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SEEKING REFUGE, FINDING TERROR

THE WIDESPREAD RAPE OF SOMALI WOMEN REFUGEES IN NORTH EASTERN KENYA

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INTRODUCTION

While the tragedy in Somalia makes daily headline news, the plight of thousands of refugees in neighboring Kenya remains unpublicized. Over the past year and a half, approximately 300,000 Somalis have fled across the 800 mile Kenya-Somali border.¹ Most refugees walk miles over Somalia's desolate savanna land into Kenya's North Eastern Province. Others risk their lives in makeshift boats to reach Kenya's coastline further south. Over eighty percent of the refugees are women and children.² Many were the victims of violence, including rape, as they fled war-torn Somalia. They come to Kenya to escape these dangers only to face similar abuse.

In July 1993 the Women's Rights Project and Africa Watch, divisions of Human Rights Watch, visited Kenya to investigate reports of widespread rape of Somali women refugees. While in Kenya, our researcher met with relief workers, Kenyan government officials and others working on refugee protection issues and travelled to Dagahaley, Liboi, Marafa and Hatimy camps where she interviewed 25 Somali refugee women who had been raped. She also interviewed 11 Somali refugee women in Nairobi. This report sets forth the findings of that mission.³

Hundreds of Somali women in the refugee camps in Kenya's North Eastern Province have been raped in the past year and a half. In the seven month period from February 1993 through August 1993, the United Nations High Commissioner for Refugees (UNHCR) documented 192 cases of rape. Of these cases, 187 involved women, four were against children and one was against a man. Eighty-five of the cases occurred in Somalia, while 107 took place in the Kenyan refugee camps. In the month of August 1993 alone, forty-two additional rape cases came to light.⁴ While these figures are profoundly disturbing, they represent only the cases actually reported to UNHCR, who believes the actual incidence of rape could be as much as ten times higher.⁵

In an overwhelming number of cases, refugee women and girls are violently attacked by unknown armed bandits at night or when they go to the outskirts of the refugee camp to herd goats or collect firewood. According to UNHCR, nearly all (100 of the 107) rape cases that occurred in the Kenyan camps were committed by bandits. Increasingly, these bandits join forces with former Somali military men or fighters from the various warring factions who launch raids across the Kenya-Somali border. To a lesser extent, refugee women are also vulnerable to attack by Kenyan police officers posted in the area, who were responsible for seven reported rape cases.

Somali women as old as 50 years old and girls as young as 4 have been subjected to violence and sexual

¹ United Nations High Commissioner for Refugees (UNHCR), *Information Bulletin*, (June 1993) p.4.

² *Ibid.*, p.10.

³ The Women's Rights Project and Africa Watch gratefully acknowledge the Somali women who chose to relate their harrowing experiences to us. The names of the Somali women have been changed to protect their privacy. We would also like to thank the many others who gave their time and assistance the preparation of this report.

⁴ Telephone interview with UNHCR official, Sept. 13, 1993.

⁵ Interview with Fauzia Musse, UNHCR rape consultant, July 16, 1993.

assault. Most of the women whose cases we investigated were gang-raped at gun point, some by as many as seven men at a time. Frequently, the agony was repeated; some women were raped twice or three times in the camps. In the vast majority of cases, female rape victims were also robbed, severely beaten, knifed or shot. Those who had been circumcised often had their vaginal openings torn or cut by their attackers. Many suffer ongoing medical problems.

Rape is directed almost exclusively at female refugees. Their status as refugees renders them--like their male counterparts--vulnerable to a wide-range of abuse. However, it is primarily their gender that exposes refugee women to sexual assault. In some cases, the use of rape appears to have an ethnic as well as gender-specific component, directly related to the fluctuating inter-ethnic tensions in the Somali war. But, overall, rape appears to be visited upon the women refugees as women, whether young or old, from any ethnic group, and largely for the purposes of intimidating and forcing them to have sex and to relinquish money and goods.

To date, the Kenyan government's response to this grievous problem has been wholly inadequate. They have not provided sufficient protection or security to the refugee camps, nor prosecuted a single individual--whether soldier, police officer or bandit--responsible for the abuse. Moreover, an official in the Office of the President has callously accused Somali refugee women of fabricating the claims of rape to "attract sympathy and give the government negative publicity"⁶ and has mistakenly claimed that the police have received no rape reports.

The relief community's response has been more positive. A new UNHCR program provides counselling and assistance to Somali refugee women who have been raped, ensuring that they receive appropriate medical and material assistance. CARE, an international non-profit humanitarian relief organization, has recently trained thirty-five refugee women to act as rape counselors within the camps. While these programs are valuable and important, they only have effect *after* the abuse has already occurred, and do not satisfy the urgent need for the relief community--and UNHCR in particular--to prevent rape and other human rights abuses against refugees in the first instance.

The United States government will shortly release US \$3.5 million in security assistance to the Kenyan government for the overall purpose of reducing insecurity near the Kenya-Somali border. The U.S. State Department, which will oversee distribution of the aid, should dedicate a portion of the funds to improve the security situation in the refugee camps, and publicly direct the Kenyan government to distribute the aid accordingly. It would be a grave oversight on the part of the Clinton Administration to grant such assistance without explicitly dedicating a portion of it to addressing the refugees' plight, particularly the alarming rate of rape.

Ultimately, the plight of Somali refugee women in Kenya cannot be resolved until the political conflict across the border is settled. A future settlement of the conflict, however, does not justify a failure to address present concerns involving the refugees. The government of Kenya must recognize that the sex-based abuses taking place in its refugee camps are a serious and urgent problem. In accordance with Kenya's international human rights obligations, the responsible authorities must take immediate steps to ensure that those who sexually assault female refugees are punished and, together with the relief

⁶ Mr. Julius Sunkuli, Assistant Minister in the President's Office, quoted in "No Cruelty to Refugees," *Daily Nation*, July 29, 1993.

community and international donors, must guarantee that the refugee population in general is protected against human rights abuse.

I. Background: A History of Insecurity in North Eastern Kenya

Banditry along the Somali-Kenyan border is hardly unprecedented. Kenya's North Eastern Province is an arid, barren area sparsely populated by nomadic pastoralist groups such as the Somali, Boran, Rendilles and Turkana. Known as the Northern Frontier District during the British colonial period, this area was designated a closed district that required a special license to enter.⁷ The area was redrawn as the North Eastern Province after Kenya's independence in 1963 and became almost exclusively ethnically Somali. Because of the artificially constructed colonial border, the ethnic Somalis in North Eastern Province were classified as Kenyan citizens. Strong cultural, political and economic ties to Somalia, however, remained and the overwhelming majority of ethnic Somalis in the region began a secessionist movement to join Somalia which lasted from 1963-1967.

