Mohamed Tarah, prominent clan elders who had participated in efforts to negotiate between the Ethiopian government and the ONLF.¹⁹⁴ Suldan Fowski remains in detention as of May 2008 (see below). On at least one occasion during the UN mission, dozens of residents were arrested after meeting with the UN assessment team in Dhagahbur, and apparently released the next day after the UN team protested.¹⁹⁵

Following the UN mission, the Ethiopian government agreed to an expanded UN presence in Somali Region, a positive step, and the UN soon opened two regional sub-offices. In early November, after further negotiations with the UN and under mounting fears of a humanitarian crisis, the Ethiopian authorities also permitted a dozen or so humanitarian non-governmental organizations to begin or resume programs in Somali Region.¹⁹⁶ Yet humanitarian agencies remained subject to severe limitations on their access to vulnerable populations, and not just physical restrictions. They are constantly threatened by Ethiopian government efforts to silence any publicity—much less criticism—on conditions in the region, particularly regarding human rights abuses or a potential humanitarian crisis. Even the collection of essential medical and nutritional data to assess humanitarian needs is considered a political exercise by the government, which uses its Disaster Prevention and Preparedness Agency (DPPA) to “coordinate” relief, especially the distribution of food aid.

¹⁹⁴ Amnesty International urgent action: prisoners of conscience/fear of torture, September 14, 2007.

¹⁹⁵ Confidential information on file with Human Rights Watch.

¹⁹⁶ “Ethiopia: Six more NGOs to operate in Somali region,” *IRINnews*, November 20, 2007.

In December 2007 two staff working for Save the Children-UK (SCF-UK) were expelled on accusations of “diverting food aid to rebels,” not long after the organization published a report indicating that malnutrition levels among children were rising.¹⁹⁷ One aid worker described the atmosphere in Somali Region as “an ambiance of fear,” affecting both the residents of the region as well as the aid workers trying to provide services. Many communities are afraid even to attend food distributions because of fear of the military, and everyone, including aid workers, is afraid to voice even basic concerns over conditions due to fear of arrest or harassment.¹⁹⁸ Journalists who have visited the region, usually on government-agreed visits, have also noted the pervasive culture of fear among civilians, including aid workers.¹⁹⁹ Since December 2007, at least 25 aid workers, including some international staff, have been detained without charge for varying periods of time.²⁰⁰

As of May 2008 there were more organizations active in Somali Region than a year earlier, with the significant exception of the International Committee of the Red Cross, which has not resumed activities. However, the presence of a larger number of aid organizations alone is by no means an accurate or significant indicator of progress, since there are serious questions over whether aid—and specifically food aid—is reaching the people who most need it. There are concerns at every stage: from inadequate independent assessment of needs to the manner of distribution of food aid to the lack of post-distribution monitoring to ensure that the food is not being diverted.

Independent and impartial assessments of humanitarian needs in the conflict-affected zones remain extremely difficult due to official restrictions. Independent nutritional assessments are an essential tool to determine malnutrition rates and guide response—but are rendered almost impossible due to physical obstruction of access to all areas (specifically areas under ONLF control), threats to individuals participating in the surveys, or repression of the data.

¹⁹⁷ The report does not appear to be publicly available. “Ethiopia expels UK, Australian aid staff,” *Reuters*, December 7, 2007, <http://www.alertnet.org/thenews/newsdesk/Lo7882617.htm> (accessed March 23, 2008).

¹⁹⁸ Human Rights Watch telephone interview, (name, location withheld), March 7, 2008.

¹⁹⁹ Nicholas Benequista, “In Ethiopia, does staying silent save lives?” *Christian Science Monitor*, February 26, 2008, <http://www.csmonitor.com/2008/0226/p07s03-woaf.html> (accessed April 6, 2008).

²⁰⁰ Human Rights Watch telephone interview, (name, location withheld), March 7, 2008.

Even where the food needs are clear, there are serious concerns about the degree to which food aid actually reaches the most vulnerable groups given widespread reports of military control and diversion of food aid, for instance to their militia partners, and the substandard independent monitoring of food distribution. In March 2008 one aid worker noted concerns that the government’s manipulation of food amounted to the use of food as a “weapon of war” and recommended that management of the relief food operation should be immediately given to the UN’s World Food Program, which currently only supports the DPPA.²⁰¹ While Human Rights Watch was unable to fully investigate these allegations, there is sufficient evidence of grave concerns in the delivery of food aid to warrant an independent audit and evaluation of the humanitarian response in Somali Region, and donors should insist on such a step.

The situation is deteriorating, in part due to the worsening drought, but this factor should not obscure the significant and ongoing human rights abuses that are creating the conditions for humanitarian crisis. These are the excessive trade restrictions, the unnecessary restrictions on movement of individuals and livestock and access to water and grazing, the continuing obstruction of genuine humanitarian space, and the pervasive, systematic abuses that are besieging the civilian population in the conflict-affected zones. Even the most innocuous humanitarian analysis cannot ignore the way these fundamental factors are exacerbating the situation.²⁰² Humanitarian response—even at its best—is not a substitute for the most urgent need: protection.

²⁰¹ Confidential information on file with Human Rights Watch.

²⁰² As noted by USAID in a recent update, “insurgent activity and security operations have disrupted trade networks, and restrictions on movement of people and livestock, combined with the onset of drought conditions, have exacerbated food insecurity for vulnerable populations.” “Ethiopia: Complex Emergency,” USAID Situation Report #2, May 16, 2008.

The Failure of Judicial Protection and the Institutionalization of Collective Punishment

Enforcing the Law

Legal protections are routinely flouted in Somali Region, even where the regional judiciary attempts to enforce the rights of those who have been detained or mistreated. While there are a range of factors contributing to the lack of independence and enforcement power of the judiciary, including corruption and insufficient capacity, the most significant and damaging reason remains the supremacy of the security forces, particularly the federal security forces and their regional allies within the administration. “It’s ridiculous to say there’s an independent judiciary in our region,” a former regional judge told Human Rights Watch. “All of the region is under emergency rule. The military has the last word on all matters, whether administrative or humanitarian.”²⁰³

Even regional government officials have little or no power to enforce the law or protect themselves from abuses by federal security forces. A former government employee detained in 2004 and again in 2005 after trying to stand as an independent candidate for the regional parliament, told Human Rights Watch how he had been unable to secure his legal rights while in military detention:

In [March 2005], I was detained from work and taken to one of the [military bases] in [place withheld]. According to the constitution, a person cannot be held for more than 48 hours without being charged. When I was detained for over two months, I wrote a letter to my colleagues at the regional administration, asking them to charge me or to release me. The head of the police in [place withheld] told me that he received my letter but would not pass it on to the administration.²⁰⁴

²⁰³ Human Rights Watch telephone interview with former regional judge (location withheld), May 15, 2008.

²⁰⁴ Human Rights Watch telephone interview with former government official (location withheld), November 22, 2007.

A judicial official expressed deep frustration at the lack of independence of the courts and regional institutions, noting that even when the regional courts issued release orders, they were often ignored. He said, “If [the federal government] followed the law it would be good, but even the law they’ve created is not being followed.”²⁰⁵

Another former judge from Somali Region told Human Rights Watch he ordered the release of a group of detainees arbitrarily accused of being ONLF supporters, only to find himself detained on the orders of a high-ranking regional official. He explained how accusations of ONLF involvement were frequently used to settle political power struggles:

Whenever the ONLF carried out operations, the government doesn’t differentiate between the ONLF and civilians [in its response]. They don’t do this deliberately, they are just confused as to who is who. So, the ONLF issue is exploited for political means. Someone identifies others as ONLF, and those persons get arrested, so accusing people of being ONLF becomes a way to settle disputes.²⁰⁶

While the vast majority of detainees appear to be arrested for perceived connection to the ONLF or because of the use of this allegation to settle scores, there are several other explanations given for some of the numerous arbitrary arrests and prolonged detentions without charge in Somali Region. Among these is the justice system’s general lack of capacity to handle the scale of cases.

Even where detainees have been charged with a criminal offense, an additional constraint on their ever being brought to court is the legal jurisdiction over “security” cases and lack of capacity within the police and judicial systems, which results in a serious backlog in the judicial review of detention cases. According to a former judge, until three years ago the regional courts were able to exercise jurisdiction over security cases, but this changed with a federal proclamation that established federal high

²⁰⁵ Human Rights Watch interview with judicial official, (name and location withheld), December 5, 2007.

²⁰⁶ Human Rights Watch interview with former judge, (name and location withheld), September 28, 2007.

courts in a number of states, including Somali Region.²⁰⁷ However the only federal high court in the vicinity of Somali Region is in Dire Dawa and it is difficult, if not impossible, for many detainees to travel there, due to lack of means, insecurity, and other reasons. “There is no budget for witnesses or for investigation support, for instance for transporting witnesses to court,” a government official told Human Rights Watch. The lack of judicial capacity is echoed in the police force, where many police lack training in conducting investigations and, as a former member of the judiciary said to Human Rights Watch, “[The] police can’t even finalize a file for prosecution.”²⁰⁸

While lack of capacity may indeed be a factor delaying the judicial process for some detainees, it is no barrier in politically motivated cases. Detentions and manipulation of judicial processes are used to further personal rivalries, score-settling and revenge. In a case that exemplifies the absence of judicial independence, Jijiga’s regional court on May 12, 2008 sentenced two high profile defendants, Suldan Fowski Mohammed Ali and Ibrahim Haad, to 22 and 16 years in prison respectively, despite the court’s lack of jurisdiction over security cases.²⁰⁹ Suldan Fowski, a traditional elder who helped negotiate with the ONLF for the release of the Chinese oil workers in April 2007, was arrested on August 28, 2007 prior to the UN assessment mission’s arrival (see above). Initially he was held in incommunicado detention in one of Jijiga’s military camps, but was then transferred to “Jail Ogaden” in October 2007, where he has since been detained. In May 2008 he was reportedly charged with responsibility for the May 2007 grenade attacks in Dhagahbur and Jijiga, although Human Rights Watch has not been able to obtain the precise details of the charges against him.²¹⁰

Credible sources told Human Rights Watch that the federal court in Dire Dawa had requested that the case be transferred several times, but members of the regional

²⁰⁷ Human Rights Watch interview with former regional official (name and location of interview withheld), December 5, 2007. See also Proclamation to Provide for the Establishment of Federal High Courts in Some Regions, Proclamation No. 322/2003, and Proclamation No. 325/1993, Federal Negarit Gazeta of the Federal Democratic Republic of Ethiopia, Addis Ababa.

