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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. list	Timeline - Troop Contributions to UNOSOM II (2 pages)	04/00/1993	P1/b(1)
002a. list	Somalia Core Group Meeting [partial] (1 page)	04/30/1993	P3/b(3)
002b. note	Handwritten notes (1 page)	04/00/1993	P1/b(1)
003. agenda	Somalia Core Group (1 page)	04/13/1993	P1/b(1)
004. cable	Re: UN Asks That 2400-3000 US Troops Remain in Somalia One Additional Month (2 pages)	04/27/1993	P1/b(1)
005. cable	[Duplicate of 004] (2 pages)	04/27/1993	P1/b(1)
006. paper	Strategy for Somalia (4 pages)	10/16/1992	P1/b(1)
007. cable	Re: UNITAF/UNOSOM II Transition (7 pages)	04/00/1993	P1/b(1)
008. cable	Re: UN SYG Request for US Troops to Remain in Somalia (6 pages)	04/27/1993	P1/b(1)
009. note	Somalia Core Group handwritten notes (1 page)	04/23/1993	P1/b(1)

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2012-0659-F

ke4145

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EVALUATION OF THE JUDICIAL, LEGAL, AND PENAL SYSTEMS OF SOMALIA

This Report is based upon a visit to Somalia from April 8 through April 22, 1993. Visits were made to Mogadishu, Afgooay, Baidoa, Bardera, Bosasso, Borama, and Hargeisa. Persons interviewed included senior officers of the former Somali National Police Force (SNPF), the former Somali Custodial Corps (SCC), members of UNITAF and UNOSOM forces, individual judges, the Police and Judiciary Committees in Mogadishu, and an informal committee of jurists and lawyers, also in Mogadishu. (See Annex 1)

The scope of work is as follows:

- 1) Describe the re-emerging judicial and magistrate systems and the interaction between UNITAF/UNOSOM forces and these emerging systems;

- 2) Analyze the current application of the Somali Penal Code and/or customary law in the existing police stations/prisons;

- 3) Comment on the existing practice of the political committee through the police subcommittee appointing magistrates to serve as adjudicating authorities in local police stations and prisons;

- 4) Recommend how to ensure adequate safeguards for protection of civil and human rights in the police and magistrate systems;

- 5) Recommend how to develop the judicial, penal and legal system with a projected time frame for their operation.

This Report is based upon two fundamental assumptions:

- 1) The signatories to the Addis Ababa Agreement of March 27, 1993 will in fact substantially disarm within 90 days and UNOSOM Forces will vigorously assist and enforce this disarmament;

- 2) UNOSOM will commit the necessary resources to re-establish, train, equip and support Somali police, judicial and penal entities until a Somali Government is able to do so.

I. INTRODUCTION

Somalia is not a country functioning under the rule of law. It is not even a country but a patchwork of Districts, Regions and the capital city, Mogadishu, each in different stages of lawlessness, anarchy and chaos, each with different security needs, and each groping toward the restoration of normalcy and the return to civil law and order.

Basic security is essential for the establishment of law and order, a return to the functioning of a judicial system, and the assumption of normal civilian police functions by the Somali police. In addition to random looting, the absence of copper wire, doors, windows, metal grates and beams, and of course all kinds of property of the former State, suggest organized criminal elements directing armed thugs to loot items for sale by criminal leaders. Some UNITAF units have developed intelligence on the organized criminal elements in their areas. This function would logically be assumed by a Somali Police Force, assisted by UNOSOM II.

Police outside the urban areas in the UNITAF zone of control, at the present time, without training and weapons, cannot overcome heavily armed militia. Weapons, while no longer being brandished about by young thugs in Mogadishu are readily available in the city. UNITAF reports that there are still significant arms caches outside the capital which can be smuggled in almost at will. Judges cannot serve in any area free from threats to themselves and their families without adequate police protection. Prisoners being held for trial or convicted cannot be detained securely.

As the ICITAP Report of March 5-10, 1993 makes clear a significant commitment of funds from the international donor community is necessary to restore public order in Somalia. This funding must be continued until Somalia is able to generate or acquire the resources to support public safety functions. This is equally true for the maintenance of the judiciary and prison system.

The Addis Ababa Agreement of March 27, 1993 provides for overall disarmament. The signatories pledge to complete substantial disarmament within 90 days. Assuming that the various factions honor this commitment, Somali communities near the border, which have disarmed, are in danger of armed attack by Somali bandits using neighboring countries as safe havens. Security for these border communities will initially have to be provided by UNOSOM II and subsequently by adequately trained and equipped Police units.

The Addis Ababa Agreement commits the parties to the establishment of an impartial National and Regional Somali Police force in all regions, primarily through the reinstatement of former members of the SNPF, and through the recruitment and training of additional Police. Virtually every area visited has reinstated those members of the SNPF from that area to serve in Districts or regions. Every area visited also reported that prior to the civil war, the Police in that District or Region were from everywhere in the country. When the civil war began, members of the SNPF fled to their tribal areas for protection. At the present time, Police in the Districts and Regions, with a few exceptions, appear to be from the main clan in that area. Thus, a defacto tribally based police has been created, but enjoys support of the local communities. How the Police will do their duty toward members of minority clans within these Districts depends upon the effectiveness of their training.

The Addis Ababa accords also provide that the Transitional National Council (TNC), which represents Somali sovereignty, shall establish an independent judiciary. There is to be a regional judiciary. In fact, some former Judges, primarily in the Baidoa area had resumed their duties, without pay, and were holding criminal trials and applying the Penal Code. In other areas, tribal leaders applying traditional Somali law are carrying out judicial functions.

I. Background

A. The Somali National Police Force

The Somali National Police Force (SNPF) was created upon independence in 1960 from the British and Italian trained Somali police forces of British Somaliland and the Italian Trusteeship, respectively. It was non-tribal. Recruiting, promotions and assignments were made on a professional basis and not according to tribal affiliation. Policemen were generally transferrable throughout the country and were normally assigned to areas other than their own. They could be assigned to their home areas based on need. With the few exceptions noted below, they were required to have a primary school education and be literate.

National Police Headquarters was in Mogadishu. Sector or individual Group Commanders had responsibility for three separate regions. The first sector command was former British Somaliland, headed by Group Commander North, under the Commandant of the National Police. The Group Commander North was not always from the north, and was not always Issaq. Regional Commanders were based in the Regional capitals, again reporting to the National Police commandant.

prosecuted by Lieutenants and above. All prosecutions were carried out under the supervision of the State Attorney General whose office had responsibility for major cases.

Policemen in urban centers patrolled on foot and carried batons only. Rifles, pistols and tear gas guns were kept at Police Stations for use on an as needed basis. The Darawishta were heavily armed with automatic weapons, machine guns, hand grenades and mortars. They were a highly disciplined and mobile strike force.

Promotion courses, specialized and advanced training took place at the SNPF Academy in Mogadishu and at the SNPF Training School in Mandera in the North. Darawishta training took place in Belet Weyn, basic recruit training in Baidoa, and the Orphanage Training Center in Mogadishu. The Academy had a capacity for 250 on campus, and classroom space for 500; Mandera could handle 200; the Darawishta Center in Belet Weyn and the Baidoa recruit training centers could each handle 600; and the Orphanage had the capacity for 50 children.

Toward the end of the Siad Barre regime the SNPF was neglected in terms of supplies and training. Some members of the Somali Army were transferred to the SNPF and put into the command structure. However, although the SNPF was allowed to decline through neglect, it was never corrupted for the Regime's purposes. Rather it was circumvented by use of more "loyal" forces such as the National Security Service, (NSS) and the Red Berets. As both the UN and ICITAP Reports have noted, the remnants of the SNPF continue to enjoy public support and still have the reputation for professionalism and impartiality.

The current Auxiliary Somali Force (ASF) consisting of reinstated SNPF members and functioning under UNITAF, appears to have maintained this impartiality and in the main enjoys the public's confidence.

B. The Custodial Corps

Since independence, the prison guards or Custodial Corps (CC) were a separate unit from the SNPF, with different uniforms, command structure, headquarters and training. The CC were trained by Italians, primarily in country.

The prisons associated with the regular criminal justice system were located in Mogadishu, Galkayo, Chismayo, Hargeisa, Afgooay and Mandera.

The Siad Barre regime set up an entire national security apparatus, including the National Security Service (NSS), the National Security Courts, and National Security Prisons. These

National Security Prisons are not considered available for use by any post-Siad Barre Government because of their association with the excesses of the dictatorship.

C. The Judiciary

The civil and criminal court system, established at the time of independence and in existence throughout most of the Siad Barre period included four separate levels: the Supreme Court, the Courts of Appeal, the Regional Courts and the District Courts. The Supreme Court was located in Mogadishu and had a President, a Vice President and four Judges. Initially, both the President and the Vice President, and at least one Judge were foreigners. However, by 1970 all Judges were Somali. The Supreme Court heard appeals from judgments of the lower courts and had the power to issue writs of habeas corpus.

The Courts of Appeal were located in each Regional capital, with jurisdiction over that particular Region. They heard appeals from the District Courts and the Regional Courts. They also had the right to issue writs of habeas corpus for criminal cases within the Region.

The Regional Courts had jurisdiction over crimes punishable by death, life imprisonment or imprisonment of not less than 10 years.

The District Courts were located in each District of the Region. Their jurisdiction was limited to that District and included criminal jurisdiction over lesser crimes.

The Attorney General (AG), his deputies, or Police Officers and Inspectors, investigated and prosecuted criminal cases. The AG was also responsible for supervision of the prisons and the CC.

The first Somali Constitution also provided for a body, called the Higher Judicial Council, (HJC) to supervise the courts, make binding recommendations to the Minister of Justice on appointments, transfers, promotions and termination of appointments, and to conduct disciplinary hearings for removal of judges. The HJC consisted of the President and members of the Supreme Court, the Attorney General and three members elected by the National Assembly, who were not members of the Assembly or practicing attorneys.

III. The Current Overall Situation in Somalia With Respect to the Police, Judiciary and Custodial Corps.

The obvious fact which has emerged from this visit is that Somalia is not one country. The security needs, degree of police

organization, functioning of the judiciary, and concerns of the public, NGOs, UNOSOM and UNITAF vary from Region to Region, and in some cases from District to District. There is one overriding fact which effects all decisions- tribalism. It is alive and well in Somalia. It is the reason the Somalis have come close to committing national suicide. It dominates questions of nomination of police district officers, effectiveness of police patrols, selection and security of judges, the need for review of judges' decisions, public perception of the fairness of the judiciary, fears by NGOs for their security, concern by UNITAF forces for involvement of troops in police functions, and the establishment of rules for joint police patrols.

There can be no one overall plan implemented simultaneously for the entire country. In those areas where there is only one main clan or subclan, progress can be made quickly. Progress will be significantly slower in those areas where there are opposing subclans, a recent history of bloody conflicts, and substantial public distrust of any institution which is seen as a way the opposing clan will gain some advantage.

Some Regions or Districts will be able to take advantage of offers to recruit, train and equip Police sooner than others. These same areas most likely will be able to quickly nominate Judges. The public perception in those areas free of tribal strife will be that the judges can act impartially and fairly. This is particularly true of the Northeast and the Bay Regions.

A. Mogadishu

Mogadishu poses special problems with its lawlessness, easy access to weapons, temptation to rob the ready cash of the NGOs and merchants, and large numbers of clan fighters still resident in the city. The city remains divided along tribal or sub-clan lines. The Police more so than the Judiciary have begun to function on a city wide basis.

1. Supervision of the Police

The city is in effect administered by a Joint Political Committee, consisting of equal numbers of representatives of both the Ali Mahdi and Aideed factions. There is also a combined Police/Security sub-committee consisting of members of both factions as well as representatives from the Murusade and Hawadle. This combined committee meets at National Police HQ which was looted and vandalized inside, but structurally remains sound. UNITAF and former police cleaned the first floor, and UNITAF

arrested by UNITAF, UNOSOM or by the Police themselves, are brought to CID for interrogation and investigation. The CID has been presenting those arrested for probable cause hearings before Judges within 48 hours, as required by the Criminal Code of Procedure. Prosecution of cases is carried out by the former Attorney General and 2 CID Officers who were former prosecutors.

In the Orientale Divisional Headquarters, the Commander advised that he has 3 Stations under his command, 470 Policemen, 65 weapons, and 1 vehicle. They are patrolling with weapons during the daytime and confining the weapons to the Stations at night. They are not engaged in joint patrols with UNITAF or UNOSOM forces. He pointed out that he has been assigned Policemen with training and expertise unsuited to foot patrol work, such as former SNPF mechanics. He suggested that the next step was to reassign personnel according to their specialty. He also stated that many of the criminals were better armed than the Police, the arms market in Mogadishu should be closed, and the Darawishta be used to back up the regular Police when needed. In sum, he requested UNOSOM support and adequate weapons. He added that the people were supportive of the Police and were tired of lawlessness and disorder.

