The People's Perspectives:

Civilian Involvement in Armed Conflict
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Cover photo:
Image by Kate Holt. Armed groups and civilians stop outside of a shop in Mogadishu, Somalia.

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Note: To protect their anonymity, interviewees were assigned numbers. For the majority of interviewees, CIVIC recorded some descriptive elements such as age or place of residence or birth.
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**Annex 1: Baseline Questionnaire**
WHAT I THINK IS THAT THERE IS NO LINE AT ALL. . . . CIVILIANS CAN TURN INTO FIGHTERS AT ANY TIME. ANYBODY CAN CHANGE FROM A FIGHTER TO A CIVILIAN, ALL IN ONE DAY, IN ONE MOMENT.¹

¹ Interviewee 17: Libya.
Executive Summary

The laws of war prohibit the intentional targeting of civilians. This principle, known as civilian immunity, is the cornerstone of international humanitarian law (IHL). Yet this immunity is not absolute: civilians are immune from being targeted “unless and for such time as they take a direct part in hostilities.”2 Thus, a civilian may be lawfully targeted while directly participating in hostilities.

Military commanders, government officials, lawyers, humanitarians, and academics have engaged in a heated debate over how this rule should be implemented. In their debates—primarily focused on definitions, legal obligations, and criteria for targeting—they have argued about such key questions as which activities should qualify as direct participation and when a civilian should lose and regain legal immunity from direct attack.

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2 Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Additional Protocol I), 8 June 1977, Article 51(3); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Additional Protocol II), 8 June 1977, Article 13(3).
In all of these discussions, the views of one group have been largely absent: civilians in conflict-affected countries. For these civilians, the issues of participation and protection during war are not abstract problems, but instead are a matter of life and death. As a step toward addressing this gap in the discourse, Center for Civilians in Conflict (CIVIC) carried out the People’s Perspectives study on civilian involvement in armed conflict. This study is based on more than 250 interviews with individuals who have lived through conflict in Bosnia, Libya, Gaza, and Somalia. By shedding light on their perspectives and experiences, this study endeavors to inject civilian voices into this conversation about “the civilian”—and to ensure that this critical debate about warfare in the 21st century is inclusive of those most likely to be affected by its outcomes.

The People’s Perspectives study consists of an analytical overview and four case studies. The analytical overview includes background on the legal debate on civilian participation, an explanation of why the study was undertaken and what the study aims to add to the debate, a description of the study’s methodology, and an examination of the key findings of the case studies. The case studies are intended to provide supplementary information on specific conflict-affected countries.

The findings in the analytical overview, as well as in the case studies, are divided into two sections. The first presents findings on civilian involvement, defined broadly in this study to refer to all types of activities in which a civilian takes part during a conflict. The second presents findings on the interviewees’ understanding and application of legal concepts related to the principle of distinction.

The key findings of this report are:

**Civilian Involvement**

- Civilians reported being involved in conflict in numerous and complex ways. They became involved by, for example, taking up weapons and joining the fight, providing armed groups with logistical support such as driving or transferring weapons, and joining state institutions, political parties, or other organizations.
- Observers might assume that civilians are aware of when they have crossed the line into “taking a direct part in hostilities” and thus forfeit their legal immunity from direct attack. Instead, CIVIC’s interviews suggest that many civilians are unaware of the existence of such a line, let alone when they have crossed it.
- Observers might also assume that civilians have a choice of whether or not to become involved in conflict. CIVIC’s interviews suggest that the reality is that some civilians are forced to become involved, others fall into involvement, and some choose to become involved in the conflict for what they believe are justified reasons. This finding is especially notable, as civilians who directly participate in hostilities forfeit their legal immunity from direct attack even if their participation is involuntary.
- The most common motivation for involvement, described by interviewees in all four case studies, was the protection of self or family.
- Other motivations included civic duty, elevation of social standing, forced or voluntary recruitment, outrage at the targeting of peaceful protesters, and financial gain.

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3 See textbox “Definition of Involvement in CIVIC’s People’s Perspectives Study” below, for more details.
4 This principle is defined in detail below, in “Legal Background.”
Understanding and Application of Legal Concepts

- Interviewees offered many different interpretations of what it means to be a civilian during war. These interpretations varied by conflict and by interviewee. The range of these perspectives demonstrates that there is no fixed, universal definition of the “civilian” for local populations in the countries examined.

- Interviewees described a multitude of challenges to classifying civilians and combatants, regardless of the definitions they used.

- An individual’s legal status in conflict has a number of serious implications that go beyond the expected consequence of a greater likelihood of being targeted during war. According to interviewees, an individual’s status can affect: the likelihood that legal claims will be lodged against a warring party, victims’ eligibility for financial benefits, the safety and refugee status of those who flee conflicts, and the sympathy of the international community.
...CIVILIANS IN CONTEMPORARY ARMED CONFLICT BECOME INVOLVED IN CONFLICT IN NUMEROUS AND COMPLEX WAYS, AND IT IS EXTREMELY DIFFICULT TO DETERMINE WHEN IT IS ETHICAL AND JUST TO SANCTION THEIR DEATH FOR DOING SO.
ANALYTICAL OVERVIEW

I. INTRODUCTION

Legal Background


included Hugo Grotius, the 17th-century thinker, who argued, “Rulers and commanders may respect the non-combatant because there are no practical military reasons why they should not do so and because there are good religious and ethical reasons why they should.”

A century later, the 1863 Lieber Code, which governed the conduct of Union forces during the American Civil War, called for the separation of “unarmed citizens” and soldiers, noting that the “protection of the inoffensive citizen of the hostile country is the rule.” These historical examples illustrate that there has long been a tendency, as the political philosopher Michael Walzer put it, “to set certain classes of people outside the permissible range of warfare, so that the killing of any of their members is not a legitimate act of war but a crime. Though their details vary from place to place, these rules point toward the general conception of war as combat between combatants.”

Today, civilian immunity from direct attack is a foundational principle of international humanitarian law (IHL). According to the International Committee of the Red Cross (ICRC) study on customary IHL, parties to the conflict must at all times adhere to the principle of distinction by distinguishing between combatants and civilians. In international armed conflicts, IHL creates a binary status distinction: combatants are members of the armed forces, except medical and religious personnel, and certain other groups who satisfy the formal criteria; civilians are all others. Thus, civilians are defined in the negative, as not being combatants. According to the principle of distinction, attacks during war may be directed at combatants, but they must not be directed at civilians. Yet civilian immunity is not absolute. Article 51(3) of the first Additional Protocol to the Geneva Conventions sets out an important limitation: civilians are immune from attack “unless and for such time as they take a direct part in hostilities.”

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8 United States, Adjutant General’s Office, General Orders No. 100, Instructions for the Government of Armies of the United States in the Field (Lieber Code), 24 April 1863, Article 25. See also Arts. 15, 19, 22, 23, 25, and 37.
11 According to Article 43 of AP I: (1) The armed forces of a Party to a conflict consist of all organized armed forces, groups and units which are under a command responsible to that Party for the conduct of its subordinates, even if that Party is represented by a government or an authority not recognized by the adverse Party such armed forces shall be subject which, inter alia, shall enforce compliance with the rules of international law applicable in armed conflict. (2) Members of the armed forces of a Party to a conflict (other than medical personnel and chaplains covered by Article 33 of the Third Convention) are combatants, that is to say, they have the right to participate directly in hostilities. Additionally, Article 4A of the third Geneva Convention of 12 August 1949 (Geneva Convention III) describes in detail the individuals who are entitled to prisoner of war status if captured during an armed conflict: (1) Members of the armed forces of a Party to the conflict, as well as members of militias or volunteer corps forming part of such armed forces. (2) Members of other militias and members of other volunteer corps, including those of organized resistance movements, belonging to a Party to the conflict and operating in or outside their own territory, even if this territory is occupied, provided that such militias or volunteer corps, including such organized resistance movements, fulfill the following conditions: (a) that of being commanded by a person responsible for his subordinates; (b) that of having a fixed distinctive sign recognizable at a distance; (c) that of carrying arms openly; (d) that of conducting their operations in accordance with the laws and customs of war. The criteria included in 4A are not coterminous with direct targetability. Some other individuals may obtain combatant status, either through domestic law or as participants in a levée en masse. For more details, see Article 4(A)(6) of Geneva Convention II and Marco Sassoli, “Combatants,” Max Planck Encyclopedia of International Law (April 2013). N.B., the treaty law for non-international armed conflicts does not acknowledge combatant status; however, it is recognized as customary international law that civilians and civilian objects are immune from direct attack during a non-international armed conflict (NIAC). While there are many questions about the technical interpretation of the rules governing conduct of hostilities for the purposes of a NIAC, it is generally agreed that the tenants of the fourth Geneva Convention and Common Article III hold during NIACs. For more details, see “The Law of Non-International Armed Conflict,” The Handbook of International Humanitarian Law, 3rd ed. (Oxford: Oxford UP, 2013), 581–610. See also “Combatants and Prisoner-of-War Status,” in Jean-Marie Henckaerts and Louise Doswald-Beck, Customary International Humanitarian Law, Volume 1 Rules (Cambridge: Cambridge University Press, 2005), 384–395, https://www.icrc.org/eng/assets/files/other/customary-international-humanitarian-law-i-icrc-eng.pdf.
13 Additional Protocol I, Art. 51(3). See also Additional Protocol II, Art. 13(3). According to the ICRC, this rule...
This rule recognizes the reality that some civilians choose to take up arms and engage in hostilities against enemy forces. Given their decision to join the fight, these civilians can no longer enjoy absolute immunity from direct attack. At the same time, this rule underscores that while directly participating in hostilities will lead to a loss of immunity from attack, it will not result in a change of status. That is, a civilian will not become a combatant by virtue of his or her choice to participate in hostilities and thus will not be afforded combatant privileges such as prisoner-of-war status upon capture. The law seeks to discourage civilians from joining the fight while maintaining the inviolability of the protections enjoyed by civilians who do not participate in conflict.

The single sentence in Article 51(3) gives rise to many questions: What actions could be considered “direct participation” under the law? For how long would a civilian who is directly participating lose immunity from direct attack? How could a civilian regain immunity from direct attack? And what about civilians who regularly participate in hostilities and take advantage of their status to strike the enemy? Drawing the precise boundaries of Article 51(3) has been a challenge. On the one hand, if these boundaries are drawn too narrowly, then the concept of direct participation becomes a meaningless construct, likely to be ignored by military commanders. On the other hand, if the boundaries are drawn too widely, a large number of civilians would suddenly become targetable, and the cornerstone principle of civilian immunity would be undermined.

The challenge of drawing these boundaries has become even more acute in contemporary warfare. States have now developed precision weapons that allow them improved capabilities to avoid harming civilians during hostilities, and they are under enormous pressure from the media and the public to do just that. Concurrently, the modalities of war have changed. A large number of those engaged in hostilities are not traditional uniformed combatants, but are instead members of organized non-state armed groups who do not hold combatant status. And the bulk of today’s battles are not fought over isolated front lines, but in populated, urban areas. In this context, it seems increasingly outdated to think only in terms of combat between combatants.

Over the last decade, military commanders, lawyers, humanitarians, and academics have grappled with these challenges. In an effort to understand how Article 51(3) should be interpreted in contemporary armed conflicts, the ICRC led an “expert process” from 2003 to 2009, which resulted in the ICRC’s “Interpretive Guidance on the Notion of Direct Participation in Hostilities” (Interpretive Guidance). This Interpretive Guidance was a crucial step toward creating a shared understanding of direct participation. However, it appears that the final study did not reflect a consensus on the part of the expert group. According to an expert group member, nearly one third of the group requested that their names be removed from the final document. Following the study’s release, a number of academics and legal experts—several of whom had been involved in the expert process—posed serious challenges to the ICRC’s framework. Although the ICRC has expressed its hope that the Interpretive Guidance will be “persuasive for states, non-state actors, practitioners and academics and that, ultimately, it will help better protect the civilian population from

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the dangers of warfare,” it is not binding international law at this stage. According to Nils Melzer, the author of the Interpretive Guidance, “Despite the important consequences incurred by civilians directly participating in hostilities, neither treaty law nor state practice or international jurisprudence provides a precise definition of what conduct amounts to direct participation in hostilities.”

To regulate behavior effectively, law must be clear and predictable. This is particularly important with the issue of civilian participation in hostilities, where certain behavior could lead to death or injury—not only for the person who is directly participating, but also for people who may be harmed incidentally in an attack against the lawful target. However, experts and policymakers have struggled to formulate clear and precise rules that determine which civilians fall within the category of direct participants in hostilities. As this study demonstrates, civilians in contemporary armed conflict become involved in conflict in numerous and complex ways, and it is extremely difficult to determine when it is ethical and just to sanction their death for doing so. The category of those who are involved in hostilities is so fluid and diverse—including individuals ranging from the most battle-hardened insurgent to a reluctant mother protecting her children—it is perhaps not surprising that the international community has been unable to establish “bright line” rules in this area. The issue of civilian participation in hostilities poses a serious challenge to IHL’s impulse to classify all those on the battlefield into clear and easily distinguishable categories.

**Project Rationale**

Civilian participation in armed conflict has been and will most likely continue to be a controversial issue. The goal of CIVIC’s *People’s Perspectives* study is to inform this debate, adding an element that has so far been overlooked: the perspectives of civilians who have lived through, and in some cases become involved in, armed conflict. To capture these perspectives, CIVIC has documented the experiences of civilians in their own words, and from their own, subjective viewpoints.

It is important to clarify what this study does not aim to do: the *People’s Perspectives* study does not call for the revision of the law governing direct participation in hostilities. Neither does it intend to push the debate in any particular direction. Because of this, the study does not filter the perspectives documented in this report through the lens of IHL, nor does it organize civilian experiences according to existing legal categories.

By stepping away from the academic and legal debate on this issue and instead providing documentary and contextual bases for future discussions of civilian involvement in war, CIVIC hopes this study will lead experts and policymakers to take a more comprehensive view of the realities faced by civilians during war and assess ways to enhance civilian protection.

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Scope

The findings of this study are based on more than 250 in-depth interviews with individuals who have experienced conflict in Bosnia, Libya, Gaza, and Somalia. These case studies, as well as the findings considered in this analytical overview, are presented chronologically, based on the last year of conflict discussed by interviewees.

These four conflicts were selected on the basis of the researchers’ expertise and the feasibility of conducting interviews within the country or in a neighboring country. Bosnia was selected to add a historical yet recent comparison to more contemporary conflicts. While the four case studies are diverse in terms of their dynamics and geographic location, they are not intended to be a representative sample of recent conflicts worldwide. Nevertheless, anecdotal evidence from CIVIC’s operations in different regions suggest that many of the key findings in this study would be applicable in other conflict-affected countries.

As discussed above, this report does not provide a legal analysis of civilian participation in conflict, which has been explored elsewhere. Rather, it focuses on a missing element in the broader debate: the experiences and perspectives of civilians regarding involvement in conflict. The study’s findings are therefore based entirely on the interviews conducted by CIVIC.

Methodology

The field research for this report was conducted from 2012 to 2014. For the Bosnia case study, a team of researchers from Harvard Law School’s International Human Rights Clinic (IHRC) undertook the research for CIVIC. The team visited Bosnia from March 14–24, 2013, and interviewed 62 individuals in Banja Luka, Bratunac, Mostar, Prijedor, Sarajevo, and Srebrenica. For the Libya case study, a CIVIC researcher visited Libya from July 5–August 5, 2012, and interviewed 61 individuals in Benghazi, Gharyan, Misrata, Tripoli, and Zawiya. For the Gaza case study, a CIVIC researcher visited the Gaza Strip from October 1–18, 2013, and interviewed 54 individuals in towns and cities including Beit Lahia, Deir al Balah, Khan Yunes, Rafah, and several neighborhoods in Gaza City. For the Somalia case study, due to security concerns in Somalia, a CIVIC researcher visited Kenya from March 1–21, 2014, and interviewed 77 Somali refugees in Dadaab refugee camp and in Nairobi, Kenya.

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19 In the initial stages of the research, CIVIC attempted to discuss the issue of targeting with interviewees, specifically to ascertain in which instances they believed that they or others could have been lawfully targeted. However, because of its complexity and sensitivity, CIVIC was unable to collect reliable data on this issue.

20 These dates include: 1995 for Bosnia, 2011 for Libya, 2012 for Gaza, and 2014 for Somalia.

21 For an overview of sources on this issue, see notes 14 and 16 supra, as well as the “Select Bibliography” from Melzer, “Civilian Participation in Conflict.”
Interview questions were drawn from a baseline questionnaire, which was tailored for each case study. Because this study focuses on civilian involvement in armed conflict, CIVIC did not seek to interview those categorized as combatants under IHL, as described in Article 43 of the first Additional Protocol. Instead, CIVIC aimed to interview individuals categorized as civilians under IHL. CIVIC endeavored to interview a diverse sample of each population, including interviewees representing different regions, ethnicities or clans, levels of educational attainment, social standing, ages, and genders. For reasons of confidentiality and security, interviewees are not referred to by name in this report.

**Note on Language**

This study endeavors not only to document the experiences of interviewees, but also to analyze their perceptions of basic legal concepts. The researcher did not provide the interviewees with the definitions of key terms under IHL, but instead sought to ascertain the interviewees’ own understandings of the terms. Thus, in this study, terms such as “participation” or “combatant,” which have a specific legal meaning, should not be assumed to carry that specific meaning for the interviewee. For more information on the style and content of the questions asked of interviewees, please refer to Annex 1.

This type of perception-based and qualitative study faces methodological challenges. In particular, the understandings of interviewees are difficult to capture and often rest on the use of terms that could be misconstrued. These challenges are exacerbated in the context of any armed conflict, where the meaning of key words or concepts is especially controversial. This kind of study is less scientific than one using quantitative methods. However, we believe that perception-based studies are an important tool for discerning insights and trends that should be considered in the effective formulation and implementation of policy and law.

Furthermore, during the field research for this report, CIVIC made all efforts to clarify interviewees’ intention when using key terms: first, CIVIC was advised on and cross-checked the translations that were most faithful to the meanings of key terms, and second, researchers attempted to discern interviewees’ conceptions of key terms whenever they were raised. Each case study includes additional details on the exact translations used by CIVIC.

**Factual Background**

The following section briefly outlines the four conflicts covered in this report. Further details are included in the case studies.

**Bosnia**

The interviews in the Bosnia case study focused on the Bosnian war, which took place from 1992 to 1995. The conflict emerged after Bosnia and Herzegovina declared independence from the Socialist Federal Republic of Yugoslavia in March 1992. The major parties to the
conflict included the Army of Republika Srpska, which was largely made up of Bosnian Serbs and supported by the Serbian government and the Yugoslav People’s Army; the Army of the Republic of Bosnia and Herzegovina, which was largely composed of Bosnian Muslims; and the Croatian Defence Council, which was largely made up of Bosnian Croats and was supported by the Croatian government. The Dayton Peace Agreement ended the war in 1995. The International Criminal Tribunal for the former Yugoslavia (ICTY) estimated that the Bosnian war caused 104,732 casualties and that 40 percent of these were civilians.

Libya

The interviews in the Libya case study centered on the conflict that lasted from February to October 2011. The conflict involved forces loyal to Colonel Muammar Qaddafi and those seeking to overthrow his government. After the UN Security Council authorized “all necessary measures” to protect civilians, NATO intervened in late March 2011. The National Transitional Council, the oppositional interim government, declared the liberation of Libya and an official end to the war on October 23, 2011. The Office of the United Nations High Commissioner for Refugees (UNHCR) estimates that more than 550,000 people were displaced as a result of the conflict. As of April 2014, the UNHCR said there were still an estimated 63,985 internally displaced persons in Libya. Casualty estimates from the 2011 conflict have varied greatly; however, according to the National Transitional Council, approximately 25,000 Libyans were killed during the conflict.

Gaza

The interviews in the Gaza case study primarily focused on the fighting that took place between the Israel Defense Forces (IDF) and armed groups in Gaza from December 2008 to January 2009 and in November 2012. These escalations were part of the long-term Israeli-Palestinian conflict. The escalation in hostilities codenamed by Israel as “Operation Cast Lead” (Cast Lead) began on December 27, 2008, and lasted until January 18, 2009. As a result of the fighting, roughly 1,400 Palestinians were killed, including both civilians and militants. Estimates of the number of Palestinian civilian fatalities range widely, with human
rights groups estimating at least 773. On the Israeli side, 13 people were killed, three of whom were civilians. An Israeli operation codenamed “Operation Pillar of Defense” (Pillar of Defense) began on November 14, 2012, and lasted for eight days. At least 174 Palestinians were killed in this operation, and tens of thousands were displaced before a ceasefire took effect on November 21, 2012. Six Israelis were killed, of whom four were civilians.

**Somalia**

The civil war in Somalia began with the overthrow of former President Siad Barre in 1991 and is still ongoing. The interviews in the Somalia case study focused primarily on the conflict since 2006. During this period, the major parties to the conflict included: the government forces of the Transitional Federal Government (TFG) and the Federal Government of Somalia, which took over from the TFG in 2012; various insurgent groups including Hizbul Islam and al-Shabaab; the African Union Mission to Somalia (AMISOM), which was deployed in Somalia in 2007; and the armed forces of neighboring states such as Ethiopia and Kenya. As of 2015, the UNHCR said there were 1,133,000 internally displaced persons in Somalia. Of the total estimated population of 7.5 million, two million Somalis lack food security and 857,000 require urgent and life-saving assistance. Various sources report that the civil war in Somalia has caused between 22,000 and 50,000 fatalities.

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37 Ibid.
39 The timeframe of the conflict was narrowed to enhance the relevance of the findings.
II. KEY FINDINGS

Civilian Involvement

This section discusses the study’s key findings regarding civilian involvement in conflict. It first examines the various modes of involvement using accounts from CIVIC’s interviewees. In order to provide context, these accounts sometimes note the individuals’ motivations and views on their own status during conflict. The section then identifies and explores in more depth the primary motivations for involvement described by interviewees.

Modes of Involvement

Definition of “Civilian Involvement” in CIVIC’s People’s Perspectives Study

In this study, “civilian involvement” refers broadly to all types of activities in which a civilian takes part during a conflict. By adopting this definition, the study aims to capture the experiences and perspectives of all those who fall somewhere between bystanders and combatants under Article 43 of the first Additional Protocol to the Geneva Conventions. In legal terms, the activities included under “involvement” in this study could be classified as non-participation, indirect participation in hostilities, direct participation in hostilities, or exercising a continuous combat function. Because the parameters of these classifications are contested and can be controversial, the study intentionally avoids classifying modes of involvement.

The modes of involvement discussed below range from active engagement in the fighting, to provision of support, such as transporting weapons or feeding armed groups, to peripheral activities, including joining a community organization or covering the conflict in the media. Some modes of involvement are purely civilian and would not be considered clear or even possible examples of direct participation in hostilities. However, the study addresses the full spectrum of interviewees’ perceptions and experiences of involvement to demonstrate the number and diversity of ways in which civilians can become involved in conflict.

Fighting

In Bosnia, Libya, and Gaza, several interviewees discussed fighting with armed groups. For instance, in Bosnia, a 65-year-old Bosnian Muslim man reported that he left behind his former life as a local shopkeeper to become, as he put it, a “defender of [his] city” with the Green Berets, a paramilitary group in Sarajevo. He explained, “I saw myself like a man who took a rifle in his hands to defend innocent people. I thought at least I have guts to do that.” As a paramilitary fighter, he also believed that his own chances of survival would increase. “You start to look around yourself . . . if you are not stupid, you join,” he said. “A lone wolf can survive, but a pack will survive better. You find your own pack so that you’re not alone.”

43 Because CIVIC takes no position on legal determinations in this report, and recognizes that these determinations may be contested, the phrase “civilian involvement” is used without seeking to assign a formal legal status in these situations.