²⁰⁸ Human Rights Watch interview with former regional official (name and location of interview withheld), December 5, 2007.

²⁰⁹ Human Rights Watch telephone interviews with human rights activist, judicial official and relative of Sultan Fowski, May 14, 16 and 20, 2008.

²¹⁰ There are indications that the sudden charges, trial and sentencing are personal score-settling by a powerful regional official. In early April the regional security chief, Abdi Mohamed Omar “verbally attacked Suldan Fowski” in the course of an interview with the *VOA’s* Somali service. See “Ogaden: Ethiopian court’s sentences are mockery of justice,” Ogaden Human Rights Committee press release, OHCR/PRM/0208, May 14, 2008.

administration refused.²¹¹ Aside from jurisdictional questions, the trial appears to have fallen well short of the due process guarantees required by Ethiopian and international law. Among other concerns, Suldan Fowski had no legal counsel and was denied the opportunity to defend himself.²¹²

Corruption is also a factor at the lower wereda and kebele administrative levels. According to a former judge, regional officials apparently receive a budget allocation based on the numbers of prisoners, creating an incentive for higher numbers of detainees.²¹³ Detainees also routinely report having to pay bribes of 1,000 to 5,000 Ethiopian Birr (about US\$110 to \$550 in early 2008) to police and military for their release, creating a substantial incentive for security forces to keep individuals in detention.²¹⁴

Authorizing Collective Punishment

In August 2007 the regional parliament of Somali Regional State unanimously endorsed two decisions that are not only discriminatory on their face, violating Ethiopian and international human rights law, but amount to institutionalized collective punishment of communities perceived to support or sympathize with the ONLF.

One law penalizes families and clans of ONLF members and requires that they pay compensation for the lives of any individuals killed by the ONLF:

...if any person who is a member of anti-peace ONLF kills another person, his clan or immediate family will be held responsible to pay compensation for the loss of life. On the other hand if the dead is an ONLF member, no compensation will be paid to his family; and no one could be held responsible for his death.²¹⁵

²¹¹ Human Rights Watch telephone interview with relative of Suldan Fowski, May 20, 2008. See also “Ogaden: Ethiopian court’s sentences are mockery of justice,” Ogaden Human Rights Committee press release.

²¹² Human Rights Watch telephone interview with relative of Suldan Fowski, May 20, 2008.

²¹³ Human Rights Watch interview with regional official, (name, location, and date of interview withheld).

²¹⁴ Human Rights Watch interviews with numerous former detainees, Kenya and Somalia, September and October 2007.

²¹⁵ Decisions passed in the 5th session of the 3rd house of parliament held from 22/12/98 – 24/12/98 [Ethiopian calendar], Office of the parliament, Somali Regional State. Document on file with Human Rights Watch.

There is a long tradition of clan compensation (*dijya* or “blood money,” usually in the form of livestock) for violations of Somali customary law, known as *xeer*. The parliamentary decision passed by the regional parliament manipulates the element of communal responsibility involved in the *xeer* system. It penalizes entire communities for the actions of some individual members, regardless of whether the families or sub-clans have any control over those individuals.

As this report has described, when there is any suspicion of even the vaguest connection to the ONLF, individuals in Somali Region are already at great risk of being subjected to serious human rights violations, including extrajudicial executions, rape, torture, and arbitrary detention. The parliamentary provision effectively formalizes the economic attacks and punishment of communities, and the additional language noting that ONLF members’ deaths will not be compensated reinforces the understanding that the provision is not about compensation—it is about punishment.

The decision also subverts the *xeer* because ordinarily *xeer* cases proceed according to a process that includes investigation by the aggrieved party, the mediation or arbitration of a dispute by respected elders who essentially act as judges, and a procedure whereby pleas of guilt and innocence and examination of the evidence take place. The parliamentary decision, in contrast, can easily be used to target individuals, families, and communities on personal or political grounds; indeed, in the course of this research Human Rights Watch heard many descriptions of the ways in which allegations of ONLF connections are already manipulated in this way.

The second parliamentary decision provides for the suspension of all state budget allocation to administrative areas where the ONLF is active. It states:

In the allocation of the capital budget, no budget should be allocated for the districts where the anti-peace elements [ONLF] operate. For districts where the anti-peace elements do not operate, their budget should immediately be released and should be higher than the former, so that the former districts follow their example.

Penalizing whole districts in this manner is blatantly discriminatory. The decision was implemented against certain weredas in late-2007, but it is unclear whether it continues to be implemented. The very existence of such legislation indicates that the intent of key regional and federal policymakers is to actively and comprehensively impose collective punishment on communities in a manner that violates fundamental legal norms.

Part 3: Abuses by the Ogaden National Liberation Front

The Ogaden National Liberation Front (ONLF) has been responsible for serious abuses, including abductions, beatings, and summary executions of civilians in their custody, including government officials and individuals suspected of supporting the government.

While its attacks are largely directed at the Ethiopian armed forces, it has at times conducted attacks against civilian areas and used landmines in a manner that indiscriminately harmed civilians. The ONLF also has threatened attacks on civilian commercial enterprises and imposed “taxes” on commercial trucks and convoys moving through rural areas under their control. Individuals who commit serious laws of war violations are responsible for war crimes.

Summary Executions and Attacks on Civilians by the ONLF

In early 2007 the ONLF, capitalizing on the Ethiopian military’s redeployment of troops to Somalia, attacked several major towns including Garbo (in Garbo wereda, Fiiq zone) and Gunagada (southeast of Dhagabur town, in Dhagahbur zone), followed by the even larger offensive on the Chinese-run oil installation near Obole town, west of Dhagahbur town. During and following these attacks, ONLF rebels beat and summarily executed persons in their custody.

The ONLF killed 25 people, including the local head of security, Sa’ad Aw Siyad, when it attacked Gunagada on January 19, 2007. They also abducted a number of officials. The police commissioner, Bedel Abdi Nor, and a regional member of parliament who was badly wounded, Mohammed Abdulahi Wafer, were later executed. Another five detainees were subsequently released.²¹⁶

Garbo was also attacked in January 2007. At the time it was defended only by local militias, not Ethiopian military forces. The ONLF fighters demanded that the militia and local police hand over their weapons, but this demand was refused and local

²¹⁶ Human Rights Watch telephone interviews, November 2007.

elders tried to mediate. The ONLF then attacked the police station, killing five local police officers and militia members before taking control and looting the weaponry. The ONLF fighters then departed with several abducted civilians, whom they later released.²¹⁷

On April 24, 2007, the ONLF attacked the oil exploration facilities of the Chinese company, Zhongyuan Petroleum Exploration Bureau, a few kilometers from Obole town in Dhaghabur zone.²¹⁸ As the oil facilities were a civilian enterprise, the attack violated the international humanitarian law against targeting civilian objects. It sparked the Ethiopian government's stepped-up counter-offensive.

Hundreds of ONLF fighters attacked the oil installation before dawn, quickly overpowering the 50 or so Ethiopian army troops protecting the site during a 30-minute gunbattle. After routing the soldiers, the ONLF fighters entered the Obole oil installation, willfully killing approximately 65 Ethiopian nationals, most of them laborers, and nine Chinese technicians.

Eyewitnesses described to Human Rights Watch the numerous summary executions of civilians. Many of the Ethiopian workers and Chinese technicians were shot at point-blank range, when the ONLF fighters entered accommodation tents and found people trying to hide on the ground. Some were lined up outside their quarters and summarily executed. The victims included the camp nurse and three female cooks.²¹⁹ A survivor said, "I thought they were kidnapping us when they took us out of the tent. But they even shot the Somali employees." Some people were shot several times and bled to death.²²⁰

On the same day, the ONLF also attacked the nearby village of Sandhore, where a prominent local businessman, Ibrahim Haad, ran a sizeable farm. Ibrahim Haad

²¹⁷ Human Rights Watch interview with refugee (name withheld), Dadaab refugee camps (Kenya), October 5, 2007.

²¹⁸ The ONLF had repeatedly called upon oil companies to cease activities in the region. See "O.N.L.F. Statement on Malaysian Firm PETRONAS' Oil Exploration in Ogaden," ONLF statement, July 24, 2005, http://www.ogaden.com/ONLF_Press_Jul2405.htm (accessed March 24, 2008).

²¹⁹ Human Rights Watch telephone interviews (names and locations withheld), November 2007.

