2. Trends in armed conflicts: one-sided violence against civilians

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I. Introduction

While past editions of the SIPRI Yearbook have mostly focused on armed conflict according to the traditional definition—armed violence between the military forces of parties contesting an incompatibility—much armed violence does not fit into this category.[1] Other forms of violence, such as massacres, arbitrary killings and terrorist attacks, are inflicted directly and intentionally on civilians. Even though these forms of violence often take place in the context of an armed conflict and the incidence of armed conflict per se has declined since the early 1990s, this 'one-sided' violence against civilians has continued largely unabated.[2]

This chapter explores and tries to explain the persistence of one-sided violence in the context of armed conflict.[3] Section II outlines the main patterns of one-sided violence in modern armed conflicts. Sections III–VI explore how these patterns manifested themselves in 2008 in Somalia, Sri Lanka, South Ossetia and Colombia. Conclusions are presented in section VII. Appendix 2A presents data from the Uppsala Conflict Data Program (UCDP) on major armed conflicts in 1999–2008. It also presents and analyses UCDP data on one-sided violence for the period 1997–2006. Appendix 2B presents the Global Peace Index, which is published in the SIPRI Yearbook for the first time this year, and describes the methodology for this new data set.

II. One-sided violence in the context of armed conflicts

The UCDP defines one-sided violence as the intentional use of armed force against civilians by a government or formally organized group that results

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[1] See appendix 2A for the full definition of 'armed conflict' used by SIPRI and the Uppsala Conflict Data Program (UCDP).

[2] On the downward trend in armed conflict see appendix 2A; and Stepanova, E., 'Trends in armed conflicts', *SIPRI Yearbook 2008: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 2008).

[3] Assassinations of political opponents (e.g. targeted killings of trade union members) or violent government repression against civilians in the absence of an armed conflict are not examined here.

in at least 25 deaths in a calendar year.[4] One-sided violence is not armed conflict as such, as it directly and intentionally targets civilians who cannot defend themselves with arms. It is also distinct from battle-related violence that incidentally harms civilians, for example when civilians are caught in crossfire between combatants.[5] However, the distinction is not always easy to make. While one-sided violence can also take place in a context of peace, 99 per cent of fatalities from one-sided violence occur in countries affected by armed conflict and much one-sided violence is perpetrated by combatants.[6]

Problems with the definition and the data

There are important differences between indiscriminate attacks undertaken in the course of military confrontation between combatants and one-sided violence. The indiscriminate (or, as it is often described by its perpetrators, inaccurate) use of force is inseparable from most modes of warfare currently employed by government forces and by armed non-state actors. Even technologically intensive military operations often kill or injure civilians indiscriminately—as has been illustrated by operations of the United States-led coalition and the North Atlantic Treaty Organization (NATO) International Security Assistance Force (ISAF) in Afghanistan as well as by Israel's operations against Hezbollah in Lebanon in 2006 and against Hamas in the Gaza Strip in December 2008–January 2009.[7] Rebel groups often endanger civilians by the tactic, integral to the modi operandi of most of them, of sheltering among them and launching attacks from civilian areas. In contrast to indiscriminate violence, one-sided violence is a matter of conscious political and strategic choice and not a technologically inseparable part of modern warfare.

The practical utility of trying to distinguish between one-sided and indiscriminate attacks on civilians is often limited, especially in cases of widespread and large-scale campaigns of violence. Both indiscriminate and one-sided violence are considered grave breaches of international humanitarian law.[8] 'Intent' as the way to distinguish one type of violence from the

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[4] For more on the UCDP definition of one-sided violence see appendix 2A. Purely criminal violence is not included, although the 2 can be difficult to distinguish. UCDP's data set on one-sided violence is available on the UCDP website, <http://www.ucdp.uu.se/>.

[5] A common military term to describe casualties and destruction due to indiscriminate violence is 'collateral damage'.

[6] Eck, K. and Hultman, L., 'One-sided violence against civilians in war: insights from new fatality data', *Journal of Peace Research*, vol. 44, no. 2 (Mar. 2007), p. 237.

[7] On the conflict in Afghanistan see chapter 4 in this volume. On the conflict between Israel and Hezbollah see Lindberg, S. and Melvin, N., 'Major armed conflicts', *SIPRI Yearbook 2007: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 2007), pp. 66–72.

[8] Article 51 of Additional Protocol I and Article 13 of Additional Protocol II to the Geneva Conventions prohibit the intentional targeting of civilians. Indiscriminate attacks, including attacks on

other can be difficult to establish when a perpetrator claims that its targets are military but uses inherently indiscriminate weapons (e.g. victim-activated anti-personnel landmines) or weapons that are particularly prone to indiscriminate effects when used in densely populated areas (e.g. cluster munitions). Also, when violence against civilians is part of inter-communal, clan-based or sectarian violence, or simply a result of local competition for power and resources, it does not always lend itself easily to categorization as 'intentional' or 'direct'. Equally hard to classify but widespread in conflict areas is a combination of one-sided and criminal violence that can make it virtually impossible to distinguish between political and profit motives.[9] Another inherent difficulty is that many incidents and casualties of one-sided violence are unlikely to be documented—in general, less likely than battle-related deaths.[10]

However, even the conservative estimates of the UCDP's data set on one-sided violence, which has a strong bias towards undercounting, reveal the general trend in the number of campaigns of one-sided violence in the past two decades: a fairly steady increase in 1989–1999 followed by uneven dynamics in 2000–2006, albeit at a higher average level than in the previous decade.[11] Thus, as state-based armed conflicts decreased in number between the early 1990s and the mid-2000s, organized campaigns of one-sided violence became increasingly prevalent. The fatality data also shows that while the average lethality of battle-related armed violence declined, that of one-sided violence did not.[12]

Political, humanitarian and human rights implications

Another limitation of the data on one-sided violence is that direct measures of the scale of one-sided violence—number of incidents, campaigns and casualties—insufficiently reflect its wider, less direct, but no less grave, implications.

One-sided violence can have broader destabilizing political effects that may outmatch—and be designed to outmatch—its direct impacts. This fact is exploited particularly in terrorism. In the context of armed conflict, terrorism uses one-sided violence against civilians and other non-combatants as a specific tactic against the terrorists' main, usually stronger, oppon-

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military targets that can be expected to cause excessive loss of civilian lives or damage to civilian objects (the principle of proportionality) are also prohibited, as is the use of civilians as 'human shields'. On the 1949 Geneva Conventions and the 1977 additional protocols see annex A in this volume.

[9] This is most often carried out by non-state actors but government forces may also combine one-sided violence with pillaging and looting.

[10] However, terrorist violence tends to be well documented.

[11] See appendix 2A, section V; and Human Security Report Project, *Human Security Brief 2007* (Simon Fraser University: Vancouver, 2008), p. 42.

[12] See Eck and Hultman (note 6).

ent.[13] The destabilization and public intimidation resulting from terrorist attacks serve as cost-effective force multipliers in an asymmetrical confrontation, usually between a non-state actor and a state.[14]

Population displacement is an evident example of the grave humanitarian consequences of one-sided violence, especially in the context of an armed conflict. In the past decade, mass population displacement has increasingly become a central and direct goal of armed violence, rather than a side effect. This may partly explain the steady increase in the global total of internally displaced persons (IDPs) since 1997, from 17.4 million to 26 million in 2008.[15] Unlike civilians fleeing armed conflict and general insecurity, who generally try to return as soon as the hostilities end, those who have suffered one-sided violence, or the threat of it, are much less likely to return to their home areas even in the long term.[16]

Campaigns of one-sided violence are usually only the most extreme and violent manifestations of a much wider range of human rights abuses, including those that involve a threat of violence—such as kidnappings or the forced recruitment of child soldiers—and violence that is not necessarily armed—such as torture or sexual violence. Despite the lower present levels of organized armed conflict, as compared to the early 1990s, the overall level of human rights abuse, as least according to available indicators, has not shown any decline in recent years.[17]

One implication of one-sided violence that deserves greater study is its effect on civilians' survival strategies. One-sided violence may be more effective than any other form of violence in turning some victims and their communities into 'actors' by forcing them to join existing armed groups or to organize and arm themselves for the purposes of self-defence, reprisal attacks, and reclaiming land, livestock or other property. While the formation of such community-based 'self-defence' groups is distinct from the formation of larger, especially government-aligned, militia and major paramilitary actors, it may also further exacerbate inter-communal and sectarian tensions. This also calls into question the benefits of systematic engagement in one-sided violence for the perpetrators themselves: while

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[13] A non-combatant is any person not taking part in hostilities, including civilians, military doctors, sick, wounded or captured soldiers, and former combatants.

[14] See Stepanova, E., *Terrorism in Asymmetrical Conflict: Ideological and Structural Aspects*, SIPRI Research Report no. 23 (Oxford University Press: Oxford, 2008), pp. 13–20.

[15] The total number of IDPs is still lower than, but is comparable with, the peak of 28 million reached in 1994. Internal Displacement Monitoring Centre (IDMC), *Internal Displacement: Global Overview of Trends and Developments in 2008* (IDMC: Geneva, Apr. 2009), pp. 13, 15.

[16] For more on this point see chapter 1, section II, in this volume.

[17] For a mapping of incidents of human rights abuses based on data from several sources see World Bank and Human Security Report Project, *Miniatlas of Human Security* (Myriad Editions: Brighton, 2008), pp. 35–39. Other relevant data sets include the Cingranelli–Richards (CIRI) Human Rights Dataset, <http://ciri.binghamton.edu/>; and the Political Discrimination Dataset of the Minorities at Risk Project, <http://www.cidcm.umd.edu/mar/>.

one-sided violence may help to achieve their political, military, ideological and socio-economic goals in the short term, it may be counterproductive in the long run, generating future violence against the actual or perceived perpetrators or against the broader communities to which they belong or with which they are associated.

Types and typologies of one-sided violence

There are several ways to categorize one-sided violence; for example by (*a*) scale and intensity (low-scale violence, genocide, other mass atrocities etc.), which may also depend on the primary goal and motivation of violence (collective punishment, reprisal, the extinction of an entire group etc.); (*b*) type of perpetrator (governments, rebels or other non-state actors); or (*c*) type of victim.[18] The analysis in this chapter focuses on scale, motivation and type of perpetrator, and on how one-sided violence relates to the context of armed conflicts.