44 Interviewee 61: Bosnia.
In Libya, a 22-year-old medical student from a suburb of Tripoli described how he fought with a small militia in the south of Libya for the last three months of the war in 2011. “You’re never enlisted as a rebel. You can go in and fight, get out and go home, take a shower, eat some breakfast, play PlayStation, and then go back to the front. You can switch from one to the other in a moment, really,” he said.45

A professional at an international humanitarian organization in Libya reported that Libyans, like this student, were forced to “live a nuanced life . . . [i]t was just a question of having a weapon [and] going to the front for a few hours. They took up arms, engaged in battle, and then went back home.”46

In Gaza, two young men discussed their involvement in armed groups. A 34-year-old Imam (Muslim cleric) and part-time interior decorator fought with the Izzedine al-Qassam Brigades (the military wing of Hamas) during Cast Lead.47 “I was a militant and not in the mosque [during Cast Lead],” he explained. “I was in the military planning room, in charge of 70 people.”48

Although he was based in the planning room, he described how he went to “the front” for 12-hour shifts “every few days.” He went through one year of training so that he became “as fit as a soldier,” yet he did not identify himself as a traditional combatant. He explained, “What’s interesting is that when you introduce someone, all of the military introduce themselves as ‘Muhammad, shopkeeper,’ or ‘Raed, waiter.’ No one introduces himself as a Qassam soldier. We don’t identify ourselves this way. . . . It’s like we are a civilian military.”49

A 25-year-old man from Gaza City reported that he became an active member of the rocket launching unit for Palestinian Islamic Jihad during any escalation in hostilities between armed groups in Gaza and the IDF.50 “I was 15 years old when I decided to join,” he said, describing his path to this role. “I started training at 18 to be a rocket-launcher. It’s not easy to find someone who can handle this. We are at the top of the food chain for the Israelis. You don’t have a long life if you do this. Many people don’t have the heart that it takes.” Although this interviewee reported that he and his family are a “target all the time,” he has not disclosed his activities to his wife and children. “If my wife found out,” he said, “she would leave me the next day. She would be so angry!”51

Providing Logistical Support

Transporting Weapons and Other Goods

In Bosnia, Libya, and Somalia, several interviewees discussed transporting weapons or other goods for armed groups. For instance, a 23-year-old woman from Libya described how she spoke in code to arrange the logistics of weapons transfers through Tripoli:

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45 Interviewee 15: Libya.
46 Interviewee 56: Libya.
47 Hereinafter “Qassam Brigades” or “Qassam.”
48 Interviewee 10: Gaza.
49 Ibid.
50 Interviewee 40: Gaza. Palestinian Islamic Jihad is an Islamic militant group active in Gaza; hereinafter the group is referred to as “Islamic Jihad.”
51 Ibid.
“Anyone who was listening would think we were girls having a chit-chatty conversation, but in fact we were arranging a meeting so that we could move weapons through the city.” She continued:

I remember I picked up one woman who was seven months pregnant. She had two Kalashnikovs under her dress. We traveled all the way from the west to the east of Tripoli... That woman was risking her own life and the life of her unborn child. She was a rebel. Not all rebels have a gun. The journalists, people like us—we are rebels too.52

This young woman felt it was “unfair” that the public now views her as “just a supporter.” “We weren’t just the mothers and the daughters,” she explained. “That wasn’t all that we contributed. I fought for freedom. I traveled by myself. I did all of this and they can’t take it away from me.”53

A 56-year-old man from Mogadishu, Somalia, served as a porter for government forces in 2010. He primarily carried foodstuffs and khat54 on his back to the barracks or to the front lines for government forces.55 When a member of the government forces approached him and offered him the job, he initially refused, as “many others who were doing the same thing were killed.” However, he ultimately decided the money made it worth the risks involved. In the first weeks of his job, he received a threatening phone call, presumably from al-Shabaab, telling him that if he didn’t stop, he would be “slaughtered.” He said, “I tried to stop, but with the economy, moving goods for the military was a lot more profitable than anything else.” When asked whether he felt that taking on the job made him a member of the government forces, he responded, “I didn’t have sympathy for the government. I only wanted to make money. The government was full of militias, of drunkards, taking drugs, killing each other. I didn’t want to be a part of them.”56

Driving

Several interviewees in each conflict reported that they provided transportation for members of armed groups. For instance, a taxi driver from Beit Lahia, a town in the north of the Gaza Strip, said that he continued to drive his taxi during Operation Pillar of Defense in 2012. Although he did not intend to provide his services specifically to members of armed groups, he said that he was often unable to tell who was a “normal” passenger and who was a fighter. This was a problem because if he accidently picked up a fighter, he said, “they [the IDF] would target me... They would of course assume I’m resistance.”57

Somali interviewees mentioned this mode of involvement, as defined in this report, most frequently. Each of these interviewees said that driving a member of an armed group carried huge risks.58 For instance, a taxi driver from Mogadishu explained how he used to carry members of al-Shabaab, government officials, and clan leaders in his taxi.59 As a result, he said, “One time I was taken away by a clan leader, and I was detained for three days. Then when I was released, al-Shabaab grabbed me and interrogated me for another five days. It was crazy.” Of his own status, he said, “A civilian is a person who has access to nothing and can be used by anyone. He has nothing. ... I was just a civilian.”60

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52 Interviewee 55: Libya.
53 Ibid.
54 Khat comes from a flowering plant in Somalia and contains an amphetamine-like stimulant.
55 Interviewee 43: Somalia.
56 Ibid.
57 Interviewee 24: Gaza. The term muqāwama, or “resistance” is used by Palestinians in Gaza to refer to fighters in any of the armed factions in Gaza, such as the Qassam brigades of Hamas, the Al-Quds brigades of Islamic Jihad, and the Abu Ali Mustafa Brigade of the Popular Front for the Liberation of Palestine. Additional details on the “resistance” in Gaza are included in the Gaza case study.
58 Interviewees 41, 45, 47, 49: Somalia.
59 Interviewee 4: Somalia. Interviewees 34, 36, and 53 in the Somalia case study offered similar accounts.
60 Ibid.
Providing Medical Services
Interviewees in each of the four conflicts also reported that they provided medical services to members of armed groups. For instance, a 23-year-old woman based in Tripoli, Libya, during the conflict, said that she provided medical services for both Qaddafi’s forces and rebel forces during the conflict. At various times, she was a nurse, a pharmacist, a cleaner, and even a “very basic paramedic . . . keep[ing] the person in the ambulance alive until we got to the hospital.”61 She noted that although she never carried a weapon, several other nurses and doctors in the hospital where she worked carried Kalashnikov rifles for self-protection.62

An interviewee from Gaza City worked primarily as a pharmacist, but during escalations of hostilities with the IDF, he served as a medic for an armed group that he said was the “first line of defense.”63 During Cast Lead, he explained, “They [the armed group] would just call me when they want to do an operation in my area. . . . If the group wanted to launch an attack, I would go out with them and then stay in position. As a doctor, I would give them medical backup if they got wounded. I would stabilize their injuries until I reached the hospital, and I would try to reduce their pain.” Because of this work, he felt he was “absolutely” more at risk. “We [the medics and fighters] face the same enemy, and we have the same result, which is death,” he said.64

Providing Food
Several interviewees in each of the four conflicts reported that they provided or sold food to armed groups. For instance, a man from Beach Camp in Gaza City explained that during escalations in hostilities, he and other “contractors” provide armed groups with ready-made food. According to this interviewee, providing food to armed groups is a risky endeavor, as men doing this have been targeted “many times” in the past.65 “Now I have certain ties to the group, and it’s dangerous,” he explained. “If the Israelis want to cut off the food, they will target me.” Still, he said that he will keep providing the food “as long as it’s needed. . . . I do it because of my religion, my nation. But also this is a business for me. I can make a living doing this.”66

Other interviewees reported that they did not intend to sell or provide food to members of armed groups, but it was difficult to avoid doing so. For instance, according to a Somali man who had owned a small shop selling food in Mogadishu, “If [al-Shabaab forces] see you selling to government troops, they will take quick action against you. They know if you are on the wrong side. But I needed to stay in the neighborhood. If I moved, it might even be worse. I hated to sell to them [government forces]—it was so risky. They [al-Shabaab] called me and said, ‘Look around for your burial clothes, you will be wearing them soon.’”67

Providing Media Coverage
Interviewees in Libya, Gaza, and Somalia reported that they provided coverage of the fighting, whether through the traditional media or social media outlets such as Twitter or Facebook. Some of these interviewees worked directly for armed groups. For instance, a 24-year-old man from Gaza City who worked as a journalist for Islamic Jihad said that he covered both the “military and the civilian aspects of Islamic Jihad’s activities.” He continued, “I film these activities, and then I sometimes give it to contacts in the media, sometimes I distribute it to all of the satellite channels, or I post it directly on YouTube.”68 He noted that he

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61 Interviewee 55: Libya.
62 Ibid.
63 Interviewee 45: Gaza
64 Ibid.
65 Interviewee 39: Gaza.
66 Ibid.
67 Interviewee 45: Somalia.
68 Interviewee 53: Gaza.
belongs to Islamic Jihad’s political wing, and he pointed out, “My work is different than the fighters—I don’t carry a weapon. None of my activities are related to the military. All I do is cover what they do. I only go out with them when there is a mission, and otherwise I’m not with them. I’m not in their usual loop of communication.” When asked what he considered his own status, he responded, “During the day, I am 100 percent civilian. At night, I do this work.”

Several Somali journalists said they faced extreme pressure from various armed groups to cover certain stories or to ascribe blame to a particular clan or armed group. For instance, a 29-year-old woman from Mogadishu described her work as a junior editor at a local radio station:

I used to prepare the news, the events. I edited whatever they gave me. . . . A government person would call and say I should cover this or that story. Then al-Shabaab would call you from an unknown number and tell you to cover something else. I really was scared.

According to a journalist from Mogadishu, the media sometimes plays a role in aggravating existing tensions in Somalia. “The journalists are provocateurs. . . . Only a few radio stations are independent. Journalists are fueling the conflict. They don’t report news, they create it,” he said.

Interviewees from Libya, Gaza, and Somalia also discussed using social media to publicize information during conflict. This mode of involvement was especially apparent among interviewees in Libya and Gaza. For instance, a young man from a suburb of Tripoli described his actions during the conflict. “I kept tweeting and making Facebook statuses from Tripoli,” he said. “I would say where the gas was for cars, I would talk about what was going on in the revolution.” As a result of his actions, he became an informal spokesperson for Libyan civilians. “I had gone from 100 to 600 followers in no time. So I kept posting. On Skype, new journalists kept adding me. . . . I was a little scared, but I was not really thinking. I was high with the revolution,” he said.

A 24-year-old woman from Beach Camp in Gaza City was also active on social media during Operation Pillar of Defense. She described her experience:

I’m not sure I’m a great activist, but we all have our roles. In the second war [Pillar of Defense], . . . we were using social media and Facebook, and this was an effective way to spread the story. We might have even had an influence on the outcome of the conflict. . . . We started spreading daily life, events, what we saw. . . . We would get statistics from the hospitals, from the websites. We would update hour by hour—bombings, injuries, how many women, children, men. . . . Every piece of information can help others. . . . I’m now a part of this battle. I focus all of my energy to spread the news, to post ideas. I guess we are “electronic militants.”

According to this woman, her activities have put her at greater risk. “The main problem is that if I join this electronic resistance, maybe the Israelis will attack my home,” she explained. “But why should I be scared of them? Israeli activists are crying and shouting all the day. Why should I allow them to dominate the Internet?”

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69 Ibid.
70 Interviewee 20: Somalia.
71 Interviewee 68: Somalia.
72 Interviewee 17: Libya.
73 Ibid.
74 Interviewee 22: Gaza.
75 Ibid.
Membership in an Institution or Organization

Several interviewees from each conflict covered in the study reported being involved with state or community institutions, including police forces, political parties, and local organizations. According to interviewees, conflict can blur the line that divides these political or civil groups from armed actors.

Police Forces

In Gaza, several men who served as police officers discussed their roles. One of these interviewees, the head of public relations for the police, described the duties of the police during Cast Lead:

“We managed to maintain internal security. [We were] an internal front. We used to send police to the places where they gave out bread, to make sure people were being treated fairly. We were accompanying the ambulances. We were providing security for those in the hospital. Sometimes the families would attack the doctors, so that their family member would get care. . . . We didn’t want the people to panic, to engage in violence.”

All of the policemen who were interviewed reported that they were more at risk due to their positions. According to the head of public relations, “We are always in danger. Every day, I kiss my wife and my children goodbye, because I don’t know that I’ll see them again. We have to deal with the knowledge that we will be killed, and we expect our families will be killed as well.”

Seven of the eight policemen in Gaza interviewed by CIVIC considered themselves civilians. For instance, when a member of the traffic control unit was asked for his definition of a ‘civilian,’ he answered: “We are civilians. We are the civil police, [so] our job is to protect the civilians.”

According to another policeman from Gaza City, “Police should be classified as civilians—everywhere in the world, the army has different tasks than the police. We are responsible for the same things that every police unit does anywhere.”

A 50-year-old man from the special security unit of the police force was the only policeman who did not consider himself a civilian. He explained how his unit, which he described as the “equivalent of a SWAT team,” has around 300 people and undergoes a ten-month training, in contrast to the three-month training of the other units. He continued, “Of all of the police divisions, we are the closest to the military. . . . I feel I am more like a military person, not a civilian. I’m the last option for the government. When all of the civilian procedures have been gone through, we are ready. We are the last resort. When everything has been tried, we will be called to fight.”

Political Parties

Several interviewees in each of the four conflicts discussed being involved in political parties. According to interviewees in Gaza and Somalia, this involvement carried serious risks. For instance, when a 41-year-old-man from Gaza City, who serves as the secretary of the board of a political party in Gaza, was asked whether he feels less safe because of his political activities, he answered, “Yes, for sure.” His house was bombed during Cast Lead,

76 Interviewee 9: Gaza.
77 Ibid.
78 Interviewee 13: Gaza.
79 Interviewee 37: Gaza.
80 Interviewee 15: Gaza. This interviewee’s differentiation between the special security unit and the other divisions was also noted by a high-ranking police officer from Gaza. According to this officer, “We are a civilian entity, a civilian organization. . . . The only division among the police that is highly trained, and more military, is the SWAT [informal name for the special security unit]” (Interviewee 29: Gaza).
81 Interviewee 31: Gaza.
but he said that he and his family had left the house because “we knew that they might target us because of my position.” When asked about his status, he said, “I am a civilian. Yet the policy of the Israelis . . . is to kill the biggest number of us. The more they kill, the more they can be successful. For us, we accept that we can be killed at any time. They target people even if they have nothing to do with politics, so why should I stay away from it?”

A Somali man who had been involved with the drafting of the Somali constitution said, “The top government officials are definitely at risk.” Ultimately, though, he felt his own security was out of his hands. “We Somalis are fatalists,” he explained. “If something is going to happen, it will happen.”

Local Organizations
In Bosnia, Libya, and Gaza, interviewees said that local communities and municipalities organized groups to help coordinate tasks during the war. One such group in Bosnia was the civil defense. According to interviewees, civil defense units were made up predominantly of men who were unable to fight in the war, along with some women. These units were responsible for various tasks including growing food and cooking, distributing food and humanitarian aid, building shelters for refugees, and digging trenches and graves.

Similarly, in Libya, interviewees reported that “Crisis Management Committees” were formed in many areas. These committees were tasked with activities such as collecting garbage, fixing electricity, guarding “vital places,” and otherwise “figuring out logistics.”

Finally, several Palestinians in Gaza mentioned the “Popular Committees” they formed during Cast Lead. According to a government official, these committees were responsible for “help[ing] out those who were in a bad situation, those whose homes were demolished. . . . [They] bring food to some of the people, anything that makes them feel better.” Even if an official committee was not formed, he said, most communities would place one person in charge who would “facilitate and make things better.”

Motivations for Involvement
As discussed above, a large number of interviewees in Bosnia, Libya, Gaza, and Somalia reported being involved in conflict. When asked why they or others became involved, interviewees offered a variety of explanations. Some interviewees were forced to become involved, others fell into involvement, and some chose to become involved for what they believed were justified reasons. The most commonly cited motivation by interviewees across all four conflicts was the protection of self or family. Other notable motivations included civic duty, elevating social standing, forced or voluntary recruitment, outrage at the targeting of peaceful protesters, and financial gain.

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82 Ibid.
83 Interviewee 73: Somalia.
84 Ibid.
85 IHL establishes specific provisions for the protection of civil defense personnel, as well as for the installations, equipment, and supplies they use. See Additional Protocol I, Arts. 61–67. The civil defense is defined under the Geneva Conventions and their Additional Protocols according to the tasks they undertake, e.g., protecting the civilian population against the dangers arising from hostilities or other disasters, helping civilians to recover from the immediate effects of such events, and providing the conditions necessary for survival. While the issue of civil defense was not included in the ICRC’s customary law study, it was flagged for inclusion for a later edition. For more details, see Françoise Bouchet-Saulnier, The Practical Guide to Humanitarian Law (Maryland: Rowman & Littlefield, 2014); International Committee for the Red Cross, “Civil Defence in International Humanitarian Law,” June 2001, https://www.icrc.org/en/download/file/1039/civil-defence-in-ihl.pdf.
86 Interviewees 8 and 9: Bosnia.
87 Interviewees 12, 13, 27, 32: Bosnia.
88 Interviewees 54, 57, 59: Libya.
89 Interviewee 41: Gaza.
90 Ibid.
Protection of Self or Family

The protection of self or family was the most commonly cited motivation in each conflict included in this study. In Bosnia, for instance, several interviewees said that they were faced with a choice between involvement in the conflict or certain death. A social psychologist who lived through the siege in Sarajevo explained that civilians felt they had “nothing to lose,” as their options were to “either get killed or defend themselves.”91 This idea was exemplified in the story of a man from Bratunac, a town in the far-east corner of Bosnia. He described how he and the other Bosnian Muslim residents in his town reacted to news that they would be attacked: “When we realized they were going to kill us, we decided we had to do something. We had a community meeting and decided to organize ourselves. . . . We started making weapons out of water pipes.”92

The remarks of a 38-year-old engineer from Benghazi, Libya reflect a similar sentiment. “[Qaddafi] forced us into military action. We had to do it just to protect ourselves. We picked up knives, sticks, stones, whatever we could find. Either he killed us or we killed him,” he said.93 A university professor from Misrata agreed, “Eighty to ninety percent of people here felt they must participate. You cannot sit and watch. It was very obvious for everyone. We had to fight together to protect our families. . . . There was no alternative; only one choice.”94

The need to defend themselves and their families from the IDF also motivated many Palestinians to become involved. “In Gaza, we have people who defend themselves,” said a 44-year-old doctor from Gaza City. “[We have] no air force, no marines. All young people are defending their own people, trying to prevent outsiders from reaching our families and children.”95 According to another man from Gaza City who works as a pharmacist and a medic for armed groups, “The enemy is violating your rights all the time. The more he comes in, the more your rights will be violated. . . . This is why you have to take action, to protect yourself and your family.”96

A large number of Somalis explained that they and others became involved in the conflict to protect themselves or their families. Some of these interviewees said that they needed to protect themselves specifically from militias. A businessman from Mogadishu explained, “Everybody in Somalia has a weapon, and they have to defend themselves from the militias.”97 A woman from Mogadishu described her reaction to her brother’s decision to enlist in al-Shabaab, saying, “I wanted to hit my brother when he joined, but he said he was trying to defend us. He said we would be defenseless to the [other] militias” if he did not join al-Shabaab.98 A 26-year-old woman who lived in Mogadishu until 2009 agreed that many Somalis were joining or supporting al-Shabaab in particular because “they need to protect themselves.”99 Other interviewees spoke of how clan militias were also a mechanism of protection against al-Shabaab and other armed groups. For instance, a former teacher at a Quranic school in Mogadishu said, “Clan militias exist for defense—they [members of the clan militia] try to defend themselves and the clan.”100

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91 Interviewee 32: Bosnia.
92 Interviewee 24: Bosnia.
93 Interviewee 31: Libya.
94 Interviewee 49: Libya.
95 Interviewee 44: Gaza.
96 Interviewee 45: Gaza.
97 Interviewee 17: Somalia.
98 Interviewee 23: Somalia.
100 Interviewee 29: Somalia.
Civic Duty

Many interviewees said that they became involved in the conflict out of their civic duty—that is, their sense of responsibility to their country, people, or homeland. Interviewees in Bosnia, Libya, and Gaza cited this motivation; however, CIVIC did not hear this motivation during interviews with Somalis.

In Bosnia, several people mentioned civic duty as their own or others’ motivation. An NGO worker from Sarajevo explained, “It was our civic duty—together with the soldiers and international forces—to protect the city.”\(^{101}\) According to a former paramilitary fighter from Sarajevo, most of the ways in which civilians were involved in the conflict, such as sewing uniforms or transporting sandbags, were done “out of a patriotic duty.”\(^{102}\)

Several Libyans echoed this sentiment. For instance, a 21-year-old student who joined a small rebel militia during the 2011 conflict said, “I have to serve my country. There were lots of people taking risks for the country.”\(^{103}\) An employee of an insurance company in a suburb of Tripoli added, “I am a soldier for Libya at any time. I must do it, and I have to do it. If I don’t have a gun, I will defend my country with a knife.”\(^{104}\)

Several Palestinians in Gaza said they or others became involved because of their civic duty. A journalist from Gaza City explained, “We are ‘combatants on demand.’ When there is fighting, somebody will open his doors to fighters, and he will have never been involved before that. On the days like this, he fulfills his duty to the country. If there is fighting from the outside, then everyone must fulfill his duty to Palestine.”\(^{105}\) When a rocket launcher from Islamic Jihad was asked why he decided to become involved in the conflict, he offered a similar view. “I give my life for the sake of my homeland. What motivates me is my duty to Palestine, my duty to defend the country,” he said.\(^{106}\)

Desire to Elevate Social Standing and Avoid Stigma

Some interviewees in Bosnia, Libya, and Gaza said that they or others chose to become involved in the conflict because they sought to elevate their social standing or to avoid social stigma. This motivation was not cited by the sample of Somali interviewees.

In Bosnia, several people noted that those who tried to stay out of the conflict were sometimes stigmatized. A journalist from Bugojno, a town in central Bosnia, said that if his family had not supported the “cause,” they would have been “social outcasts. . . . It was a huge disgrace.”\(^{107}\) A university student from Mostar echoed this point, saying, “It would have been humiliating if you were capable and you were not doing your part.”\(^{108}\) According to some interviewees, there was a special pressure on men to become involved. A 36-year-old Bosnian Muslim man from Srebrenica explained that men who tried to stay out of the

\(^{101}\) Interviewee 7: Bosnia.
\(^{102}\) Interviewee 8: Bosnia.
\(^{103}\) Interviewee 16: Libya.
\(^{104}\) Interviewee 17: Libya.
\(^{105}\) Interviewee 2: Gaza.
\(^{106}\) Interviewee 40: Gaza.
\(^{107}\) Interviewee 59: Bosnia.
\(^{108}\) Interviewee 58: Bosnia.
fighting were considered “cowards.” He continued, “[P]eople would talk about you as a woman.”

Several Libyans also said that they or others became involved to elevate their status in society. For instance, an international aid worker described the motivation of many of the rebel fighters in Libya: “Before the revolution, many [rebel fighters] had no jobs. They were aimless. After [they became involved in the fighting], they had status, and women would look at them,” he said. According to some Libyans, those who fought for Qaddafi had similar motivations. A 45-year-old man from Tripoli said, “I knew volunteers, guys who were my neighbors who went down there to Misrata and Sirte. . . . They got promises that when things went back to normal, they would be the ruling class. [Qaddafi] used the lowest classes by telling them they would be the highest. He gave them a chance at a new life—a chance to start over.”

Similarly, interviewees in Gaza reported that they or others chose to become involved in the conflict for reasons of honor and increased social status. A journalist from Gaza City described why a young man might choose to enter the Qassam Brigades:

In other countries, when you have a normal life, there are a lot of things you want to be. But here, the only thing you want to be is Qassam. They are the elite. If you can’t make it into Qassam, then you go into Islamic Jihad. The highest pride is among those in Qassam. It takes a very long time to join them.

Remarks from a member of the Qassam Brigades supported this assertion. He explained, “I applied many times to be Qassam before I was accepted. . . . They look for the one who is brave, who is committed, and then choose them to join. I was selected. I was picked out from all of the people.”

Forced or Voluntary Recruitment

Forced or voluntary recruitment was a motivating factor for interviewees primarily in Bosnia and Somalia. In Bosnia, several people discussed how armed groups recruited civilians, whether by choice or by force. Indeed, according to a young woman from Sarajevo, “This war could have never happened without recruitment of civilians.” She said that many civilians were recruited into armed groups voluntarily, but the process happened “overnight, [and they were in] sneakers, no boots, holes in sweaters, and jeans. . . . It was the picture of most of those guys who were recruited.” A man who was attending university in Sarajevo during the conflict described how he and others stayed in hiding to avoid forced recruitment by paramilitary forces, which was often achieved simply by these groups “picking people up on the street.”

Several Somali interviewees described the recruitment practices of various armed groups, including the government forces, clan militias, and others. Yet interviewees singled out al-Shabaab for its shrewd and manipulative recruitment tactics. For instance, a 20-year-old man reported that al-Shabaab demanded 15 recruits from each high school in Mogadishu in 2010. When his school refused, al-Shabaab came to his school in a convoy and ordered
all of the male students in his school—around 50 boys—into a truck. He spent two months in an al-Shabaab “training camp” before he escaped and fled to Kenya. Interviewees described other recruiting tactics used by al-Shabaab, including the use of religious figures, who would urge Somalis to join or support al-Shabaab in lectures in the streets, mosques, or schools. According to a former high school teacher of English literature and poetry in Mogadishu, “They also brought clerics into the school—on Thursday, the religious guy would come in. He would mix al-Shabaab’s [cause] with religion. So many students joined because of this.”

**Outrage at the Targeting of Peaceful Protestors**

In Bosnia and Libya, interviewees said that the opposition’s targeting of “innocent” or “peaceful” protestors sparked a shared sense of rebellion and outrage, which in turn brought about more widespread involvement in the conflict. For instance, a Bosnian businessman based in Sarajevo during the conflict explained that he took action after he witnessed the death of a young girl at a protest. “After this demonstration, when this girl was killed, seven meters from me, I went home, and then I became a soldier,” he said. “I was immediately registered [with the Army of the Republic of Bosnia and Herzegovina].”

Several interviewees in Libya shared similar accounts. For instance, according to a 31-year-old dental technician, “It was difficult in the beginning because we started out as civilians, and the regime changed us. They killed innocent people in front of us. . . . I was a civilian—I came to the protests peacefully—but the regime did not distinguish between men, women, children, armed, unarmed. That’s why I became involved.” A former government official agreed that it was the failure of Qaddafi’s forces to spare peaceful people that motivated him and others to become involved in the conflict. “There was a funeral, and the people in Benghazi were walking through the streets,” he said. “Then [the] Qaddafi brigades shot the people. And once we reached the cemetery and buried the dead . . . we said we should fight back. We started by throwing stones, and then we moved to Molotov cocktails, then to bombs.”

**Financial Gain**

A large number of Somali interviewees reported that they or others supported or joined armed groups for financial gain. Interviewees from Bosnia, Libya, and Gaza did not cite this motivation. For example, a former taxi driver from Mogadishu explained that people who “do jobs” for al-Shabaab would receive several financial perks, such as an allowance of up to $500 each month and pre-paid phone cards. A man who had fled Mogadishu said that “being paid is a major motivation for any type of involvement,” while several other Somalis cited “poverty” or the need to “look after the ‘daily bread’” as their own motivation for becoming involved. For instance, a 35-year-old man who served members of armed groups in his tea shop in Mogadishu explained that he “had no other option” but to continue his work, even though he knew it increased his likelihood of being targeted by al-Shabaab. “I couldn’t find another job, and I had to make a living,” he said.