UNITAF has independently observed the Police functioning in crowd control situations and commented favorably. For example, during a recent demonstration, uniformed Police attempted to maintain order, while plainclothes policemen circulated among the crowd, arresting those who were throwing rocks or objects.

B. Equipment and Weapons

Policemen and officers have been issued new uniforms, blue berets, insignia, whistles, lanyards and batons. Police patrol on foot and unarmed. Approximately 16 vehicles have been made available to the Police for the entire city, with an estimated population of 1 million. Most Police Stations now have generators which will enable them to operate all night. They have no radio or communications equipment to speak of. Divisional Commanders cannot communicate with the Stations in their sector, let alone with other Divisional Commanders or Police Headquarters.

Weapons have been provided and can be used by Police only under clearly defined circumstances. This policy, established by UNITAF, provides that the Police may use weapons only if:

- 1) It is carried in an official police vehicle and is used to protect the vehicle;
- 2) It is used by Police at checkpoints jointly manned with UNITAF; and

3) It is used by Police on jointly manned patrols with UNITAF.

Weapons may also be used to defend a Police Station. In at least one instance, Somali Police were carrying weapons outside the Station in the absence of UNITAF or UNOSOM personnel but that may have been to provide security for our visit.

The weapons issued are Czech made PPS' which is an automatic submachine gun. They were taken from a stock of weapons in the country. Somali Policemen have questioned their effectiveness and claimed that they are not the type of weapon to command respect from looters, thugs or bandits. They have compared them unfavorably to the AK 47, the weapon of choice of much of the criminal element and generally available in Mogadishu.

Mogadishu is the center of UNOSOM, national and virtually all NGO operations in Somalia. Both the US Liason Office (USLO) and UNOSOM have heavily guarded compounds. Personnel usually travel around the city accompanied by armed, uniformed troops.

The NGOs have hired private vehicles and armed security guards to protect their compounds, personnel and property. When NGO representatives travel about Mogadishu they are accompanied by these armed personnel. To allow these guards to carry weapons, (usually AK 47s) the NGOs have issued "blue cards" which identifies the NGO and permits the holder to carry a weapon. There is photo identification of the holder of the card. However, there is no restriction on the times of use of the weapons, and no limitation on the type of weapon allowed to be carried. If one guard with a proper permit is in a vehicle, (whether it is an NGO vehicle or not), other guards without permits may carry weapons in the same vehicle.

There have been several night incidents of armed NGO guards attempting to run UNITAF checkpoints and being stopped in private vehicles having no connection with NGO activities. There is widespread suspicion among UNITAF and Police that NGO security personnel are recruited from the thugs and bandits used by warlords in Mogadishu and are "free-lancing" during their non-NGO guard duty hours.

While Somalis need permits to carry weapons in public, the arms market remains open and is thriving. Many weapons offered for sale are grease clean, implying that they have been recently smuggled in or stored somewhere, unused, and have been taken from some arms cache for sale. The price of weapons dropped drastically when UNITAF forces first arrived. This reflected the Somali perception in Mogadishu that all weapons would be confiscated and

therefore they were worthless. The number of weapons on the street has been reduced drastically, due to the enforcement of the policy by UNITAF that weapons may not be carried openly, except by authorized personnel.

As of the beginning of April 1993, the price of weapons was the same as it was immediately prior to the arrival of UNITAF forces in December 1992. This reflects the current perception that UNOSOM II will not be able to maintain law and order and individuals will once again have to protect themselves and their homes. The price of weapons appears to be a good barometer of public confidence in the ability of foreign troops and the Police to maintain security.

The policy of restricting the use of weapons by the Police, and requiring them to patrol unarmed on foot, while permitting undisciplined teenagers to legitimately carry weapons at all hours under no restrictions, is not conducive to the restoration of law and order in Mogadishu.

C. UNITAF/Police Patrols

Some elements of UNITAF have been engaging in joint patrols and manning check points with Police. UNITAF forces in Mogadishu generally do not arrest and detain Somalis for normal civil crimes. UNITAF elements on patrol in Mogadishu will seize weapons which are in view, but will not arrest the person. There appears to be a doctrine of hot pursuit where UNITAF will pursue a person with a weapon into a building, but will not conduct house to house searches for weapons.

2. The Judiciary

Responsibility for appointing Judges in Mogadishu is currently vested with an 11 person Judiciary Committee appointed by the Joint Political Committee. The Judiciary Committee is supposed to be composed of equal numbers of members from the Aideed and Ali Mahdi factions. Presumably one of the members of the odd numbered committee is a "neutral" person.

The Committee sees itself as having jurisdiction over the court system at least throughout the entire area controlled by either or both factions. It also claims to have a broad factional and clan representation and therefore has the authority to appoint judges throughout Somalia.

According to two Judges interviewed, the Judiciary Committee has appointed 12 Regional and District Judges in Mogadishu. According to the Committee, it has not appointed anyone yet. Both

the 2 Judges and the Committee agree that the Court of Appeals is not functioning. In discussions with the President of the Regional Court, Dr. Mohamoud Mohamed Dahir, (the Judge who ordered the release of Hussein Barre Warsame, discussed below) only 2 Judges have reported to work. According to him, all 12 were former Judges prior to the civil war. Currently there are approximately 50 criminal and 100 civil cases pending. In criminal cases, the Courts are applying both the Somali Penal Code and the Code of Criminal Procedure. The courts are located in the former Ministry of Justice building which is clean and reasonably well preserved. It was not exactly bustling with activity, despite the reported case load and lack of Judges.

The Judiciary Committee has not exhibited any sense of urgency in appointing Judges to staff the criminal courts. As of April 16, the Judiciary Committee indicated that because many of its personnel would be involved in the Charter Drafting Committee of the TNC, it would "try" to meet but could not provide a time frame for setting criteria and making appointments. Appointments made to date appear to have been at the urging of UNITAF.

As of April 16, of the 43 prisoners held in the main prison, 41 had been arrested by UNITAF or UNOSOM. Of the 43, 14 have been tried and sentenced to imprisonment of one year. Twelve of these 14 are UNITAF/UNOSOM apprehended criminals. Of the 29 remaining prisoners, all are being held pursuant to probable cause hearings.

While there are barely functioning courts at the former Ministry of Justice, there are no usable records of former Court personnel, including Judges, no reported decisions or records of court proceedings, forms or procedures. Nor are there any records of those licensed to practice law in Somalia, accredited members of the faculty, or lists of those permitted to function as Notaries Public. An estimated 25-30% of former Judges, legal scholars and attorneys have fled the country.

The District and Regional Courts at the Ministry hear cases from both the northern and southern parts of the city. There is no formal procedure for appeals or disciplining or removing magistrates. It is unclear when trials have been held, what records were kept, who kept them, and where they are stored. No effort has been made to locate and identify court personnel such as registrars, clerks and administrators.

3. The Prisons

The Custodial Corps Headquarters appears to be structurally sound but has been gutted inside. No files or records remain and no effort has been made to clean the building. Adjacent homes which were reserved for officers of the CC have been taken over by nomads.

The main prison in Mogadishu is the Central Prison. Sanitation and living conditions for the inmates is primitive but not intentionally cruel. Inmates are fed daily. They generally are unemployed during the day. The CC guards carry their own personal weapons. To date, no CC guards have been paid.

In the apparent absence of a basic secure prison system, UNITAF has undertaken to detain high risk detainees at a UNITAF run facility at the University. It is manned by Military Police.

4. The Incident Involving Hussein Barre Warsame and Colonel Gutaale

This incident illustrates the problems and successes of the emerging police/judicial/penal system and the interaction with UNITAF forces.

Sometime in March, Australian UNITAF forces in Baidoa arrested Hussein Barre Warsame for threatening the life of an Australian Officer. Upon investigation, based upon statements provided by Somalis in Baidoa, Warsame was charged with 14 murders of Somalis. At the time there was no sitting judge in Baidoa. Warsame was brought to Mogadishu. A case file documenting these statements by witnesses was presented to a Magistrate in Mogadishu to support a finding of probable cause to hold Warsame for trial.

Subsequently, after briefly being detained, Warsame was released by a Judge claiming that there was no probable cause for holding him. UNITAF reports that the announcement was made by Aideed's radio station before the release actually occurred. Instructions had been given that Warsame should not be released without the approval of the Deputy Commandant of the Custodial Corps, subject to UNITAF approval. The CC Deputy Commandant was absent and a subordinate accepted the Judge's order releasing Warsame.

UNITAF representatives interrogated the Judge who first claimed that Warsame was released on bail, but no amount was set or collected; then that the Judge was unaware that Warsame was held on suspicion of murder but was a political prisoner and was on a hunger strike (on the last day of Ramadan); then that the Judge was threatened.

UNITAF forces arrested the Judge after clearing the action with the Judge Advocate General's Representative with UNITAF. The Judge was released shortly thereafter unofficially, on the grounds that legal authority for his continued detention was questionable.

Officially, he was released but suspended because two Judges from the Judiciary Committee in Mogadishu agreed to investigate and determine whether or not the Judge had acted properly, and report their findings to UNITAF.

On or about April 16, one of the two investigating Judges, Dr. Abdullahi Ossoble, completed his preliminary report and submitted it to UNITAF representatives. The Report concludes that the Judge acted properly because the file showed only that Warsame had threatened to kill an Australian Officer. According to Dr. Ossoble, there are no statements in the file accusing Warsame of committing 14 murders. UNITAF representatives believe that the file has been tampered with and are making an effort to provide a duplicate as it was sent to Mogadishu with Warsame. Warsame currently remains at large.

Australian forces with UNITAF were concerned that the release of Warsame would convince the people in Baidoa that neither the Police nor UNITAF could protect them from an outside, armed criminal element. Therefore, to dispel that impression they arrested Colonel Gutaale, Warsame's boss, and charged him with murder, extortion, and looting. Colonel Gutaale is alleged to have extorted between \$2,000 and \$6,000 per relief flight from each of the NGOs attempting to distribute food in the Baidoa area. A Judge in Baidoa found probable cause to hold him. Colonel Gutaale was brought to a UNITAF secured prison at the University in Mogadishu, which is currently being guarded by US Military Police. He will be returned to Baidoa for trial before the Regional Court on April 24. The former Chief Prosecutor for the Region has resumed his functions and will prosecute the case.

UNITAF Australian elements have been instrumental in obtaining statements from witnesses, securing these written statements in a locked file cabinet in the Baidoa Police Station, and are responsible both for bringing the witnesses and Colonel Gutaale to Baidoa on the day of the trial. The Australians are scheduled to leave Baidoa on May 22nd. Gutaale has indicated that he will defend himself, although the Australians have located and offered to provide an attorney for him. It is likely that if convicted he will appeal to the Regional Court of Appeals, also located in Baidoa.

It appears that Warsame and Colonel Gutaale belong to the Habir Gidir in Bardera and are part of that subclan's criminal operations in that town inhabited primarily by Rahanweyn. It is likely that the Judge also belongs to Aideed's Habir Gidir faction and released Warsame for tribal reasons.

B. Afgooay

1. The Police

The Police Colonel in charge of the Afgooay District has 72 Policemen under his command. Police have been issued 2 pants and 2 shirts per individual along with whistles, berets, lanyards, insignia and batons. The weapons issued by UNITAF, in this case, AK-47s, are subject to the uniform UNITAF policy with respect to their use by Police; that is they may be used on joint patrols and checkpoints. The Colonel pointed out that he has no communication equipment for use by his men in his District. Nor does he have a way of communicating with other Districts or the Regional Headquarters.

The Police Colonel stated that he will report to the Police Regional Commander in Merca because that is the Regional capital. He believes copies of his reports should be sent by the Regional Commander to the Joint Committee at Police Headquarters in Mogadishu. The Regional Committee has selected a Regional Commander in Merca which has been approved by the Joint Police Committee in Mogadishu.

The crime problem in Afgooay is exacerbated by looters along the Merca-Afgooay road and looters fleeing Mogadishu who pass through Afgooay. UNITAF's presence induced the merchants to stop using armed guards for their trucks. However, attacks by armed bandits have continued. In addition, in the evening when the qat and meat markets close, thieves rob the merchants of the day's proceeds.

UNITAF forces in the area, consisting of US Marines, regard their mission in Afgooay as protecting the Police from attacks and backing them up when the Police on patrol make arrests or search for weapons. One potential difficulty is that after the Marines leave there appears to be no provision for Somali translators to be assigned to the UNOSOM II forces to assist the Police in carrying out their duties.

