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Forensic anthropology in Somaliland: between justice and recognition

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Source: Markus Hoehne.

Being a *de facto* state is not enough

Somaliland is a *de facto* state in the Horn of Africa. In 1991, the region in the northwest of Somalia broke away from collapsing Somalia. It had been the site of the first Somali civil war in the 1980s in which local guerrillas fought against the dictatorial Somali government. Today (in 2020), Somaliland exhibits all the characteristics of a 'normal' state featuring an effective and popularly supported political leadership that provides a degree of governmental services to a given population in a defined territory. It only lacks international recognition (which is what makes it a *de facto* state).ⁱ In contrast to Somalia that has been in turmoil for three decades now, Somaliland stands for sustainable peacebuilding and democratisation in the 1990s and early 2000s. Much of this was achieved without massive assistance by the international community, but rather with the help of financial and social remittances from the Somali diaspora.

The international community continues to hold on to the fiction of Somalia's 'state-ness' and is arguing that, in order to solve the status of Somaliland, negotiations between the government in Mogadishu and the government of Somaliland in Hargeysa is necessary. For several years, official talks between representatives of both sides have been dragging on, but without concrete results. In the absence of international recognition, Somaliland's situation remains precarious. Against this backdrop, a new development focussing on past violence committed by the previous Somali dictatorship (until 1991) against civilians in the territory of today's Somaliland has been gaining traction. This involves a team of internationally renowned forensic anthropologists. The hope of the Somaliland government is that a scientific proof of past 'genocide' in the region would exert moral pressure on the international community to finally recognise Somaliland as an independent state.

Forensic anthropology to provide justice and recognition?

Peacebuilding in Somaliland in the 1990s was driven by lineage and clan elders using Somali customary law to establish peaceful relations between patrilineal descent groups in Somaliland that, during the civil war in the 1980s, had fought on different sides (some being pro-government, others supporting the guerrillas). Many details of killings and other abuses had deliberately been silenced to quickly achieve a fragile peace which served as basis for the further political developments in Somaliland.

Things changed from 2011 onward, when contact between *Equipo Peruano de Antropología Forense* (EPAF), a Peruvian NGO specialised in forensic anthropology, and officials in Somaliland was made through a diaspora Somali from an influential family in Somaliland who resided in the USA. The diaspora actor had been working with the Center for Justice and Accountability (CJA) in San Francisco. The CJA had been involved in bringing members of the former Somali dictatorship, who reside in the USA, to justice. In Somaliland, EPAF soon started to cooperate with the War Crimes Investigations Commission (WCIC). The WCIC was founded in 1997, after heavy rains had uncovered mass graves in Hargeysa. Yet, for the sake of keeping the peace, its work had been actively slowed down by subsequent Somaliland governments until EPAF arrived.ⁱⁱ

In September and October 2012, the first forensic-anthropological investigations of mass graves conducted by the Peruvian specialists took place. The exhumations and investigations were organised by international field schools, attracting students and practitioners of forensic anthropology (and related disciplines such as bio-archaeology and legal medicine) from around the globe. Since then, several exhumation-seasons have been conducted up until early 2020 (almost on a yearly basis with one or two interruptions). In each season, the work proceeded in three steps: exhumations, analysis of the remains, reburial. The official aims of the forensic experts are, first, to bring 'peace of mind' to the relatives of the killed by providing them with scientific facts about the death of their loved ones, and second, to provide professional forensic-anthropological reports informing (potential) court cases (nationally or internationally) that (may) deal with the violent past in

Somalia (before 1991). Potentially, the future work of CJA in the USA could also benefit from such reports.

The government of Somaliland and some diaspora-activists hope to get proof of 'genocide' which can be used to advance the case for recognition. A key problem, however, is that the forensic-anthropological experts can only produce a state-of-the-art scientific report, but the decision 'was it a genocide or not' is up to courts, not to experts.