²²⁰ Confidential communication to Human Rights Watch and telephone interviews (names and locations withheld), November 2007.

reportedly provided militiamen for government counter-insurgency operations and used to have close relations with the regional security bureau. Eighteen people were killed during the attack, including a school teacher, a Koran teacher named Moalim Hassan, and several other civilians.²²¹ While it is unclear how many of them were killed in crossfire, some of those killed, including the administrator of the farm, were summarily executed by the insurgents.²²²

On April 29 the ONLF released seven Chinese oil workers and two Ethiopian workers it had abducted from the Obole oil field, although Human Rights Watch has received reliable reports that a third Ethiopian worker kidnapped by the ONLF, an ethnic Somali, was not released by the ONLF and is feared dead.²²³

The ONLF later tried to justify the attack by claiming that senior government officials were financially involved in the Obole oil exploration, and that civilians had been forced off their land by the exploration project.²²⁴ As a matter of international law, such justifications are irrelevant—the installation was not a valid military target. On August 7, 2007, the ONLF issued a statement warning all oil companies to stop operating in the Ogaden or risk attack from the ONLF.²²⁵

On May 28, 2007, two simultaneous grenade attacks by unknown assailants took place during annual celebrations to mark the downfall of Mengistu’s Derg government (*ginbot haya* in Amharic, literally 20th of the month *ginbot*), considered a pro-government event by many in Somali Region. In Dhagahbur town, the heartland of the Ogaadeeni clan, three grenades were thrown into the crowd, one exploded killing four people instantly and wounding more than 60 others. Two more people, a 17-year-old student and a woman, died from their injuries on the way to the hospital.²²⁶

²²¹ Human Rights Watch interview (name and location withheld), November 6, 2007.

²²² *Ibid.*

²²³ Human Rights Watch telephone interviews, November 2007.

²²⁴ ONLF, “ONLF Response to Ethiopian Ministry of Foreign Affairs Press Release,” June 20, 2007.

²²⁵ “Ethiopian rebels warn against oil exploration activities in the Ogaden,” ONLF, August 7, 2007, <http://www.sudantribune.com/spip.php?article23193> (accessed May 5, 2008).

²²⁶ Human Rights Watch telephone interviews, July 2007.

At around the same time as the Dhagahbur grenade attack, unknown assailants threw three grenades into a similar celebration at the soccer stadium in Jijiga, which was being attended by the regional president, Abdullahi Hassan “Lugbuur.” At least 11 people were killed in the attack, including a local journalist, and the regional president was wounded. Some of those killed and injured may have been shot by Ethiopian soldiers responding to the attack or were crushed by the panicking crowd.²²⁷

The ONLF’s exiled spokesperson in London denied responsibility for the May 28, 2007 grenade attacks. Some observers have noted that the ONLF has not been known to bomb crowded sites, a tactic in the past associated with such groups as al-Itihaad, which claimed responsibility for a series of deadly bombings and grenade attacks, including in Addis Ababa, in 1995 and 1996. Others suggested that the targeting of the regional president may have been linked to divisions within the regional government. No publicly-available government investigation to date has pinpointed responsibility for these attacks.

The ONLF has also summarily executed suspected government collaborators or individuals viewed as supporting the government, according to eyewitness accounts. In February 2007, ONLF forces allegedly executed 25-year-old Hodan Gahnug of Maracato village, south of Kabridahar town in Korahe zone. According to a credible source, the ONLF “felt she was propagating against them within the community....They took her out of Maracato and shot her dead.” Human Rights Watch was told that Gahnug’s brother and two other young men had been killed by the ONLF and she “was against the ONLF because she was angered by the killing of her brother.”²²⁸

In another case documented by Human Rights Watch, ONLF fighters detained four young men from Dayr village in August 2007, accusing them of collaborating with the Ethiopian army. The bodies of the four men were later found executed outside the village. The four victims included Yusri Dakharre and Weli Aden. The willful killing of anyone in custody is a violation of the laws of armed conflict. These cases also illustrate the degree of pressure rural communities come under to cooperate with the ONLF.

²²⁷ Andrew Heavens and Tsegaye Tadesse, “Blast wounds Ethiopia Regional Leader, 11 Dead,” *Reuters*, May 28, 2007.

²²⁸ Human Rights Watch telephone interview (name and location withheld), November 22, 2007.

Attacks on Non-Ogaadeeni Clans and Property

The ONLF has engaged in clan-based armed clashes, sometimes supporting fellow Ogaadeeni civilians from related sub-clans in disputes over land or other resources. Some of these clashes have resulted in large numbers of deaths and injuries, particularly in the conflict between certain Ogaadeeni subclans and the Shekash/Sheikahl clan, and between Ogaadeeni and Isaaq.

Tensions between certain Ogaadeeni sub-clans and Isaaq clan members are longstanding. Human Rights Watch received reports that ONLF forces have regularly targeted traders belonging to the rival Isaaq clan. The ONLF views some Isaaq, including the authorities in Somaliland, as collaborating with the Ethiopian army and transporting food aid as contractors of the Ethiopian government and international relief agencies. These trucks are often owned by Isaaq businessmen based in Dire Dawa and Hargeysa.

Illustrating this tension, in 2004 the ONLF and Ogaadeeni civilians burned and destroyed a significant number of commercial trucks belonging to Isaaq businessmen in a dispute, apparently after the authorities in Somaliland detained some Ogaadeeni youths. “We tried everything to get the boys released. Finally we took the decision to burn their trade vehicles,” a 45-year-old man told Human Rights Watch. “We put wood on them and set on fire. It happened in Kabridahar, Wardheer, Dhagahbur and Fiiq. The message to target Isaaq trucks was well spread throughout Ogaden.”²²⁹

²²⁹ Human Rights Watch interview with 45-year-old pastoralist, Nairobi, September 17, 2007.

Part 4: Applicable Legal Standards

Under international law, the conflict between Ethiopia and the Ogaden National Liberation Front (ONLF) in the eastern Somali Region is a non-international (internal) armed conflict in which both parties are bound by international humanitarian law (the laws of war). Ethiopian state forces—the Ethiopian National Defense Forces (ENDF) and pro-government militias—and the ONLF are obligated to observe article 3 common to the four Geneva Conventions of 1949 (“common article 3”), the Second Additional Protocol of 1977 to the Geneva Conventions (Protocol II), applicable to non-international armed conflicts, and relevant customary international law. Ethiopia is a party to the 1949 Geneva Conventions and both Protocol II.²³⁰

International humanitarian law forbids deliberately harming civilians and other persons no longer taking part in the hostilities, including wounded or captured combatants. It also provides rules on the conduct of hostilities to minimize unnecessary suffering.

International human rights law is also applicable, including the International Covenant on Civil and Political Rights (ICCPR)²³¹, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment²³², and the African Charter on Human and Peoples’ Rights.²³³ Ethiopia has incorporated many of the provisions of the most important human rights treaties in its constitution and other

²³⁰ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Geneva Convention), 75 U.N.T.S. 31, entered into force October 21, 1950; Geneva Convention for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of the Armed Forces at Sea (Second Geneva Convention), 75 U.N.T.S. 85, entered into force October 21, 1950; Geneva Convention relative to the Treatment of Prisoners of War (Third Geneva Convention), 75 U.N.T.S. 135, entered into force October 21, 1950; Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), 75 U.N.T.S. 287, entered into force October 21, 1950. Ethiopia became a party to the Geneva Conventions on October 2, 1969. Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 1125 U.N.T.S. 609, entered into force December 7, 1978. Ethiopia became a party to Protocol II in April 1994.

²³¹ International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1996), 999 U.N.T.S. 171, entered into force March 23, 1976, acceded to by Ethiopia on September 11, 1993.

²³² Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture), adopted December 10, 1984, G.A. res. 39/46, annex, 39 U.N. GAOR Supp. (No. 51) at 197, U.N. Doc. A/39/51 (1984), entered into force June 26, 1987, acceded to by Ethiopia on April 13, 1994.

²³³ African [Banjul] Charter on Human and Peoples’ Rights, adopted June 27, 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), entered into force October 21, 1986, ratified by Ethiopia on June 15, 1998.

relevant national legislation.²³⁴ These provisions prohibit violations of the right to life, torture and other inhuman and degrading treatment, arbitrary arrest and detention, and unfair trials. They also provide for the rights to the protection of the home and family, and specific protection of children in times of armed conflict.²³⁵

In the context of hostilities occurring as part of armed conflict, international humanitarian law, as the *lex specialis* or specialized law, takes precedence but does not replace human rights law. Persons under the control of government or armed opposition forces in an internal armed conflict must, in all cases, be treated in accordance with international humanitarian law, which incorporates important human rights standards.²³⁶

Individuals may be held criminally responsible for violations of international humanitarian and human rights law. Serious violations of international humanitarian law are war crimes. Human rights abuses committed as part of a widespread or systematic attack against any civilian population are crimes against humanity.

Summary Executions and Other Mistreatment of Persons in Custody

Summary or extrajudicial executions and the mistreatment of detained persons are illegal under any circumstances according to both international humanitarian and human rights law. Common article 3 prohibits “at any time and in any place whatsoever” with respect to civilians and captured combatants:

²³⁴ Constitution of the Federal Democratic Republic of Ethiopia, August 21, 1995. Article 13(2) of Chapter Three, “Fundamental Rights and Freedoms,” states: “The fundamental rights and freedoms specified in this Chapter shall be interpreted in a manner conforming to the principles of the Universal Declaration of Human Rights, International Covenants on Human Rights and international instruments adopted by Ethiopia.”

²³⁵ Convention on the Rights of the Child, G.A. res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), entered into force September 2, 1990, acceded to by Ethiopia on June 13, 1991; Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted December 18, 1979, G.A. res. 34/180, 34 U.N. GAOR Supp. (No. 46) at 193, U.N. Doc. A/34/46, entered into force September 3, 1981, ratified by Ethiopia on October 10, 1981.