2. The Judiciary

There are no functioning District or Regional Courts in Afgooay. This may be due to an inability to locate former judges and have them appointed by local elders, or inertia in Mogadishu in establishing the judicial system. The elders appear to be taking an active role in the administration of justice and security. The

Sultan and others initially rejected the Joint Police/Security Subcommittee's selection of a District Police Commander and compelled members of the Subcommittee to attend a public meeting to select a nominee acceptable to the people.

No prisons were observed to be functioning, although the CC has advised that the big prison, Lanta Bur outside Afgooay on the road to Merca, is operational.

C. Bardera

1. The Police

Bardera is marked by disputes between two major clans as to who lived where and has taken over the property of the other. Approximately 300,000 people in border refugee camps will be moving through Bardera to resettle in their traditional areas. Some will remain in Bardera. The city has a population according to Somali Police Representatives of about 20,000. UNITAF estimates are no more than 10,000. The Gedo Region capital, Garbeharre, again according to Somalis is supposed to be as large as Bardera, if one includes nomads in the greater "metropolitan area." UNITAF estimates a total of 3,000 to 4,000 people and scoffs at the idea of nomads in the area being counted in the town's population.

There are currently 41 Policemen approved by the Joint Police/Security Committee. They have been issued uniforms, berets, lanyards, whistles and batons. An additional 42 names have been submitted and the Police are awaiting approval by the Joint Committee. Another 20 names will be submitted in the near future. The District Commander recalls that prior to the civil war there were 120 SNPF in Bardera. Approval of all names would bring the Bardera Police Force almost up to pre-civil war strength.

The Bardera Police Station is currently occupied by an NGO and is used as a feeding station. The NGO lease expires at the end of May and the elders have agreed to return the compound to the Police. The rent paid by the NGO was reported to have been retained by the elders.

The Police Commander, Colonel Artan represented that Bardera is approximately 70% Rahanweyn and 30% Marehan. He claims that the current Bardera District Police Force includes Rahanweyn, Marehan, Harti (Darood), and Ogadeni and that the percentage of clan distribution in Bardera was not considered in submitting the names for approval.

The Bardera District Officers were concerned as to who

constituted the Joint Police Committee. They regard the Committee as functioning as the National Command. Particular concern was expressed as to how it was formed, who was on it and how it would supervise their activities. They expressed a lack of confidence in the Joint Police Committee's willingness to process names of former SNPF Policemen quickly. They also claim that there is no direction from the Joint SubCommittee on how to function and what police procedures to follow. They attribute the speedy approval of the original 41 names submitted to their sending 2 representatives to Mogadishu to push for approval. They have asked to be able to send another representative to seek approval of the additional 42 names submitted.

The Gedo Region consists of 7 Districts. Prior to the civil war, there were 2,000 SNPF in the entire Region. This heavy SNPF presence in Gedo was due to the long border with Ethiopia and Kenya. The District Commander expressed concern that many of these former policemen will not return and there is an urgent need to recruit and train new policemen to staff the District stations. The nearest training center in the SNPF was located in Baidoa. In addition, Colonel Artan reported that there was a big police station in Gabreharre as well as a former military base which could be used for training purposes. Training should emphasize administration and discipline. The Police are in desperate need of the SNPF Handbook in Somali, which they would use in the interim to establish police procedures.

The SNF advisor in Bardera, Colonel Barre Aden Shire, expressed a willingness to accept a SNPF rapid deployment force to patrol the border and make sure that armed bandits from Ethiopia do not terrorize SNF supporters who have disarmed pursuant to the Addis Ababa accord.

2. Security and Weapons Policy

The Policer report that Bardera has been relatively peaceful for the past 3 months. No shots have been fired within the town and only 5 weapons have been seized since January. NGO guards are allowed to have weapons to guard the compounds. The weapon is registered by serial number which is included along with a photograph of the guard on the identification card. Weapons are not allowed off the compound, UNITAF provides convoy escort, and if the NGO wishes to take along its own armed guards, such a request must be made 24 hours in advance and approved by UNITAF. Weapons and identification are verified at the checkpoints with each NGO permit holder responsible for the weapon identified by serial number on the ID card.

The Police are unarmed even on joint patrols. An exception has been made for two Police guarding the waterpump which is on the outskirts of town. UNITAF recognizes that it cannot respond in time if the pump station is attacked and has permitted armed Police to guard the pump without a UNITAF joint presence. The Police express no need for weapons for patrolling the city, but claim they need weapons for apprehending criminals in the interior. They express confidence in being able to prepare and prosecute cases. As of April 16, an additional 21 weapons had been allocated by UNITAF to the Bardera Police Station.

UNITAF representatives recommend providing arms for joint patrols outside the city, in accordance with UNITAF policy. At the time of the visit, Somali drivers were renegotiating contracts with NGOs and there was a feeling that the incidence of exposed mines on the road was designed to support the drivers' contention that driving was more dangerous and they should be paid a higher rate. No incidents of vehicles striking these mines have been reported.

There is no functioning Police Station in Bardera, although plans are underway to reconstruct the former building. It will include 3 cells to function as a jail. A Somali engineer is preparing a report, but preliminary estimates indicate as a minimum the need for a roof, windows and doors. The Police have no vehicles, communications equipment, typewriters, paper, radios or furniture. They have begun keeping logs and personnel records.

The District Commander, Colonel Artan, claims that the public respects the Police which will function in a non-tribal manner. The Bardera District, has among the 41 approved names, one Captain, a Chief Inspector, formerly of CID, and 4 other former CID personnel.

The District Commander is prepared to report to the Sector Commander in Gabreharre and to headquarters in Mogadishu.

3. The Judiciary

At the present time, Local elders are hearing cases in Bardera. Their decisions appear to have been accepted by the people, although none of the cases reported involved minority clan members. A UNHCR guard has been arrested for beating a woman outside the compound and is being held for trial. It is expected that he will be tried by either a District or Regional Judge in Bardera. These Judges are resident in Bardera and will soon reoccupy the court building, which is reported to be in good shape but lacking furniture and equipment. According to the SNF advisor, Colonel Barre Aden Shire, the people of Bardera will accept the Judges' decisions because they are tired of lawlessness. It is not clear whether the Judges are applying the Penal Code.

The SNF advisor also suggested that UNOSOM II locate and notify the former District and Regional Judges, and advise them that they will be paid if they serve and UNOSOM will rehabilitate the court building. In addition, he suggested that a similar effort be made to locate and retrain the members of the Custodial Corps, in the same manner as the Police have been reconstituted.

D. Baidoa

1. The Police

The District Station in Baidoa has 55 Police, approved by the Joint Police Subcommittee after screening by the Personnel Records Division of the SNPF in Mogadishu. Previously, there were 450 Police in Baidoa. They have uniforms, berets, whistles, lanyards, batons and one vehicle. Although the District Commander stated that all Police have been hired in accordance to the criteria, one Policeman was obviously too young to have been in the SNPF for two years prior to January 26, 1991. One of the current 55 Policemen is a former Police Prosecutor. Among the names submitted to the Police Subcommittee, 4 are former Police Prosecutors.

The pre-civil war manning of the Police Station in Baidoa consisted of Darawishta and Finance Guards, as well as a transport section and training school. Baidoa is the capital of the Bay Region and was a Regional Police Station.

There are 4 other District stations within the Region: Bur Hakaba, Dinsor, Berdaale and Qansardherre. There are currently 21 Police at each of the stations at Bur Hakaba, Dinsor and Qansardherre and none at Berdaale. All station buildings in those 4 Districts need to be repaired. The District Commander reports that estimates have been given to UNITAF. Stations have been reporting to the Baidoa Station Commander as the Regional Commander. He has retained the reports and not forwarded them on to Mogadishu.

The Police patrol the town without arms. They have been issued 3 M-16s, which they use on patrol outside the city on the Hoddur to Baidoa road. That road is unsafe and bandits have been active in robbing trucks and buses. Police patrols are limited because they have only one vehicle. According to the Police District Commander, the presence of Darawishta on patrol in the countryside would make the roads secure from banditry. Previously, there were 100 Darawishta stationed in Baidoa.

The Police Station in Baidoa is adjacent to both the Court

buildings and the prison. The Police Station has been rebuilt by UNITAF which also has some furniture, a typewriter and a locked file cabinet. UNITAF Australian troops man an armed watchtower overlooking the Police/Court/Prison compound. Two UNITAF Australian troops are also present at the Police Station during the day. UNITAF implemented the original food for work payment to the Police and subsequently distributed the payroll. Funds for payment of the Police came from UNOSOM.

2. The Judiciary

The CourtHouse of Baidoa has been rehabilitated by UNITAF. It has furniture but no equipment. It houses the District Court, the Regional Court and the Regional Court of Appeals.

At the present time there is a President of the Regional Court of Appeals, a President of the Court of Appeals, a President of the District Court and 4 other judges. They have all been nominated from a list of former judges and elected by the people. There is also a public prosecutor, and 2 Registrars, one for the District and one for the Regional Court. Court records are kept in the Police Station.

Before the civil war, in Baidoa, there were 6 Judges on the Regional Court, at least 3 on the Court of Appeals, 2 District Judges for Baidoa and 7 other court support personnel.

There are 4 Districts within the Bay Region where 4 District Judges are functioning, together with 6 service personnel. These District Court buildings need to be rehabilitated.

The Baidoa Courts are attempting to hear both civil and criminal cases. They have approximately 15 criminal cases pending and 20 civil matters. The civil cases involve mostly property adjustment issues, with former "owners" of homes and property attempting to repossess their property from those currently occupying or holding it. The Judges are applying the Penal Code and the Code of Criminal Procedure. All three courts have only one copy of each Code. Requests were made for copies of the Codes in Arabic and when Somali was offered, the response was that Somali would be better.

The President of the Regional Court of Appeals, on behalf of the Judiciary, represented that the entire Bay Regional Court system is in urgent need of supplies: typewriters, cabinets, stationery, carbon paper, file folders, copies of the Penal Code and Code of Criminal Procedure and one vehicle to permit the Regional Courts to ride circuit and hear cases in the Districts. Judges riding circuit will require Police protection.

As of April 16, none of the Judges or court personnel had been paid either in food or Somali Shillings. They have been working since March.

3. The Prisons

The prison has approximately 30 prisoners. Former members of the Custodial Corps are manning the prison but have no uniforms and have not been paid. The prison is located in the same compound as the Police Station and the Court building.

4. The Gutaale Case

The Police report that the investigation of the Gutaale case has proceeded with the assistance of Australian UNITAF forces. The Police have expressed confidence in being able to protect witnesses and maintain order during the trial. Threats have been reported against witnesses by Somalis who came to Baidoa from Mogadishu.

The Public Prosecutor will present the case against Gutaale to the Regional Court. Because the prosecutor was present with the Judges who may hear the case, no questions were asked about the evidence accumulated and the strength of the case against Gutaale.

5. Additional Views on Police and Security

In discussions with NGO personnel, it appears they are satisfied with the security arrangements in Baidoa. The procedure being followed with respect to NGO guards being required to carry permits, specifying the serial number of the weapon and a photo id of the guard, satisfies the NGO's needs for armed security while not compromising the security of the town.

UNITAF personnel reported incidents of Somali Police requiring payment from complainants in order to investigate charges. NGO personnel also reported that when the SRSG visited Baidoa, the Police enforced an SDM requirement that certain representatives deemed to be members of groups opposed to the SDM be excluded from the meeting. It was conceded however, that there may have been some confusion about the lists submitted of the names of people to attend, and the Police may have been acting on an earlier list, rather than for political motives.

E. Borama and the North

1. The Police

At the present time, there are approximately 70 Police in Borama and 340 in Hargeisa. One of the former SNPF National Commanders, Jama Mohamed Khalib, cautioned against over-reacting to the security situation and establishing too large a force which the Somali Government cannot sustain. He favored a force of 2,000, approximately 300 in each Northern Region, Adwal, Hargeisa, Togder, Sanag and Sool, with an additional 200 each in the port of Berbera and the capital of Hargeisa, plus a mobile field force of 200 Darawishta.

Each Regional Force would be the responsibility of that Region, functioning as a civil, localized police. He proposed that the central Government of the Somaliland Republic have an Inspector General as Commander who would ensure that the Regional Police were performing their duties properly, establish uniform training requirements and provide logistical support, direct the Darawishta, which he prefers to call a mobile police force, for border control work, and conduct criminal investigations of crimes against the Somaliland Republic.

Another former Police Officer, Aideed Ilkahquaf who served as Police Legal Advisor after receiving his law degree in Britain and is now Legal Advisor to the President of the Somaliland Republic, was in favor of a larger, more centralized Police Force, and a 1,000 man rapid deployment force.

Due to security considerations in Borama, the visit was cut short and there were no interviews with either the Regional or District Police Commanders of Adwal and Borama.