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118 Interviewee 54: Somalia.
119 Interviewees 30, 54, and 40, respectively: Somalia.
120 Interviewee 40: Somalia.
121 Interviewee 52: Bosnia.
122 Interviewee 54: Libya.
123 Interviewee 4: Libya.
124 Interviewee 4: Somalia.
125 Interviewees 9, 13, and 53, respectively: Somalia. Also interviewees 30, 36, 42, 68: Somalia.
126 Interviewee 53: Somalia. Another interviewee, who also owned a tea shop in Mogadishu and regularly served members of al-Shabaab and government forces, expressed a similar sentiment: “I knew it was risky, but what should I do? I had to make some money, so I did it” (Interviewee 16: Somalia).
Understanding and Application of Legal Concepts

This section first explores interviewees’ perceptions of legal concepts related to the principle of distinction by setting out the different understandings of civilian and combatant status offered by interviewees. It then examines some of the challenges of classifying civilians and combatants described by interviewees. Finally, the section considers how legal status has a number of serious implications for people who live through conflict, many of which go beyond targeting.

Concept of the Civilian

The vast majority of interviewees seemed to accept the idea that certain people should be protected during war. However, CIVIC’s interviews suggest that for people who have lived through conflict, there is no fixed, universal definition of the “civilian.” Instead, interviewees offered many different interpretations of what it means to be a civilian, and these interpretations varied by conflict and by interviewee.

Interviewees from Bosnia offered several different interpretations of civilni, the Bosnian translation of the word civilian. First, several people identified civilians on the basis of gender and age. A university student from Prijedor said, “Civilians were the children and women and men older than 70.” A radio announcer from Mostar agreed: “Civilians were the kids, the elderly, grandparents—who were saved in a safe place and waited for a better place, for tomorrow.” Second, other Bosnians stressed that civilians are those who did not participate in the conflict. Exemplifying this mindset, the director of a research organization in Sarajevo said, “Civilians are those who did not participate whatsoever in the war.” Finally, some interviewees in Bosnia described the concept of the civilian in direct contrast to the vojnik, or soldier. A 27-year-old man from Mostar explained that a civilian is “someone who is in the middle of war and is not a soldier.”

Similarly, in Libya, interviewees offered different interpretations of medani, the Arabic translation of the word civilian. First, many interviewees described civilians as those who were peaceful; for instance, an 48-year-old women from Benghazi defined a civilian as “an ordinary person who lives in peace.” Second, according to a young man from a suburb of Tripoli, age was a determining factor for status: a civilian was anyone under the age of 16, since, at that age, all Libyans would undergo military training in high school. Finally, a local official from Misrata understood the word medani as a specialized term referring to former fighters who were reintegrating into society after the war.

When asked for their understanding of the word medani, interviewees in Gaza offered two primary interpretations. First, many interviewees identified a civilian as a person who has nothing to do with any military force. For example, a taxi driver in Beit Lahia said, “A civilian wants to live in dignity in his house. He doesn’t have anything to do with the military. He just wants to live his own life.” Second, several interviewees said that a civilian is someone who is unassociated not only with the military, but also with politics and political parties. A farmer living in the buffer zone in Gaza explained, “A civilian has nothing to do with politics.
or war. He cares only for his life, his children."\(^{138}\) According to a police officer from Gaza City, any person who is somehow associated with politics is a likely target in Gaza. “For the Americans and the Israelis,” he said, “a civilian is the one who has a donkey cart—a peasant with a donkey cart. If [someone] knows anything about politics, he is a threat, and he deserves to be killed.”\(^{139}\)

In Gaza, Islamic law often framed the interviewees’ understanding of protection in war. For instance, a university professor from Rafah described those who should be protected according to the *sunna*.\(^ {140}\) “In battle, you don’t kill a child, an old man, a monk, you don’t cut any tree, and you don’t kill any animal,” he explained.\(^ {141}\) Several other interviewees referenced international humanitarian law. Indeed, interviewees in Gaza displayed more awareness of IHL than the interviewees in any other conflict covered by the study. For instance, one interviewee explained, “Civilians are protected according to the Geneva Conventions,” while another said, simply, “Geneva protects us.”\(^ {142}\)

When asked for their definitions of *sha’ab*, the Somali translation of the word civilian, interviewees offered four different interpretations. These interpretations were most often cited in isolation, though some interviewees included more than one of these elements in his or her response. First, many interviewees identified civilians as the “the general public,” or the “common man.”\(^ {143}\) According to this understanding, civilians are “normal people,” or “those who live the ordinary life.”\(^ {144}\) Second, related to this understanding, several interviewees identified civilians as those who are not associated with or working for the government.\(^ {145}\) As a 45-year-old man who worked as a high-school teacher in Mogadishu said, civilians are “people who aren’t in politics.”\(^ {146}\) Third, interviewees often associated the word civilian with those who are vulnerable and powerless, particularly during wartime.\(^ {147}\) For instance, one interviewee said that a civilian is someone who has “access to nothing and can be used by anyone.”\(^ {148}\) Another interviewee said that civilians are “the needy people, the ones who are really suffering in the war.”\(^ {149}\) Finally, several interviewees believed that civilians are those who are not involved with any armed groups.\(^ {150}\) A former government official explained, “Civilians are not involved in any government forces or militias.”\(^ {151}\) A truck driver from Kismayo added, “Civilians are not in the military. They are on their own.”\(^ {152}\)

Somali clan law framed many Somalis’ understanding of appropriate protection during war. When asked who should be protected during war, interviewees often referred to the concept of *biri-ma-geydo*. This phrase, which originated in Somali customary law, translates...
to those who should be “spared from the spear.” According to Somalis, the people traditionally included in this protected category include the elderly, women, and children. Interviewees also mentioned doctors, teachers, the injured, the disabled, members of minority clans, the sick, travelers, clan leaders, and peace delegates.

**Concept of the Combatant / Non-Civilian**

Interviewees in each conflict identified certain factors they used to distinguish combatants or non-civilians from civilians during war. One factor was cited by interviewees in all four conflicts and by more interviewees than any other factor: the presence of a weapon. A large number of people in Gaza and Somalia also cited a uniform as a distinguishing factor. In Bosnia and Libya, some individuals mentioned uniforms, but the majority of interviewees who discussed this factor did not see it as being particularly relevant.

Additional factors that interviewees reported using to distinguish non-civilians from civilians included whether an individual received military training, his or her proximity to battlefield, and whether he or she served full-time or was enlisted in the military as a soldier. Interviewees from Bosnia, Gaza, and Somalia considered whether the individual had received official military training. For instance, a Bosnian man from Srebenica said, “When they are trained and prepared, they are soldiers.” Interviewees from Bosnia, Libya, and Gaza cited proximity to the battlefield: the closer an individual was to the front line, the less likely he or she was to be a civilian. The remarks of a 41-year-old Bosnian man from Mostar are representative of this sentiment. “Soldiers for us are the ones who are fighting on the front line. . . . It’s about where the person is,” he said.

Several interviewees, especially those in Gaza, considered whether the individual was serving full-time; if so, then he or she was perceived to be a combatant. According to a government official from Gaza, “The military is an organized army that is educated at military schools. . . . Their job is to be the army—that’s their full-time job.” Finally, several interviewees, exclusively in Bosnia, considered whether the individual was enlisted in the military as a soldier and had been properly registered as such.

**Challenges of Classification: Civilian or Combatant**

Interviewees in each of the four conflicts described facing challenges in classifying civilians and combatants into distinct categories, especially when they considered the conflicts they had experienced. For instance, in Bosnia, several people expressed doubt that the categories of civilian and soldier had any meaning during the conflict there. An employee of the Court of Bosnia and Herzegovina believed the categories did not apply easily to the complexity inherent in the Bosnian conflict. “If you look at the Geneva Conventions,  


__155__ Interviewees 11, 40, 55, 66, 72: Somalia.


__157__ Gaza: interviewees 15, 23, 45; Somalia: interviewees 4, 49, 78.

__158__ Bosnia: interviewees 2, 8, 24, 25, 27, 47, 61, 62; Libya: interviewees 16, 17, 43, 57. Some interviewees in Bosnia and Libya cited the absence or presence of a uniform as a distinguishing factor. Bosnia: interviewees 1, 44, 56, 59; Libya: interviewees 3, 13.

__159__ Bosnia: interviewees 25, 61, 62; Gaza: interviewees 29, 37, 41; Somalia: interviewees 6, 30, 40, 66.

__160__ Interviewee 25: Bosnia.

__161__ Bosnia: interviewees 13, 30, 31; Libya: 2, 24, 41, 44, 54; Gaza: interviewees 29, 30, 41.

__162__ Interviewee 30: Bosnia.

__163__ Interviewees 29, 37, 40, 41: Gaza.

__164__ Interviewee 41: Gaza.

__165__ Interviewees 9, 30, 44, 46: Bosnia.
everything looks beautiful, but if you start to apply it, everything falls apart. How can you treat each of the categories in a proper way?” he asked.  

According to many people in Libya, the principle of distinction between civilians and combatants was irrelevant to the events of 2011, since these events did not constitute a traditional war. Instead, for these people, what happened was a “rejection” or a “social revolution”: a movement of the entire population of Libya against Qaddafi. Thus, because the population was aligned against Qaddafi, it made little sense to distinguish between the various people involved in that movement and to designate some as civilians and others as combatants.

In Gaza, the vast majority of interviewees felt that Gaza’s “resistance” is not a traditional military and therefore its members are not traditional soldiers or combatants. According to a government official in the Ministry of the Interior, civilians and members of the resistance should be put into one category. “We don’t have a military,” he said. “Even those who carry weapons, who have been obliged to carry weapons for self-defense—the minute the occupation is over they will give up their weapons.” He continued, “[The resistance] never graduated from military schools, and they have no real training. All of the people who work [as the resistance] have day jobs. They are doctors, engineers—not soldiers, not military. They are just part of the civilians who organized themselves.

Finally, the overwhelming majority of Somalis identified themselves as civilians, regardless of their role in the conflict. When interviewees were asked to define civilians, many simply said, themselves. Even those who had served with al-Shabaab said they were civilians. For instance, a 20-year-old man who had served in al-Shabaab after being forcibly recruited described himself as a civilian, and continued, “Civilians should be protected—but who will accept that? Starting with me—and women, children, the like. We are the vulnerable.”

Implications of Legal Status

As discussed above, experts and policymakers have been engaged in an intense debate over how individuals should be legally classified in war, whether as combatants or civilians, or as civilians who are directly participating in hostilities. Usually, this debate centers on which individuals may be targeted during war. Yet CIVIC’s interviews suggest that an individual’s legal status in war has a number of important implications that go beyond targeting. Indeed, if a civilian becomes involved in conflict—whether voluntarily or not—this has the potential for long-term implications such as those related to legal redress, safety, financial assistance for injuries or property damage, or even international sympathy. Considering the full range of these implications is outside the scope of this report and thus the issue is not addressed in the case studies; however, this section briefly considers the implications of status that were raised by interviewees.

In Bosnia and Gaza, interviewees reported that an individual’s status during war can affect the likelihood that his or her legal claim for redress will be lodged against a warring party. An employee of a local human rights organization in Gaza explained that unless he can be “100 percent sure” that a victim was a civilian who was not involved in hostilities, he does not bring any allegations to the Israeli justice system on his behalf. An employee of an

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166 Interviewee 14: Bosnia.
167 “Resistance” is a term used by Palestinians in Gaza to refer to fighters in any of the armed factions in Gaza, such as the Qassam brigades of Hamas, the Al-Quds brigades of Islamic Jihad, and the Abu Ali Mustafa Brigade of the Popular Front for the Liberation of Palestine.
168 Interviewee 41: Gaza.
169 Ibid.
170 Interviewees 31, 32, 38, 41, 42, 43, 44, 45, 48, 49, 50, 51, 54, 56, 61, 64, 66, 78: Somalia.
171 Interviewee 54: Somalia.
172 Interviewee 21: Gaza.
organization in Bosnia that represents victims’ families in judicial proceedings shared this approach. “We have had to turn down many, many cases,” she explained. “There hasn’t been any positive judgment when it comes to combatants. For the cases dealing with combatants, they see it as a fair fight between soldiers.”

In Bosnia, Libya, and Gaza, interviewees reported that an individual’s status during war can also affect eligibility for financial benefits or property reconstruction after the end of hostilities. For instance, several Bosnians noted that participating in the conflict, either in regular or irregular armed forces, made Bosnians eligible for veteran pensions after the war. Interviewees in Libya reported that rebel fighters there were eligible for pensions through a similar system. By contrast, a member of a political party in Gaza expressed his belief that if an individual were listed as a non-civilian “security risk” during Cast Lead, his property would not be eligible for reconstruction under the criteria of certain international organizations.

According to Somali interviewees, an individual’s status during the conflict can have serious implications after he or she flees the country, in terms of both refugee status and general safety. A Somali man who had served as liaison between refugees and international organizations in Dadaab Refugee Camp in Kenya discussed the general perception of refugees. “If they were involved with any armed group, people believe they can lose their privileges as refugees—rations, water, food, medication,” he said. According to a UNHCR official, refugee status would not generally be at stake for Somali refugees in Kenya, as it is granted on a *prima facie* basis. Still, he said, anyone who has been somehow involved in an armed group is “correct to be concerned,” as “maintaining the civilian character of refugee camps is a top priority for UNHCR and for the government of Kenya.” He continued, “If you are perceived to have been engaged in combatant activities, your refugee status will attract additional scrutiny.” Somali refugees said they were also concerned about the treatment they could receive at the hands of the Kenyan authorities if they were found to have been involved with an armed group. According to the refugee liaison from Dadaab, “The law [Somali refugees] fear is the Kenyan law . . . . Under the terrorism law in Kenya, people can be shot for involvement [with a listed terrorist group].” This fear, the interviewee explained, leads to an atmosphere of secrecy and fear. “Nobody can reveal their past lives in Somalia,” he said.

Finally, interviewees in Bosnia and Gaza noted that the status of those killed during a conflict affects international sympathies and historical narratives. A man from Srebrenica noted that this issue arose when the Dutch government issued a report covering its actions during the Srebrenica genocide. He explained, “[The Dutch] said the majority of men and boys were armed. I said this was not true. . . . How can you make such a mistake? I think this was a deliberate attempt to revise history, to portray civilians as combatants to make it seem like they had not failed civilians.” On a similar note, a local journalist in Gaza explained how he felt the Israeli government takes advantage of the possibility that a journalist was not a civilian. “All [Israel] has to do to justify the local killing is say that the journalist worked for an armed group. That’s all they need to say, and the internationals will ignore [the death],” he said.

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173 Interviewee 15: Bosnia.
174 Interviewees 10 and 11: Bosnia.
175 Interviewee 15 and 17: Libya.
176 Interviewee 20: Gaza.
177 Interviewee 57: Somalia.
178 Interviewee 77: Somalia.
179 Interviewee 57: Somalia.
180 Ibid.
181 Interviewee 5: Bosnia.
182 Interviewee 35: Gaza.
III. CONCLUSION

This report addresses one of the most debated issues in contemporary warfare: how civilians are involved in armed conflict. Given its complexity, it is a challenge to tackle this issue in one study—and it is particularly difficult to make any generalizations on how civilians experience and perceive involvement during war. Nevertheless, CIVIC believes that in order to formulate effective rules and policies to strengthen civilian protection, military commanders, government officials, lawyers, humanitarians, and academics must acknowledge and understand the “people’s perspectives” on civilian involvement in war. The firsthand accounts and views highlighted in this report can inform the debate on civilian participation and provide an important backdrop to the discourse on strengthening civilian protection. CIVIC urges experts and policymakers to draw on the findings of this research, which would enrich future discussions about the scope and nature of civilian involvement in conflict and bring about a deeper appreciation of the need to strengthen the protection of civilians.

Six points merit particular consideration. First, civilians are becoming involved in conflict in numerous and complex ways. Their modes of involvement range from fighting, to providing logistical support, to covering military activities in the media. Indeed, as warfare has evolved and modernized, it seems the opportunities for civilian involvement have evolved correspondingly. Second, civilians become involved in conflict for reasons they believe to be justified. These decisions can be tied, for example, directly to civilians’ survival, a duty they feel toward their nation, or a desire to elevate their status in society. Third, civilian involvement is not always voluntary. While some civilians become involved willingly and proudly, others are forced to do so, despite hoping for nothing more than to stay out of the fighting. Fourth, civilians have many different interpretations of what it means to be a civilian, and these interpretations are informed by various, often local frameworks, including clan law, religious law, and international humanitarian law. In developing relevant policies and protection strategies, policymakers should take full account of these local differences. Fifth, people who have experienced conflict face a multitude of challenges in classifying civilians and combatants into discrete categories. Finally, individuals’ legal status during war can affect their lives long after the conflict ends—determining whether they receive a pension or a day in court, whether they are safe in the country to which they flee, and even, when they are injured or killed, whether the international community reacts with indifference or sympathy.

This study attempts to reflect the perceptions and experiences of people who have lived through four distinct armed conflicts. The realities illustrated in this report—of meaningful motives, desperation, and survival—beg the question of whether the current discussion sufficiently encompasses the actual experience of war for those who live amidst it. Experts and policymakers engaged in the debate over civilian participation in war would do well to engage with these realities and to consider the limited options and tough choices faced by civilians during war. We hope they will also empathize with those who shared their stories for this report.
IF MY UNCLE IS ON DUTY, HE’S ONE THING, BUT WHEN HE’S IN LINE FOR BREAD, WHAT IS HE?
CASE STUDIES

I. BOSNIA: “THERE IS NO THINNER LINE”

Summary

This case study addresses civilian involvement in the Bosnian war from 1992 to 1995. The findings of this case study are particularly relevant for understanding conflicts that involve a large number of paramilitary or irregular fighters, ethnic cleansing, or the siege of civilians in strategic cities.

Three findings of this case study merit special consideration by those debating how to interpret and implement the concept of direct participation in hostilities. First, Bosnia exemplifies a case in which civilians reported being heavily involved in the conflict, whether by fighting periodically, providing logistical support to armed groups or joining the local civil defense forces.

Second, the case study illustrates that many different factors can lead an individual to become involved in an armed conflict. Bosnian interviewees identified a range of motivations that underlay, and they believed justified, their involvement: they wanted to protect themselves or their families, they felt a duty to the Bosnian state, they were recruited, voluntarily or against their will, or they experienced social pressure to become involved. These motivations were apparent in some of the other conflicts covered in the People’s Perspectives study; however, one further motivation was cited only by Bosnians: several people reported that they became involved in the conflict to defend their communities or cities.
Third, the Bosnian case study demonstrates how an understanding of the law does not always clarify the complex issue of civilian status. The interviews suggested that Bosnians may have generally been aware of the concept of the civilian and the protections that are afforded to civilians under international humanitarian law (IHL). Despite this awareness, interviewees reported that the line between soldiers and civilians during the Bosnian war was extremely blurred. Furthermore, a large number of interviewees felt that the population during the war was defined not in terms of civilians or combatants, but instead in terms of ethnicity or religion.

Methodology

This case study’s findings are based on in-depth interviews with 62 individuals in Banja Luka, Bratunac, Mostar, Prijedor, Sarajevo, and Srebrenica. These interviews were conducted by a team of researchers from Harvard Law School’s International Human Rights Clinic (IHRC), working in partnership with Center for Civilians in Conflict (CIVIC). For reasons of confidentiality and security, this case study does not refer to interviewees by name.

The Bosnian translations of key terms used by the research team are as follows:

- Civilian: civilni
- Soldier: vojnik
- Bosnian-Muslim soldier: Bosnjak vojnik
- Bosnian-Croat soldier: Hrvatski vojnik
- Bosnian-Serb soldier: Srpski vojnik
- Involvement: ucesce / sudjelovanje
- Paramilitary fighter: pripadnik paravojnih jedinica

Factual Background

The interviews for this case study focused on the Bosnian war, in which Bosnian Muslims, Bosnian Croats, and Bosnian Serbs fought for territorial control of Bosnia and Herzegovina from 1992 to 1995. The conflict emerged in the context of the dissolution of the Socialist Federal Republic of Yugoslavia. After the death of Josip Broz Tito, the architect and leader of the united Yugoslavia, nationalist tensions among the six Republics increased throughout the 1980s. In 1991, Slovenia was the first republic to declare its independence from the Federal Republic, followed soon after by Croatia. When Bosnia declared independence in March 1992, hostilities broke out almost immediately.

The major parties to the conflict included the Army of Republika Srpska, which was largely made up of Bosnian Serbs and supported by the Serbian government and the Yugoslav People’s Army; the Army of the Republic of Bosnia and Herzegovina (ARBiH), which was

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183 Please refer to the “Analytical Overview” for more information on the methodology for the People’s Perspectives study.
184 To protect their anonymity, interviewees were assigned numbers. For the majority of interviewees, IHRC recorded some descriptive elements such as age or place of residence. The ages and professions of interviewees are accurate as of the date of the interview.
186 Bosnian Muslims are also referred to as “Bosniaks.”
187 Hereinafter, when referring to the country of Bosnia and Herzegovina, the case study will use “Bosnia.”
largely composed of Bosnian Muslims; and the Croatian Defence Council, which was largely made up of Bosnian Croats and was supported by the Croatian government.\footnote{188 United Nations Commission of Experts, “Annex III.”}

The parties to the conflict were backed by a diverse array of other armed groups, including local and foreign paramilitary forces and “Territorial Defense units” (TO). These TO units originated in the former Yugoslav Federation, where all men of military age were required to undergo military training in the Yugoslav National Army.\footnote{189 Helsinki Watch, “War Crimes in Bosnia-Hercegovina,” vol. I, August 1992, 22, accessed October 17, 2014, http://www.hrw.org/reports/pdfs/y/yugoslav/yugo.928/yugo928full.pdf.} After the training, the men remained in the TO units so that they could be mobilized at a local level if necessary. The existing TO units supplemented each side in the conflict, particularly the Army of the Republic of Bosnia and Herzegovina.\footnote{190 United Nations Commission of Experts, “Annex III,” 30.}

The conflict in Bosnia was heavily localized, with differences from one area to another in terms of the parties involved and the dynamics and intensity of the fighting. In the countryside, the warring parties displaced members of certain ethnicities, attempting to create ethnically homogenous territories. This ethnic cleansing took place at the beginning of the war and in many cases, it was completed after only a few months.\footnote{191 Kalyvas and Sambanis, “Bosnia’s Civil War,” 213–214.} In some areas, concentration camps were set up, mostly for Bosnian Muslims, where civilians were detained, tortured, and killed. Meanwhile, strategically important cities such as Sarajevo fell under siege, exposing their inhabitants to sniper attacks and artillery shelling. In 1993, the United Nations (UN) Security Council designated the Bosnian Muslim cities of Bihać, Goražde, Sarajevo, Srebrenica, Tuzla, and Žepa as “safe areas,” meaning that they should remain “free from armed attacks and from any other hostile act,” and armed groups within the safe areas were forced to demobilize.\footnote{192 United Nations Security Council Resolution 824, S/RES/824 (6 May 1993), para. 3.} However, the fall of Srebrenica and the genocide perpetrated against its population in 1995 demonstrated that even in the UN-protected areas, civilians were not safe from attack and persecution.

After the initial phase of the war, the front lines did not alter significantly for many months. By the end of 1994, almost three years of fighting had produced a standoff.\footnote{193 Burg and Shoup, War in Bosnia-Herzegovina.} One year later, the reemergence of the Bosnian-Croat alliance and developments in Croatia shifted the military balance and set the conditions for peace talks.\footnote{194 Ibid.} The Dayton Peace Agreement ended the war in 1995 and separated the country into two autonomous entities: the Federation of Bosnia and Herzegovina and Republika Srpska. The war took a heavy toll on the Bosnian population. The International Criminal Tribunal for the former Yugoslavia estimated that the Bosnian war caused 104,732 casualties. An estimated 40 percent of these were civilians.\footnote{195 Zwierzchowski and Tabeau, “Casualties Undercount,” 16.} The conflict also led to the internal displacement of more than a million people and created as many refugees abroad.\footnote{196 Internal Displacement Monitoring Center, “Bosnia and Herzegovina: Broader and Improved Support for Durable Solutions Required,” August 28, 2008, http://www.internal-displacement.org/assets/library/ Europe/Bosnia-and-Herzegovina/pdf/200808-eu-bosnia-overview-en.pdf.}

Civilian Involvement

This section discusses the case study’s key findings regarding civilian involvement in conflict. It first examines various modes of involvement using accounts from CIVIC’s interviewees. In order to provide context, these accounts sometimes note the individuals’ motivations and views on their own status during conflict. The section then identifies and explores in more depth the primary motivations for involvement described by interviewees.
Modes of Involvement

The modes of involvement discussed below range from active engagement in the fighting, to provision of support, such as providing food and transportation for members of armed groups, to peripheral activities, including joining a civil defense unit. Some modes of involvement are purely civilian and would not be considered clear or even possible examples of direct participation in hostilities. However, the study addresses the full spectrum of involvement to demonstrate the number and diversity of ways in which civilians can become involved in conflict.

Fighting

Local Units

Interviews were conducted with several individuals who joined local units during the war. A 67-year-old man from Sarajevo reported that he had no training before he joined his Territorial Defense unit in Sarajevo. “We were young men in jeans and sneakers. We had 15 bullets split between us, and two guns between us. . . . We were given a bazooka, but we didn’t know what to do with it, so we sent it away, to another military unit,” he said. Of his own status, he said, “We all considered ourselves soldiers, but from our looks, we were not, we didn’t have uniforms. . . . It was a miracle that anyone stayed alive with that kind of spontaneous formation.”