²³⁶ The UN Human Rights Committee, the expert international committee that monitors state compliance with the ICCPR, has stated that “the Covenant applies also in situations of armed conflict to which the rules of international humanitarian law are applicable. While, in respect of certain Covenant rights, more specific rules of international humanitarian law may be specially relevant for the purposes of the interpretation of Covenant rights, both spheres of law are complementary, not mutually exclusive.” Human Rights Committee, General Comment 31, Nature of the General Legal Obligation on States Parties to the Covenant, U.N. Doc. CCPR/C/21/Rev.1/Add.13 (2004), para. 11.

- (a) Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment, and torture;
- (b) Taking of hostages;
- (c) Outrages upon personal dignity, in particular humiliating and degrading treatment;
- (d) The passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

Similar fundamental guarantees are provided under Protocol II.²³⁷

International human rights laws prohibit the arbitrary deprivation of life and, at all times, torture and other cruel, inhuman or degrading treatment.²³⁸

Rape and Other Sexual Violence

Rape and other forms of sexual violence that is committed in a non-international armed conflict violate international humanitarian and human rights law. International humanitarian law prohibits both states and non-state armed groups from committing rape and other forms of sexual violence.²³⁹

International human rights law binding on Ethiopia also contains protections from rape and sexual assault as forms of torture and other ill-treatment, and as discrimination based on sex.²⁴⁰

²³⁷ Protocol II, Article 4.

²³⁸ See ICCPR, articles 5 and 7; Convention against Torture, articles 1 and 16.

²³⁹ Protocol II explicitly prohibits rape and “any form of indecent assault.” Article 4(2)(e). See also, common article 3, which implicitly prohibits rape and other sexual violence during internal armed conflicts as forms of cruel treatment, torture and outrages upon personal dignity.

²⁴⁰ The ICCPR prohibits torture and other cruel, inhuman or degrading treatment (art. 7) and protects women’s rights to be free from discrimination based on sex (arts. 2(1) and 26). The Committee on the Elimination of All Forms of Discrimination Against Women, which monitors state compliance with the CEDAW, has enumerated a wide range of obligations for states related to ending sexual violence, including ensuring appropriate treatment for victims in the justice system, counseling and support services, and medical and psychological assistance to victims. Committee on the Elimination of All Forms of Discrimination Against Women, “Violence Against Women,” General Recommendation No. 19 (eleventh session, 1992), U.N. Document CEDAW/C/1992/L.1/Add.15.

Attacks on Civilians and Civilian Objects

A fundamental principle of international humanitarian law is that parties to a conflict must distinguish between combatants and civilians, and may not deliberately target civilians or civilian objects. Protocol II states that “the civilian population and individual civilians shall enjoy general protection against the dangers arising from military operations.” They are not to be the object of attack, and all acts or threats of violence with the primary purpose to spread terror among the civilian population are prohibited.²⁴¹ Customary international humanitarian law prohibits attacks directed against civilian objects, such as homes and places of worship.²⁴² Protocol II specifically bans attacks, destruction, or removal of objects indispensable to the survival of the civilian population including food-stuffs, agricultural areas, crops, livestock, drinking water installations and supplies, and irrigation works.²⁴³ Pillage (or plunder) – the forcible taking of private property – is also prohibited.²⁴⁴

Forced Displacement

The forced displacement of civilians for war-related reasons is forbidden. Civilians may only be displaced for their security or imperative military reasons. Protocol II states:

The displacement of the civilian population shall not be ordered for reasons related to the conflict unless the security of the civilians involved or imperative military reasons so demand. Should such displacements have to be carried out, all possible measures shall be taken in order that the civilian population may be received under satisfactory conditions of shelter, hygiene, health, safety and nutrition.²⁴⁵

²⁴¹ Protocol II, Article 13.

²⁴² See ICRC, *Customary IHL*, rule 7.

²⁴³ Protocol II, Article 14.

²⁴⁴ Protocol II, Article 4(2)(g).

²⁴⁵ Protocol II, article 17.

The term “imperative military reasons” usually refers to evacuation because of imminent military operations. Such evacuation assumes proper procedures for notification and evacuation, and proper means of transport to a safe place. It does not allow for a military attack on a civilian population or civilian property to force the displacement, as civilians are not legitimate military objectives under international humanitarian law.

The provisional measure of evacuation is appropriate if an area is in danger as a result of military operations or is liable to be subjected to attack. Evacuation may also be permitted when the presence of civilians in an area hampers military operations. The prompt return of the evacuees to their homes is required as soon as hostilities in the area have ceased. The evacuating authority bears the burden of proving that its forcible relocation conforms to these conditions.

Displacement or detention of civilians solely to deny a support base to the enemy cannot be considered to promote the security of the civilians. This also is not justified as “imperative military reasons,” which require “the most meticulous assessment of circumstances” to avoid abuse.²⁴⁶ As explained by the authoritative ICRC Commentary:

Clearly, imperative military reasons cannot be justified by political motives. For example, it would be prohibited to move a population in order to exercise more effective control over a dissident ethnic group.²⁴⁷

Similarly prohibited is the mass relocation or displacement of civilians for the purpose of removing an ethnic group deemed friendly to an armed opposition group.

Even in instances where the Ethiopian government is able to show that specific displacements in Somali Region were necessary and lawful under international humanitarian law, it still has the independent obligation to take “all possible

²⁴⁶ ICRC, *Commentary on the Additional Protocols of 8 June 1977 to the Geneva Conventions of 12 August 1949* (Geneva: Martinus Nijhoff Publishers, 1987), p. 1472.

²⁴⁷ *Ibid.*

measures” to receive the displaced civilian population “under satisfactory conditions of shelter, hygiene, health, safety, and nutrition.”²⁴⁸

Collective Punishment and Reprisals

Collective punishments are prohibited under international humanitarian law in all circumstances.²⁴⁹ The prohibition on collective punishments applies to criminal sanctions against persons for actions for which they do not bear individual criminal responsibility, but also to “all sanctions and harassment of any sort, administrative, by police action or otherwise.”²⁵⁰

Belligerent reprisals are acts that would otherwise be unlawful acts of war but, when used as an enforcement measure in reaction to the unlawful acts of an adversary may, in exceptional cases, be permitted. Although customary international law does permit a very narrow category of belligerent reprisals in *international* armed conflicts,²⁵¹ parties to non-international armed conflicts, such as the conflict in Somali Region, do not have the right to resort to belligerent reprisals.²⁵²

Reprisals and collective punishment violate international humanitarian law prohibitions against the mistreatment of civilians and captured combatants. Common article 3 to the Geneva Conventions prohibits in all circumstances acts including murder, mutilation, cruel, humiliating and degrading treatment, and torture against civilians and other persons no longer taking part in the hostilities. Article 4 of Protocol II also sets out the fundamental guarantees of humane treatment, which explicitly includes a prohibition on collective punishments, acts of terrorism, and pillage. Commentaries of the International Committee of the Red Cross on Protocol II

²⁴⁸ Protocol II, article 17.

²⁴⁹ Protocol II, article 4(2)(b); see also, ICRC, *International Humanitarian Law*, rule 103.

²⁵⁰ *Ibid*, para. 3456; ICRC Commentaries on Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977, para. 3055.

²⁵¹ See ICRC, *International Humanitarian Law*, rules 145 and 146.

²⁵² See ICRC, *International Humanitarian Law*, rule 148. . . . For a belligerent reprisal to be lawful in an international conflict, it must be an exceptional measure carried out as a measure of enforcement against an adversary who has violated the laws of war; it must be a measure of last resort; it must be proportionate to the original violation; the decision to carry out the reprisal should be carried out at the highest level of government; and the reprisal must stop once the adversary has complied with the law. *Ibid*, rule 145.

and customary international law make clear that these articles leave no room for reprisals in non-international armed conflict.²⁵³

Individual Criminal Responsibility

War Crimes

With respect to individual responsibility, serious violations of international humanitarian law, including the mistreatment of persons in custody and deliberate attacks on civilians and civilian property, when committed with criminal intent amount to war crimes. Criminal intent requires purposeful or reckless action. Individuals may also be held criminally liable for attempting to commit a war crime, as well as assisting in, facilitating, aiding or abetting a war crime. Responsibility may also fall on persons ordering, planning, or instigating the commission of a war crime.²⁵⁴ Commanders and civilian leaders may be prosecuted for war crimes as a matter of command responsibility when they knew or should have known about the commission of war crimes and took insufficient measures to prevent them or punish those responsible.²⁵⁵

Under international law, Ethiopia has an obligation to investigate alleged war crimes by their nationals, including members of their armed forces, and prosecute those responsible for war crimes.²⁵⁶

Crimes against Humanity

The Ethiopian armed forces have committed numerous acts of murder, torture, rape, and forcible population transfers in the course of widespread, and what appears to be, systematic attacks against the Somali civilian population in Somali Region. As such, Human Rights Watch believes that these attacks amount to crimes against humanity under international law.

²⁵³ See ICRC, *Commentaries on Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II)*, 8 June 1977, pp. 1372-3, paras. 4530-6 International Committee of the Red Cross (ICRC), Henckaerts & Doswald-Beck, eds., *Customary International Humanitarian Law* (Cambridge: Cambridge Univ. Press 2005), rule 148.

²⁵⁴ See ICRC, *Customary International Humanitarian Law*, p. 554.

²⁵⁵ See ICRC, *Customary International Humanitarian Law*, rule 153.

²⁵⁶ See ICRC, *Customary International Humanitarian Law*, rule 158 citing ICC Statute, preamble.

