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US War Crimes in Somalia

In his foreword to *Mogadishu! Heroism and Tragedy*, Ross Perot wrote: 'Read this book carefully. Never forget its contents as you watch the TV docu-dramas of smart bombs going down air shafts, where war is presented in a sterile, sanitized environment. Remember, war is fighting and dying.'[1] Notable by its absence from the final sentence is the verb 'killing'. Careful readers will find, for example, that US helicopters fired off no fewer than 50,000 Alpha 165 and 63 rockets on 3 October 1993 in the course of the battle near the Olympic Hotel in Mogadishu, in which eighteen US soldiers died and one was captured. The book lauds 'the world's most highly trained and effective military "extraction unit"', that gained more decorations than any other American flying unit in US military history for a comparable size of operation.[2] But there are only hints at the carnage among the Somali civilians who lived—and all too commonly died—in this closely packed residential quarter of the city.

The importance of this inglorious episode in American military history lies not only in the as-yet-undocumented carnage among the residents of Somalia's capital city, but in what it tells us about US military doctrine. It also casts light on some of the reasons behind the US Administration's efforts to block the creation of an independent International Criminal Court with universal jurisdiction to investigate war crimes and crimes against humanity. The US's stated objection, voiced in the negotiations leading up to the vote in Rome to create the Court on 17 July this year, was that universal jurisdiction would open the door to malicious prosecutions against American peacekeepers. An analysis of the evidence from the Mogadishu war suggests that the reasons may be rather deeper.

Operation Restore Hope was launched in December 1992 amid shocking—and carefully orchestrated—images of anarchy and starvation in Somalia, with the mandate of 'creating a secure environment for the delivery of humanitarian relief'. Eight months later it turned into the greatest US military humiliation since Vietman. In three months of urban counter-guerilla warfare against the unpaid, irregular but resourceful militia of General Mohamed Farah Aidid in Mogadishu city, US military doctrines of overwhelming force and near-zero American

[1] Kent DeLong and Steven Tuckey, *Mogadishu! Heroism and Tragedy*, Westport, Conn. 1994, p. x.
[2] Ibid., pp. 90, 93, 99–100.

casualties came unstuck. The culmination was the 3 October battle, after which pictures of a dead US pilot being dragged through the streets by a jeering crowd and the plight of another taken prisoner of war—'hostage' in the White House's preferred terminology—forced a truce and US withdrawal.

The humanitarian garb of Operation Restore Hope was superficial from the start. Launched in December 1992 just as the famine was waning, the despatch of troops had more to do with testing the newly emerging doctrine of 'humanitarian intervention' than saving Somalis. An independent review by the US Refugee Policy Group concluded that the operation saved between 10,000 and 25,000 lives rather than the two million initially advertised.[3] This sober reality was noted at the time, though few chose to listen amidst the hype generated among the media, the UN and the Pentagon. Much more modest forms of relief aid could have achieved exactly the same result.

The relief specialist, Fred Cuny, had proposed a smaller, more flexible and better targeted operation in the 'famine triangle' which would have avoided the perilous vortex of Mogadishu. The plan was the subject of serious discussion in Washington. But, in the words of the then assistant deputy secretary for defence for African Affairs, this option 'died because it failed to meet the US military's new insistence on the application of massive, overwhelming force'.[4] So a huge logistical operation was mounted through Mogadishu, and the US had to grapple with the political ambitions of General Aidid, the faction leader who controlled the airport, the main routes out of the city, and most of the heavy weapons.

Lost Opportunities

In the early days, given the prestige and sheer number of the US forces, they could have begun the hard work of disarming the Somali factions and negotiating an inclusive peace deal, but the prime task of US Special Envoy Robert Oakley was to get the boys back home safely—and that entailed leaving the tough issues for later. So Oakley cosied up to General Aidid. For example, Oakley chose to rent his house from Aidid's chief financier, Osman 'Ato', use Aidid's moneychangers for the lucrative business of converting US dollars to Somali shillings, and gave the General a series of public relations coups by heralding 'breakthroughs' in peace talks that had in fact been negotiated by UN diplomats some months earlier.[5]

Worse, when the intervention faced its first major challenge in mid-February 1993, the US decided on the soft course of doing nothing. Militia forces loyal to faction leader General Mohamed Hersi Morgan

[3] Refugee Policy Group, 'Hope Restored? Humanitarian Aid in Somalia 1990–1994', Washington, DC 1994, p. 118. Since most of the deaths between December 1992 and February 1993 were caused by malaria, and since the US troops and international relief agencies had no anti-malaria programmes, even the lower figures may be an over-estimate.