The Kenyan government's response to the secessionist campaign was swift and brutal. In 1963, the government enacted State of Emergency powers to put down the ongoing secessionist war.⁸ Emergency powers in North Eastern Province remained fully operational until 1993 when they were finally repealed. During that time, Kenyan authorities were responsible for widespread human rights abuses towards large numbers of Somali-Kenyans.⁹ Indiscriminate killings, arrests and security crackdowns in turn generated widespread suspicion and hatred of the government by the area's inhabitants.

The government has deliberately invested little or nothing in the infrastructure of the North Eastern Province and there has been little economic growth. Accordingly, the area has remained undeveloped and isolated, and its population politically marginalized. Much of the nomadic population has increasingly resorted to cattle-rustling, banditry and poaching. These local bandits, known as *shittas*, make a living from robbing local inhabitants.¹⁰

The outbreak of the Somali civil war in 1991 dramatically exacerbated the insecurity in North Eastern Province. Since January 1991, when former Somali President Siad Barre was forcibly ousted, the situation in Somalia has degenerated into chaos as rival clan factions have vied for power. Prior to the war, Somalia was a country of six to seven million inhabitants with no appreciable religious, linguistic, cultural or other divisions. Yet, the fighting has resulted in the deaths of at least 300,000 of its citizens based on the

⁷ Africa Watch, *Taking Liberties* (July 1991), p. 269.

⁸ *Ibid.*, p.270.

⁹ *Ibid.* p. 269.

¹⁰ The term *shitta*, meaning bandit in Kiswahili, was deliberately used by the Kenyan government to describe the secessionists in the 1960s and downplay the political significance of the movement. *Shitta* has since become a catch-all term to describe any ethnic Somali criminal in Kenya and has acquired a derogatory connotation when used to refer to any ethnic Somali in Kenya.

political manipulation of clan and sub-clan allegiances, and prompted another 300,000 to flee.¹¹ Over eighty percent of these refugees are women and children.

Approximately 200,000 Somali refugees are now housed in six camps set up by UNHCR along the Kenya-Somali border.¹² Refugees in these camps live in appalling conditions in squalid "igloo"-type hovels made of branches covered with patches of plastic, burlap or cloth.¹³

These large refugee camps have become targets of the often well-armed *shittas* in search of money and food and—all too frequently—sex. As a relief official told Africa Watch, one reason the refugee camps are constantly attacked is that the local nomadic population is as indigent as the refugee population, but is not receiving relief assistance:

If UNHCR had given some food and money to the Kenyan-Somali bandits, it would have probably spent less than it is spending now on protection. These *shittas* are as poor as the refugees, which is why they constantly attack us and the refugees. If you total up everything they have robbed, it would still be less than what we are spending on protection. But that is not our mandate.¹⁴

Relief workers also speculate that some of the *shittas* might even be refugees who take up arms at night and terrorize their compatriots.¹⁵

The location of these camps, just a few miles from the Kenya-Somali border, also exposes refugees to attacks from Somali fighters. Former Somali government soldiers or combatants with the warring factions routinely stage raids into North Eastern Kenya and then retreat over the border, eluding capture by Kenyan security forces. Often, these *shittas* are better armed than the Kenyan security forces. It is difficult to distinguish the Somali *shittas* from those of Kenyan origin and the term *shitta* is used by the refugees to broadly describe any attacker of Somali ethnicity in that area. As these armed gangs have joined forces with local bandits, law and order has broken down.¹⁶

Gradually the area has turned into a virtual free-for-all because of the insecurity and increasing number of weapons. *Shittas* regularly terrorize the relief community, the Kenyan police force and the refugees. Relief

¹¹ U.S. Department of State, Office of Foreign Disaster Assistance, *Somalia - Civil Strife, Situation Report no. 19*, March 12, 1993.

¹² The camps housing Somali refugees are: Mandera (pop. 44,841); El-Wak (pop. 8,200); Dagahaley (39,441); Ifo (48,476); Hagadera (43,829); and Liboi (pop. 44,841). UNHCR, *Information Bulletin*, (June 1993) p.4.

¹³ Another 70,000 Somali refugees are housed in noticeably better conditions in three camps at Kenya's Coast Province. These camps are further from the Somali border and therefore safer. The camps are Marafa (pop. 29,392 Somali and non-Somali refugees); Hatimy (pop. 2,935); and Utange (pop. 42,361 Somali and Ethiopian refugees). *Ibid.*

¹⁴ Interview with relief worker, Kenya, July 1993.

¹⁵ Interview with UNHCR official, Nairobi, July 16, 1993.

¹⁶ "Refugee Criminal Gangs wreak 'havoc' in Kenya," Reuters Information Services, Aug. 11, 1993.

workers travel with an armed escort for protection. In 1992, a *Medecins Sans Frontieres* (MSF) compound was attacked by bandits and a female doctor gang-raped.¹⁷ In response, MSF temporarily withdrew its workers, until assured of increased security. Kenyan police themselves do not leave their compounds at night for fear of being shot. In January 1993, the Kenyan government reported 53 attacks by *shiftas* in the refugee camps resulting in the deaths of 9 security personnel and 38 refugees.¹⁸ Since then, approximately 25 other police officers have been killed by *shiftas* who want the officers weapons and ammunition.

The refugees are particularly vulnerable to abuses from all sides. They complain of looting, beatings and killings by *shiftas* and Kenyan police alike. Often, refugees also become the helpless victims of police brutality after attacks by *shiftas* are carried out against the Kenya police. In one particularly bad incident on March 3, 1993, Kenya police fired without provocation into a crowd of refugees waiting in line at a food distribution center, killing three and wounding several others. This unprovoked attack came the day after four policemen were killed in a *shitta* attack. The overall security situation is deplorable, but sexual assault and rape, which are widespread and on the rise, are reserved almost exclusively for women.

II. Widespread Rape in the Refugee Camps in North Eastern Kenya

Overwhelmingly, Somali women refugees that are raped in the camps in North Eastern Kenya are raped by unknown bandits (*shiftas*)—either Somali-Kenyans or Somalis. A significantly smaller number of women have been raped by Kenyan police authorities or other refugees in the camp. In a six month period from February 1993, 192 cases of rape were documented. In August 1993, alone, 42 rape cases were reported to UNHCR officials, who believe that rape is on the rise in the camps. Because rape victims are often unwilling to report their cases to police or medical authorities, the actual incidence of rape could be as much as ten times higher.¹⁹

Since the attackers routinely speak to the women in Somali it can be inferred that they are either Kenyan-Somali nomads, Somali fighters who have crossed over the border, or perhaps even other refugees. The attackers are usually described by the women as men dressed in black shirts and trousers. Most are armed with guns and knives and often cover their faces to avoid being recognized.