Crimes against humanity were first codified in the charter of the Nuremberg Tribunal of 1945. The purpose was to prohibit crimes “which either by their magnitude and savagery or by their large number or by the fact that a similar pattern was applied...endangered the international community or shocked the conscience of mankind.”²⁵⁷ Since then, the concept has been incorporated into a number of international treaties and the statutes of international criminal tribunals, including the Rome Statute of the International Criminal Court.²⁵⁸ The definition of crimes against humanity varies slightly by treaty, but as a matter of customary international law the term “crimes against humanity” includes a range of serious human rights abuses committed as part of a widespread or systematic attack by a government or organization against a civilian population.²⁵⁹ Murder, torture, rape, and forcible population transfers all fall within the range of acts that can qualify as crimes against humanity.²⁶⁰

Unlike war crimes, crimes against humanity may be committed in times of peace or in periods of unrest that do not rise to the level of an armed conflict. Crimes against humanity include only abuses that take place as part of an attack against a civilian population. So long as the targeted population is of a predominantly civilian nature, the presence of some combatants does not alter its classification as a “civilian population” as a matter of law.²⁶¹ Rather, it is necessary only that the civilian

²⁵⁷ *History of the United Nations War Crimes Commission and the Development of the Laws of War* (1943), p. 179, quoted in Rodney Dixon, “Crimes against humanity,” in *Commentary on the Rome Statute of the International Criminal Court* (O. Triffterer, ed.) (1999), p. 123.

²⁵⁸ Rome Statute of the International Criminal Court, 2187 U.N.T.S. 3, *entered into force* July 1, 2002, article 7.

²⁵⁹ See Rodney Dixon, “Crimes against humanity,” in *Commentary on the Rome Statute of the International Criminal Court* (O. Triffterer, ed.) (1999), p. 122. This is the standard applied by Article 7 of the Rome Statute of the International Criminal Court. Ethiopia is not a state party to the Rome Statute and is therefore not bound by it, but the definition in article 7 accords with the conception of crimes against humanity in customary international law.

²⁶⁰ Murder and torture are among the core offenses that have been included within the definition of crimes against humanity at least since the adoption of the charter establishing the Nuremberg tribunal after World War II. Deportation (to another country) was listed but not (internal) forced transfer. Rape was not explicitly included in the charter’s definition of crimes against humanity in article 6(c) although it could be derived from that definition’s general prohibition against “other inhumane acts.” This ambiguity has been resolved in recent years; the statutes of the International Criminal Tribunals for Rwanda and the former Yugoslavia as well as the Rome Statute all explicitly include rape in the list of enumerated offenses that can constitute crimes against humanity. The ICC Statute also lists: extermination, enslavement, deportation and forcible transfer of population, imprisonment, persecution, enforced disappearance, apartheid, and “other inhumane acts.” ICC Statute, article 7(1).

²⁶¹ See, e.g., *Prosecutor v. Naletilic and Martinovic*, International Criminal Tribunal for the former Yugoslavia (ICTY), Trial Chamber, March 31 2003, par. 235 (“The population against whom the attack is directed is considered civilian if it is predominantly civilian”); *Prosecutor v. Akayesu*, International Criminal Tribunal for Rwanda (ICTR), Trial Chamber, September 2, 1998, par. 582 (“Where there are certain individuals within the civilian population who do not come within the definition of civilians, this does not deprive the population of its civilian character”); *Prosecutor v. Jelisić*, ICTY Trial Chamber, December

population be the primary object of the attack.²⁶² Thus, abuses by the Ethiopian armed forces directed against civilians even during the course of military operations against villages in Somali Region can fall under the definition of crimes against humanity.

The attack against a civilian population underlying the commission of crimes against humanity must be widespread or systematic. It need not be both.²⁶³ “Widespread” refers to the scale of the acts or number of victims.²⁶⁴ Human Rights Watch considers the numerous acts of murder, torture, rape, and forced displacement by ENDF soldiers against the civilian population in Somali Region to be “widespread.” Human Rights Watch received reports of at least 87 burnings and forced displacements of villages, many of which involved extrajudicial killings, torture, and rape across numerous areas of Somali Region. Although there are no reliable estimates of the total number of people affected by these attacks, Human Rights Watch’s research alone indicates that at a conservative estimate, at least 150 people have been unlawfully killed, hundreds unlawfully detained and mistreated, and tens of thousands of people have been forcibly displaced since early 2007 alone, estimates that are far from comprehensive.

A “systematic” attack indicates “a pattern or methodical plan.”²⁶⁵ International courts have considered to what extent a systematic attack requires a policy or plan. For instance, such a plan need not be adopted formally as a policy of the state.²⁶⁶ Human Rights Watch cannot determine conclusively whether or not the serious abuses committed by the Ethiopian armed forces in Somali Region have been systematic. Nonetheless, the similarity of many of the attacks on the villages and

14, 1999, par. 54 (“The presence within the civilian population of individuals who do not come within the definition of civilians does not deprive the population of its civilian character.”).

²⁶² See *Naletilic and Martinovic*, para. 235.

²⁶³ See *Prosecutor v. Tadic*, ICTY Trial Chamber, para. 646 (“it is now well established that...the acts...can...occur on either a widespread basis or in a systematic manner. Either one of these is sufficient to exclude isolated or random acts.”).

²⁶⁴ *Akayesu* defined widespread as “massive, frequent, large scale action, carried out collectively with considerable seriousness and directed against a multiplicity of victims,” *Prosecutor v. Akayesu*, ICTR Trial Chamber, September 2, 1998, para. 579; see also *Kordic and Cerkez*, ICTY Trial Chamber, February 26, 2001, para. 179; *Kayishema and Ruzindana*, ICTR Trial Chamber, May 21, 1999, para. 123.

²⁶⁵ *Tadic*, para. 648. In *Kunarac, Kovac and Vokovic*, the Appeals Chamber stated that “patterns of crimes—that is the non-accidental repetition of similar criminal conduct on a regular basis—are a common expression of [a] systematic occurrence.” Para. 94.

²⁶⁶ *Akayesu*, para. 580.

towns in 2007 documented by Human Rights Watch makes a strong case that there is a pattern to the attacks. The repeated forced relocations and village burnings, with their attendant killings, torture, and rapes, do not indicate sporadic and unconnected events.²⁶⁷ Furthermore, the intensified campaign of government attacks from June through August 2007, combined with the simultaneous measures taken by the federal and regional governments, such as the imposition of commercial and trade blockades, increased restrictions on humanitarian access and assistance, and the discriminatory measures passed by the regional government, all appear to be part of a broader policy of deliberately punishing communities perceived to be linked to the ONLF.

Lastly, for individuals to be found culpable for crimes against humanity requires their having the relevant knowledge of the crime.²⁶⁸ That is, perpetrators must be aware that their actions formed part of the widespread or systematic attack against the civilian population.²⁶⁹ While perpetrators need not be identified with a policy or plan underlying crimes against humanity, they must at least have knowingly taken the risk of participating in the policy or plan.²⁷⁰ An investigation into crimes against humanity in Somali Region would have to address this element of the crime.

The Ethiopian government has a legal obligation to prosecute and punish military and civilian officials responsible for the commission of crimes against humanity.²⁷¹ Individuals accused of crimes against humanity cannot avail themselves of the defense of following superior orders nor benefit from statutes of limitation. Because

²⁶⁷ See *Blaskic*, ICTY Trial Chamber, March 3, 2000, para. 204.

²⁶⁸ See *Prosecutor v. Kupreskic et al.*, ICTY Judgment, January 14, 2000, para. 556.

²⁶⁹ See *Kupreskic et al.*, ICTY Trial Chamber, January 14, 2000, para. 556: “[T]he requisite mens rea for crimes against humanity appears to be comprised by (1) the intent to commit the underlying offence, combined with (2) knowledge of the broader context in which that offence occurs.” See also *Tadic*, ICTY Appeals Chamber, para. 271; *Kayishema and Ruzindana*, ICTR Trial Chamber, May 21, 1999, paras. 133-134.

²⁷⁰ See *Blaskic*, ICTY Trial Chamber, March 3, 2000, para. 257. *Blaskic* (paras. 258-259) listed factors from which could be inferred knowledge of the context: [a] the historical and political circumstances in which the acts of violence occurred; [b] the functions of the accused when the crimes were committed; [c] his responsibilities within the political or military hierarchy; [d] the direct and indirect relationship between the political and military hierarchy; [e] the scope and gravity of the acts perpetrated; [f] the nature of the crimes committed and the degree to which they are common knowledge.

²⁷¹ See, e.g., UN General Assembly Resolution 3074, “Principles of international cooperation in the detention, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity,” December 3, 1973. Under the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, to which Ethiopia is a party, the same obligation applies with respect to individuals who have committed acts of torture, irrespective of whether such acts are also classified as crimes against humanity.

crimes against humanity are considered crimes of universal jurisdiction, all states are responsible for bringing to justice those who commit crimes against humanity. There is an emerging trend in international jurisprudence and standard setting that persons responsible for crimes against humanity, as well as other serious violations of human rights, should not be granted amnesty.

Part 5: Responses to Allegations of Human Rights Violations

Despite mounting evidence of serious violations of international human rights and humanitarian law committed by Ethiopian security forces in Somali Region, the international response to the situation has focused mainly on increasing humanitarian assistance, but neglected to address the systematic abuses that are the core cause of the deteriorating situation.