A groundskeeper from Srebrenica said that he left high school to join his local TO unit, which was made up of around 50 people. When asked why he decided to join the unit, he explained, “When I saw Serb soldiers attacking us, I had no choice but to join.” Of his own status, he remarked, “I tried to be a soldier, but I was a kid. I never thought that war is such a dangerous thing. I thought it would be over quickly. . . . We are all soldiers when it is needed.” However, he enjoyed certain aspects of his post: “I had a white military police belt around my waist, which made me feel important. And having a gun made me happy.”

A 65-year-old Bosnian Serb man from Bjelovac, a town in the east of Bosnia, reported that civilians organized themselves into similar fighting units in his area. He explained, “We only had civilians to defend the city. After that, we organized ourselves as a unit from the army—the Army of Republika Srpska.” He remarked that this group’s transition into the Republika Srpska army was simply “a process of getting weapons” and being invited to join a larger unit in Bratunac. Although this interviewee later became a commander in the Army of

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197 Interviewees 6, 20, 27, 62.
198 Interviewee 6. See “Factual Background” for more information on the Territorial Defense units.
199 Ibid.
200 Interviewee 27.
201 Ibid.
202 Interviewee 20.
Republika Srpska, he believed that he and his community should not have been considered soldiers when they first organized. "We were militarily involved," he said, "but we were not organized on any level."203

Paramilitary Groups
Three men discussed serving with paramilitary groups during the war.204 One of them, a 65-year-old Bosnian Muslim man, reported that he left behind his former life as a shopkeeper to join the Green Berets, a paramilitary group in Sarajevo. When asked what he considered his own status, he responded, "I saw myself as a defender of my city. I saw myself like a man who took a rifle in his hands to defend innocent people. I thought at least I have guts to do that."205 As a paramilitary fighter, he also believed that his own chances of survival would increase. "You start to look around yourself," he said. "If you are not stupid, you join. A lone wolf can survive, but a pack will survive better. You find your own pack so that you're not alone."206

Non-Organized Fighting
Several people discussed how they or others engaged in fighting that was not organized or associated with an armed group, but was instead prompted by their circumstances. The first type of non-organized fighting was characterized by interviewees as self-defense. A man who was based in Sarajevo during the war offered an example of this kind of fighting:

The lines between the two armies were very close [in Sarajevo]. And sometimes right next to the lines you had civilians. For example, a very old woman had a house on the border. When the Chetniks attacked, they broke the first line of defense and almost came to Fata’s house. She somehow had hand grenades and threw them through the window. She killed 11 soldiers, even though she was a civilian.207

A 50-year-old woman who lived in Sarajevo during the war recalled an instance in which one of her neighbors fought back against a sniper:

I had a neighbor who was a young mother of two children. It was summer and a quiet day, so her children were outside. Someone started shooting from her roof. She was so scared that this person would kill her children that she took a meat cleaver and found the man. She approached him from the back. When [the neighbors] found the two, she was still hitting him. She hit him beyond recognition.208

Several individuals who were based in areas outside of Sarajevo said their families and neighbors used whatever weapons they had in order to protect themselves from incoming attacks. A 32-year-old woman who was a young girl in Prijedor when the fighting broke out in her area explained, “The men would take the families to a nearby house without windows.

203 Ibid.
204 Interviewees 3, 8, 61.
205 Interviewee 61.
206 Ibid.
207 Interviewee 11. The term “Chetnik” is sometimes used by Bosnian Croats and Muslims to refer to Serbian military and paramilitary forces during the Bosnian war. Human Rights Watch explained the origination of this word and the controversy that surrounds it. “During the Second World War, Serbian forces loyal to the Serbian king fought against the Croatian fascists known as the Ustasas, Tito’s communist partisans, and at times with and against the Nazis. The main objective of the Chetniks was the restoration of the Serbian monarchy and the creation of Greater Serbia. Feared for their brutality, the Chetniks committed atrocities against non-Serbs and Serbs opposed to their policies in Bosnia and Herzegovina, Croatia and Serbia. Croats and Muslims both in Croatia and Bosnia and Herzegovina commonly refer to Serbian military and paramilitary forces engaged in the current wars in Croatia and Bosnia and Herzegovina as “Chetniks.” The Yugoslav army and some Serbian paramilitary groups vehemently reject the label “Chetnik,” claiming they are merely defenders of their people and their land and that they are not extremists. Others, such as paramilitary units loyal to the ultra-right wing former leader of the Serbian Radical Party, Vojislav Seselj, commonly refer to themselves as Chetniks.” Human Rights Watch, “The Fall of Srebrenica and the Failure of UN Peacekeeping,” October 15, 1995, http://www.hrw.org/sites/default/files/reports/bosnia1095web.pdf.
208 Interviewee 62.
This was designed to keep the families safe. The only type of weapons we had would have been hunting rifles. . . . Men would be around the house, guarding it." Similarly, a Bosnian Serb man who grew up in the eastern part of the country recalled, “The fathers [of the families] were involved only in their villages’ defense. . . . For them it was natural, and they were not sent to other places.”

A local city official based in Srebrenica during the war said that in response to news of incoming attacks, individuals in Srebrenica would do what they could to protect themselves. He explained, “[When] Srebrenica was attacked. . . . [people] resisted with hunting rifles to protect civilians.”

The second type of non-organized fighting described by interviewees involved efforts to obtain necessities for survival. Particularly in Srebrenica, interviewees described how humanitarian aid did not reach everyone who needed it. As a result, people would sometimes raid surrounding villages to obtain food and resources. A former soldier from Srebrenica described one of these expeditions: “One winter we decided to go into a Serb village because of food, so that we could survive. We were trying to search for food for 9,000 people in the municipality. We decided to attack the village to find food.” He described the group that attacked the village as being “mixed together” with civilians and soldiers. He explained, “The army would attack and civilians would find food. . . . We would collect food and leave the area.” According to this man, these attacks carried risks, but they were worth it. “We decided to organize ourselves because it would be better to be killed by a bullet than by starving,” he explained.

**Logistical Support**

Beyond fighting with an armed group or individually, many people were involved in the conflict by providing logistical support for armed groups. This support came in many different forms, at times voluntary and other times less so. For instance, interviewees who were in Sarajevo during the conflict reported that everyone had particular tasks or roles they were expected to fulfill. Non-military males were particularly expected to engage in activities that would be useful for the war effort. As described by a 31-year-old woman from Sarajevo, “During the war if you were not in the army and you were male, you would have to work for something of ‘state importance’. . . . So everyone had a card that said what they did for the state: it would say ‘army’ or ‘journalist’ or ‘doctor’.”

Bosnians also supported armed groups, either formally or informally, through a range of activities including: driving, collecting and transferring bodies, digging trenches, acting as scouts or guides, cooking food, making clothing, planting food, providing medical support, carrying goods, translating, and even performing in musical and theater productions. These roles were often divided along gender lines. People described how women, although they did not usually participate in the fighting, often cooked and provided clothes to both civilians and soldiers. A female social psychologist who lived through the siege in Sarajevo...
explained, “Women were collecting water, trying to make meals out of nothing. . . . We had to come up with sneaky ways.” A man who was in Sarajevo during the conflict added, “It was common practice that women would make cakes or rice pies and bring that to the fighting soldiers, which boosted morale. Also, when our soldiers were fighting and it was snowing, women brought the white sheets to hide them.”

A 36-year-old woman from Bugojno, a town in central Bosnia, said that she and others—“old people, women, and those not in the military”—farmed the land in her village to provide food for the armed groups nearby. She continued, “Every day, when I finished school, I would go to the fields.” She then delivered the food they harvested directly to the military. When asked what she considered her own status during this time, she said, “We didn’t think about what we were, we just didn’t want people to be hungry. . . . People were just fighting for survival.” Still, she felt proud of her contribution, explaining, “Our men had something to eat, so that helped them.”

A 50-year-old Bosnian Muslim woman became a translator in a local military unit of the ARBiH in Sarajevo. She described how she first became involved with the unit:

I enlisted at 28 [years of age]. I thought to myself, ‘I don’t know how to shoot, but I can do something.’ My first task was to prepare the face camouflage. I put cream with green chalk. I did fancy myself a combatant. I stopped feeling helpless and alarmed. Sitting in the basement [before joining the unit] was so hard, and after I joined, I had a feeling that I was helping my baby. Ok, so it was just Nivea cream and chalk, but it was something.

Soon after she joined the unit, she became its translator and was responsible for liaising with the military commanders of other units and United Nations officials. When asked how she felt during her time with the unit, she responded, “I was not even terrified, I was confused. I felt like I had fallen through a hole. You fall, and you fall, and you end up in an unknown world where none of the laws from the old world applied. It was full of new creatures. Had aliens arrived, I would not have been surprised. You just can’t believe what’s happening to you.”

Membership in the Civil Defense

In addition to the Territorial Defense, local communities set up other structures to help coordinate tasks during the war. One of these structures was the civil defense force. According to interviewees, civil defense units were made up predominantly of men who were unable to fight in the war, along with some women. A woman from Sarajevo explained that her brother-in-law joined the civil defense because he was not physically able to go to war. He was responsible for distributing food. Her husband, a taxi driver in Sarajevo, reported that the civil defense units would perform different tasks, depending on the qualifications of those in the units. They “replaced factory workers and set up gas pipes for heating. When a grenade hit a building, they came to clean up the mess.” In addition to the tasks described above, individuals in the civil defense forces performed tasks such as growing food and cooking, distributing humanitarian aid, building shelters for refugees, and
digging trenches and graves. Each of the interviewees who discussed the civil defense characterized it as a civilian institution. As one interviewee put it, the duties of the civil defense were a part of a “civil initiative, so they weren’t considered soldiers.”

Motivations for Involvement

When asked why they or others became involved in the armed conflict in Bosnia, interviewees offered a variety of explanations. Five of these motivations emerged as the most common: protection of self or family, defense of community, civic duty, forced or voluntary recruitment, and desire to elevate social standing or avoid social stigma.

Protection of Self or Family

According to a large number of interviewees, they and others became involved in the conflict out of a desire to protect themselves or their families. Indeed, this motivation was more commonly cited than any other. A man from Sarajevo who joined his local TO unit explained, “We all felt the need to protect ourselves.”228 Several people said that during the conflict, they were faced with a choice between becoming involved or certain death. A social psychologist who lived through the siege in Sarajevo explained that civilians felt they had “nothing to lose,” as their options were to “either get killed or defend themselves.”229 A 31-year-old NGO worker from Sarajevo added, “In this war, you just had men protecting their families.”

Defense of Community

Several other people said that they became involved in the conflict to defend their communities or cities. People who lived in Sarajevo during the conflict often cited this motivation. For instance, according to the social psychologist from Sarajevo, “The community [in Sarajevo] was very cohesive. . . . At that time they realized [their own survival] depended on if their neighbor survived. The ultimate goal was defense and survival.”231 Another woman from Sarajevo added, “Nobody here thought, ‘I’m going to the army.’ It was instead, ‘I’m defending my city.’”232

Residents of smaller towns and villages in Bosnia echoed this sentiment. For instance, a 41-year-old man described how the Bosnian Muslim residents of Bratunac, a town in the far-east corner of Bosnia, reacted to news that their town would be attacked. “When we realized they were going to kill us, we decided we had to do something. We had a community meeting and decided to organize ourselves. . . . We started making weapons out of water pipes,” he said.233 According to a 65-year-old man from Bjelovac, also a town in the far-east corner of Bosnia, he and his Bosnian Serb neighbors were also forced to defend themselves. He explained, “The soldiers came on December 14, 1992. Sixty-nine victims fell down in this place—that was the reason we organized a defense. . . . We didn’t have a big army, we only had civilians to defend the city.”234

226 Interviewees 12, 27, 32.
227 Interviewee 7. Interviewee 8 also characterized the civil defense as a civilian institution.
228 Interviewee 6.
229 Interviewee 32.
230 Interviewee 1.
231 Interviewee 32.
232 Ibid.
233 Interviewee 24.
234 Interviewee 20.
Civic Duty

Some interviewees said that civic duty motivated them and others to get involved in the conflict. A Bosnian Muslim man who served in the ARBiH during the conflict explained, “It was difficult to survive for our people and state. So many civilians were killed. I felt I would be capable of protecting civilians and my country.”\(^{235}\) An NGO worker from Sarajevo echoed this idea, explaining, “It was our civic duty—together with the soldiers and international forces—to protect the city.”\(^{236}\) According to a former paramilitary fighter from Sarajevo, most of the ways in which civilians were involved in the conflict, such as sewing uniforms or transporting sandbags, were “not obligatory,” but instead were done “more out of a patriotic duty.”\(^{237}\)

 Forced or Voluntary Recruitment

Many Bosnians discussed how civilians were recruited to become involved in the conflict by armed groups, whether by choice or by force. According to a 32-year-old woman from Sarajevo, “This war could have never happened without recruitment of civilians.”\(^{238}\) She said that many civilians were recruited into armed groups voluntarily, but the process happened “overnight, [and they were] in sneakers, no boots, holes in sweaters, and jeans. . . . It was the picture of most of those guys who were recruited.”\(^{239}\) A 41-year-old man who was attending university in Sarajevo during the conflict described how he and others stayed in hiding to avoid forced recruitment by paramilitary forces, which was often achieved simply by such groups “picking people up on the street.”\(^{240}\) A man from Prijedor described a similar trend in his neighborhood. “Paramilitary forces would catch people on the street, and would collect them [to join their forces],” he recalled. “There was no escape from the fighting [and the] killing.”\(^{241}\)

 Desire to Elevate Social Standing or Avoid Stigma

A few individuals said that they or others chose to become involved in the conflict because they sought to elevate their social standing or to avoid stigma. They explained that those who became involved were perceived as having courage or “heart,” whereas those who tried to stay out of the fighting were seen as cowards. For instance, a former paramilitary member from Sarajevo said, “Whoever had a heart went to fight.”\(^{242}\) Another former paramilitary member described his participation as “something that follows from your heart.”\(^{243}\) For a 65-year-old man from Sarajevo, involvement was “a question of honor. . . . [M]any people are very proud to go to the war.”\(^{244}\)

Some Bosnians noted that those who tried to stay out of the conflict were sometimes stigmatized. For instance, a journalist who was based in Bugojno, a town in central Bosnia, during the war explained that if his family had not supported the “cause,” they would have been "social outcasts. . . . It was a huge disgrace.”\(^{245}\) A university student from Mostar echoed this point. “It would have been humiliating if you were capable and you were not doing your part,” she said.\(^{246}\) According to some interviewees, there was pressure on men to become involved. A 36-year-old Bosnian Muslim man from Srebrenica explained that

\(^{235}\) Interviewee 28.
\(^{236}\) Interviewee 7.
\(^{237}\) Interviewee 8.
\(^{238}\) Interviewee 32.
\(^{239}\) Id.
\(^{240}\) Interviewee 30.
\(^{241}\) Interviewee 47.
\(^{242}\) Interviewee 8.
\(^{243}\) Interviewee 61.
\(^{244}\) Interviewee 30.
\(^{245}\) Interviewee 59.
\(^{246}\) Interviewee 58.
men who tried to stay out of the fighting were considered “cowards.” He continued, “people would talk about you as a woman.” A retired mortician from Sarajevo said that while most men were involved in the conflict in some way, “[t]he cowards sat in the basement drinking coffee with the women.”

Understanding and Application of Legal Concepts

In this section, the case study explores interviewees’ understanding and application of legal concepts related to the principle of distinction. It first examines views on the concepts of civilian and combatant status. It then considers the challenges of classification outlined by interviewees when they applied the principle of distinction to the conflict in Bosnia.

Concept of the Civilian

The majority of interviewees in Bosnia seemed to be familiar with the basic concept of the “civilian” and the idea that civilians should be protected under international law. Still, interviewees offered different interpretations of civilni, the Bosnian translation of the word civilian. First, several individuals identified civilians on the basis of gender and age. A university student from Prijedor said, “Civilians were the children and women and men older than 70.” A radio announcer from Mostar agreed, “Civilians were the kids, the elderly, grandparents—who were saved in a safe place and waited for a better place, for tomorrow.” Second, some Bosnians stressed that civilians were those who were not engaged in the conflict in any way. Exemplifying this view, the director of a research organization in Sarajevo said, “Civilians are those who did not participate whatsoever in the war.” Finally, other interviewees described the concept of the civilian in direct contrast to the vojnik, or soldier. As a 27-year-old man from Mostar said, a civilian is “someone who is in the middle of war and is not a soldier.”

Concept of the Combatant / Non-Civilian

When distinguishing a non-civilian from a civilian, interviewees most often referred to the presence of a weapon. A Bosnian Muslim man from Srebrenica said, “A combatant is based on the availability and amount of ammunition and weapons. If you have no weapons, how can you be a combatant?” An NGO worker from Prijedor said, simply, “[G]ive me a weapon and I am a soldier.” Interviewees identified four other factors as distinguishing non-civilians or soldiers from civilians. First, several people looked to the presence or absence of a general command structure or organization in a unit. According to a former paramilitary fighter from Sarajevo, when “you had commanders, you became a soldier.”

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247 Interviewee 23.
248 Interviewee 6.
249 The People’s Perspectives study attempted to capture interviewee perceptions of the word “civilian” across the four conflicts. Therefore, in this case study, the researcher attempted to discern the interviewees’ understanding of civilni, the Bosnian word for civilian.
250 The basic criteria that interviewees used to distinguish soldiers from civilians will be discussed below.
251 Interviewee 47.
252 Interviewee 56.
253 Interviewees 17 and 51.
254 Interviewee 31.
255 Interviewees 25 and 55.
256 Interviewee 55.
257 Interviewees 5, 22, 24, 38, 45, 54.
258 Interviewee 5.
259 Interviewee 54.
260 Interviewee 61.
Srebrenica added, “When they are trained and prepared, they are soldiers.” Second, some interviewees emphasized the importance of a person’s location during the conflict, usually in relation to the “front line” or the “battlefield.” According to a 41-year-old man from Mostar, “Soldiers for us are the ones who are fighting on the front line. . . . It’s about where the person is.” Third, other Bosnians highlighted whether the person was enlisted in the military as a soldier and whether that person had been registered and properly documented as such.

Finally, a few interviewees relied on the presence or absence of a uniform as a determinative factor. For instance, a 31-year-old woman from Sarajevo said, “When you put on the uniform, you are a soldier, but when you take it off, you are my neighbor.” A university student from Mostar added, “Every male was a civilian until he put on a uniform to defend his country.” However, as explored below, several interviewees reported being confused by the variety and irregularity of the uniforms worn by armed groups in Bosnia.

Challenges of Classification: Civilians or Combatants

General Views

While many interviewees said the Bosnian population could be classified into civilians and soldiers, others saw little distinction during the armed conflict in Bosnia. Many of the latter argued that there were no soldiers involved in the conflict; only civilians were involved. As a 67-year-old Bosnian Muslim man from Sarajevo said, “There was no army in the sense of the American army. Technically you could argue that they were all civilians.” A 47-year-old Bosnian Serb woman agreed, “We didn’t have a professional or organized army. Civilians were acting like soldiers. We didn’t know how to act like an army—we still don’t know. We were all civilians trying to organize to defend ourselves, but we didn’t succeed.” By contrast, some interviewees felt that there were only soldiers involved in the conflict. For instance, according to a man who served in the Bosnian Serb Army during the conflict, “During the war, everyone was military.”

According to other interviewees, the fighters in Bosnia fell somewhere in between soldiers and civilians. A man from Sarajevo said, “I feel that there is no thinner line between soldiers and civilians than in the Bosnian war. . . . When Bosnia was attacked, we did not have an army at all. The only organized force was the police, but they were minuscule in numbers. So the army was formed in the war. After four years of war, you still had soldiers with no uniforms, because of the embargo.” A 40-year-old gardener from Srebrenica added, “The line between soldiers and civilians during war is invisible. . . . There is almost no line, no distinction.”

A large number of interviewees expressed their confusion about the blurred lines between civilians and soldiers during the conflict. For instance, a woman from Sarajevo said, “Many killed [during the conflict] were actually civilians, but I don’t know how to distinguish [them]. If my uncle is on duty, he’s one thing, but when he’s in line for bread, what is he?” A 32-year-old woman from Kozarac, a town in northeast Bosnia, added, “The perception of

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261 Interviewee 25.
262 Interviewee 30.
263 Interviewees 44 and 46.
264 Interviewee 1.
265 Interviewee 56.
266 Interviewee 6.
267 Interviewee 21.
268 Interviewee 44.
269 Interviewee 10.
270 Interviewee 28.
271 Interviewee 1.
soldiers was very confusing. The Bosnian army was not really an army. It was very much ‘who was a soldier?’" When a 64-year-old businessman from Banja Luka was asked how he distinguished civilians from soldiers, his response summarized the uncertainty many interviewees felt. “Only God knows,” he said.

Periodic Fighting

Bosnians expressed divergent views about how to categorize individuals who would travel to the front lines for limited periods of time and then return home. Some people believed that these individuals were soldiers on the front line and civilians upon their return. For instance, a 31-year-old woman from Sarajevo said, “There were schedules. Basically there would be something like two days on the front line, one day at home. If you have a free day, you went back to being a civilian.” An NGO worker from Mostar agreed that when a soldier returned home, “he is a civilian again,” and he is a soldier “only for the time he is engaging.” A man who runs an organization that counts and classifies fatalities in the Bosnian war echoed this view. This interviewee said that he and his research team focused on whether the individual was engaged in a civilian activity when he was targeted. He explained, “[I]f I am not actively participating in war, I am a civilian. . . . In the meantime I was a soldier, at the front line, until I came home. Although I am officially a soldier, if I go shopping, I am a civilian. They target me as a civilian.”

Other people believed that the individual remained a soldier whether he was on or off duty. A news editor who was based in Sarajevo during the war explained, “It’s the situation everywhere that you would have trips—seven days, 14 days—you’d go to the field and then come back. They were part of the army, that’s how the army functioned. When they were off the lines, they were considered soldiers, just off duty. If they were killed off duty, it would be counted as killing a soldier, not a civilian.” Another man from an organization that focuses on post-conflict issues in Sarajevo agreed that soldiers who were off duty were “always soldiers,” regardless of whether they were at the front line. Still other interviewees were unable to classify these individuals. For instance, a man from Sarajevo said, “I don’t know how to classify the person who manned the stationary gun and then returned home.”

Uniforms

Several interviewees noted that the uniforms worn by fighters in Bosnia were irregular and diverse. For instance, a 39-year-old man described the uniforms he saw when the military entered his small village, Biscani, which is located about three miles outside of Prijedor. He said:

Some of them had regular olive green JNA [Yugoslav People’s Army] uniforms. The other kind was camouflage. A third kind was the blue camouflage of the police uniforms. There were also a number of soldiers who we could clearly tell were paramilitary. They had markers like biker gloves with no fingers and bands around their heads. Then some of them had hats, which are specifically for Serb folk dancing—black with red tops and tassel. One had Montenegrin coat of arms. . . . Bosniaks had the American style. . . . [The uniforms] were like a peacock’s tail. . . . No particular sides were consistent with uniforms.
A man from Prijedor echoed this view: “‘With a stick and a rope,’ we say. Some [uniforms] were only a green tee-shirt, some had a belt. It was improvisation.”

281 A 50-year-old woman, who served with a unit of the ARBiH in Sarajevo, described her first uniform as “pink overalls and a helmet.”

282 Two interviewees who served in paramilitary groups described a similar, ad hoc approach to uniforms. The first, a paramilitary fighter in Sarajevo, explained that he had no official uniform during the conflict, and instead wore only a black leather jacket.

283 The second interviewee described himself as “a soldier in sneakers—I had black trousers, a black tee-shirt, [and a] camouflage jacket.”

284 Another man, who worked as a medic in Srebrenica during the war, expressed his confusion about uniforms during the conflict and asked, “Who is a soldier when he doesn’t have boots or a gun, or a uniform? Nobody had a uniform or boots. So how can one tell?”

285 Meaningless Distinction

Several interviewees expressed doubt that the categories of civilian and soldier had any meaning during the Bosnian conflict. An employee of the Court of Bosnia and Herzegovina believed the categories did not apply easily to the complexity inherent in the Bosnian conflict. “If you look at the Geneva Conventions, everything looks beautiful, but if you start to apply it, everything falls apart. How can you treat each of the categories in a proper way?” he asked.

286 A 27-year-old man from Mostar agreed, “I don’t know, all those Geneva Conventions, other conventions, and then war starts, and there are no more conventions. It’s just pure animals.”

287 According to some, the classification of civilian or combatant was superseded and made irrelevant by other categories, such as ethnicity or religion. A social psychologist from Sarajevo cited a possible explanation for this phenomenon:

The discourse used is “us” versus “them.” It wasn’t our soldiers versus their soldiers. There’s not a clear distinction. . . . It’s us versus them, perpetrator versus victim language. It’s not aligned with “civilian” and “soldier.” I don’t think they differentiate along those lines because they’re so blurred. Civilians became soldiers. It was not clear-cut. . . . Who were soldiers? A civilian yesterday, a soldier today.

288 According to a university student from Prijedor, categorizations during the conflict were “connected with ethnic identities and religious identities. If you are Serb you are going to fight against the Muslims. Nobody was thinking about civilians or soldiers.”

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281 Interviewee 47.
282 Interviewee 62.
283 Interviewee 8.
284 Interviewee 62.
285 Interviewee 25.
286 Interviewee 14.
287 Interviewee 55.
288 Interviewee 32.
289 Interviewee 47.
II. LIBYA: “THE FIGHT CAME TO US”

Summary

This case study addresses civilian involvement in the armed conflict in Libya in 2011. The findings of this case study are particularly relevant for understanding conflicts that are rooted in popular demonstrations or involve a widespread social movement against the government or leader of a state.