For nearly half of the women who reported being raped, rape was a factor in causing them to become refugees in the first place. Eighty-five of the 192 reported cases involved women who were raped in Somalia *before* fleeing to Kenya. Once in Kenya, women are again targeted with rape as a particularly effective form of intimidation, further destabilizing an already insecure population, and rendering women refugees in particular vulnerable to exploitation, for money, goods and the sexual gratification of their attackers. In this sense, these women are being raped both because they are refugees and because they are women. Their status as refugees does render them vulnerable—like all refugees—to abuse, but it is

¹⁷ Interview with relief official, Dagahaley camp, Kenya, July 26, 1993; See also "Belgian Charity Withdraws Workers from Refugee Camps," Associated Press, July 7, 1992.

¹⁸ Letter from the Lawyers Committee for Human Rights, New York to Kenyan authorities, May 11, 1993.

¹⁹ Interview with Fauzia Musse, UNHCR rape consultant, Liboi camp, July 19, 1993.

their gender which motivates their attackers both to target them--as women--and to do so with a sex-specific form of abuse--rape.

While directed at women generally, some of the sexual assaults in the Kenyan refugee camps also have had an ethnic dimension. The persecution of civilian non-combatants solely on the basis of clan by the warring factions has been prevalent throughout the Somali conflict, in violation of the Common Article 3 of the Geneva Conventions.²⁰ Incidents of sexual assault in Kenya, at times manifest these clan tensions, suggesting that Somali fighters from the warring factions do cross the border. Somali refugee women in Kenya often report that they are asked by their rapists which clan they belong to. According to relief workers, women who are the same clan as their attackers are often spared the rape and are only robbed. Developments in Somalia also affect the numbers of refugee women subjected to rape from certain clans. According to the UNHCR rape project consultant, when the town of Doble in Somalia was occupied by the Marehan warlord General Mohamed Said Hersi "Morgan,"²¹ rapes of Ogadeni women at Liboi refugee camp in Kenya increased.²²

The injuries that women incur from being violently raped continue long after the incident. Most of the women interviewed who had been raped still bore the scars of knife or bullet wounds. Many were beaten so badly that they continue to have pains in the ribs and back. Ongoing medical problems include miscarriages for women raped when pregnant; hemorrhaging for long periods; inability to control urination; sleeplessness; nightmares; chest and back pains; and painful menstruation.²³ There have also been a number of pregnancies resulting from refugee women being raped. In these cases, the Somali women have all carried the pregnancy to term both because abortion is illegal in Kenya and because of the cultural stigma attached to abortion.²⁴

For Somali women, the physical injuries caused by being raped are compounded, in some cases, by the practice of female genital mutilation.²⁵ Somali women subjected to genital mutilation have generally undergone infibulation. This involves the removal of the clitoris and the inner lips followed by incisions in the outer lips to create raw surfaces which are then stitched together. Only a small opening, sometimes the size of a match stick, remains for the flow of urine and menstrual blood. Sexual intercourse for women

²⁰ Geneva Conventions of August 12, 1949, Common Article 3; *See also* Africa Watch, *Somalia: Beyond the Warlords: The Need for a Verdict on Human Rights Abuses*, vol. V, no. 2 (March 7, 1993), p.5.

²¹ Siad Barre's son-in-law and the former Commander of the Somali army.

²² Interview with Fauzia Musse, UNHCR rape consultant, Liboi camp, July 19, 1993.

²³ Interviews with Somali rape victims, Kenya, July 1993.

²⁴ "Any person who, when a woman is about to be delivered of a child, prevents the child from being born alive by any act or omission of such a nature that, if the child had been born alive and had then died, he would be deemed to have unlawfully killed the child, is guilty of a felony and is liable to imprisonment for life." Section 228, Cap. 63 Penal Code (rev. 1985), Laws of Kenya.

²⁵ Female genital mutilation, also known as female circumcision, is the collective name given to several different traditional practices involving the cutting of female genitals. *See* Nahid Toubia, *Female Genital Mutilation: A Call for Global Action*, Women Ink, NY (1993).

who have undergone this operation is painful unless the opening is gradually expanded over a period of time or they are recut to widen the opening.²⁶ Rape becomes excruciatingly painful for the refugee women who have undergone this procedure. In some cases, *shittas* preparing to rape a refugee woman have slit open her vagina with a knife before raping her.²⁷

III. Cases of Rape in the Refugee Camps in North Eastern Kenya

Rape by *Shittas*

Most of the refugee women we interviewed were attacked, robbed and raped in the middle of the night in their huts by groups of armed *shittas*. Maryam, a 38 year-old woman of the Marehan clan, arrived at Ifo camp in North Eastern Kenya around July 1992. A month after she arrived at the camp, she was sleeping at the hut of a friend when they were attacked by nine unknown assailants. "They came around 9 pm," Maryam told us.

We were in the house sleeping. They came into the house with guns and knives and told us to give them our money. We didn't know them. They were wearing black jackets, trousers and hats. We were so scared, we gave them everything. Then they began to beat me. They beat me for hours and then six men raped me. After the rape I was in so much pain I could not walk. The doctor had to come into the hut to see me.²⁸

Maryam still suffers from chest pains where the attackers kicked her with their boots and hit her with gun butts. She reported the case to the Kenyan police, who took her statement but have not taken any further action. In July 1993 Maryam was transferred by UNHCR to Marafa, a safer refugee camp at the coast, because she was a rape victim.

Usha, a 23 year-old Asharaf woman, fled Somalia in October 1992 from Mogadishu. She found refuge at Ifo camp in North Eastern Kenya. On June 6, 1993, Usha and another young woman were sleeping in a hut at the camp. Around 2 am, her friend went to the outdoor toilet leaving Usha alone in the hut. Minutes later, three unknown men wearing traditional Somali dress entered the hut. Usha explained:

they started hitting me and telling me to wake up. They told me to give them what I had or they would kill me. I was so scared I gave them the shs. 1,000 [US\$12.50] that I had and all my clothes and rations. Then they said 'you, yourself ... we want you.' I was so scared because I had never done this before. They made me lie down and they tore me with a knife. There were three, but only two men raped me. I was so scared that I passed out. I don't know how long they were there for, maybe half an hour. I'm not sure. I was not conscious.²⁹

²⁶ *Ibid* p.10.

²⁷ *See infra* at p.9.

²⁸ Interview, Marafa camp, Kenya, July 23, 1993.

²⁹ Interview, Marafa camp, Kenya, July 23, 1993.

Usha was seen by a doctor the following day. At the time of the rape she was a virgin and had undergone female genital mutilation. As a result, during the rape, her vagina had been severely torn during the rape and she lost a considerable amount of blood. The police were informed of the rape and visited the hut where the rape occurred, but have taken no further action. In July 1993, Usha was transferred by UNHCR to Marafa camp because she was a rape victim.