Both Jama Mohamed Khalib and Aideed Ilkaquaf agreed that the Somaliland Republic would accept UNOSOM II training and support for the Police on the same basis as it was being applied in Somalia, that is:

- vetting of former SNPF Policemen to serve in the newly established Police Force, excluding members of the militia;
- establishing uniform criteria for new recruits, including literacy;
- establishing uniform training programs for former Police and new recruits; and

- establishing a mobile rapid deployment force (Darawish) to help disarm the militia and restore law and order.

Training for former SNPF Police, recruits and the mobile rapid deployment force would be in Hargeisa and Burao. Jama Mohamed Khalib was also of the opinion that limited numbers of Police from the South could be trained in the North and vice versa. He cautioned, however, that this was a sensitive issue.

The Conference of Borama was in the process of drafting a charter to establish a two year transitional government for the Somaliland Republic. Some Regions, such as Hargeisa, do not want any Regional Governments and prefer only District Governments. They regard Regional Authorities as "parasites" on the Districts which generate income to pay for regional government services the Districts themselves can provide. Others, such as Borama in the Adwal Region, prefer regional governments for the Somaliland Republic. Obviously, the resolution of these political questions will impact the degree of acceptance of UNOSOM Police assistance.

2. The Judiciary

At the present time, many of the Judges in the North were trained in Egypt and need additional training in criminal law and procedure. The former Somali Penal Code was being applied, along with the Sudanese Code of Criminal Procedure. The Conference recently approved the adoption of all laws in effect prior to July 1, 1960. They have accepted the Indian Penal Code which was the law in force in British Somaliland and for the four days from June 26, until July 1, 1960 when British and Italian Somaliland united to become the Somali Republic.

This means that all of the laws passed by the Somali Republic after independence, including those adopted by the government of Mohamed Haji Ibrahim Egal who is now running for President of the Somaliland Republic, have been rejected.

The Conference will consider establishing District and Regional Courts, although this is also subject to the same debate on whether or not to establish 5 Regions in the North. Former court buildings are in need of rehabilitation. Security considerations did not permit us to meet with or interview any Judges or view court buildings.

3. The Prisons

The main prison in Hargeisa is functioning, as are the ones in Burao, Borama and Berbera. The prisons are being administered by a

few members of the former Custodial Corps. It is unclear whether they are being paid. Formerly, there had been prisons in each District, with Mandera and Hargeisa being used as the main detention centers. The Mandera Prison and Police Training School have both been destroyed. Due to distance and difficulty of transportation, neither of the Police Officers we met with suggested rebuilding Mandera.

4. UNOSOM Troops

Both Jama and Aideed emphatically stated that Northerners would not accept Egyptian or Italian UNOSOM troops. Northerners regard past Egyptian foreign policy as supportive of Siad Barre, recall that at the time of independence, Egypt tried to force its foreign policy on the new Somali Republic, and know that Egyptian mines were used by Siad Barre forces in the North. Italians are simply regarded as a former colonial power, supporters of Siad Barre and his corrupt Ministers, and responsible for Southern Somali domination of the North since 1960.

5. Security and Weapons Policy

If Borama is indicative of the North, it appears that there are large numbers of armed, and ill-disciplined men, serving as "guards" to the conference attendees and visiting dignitaries. In addition, armed pairs or groups of men, apparently unconnected with any informal militia or guard group, walk along the roads outside Borama. Somali conference attendees explain the need for people to be armed by the existence of "day-day" or road bandits. It does not appear that either the Police or the militia have been able to convince the population that security is under control and there is no need to be armed to protect property.

F. Bosasso and the North East

1. The Police

At the present time there is approximately a 700 man force in the Northeast. About 70 percent are former SNPF Policemen. Mohamed Abshire Musse, the Chairman of the Somali Salvation Democratic Front (SSDF) and former SNPF National Commander, Abdullahi Farah Ali Holif, a member of the SSDF Ruling Council and a former senior SNPF Police Officer, and Colonel Abdi Sugulle, the current Regional Police Commander, who himself was former SNPF CID Commander, all agreed to accept UNOSOM criteria for vetting members of the Police and uniform criteria for recruiting new police. They will begin the process by submitting names of former SNPF through the Bosasso UNOSOM Office to UNOSOM Mogadishu for transmittal and screening by the Police Personnel Office at the former SNPF HQ.

The breakdown of the current police force in the Northeast is as follows:

A. The Bari Region

District or Area	Number of Police
Gardo	40
Alula	10
Kandala	10
Bender Beila	10
Scushuban	10

B. The Nugal Region

Bosasso	114
Garoe	70
Eil	20
Dan Goroyo	10
Burtinle	40

In addition, in Garoe there are 60 Darawishta, 15 Police guarding the Prison, and 10 attached to Police Headquarters. In Bosasso, there are 30 Police attached to Police Regional HQ.

C. The Mudug Region

Galkayo	70
Jiriban	10
Goldogob	10

In addition, in Galkayo there are 40 Darawishta and 15 Police guarding the Prison.

D. The Galgadud Region

The Galgadud Region is outside the territory of the Northeast Region. However, that portion of the Region bordering on Ethiopia and controlled by the Somali National Front (SNF) is being policed by the SSDF at the request of the SNF.

There are 70 Police at Abud Wak and 10 at Balembale.

Police in Bosasso are being paid from the revenues of the ports. This is the only instance in all of Somalia of a civil administration generating revenues to pay for public services.

The Regional Commander represented that the cost of living in Bosasso is approximately three times that in Mogadishu. The pay rates for Police in Bosasso are somewhat higher than those proposed by UNOSOM for the rest of the country. The approximate payroll of the Bosasso Police is 500,000 Somali Shillings per month. The former Bosasso Police Station is occupied by displaced persons and the Police are reluctant to evict them until alternate housing can be found.

The various Districts report to the Regional Police HQ in Bosasso, although the entire Region lacks communications equipment. The Police have four vehicles for the entire Region, two trucks, a Mercedes 113 and an LG, and a Land Rover and a Toyota.

All other Police in the Northeast Region are not being paid.

The SSDF has previously submitted to UNOSOM detailed proposals for a Police Force for the Northeast of approximately 4,500 men, together with equipment and logistical support. Both Abdullahi Farah Ali Holif and Abdi Sugulle conceded that this was the ideal target and agreed that with the current force of approximately 700 men and an additional 1300 recruits, plus 150- 200 Darawishta, they could meet the security needs of the Region.

Mohamed Abshire Musse and Abdullahi Farah Ali Holif expressed concern about the Police Committee as a sub-committee of the Political Committee, making operational, financial and logistical decisions about Police in the Northeast. They regard both Committees as a two-factional committee which does not represent all Somalis. The Northeast will submit the lists of police to the Personnel Division as former SNPF HQ and understands that UNOSOM is supervising the process. However, they urged that the Addis Ababa Agreement be implemented with respect to the Police.

The SSDF recommends that Garoe be the Regional Police Training centers for retraining former Police, training recruits and for the Darawishta.

2. The Judiciary

There are currently 5 judges in Bosasso who formerly were District, Regional, Court of Appeals Judges and Supreme Court

Judges. These Judges are hearing civil but not criminal cases. Criminals apprehended by the Police are being detained and brought before the elders. One former Judge is now functioning as a prosecuting state attorney. Based on the decision of the elders, persons convicted are being held in prison. We were not told of any other former judges functioning elsewhere in the Northeast.

Both Mohamed Abshire Musse and Abdullahi Farah Ali Holif indicated that they want UNOSOM to declare which laws are to be enforced. This would be accepted by the SSDF. They recommended that the 1962 Penal Code and the former Somali Code of Criminal Procedure be adopted, as well as the Law on the Judiciary, which set criteria for appointment and removal of Judges.

3. The Prisons

The Police are currently staffing, without pay, the prisons in Garoe, Gardo and Galkayo. The SSDF leadership urgently requested the rehabilitation of these prisons and the retraining of the Custodial Corps to take over the prisons.

4. Security and Weapons

The Northeast was the most secure of any Region we visited. According to the UNOSOM Representative in Bosasso, one can travel from Galkayo to Bosasso without fear of bandits. The SSDF leadership stated that they have no banditry problems and no large arms caches buried throughout the Region. The people are generally peaceful and there are no areas of rebellion. Instead, they are concerned about armed Somalis crossing the border from Ethiopia and the Somaliland Republic, and Islamic Fundamentalists. They represented that if the Police are reconstituted and initially there is a UNOSOM troop presence in the Region, people will surrender their weapons and eagerly accept the return of law and order. The Darawishta can deal with trouble spots and patrol the borders.

The SSDF is willing to accept Italian but not Egyptian UNOSOM troops, much for the same reasons as expressed in the North.

Mohamed Abshire Musse also expressed concern about the area around Galkayo and the confrontation with USC Aideed forces. He suggested that UNOSOM deploy a battalion of troops with ceasefire monitoring experience between the two forces. While the confrontation with Aideed's forces effects the security of the Region, and probably the situation in Chismayo as well, it is beyond the scope of this Report.

G. The Sanag Region

The Sanag Region is part of the self-declared Somaliland Republic. While in Bosasso, I met with Colonel Ahmed Mohamed Muse of the SNPF who is the Regional Commander of "Eastern" Sanag. He and his fellow Police Officers do not want to be part of the Somaliland Republic. Erigavo, the Regional Capital, is insecure and therefore these three districts are using Bosasso as their point of contact with the Police.

There are 200 former SNPF in Eastern Sanag which includes Las Khereh, Buraan, and Diahar, 60 in each location and between 20 to 40 at their Headquarters building, located in Buraan. Most have uniforms and small arms. The Police Stations in each of the three locations are in need of rehabilitation but are occupied by the Police.

There are 3 District Judges, one in each location. They are not applying the Penal Code but rather Somali customary law. If the judges are not available, criminal cases are being heard by traditional leaders and elders in Buraan.

H. The Lower Shebelle Region

The Police

Although there was no visit this trip to Merca or Brava, reports were received that 47 former SNPF were approved and serving in Merca and another 50 names had been submitted. In Brava, 39 names had been submitted and none approved as of April 19, 1993.

IV. RECOMMENDATIONS

The re-establishment of law and order is the key to economic rehabilitation, a return to normalcy and the rebuilding of Somalia. People seem to agree on that. Yet there is no sense of urgency about accomplishing it.

The time frame for action, particularly for the Police and Judiciary should be soon, sooner, now. The goal should be:

- to have a trained, functioning 10,000 man police force, including 2,000 Darawishta within 6 months;
- to have functioning District and Regional Courts within the same time frame, operating under the Penal Code and Code of Criminal Procedure; and
- to rehabilitate and re-establish police, court and prison buildings in each District, generally following the Australian model in Baidoa within the same time frame.

Some action taken to date has been effective. Some UNITAF units, particularly the Australians and elements of the U.S. Marines, have seized the initiative and simply done what has to be done- put the Police to work on police personnel records, pushed criteria for setting up the ASF, rehabilitated courts, located the judges, protected the courts and police, helped the Somali Police conduct criminal investigations and build case files, and brought criminals to trial. Other UNITAF units have been much more reluctant to get involved in civilian police matters.

Priority should be given to the Northeast, Bay and Gedo Regions which are light years ahead of the rest of the country in terms of organization and security. The Northeast is the only Region that is generating any revenues to pay Police, a cost UNOSOM must assume everywhere else in the country. They have the highest percentage of former senior SNPF Officers. This is evident by the security in the Region which permits Somalis and foreigners to travel from Galkayo in the southern part of the Region to Bosasso at the northern extreme.

The Bay Region has benefitted from the Australian initiative in setting up the Police and Judiciary. The Judges there have expressed a desire to ride circuit and cover the Districts, with Police protection. This would extend law and order over a wider area. Moreover, the Baidoa Police/Court/Prison compound is a cost effective model for other parts of the country.

In Gedo, as is also true of the Northeast, compliance with the disarmament provisions of the Addis Ababa Agreement exposes the disarmed population to raids by armed Somalis from across the border. Border security in these 2 Regions is essential for the Addis Agreement to work.

These 3 Regions should be given priority in terms of Police recruitment, training, providing equipment, particularly vehicles, communications and weapons, and rehabilitation of existing Police Stations, courts and to a lesser extent, prisons. Most importantly, Regional training centers for the Darawishta should be set up in these three Regions first. Emphasis should be placed on training and equipping the Darawishta as soon as possible, primarily for border patrols in Gedo and the Northeast, and providing road security and helping to restore commerce in the Bay Region.