The Ethiopian Government has simply denied evidence of abuses and attempted to prevent information leaving the area. In the words of Ethiopian Prime Minister Meles Zenawi:

We are supposed to have burned villages. I can tell you, not a single village, and as far as I know not a single hut has been burned. We have been accused of dislocating thousands of people from their villages and keeping them in camps. Nobody has come up with a shred of evidence. Nobody.²⁷²

The Ethiopian Government's Response

The Ethiopian government is sensitive to criticism of its human rights record. However, rather than addressing allegations with concern, investigations, and efforts to improve accountability, the federal government's principal response to allegations of abuses in Somali Region has been to suppress independent access, investigation, and reporting of the situation. It has done so through direct methods—such as detaining international journalists, aid workers, and victims of abuses—and it has done so indirectly, by creating a climate of intense fear that discourages Ethiopians and international observers from speaking about what they experience or witness. In the words of one anonymous letter slipped to an international visitor to Somali Region:

Once upon a time, a lion came to a village as a guest. The lion said that he doesn't want any meat but would like milk instead. The

²⁷² Alex Perry, "Interview, Ethiopian Prime Minister Meles Zenawi," *Time Magazine*, September 6, 2007.

villagers prepared the milk but then the big question of who will deliver [it] came up. What I mean is we have a lot of information to tell you, but we can't. Because you will [leave] tomorrow and we will be killed. We do not want to be killed.²⁷³

The government has also reacted to any public reporting with vehement denials and claims that reports of abuses are fabrications. Following a July 2007 Human Rights Watch press release warning of serious abuses, the Ethiopian Ministry of Information stated that there were “no attacks by Ethiopian troops on civilians and homes.”²⁷⁴ Following the expulsion of the ICRC and MSF’s public appeals for access to respond to the escalating humanitarian needs, the Ministry of Foreign Affairs claimed MSF was “exaggerating the situation” and denied “blocking any NGO” from the region.²⁷⁵ Following media reports of forced recruitment of civilians for the pro-government militia, including staff employed by internationally-funded projects in Somali Region, the Ministry of Information promptly denied any such practice.²⁷⁶

To date, according to all information available to Human Rights Watch, there have been no efforts by the federal or regional government to investigate, prosecute, or end the patterns of abuses described in this report. Acknowledging that there have been serious abuses, and cooperating in efforts to fully investigate and prosecute the crimes would be an important first step to improving the human rights situation in Somali Region. It would also be an important way to rebuild trust with communities whose confidence in the government has been shattered by years of systematic abuse.

The crimes described above are far too systematic and widespread to be considered the acts of rogue commanders. On the contrary, the available information indicates that specific policies were chosen to deliberately terrorize the civilian population. As described above, policies of forced relocation and economic punishment of ethnic

²⁷³ On file with Human Rights Watch.

²⁷⁴ “Ethiopia denies burning homes and displacing civilians,” *APA*, July 4, 2007.

²⁷⁵ “Ethiopia: Government denies “blocking” NGO,” *IRINnews*, September 4, 2007, <http://allafrica.com/stories/200709041085.html> (accessed March 22, 2008).

²⁷⁶ Ministry of Information, “Ethiopia denies New York Times report,” Press release, December 20, 2007.

Somali pastoralists are old strategies that the current EPRDF government seems to have simply recycled.

Further investigation is required to establish whether the patterns of killings, rape, and torture by the ENDF are specifically ordered at the highest levels. Irrespective of whether troops are explicitly commanded to commit these crimes, the fact that they are pervasive and often involve officers or officials in command, indicates that they are widely known and accepted as appropriate behavior. The laws of war do not only prohibit military and civilian leaders from ordering troops to commit such crimes; they also place a positive responsibility on commanders and civilian leaders with command authority to prevent and stop crimes that they know about, or should have known about.

A former ENDF soldier confirmed to Human Rights Watch that even if there is no explicit ENDF policy specifically ordering troops to abuse civilians, the pretext that civilians are ONLF supporters, whether true or not and regardless of evidence, is sufficient to justify any abuse with full impunity. He said:

Soldiers are not given orders to rape in town, bush and in detentions. But they are told the people they are fighting are the enemy who have been misled and [are] stubborn. If they kill, the commander asks who was the person killed. The soldier would need to classify the victim as an ONLF member/supporter or other enemy, for instance. The commander registers the death as such [ONLF] without any further questions. If the soldier rapes, the commander does not ask [questions]. The soldier has been told, for instance, that people from Zone 5 are difficult, stubborn, extreme Islamists who do not agree with the government; that the land belongs to Ethiopia and it is compulsory for everybody to follow the rule.²⁷⁷

²⁷⁷ Human Rights Watch interview with (name withheld), Dadaab refugee camp, Kenya, October 6, 2007.

The International Response: A Wider Silence

International policymakers have increasingly taken a “see no evil, hear no evil, speak no evil” approach to Ethiopia. Over the past three years, the sharpest international condemnations of Ethiopian human rights abuses came in the wake of the May 2005 elections. After security forces killed scores of demonstrators protesting the election results, the World Bank, European Union, United Kingdom, and several other donors suspended direct budget support to the federal government, but soon resumed the aid flows via other channels, such as through regional governments.²⁷⁸

Almost three years after the elections, international criticism has dissipated although there has been little effort by the Ethiopian government to account for the serious abuses documented during the post-election violence or in the context of various security operations it has mounted in different regions.²⁷⁹

While the EPRDF government routinely rejects reports critical of its human rights record, particularly where the ENDF or other federal security forces are implicated, it has occasionally responded to them. For instance after the international criticism of post-election violence in 2005, the government established a national inquiry into the post-election violence that concluded that 193 people were killed by Ethiopian security forces—triple the official figure—and that most were shot, beaten, or strangled.²⁸⁰ However the deputy chairman of the inquiry, Judge Wolde-Michael Meshesha, alleged that the government officials pressured the inquiry team to change its conclusion that security forces used excessive force; both he and the chairman of the commission fled Ethiopia after receiving death threats. To date the report has not been made public and there was no known international reaction to the findings or the inquiry’s controversial aftermath.²⁸¹

²⁷⁸ “Ethiopia: Suspended funding redirected to poverty alleviation,” *IRINnews*, May 29, 2006, <http://www.irinnews.org/report.aspx?reportid=59143> (accessed March 22, 2008).

²⁷⁹ The government appointed an Independent Commission of Inquiry to investigate the December 2003 massacre in Gambella, however the findings of the commission did not reflect the scale of the abuses or the role of the army. Regional officials also arrested several police in connection with the killings. See Human Rights Watch, *Targeting the Anuak*, pp. 43-46.

²⁸⁰ Anthony Mitchell, “Inquiry Triples Toll in Ethiopia Protests,” *The Washington Post*, October 19, 2006, <http://www.washingtonpost.com/wp-dyn/content/article/2006/10/18/AR2006101801697.html> (accessed March 22, 2008).

²⁸¹ According to the US Department of State’s 2007 Country Report on Human Rights Practices in Ethiopia, the final report of the Independent Inquiry Commission “found that security forces did not use excessive force, given demonstration violence.”

The Rationale for Donor Silence on Ethiopia

The muted international response to Ethiopia's poor human rights record stems, among other reasons, from the fact that Ethiopia, one of the world's poorest countries, is one of the largest recipients of overseas development assistance (ODA) in Africa. In 2006 it received a net amount of ODA of US\$1.947 billion or 14.7 percent of the gross national income.²⁸²

Donor governments appear to be reluctant to use this leverage to promote improvements in human rights. Ethiopia is the second most populous country in Africa, has one of the largest militaries and provides several thousand troops to UN peacekeeping operations, is the host of the African Union, and is an important regional power surrounded by authoritarian governments in Sudan and Eritrea. From an international perspective (as well as from the point of view of many Ethiopians) the current EPRDF government is viewed as an improvement over the previous Mengistu dictatorship, which was responsible for the deaths of hundreds of thousands of Ethiopians during its bloody 17-year rule.

The EPRDF government is credited with making significant economic progress in the face of serious challenges, including recovering from the devastating Mengistu years and the economic and human losses of the 1998 war with Eritrea.²⁸³ Over the past few years Prime Minister Meles has won praise from donors for poverty reduction and for efforts to decentralize the federal government and strengthen service provision at local levels.

In addition, Ethiopia is viewed by many western governments as a reliable and strategically important regional partner on counter-terrorism efforts. The counter-

US State Department, Bureau of Democracy, Human Rights, and Labor, "Country Report on Human Rights Practices – 2007: Ethiopia," March 11, 2008, www.state.gov/g/drl/rls/hrrpt/2007/1000481.htm (accessed March 22, 2008).

²⁸² The World Bank's concessional lending program, the International Development Association, is the largest single source of ODA, providing a gross \$1.86 billion in 2005-2006. Ethiopia is also among the top recipients globally of both US and European bilateral assistance. In 2005-2006, Ethiopian received \$498 million from the United States and \$183 million from the European Commission. The United Kingdom was Ethiopia's fifth largest donor in the same period, providing \$120 million in gross ODA. Organization for Economic Co-operation and Development (OECD), Aid Statistics, Recipient Aid Charts: Ethiopia, undated, <http://www.oecd.org/dataoecd/21/7/1880804.gif> (accessed March 22, 2008).

²⁸³ Ethiopia's growth rate has been more than 10 percent for the past four years. Peter Heinlein, "Ethiopia's PM Introduces Tough Anti-Inflation Measures," *Voice of America*, March 18, 2008, <http://www.voanews.com/english/2008-03-18-voa53.cfm> (accessed March 23, 2008).

terrorism partnership, particularly with the United States, has assumed increasing importance amid growing concerns over the instability in neighboring Somalia.

Most donor governments are willing to downplay or ignore the government's poor human rights record and opt for "quiet" diplomacy, where they react at all, due to fears that public criticism will rupture diplomatic relations. The EPRDF government has not hesitated to expel foreigners for voicing criticism, be they human rights activists, aid workers, journalists, or even European diplomats, a policy which has the desired effect of repressing outspoken voices in defense of human rights.²⁸⁴

Donor reluctance to criticize Ethiopia is compounded by the fact that many abuses go unreported, particularly in the rural areas far from Addis Ababa, and "lack of information" is frequently cited as a reason for inaction. However, where there is a genuine lack of information it is largely due to the Ethiopian government's heavy handed suppression of national and international independent media and restrictions on freedom of expression. More often, key international governments and institutions ignore the available information about serious human rights abuses.