[4] James L. Woods, 'US Decision Making During Humanitarian Operations in Somalia', in W. Clarke and J. Herbst, eds., *Learning from Somalia: The Lessons of Armed Intervention*, Boulder 1997, p. 157.

[5] The currency exchanges continued during the war against Aidid, so that the US-UN forces were bankrolling their opponent.

attacked and overran the city of Kismayo, until then controlled by Aidid's Somali National Alliance (SNA) forces.[6] The UN forces supposedly controlling the city, mostly US and Belgian troops, sat in their sandbagged emplacements, doing nothing. True, intervention would have meant killing or wounding Somali fighters and taking casualties, but US inaction was hardly an encouraging precedent. When the attack was announced on the BBC, crowds in Mogadishu spontaneously demonstrated against the US and UN, and peacekeepers opened fire, inflicting some casualties. Oakley stayed in his headquarters, making no attempt to reassure the crowds who interpreted US inaction as support for Morgan.[7]

Just as it became more urgent to take hard decisions about intervention, and the militias had learned that they could continue to fight without provoking action from the international forces, the US handed over the operation to a less well-equipped and poorly coordinated UN force. Security Council Resolution 814, passed on 26 March, was drafted by the US and gave the UN far-reaching powers under Chapter VII of the UN Charter to rebuild the nation of Somalia. It was an experiment in pushing the limits of UN action. An American—indeed a former national security adviser—retired Admiral Jonathan Howe, was put in overall control, while a US Quick Reaction Force (QRF) under Major General Thomas Montgomery remained in reserve in Mogadishu.

The UN Operation in Somalia (UNOSOM) was mandated in May 1993. At exactly the same time, a new political strategy emerged: to marginalize Aidid, rather than appease him. But Aidid had seen the US and UN fail their first tests of courage, and was not to be deterred by political posturing by a weaker UN force.

On 5 June, confrontation duly occurred, after a UN raid on a designated weapons storage site at Radio Mogadishu, which resulted in an ambush in which twenty-three Pakistani troops were killed. The next day the UN Security Council hastily—but almost certainly correctly—ascribed blame to General Aidid, and resolved to punish him. The Security Council passed a resolution (Resolution 837) authorizing 'all necessary measures' to apprehend those responsible for the attack on the Pakistanis.

On the Carrollian principle of 'sentence first, verdict later', the investigation—carried out by a US professor Tom Farer—did not take place until July. It consisted almost entirely of interviews with UNOSOM personnel, and failed to address the central, sensitive question of the UN's political intelligence which had led it to try to search the radio station. Attempts to capture this same station had twice been the spark for major conflict in Mogadishu in 1991, and in the weeks before the UN action in

[6] General Morgan, known as the 'butcher of Hargeisa' for his destruction of that city in 1988 when serving as a senior commander for his father-in-law, President Mohamed Siad Barré, was trained in the US and in 1992–93 received many arms from Kenya.

[7] This episode is markedly absent from Oakley's own account of his role in Somalia. See Robert Oakley and John Hirsch, *Somalia and Operation Restore Hope: Reflections on Peacekeeping and Peacemaking*, US Institute of Peace, Washington, DC 1995.

which the UN had become increasingly and openly exasperated with Aidid's (fairly mild) anti-UN broadcasts.[8] Conflict was almost inevitable once the intention to search the radio station was announced, and indeed the aide who received that notification, Abdi Kabdiid, told the UNOSOM officers so. There then followed three months of urban warfare, described by Somalis as 'high-tech search, low-tech hide' as the US brought all its resources to bear on locating the fugitive general and destroying his militia.

This operation, in which humanitarian principles were wholly jettisoned, had more to do with upholding the status of the UN in a world where its credibility was severely compromised—notably because of events in Bosnia and Cambodia—than with seeking solutions to the problems of Somalia. Having set out to prove that it could rebuild the nation, the UN was now testing the limits of Chapter VII, which also authorizes the use of force.

At times the operations descended into farce. After a month of failure, the US army brought in its renowned special operations units, including the Rangers. But rather than striking fear into the hearts of Somalis, at first they only brought black humour: one of their earliest operations involved descending from helicopters to raid an 'Aidid stronghold' that turned out to be a house rented by the UN Development Programme, where they held UN staff at gunpoint and forced an Egyptian diplomat, in her negligée, to lie down on shards of broken glass.

