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NOTE BY THE SECRETARY-GENERAL

The attached report of the Commission of Inquiry established pursuant to Security Council resolution 885 (1993) to investigate armed attacks on UNOSOM II personnel which led to casualties among them is hereby circulated as a document of the Security Council in accordance with the letter dated 26 May 1994 from the President of the Security Council addressed to the Secretary-General (S/1994/652).

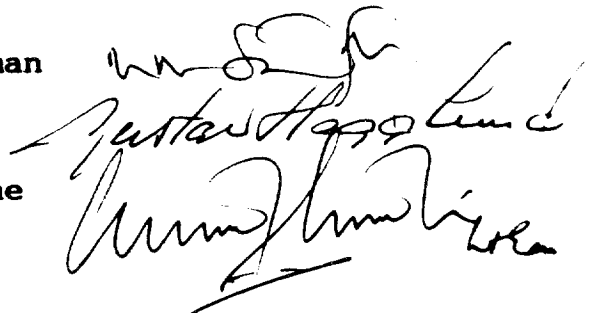
REPORT OF THE COMMISSION OF INQUIRY
ESTABLISHED PURSUANT TO
SECURITY COUNCIL RESOLUTION 885 (1993)
TO INVESTIGATE ARMED ATTACKS ON UNOSOM II PERSONNEL
WHICH LED TO CASUALTIES AMONG THEM

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Executive Secretary:

Mr. Winston Tubman

New York, 24 February 1994

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CONTENTS

	<u>Page</u>
INTRODUCTION	7
Establishment and Mandate of Commission	7
Procedures for Conduct of Commission's Inquiry	8
Structure of the Report	9
I. THE CRISIS LEADING TO UN INTERVENTION IN SOMALIA	10
The power vacuum and resultant civil war	10
II. CHAPTER VII OF THE CHARTER IS INVOKED	12
Media coverage raises international concern about Somalia	12
The UNITAF Mandate	12
Ceasefire and disarmament under UNITAF	13
UNITAF's Departure	13
Wider United Nations mandate: UNOSOM II	14
Initial problems facing UNOSOM II	14
The scope of the Chapter VII mandate	15
III. UNDERLYING CAUSES OF THE ARMED CLASHES	16
The reconstitution of political institutions	16
The Establishment of the Somali Judiciary and Police	17
The situation in Kismayo	18
The Galcayo conference	18
Radio Mogadishu's Propaganda Against UNOSOM II	20
IV. THE WEAPONS INSPECTIONS AND OUTBREAK OF HOSTILITIES	22
The Inspection Plan	22
The attacks on the Pakistani soldiers	23

CONTENTS

	<u>Page</u>
V. FIGHTING BETWEEN UNOSOM II AND SNA MILITIA - "THE WAR"	26
A. United Nations offensive operations against USC/SNA	26
B. SNA offensive against UNOSOM II	29
C. Offensive by non-UN forces and cessation of hostilities	32
VI. ANALYSIS AND FINDINGS	34
Who carried out the 5 June attacks?	34
Why did the attacks occur?	36
Why were the casualties so heavy on 5 June?	40
Why did UNOSOM II misjudge the situation?	41
Why did the events of 5 June evolve into a war?	42
Why were the hostilities so prolonged?	43
Did internal shortcomings within UNOSOM II contribute to the number of casualties?	44
VII. OBSERVATIONS AND CONCLUSIONS	46
VIII. RECOMMENDATIONS	48

LIST OF ANNEXES

Communications Between the Commission
and General Aidid.....Annex 1

List of Interviews.....Annex 2

Somali Political Movements.....Annex 3

Military Actions.....Annex 4

Synopsis of Attacks on UNOSOM II Personnel.....Annex 5

Map of 5 June Incidents.....Annex 6

Map of 17 June UNOSOM II Cordon and
Search Operation in SNA Enclave.....Annex 7

Map of Incidents of 17 June and 12 JulyAnnex 8

Map of Incidents of 2 July and 5 SeptemberAnnex 9

Map of Incident of 3 OctoberAnnex 10

**REPORT OF THE COMMISSION OF INQUIRY ESTABLISHED
PURSUANT TO SECURITY COUNCIL RESOLUTION
885 (1993) TO INVESTIGATE ARMED ATTACKS ON
UNOSOM II PERSONNEL WHICH LED TO CASUALTIES AMONG THEM**

INTRODUCTION

Establishment and Mandate of Commission

1. On 16 November 1993 the Security Council in resolution 885 (1993) authorized "the establishment of a Commission of Inquiry, in further implementation of resolutions 814 (1993) and 837 (1993), to investigate armed attacks on UNOSOM II personnel which led to casualties among them".
2. The resolution further directed the Commission "to determine procedures for carrying out its investigation taking into account standard United Nations procedures" and requested the Commission to "report its finding through the Secretary-General to the Security Council as soon as possible, taking into consideration the need for a thorough inquiry".
3. Paragraph 8 of the resolution requested the Secretary-General, pending the Commission's report, to suspend arrest actions against persons not already detained pursuant to resolution 837 (1993), who might be implicated in attacks against UNOSOM II personnel.
4. The appointment of the Commission of Inquiry and the establishment of its Secretariat were announced on 24 November 1993. The Commission was composed of:
 - Hon. Matthew M. S. W. Ngulube (Chief Justice of Zambia), Chairman of the Commission;
 - Lt. General (Retired) Emmanuel A. Erskine (Ghana), Member;
(Former Force Commander of UNIFIL)
 - Lt. General Gustav Hagglund (Finland), Member.
(Chief of Defence Staff, Finland)
5. The Secretariat of the Commission was headed by an Executive Secretary, Mr. Winston A. Tubman of the Office of Legal Affairs at the United Nations Headquarters in New York. Mr. Tubman was assisted by Mr. Osamu Shiraishi of the Centre for Human Rights in Geneva (during the meetings in Mogadishu in December 1993 only) and Mr. Luke Mhlaba of the Legal Department of UNOSOM II. Administrative services were provided by Mr. Lars Skold of United Nations Field Service, Captain Magnus Gustafsson of UNIFIL and Ms. Mary Muturi of the Department of Political Affairs at the

United Nations Headquarters in New York.

Procedures for Conduct of Commission's Inquiry

6. The Commissioners convened in New York on 22 November 1993. They paid a courtesy call on the Secretary-General of the United Nations, Dr. Boutros Boutros-Ghali and held briefings with Ambassador Chinmaya R. Gharekhan, Special Political Adviser to the Secretary-General; Mr James O. C. Jonah, Under-Secretary General for Political Affairs; Mr Kofi Annan, Under-Secretary General for Peace-Keeping Operations; and Under-Secretary-General for Legal Affairs Mr Carl-August Fleischhauer. While in New York, the Commission adopted its rules of procedure.
7. The Commission travelled to Mogadishu on 30 November 1993. Upon its arrival the Commission issued a press statement announcing its programme and invited all those who might have useful information to come forward and make depositions regarding armed attacks on UNOSOM II personnel.
8. During this first visit to Mogadishu, the Commission made a special effort to reach potential Somali witnesses, including General Mohamed Farah Aidid (see annex 1). Since the Commission realized that many Somalis would be uneasy visiting the heavily guarded UNOSOM II Headquarters compound, an office was opened in downtown Mogadishu for the taking of testimonies. This was announced in the media but no significant witnesses appeared there.
9. After conducting interviews and reviewing various documents, the Commission took a recess on 21 December 1993 and resumed in New York on 10 January 1994. It held meetings in Washington DC and New York, before proceeding to Livorno, Italy and thereafter again to Mogadishu to continue its work.
10. In carrying out its investigations, the Commission heard the testimony of 29 UNOSOM II officials, including some who had already left the mission area, and Somali citizens. A list of persons interviewed by the Commission appears in Annex 2.
11. The interviews were conducted informally. A few witnesses were accompanied by lawyers or aides and all of them were assured of the confidential nature of their testimonies. No voice recordings were made.
12. The Commission also reviewed documentary material, including the report prepared by Professor Tom Farer and transcripts of the testimonies collected by him during his inquiry on behalf of UNOSOM II. In addition it examined UNOSOM II rules of engagement, operational plans, orders and reports, as well as incident reports.

13. The Commission made an aerial tour of the sites where attacks on UNOSOM II took place or which were related to the attacks.

14. From Mogadishu the Commission moved to Nairobi, where it deliberated on its initial findings while making further efforts to meet with USC/SNA leaders especially General Aidid, who were then staying in the Kenyan capital, before writing its report. Additional communications were exchanged with General Aidid (see annex 1) but in the end no testimonies were given by the USC/SNA leaders.

15. The Commission wishes to thank the Secretary-General, the Special Representative of the Secretary-General for Somalia, and the UNOSOM II Force Commander and their staff, and all those who gave testimony for their cooperation and assistance without which the inquiry could not have been successfully undertaken.

16. The Commission would also like to acknowledge with gratitude the courtesy and co-operation extended to it by officials of the United States and Italian Governments on its visit to Washington DC and Livorno.

17. During all of the above contacts and throughout its deliberations the Commission was able to operate in a fully independent manner and no attempt whatsoever was made by anyone to infringe its independence.

Structure of the Report

18. This report is in eight parts, followed by appendices. Part I traces the development of the crisis which led to United Nations intervention in Somalia. Part II explains the reasons for the invoking of Chapter VII of the United Nations Charter to enforce disarmament and part III is an account of the underlying causes of the armed clashes between UNOSOM II and the SNA, starting with attacks on Pakistani soldiers on 5 June 1993. Part IV describes the weapons inspections and the outbreak of attacks on UNOSOM II personnel on 5 June 1993, and part V discusses the fighting between UNOSOM II and SNA militia in the aftermath of the June 5 attacks. Part VI analyses the attacks and makes specific findings of fact, while part VII makes some general observations based on the attacks investigated. The report concludes in part VIII with some recommendations, about UNOSOM II in particular and peace keeping and enforcement in general. The annexes at the back of the report provide additional material for a better grasp of the facts relating to the attacks.

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I. THE CRISIS LEADING TO UN INTERVENTION IN SOMALIA

The power vacuum and resultant civil war

19. The flight of President Mohamed Siad Barre on 26 January 1991 and the collapse of his Government left a power vacuum in which political movements fought each other in a bitter civil war for control of the country. By the end of 1991, Mr Ali Mahdi Mohamed and General Mohamed Farah Aidid, leading rival coalitions of political movements, (see Annex 3 for a list of Somali political movements) had emerged as the main contenders for political power.

20. Their militias were pitted against each other in the capital Mogadishu, the single most important strategic location in the overall struggle for control of the whole country.

21. United Nations estimates indicated that as a result of the civil war and drought 4.5 million people were threatened by malnutrition and related diseases and that between November 1991 and April 1993, as many as 300,000 persons had died and 1.5 million were particularly at risk.

22. It was in such political chaos and the attendant human tragedy, general mayhem and destruction of infrastructure and property that the United Nations first became seized of the Somali crisis, which it judged as constituting a threat to stability in the Horn of Africa and to international peace and security.

23. On 23 January 1992 resolution 733 (1992), which was to be the first of several resolutions on the situation in Somalia, was adopted by the Security Council. It imposed an embargo on arms supplies to Somalia, requested the Secretary-General to increase humanitarian assistance to the country and to contact the Somali parties concerned with a view to securing their agreement to a cessation of hostilities.

24. The principal objective of the United Nations's intervention in Somalia was to avert a famine. To this end Security Council resolution 751 (1992), adopted on 24 April 1992, established the United Nations Operation in Somalia (UNOSOM, later referred to as UNOSOM I).

25. Although it was realised that the civil war was a significant cause of the danger of famine, the United Nations did not assume any direct responsibility for ending the fighting or resolving the political impasse. UNOSOM I operated within the context of a ceasefire agreement between Ali Mahdi and General Aidid and covered the Mogadishu area only.

26. It sought merely to facilitate negotiation and agreement among the Somali leaders, leaving the responsibility for the restoration of peace and finding a political solution with them.

27. Resolution 751 also requested the Secretary General, in co-operation with the Organization of African Unity, the League of Arab States and the Organization of the Islamic Conference to continue consultations with the Somali parties with a view to the convening of a conference on Somalia national reconciliation.

28. Under the resolution, UNOSOM I was to deploy 50 unarmed military observers to monitor the ceasefire and to provide security for humanitarian operations. All important measures undertaken by UNOSOM I in Somalia were therefore discussed with and agreed to by General Aidid and Ali Mahdi before being implemented.

29. The strategy of UNOSOM I was not to marginalise the Somali *de facto* leaders but to take them along on every move. Hence although the need to engage international military personnel to provide security for relief operations had long been a United Nations objective, their deployment could not take place until August 1992 when the consent of the *de facto* Somali political leaders was given.

II. CHAPTER VII OF THE CHARTER IS INVOKED

30. UNOSOM I proved incapable of meeting the challenge it faced due to its small size and the limited scope of its mandate. Consisting mainly of some 500 Pakistani troops who could not leave the harbour and airport of Mogadishu due to lack of consent of the *de facto* Somali political authorities, it was unable to deter attacks on humanitarian relief convoys.

31. The need for the United Nations to obtain consent to its Somalia operations from the rival political groups caused delays in taking urgently required action while the situation in the country continued to deteriorate. The absence of a national government created a unique situation in which no central authority with responsibility to enter into international relations for Somalia existed.

Media coverage raises international concern about Somalia

32. Meanwhile, worldwide media coverage depicting ghastly pictures of severely under-nourished or sick Somali women and children facing certain death mobilised international opinion led by United Nations Secretary-General Boutros Boutros-Ghali to demand a more effective international intervention in Somalia.

33. Following one of five options presented in a letter from the Secretary General to its President dated 29 November 1992, the Security Council, acting under Chapter VII of the United Nations Charter, authorised in resolution 794 (1992) the use of force to support humanitarian operations in Somalia.

34. In doing so, the Council was departing from its usual practice of seeking the consent of the *de facto* Somali authorities for its activities. Such consent was in conformity with traditional United Nations peace-keeping practice.

35. Pursuant to resolution 794 (1992) the United Nations' Chapter VII objectives in Somalia were carried out by the Unified Task Force (UNITAF), an international coalition led by the United States.

The UNITAF Mandate

36. The UNITAF mandate under Security Council resolution 794 (1992) was to use all necessary means to establish as soon as possible a secure environment for the humanitarian relief operations in Somalia. This contemplated the use of military force, if necessary, to overcome obstruction of humanitarian operations.

37. UNITAF, which at its peak had a troop strength of approximately 37,000, began arriving in Somalia in December 1992 and was deployed in Mogadishu and the central and southern regions of the country.

38. Although operating under Chapter VII of the Charter of the United Nations, UNITAF did not interpret its mandate as requiring it to enforce disarmament of the Somali militias.

39. However, a general ceasefire agreement and a supplementary agreement signed in Addis Ababa by the political movements on 8 and 15 January 1993 respectively provided for the encampment of the militias and the handing over of their heavy weapons to a ceasefire monitoring group consisting of UNITAF or UNOSOM I personnel.

Ceasefire and disarmament under UNITAF

40. Under the Addis Ababa agreements of 8th and 15th January 1993, the political movements began to implement the ceasefire and disarmament arrangements on a voluntary and co-operative basis. UNITAF/UNOSOM I established a planning and monitoring team while the Somalis appointed their representatives on the ceasefire committee. In meetings held at UNOSOM I offices, a step-by-step blue-print for disarmament and demobilization was agreed. Cantonment sites were mutually chosen and transit sites for demobilized fighters were earmarked. The militias placed their heavy weapons in storage sites which they declared to UNITAF, together with inventories of all weapons stored. UNITAF then carried out routine inspections of these sites. The last inspection conducted by UNITAF was in February 1993. There were no formal modalities between UNITAF and the factions, a situation inherited by UNOSOM II.

41. From time to time, UNITAF also conducted weapons searches and confiscations independently of the agreement signed by the political movements. But these did not form part of a comprehensive disarmament plan nor were they considered by UNITAF as a central feature of its mandate. Thus the security situation in Somalia remained volatile and attacks on personnel involved in humanitarian work continued.

UNITAF's Departure

42. Meanwhile, UNITAF was anxious to withdraw from Somalia and hand over responsibility to the United Nations. UNITAF felt that its intervention had been effective in averting disaster, and that with the relative improvement in the security situation and the provision of much needed food, medicines and other vital necessities to Somalis, its essentially humanitarian mission was accomplished.

43. Nonetheless, it was clear that this improvement could only be sustained by a replacement force having capabilities comparable to those of UNITAF.

Wider United Nations mandate: UNOSOM II

44. In this context, the United Nations Security Council adopted its resolution 814 (1993) on 26 March 1993, expanding the size and mandate of UNOSOM to include not only the protection of humanitarian relief supplies and personnel but also to compel the Somali militias to disarm. Thus unlike UNITAF, whose participation in the disarmament process was subsidiary and derived from the ceasefire and disarmament agreements of 8 and 15 January 1993, the new UNOSOM (UNOSOM II) was mandated to disarm Somali militias under Chapter VII of the United Nations Charter.

45. The new mandate authorised the use of force to overcome refusal by any of the militias to disarm. Such action, if it occurred, would be the first direct challenge to the political movements' military power. Ultimately, unless the militias disarmed, a collision between them and UNOSOM II was inevitable.

Initial problems facing UNOSOM II

46. UNOSOM II like any other peace-keeping operation was confronted with problems at its establishment. Contingents needed time to study the ground and familiarise themselves with a new cultural and political environment, particularly the implications of operating in a country in a state of civil war.

47. For the execution of its mandate, UNOSOM II had to develop standard operating procedures (SOPs). The staff needed time, expertise and structures to gather appropriate information to effectively carry out its mission.

48. Before UNOSOM II could accomplish these objectives, the events of 5 June occurred plunging it into a peace enforcement role which greatly compounded its problems. Resolution 837 (1993) requiring UNOSOM II to arrest those responsible for the 5 June attacks further complicated its situation.

49. UNOSOM II was seriously short of the requisite staff with experience to execute the enormous tasks assigned to it. The Special Representative of the Secretary General stated that he made sustained appeals to the United Nations Headquarters for specific staff to be made available to the mission but these could not be provided. UNITAF which could have assisted with its staff was unfortunately also leaving the mission area.

50. Finally, the mission was ill-equipped with operational materiel for the nature of its operations and the civil-war environment. Some of the contingents lacked appropriate hardware such as armoured personnel carriers (APCs) to protect their troops from small arms fire.

The scope of the Chapter VII mandate

51. It is important to note that enforcement power or the Chapter VII aspects of the UNOSOM II mandate under resolution 814 (1993) applied specifically to military matters such as disarmament and ensuring that lines for the supply of relief remained open.

52. Enforcement power did not extend to Somalia's political process. There UNOSOM II's mandate was limited to assisting the Somalis in their efforts to achieve national reconciliation and the reconstitution of their political institutions.

53. Yet some of the major disagreements which created tensions between UNOSOM II and the USC/SNA centered on divergent views about UNOSOM II's political mandate.

III. UNDERLYING CAUSES OF THE ARMED CLASHES

54. Among the several incidents or situations which led to hostilities between the USC/SNA the most significant were: disagreement concerning the role of the factions in the political reconstitution of Somalia; the establishment of the Somali judiciary and police; the recapture of Kismayo by Siad Barre's son-in-law, General Hersi Morgan; the Galcayo conference; and control of Radio Mogadishu.

The reconstitution of political institutions

55. Fifteen Somali political movements met in Addis Ababa in March 1993 at a conference sponsored by the United Nations. At the official closure of that conference on 27 March, the leaders of the 15 movements signed the "Addis Ababa Agreement of the First Session of the Conference on National Reconciliation in Somalia". The agreement was meant to be the basic framework for Somalia's transition towards peace and the establishment of an elected government.

56. It stipulated a two-year transitional period during which the supreme political organ and repository of Somali sovereignty would be a Transitional National Council (TNC). Below it would be 18 regional councils and 92 district councils. The regional councils would be composed of delegates drawn from the district councils; members of the district councils would either be elected or chosen by consensus in accordance with traditional Somali practice.

57. The TNC would comprise one representative chosen by each of the 15 political movements; three representatives from each region one of whom would be a woman; and five additional members representing Mogadishu.

58. As such, the Agreement ensured that the 15 political movements would not dominate the transitional institutions. Democratic participation was guaranteed through the restriction of the number of TNC members appointed by the factions, the reservation of a quota of TNC seats for women and the election or popular selection of district council members.

59. Significantly, the Agreement of 27 March did not envisage a specific role for the United Nations, beyond blandly inviting its Secretary General and his Special Representative in Somalia, "in accordance with the mandate entrusted to them by the ... Security Council to extend all necessary assistance to the people of Somalia for the implementation of this Agreement".