Western governments and companies are likely also fearful that a robust stance on human rights will strengthen Ethiopia's ties to China.

Responses to Abuses in Somali Region

None of the major international donors to Ethiopia—the US, EU, and UK—have condemned human rights abuses in Somali Region or publicly called on the Ethiopian government to end them. Privately some diplomats concede that they are concerned about the human rights situation, yet public appeals have largely focused on humanitarian conditions and the need for Ethiopian authorities to facilitate access for humanitarian agencies.

²⁸⁴ In August 2007 Ethiopia expelled six Norwegian diplomats for what Ethiopia called "interference in Ethiopia's internal affairs." The diplomats were apparently trying to help resolve the tensions between Ethiopia and Eritrea. See "Norwegian envoys to leave Ethiopia," *BBC news online*, August 28, 2007, <http://news.bbc.co.uk/2/hi/africa/6966597.stm> (accessed May 6, 2008).

The UN humanitarian assessment in Somali Region in late August 2007 prompted fresh concern over deteriorating humanitarian conditions. A confidential human rights annex to the assessment report (which was presented to the Ethiopian authorities but never published) concluded that “there are serious protection concerns relating to the civilian population and violations of economic, social, cultural, civil and political rights in the Somali region. The protection of civilian populations and the investigation in to the human rights claims require urgent attention.”²⁸⁵ The annex also called for the urgent establishment of an independent commission of inquiry to investigate allegations of abuses.²⁸⁶

Following the UN assessment, the European Union called for Ethiopia to “follow up all recommendations of the mission, including actions to protect civilians in conflict.”²⁸⁷ Diplomats in Addis Ababa sent several high-level delegations to the region, which prompted some releases of detainees from the many official and unofficial detention centers in advance of the visits. The UN established several new sub-offices in the region and in November 2007, the highest UN official responsible for humanitarian affairs, John Holmes, visited the region. In advance of his visit, the Ethiopian authorities permitted a number of international humanitarian organizations to start operations in the region.²⁸⁸ After his visit, Holmes warned the UN Security Council that “already chronic food insecurity could give way to real famine conditions” and called on the Ethiopian government to investigate the allegations of abuses.²⁸⁹

While the UN and European Union have voiced public concern over the humanitarian situation, Ethiopia’s most important western donor and ally, the United States, has been publicly silent. At a September 2007 news conference in Addis Ababa, the US government’s top diplomat for Africa, Jendayi Frazer, described the allegations of

²⁸⁵ United Nations, Note on the Human Rights Claims in the Somali Region of Ethiopia, unpublished annex to the Report on the Findings from the UN humanitarian Assessment Mission to the Somali Region, Ethiopia, 30 August – 5 September, p. 1, on file with Human Rights Watch.

²⁸⁶ *Ibid.*

²⁸⁷ “EU urges Ethiopia to allow aid into Ogaden region,” *Reuters*, October 9, 2007, <http://www.alertnet.org/thenews/newsdesk/Lo9134072.htm> (accessed March 23, 2008).

²⁸⁸ “Six more NGOs to operate in Somali region,” *IRINnews*, November 20, 2007.

²⁸⁹ Edith Lederer, “UN humanitarian chief warns of crises in eastern Ethiopia and Somalia, Darfur deterioration,” *Associated Press*, December 6, 2007; “UN presses Ethiopia to probe Ogaden allegations,” *Reuters*, November 28, 2007.

abuses in Somali Region as “unsubstantiated.”²⁹⁰ Some observers told Human Rights Watch that the US embassy in Addis Ababa sent strong cables to Washington describing serious concerns over military abuses, and that these cables have been suppressed or ignored in Washington. Observers also say that while the US Ambassador to Ethiopia, Donald Yamamoto, has privately raised concerns over human rights abuses with Prime Minister Meles on several occasions, publicly the US embassy in Addis Ababa has actively downplayed concerns in the face of a worsening humanitarian situation.²⁹¹

The US State Department’s annual review of human rights in Ethiopia, issued in March 2008, provided a disingenuous analysis of the situation, noting that “fighting between government forces and the [ONLF...] resulted in widespread human rights abuses.” The report then singled out only the ONLF for “widespread human rights abuses” while implying that crimes committed by government forces occurred when “forces acted independently of government control.”²⁹²

The UK has also showed little inclination to publicly criticize or assert the importance of human rights improvements with the EPRDF government. The UK’s aid in 2007-2008 is due to reach 130 million sterling or more than US\$260 million, a doubling of the total aid given in 2004-2005.

In its annual report on human rights published in March 2008, the Foreign and Commonwealth Office (FCO) devoted a paragraph to the conflict in Somali Region. But the FCO’s characterization of the conflict was entirely one-sided. The report singled out only the human rights abuses of “terrorist groups operating in this region” for criticism and noted with approval what it called “Ethiopia’s commitment to protect civilians in conflict.”²⁹³

²⁹⁰ Peter Heinlein, “US Official Urges Greater African Involvement in Somalia Peace Efforts,” *Voice of America*, September 9, 2007.

²⁹¹ Human Rights Watch interviews with diplomats, Addis Ababa and Washington, December 2007-February 2008.

²⁹² US State Department, Bureau of Democracy, Human Rights, and Labor, “Country Report on Human Rights Practices – 2007: Ethiopia,” March 11, 2008, www.state.gov/g/drl/rls/hrrpt/2007/1000481.htm (accessed March 22, 2008).

²⁹³ United Kingdom Foreign and Commonwealth Office, “Human Rights Annual Report 2007,” March 2008, p.32, <http://www.fco.gov.uk/Files/kfile/Human%20Rights%20Report%202007.pdf> (accessed March 28, 2008).

A European Union troika delegation visited Somali Region in November 2007 but did not publicly comment on its visit. In early 2007, the European Commission increased funding for humanitarian assistance across the Horn of Africa in response to the worsening drought, but there was no mention of the abuses fuelling and exacerbating the humanitarian conditions.²⁹⁴

The ONLF's April 2007 attack on Obole killed nine Chinese workers at the oil field project run by Zhongyuan Petroleum Exploration Bureau (ZPEB), a subsidiary of the state-owned Sinopec. Some of the same companies previously condemned for their activities in conflict-affected areas of Sudan, such as the Swedish company, Lundin Petroleum, and Malaysian oil company, Petronas, have also engaged in oil exploration in Somali Region.²⁹⁵

Chinese officials immediately condemned the ONLF attack and said that it would not change Chinese policy of "conducting economic cooperation based on equality and mutual benefits in other countries."²⁹⁶ Prime Minister Meles was also quick to note that the Ethiopian government had "taken effective measures to ensure it does not happen again," while the ONLF continued to warn oil companies to stay away from the area.²⁹⁷ In November 2007, the Chinese ambassador to Ethiopia indicated that Chinese oil workers would return to the region, but made no comment on the allegations of Ethiopian military abuses.²⁹⁸

China justifies its silence on human rights issues by alluding to its core foreign policy of "non-interference" in what it considers to be the internal affairs of other countries. China is an important and growing economic partner of Ethiopia and Africa more

²⁹⁴ "Horn of Africa: Funds to help cushion 12 million against drought," *IRINnews*, March 18, 2008, <http://www.irinnews.org/Report.aspx?ReportId=77345> (accessed March 24, 2008).

²⁹⁵ Lundin Petroleum has signed two contracts for exploration and production activities in four blocks of the "Ogaden Basin." See Lundin's website at http://www.lundin-petroleum.com/eng/operation_ethiopia.php (accessed March 24, 2008). In 2005 the ONLF warned Petronas to defer operations. "O.N.L.F. Statement on Malaysian Firm PETRONAS' Oil Exploration in Ogaden," ONLF press statement, July 24, 2005, http://www.ogaden.com/ONLF_Press_Jul2405.htm (accessed March 24, 2008).

²⁹⁶ "China: Ethiopia Attacks Will Not Stop Africa Investment," *Associated Press*, April 26, 2007.

²⁹⁷ Andrew Cawthorne, "Ethiopia rebel attack won't deter Chinese-PM Meles," *Reuters*, May 16, 2007, <http://www.alertnet.org/thenews/newsdesk/L16481936.htm>; and "Ethiopia rebels warn oil companies to stay away," *Reuters*, August 8, 2007, <http://www.alertnet.org/thenews/newsdesk/Lo8165585.htm> (accessed March 24, 2008).

²⁹⁸ Andualem Sisay, "Ethiopia: Chinese oil workers return to Ogaden," *AfricaNews*, November 12, 2007, http://www.africanews.com/site/list_messages/12848. (accessed March 24, 2008).

broadly.²⁹⁹ Chinese-Ethiopian trade has increased 17 percent since 2006, to \$660 million, and Chinese investment has reached \$345 million from just \$10 million four years ago, according to official figures. In addition to China's involvement in oil exploration and drilling projects in both Somali Region and Ethiopia's western Gambella state, Chinese companies are involved in an array of economic development and infrastructure initiatives, including Ethiopia's first private industrial zone,³⁰⁰ hydropower projects,³⁰¹ road construction,³⁰² and other sectors. Still, China's economic ties to Ethiopia are minimal compared to western countries.

The diplomatic strategy of focusing purely on a humanitarian response to the needs in Somali Region is fundamentally flawed. While increased and appropriately targeted humanitarian assistance is an essential component of the required response, it should not be seen as a substitute for action to curb the governmental abuses described in this report.