Conditions at Dagahaley camp, a few miles from Ifo, are no better. Asali, a 20 year old Ogadeni woman, had been recently married and was expecting her first child. In March 1993, she and her husband were asleep at night when two unknown men entered their house. She described them as being dressed in olive-colored jackets and trousers and both carrying guns. They threatened both Asali and her husband and looted the few belongings in the hut. Asali, explained:

They took me to the bush outside the camp. I was so scared that no sound was coming from my mouth. They asked me what clan I was and then told me to remove my clothes. Both men raped me - each twice.³⁰

As a result of the rape, Asali suffered a miscarriage. She saw a doctor and informed the police about the rape. The police visited the site and took a statement, but, since then, nothing further has happened.

Habiba is a 27 year-old woman from the Ajuran clan who had arrived in Dagahaley around July 1992. On April 15, 1993, she was sleeping in her hut at night when three unknown men wearing trousers and shirts surrounded her hut. They woke her up and ordered her outside. They threatened to kill her if she did not give them any money she had. They then ransacked the house, taking her blanket and few other possessions. Habiba told us that

they ordered me to show them where they could find some girls. I refused to do that so they told me that I would satisfy them. They took me into the bush and ordered me to take off my clothes. When I refused they beat me up and tore off my clothing. Two of the men raped me. After the rape, they told me not to say that it was *shiftas* that had raped me or they would return.³¹

Hawa is a 22 year old woman whose hut was attacked by *shiftas* at Hagadera camp in January 1993. As she and her family tried to escape, she was shot and superficially injured in her right temple. After she fell, she was caught and blindfolded before being raped in the bush. She never went to the police, but finally saw a doctor. Her medical report verifies her account, reporting a 6" scar on her right temple and a ruptured hymen. The report also noted genital mutilation (partial infibulation).

Women in the camps are also targets for rape when they go to the outskirts of the camps either to herd goats or collect firewood during the day. The surrounding countryside is desolate and isolated and once women leave the camp area, they are vulnerable to attack.

³⁰ Interview, Dagahaley camp, Kenya, July 26, 1993.

³¹ Interview, Dagahaley camp, Kenya, July 26, 1993.

In many cases, the younger girls are sent to herd goats during the day and there have been several cases of girls as young as 8 years being raped. Sadia is an 8 year old Ogadeni girl who has been living with her parents, three sisters and brother at the Hagadera refugee camp since mid-1992. On July 2, 1993, she was herding goats with five other children when a Somali-speaking man of about 30 years approached them. He greeted them and began asking them questions, including which clan they belonged to. The children became suspicious and started to run away in different directions. As Sadia ran, a thorn got lodged in one of her bare feet causing her to stop. The man grabbed her by her wrist, he pulled out a knife and threatened to kill her if she made any noise. He then raped her. She limped back to the camp an hour later in extreme pain. A doctor who later examined her shortly afterwards verified that she had been raped and that her hymen was ruptured.³²

Another young Ogadeni girl, Fatuma, was 14 years old when she was raped on June 30, 1993. Fatuma was herding goats on the outskirts of Dagahaley camp when she was approached by a man with a gun. He asked her a number of questions, including what clan she belonged to and whether she was alone. When she tried to run away, he grabbed her, blindfolded her and forced her to lie down before raping her. When she struggled, he beat the sides of her head and body with the gun butt. He raped her three times before finally releasing her. The doctor who examined her recorded that she was bleeding and in severe pain. The medical report verified that the rape had taken place and that her hymen was ruptured.³³

Multiple and Repeated Rapes

Most of the rapes in the camps in North Eastern Kenya are gang-rapes by more than one man. In addition, the chronic insecurity in the area has put refugee women at risk of being raped more than once. Numerous women in the camps in North Eastern Province were subjected to repeated cases of rape on different occasions.

UNHCR has begun to give priority to rape victims for resettlement to safer camps at the Coast. Many of these transfers, however, occur only after a woman has been subjected to violent rape several times. Bishaw, a 32 year old Marehan woman, was raped three times by *shittas* at the Ifo camp before she was transferred to Marafa camp in July 1993. Although she now feels safe, she told us that she still suffers from headaches, sleeplessness and nightmares.³⁴ She also bears scars from knife wounds inflicted when she was raped, including a large gash on her right buttock which makes walking difficult.

Bishaw came to Ifo camp with her five children in April 1992 after walking miles from Kismayo, Somalia.

In July 1992, nine *shittas* with guns came into my house at night. They were wearing black trousers, black jackets and hats pulled low. I did not know them. They all had guns and big boots like soldiers. They pulled my arms behind my back and tied my hands. They told me not to scream and pushed knives into my upper arms and head. They kicked me with their

³² Information collected from case documents, Dagahaley camp, Kenya, July 26, 1993.

³³ Information collected from case documents, Dagahaley camp, Kenya, July 26, 1993.

³⁴ Interview, Marafa camp, Kenya, July 23, 1993.

boots. They told me to give them all the money I had. I traded at the market during the day and they must have followed me to know where I stay. After they tied and cut me I gave them the money which I had buried in a safe place. Then 3 of the men caught me and dragged me into my home and raped me. One man raped me while another held a gun at my head and told me he would kill me if I made a noise. My daughter of 10 years woke up and cried and they beat her on the head with guns. Up to today she has problems. I tried to shout, but the *shittas* shot in the air and so people ran away.

As a result of the attack, Bishaw's 10 year old daughter has had mental problems and chronic ear infections. Terrified by the attack, Bishaw and her family moved to another location in the hope that the attack would be the last. Bishaw, however, was targeted a second time by *shittas* in August 1992. "They came back again in the middle of the night," she told Africa Watch:

this time with more men - so many men I couldn't count. Four of them came into the house while the others guarded outside. My friend was sleeping in the house as well as 2 of my children. Both of us had been raped before. This time they did not beat me. They came into the tent and told us to give them all our money from the market. I think they knew me from the market. We gave them the money. After that, two of the men raped me and the other two raped my friend. Then we heard a shout outside and they all ran away.

"The third time I was raped was in March 1993," Bishaw explained with tears in her eyes.

It was just as I was eating breakfast at Ramadan time (at dawn). I saw about 40 men with guns. Six of them came into the hut and took my money. I didn't know any of them. They were not wearing uniform. Thankfully, they didn't beat me or hurt me - but two of the men raped me.

Bishaw reported each of the rapes and robbery to the police at Ifo. After taking a statement, no further police action was taken.

Halima is 28 year old from the Marehan clan who fled to Kenya in early 1992 with her family. During her seventeen months at Ifo camp, she was raped twice by unknown *shittas*. The first rape occurred on April 10, 1993 when two men entered the hut where Halima was living with her four children and niece (ages 2 -12). According to Halima, the two men woke her and ordered her out of the house. "I was scared and did not know who they were," she told us.