The Showdown

The full story of the skirmishes, ambushes, raids, killings, demolitions and battles of this period is too long to attempt here. Four US personnel were killed by a landmine in August. A military disaster was narrowly averted on 9 December when a tank was ambushed. A US helicopter was downed on 26 September and three of its crew killed—though this incident was hushed up at the time. Thus casualties mounted.

The showdown came on 3 October, with an attempt by US Rangers and special forces to snatch two senior Aidid aides near the Olympic Hotel. Resistance was fierce. Two US helicopters were shot down; a third just made it back to base before crashing. An armoured rescue column was ambushed and partly destroyed. Eighteen US soldiers died in the worst single day's combat losses by the US army since Vietnam. The battle was described in DeLong and Tuckey's book *Mogadishu! Heroism and Tragedy* and recently in Mark Bowden's articles 'Black Hawk Down' for the *Philadelphia Inquirer*. The losses were too great for the US forces—or more precisely, US public opinion—to take, and General Aidid had won this exercise in politics conducted by other means. Hard-headed US commanders considered the Olympic Hotel operation a success: they had apprehended two senior Aidid aides and inflicted far greater losses on the SNA militia than they had sustained themselves. With more time, more weaponry, and more stomach for losses, they argued, the US could have persisted and won.

[8] See John Drysdale, *Whatever Happened to Somalia? A Tale of Tragic Blunders*, London 1994, pp. 170–9.

The US tried to blame the UN and other contingents for the failure of the mission. The usual mantra was that the early, 'humanitarian' stage of Operation Restore Hope had been successful under US leadership, but when the UN took over in May 1993 things had gone wrong. This is wholly unconvincing. No less an authority than Jonathan Howe emphasized that 'The QRF and the Rangers were under total US control... No American unit commander was asked by the UN to do anything he felt was inappropriate.'[9]

The US was in charge all along. It was Ambassador Oakley who appeased Aidid in the early months, and Admiral Howe who decided on a policy of confrontation. US officers made all the major decisions during the battles which took place between June and October, including the ill-fated weapons search at Radio Mogadishu, the attempt to destroy Aidid's headquarters twelve days later, and subsequent helicopter operations. In fact, the US insisted on retaining control of all major military operations. The 3 October battle was a solely US affair, undertaken without even informing other UN contingents—Malaysian and Pakistani troops—who later had to be called upon to rescue the stranded US aircrews and Rangers.

The collapse of the UN-US intervention can only be understood when it is realized just how deeply the UN forces had antagonized a wide swathe of Somali society. When the Marines landed on Mogadishu beach on 9 December 1992, hopes were high that they would solve the problems of Somalia. But not only had they disappointed on that front—particularly on the issue of disarming the militiamen—but the behaviour of a large number of the troops was deplorable. Many countries had sent hardened paratroopers and other combat troops on a mission in which police training and civil engineering skills were needed. In many cases the operations quickly degenerated into routine brutality against Somali civilians.

War Crimes

The Belgian troops stationed in Kismayo were a case in point. Without provocation, they harassed, beat and killed many Somalis, many of whom were unarmed.[10] Speaking anonymously, Belgian soldiers were frank. 'You know, if someone had been killed, you just left him there. In the end, all you thought about was the red tape it would cause [to report it]... At the very end, we would shoot at them, straight away.'[11] Another soldier described how inflicting pain had become part of their everyday life:

> There were some really funny things. I saw a guy putting a metal 'necklace' around the neck of a kid. It wasn't hurting him but he couldn't get out of it. And then six of them, six Somalis, tried to pull him out of it, and they couldn't. They simply couldn't pull him out. So yes, then, we did laugh. This kid wasn't really in pain,

[9] Jonathan T. Howe, 'Relations Between the United States and the United Nations in Dealing with Somalia', in Clarke and Herbst, *Learning from Somalia*.
[10] African Rights, 'Somalia: Human Rights Abuses by the UN Forces', London, July 1993.
[11] Interview on BRT, Belgian Radio, 25 August 1995.

because of that piece of metal, but he wasn't thrilled at the idea that he would have to run around for the rest of his life with this piece of metal around his neck.

Other cases included locking children in metal containers—one boy died from heat exhaustion and suffocation—or dragging people behind tanks, throwing children into the Jubba River, and other incidents too disgusting to recount. The sexual aggression of the paratroopers also caused concern in Kismayo.