Regarding the scale of one-sided violence, the international community has tended to focus primarily on large-scale atrocities, including genocide—particularly since its failure to act to prevent the 1994 Rwandan genocide, the most serious atrocity of the past two decades. However, the data shows that, while genocide and other mass atrocities lead to the largest civilian death tolls, they are far from the most common forms of one-sided violence. They tend to be perpetrated by a few identifiable actors and last for relatively short periods of time. In contrast, relatively low-scale but constant one-sided violence appears to be the overriding pattern in most areas of conflict but remains largely unaddressed.

In modern conflict, all types of armed actor routinely harm civilians through indiscriminate and one-sided violence or other abuses. Even so, there are important nuances in the ways these forms of violence are employed by governments, rebels, government-aligned groups and other armed actors.

Indiscriminate attacks on civilian-populated areas tend to be more deadly when carried out by government forces—in most cases because they are better armed and more inclined to use heavy artillery than rebels. In the first half of the 2000s the number of fatalities from one-sided violence perpetrated by government forces was in relative decline compared to the second half of the 1990s.[19] One-sided violence by government forces largely

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[18] On issues related to the protection of the types of victim most vulnerable to one-sided violence—refugees, IDPs, women, children and the elderly—see e.g. chapter 1 in this volume; and Dallman, A., 'Prosecuting conflict-related sexual violence at the International Criminal Court', SIPRI Insights on Peace and Security no. 2009/1, May 2009, <http://books.sipri.org/>.

[19] Eck and Hultman (note 6), p. 240. Governments killed more civilians in campaigns of one-sided violence than non-state actors in the context of conflicts over government power, but non-state actors killed 6 times more civilians in one-sided violence during conflicts over territory.

remains a by-product of counter-insurgency strategies—that is, targeting real or perceived sources of insurgency support, either pre-emptively or in order to inflict collective punishment on a community in reprisal for rebel attacks. Civilians may be identified as sources of insurgency support merely by association in areas where insurgents operate, and government forces may use or threaten to use a variety of violent means, including summary executions and the razing of villages.

The relative decline in states' direct involvement in one-sided violence is coupled with—and may be partly explained by—their growing reliance on government-aligned actors, such as clan militias or breakaway rebel factions. These actors may be attached to government forces or be relatively autonomous, motivated by their own socio-political interests or clan divisions. A combination of reliance on local militia with manipulation of clan dynamics has become the centrepiece of many states' counter-insurgency strategies. However, it could also be viewed as a way of 'outsourcing' one-sided violence and other 'dirty' tasks to loosely affiliated and less accountable actors, who often prove to be particularly brutal in their treatment of civilians.

While government-aligned militias and paramilitary groups are responsible for some of the worst atrocities and abuses against civilians, which has partly offset the decline in state involvement in one-sided violence, lethal terrorist attacks are becoming the method of choice for many rebel groups engaged in asymmetrical confrontations. More generally, the relative rise in one-sided violence by non-state actors recorded by the UCDP parallels the general proliferation, diversification and growing role of non-state actors in armed conflicts, especially in weaker and dysfunctional states.[20]

Regional patterns in 2008

Africa has been the region worst affected by one-sided violence in the period since 1989, although in recent years, Asia has seen the highest number of campaigns of one-sided violence, with most of them in South Asia (including Afghanistan).[21] In 2008, these regions and the Middle East continued to be badly affected by one-sided violence, which took place in the contexts of the year's three most lethal major armed conflicts, in Sri Lanka, Afghanistan and Iraq; a new major armed conflict and several less intense conflicts in Pakistan; a series of minor armed conflicts and large-

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[20] On the rise of non-state groups as conflict actors see Holmquist, C., 'Major armed conflicts', *SIPRI Yearbook 2006* (Oxford University Press: Oxford, 2006). On the fragmentation of violence in the context of many ongoing conflicts see Stepanova (note 2).

[21] Human Security Report Project (note 11), pp. 42–43.

scale terrorist campaigns in India;[22] and several other minor armed conflicts.

Civilian fatalities in Iraq declined in 2008.[23] This was largely due to changes in the counter-insurgency strategy of the Multinational Force in Iraq (MNF-I), growing expectations on the part of Iraqi armed actors of the departure of foreign forces and, to some extent, previous population displacement and 'ethnic cleansing', especially in Baghdad, which made inter- and intra-sectarian violence more difficult.[24] The truce between the Iraqi Government and the Sadrists in Baghdad, negotiated in May with the support of Iran after intense fighting with Shia militias earlier in the year, was periodically broken by government operations in parts of the country and by devastating terrorist attacks, including suicide attacks, whose civilian targets ranged from the Anbar Sunni tribal council to Shia pilgrims.

In contrast, in Afghanistan, according to the UN Assistance Mission in Afghanistan (UNAMA), there were 698 civilian fatalities in the first five months of 2008, representing a 62 per cent increase compared with the same period of 2007.[25] Insurgent attacks were reportedly responsible for 60 per cent of these deaths, compared to 37 per cent caused by foreign and government forces.[26] ISAF and coalition forces were responsible for some of the worst indiscriminate attacks.[27] A few large-scale acts of one-sided violence by anti-government forces—terrorist attacks in high-density civilian areas—were responsible for most of the sharp increase in total civilian casualties. These attacks included the worst suicide attack in Afghanistan's

[22] The most deadly terrorist action in 2008 was a series of coordinated attacks in Mumbai on 27–29 Nov. 2008. According to the Indian Home Minister, Palaniappan Chidambaram, the attacks killed 164 people (excluding terrorists) and injured 308. Indian Press Information Bureau, 'HM announces measures to enhance security', Press release, 11 Dec. 2008, <http://pib.nic.in/release/release.asp?relid=45446>.

[23] Total reported civilian fatalities in Jan.–Aug. 2008 were lower than for any 8 consecutive months in the previous 3 years. Data from the US Department of Defense Iraq Significant Activities (SIGACTS) III database, presented in Institute for the Study of War, 'Iraq statistics reference: September 2008', 21 Jan. 2009, <http://www.understandingwar.org/iraq-statistics-reference-september-2008>, p. 10.

[24] On the conflict in Iraq see Stepanova (note 2), pp. 46–56.

[25] United Nations Assistance Mission in Afghanistan (UNAMA), 'Humanitarian factsheet', 29 June 2008, <http://www.unama-afg.org/docs/_UN-Docs/_fact-sheets/2008/08June29-Humanitarian-fact-sheet-English.pdf>.

[26] This is a shift from 2007, when, according to UNAMA, 46% of the 1500 civilian casualties were caused by insurgents and other anti-government forces, 41% were inflicted by coalition and pro-government forces, while 13% were 'unattributable' and the result of landmines or crossfire. United Nations Assistance Mission in Afghanistan (note 25). See also Davis, J., 'Afghan civilian casualties mount: UN', *Embassy*, 6 Aug. 2008; and United Nations, General Assembly and Security Council, 'The situation in Afghanistan and its implications for international peace and security', Report of the Secretary-General, A/63/372–S/2008/617, 23 Sep. 2008.

[27] E.g. US forces bombed a wedding party in Nangarhar on 6 July 2008, killing 47 civilians; killed another 17 and injured 9 in an attack in Nuristan on 4 July; and killed 90 in air strikes in Shindand on 22 Aug. Miakhial, S., 'US-led strikes kill 64 Afghan civilians', Agence France-Presse, 11 July 2008; and 'UN rights chief urges protection amid sharp rise in Afghan civilian deaths', UN News Service, 16 Sep. 2008, <http://www.un.org/apps/news/story.asp?NewsID=28064>.

history (the Kandahar bombing that killed 100 on 17 February), the deadliest attack in Kabul since 2001 (a car bombing near the Indian Embassy that killed 41 on 7 July) and a rare suicide attack on a UN convoy on 14 September.[28]

While Africa still dominates total fatality estimates from one-sided violence for the period since 1989, the number of campaigns of one-sided violence in sub-Saharan Africa declined from 15 to 5 between 2002 and 2006.[29] Developments in 2007–2008 may have reversed this trend, however: violence re-emerged between the Sudanese Government and the government of Southern Sudan led by the Sudanese People's Liberation Movement/Army (SPLM/A); the highly fragmented violence in the Darfur region of Sudan continued; similar fragmentation of violence (sometimes referred to as 'Darfurization') occurred in the Central African Republic and Chad; hostilities broke out in the east of the Democratic Republic of the Congo; and warlordism and intensifying conflict afflicted Somalia.[30] These developments all creating favourable conditions for one-sided violence.

The first two case studies reviewed in this chapter were selected to reflect the patterns of one-sided violence in areas of the most intensive major armed conflicts in 2008 in Africa and Asia—in Somalia (section III) and Sri Lanka (section IV). Although the brief conflict between South Ossetia and the Georgian Government, with external intervention by Russia, did not reach the intensity of a major armed conflict, it is examined because of its dramatic consequences for civilians (section V). In contrast to these cases, which showed continuing negative trends or sharp deterioration in 2008, developments with regard to conflict and one-sided violence in Colombia, the last of the cases studied, had a mixed but generally positive vector (section VI).

III. Somalia

After years of widespread low-level violence, Somalia became the site of a major armed conflict in 2007–2008.[31] Increasingly intense fighting between the Transitional Federal Government (TFG)—supported by Ethiopian troops—and Islamist insurgents was accompanied by a rise in one-sided violence and other abuses against civilians.

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[28] 'Over 140 killed in spate of suicide attacks in S. Afghanistan', *Afghanistan Update*, no. 30 (8–25 Feb. 2008); 'India's embassy in Kabul bombed', *Hindustan Times*, 7 July 2008; and 'Suicide bomber hits UN Afghan convoy, 3 dead', Reuters, 14 Sep. 2008. In the first 3 months of 2008, 120 civilians were killed in 20 suicide attacks by the Taliban, Hezb-e-Islami and other groups. This was 6 times more than were killed in the first 20 suicide attacks of 2007. Amnesty International, *Afghanistan: Civilians Suffer the Brunt of Rising Suicide Attacks* (Amnesty International: London, 5 June 2008).

[29] Human Security Report Project (note 11), p. 43.

[30] On developments in Darfur and Chad in 2007 see Stepanova (note 2), pp. 57–63.

[31] In 2007 Somalia was the location of the only major armed conflict in Africa.

The Union of Islamic Courts (UIC), the homegrown Islamist movement, became the de facto government in much of Somalia for a period of several months in 2006. The UIC enjoyed domestic support, largely from local merchants and businessmen, and had been able to impose law (in the form of sharia), order and peace—albeit by harsh means—in areas under its control. However, the UIC was ousted in December 2006 by Ethiopian military intervention backed by the US military and intelligence assistance and political support from the UN and replaced with the weak, but internationally recognized TFG.[32] The TFG, composed largely of former warlords—with a few notable exceptions such as the Prime Minister from November 2007, Nur Hassan Hussein Adde—presided over a relapse into warlordism, criminality and virtual anarchy in much of Somalia and failed to impose any sort of control in the country.[33] The TFG survived until the end of 2008 mainly by means of international assistance and complete reliance on the Ethiopian military presence.