60. When the UN-sponsored conference adjourned on 27 March, the Somali political leaders did not immediately disperse. They

continued their discussions in Addis Ababa and all 15 movements signed a document titled "Agreements Reached Between the Political Leaders at the Consultations Held in Addis Ababa, 30 March 1993".

61. This document went against the letter and spirit of the Agreement of 27 March by stipulating that the names of the three TNC members to be chosen from each district would be submitted by the political factions, and that where the factions in a region could not agree on a nominee, their differences would be settled in Addis Ababa or in the particular region.

62. The 30 March document made no mention of any reservation of seats for women. It stipulated a 45-day time-frame for the nomination of TNC members, a deadline which gave insufficient time to organize genuine elections at district council level.

63. Although it bore the signatures of the same leaders who had signed the Agreement of 27 March, UNOSOM II never embraced the 30 March document and the stage was set for clashes between UNOSOM II and some of the Somali political groups.

The Establishment of the Somali Judiciary and Police

64. UNOSOM II also exerted a significant influence on the procedures for the appointment of Somali police and judges, possibly frustrating the strategies of the USC/SNA and certainly further engendering its hostility.

65. When UNOSOM II took over responsibility from UNITAF, under an arrangement between UNOSOM I and UNITAF some judges had been appointed by the USC/SNA and were presiding over what remained of the courts in Mogadishu. In early May, a team of United States Foreign Service officers assigned to UNOSOM II held a meeting in Mogadishu with Somali lawyers and other local groups interested in the rehabilitation of the judiciary in Somalia.

66. The meeting which was chaired by one of the US Foreign Service experts on secondment to UNOSOM II, Ms. Ann Wright, culminated in the setting up of a committee and the adoption of procedures for the selection of judges. The selection procedures allowed UNOSOM II to nominate some of the judges. The USC/SNA resented the erosion of its power in this area and opposed the selection of Judges by UNOSOM II and not by the TNC as provided for in the 27 March Addis Ababa Agreement.

67. In similar vein, the promulgation of the Somali Penal Code of 1962 as the criminal law in force in Somalia by the Special Representative of the Secretary General was capable of being interpreted by the USC/SNA as an overstepping of the UNOSOM II mandate.

68. Further political frustration for the USC/SNA came when some of its officers visited a prison in Mogadishu to deal with a backlog of cases, only to be turned away by the new officer-in-charge of the prison on the ground that they had no authority to perform such a function.

69. The USC/SNA also felt that a police commission on which it was represented and which had been set up by agreement between General Aidid and Mr Mahdi was being sidelined by UNOSOM II.

The situation in Kismayo

70. While the Addis Ababa conference was in progress in March, pro-Siad Barre forces under the command of General Hersi Morgan used women and children to disguise their infiltration of weapons into the southern port city of Kismayo, past the Belgian contingent of UNITAF. General Morgan's forces managed to drive out those of Colonel Ahmed Omar Jess, allies of General Aidid's movement within the SNA.

71. Colonel Ahmed Omar Jess made a bold and undisguised march towards Kismayo on 7 May in a bid to recapture the city. The alerted Belgian contingent considered this a direct attack on their positions and they repelled Jess' forces, inflicting serious casualties. A Belgian soldier was injured by rifle fire during this infiltration. Kismayo, Somalia's second city, had special significance for General Aidid as his militia had captured it in a fierce battle with forces loyal to Siad Barre.

72. The fall of Kismayo to General Morgan's forces angered the SNA, which accused the Belgian contingent of intervening in the fighting to protect General Morgan's militia and block Jess's capture of Kismayo. They saw the Belgians' failure to prevent General Morgan's infiltration into the city in March as evidence of UNOSOM II's lack of impartiality.

73. In making this accusation, the SNA made little distinction between UNITAF, which was in charge of Kismayo in March, and UNOSOM II, which took over responsibility on 4 May 1993.

The Galcayo conference

74. After the Addis Ababa conference of March 1993, General Aidid initiated consultations with Colonel Ahmed Abdillahi Yusuf, Chairman of the Political, Defence and Emergency matters Committee of the Somali Salvation Democratic Front (SSDF). These consultations resulted in an agreement to hold a peace conference for the central region of Somalia.

75. In General Aidid's view, participation in the conference would be restricted to the political leaders of the region concerned. UNOSOM II would provide logistical support for the

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conference and security outside the conference hall. Somali leaders not from the central region, would not be entitled to attend the conference. General Aidid saw himself as the convenor of the conference and would, as such, chair its proceedings and establish its agenda. Nevertheless he invited the Special Representative of the Secretary-General for Somalia, Admiral Jonathan Howe, to open the conference.

76. Later, when Ambassador April Glaspie, a United States Foreign Service officer seconded to UNOSOM II was acting in place of the Deputy Special Representative of the Secretary General, Ambassador Lansana Kouyate, who was on leave, UNOSOM II became suspicious of Aidid's intentions. It sought to broaden participation in the conference, especially to include General Mohamed Abshir Mussa, Chairman of the SSDF.

77. Given the political rivalry between Abshir Mussa and Abdullahi Yusuf within the SSDF, UNOSOM II suspected a plot by General Aidid and Colonel Yusuf to undermine General Abshir Mussa. Despite being informed by General Abshir Mussa that he was fully aware of the conference being planned in Mogadishu, UNOSOM II was not assured. When the conference was due to start UNOSOM II, showing obvious deference played host to General Mussa and provided him with transport and security in a bid to facilitate his participation at the conference.

78. UNOSOM II also insisted that the conference would not be presided over by General Aidid but by former President of the Somali Republic, Alman Abdalla Osman, an Aidid enemy who on arrival in Mogadishu immediately called for Aidid's arrest. UNOSOM II's stance caused displeasure to General Aidid who perceived UNOSOM II's behaviour as interference in Somali politics.

79. Further disagreement between UNOSOM II and General Aidid centred on the agenda of the conference. UNOSOM II took the same position as Mr Mussa, by insisting that the situation in Kismayo be on the agenda. General Aidid on the other hand argued that problems involving other regions of Somalia would have to be discussed at different fora with the concerned leaders. In the end the joint UN/SNA conference was not held as planned with General Aidid having to go ahead with a separate conference on his own.

80. The various issues of contention between the SNA and UNOSOM II became the subject of virulent propaganda on Radio Mogadishu, controlled by the SNA, against UNOSOM II in particular and foreigners in general.

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Radio Mogadishu's Propaganda Against UNOSOM II

81. Radio Mogadishu, a war prize of the SNA captured from Ali Mahdi's militia, was particularly important as a means of communication among General Aidid's followers given Somalia's strong oral tradition and the low literacy rate of around 30 per cent.

82. When relations between UNOSOM II and the SNA deteriorated sharply in mid-May due to the events in Kismayo, the disagreements over the Galcayo conference and selection of judges, Radio Mogadishu broadcasts became markedly hostile to UNOSOM II.

83. This hostility is reflected in transcripts of broadcasts between 1 May and 4 June on the eve of the killing of 24 Pakistani soldiers. The broadcasts have a xenophobic tone, especially starting on 11 May, when they accuse UNOSOM II and the United States of being aggressors trying to colonize Somalia and to establish a trusteeship. They speak highly of Somalia's history of resistance to foreign domination and imposition.

84. UNOSOM II was very concerned about this propaganda which gave a negative perception of the United Nations and could stir up hostile sentiments towards UNOSOM II personnel from the Somali public.

85. At one point, the Special Representative of the Secretary-General for Somalia Admiral Howe had sought General Aidid's co-operation in ensuring that this propaganda be stopped and General Aidid had responded by calling for the establishment of a committee to monitor the operations of all radio stations in the country. However, such a committee was never established.

86. There was also concern within UNOSOM II that exclusive control of Radio Mogadishu by General Aidid gave him an unfair advantage over his political rivals to project his image and to achieve his political ambitions. It was felt that the radio station was a national asset to which all political movements should have access. Indeed, representatives of other political groups had written to UNOSOM II urging that the radio station be taken away from the SNA's exclusive control.

87. Radio Mogadishu thus became another sore point in relations between UNOSOM II and the SNA. There was some considerable debate among UNOSOM II officials about whether Radio Mogadishu should be shut down or otherwise taken off the air.

88. In mid-May, the Pakistani Brigade, which was responsible for the southern Mogadishu area, was asked to draw up plans on how Radio Mogadishu could be shut down or otherwise silenced if it continued its propaganda against UNOSOM.

89. The Pakistanis informed UNOSOM II that they were unable to do so as they did not have the personnel with the technical expertise to handle such an operation. It was suggested that the United States would supply the experts needed but no action was taken and the initial plan appears to have been shelved.

90. Since Radio Mogadishu premises had been declared an authorized weapons storage site (AWSS), it was decided that during the weapons inspections of 5 June US special forces technicians would accompany the inspection team to survey the radio installations.

91. Meanwhile General Aidid and other SNA leaders were aware of discussions within UNOSOM on how to deal with the Radio Mogadishu issue. Rumours spread within SNA circles that UNOSOM intended to seize the Radio Station.

92. Given this context, the inspections of AWSS in southern Mogadishu on 5 June could not have come at a worse time for relations between UNOSOM II and the SNA.

93. Thus while UNOSOM II was charged with the responsibility of assisting the Somali people in the rehabilitation of their political institutions at the local, regional and national levels its approach in carrying out this mandate as the foregoing incidents show was increasingly alienating the USC/SNA, which likened this approach to "trusteeship" or "colonization".

IV. THE WEAPONS INSPECTIONS AND OUTBREAK OF HOSTILITIES

94. Opinions differ, even among UNOSOM officials, on whether the weapons inspections of 5 June 1993 was genuine, or was merely a cover-up for reconnaissance and subsequent seizure of Radio Mogadishu. What is certain, however, is that the USC/SNA had declared Radio Mogadishu as an AWSS. In the execution of its mandate to disarm the factions and enforce a ceasefire, UNOSOM II was perfectly entitled to carry out inspections of AWSS. In any case UNITAF, despite interpreting its own mandate more narrowly, had established the practice of conducting such inspections.

95. The inspections provided a perfect opportunity to enter and survey the radio installations for any future operation should it become necessary. UNOSOM II had decided that such an operation might have to be carried out.

The Inspection Plan

96. Under the plan prepared by UNOSOM Force Headquarters, General Aidid would be given 12 hours notice of the intended inspection. Four Pakistani units would carry out an inspection of the five sites declared by the USC/SNA to UNITAF.

97. Of these, three units would inspect one site each and the fourth would inspect two. Each unit would compile an inventory of weapons inspected, report on their operational efficiency and make a thorough reconnaissance for possible future operations. At AWSS 5 (Radio Mogadishu), US special forces technicians would make a survey of the radio broadcast and transmission equipment.

98. Each unit was of company size and included a team of engineers and security personnel. The Pakistani Brigade was tasked by UNOSOM II Headquarters to prepare an operational plan for the inspections.

99. In case the inspection teams were refused access to the sites, they were to force entry. All were aware of the possibility of some hostile reaction to these inspections by the Somali supporters of the USC/SNA and lack of co-operation from its leadership.

100. In view of this risk, the Pakistanis had recommended that either no notice be given or if given, that no inspection be carried out until the SNA's reaction was communicated to them.

101. The letter notifying the SNA leadership of the inspection was delivered by Lt. Colonel Kevin McGovern, UNOSOM Deputy Chief of intelligence and Timothy Byrne, Chief, Ceasefire and Disarmament Division, UNOSOM II Force Command, at General Aidid's residence on 4 June, a Friday and thus a public holiday in Mogadishu, at around 1700 hours.

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102. The letter was addressed to Ambassador Alim, an adviser to General Aidid who was not present. The letter was therefore handed to Abdid Qaibdid, a member of Aidid's security who read it in the presence of the UNOSOM officers and commented to the effect that the SNA needed time to respond and that if UNOSOM insisted on conducting the inspections as planned that would lead to a war.

103. After delivering the letter, Lt Colonel McGovern recorded the USC/SNA's objections to the inspection in a memorandum which was signed by Colonel Giuseppe Pirotti, the UNOSOM Chief of Intelligence. The memorandum was delivered by Lt Colonel McGovern to Major-General Thomas Montgomery, Deputy UNOSOM Force Commander and Commander of United States Joint Task Force (JTF). At the time, Maj.-General Montgomery was acting Force Commander in the absence of General Bir who was on leave.

The attacks on the Pakistani soldiers (see map, Annex 6)

104. At 0700 hours on 5 June 1993, UNOSOM weapons inspection teams arrived simultaneously at the five AWSS in southern Mogadishu.

105. At around 0830, at AWSS 5, the location of Radio Mogadishu, a hostile crowd gathered as the inspection was in progress. Thirty minutes later it had increased to some 200 men, women and children. Several men were observed to be inciting the crowd against the Pakistani soldiers. A man was shot and probably killed when he tried to snatch a Pakistani soldier's rifle.

106. Notwithstanding this incident, the inspection was completed by about 0930 and the inspection party safely withdrew.

107. Just as the Pakistani troops withdrew from AWSS 5, another hostile crowd was assembling at Feeding Point 20 on National Street. The crowd started throwing stones at the 12 Pakistani soldiers manning this feeding point. From positions behind the women and children in the crowd, weapons were fired at the troops. The intensity of the attacks increased with rocket-propelled grenades (RPGs) and hand grenades being used.

108. Three soldiers were killed at the feeding point and six were taken prisoner, one of whom died in captivity.

109. Four APCs sent from a nearby strong point by the Pakistani Brigade headquarters to rescue the soldiers at the feeding point were obstructed by road blocks and ambushed by heavy machine-guns positioned in surrounding buildings, and had to withdraw after some soldiers were killed and others wounded.

110. More APCs dispatched from the opposite side of FP 20 were also similarly obstructed, subjected to intense fire and forced to withdraw.

111. Unable to help their own troops who were under attack, the Pakistani Brigade at around eleven o'clock requested from UNOSOM Force Headquarters the assistance of Italian tanks, which they understood to be on 30 minutes' call. These tanks did not reach Feeding Point 20 until after 1600 hours.

112. The Pakistani company returning from AWSS 3 (the retransmission site for Radio Mogadishu) was ambushed as it entered 21 October Road, on its way to the Brigade Headquarters at the Stadium. Crowds erected road blocks to prevent the smooth passage of the Pakistani vehicles, which were subjected to increasingly intense fire from heavy machine-guns and Rocket Propelled grenades (RPGs).

113. The Pakistanis came under the most fierce attacks as they reached the vicinity of Check Point 89 opposite the Cigarette Factory. At the same time, near-by Strong Points 42 and 50 also came under fire from gunmen who mingled with the crowds.

114. The Pakistani Brigade ordered reinforcements from their base at the Stadium, but the reinforcement units came under fire as soon as they left the stadium. After entering 21 October Road the reinforcement units were attacked by gunmen sheltering in the Saudi Relief Agency Building on the right.

115. The reinforcement units finally entered an area of intense criss-crossing fire in the vicinity of CP 89, opposite the Cigarette Factory, where they and the vehicles returning from AWSS 3 were trapped. Most of the troops in this area, including members of the QRF, took shelter inside the Cigarette Factory.

116. At 1320 hours, US reconnaissance and Italian attack helicopters arrived on the scene. Italian helicopters, unable to locate the precise positions of opposing forces, opened fire with machine-guns, injuring three Pakistani soldiers. The helicopters withdrew after this error, and the SNA militia's machine-guns remained in place and continued firing for the rest of the afternoon.

117. At the end of the fighting later that afternoon, 24 Pakistanis were dead and 57 injured. Six Pakistani soldiers were missing, one of whom died in captivity and five were released to UNOSOM II two days later by an official of the SNA. Also injured on 5 June were one Italian and three US soldiers.

118. The death of so many UNOSOM II forces in one day brought to light the enormity of the challenge that the United Nations faced in its mission to forcibly disarm Somalia. UNOSOM II had been

aware that the area of the 21 October Road around the Cigarette Factory was inhabited by militia forces. But their battle preparedness and the quality and quantity of their weapons was not then entirely known.

119. Another serious question for UNOSOM II force command was whether they had failed to react quickly enough to the appeals for help by the Pakistani soldiers who were under attack. Of particular concern was the delay in despatching Italian tanks to Feeding Point 20.

120. The Italian Brigade, however, denied having delayed in responding to the appeals for assistance. They stated that shortly after 1100 hours, their attack helicopters had carried out operations in response to UNOSOM orders, and that they were involved in support operations during most of the afternoon.

121. The Italian Brigade Commander said he had brought an armoured platoon and tank company closer to Mogadishu on his own initiative from their base at Balad, and had intervened to assist the Pakistanis in their sector although this was the responsibility of the QRF. According to the Italian Brigade Commander, the order from UNOSOM II force headquarters to use the tanks had been given at 1400 hours, and the company had then moved to the Old Port for a briefing (arriving at 1500 hours), before proceeding to FP 20.

122. The ferocity of the attacks and the death of so many UNOSOM II forces in one day proved to be the turning point in UNOSOM's operations in Somalia. The inadequacy of the military equipment and lack of preparedness of UNOSOM II forces for such armed confrontation was starkly demonstrated.

123. UNOSOM II officials and military commanders became more convinced of the need to take decisive action to disarm the factions in Mogadishu or at least to substantially reduce their capability to wage war. Authority for such action was already contained in Resolution 814 (1993) of the Security Council, but a more specific authorization to take action against those responsible for the attacks on the Pakistani soldiers was granted in resolution 837 (1993).

124. Without investigation, blame for the attacks of 5 June was laid on the USC/SNA. The reaffirmation of the UNOSOM II mandate and the authorization of punitive action against the SNA leadership was given in resolution 837 (1993), which was adopted by the Security Council the next day.

V. FIGHTING BETWEEN UNOSOM II AND SNA MILITIA - "THE WAR"

125. The resolution resulted in a virtual war situation between UNOSOM II and the SNA, as the two sides attacked each other over a period of four months. A comprehensive list compiled by UNOSOM II showing the military actions of both sides is given as Annex 4 to this report. A synopsis based on reports of the main incidents involving UNOSOM II is contained in Annex 5.

126. There seems to be three distinguishable phases to the armed conflict: the first phase characterised by United Nations offensive operations; the second showing the SNA having the initiative; and the third when independent US special forces took up the offensive on behalf of UNOSOM II.

A. United Nations offensive operations against USC/SNA

127. In resolution 837 (1993) the Security Council expressed grave alarm at the "premeditated armed attacks launched by forces apparently belonging to the United Somali Congress (USC/SNA)" against the Pakistani forces. The resolution also condemned strongly "the use of radio broadcasts, in particular by the USC/SNA, to incite attacks against United Nations personnel".

128. It reaffirmed "that the Secretary General is authorised under resolution 814 (1993) to take all necessary measures against all those responsible for the armed attacks... including against those responsible for publicly inciting such attacks, to establish the effective authority of UNOSOM II throughout Somalia, including to secure the investigation of their actions and their arrest and detention for prosecution, trial and punishment".

129. In what amounted to a direct targeting of the SNA's top hierarchy, the resolution requested the Secretary General to "inquire into the incident , with particular emphasis on the role of those factional leaders".

130. In apparent acknowledgement of UNOSOM II's lack of readiness for a major confrontation, the resolution urged the rapid and accelerated deployment of all UNOSOM II contingents to meet the full requirements of 28,000, all ranks, as well as equipment" in accordance with the Secretary General's report of 3 March 1993.

131. Resolution 837 (1993) set the stage for a massive show of force by UNOSOM against the SNA. The timing of the commencement of such action depended on the UNOSOM II forces being ready in terms of available manpower and equipment.

132. One further reason why the military operations against the

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SNA could not begin immediately, despite the further authority given by resolution 837 (1993) on 6 June, was that planning was required. Additionally, operations could not commence without jeopardising the safety of the Pakistani soldiers who were being held in captivity, or international civilian staff, who had to be re-located to Nairobi while the UNOSOM II headquarters moved from the vicinity of the Kilometre 4 traffic circle to the more secure premises formerly used by the US Embassy.

133. While the United Nations was making preparations for the military showdown, the USC/SNA reaction to the 5 June attacks on the Pakistanis was somewhat contradictory. Early reaction praised the valour shown by the Somali people in demonstrating against and resisting UNOSOM forces. But there was no direct admission by the USC/SNA militia of responsibility for the attacks on the Pakistanis. Instead, the statements attributed to the USC/SNA leadership, including General Aidid, and broadcasts on Radio Mogadishu, condemned what was described as wanton attacks by the UNOSOM forces on peaceful Somali demonstrators.

134. At the same time, General Aidid called for an impartial inquiry into the causes of the attacks. As it became clear that the United Nations was preparing to use force, General Aidid offered to use his influence to calm the situation in Mogadishu and called on the United Nations to use peaceful means in handling the crisis.

135. UNOSOM II felt they could not accept anything short of General Aidid and his top lieutenants submitting themselves to a judicial process to determine whether they were implicated in the attacks in any way. UNOSOM II believed that their hands in the matter were tied by the express wording of resolution 837 (1993).