Four findings of this case study merit special consideration by those debating how to interpret and implement the concept of direct participation in hostilities. First, a large number of Libyan interviewees reported that they were heavily involved in the 2011 conflict, and that they had made the decision to become involved voluntarily. Their involvement ranged from fighting periodically, to transferring weapons, to manning checkpoints. Interestingly, only a handful of the 61 interviewees said that they had not wanted to be involved in the conflict. This finding is likely related to the particular nature of the conflict in Libya, which had its roots in a social revolution.

Second, civilians in Libya said that they were involved in the 2011 conflict for reasons they believed were justified: they wanted to protect themselves or their families, felt a duty to their country, or wished to elevate their social standing. Although these motivations were apparent in some of the other conflicts covered in the People’s Perspectives study, two further motivations were only cited by Libyans. For some interviewees, the targeting of peaceful protesters by Qaddafi’s forces sparked their outrage and inspired them to join the conflict. Additionally, several interviewees said that they became involved out of their desire to form a free and democratic state.

Third, CIVIC’s interviews suggest that the concept of the civilian—and the immunity from attack that civilians are afforded under IHL—may not have been understood by the majority of the population in Libya. Interviewees offered several different interpretations of medani, the Arabic translation of the word civilian, very few of which aligned with the definition under IHL, and only a handful of the individuals interviewed by CIVIC expressed awareness of the fact that civilians are lawfully protected during war.

Finally, many Libyans rejected the idea that the principle of distinction was applicable during the 2011 conflict. For some, combatants could not be distinguished from civilians in Libya because the population came together to fight Qaddafi. Those who expressed this view saw no difference between the people who fought on the front lines and those who supported them. For others, the principle of distinction was meaningless in Libya because the population considered itself an “armed people,” made up entirely of combatants. Additionally, interviewees noted that the lack of uniforms also complicated distinction.

Methodology

This case study’s findings are based on interviews with 61 individuals in Benghazi, Gharyan, Misrata, Tripoli, and Zawiya. A CIVIC researcher conducted the interviews from July 5–August 5, 2012.

Interviewees were based in various locations in Libya during the conflict, including Benghazi, Brega, Gharyan, Jadu, Janzour, Kabaw, Misrata, Nalut, Regdalin, Sabha, Sirte, Tajoura, Twarigha, Tripoli, and Zawiya. Due to the security situation in Libya in 2012, it was not possible to interview a significant number of Libyans who supported or continued to

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290 Please refer to the “Analytical Overview” for more information on the methodology for the People’s Perspectives study.
support the Qaddafi regime, as many of them were in jail or in hiding, had fled the country, or did not feel comfortable sharing their support of Qaddafi after his defeat. For reasons of confidentiality and security, this case study does not refer to interviewees by name.291

The Arabic translations of key terms used by the researcher are as follows:

- Civilian: medani
- Combatant: muqaTal
- Soldier: jundi
- Rebel fighters: thuwar292
- Qaddafi’s forces: katayb293
- Involvement: musharaka

Factual Background294

The interviews for this case study centered on the conflict in Libya that lasted from February to October 2011. Anti-government protests broke out in the eastern city of Benghazi on February 15, 2011 and spread to the western cities of Tripoli, Misrata, and Zawiya. The government of Colonel Muammar Qaddafi responded to the protests with force.295 As several of Qaddafi’s military officers defected and opposition forces seized arms from abandoned government bases in eastern Libya, the uprising evolved into an armed conflict.296 By late February, a broad coalition of opposition forces had taken control of Benghazi as well as the coastal cities of Tobruk and Misrata.297 Qaddafi’s forces soon regrouped, and on February 22, Qaddafi ordered them, by televised broadcast, to crush the uprising.298 After engaging in heavy fighting in several coastal cities, Qaddafi’s forces made a rapid advance to Benghazi.

On March 17, the United Nations Security Council authorized a no-fly zone over Libya and the use of “all necessary measures” to protect civilians.299 Two days later, France, the United Kingdom, and the United States commenced airstrikes on Libya. NATO took control of operations on March 31 and prevented Qaddafi’s forces from retaking Benghazi and eastern Libya.300 Despite NATO’s intervention, Qaddafi’s forces continued to resist, retaking several coastal cities and laying siege to Misrata. In the weeks that followed, control of key cities swung back and forth.

On August 19, 2011, rebel forces retook Zawiya, a city about 30 miles west of Tripoli, and began an advance on Tripoli.301 Two days later, rebel forces culminated their advance on Tripoli by capturing Green Square and surrounding Qaddafi’s compound. Muammar Qaddafi

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291 To protect their anonymity, interviewees were assigned numbers. For the majority of interviewees, CIVIC recorded some descriptive elements such as age, or place of residence. The ages and professions of interviewees are accurate as of the date of the interview.
292 The word thuwar translates to “revolutionaries.” In Libya, it refers specifically to rebel fighters.
293 The word katayb translates to “military units.” In Libya, it refers specifically to Qaddafi’s military units.
298 Ibid.
299 UN Security Council, “No-Fly Zone.”
301 Laing, “Libya: Timeline of the Conflict.”
was killed in Sirte on October 20, at the hands of rebel forces. Three days later, the National Transitional Council, the oppositional interim government, declared the liberation of Libya and an official end to the war.\textsuperscript{302} NATO concluded its mission on October 31, 2011.\textsuperscript{303} The Office of the United Nations High Commissioner for Refugees (UNHCR) estimates that more than 550,000 people were displaced as a result of the conflict.\textsuperscript{304} As of April 2014, the UNHCR said there were still an estimated 63,985 internally displaced persons in Libya.\textsuperscript{305} Casualty estimates from the 2011 conflict have varied greatly; however, according to the National Transitional Council, approximately 25,000 Libyans were killed.\textsuperscript{306}

**Civilian Involvement**

This section discusses the case study’s key findings regarding civilian involvement in conflict. It first examines examples of the various modes of involvement using accounts from CIVIC’s interviewees. In order to provide context, these accounts sometimes note the individuals’ motivations and views on their own status during conflict. The section then identifies and explores in more depth the primary motivations for involvement described by interviewees.

### Definition of “Civilian Involvement” in CIVIC’s People’s Perspectives Study

In this study, “civilian involvement” refers broadly to all types of activities in which a civilian takes part during a conflict. By adopting this definition, the study aims to capture the experiences and perspectives of all those who fall somewhere between bystanders and combatants under Article 43 of the first Additional Protocol to the Geneva Conventions. In legal terms, the activities included under “involvement” in this case study could be classified as non-participation, indirect participation in hostilities, direct participation in hostilities, or exercising a continuous combat function. Because the parameters of these classifications are contested and can be controversial, the study intentionally avoids classifying modes of involvement.

### Modes of Involvement

The modes of involvement below range from active engagement in the fighting, to provision of support, such as transporting weapons or feeding armed groups, to peripheral activities, including covering the conflict in the media or joining an organization. Some modes of involvement are purely civilian and would not be considered clear or even possible examples of direct participation in hostilities. However, the study addresses the full spectrum of involvement to demonstrate the number and diversity of ways in which civilians can become involved in conflict.

#### Fighting

A 21-year-old dentistry student who joined a small militia, which was largely comprised of his friends and extended family, described his experience. He fought with this militia in battles

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\textsuperscript{302} International Crisis Group, “Holding Libya Together.”


\textsuperscript{304} UNHCR, “Fact-sheet.”

\textsuperscript{305} Ibid. This statistic is accurate as of April 2014.

\textsuperscript{306} For information on the controversy over the death toll of the conflict in Libya, see Nordland, “More Martyrs Than Bodies.” According to a CIVIC report, “Libyan Health Ministry officials initially estimated that nearly 30,000 Libyans were killed during the conflict with another 50,000 wounded. In October 2011, officials revised the death toll down to 25,000 dead and 4,000 missing. Figures released by the Libyan Ministry of Martyrs and Missing Persons in January 2013 adjusted the figures again after new research to 4,700 pro-revolutionaries killed with 2,100 missing. The latest statistics, however, do not include the final figure for fatalities on the Qaddafi side and may not include all civilians killed.” Center for Civilians in Conflict, “Issue Brief.” See also Black, “Libyan Revolution.”
across the country, including in Tripoli, Sabha, a town in southwestern Libya, and the Nafusa mountains, in the northwest corner of Libya. After receiving one week of training, he began fighting as a rebel soldier, though he did not initially carry a weapon. He explained, “In my first fight, I was just helping other people: watching, bringing them weapons. In my second fight, I was again just helping. In the next battle, I found a Kalashnikov inside a house. . . . I used it for my third and fourth battles. When we came to Tripoli, I changed my weapon to an anti-aircraft gun, and I used that in the next eight battles.”307 Of this time, he said that he has now “forgotten everything. . . . It did feel very strange to be fighting in the beginning, but I guess I just handled it.” When asked why he decided to join the militia, he said, “I had to serve my country. . . . There were lots of people taking risks for the country: some people were helping with first aid, others organized things for the fighters like food, logistics, and others gave homes to the fighters. They all knew they were putting themselves at risk, and they did it anyway.”308

A 22-year-old man from a suburb of Tripoli fought with a small militia in the south of Libya for the last three months of the war in 2011. He said, “There’s not really a ‘rebel’ versus ‘civilian’ distinction—you’re never enlisted as a rebel. . . . You can go in and fight, get out and go home, take a shower, eat some breakfast, play PlayStation, and then go back to the front. You can switch from one to the other in a moment, really.”309 According to an international aid worker, this interviewee’s experience was not uncommon for rebel fighters. “These fighters were not fighters,” he explained. “One shopkeeper would close his shop and fight, and then go back. Some people would go to front lines for just a few hours.”310 Another international analyst echoed this point, saying that many fighters in the conflict lived “a nuanced life. . . . It was just a question of having a weapon and going to the front for a few hours. They took up arms, engaged in battle, and then went back home.”311

Logistical Support

Transferring Weapons

A 23-year-old woman from Tripoli joined a “coalition” tasked with moving weapons across Tripoli during the conflict. To coordinate the logistics of the transfers, she would speak with new contacts on the telephone in a code language:

The other person would say something like “I saw you last week on Monday,” and that would mean that we should meet on Monday. And then she would say, “You were wearing a pink and white shirt, and you were standing by the fruit stand on the corner.” In this way she would tell me what she would be wearing—the pink and white shirt—and where we should meet—by the fruit stand. Anyone who was listening would think we were girls having a chit-chatty conversation, but in fact we were arranging a meeting so that we could move weapons through the city.312

She recalled one of these transfers in detail: “I remember I picked up one woman who was seven months pregnant. She had two Kalashnikovs under her dress. We traveled all the way from the west to the east of Tripoli. . . . That woman was risking her own life and the life of her unborn child. She was a rebel. Not all rebels have a gun. The journalists, people like us—we are rebels too.” This young woman felt it was “unfair” that people now view her

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307 Interviewee 16.
308 Ibid.
309 Interviewee 15.
310 Interviewee 51.
311 Interviewee 56.
312 Interviewee 55.
as “just a supporter.” She explained, “We weren’t just the mothers and the daughters. That wasn’t all that we contributed. I fought for freedom. I traveled by myself. I did all of this, and they can’t take it away from me.”

A 43-year-old man from Benghazi said that he also transferred weapons during the conflict. “I delivered weapons to the furthest point of the front line in Brega [a port town in eastern Libya],” he explained. When asked why he decided to become involved in the conflict, he said, “All of my friends were getting into it, and I saw pictures of my friends being killed. . . . I left my three kids and their mother. I knew what I was doing. I was ready to die. Once I went, I was at war. I knew I could be killed any time.” He reported that he was often at risk. In fact, on one occasion, his vehicle was badly damaged when a bomb struck nearby. As a result, he said, “My vehicle was totally burned. I found myself inside the battle. I circled around [in his vehicle], but I couldn’t get out. . . . I am still suffering up to now, psychologically, from all of that.”

Providing Security
CIVIC interviewed two men who were responsible for protecting strategic areas during the conflict. The first, a young man from Tripoli, reported that he joined a “security brigade” that supported the rebel forces. In this Tripoli-based brigade, he had two duties: first, to guard a centrally located bridge, where he checked pedestrians and cars for weapons; and second, to provide security for Al-Waddan Hotel, where reporters and high-ranking rebel soldiers were staying. The interviewee clarified that he would be considered by other Libyans “as security, and not a fighter, because I was not on the front lines.” He noted, however, “To be honest, I would really like to be considered a fighter.”

The second, a man from Rebyana, a small desert town in southern Libya, said that he provided security for the Sarir oil field in eastern Libya. He explained that he was based inside the oil field, “guarding a storage tank of oil from the road and stopping [Qaddafi’s forces] from getting the oil.” He explained that this job came with serious risks: “It was very dangerous. Qaddafi was 100 kilometers from us in the desert, and every night we were getting information about it. . . . Everybody was at risk.” Still, he was proud of his decision to become involved. “In our tradition, we are willing to help other people. And the revolution was the start of the new Libya,” he explained.

Manning Checkpoints
One man spoke of how he became the manager of a major checkpoint during the conflict. Before the conflict, he had worked as a dental technician in Nalut, a town of around 100,000 people in the northwest corner of Libya. He spoke of how the people in Nalut revolted, “burning flags, burning everything down. . . . [We] were taking control of the city. We became the police, the security forces. We organized ourselves from the inside.” During this time, he said, “People were randomly deciding to do things. Anyone who wanted to participate, could.” From this chaotic setting, he traveled from Nalut to a checkpoint on the border between Libya and Tunisia and became its coordinator. Although he admitted, “It was confusing [and] we didn’t know how to react,” he said he ultimately “learned that you just show up, and see what you can do.” He continued:

With the revolution, my dream came true—what can you expect me to do? I can’t stay at home. . . . For the first time I chose to join my brothers. I was ready to die with them.

313 Ibid.
314 Interviewee 40.
315 Ibid.
316 Interviewee 2.
317 Interviewee 53.
318 Ibid.
319 Interviewee 54.
320 Ibid.
I had a lack of experience regarding weapons or organizing, how to run a checkpoint, but I brought my TV, laptop, and put on Al-Jazeera live. I knew I could encourage people. I was actually controlling the officers—me—in my civilian clothes.\footnote{321}

Providing Medical Services
Two Libyans who provided medical services to members of armed groups described their roles. The first was a medical student in a suburb of Tripoli when the conflict began. After two months, he joined his friend’s militia in Kabaw, a town in the northwest corner of Libya. There, he assumed the role for which he felt he was most qualified, as a field medic for the rebel forces. \textquoteleft\textquoteleft There are two types of medics—one that is more on the outside—and they drive around with the guys in the ambulances [some distance away from the front lines]. Then there are the guys like me, the ones who took the guys from the front lines [to the clinic]. So I was on the front lines,\textquoteright\textquoteright he explained. He did carry a gun, which he used on occasion to defend himself. He said that he “probably had to shoot 10 – 20 magazines at least” during his time as a field medic.\footnote{322}

The second, a 23-year-old woman, said that she provided medical services for both Qaddafi and rebel forces in a Tripoli-based hospital during the conflict.\footnote{323} At various times, she was a nurse, a pharmacist, a cleaner, and even a “very basic paramedic . . . keep[ing] the person in the ambulance alive until we got to the hospital.”\footnote{324} She said that although she never carried a weapon of her own, several other nurses and doctors in the hospital where she worked carried rifles for self-protection.\footnote{325}

Providing Information
Two of CIVIC’s interviewees discussed how they provided information to armed groups during the conflict. A military captain in Qaddafi’s forces who defected to join the National Liberation Army reported that he often gathered intelligence from ordinary people. “In some of the cities far from the coast, we would coordinate with the people. We got lots of tips from the shepherds. They could see Qaddafi’s forces, and where they formed. And then we coordinated with the tribal councils, since they could see who passed by,” he said.\footnote{326} A man who served in the Military Council in Misrata said that he provided information directly to NATO. A businessman before the conflict began, he joined the Military Council in the early stages of the conflict. In this role, he informed NATO of the coordinates of Qaddafi tanks and weapons caches throughout Misrata and conducted “technical and strategic reconnaissance” at a local level. He said that when a small NATO intelligence unit came to Misrata, he also served as their “liaison” and “took them around and showed them what they wanted to see.”\footnote{327} When asked why he decided to become involved in the conflict, he responded, “We had no choice but to become involved—it was forced on us. The fight came to us, and we had to deal with it. We had to respond.”\footnote{328}
Providing Food and Other Goods

A 48-year-old housewife from Benghazi said that she and her neighbors provided food and goods to the rebel forces near Benghazi. “We sent it day by day—not frozen,” she said. “The system was that we would go around and say, ‘if you want to help today, make this kind of food’ and it was collected every day. We would also send them clean clothes and toothpaste.” When asked why she decided to take on this task, she responded, “The fighters were just kids, like my son. They didn’t even know how to fight when they reached the front lines. They needed clothes, food, people to tell them ‘our lives are with you.’” She said that these activities did not necessarily make her more at risk than anyone else in Libya, since “everyone was in danger.” Despite the dangers she faced, she still has some fond memories of the conflict in 2011. “We remember these days with the pain and the risk, but we love these days,” she said.

Media Coverage

Three people who provided media coverage of the fighting, whether through traditional or social media, described their roles. The first, a former colonel with Qaddafi’s armed forces, became a spokesperson for the rebel forces during the conflict. The interviewee saw his role as “building good relations with all of the media.” To do this, he believed he should respond to the international community on their terms. “My first appearance on TV was on an American channel,” he explained. “All the questions were in Arabic, and I kept responding in English. By the fifth question, I think I showed that we have the capability of building a state.” He admitted that he was probably at risk during the conflict, but he “didn’t realize it” at the time.

Another former official in Qaddafi’s government hosted a popular radio program that covered ongoing developments in the conflict. “It was broadcast all over the country, and people trusted me,” he explained. “The NTC [National Transitional Council] would tell me, ‘I hear you daily, and if I miss it I get a summary from someone else.’ I put the facts, plain. And nobody else did this.” He continued, “I was broadcasting all over the country. I was like an orchestra director, helping get things from place to place: ‘the boats are here, the weapons are there.’ In Tripoli, they cut the power off just because people were listening to my program. They were sent to jail for listening. So people started driving cars just to listen to me. I was the go-between for people.” As a result of his actions, he said that he was “in danger from the first day,” and received serious death threats. Still, he was glad for the results of his and others’ actions. “This revolution was a gift,” he said. “We got rid of a nightmare.”

A 27-year-old man from a suburb of Tripoli discussed how he provided information on the conflict through social media. “I kept tweeting and making Facebook statuses from Tripoli. I would say where the gas was for cars, I would talk about what was going on in the revolution,” he said. As a result of his actions, he became an informal spokesperson for Libyan civilians. “I had gone from 100 to 600 followers in no time. So I kept posting. On Skype, new journalists kept adding me. . . . I was a little scared, but I was not really thinking. I was high with the revolution,” he said. According to this young man, “The ‘internet rebels’ like me had the ability to reach a lot of people—we did something."
Motivations for Involvement

When asked why they decided to become involved in the conflict, Libyan interviewees offered a variety of explanations. Five of these motivations emerged as the most common: protection of self or family, civic duty, outrage at the targeting of peaceful protestors, desire for democracy and freedom, and hope of elevating their social standing.

Protection of Self or Family

A large number of interviewees reported that they became involved in the conflict to protect themselves or their families. For instance, a university professor in Misrata said, “I carried a weapon to protect my family. . . . It was a matter of life and death.” Another interviewee from Misrata agreed. “Eighty to ninety percent of people here felt they must participate. You cannot sit and watch. It was very obvious for everyone. We had to fight together to protect our families. . . . There was no alternative; only one choice,” he said.

According to an engineer from Benghazi, “[Qaddafi] forced us into military action. We had to do it just to protect ourselves. We picked up knives, sticks, stones, whatever we could find. Either he killed us or we killed him.” On a similar note, a housewife from Benghazi added, “We fight or we die.”

Civic Duty

Several other Libyans told CIVIC that they became involved in the conflict because of their civic duty, or their sense of responsibility to their people or their country. One young man explained, “I took risks, but it was my duty for my country.” This man, a university student who fought with a local rebel militia during the conflict, continued, “I have to serve my country. There were lots of people taking risks for the country.” An artist from Benghazi echoed this sentiment: “Yes, we put ourselves at risk. . . . The country—the country is everything to us.” A young Libyan man from a suburb of Tripoli who works for an insurance company added, “I am a soldier for Libya at any time. I must do it, and I have to do it. If I don’t have a gun, I will defend my country with a knife.”

Outrage at the Targeting of Peaceful Protestors

Some interviewees said it was Qaddafi’s forces targeting of “innocent” or “peaceful” protestors that sparked a shared sense of rebellion and outrage, which in turn brought about more widespread involvement in the conflict. According to a 31-year-old dental technician, “It was difficult in the beginning because we started out as civilians, and the regime changed us. They killed innocent people in front of us. . . . I was a civilian—I came to the protests peacefully—but the regime did not distinguish between men, women, children, armed, unarmed. That’s why I became involved.” A former government official from Tripoli agreed it was the failure by Qaddafi’s forces to spare the peaceful protestors that pushed him and others to become involved in the conflict. “There was a funeral, and the people in Benghazi were walking through the streets,” he said. “Then [the] Qaddafi brigades shot the...
people. And once we reached the cemetery and buried the dead . . . we said we should fight back. We started by throwing stones, and then we moved to Molotov cocktails, then to bombs.” 346

**Desire for Democracy and Freedom**

Many interviewees attributed their involvement in the conflict to a desire to form a new, democratic state. For instance, according to a 33-year-old Libyan man who fought with a local militia in Gharyan, a town in northwestern Libya, “Our aim was just to remove the system. . . . We wanted to show our democracy to the world.”347 His cousin added, “This was our weapon: democracy. This was our power.”348 Similarly, other interviewees attributed their involvement to the cause of freedom. “Suddenly on one day there were all these people [demanding] freedom,” an engineer from Benghazi explained. “Young, old, men, women—we all wanted freedom. Just like they had in Egypt and Tunisia.”349 A former government official from Tripoli added, “the fighting in a revolution is different. There was a cause that everyone joined in: freedom. Revolution fighting is different than usual [conflict]. . . . Usually in war, there is no central cause, but we had a cause. [Therefore] we had no concept of the civilian, of someone who is outside of the fighting.”350

**Desire to Elevate Social Standing**

According to several other interviewees, they or others became involved to elevate their status in society. An international aid worker described this motivation: “Before the revolution, many [rebels] had no jobs. They were aimless. After [they became involved in the fighting], they had status, and women would look at them. They had sex appeal, these thuwars [revolutionaries].”351 According to some Libyans, those who fought for Qaddafi had similar motivations. A 45-year-old man from Tripoli explained, “I knew volunteers, guys who were my neighbors who went down there to Misrata and Sirte. . . . [Qaddafi] supported them and gave them food and money. They got promises that when things went back to normal, they would be the ruling class. He used the lowest classes by telling them they would be the highest. He gave them a chance at a new life—a chance to start over.”352

**Understanding and Application of Legal Concepts**

In this section, the case study explores interviewees’ understanding and application of legal concepts related to the principle of distinction. It first examines their views on the concepts of civilian and combatant status. It then considers the challenges outlined by interviewees when they applied the principle of distinction to the 2011 conflict in Libya.

**Concept of the Civilian**353

Individuals who CIVIC interviewed offered several different interpretations of medani, the Arabic translation of the word civilian. First, many interviewees described civilians as those who were peaceful. For instance, an artist from Benghazi defined a civilian as “an ordinary

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346 Interviewee 4.
347 Interviewee 20.
348 Interviewee 21.
349 Interviewee 33.
350 Interviewee 4.
351 Interviewee 51. Thuwar, translated as “revolutionaries,” is the word commonly used by Libyans to describe rebel fighters.
352 Interviewee 36.
353 The People’s Perspectives study attempted to capture interviewee perceptions of the word “civilian” across the four conflicts. Therefore, in this case study, the researcher attempted to discern the interviewees’ understanding of medani, the Arabic word for civilian in Libya.
person who lives in peace.” 354 Second, according to a 27-year-old man from Tripoli, age was a determining factor of civilian status: medani was anyone under the age of 16, since at 16 all Libyans would undergo military training at high school. 355 Third, for a local official from Misrata, medani was a specialized term to refer to former fighters who were reintegrating into society after the war. 356 These views suggest that the concept of the civilian, as defined under international humanitarian law, may not have been fully understood by the majority of the population in Libya. A professional in an international humanitarian organization confirmed that the concept of the civilian in Libya “is not the same for all people. Former combatants feel they [were always] civilians. Many people don’t see themselves as weapons bearers, even if they were . . . . So there’s a murky picture.” 357 Furthermore, only a handful of people expressed awareness of the fact that civilians are lawfully protected during war.

**Concept of the Combatant / Non-Civilian**

Interviewees most often distinguished combatants from civilians by the presence of a weapon. 358 Indeed, several interviewees identified soldiers as those who “carry weapons” or “have a gun,” while others identified civilians as those who are unarmed. A former military officer from Benghazi explained, “If anyone is carrying a weapon, he is a fighter. Also of course if anyone shoots at you, he is a fighter.” 359 An accountant from Tripoli added, “Because civilians don’t carry weapons, they should not be killed.” 360

Several others cited an individual’s proximity to the battlefield: the closer he was to the battlefield, the less likely he was to be a civilian. 361 For instance, a local employee of the United Nations Support Mission in Libya reported that an individual should be considered a civilian if he were driving a truck full of rebels to a restaurant, but not if he were driving the same truck full of rebels to the front lines. 362

**Challenges of Classification: Civilians or Combatants**

When asked to apply the concept of distinction to the conflict in Libya, most people found that this principle of IHL was not applicable for the reasons explored below.