From 2007, the Ethiopian military presence in Somalia in support of the TFG united the Islamist insurgency against a common enemy, gave the insurgency a more nationalist profile and radicalized it, as the al-Shabab ('the youth') militias that grew out of the former youth and militant wing of the ICU became the main insurgent force. The rebels gained strength in 2008, mounting attacks on government positions daily. Over the course of the year they progressed from regrouping and mounting hit-and-run raids to steadily expanding their control over southern and central Somalia. The capital, Mogadishu, was repeatedly the scene of heavy fighting. On 22 August al-Shabab fighters captured the strategic southern port of Kismayo and removed pro-government militia roadblocks in the surrounding region. In September rebels shut down Mogadishu's international airport with threats to attack any aircraft using it. The African Union Mission in Somalia (AMISOM) defied the ban and its aircraft came under intense rebel fire.[34] By mid-November, the Islamists' advance on the capital had become almost uncontested.[35]

[32] On the background to the Somali conflict and events in 2006 see Lindberg and Melvin (note 7), pp. 72–78.

[33] A few areas, notably Somaliland, have been markedly more peaceful over the past 2 decades than the rest of Somalia. This has been linked to the survival of traditional social mechanisms. See e.g. Prunier, G., 'Somaliland, a forgotten country', *Le Monde diplomatique* (Oct. 1997); and Englebert, P. and Tull, D. M., 'Postconflict reconstruction in Africa: flawed ideas about failed states', *International Security*, vol. 32, no. 4 (spring 2008). On traditional social mechanisms see Reno, W., 'Somalia and survival in the shadow of the global economy, part 3', *Somaliland Times*, no. 60 (15 Mar. 2003).

[34] International Crisis Group (ICG), 'Somalia', International Crisis Group Watch, 1 Oct. 2008. On AMISOM's limited role and challenges to its legitimacy, particularly from the rebel side, see chapter 3, section III, in this volume.

[35] Pro-government militia abandoned the port towns of Barawe and Merka before al-Shabab fighters arrived. Rice, X., 'Government near to collapse, says Somali leader', *The Guardian*, 17 Nov. 2008. Other insurgents also took the town of Elasha Biyaha, 11 kilometres from Mogadishu, without

With Islamist factions refusing to negotiate 'under occupation', peace talks pushed for by the UN and the TFG, particularly by Nur, had only a marginal effect on the conflict. A peace deal reached on 9 June in Djibouti between the TFG and a faction of the Eritrea-based Alliance for the Re-liberation of Somalia (ARS), headed by Sheikh Sharif Sheikh Ahmed, was rejected by an ARS faction led by the former UIC leader closer to the insurgency, Sheikh Hassan Dahir Aweys, and Somalia-based rebel forces, including al-Shabab.[36] Peace talks resumed in the following months, but were repeatedly denounced by rebels.[37] While an October deal between the TFG and the Djibouti-based ARS faction led by Sheikh Sharif included a timetable for the withdrawal of Ethiopian forces, the main driving force for the withdrawal was the military pressure placed on the Ethiopian troops by the Islamist insurgents within Somalia.[38]

On 14 November, with insurgents closing in on Mogadishu and the provisional capital, Baydhabo (Baidoa), the interim President, Abdullahi Yusuf Ahmad, and the Prime Minister, Nur, failed to agree on the composition of a new cabinet at negotiations in Addis Ababa. In a speech in Nairobi the following day, Yusuf admitted that 'most of the country is in the hands of the Islamists' and that government forces were under constant attack in Mogadishu and Baydhabo. He urged Somali parliamentarians to return to Baydhabo and form a new government or face chaos and defeat with 'every man for himself'.[39] The TFG continued to collapse and President Yusuf resigned on 29 December 2008.[40] Ethiopian troops completed their withdrawal from Somalia by 26 January 2009.[41] Al-Shabab took over Baydhabo hours later. Meanwhile, more moderate Islamist ARS members joined members of the former Somali Parliament, meeting in Djibouti, to negotiate the formation of a new national unity government. Sheikh Sharif was elected as the new president.[42]

The resurgence of the Islamists in Somalia further calls into question the prospects for deployment of the anticipated UN peacekeeping mission in

a shot being fired. Hassan, O. H. and Houreld, K., 'Somali Islamists seize town, impose Islamic law', Associated Press, 13 Nov. 2008. Al-Shabab fighters had met more resistance a few days earlier when taking the ports of El-Dheer and Qoryoley. Hassan, O. H., 'Somali Islamic insurgents take 2 strategic towns', Associated Press, 11 Nov. 2008.

[36] The ARS, a coalition of Somali Islamists and other opposition groups, was formed in Asmara, Eritrea, in Sep. 2007. Security Council Report, 'Somalia', *Security Council Report Monthly Forecast*, Aug. 2008, p. 10.

[37] 'Intra-Islamist violence reported again in Middle Shabelle', Garowe Online, 17 Nov. 2008, <http://www.garoweonline.com/>.

[38] Security Council Report, 'Somalia', *Security Council Report Monthly Forecast*, Nov. 2008, p. 9.

[39] 'Somali leader admits to loss of power', Reuters, 17 Nov. 2008.

[40] Ahmed, M., 'Somali president resigns, Islamists clash', Reuters, 29 Dec. 2008.

[41] Ibrahim, M., 'Site of Somali government is put under Islamic law', *International Herald Tribune*, 27 Jan. 2009.

[42] 'Somalia: new President Sheikh Sharif sworn-in', Garowe Online, 31 Jan. 2009, <http://www.garoweonline.com/>.

Somalia. A US-sponsored UN Security Council resolution adopted in January 2009 extended AMISOM's mandate and reiterated the intent to send UN peacekeepers back to Somalia to take over from AMISOM. Nevertheless, any final decision on the UN deployment was put off to 1 June 2009.[43]

The Islamist rebels have moved to re-establish strict Islamic rule in areas under their control, in line with their long-term goal to turn Somalia into an Islamic state. According to an al-Shabab spokesman, Abu Mansur, the group's main tasks have been to defend the areas they control from attacks by clan militias, government troops, criminals and foreigners and to administer justice through Islamic courts.[44] The strict Islamist practices and the harsh means used to enforce them, especially by al-Shabab, have not been popular with much of Somalia's population, who practise local traditional forms of Islam.[45] Despite this, as in 2006, Islamist rule has been generally welcomed for restoring basic law and order.[46] The Islamists have also carefully managed the clan issue—while building alliances with clan militias and integrating some of their concerns into the Islamist agenda, the insurgency and particularly al-Shabab as its core retained its multi-clan, even supra-clan, character. Compared to 2006, the Islamist movement in Somalia overall had acquired a more radical profile in 2008, with al-Shabab firmly in control of many strategic towns and cities. At the same time, there is greater diversity among the Islamist groups. Divisions between the radicals of al-Shabab and the more moderate Islamists, some of which joined the new unity government, may further intensify in 2009.[47] Even some of the hard-core Islamist forces of al-Shabab may gradually disintegrate, for instance, along the clan lines.

The incidence of violence and other abuses against civilians has risen since 2007. All armed actors have used one-sided violence. Overall, violence against civilians in Somalia in 2008 was reportedly 'worse than at any time'.[48] Between January 2007 and September 2008, about 9500 civilians and an unknown number of combatants were killed.[49] In addition, violence

[43] UN Security Resolution 1863, 16 Jan. 2009.

[44] 'Islamists to defend Lower Shabelle against "clan or govt attack"', Garowe Online, 17 Nov. 2008, <http://www.garoweonline.com/>.

[45] See e.g. Bamford, D., 'Somali head admits militant gains', BBC News, 15 Nov. 2008, <http://news.bbc.co.uk/2/7731839.stm>; Rice (note 35); and Ahmed, M., 'Bomb kills 6 in Somali town housing parliament', Reuters, 30 Sep. 2008.

[46] 'Somali Islamists seize town, impose Islamic law', Associated Press, 13 Nov. 2008.

[47] Gettleman, J., 'Islamist militants continue advance through Somalia', *International Herald Tribune*, 13 Nov. 2008; and 'Intra-Islamist violence reported again in Middle Shabelle' (note 37).

[48] Ken Menkhaus, a Somalia expert, quoted in Kennedy, E., 'Analysis: Somalia crisis deepened by Ethiopia', Associated Press, 24 Sep. 2008.

[49] Fatality data from the Mogadishu-based Elman Human Rights Organization, quoted in UN Office for the Coordination of Humanitarian Affairs, Integration Regional Information Network (IRIN), 'Somalia: violence taking heavy toll as peace talks resume', 17 Sep. 2008, <http://www.irin news.org/report.aspx?ReportID=80432>. Unusually, civilian casualty data is more easily available and more accurate in Somalia than military casualty data, as the former is mostly collected by local non-governmental organizations, while military casualty data is usually compiled by the state.

against civilians has been a major source of population displacement: by the end of 2007, an estimated 600 000 people had been newly displaced within Somalia, almost all of them from Mogadishu, and the total IDP population is estimated to have reached 1.1 million in June 2008.[50]

The dominant form of violence against civilians in 2008 was indiscriminate attacks taking place in Mogadishu and other densely populated urban areas. Typically, these took the form of repeated massive shelling of residential or commercial areas by pro-government forces in response to insurgents firing from these areas on government, Ethiopian or AMISOM positions.[51]

Civilians also frequently became targets of one-sided violence, both separately from and in the context of broader military operations.[52] While all parties to the conflict and other armed actors perpetrated such attacks, reports by local and international non-governmental organizations (NGOs) single out the TFG and Ethiopian forces as being 'more aggressive towards civilians' and responsible for some of the worst abuses, including mass executions, usually in reprisal against insurgent activities, the use of cruel techniques such as throat slitting, and rape.[53] TFG forces are reportedly the most given to looting and extortion, with little to distinguish their behaviour from that of Somalia's warlords and clan militia.[54]

On the one hand, in areas under Islamist control in the second half of 2008 violence by armed gangs declined.[55] On the other hand, insurgents, especially al-Shabab, have increasingly resorted to terrorist attacks, including suicide bombings, which were rare in Somalia before 2007.[56] Five synchronized suicide and car bombings in Somaliland and Puntland on 29 October, targeting government, Ethiopian and UN buildings, were blamed

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[50] Internal Displacement Monitoring Center (IDMC), *Somalia: Massive Displacement and Humanitarian Need* (IDCM: Geneva, 29 July 2008), pp. 1, 4.