UNOSOM should act immediately, but no later than the date of transfer from UNITAF in several main areas:

- 1) Appoint a senior Somali Police Officer as Interim Operational Commander of the Police, under the UNOSOM Provost Marshall;
- 2) Speed up the vetting of former SNPF members on lists submitted by Regions, using UNOSOM Military communications to submit lists to Mogadishu and responses to the Regions;
- 3) Establish Regional training programs for new recruits concentrating on the Northeast, Bay and Gedo Regions which are more advanced than other places in Somalia in terms of security and organization;
- 4) Establish on a priority basis recruitment and training of the Darawishta for each Region, with emphasis on the Northeast, Bay and Gedo Regions;
- 5) Maintain a UNOSOM military presence in every police station in every zone, and in every district station in Mogadishu for two weeks after transfer from UNITAF;
- 6) Declare, on the date of transfer from UNITAF, that the Somali Penal Code of 1962 and the 1963 Somali Code of Criminal Procedure are the laws in force in Somalia, until the TNC decides otherwise;
- 7) Locate former District Court, Regional and Courts of Appeals Judges, provide Districts and Regions with their names and permit Local communities to select Judges from these lists;

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- 8) Rehabilitate the courts in each district with priority given to the Northeast and Bay Regions, including the provision of vehicles to permit the Judges to ride circuit;
- 9) Contract, on a priority basis, for the translation into Somali of some sections of the Penal Code, the Code of Criminal Procedure, and the Police Handbook; and
- 10) Recruit former Custodial Corps personnel to man Regional prisons, rehabilitate one prison per Region, and maintain under UNOSOM control, a maximum security prison in Mogadishu.

The specifics with respect to these recommendations and others, are as follows:

A. The Police

1. Appoint a Senior Former Somali National Police Officer as Interim Operational Commander Under the Provost Marshall

The Joint Police SubCommittee is irrelevant under the Addis Ababa Agreement. It has no standing to monitor Police operational activities because it represents only two factions. The authority for forming a national and a regional police force is vested in the TNC. The SSDF has pointed out that the Joint Police SubCommittee has no authority to make decisions about the Regional Police in the Northeast. The Police in Bardera have expressed concern about the fairness of a process dominated exclusively by the 2 Hawiye factions. The urgent needs for a functioning police do not allow UNOSOM to wait for a decision by the TNC. In addition, UNOSOM is paying for the entire force (except the Police in Bosasso) and it is a bad idea to have a subcommittee of the TNC engaged in making operational decisions for the Police.

UNOSOM should appoint a senior former SNPF Officer to serve as Interim Operational Commander (IOC). The IOC should report to the UNOSOM Provost Marshall, who in turn will deal with whatever TNC Committee is established and manage the transition from the Joint Police SubCommittee to the TNC Committee.

The last SNPF Commander was General Ahmed Jama, a professional, British trained Police Officer active for more than 30 years. He is a northerner who remained in Mogadishu during the civil war. In discussions with Mohamed Abshir Musse and Abdullahi Farah Ali Holif, Chairman and member of the SSDF Ruling Council, respectively, they indicated that Ahmed Jama was the best person

for the position of Interim Operational Commander. Similar statements were made by Jama Mohamed Khalib, a delegate to the Borama conference and himself a former SNPF National Commander.

In addition to a reputation for professionalism and integrity, Ahmed Jama as a northerner would bring to the position a unique ability to work with the Somaliland Republic Regional Police Force. Assuming that he is not acceptable to either or both factions in Mogadishu, UNOSOM should override their objections and appoint him IOC.

2. Support All Functioning Police Stations with UNOSOM Troops for Two Weeks After Takeover from UNITAF.

A strong signal needs to be sent to the public that UNOSOM intends to support law and order and the reborn Somali Police Force. The lack of public confidence in UNOSOM's ability to do so upon transfer, is evidenced by the rising price of weapons in the Mogadishu arms market. In the Bay Region, Australian UNITAF sector, two man teams of Australian troops have been stationed in every Police Station as a way of encouraging both public confidence in the ASF and the police's confidence in themselves.

UNOSOM troops should be directed to adopt the Australian example and man each police station in their zone with two men, for a period of two weeks.

3. Give Urgent Priority to the Training of the Darawishta (Mobile Rapid Deployment Force)

The Addis Ababa Agreement provides that all factions will substantially disarm within 90 days. Both the SNF and the SSDF have raised questions about their security once disarmament occurs from Somali bandits crossing the Ethiopian and Kenyan borders in the Gedo, Mudug, and Nugal Regions. The SSDF also has expressed concern about armed Islamic Fundamentalists in the Northeast, and the SNF about similar groups in Lug.

In addition, even with disarmament, many of the roads are unsafe, bandits disrupt the return of commerce and stability and there are large arms caches both in the cities and the interior.

The Darawishta will serve as border police and a highly mobile unit sent to areas of major disturbances which cannot be handled by the normal Police contingent. They can, together with UNOSOM military units, locate arms caches and disarm the Somali population, as directed by UNOSOM.

If the substantial disarmament by the factions proceeds on schedule, UNOSOM troops will have to assume major border patrol functions to protect the disarmed Somali populace from attack. The Darawishta can only assume that responsibility after recruitment and training. First, all former SNPF Darawishta instructors should be located. Second, Regional Training centers should be established in Garbeharre, Baidoa and Garoe on a priority basis. Additional camps in other Regions can be established later. Third, the Germans should immediately be approached to provide Darawishta training as well as equipment and logistical support.

4. Establish Mobile Training Teams and Regional Training Centers for New Recruits.

The Addis Ababa Agreement provides for the establishment of Regional Police. In each Region visited, Police Officers interviewed readily accepted the concept of regional training centers. In Gedo, it would be Garbeharre, in Bay, Baidoa, in Lower Shebelle, Merca, for the Northeast, Garoe and for the North, Hargeisa.

First, all former Police Instructors should be located, using the SNPF personnel records. Second, Mobile Police Training teams should be established. Third, priority should be given to the Northeast, Bay and Gedo Regions for recruiting and training additional Police since they are ahead in terms of security and organization and their needs are greatest.

5. Speed Up the Process of Vetting Former Policemen and Begin Recruiting New Police Immediately.

Regional Officials and Police Officers in every Region visited expressed approval of the policy of initially hiring former members of the SNPF. However, in some areas they expressed dissatisfaction with the speed at which approvals were made. UNOSOM should utilize its military communications network to facilitate the transmission of names from Districts and Regions to Mogadishu and the responses back. A study should also be made as to whether there are other ways to improve response time.

Regional Officials and Police Officers also indicated that their needs for police far exceeded the number of qualified former police available to serve, and urged that new recruits be brought into the Force.

Initially, recruitment should be on a regional basis. However, UNOSOM should adopt uniform criteria for recruits. These criteria for regular police should be:

- a) minimum age 18, maximum 25;
- b) physically fit;
- c) literate in Somali through the secondary school level;
- d) no criminal record; and
- e) no crime against the Somali people during the civil war.

For the Darawishta, the physical fitness requirements should be greater, and there should be no literacy requirement for non-officers. In addition, all Police when transferred from the ASF into the UNOSOM run force and new recruits should be required to take an oath of allegiance to the nation, to the Somali people and to their Police comrades. It is essential that the former SNPF sense of national duty above tribal affiliation be reinstated.

6. Rehabilitate Police Stations, Preferably Along the Baidoa Australian UNITAF Model

In Baidoa, the Australians rebuilt the Police Station as part of a single compound including a prison and court building. This makes sense from a security viewpoint, with the Police able to provide security for the Judges and support the Custodial Corps in protecting the prison. It is also cost efficient in a country where virtually every Government building has been damaged or destroyed, or is occupied by displaced persons.

7. Review UNITAF Arms Policy with Respect to Police and the NGO Guard Permit Policy in Mogadishu.

UNITAF's policy with respect to the number of weapons any one police station may have is 25% of the number of Police assigned to the station. As the Police receive training and assume more functions in disarmament, patrolling roads outside urban areas and escorting judges, the arms policy should be reviewed with a goal toward providing more of the Police with weapons to secure law and order.

The policy of permitting NGO armed guards to carry any weapon, anywhere, anytime in Mogadishu is clearly not conducive to public order. Nor does it help to promote respect for the Police. Ideally,

as security improves, NGOs will not need armed guards. Until that day arrives, at the very least, all NGO guards should carry photo identification permit cards, issued by UNOSOM, with the serial number of the weapon permitted to be carried. The permit should be valid only for the specified business hours of NGOs (presumably 6 am to 6 pm) and valid only with NGO registered vehicles. Requests for armed NGO guards after hours should be approved by UNOSOM 24 hours in advance.

8. Re-establish the Police Hospital in Mogadishu (Medina)

The Police Hospital (Medina) was available to Policemen and their families. It helped to establish an esprit de corps for the Police and to break down their natural allegiance to their clans. Re-establishing the Police Hospital would again serve that purpose, at a time when the Police need as much reinforcement as possible to act impartially and not tribally.

UNOSOM should request Italy, which originally built the hospital, and Germany, which originally equipped it, to perform the same functions again in terms of providing renovations, staff and material.

9. Translate into Somali Appropriate Sections of the Penal Code, the Criminal Procedure Code and the Police Handbook.

It is obvious that to enforce the law, the Police and Judges must know what the law is. There are few if any copies of the Codes available to the Police and Judiciary. Relevant sections of the Penal Code, particularly those related to murder, rape, armed robbery, looting, extortion, bribery and arms smuggling should be translated as a Penal Code Primer for the Police and Judiciary.

Similarly, sections of the Code of Criminal Procedure relating to pre-trial probable cause hearings, arrest, bail and detention should also be translated.

The Police Handbook, which is the code of conduct and procedure, should be reviewed and translated as appropriate.

On a longer term basis, if the TNC adopts both Codes, they should be translated and made available to the Police and Judiciary.

10. Establish a Review Procedure for Police Misconduct

Policemen accused of misconduct cannot, in the highly charged

tribal atmosphere of much of Somalia, initially be brought before ordinary courts. Conviction and punishment of Policemen for tribal reasons would seriously undermine Police morale and the beginnings of their feelings of national as compared to tribal affiliation.

UNOSOM should establish a Police Court of Review within the Provost Marshall's Office, staffed by foreign Judge Advocate General types who would hear civilian complaints against the Police. Only if such a court concluded that there was probable cause for a Policeman to be charged, would the Policeman be brought before the regular courts.

B. The Judiciary

- 1. Declare the 1962 Penal Code and the Code of Criminal Procedure to be the Laws in Effect Until the Transitional National Council (TNC) Decides Otherwise.**

Some Regions are voluntarily applying the Penal Code and following the Code of Criminal Procedure. In those Regions where there are no Judges, criminal cases are being decided according to customary Somali law by elders. It is not clear what law elders are applying. Both Codes were pre-Siad Barre and remained generally untainted during his regime. Except in the North, former Somali Judges and members of the Jurists Association expressed a willingness to apply both Codes. The SSDF leaders asked that UNOSOM declare what the law of the land will be and promised they would implement it.

There cannot be order without law. Those accused cannot be held indefinitely without being brought to trial, must know under what law they are being charged, and what procedure will be followed in bringing them to trial. Realistically, the TNC will not act quickly and UNOSOM cannot afford to wait.

By no later than the date of transfer from UNITAF to UNOSOM, UNOSOM should declare that the law of Somalia is the Penal Code of 1962 and the Code of Criminal Procedure in effect on June 1, 1963.

The Code of Criminal Procedure requires that an accused must be brought before a Judge within 48 hours of arrest to determine whether there is probable cause to hold the accused for trial. In the main, the Police are voluntarily adhering to this time limit and acting as if the Code was in effect. UNOSOM should modify this to provide that where there is no Judge, the Police will bring the accused before a Judge as soon as is reasonably possible.

A special problem exists with respect to the North which has declared itself the independent Somaliland Republic. The Borama Conference has rejected both the 1962 Somali Penal Code and the 1963 Code of Criminal Procedure. Instead they have adopted the Indian Penal Code and the Sudanese Code of Criminal Procedure, both of which were in force in British Somaliland prior to independence in 1960.

UNOSOM should decide whether to enforce the same law throughout what was the Somali Republic, or permit the North to adopt its own laws.

2. On a Priority Basis Locate, Clear and Appoint District and Regional Judges and Establish Courts of Appeal

Some Districts and Regions have either appointed or accepted District and Regional Judges, who served in those capacities before the civil war. Others are using traditional tribal elders to determine criminal wrongdoing and mete out punishment. In Mogadishu, "Magistrates" functioning as District Judges were serving in Police Stations and holding probable cause hearings. Judges are now located in the former Ministry of Justice and the Police are bringing prisoners to that building for probable cause hearings.

UNOSOM should immediately:

- a) Compile lists of and locate former Judges and court personnel;
- b) Establish the following uniform criteria for appointing judges:

The person must be:

- 1) a Somali
 - 2) who was a former Judge for at least a period of 2 years prior to January 26, 1991;
 - 3) not a member of the National Security Courts or Court apparatus;
 - 4) and not committed crimes against the Somali people.
- c) Provide lists of qualified Judges to Districts and Regions and permit local communities to select their Judges from these lists;

- d) Appoint District and Regional Court Judges for at least every one of the 18 Regions referred to in the Addis Ababa Agreement.