In addition, this forensic work raises profound challenges for the ordinary population. Many people did not understand the work and the government did not properly inform them about it. Rumours spread that the foreigners wanting to steal bones or gold fillings from the mass graves. Some also argued that opening the graves was *haram* (forbidden in Islam). During exhumations, that mostly took place in or near residential areas, bystanders who often were relatives of the victims complained that the exhumations and the subsequent forensic-anthropological analysis would bring back bad memories. At one point, during an exhumation in Berbera 2017, things became so heated that the local government and the external experts had to agree to conclude the forensic-anthropological analysis in a haste to not provoke public unrest.

Also, the results of the work were often hard to understand for ordinary civilians. Many had to watch the executions of relatives or partners in the 1980s. They had seen the dead bodies at the time. To explain their work, EPAF experts mentioned that through their analysis and also through DNA testing, those bodies intermingled with each others in mass graves could – potentially – be identified individually and given back for proper burial to their families. However, given the limited technical equipment in the improvised labs in Somaliland, the sometimes poor status of preservation of the bodies, and the lack of finances for DNA analysis, many bodies were only assigned a code for possible later identification. This disturbed some relatives who had expected something different.

Media success

Still, at the level of media representation, the strategy of the Somaliland government concerning the forensic-anthropological work occasionally yielded the desired results. In an interview by CNN, in 2014, with the then Foreign Minister of Somaliland, the interviewing journalist used the term 'genocide' and referred to '200,000' people massacred in northwest Somalia in the 1980s.ⁱⁱⁱ Previously, credible sources for the number of people killed have varied between 5000^{iv} and 50.000.^v Recently, online statements by Somalilanders and others supporting the forensic-anthropological work actually come up with much higher numbers of alleged victims of the Somali dictatorship^{vi}. These complex and sensitive issues are relevant regarding Somaliland's ongoing quest for recognition.

i Pegg, Scott 1998. *International Society and the De Facto State*. Aldershot: Ashgate.

ii For more details, see Hoehne, Markus Virgil and Shakira Bedoya Sanchez 2020: 'Forensic Fetishism' and Human Rights after Violent Conflict: Uncovering Somaliland's Troubled Past. In K. Seidel and H. Elliesie (eds.) *Normative Spaces and Legal Dynamics in Africa*. London: Routledge, pp. 19-40.

iii CNN, 17 February 2014: Interview with Mohamed Yonis Bihi, Somaliland's Foreign Minister, available at www.youtube.com/watch?v=fglwZv-Jyuw (particularly minute 3:02–3:47).

iv Gersony, Robert 1989: *Why Somalis Flee: Synthesis of Accounts of Conflict Experience in Northern Somali Refugees, Displaced Persons and Others*. Washington, D.C.: Bureau for Refugee Programs, Department of State.

v Africa Watch 1990: *Somalia: A Government at War with its Own People. Testimonies about Killings and the Conflict in the North*. New York: Africa Watch.

vi See for instance:

<https://www.aljazeera.com/indepth/features/2014/02/investigating->

genocide-somaliland-20142310820367509.html

Note: The CRP blogs gives the views of the author, not the position of the Conflict Research Programme, the London School of Economics and Political Science, or the UK Government.

About the author



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Markus Virgil Hoehne is a Conflict Research Fellow at the LSE (2019-2020). He also works as a lecturer at the Institute of Social Anthropology at the University of Leipzig. Markus has been concerned for almost twenty years now with conflict, identity, political order, borderlands, transitional justice and forensic anthropology in Somaliland and Somalia. His books include the monograph *Between Somaliland and Puntland: Marginalization, militarization and conflicting political visions* (Rift Valley Institute 2015), and the co-edited volumes *Borders and borderlands as Resources in the Horn of Africa*. London (James Currey, 2010) and *Milk and peace, drought and war: Somali culture, society and politics* (Hurst, 2010) and *The state and the paradox of customary law in Africa* (Routledge 2018).

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