**Conflict Not Traditional**

According to several interviewees, the principle of distinction between civilians and combatants was irrelevant to the events of 2011, since these events did not constitute a traditional war. Instead, for these people, what happened was a “rejection” or a “social revolution”: a movement of the entire population of Libya against Qaddafi. Thus, because the population was aligned against Qaddafi, it made little sense to distinguish between the various people involved in that movement and to designate some as civilians and others as combatants.

A retired Imam from Zawiya, a town about 30 miles west of Tripoli, explained this logic. “You can’t compare what happened to a war,” he said. “It should be called a rejection”—this was the only time we got the opportunity to show our rejection of Qaddafi. How could this be a

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354 Interviewee 57. Also interviewees 24 and 54.
355 Interviewee 17.
356 Interviewee 59.
357 Interviewee 56.
358 Interviewees 13, 41, 54.
359 Interviewee 41.
360 Interviewee 13.
361 Interviewees 2, 24, 41, 44, 54.
362 Interviewee 54.
363 The word used by the interviewee was *rafd*. (This interview pre-dated the emergence of the “Rafd Movement,” which emerged after the fall of Qaddafi. For more details on the movement, see Kamal Abdallah, “Mobilisation in Libya,” *Al-Ahram Weekly*, July 11, 2013.)
war? To get rid of this guy, everybody got involved. Even the international community got involved to get rid of him, he was so bad.”

A radio announcer from Benghazi added, “Most Libyans got involved in the conflict. . . . Almost seventy percent of the country was against him. So our conflict can’t be compared to any other. This was a revolution—not a war. There was just one side that was pushing here.”

As a result, the idea that the people who mobilized against Qaddafi could be separated into civilians or combatants was absurd for many people with whom CIVIC spoke. Indeed, for several interviewees, there was no difference between the rebel forces who fought in the conflict and those who supported their cause. For instance, a military official from Benghazi, who defected from Qaddafi’s forces to join the rebel forces, said, “The rebels and those who support the rebels are exactly the same.”

An engineer from Benghazi echoed this sentiment, saying, “The term ‘rebels’ came from the media. We considered the rebels and ourselves just as the people of Libya. Al-Jazeera created the two parties.”

**Libyans as “The Armed People”**

According to some other interviewees, the principle of distinction between civilians and combatants could not apply in Libya, because Libyans saw themselves as “the armed people.” A 24-year-old resident of Tripoli explained, “It’s difficult to answer who was a civilian and who was not, since we were ‘al-sha’ab al-musallah’: the armed people. In fact we had a chant: ‘By god, by god, our leader: the people are armed.’ In World War II, there were civilians who were not fighting, but here [during the 2011 conflict] everyone fought.”

He continued, “We have no concept of someone who is outside of the fighting. In Libya, everybody has to go through training for the military—we have an army of six million here. In high school, you wear the military uniform for three years. It’s a small country, so Qaddafi wanted everyone to be involved.”

A university professor from Benghazi added, “We were called the ‘armed people,’ so you feel yourself a soldier always. Always on duty, always under pressure.”

**Uniforms**

Several people explained that while Qaddafi’s forces usually wore uniforms, rebel forces usually did not. An NGO director from Tripoli explained, “Some [rebels] got a military uniform, but most had jeans. . . . Someone wore a doctor uniform, just because that’s the only uniform he could find. We would find fighters with pink tee-shirts. Sometimes when we saw pictures, we would laugh: ‘How is he a fighter?’”

A young Libyan man from a suburb of Tripoli confirmed, “The rebels fought in tee-shirts, flip-flops, Nikes. They were fighting in style.”

For several interviewees, the fact that rebel forces were not usually wearing uniforms made it difficult to distinguish the rebel fighters from the rest of the population. For instance, according to a biochemistry professor from Misrata, “I couldn’t tell which ones were rebel
fighters and which were not. They wear the same clothes, have the same way of life. The only difference is how long they have between showers.”375 A dental technician from Nalut added, “The rebels you couldn’t distinguish at all—in fact most would ask not to wear the full uniform, because if you did, you would look like Qaddafi [forces] and be killed by mistake.”376 According to a taxi driver from Benghazi who fought with the rebels for a short time, “It was very difficult to tell the difference. . . . There was no organization at all. It was just chaos.”377

A 31-year old man from Benghazi who called himself a “field officer” for the rebel forces said that the lack of uniforms created problems on the battlefield, since “it was confusing to tell the difference between fighters and civilians.”378 He described his unusual solution to this problem: “We had to invent a technique: in our first battle in Sirte, I had everyone in my group shave his head. Three hundred and seventy-five fighters, all bald, marching into Sirte. That helped a lot.”379

375 Interviewee 47.
376 Interviewee 54.
377 Interviewee 39.
378 Interviewee 41.
379 Ibid.
III. GAZA: “WE ARE ALL CIVILIANS”

SUMMARY

This case study addresses civilian involvement in the conflict in Gaza, focusing on the escalation in hostilities between the Israel Defense Forces (IDF) and armed groups in the Gaza Strip from 2008–2009 and in 2012. The findings of this case study are particularly relevant for understanding conflicts that are long-standing, involve intermittent fighting and aerial warfare, and where civilians are confined within a small territory.

Four findings of this case study merit special consideration by those debating how to interpret and implement the concept of direct participation in hostilities. First, interviewees described being involved in the conflict in various ways. Their involvement ranged from periodic fighting, to providing ready-made food for fighters, to providing media coverage for armed groups. Almost every interviewee who reported being involved in the conflict—even where the involvement was limited in type or degree—expressed his or her belief that this involvement carried serious risks.

Second, interviewees reported that they became involved in the conflict for reasons they believed to be justified: they wanted to protect themselves or their families, they felt a sense of responsibility to their people or their homeland, or they wished to elevate their standing in society. Although these motivations were apparent in some other conflicts covered in the People’s Perspectives study, one additional motivation for involvement was cited by many Palestinians in Gaza: a desire to resist the Israeli occupation.

Third, the interviews suggest that Palestinians in Gaza have a particularly high level of awareness of the concept of the civilian and the protections that are afforded to civilians under international humanitarian law. Finally, the vast majority of interviewees believed that all Palestinians in Gaza should be classified as civilians, irrespective of their role in the conflict.

Methodology

This case study’s findings are based on interviews with 54 individuals in towns and cities in the Gaza Strip, including Beit Lahia, Deir al Balah, Khan Yunis, Rafah, and several neighborhoods in Gaza City. Research was conducted from October 1–18, 2013. To provide background on the conflict in Gaza, in-person and phone meetings were also conducted with 12 regional, legal, and civilian protection experts in September and October 2013.

CIVIC did not focus on a particular period of the conflict in the interviews. Nevertheless, the majority of interviewees centered their remarks on the escalation of hostilities from December 2008 to January 2009 and in November 2012. For reasons of confidentiality and security, interviewees are not referred to by name in this report.

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380 Please refer to the “Analytical Overview” for more information on the methodology for the People’s Perspectives study.

381 These meetings were conducted via phone and in person in September 2013, as well as in person in Jerusalem, Tel Aviv, and Ramallah from September 29–30 and October 16–18, 2013.

382 To protect their anonymity, interviewees were assigned numbers. For the majority of interviewees, CIVIC recorded some descriptive elements such as age or place of residence. The ages and professions of interviewees are accurate as of the date of the interview.
The Arabic translations of key terms used by the researcher are as follows:

- Civilian: medini
- Combatant / fighter: muqatil
- Resistance: muqāwama
- Militant: muselah
- Soldier: jundi
- Involvement: musharaka

Factual Background

The escalation of hostilities between armed groups in the Gaza Strip and the IDF from December 2008 to January 2009 and in November 2012 was a part of the longstanding Israeli-Palestinian conflict. Israel unilaterally withdrew its military and civilian settlements from the Gaza Strip in 2005; however, since Hamas seized control of the Gaza Strip in 2007, Israel has imposed an air, land, and sea blockade on Gaza, with few exceptions to the ban on movement of people and goods.

On December 27, 2008, the IDF launched an operation codenamed “Operation Cast Lead” (Cast Lead). The operation began with an Israeli air offensive leading up to the deployment of ground troops on January 3, 2009. IDF troops began to withdraw from Gaza around January 15, 2009. The operation officially ended on January 18, 2009, when Israel unilaterally declared a ceasefire in an announcement by then-Prime Minister Ehud Olmert, followed by a ceasefire announcement from Hamas 12 hours later. Over the course of the operation, roughly 1,400 Palestinians were killed, including civilians and militants. Estimates of the number of civilians killed range widely, with human rights groups estimating at least 773. An estimated 240 policemen were killed during Cast Lead, constituting over one sixth of the total casualties in Gaza. On the Israeli side, 13 people were killed, three of whom were civilians.

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383 The term muqāwama, or “resistance,” is a term used by Palestinians in Gaza to refer to fighters in any of the armed factions in Gaza, including the Hamas brigades of Hamas, the Al-Quds brigades of Islamic Jihad, the Abu Ali Mustafa Brigade of the Popular Front for the Liberation of Palestine, etc.

384 In Gaza, the term muselah, or militant, is used to refer to an armed actor in one of the armed groups in Gaza.


388 B’Tselem, “Operation Cast Lead.”

389 Ibid. See also Lappin, “Casualty Numbers.”


391 Institute for Middle East Understanding, “Cast Lead.”
An Israeli operation codenamed “Operation Pillar of Defense” (Pillar of Defense) began on November 14, 2012. The conflict between the IDF and Hamas lasted for eight days. A ceasefire took effect on November 21, 2012. As a result of this operation, 174 Palestinians were killed and tens of thousands more were displaced. Additionally, six Israelis were killed, four of whom were civilians.

Civilian Involvement

This section discusses the case study's key findings regarding civilian involvement in conflict. It first considers the fact that fewer interviewees reported being involved in the conflict in Gaza in comparison to the other case studies. It then examines various modes of involvement using accounts from CIVIC's interviewees. In order to provide context, these accounts sometimes note the individuals' motivations and views on their own status during conflict. The section then identifies and explores in more depth the primary motivations for involvement described by interviewees.

Definition of “Civilian Involvement” in CIVIC’s People’s Perspectives Study

In this study, “civilian involvement” refers broadly to all types of activities in which a civilian takes part during a conflict. By adopting this definition, the study aims to capture the experiences and perspectives of all those who fall somewhere between bystanders and combatants under Article 43 of the First Additional Protocol to the Geneva Conventions. In legal terms, the activities included under “involvement” in this case study could be classified as non-participation, indirect participation in hostilities, direct participation in hostilities, or exercising a continuous combat function. Because the parameters of these classifications are contested and can be controversial, the study intentionally avoids classifying modes of involvement.

Level of Involvement

In comparison to the other case studies conducted by CIVIC, fewer interviewees said they were involved in the conflict in Gaza. One explanation for this is that the fighting has been more intermittent in Gaza than in the other conflicts covered by this study. However, even when interviewees were asked specifically about their involvement during Cast Lead or Pillar of Defense, a lower proportion of them said that they were involved in the conflict than in the other case studies.

One possible explanation for this trend is the nature of the fighting in Gaza in 2008–2009 and in 2012, which often involved aerial warfare. Indeed, according to several interviewees, the majority of people spent the entirety of the fighting during Cast Lead and Pillar of Defense inside their own or others’ homes. For instance, the director of a women’s organization in Gaza City said, “There was no way to help [the fighters]. We were stuck inside. There were instances of calm, but still, it was too dangerous to go outside. One man I know went out to buy bread, and he and his family died on the way. . . . As civilians, we have...
no opportunity to participate. You don’t meet the other side face to face.”

Another possible explanation for why interviewees in Gaza reported less involvement is that the low-tempo conflict is still ongoing, and therefore, interviewees may believe that any admission of involvement with armed groups would put them at risk, both from Israel and parties in Gaza. Indeed, several interviewees discussed this fear. One interviewee explained, “The less you know about the military, the better off you are. This is how you survive for 20 years in a conflict zone. ... We are thinking long term. As long as Hamas is strong, [a Hamas supporter] is not in trouble, but if the situation changes, he’s screwed.”

According to a 26-year-old English teacher from Gaza City, the secrecy is due to the fact that “the fighters want to maintain their personal security.” She explained, “If they are known to be Qassam, they will be targeted by Israel—and not just him, his whole family. This information can come through collaborators.” Accordingly, the identities of the members of armed groups are often shrouded in mystery. One interviewee described the atmosphere this secrecy creates. “You can see the results of what [the armed groups] do, but you don’t know where they are, who they are,” he said.

Similarly, an artist from Gaza City pointed out, “I don’t know, even in my own family, to what extent people are involved in the conflict.”

**Modes of Involvement**

The modes of involvement below range from active engagement in the fighting, to provision of support, such as feeding armed groups or providing shelter, to peripheral activities, including covering the conflict in the media or joining an institution or organization. Some modes of involvement are purely civilian and would not be considered clear or even possible examples of direct participation in hostilities. However, the study addresses the full spectrum of involvement to demonstrate the number and diversity of ways in which civilians can become involved in conflict.

**Fighting**

A 34-year-old Imam and interior decorator served as member of the Qassam Brigades during Cast Lead. “I was a militant and not in the mosque,” he explained. “I was in the military planning room, in charge of 70 people. The front was divided into different parts, and we were each assigned a different area. So each group has a job to keep them [Israeli forces] out of that area.” Although he was based in the operation room, he described how he went to “the front” for 12-hour shifts “every few days.” Although he found the work stressful, he still wished his shifts were longer. “I wanted to stay more,” he said. “We all wanted to stay more.” He went through one year of training so that he became “as fit as a soldier,” yet he did not identify himself as a traditional combatant. He explained, “What’s interesting is that when...”
you introduce someone, all of the military introduce themselves as ‘Muhammad, shopkeeper,’ or ‘Raed, waiter.’ No one introduces himself as a Qassam soldier. We don’t identify ourselves this way. . . . It’s like we are a civilian military.”

A 25-year-old man from Gaza City said that he became an active member of the rocket launching unit for Palestinian Islamic Jihad during any escalation in hostilities between armed groups in Gaza and the IDF. He was 15 years old when he first joined Islamic Jihad. At the age of 18, he started his training to become a rocket-launcher. “It’s not easy to find someone who can handle this,” he said. “We are at the top of the food chain for the Israelis. You don’t have a long life if you do this. Many people don’t have the heart that it takes.”

When asked about his own status, he declared himself a civilian. “All are civilians, all of us. . . . An official army has special tasks, works full-time, and is paid. We only do our part when it’s needed,” he said. Although he said that he and his family are a “target all the time,” he has not disclosed his activities to his wife and children. “If my wife found out,” he said, “she would leave me the next day. She would be so angry!”

Logistical Support

Providing Medical Services
Another man from Gaza City worked primarily as a pharmacist, but during escalations of hostilities with the IDF, he served as a medic for armed groups. He worked with the “group that is the first line of defense,” and he stayed “very close to them, but not with the group” during their operations. Still, he said, “if they are in an advanced location, I am in an advanced location. . . . Once I’m with the group, the [IDF] rockets come like rainfall.”

During Cast Lead, he said, “If the group wanted to launch an attack, I would go out with them and then stay in position. As a doctor, I would give them medical backup if they got wounded. I would stabilize their injuries until I reached the hospital, and I would try to reduce their pain.” As a result of this work, he feels he is “absolutely” more at risk. “We [the medics and fighters] face the same enemy, and we have the same result, which is death,” he said. Still, he considers himself a civilian. He explained, “I don’t carry a weapon, I am a civilian . . . I don’t dress in a military uniform, because I’m not military. I just wear civilian clothes.”

Providing Food
According to several interviewees in Gaza, armed groups do not usually employ cooks, whether during or outside of escalations in the fighting. Instead, they are provided with ready-made food, which is transferred to the fighting units by what one interviewee called “contractors.” A 38-year-old man from Beach Camp in Gaza City served as one of these contractors. He reported that armed groups prefer to interact with contractors like him because “they are afraid that the shopkeepers . . . will be afraid to deal with them.” Accordingly, he explained, there are several different contractors like him in Gaza, “one for each area.” He said that he usually buys the food from local markets and then stores it in warehouses, ready in case fighting breaks out. Providing food to armed groups is a risky endeavor, he explained, as men doing this had been targeted “many times” in the past. He continued, “Now I have certain ties to the group, and it’s dangerous. If the Israelis want to
cut off the food, they will target me.” Still, he said that he will keep providing the food “as long as it’s needed. . . . I do it because of my religion, my nation. But also this is a business for me. I can make a living doing this.”

Driving
A 55-year-old taxi driver from Beit Lahia continued to drive his taxi during Pillar of Defense. Although he did not intend to provide services specifically for militants, he said that he was often unable to tell who was a “normal” passenger and who was a fighter. This was a problem, because if he accidently picked up a fighter, he said, “they [the IDF] would target me. . . . They would of course assume I’m resistance.”

Media Coverage
Several people described how they covered the fighting through traditional or social media. For instance, according to a 24-year-old man who works directly with Islamic Jihad, “I cover both the military and the civilian aspects of Islamic Jihad’s activities. I’m the group’s journalist. . . . [It] is my duty, not only to help the group, but to cover the activities and document our actions, to add to the exposure of our actions against Israel.” He continued, “I film these activities, and then I sometimes give it to contacts in the media, sometimes I distribute it to all of the satellite channels, or I post it directly on YouTube.” He noted that he belongs to Islamic Jihad’s political wing. “My work is different than the fighters—I don’t carry a weapon,” he said. “None of my activities are related to the military. All I do is cover what they do. I only go out with them when there is a mission, and otherwise I’m not with them. I’m not in their usual loop of communication.” When asked what he considered his own status, he stated, “During the day, I am 100 percent civilian. At night, I do this work.”

Two “social media activists,” as they called themselves, described their roles. The first, a 25-year-old man from Gaza City, described how he covered “the human story, the voices in the streets. We already have the coverage in the media of the blood, the politics, but what we’re missing is the personal story.” While he is proud of his work, he reported that it brings added risks for him. “Shabak [Israel’s intelligence agency] called the other day, and now I’m a little afraid. My parents are not happy at all,” he explained. The second, a 24-year-old woman from Beach Camp in Gaza City, spoke about her activities during Pillar of Defense:

We were using social media and Facebook, and this was an effective way to spread the story. We might have even had an influence on the outcome of the conflict. . . . We started spreading daily life, events, what we saw. . . . Every piece of information can help others. . . . I’m now a part of this battle. I focus all of my energy to spread the news, to post ideas. I guess we are “electronic militants.”

She believes her activities have put her at greater risk and noted, “The main problem is that if I join this electronic resistance, maybe the Israelis will attack my home. But for me, why

410 Ibid.
411 Interviewee 24.
412 Interviewee 53.
413 Ibid.
414 Interviewee 18.
415 Ibid.
416 Interviewee 22.
should I get scared by them? Israeli activists are crying and shouting all the day. Why should I allow them to dominate the Internet?” Her mother, in particular, was concerned about her activities. She explained, “My mom would say, ‘Please stop!’ She thought my brother [also a social media activist] and I were making us all unsafe. I tried to calm her down, to tell her about the other activists, and that we were all doing this together.”

**Involvement with Institutions or Groups**

Interviewees in Gaza reported being involved with state institutions or other groups, including political parties, community groups, civil defense organizations, and police forces. According to several individuals, the line that divides these political or civil groups from armed actors can be blurred during conflict.

**Police Forces**

Several men who served as police officers during Cast Lead were interviewed. A 35-year-old man, who does public relations work for the police, described the structure of the police in Gaza: “We have internal security, civil police, civil defense—including firemen and emergency response—criminal investigation, narcotics/anti-drugs, anti-riot, an administrative division for planning, logistics and information, university security, and a division for policewomen. We have a new specialization in traffic policing. And we have a central command, in charge of everything.”

When asked about the police’s role during Cast Lead, he said:

> We managed to maintain internal security. [We were] an internal front. We used to send police to the places where they gave out bread, to make sure people were being treated fairly. We were accompanying the ambulances. We were providing security for those in the hospital. Sometimes the families would attack the doctors, so that their family member would get care. . . . We didn’t want the people to panic, to engage in violence.

Seven of the eight policemen interviewed for this study considered themselves civilians. When a member of the traffic control unit was asked for his definition of a “civilian,” he answered, “We are civilians. We are the civil police, [so] our job is to protect the civilians.” According to another policeman from Gaza City, “Police should be classified as civilians—everywhere in the world, the army has different tasks than the police. We are responsible for the same things that every police unit does anywhere.”

A 50-year-old man from the special security unit of the police was the only policeman interviewed who did not consider himself a civilian. He explained how his unit, which he described as the “equivalent of a SWAT team,” has around 300 people and undergoes a ten-month training, in contrast to the three-month training of the other units. “Of all of the police divisions, we are the closest to the military. . . . I feel I am more like a military person, not a civilian,” he said. “I’m the last option for the government. When all of the civilian procedures have been gone through, we are ready. We are the last resort. When everything has been tried, we will be called to fight.”

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417 Ibid.
418 Interviewee 9.
419 Ibid.
420 Interviewee 13.
421 Interviewee 37.
422 Interviewee 15. This interviewee’s differentiation between the special security unit and the other divisions was also noted by a high-ranking police officer in Gaza. According to this officer, “We are a civilian entity, a civilian organization. . . . The only division among the police that is highly trained, and more military, is the SWAT [informal name for the special security unit]” (Interviewee 25).
All of the policemen interviewed by CIVIC reported that they were more at risk due to their positions. As a 35-year-old policeman from Gaza City explained, “We are always in danger. Every day, I kiss my wife and my children goodbye, because I don’t know that I’ll see them again. We have to deal with the knowledge that we will be killed, and we expect our families will be killed as well.” A high-ranking police officer from Gaza City added, “When I go to work, I know that I could be killed at any moment.”

Civil Defense
A 38-year-old man from a small village in the north of the Gaza Strip enlisted in the civil defense, a division of the Ministry of the Interior, which he explained includes the firemen, paramedics, and health and safety inspectors. This man was a paramedic who regularly conducted rescue operations during escalations in hostilities, until he was injured in the course of an evacuation during Cast Lead. When asked what he considered his status, he said, “I’m a part of the group that provides security for the country and under Geneva [Convention] IV we are protected. . . . A lot of people who work in the field—journalists, ambulances, civil defense—all of these should be considered civilians.” Regardless of this, he said, “Everyone is a target [in Gaza]. Everyone.”

Political Parties
A 41-year-old-man from Gaza City serves the secretary of the board of a major political party in Gaza. When asked whether he feels at more risk because of his political activities, he answered, “Yes, for sure. You have to understand, they could target this building, right now. But I’m not afraid.” His house was bombed on January 5, 2009, but he reported that he and his family had left the house because “we knew that they might target us because of my position.” Of his own status, he said, “I am a civilian. Yet the policy of the Israelis . . . is to kill the biggest number of us. The more they kill, the more they can be successful. For us, we accept that we can be killed at any time. They target people even if they have nothing to do with politics, so why should I stay away from it?”

Government
CIVIC spoke to an employee of the Ministry of the Interior who is responsible for giving “moral and political guidance on behalf of the Hamas government.” He explained that there are 100 others in his division. During Cast Lead, he said, “We were bringing up the morals and spirit of those in the police, as they are our first line of defense,” he said. “We help them spread the spirit of calm among the people, so they will be able to deal with the crisis in an organized way. . . . We also go and visit hospitals, and we visit the injured.” Of his status, he said, “We are civilians. We don’t carry arms.”

Popular Committees
Interviewees also discussed the “Popular Committees” that were present in several communities in Gaza during Cast Lead. According to the “moral guidance” trainer, these committees were responsible for “help[ing] out those who were in a bad situation, those whose homes were demolished. . . . [They] bring food to some of the people, anything that makes them feel better.” Indeed, even if an official committee was not formed, he said, the community would usually appoint its own spokesperson and liaison. These leaders are not usually given official duties. Instead, “they are just the people who facilitate and make things better” during any escalation of hostilities.

423 Interviewee 9.
424 Interviewee 30.
425 Interviewee 38.
426 Ibid.
427 Interviewee 31.
428 Ibid.
429 Interviewee 41.
430 Ibid.
431 Ibid.
Motivations for Involvement

Many interviewees in Gaza discussed different ways of being involved in the conflict. When asked why they or others made the decision to become involved, interviewees in Gaza offered a variety of explanations. Four motivations emerged as the most common: to protect themselves or their families, to fulfill their civic duty, to resist the occupation, and to elevate their social standing.

Protection of Self or Family

A large number of interviewees said that they and others became involved in the conflict to defend themselves or their families. In these instances, interviewees sometimes explained their decisions by describing situations people might face. For instance, an assistant professor at a university in Rafah said, “If you were in your home, and if I came in the middle of the night and threatened you, what would you do? You will use anything to protect yourself. It’s not that complex of a situation.”

A police officer from Gaza City offered a similar example. “If you are a cat, and you are sleeping, and you are attacked, you will scratch back. Humans cannot go without defending themselves, especially when their own children are killed in front of them,” he said. Several other interviewees offered variations of this theme. For example, one interviewee said, “If you go and hit a man, at some point in time, he will hit you back. . . . Whenever there’s a big attack from Israel, then everyone is engaged in self-defense.”

According to several interviewees, they or others became involved in the conflict to keep the IDF away from themselves and their families. “In Gaza, we have people who defend themselves,” a 44-year-old doctor explained. “[We have] no air force, no marines. All young people are defending their own people, trying to prevent outsiders from reaching our families and children.” According to the man who works as a pharmacist and a medic for armed groups, “The enemy is violating your rights all the time. The more he comes in, the more your rights will be violated. . . . This is why you have to take action, to protect yourself and your family.”