[51] See e.g. 'Carnage in Somali market shelling', BBC News, 22 Sep. 2008, <http://news.bbc.co.uk/2/7628794.stm>; and Sheikh, A., 'Mortars kill 15 more in Mogadishu as 50 NGOs appeal', Reuters, 6 Oct. 2008.

[52] An example is the massacre at Mogadishu's Al Hidya mosque on 19 Apr. 2008, undertaken by Ethiopian forces during a counter-insurgency offensive. 'Ethiopian soldiers blamed for mosque massacre in Somalia', Garowe Online, 21 Apr. 2008, <http://www.garoweonline.com/>.

[53] Amnesty International, *Routinely Targeted: Attacks on Civilians in Somalia* (Amnesty International: London, 6 May 2008), pp. 8–10. Ethiopian forces have used similarly harsh methods against civilians in suppressing domestic insurgents. Human Rights Watch (HRW), *Collective Punishment: War Crimes and Crimes against Humanity in the Ogaden Area of Ethiopia's Somali Region* (HRW: New York, 11 June 2008).

[54] Amnesty International (note 53).

[55] See e.g. 'Somali US-backed regime fears al-Shabab rule', Pan-African News Wire, 21 Dec. 2008.

[56] Among the most notable attacks by Islamists in 2008 were a grenade bombing in a crowded cinema in Merka on 13 Apr., in an attempt to shut it down; the killing of 20 street sweepers, mostly women; and a roadside bomb in Mogadishu on 3 Aug. that injured 40. See also UN Office for the Coordination of Humanitarian Affairs (OCHA), Somalia: Situation Report no. 31, 8 Aug. 2008.

on al-Shabab and were probably timed for the gathering of East African heads of state in Nairobi to discuss Somalia.[57]

While al-Shabab sometimes claimed responsibility for such attacks—and even expressed delight at its designation by the US Government as a 'foreign terrorist organization' in early 2008[58]—it also accused the TFG or TFG-affiliated warlords of staging some explosions in order to discredit the Islamists.[59] The USA carried out counterterrorist operations in Somalia involving air strikes and special operations targeting alleged terrorists.[60]

In the late summer and autumn of 2008 there was a wave of attacks on aid workers, including the killing of the head of the UN Development Programme (UNDP) office, Ali Osman Ahmed, and the kidnapping of the head of the UN High Commissioner for Refugees (UNHCR) office, Hassan Mohammed Ali, both in Mogadishu.[61] The targeting of the aid community led to the threatened withdrawal of international aid from Somalia, which was suffering an acute humanitarian crisis with some areas on the verge of famine.[62] While the TFG tended to blame these attacks on the Islamists, the latter denied responsibility and claimed to offer protection to humanitarian convoys.[63]

The Islamists also explicitly distanced themselves from criminal gangs and militias that 'kidnap for ransom' and were 'separate from rivals who have political objectives'.[64] The main responsibility for attacks on food convoys and on fleeing populations appeared to lie with freelance street gangs known as *mooryaan* (dispossessed ones).

Threats to commercial navigation posed by piracy off the coast of Somalia grabbed international attention in 2008, when the country's east coast and the Gulf of Aden were identified as the top piracy danger zone in the world.[65] The USA, along with several other countries, the European

[57] Hassan, A., 'Somalia death toll rises to 30', Reuters, 30 Oct. 2008.

[58] US Department of State, 'Designation of al-Shabaab as a foreign terrorist organization', Public notice no. 6136, and 'Designation of al-Shabaab as a specially designated global terrorist', Public notice no. 6137, 26 Feb. 2008, *Federal Register*, vol. 73, no. 53 (18 Mar. 2008); and Menkhaus, K. and von Hippel, K., 'Republic of blowback', *International Herald Tribune* (4 Sep. 2008).

[59] Ahmed (note 45).

[60] E.g. an attack on 1 May killed one of al-Shabab's most radical leaders, Aden Hashi Ayro, who was suspected of having al-Qaeda connections.

[61] By Sep., 20 local and international aid workers had been killed—over a third of all humanitarian fatalities suffered worldwide. See Menkhaus and von Hippel (note 58).

[62] An estimated 3.25 million people in Somalia, or 43% of the population, needed urgent aid in Sep. 2008. Food Security Analysis Unit Somalia, 'Food, security and nutrition special brief: post *Gu* '08 analysis', 12 Sep. 2008, <http://fsausomali.org/index.php@id=24.html>.

[63] Gettleman, J., 'Somali killings of aid workers imperil relief', *New York Times,* 20 July 2008; and Ahmed, M., 'Somali official says rebels killed U.N. worker', Reuters, 20 Oct. 2008.

[64] Al-Shabab spokesman Sheikh Abdirahim Isse Adow, quoted in Sheikh, A., 'Somalia's Islamists deny kidnapping Western reporters', Reuters, 25 Aug. 2008.

[65] In the first 9 months of 2008, 63 of the 199 piracy incidents reported around the world occurred in this area. For more data from the International Maritime Bureau Piracy Reporting Centre see 'Unprecedented rise in piratical attacks', International Chamber of Commerce (ICC) Commercial Crime Services, 24 Oct. 2008, <http://www.icc-ccs.org/index.php?option=com_content

Union (EU) and NATO, put considerable effort in 2008 into maintaining a safe corridor for navigation in the Gulf of Aden. Nevertheless, this piracy at sea is simply an extension of the violence, lawlessness and socio-economic deprivation in the ungoverned space on Somalia's shores. As in 2006, there are indications that Islamist rule could bring about a reduction in pirate activity.[66] Remarkably, neither the plight of refugees and labour migrants from Somalia and Ethiopia, hundreds of whom die while crossing the Gulf of Aden to reach Yemen, nor the lack of navy escorts for humanitarian vessels attracted as much international attention as the threat to commercial shipping.[67]

While Islamist rule is likely to be accompanied by a certain level of human rights abuse, especially in the name of enforcing strict Islamist order, the emergence of functional Islamist authorities is also likely to contribute significantly to curbing large-scale one-sided and criminal violence and the armed conflict. Another workable governance alternative is in place in Somaliland, which was largely spared the violence that afflicted southern and central Somalia.[68] In 2008 it was only in the parts of Somalia where some degree of law and order has been established that one-sided violence subsided (in areas falling under stable Islamist control) or was minimal (in Somaliland).

IV. Sri Lanka

Much of the increase in one-sided violence in Asia in the mid-2000s took place in the context of the resurgent conflict in Sri Lanka, which escalated to become the world's most deadly armed conflict in 2008.[69] The intrastate conflict between the Sri Lankan Government and the Liberation Tigers of Tamil Eelam (LTTE) group, which is fighting for an independent Tamil

&view=category&layout=blog&id=60>. On piracy in Somalia see Gettleman, J., 'Somalia's pirates flourish in a lawless nation', *International Herald Tribune*, 31 Oct. 2008.

[66] Pirate attacks radically declined in Somali during the months of UIC rule in 2006. Middleton, R., 'Piracy in Somalia: threatening global trade, feeding local wars', Briefing paper, Chatham House, Oct. 2008, p. 3. In Nov. 2008 the Islamist de facto authorities dispatched forces to the port of Haradheere in pursuit of pirates who had seized the Saudi-owned oil tanker *Sirius Star*. 'Somali fighters hunt pirate crew', AlJazeera.net, 22 Nov. 2008, <http://english.aljazeera.net/news/africa/2008/11/200811211217958182.html>.

[67] In 2008 more than 50 000 people crossed from Somalia to Yemen in smugglers boats, of whom at least 949 were reported dead or missing. The death toll was even higher in 2007, when 1400 of 29 500 making the journey died or disappeared. UN High Commissioner for Refugees, 'More than 50,000 people used smugglers to cross Gulf of Aden last year', UNHCR Briefing Notes, 9 Jan. 2009.

[68] Somaliland has developed a quasi-democratic regime that incorporates direct elections, a formal role for traditional clan elders and a legal system that balances tribal custom, Islamic jurisprudence and Western constitutional traditions. See also note 33.

[69] For data on the conflict see appendix 2A.

state—'Tamil Eelam'—in the north and east of the country, restarted in earnest in 2006 after four years of relative calm.[70]

The conflict in Sri Lanka is of a traditional and relatively structured type, involving few identifiable combatants. It has so far avoided the level of fragmentation seen, for instance, in Sudan's Darfur region or in Somalia.[71] Since 1983 there have been about 77 000 battle-related deaths along with hundreds of civilian fatalities from one-sided violence. [72] The LTTE established a de facto state in northern and eastern Sri Lanka and eliminated moderate Tamil political groups.[73]

A February 2002 Norwegian-brokered ceasefire ushered in 20 months of relative peace. However, political settlement proved problematic. A 2003 LTTE proposal for five years of self-government in Tamil-majority areas was criticized by elements in the Sri Lankan Government as paving the way for secession. This was compounded by splits in the new national government elected in 2005 over the management of the peace process and the role of external mediators and by growing resentment on the part of the LTTE.[74] Ceasefire violations increased, especially from 2006. The army carried out military operations in the Northern and Eastern provinces and the LTTE attacked government forces there and carried out bombings in the south, especially in the capital, Colombo. In July 2007 government forces ousted the LTTE from the Eastern Province with the help of a breakaway LTTE faction led by Colonel Karuna.[75]

The government accused the LTTE of using the ceasefire to build its military strength and insisted that the group disarm before any future peace talks.[76] The Sri Lankan President, Mahinda Rajapaksa, announced the government's withdrawal from the ceasefire on 16 January 2008.[77] The Nordic-dominated Sri Lanka Monitoring Mission (SLMM) then closed.[78]

The first months of 2008 saw clashes between government and LTTE forces and aerial bombings of rebel positions. From July, government

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[70] Tamils make up 18% of the Sri Lanka's population. The country has been dominated by the majority Sinhalese ethnic group since its independence from the United Kingdom in 1948.

[71] On fragmentation in conflict and the situation in Darfur see Stepanova (note 2), pp. 57–63.

[72] The UCDP estimates the total number of battle-related deaths at 76 900. See appendix 2A.

[73] For background see e.g. Rajasingham-Senanayake, D., 'Sri-Lanka: transformation of legitimate violence and civil–military relations', ed. M. Alagappa, *Coercion and Governance* (Stanford University Press: Stanford, CA, 2001), pp. 294–316.