When the abuses were first publicized by African Rights, the Belgian army and government denied them outright: Commander Van de Weghe said 'The [African Rights] report is scandalous. The facts have been exaggerated, taken out of context or simply invented.' Medecins Sans Frontières–Belgium, which was running the hospital in Kismayo, also went out of its way to deny the allegations.

But when Belgian soldiers began admitting to torture and killing, and photographs of blindfolded Somalis being tied to radio antennae and beaten were published, the truth had to be recognized. In fact, the troops' activities were *more* scandalous than African Rights' report had intimated, and an inquiry was belatedly set up. The first report was superficial, with a few remarks on just seven incidents.[12] But the allegations would not go away. A further 268 incidents were then submitted for investigation, including 58 cases of killing or serious injury. On the numbers killed, one of the paratroopers interviewed on Belgian radio commented, 'You can multiply the official figure by four or five. At the minimum.' One case came to court in which three paratroopers were acquitted of manslaughter. A second case of aggravated assault was also brought but thrown out. Later, in 1997, another case obtained publicity because part of the evidence was a photograph of two Belgian paratroopers holding a Somali boy over a burning brazier. These two were also acquitted, on the technicality that the Somali boy had not come forward with a complaint.

In May 1998, the Belgian courts belatedly showed some resolution when the sentence on a paratrooper accused of forcing a Somali girl to perform a stripshow was increased from three months to one year, after an appeal from the prosecution. He had 'offered' the girl to one of his colleagues as a birthday present. The judge accepted that Sergeant Dirk Nassel had been motivated by racism but could not convict him of torture and sexual abuse because the victims had not come forward to testify.[13] Prosecutors are also investigating the case of another paratrooper photographed urinating on the corpse of a Somali boy inside the battalion's base camp.

The abuses by the Canadian force became far better known. Two Somalis were killed, and the Canadian army tried to conceal their murder. A Commission of Inquiry reported in 1997, finding much evidence for manoeuvring by the Department of National Defence to keep the inquiry from discovering the truth. They concluded:

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[12] Commission d'enquête Somalie, 'Rapport', Brussels, 14 November 1993.

[13] AFP, 'UN Para has Sentence Increased for Somalia Stripshow', 7 May 1998.

> Perhaps the most troubling consequence of the fragmented, dilatory and incomplete documentary record furnished by DND is that, when this activity is coupled with the incontrovertible evidence of documentary destruction, tampering and alteration, there is a natural and inevitable heightening of suspicion of a cover up that extends into the highest reaches of the Department of National Defense and the Canadian Forces.[14]

In this case, as with the Belgians, the abuses appear to have been caused by front-line troops acting in a brutal and ill-disciplined manner. They were in a foreign country, without translators and often poorly led. Higher level involvement in their atrocities were chiefly to do with the cover-up of abuses committed by the lower ranks. A similar pattern is evident with Italian troops responsible for abuses including looting camps for displaced people, dangerous destruction of munitions, rape and assault. The Malaysians beat up hospital staff and looted houses; the Pakistanis and Nigerians indiscriminately fired on protesting crowds; the Tunisians shot down civilians in the former university compound and later described them as 'bandits'; the French opened fire on a truck at a checkpoint and then falsely claimed that the truck was carrying arms and a gunman had opened fire... The cases are too numerous to detail. (The Irish, Botswanan and Australian troops came away with good reputations however.)

The Canadian abuses became most infamous. This is ironic: the Canadians deserve credit for thoroughly investigating every case that came to light. According to Somalis, the Canadians were some of the best behaved of the peacekeeping forces. A total of four cases of killing by the Canadians led to two cases of criminal charges. By contrast, several hundred cases of killing by the Belgian troops have yet to lead to a single conviction.

Ironically, given their high-level leaders' disregard for civilian life, the US troops also had a relatively good record of everyday behaviour. Two early cases of wounding and killing by US troops in February led to court martial cases—though the result was one acquittal and one very light sentence.[15] The US was the *only* contingent in Mogadishu to have an office that entertained complaints from the Somali public and made compensation payments, chiefly to the victims of traffic accidents; only the Canadians and Australians (outside Mogadishu) had similar arrangements. Otherwise, Somalis had to suffer abuses without any official course of redress—a dangerous matter in a heavily armed society where people have a strong sense of honour and a universal readiness to defend themselves. They were often ready to voice their complaints with bullets.