136. Air strikes by UNOSOM II, followed by ground sweeps and arms searches in the heart of the so-called "Aidid enclave" a part of southern Mogadishu where General Aidid and other top USC/SNA leaders lived or had property, heralded what was to become a virtual war between UNOSOM II and the USC/SNA forces.

137. The UNOSOM II offensive started on 12 June 1993, with aerial bombardments of the SNA's weapons sites, including Radio Mogadishu, which were all destroyed. The Somalis reacted by staging a demonstration involving women and children near the Pakistani Strong Point (the former Egyptian Embassy) at Kilometre 4.

138. A shoot-out occurred involving the Pakistanis and unidentified Somali gunmen, resulting in the death of an unknown number of Somalis, as the crowd marched towards the Pakistani unit's position. Later, some reports corroborated Pakistani accounts that the Somali gunmen had fired into the crowd in a

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deliberate attempt to give the impression that the Pakistanis were shooting unarmed civilians.

139. The 13 June incident at Kilometre 4 revealed the tactical dilemmas faced by UNOSOM II forces in conducting combat operations in the midst of a hostile civilian population.

140. On 17 June UNOSOM II launched a major cordon and search operation in the SNA enclave (see Annex 7). The operation had been carefully planned and rehearsed for days. All participating contingents had agreed to every step to be taken.

141. The operation began at 0130 hours, with AC-130 gunships attacking residences of the SNA leaders. Before each strike the targeted building was illuminated and its occupants requested by loudspeakers to move out. Before sunrise the area was cordoned off by Moroccan and Italian forces and then Pakistani forces carried out the weapons search.

142. Moroccan forces came under intense fire and had to be rescued by the French. Five Moroccan soldiers, including the battalion commander were killed and 40 wounded. The Moroccan stated that lack of information about SNAs strength and disposition, loss of the element of surprise occasioned by several rehearsals of the operation and the vulnerable location of the cordon contributed to the high casualties. Thereafter UNOSOM did not carry out any multinational search operations of this magnitude.

143. The next major operation was conducted by Pakistani forces at "Atto's Garage" on 28 June. The Pakistani forces came under heavy fire during an attempted search of the site and were forced to withdraw. Two of their soldiers were killed and two others injured.

144. On 2 July Italian forces carried out a major search operation in the Heliuaa Village (see Annex 9), one kilometre south of the Pasta Factory. The Italian Brigade Commander had forwarded the operational plan for this exercise to his higher authority in Italy for approval before its commencement.

145. According to the description of the events of that day by the Italians, the operation was carried out in a hostile atmosphere, with crowds throwing stones at the forces. The Italians stopped the search and, on their withdrawal, were ambushed on Imperial Road, and suffered three dead and 29 wounded.

146. The Italians managed to extricate their forces who were caught in the ambush, and evacuated Strong Point 42 which was under attack.

147. The incident brought to a head the controversy which had been simmering for some time between the UNOSOM II Force Command and the Italian Brigade command. The Italians favoured a softer approach and emphasised discussion and negotiation and felt that this approach had achieved good results whereas the strict enforcement policy of the UNOSOM II Command had caused the heavy casualties in the Pakistani sector. On 22 June, the Italians had protested against a QRF sweep of the SNA weapons sites carried out in the Italian sector, without prior consultation. The Italians said the QRF had left them to face the tension created by the sweep.

148. The UNOSOM II Force Command wished to teach the SNA a lesson on 2 July by attacking Pasta Factory in full force, and felt that this goal was frustrated and the SNA morale was boosted when the Italians decided to disengage from the battle and also to withdraw from Strong Point 42. The UNOSOM II force command also claimed that the Italians had not returned fire when attacked on 2 July but the Italians insisted on the contrary.

149. The Force Commander ordered the Italians to retake Strong Point 42 by 10 July. On 9 July the Italians reoccupied Strong Point 42 following negotiation with the SNA instead of using force as the Force Commander had assumed. The Force Commander felt that the Italian approach reduced the effectiveness of UNOSOM II's punitive action against the SNA. The Italians were even accused of leaking information, letting arms pass through and paying bribes to the SNA so that their forces could be spared from the militia's attacks. The Italians denied these accusations and maintained that in accordance with common UNOSOM II practice, they only gave food and paid for services rendered, and that their policy of negotiation had helped them maintain peace in their sector.

150. The controversy received considerable publicity and may have contributed to the change in the pattern of the conflict during the first part of July.

B. SNA offensive against UNOSOM II

151. 4 of this report clearly indicates that during the first month after the attacks of 5 June against the Pakistanis, there were very few attacks initiated by the SNA. UNOSOM II had the upper hand and all casualties occurred in connection with the UNOSOM II offensive operations.

152. After 2 July the SNA gradually took the initiative. UNOSOM II initiatives were limited to a few search and sweep operations conducted mainly by the QRF. On the contrary the SNA increased its attacks dramatically from 6 July onwards. The feeling of being at war is reflected in UNOSOM II fragmental orders

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(fragos). Until 8 July they refer to UNOSOM II's adversaries as "hostile forces". After that date, the fragos use the phrase "enemy forces".

153. The bombing of the Abdi house on July 12 (see Annex 8) may also have contributed to the change in the pattern of the conflict. In earlier operations, for instance on 17 June, UNOSOM II had taken great pains to ensure that residents had time to abandon a house before it was bombed. The 12 July operation was intended to eliminate the SNA command centre and its occupants. Therefore no warning was given in advance.

154. The casualties suffered in this operation were considerable. UNOSOM II estimated the number of Somali dead at 20; the International Committee of the Red Cross had figures of 54 dead and 161 injured while the SNA put the figure of those killed at 73.

155. Some accounts contradicted information given by UNOSOM II about the nature of the meeting at the Abdi House on the day it was bombed. These accounts maintained that the meeting was that of elders of the Habr Gedir clan who were discussing how to make peace with UNOSOM II.

156. From the date of this incident, the SNA closed its ranks and Somalis appear to have stopped giving information to UNOSOM II. UNOSOM II became more cautious in its operations.

157. In June the SNA had used mainly small arms, hand grenades, rocket-propelled grenades and machine-guns. From 6 July mortar attacks became more and more frequent. At first they were inaccurate and often the shells did not explode; gradually they became more accurate. The mortar attacks were considered by UNOSOM II as the most difficult to counter, keeping both military and civilian personnel in a state of constant alert and fear. Total casualties caused by mortar fire numbered one killed and nineteen wounded.

158. Ambushes against United Nations vehicles became more diversified. In addition to attacks by firearms and RPGs, mines and command detonated explosives were used. To avoid being targeted, a fleet of United Nations vehicles were kept in Mogadishu harbour and unmarked leased cars with Somali number-plates were used in southern Mogadishu. Somali and national flags were flown on vehicles instead of the United Nations flag in the hope of avoiding attacks. Total number of casualties suffered in ambushes between 2nd July and 3rd October was 21 killed and 46 wounded.

159. From 10 August helicopters came under fire more frequently. Mainly small arms and RPGs were used. The first UNOSOM II casualties from such attacks were suffered on 2 September and the first helicopter was shot down on 25 September.

160. The overall pattern of the hostilities indicate that although there were engagements in almost all of south Mogadishu, the 21 October Road, especially around the Cigarette Factory, was a major flash point. Some testimonies indicate that the area was a virtual militia barracks. There was also a considerable presence of militia around the Pasta Factory.

161. It is significant that the Pakistani soldiers on September 9 were attacked from positions in the same buildings as on 5 June around the Cigarette Factory area. But in this area the presence and sometimes participation of women and children in the combat sectors posed the danger of unacceptable levels of civilian casualties and a major handicap to UNOSOM II forces.

162. The ambush of a Nigerian convoy advancing towards Strong Point 42 on 5 September (see Annex 9) caused the heaviest casualties of that month in one single incident. When the Nigerian forces arrived at Strong Point 42 (Pasta Factory) to take over from the Italian Brigade at dawn on 5 September a crowd of hostile Somalis greeted them with a demonstration and called for their departure.

163. The Somalis were apparently unhappy that the Nigerians would not maintain the same relations as the Italians had with the local population.

164. The differences of approach between the various contingents were manifested once again when the Italians and Nigerians encountered Somali protesters. The Nigerians apparently fired their weapons while the Italians started conducting negotiation.

165. While the Nigerians stated that they were fired upon by the Somalis, the Italians maintained that a Nigerian soldier at the SP lost his nerve and fired into the crowd. The Nigerians also alleged that Italians refused to come to their assistance during the attack. The Italians stated that they were not aware of the ambush and were not able to monitor the Nigerians request for reinforcement since they were on different communication networks.

166. The Nigerians further suspected that their forces were "set up" for the ambush by the Italians, but the Commission was unable to find any supporting evidence of that. But the suspicions between the Italians and other UNOSOM II forces were bound to occur given their pursuit of divergent policies in Somalia.

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C. Offensive by non-UN forces and cessation of hostilities

167. The difficulties faced by UNOSOM II, especially the failure to capture General Aidid despite the offer of a US\$25,000 bounty for any one who might assist in that regard, gave indications that the United Nations' military objectives might not be achieved.

168. While the United Nations was making every effort to protect its personnel and at the same time search for General Aidid, a special task force of United States Rangers was dispatched by the US Government to Mogadishu. The Rangers operated under a separate command from that of UNOSOM II. Their operations were notified to UNOSOM II, but often, only a short time in advance.

169. The Rangers' specific mission was to capture and arrest General Aidid and other high level USC/SNA leaders. Their first operation was an embarrassment as they mistakenly surrounded UNDP premises. The next four operations were successful. The sixth operation on 3 October (see Annex 10) resulted in the heaviest US casualties in Somalia.

170. The aim of the 3 October operation was to capture top General Aidid followers meeting at the Olympic Hotel. Although these leaders were captured and taken away, the operation turned into a disaster when two helicopters were shot down and almost a company of the Rangers were trapped in a deadly firefight with Somali militia.

171. This operation had been carried out entirely by the Rangers, and only very short notice was given to the UNOSOM II force command. When the Rangers were trapped, a rescue task force was assembled but was ambushed in the kilometre 4 area and had to withdraw. An integrated rescue force composed of Rangers, US QRF, Pakistani tanks and Malaysian APCs was assembled.

172. Even this rescue team met stiff resistance which slowed down its advance towards the position of the trapped rangers. The surviving and injured rangers were finally rescued in the early hours of 4 October at the crash site of one of the helicopters.

173. Casualty figures for this operation were 18 US soldiers killed (16 Rangers and 2 QRF), 1 Malaysian killed, 78 US, 9 Malaysian and 3 Pakistani soldiers wounded. The pilot of one of the helicopters was captured and shown on TV around the world. On 6 October a mortar shell caused 13 more US casualties in the Mogadishu airport.

174. Following these incidents the United States reversed its policy and announced that all US forces would be withdrawn from Somalia by 31 March 1994. This decision by the United States Government deprived UNOSOM II of its most potent single national

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contingent. Subsequently, European Governments with contingents serving in UNOSOM II also announced their intention to withdraw their troops by the same date.

175. The decision by the US Government left the United Nations with little choice but to change its policy and abandon the hunt for Aidid. The SNA announced a ceasefire on 8 October. The war was over.

VI ANALYSIS AND FINDINGS

176. In analysing the attacks against UNOSOM II personnel and the resulting casualties, the Commission established the following questions:

1. Who carried out the 5 June attacks?
2. Why did the attacks occur?
3. Why were the casualties so heavy on 5 June?
4. Why did UNOSOM II misjudge the situation?
5. Why did the 5 June attacks evolve into a war?
6. Why were the hostilities so prolonged?
7. Did UNOSOM II's internal shortcomings contribute to the number of casualties?

177. The first four questions relate to the 5 June attacks while the last three relate to the fighting after resolution 837 was adopted.

178. By analysing the facts relating to the attacks and subsequent clashes, the discussion below seeks to find answers to these questions.

Who carried out the 5 June attacks?

179. In its resolution 837 (1993) although the Security Council all but flatly accused the SNA of the attacks on UNOSOM II troops of June 5 it nevertheless requested the Secretary-General to investigate the attacks. Subsequently Professor Tom Farer, conducted an inquiry which found that the SNA and in particular its leader General Aidid bore responsibility for the 5 June attacks.

180. Neither General Aidid nor any of his officials had given testimony to the Farer investigation which ultimately based its findings largely on circumstantial evidence. The present Commission studied the Farer report in depth particularly the transcripts of testimonies taken by Farer.

181. But unlike Farer, the Commission's task was to find facts and not to find fault or ascribe blame. The Commission has not made the same extensive reliance on circumstantial evidence as Professor Farer did. Instead considerable effort was made by the Commission to obtain direct testimony from the SNA and in particular to hear from General Aidid himself, his answer to the charge that it was his SNA which attacked the UN Forces on 5 June.

182. Unfortunately, the General did not give testimony to the Commission. It is, however, important to note the remarks attributed to General Aidid in an interview published in the 30 January 1994 issue of a Nairobi newspaper STANDARD ON SUNDAY,

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when asked: "How did (24) Pakistani soldiers meet their death...? Was that not part of the bloody clashes between the foreign forces and the Somali people?"

183. General Aidid replied: "Let me put this very clearly and properly. On 5 June, 1993 a contingent of UNOSOM II troops, most of them Pakistani soldiers attacked and occupied Radio Mogadishu station - the radio relay area and the main roads in the city - areas which are controlled by the SNA. Thousands of Somali citizens who were angered by the illegal occupation of the radio station by UNOSOM II troops, took to the streets near the station. This was a very peaceful demonstration. The Pakistani troops, without caution and warning then opened fire on the peaceful demonstrators. They (Pakistani) killed three people on the spot. This was the incident which triggered off the widespread rioting which resulted in the death of 35 Somalis and fifteen more injured. It was a result of the crossfire that the Pakistani troops unfortunately also lost their lives. But that is how every military confrontation goes. There were also valuable lives of Somali people lost in the process. There was no particular intention to murder the Pakistani troops". Remarks to similar effect expressed by General Aidid are reflected in transcripts of broadcasts of 5 and 6 June on Radio Mogadishu.

184. General Aidid's response raises several revealing questions. The Somali crowds were angry at the seizure of Radio Mogadishu, the General claims, yet surprisingly their spontaneous demonstrations have been characterized as peaceful. This is unusual and unlikely.

185. Since the area of the demonstration was "controlled by the SNA" the demonstrations and the shootings very likely were similarly controlled. If the Somalis saw Pakistani troops "without caution and warning" open fire on the peaceful demonstration killing three, the resulting deaths of the Pakistani troops more likely were an act of retaliation rather than of unfortunate crossfire.

186. In the absence of a more convincing explanation from the USC/SNA, the Commission believes that the SNA orchestrated the attacks. The reasons for believing so may be summarised into three as follows:

Firstly, all the attacks occurred within an SNA controlled area. Secondly, the attacks were not random, but were well-coordinated and simultaneous. Thirdly, they took place in an area which is inhabited by SNA militia and, especially along the 21 October Road, in the vicinity of locations known to have been weapons depots for the army under the previous Government of Siad Barre which was overthrown.

187. UNOSOM reports and previous investigations have labelled the

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attacks as having been pre-planned and pre-meditated. The Commission has not found any conclusive evidence to support that view. The SNA had taken south Mogadishu in fierce fighting from its main rival in a civil war that had not yet ended. It is likely that extensive preparations had been made by the SNA for a resumption of hostilities in Mogadishu. The well-armed militia lived in former army barracks and other facilities along the routes where the attacks of 5 June occurred. Consequently they were very familiar with the entire area. The SNA's communication methods assisted by Radio Mogadishu broadcasts were able to dispatch messages very fast. Demonstrations, road blocks and deployment of militia forces could be effected on very short notice as many later events showed during the clashes after 5 June.

188. Therefore it is quite possible that the attacks on 5 June were orchestrated by the SNA on the spur-of-the-moment after the inspections had begun.

Why did the attacks occur?

189. Everyone from UNOSOM II who gave testimony to the Commission stated that clashes between UNOSOM II and the Somali armed factions were seen as inevitable. Therefore, when the events of 5 June occurred their timing and magnitude were a surprise but not the events themselves.

190. The reason for the feeling that clashes were inevitable is easier to understand than to explain. By the first half of 1993 when UNOSOM II was established the United Nations had had forty years experience in international peace-keeping. Everyone knew what peace-keeping meant: namely, the end of armed clashes or a war brought on by a ceasefire between opposing forces which the United Nations stepped in to monitor. The United Nations' intervention moreover would take place only upon the consent of the warring parties, and force would not be used by UN troops except in self defence.

191. There was, therefore, little by way of precedent to guide the non-consensual intervention by the United Nations in Somalia which was carried out through UNITAF and UNOSOM II. The scale of physical devastation, famine and inability to deliver humanitarian assistance due to the civil war compounded by the absence of a government in Somalia provided the justification for a forceful United Nations intervention.

192. Problems attendant on the United Nations' operations in Somalia became evident from the very onset when the question arose whether UNITAF would disarm the militias of the Somali factions by force. The UN Secretary-General in exchanges with US President Bush contended that UNITAF had so committed itself but the United States, the lead nation of UNITAF, maintained the

contrary. Force would be used only to remove obstructions to the relief effort the United States maintained; if no such threats were posed and if the weapons of the militias were not menacing there would be and indeed there was no significant confrontation between UNITAF and them. UNITAF operated under Chapter VII but did not seek to disarm the militias; its primary interest was the securing of deliveries of international aid. In addition, it did not seek to marginalise or confront, but to take the Somali political movements along on every move.

193. UNOSOM II interpreted its mandate as not merely authorizing but requiring it to disarm the militias. This was in clear contrast to the way in which UNITAF had viewed its mandate.

194. Taken by themselves, the inspections would not necessarily have appeared threatening. The weapons storage sites were after all under the control of the factions themselves - the arms stored in the storage sites had been collected and deposited there by the factions themselves. UNITAF would perform only a monitoring role. Under the Addis Ababa Agreement as incorporated in Security Council resolution 814 UNOSOM II was empowered to take forceful action to disarm the militias.

195. If the inspections had uncovered discrepancies in the weapons supposedly stored, as UNOSOM II suspected they might, a non-confrontational typical UN peace-keeping approach would have obliged UNOSOM II to call the SNA's attention to its disarmament obligations. If the SNA persisted in breaches of those obligations, a more forceful action by UNOSOM II might then be appropriate. Instead of proceeding in such a manner to exhaust peaceful remedies, UNOSOM II decided, as it had the right and authority to do by virtue of resolution 814, that its very first inspection would if necessary be carried out by military force. It moreover took pains to make the USC/SNA aware of that decision by the ultimatum-like letter of 4 June giving notice of the inspection.

196. In hindsight, it could be argued that it would have been better if UNOSOM II had postponed its inspections of AWSS on 5 June 1993 for the following reasons:

The AWSS had been established by the militias and located in militia faction strongholds. They were guarded by the militias and were totally outside the control of UNOSOM II.

Weapons had been stored in the AWSS at the will of the political movements which controlled the various militias.

Access to sites and modalities for inspections might have been discussed and mutually agreed between UNOSOM II and respective Somali political movements. Such an arrangement could have been incorporated into a standing operating

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procedure (SOP) for inspections.

The SNA's hostile reaction to the inspection notification was a clear indication that the militias might use violence to resist the inspections.

197. UNOSOM II officials decided to proceed with the planned inspections despite the SNA's strong objections because they felt that they had the mandate to use force to execute their tasks and therefore there was no need to discuss or negotiate with SNA on the matter.

198. UNOSOM II's decision that force would, if necessary, be used to carry out the inspections was not taken in isolation nor in a context of calm co-operation between UNOSOM II and the SNA. Quite the opposite was the case, as demonstrated by the Radio Mogadishu propaganda broadcasts.

199. Apart from the irritation caused over Radio Mogadishu, relations between UNOSOM II and the SNA had deteriorated dangerously over the Galcayo Conference which the SNA had proposed and UNOSOM II had agreed to support. That Conference, to deal with essentially regional as opposed to national issues, was the SNA's idea. UNOSOM II's role would be to assist rather than to control. This role of assisting was consistent with UNOSOM II's mandate on political issues as set out in Security Council Resolution 814 (1993) as well as in the Report of the Secretary-General of 3 March 1993 on which that Resolution was based.

200. Chapter VII of the Charter was invoked to establish UNITAF and UNOSOM II for two main reasons: to obviate the need for consent by Somalia to UN actions deemed necessary inside Somalia to safeguard international peace and security and, secondly, to authorize the use of armed force to keep open the channels for the delivery of food and relief supplies to Somalia. Under UNOSOM II Chapter VII was also relied upon for the compulsory disarmament of the militias.