UNOSOM should re-establish the judicial structure as existed prior to the civil war, with some modifications. There should be District Courts, three Judge panel Regional Courts but only two Courts of Appeal, one in Mogadishu and the other in Hargeisa.

UNOSOM should also adopt the former division between jurisdiction of the different courts in criminal matters. Probable cause hearings and trials for crimes punishable under the Penal Code with imprisonment of less than 10 years shall be before District Court Judge. Probable cause hearings and trials for crimes punishable under the Penal Code with imprisonment of 10 years or more, shall be before a three Judge Regional Court.

3. Guarantee an Impartial, Non-Tribal Judiciary By Establishing a Role for Foreign Military Judges

Tribalism is a fact of life in much of Somalia. In Mogadishu, the Judge who released Warsame is now the President of the Regional Court. In order to establish an impartial rule of law UNOSOM should modify the former procedure to provide that the Police or Prosecutor may appeal a decision by a three Judge Regional Court that there was no probable cause for holding the accused for trial. This would apply only in cases of serious crimes. Appeals should be to a foreign judge immune to tribal influence. Foreign Judges would also sit as one of three judges on all capital cases and those involving sentences of life imprisonment.

UNOSOM should request those nations providing military forces to include military judges in their contingent. Military judges would be immune to corruption, and their security would be assured by the troops of their nation serving in Somalia. Military judges would also be more readily available on short notice than civilian judges. An estimated 10 to 12 such foreign military judges would be required to hear appeals in probable cause releases and sit on life imprisonment and capital punishment cases.

4. Rehabilitate the Court Buildings, Preferably Along the Baidoa Model

In the initial stages of re-establishment of a judicial system, the Police and UNOSOM are going to have to provide security for the Judges. The Baidoa model of rebuilding the courts as part of a police/prison compound, offers the most secure environment for Judges in the most cost effective manner. This model should be followed in most areas where possible.

In Mogadishu, almost all of the court buildings have been destroyed. Judges are sitting in the former Ministry of Justice and holding probable cause hearings and trials.

5. Provide Advice and Logistical Support for the Court System

Outside of Mogadishu and the rehabilitated Baidoa Court building, not a single functioning court building was observed anywhere in Somalia. UNOSOM must, in order to get the court system working again, provide each court with the very basic material for its work- paper, typewriters, files, locked file cabinets and furniture.

In addition, to enable the few Regional Judges to function over a wider area, Regional Courts should be provided with vehicles to enable the Regional Courts to ride circuit. Police protection will have to be provided initially.

It is unknown how many former Police prosecutors and prosecutors from the State Attorney General's office are available. UNOSOM should request that national military contingents for Somalia should include some Judge Advocate General personnel to assist prosecutorial staff in investigating and preparing criminal cases.

6. Establish an Inspector General's Office to Review Court Decisions for Tribalism.

The present judicial system will work best where members of the same sub-clan are involved. In some areas, 3 Judge panels may be able to prevent tribalism from influencing decisions. However, there are likely to be criminal cases involving members of minority clans, either as the victim or the accused. Absence of members of the minority clan in the judiciary, may result in discriminatory decisions.

UNOSOM should establish an Inspector General's Office (IG) within the Judge Advocate General's staff present in Somalia to review, together with reliable Somali translators, the fairness and impartiality of trials. The IG should make recommendations to UNOSOM for means of correcting tribal decisions, including discipline or removal of Somali Judges.

C. The Custodial Corps and the Prisons

1. Establish the Same System as for the Police in Vetting Members of the Formal Custodial Corps

The Custodial Corps (CC) records have been more thoroughly destroyed than those of the SNPF. Nevertheless, a vetting system should be established to reconstitute the former CC. Former members can be vouched for by witnesses or their former officers, if no written verification can be produced.

UNOSOM should establish this vetting system and the following criteria for selecting former members of the CC:

A person must be

- a) a Somali citizen
- b) a member of the Custodial Corps for at least 2 years immediately prior to January 26, 1991;
- c) physically fit and
- d) have not committed a crime against the Somali people.

2. Rehabilitate One Main Prison in Each Region

Pre-trial detention will be in either holding cells built as part of Police Stations, or rehabilitated District prisons. Each Region will need a prison for convicted felons and these should be located in the Regional Capitals. The principal prisons in Mogadishu and Hargeisa should also be rebuilt but care should be taken to avoid using any former National Security Service Prison.

3. UNOSOM Should Maintain One Maximum Security Prison in Mogadishu

In the current unstable situation in Somalia, particularly in light of the experience in Mogadishu involving Warsame, and the likelihood of convicted felons being released due to tribalism or bribery, UNOSOM should maintain a small maximum security prison in Mogadishu. This can be used for pre or post trial detention in cases involving major offenders or prominent figures.

V. CONCLUSION

Mohamed Abshire Musse, in his welcoming speech to Ambassador Gossende on April 18 in Bosasso stated that "The people are thirsty and hungry for peace and security." This is a significant statement in a nomadic society. Water is crucial for survival; survival of the people and survival of their herds. The use of the image of thirsting for peace and security expresses a fervently sought and deeply desired goal. It was a sentiment expressed elsewhere, among other Somalis, tired of lawlessness and insecurity. We heard it in Baidoa from both the Police and the SNF. A Police Officer in northern Mogadishu told us that the people had spontaneously applauded his men when they arrested a bandit, and shouted "Long Live the Police."

UNOSOM should tap this longing for peace and security by taking highly publicized actions which Somalis will support, and which will indicate that UNOSOM means business.

First, close down the Mogadishu arms market. No lawful society can tolerate the open sale of all kinds of weapons to anyone, at any time, in any quantity. I am mindful that perhaps we have close to this situation in the United States, but we are not recovering from a two year civil war, an estimated 35,000 dead in Mogadishu alone, and destruction of large sections of the city.

Obviously, the timing of the action against the arms market will be determined by security considerations. The greater the security in the city, the more likely people will accept the action. But better sooner than later- and better with Somali Police backed by UNOSOM, than only by UNOSOM.

Second, encourage the Police to arrest and vigorously prosecute major crime figures, and make sure, once they are convicted, they stay in prison. This will send as strong a message as possible to the average Somali, that law and order has returned, that no person, no matter how powerful is above the law, and that Police, Judges and Prison Guards are prepared to do their duty to the nation and Somali people. There are major extortionists, arms smugglers, sellers of looted government and private property. They exist. Target these well-known criminals, investigate and build a case, and throw the book at them.

Third, capitalize on those Regions which are already on the road to peace and security. Three Regions, Bay, Gedo and the Northeast have jump started the process of returning to normalcy. They should be rewarded for being ahead of the rest of the country, in terms of assistance to rehabilitate Police Stations, Courts, prisons, training of personnel and providing equipment.

There is a counter tendency to concentrate on Mogadishu, a center of gravity theory because it was the capital, it is the major population center, and after all, it is where UNOSOM and the NGOs are headquartered. It is also where the most obstinate, selfish, clan-oriented, non-national politicians and their supporters are. While Mog cannot be ignored, it should not be regarded as the first to receive all assistance, training and equipment. Reward the Regions that are making progress. Send the politicians in Mog the message that UNOSOM funds are limited, and unless they make progress quickly, the assets will be used up in the Regions that deserve it, and there will be nothing left to share.

Fourth, encourage self help as part of all UNOSOM training programs. The Police used to have a Police Farm in Afgooay. UNOSOM will be setting up Police training centers in each Region. Encourage the Police to farm and try to become self-sufficient in food. Encourage the Police Instructors to make the recruits till the soil. Some of those recruits will be nomads who look down on farming and worse, on farmers. The Somali equivalent of "real men don't eat quiche." Teach the Somali Police recruits to eat quiche.

The same approach should apply to rehabilitation of courts and prisons. Build in a component of self-sufficiency as an investment for nation building.

Fifth, do something to stop the rape of Somali marine resources. Technically, this is a border or security issue, but beyond the scope of this Report. Foreign flag fishing vessels are destroying the Somali marine resources in the North and Northeast. There is no Somali naval or patrol capability to prevent internationally prohibited methods of commercial fishing, let alone invasion of Somali territorial waters.

Thus, there are Korean, Taiwanese, Thai, and reportedly Pakistani, Italian and Russian fishing vessels, off the Somali coast, fishing without having to pay any fees, and dynamiting, gill netting and night fishing away to their greedy hearts' content. Licensing fees would be a source of much needed revenue for these Regions, and could be used to pay for Police salaries and equipment, thereby lessening UNOSOM's budgetary burden.

UNOSOM should include a coastal patrol vessel capability in some form of assistance to Somalia. In the alternative, UNOSOM

could provide these Regions with badly needed spare parts to get locally owned high speed boats operational, and leave it to the Somalis to solve the illegal fishing problem.

April 22, 1993

WASHFAX RECEIPT
DEPARTMENT OF STATE

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MESSAGE NO. _____ CLASSIFICATION Confidential No. Pages 4

FROM: Alex Mmoxley PM/ISO 7-3136 7428
(Officer name) (Office symbol) (Extension) (Room number)

MESSAGE DESCRIPTION Discussion Paper on Troop
Deployments for UNOSOM II.

TO: (Agency)	DELIVER TO:	Extension	Room No.
<u>NSC</u>	<u>Dick Clarke</u>	<u>795-5066</u>	<u>302</u>
<u>OSD/FSA</u>	<u>Lt. Col. D. Johnson</u>	<u>697-9753</u>	<u>4B 746 6 Site 1</u>
<u>JCS/J5</u>	<u>Maj. P. Davis</u>	<u>614-9406</u>	<u>2B 885</u>
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REMARKS: For use At today's Core Group.

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UNCLASSIFIED UPON REMOVAL
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2012-0659-F

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. list	Timeline - Troop Contributions to UNOSOM II (2 pages)	04/00/1993	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Global Issues and Multilateral Affairs (Rice, Susan)
OA/Box Number: 277

FOLDER TITLE:

Somalia, 1993 (continued) [5]

2012-0659-F
ke4145

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
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b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

STATUS OF UNITAF MILITARY FORCES

Country	UNITAF Forces	Type of Forces
Australia	1122	Infantry
Belgium	926	Airborne/Infantry
Botswana	206	Infantry
Canada	1209	Mechanized Infantry/Logistics
Egypt	235	Mechanized Infantry
France	1107	Mechanized Infantry
Greece	110	Medical/Logistics
India	174	Infantry/Logistics
Italy	2558	Airborne/Infantry
Kuwait	138	Infantry
Morocco	1265	Mechanized Infantry
New Zealand	67	Air Transport
Nigeria	562	Reconnaissance Infantry
Pakistan	4761	Infantry/Logistics
Saudi Arabia	680	Infantry
Sweden	162	Medical
Tunisia	133	Infantry/Medical
Turkey	300	Infantry
UAE	639	Infantry
Zimbabwe	160	Infantry
Total Foreign	16514	
United States	6648	Composite
TOTAL UNITAF	23162	

Information current as of 4-27-93

STATUS OF
UNOSOM II MILITARY FORCES
April 27, 1993

Country	UNOSOM Forces	Expected UNOSOM Forces	UNOSOM Forces w/UNITAF	Type of Forces	Degree/Likelihood of Commitment
Argentina	0	90	0	Log/Med	Firm
Australia	0	48	45	Traffic	Firm
Bangladesh	0	779	0	Inf	Firm
Belgium	0	926	926	Abn/Inf	Firm through Dec. 93
Botswana	0	206	206	Inf	Firm
Egypt	0	610	235	Mech Inf	Firm
France	0	1100	1100	Mech Inf	Firm
Germany	0	1500	0	Log	Firm
Greece	0	110	110	Med/Log	Firm
Hungary	0	50	0	Med	Firm
India	0	4000	5	Inf/Log	Uncertain
Ireland	0	80	0	Trans	Firm
Italy	0	2400	2400	Abn/Inf	Firm
Jordan	0	880	0	Mech Inf	Firm
Malaysia	0	856	0	Arm/Inf	Firm
Morocco	0	1295	1295	Mech Inf	Likely
Namibia	0	196	0	Inf	Likely
New Zealand	0	110	67	Air Trans	Firm through June
Nigeria	0	562	562	Recon Inf	Firm
Norway	70	140	0	HQs	Firm
Pakistan	0	4761	4761	Inf	Firm
Rep Korea	0	250	0	Eng	Firm
Romania	0	260	0	Med	Firm
Saudi Arabia	0	680	680	Med/Eng	Likely
Sweden	0	162	162	Med	Firm through June 30
Tunisia	0	133	133	Inf/Med	Likely
Turkey	0	459	300	Inf	Firm
UAE	0	639	639	Inf	Firm
Uganda	0	300	0	Inf	Likely
United States	0	3900	3900	Log	Firm
Zambia	0	500	0	Inf	Likely
Zimbabwe	0	1000	160	Inf	Firm
TOTAL	70	28982	17686		

(SVTS)
Somalia Core Group Meeting
Friday, April 30, 1993

AGENDA

1. Results of Admiral Howe's Visit
2. Recruitment
3. Turnover
4. AID Assistance

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
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002a. list	Somalia Core Group Meeting [partial] (1 page)	04/30/1993	P3/b(3)
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COLLECTION:

Clinton Presidential Records
National Security Council
Global Issues and Multilateral Affairs (Rice, Susan)
OA/Box Number: 277

FOLDER TITLE:

Somalia, 1993 (continued) [5]

2012-0659-F
ke4145

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

Freedom of Information Act - [5 U.S.C. 552(b)]

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(SVTS)
Somalia Core Group Meeting
Friday, April 30, 1993, 4:00 P.M.