The Policy of Excessive Force

Abuses by the US forces in Somalia were not the out-of-control excesses of frustrated front-line troops. They were the direct and inevitable out-

[14] Commission of Inquiry, 'Report', 3 July 1997, p. 20.

[15] On 6 April 1993, Gunnery Sergeant Harry Conde was convicted of using excessive force in an incident on 2 February when he shot and killed a Somali youth who tried to steal his sunglasses. Conde was demoted in rank and fined one month's pay.

come of decisions taken high up in the military command. Probably for this reason, the US has been conspicuously unwilling to open any sort of inquiry into the conduct of its forces, comparable to the efforts in Canada, or even the half-hearted attempts in Belgium and Italy.

On the contrary, the US soldiers have been portrayed as the victims of Mogadishu. In a sense, they were—but some of them were also responsible for gross abuses, either on their own account or in carrying out orders. Enormous attention has been paid to the US Rangers and other service people who fought and died in Somalia. And there has been a process of 'lesson learning' and accountability—of sorts. The lesson learned was that the US should not intervene unless its national interests were at stake; that better military coordination was required; and that the US should not entrust command to other nationalities within a UN structure—despite the dominant US role in the UN structure in Somalia.

Secretary of Defense Les Aspin took the blame for not sending armoured vehicles and C130 aircraft with precision bombing capabilities, which had been requested by the commander in Mogadishu in August 1993, in anticipation of events such as those of 3 October. He resigned in 1994. The ground force commander also took responsibility for the operation going wrong. He left the army in 1996. But who will take responsibility for the violations of international humanitarian law committed during the Somali operation?

The first indication of a grave breach of the Geneva Conventions by US forces—in lay language, a war crime—was on 17 June.[16] On this day, twelve days after the ambush in which twenty-three Pakistanis had died, a combined UN force—US helicopters, Moroccan, French, Italian and other ground forces—tried to overrun Aidid's headquarters in South Mogadishu. They ran into much fiercer resistance than they had expected and the Moroccans in particular suffered heavy losses. For a while, the UN force commanders suspected that General Aidid had taken refuge in Digfer Hospital, Mogadishu's largest hospital, which is about half a mile from his headquarters. No evidence was ever produced to support this, but some snipers certainly took up positions on the roof of the building for a while.

In response, the hospital was attacked by UN forces.[17] There were approximately 380 patients in the hospital, plus about 230 hospital staff including 19 doctors. Dr Aweys Abdi Omar was operating on a woman admitted with a bullet wound in her abdomen, when the entire building shook with the force of explosions:

> I was conducting an exploratory laparotomy on one of the patients who had been brought in overnight. She had a bullet wound. I heard someone say that the Moroccans were coming up the road from Benadir, and the militia were at the crossroads in front of Digfer. Just after that I heard the first missile explosion... The staff

[16] However, on 12 and 13 June Pakistani troops had fired into demonstrating crowds in Mogadishu, killing civilians.

[17] African Rights, 'UN Abuses', pp. 7–10.

started to run, to flee to the basement. I continued my operation. I had to stay with the patient, but I could do nothing without the other staff. I was crying. I don't know where that missile hit, but I could feel the vibrations. Windows were breaking, a light fell from the ceiling. Then there were some explosions, and staff came and said that three patients in the recovery room had been killed. People were running. I finished the operation and stitched up the woman and put her in the ward. But there was no-one to take care of her...[18]

Dr Aweys then sought safety in the basement, along with most of the staff and those patients who could move. Those who could not move were not so fortunate. In all, eleven artillery shells and helicopter rockets struck the hospital. One missile hit the operating theatre, passing over the head of a doctor as a patient was being prepared for an operation. Four missiles hit the orthopaedic ward, killing at least two people. The total number of casualties is unknown, as most people fled as the attack began. Later in the day, French troops stormed the by then largely deserted building, searched it, breaking down doors and ransacking offices. A depressing but common feature of the search was the theft of money and other valuables by the foreign troops.