Given the constant pressure and threats international agencies already face from the Ethiopian authorities, especially Ethiopian staff, humanitarian agencies, including the UN, are not in a position to provide serious protection to civilians in Somali Region.

The responsibility to protect civilians lies elsewhere and must be urgently addressed. It remains, first and foremost, with the Ethiopian government, which must take serious measures not only to end the abuses, but to investigate and hold accountable the individuals responsible for them. However, it also lies with donor governments, who provide almost \$2 billion of revenue to the Ethiopian government each year without demanding human rights accountability.

²⁹⁹ Chinese investment in Africa quadrupled between 2000 and 2005, from \$10.6 billion to \$40 billion, and is estimated to reach well over \$60 billion in 2008. Craig Timberg, "In Africa, China trade brings growth, unease," *The Washington Post*, June 13, 2006, <http://www.washingtonpost.com/wp-dyn/content/article/2006/06/12/AR2006061201506.html> (accessed March 24, 2008).

³⁰⁰ Binyam Tamene, "Ethiopia: Country, China to construct First Private Industrial Zone," *Daily Monitor* (Addis Ababa), March 19, 2008, <http://allafrica.com/stories/200803190827.html> (accessed March 24, 2008).

³⁰¹ "China, Ethiopia to work on hydropower," United Press International, February 29, 2008.

³⁰² Binyam Tamene, "Ethiopia: Govt to Award Addis-Adama Road Project to China Without Bid," *Daily Monitor* (Addis Ababa), February 29, 2008, <http://allafrica.com/stories/200802290790.html> (accessed March 24, 2008).

Recommendations

To the federal government of Ethiopia

- Issue clear public orders to military commanders, regional police, and other members of the security services to cease extrajudicial killings, rape, torture, and the unlawful forced relocation of civilians. Serious violations of Ethiopian and international human rights and humanitarian law should be investigated and prosecuted as appropriate. Senior officials implicated, including as a matter of command responsibility, should be prosecuted regardless of rank.
- Ensure fundamental due process guarantees to persons in detention, including the right to be charged with an offense before judicial authorities, to have access to legal counsel, family members, and medical care, and to receive a trial before an independent court meeting international fair trial standards; allow access to persons in detention by independent humanitarian organizations; and adopt measures to improve the criminal justice system, such as by creating sufficient federal and regional courts and providing appropriate training in human rights to judicial staff and police.
- Immediately end restrictions on commercial trade and livestock movement imposed on relevant zones of Somali Region (Fiiq, Korahe, Gode, Wardheer, and Dhagahbur), including the restrictions on cross-border trade with the semi-autonomous region of Somaliland. Ending these restrictions would immediately improve civilian access to food and other essential commodities, in addition to reducing the short and long-term damage to livelihoods caused by the blockade.
- Ensure independent humanitarian organizations have full and unimpeded access to civilians in need of humanitarian assistance in conflict-affected areas of Somali Region; permit independent nutritional assessments to evaluate needs of drought and conflict-affected areas; and support an independent evaluation of the humanitarian response, particularly the distribution of food aid.

- Establish an independent commission of inquiry to investigate crimes in violation of international law committed in Somali Region and seek international assistance to investigate the crimes.
- Invite the media, national and international human rights groups, and UN human rights entities (including the UN Special Rapporteurs or Special Representatives on Internally Displaced Persons, Sexual and Gender-Based Violence, and Extra-Judicial and Summary Executions; the Working Group on Enforced and Involuntary Disappearances; and the Office of the High Commissioner for Human Rights) to investigate and report on allegations of abuses by all parties to the conflict and the general human rights situation in Somali Region.
- Cease harassing and threatening victims and witnesses of human rights abuses in Somali Region and cooperate with efforts to improve protection of civilians, including by the United Nations.
- Provide appropriate human rights training to all members of the Ethiopian armed forces, including the federal, regional, and local police operating in Somali Region, and seek international support for such training programs.

To the regional government of Somali Regional State

- Ensure that all detainees in facilities administered by regional security authorities are provided due process guarantees, including the right to be charged, to have access to legal counsel and relatives, and to be tried by a court meeting international fair trial standards; permit independent humanitarian organizations access to all detainees.
- Ensure independent humanitarian organizations have full and unimpeded access to civilians in need of humanitarian assistance in conflict-affected areas of Somali Region; permit independent nutritional assessments to evaluate needs of drought and conflict-affected areas; and support an

independent evaluation of the humanitarian response, particularly the distribution of food aid.

- Seek international assistance for projects to assist rape victims, who have special needs. Such assistance should include outreach, medical services, and trauma counseling and testing, and access to anti-retroviral (ARV) therapy and treatment.
- End discriminatory measures such as suspending state funding to conflict-affected weredas in Somali Region or demanding that families and clans pay compensation for deaths inflicted by the ONLF.

To the Ogaden National Liberation Front (ONLF)

- Issue orders to all commanders to end targeted and indiscriminate attacks on civilians, including government officials.
- Cease the use of all anti-personnel mines and the indiscriminate use of anti-vehicle mines that may affect civilian, commercial, or humanitarian convoys.
- Cooperate with any independent efforts to investigate and report on abuses by all parties to the conflict and the general human rights situation in Somali Region.
- Publicly commit to respect international humanitarian law, particularly Article 3 common to the Geneva Conventions and Protocol II.

To foreign governments with influence, including the US, UK, China, and European Union

- Publicly call upon the Ethiopian government to conduct a thorough, transparent, and independent investigation into abuses in Somali Region. Closely monitor the progress of government investigations and take prompt and appropriate action in response to their findings.

- Privately and publicly urge the Ethiopian government to implement immediately the above recommendations, and insist that implementation of these steps will be used to assess Ethiopian willingness to improve the human rights situation in Somali Region.
- Call upon the Ethiopian government to permit full, unimpeded access to Somali region by independent humanitarian agencies, national and international human rights groups, the media, and diplomatic representatives.
- Urge the Ethiopian government to support independent nutritional assessments to evaluate the needs of drought and conflict-affected areas and independent monitoring of food distribution, and insist on an independent evaluation of the humanitarian response, particularly the distribution of food aid, that includes an external audit.
- Monitor development funding to ensure that it is not used for Ethiopian security operations, including by regional, wereda and kebele level administrations.
- Make military assistance to Ethiopia contingent on the government's adherence to international human rights and humanitarian law and exclude any assistance to units implicated in abuses. All suppliers should actively monitor the use of any weapons and non-lethal items to ensure they are not being utilized to commit or facilitate abuses.
- If providing military assistance, pressure the government to abide by its commitments under international law. Donor states should publicly condemn specific violations, particularly the forced displacement of villages, extrajudicial executions, and torture committed by the armed forces, and urge the government to address them.
- Demand that civilian and military officials implicated in human rights violations be held accountable, including as a matter of command responsibility.

To the United Nations Security Council

- Publicly urge that the Ethiopian government conduct a thorough, transparent, and independent investigation into abuses by all parties to the conflict in Somali Region. Closely monitor the progress of government investigations and take prompt and appropriate action in response to their findings.
- Privately and publicly urge the Ethiopian government to implement immediately the above recommendations, and insist that implementation of these steps will be used to assess Ethiopian willingness to improve the human rights situation in Somali Region.
- Call for the government to permit full, unimpeded access to the region to independent humanitarian agencies, national and international human rights groups, the media, and diplomatic representatives.

To the United Nations Department of Peacekeeping Operations

- Ensure that any military forces and police provided by the Ethiopian government for UN peacekeeping operations are vetted to ensure that they have not been involved in abuses committed in Somali Region or other regions of the country.

To oil companies operating in Ethiopia

- Ensure respect for human rights and compliance with international business norms in your operations in Ethiopia, such as the norms reflected in the Voluntary Principles on Security and Human Rights, the Extractives Industry Transparency Initiative, and the OECD Guidelines for Multinational Enterprises.

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Collective Punishment

War Crimes and Crimes against Humanity in the Ogaden area of Ethiopia's Somali Regional State

Tens of thousands of ethnic Somalis in Ethiopia's eastern Somali Regional State have suffered serious abuses in the context of a little-known conflict between a rebel movement—the Ogaden National Liberation Front (ONLF)—and the Ethiopian government. Thousands of people have fled since mid-2007, seeking refuge in neighboring Somalia and Kenya from widespread Ethiopian military attacks on civilians and villages that amount to war crimes and crimes against humanity.

Based on more than 100 eyewitness accounts and additional research conducted in five countries, *Collective Punishment: War Crimes and Crimes against Humanity in the Ogaden area of Ethiopia's Somali Regional State*, describes how Ethiopian troops have forcibly displaced entire rural communities, executed scores of individuals in demonstration killings, arbitrarily detained and tortured hundreds of people without any judicial oversight, and regularly raped women and girls in military custody. Confiscation of livestock and restrictions on access to water, food, commercial traffic and humanitarian assistance are used as tactics in an economic war aimed not only at cutting off ONLF supplies, but also at collectively punishing communities that are suspected of supporting the rebels.

For those who remain in the war-affected area, the situation is critical. Continuing abuses by both the rebels and Ethiopian troops, combined with the trade embargo and worsening drought, threaten their survival. Although the Ethiopian government has permitted some international aid agencies to operate in Somali Region, it has actively restricted access to the region by journalists and threatened victims and witnesses of abuses. *Collective Punishment* decries the minimal international response to the crimes and argues that international donors should demand immediate action by the Ethiopian government to ensure accountability for the abuses and unimpeded access to the affected region.

A refugee woman from Imey, a town in the Gode zone of Ethiopia's Somali Region, stands outside her makeshift home in Dadaab refugee camp in northern Kenya. She and her children fled to Kenya after her husband was killed by Ethiopian forces in December 2007.

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