201. Security Council Resolution 814 (1993) invokes Chapter VII of the United Nations Charter and confers enforcement powers upon UNOSOM II. In doing so it distinguishes between two powers: the power to disarm Somali militias and the power to assist the Somali people in the restoration of their country's political structure and organs. UNOSOM II was empowered to enforce disarmament by the use of military force under Chapter VII of the Charter if force was considered necessary. But regarding the rebuilding of Somalia's political structure and organs of governance UNOSOM II's role was limited to rendering assistance to rather than imposing solutions upon the Somali people.

202. It is against the foregoing background that UNOSOM II's actions should be viewed. Added to them was the action taken by the UNOSOM to declare the Somali Penal Code of 1962 as the applicable law in Somalia. UNOSOM II in all these instances went

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beyond assisting and was imposing. The important question in this regard was not whether the substance of UNOSOM II's actions were for the benefit of the Somali people, but whether they were accepted by all the Somali parties or within UNOSOM II's mandate.

203. Reference was repeatedly made in testimonies of UNOSOM II to the Addis Ababa Agreements of January and March 1993 signed by the various Somali political movements. UNOSOM II maintained that these agreements conferred upon it powers to enforce upon the Somali political groups various legal commitments they had assumed. The invoking by UNOSOM II of these Agreements of the factions as a basis of its powers might lead to some confusion if viewed independently of the Security Council resolution 814 (1993) which established UNOSOM II. Resolution 814 (1993) spells out UNOSOM II's mandate which only the Security Council can alter or expand. Since the resolution did not grant UNOSOM II powers to impose political solutions on the Somali people, none of the Somali factions could empower UNOSOM II to do so. UNOSOM II's mandate in the political area was to assist the Somalis achieve political reconciliation and re-build political structures.

204. For UNOSOM II to effectively carry out its mandate of assisting the Somalis, there had to be the agreement or at the very least the acquiescence of all the Somali parties. If the Addis Ababa Agreements were adhered to by all the political movements UNOSOM II could assist them implement it; once they disagreed as to its implementation UNOSOM II could not force them.

205. The insistence by UNOSOM II on enforcing political arrangements previously agreed but no longer accepted by all the political movements would amount to an imposition.

206. The manner in which UNOSOM II dealt with the two agreements signed at Addis Ababa by fifteen Somali political movements, on 27 March and 30 March 1993 not only cast doubt on whether UNOSOM II was properly interpreting its mandate on political matters, but also revealed an inconsistency in its approach. The March 27 Agreement provided among other things for the reconstitution of Somalia's political institutions by the Somali society generally including a specifically mentioned role for women.

207. The 30 March Agreement, concluded by the same fifteen Somali groups whose leaders signed the 27 March Agreement gave the leading, almost exclusive role in the reconstitution of Somalia's political institutions to those political movements.

208. UNOSOM II preferred the agreement of 27 March to that of 30 March and has proceeded to implement the former accord. If UNOSOM II's preference coincided with a consensus among the Somalis there would be nothing wrong with UNOSOM II's assisting to implement that consensus.

209. In the absence of such a consensus, however, for UNOSOM II to impose what amounted to a political solution on Somalia was inconsistent with its mandate under Security Council resolution 814 (1993).

210. As of June 4 UNOSOM and SNA were on a collision course. The SNA which considered itself as the leading force in the overthrowing of the former government and the main building block of any future government of Somalia was pushed and marginalized by UNOSOM actions on a wide front: the Galcayo Conference, the Penal Code, the court appointments, the interpretation of the Addis Agreements and the control of Kismayo. Radio Mogadishu had criticized these UNOSOM II actions in harsh language and agitated the population in South Mogadishu. Rumours of UNOSOM II plans to seize Radio Mogadishu, the SNA's main power base, floated and were actually confirmed to the SNA leadership by UNOSOM II personnel.

211. It was in this atmosphere of rising tension that UNOSOM II suddenly decided to carry out its first ever inspection of SNA weapon sites including the highly sensitive Radio Mogadishu. It was effected against strong objections and warnings by the SNA who clearly considered them provocative. The size and military strength of the inspection teams left no doubt that UNOSOM II had decided to use force if necessary to impose its will.

212. Although UNOSOM II apparently misjudged the general situation and made some ill-advised decisions the Commission feels that this in no way justifies the viciousness of the SNA reaction on 5 June.

Why were the casualties so heavy on 5 June?

213. The main reason for the extent of casualties on 5 June was that UNOSOM was completely unprepared for such ferocious attacks which came as a lightning surprise. This is evidenced among other things by the fact that several key personnel were away on the morning of 5 June, particularly the Force Commander, the Chief of Operations and the top political advisers.

214. Some members of the Ceasefire and Disarmament Committee were happily unaware of the whole inspection exercise and actually meeting in South Mogadishu when the attacks began. The bulk of the QRF, the main Force reserve for military challenges, was in Kismayo which UNOSOM considered at that time a more volatile place. Secondary reserves were not alerted from other contingents to assist the Pakistanis in case of emergencies. That is why, for instance, the Italian tanks could not be mobilised early to go to the assistance of the troops at FP20 when they came under attack.

215. The failure to inform the Pakistanis about the SNA's hostile reaction to the inspection notification letter is also a relevant factor in assessing the number of casualties from the 5 June attacks.

216. The Pakistani commanding officer in his operational plans for the inspection recommended that he be informed of the SNA's response to the notification. The Pakistanis testified that they would have reorganized their inspection teams and equipped them with stronger fighting and protective vehicles to enhance their military posture had they been aware of the SNA's response.

217. In the absence of this information, the inspection teams kept to their soft-skin vehicles which made the men intensely vulnerable, resulting in heavy casualties.

218. Better information on attackers preparation and military capabilities for sustained but limited armed hostilities could have helped Pakistani inspection teams to have been better prepared to withstand the attack with minimum casualties.

219. Even though the staff of the Force Command and the Pakistani contingent expected some opposition to their inspection, they could not assess the possibilities of armed confrontation, which came as a surprise to the entire UNOSOM command, both in magnitude and ferocity. The achievement of surprise on the part of the SNA militia partly accounted for the high level of casualties on the Pakistan inspection troops.

Why did UNOSOM II misjudge the situation?

220. There was a lack of proper coordination between UNOSOM II Military Planning Division and the Political Division, responsible for coordinating ceasefire and disarmament matters. Being fully aware of the sensitivity of Radio Mogadishu, the head of the Political Division concedes that he would have advised against the inspection of the cantonment site close to the radio station, under those circumstances, if he had been informed about the planned inspection.

221. UNOSOM II did not have a sufficient number of trained and experienced civilian advisers to assist in the decision-making process. However, the Commission finds that UNOSOM II could have consulted its more experienced staff who were then available and could have given useful advice on the sensitivity of the AWSS inspections, which could possibly have had an important impact on the decision to proceed with the planned inspection. Lack of coordination between the military and political divisions and inappropriate political advice contributed to the misjudgement of the sensitivity and timing of the inspections.

222. Those political advisers who were specifically consulted apparently did not appreciate the political ramifications of the inspections and regarded them as a purely military affair.

223. There were no seasoned peacekeepers among UNOSOM military leadership to advise on the modalities of United Nations disarmament inspections and other useful practices learned during 45 years of United Nations peace-keeping.

224. The transition from a fighting posture to peace-keeping is indeed a very difficult one for any professional soldiers. The use of force to achieve one's objective is at the heart of the military profession.

225. In peace-keeping the force and the enforcement action should be regarded as the last resort after all peaceful means have been exhausted. There was no one to teach the basics of peace-keeping to UNOSOM HQ and contingents.

226. Consequently it was natural for the officers to resort to the tools they were trained for, to the use of force, particularly since they felt resolution 814 gave them the right to do so. False assessment of SNA capabilities in relation to own assets made them to believe it was as well safe to do.

227. Witnesses from UNOSOM have emphasized to the Commission the deficiencies in intelligence gathering means and personnel. They see it as a major reason to the misjudgment of the situation on 5 June. The worst case scenario, as predicted by UNITAF, visualized large demonstrations but nothing more as a reaction to the 5 June inspection.

Why did the events of 5 June evolve into a war?

228. After the 5 June attacks UNOSOM understandably was furious. It was natural to call for punitive action to be taken against those who had killed and wounded large numbers of United Nations soldiers who as it was felt, had only tried to carry out the mission given to them by the world community.

229. With the outrage all over the world on the attacks the Security Council could do nothing less than to authorize the arrest and detention of the perpetrators.

230. Resolution 837 was interpreted by UNOSOM II to authorize not only the hunt for Aidid and other SNA leaders but as well the destruction of SNA power sources, the Radio Station and the weapon stores. However, the war did not break out immediately or suddenly after the passing of Resolution 837 but evolved gradually. United Nations personnel, both civilian and military had to be relocated to safer areas. Tanks, attack planes, attack helicopters and armoured personnel carriers had to be brought in

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to facilitate offensives against SNA.

231. These offensives began with careful avoidance of collateral damage and evolved through the SNA response gradually to virtual urban warfare. It is arguable whether resolution 837 really initially envisaged bombing of houses, garages radio stations and meetings. Presumably the war, when it started, followed its own dynamics.

232. If the weapons inspection of 5 June was not an enforcement action by UNOSOM II on the SNA then Security Council resolution 837 (1993) adopted the next day clearly was. The clashes between UNOSOM II and the SNA thereafter were a direct result of the implementation of resolution 837.

233. UNOSOM II not only found itself at war in the wrong environment it was probably also handicapped in prosecuting that war because the US QRF and later the ranger operation, all of which had connotations of war, were not under UNOSOM's control. If these operations were not under UNOSOM II the question arises as to whether they were authorized by the United Nations. If they were not, then the SNA's right to defend itself was even more appropriate, and hence the evolution of the entire situation into a war.

Why were the hostilities so prolonged?

234. There seem to have been two main reasons why the hostilities went on until 8 October. UNOSOM II was unsuccessful in its endeavours to hunt down General Aidid and to suppress the SNA's resistance; and UNOSOM II believed it would succeed in these efforts given time.

235. UNOSOM's failure to win the war was partly due to internal short-comings discussed in connection with question 7. Some UNOSOM Commanders claimed that they could not achieve their objectives because their hands were tied and they could not resort to equally inhuman practises as their adversaries. On the other hand it seems that UNOSOM offensives were rallying the Habre Gedir clan behind Aidid and his lieutenants and increasing their resolve. UNOSOM II's pursuit of enforcement action in South Mogadishu among a civilian population already traumatised by war quickly became a nightmare. UNOSOM II was clearly aware of this danger and therefore evacuated most of its civilian personnel to Nairobi but the Somali civilians had nowhere to go. Later, contentions by UNOSOM II that women and children were used by the SNA as human shields would have carried greater weight had it not been UNOSOM II itself which after 5 June initiated military actions using modern and powerful weapons within an urban area.

236. Experience has shown that even the most careful targeting and precision bombing cannot avoid collateral damage. The

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attacks on Digfer Hospital, Abdi house and other sites in Mogadishu certainly caused collateral damage apart from raising concerns as to whether they were proper military targets.

237. Since this reality appears not to have been taken into account, the impression given is that UNOSOM II had gone into a war of retaliation not just against the militia who could not be adequately isolated but against all Somalis in South Mogadishu.

238. To its credit UNOSOM II on many occasions was careful to warn of impending military action in particular areas. This was correct and good to avoid the civilian casualties but not for the UNOSOM II troops who because of these warnings were exposed to attacks. Caught in a dilemma UNOSOM II was forced to erect a wall of separation between its peace-keeping and its war-making personae - where its civil authorities were often kept in the dark about military actions. This dual role, exercised simultaneously, caused harmful confusion within UNOSOM II and, worse yet made it possible for UNOSOM II to be portrayed simply as an enemy of the Somali people.

239. Because the Somalis, certainly those in the SNA, became targets of UNOSOM II's attacks after 5 June their counter-attacks prolonging the war should be seen in that context.

240. After 2 July UNOSOM II was increasingly bunkered down in its positions whereas SNA activities and attacks multiplied. UNOSOM assessments, however, show repeatedly unfounded optimism. (See 5 for examples). No reconciliation attempts were made by UNOSOM nor, it appears by the United Nations in New York before the disaster in October.

Did internal shortcomings within UNOSOM II contribute to the number of casualties?

241. UNOSOM lacked the time, expertise and requisite intelligence to accurately evaluate the dispositions, strength and capabilities of the SNA against whom they had to operate.

242. UNOSOM did not appreciate the fact that the Somali attackers were well armed men, reasonably skilled and well commanded by former officers of the National armed forces who had received adequate training for command and control. They had been capable of militarily driving out Siad Barre, who was supported by the national armed forces, with all their arsenal of heavy war materiel, both in equipment and manpower resources. The Somali armed men fighting UNOSOM were not a bunch of rag-tag armed militia but a reasonably well organised and trained group under a good command structure. To fight against or militarily oppose such armed men by UNOSOM therefore required better, well coordinated command and control mechanism, fighting vehicles that provide both fire-power and protection, good communication system

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and adequate knowledge of the terrain. UNOSOM's deficiency in all these areas resulting in its inability to respond effectively to the armed hostilities of 5th June, subsequent confrontations and excessive casualties is largely attributable to the fact that it was not militarily prepared for them.

243. The Force Commander of UNOSOM II was not in effective control of several national contingents which, in varying degrees, persisted in seeking orders from their home authorities before executing orders of the Forces Command.

244. Many major operations undertaken under the United Nations flag and in the context of UNOSOM's mandate were totally outside the command and control of the United Nations, even though the repercussions impacted crucially on the mission of UNOSOM and the safety of its personnel.

245. Situations such as in UNOSOM II operations where some contingent commanders resort to home authorities for clearances to carry out tasks assigned to them have obviously created immense difficulties for the Force Commander. This practice has been necessitated by the casualty factor. This partly accounts for the long delay in arrival of reinforcements responding to requests to support the Pakistani inspection teams when they found themselves in great difficulties on 5 June hostilities. Delays in execution of important tasks bordering on emergencies to support units in distress have contributed to increased loss of lives of troops.

246. Furthermore, where reaction from home authorities is in conflict with UNOSOM II instructions, this practice has resulted in the contingent commander being compelled to disobey the instructions of the Force Commander, thereby creating political confrontation between the contributing government and the United Nations as the sponsoring authority. Such situations have occurred and have not been helpful to the cohesiveness of the command of UNOSOM II.

247. The principle of unified command applicable to United Nations peace-keeping operations is even more essential in peace enforcement operations. The quick response by the Malaysian and Pakistani Contingents to join the QRF to rescue the Task Force Ranger on their 3 October 1993 operation helped to save lives, clearly demonstrating the efficacy of Unified Command.

248. The various shortcomings had an impact on the number of casualties but were not the decisive factor.

VII. OBSERVATIONS AND CONCLUSIONS

249. Because the mandate of UNOSOM II was based on Chapter VII of the Charter it is fundamentally different from UNOSOM I, a traditional peace-keeping and humanitarian mission. The difference is so significant that it needs to be clearly communicated to the troop contributing countries. Similarly the nature, purpose and justification of the intervention under Chapter VII need to be explained to the Somalis.

250. If the actions by UNOSOM II on 5 June were enforcement actions as the SNA had been given unmistakable reasons to view them, then the ensuing clash was not a peace-keeping but a peace enforcement operation.

251. With the United Nations having recognised that no Somali government existed, UNOSOM II faced a human rights dilemma when it had to detain people in executing its mandate. In the absence of courts, detentions came to be seen as arbitrary, exposed UNOSOM II to criticism and had to be stopped.

252. For all of the foregoing reasons peace enforcement by UNOSOM II inside Somalia within the context of a civil war did not enhance the United Nations' peaceful and humanitarian image.

253. The finding that a country is without a government as was done by the United Nations concerning Somalia has such far reaching legal and political consequences that careful criteria for invoking it seem required. If the United Nations operates in a country it has thus characterized, it necessarily has to bear responsibility for at least some of the basic state concerns traditionally appertaining to a government and that could invariably raise the spectre of a United Nations trusteeship or neo-colonialism.

254. It is vital for units to be in a position to respond to requests for emergency fire support or reinforcement from other neighbouring units without having to wait for an order or authorization from Force headquarters in such an operation. However, such spontaneous responses are only possible if units have common communication facilities. In the absence of such facilities on 5 June the Pakistanis could not make a direct request to the Italian brigade for assistance with tanks; neither could the Nigerians make direct communication with the Italians at Strong Point 42 when the Nigerians were ambushed only a short distance away.

255. Many senior political advisors in UNOSOM II especially on sensitive political issues lacked experience and knowledge of United Nations peace-keeping practices and were insensitive to the local culture's requirements.

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256. While the United Nations might undertake Chapter VII operations in reliance upon assurances of support from member states, there is no guarantee that such member states will honour these assurances. The Somali experience demonstrates the risk of member states withdrawing their support, thus leaving the United Nations in the lurch to face the consequences of an unfinished operation.

257. The need to satisfy the United Nations' requirement for reliable information and intelligence gathering capability is important if peace enforcement operations are to be successfully carried out.

258. Whenever there are casualties home governments tend to become more and more involved. It is essential to have means for coordinating policy, concept of operations and operational procedures. There was no forum for such coordination at United Nations Headquarters since the military staff committee with representation from all participating countries which the Charter requires to direct Chapter VII operations has not been established. In traditional peace-keeping operations the necessary coordination in the field has normally been carried out by terms of reference issued by the Secretary-General and through SOPs issued by FC and approved by the Secretary-General. Neither of these guidelines were to be found in UNOSOM II. The main reason for this rather crucial deficiency seemed to have been the total lack of peace-keeping experience among UNOSOM II ranks and understaffing of UNOSOM II Headquarters during the initial period.

259. Use of force, and deadly force in particular, tends to create a cycle of vengeance that gradually escalates the conflict. The United Nations is helpless if confronted with the inhumane and unscrupulous means a reckless militia can resort to on home turf.

260. Nations are not prepared to accept substantial casualties for causes unrelated to their national interests. This fact puts severe limitations on peace enforcement operations.

261. In hindsight it seems that the mandate given to UNOSOM II, at least as it was interpreted, was too pretentious in relation to the instruments and to the will to implement it.

VIII. RECOMMENDATIONS

262. Enforced disarmament in Somalia has proved unattainable without exposing international staff, both military and civilian, to hostile attacks resulting in casualties. Therefore in the present context, forced disarmament of the militias under Chapter VII should be abandoned.

263. The United Nations should not insist on a particular political formula for the resolution of the Somali conflict, but should within the framework of the fundamental principles and goals of its charter assist all Somali political movements to reach consensus on political reconciliation and the re-building of the institutions of governance.

264. Without prejudice regarding who bears legal liability, *ex gratia* payments should be considered for those innocent Somali civilians who suffered injury as a consequence of UNOSOM II's implementation of Security Council resolution 837 (1993).

265. To this end, it may be convenient to set up a mechanism under the United Nations to determine the criteria for granting such payments.

266. The United Nations Headquarters should maintain a sufficient pool of appropriately trained and experienced personnel who can be made available to every new field peace-keeping mission.

267. When inviting Governments to participate in newly established peace-keeping missions, the United Nations should request them to include in their contingents some senior officers, warrant officers and non-commissioned officers with peace-keeping experience.

268. The practice of utilizing observers with wide and varied peace-keeping experience, at the initial stages of some newly established peace-keeping missions, should be adopted as a principle by United Nations Headquarters for the establishment of its peace-keeping missions.

269. Armoured personnel carriers (APCs) and other protective vehicles and gear are essential to protect troops and reduce casualties especially in peace enforcement operations. They should be made available for all participating contingents.

270. The United Nations should refrain from undertaking further peace enforcement actions within the internal conflicts of states. If the United Nations decides nevertheless to undertake enforcement operation, the mandate should be limited to specific objectives and the use of force would be applied as the ultimate means after all peaceful remedies have been exhausted.

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271. The United Nations should, where necessary, continue peace-keeping operations of the traditional type under its Charter, but with increased emphasis on preventive diplomacy, assistance in peaceful nation-building efforts and preparedness to respond quickly to emergencies.

272. Political control of United Nations peace-keeping operations should rest fully with the Secretary-General and there should be a unified command. However, the command structure for any peace enforcement action which the United Nations may undertake needs further study.

Annex 1


COMMISSION OF INQUIRY
ESTABLISHED BY SC RESOLUTION 885 (1993)

M E M O R A N D U M

10 December 1993

TO: H.E. General Mohamed Farah Aidid
Chairman, Somali National Alliance
Ghion Hotel, Room 119

FAX NO: (251-1) 515-381

FROM: Chief Justice Matthew S. W. Ngulube 
Chairman of the Commission

FAX NO: (212) 963-3082

SUBJECT: REQUEST FOR MEETING WITH COMMISSION OF INQUIRY

After one week in Somalia, the Commission of Inquiry established by the Security Council in Resolution 885 (1993) is anxious to meet with you and other senior officials of the SNA to hear your side of the events concerning the armed attacks in Mogadishu in which many UNOSOM personnel and Somali citizens have been killed. UNOSOM's side of the events has been fully recorded and explained to the Security Council but the SNA's side has yet to be told. We assure you that the Commission is independent and impartial and seeks only to find the facts rather than to place blame. Once the facts are known the whole world will come to know what went wrong so that the proper measures can be taken to prevent their recurrence. We therefore would be pleased, if it is convenient to you, to travel next week to Addis Ababa to meet with you and other senior officials of the SNA. If any other time or place is preferred by you for meeting with the Commission we shall make ourselves available.