An inspection of the building and careful analysis of the impacts—which shows that some of the missiles were travelling downwards when they struck the building—demonstrates that at least some of the missiles were fired from helicopters—which means TOW anti-tank missiles from US Cobra helicopters, since no other contingent possessed attack helicopters. However, this was denied by a US military spokesman the following day. Lt-Col Trevor Jones told reporters, 'I can assure you that no TOW missiles were fired at Digfer hospital and there was no artillery used by UN forces at all.' Declining to say what types of weapons were used, Major Frank Fountain, a US military attorney, told the author that the US, Moroccan and French troops had fired solely in self-defence and had used minimum force and the most accurate weaponry available.[19]

But the official accounts of the battle are so contradictory and at variance with the evidence that they cannot be taken seriously. The physical evidence from the hospital, Somali eyewitness accounts, and the statement by the Italian General Bruno Loi that a major assault on the hospital was planned,[20] all contradict the official claim of restraint and self-defence. One US officer admitted to me in confidence that artillery and helicopter missiles had been fired at the building. It later transpired that US helicopters had fired eleven TOW missiles during the battle of 17 June, of which five had malfunctioned or missed their targets. Most of the impacts were also several stories below the roof where the snipers were stationed—the term 'most accurate weaponry' is a relative one.

Under the Geneva Conventions, a hospital should be protected. If one belligerent party violates the neutrality of a hospital by, for example, stationing snipers there, the other party cannot simply attack; it must give

[18] Interview with the author, 9 July 1993.
[19] Interview, 10 July 1993.
[20] Reuters, 'Italian Commander says Attack on Hospital Imminent', 17 June 1993.

warning and provide some protection for civilians. The UN forces did not do that: they just attacked, almost certainly with excessive force. The presence of a few snipers on the roof of a crowded hospital is no justification for firing heavy artillery and anti-tank missiles into the fabric of the building without warning.

Dr Mohamed Fuji, the medical director of Digfer, who had been working—like all his staff—as an unpaid volunteer for almost three years, noted that during this time they had received no assistance from the UN. The first UN matériel that arrived in Mogadishu's largest hospital were the rockets. 'This was not the reward we were expecting for our work', he commented.[21]

Whatever the truth of the matter, the incident required investigation. When on 10 July I questioned a US military attorney about the legality of the attack, his first response was that the UN is not a signatory to the Geneva Conventions and hence not bound by them.[22] I objected to this obvious dodge, and he quickly added that the US forces felt themselves morally bound by them. He asked me to return the next day. But the next day, the UN issued instructions for my arrest and detention.[23] In the event, the atmosphere of Mogadishu had turned so ugly that I left town that same day. And with regard to the Digfer attack, a UN officer stated that 'the normal rules of engagement do not apply in this situation'.[24]

Helicopter Attacks on Civilians

On 12 July, US helicopters fired ten TOW rockets into a building where members of Aidid's political movement were holding a meeting. At least fifty-four people, including clan elders and religious leaders, died in the house of Abdi Kabdiid, one of Aidid's aides. When journalists arrived to cover the event, an angry crowd turned on them and four were killed.

There is no doubt that the US helicopters attacked a chiefly civilian meeting.[25] Admiral Howe defiantly defended his decision to authorize the attack, which killed some intermediaries with whom he himself had been speaking a few days earlier. 'We knew what we were hitting. It was well-planned.'[26] In a familiar ploy, the Admiral attacked the media's representation of events and argued that 'the main reason for UNOSOM's negative image was its poor media strategies'.[27] Howe claimed that only twenty people had been killed, as against the Red Cross which said fifty-four had died, and Aidid's SNA which produced a list of seventy-three people who they claimed had been killed. But Howe could not produce any evidence to back up his claim because, he said, the camera on the US

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[21] Interview with the author, 8 July 1993.

[22] Major Frank Fountain, interviewed by the author.

[23] UNOSOM Military Information Office, UNOSOM FHQ Morning Briefing Notes for 11 July 1993, p. 2.

[24] Liz Sly, 'UN Raises the Ante in Somalia Attacks', *Chicago Tribune*, 20 June 1993.

[25] Drysdale, *Whatever Happened to Somalia?*, pp. 203–4.

[26] Keith Richburg, 'US Raid Reportedly Killed Aidid Aides', *The Washington Post*, 16 July 1993.

[27] UNOSOM, Second informal consultation with donor representatives on Somalia's relief and rehabilitation programme, summary report, Nairobi, 27 July 1993, pp. 9–10.

helicopter had jammed. This was the first official admission that US military technology might occasionally malfunction.