Chaired by: Rand Beers

JCS

Frank Bowman (703) 695-6585

OSD

Vince Kern (703) 697-8824
Sarah Sewall

STATE

David Shinn 647-9742

OMB

Phil DuSalt x4770
Bruce Sasser x4580

(b)(3)

[002a]

OVP

Jim Carmen x6033

NSC

Dennis Jett x3391
Susan Rice x3736

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002b. note	Handwritten notes (1 page)	04/00/1993	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Global Issues and Multilateral Affairs (Rice, Susan)
OA/Box Number: 277

FOLDER TITLE:

Somalia, 1993 (continued) [5]

2012-0659-F
ke4145

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

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003. agenda	Somalia Core Group (1 page)	04/13/1993	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Global Issues and Multilateral Affairs (Rice, Susan)
OA/Box Number: 277

FOLDER TITLE:

Somalia, 1993 (continued) [5]

2012-0659-F
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CONFIRMED* CONTRIBUTIONS TO UNOSOM II

	COUNTRY	Troops On Station for UNITAF**	Troops Expected UNOSOM II	Troops On-station UNOSOM II	TYPE OF FORCES	WHERE LOCATED
	1 Argentina	0	90 55	90	Field Hosp	TBD
	2 Australia	1122-926 (May 15)	48	48	INF BN III mid-May	BAIDOA
NO	3 Bangladesh	0	779	0	INF BN/MPs	TBD
	4 Belgium	789	869 926	761	ABN/INF	KISMAYU
	5 Botswana	206	200	200	INF	MOGADISHU
	6 ^{Canada 1216} Egypt ^{June 15}	235	610	235	MECH INF	MOGADISHU
	7 France	1143	1100	1100	MECH INF	ODDUR
*	8 Germany	0	1500	0	ENG/LOG	MOMBASA, KE
	9 Greece	110	120 106	110	MED/LOG	MOGADISHU
	10 Hungary ^{uncert}	0	50	50	Field Hosp	TBD
*	11 India	5	4000 1000	5	INF/LOG	TBD
*	12 Indonesia	0	777	0	INF BN/MPs	TBD
	13 Ireland	0	80	0	Transpo CO	TBD
but canceling	14 Italy	2558	2400	2400	ABN/INF	GIALALASI
	15 Jordan ^{uncertain}	0	880	0	INF BN/MPs	TBD
	16 Malaysia ^{no conf}	0	856	0	INF BN/MPs	TBD
	17 Morocco ^{no conf}	1265	966 1295	966	MECH INF	BALEDOGLE
Japan	18 New Zealand	67	110	67	AIR TRANS	MOGADISHU
	19 Nigeria	562	627 52	562	RECON	MOGADISHU
	20 Norway	0	140	0	HQS	MOGADISHU
	21 Pakistan	880	⁴⁷⁶ 4004	1680	INF	MOGADISHU
*	22 Rep. of Korea	0	250	0	ENG BN	TBD
	23 Romania	0	260	0	Field Hosp	TBD
	24 Saudi Arabia	680	674 500	674	INF	MOGADISHU
	25 ^(June 30) Sweden	162	150	150	MED	MOGADISHU
	26 ^{&} Tunisia	133	133 700?	133	INF	MOGADISHU
	27 ^{no resp} Turkey	300	459	300	INF	MOGADISHU
	28 U.A.E.	640	753	640	INF	MOGADISHU
	29 ^{Zambia} U.S.A.	9174	⁵⁰⁰ 3900	3900	^{INT} LOG & QRF	VARIOUS
	30 Zimbabwe	160	160 1000	160	INF	MOGADISHU
	TOTAL:	19995	26945	14231		

Russian helicopters

As of: 130700L Apr 93

*Figures are based on UN information approved in the field

**Canada and Kuwait have 1209 & 138 troops respectively in UNITAF but will not be in UNOSOM II

X - To be high level contacts.

COUNTRIES CONSIDERING PARTICIPATION
(STATUS UNKNOWN)

	<u>COUNTRY</u>	<u>Troops Possible Contribution</u>	<u>TYPE OF FORCES</u>
1	Algeria	TBD	MED
2	Brazil	TBD	TBD
3	Chile	TBD	INF
4	Djibouti	TBD	INF
5	El Salvador	TBD	HELO UNIT
6	Ghana	TBD	INF
7	Jamaica	TBD	ENG UNIT
8	Latvia	TBD	INF
9	Mali	TBD	MED
10	Namibia	TBD	INF
11	Nepal	TBD	INF
12	Russia	TBD	MED
13	Thailand	TBD	MED/TRANSP
14	Uganda	TBD	INF
15	Yemen	TBD	LINGUISTS
16	Zambia	TBD	INF

TOTAL:

0

As of: 130700L Apr 93

FOREIGN OF
INTERNATIONAL ORGANIZATION
AFFAIRS

P.1

D A T A F A X

*Smith*UNCLASSIFIED UPON REMOVAL
OF CLASSIFIED ATTACHMENTS

TRANSMITTAL COVER SHEET

Initials: ODE Date: 01/09/17MESSAGE NO. 1642012-0659-FCLASSIFICATION: ~~CONFIDENTIAL~~ NUMBER OF PAGES: 3

HANDLING RESTRICTIONS:

NODIS: _____ EXDIS: _____ EYES ONLY: _____

HANDLING PRIORITY:

ROUTINE: _____ URGENT: K IMMEDIATE: _____

FROM: TUNO 10/UNP (202) 6334
MARTIN 736-7383 (EXT.) (ROOM #)
(NAME) (OFFICE SYMBOL)

MESSAGE DESCRIPTION _____

USUN CABLE: EXTEND U.S. FORCES IN SOMALIA

TO:	DELIVER TO:	EXT.:	ROOM NUMBER:
1. <u>OSD</u>	<u>LT. COL. M. JOHNSON</u>	<u>(703) 695-3355</u>	_____
2. <u>J-5</u>	<u>CAPT. RYAN</u>	<u>(703) 697-0255</u>	_____
3. <u>NSC</u>	<u>SUSAN ROE</u>	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____

REMARKS: AS REQUESTED DRAFTNOT YET TRANSMITTED

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
004. cable	Re: UN Asks That 2400-3000 US Troops Remain in Somalia One Additional Month (2 pages)	04/27/1993	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Global Issues and Multilateral Affairs (Rice, Susan)
OA/Box Number: 277

FOLDER TITLE:

Somalia, 1993 (continued) [5]

2012-0659-F
ke4145

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or
financial information [(a)(4) of the PRA]
P5 Release would disclose confidential advice between the President
and his advisors, or between such advisors [(a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of
personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed
of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C.
2201(j).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

b(1) National security classified information [(b)(1) of the FOIA]
b(2) Release would disclose internal personnel rules and practices of
an agency [(b)(2) of the FOIA]
b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
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information [(b)(4) of the FOIA]
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personal privacy [(b)(6) of the FOIA]
b(7) Release would disclose information compiled for law enforcement
purposes [(b)(7) of the FOIA]
b(8) Release would disclose information concerning the regulation of
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b(9) Release would disclose geological or geophysical information
concerning wells [(b)(9) of the FOIA]

BUREAU OF
INTERNATIONAL ORGANIZATION
AFFAIRS

D A T A F A X

TRANSMITTAL COVER SHEET

UNCLASSIFIED UPON REMOVAL
OF CLASSIFIED ATTACHMENTS
Initials: YDE Date: 01/09/17MESSAGE NO. 164

2012-0659-F

Somalia

CLASSIFICATION: CONFIDENTIAL NUMBER OF PAGES: 3

HANDLING RESTRICTIONS:

NODIS: _____ EXDIS: _____ EYES ONLY: _____

HANDLING PRIORITY:

ROUTINE: _____ URGENT: K IMMEDIATE: _____

FROM: TWO
ARTHW
(NAME)

10/UNP
(OFFICE SYMBOL)

(202)
736-7303
(EXT.)

6334
(ROOM #)

MESSAGE DESCRIPTION

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3. <u>NSC</u>	<u>SUSAN ROE</u>	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____

REMARKS: AS REQUESTED DRAFT
NOT YET TRANSMITTED

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
005. cable	[Duplicate of 004] (2 pages)	04/27/1993	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Global Issues and Multilateral Affairs (Rice, Susan)
OA/Box Number: 277

FOLDER TITLE:

Somalia, 1993 (continued) [5]

2012-0659-F
ke4145

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

Freedom of Information Act - [5 U.S.C. 552(b)]

P1 National Security Classified Information [(a)(1) of the PRA]
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C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

b(1) National security classified information [(b)(1) of the FOIA]
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INFORMATION PAPER

Subject: Errors in Recent Press Coverage of Somalia

1. Purpose. To correct press misstatements and clarify U.S. military plans regarding drawdown in Somalia.

2. Key points. Recent news reports--highlighted in the Williams and Lancaster article on page 1 of the 26 Feb 93 Washington Post--have missed the mark regarding the U.S. military's plans and vision for drawing down forces in Somalia. The general impression presented by the news media is that (1) we have a set schedule for draw down, (2) we are focussed on the speed of that drawdown rather than on the effectiveness of the transfer from U.S. to UN leadership, and (3) recent events in Somalia have caused a major revisiting of U.S. plans. None of these assertions, explicit or implied, is true.

a. From the earliest stages of tactical planning, **we have planned for a gradual, event driven drawdown**. In other words we would take our troops out of Somalia sector by sector as justified by the conditions and by the UN's readiness to assume our role. Moreover, we energetically resisted calls to set a rigorous time-table for withdrawal. Confusion regarding this stance is the most common and egregious of the explicit errors in reporting. **The Williams and Lancaster article contains two completely false statements on this subject:**

(1) "Until this week's outbreak of fighting and rioting, the Pentagon expected to begin a full-scale withdrawal in a matter of weeks."

(2) "As a result, they also expect the transition to a U.N.-led peacekeeping operation will be delayed beyond its scheduled completion date in mid-April."

b. **Our focus has always been on a seamless, effective, and safe transfer of the leadership role to the UN**. Having completed all major aspects of our mandate, we wish to move now to the next step, to begin the transition to U.N. management of the effort. However, our emphasis is on the effectiveness of the hand-off and not the speed.

c. **We are not making any major revisions in our strategy for Somalia**. We continue to assess the situation to best determine when specific responsibilities can be transferred to the UN, but this sort of evaluation does not belie a strategic shift or any doubts about the direction we are headed. In very early discussions with the UN, we requested that responsibility for this anticipated evaluation rest with the UNITAF Commander, LTG Johnston.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
006. paper	Strategy for Somalia (4 pages)	10/16/1992	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Global Issues and Multilateral Affairs (Rice, Susan)
OA/Box Number: 277

FOLDER TITLE:

Somalia, 1993 (continued) [5]

2012-0659-F
ke4145

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

Freedom of Information Act - [5 U.S.C. 552(b)]

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PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

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SOMALI... from Pg. 6

unless there is evidence they are not at the mercy of warlords," said Terrence Lyons, an analyst at the Brookings Institute here. The emergence of such leaders will take time but an American preoccupation with a speedy withdrawal had given the impression

that U.S. interest in Somalia is limited. When then-President George Bush announced the dispatch of U.S. troops to the east African country, Pentagon officials said most of the forces would likely be home by the spring. "Americans like to think we can roll up

our sleeves, set things right and get out. But the only way to foster what we want—a government accepted by the Somalis—will take time," said J. William Zartman, an expert on conflict resolution and director of African Studies at the Johns Hopkins University School of Advanced International Studies.

7

SOMALI...

from Pg. 2

other countries. The number of non-U.S. troops has been expected to grow to about 20,000.

A U.S. military official said yesterday that Somalia is currently too unstable for U.N. peacekeepers, who have a reputation for passivity under fire. "We have an unstable situation in Mogadishu and in just about all the other towns," said a senior officer with access to classified intelligence reports. "I think what we're seeing now is what we were afraid was going to happen.