**XAFIISKA GUDDOOMIYAHA
(CHAIRMAN'S OFFICE)**



**SOMALI NATIONAL
ALLIANCE**

Ref SNA/XG/G/0613/93

Date 17/12/1993

To:
The Commission of Inquiry
Fax No. (212) 963-3082
Mogadishu, Somalia

Dear Sirs,

Refer to your fax dated on Dec. 10, 1993. We acknowledge the receipt of your fax and have recorded the message it contained.

We would like to express our reservations on the commission's independence and neutrality. We believe that the commission is not free from the influence of the UN Secretary-General who himself is a part of the June 5 controversy.

However, I am requesting the immediate and unconditional release of the SNA leaders and supporters unlawfully abducted and imprisoned, before having any contacts or meeting with the commission.

1993 DEC 17 10:50:03




Mohamed Farah Aidid
Chairman

/...

COMMISSION OF INQUIRY ON SOMALIA

ESTABLISHED BY SC RESOLUTION 885 (1993)

20 January 1994

Hilton Hotel
P.O. Box 30624
NAIROBI

Tel: 334000

H.E. General Mohamed Farah Aidid
Chairman, Somali national Alliance
Serena Hotel
NAIROBI

Your Excellency

REQUEST FOR MEETING WITH COMMISSION OF INQUIRY

I thank you for your kind fax of 17 december 1993 which was in reply to mine of 10 december 1993.

I had noted with sympathy your request for the unconditional release of detained sna leaders and supporters, a matter on which the commission had by then already made a public statement and conveyed its view to those holding the detainees in favour of release. Although the detaining authorities took longer than we had hoped and expected, we are glad that they have been released.

Meanwhile, in relation to your reservations about our impartiality, I assure you of the commission's complete neutrality and independence. We are committed to objectively investigate the matters covered by our mandate for the security council and we intend to do so without fear or favour.

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Since the co-operation of the sna is essential for a balanced investigation I shall be grateful if you or your nominee would receive the executive secretary of the commission mr. Winston tubman here in nairobi to work out the details for sna officials to meet with the commission at an early date.

The commission is at the hilton hotel and I would really be most grateful to receive some indication on our request since it will be necessary to conclude the inquiry in the near future.

Sincerely yours



Matthew M.S.W Ngulube
Chief Justice of Zambia &
Chairman of the Commission

COMMISSION OF INQUIRY ON SOMALIA

ESTABLISHED BY SC RESOLUTION 885 (1993)

SAFARI CLUB HOTEL
P.O. Box 43564 Nairobi

Tel. 330621/ Fax 331201

9 February 1994

H.E. General Mohamed Farah Aidid
Chairman, Somali National Alliance
Serena Hotel
Nairobi

Your Excellency,

The Commission of Inquiry is now in the process of winding up its investigation and preparing its report in Nairobi. As we have not until now received any response to our letter to you dated on 20 January 1994, we are taking this opportunity to send you another copy in case the previous one was not delivered or was otherwise mishandled.

The Commissioners are due to leave Nairobi for New York on 15 January 1994.

Since we consider it of utmost importance to achieve a balanced investigation, we wish renew our invitation to you to meet with the Commission. The Executive Secretary is available for a preparatory meeting with yourself or any of your representatives to clarify any preliminary issues if necessary.

Sincerely yours



Matthew S.W. Ngulube
Chief Justice of Zambia
Chairman of the Commission

**XAFIISKA GUDDOOMIYAHA
(CHAIRMAN'S OFFICE)**



**SOMALI NATIONAL
ALLIANCE**

Ref SNA/XG/G/0663/94

Date NAIROBI, FEB.11,1

**MATTHEW M.S.W NGULUBE
CHIEF JUSTICE OF ZAMBIA &
CHAIRMAN OF THE COMMISSION**

DEAR MR. CHAIRMAN,

Thank you very much for your letter dated Feb.9, 1994, concerning your inquiry. We appreciate your interest in the events of last year in Mogadishu.

However, the mandate of your commission is unclear to us at this time. Since last June we have been requesting the Security Council and the International Community to send to Somalia a Commission of inquiry. The proposed Commission was to determine the causes and consequences of the UNSOM attacks on Somalia in which 13,000 of our citizens were killed, three times that number wounded many of them crippled for life and public and private properties valued in millions of US Dollars destroyed. Many of the UNSOM troops were also killed or wounded. The commission we requested was also to determine the full range of the UNSOM activities and review the mandate of UNSOM in light of its destructive operations. The commission was also to address needs of the victims of the UNSOM initiated atrocities.

For purpose of both perception and reality, we proposed that the composition of the commission to be as follows:

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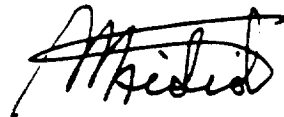
1. A prominent former Head of State like Jimmy Carter, Leopold Senghor, Julius Nyerere, Edward Heath, Helmut Schmidt or Pierre Trudeau to serve as Head of the Commission;
2. International Jurists and
3. Scholars, all from different countries. This was to insure the impartiality and independence of the commission. But this is not to question the integrity of your commission. Indeed, we have respect for you and members of your commission.

But in our view, the composition of the commission and the scope and direction of its investigation would determine the facts surrounding the causes and consequences of the last year's conflict in Somalia.

We will continue to request the Security Council to Appoint a new Commission or expand your commission's mission and composition. We hope that you will assist in making this request possible.

In the meantime, should you have further questions concerning our position, please feel free to contact us.

Sincerely Yours.



Mohamed Farah Aidid
Chairman



Annex 2INTERVIEWS

<u>DATE</u>	<u>PERSON INTERVIEWED</u>
1. 3-4 Dec. 1993	Dr. Kapungu and Runo Bergstrom
2. 14 Dec. 1993	Lt. Col. Emmanuel Eihoda (NIG)
3. 15 Dec. 1993	Col. Asif Duraiz Akhtar (PAK)
4. 15 Dec. 1993	Lt. Col. Mohamad Hamid Khan (PAK)
5. 15 Dec. 1993	Col. Maj. Omar Essakalli (MOR)
6. 16 Dec. 1993	Lt. Col. Tariq Salim Malik (PAK)
7. 16 Dec. 1993	Maj. Umar Farooq Durani (PAK)
8. 16 Dec. 1993	Lt. Col. Sher Akbar Khan (PAK)
9. 17 Dec. 1993	Lt. Gen. Cevic Bir (TURK) (Force Commander)
10. 18 Dec. 1993	Capt. Abdi Latif (MAL)
11. 19 Dec. 1993	Amb. Richard Bogosian - US Liaison Office
12. 17 Dec. 1993	Amb. Lansana Kouyate (DSRSG)
13. 10 Dec. 1993	Five detainees at UNOSOM Detention facility in Mogadishu
14. 08 Dec. 1993	Osman Hassan Ali (Atto)
15. 08 Dec. 1993	Omar Salad
16. 10 Jan. 1993	Maj. Gen. Baril and Elizabeth Lindenmayer
17. 11 Jan. 1994	Lt. Col. Salvatore Iacono (ITALY)
18. 12 Jan. 1994	Amb. April Glaspie (USA)
19. 12 Jan. 1994	Amb. Robert Gosende (USA)
20. 17 Jan. 1994	Brig. Gen. Loi and Officers of the Italian UNOSOM contingent

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21. 17 Jan. 1994 Maj. Parotti (ITALY)
22. 25 Jan. 1994 Lt. Col. Samuel Butler, U3 Plans Officer
23. 25 Jan. 1994 Omar Halim, Chief of Staff (UNOSOM II)
24. 25 Jan. 1994 Kenneth Menkhaus, Special Political Advisor to the SRSG
25. 26 Jan. 1994 Col. Ward, Chief Operations Officer
26. 26 Jan. 1994 Mr. Don Teitelbaum, SRSG's Advisor/US State Department
27. 26 Jan. 1994 Lt. Col. Kevin McGovern, Deputy Chief Military Information Officer
28. 27 Jan. 1994 Col. Casper, Commander QRF on 3 Oct.
29. 28 Jan. 1994 Admiral Jonathan Howe, SRSG
30. 28 Jan. 1994 Maj. Gen. Montgomery, Deputy Force Commander
31. 29 Jan. 1994 Amb. L. Kouyate, DSRSG

Annex 3

1. Somali Africans Muki Organization (SAMO)
Mr. Mohamed Ramadan Arbow, Chairman
2. Somali Democratic Alliance (SDA)
Mr. Mohamed Farah Abdullahi, Chairman
3. Somali Democratic Movement (SDM)
Mr. Abdi Muse Mayow, Chairman
4. Col. Mohamed Nur Aliyou, Chairman (sna)
5. Somali National Democratic Union (SNDU)
Mr. Ali Ismael Abdi, Chairman
6. Somali National Front (SNF)
General Omar Hagi Mohamed Hersi, Chairman
7. Somali National Union (SNU)
Dr. Mohamed Ragis Mohamed, Chairman
8. Somali Patriotic Movement (SPM)
General Aden Abdillahi Noor, Chairman
9. Somali Patriotic Movement (SPM) (sna)
Col. Ahmed Omar Jess, Chairman
10. Somali Salvation Democratic Front (SSDF)
General Mohamed Abshir Musse, Chairman
11. Southern Somali National Movement (SSNM) (sna)
Col. Abdi Warsame Isaaq, Chairman
12. United Somali Congress (USC) (sna)
General Mohamed Farah Aidid, Chairman
13. United Somali Congress (USC)
Mr. Mohamed Qanyare Afrah, Chairman
14. United Somali Front (USF)
Mr. Abdurahman Dualeh Ali, Chairman
15. United Somali Party (USP)
Mr. Mohamed Abdi Hashi, Chairman

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MILITARY ACTIONS

5 JUNE - 22 OCTOBER 1993

WEEK (SAT-FRI) SNA ACTIONS**UNOSOM ACTION**

05-11 June	05 - Major 3 sided ambush + secondary ambush at FS-20. 25 KIA, 57 WIA (Pak), 2 WIA (US). 05 - Old UNOSOM compound attacked with small arms and two FRAG grenades.	05 - Scheduled inventory of 5 SNA Weapons Storage Sites. 07 - Destroyed (8) 155mm + 105mm Arty. (2) Technicals.
12-18 June	13 - Anti-UNOSOM demonstration, 4 Somalis killed near former Egyptian Embassy.	12 - Coordinated series of actions to remove Radio Mogadishu from SNA control and 3 previous authorized weapons sites. 13 - Air strike against unauthorized SNA weapon storage sites (Osman Atto). Technicals and 20 large containers of small arms. 15 - 2 Suspected arms locations raided. 17 - Air ground search for arms. Aidid compound - large cache found. KIA: 4 (Mor), 3 (Pak); WIA: 3 (Fra), 8 (Pak), 4 (US), 2 (Ita), and 39 (Mor).
19-25 June	22 - RPG (1) attack on University Compound. 25 - RPG (1) attack on New Port.	19 - QRF destroyed 36 Arty pieces. 22 - QRF destroys SNA weapons site. Tanks, APCs, Arty, Crew served weapons + small arms
26-02 July	28 - In search of Atto's Garage. 2 KIA, 2 WIA (Pak). 02 - Italian forces ambushed. 3 KIA + 29 WIA.	28 - Atto's Garage searched 30 - QRF attacks Atto's Garage. 02 - Italian sweep Pasta Factory.

WEEK (SAT-FRI) SNA ACTIONSUNOSOM ACTION

03-09 July	03 - RPG (1) attack at Airport. 06 - Mortar (2) attack Airport. 07 - Four <u>Maanta</u> Somali employees and two Somali policemen killed in ambush., 07 - Mortar (2) attack Airport. 08 - Ambush of Marine vehicles. 1 WIA. 09 - Ambush of UNOSOM vehicles. 09 - Mortar (2) attack Embassy Compound.	06 - QRF cordon + search. Weapons seized.
10-16 July	10 - New Port sniper, 3 WIA (French) 13 - Mortar (3) attack Sword Base. 14 - Mortar (Unk) attack Sword Base. 14 - RPG (3-4) attack New Port. 14 - Mortar (4) attack Airport.	10 - QRF search Medina area. 12 - "Abdi House" attacked. 4 international journalists beaten to death by Somalis.
17-23 July	17 - Mortar (1) attack Sword Base. 18 - Mortar (3) + RPG (3) attack Airport. 19 - 3 separate patrols ambushed. 20 - 2 convoys + separate vehicle fired on. 2 WIA Zimbabwe. 23 - Pakistani APC hits mine 23 - SP-1 receives small arms fire.	17 - QRF weapon sweep.
24-30 July	25 - 2 US Humvees ambushed. 2 WIA (US). 25 - 84mm RR (3) attack on Sword Base. 26 - Malaysian APC ambushed at CP-31. 28 - RPG (3) attack Sword Base.	28 - QRF weapon sweep.

WEEK (SAT-FRI) SNA ACTIONS

UNOSOM ACTION

31-06 August

- 03 - Mortar (8) attack University Compound + Embassy Compound.
- 03 - Mortar (6) attack Airport.
- 03 - RPG (1) attack Airport.
- 04 - Brown & Root vehicle hits mine.
- 04 - Mortar (4-6) attack Hunter Base
- 04 - Mortar (7) attack Embassy Compound.
- 05 - Italian convoy ambushed Nations Road.
- 05 - Mortar (5) attack Sword Base.

01 - Pakistan search: 1 M-60 + 1 60mm mortar.

05 - QRF helicopter destroys 2 technicals.

07-13 August

- 08 - US Humvee command detonated mine. 4 KIA.
- 08 - Mortar (6) attack Embassy Compound.
- 08 - Mortar (4) attack University Compound.
- 10 - QRF helicopter receives small arms fire (3 separate incidents).
- 10 - Mortar (4) attack Airport.

10 - UNOSOM Force clear 21 October Road of road-blocks.

11 - QRF aircraft destroys technical.

12 - QRF + Pakistani forces conduct search.

14-20 August

- 19 - U.S. convoy vehicles damaged by command detonated mine. 4 WIA.
- 19 - QRF helicopter receives small arms fire.
- 20 - QRF helicopter receives small arms fire and possible RPG fire.
- 20 - Mortar (6-7) attack University Compound.

15 - QRF weapons search.

16 - Malaysian conducted search. Two 560mm mortars found in Benadir Hospital.

WEEK (SAT-FRI) SNA ACTIONS

UNOSOM ACTION

- 21-27 August
- 21 - QRF helicopter receives small arms fire and possible RPG fire.
 - 22 - U.S. convoy (22 vehicles), one vehicle destroyed by command detonated mine; Ambush with small arms + RPGs. 6 WIA.
 - 22 - Mortar attack (1) University Compound.
 - 23 - RPG (1) Airport; Damage to 5 Italian helicopters + 1 fuel bladder.
 - 24 - RPG (1) and mortar (4) attack Sword Base.
 - 24 - QRF helicopter fired at with two RPGs.
 - 26 - QRF helicopter hit by possible dud RPG; 6 inch hole in stabilizer.
 - 26 - Mortar attack (4) Sword Base.
 - 27 - Rocket attack (1) Embassy Compound; Dud in Botswana tent.
- 28-03 Sept.
- 28 - Mortar attack (1) Sword Base.
 - 28 - Mortar attack (1) Airport.
 - 29 - Mortar attack (3) Sword Base.
 - 29 - RPG attack (3) Airport.
 - 29 - Mortar attack (12) Airport.
 - 29 - RPG attack (3) University Compound.
 - 30 - Mortar attack (1) Sword Base.
 - 31 - Mortar attack (9) Airport; 1 MI-17 damaged, 1 fuel bladder ruptured.
 - 01 - Mortar attack (1) Airport.
 - 01 - QRF helicopter fired on with small arms.
 - 02 - QRF helicopter hit by small arms and RPG, 1 WIA.
- 24 - Somali shot and killed attempting to escape from the detention center.
 - 26 - Lead elements of US Rangers arrive.
 - 30 - Ranger raid on UNDP/SNA C³.
 - 01 - Bangladesh forces seized weapons cache, five 20mm twin mounts, one 30mm single mount, two 12.7mm HMGs.

WEEK (SAT-FRI) SNA ACTIONSUNOSOM ACTION

- 03 - Mortar attack (1)
Airport.
- 04-10 Sept. 04 - Mortar attack (3)
Sword Base.
- 04 - Mortar attack (3)
Sword Base.
- 05 - Nigerian ambushed on
Balad Road SP-19 to
SP-42. 1 KIA, 10 WIA,
1 MIA also 2 Pakistanis;
WIA in secondary ambush
21 October Road.
- 05 - QRF helicopter hit by
small arms and RPG. 1
WIA.
- 05 - Mortar attack (3)
Sword Base.
- 05 - Mortar attack (2)
Airport.
- 06 - Mortar attack (1)
Airport.
- 06 - RPG attack (1)
Airport.
- 06 - Mortar attack (2)
Airport.
- 07 - Mortar attack (1)
Sword Base.
- 07 - Ranger TF raid 17
detainees. 2 WIA.
- 08 - RPG attack (3)
Airport.
- 09 - Pakistani attacked on
21 October Road while
clearing roadblock
near SP89. Pak; 1 KIA,
2 WIA. U.S. 3 WIA/Lost
1 tank and 1 bulldozer.
- 09 - Mortar attack (4) Sword
Base.
- 10 - Pakistani SP-31 mortar
fire.
- 10 - Mortar attack (1)
Embassy Compound.
- 10 - Mortar attack (1)
University Compound.
- 10 - Mortar attack (10)
Sword Base.
- 10 - Mortar attack (5)
Sword Base.
- 10 - Mortar attack (4)
Sword Base.
- 10 - Mortar attack (2)
Airport.
- 10 - Mortar attack (6)
Airport.

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WEEK (SAT-FRI) SNA ACTIONSUNOSOM ACTION

- 10 - Mortar attack (2)
New Port.
- 11-17 Sept. 11 - Pakistani patrol comes under fire.
- 11 - Mortar attack (6)
Sword Base.
- 12 - Mortar attack (2)
Pakistani position at Stadium.
- 12 - Mortar attack (2)
SP-33.
- 13 - Mortar attack (2)
Embassy Compound.
- 13 - Mortar attack (4)
Embassy Compound
- 13 - Command Detonated Mine between two Pakistani APCs.
- 15 - Mortar attack (3)
Embassy Compound.
WIA: 2 (Nor), 1 ((US), 2 (Pak), 2 (UNOSOM civilians).
- 15 - Mortar + RPG attack SP 69.
- 15 - QRF helicopter hit by small arms fire.
- 18-24 Sept. 18 - RPG attack (1)
Embassy Compound.
- 18 - RPG attack (1)
University. 1 WIA (US)
- 18 - Mortar attack (3)
Airport.
- 19 - Mortar attack (5)
Airport.
- 19 - Mortar attack (5)
Airport.
- 21 - Pakistani APC hit by RPG on Afgooye Rd.
3 KIA, 7 WIA.
- 21 - Mortar attack (4) New Port.
- 12 - QRF sweep near Medina Hospital. 3 WIA.
- 14 - Ranger TF forces conducts search net 31 detainees plus mortars and RPGs.
- 16 - Pakistani forces clear roadblocks between SP-89 and 31. Small arms and RPG fire. Found 3 Command Detonated mines.
- 18 - Ranger TF conducts a search, netted 8 detainees (Atto's Garage).
- 19 - QRF conducts search for mortar positions, fire from Digfer Hospital. 1WIA (US).
- 21 - Ranger TF captures Osman Atto.