[74] International Crisis Group (ICG), *Sri Lanka: The Failure of the Peace Process*, Asia report no. 124 (ICG: Brussels, 28 Nov. 2006), pp. 8, 10.

[75] The faction led by Colonel Karuna (*nom de guerre* of Vinayagamoorthy Muralitharan) split from the LTTE in Mar. 2004. At the end of 2007 the faction adopted the name Tamil Makkal Viduthalai Pulikal (TMVP, Tamil People's Liberation Tigers) and claimed to have transformed into a political party but still functioned as a pro-government militia.

[76] On arms transfers to both sides in the conflict see chapter 7, section III, in this volume.

[77] 'More violence won't break Sri Lanka's recurring fever', *Boston Globe*, 17 Mar. 2008.

[78] While sidelined for much of 2007, the SLMM remained one of the few groups with access to both rebel-held areas and conflict areas under government control. Associated Press, 'Rebel attack kills 26 in Sri Lanka', *International Herald Tribune*, 16 Jan. 2008.

forces made major strategic advances in parts of the north that remained under LTTE control, despite meeting strong resistance. Trying to fulfil a government pledge to crush the LTTE by the end of 2008, the army seized several guerrilla bases during the summer and gradually approached its major strategic and symbolic target, the LTTE headquarters and de facto capital of Kilinochchi.[79] Government troops continued to capture LTTE strongholds.[80] On 4 November the army commander, Lieutenant General Sarath Fonseka, announced that 'the military had seized 80 per cent of rebel territory'.[81] On 10 November the government rejected a ceasefire offer from the LTTE, repeating its requirement that the rebels must disarm before it would engage in further negotiations.[82] On 2 January 2009 the Sri Lankan Army took Kilinochchi for the first time in 10 years and by 25 January had taken control of the last major town held by the LTTE, the eastern port of Mullaittivu.[83]

Credible casualty estimates are difficult to obtain as independent observers and journalists have little or no access to the conflict areas. A compilation of military data suggests that 5823 rebels and 767 soldiers were killed in fighting between January and July 2008, but this cannot be independently verified.[84] Only general trends in civilian deaths can be traced from the available information: (*a*) in 2006–2008 battle deaths among combatants outnumbered total civilian deaths due to battle-related and one-sided violence; (*b*) in 2008 civilian casualties from indiscriminate and one-sided violence perpetrated by both sides increased; and (*c*) civilian fatalities from indiscriminate attacks were probably comparable with those from one-sided violence, numbering in the hundreds.[85]

[79] Associated Press, 'Sri Lankan rebels say ready for cease-fire', *International Herald Tribune*, 9 Nov. 2008.

[80] The most intensive fighting was in sea battles off the port of Nachikkudah on 17–18 Sep., a failed LTTE suicide boat attack on Sri Lankan Navy freighters off the port of Mullaittivu on 22 Oct., and the government's attempts to seize control of a key road leading to the Jaffna peninsula, which had been cut off from the rest of the country since 2006. Sirilal, R., 'Single day of fighting kills 71 in Sri Lanka', Reuters, 18 Sep. 2008; Page, J., 'Suicide boats are sunk as Tamil Tigers take war to freighters', *The Times*, 23 Oct. 2008; and 'Military bombs rebels in northern Sri Lanka', Associated Press, 8 Nov. 2008. In Sep.–Oct. the LTTE conducted air raids on a military base in Vavuniya, the Kelanitissa power station in Colombo and the Thalladi army camp in the north. 'Sri Lankan rebel air raids show war not over', Reuters, 29 Oct. 2008.

[81] Wijayapala, R., 'Over 80 pc of war against LTTE complete—army chief', *Daily News* (Colombo), 4 Nov. 2008.

[82] 'Sri Lanka rejects ceasefire with LTTE', TamilNet, 10 Nov. 2008, <http://www.tamilnet.com/art.html?artid=27447&catid=13>.

[83] Press Trust of India, 'SL troops capture LTTE HQ Kilinochchi', *Times of India*, 2 Jan. 2009; and Patranobis, S., 'Lankan troops capture LTTE's last bastion', *Hindustan Times*, 25 Jan. 2009.

[84] 'Sri Lanka fighting kills 56, rebel base captured', Reuters, 17 Aug. 2008. Fonseka referred to '12 000 of their [rebel] cadres . . . killed during the past two and a half years'. Quoted in Wijayapala (note 81). This conflicts with the widely quoted estimate of an overall military and civilian death toll of 5000 between 2006 and Jan. 2008. See e.g. Associated Press (note 78); and Associated Press, 'Sri Lankan minister among 12 killed in bombing', *International Herald Tribune*, 6 Apr. 2008.

[85] See also International Crisis Group (ICG), *Sri Lanka's Return to War: Limiting the Damage*, Asia report no. 146 (ICG: Brussels, 20 Feb. 2008), p. 9.

The already poor humanitarian situation, especially in the LTTE-controlled parts of the north, deteriorated further in 2008. This was largely due to people fleeing the intensified fighting in Jaffna, Mullaitivu, Kilinochchi and other areas, which involved the use of heavy artillery by both sides and aerial bombings by government forces.[86] The number of IDPs had risen to 230 000 by October.[87] The situation was aggravated by the LTTE ordering civilians to stay and resist the advancing army and by the fact that most aid agencies, including the UN, were ordered by the government to pull out of rebel-held territory by mid-September due to security concerns.[88] The first major aid convoy after that, sent on 2 October by the World Food Programme (WFP) and government aid agents under the UN flag to IDPs in the LTTE-held territory east of Kilinochchi, was reduced to 51 trucks after explosives and contraband were found in nine vehicles.[89] Security forces carried out intensive screening of Tamil civilians, especially IDPs, along with operations to 'weed out' the last suspected LTTE remnants in areas reclaimed from the rebels.[90]

While government forces were responsible for most of the indiscriminate shelling of civilian areas in the north, the LTTE frequently used civilian communities as human shields and was responsible for most of the large-scale incidents of one-sided violence, such as terrorist attacks.[91] The LTTE usually claims responsibility for operations against military targets but not for terrorist attacks. The group is on the EU, Indian and US terrorist lists and has long been known for its highly professional and institutionalized suicide bombings.[92] In 2008, terrorist attacks, especially on public trans-

[86] 'Sri Lanka's forgotten conflict', *Boston Globe*, 17 July 2008; and Bryson Hull, C., 'Sri Lanka says Tiger suicide boats attack aid ships', Reuters, 22 Oct. 2008.

[87] Integrated Regional Information Network (IRIN), 'Sri Lanka: ICRC to distribute Indian aid to Vanni IDPs', 18 Nov. 2008, <http://www.irinnews.org/report.aspx?ReportID=81525>.

[88] Sirilal, R., 'Sri Lanka orders aid workers out of war zone', Reuters, 8 Sep. 2008.

[89] Integrated Regional Information Network (IRIN), 'Sri Lanka: supply convoy reaches Tiger areas', 3 Oct. 2008, <http://www.irinnews.org/Report.aspx?ReportId=80724>. It was followed by several WFP convoys and distribution of aid to IDPs in northern and central Sri Lanka by the International Committee of the Red Cross (ICRC), the only aid agency with a permanent presence in the area after Sep. 2008. Integrated Regional Information Network (note 87).

[90] In Vavuniya district, the government set up strictly policed 'reception centres' where the movements of the civilian inmates were restricted. Chaulia, S., 'Civilians caught in Sri Lanka's "clean war"', *Asia Times*, 11 Sep. 2008.

[91] Amnesty International, 'Sri Lanka: mounting civilian casualties as conflict persists', Public statement, 9 Apr. 2008, <http://www.amnesty.org/en/library/info/ASA37/017/2008/en>. Earlier, the LTTE political leader, Suppayya Paramu Thamilchelvam, justified attacks on political targets by insisting that 'the separation of the political and the military makes sense in the Western context, but not in Sri Lanka'. Waldman, A., 'Masters of suicide bombing: Tamil guerrillas of Sri Lanka', *New York Times*, 14 Jan. 2003.

[92] Council of the European Union, Council Common Position 2009/67/CFSP of 26 January 2009, *Official Journal of the European Communities*, L23, 27 Jan. 2009; Indian Ministry of Home Affairs, 'List of organisations decared as terrorist organisations under the Unlawful Activities (Prevention) Act, 1967', 5 May 2008, <http://www.mha.nic.in/uniquepage.asp?Id_Pk=292>; and US Department of State, 'Foreign Terrorist Organizations', Fact sheet, 8 Apr. 2008, <http://www.state.gov/s/ct/rls/fs/08/103392.htm>. The LTTE was blamed for over 240 suicide attacks between 1983 and 2003 that,

port, increased. In January and February more than 180 civilians were killed and 270 injured in attacks on buses, railway stations and individuals, followed by a number of destabilizing terrorist attacks throughout the year.[93] It is likely that, as government forces make further advances, the LTTE will increasingly resort to terrorist tactics in the capital and other parts of southern Sri Lanka, and that these will stimulate police reprisals against local Tamils, who make up a third of Colombo's population.

Extrajudicial killings and forced disappearances are second to terrorist attacks as the most common form of one-sided violence in Sri Lanka and are carried out by all armed actors. The UN Working Group on Enforced and Involuntary Disappearances recorded more new disappearances in Sri Lanka in 2006–2007 than in any other country.[94] As a result of the government's poor record on this and other human rights counts, Sri Lanka lost its seat in the UN Human Rights Council in May 2008.[95]

Low-intensity violence and other violations against civilians in the Trincomalee, Batticaloa and Amparai districts of the Eastern Province increased after these areas had been cleared by the army and the pro-government Tamil Makkal Viduthalai Pulikal (TMVP).[96] Killings, abductions, abuse and forcible recruitment of civilians, including children, by the TMVP reportedly continued with impunity in the Eastern Province and gained a new dimension—increasing sexual violence against Tamil women—after a coalition of the TMVP and Sri Lanka's ruling party, the United People's Freedom Alliance, claimed victory in provincial elections there.[97]

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among others, killed a Sri Lankan president, wounded another and killed a former Indian prime minister. Associated Press (note 84).