Civic Duty

Several Palestinians in Gaza reported that they became involved in the conflict because of their civic duty, or their sense of responsibility to their people or their homeland. For instance, a member of the armed group Islamic Jihad explained his motivation for becoming involved in the conflict: “I give my life for the sake of my homeland. What motivates me is my duty to Palestine, my duty to defend the country.” A journalist from Gaza City added, “We are ‘combatants on demand.’ When there is fighting, somebody will open his doors to fighters, and he will have never been involved before that. On days like this, he fulfills his duty to the country. If there is fighting from the outside, then everyone must fulfill his duty to Palestine.” An Imam and part-time rocket-launcher for the Qassam Brigades added, “In wartime, everyone does his duty for the country. My duty [then] is to be a militant—and the whole population will help me out.” The pharmacist and medic for armed groups offered a similar explanation for his decision to become involved. “I feel gratitude for the resistance,”
he said. “People I know are part of these groups. The smallest thing could have saved them—something small that I can do. . . . This is my cause. This is my duty. To do my part, I am a medic.”

Desire to Resist Occupation

Many Palestinians in Gaza said they or others became involved in the conflict as a way to resist the occupation. According to a 41-year-old man from Rafah, those who become involved in the conflict “only want to be liberated.” He explained, “If there was another way to be liberated without blood, we would take it. . . . Give me my rights and then you can get your peace.” A taxi driver from Beit Lahia said, “The whole nation is made up just of normal civilians who need to resist. In other places, they run away from the war. Here, we run to it. This is the circumstance of a nation under occupation. We must stand together. We must help.”

Several other interviewees emphasized their “right” to resist the occupation. For instance, a man from Gaza City said, “Under occupation, you have a right to resist, with weapons. This is why we call them the ‘resistance’ fighters.” A 22-year-old office worker’s remarks were representative of this sentiment:

We have the right to resist, and this is not terrorism. Some people say we are terrorists, but you always consider your own path as resistance. Their resistance is the golden history, [while] our resistance is called terrorism. . . . To stay strong, you must have your own voice. We have to stand up for our rights and not stay silent.

Desire to Elevate Social Standing

Some interviewees explained that they or others chose to become involved in the conflict because they wished to increase their standing in society or because they saw it as an honorable thing to do. For instance, a journalist from Gaza City described why a young man might choose to enter the Qassam Brigades:

In other countries, when you have a normal life, there are a lot of things you want to be. But here, the only thing you want to be is Qassam. They are the elite. If you can’t make it into Qassam, then you go into Islamic Jihad. The highest pride is among those in Qassam. It takes a very long time to join them.

Remarks from a member of the Qassam Brigades supported this assertion. He said, “I applied many times to be Qassam before I was accepted. . . . They look for the one who is brave, who is committed, and then choose them to join. I was selected. I was picked out from all of the people.”

Understanding and Application of Legal Concepts

In this section, the case study explores interviewees’ understanding and application of legal concepts related to the principle of distinction. It first examines views on the concepts of civilian and combatant status. It then considers the challenges outlined by interviewees when they applied the principle of distinction to the conflict in Gaza.
The interviews suggest that Palestinians in Gaza have a widespread familiarity with the term “civilian” and the protections accompanying civilian status under international law. A possible explanation for this broad understanding was noted by an employee at a human rights organization, who said that his own and other local organizations had been conducting community-awareness campaigns on civilian protection in recent years. An official in the Ministry of the Interior added that training on IHL was included in her “textbook learning” in secondary school. Moreover, she said, “The circumstances here make it something that everyone knows.”

When asked how they understood the word medani, the Arabic translation of the word civilian, interviewees offered two primary interpretations. First, Palestinians in Gaza identified a civilian as having nothing to do with any military force. For example, a taxi driver from Beit Lahia said, “A civilian wants to live in dignity in his house. He doesn’t have anything to do with the military. He just wants to live his own life.” Second, several individuals said that a civilian is someone who is unassociated not only with the military, but also with politics and political parties. A farmer living in the buffer zone in Gaza said, “A civilian has nothing to do with politics or war. He cares only for his life, his children.” According to a police officer from Gaza City, any person who is somehow associated with politics is a likely target. “For the Americans and the Israelis,” he said, “a civilian is the one who has a donkey cart—a peasant with a donkey cart. If [someone] knows anything about politics, he is a threat, and he deserves to be killed.”

Concept of the Combatant / Non-Civilian

The factor most often referred to by interviewees to distinguish combatants from civilians was the presence of a weapon. Other factors included the presence of a uniform and the nature of the person’s involvement in the military. Indeed, according to several people, if an individual received formal training and was serving full-time, he was a combatant. The remarks of a government official are representative on this point: “The military is an organized army with an education given at military schools... Their job is to be the army—that’s their full-time job.” Finally, interviewees cited proximity to civilians as a distinguishing factor: the closer an individual was to civilians, the less likely he was to be a soldier. According to a police officer from Gaza City, “The soldier has tasks outside of the city. He is fighting an outside enemy. He doesn’t do his tasks among the population.” Another man from Gaza City agreed that the military “has positions far away from the cities.”

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447 The People’s Perspectives study attempted to capture interviewee perceptions of the word “civilian” across the four conflicts. Therefore, in this case study, the researcher attempted to discern the interviewees’ understanding of medani, the Arabic word for civilian.

448 Interviewees 20 and 43.

449 Interviewee 43.

450 Interviewee 15.

451 Interviewee 24.

452 Interviewee 26. The “buffer zone” between Israel and the Gaza Strip is a military “no-go” area that extends along the entire northern and eastern perimeter of the Gaza Strip adjacent to Israel, but inside Palestinian territory. The precise areas designated by Israel as the buffer zone are unknown; in some areas the area extends beyond one kilometer. For more details, see Diakonia, “Buffer Zone.”

453 Interviewee 15.

454 Interviewees 10, 23, 24, 35, 38, 39, 41, 43, 45, 50, 51 53.

455 Interviewee 41. Also interviewees 29 and 37.

456 Interviewee 29.

457 Interviewee 41. Also interviewee 30.
Challenges of Classification: Civilians or Combatants

The “Resistance” Differs from a Traditional Military

Although many interviewees saw a difference between civilians and combatants, the vast majority of interviewees felt that Gaza’s “resistance” is not a traditional military and therefore its members are not traditional soldiers or combatants. The reasons behind this view included several of the factors just noted. For instance, a former member of an armed group from Gaza City cited the fact that the resistance does not work “full-time,” as he put it. He said, “I don’t classify the resistance as military, as soldiers. We are not full time, and we don’t do the job to earn a living. We are in the army part-time—the resistance was not working when the first strike hit [in Cast Lead]. When the bombing happened, the resistance was at work and was studying at the university.” A member of Islamic Jihad pointed to the lack of hierarchy in the resistance, explaining, “We don’t have an army—we have no ranks, no chain of command. We’re not even close to a regular military. Even the police have more hierarchy than us. . . . We don’t even know who is in a higher position or a lower position in the group.” A man from Beach Camp in Gaza City pointed to the location of the resistance as a distinguishing factor: “A regular army has military bases,” he said, “but the resistance is in the streets.”

The factor most often cited by interviewees for why the “resistance” differs from a traditional military was that it was formed only in response to Israel’s aggression. A doctor from Gaza City explained, “They are young, the resistance, and they defend their community but are not qualified as an army. All what they are doing is defending their land and their existence.” A police officer from Gaza City echoed this point. “Here in Gaza . . . there are those who resist when they [the Israeli armed forces] come. That’s resistance. And actually, that’s just civilians with guns,” he said. According to a government official in the Ministry of the Interior, civilians and members of the resistance should be put into one category. “We don’t have a military,” he said. “Even those who carry weapons, who have been obliged to carry weapons for self-defense—the minute the occupation is over they will give up their weapons.” He continued, “[The resistance] never graduated from military schools, and they have no real training. All of the people who work [as the resistance] have day jobs—they are doctors, engineers—not soldiers, not military. They are just part of the civilians who organized themselves.

All Palestinians in Gaza Are Civilians

As is evident above (especially in “Modes of Involvement”), interviewees overwhelmingly described themselves as civilians, irrespective of their role in the conflict. Indeed, many interviewees defined a civilian as, simply, themselves. For instance, a man from a small village just outside of Gaza City said, “Civilians are the ones like me . . . [The] Geneva [Convention] protects us.” The vast majority of interviewees also expressed the view that all Palestinians in Gaza are civilians. According to a man from Gaza City, “The police is a civil police, and the defense is a civil defense, and the medical services are civil too. We are all civilians. There is not an army here—there is only a resistance faction.” A journalist from

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458 “Resistance” is a term used by Palestinians in Gaza to refer to fighters in any of the armed factions in Gaza, such as the Qassam brigades of Hamas, the Al-Quds brigades of Islamic Jihad, and the Abu Ali Mustafa Brigade of the Popular Front for the Liberation of Palestine.
459 Interviewee 37.
460 Interviewee 53.
461 Interviewee 39.
462 Interviewee 45.
463 Interviewee 9.
464 Interviewee 41.
465 Ibid.
466 Interviewee 38.
467 Interviewee 41.
Gaza City expressed a sentiment that was representative of this view: “I'm not a legalist, but I think that all Palestinians, no matter the shape, size, color, or religion, are civilians. And he carries a weapon only when he is obliged to do so. No one should be allowed to treat us as a target. No one wants to be killed here.”

468 Interviewee 35.
IV. Somalia: “Spared from the Spear”

Summary

This case study addresses civilian involvement in the conflict in Somalia. The findings of the Somalia case study are particularly relevant for understanding conflicts that are long-standing or take place in harsh socio-economic conditions. The findings are also relevant for understanding conflicts that involve multiple armed actors, both organized and irregular, or that feature shifting power alliances between these groups.

Four findings of this case study merit special consideration by those debating how to interpret and implement the concept of direct participation in hostilities. First, Somali interviewees reported being involved in the conflict in numerous ways, ranging from fighting periodically for an armed group, to providing a service for an armed group such as driving, to covering the conflict in the media. Almost every interviewee who had been involved in the conflict expressed his or her awareness that this involvement carried serious risks.

Second, many Somalis noted that they did not want to be involved in the conflict and did not feel attached to any one side in the conflict. Nevertheless, they reported that they became involved in the conflict for reasons they believed to be justified. For example, some interviewees wanted to protect themselves or their families, while others were recruited either voluntarily or against their will. Although these motivations were apparent in some of the other conflicts covered in the People’s Perspectives study, Somalis described two additional motivations. A large number of people said that they became involved in the conflict for economic reasons—indeed, several cited “poverty” or the need to “look after the ‘daily bread’”—while other interviewees said that they sought specifically to resist al-Shabaab.469

Third, the interviews suggest that Somalis may have generally been aware of the concept of the civilian and the protections that are afforded to civilians under international humanitarian law. Interestingly, many interviewees understood the word civilian to mean someone who should be protected, but was especially vulnerable and powerless.

Finally, a large number of interviewees understood protection during war in the context of Somali clan law. When asked who should be protected during war, almost every person responded either by referring to the concept of the civilian or the concept of biri-ma-geydo, a term that originated in clan law and translates to those who should be “spared from the spear.” Still, some individuals worried that awareness of—and therefore respect for—the protections contained in clan law were dwindling.

Methodology

This case study’s findings are based on more than 77 in-depth interviews with Somali refugees in Dadaab refugee camp and in Nairobi, Kenya. A CIVIC researcher conducted these interviews from March 1–21, 2014. CIVIC endeavored to interview a representative sample of Somalis, including the broad scope of age, gender, and geographical location noted in the study’s overall methodology section, as well as members of each major clan and several minority clans.471 Interviewees came from towns and regions throughout Somalia, including Afgoye, Baidoa, Barawe, Dhobley, Hargeysa, Kismayo, Las Anod, Luuq, and several minority clans.472

469 Al-Shabaab is also known as Harakat al-Shabab al-Mujahideen.
470 Please refer to the “Analytical Overview” for more information on the methodology for the People’s Perspectives study.
471 Including Darod, Dir, and Hawiye. No individuals from the Raxaweyn clan were interviewed.
472 Including Ashraaf, Bantu, Gingelo, Madhiban, Nuwaiye, Sheekhaal, Tunni, Tumaal, and Ugas Labe.
Mareerey, Merca, and Mogadishu. For reasons of confidentiality and security, this case study does not refer to interviewees by name.\footnote{To protect their anonymity, interviewees were assigned numbers. For the majority of interviewees, CIVIC recorded some descriptive elements such as age or place of residence. The ages and professions of interviewees are accurate as of the date of the interview.}

The conflict in Somalia involves multiple players and dynamics that vary by region and time period. Accordingly, specific dates and locations are provided whenever possible. To enhance the timeliness of the findings, this report has focused on the conflict since 2006. However, in one or two instances, relevant interviewee experiences that fall outside of this timeframe have also been included in the study.

The Somali translations of key terms used by the researcher are as follows:

- **Civilian**: sha’ab
- **Soldier**: eidan
- Those who should be “spared from the spear” according to Somali customary law: biri-ma-geydo (mageydo: don’t deserve; bir: metal / iron)
- **Militia**: militia
- Most vulnerable: maxas

**Factual Background**  

Somalia experienced years of instability following the overthrow of former President Siad Barre in 1991, including inter-clan fighting, regional meddling, and an unsuccessful United Nations intervention.

After the first transitional government failed to bring stability to the country, another, the Transitional Federal Government (TFG), was established in 2004.\footnote{Bradbury and Healy, “Endless War,” 13.} However, the limited authority of the TFG was compromised by the Islamic Courts Union (ICU), which gained control of the majority of southern Somalia by 2006.\footnote{Martha Crenshaw, “Islamic Courts Union,” Mapping Militant Organizations, Stanford University, last modified July 18, 2012, accessed October 11, 2014, http://web.stanford.edu/group/mappingmilitants/cgi-bin/groups/view/107.} The ICU enjoyed wide support from the Somali public, as it delivered security and public services.\footnote{Bradbury and Healy, “Endless War.”} When the Arab League failed in its attempt to create an agreement between the parties, Ethiopian forces intervened to support the TFG, with the implicit support of Western governments. By late 2006, the ICU was defeated. Yet the TFG that remained in power was weak and illegitimate in the views of many Somalis.\footnote{International Crisis Group, “Somalia: an Opportunity That Should Not Be Missed,” February 22, 2012, http://www.crisisgroup.org/en/regions/africa/horn-of-africa/somalia/8087-somalia-an-opportunity-that-should-not-be-missed.aspx.} Following its defeat, the ICU splintered into several smaller factions, including Hizbul Islam and al-Shabaab. In response to harsh counter-insurgency operations and the Ethiopian “occupation,” the rebellion of the Alliance for the Re-liberation of Somalia (ARS) emerged. In the context of the ongoing insurgency, the African Union approved the initial deployment of the African Union Mission to Somalia (AMISOM) in 2007.\footnote{African Union Mission in Somalia, “AMISOM Background,” accessed October 14, 2014, http://amisom-au.org/amisom-background/. Originally slated for a six-month deployment, the mission has been renewed by the UN at every point of review, most recently in November 2013, which extended the mandate for another six months and raised the maximum force level to over 22,000. United Nations Security Council}
In 2008, the TFG was reconstituted to incorporate a faction of the ARS. This development seemed to suggest that the rebellion would be defused and gave the Ethiopian forces the confidence to withdraw the following year. Yet the war continued, and al-Shabaab and Hizb al-Islam gained control of large swathes of land in south and central Somalia. By October 2009, al-Shabaab had emerged as the most powerful insurgent group.

In October and November 2011, Somali armed forces, in cooperation with the Kenyan army, launched an offensive against al-Shabaab, and Ethiopian troops reentered Somalia. Al-Shabaab was pushed out of Mogadishu in August 2011 and retreated from the port city of Kismayo in September 2012. In August 2012, the TFG ended its tenure, and the Federal Government of Somalia was inaugurated. Although al-Shabaab has been on the defensive in recent years, the group still controls areas of southern Somalia and continues to wage a sustained guerrilla campaign.

As of 2015, the UNHCR said there were 1,133,000 internally displaced persons in Somalia. Of the total estimated population of 7.5 million, two million Somalis lack food security and 857,000 require urgent and life-saving assistance. Various sources report that the conflict in Somalia has caused between 22,000 and 50,000 fatalities.

**Civilian Involvement**

This section discusses the case study’s key findings regarding civilian involvement in conflict. It first examines various modes of involvement using accounts from CIVIC’s interviewees. In order to provide context, these accounts sometimes note the individuals’ motivations and views on their own status during conflict. The section then identifies and explores in more depth the primary motivations for involvement described by interviewees.

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**Definition of “Civilian Involvement” in CIVIC’s People’s Perspectives Study**

In this study, “civilian involvement” refers broadly to all types of activities in which a civilian takes part during a conflict. By adopting this definition, the study aims to capture the experiences and perspectives of all those who fall somewhere between bystanders and combatants under Article 43 of the first Additional Protocol to the Geneva Conventions. In legal terms, the activities included under “involvement” in this case study could be classified as non-participation, indirect participation in hostilities, direct participation in hostilities, or exercising a continuous combat function. Because the parameters of these classifications are contested and can be controversial, the study intentionally avoids classifying modes of involvement.
Modes of Involvement

The modes of involvement discussed below range from active engagement in the fighting, to provision of support, such as transporting weapons or feeding armed groups, to peripheral activities, including joining a community organization or covering the conflict in the media. Some modes of involvement are purely civilian and would not be considered clear or even possible examples of direct participation in hostilities. However, the study addresses the full spectrum of involvement to demonstrate the number and diversity of ways in which civilians can become involved in conflict.

In the case of Somalia, it is sometimes difficult to determine which modes of involvement are voluntary and which are not. However, certain modes discussed below, including forced recruitment into al-Shabaab and the payment of taxes to armed groups, are clearly involuntary.

Fighting and Other Involvement with Armed Groups

A 20-year-old man from Mogadishu who had served with al-Shabaab was forcibly recruited from his high school at the age of 16. He then spent several months in what he called a “training camp” for al-Shabaab. In the “enforcement brigade,” he explained, “I was given a stick to beat people who were not going to mosque during the prayer time—I would have to slash the people with my stick. . . . If someone disobeyed our rules, then we would tell the commander, and then we would all take action against the person together.” He felt remorse about his role, explaining, “I felt ashamed of what I had to do. I never wanted to beat anyone. Sometimes I would have to beat someone my father’s age. Sometimes we would beat someone, and he would not say a word.” This man also described his and others’ duties in the training camp. “We had a timetable, and we each took shifts. Everybody did some cooking, some of everything. . . . We were divided into different groups: suicide bombers, logistics, commanders. . . . I don’t remember people from the town helping us out. We helped ourselves,” he said.

A 25-year-old former car mechanic from Afgoye reported that he joined the government forces and served in Mogadishu. Although he was not trained for armed combat, he carried a gun. His main duty was to guard the door that led to the soldiers’ barracks. He said that he was motivated to join out of frustration with his low status as a member of the minority Ashraaf clan. “The only place I could go was the government,” he explained. “There are so few of us [clan members] that we don’t carry guns. We can’t even carry sticks to protect ourselves.” Yet he quickly decided to leave his post, since “there was hunger and so much heavy fighting” and he “could not bear it.”

Two individuals who were members of militias associated with their clans described their roles. The first, a businessman from Las Anod, the capital of the northern Sool region in Somalia, reported that he joined a militia that fought on behalf of his Darod clan in 2004. “I joined hands to fight against the government,” he explained. The second individual, a coal seller from Looq, banded together with members of his minority tribe, Tamal, to fight on behalf of Ahlu Sunna Waljama’a, a paramilitary group consisting of moderate Sufis. He

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488 Interviewee 54. See “forced and voluntary recruitment” for this interviewee’s testimony of being recruited from his high school.
489 Ibid.
490 Interviewee 49.
491 Ibid.
492 Interviewee 10.
493 Ibid.
explained, “Clerics, all types of men joined in. Even the elderly were fighting. . . . When there is fighting, everyone in the town went to the front. There were no bunkers, we just lived at home.”

Several people discussed the widespread role of “business militias” in the Somali conflict. A young journalist from Mogadishu described this phenomenon: “Business militias usually come from the tribes and sub-tribes. They want to protect the business interests, the lives of the businessmen, or the premises [of a business]. One business might have 50 armored vehicles—the same as the president’s convoy. The business people use these militias as self-defense, like security.”495 Because business militias do not usually engage in the fighting, their involvement in the conflict is more peripheral than that of other armed groups. Still, the existence of these of business militias—as well as their perceived necessity—suggests that the conflict in Somalia pervades almost every level of society. The director of a Mogadishu-based charity described business militias as being indispensable. “Every time you move around, you need guards—for everything. . . . Everybody has to move around in convoys, with escorts,” he said.496 Indeed, he reported that he had hired 25 armed men to guard his charity’s office.

CIVIC interviewed two men who served as members of business militias. The first, a 20-year-old from Mogadishu, provided security for a supermarket owned by his relative from 2010 until he fled Somalia in 2011. He and five other men were usually on duty at one time, and each of them carried a gun. He said that he did not have any special training; instead, he said, “I just learned how to shoot my gun.”498 He saw himself as a civilian, explaining, “I always was [a civilian], even when I was guarding the grocery store. . . . I had the gun, but it was as a profession, for a living, so I wasn’t a soldier. We were like security agents.”

The second, a 56-year-old man from Afgoye, hired a group of five friends and relatives to protect himself and his vehicle, a Land Rover, which he used to transport milk from the outskirts to the center of Mogadishu in 2010. At that time, he said, “There was massive looting and killing. Everybody must fight for his life. That’s why I hired them.”500 Eventually, the man’s group was attacked. His vehicle was stolen and he was the only survivor. Like the first interviewee, he believed that he has always maintained his civilian status. “I was still a civilian even when I had the militie,” he said. “I was only carrying a weapon for the protection of myself and my vehicle.”

Logistical Support

Transporting Weapons and Other Goods

Several interviewees discussed transporting weapons or other goods for armed groups.502 A 27-year-old taxi driver who lived in Mogadishu until he fled Somalia in 2008 said that he was paid by al-Shabaab to “take guns from place to place.”503 As he described it, the job was thankless. “Sometimes they would open fire near your legs once you had made the delivery so that you couldn’t collect payment. If you go here or there, you will be followed. If you run away, you will be killed,” he said.
A 56-year-old man, who had also lived in Mogadishu, served as a porter for government forces in 2010. He primarily transported foodstuffs and *khat* on his back to the “barracks or the front lines” for government forces. When someone from the government forces approached him and offered him the job, he initially refused, as “many others who were doing the same thing were killed. . . . Most of the porters didn’t want to do it.” In the end, however, he decided that the financial benefits of the job were worth the risk. In the first weeks of his job, he received a threatening phone call, presumably from al-Shabaab, and he was told that if he didn’t stop, he would be “slaughtered.” “I tried to stop,” he said, “but with the economy, moving goods for the military was a lot more profitable than anything else.” When asked whether he felt that taking on the job made him a member of the government forces, he responded, “I didn’t have sympathy for the government. I only wanted to make money. The government was full of militias and of drunkards, taking drugs, killing each other. I didn’t want to be a part of them. . . . I am a civilian.”

**Driving**

Several interviewees described serving as drivers for members of armed groups, and each of them reported that providing transportation to armed groups, or even Somali politicians, carried huge risks. For instance, a taxi driver spoke about how a government official asked him to bring his children from Barawe, a port city in the southeastern region of Somalia, to Mogadishu in 2011. He said he accepted the job because “it was good money.” When he returned to Barawe, members of al-Shabaab arrested him and put him in custody for questioning about his involvement with the government. He was routinely tortured for one week before he escaped the prison and fled Somalia.

Another man spoke of his experience as a taxi driver in Mogadishu. “I used to carry al-Shabaab in my taxi. I even drove the government officials and the clan leaders,” he said. When asked whether he felt that driving members of armed groups put him at greater risk, he said, “Absolutely. . . . One time I was taken away by a clan leader, and I was detained for three days. Then when I was released, al-Shabaab grabbed me and interrogated me for another five days. It was crazy.” Of his own status, he said, “A civilian is a person who has access to nothing and can be used by anyone. He has nothing. . . . I was just a civilian.”

**Repairing Vehicles**

A 25-year-old man who worked as a car mechanic in Afgoye discussed how he and his father were enlisted by al-Shabaab to fix their vehicles. “Sometimes they would take us to a garage, far away, and we would work on the cars for days, with little or no pay,” he explained. “They would blindfold us. . . . After we got there [to the vehicles], we would just sleep in the car we were repairing.” In 2008, al-Shabaab took his father to Merca, a town about 100 kilometers southwest of Mogadishu. After being held there for two months, his father was killed by a stray bullet exchanged by al-Shabaab and Ethiopian troops. He and his father were particularly vulnerable to being “used” because they were from a minority clan. “We were different,” he said. “They weren’t asking all the mechanics to do this. No one could protect us, and [al-Shabaab] could just force us to do things.”

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505 *Khat* comes from a flowering plant in Somalia and contains an amphetamine-like stimulant.
506 Interviewee 43.
507 Ibid.
508 Interviewees 41, 45, 47, 49.
509 Interviewee 64.
510 Interviewee 4.
511 Ibid. Also interviewees 34, 36, 53.
512 Ibid.
513 Interviewee 49. This interviewee also guarded soldiers’ barracks for the government forces; his account of that experience is above.
514 Ibid.
Selling Food or Other Goods
A 35-year-old man said that he served members of armed groups in his tea shop in Mogadishu. He explained, “Government troops would come and drink tea in my shop. The government wouldn’t disturb you much . . . but it was very risky to serve the government soldiers—once you do, al-Shabaab think of you as the same as them, as the enemy. I couldn’t ask the government not to come, even though al-Shabaab has its spies everywhere. I had no other option—I couldn’t find another job, and I had to make a living.”