WEEK (SAT-FRI) SNA ACTIONS

UNOSOM ACTION

	23 - Mortar attack (3) Embassy Compound.	
	23 - RPG attack (1) University.	
	23 - Mortar attack (2) Sword Base.	
	23 - Mortar attack (2) Sword Base	
	23 - Mortar attack (3) Airport.	
	23 - QRF helicopter fired on by RPG.	
	24 - Vehicle search at Km-7. 1 WIA (Pak).	
	24 - Mortar attack (1) Airfield.	
	24 - Mortar attack (1) Sword Base.	
25-01 Oct.	25 - QRF helicopter shot down. 3 KIA (US).	
	25 - Mortar attack (1) Embassy Compound.	
	25 - Mortar attack (6) Airport.	
	26 - Mortar attack (4) Embassy, 1 WIA (Swe).	26 - Counter mortar fire used for first time.
	27 - Pakistani APCs ambushed between SP-9 and Km-4 with RPGs. 2WIA.	
	27 - Rifle Grenade attack (4) Embassy Compound	
	28 - Rifle Grenade attack (2) Embassy Compound. 1 WIA ((Nor).	28 - Marochino Ginacarlo and 2 others detained (arms dealers).
	28 - Mortar attack (5) Sword Base.	
	30 - Rifle Grenade attack (1) Embassy Compound.	
	01 - Mortar attack (3) Sword Base.	01 - QRF helicopter fires 2 TOW missiles into Pasta Factory.
	01 - Mortar attack (4) Airport.	
02-08 Oct.	02 - Mortar attack (4) Airport.	02 - Multinational sweep of several areas.
	03 - Command Detonated Mine destroys marine Humvee. 3 Marines WIA.	03 - Ranger TF conducts raid, Hawilwdaag area. Seizes 24 detainees (2 key Aidid aides). Two helicopters lost. Rangers trapped; relieved by
	03 - Mortar attack (1) Embassy Compound.	
	03 - Mortar attack (8) Sword Base.	

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WEEK (SAT-FRI) SNA ACTIONS

UNOSOM ACTIONS

international TF.
KIA; 15 (US), 1 (Mal).
WIA: 78 (US), 9 (Mal),
3 (Pak).

- 04 - Mortar attack (3)
New Port.
- 04 - Mortar attack (2)
Airport.
- 06 - Mortar attack (2)
Airport. 1 KIA,
12 WIA (US).
- 07 - Mortar attack (4)
Airport.
- 07 - RPG attack (2) Airport.
- 08 - Intruder cuts fuel pod
at Airport.

- 09-15 Oct. 09 - QRF reports possible
mortar attack on
Airport (1) round.
- 12 - Pipeline between
Seaport and Airport
sabotaged.
- 15 - Mortar attack (1)
Airfield Somalis
killed and wounded.

- 16-22 Oct. 20 - QRF helicopter was
fired on by RPG.

- 09 - AC-130 test fires
weapons.

Annex 5

**SYNOPSIS OF THE ATTACKS ON THE PERSONNEL OF UNOSOM II WHICH LED
TO CASUALTIES AMONG THEM AS DRAWN FROM OFFICIAL REPORTS AND OTHER
DOCUMENTS
{MAY - NOVEMBER 1993}**

Date	Incident
7 May	Kismayo was attacked by the SPM-Jess (SPM-SNA) faction early in the morning on 7 May by 100-200 men, trying to infiltrate the city from different sides. The attempt to take back the town from General Morgan was pushed back by the Belgian troops. During this period the Belgians conducted each day a number of "show-of-force" operations such as mobile road blocks, day and night patrols as well as active reconnaissance and helicopter surveillance. The military activity and screening activities obstructed the infiltration and enabled the Belgian troops to engage the militia of Omar Jess at an early stage. One Belgian officer was shot and wounded. An estimated forty Somalis of the attacking force were either killed or wounded.
13 May	In the town of BARYWEINE one Moroccan was killed at a checkpoint by an unknown Somali. Weapon and magazine of the soldier were reported missing.
5 June	<p>At 7 o'clock in the morning, less than one day after notice had been given, teams of UNOSOM weapon inspectors arrived simultaneously at the five Authorized Weapon Storage Sites (AWSSs) in southern MOGADISHU which the USC/SNA, the faction controlled by Aideed, had previously identified as the places where their heavy weapons had been deposited. A company of Pakistani troops accompanied each team. Shortly thereafter violence began with firefights and crowd disturbances all over South Mogadishu. The inspections had been completed, on the whole without incidents when, angry crowds began to gather in vicinity of kilometre four (K4,) kilometre five (K5,) and kilometer seven (K7.)</p> <p>Outside AWSS 5, which was also the site of RADIO MOGADISHU, a crowd began to gather by the gate. By 09.00 hrs, it had increased to some 200 men, women and children. Several men appeared and were perceived to be fanning and inciting the crowd. Reportedly, one Somali was shot and killed or wounded, when he tried to seize the rifle of a Pakistani soldier. One eyewitness stated that armed Somali militiamen joined the crowd and began shooting at the Pakistani soldiers outside the RADIO STATION, wounding two soldiers. The inspection was completed by 09.30 hrs.</p>

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At around the same time, at Feeding Point 20 (FP20), a crowd including women and children swelled outside the walls. Being incited by a man among the crowd, the crowd began to stone the Pakistani soldiers who were distributing food. The Somalis pressed on the soldiers until they were in personal striking distance. Armed men standing behind the women and children began shooting at the troops. The attack was intensified by rocket-propelled grenades (RPGs) and handgrenades. Vehicle drivers were struck by snipers at the outset to prevent escape. Of the 12 soldiers at FP 20, three were killed at the food distribution site and six were taken prisoner. One of the six died in detention, while the rest were held for several days before being released.

Four armoured personnel carriers (APCs) sent from a nearby strongpoint by the Pakistani brigade headquarters to rescue the besieged soldiers at feeding point (FP) 20, encountered a road block, were ambushed, and subjected to heavy machine gun fire from surrounding buildings, killing or wounding several soldiers. The APCs were forced to withdraw. More APCs were then dispatched from a strong point on the opposite side of FP 20, but they also encountered a road block, intense fire from heavy machine guns and were forced to withdraw. Before 12.00 hrs, the Pakistanis requested through UNOSOM headquarters help from the Italian tanks which were said to be thirty minutes away. (This request to support the withdrawal of Pakistani units from FP20 was received 14.00 hrs by the Italian Brigade. The Italians arrived at about 16.30 hrs at FP 20 only to find the bodies of three soldiers.)

At approximately 10.45 hrs Italian helicopters were engaged in actions supportive of the Pakistani troops following a request from UNOSOM Headquarters. At 11.35 hrs Italian helicopters struck a second time against targets on the 21 OCTOBER ROAD; apparently Somali snipers (GRID 357 279).

By 10.30 hrs the Pakistani troops accompanying the inspection team at AWSS 3 were ambushed, on their way back to their headquarters at the STADIUM, in the wide area along 21 OCTOBER ROAD. A Pakistani vehicle was hit by an rocket-propelled grenade (RPG) near the CIGARETTE FACTORY. In that particular incident two Pakistani soldiers were killed and two injured. At the same location, an apparent ambush ensued. Pakistani soldiers were caught in crossfire from three directions. Road blocks were erected by crowds, preventing smooth passage of the Pakistani vehicles. Shots were fired at them from

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the buildings along the road and the side streets. The Pakistani troops were exposed to increasingly intense fire including heavy machine guns and rocket-propelled grenades (RPGs) near CP 89. SP 42 and SP 50 were also under fire. Gunmen fired at the Pakistanis and then disappeared into the crowd of mostly women and children.

Reinforcements sent from the Pakistani headquarters to CP 89 received fire as soon as they left the STADIUM. As they approached CP 89, they were drenched with concentrated fire that ripped through the sides of their trucks and scout cars. Gunmen in the SAUDI RELIEF AGENCY BUILDING on 21 OCTOBER ROAD started shooting, creating a withering crossfire. Roadblocks were continuously fortified and more troops were trapped around CP 89. Most of the troops in the area, including a Quick Reaction Force (QRF) unit, took shelter inside the CIGARETTE FACTORY.

At 13.20 hrs, US reconnaissance and Italian attack helicopters arrived. Friendly machine gun fire from the Italian helicopter wounded three Pakistani soldiers. No rockets were fired at the Somali machine gun posts which continued firing to the end of the afternoon.

There were multiple reports of random gunfire and other violence at various locations, particularly along the US EMBASSY to K7 areas. Two US soldiers were shot near K4 and evacuated to the US HOSPITAL. Gunfire and violence continued throughout the day to include: random firefights between UN and Somali; shots being fired at AIRPORT and SWORD BASE personnel; an attempted penetration of the U.S EMBASSY COMPOUND by approximately 50 Somalis; an attack against UN residences; small arms fired against a U.S. helicopter near the AIRFIELD and 60 mm mortar fire near the UNITED ARAB EMIRATES COMPOUND south of the NEW PORT.

The total number of casualties was 24 Pakistanis killed, 57 Pakistanis wounded, 1 Italian wounded and 3 US personnel wounded.

Excerpts from interviews and reports

a. Mr. Osman Atto, responding to a question on the incident on 5 June 1993, stated that he heard that the fighting started at the RADIO STATION at 10.30 a.m. on 5 June. Mr. Atto claimed that the letter from the UNOSOM announcing that there would be inspection of the AWSS was

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never received by the members of the Cease Fire Committee. It was delivered instead to the "ambassador", another person on the staff of General Aidid but unconnected to the Cease-fire Committee at 5.00 p.m. Friday. Prior to that for quite sometime in the city, a rumour was circulating that UNOSOM wanted to take over the radio Mogadishu. Atto stated that if the letter announcing the inspection had been received by a member of the Cease Fire Committee, the incident of 5 June would not have happened.

b. Reports state that Pakistani troops did not possess armoured fighting vehicles, helicopters or armoured cars. The greater part of the casualties were taken while the Pakistani troops travelled in soft skin vehicles while going to reinforce ambushed strongpoints. The apparent lack of armoured protection and firepower along with effective aerial cover to protect troops resulted in the high number of casualties. Despite the preparations of the Pakistani troops of the AWSS inspection, the furious reaction was not anticipated. The Pakistani reports describe previous relations as friendly between their troops and the Somali population. Therefore the element of surprise added to the gravity of events. No hostile actions were expected.

c. There have been widespread allegations that the requested reinforcements were delayed because the contingents, in this case the Italians, had to consult their government before responding to the requests thereby delaying the assistance from the time of the request between 10.00 am and 11.00 am until 16.50 p.m.

d. The SNA's AWSS fell within the Pakistani area of responsibility while those belonging to Ali Mahdi were in the Italian area. The Italians had allegedly notified the Cease-fire and Disarmament Division (U-3) that they had recently conducted an inspection of the Ali Mahdi AWSS and found little weaponry. They therefore saw no point in checking them again. In fact, the notification concerned the fact that the Ali-Mahdi sites had been disestablished in March 1993, a decision made by the commander of the AOR (Area of Responsibility).

e. One senior officer within UNOSOM expressed the view that he felt "[the] business of inspecting the weapon sites was just to camouflage the operation against the radio station".

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f. Another senior officer with a commanding post perceived the transition from UNITAF to UNOSOM as if the contingents operated under the same rules of engagement as those applied by UNITAF. This meant to stop vehicles, confiscate weapons, to retaliate when fired upon and to carry out searches on the basis of received intelligence.

g. Prior to the 5 June inspection the Pakistanis had expressed the view that because there could be serious repercussions from the inspection, advanced warning should not be given the SNA as that would give them the opportunity to react against the inspections. If prior warning had to be given, the Pakistanis expressed the need for them to be told of the reaction of the Somalis. They claim they were not made aware of the angry USC-SNA reaction prior to the inspection. Had they been told they would not have undertaken the inspection in such an ill prepared posture as they did.

12 June In response to the 5 June incident and pursuant to the mandate given to it by Security Council Resolution 837, UNOSOM initiated operations, including attacks on selected targets in Mogadishu. On the morning of 12 June, AC-130 SPECTRE gunships attacked and destroyed the CIGARETTE FACTORY, ambush site of 5 June, AWSS 3 and AWSS 5, disabling RADIO Mogadishu, the STATION belonging to USC-SNA. The Quick Reaction Force (QRF) attacked and damaged AWSS 1, reattacked AWSS 3 and seized AWSS 4, the radio station re transmission site.

13 June The operations conducted on 13 June (and 14 June) were strikes done by AC-130 gunships on to UNOSOM known illegal arms and ammunition caches in the USC-SNA enclave of the city. The targets were ATTO'S GARAGE on 13 June (and AIDEED'S GARAGE on the 14 June).

A large crowd estimated 1,500 to 3,000, composed predominantly of women and children, marched down VIA LENIN towards the strong point K4. A man carrying a flag appeared and began exhorting the crowd through his megaphone. Pakistani troops fired warning shots without any effect. Meanwhile a much smaller crowd, no more than 60 people, was approaching the roundabout from the other side of the arch. Gunmen were spotted at the corners of two side streets on VIA LENIN nearest to the roundabout. They began firing at the EGYPTIAN EMBASSY building where the Pakistani troops were positioned. Sniper fire was seen to come from a nearby building. Shots were fired from behind the front rows of the crowd. All of a sudden armed men appeared on the scene and began firing at the

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Pakistanis and into the crowd. It appears from the evidence that the incident was staged, for the benefit of the international press, to show "a massacre of non-combatants" by Pakistani forces. According to the Pakistani commanding officer, when all firing ceased, eight Somali persons appeared to have been hit. The actual number of casualties could not be confirmed. There were no casualties among the Pakistani troops.

Excerpts from interviews and reports

a. A report by African Rights claims that Pakistani troops opened fire at the crowd killing at least 10 civilians. Shots were also fired from both sides of the streets where demonstrators gathered. The report claims a total of 20 people were killed in the incidents.

b. Amnesty International expressed concern about this incident when it says some 20 Somali civilian demonstrators, including women and children, were killed by UNOSOM II Pakistani forces who had come under fire from gunmen in the vicinity. Their concern was about the fact that Pakistani forces may have used lethal force in violation of UN law enforcement guidelines such as the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

c. In a statement from a Pakistani commander it is alleged that the Somali snipers were firing into the crowds apparently to create the false impression that the Pakistani soldiers were targeting women and children.

*17 June. Forces Command initiated strikes against targets in the vicinity of the Aideed enclave in MOGADISHU. The first phase commenced at 01.30 hrs on 17 June when Forces Command engaged AC-130 SPECTRE gunship in air strikes against selected targets in the Aideed controlled part of MOGADISHU. Damaged targets included suspected weapon caches, AIDEED'S RESIDENCE, JESS' RESIDENCE and ATTO'S RESIDENCE. Warnings were given by loud speaker teams to enable non-combatants to clear the area.

The second phase began with Moroccan and Italian forces moving to isolate the enclave. French forces established a screen along 21 OCTOBER ROAD, and Pakistani forces conducted the clearing operation. The forces initially met limited resistance in carrying out their tasks. At 05.20 hrs, when the Moroccan forces were engaged in roadblock clearing, they encountered a crowd of 1,000

people, mainly women and children. The crowd was dispersed by teargas. Simultaneously, French troops killed four snipers in the CIGARETTE FACTORY area.

At approximately 09.30 hrs, crowds, now armed, approached the Moroccan forces. The USC-SNA militia led the crowd with women and children in front to within handgrenade range (35 m) before engaging Moroccan forces. At 09.45 hrs weapons of all calibers fired heavily at the Moroccan forces from the DIGFER HOSPITAL and the buildings in its neighbourhood. The Moroccans sustained twelve casualties in this firing alone. Fighting continued several hours and attack helicopters had difficulty in giving support to the Moroccan forces which were too close to the militia's heavy machine guns. By the end of the fighting, over 100 of General Aideed's militiamen were captured. UNOSOM forces had confiscated large quantities of weapons, including artillery rounds, rocket-propelled grenades, TOW anti-tank missile, mortar launcher, rifle grenades, hand grenades and a large number of small arms.

The UNOSOM casualties included 5 Moroccans killed, 1 Pakistani killed, 40 Moroccans wounded, 1 Pakistani wounded, 3 US wounded and 3 French troops wounded in action. Unconfirmed reports indicate that over 150 Somalis were killed in the fighting.

Excerpts from interviews and reports

a. The UNOSOM operational intent for the extensive operation was to continue to put pressure on USC/SNA militia and secure the main lines of communication and key facilities in the city. UNOSOM Forces Command also wanted to continue offensive operations to sever local command and control of SNA militias. The UNOSOM estimation was that it required precise fires directed at key targets within the city followed by an aggressive cordon and search operation. The stated objective was to neutralize the command and control of the USC/SNA militia, drive the militia from their base of operations, and conduct disarmament within southern MOGADISHU in order to restore humanitarian relief operations in the city.

b. The UNOSOM assessment of the operation was that the intense air and ground operations yielded the military objectives they had sought. The security situation in MOGADISHU was deemed to be in the hands of General Aideed and it was stated that if he relented from his campaign of illegal tactics and disruption of humanitarian

activities, UNOSOM should be able to rapidly enter the next phase of planned operations. At this point it was felt from the UNOSOM operational command that the situation was in a period of consolidation, hopeful that growing pro-UNOSOM sentiment would erode General Aideed's political influence so as to fully strip him of his power.

c. It was stated that although UNOSOM remained militarily ready to respond to Aideed and his militia, the official objective was to avoid confrontation with him and to continue the disarmament process throughout the country. However, it was strongly stated that force structure and logistic support were, as it had been emphasized continuously for months, absolutely essential to the success of the humanitarian mission.

d. Statement from Moroccan commander that intelligence was insufficient for the operations and that this led to the fatal sniper attacks from DIGFER HOSPITAL rooftops and other buildings outside the cordon-and-search operation area forcing the troops to change their plans. Furthermore, there had been unconfirmed allegations of helicopter air-cover fire on own troops.

17-28 Jun. The situation in Mogadishu was characterized as tense, but stable with increasing escalations from the USC/SNA by means of nightly harassment of UNOSOM installations with rocket-propelled grenades and small arms fire, weekly anti-UNOSOM demonstrations and increasingly frequent roadblocks along 21 OCTOBER ROAD, LENIN ROAD, NATIONAL STREET, and ARMED FORCES ROAD.

*28 June. At 14.15 hrs a Pakistani force had been sent to carry out search operations at a compound known as Atto's garage (in the vicinity of GRID 376 291). During the search operations the Pakistanis were attacked by a Somali militia force of approximately fifteen men armed with AK-47 rifles, machine guns, grenades, and rocket-propelled grenades (RPG-7). During the attack some soldiers became isolated and were later extracted by Pakistani forces. U.S. Cobra helicopters provided support during the extraction operation.

Two Pakistanis were killed and three were wounded, an unknown number of Somalis were killed or wounded.

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Excerpts from interviews and reports

a. General Aideed had threaten to start a guerilla war on 26 June, utilizing hit and run tactics against UNOSOM II Forces.

b. Continued complaint from Forces Command that insufficient equipment would continue to cause unnecessary casualties until equipment should be available to the Pakistani Brigade. Despite this UNOSOM was said to have good cause to be optimistic. Forces Command was perceived to be growing rapidly. The addition of armoured vehicles was expected to greatly enhance the ability within Mogadishu and the credibility throughout Somalia. According to the UNOSOM assessment, Aideed's support was slipping away, the UNOSOM strategy was consequently believed to be proving effective. UNOSOM thought it was "patiently" applying pressure consistent with the force security requirements and with the overall operational plan.

c. Criticism from the Pakistani command that the incident had vividly magnified the fact that search of a suspected place must not be undertaken in future unless dedicated tanks and gunships were incorporated in such operations. The Italian response regarding search and coordinated operations in the target area had also given birth to a lot of apprehensions. The political considerations pursued by the Italians were believed to have over ridden the military operations.

d. There exist widespread allegations that Italian troops neither carried out requested search for missing Pakistani soldier in ATTO HOUSE compound nor allowed the Pakistani troops to do the needful.

*2 July. Italian forces were attacked by militia fighters on the northern portion of 21 OCTOBER ROAD, in vicinity of the PASTA FACTORY. At 06.00 hrs the Italian Brigade conducted a cordon and search operation in the area 1 km south of the PASTA FACTORY (in vicinity of GRID 400 302). The actual search was done in the vicinity of GRID 402 295 and a 350 m radius of surrounding area. The operation was to be conducted in the HALIUAA village area with two buses and one helicopter in addition to ground forces. At 08.50 hrs three Italian soldiers were slightly wounded during the search operations by stones thrown at them. Fire was reported coming from PASTA FACTORY. At 09.30 hrs, the search continued in the area of the PASTA FACTORY. As the Italians had completed their task and

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were returning along BALAD ROAD/IMPERIAL ROAD. they came across road blocks and received heavy fire from Somali militia. One Italian soldier and one Somali policeman were injured in this incident and one vehicle was destroyed. From this time heavy fighting was ongoing and at noontime Italian tanks had fired on the PASTA FACTORY. The Italian troops located at GRID 402 302 were withdrawing receiving fire from the top of PASTA FACTORY. Seven Italians, three Somali police were wounded. At 12.02 hrs the Deputy Force Commander gave authority for Quick Reaction Force (QRF) Cobra helicopter gunships to engage the PASTA FACTORY and instructed the Italian Liaison Officer to ensure that friendly locations were known.

At 12.30 hrs the intelligence unit (U-2) reports to the Joint Operations Command (JOC) that they are in progress of planning an AC-130 SPECTRE air strike on the PASTA FACTORY. At 12.32 hrs the firing in vicinity of PASTA FACTORY was reported to be still continuing and was heavy, including rocket-propelled grenade (RPG-7) and heavy machinegun. At 12.45 hrs Italian forces were reportedly withdrawing from their locations. One tank had at that moment been fired on by anti-tank fire.