[93] Associated Press, 'Sri Lanka insists rebels disarm before further peace talks', *International Herald Tribune*, 3 Jan. 2008; Associated Press (note 78); 'Suicide attack kills 11 in Sri Lankan capital', Associated Press, 3 Feb. 2008; 'Sri Lanka: civilians bear the brunt of surge in violence,' Reuters AlertNet, 8 Feb. 2008; and International Committee of the Red Cross, 'Sri Lanka: civilian casualties reaching appalling levels', News release, 13 Feb. 2008, <http://www.icrc.org/Web/Eng/siteeng0.nsf/html/sri-lanka-news-130208>. The most destabilizing terrorist attacks in the following months included a suicide bomb at the marathon opening ceremony in Weliweriya on 6 Apr., which killed a minister and 11 others and injured 90 people; twin bus bombings in Kandy and Colombo, killing 20 and injuring 100, on 6 June; an explosion injuring 45 in Colombo's busy market area, on 30 August; and a suicide blast on 8 Oct. at an office of the opposition United National Party in Anuradhapura, which killed a popular politician, Janaka Perera, and 27 others and wounded 80. Sirilal, R., 'Bomb blast wounds 45 in Sri Lankan capital', Reuters, 20 Aug. 2008; and Sirilal, R., 'Sri Lanka suicide bomb kills 26 including politician', Reuters, 6 Oct. 2008. Perera had been threatened by both the LTTE and the pro-government TMVP.

[94] Human Rights Watch (HRW), *Recurring Nightmare: State Responsibility for 'Disappearances' and Abductions in Sri Lanka* (HRW: New York, 5 Mar. 2008).

[95] For a critique of the related UN vote see Seneviratne, M., 'Is there intelligent and meaningful life outside the UN Rights Council?', LakbimaNews, 26 May 2008, <http://www.lakbimanews.lk/special/spe2.htm>.

[96] On the TMVP see note 75.

[97] 'Sri Lankan president says election victory is a mandate for war against rebels', Associated Press, 11 May 2008. The opposition parties and independent monitors strongly criticized the provincial elections as marred by violence, accusing the TMVP of threatening voters.

Another armed anti-rebel group, the radical Sinhalese Mahasohon Balakaya ('ghost force')—threatened to kill lawyers defending Tamils facing charges of terrorism.[98]

The relatively structured character of the Sri Lankan conflict, being between a functional nationalist government and a determined insurgency, set limits for the role of external actors in 2008. The end of direct military assistance to Sri Lanka by India, the USA and some other countries in response to the government's withdrawal from the 2002 ceasefire had a minimal effect on government policy but prompted it to seek even closer cooperation with countries such as China and Pakistan.

India, where most of the world's 77 million Tamils live, has long insisted on a political solution to the Sri Lanka conflict. Nevertheless, in 2008 the Sri Lankan Government said that any political solution was conditional on it recapturing LTTE-held territory.[99] A threat by a key government ally in the Indian state of Tamil Nadu, Dravida Munnetra Kazhagam (DMK), to withdraw from the coalition government of Manmohan Singh in October 2008 in protest over the escalating violence in Sri Lanka, pushed the government to appeal to Sri Lanka for a ceasefire and 'real devolution of power' to Tamils in areas cleared of the LTTE.[100] However, India's role in the management of the Sri Lanka conflict has been constrained by concern that intrusive pressure on its neighbour on issues related to the conduct of the armed conflict and human rights would drive it closer to China.[101]

V. South Ossetia (Georgia)

The five-day armed conflict in and around the breakaway region of South Ossetia on 8–12 August 2008 and the parallel military developments in and around Abkhazia involved the same incompatibility—separatist claims to the territories—that were contested militarily in the early 1990s.[102] In terms of intensity, the new fighting in August 2008 and the 1991–92 conflict in South Ossetia remained at the level of a minor conflict, as defined by the UCDP.[103] Despite characterizations of the conflict, particularly in the West-

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[98] Bryson Hull (note 86).

[99] Bryson Hull (note 86).

[100] The threat of resignation was dropped on 26 Oct. Murari, S., 'Indian government ally drops Sri Lanka resignation threat', Reuters, 26 Oct. 2008.

[101] Sengupta, S., 'Take aid from China and take a pass on human rights', *International Herald Tribune*, 9 Mar. 2008.

[102] Georgia revoked South Ossetia's autonomous status within Georgia in Dec. 1990, 3 months after South Ossetian authorities declared sovereignty. The 18 months of fighting that followed the revocation resulted in multiple fatalities on both sides. In June 1992 a ceasefire was brokered by Russia, resulting in the deployment of a joint Russian–Georgian–Ossetian peacekeeping force. On the South Ossetia Joint Peacekeeping Forces see chapter 3, section II, and appendix 3A in this volume.

[103] In contrast, Abkhazia saw little fighting in 2008 but was the site of a major armed conflict in 1993–94. On the UCDP definitions see appendix 2A.

ern media, as an interstate conflict between Georgia and Russia, the 2008 Russian intervention in support of South Ossetia against Georgia's central government is categorized by the UCDP as an 'intrastate conflict with foreign military involvement'.[104]

The start of the 2008 armed conflict followed months of escalating tensions between Georgia and Abkhazia earlier in the year and between Georgia and South Ossetia from June.[105] The ethnically mixed character of the area around the South Ossetian capital of Tskhinvali may partly explain the pattern of frequent shootings and exchanges of fire between Georgian and South Ossetian forces there.[106]

On 7 August Georgia started major shelling of Tskhinvali and the Ossetian village of Khetagurovo, allegedly in response to firing on the Georgian villages of Avnevi and Nuli. The Georgian Army entered South Ossetia late that night. Russia officially announced its decision to intervene on 8 August. On 10 August Georgian forces withdrew from Tskhinvali and the rest of South Ossetia under heavy pressure from Russian air strikes and ground forces. Russian forces continued their advance into Georgia proper on 11–12 August. They occupied the town of Gori, near the border of South Ossetia, along with key locations in Georgia along the border of Abkhazia and bombed targets within Georgia proper on 8–12 August.

On 12 August, a six-point ceasefire agreement was brokered by French President Nicolas Sarkozy. Russia withdrew its forces from Georgia proper by 10 October, as further agreed on 8 September. In parallel, 200 EU observers were deployed to 'buffer zones' near Abkhazia and South Ossetia by 1 October.[107] Russia recognized the independence of South Ossetia and Abkhazia on 26 August.

The five-day conflict and its aftermath involved both indiscriminate attacks resulting in civilian casualties and some incidents suggesting that civilians were targeted directly and intentionally. The indiscriminate attacks were mainly carried out by Georgian and Russian government forces. According to Amnesty International, the bulk of the indiscriminate

[104] A similar category was applied by the UCDP to the 1999 NATO intervention against Yugoslavia in support of the Kosovo Albanians.

[105] See e.g. 'The chronicle of a Caucasian tragedy', *Der Spiegel*, 25 Aug. 2008.

[106] In the first days of Aug., South Ossetia started evacuation of civilians from Tshinvali and other areas to North Ossetia (Russia), and up to 2500 people were able to leave before the start of the major fighting. For conflicting accounts of the events leading up to the Aug. conflict see e.g. Georgian Ministry of Foreign Affairs, 'Timeline of Russian aggression in Georgia', 25 Aug. 2008, <http://www.mfa.gov.ge/index.php?lang_id=ENG&sec_id=461&info_id=7664>; and [The Chronicle of Georgia–Ossetia conflict: a review], RIA-Novosti, 8 Aug. 2008 <http://www.rian.ru/osetia_spravki/200808 08/150186831.html>. Tskhinvali borders on several ethnic Georgian villages to the north and east (some still under Georgian administration before Aug.), which cut the city off from much of the rest of South Ossetia while themselves being cut off from Georgia by Tskhinvali.

[107] On the agreements see chapter 3, section II, in this volume. The 6–18-km-wide 'buffer zones' were temporarily established and maintained by Russian forces, in undisputed Georgian territory around Abkhazia and South Ossetia, until the end of Sep. 2008.

damage in Tskhinvali occurred during the initial shelling of the city by Georgian forces on 7–8 August, which included the use of BM-21 (Grad) multiple rocket launchers. Grads were also used against the Ossetian village of Khetagurovo.[108] Analysis of satellite imagery from the period confirms that concentrated damage to Tskhinvali and lesser damage to outlying areas had occurred by 10 August.[109] Some firing and shelling in Tskhinvali was also believed to have been directed into cellars, where civilians commonly took refuge, and thus may have amounted to acts of one-sided violence.[110]

The Russian bombing took the form of isolated attacks on a range of targets dispersed over a wide area over the period 8–12 August. While most bombings targeted Georgian military positions, some hit streets or isolated houses in towns and villages.[111] These indiscriminate attacks included the bombing of the main square and market in Gori, on 12 August, and attacks on the port of Poti and the Metekhi–Grakali bridge, both strategic military targets inside Georgia proper and key nodes of civilian infrastructure.[112] Human rights groups also accused both the Russian and Georgian sides of using cluster munitions.[113]

Most incidents of probable one-sided violence were attributed by human rights groups to 'militias' and 'irregulars' 'associated with the South Ossetian side'. They took place in Georgian villages in South Ossetia—mainly those that had been under Georgian administration before August 2008—and in the 'buffer zone' between South Ossetia and Gori in the two weeks following the major hostilities. While the prevalent types of abuse were looting and arson in largely abandoned settlements, unlawful killings, beatings and threats were recorded.[114] In contrast, Georgian-populated settle-

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[108] The type of munitions used, the scattered destruction in densely populated areas and eyewitness reports 'strongly suggest that Georgian forces committed indiscriminate attacks in its assault on Tskhinvali on the night of 7 August'. Amnesty International, *Civilians on the Line of Fire: The Georgia-Russia Conflict* (Amnesty International: London, Nov. 2008), pp. 24, 27.

[109] American Association for the Advancement of Science (AAAS), Science and Human Rights Program, Geospatial Technology and Human Rights Project, *High-Resolution Satellite Imagery and the Conflict in South Ossetia*, Summary Report (AAAS: New York, 9 Oct. 2008). UN Institute for Training and Research Operational Satellite Applications Programme (UNOSAT) images also indicate a high concentration of damage to buildings in clearly defined residential areas in Tskhinvali. UNOSAT, 'Satellite damage assessment for Tskhinvali, South Ossetia, Georgia', 22 Aug. 2008, <http://unosat.web.cern.ch/unosat/asp/prod_free.asp?id=101>.

[110] Human Rights Watch, 'Russia/Georgia: investigate civilian deaths', News release, 12 Aug. 2008, <http://www.hrw.org/en/news/2008/08/12/russiageorgia-investigate-civilian-deaths>.

[111] Amnesty International (note 108).

[112] 'Dutch journalists killed in the Russian bombing of Gori', Associated Press, 12 Aug. 2008; and Amnesty International (note 108), p. 29.

[113] For more detail on these accusations see chapter 11 in this volume.