"I can't see how it would facilitate" the transfer of operational control to the United Nations, he added. Each day of reduced U.S. troop strength, however, creates a problem for American forces left behind, he said.

"Whether we go in there and enforce peace is very much a function of whether you've got the troops over there to do it," he said.

For the moment, delivery of humanitarian relief, the primary objective of the U.S. intervention, is at a standstill. Moreover, the American goal of getting unarmed Somalis to take the political lead in the tumultuous country is in doubt with the assertion this week of gun-barrel authority by Mohamed Farrah Aideed, a militia commander in Mogadishu who aspires to supreme power.

Periodic negotiations among Somali leaders have proceeded slowly, and no results are expected anytime soon. Aideed's outburst is unlikely to encourage unarmed Somalis to talk freely, especially if they oppose Aideed's ambitions.

"Alternative leadership will not come out

SOMALI...Pg. 7

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
007. cable	Re: UNITAF/UNOSOM II Transition (7 pages)	04/00/1993	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Global Issues and Multilateral Affairs (Rice, Susan)
OA/Box Number: 277

FOLDER TITLE:

Somalia, 1993 (continued) [5]

2012-0659-F
ke4145

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

Freedom of Information Act - [5 U.S.C. 552(b)]

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C. Closed in accordance with restrictions contained in donor's deed of gift.
PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).
RR. Document will be reviewed upon request.

SR

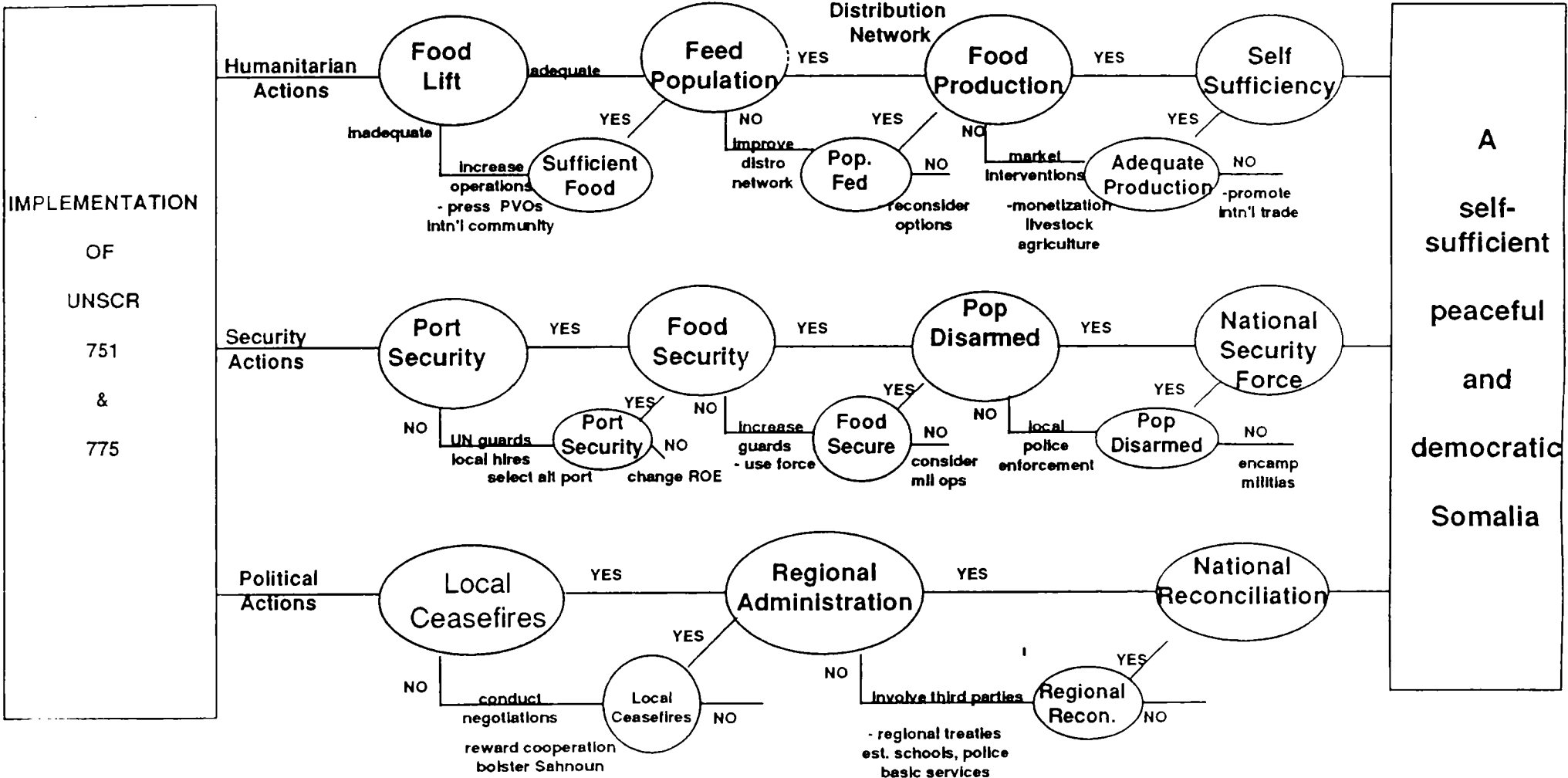
Smaller

fixed to the

—

Somali strategy

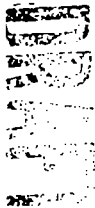
Decision Points / Follow On Actions





SOMAL STRATEGY TIMELINE

CRISIS RESPONSE → REHABILITATION → STABILITY



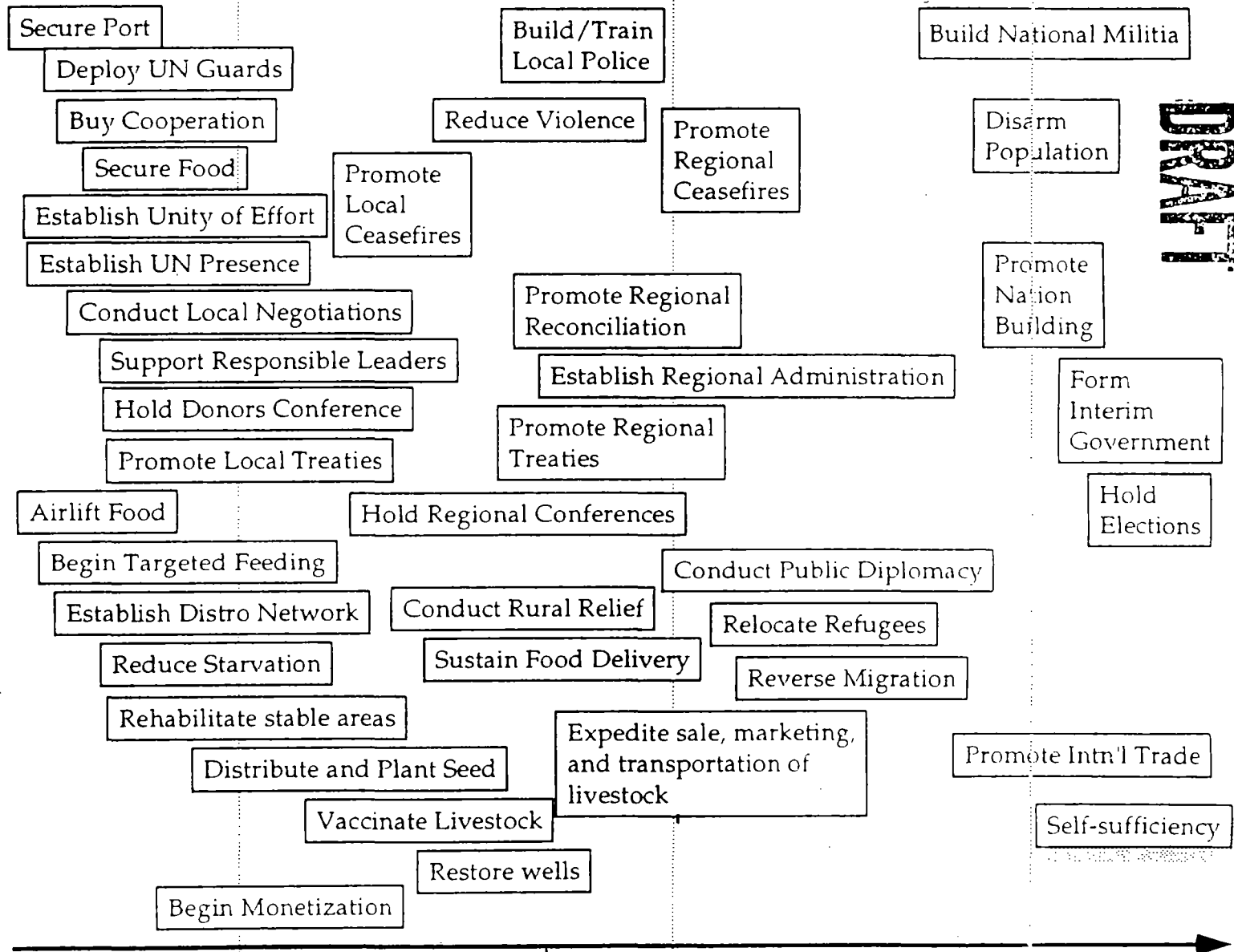
MILITARY /
SECURITY

POLITICAL

(relief)

HUMANITARIAN

(recovery)



DRAFT

1992 1993 1994 1995
DRAFT WORKING
DRAFT

WASHFAX RECEIPT
DEPARTMENT OF STATE

clear

WHITE HOUSE
SITUATION ROOM
1993 APR 28 PM 11:1

'93 APR 28 P11:27

B

S/S #

097670

MESSAGE NO. _____ CLASSIFICATION CONFIDENTIAL No. Pages 6

FROM: ROSS WILSON S/S 647-5302 7224
(Officer name) (Office symbol) (Extension) (Room number)

MESSAGE DESCRIPTION CABLE TO USUN NEW YORK: UN SYG REQUEST FOR
US TROOPS TO REMAIN IN SOMALIA

TO: (Agency)	DELIVER TO:	Extension	Room No.
<u>NSCS</u>	<u>NANCY SODERBERG</u>	<u>456-6534</u>	<u>WH SITRM</u>
	<u>[REDACTED]</u>		
	<u>KRISTIE KENNEY</u>		
	<u>EXECUTIVE SECRETARIAT</u>		
	<u>JETT CLARKE, P.</u>		
	<u>RICE</u>		

FOR: CLEARANCE ☒ INFORMATION ☐ PER REQUEST ☐ COMMENT ☐

REMARKS: PLEASE CLEAR BY: 4/28. Please alert Dick Clarke
that cable is received by NSC for crosshatch.

UNCLASSIFIED UPON REMOVAL
OF CLASSIFIED ATTACHMENTS
Initials: KDE Date: 01/09/17
2012-0659-F

S/S Officer: *[Signature]*
ROSS WILSON

CROSSHATCH

RETURN TIME-STAMPED COVERSHEET TO S/S.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
008. cable	Re: UN SYG Request for US Troops to Remain in Somalia (6 pages)	04/27/1993	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Global Issues and Multilateral Affairs (Rice, Susan)
OA/Box Number: 277

FOLDER TITLE:

Somalia, 1993 (continued) [5]

2012-0659-F
ke4145

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

Freedom of Information Act - [5 U.S.C. 552(b)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
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C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(j).

RR. Document will be reviewed upon request.

Somalia

Q: When will the last US troops be out of Somalia?

A: The number of US troops in Somalia was over 24,000 when I took office. By next early next month we expect to have withdrawn all but 4,000.

--I am proud that the remaining US soldiers will play an important support role in UNOSOM II.

--Their withdrawal will be worked out with the UN and with other nations that are contributors to UNOSOM.

--I cannot give you a precise date at this point but I can assure you that I will not keep American soldiers there any longer than necessary.

Q: Are those 4,000 combat troops?

A: No, 2,700 are logistics support troops. The remainder are part of a Quick Reaction Force that will be stationed off-shore beginning in the summer.

Q: Many have been critical of the US-led operation in Somalia. How would you characterize the US role in Somalia?

A: There is no doubt that the US-led coalition has been a great success. We have eliminated the risk of mass starvation and greatly alleviated the humanitarian crisis we found when we arrived. We look forward to the transition from UNITAF to UNOSOM II, which will take place early next month, and to the continued success of the UN in Somalia.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
009. note	Somalia Core Group handwritten notes (1 page)	04/23/1993	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Global Issues and Multilateral Affairs (Rice, Susan)
OA/Box Number: 277

FOLDER TITLE:

Somalia, 1993 (continued) [5]

2012-0659-F
ke4145

RESTRICTION CODES

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Freedom of Information Act - [5 U.S.C. 552(b)]

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PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).
RR. Document will be reviewed upon request.