

The Expert's report to the Commission (E/CN.4/1998/96) includes information on, *inter alia*: attacks against humanitarian workers; landmines; refugees and internally displaced persons; the impact of the conflict on the rights of the child; the status of women; the justice system; conditions in Hargeisa following the discovery of mass graves; conditions in Bosasso; support for Somali human rights defenders; programmes for women and law enforcement agencies; and allegations against Belgian, Canadian and Italian troops dating from the 1992 UN combined emergency relief and peacekeeping mission.

The report states that there were no significant political changes in Somalia in the period reviewed and that the country remains a complex emergency situation with no central government and numerous clan-based factions involved in fighting. The problems identified include: violence against life, in particular murder, mutilation, cruel treatment and torture; cases of hostage-taking; irregular judiciary that pass and carry out sentences without guarantees of fair trial; a fragile and unpredictable political balance in the country; the lack of an international presence because of kidnappings, banditry, looting and murder or assassination; the presence of some one million land mines around main towns, along commercial routes, and on strategic farmland and grazing areas; the fact that most Somalis are either refugees in neighbouring countries or internally displaced; the use of child soldiers; and the disintegration of essential services such as health and education, particularly for children.

In considering the situation and status of women and girls, the Expert noted that: girls continue to be affected by the widespread practice of female genital mutilation; the jobs taken by women to support their families are considered demeaning by men, which means that this new role assumed by women has not radically changed their status in society; women are excluded from political discussions concerning the future of Somalia; during the first elections in "Somaliland" women were not allowed to stand as candidates and were not given the right to vote; women play a major role in maintaining the traditions that have adverse impacts on them, such as accepting and defending polygamy and female circumcision.

Regarding the justice system, the Expert noted that: there are no uniform rules governing private, social or economic behaviour; the legal, judicial and law enforcement systems collapsed with the disintegration of the government; various communities apply different rules, based on either the traditional system, Sharia law, Somali law as it stood during the former regime, law that was applied prior to the Barre regime, or a mixture of all or some of these approaches; and the law is enforced either by clan elders, the militias, or the militias of the Sharia courts.

The report notes that the Expert visited Hargeisa, in northwest Somalia in November 1997 where, in May 1997, a mass grave was discovered next to a military

camp that had been used by Barre's troops. The grave contained the bodies of at least 250 individuals who were buried in full civilian clothes with their shoes on, contrary to Islamic custom. The pictures and witnesses confirmed that the victims had been bound by the wrist in groups of 10 and 15 but the identity of the victims remained at issue. The report notes that evidence suggested that the victims were civilians and others were members of the Somali National Movement (SNM) captured and killed by Siad Barre's Force in 1998. The Expert stated that the claim that the victims were Ethiopian refugees and were killed by the SNM, was not credible. The report underlines the need to establish the truth about what happened in Hargeisa but also notes that the security situation in the country will make it difficult to collect testimonies about the incident. The Expert emphasized the need to preserve the evidence for possible use at a later date.

The report also comments on the conduct of foreign troops, including acts of summary execution, torture and ill treatment, and violence against Somali civilians. Referring to allegations against Belgian, Canadian and Italian troops who served in Somalia from 1992, the report cites information provided by these three governments, notably by the Canadian Commission of Inquiry and the Commission of Inquiry established by the Italian government.

The report concludes with a number of recommendations, including that:

- ♦ the political effort to find a durable solution to the conflict be strengthened and that human rights be placed on the agenda of the political talks regarding the future of Somalia;
- ♦ all Somali warring factions respect human rights and humanitarian law;
- ♦ allegations of abuses committed by international troops be fully investigated and those responsible for wrongful acts be held accountable;
- ♦ a programme of technical cooperation be established to support human rights advocacy groups;
- ♦ the OHCHR assist UNDP Somalia to implement its project on legal awareness and the judiciary;
- ♦ the OHCHR provide practical assistance to various UN agencies to assist them in integrating human rights into their work;
- ♦ efforts to rehabilitate the militias and create law and order be fully supported;
- ♦ the OHCHR find ways to support the law enforcement training that is taking place in Somalia and introduce human rights concepts into that training;
- ♦ the UN strengthen system-wide coordination in order to establish a strategy for creation of an infrastructure to promote and protect human rights in Somalia;