[114] Human Rights Watch, 'Russia/Georgia: militias attacks civilians in Gori region', News release, 15 Aug. 2008; and Amnesty International (note 108), pp. 34–44. Analysis of satellite images indicates broader destruction in the villages surrounding Tskhinvali between 10 and 19 Aug. See American Association for the Advancement of Science (note 109), p. 28.

ments under South Ossetian administrative control were not reported to have suffered extensive damage.[115]

While the data on civilian casualties may be incomplete, fatalities seem to have numbered in the low hundreds on both sides.[116] Victims of one-sided violence appear to have been significantly outnumbered by victims of indiscriminate attacks perpetrated by government forces.

Overall, 192 000 people were displaced by the conflict: 127 000 within Georgia proper, 30 000 within South Ossetia and 35 000 who fled from South Ossetia into the neighbouring Russian republic of North Ossetia.[117] While in absolute terms more people were displaced within Georgia proper, this 'new' displacement affected only 2.7 per cent of the population.[118] In contrast, over 90 per cent of the population of South Ossetia (65 000 out of 70 000 people), most of them ethnic Ossetians, were displaced.[119]

The humanitarian emergency was over in South and North Ossetia by early September and in Georgia, according to the UNHCR, by 18 September.[120] Nevertheless, the high level of civilian displacement in South Ossetia and adjacent areas in August 2008 makes it comparable to—and, in terms of the share of the total population, probably even worse than—the displacement crisis in Kosovo in 1999.[121]

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[115] Amnesty International (note 108), p. 39,

[116] According to Russian sources, the number of documented civilian fatalities among South Ossetians was 162 while the number of injured in South Ossetia may have exceeded 5000 (in addition to 47 Russian soldiers, including 10 peacekeepers, killed, and 157 Russian soldiers injured). Aleksandr Bastrykin, Head of the Investigative Committee of the Russian Chief Prosecutor's Office, quoted in ['SKP RF has published new information on genocide in South Ossetia'], RIA-Novosti, 23 Dec. 2008, <http://rian.ru/osetia_news/20081223/157916348.html>. In Sep. 2008 the Georgian Government recorded 188 civilian fatalities, 168 military and 16 police fatalities on the Georgian side. Georgian Ministry of Defence, 'The number of casualties reported', Press release, 15 Sep. 2008, <http://www.mod.gov.ge/?l=E&m=11&sm=3&st=110&id=1057>. The statistics for civilian fatalities on both sides can be expected to change slightly as some deaths may have gone unreported at the time.

[117] The displacement statistics in this paragraph are taken from UN High Commissioner for Refugees, 'Revised figures push number of Georgia displaced up to 192 000', 12 Sep. 2008, <http://www.unhcr.org/georgia.html?page=news>.

[118] In some locations, such as Gori, up to 80% of residents may have been temporarily displaced.

[119] The 1989 Soviet census recorded South Ossetia's population as 99 000. The drop to 70 000, as reported by the South Ossetian authorities, was due to population displacements related to the 1991–92 conflict and possible undercounting of ethnic Georgians in areas of South Ossetia that were under Georgian control prior to Aug. 2008. It is safe to assume that the actual level of displacement from South Ossetia in Aug. 2008 was even higher, perhaps reaching 95–98%, as the quoted figures do not include ethnic Georgian IDPs. This extremely large scale of displacement in South Ossetia may suggest both the high level of anticipation of the armed conflict in South Ossetia and the possibility that Georgia's military operation in and around Tskhinvali was intended to cause a mass flight of Ossetians into North Ossetia.

[120] UNHCR, 'Emergency operation in Georgia', 19 Sep. 2008, <http://www.unhcr.org/georgia.html>.

[121] See Stepanova, E., 'South Ossetia and Abkhazia: placing the conflict in context', SIPRI Policy Brief, Nov. 2008, <http://books.sipri.org/product_info?c_product_id=368>.

VI. Colombia

The case of Colombia provides some insight into how a democratic state and society cope with continuing, low-scale one-sided violence and the longer-term implications of past systematic atrocities committed by all types of armed actor. In 2008 the present stage in Colombia's decades-long conflict was characterized by the expansion of the government's territorial control; effective security operations against a weakened insurgency; continuing, albeit lower-scale, violence against civilians; and lack of agreement within the Colombian elite and society on how to achieve political reconciliation. As battle-related deaths among civilians declined, one-sided violence against civilians (in the form of terrorism, extrajudicial political killings etc.) became the central focus of public and international attention.

After President Álvaro Uribe took office in 2002, government forces significantly stepped up military pressure on the Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia, FARC), in line with the Plan Patriota military strategy adopted in June 2003.[122] In 2008 FARC continued to suffer repeated tactical and strategic defeats, including increasing desertions and demobilizations and losses of top commanders.[123] These were mainly the result of increasingly effective counter-insurgency offensives and improved civil–military cooperation on the government side.

Government operations against FARC included a bombing raid on a Colombian rebel camp in Ecuador in March that caused the worst regional political crisis in years between Colombia and its neighbours Ecuador and Venezuela.[124] While the crisis was later resolved diplomatically, it was also instrumental in a policy shift by Venezuelan President Hugo Chávez from calling on the international community to recognize rebels as belligerents to declaring in June 2008 that 'At this moment in Latin America, an armed guerrilla movement is out of place . . . guerrilla war is history'.[125]

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[122] FARC, one of the oldest insurgencies in the world, was formed in 1964. On the earlier stages of the conflict see Wiharta, S. and Anthony, I., 'Major armed conflicts', *SIPRI Yearbook 2003: Armaments, Disarment and International Security* (Oxford University Press: Oxford, 2003), pp. 91–93.

[123] Between 2000 and 3000 rebels are estimated to have deserted in 2008. Markey, P., 'FARC rebels battered but surviving', Reuters, 15 Sep. 2008 and 'Colombia releases ex-Farc rebels'. BBC News, 7 Mar. 2009, <http://news.bbc.co.uk/2/7929783.stm>. In the first half of 2008, FARC lost 3 of its 7 top commanders: Raul Reyes and Ivan Rios were killed in early Mar. and the FARC founder—and the world's longest serving guerrilla commander—Manuel Marulanda, died from a heart attack on 26 Mar. Padgett, T., 'Fallen rebel: the US connection', *Time*, 2 Mar. 2008; 'Second senior Farc rebel "killed"', BBC News, 7 Mar. 2008, <http://news.bbc.co.uk/2/7284222.stm>; and Romero, S., 'Death of mythic guerrilla commander confirmed in Colombia', *International Herald Tribune*, 26 May 2008.

[124] Porte, J.-L., 'Regional tensions rise after Colombia raid to Ecuador', Agence France-Presse, 2 Mar. 2008.

[125] Usborne, D., 'Armed revolution in Latin America is over, says Chavez', *The Independent*, 10 June 2008.

In 2008 FARC had 6000–10 000 soldiers, down from 16 000 in the period of intensive fighting in 2001.[126] The group remained powerful in its traditional rural heartland of Caquetá, Guainía, Guaviare, Meta, Putumayo and Vaupés departments and continued to pose some terrorist threat in urban centres.

Even though FARC may have reached its weakest point since the insurgency began, it was not yet facing a decisive defeat or disintegration in 2008. The group has repeatedly demonstrated an exceptional ability to adapt to circumstances and has persisted and regrouped for years in remote parts of the country, sustaining itself primarily through involvement in the illicit drug trade.[127] While FARC may tie itself even more closely to control of coca cultivation and to the drug trade in the short term, its complete ideological degradation seems unlikely, as do the prospects for any meaningful peace process between FARC and the Uribe Administration. FARC's new leader and chief ideologist, Alfonso Cano, remained opposed to demobilization conditions similar to those offered by the government to paramilitaries.[128] Colombia's second largest rebel group—the National Liberation Army (Ejército de Liberación Nacional de Colombia, ELN)—periodically engaged in peace talks with the government from 2005. While it has declared a 'temporary and experimental' ceasefire, its activities in 2007–2008 oscillated between talks and low-scale clashes with government forces.

In Colombia, both one-sided and indiscriminate violence have been perpetrated against civilians by all the major armed actors. The Uribe Administration's efforts to demobilize the paramilitaries of the United Self-Defence Forces of Colombia (Autodefensas Unidas de Colombia, AUC), effective counter-insurgency operations against FARC and the expansion of the territory under state control have helped to improve the general security climate, especially in major urban centres and along arterial roads.[129] According to the Colombian Government, between 2000 and 2007 the total numbers of homicides and kidnappings were reduced by at least one-third.[130]

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[126] Joyce, M., 'FARC's future: the road ahead for Colombian rebels', *Jane's Intelligence Review* vol. 20, no. 3 (Mar. 2008), p. 30. Some sources still put FARC's manpower in 2008 as high as 13 000. See 'Colombia: regional isolation', *Oxford Analytica*, 10 Mar. 2008.

[127] Markey (note 123) and Joyce (note 126).

[128] 'FARC response to letter from Colombian intellectuals, politicians and journalists', 16 Oct. 2008, reproduced in 'The FARC answers a letter', Center for International Policy, Colombia Program, 29 Oct. 2008, <http://www.cipcol.org/?p=691>; and Melgarejo, J., 'Alfonso Cano, comandante en jefe del estado mayor central de las FARC-EP: "Uribe se mueve por las dóla"' [Alfonso Cano, commander in chief of general staff of the FARC-EP, 'Uribe moves for the dollar'], *Cambio 16*, no. 36 (Dec. 2008), pp. 62–73. Alfonso Cano is the *nom de guerre* of Guillermo León Sáenz.

[129] US Government Accountability Office (GAO), *Plan Colombia: Drug Reduction Goals Were Not Fully Met, but Security Has Improved*, GAO-09-71 (GAO: Washington, DC, Oct. 2008), p. 14.

[130] US Government Accountability Office (note 129), pp. 5, 22–24.