I went outside and they told me that if I valued my life I would give them what they asked for. I begged them to leave me alone and told them I had no money. They beat me until finally, I gave them the shs. 1,000 (US \$20) which I had made working for MSF (Medecins Sans Frontieres). Then they took off my clothes. The one with the gun raped me first. When he finished, they changed places.³⁵

Only two weeks later, Halima was raped again by three *shittas* who attacked her in her hut around midnight on April 25, 1993. "They raped me and beat me with the back of their guns and their boots," Halima said.

³⁵ Interview, Marafa camp, Kenya, July 23, 1993.

After all three had raped me, they threatened to kill me if I did not give them everything I owned. I was so scared after the second rape, I went to UNHCR and the police. I told them that I did not want to stay. I had lost everything including my food ration card.

Halima was finally transferred to Marafa camp by UNHCR in July 1993. Meanwhile, she had become pregnant as a result of the rapes and then suffered a miscarriage. When we interviewed Halima, she had been hemorrhaging for a number of weeks but had not seen a doctor.

Rape of Children

The ongoing violence in Somalia has resulted in a breakdown of families, leaving many children with single parents or alone. Many Somali refugees have noted that increasing numbers of young children (in the refugee camps) are being raped. Children are at risk from *shittas* outside the camps and adult refugees within the camps. UNHCR has documented five cases of rape of children ranging from ages 5 - 13 years. Of the five cases, three are young boys. In April 1993, a 5 year old boy was raped so badly that he was hospitalized for six weeks. During that time, he was unable to hold his bowels.³⁶

In the month of June, at Liboi camp, two children--a 4 year old girl and a 7 year old boy--were raped by another refugee. The rapist, Deqow Hassan Mohammed, is approximately 50 years old. On June 19, 1993, the mother of the boy heard him crying. She and her children were sleeping in a large shed-type building which serves as a hospital at the camp. The family lived in the hospital because the mother was ill. There were other sick refugees and their families there. The mother went to where her son was sleeping to ask him what was wrong. She found Mr. Mohammed sleeping in the same bed with her son. Mr. Mohammed had come to Liboi camp six months earlier with his wife and children. The mother asked Mr. Mohammed what he was doing. He replied that he was feeling cold and had come to sleep inside. Since she knew him and thought that she could trust him, she went back to her bed. About half an hour later, she woke up to hear her son crying again. When she went over to see what the matter was, she found her son alone in the bed crying and saying that his buttocks were wet. When she examined him, she found semen. The following day, the health staff verified that the 7 year old boy had been anally raped.

After the case was reported to the police another woman came forward and reported that her 4 year old daughter had been raped by the same man. She heard her daughter screaming one night and when she went to investigate, she found Mr. Mohammed holding her daughter. He handed the girl to her mother and told her that her daughter did not want to sleep. The mother thought nothing of it, until she discovered that her daughter was unable to urinate. When the mother examined the girl, who had undergone genital mutilation (infibulation), she discovered a tear in the little girl's vagina. She had wanted to take her daughter to the medical center for treatment, but Mr. Mohammed threatened to beat her if she did. Later, a nurse examined the little girl and confirmed that she had been raped.

Mr. Mohammed was arrested by the police and transferred to the nearest town, Garissa. However, the mother of the 7 year old boy told us that she had heard that the rapist had been released without charge

³⁶ Interview with Fauzia Musse, UNHCR rape consultant, Liboi camp, Kenya, July 19, 1993.

and that she was scared that he would return and retaliate against her for telling the police.³⁷

Children are also vulnerable to attacks by *shiftas*. In March 1993, six *shiftas* wearing black trousers and black jackets with guns and masks abducted six young girls, ages 13 - 18, along with an older woman. They ordered the girls to carry sacks of grain which they had stolen from refugees. They took the women and girls to their hide-out, where they held them and repeatedly raped the young girls over a three day period. When a relief and police convoy came to look for the refugees, the *shiftas* opened fire with guns killing 4 policemen. The woman and girls were released after the gun battle. Some of the young girls are still at Ifo camp while others have returned to Somalia.³⁸

Rape by Kenyan Police and Security Officials

While most refugee women have various complaints about the Kenya police, they say that the police are generally not responsible for widespread sexual assault.³⁹

Some Kenyan police or soldiers, however, have raped Somali refugee women. Seven of the 192 rape cases reported to UNHCR involved Kenyan police. The International Covenant on Civil and Political Rights, to which Kenya is a party, explicitly prohibits "torture or cruel, inhuman or degrading treatment or punishment".⁴⁰ Similarly, the UN Code of Conduct for Law Enforcement Officials prohibits police from "inflict[ing], instigat[ing] or tolerat[ing] any act of torture or other cruel, inhuman or degrading treatment or punishment."⁴¹

To our knowledge, no police officer implicated in a rape case has been disciplined by police authorities or by the courts. Largely as a result, refugee women who have been raped by Kenyan police are extremely reluctant to report the violation to police, and also fear being penalized or repatriated back to Somalia should they decide to do so.

Khadija is a 20 year old woman from the Marehan clan. The conflict in Somalia disrupted her university studies forcing her to flee to Kenya in 1991. She and her family lived first at Liboi camp and then at Ifo. On May 17, 1993, as she was walking back to her hut at dusk, a white police pick-up truck passed her. These 4-wheel cars have been donated by UNHCR to the Kenya police to enable them to provide better protection to the refugee camps. As the car passed by, one of the policeman called to her in Kiswahili. Since Khadija did not understand, she ignored them. They stopped the car and grabbed Khadija by the wrist trying to force

³⁷ Interview with mother of 7 year old boy, Liboi camp, Kenya, July 19, 1993.

³⁸ Interview with older Marehan woman (also abducted but not raped), Marafa camp, Kenya, July 23, 1993.

³⁹ There have been numerous complaints, however, by Somali refugees in the capital Nairobi, of constant harassment for bribes by the Kenyan police. Somali women who are unable to pay the police for their release from a police cell often have to provide sex. Africa Watch interview with a group of Somali women, Nairobi, Kenya, July 24, 1993.

⁴⁰ Article 7, International Covenant on Civil and Political Rights.

⁴¹ Article 5, UN Code of Conduct for Law Enforcement Officials, adopted by the General Assembly by resolution 34/169 on Dec. 17, 1979.

her into the car. She fought back and, after other refugees crowded around shouting "*askari, askari*" ("guards, guards"), they left and drove back to the police station. The refugees stood around the area for about 15 minutes telling Khadija how lucky she was not to have been taken by the police.