At 13.00 hrs Quick Reaction Force was ready to attack and five minutes later QRF attack helicopters were starting to engage targets. Helicopters were directed to attack tops of building only. Italian Liaison Officer also later verified that Italian troops were not in that area at the time of helicopter fire. At 13.13 hrs Italian forces had withdrawn 500 m SW of PASTA FACTORY. Due to ground fire two Italian helicopters were damaged and an Italian truck was hit by rocket-propelled grenade (RPG) fire. At 13.17 hrs Deputy Force Commander (DFC) informed QRF fire from helicopter to PASTA FACTORY to be stopped. At that time the Italians confirmed that there were no more enemy in the factory area and that their forces were returning to their compounds.

Three Italians were killed and 30 wounded in the incidents. Strongpoints 42 and 19 were abandoned in this incident and the return had to be negotiated later the same month. 67 Somali were reportedly killed and 103 wounded and another 7 arrested.

Excerpts from interviews and reports

a. The conduct of periodic reconnaissance of the PASTA FACTORY and MARACHIO'S GARAGE had been ordered to be carried out at least once a week.

b. Intelligence (U-2) reports show that no reason for the attack against Italian forces was given by any faction. Reliable sources had indicated that the SNA militia was aware of the Italian cordon and search operation and the attack against them appeared to have been planned well in advance.

c. The incident raised fear within Forces Command that the will of coalition forces to pursue the aggressive operations were undercut by events. This forced UNOSOM to assume a more defensive posture. Allegations hardened regarding the refusals of the various contingents to implement orders given by FC to the UNOSOM troops, either due to lack of equipment or to national authorities' requirement to negotiate before engaging in military operations against USC/SNA. Later in mid-July the accusations against the Italians included that direct negotiation had been held with the USC/SNA and that the USC/SNA militia had greater freedom of movement in the Italian area than elsewhere.

7 July

In this incident four Maanta Somali employees and two Somali policemen were killed in an ambush. At 06.45 hrs, near BENEDIR HOSPITAL by the ZOBBE BUILDING, Major Ahmed Jama from CID (Criminal Investigation Department) and at that time working for MAANTA, the UNOSOM daily news bulletin, and Yusuf Ali Sheikh, the driver together with four other persons were stopped by two cars carrying eight persons with guns. Major Madadal and Yusuf Ali Sheikh were killed on the spot. The other four were taken away along with the car. Shortly after the killing, four men, all belonging to the Haber Gider clan, arrived at the scene to check the bodies of the two persons killed. Later four bodies were said to have been dumped at a place called GUBTA, in an area controlled by Ali Mahdi supporters.

Of the six persons killed, the major and Captain Muse Hagi Abdi, from ORIENTAL POLICE STATION, belonged to the Isac clan, and the four others were Ali Mahdi supporters. The perpetrators of the killing were allegedly Aideed supporters from the Saad clan.

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- 9 July Introduction of mortar fire into UNOSOM installations. from the USC/SNA in addition to daily roadblocks and small scale ambushes both daylight and night time. A targeting of US facilities could be noticed.
- *12 July. Quick Reaction Force (QRF) conducts an operation against USC/SNA command and control centre, 'ABDI HOUSE' under direction of UNOSOM. Four international journalists were killed by a Somali crowd.

At 10.15 hrs, the Quick Reaction Force conducted a raid on the house of Abdi Abdiid which was described as "a major SNA/Aideed militia command and control centre, serving as a militia meeting site, staging area and rally point". The raid was carried out on the basis of information that meetings would be held at the centre, and that the militia leaders would likely attend. Scout Weapon Teams from an US Task Force initiated the attack with TOW anti-tank missiles and 20 mm fire. Once the preparatory fires were completed, a company size air assault was conducted on to the house, as other elements from the Task Force secured the area of operations. After a short fire fight in the compound, the airborne rangers searched and cleared the area, and retreated nine minutes later. The QRF had no casualties.

Excerpts from interviews and reports

a. According to UNOSOM announcement, the Somali militia casualties included 20 deaths, all male adults. There were no women or children present at the ABDI HOUSE at the time of the raid. Two Somalis wounded were detained. It was also announced that in the figures of those injured in the attack, there were no women, children or innocent civilian bystanders.

b. The ICRC announced that the Somali casualty was 215, including 54 dead. Aidid supporters distributed a list of 73 names who they claimed were killed in the attack, including women and children. They also claimed that hundreds were wounded. The casualty allegedly included participants in the political meeting in the ABDI HOUSE and civilians who were nearby.

c. The African Rights report alleged that an enraged crowd of residents turned upon the international journalists who were covering the scene of the attack and killed four of them. It was also stated that the journalists were taken to the scene by members of SNA,

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who were then unable to protect them from the wrath of the people.

d. The UNOSOM expectations counted on tanks to begin arriving 13 July and complete by 16 July, providing significant operational ability and enabling the embolden forces to reassert themselves in the city.

e. The UNOSOM assessment was that the Pakistani and Italian forces were now patrolling more aggressively and establishing strong points to reopen locations and reverse the trend toward increasing violence against vehicles and compounds which had been witnessed over the previous week. UNOSOM sought to maintain pressure on Aideed and was in the process of positioning forces to do so.

f. An early unconfirmed report indicated that possibly 30 top SNA officials were present in the ABDI HOUSE at the time of the attack. The report also indicated that as many as 18 may have been killed (six were reported to be still in the rubble of the house). In the afternoon of 12 July, the source reported that armed men were in the streets of Mogadishu hoping to exact revenge on the UN. The SNA had apparently put a price on the head of any US soldier or UN personnel killed.

g. Forces Command assessed that the strike against the ABDI HOUSE dealt a major blow to Aideed's militia and more precisely to their command and control ability. The attack was stated to tangibly change the scenario from static defense security to active pursuit of Aideed and that UNOSOM had regained the momentum needed to keep the SNA/USC threat off balance.

h. Concerns expressed by Amnesty International that dozens of unarmed civilians were killed, including some of the UN's own interlocutors from Somali political or sub-clan groups.

8 Aug US HMMWV jeep was struck by a command detonated mine in MOGADISHU near HUNTER BASE on MEDINA ROAD as two MP vehicles were patrolling on JALLAD SIAD STREET in the MEDINA DISTRICT between SP16 and SP3. As the vehicles passed a crossroad in vicinity of GRID 314 238, heading from SP3 towards SP16, the first vehicle (the platoon leader's) was hit by an electrically controlled explosive charge device located on the side of the road. The explosion hit the centre of the vehicle, completely

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destroying the vehicle and mutilating the bodies. Three MPs were killed immediately. The fourth MP died of wounds received due to the explosion.

a. This was the second incident of this type; the first occurred on the 4 August against a Brown & Root (logistics contractor) vehicle and the assessment was that this marked an attempt to step up the threat on UNOSOM.

22 Aug In a U.S. convoy of 22 vehicles was attacked; one vehicle was destroyed by command detonated mine and an ambush with small arms and rocket-propelled grenades (RPGs) ensued. Six Americans were wounded.

*5 Sep A major militia engagement ensued against deployed forces on BALAD ROAD near the PASTA FACTORY. The attack was directed against Nigerian soldiers during the hand-over of responsibility from Italian to Nigerian forces in vicinity of SP 42. In a related incident, a Pakistani patrol attempting to aid a Nigerian unit was attacked as it travelled along 21 OCT ROAD.

On the morning of Sunday 5 Sep Nigerian forces were scheduled to begin transfer of control from the Italian to Nigerian forces (beginning at 05.00 hrs). The Nigerian Battalion was moving from BELET UEN to MOGADISHU. At about 04.00 hrs, crowds were reported gathering in vicinity of SP42 which is in the NE corner of the city, on BALAD ROAD, near the PASTA FACTORY, a known militia stronghold. Nigerian forces arrived at SP42 at approximately 06.05 hrs to assume control of the strong point from Italian forces. A local elder confronted the Nigerian forces demanding that they should have an agreement with him before taking over from the Italians. The Nigerian Company Commander told the elder that they were not yet taking over but merely coordinating transfer with Italian forces. The actual transfer was to be complete by 23.59 hrs on 6 Sep. The elder, as reported by the Nigerian contingent, said "the Nigerian troops will see" and he left.

Five minutes later the Somalis opened fire on the Nigerian soldiers. At about 07.00 hrs the situation had deteriorated and the Nigerians requested reinforcements who were sent from the OLD PORT northward through SP19 to extricate the trapped Nigerian force. An Italian convoy en route to BALAD returned to NEW PORT. Italian Liaison Officer reported that the Italian Chief of Staff was at SP42 07.45 hrs attempting to calm the population. Italian

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G-3 (Operations Section) warned Nigerian Liaison Officer that he should tell his headquarters not to send additional troops to SP42 in order to avoid worsening the situation. The Italian G-3 was informed that a Nigerian unit intended to move from SP19 to SP42 and that the commander of SP19 was trying to dissuade them from doing so. The reinforcements were ambushed north of SP19 between SP19 and SP42, about 500 m south of the PASTA FACTORY. All casualties took place at the deliberate ambush site. Intense fighting took place between 07.00 hrs and 09.30 hrs. By 09.45 hrs the Nigerian Liaison Office had reported seven dead. Sporadic fighting lasted until approximately 13.00 hrs when the situation was relatively calm. Nigerians had by then returned to their camp at the OLD PORT and only Italians were at SP19 and 42.

In a related incident, a Pakistani patrol, moving along 21 OCT ROAD to assist the Nigerian forces, was struck by small arms fire and two Pakistanis were wounded.

Italian forces helped to extract a killed Nigerian from the ambush site. They also encouraged Nigerian forces to return to their camp and allow the situation to settle. The Italian forces resumed control over SP19 and 42. There were no more violent incidents until 13.50 hrs when an Italian patrol near SP19 fired on a speeding civilian vehicle which would not stop for a check. Two Somalis were killed and five wounded. Seven Nigerians were killed and 8 wounded, 2 Pakistanis and 3 US were also wounded in action.

Excerpts from interviews and reports

a. The situation in MOGADISHU was assessed to include continued tension and militia activity directed against UNOSOM II Forces by suspected USC/SNA forces at the time for 5 September. The intensity of the SNA nightly attacks had increased. Based on the conditions of some of the munitions being used and the sporadic methods of enemy fire control, UNOSOM had indications that Aideed's forces continued to suffer a shortage of ammunition. Further, UNOSOM had received continued indications that support for Aideed within the Haber Gider clan had deteriorated within the previous weeks.

b. Nigerian statements claimed that they had failed to sign an agreement with local Somali similar to the one Italians had signed at SP 42. The Italian Regiment Commander had allegedly agreed to summon the elders for

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discussions with the Nigerians at 16.00 hrs on 5 September. The Italian Company Commander had during the initial firing until dawn intermittent discussions with the Somali leader and the Italian Commander had requested that the Nigerians should move away from the vicinity of the position of their APC so as not to draw fire unto them.

c. Nigerians had entertained suspicionf that the Somalis must have been notified in advance about the hand-over of troops this time of the day. The Nigerians report a nonchalance attitude on the part of the Italians towards the plight of the Nigerians and an Italian refusal to give fire support. Furthermore, there were allegations referred also in the media of disputes between Italians and UN/US as reason behind the Italian transfer out of Mogadishu.

d. Lack of APCs aggravated the impact of the roadblock ambush. Statements that the Italians had a good arrangement with the local Somali and that they were there with the consent of the elders persited as strongly as they were denied by the Italians.

9 Sep

A Pakistani patrol was ambushed while clearing a road block on 21 OCT ROAD near SP-69. At about 13.25 hrs when Pakistani forces were attempting to clear 21 OCTOBER ROAD of roadblocks, three tanks and three or four APCs were attacked. The Pakistani troops were under fire of 106 mm recoilless rifles from near the CIGARETTE FACTORY. QRF helicopters came to give air support to the Pakistani troops, allowing them to return to their base. At about 16.15 hrs, some 1,000 Somalis moved toward a roadblock removed by U.S. and Pakistani forces near SP 89. QRF helicopters again intervened to assist the ground forces. One Pakistani M 48 tank and US bulldozer were destroyed. The tank was hit by a 106 mm recoilless rifle raid and heavy machine gun fire and caught fire. The bulldozer was destroyed by two TOW missiles. Intense militia activity in the vicinity of the CIGARETTE FACTORY continued until after dusk. One Pakistani was killed. Two Pakistanis and three US troops were wounded.

Excerpts from interviews and reports

a. Roadblocks for the days prior to 9 September had become a nuisance for UNOSOM. The roadblocks were removed three or four times daily to be reerected by women and children. The Somalis allegedly made a deliberate ambush

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using anti tank/auto weapons including recoilless rifles and rocket-propelled grenade (RPG) in combination with effective roadblocks. The Pakistani report states that casualties were considerably less due to good protection and support by tanks and helicopters from US QRF. Though the tanks were of great assistance they proved to be totally unreliable being of old models with petrol engines.

b. This incident was followed by media accusations of indiscriminate fire by UNOSOM troops on Somali crowds. UNOSOM admitting "numerous" casualties on the Somali side among the combatants, denied the allegations, which remain unconfirmed.

c. Two Pakistani tanks were moving behind the American APCs to give them rear cover while dozers cleared the 21 October Road. Normally, a Pakistani Commander states, they would have returned fire while withdrawing, but they could not leave the area as the Americans were out of the vehicles and had taken up fighting positions. When one tank commander took his head up to address the Somalis using a megaphone he was fatally wounded when the Somalis fired a salvo at his tank.

d. The Pakistanis were still using M48 A2 Tanks of 1957 model with 90 mm guns. In October they received M48 A5 tanks (diesel engines) with 105 mm guns, dispatched from Pakistan on 20 September.

15 Sep At 1930, at the NEW PORT facility, sniper shots fired from abandoned buildings in front of MARTENI HOSPITAL killed two Italian soldiers who were doing physical exercise training under the lights at the NORTH PIER. At 10.20 hrs, three mortar rounds exploded on the UNOSOM Headquarters compound between the Norwegian company Headquarters building and the old kitchen. The raids caused no structural damage but caused personnel casualties. Among the 11 wounded were: 2 Pakistanis, 2 Norwegians, 1 US officer, 3 Somali civilians and 3 UNOSOM civilians.

21 Sep A Pakistani armoured personnel carrier (APC) was hit by rocket-propelled grenade (RPG-7) on AFGOOYE ROAD, near the BENADIR HOSPITAL. This day Osman Atto, one of Aideed's top advisors and financier was captured. At 06.00 hrs, a mobile patrol of two tanks and two APCs was sent from the Pakistani contingent compound via K4 and K7 to SP 69. At 06.15 hrs, the patrol encountered a

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roadblock near BENADIR HOSPITAL on AFGOOYE ROAD. The patrol encountered another roadblock at GRID 340 246. At 06.25 hrs, while crossing this roadblock, one APC was hit with an RPG-7 round from an unknown direction. The APC was hit in the fuel tank and caught fire. Eleven Pakistani soldiers abandoned the APC and were evacuated, but three including one officer, trapped inside could not be rescued, due to the intensity of flames and explosion of the ammunition inside the APC. Three Pakistanis were killed and seven wounded, including two seriously burned.

24 Sep At 06.15 hrs, a Somali truck approached SP 7 from the direction of AFGOOYE ROAD. When the truck was stopped, a Somali jumped from the back of the truck and began firing at the Pakistani soldiers. A Pakistani soldier received five gunshot wounds to the right arm, right and left thigh. The gunman was shot and killed by a soldier.

25 Sep A Quick Reaction Force helicopter engaged by small arms fire crashed. During ensuing search operations, Pakistani and US soldiers were fired upon and wounded. At about 02.10 hrs, one U.S. UH-60 A/C 'Black Hawk' helicopter was shot by small arms fire, crashed and was destroyed in the vicinity of GRID 376 247. Two U.S. crew members were wounded and evacuated to the United Arab Emirates (UAE) HOSPITAL. The remaining three U.S. crew members were confirmed dead. During the rescue operation heavy gunfire came from the VILLA SOMALIA area. Three Pakistani soldiers and three U.S. soldiers received gunshot wounds. Three US soldiers were killed, 5 wounded and 1 Pakistani was wounded in action.

27 Sep Two Pakistani armoured personnel carriers (APCs) were ambushed with rocket-propelled grenades (RPG-7s) and small arms in vicinity of K7. At 13.45 hrs, two APCs, on routine patrol between SP 7 and K 4, received small arms and RPG fire in the vicinity of GRID 336 248. Three RPGs were fired, two of which missed and one hit the leading APC. One officer and a soldier were seriously wounded.

At about 1405, two more Pakistani APCs were ambushed in the vicinity K7 by two Somalis with RPGs and small arms. Two Pakistani soldiers were wounded in the incident. The RPGs missed the APCs.

UNOSOM casualties this day was one Pakistani killed and three wounded in action.

28 Sep At 20.20 hrs, Turkish Company guards at GATE 8 reported that there were armed Somalis in a factory building

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opposite the gate. The Somalis fired rifle grenades towards the EMBASSY COMPOUND. Grenades exploded very close to the HEADQUARTERS BUILDING. A Norwegian soldier was seriously wounded. Pakistanis reported they saw the launcher in the vicinity of BENADIR HOSPITAL.

At 2030, four mortar rounds were fired into SWORD BASE from GRID 3433 2598 close to DIGFER HOSPITAL. Two soldiers were wounded.

*3 Oct Two separate incidents occurred this day. The minor incident involved a command detonated mine which destroyed a US Marine HMMWV (3 US soldiers wounded). The major incident that occurred was a result of UNOSOM operations to capture personnel. Ranger Task Force conducted a raid in HAWILWDAAG area and seized 24 detainees including two key Aidid aides. The UNOSOM forces received an extremely heavy and prolonged militia response. Two helicopters were shot down, US Rangers were trapped and relieved after lengthy and harsh fighting by international Task Force, numerous vehicles were engaged.

The Ranger mission commenced at approximately 11.30 hrs on 3 Oct. The task force rangers had received information that Aideed's advisors held a meeting near the OLYMPIC HOTEL. The critical execution portion began at 15.45 hrs. Twenty four detainees were captured including two key Aideed advisors; three of the detainees later died. As US troops and UH-60 A/C Black Hawk helicopters were dispatched to evacuate the Rangers with the detainees, one Black Hawk helicopter was shot down at 16.10 hrs. The ground troops of approximately 100 men moved to the crash site under intense fire with additional casualties. At 16.49 hrs a second helicopter was shot down.

A first rescue attempt was made by US Rangers and US QRF from the airfield through LENIN ROAD but were ambushed and forced to move back. The situation at the crash site was considered stable as they had been resupplied and had air cover.

Elements from the mission had requested standby support to be available at 15.37 hrs. The Quick Reaction Force QRF was notified at 15.37 hrs and Pakistani and Malaysian forces were notified at 16.15 hrs.

These elements, upon direction of the Deputy Force Commander (DFC) and the Quick reaction Force (QRF) commander, immediately began preparations for movement to the port area where a rescue task force was to be

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organized. The Quick Reaction Command (QRC) of the QRF was the operational control to Task Force Rangers from 16.35 hrs to 19.07 hrs, when they returned to QRF control. The rescue Task Force elements moved between 16.40 hrs and 18.45 hrs to assemble for the Task Force Commander's briefing.

At 19.30 hrs the Pakistani Brigade reported they responded to a Joint Operations Centre (JOC) report of 1,000 Somalis in the vicinity of GRID 246 253 by readying strongpoints (SPs) to assist trapped U.S. personnel who were in the OLYMPIC HOTEL area.

The Task Force Commander briefed the operational plan at 19.45 hrs. Task Force elements departed the airfield to join with other elements at the new operation staging area. The Task Force departed the NEW PORT at 23.00 hrs. One of the three Task Force companies remained in the port in reserve. At 23.20 hrs four tanks and three APCs left the port to support US QRF operations. The two Task Force companies which deployed reached SP207 at 23.45 hrs. One of the companies remained at SP207 to act as a tactical reserve for the company which was to move to the northern rescue site (crash site #1). From the time the Task Force reached SP207 until arrival at their respective objectives (crash site #1 and #2), the Task Force elements came under heavy sniper and rocket-propelled grenade (RPG) fire and reinforced road blocks. The elements were decisively engaged in prolonged fire fights enroute to their respective objectives. A road block was encountered at GRID 370 244; main tank gun employed to blow it up quickly so as to maintain momentum and allow the movement to be resumed. Soldiers at SP207 and tanks received fire from numerous Somali positions. They suppressed fire with coordinated tank and dismounted fires. During defense of SP207 an officer was wounded by gunshot. He was evacuated to a field hospital and was reported in stable condition. Tanks and APCs were successful in dominating their area of operations while QRF helicopters engaged flank targets in adjacent built up areas. At 00.05 hrs one mortar round exploded close by the armoured squadron ammunition dump near the STADIUM.