Ann Wright, a legal advisor to UNOSOM, sent a memorandum to Admiral Howe the following day. The prose style cannot obscure the seriousness of the charge:

> This UNOSOM military operation raises important legal and human rights issues from a UN perspective. The issue boils down to whether the Security Council Resolution's directive [following the killing of the Pakistanis] authorizing UNOSOM to 'take all necessary measures' against those responsible for attacks on UNOSOM forces meant for UNOSOM to use lethal force against all persons without possibility of surrender in any building suspected or known to be SNA/Aidid facilities or did the Security Council allow that persons suspected to be responsible for attacks against UNOSOM forces would have an opportunity to be detained by UNOSOM forces and explain their presence in an SNA/Aidid facility and then be judged in a neutral court of law to determined if they were responsible for attacks against UNOSOM forces or were mere occupants (temporary or permanent) of a building, suspected or known to be an SNA/Aidid facility.[28]

It seems that UNOSOM, and in particular its US leadership, had decided that the UN Security Council resolution had indeed authorized it to disregard international humanitarian law and take wholly arbitrary and disproportionate measures. My questions about the Geneva Conventions of two days earlier had struck a sensitive note.

An operation such as this was a wholly US affair. General Montgomery, commander of the QRF, would have consulted with Admiral Howe and almost certainly obtained authorization from CENTCOM in the United States. It needs to be asked how far up the chain of command, which leads ultimately to the White House, such consultation went.

The US position—and that of the increasingly client-like UN—was made clear by two subsequent incidents. In the first, the UN detained fifty-five Somalis without charge, alleging they were key supporters of General Aidid (most of them were). David Ijayala, legal advisor to UNOSOM, said only that the prisoners were being held for security reasons and 'the authority is under Chapter Seven [of the UN Charter, which authorizes the use of force], no other legal code'.[29]

The second occurred on 9 September when an SNA ambush disabled a US tank, and the QRF was sent in with helicopters to rescue stranded US soldiers and engineers. One of these helicopters opened fire on a crowd, killing an estimated sixty people—armed and unarmed. The UN

[28] Ann Wright, 'Legal and Human Rights Aspects of UNOSOM Military Operations', Memorandum to the Special Representative of the Secretary General from UNOSOM Justice Division, 13 July 1993.
[29] Mark Huband, 'UN Forces Deny Somali Detainees Legal Rights', *The Guardian*, 25 September 1993.

spokesman, Major David Stockwell, said 'There are no sidelines or spectator seats—the people on the ground are considered combatants.'[30] In truth, it is often difficult to differentiate between a combatant and a civilian in a counter-guerrilla war—which is one reason why the US has refused to sign the 1977 Additional Protocols to the Geneva Conventions, which extend legal protection to *all* civilians, making no distinction between, for example, infants and nursing mothers and workers in munitions factories. But the very foundation of international humanitarian law is the idea that some restraint must be exercised to minimize the danger to civilians, or in legalese, that 'the methods used in combat are not unlimited'. US helicopter actions disregarded this foundation of the laws of war.

The problem is that the US doctrine of overwhelming force ensuring minimal US casualties is almost wholly inapplicable in a situation of urban warfare where restraint is essential; almost by definition it involved breaches of the Geneva Conventions. The limits of US technology were shown up on almost the first day of the battle, when US military spokesmen proudly announced that bombing by a C130 airplane had destroyed Aidid's headquarters. In fact, in a remarkable display of precision bombing, the neighbouring house belonging to a businessman named Hassan Hashi had been comprehensively levelled. One stray missile had made a neat hole in Aidid's roof terrace.

In this context, the tragedy on 3 October, when several hundred people, eighteen of them American, died in a series of battles near the Olympic Hotel, appears as a tragic inevitability. The numbers killed in this battle are a matter for dispute and speculation. Initial estimates of the fatalities among Somalis were 200 dead. One leading Somali businessman in the area considered this number exaggerated, saying that he could only account for sixty dead in the vicinity of the Olympic Hotel.[31] But the fighting covered a large area and many of those who died did so in their own compounds, where they were buried. Others came up with higher figures: Bowden's estimate runs to nearly 500 dead, which is less than some Somali elders' figures—though some of those estimates may have included earlier battles as well. Doctors in the city's main hospitals were overwhelmed with hundreds of casualties, and with the poor emergency facilities available—despite the surgical expertise of Mogadishu doctors, who have unparalleled experience with gunshot and shrapnel wounds—the ratio of fatalities to casualties must have been high.