Minutes later, the car drove back again. The refugees began to run away fearing a reprisal as two policemen jumped out of the car and began chasing the refugees. Terrified, Khadija tried to run. She told us:

I was so afraid that I couldn't move. My legs were stuck to the ground. Then I started to run, but he had seen me. I was wearing a white scarf. Two of them got out of the car and then caught me by the arms and legs and dragged me into their car. All the refugees came out and watched, but they were too scared to do anything. I was screaming and crying and I scratched one man badly. They put me in the car between them and drove to the place where the police sleep. They dragged me into a tent and three men raped and beat me. After a while I stopped screaming because I was afraid.⁴²

Khadija's ordeal finally ended when another policeman discovered what his colleagues were doing and stopped them. He picked Khadija up saying, "*pole, pole*" ("sorry, sorry"). Then he walked her to the gate of the police compound and told her in English, "go and don't tell anyone about this." By the time Khadija got to her hut, it was midnight. Her neck was swollen to twice the normal size because they had held her in a chokehold in the car and her head was bruised from being kicked. Khadija's mother wanted to complain to the police station about the behavior of their officers, but the other refugees convinced her that it was unwise.

Not knowing what to do, Khadija decided to go back to Somalia. However, she did not have enough money and the bus stop is near the police camp. Finally, she notified UNHCR that she could not stay at the camp anymore. She was taken to see a doctor by UNHCR and then transferred to the Dagahaley camp, located nearby. At Dagahaley, Khadija saw the police who had raped her visit the camp several times. Scared that they were hunting her, she began sleeping in different places each night. In July 1993, Khadija was transferred by UNHCR to Marafa camp after staying in Nairobi for two months.

Although Khadija has found Marafa camp much safer than Ifo and Dagahaley camps, she told us that she is still afraid of the Kenyan police. She accurately noted "they treat refugees how they want and you can't do anything because you are a refugee. Even now I am scared. What if the police that raped me are transferred from Ifo camp?"

While rape of Somali refugee women by Kenyan police and security officials does not appear to be frequent, when it does happen, there is no recourse for Somali refugee women. Khadija can easily identify her assailants, but there is nowhere that she can complain without fearing reprisals. Ultimately, a UNHCR protection officer raised the case with the police inspector at Ifo camp, who stated that he had investigated the incident and that the alleged victim had gone into the tent willingly. The police never interviewed Khadija. The case was closed by the police.⁴³

⁴² Interview at Marafa camp, Kenya, July 23, 1993.

⁴³ Interview with UNHCR relief worker, Dagahaley camp, Kenya, July 26, 1993.

IV. Double Burden - The Stigma of Rape

Somali women who have been raped face not only the physical and psychological trauma of rape, but also the likelihood of rejection by their families. A strong cultural stigma is attached to rape in Somalia, as elsewhere. In numerous cases, families have begged UNHCR officials to take their young daughter to another camp after she has been raped because of the stigma on the family.⁴⁴ In other cases, once a woman is raped, she is ostracized by her husband and isolated from her family.

Hibaq, a 40 year old woman, was raped by three unknown assailants in the middle of the night at Liboi camp in March 1993. She was sleeping in her hut with her three children ages 21, 10 and 8 years. She told us:

I live in a compound with my husband and his second wife, and I was woken up by a torch shining in my face. I asked who it was and they told me to shut up. There were three men dressed in black with white scarves around their heads. One of them had a gun. They dragged me out of the house and then searched the house for money. They couldn't find any so they dragged me back inside and began beating me. I started crying and screaming 'God is great, God is great and my God is watching you.' They said 'fuck your God.' They slapped me on my ears and even now I can't hear in one ear. No-one came out to help me. They were too scared. Then all three raped me in my own house while my children were there. One of them held a gun at my throat while the other raped me and then they changed places. For one hour they raped me and then they left and went to another house.⁴⁵

When Hibaq's husband discovered that she had been raped, he kicked her out of the compound where the family was living and took her belongings, including her food ration card. For approximately one month, she was sleeping in different places unable to collect her food ration. She was also forbidden by her husband from seeing her children. When UNHCR learned of this case, they convened a meeting in April 1993 with the committee of elders at the camp and negotiated the return of Hibaq's food ration card and access to her children.⁴⁶ Hibaq's husband, however, has refused to have anything to do with her and she now lives alone in a separate hut in Liboi camp. She still suffers from sleeplessness and sharp pains in her ribs where she was beaten.

For fear of being stigmatized, Somali women refugees who have been raped frequently refuse to acknowledge publicly that they have been raped, even when medical evidence indicates that rape occurred. In other cases, women do not seek medical assistance or file a police report because they do not want it known that they were raped. Between July 18 to 24, 1993, four refugee women who were raped refused to allow a doctor to examine them.⁴⁷ In the medical center at Liboi camp, the hospital documented

⁴⁴ Interview with UNHCR official, Nairobi, Kenya July 16, 1993.

⁴⁵ Interview, Liboi camp, Kenya, July 19, 1993.

⁴⁶ Interview with Fauzia Musse, UNHCR rape consultant, Liboi camp, July 19, 1993.

⁴⁷ Interview with Fauzia Musse, UNHCR rape consultant, Dagahaley camp, July 26, 1993.

39 cases of rape from late 1992 to the present. UNHCR's rape consultant documented 30 other cases which took place during the same period but never came to the attention of the medical center.

Most women who have been raped only go to a doctor if they suffer other injuries from being beaten, knifed or shot, and even then, many do not mention that they were raped. In some cases, the women do not perceive the rape itself as an injury. Hibaq told us that she saw a doctor after she was raped, but only because she had been beaten so badly that she couldn't hear. However, she never told the doctor that she had been raped.

On occasion, if a rapist is identified as another refugee, the families settle the case through the elders with the rapist's family paying "blood money" in compensation for the crime committed. Unfortunately, the settlement is usually negotiated on behalf of the woman by her male relatives, sometimes against her wishes, and the settlement money often remains with the male relatives.

V. The Kenyan Government's Response

The Kenyan government's response to the rampant incidence of rape in the refugee camps in North Eastern Kenya has been woefully inadequate. Under the International Covenant on Civil and Political Rights (the Covenant), to which Kenya is a party, the Moi government has a duty to ensure that all individuals within its boundaries, regardless of citizenship, are free from human rights violations, including sex-based abuses,⁴⁸ and to provide all people equal protection of the law. The UN Human Rights Committee, which monitors the compliance of all state parties with the Covenant has further held that the state not only has a duty to protect persons from such violations, but to investigate violations when they occur and to bring the perpetrators to justice.⁴⁹ Moreover, the responsibility of providing refugees with direct physical protection "remains the primary responsibility of the countries where the refugees find themselves."⁵⁰ In this case, that means Kenya.

