The People’s Perspectives: Civilian Involvement in Armed Conflict
The People's Perspectives:

Civilian Involvement in Armed Conflict
Nicolette Boehland, Harvard Law School Fellow with Center for Civilians in Conflict (CIVIC), is the primary researcher and author of the report. Sahr Muhammedally, Senior Program Manager at CIVIC, was the report’s primary editor. Sarah Holewinski, former Executive Director of CIVIC and Naz Modirzadeh, Director of the Harvard Law School Program on International Law and Armed Conflict, developed the concept of the People’s Perspectives study and provided assistance in the editing process. Bonnie Docherty, Senior Clinical Instructor at Harvard Law School’s International Human Rights Clinic, edited the analytical overview and the case studies. Caroline Kavit designed and prepared the report for publication. Christine McCartney provided editing and production assistance.

The case study on Bosnia was researched and written by Lara Berlin, Luca Urech, and Nicolette Boehland, under the supervision of Bonnie Docherty. The case studies on Libya, Gaza, and Somalia were researched and written by Nicolette Boehland. In-country assistance was provided by Mohamed Buaishi and Sabri Ebdewi in Libya, Nidara Pašanović and Velma Saric of the Post-Conflict Research Center in Bosnia, Deema EL Ghoul in Gaza, and Aden Tarah and Leila Habai in Kenya.

A team of students from the International Justice Clinic at the University of California, Irvine School of Law provided research assistance for this report. The team was supervised by David Kaye, Director of the clinic, and included Jonathan Markovitz, Adrianna Kourafas, Kerri Sakaue, Adam Barry, Nima Kamali, and Skyler Gray. Additional research assistance was provided by CIVIC interns Ellen Policinski, Jenni Moore, Kellie Brandt, Taqwa Rushdan, and Tessa Poppe. The author would also like to thank external reviewers Matt Waldman, Leeam Azulay, and Sarah Adamczyk.

Copyright © 2015
Center for Civilians in Conflict
All rights reserved

Printed in the United States of America.

Written by Nicolette Boehland

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

Website address: www.civiliansinconflict.org

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.
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.

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. Interviewees came from towns and regions throughout Somalia, including Afgoye, Baidoa, Barawe, Dhobley, Hargeysa, Kismayo, Las Anod, Luuq, and several minority clans.
Mareerey, Merca, and Mogadishu. For reasons of confidentiality and security, this case study does not refer to interviewees by name.\textsuperscript{473}

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\textsuperscript{474}**

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.\textsuperscript{475} 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.\textsuperscript{476} The ICU enjoyed wide support from the Somali public, as it delivered security and public services.\textsuperscript{477} 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.\textsuperscript{478} 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.\textsuperscript{479}

\textsuperscript{473} 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.


\textsuperscript{475} Bradbury and Healy, “Endless War,” 13.


\textsuperscript{477} Bradbury and Healy, “Endless War.”


\textsuperscript{479} 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 swaths 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.

**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.

---


485 UNHCR, “Somalia.”

486 UNDP, “About Somalia.”

487 Estimates that fall within this range include: Uppsala Conflict Data Program, “UCDP Battle-Related Deaths”; Necrometrics, “Secondary Wars”; OCHA, “Years of War.”
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. He was trained to serve in what he called an “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. He described how he saw his own status by explaining, “I am a leader of the civilians.” The second individual, a coal seller from Loq, 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

---

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.” 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. 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.” 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.” 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 militia,” 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. 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.” 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.”

---

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.”

---

515 Interviewee 53.
516 Interviewee 45.
517 Interviewee 31.
518 Ibid.
519 Interviewee 30.
520 Interviewee 44.
521 Interviewees 9, 69, 71.
522 Interviewees 7, 44, 49.
523 Interviewees 26 and 41.
524 Interviewee 52.
525 Interviewees 15 and 61.
526 Interviewee 51.
527 Interviewee 64.
528 Interviewee 1.
529 Interviewee 18.
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

530 Interviewee 41.
531 Interviewee 20, 67, 68.
532 Ibid.
533 Interviewee 20.
534 Interviewee 67.
535 Interviewee 30.
536 Interviewee 8.
537 Ibid.
538 Interviewee 73.
539 Ibid.
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.”545

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,

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.”

---

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.”

---

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.

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.” According to this understanding, civilians are “normal people,” or “those who live the ordinary life.” Second, in a similar vein, several people identified civilians as those who are not associated with or working for the government. As a 45-year-old man who worked as a high school teacher in Mogadishu said, civilians are “people who aren’t in politics.”

Third, interviewees often associated the word civilian with those who are vulnerable and powerless, particularly during wartime. For instance, one man said that a civilian is a person who has “access to nothing and can be used by anyone,” and another said that civilians were “the needy people, the ones who are really suffering in the war.”

Finally, several interviewees believed that civilians are those who are not associated with any armed groups. Indeed, according to a former government official, “Civilians are not involved in any government forces or militias.” A truck driver from Kismayo added, “Civilians are not in the military. They are on their own.”

The term biri-ma-geydo originates in Somali customary law, and it translates to those who should be “spared from the spear.” According to interviewees, the people who traditionally fall into 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. The Somalis with whom CIVIC spoke often referred to biri-ma-geydo simply as “the most vulnerable” or “those who must be protected.”

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-

---

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.
geydo 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.”

---

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.