CIVIC also interviewed several shopkeepers who sold goods to members of armed groups. For instance, the former owner of a small stall selling food in Mogadishu reported, “If [al-Shabaab forces] see you selling to government troops, they will take quick action against you. They know if you are on the wrong side. But I needed to stay in the neighborhood. If I moved, it might even be worse. I hated to sell to them [government forces]—it was so risky. They [al-Shabaab] called me and said, ‘Look around for your burial clothes. You will be wearing them soon.’”

Cleaning Streets
In 2006, the government enlisted a 40-year-old woman to clean the streets in a neighborhood of Mogadishu. “I needed the money for my family, so I did it . . . . They paid me $25 for the week. I had to survive,” she said. According to this woman, “spies” sent pictures of her and other women who were also cleaning the streets to al-Shabaab. As a punishment for her service to the government, she said, “[Al-Shabaab] took my arms behind my back, and they cut my head and my legs. Then they tore out my teeth. . . . After this happened to me, I went mad for a while.”

Paying Taxes
The payment of taxes—whether to government forces, al-Shabaab, or other armed groups—was the most commonly cited mode of involvement among interviewees. All of the interviewees said they were compelled to pay taxes, usually under duress. Interviewees who reported paying taxes to an armed group included a politician, a businessman, NGO workers, shopkeepers, tea shop and restaurant owners, a driver, farmers, a shepherd, and even an unemployed man. According to a veterinarian from Kismayo, “Taxes were requested by all sides. . . . You have to give things to al-Shabaab, and then you have the government on the other side that needs things from you. Each side will tax you. If you refuse to pay, you will be killed.”

A former shopkeeper from Mogadishu spoke about her experience of being taxed in a neighborhood controlled by al-Shabaab in 2009. “Al-Shabaab would pass by,” she said. “You would definitely be scared of them. They would take a certain amount of tax. Wherever they were, people would run. They would come to the door, and anything you earned, one third of it was theirs. . . . They [had to] have a share, even a share of your animals.”
24-year-old man said that al-Shabaab would collect tax from his mother, who owned a small food stand. “Militias would come and ask for small things like money or food. . . . They would usually take half of whatever she made. It would happen often, like once a week,” he said.530

Media Coverage

According to several interviewees, armed groups in Somalia have sometimes coerced journalists to cover certain stories or to ascribe blame to a particular clan or armed group.531 A 32-year-old journalist from Mogadishu said that this makes journalists particularly vulnerable. “It remains a fact: we get paid to do certain stories, and when we fail to produce, we are punished. . . . So either I die because I did a story blaming one side, or I die because I didn’t do a story, or I die because I mentioned somebody in a bad light,” he said.532

The experience of a 29-year-old woman, who worked as a junior editor at a local radio station in Mogadishu, exemplifies the pressures and risks faced by journalists in Somalia. “I used to prepare the news, the events,” she said. “I edited whatever they gave me. . . . A government person would call and say I should cover this or that story. Then al-Shabaab would call you from an unknown number and tell you to cover something else. I really was scared.”533

Interviewees also described an atmosphere in which “news” is sometimes used to exacerbate existing tensions in Somalia. For instance, according to the 32-year-old journalist from Mogadishu, “A clan leader will go on the air, and argue against another leader. There are no guidelines, and so you have a war of words.”534 Another journalist from Mogadishu described how al-Shabaab had its own radio station in Kismayo called “Radio Andalus,” which members would broadcast from loudspeakers in trucks, “traveling in convoy, making general propaganda—they will say ‘we killed 100 infidels last night,’ that kind of thing. . . . They create confidence in the sympathizers.”535

Involvement with Institutions or Groups

Political Parties

Two individuals who had served in political parties in Somalia described their roles in the conflict. The first, a 74-year-old man from Jubaland, reported that he witnessed several colleagues die in attacks and assassinations during his time as an official. Still, he said that he remained with his political party until 2009 “because of my people—I wanted to do my part for them.”536 He considered himself a civilian, and he expressed regret that “the civilians in the government are being killed.”537 The second, who had been involved in the drafting of the Somali constitution, agreed that “the top government officials are definitely at risk.”538 Indeed, he said that he started receiving anonymous threats in 2011, saying that the constitution was “un-Islamic” and calling him an “apostate.” He described his security strategy: “I don’t have security. To minimize my risks, I don’t take the same car—I change cars, and I travel with friends, always—people that I know well. It can be more risky if you have a lot of security.” Ultimately, he felt his own security was out of his hands. “We Somalis are fatalists. If something is going to happen, it will happen,” he said.539


Peacemaking Clans
Six interviewees identified themselves as being from “peacemaking” clans. According to a 63-year-old man from the Ashraaf clan, his clan is made up of “religious people” who “have never been fighters.” In fact, he said, “If I fought it would degrade my people. I should not fight.” He said that the role of his clan was to mediate disputes between other clans. “This is something traditional. If two clans fight, we are the ones to make peace between them.”

Some people would fear a stray bullet. . . . but as a peacemaker, you are between the bullets and the bullet holes.

A 63-year-old former government official was himself a mediator, and he would “go to the negotiating table” with other clans. He also reported that from 2004 until he fled Somalia in 2008, he would sometimes “put up the white flag so that everyone would agree to stop” during heavy fighting in Mogadishu.544 At that point, he and some of his relatives would collect the injured and dead. When asked why he took this initiative, he explained, “We had to take some measures. Dead bodies would lead to disease in the streets, so I did this to protect my neighborhood. Some people would fear a stray bullet. . . . but as a peacemaker, you are between the bullets and the bullet holes.”

Schools
Two Somali men described their experiences as teachers at Quranic schools in Mogadishu. A 44-year-old man from Mogadishu gave a sermon every Friday where he spoke out against al-Shabaab. “Because of this, and only this, they saw me as a target,” he said.546 He received several death threats saying that his “neck would be slit,” and after the “strongest of the messages,” he fled Somalia in 2010. An 86-year-old man, also from Mogadishu, said that he also received death threats from al-Shabaab publicly, even when it put him in danger, he said, “This is in our religion: the religion of the Muslims is peaceful. I am responsible to tell the community this message. Everywhere the public would come, and on the street, bus, we would talk about these ideas. . . . I will never stop teaching.”547 When asked to identify his own status, this interviewee said that he,

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540 Interviewee 33.
541 Ibid.
542 Interviewee 33. Interviewees 41 and 54 echoed this sentiment.
543 Interviewee 68.
544 Interviewee 63.
545 Ibid.
546 Interviewee 28.
547 Interviewee 29.
along with “women, mothers, educators, teachers, disabled, handicapped, and all spiritual leaders” should be protected in war. “However,” he said, “all of us are at special risk from al-Shabaab.”\(^{548}\)

**Motivations for Involvement**

In the case of Somalia, it is sometimes difficult to determine when involvement is voluntary and when it is not. However, certain modes of involvement, including forced recruitment into al-Shabaab and the payment of taxes to armed groups, are clearly involuntary. When asked why they or others became involved, Somalis offered a variety of explanations. Four motivations emerged as the most common: protection of self or family, financial gain, forced or voluntary recruitment, and desire to resist al-Shabaab.

**Reluctance to Become Involved**

In contrast to this study’s findings on the other conflicts, a high percentage of Somali interviewees said that they did not want to become involved in the conflict. While this pattern may have emerged at least in part because of the risks of acknowledging involvement, remarks from a 33-year-old man who had fled from Mogadishu were representative of this general sentiment. “When it comes to war, some should work, some should pray, and some should fight,” he said. “So let me join those who work. It’s not for me to fight.”\(^{549}\) A 27-year-old man from Kismayo, a port city in the south of Somalia, echoed this view. “I’m just a driver. I like peace and sports. I don’t want to fight,” he said.\(^{550}\) A former shopkeeper from Kismayo added, “I’ve never taken a gun . . . [and] I don’t want to join in—there’s no benefit in war.”\(^{551}\)

Several people said they wanted to stay out of the conflict because they believed doing so would increase their chances of survival. For instance, an 18-year-old man who had fled from Bardera, a city in the south of Somalia, was enrolled in the Islamic Studies department of a local university. When he was asked whether his friends were supporting or joining armed groups when he was in Somalia, he responded, “Yes, some of them. And most of those were killed. I didn’t want to join. The risks were very, very high. It’s like you are committing suicide to join in.”\(^{552}\)

A 20-year-old man from Mogadishu who was forcibly recruited into an al-Shabaab training camp shared this view. He described his decision to escape from the camp:

> I thought, if I died, I don’t know why I would have died. And I knew at the front I will probably die. . . . One time, I was in school, I was a driver of a matatu [public minibus]. I had a normal life. I was demoralized by all of it—before I joined, I had been hearing about my friends dying, getting injured. I never wanted to fight.\(^{553}\)

Many interviewees also said they did not feel attached to any one side in the conflict. An international official for the United Nations who focused on civilian protection in Somalia remarked, “We didn’t see much civilian involvement in Somalia. They just wanted to get on with their lives. They didn’t care who was in charge,” he said.\(^{554}\) A former shopkeeper from Mogadishu agreed, “Civilians abide by the guy with the gun,” he said. “As long as they are safe, they don’t care who that person is.”\(^{555}\)

\(^{548}\) Ibid.  
\(^{549}\) Interviewee 46.  
\(^{550}\) Interviewee 42.  
\(^{551}\) Interviewee 50.  
\(^{552}\) Interviewee 65.  
\(^{553}\) Interviewee 54.  
\(^{554}\) Interviewee 77.  
\(^{555}\) Interviewee 44.
Although some interviewees were reluctant to become involved, a large number of interviewees discussed how they were involved in the conflict in some way, whether by choice or involuntarily. When asked why they or others became involved, interviewees offered a variety of explanations. Four explanations emerged as the most common: protection of self or family, financial incentives, forced or voluntary recruitment, and to resist al-Shabaab.

**Protection of Self or Family**

A large number of Somalis reported that they and others became involved in the conflict to defend themselves or their families. Some of these interviewees said that they needed to protect themselves from armed groups. “Everybody in Somalia has a weapon,” a businessman from Mogadishu explained, “and they have to defend themselves from the militias.”

A woman from Mogadishu described her reaction to her brother’s decision to enlist in al-Shabaab, saying, “I wanted to hit my brother when he joined, but he said he was trying to defend us. He said we would be defenseless to the [other] militias” if he didn’t join al-Shabaab.

A 26-year-old woman who lived in Mogadishu until 2009 agreed that Somalis were joining or supporting al-Shabaab in particular because “they need to protect themselves.” Other interviewees spoke of how clan militias were a mechanism of protection against al-Shabaab and other armed groups. A former teacher at a Quranic school in Mogadishu explained, “Clan militias exist for defense—they [members of the clan militia] try to defend themselves and the clan.”

A former employee of a human rights organization in Baidoa said that his friends’ and neighbors’ desire to protect themselves had sometimes led them into full membership in an armed group. “They will do training because they want to try and do something to protect themselves,” he explained. “If their circumstances change and they need to fight, they are ready. So they started out doing the training just for self-defense, but then they are a part of them, and they will follow their orders.”

**Financial Gain**

Many interviewees reported that Somalis supported or joined armed groups for financial incentives. For example, a former taxi driver from Mogadishu explained that the people who “do jobs” for al-Shabaab receive several financial perks, such as an allowance of up to $500 each month and pre-paid phone cards. A man who had fled Mogadishu said that “being paid is a major motivation for any type of involvement,” while several other people cited “poverty” or the need to “look after the ‘daily bread’” as their own motivation for becoming involved.

Similarly, interviewees reported that they or others joined armed groups due to their desire to attain some kind of employment. When asked his view on why Somalis become involved in the conflict, a 26-year-old man from Kismayo responded, “They are unemployed, frustrated. They need a place to go and get out their energy.”

According to a young man who had worked as a security guard for a grocery store in Mogadishu, “[Al-Shabaab] are recruiting from the jobless—the person is hungry. If he is getting food, he is ready to fight.”

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556 Interviewee 17.
557 Interviewee 23.
558 Interviewee 13.
559 Interviewee 29.
560 Interviewee 37.
561 Interviewee 4.
562 Interviewees 9, 13 and 53, respectively. Also interviewees 30, 36, 42, 68.
563 Interviewee 7.
564 Interviewee 66.
Forced and Voluntary Recruitment

Many interviewees cited recruitment as a major reason that Somalis join or support armed groups. They described the recruitment practices of several different armed groups, including the government forces, clan militias, and others. Yet they singled out al-Shabaab for its shrewd and manipulative recruitment tactics. For instance, a 20-year-old man from Mogadishu reported that al-Shabaab demanded 15 recruits from each high school in Mogadishu in 2010. When his school refused, al-Shabaab came to his school in a convoy and ordered all of the male students in his school—around 50 boys—into a truck. They were then taken to a “training camp” on the outskirts of Mogadishu. Another man reported that al-Shabaab launched a “recruitment campaign” in his village, Ceel Bardale, located in the western corner of Somaliland. He explained, “Some man came to my house, and he said, ‘Come along with us, we want you to go.’ I said, ‘I’ve never taken a gun in my life.’ . . . They tied me and said, ‘We will slaughter you if you don’t join.’” After this encounter, the man immediately fled to Kenya, arriving in Dabaab refugee camp in 2010.

Other recruiting tactics used by al-Shabaab included the use of religious figures, who would urge Somalis to join or support al-Shabaab in lectures in the streets and in mosques or in schools. A former high school teacher in Mogadishu noted, “They also brought clerics into the school—on Thursday, the religious guy would come in. He would mix al-Shabaab’s cause with religion. So many students joined because of this.”

Several interviewees believed that al-Shabaab recruited members and supporters through “black magic.” According to a young woman who lived in Mogadishu and Kismayo during her time in Somalia, “[Al-Shabaab] pour perfume on you that convinces you to join. . . . They use black magic.” A 27-year-old man who worked as a taxi driver in Mogadishu agreed: “Al-Shabaab take a special perfume, and that puts a person under a spell.” Indeed, the high school recruit mentioned above reported that when he arrived at a training camp for al-Shabaab, he was served a special kind of water. “I think that water was magic—I was brainwashed,” he said. Other interviewees reported that al-Shabaab encouraged new recruits by providing them with drugs. The remarks of a university professor from Mogadishu exemplified this belief: “[Recruits] get drugs through al-Shabaab. They get injections—high doses—so they accept whatever the boss wants,” he said.

Desire to Resist Al-Shabaab

A few interviewees reported that they or others became involved in the conflict as a way to resist al-Shabaab. For instance, a 25-year-old car mechanic from Afgoye, a town 30 kilometers northwest of Mogadishu, described his reasoning for joining the government troops in Mogadishu for a short time: “Because of the fact that I had no freedom, I decided to make my revenge on al-Shabaab. I joined the government troops. I never dreamed of carrying a gun before that. . . . I only joined for revenge, not really because I wanted to join them.” A journalist from Mogadishu agreed, “The government recruited, and people joined them because they were fed up with al-Shabaab. They joined as a way to resist al-Shabaab.”

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565 Interviewee 54.
566 Interviewee 33.
567 Interviewees 30, 40, and 54, respectively.
568 Interviewee 40.
569 Ibid.
570 Interviewee 2.
571 Interviewee 4.
572 Interviewee 54.
573 Interviewee 68. Interviewee 13 offered a similar account.
574 Interviewee 49.
575 Interviewee 30.
Understanding and Application of Legal Concepts

In this section, the case study explores interviewees’ understanding and application of legal concepts related to the principle of distinction. It first examines views on the concepts of civilian and combatant status. It then considers the challenges outlined by interviewees when they applied the principle of distinction to the 2011 conflict in Somalia.

Concept of the Civilian

The interviews suggest that Somalis have a widespread familiarity with the concept of the “civilian” and the protections associated with civilian status. Indeed, when asked who should be protected during war, almost every interviewee responded by referring to the Somali terms sha’ab or biri-ma-geydo.577

When asked for their definitions of sha’ab, the Somali translation of the word “civilian,” interviewees offered four different interpretations. These interpretations were most often cited in isolation, though sometimes an individual included more than one of these elements in his or her response. First, many people identified civilians as the “the general public,” or the “common man.”578 According to this understanding, civilians are “normal people,” or “those who live the ordinary life.”579 Second, in a similar vein, several people identified civilians as those who are not associated with or working for the government.580 As a 45-year-old man who worked as a high school teacher in Mogadishu said, civilians are “people who aren’t in politics.”581 Third, interviewees often associated the word civilian with those who are vulnerable and powerless, particularly during wartime.582 For instance, one man said that a civilian is a person who has “access to nothing and can be used by anyone.”583 and another said that civilians were “the needy people, the ones who are really suffering in the war.”584 Finally, several interviewees believed that civilians are those who are not associated with any armed groups.585 Indeed, according to a former government official, “Civilians are not involved in any government forces or militias.”586 A truck driver from Kismayo added, “Civilians are not in the military. They are on their own.”587

The term biri-ma-geydo originates in Somali customary law, and it translates to those who should be “spared from the spear.”588 According to interviewees, the people who traditionally fall into this protected category include the elderly, women, and children.589 Interviewees also mentioned doctors, teachers, the injured, the disabled, members of minority clans, the sick, travelers, clan leaders, and peace delegates.590 The Somalis with whom CIVIC spoke often referred to biri-ma-geydo simply as “the most vulnerable” or “those who must be protected.”591 According to many of these interviewees, the term biri-ma-geydo could be used interchangeably with the word sha’ab, or civilian. A 42-year-old man said “the biri-ma-geydo are the civilians” and a 38-year-old woman agreed: “Biri-ma-geydo are the civilians.”

576 The People’s Perspectives study attempted to capture interviewee perceptions of the word “civilian” across the four conflicts. Therefore, in this case study, the researcher attempted to discern the interviewees’ understanding of sha’ab, the Somali word for civilian.
577 See below for details on the meanings of these two terms.
578 Interviewees 8 and 18, respectively. Also interviewees 15, 18, 19, 20, 29, 33, 39, 50, 56, 61, 65, 69, 70.
579 Interviewees 39 and 33, respectively.
580 Interviewees 1, 9, 18, 34, 77.
581 Interviewee 55.
582 Interviewees 1, 3, 4, 5, 7, 15, 29, 44, 48, 57, 78.
583 Interviewee 4.
584 Interviewee 3.
585 Interviewees 6, 11, 17, 30, 33, 36, 38, 40, 61, 63.
586 Interviewee 11.
587 Interviewee 10.
588 For more details, see ICRC Somalia Delegation, “Spared from the Spear.”
589 Interviewees 11, 20, 40, 49, 51, 52.
590 Interviewee 11, 40, 55, 66, 72.
591 Interviewees 15 and 63.
gydo and civilians are one and the same thing.” However, other people perceived a difference between the two terms, believing that biri-ma-geydo are the “weakest of the civilians.” As a man from Kismayo explained, “Biri-ma-geydo cannot run, and they cannot protect themselves.”

According to several interviewees, awareness of the concept of biri-ma-geydo is dying out among Somalis. For instance, a university professor from Mogadishu said, “There is an entire generation that has grown up with no biri-ma-geydo—they are not familiar with it.” Some Somalis worried that if the concept became obsolete, the biri-ma-geydo would not be protected during war. An employee of a human rights organization in Baidoa said, “Now people don’t know about the biri-ma-geydo. They are the people that should be protected, but no one protects them.” CIVIC’s interviews suggest that awareness of the concept is indeed dwindling. While only two interviewees over the age of 25 were unfamiliar with the term, this number increased to roughly half for those under the age of 25.

Concept of the Combatant / Non-Civilian

In interviews, the factor most often referred to by interviewees to distinguish non-civilians or combatants from civilians was the presence of a weapon. Indeed, several interviewees identified soldiers, or eidan as those who “carry weapons” or “have a gun,” while others identified civilians or biri-ma-geydo as those who are unarmed. Other factors cited by interviewees to distinguish between non-civilians and civilians included uniforms and whether an individual had gone through official training.

Challenges of Classification: Civilians or Combatants

Non-Civilian Actors

Somali interviewees reported that there are several different types of non-civilian actors in Somalia. As a young man from Mogadishu explained, “We have so many [armed groups], and they all have a different purpose.” Interviewees usually divided these actors into two different categories. Soldiers, or eidan, had some kind of formal training and were associated with the government; interviewees also often mentioned that soldiers were fighting for the “common good” or for “peace.” Militias, by contrast, were most frequently described as less organized groups that fight on behalf of their clan or their own interests. Almost all interviewees who were asked about the status of AMISOM forces and other international forces categorized them as soldiers. Most interviewees also categorized the current government forces as soldiers, though some felt that they were more like militias, since they were often poorly trained and disorganized. The majority of interviewees categorized clan militias, business militias, pirates, and al-Shabaab as militias. However,
a minority of interviewees believed that members of al-Shabaab should be categorized neither as soldiers nor as militias, but as something else entirely, such as “religious fighters” or “mujahadeen.”

Self-Identification

As is evident above, in “Modes of Involvement,” the overwhelming majority of interviewees identified themselves as civilians or biri-ma-geydo, regardless of their role in the conflict. When interviewees were asked to define civilians or biri-ma-geydo, many simply said, themselves. For a shopkeeper from Kismayo, a civilian was “somebody like me—somebody who doesn’t hurt anyone.” Similarly, a housewife from Mogadishu stated that civilians are “vulnerable like me.” Even those who had served with al-Shabaab said they were civilians. For instance, the 20-year-old man who was forcibly recruited into al-Shabaab described himself as a civilian, and continued, “Civilians should be protected—but who will accept that? Starting with me—and women, children, the like. We are the vulnerable.”

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606 Interviewees 7, 9, 13, 14, 18, 32, 44.
607 Interviewees 31, 32, 38, 41, 42, 43, 44, 45, 48, 49, 50, 51, 54, 56, 61, 64, 66, 78.
608 Interviewees 41 and 78, respectively.
609 Interviewee 54.
Annex 1: Baseline Questionnaire

Civilian Involvement

1. Did you find that (civilians / non-fighters) are becoming involved with armed groups in X country? Which groups? [SKIP if the person can speak about his/her own involvement instead]
   a. Details: In what ways did people become involved with armed groups? [How often? How do you know they did this?]
   b. Motivation: As far as you know, what were their reasons for choosing to support them?
   c. Perceptions: When they started supporting the armed group in that way, did people consider them fighters / soldiers / combatants?
      i. If not, what did people consider them?
   d. Risk: Did their involvement put them at greater risk?

2. Now we would like to ask you about your own role in the conflict. Have you become involved with any of the armed groups? [Which ones?]
   a. Details: In what ways were you involved?
      i. Can you name specific activities?
         1. How often? Every day, once a week, only once?
         2. Did you do this alone or with others?
         3. Can you describe any specific incidents of involvement?
   b. Motivation: Why did you decide to become involved?
      i. Was there any specific event that triggered your participation?
   c. Perception: How did/do you see yourself as a result of this involvement—(civilian), (soldier / fighter), something else? Why?
   d. Risk: Given your activities, did you feel at risk of being attacked and/or detained by other armed groups? Why / why not?
      i. What could you do to make yourself safer (if anything)?
      ii. Did any armed group do any harm to you or your family or house?
         1. Do you think this happened because of the activities you engaged in? (If appropriate)
         2. Details: type of harm, when, who was involved, outcome, current status (detention, property, injury, death)

3. Do you feel you had a choice on whether you become / became involved in the conflict?
   a. Does everyone become involved?
   b. If not, who does not become involved? Why? How are the people who did become involved perceived by others?
Key Actors

1. Which armed groups would you see in your neighborhood during the conflict?

2. How did you recognize the armed groups here?
   a. How would you categorize them—civilians, combatants / fighters, something in between?

Understanding and Application of Legal Concepts

1. What does the word (civilian) mean to you?

2. What does the word (soldier / fighter) mean to you?

3. How do you tell the difference between the two groups? Is it possible?

4. Do you think those concepts apply in the conflict in X?

5. There is a rule in the laws of war that says that civilians should be protected from being purposefully hurt or killed during war
   a. Are you aware of this rule?
   b. Do you think this rule should apply in X?

6. Do you think any of the parties we’ve discussed in this interview could do more to protect those who are not participating in hostilities from harm?
   a. If so, what and how?
About the report

The laws of war prohibit the intentional targeting of civilians. This principle, known as civilian immunity, is the cornerstone of international humanitarian law. Yet this immunity is not absolute: civilians are immune from being targeted unless and for such time as they take a direct part in hostilities. Thus, a civilian may be lawfully targeted while directly participating in hostilities.

Military commanders, government officials, lawyers, humanitarians, and academics have engaged in a heated debate over how this rule should be implemented. In their debates—primarily focused on definitions, legal obligations, and criteria for targeting—they have argued about such key questions as which activities should qualify as direct participation and when a civilian should lose and regain legal immunity from direct attack.

In all of these discussions, the views of one group have been largely absent: civilians in conflict-affected countries. For these civilians, the issues of participation and protection during war are not abstract problems, but instead are a matter of life and death. As a step toward addressing this gap in the discourse, Center for Civilians in Conflict carried out the People’s Perspectives study on civilian involvement in armed conflict. This study is based on more than 250 interviews with individuals who have lived through conflict in Bosnia, Libya, Gaza, and Somalia. By shedding light on their perspectives and experiences, this study endeavors to inject civilian voices into this conversation about “the civilian”—and to ensure that this critical debate about warfare in the 21st century is inclusive of those most likely to be affected by its outcomes.

About Center for Civilians in Conflict

Center for Civilians in Conflict (CIVIC) works to make warring parties more responsible to civilians before, during, and after armed conflict. We are advocates who believe no civilian caught in conflict should be ignored, and advisors who provide practical solutions to prevent and respond to civilian harm.

The organization was founded as The Campaign for Innocent Victims in Conflict in 2003 by Marla Ruzicka, a courageous humanitarian killed by a suicide bomber in 2005 while advocating for Iraqi families.