Moreover, rape is prohibited under Kenya's domestic law. Section 140 of the Penal Code states that "In any person who commits the offence of rape is liable to be punished with imprisonment with hard labour for life, with or without corporal punishment." Section 141 outlaws attempted rape as a felony with the same punishment.⁵¹ In practice, Kenyan women pressing rape charges discover that accused rapists often are acquitted because the courts will not convict without medical evidence or a witness who can corroborate

⁴⁸ Article 2(1) of the International Covenant on Civil and Political Rights states that "Each State Party to the Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." Article 26 further provides that all persons are "equal before the law and are entitled without any discrimination to the equal protection of the law."

⁴⁹ *See* Report of the Human Rights Committee, 37 UN GAOR Supp. (no. 40) Annex V, general comment 7(16), para. 1(1982) UN Doc. A/37/40(1982).

⁵⁰ Report of the UN High Commissioner for Refugees, 38 UN GAOR Supp. (no. 12) at 8, UN Doc. A/38/12 (1983).

⁵¹ Sections 140-141, Cap. 63 Penal Code (rev. 1985), Laws of Kenya.

the victim's testimony.⁵² Somali refugee women are at an even greater disadvantage in seeking legal redress since they are often destitute, unable to speak the language and located in a remote area miles from the nearest court.

Instead of taking steps to provide better protection and security to the refugee population in accordance with both international and domestic law, the Moi government has shown an appalling lack of concern for the plight of Somali refugees. While the Kenyan authorities have valid security concerns about the Somali conflict spilling over the border into North Eastern Province, the government has treated all Somali refugees with hostility. The security forces in the area have not distinguished between *bona fide* Somali refugees seeking refuge and those criminals of Somali ethnicity who are responsible for terrorizing the area. Security personnel in the area are responsible for extra-judicial killings and torture of refugees they suspect of having attacked or killed police. The government's attitude was underscored on July 24, 1993, when Kenyan security forces set fire to the refugee shelters in the Mandera camp and drove the refugees back over the Somali border in clear violation of their international obligations under the Convention Relating to the Status of Refugees.⁵³

The government response has been no better with regard to the situation of refugee women. No concerted effort has been made to arrest or prosecute those responsible for the widespread rape. There are no known prosecutions, and certainly no known convictions, in any case of rape against a Somali refugee woman in Kenya, including those implicating law enforcement officers. Kenya police authorities have been unable or unwilling fully to investigate allegations or to arrest the alleged perpetrators. To date, the government's only official response has been to deny that rapes are occurring or to blame the victims. On July 29, 1993, Mr. Julius Sunkuli, an Assistant Minister in the President's Office, denied in Parliament that Somali refugee women were subjected to rape, violence and theft. His denial was in response to questions put to him by the political opposition in Parliament. Mr. Sunkuli went on to state that in fact these allegations of rape by the women were being made solely to "attract sympathy and give the government negative publicity."⁵⁴ Mr. Sunkuli also stated, despite evidence to the contrary, that the police had received no reports of rape or thuggery.

In part, this inaction can be attributed to the fact that police authorities are themselves targets of the *shiffa* attacks. One relief official told us that "the police don't like to arrest Somalis [or Kenyan-Somalis] here [in North Eastern Province], they have told me that they will either shoot a suspect or let them go. They don't want to hold them for fear of being attacked themselves."⁵⁵ Moreover, officers are not sufficiently trained or equipped to track or capture well-armed *shiffas* at night. By morning, the attackers are miles away, perhaps even across the Kenya-Somali border. In addition, police personnel are not deployed in sufficient numbers to offer adequate protection to the refugees.

⁵² A Kenya Anti-Rape Organization was recently formed in Nairobi to deal with the growing problem of rape and the unwillingness of the judicial system to convict rapists. See also "Women's Big Fight Against Oppression, *Standard* newspaper, April 4, 1993, p.6.

⁵³ Convention Relating to the Status of Refugees adopted by the UN Conference of Plenipotentiaries convened under the General Assembly resolution 429(VI), Dec. 14, 1950.

⁵⁴ "No Cruelty to Refugees," *Daily Nation*, July 29, 1993.

⁵⁵ Interview with relief official, Kenya, July 1993.

The government's failure to investigate and prosecute rape is also a direct result of law enforcement officials' refusal to treat such claims seriously. Where complaints against officers are concerned, the authorities have turned a blind eye to the behavior of those individuals in the police force responsible for raping Somali refugees and authorities have made no effort to create a viable procedure through which refugee women can file a confidential complaint about police behavior without fearing reprisals. When women do report the rape, whether by police or others, the police take a statement from the woman and perhaps visit the site of the rape, at the most. There are currently no female police officers stationed in the police posts at the refugee camps to assist rape victims. Many Somali women are unwilling to talk to male police officers, the majority of whom have received no sensitivity training on how to question or assist rape victims.

The government of Kenya must take steps to comply with its international legal obligations, both under the Covenant and pursuant to the Refugee Convention. Increased security is part of the answer. While acknowledging the extreme risks that the Kenyan police force face from armed bandits in this area, they are still responsible for preventing and investigating reports of rape. The government, furthermore, is responsible for professionalizing and training the police force to understand its obligations to the refugee community. Finally, the government must make a concerted effort investigate rape allegation and arrest and bring to book these men responsible for raping refugee women.

VI. Response of the Relief Community

The relief community began to address the problem of rape in the refugee camps in North Eastern Province earlier this year. In February 1993, UNHCR hired a consultant for a six month period to assess the situation and to implement a program to assist rape victims. The consultant initiated a systematic documentation of rape cases and instituted a system of coordination between UNHCR, CARE, the Kenyan police and the MSF medical team. Women who have been raped now receive medical assistance (including a pregnancy test), individual and family counselling, protection (through a camp transfer, if necessary) and material assistance (blankets, food ration card, etc.).

Increasingly, refugee women who are raped are able to receive prompt medical and social service. Mechanisms are being established for monitoring, reporting, and effectively responding to sex-based abuses as they occur. Relief workers now accompany women to the police station to file a report on the rape and provide women with a medical report verifying that they have been raped. The relief community has also held training and counselling sessions for refugee women in the camps. The refugee women who undergo these training sessions act as peer counsellors to other women who are raped. UNHCR, in addition, has given priority to rape victims for resettlement to a safer refugee camp at the coast or in to a third country.⁵⁶

While these programs are valuable and important, they address the issue of rape of refugee women only *after* it has occurred. They cannot substitute for needed efforts to provide adequate security for the refugees and deter such attacks in the first place. The relief community needs to strengthen and complement the system it has established, and UNHCR in particular, needs to be less timid about bringing security problems to the attention of the responsible Kenyan authorities. Since the Kenyan government has not assumed its international obligation to provide security, we believe that the security of the Somali border population would be greatly enhanced if UNHCR assumed a significantly more active and comprehensive protection role. The design of the camps in North Eastern Province must be improved in cooperation with the Kenyan authorities to provide greater physical security. Efforts also need to be made to reduce the need for women to gather firewood or herd goats at the outskirts of the camp.