Brutality and Resistance

The death toll is tragic. But the reasons for it, and the total lack of accountability on the part of the US military command, are just as significant. The accounts by DeLong and Tuckey, and Bowden are full of glimpses into the savagery of the fighting, and the readiness of the US forces to use excessive force. The US soldiers did not *always* use excessive force, it is true—there are many clear examples of restraint and the careful

[30] Keith Richburg, 'UN Defends Firing on Somali Crowd', *The Washington Post*, 11 September 1993.

[31] Interview with the author, 5 March 1994.

targeting of gunmen amid crowds of civilians. But there are just as many cases in which soldiers fired without identifying their targets, or loosed off great barrages of missiles, or even shot down people in cold blood who presented no threat to them at all. There were times when they shot at everything that moved, took hostages, gunned their way through crowds of men and women, finished off any wounded who were showing signs of life. Many people died in their homes, their tin roofs ripped to shreds by high-velocity bullets and rockets. Accounts of the fighting frequently contain such statements as this: 'One moment there was a crowd, and the next instant it was just a bleeding heap of dead and injured.'[32] Even with a degree of restraint on the part of the gunners, the technology deployed by the US Army was such that carnage was inevitable.

One thing that the US and UN never appreciated was that, as they escalated the level of murder and mayhem, they increased the determination of Somalis to resist and fight back. By the time of the 3 October battle, literally every inhabitant of large areas of Mogadishu considered the UN and US as enemies, and were ready to take up arms against them. People who ten months before had welcomed the US Marines with open arms were now ready to risk death to drive them out. The Americans' inability to tolerate casualties, especially when televized, and their even greater inability to tolerate captive American soldiers, meant that the Somalis had leverage over the US disproportionate to their military capabilities.

When pilot Michael Durant was captured, General Aidid turned the tables on his adversaries. The US forces called a truce, and called Ambassador Robert Oakley, whose policy had been to appease Aidid, back to Somalia. He told the cautiously triumphant General what would happen if Michael Durant was not released:

> This is not a threat. I have no plan for this and I'll do everything I can to prevent it, but what will happen if a few weeks go by and Mr Durant is not released? Not only will you lose any credit you may get now, but we will decide that we have to rescue him. I guarantee you that we are not going to pay or trade for him in any way, shape or form...
>
> So what we'll decide is we have to rescue him, and whether we have the right place or the wrong place, there's going to be fight with your people. The minute the guns start again, all restraint on the US side goes. Just look at the stuff coming in here now. An aircraft carrier, tanks, gunships...This whole part of the city will be destroyed, men, women, children, camels, cats, dogs, goats, donkeys, everything...That would be really tragic for all of us, but that's what will happen.

What the US forces did on 3 October is an interesting example of 'restraint', and it is truly alarming to think about what lack of 'restraint' might entail.

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[32] Mark Bowden, 'Helicopter Provides Support', *The Arizona Republic*, 24 December 1997.
[33] Mark Bowden, 'Plans Laid for Dignified Withdrawal', *The Seattle Times*, 8 February 1998.

Justifying why the US would send troops to Somalia but not Bosnia, General Colin Powell said, 'We do deserts, we don't do mountains'. Responding to the launch of Operation Restore Hope, the US Ambassador to Kenya, Smith Hempstone, remarked, 'If you liked Beirut, you'll love Mogadishu'.[34] His was the more prescient remark. The US army doesn't 'do cities' either.

The US military operations in Mogadishu raise questions about US military ethos and doctrine that are not only unanswered but rarely aired at all. Who is to be called to account for clear breaches of the Geneva Conventions? Some individual soldiers are doubtless guilty of excesses, but it would be a shame if they were scapegoated: it was senior commanders who made the key decisions. A serious inquiry into US military conduct in Somalia—comparable to the Canadian investigation—might well lead rapidly to the Pentagon and the White House. This possibility was no doubt in the minds of the US negotiators to the Rome conference on the creation of the International Criminal Court. 'Malicious prosecutions' against a few front-line Marine privates is probably something the US Administration could live with. Following the chain of command to its zenith is not.

Mogadishu also compels us to ask, is US military doctrine itself compatible with fighting a determined enemy without inflicting wholly disproportionate casualties on the surrounding population? It appears that the US Army may have become so dedicated to the myth of a painless victory that it cannot cope with adversity, and at the same time retain the essential minimum of humanity in warfare. Or, to put the matter more bluntly, does the US Army no longer fight but rather massacre?

[34] *US News and World Report*, 14 December 1992.