The elements arrived at their objectives at 02.28 hrs and 02.31 hrs respectively on the morning of 4 Oct 93. They seized their objectives and extracted more than 70 U.S. soldiers and returned again, under intense fire, through SP207 to the STADIUM. At 02.40 hrs mortar rounds (unknown number) exploded near the tanks. Several rocket-propelled grenade (RPG) rounds were fired. Vehicles kept moving

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responded aggressively, thereby silencing the attackers. An enemy mortar positioned at GRID 3697 2520 was engaged by Pakistani 81 mm mortars. Firing was halted after two salvos due to helicopters in the area. Tanks and APCs covered withdrawal of UNOSOM forces. Some soldiers were recovered in Pakistani tanks and APCs, others were recovered to SP207 for transport in other APCs. During fighting between SP207 and the STADIUM a Pakistani soldier received shrapnel wounds in his face. Tank refuelling was carried out at great risk by three APCs which came through a mined route to a position 800 m east of target area.

They arrived at the STADIUM at 06.32 hrs. By 10.30 hrs on 4 Oct all QRF soldiers were escorted up to SP31 through the 21 Oct BYPASS ROAD.

3 US soldiers were killed in action, 36 wounded, 1 Malaysian killed, 10 Malaysian wounded, 1 Moroccan killed and 10 wounded, 3 Pakistani and 1 Italian wounded. An additional 15 US killed in action and 57 wounded were not listed in official UNOSOM casualties.

An estimation from UNOSOM states that 300-500 Somalis were killed and more than 700 wounded in the clashes.

Excerpts of interviews and reports

a. The Executive Summary states the operation as one where a heavy joint and combined multinational task force was alerted, moved at night, briefed, deployed at night, and successfully executed, at night, under intense combat conditions, their rescue plan to extract 70 soldiers (with wounded) in approximately eight hours. The summary states explicitly that there were no "time lapse" or "time gaps" since such operations are inherently complex.

b. A Pakistani report states that the initial raid was exclusively planned by the Rangers. The plan was not communicated to other coalition contingents hence no contingency planning to support the operation by coalition contingents was done. The reports claim that QRF took seven hours to plan the rescue operation.

c. A Pakistani commander states that nobody was told about the Ranger operation. After the Americans had had their planning meeting at 10.30 the Pakistanis were told by the Brigadier general commanding the Rangers that 75 people were stranded at the helicopter crash site. He said he had sent teams to go and rescue rangers but each

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time the rescue teams had been fired upon and forced to return. The Pakistani assignment was to protect the Americans while they went to the crash site, to seal off the area while the Americans went to extricate the Rangers, and to protect them during withdrawal from the area.

d. The Pakistani tanks were old and did not have night vision. The tanks were the 1957 model M48 A2 petrol tanks with 90 mm gun. They ran out of fuel during the operation and had to be brought one by one to a nearby strongpoint for refuelling. The Pakistani commander pictures his troops as "sitting ducks" in the tanks. Asked whether the high figure of casualties was due to the fact that those wounded had to stay there the whole night before being moved, the Pakistani commander replied that contact was made at 02.00 hrs, but that they failed to make contact with those at the crash site until they left. The Pakistani task was to cordon off the area. The Pakistani said they took a long way to get to the crash site and the Americans had difficulty making contact with the Rangers due to hostile action from the Somalis on the way.

e. A Malaysian Commander testified that they were informed about 17.30 hrs to go to the NEW SEAPORT to give reinforcements for an operation by the Americans. They arrived at the NEW SEAPORT at 18.50 hrs. At that time one other Malaysian company had already arrived. The Malaysian troops provided only APCs and not any assault troops which instead were replaced by Americans. The troops set off at about 20.00. At 23.55 the progress of the troop was slow in entering the objective due to rocket-propelled grenade (RPG) fire, snipers and mortar fire. The Malaysian commander states that night vision equipment was available but that he had been called to duty so suddenly that he had no time to bring it with him.

f. Concern expressed by Amnesty International about large number of civilian casualties during the 3 Oct actions.

4 Oct Belgian helicopter pilot killed while conducting a reconnaissance in the vicinity of YAONTOY, 20 km north of KISMAYO.

14 Oct In Baidoa Region, at 5 km northwest of the village of BUUR DHUHUNLE, a Greek noncommissioned officer (NCO) was shot and killed. The NCO was travelling in a vehicle

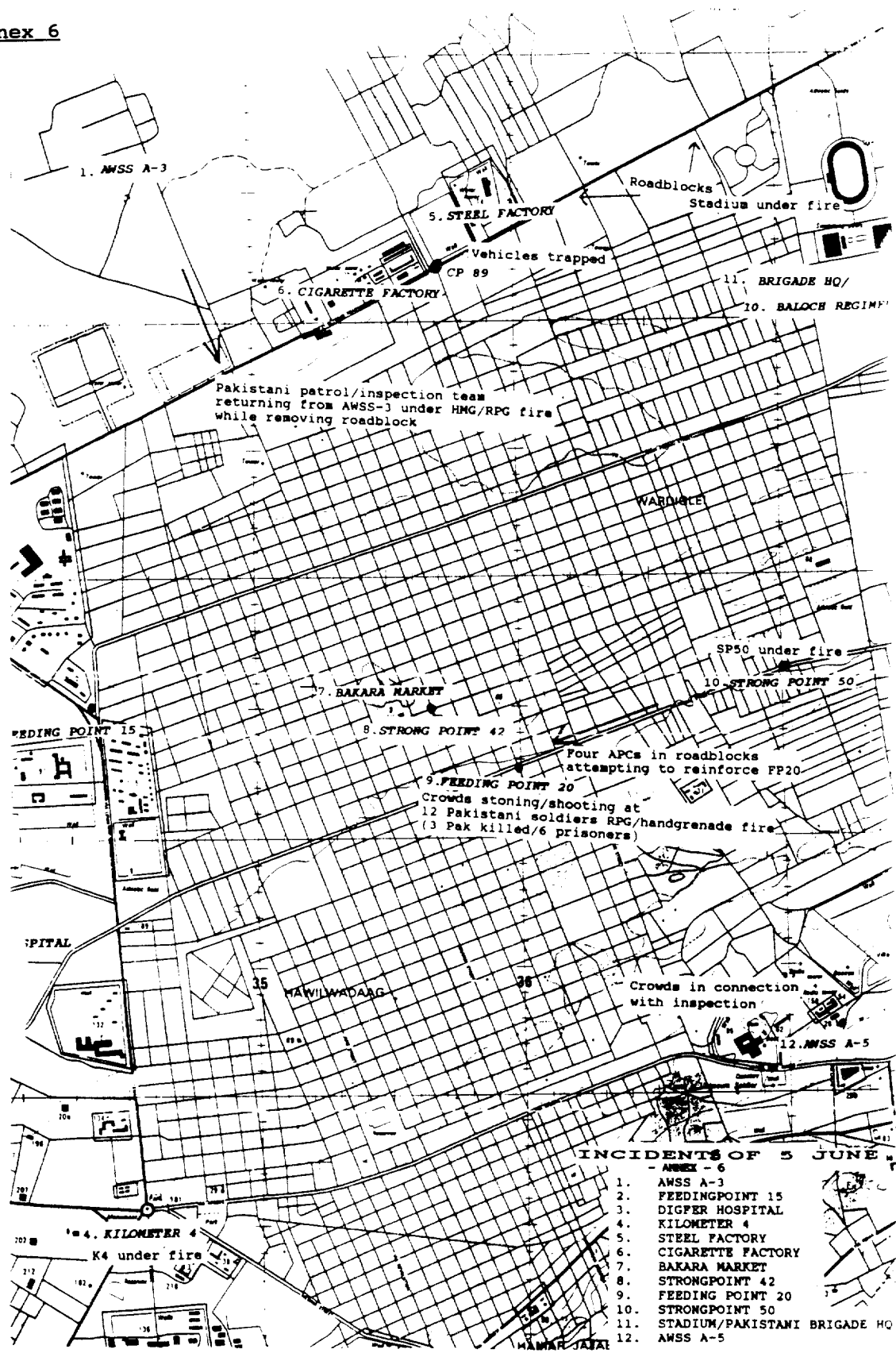
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from WADJID to ODDUR when it was forced to stop because of a Somali on Somali clash.

12 Nov Bandits engaged by patrol shoot and kill Italian soldier on BALAD ROAD as the Italian patrol attempted to respond to the bandits.

13 Nov At 06.50 hrs, one marked UNOSOM vehicle was stopped by four gunmen while travelling along DAMWADAG ROAD. A UNOSOM personnel fired at the gunmen, killing one and wounding another, which ignited a gun battle, resulting in the death of the personnel who started shooting and two other UNOSOM personnel wounded.

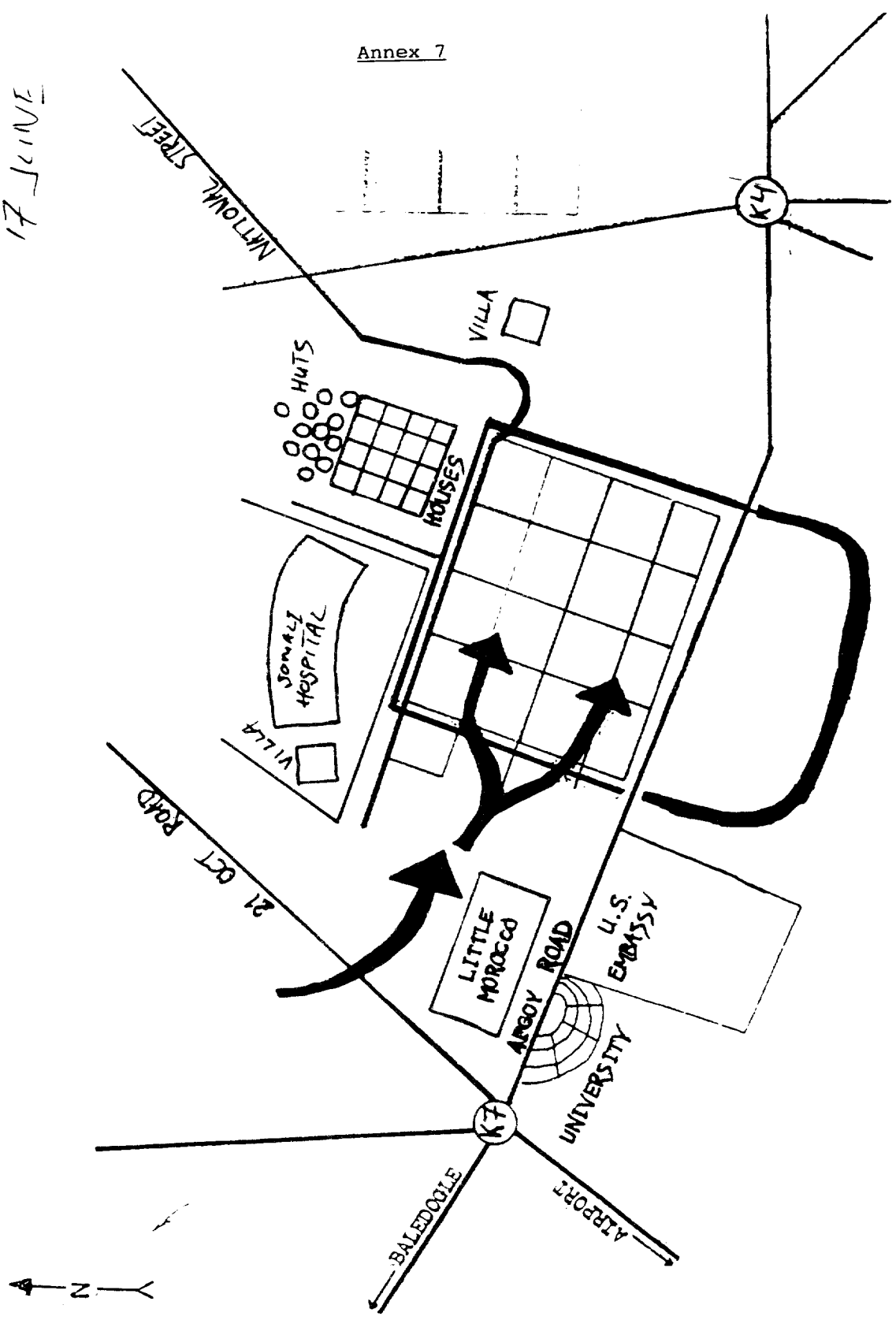
Annex 6



- INCIDENTS OF 5 JUNE**
 - ANNEX - 6
1. AWSS A-3
 2. FEEDINGPOINT 15
 3. DIGFER HOSPITAL
 4. KILOMETER 4
 5. STEEL FACTORY
 6. CIGARETTE FACTORY
 7. BAKARA MARKET
 8. STRONGPOINT 42
 9. FEEDING POINT 20
 10. STRONGPOINT 50
 11. STADIUM/PAKISTANI BRIGADE HQ
 12. AWSS A-5

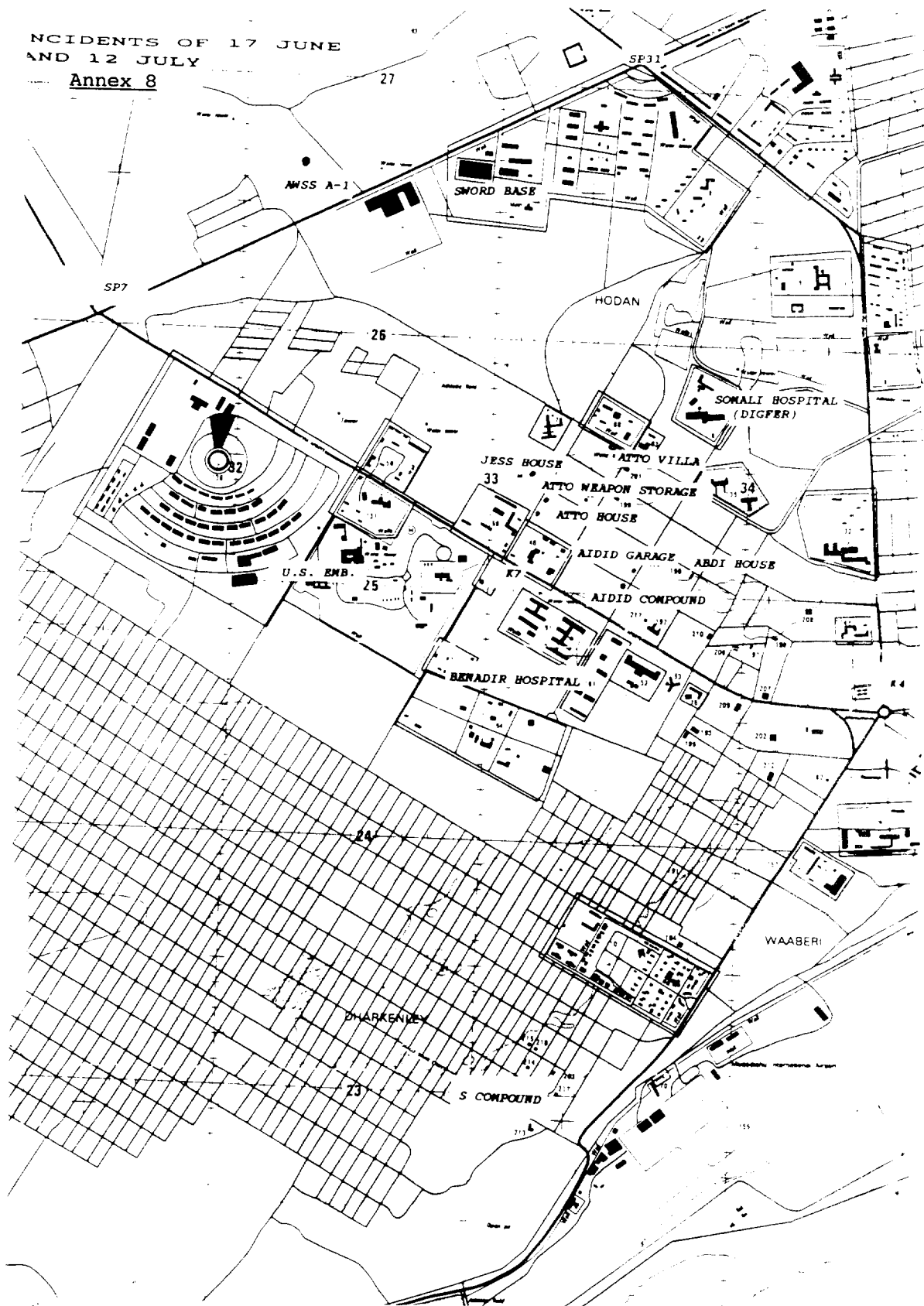
17 JUNE

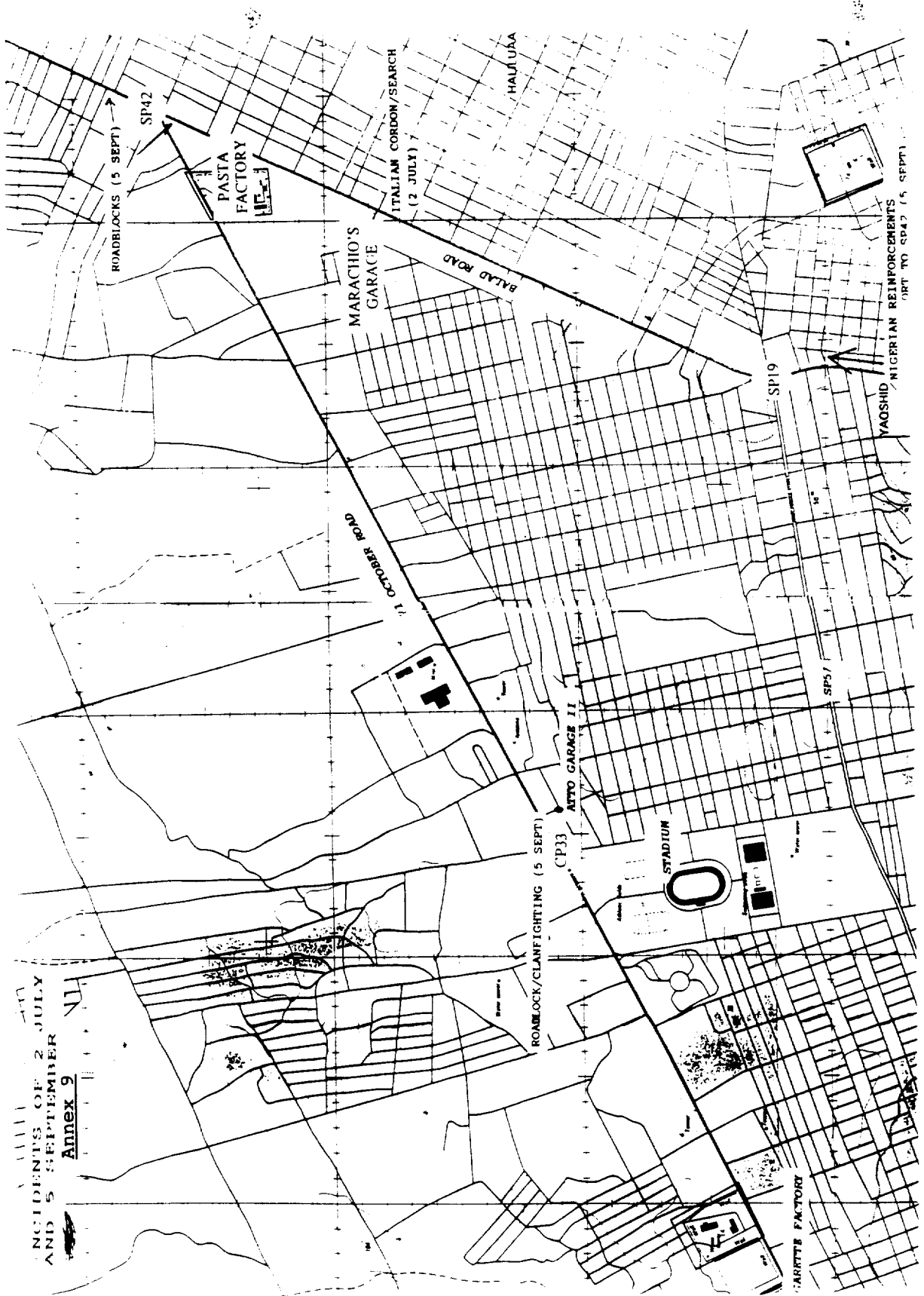
Annex 7



INCIDENTS OF 17 JUNE
AND 12 JULY

Annex 8





INCIDENTS OF 2 JULY
AND 5 SEPTEMBER
Annex 9