In July 1991, UNHCR promulgated "Guidelines on the Protection of Refugee Women" to assist the staff of UNHCR to identify and respond to the issues, problems and risks facing refugee women. The Guidelines outline measures that "can" or "may" be taken to protect women refugees and to report and improve upon existing protection problems. The Guidelines were drafted in response to an urgent need to address the protection needs of refugee women.

The Guidelines suggest several measures to counter physical and sexual attacks and abuse of women during flight and in their countries of asylum; (1) changing the physical design and location of refugee camps to provide greater physical security; (2) use of security patrols; (3) reducing the use of closed facilities or detention centers; (4) training staff regarding the particular problems faced by refugee women and employing female staff to work with women refugees to identify their concerns; (5) establishing mechanisms for law enforcement within refugee camps; (6) educating women of their rights; (7) giving

⁵⁶ Relief workers report that there have been some fabricated claims of rape by Somali refugee women hoping to be resettled. These cases will diminish in number as the relief community's response to helping women who have been raped becomes more organized and immediate.

priority to assessing the protection needs of unaccompanied refugee women; (8) ensuring women's access to food and other services, including whatever registration process is used to determine eligibility for assistance.

The Guidelines also recommend responding to survivors of abuse by (1) offering "culturally sensitive counseling;" (2) providing emergency relocation, if necessary; (3) reuniting families to reduce the number of "unaccompanied, vulnerable females;" (4) referring victims to medical help.⁵⁷

As this report demonstrates UNHCR has started to implement these guidelines. At the same time, a great deal remains to be done not only by the relief community, but by the Kenyan government to put an end to the terrorization of female refugees by rape, and to the pattern of impunity for such assault.

VII. Conclusions

- **The area in North Eastern Province near the Kenya-Somali border has become increasingly dangerous. Armed bandits, known as *shiftas*, terrorize the refugees, the relief community and the Kenyan police force in the area. These *shiftas* could be Kenyan-Somali nomads former Somali military men or fighters from one of the warring factions in Somalia or even refugees in the camp who take up arms at night. Police also attack refugees. Inadequate security at the refugee camps puts refugee women at constant risk of being raped.**
- **Rape of Somali refugee women in the refugee camps in Kenya's North Eastern Province is widespread and on the rise. The majority of women have been raped by unknown bandits. A significantly smaller number of women appear to have been raped by Kenyan police or by other refugees in the camp. Most refugee women are subject to gang rape.**
- **Clan tensions from the Somali conflict sometimes manifest themselves in Kenya. Refugee women are often asked by their rapists what clan they belong to. Women who are the same clan as their attackers are often spared rape.**
- **Refugee women incur long-lasting physical and psychological problems subsequent to rape.**
- **Rape of children in the refugee camps is increasing.**
- **The Kenyan government's response to this problem has been wholly inadequate. The government has dismissed rape claims and failed to provide better security to the refugee camps. Kenyan police and legal authorities have failed to arrest and sanction the perpetrators, including Kenyan police officers accused of raping Somali refugee women.**
- **Women who have admitted to being raped have often been ostracized by their families and their community because of the stigma attached to rape in Somali culture.**

⁵⁷ ***Guidelines on the Protection of Refugee Women*, prepared by Office of the UNHCR and information note on UNHCR's Guidelines, EC/SCP/67, July 22, 1991.**

- **Somali women are often discouraged from seeking medical or police assistance after being raped because of the fear of being ostracized by the Somali community.**
- **While the international relief committee has put into place a program to assist women who have been victims of rape, it has not taken adequate steps to redesign the camps to enhance security and prevent rape and other human rights abuses against refugees.**

VIII. Recommendations

The Kenyan Government

- 1. Kenyan government officials should publicly acknowledge the rampant problem of rape in the refugee camps near the Kenya-Somali border and take steps to end it. The Kenyan government must bolster security around the refugee camps.**
- 2. Law enforcement officials should vigorously investigate rape claims and accused rapists should be arrested and prosecuted. The government should seek to provide legal assistance to indigent refugee women alleging rape.**
- 3. Reports of rape by Kenyan police or military officers should be dealt with severely. Officers responsible for rape should be suspended from the force and disciplined according to the law. An independent body should be set up to investigate allegations of rape by police or military officers.**
- 4. Police officers assigned to North Eastern Province currently receive special training on the security aspects of the situation. This training should be expanded, with the assistance of the relief community, to include sessions on international refugee protection obligations, particularly dealing with sex-based abuse, and on how to handle rape complaints. The placement of a female police officer trained in sexual assault in each police post at the refugee camps in North Eastern Province would increase the likelihood that incidents of rape would be reported to the police.**
- 5. Transfers from one refugee camp to another by UNHCR require permission from the Kenyan authorities. The safety of rape victims would be greatly enhanced if Kenya would allow them to transfer to a safer camp at the Kenyan coast without having to wait for this approval.**

The Relief Community

- 1. Relief organizations should improve the design of the refugee camps in North Eastern Kenya to promote greater physical security for refugees. UNHCR should step-up efforts to implement its own Guidelines for the protection of refugee women, with particular attention to establishing mechanisms for law enforcement within the camps, including legal aid. Measures which could be adopted also include security patrols, special accommodations for single women or women heads of households, improved lighting and physical barriers around the camps, and providing firewood to the refugees to diminish the need for women to go to the outskirts of the camp.**
- 2. Doctors and social workers treating Somali rape or attempted rape victims should be sensitized to**

the fact that often the women will be reluctant to speak of sexual assault. Doctors who treat rape victims should be made aware that many of the women victims have been subject to female genital mutilation and that specific medical complications may ensue when such women are raped. If possible, a Somali-speaking woman doctor should be available for rape victims in each camp.

The Somali Warring Factions

- 1. Common Article 3 of the Geneva Conventions clearly prohibits "violence to life and person," and "outrages on personal dignity." All parties to the Somali conflict should prohibit such abuse, including rape, and ensure that where it occurs, it is not tolerated.**

US Policymakers

- 1. \$3.55 million in pipeline foreign aid to Kenya from pre-1991 fiscal year aid will shortly be released to the Kenyan government to address the insecurity along the Kenya-Somali border. This funding was previously withheld on human rights grounds. The release of these funds in 1993 should be accompanied by a strong public statement noting that serious concerns about Kenya's human rights record remain. The State Department should dedicate a portion of this aid to improve the security situation in the refugee camps, including enhanced protection against rape, and direct the Kenyan authorities to distribute the aid accordingly.**
- 2. US policymakers should include gender as a basis for persecution under domestic asylum law. The US should officially issue guidelines to assist immigration officers in fairly assessing sex-based persecution claims.**

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