However, human rights groups continued to report significant numbers of civilian killings, including some unrelated to combat, and even claimed a rise in such incidents in 2006–2008.[131] While most of the killings were carried out by the remnants of the old paramilitary forces, the rebels or the new, more criminal, 'paramilitary mafias', elements within the Colombian military and security forces were responsible for at least some serious incidents.[132] A major reorganization of the Colombian military, including the resignation of the army commander, General Mario Montoya Uribe, on 4 November, was carried out after revelations that elements in the military had killed civilians, making them look like combat deaths and thus inflating statistics on rebel casualties.[133] In 2008, the Chief Prosecutor's Office was reportedly investigating 803 members of the armed forces, including 99 officers, over alleged extrajudicial killings.[134] Such killings were described by the UN High Commissioner for Human Rights, Navanethem Pillay, as being 'widespread' in 2008.[135] The scandal led the USA to withdraw the right to US military aid of three Colombian army units implicated in killing civilians.[136]

Despite the Colombian Government's remarkable success in demobilizing over 30 000 AUC paramilitaries in 2003–2006, the remnants of paramilitary groups and post-AUC groups such as the Black Eagles or the Peasant Self-Defence Forces of Nariño, which are even more criminally active than the AUC, continue to perpetrate extrajudicial political killings not related to combat, for example of trade unionists.[137] Criminal violence by paramilitaries was also the dominant cause of population displacement.[138]

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[131] According to the Colombian Commission of Jurists, reported civilian killings rose to 287 between mid-2006 and mid-2007, compared to 218 between mid-2004 and mid-2005. Romero, S., 'Colombia lists civilian killings in guerrilla toll', *New York Times*, 29 Oct. 2008.

[132] In 2008 the Attorney General's office was investigating the killings of 1015 civilians by security forces in 558 episodes unrelated to combat. The number of new cases climbed to 245 in 2007 from 122 in 2006. Romero, S., 'Colombia killings cast doubt on war against insurgents', *International Herald Tribune*, 29 Oct. 2008.

[133] Associated Press, 'Colombia fires 3 generals after civilian deaths', *International Herald Tribune*, 29 Oct. 2008; and Markey, P., 'U.S. says no aid for Colombia army units in scandal', Reuters, 7 Nov. 2008. Officers' and regular soldiers' benefits and prospects of promotion were linked to their tally of registered combat kills.

[134] Associated Press (note 133).

[135] Markey, P., 'Colombian army chief resigns after killings probe', Reuters, 4 Nov. 2008.

[136] Markey (note 175). Although the USA makes not engaging in human rights violations a condition of its military aid to Colombian units, is has been estimated that 47% of the relevant cases reported in 2007 involved Colombian units supported by the USA. Amnesty International, *'Leave Us in Peace': Targeting Civilians in Colombia's Internal Conflict* (Amnesty International: London, 28 Oct. 2008).

[137] After a decline by almost 46% of targeted killings of trade unionists in 2007, such killings rose by 70% in the first 3 months of 2008. In total, 400 union leaders and members were killed in Colombia between 2002 and early 2008. Romero, S., 'Union killings peril trade pact with Colombia', *New York Times*, 14 Apr. 2008. On post-AUC groups see International Crisis Group (ICG), *Colombia's New Armed Groups*, Latin America Report no. 20 (ICG: Brussels, 10 May 2007).

[138] Romero, S., 'Despite rebel losses, cocaine sustains war in rural Colombia', *International Herald Tribune*, 26 July 2008. Government estimates indicate a significant decline in displacements in the

The 'parapolítica' (from the Spanish terms for paramilitary and political) scandal that broke in late 2006 and continued in 2007 and 2008 illustrates the extent to which collaboration between the paramilitaries and elements of the military and political authorities has damaged the legitimacy of the state.[139] However, it also demonstrates the high degree of autonomy of the Colombian judiciary in an unstable but functional democratic system, with judges ordering the arrest of dozens of members of congress, President Uribe's former intelligence chief, Jorge Noguera, and Uribe's cousin Mario Uribe, an ex-senator, on charges of collaboration with the paramilitaries.[140] The extradition of 14 paramilitary leaders, including Salvatore Mancuso, to the USA on illicit drug trafficking charges on 13 May 2008 interrupted their trials on charges of serious human rights violations and crimes against humanity in Colombian courts.[141]

In 2008 rebel groups continued to attack police stations, police and military personnel, vehicles, aircraft and similar targets. The rebels, particularly FARC, also employed indiscriminate means that harmed civilians, such as extensive landmining, and remained major perpetrators of one-sided violence, predominantly terrorist attacks, the killing of civilians suspected of being army informants, and kidnappings. Throughout 2008, forced abductions continued, albeit on a lower scale than in previous years.[142] Of the estimated 2800 kidnapping victims in Colombia who remained in captivity in 2008, less than a third—about 750—were believed to be held by FARC and the rest by criminal organizations or 'paramilitary mafias'.[143]

While FARC held most of its hostages for ransom, a few political hostages, including some high-profile figures, remain an important stra-

Nariño Department—a remote area with substantial coca cultivation and reportedly the 'center of Colombia's humanitarian crisis'—from 30 000 in 2007 to 7500 in the first half of 2008. However, according to human rights groups, the total number of IDPs in Colombia rose by 38% between 2006 and 2007 to 300 000.

[139] According to a report by an independent research institute, Corporación Nuevo Arco Iris, as of Nov. 2008, 34 of the 102 current senators and 25 of the 168 members of the House of Representatives were being investigated for links with paramilitaries and drug groups in the second half of 2008. Colombia Reports, 'FARC regrouping, paramilitaries strengthening, says report', 27 Nov. 2008, <http://www.colombiareports.com/>.

[140] On the role of the judiciary in this regard see Human Rights Watch (HRW), *Breaking the Grip? Obstacles to Justice for Paramilitary Mafias in Colombia* (HRW: New York, 16 Oct. 2008).

[141] International Center for Transitional Justice, 'Extradition: Colombia's and the United States' mistake', Press release, 14 May 2008, <http://www.ictj.org/en/news/press/release/1677.html>. Louis Moreno-Ocampo, prosecutor of the International Criminal Court, voiced his concern over a relative lack of convictions of paramilitary warlords. Since 2002, Uribe's government has already extradited more than 700 Colombians to the USA.

[142] While most forced abductions of civilians do not lead to the victims' immediate death, they are undertaken under threat of armed violence and may involve serious harm, injury and abuses. The possibility of the eventual killing of hostages can never be excluded.

[143] Associated Press, 'Colombians mark independence day with demands for hostage releases', *International Herald Tribune*, 20 July 2008; and Reuters, 'Colombians hold massive rally on "Freedom Day"', *International Herald Tribune*, 21 July 2008.

tegic asset for the rebels.[144] In 2008 FARC proposed exchanging some of its 40 political hostages for imprisoned rebels but talks stalled over the rebels' demand for a demilitarized safe haven for the release.[145] President Chávez negotiated the release of six FARC captives in January and February 2008.[146] Ingrid Betancourt, a Colombian senator who had been kidnapped in 2002, and 14 other hostages were rescued in an undercover security operation on 2 July.[147] The carefully planned operation dealt a major blow to FARC and boosted President Uribe's popularity.[148] However, the implications of the rescue for the prospects of the remaining hostages are less clear.[149] Also, the decline in kidnappings in Colombia in 2008 was paralleled by a surge in kidnappings in Venezuela, where both FARC and ELN elements operate.

In 2008 FARC visibly increased its use of terrorist attacks as a response to its further losses of military ground. In the past, both FARC and ELN prioritized terrorist attacks against government, infrastructure and business targets while primarily targeting civilians with kidnapping.[150] However, the single largest FARC terrorist attack in 2008 was a bombing during a festival in the north-western town of Ituango on 15 August, which killed seven and injured more than 50.[151] The risk of urban terrorist attacks by FARC, including in public gathering points, may rise ahead of the 2010 presidential election.

[144] McDermott, J., 'Colombia's FARC back in limelight', BBC News, 28 Feb. 2008, <http://news.bbc.co.uk/2/7268257.stm>.

[145] Markey, P., 'FARC rebels battered, but surviving', Reuters, 15 Sep. 2008; and 'Colombian rebels say open to hostage dialogue', Reuters, 29 Oct. 2008.

[146] On 10 Jan. and 27 Feb., 6 Colombian politicians were released by FARC after mediation by President Chavez. Rueda, J., 'Colombian rebels release 4 hostages', Associated Press, 27 Feb. 2008.

[147] The operation was undertaken with US support, including the deployment of hundreds of US military and security personnel to Colombia earlier in 2008 to help locate the hostages. The released hostages included 3 employees of the US military contractor Northrup Grumman. Gollust, D., 'US hails Colombian military hostage rescue', Voice of America, 3 July 2008, <http://www.voanews.com/english/archive/2008-07/2008-07-03-voa64.cfm>.

[148] E.g. on 5 July FARC renewed calls for exchanges of hostages for prisoners. Cuban leader Fidel Castro, among others, urged FARC to release hostages. In the days after the rescue President Uribe's approval rating jumped from 73% to 91%, according to a poll. 'Popularity of Colombia's Uribe soars after rescue', Reuters, 6 July 2008.

[149] E.g. Uribe admitted that security agents misused the Red Cross symbol in order to gain the trust of the rebels, in violation of the Geneva Conventions. Bronstein, H., 'Colombia "regrets" misusing Red Cross emblem in hostage rescue', Reuters, 16 July 2008.

[150] Data on infrastructure attacks is available from the Global Terrorism Database (GTB–2), <http://www.start.umd.edu/data/gtd>. Attacks on pipelines by FARC—such as that on 22–23 June 2008 that forced closure of the Caño Limon–Coveñas oil pipeline—and, especially, by the ELN continued in 2008, although with diminishing frequency. Watkins, E., 'Caño Limon–Coveñas oil pipeline bombed, shut down', *Oil & Gas Journal*, 24 June 2008. A car bombing in Cali on 31 Aug., which was blamed on FARC, killed 4, injured 25 and damaged the Palace of Justice building. Amnesty International, 'Colombia: Amnesty International condemns bomb attack', Public statement, 1 Sep. 2008, <http://www.amnesty.org/en/library/info/AMR23/030/2008/en>.

[151] 'Colombia: a puzzling attack and FARC in disarray', STRATFOR, 15 Aug. 2008. The attacks may have been in retaliation against the campaign to eradicate illicit drugs.

In Colombia the legacy of one-sided violence and other abuses against civilians that have been committed in the context of the armed conflict, along with the long tradition of local rule through violence, corruption and patronage, continued to pose a major political, legal and psychological challenge to peacebuilding and reconciliation. Despite a revision of the Peace and Justice Law by the Constitutional Court in May 2006 intended to improve protection of the rights of the victims, the peace process has remained centred on ex-combatants rather than on the victims of the fighting and of one-sided violence.[152] However, Colombia is markedly different from many other countries emerging from armed conflicts due to the relatively prominent and growing role of the judiciary, other legal levers and civil society pressures in confronting human rights violations and one-sided violence. On 4 February 2008 an estimated 4.8 million Colombians took part in 365 marches in 27 cities around the country to protest against killings and abductions of civilians by FARC—the biggest grassroots civil campaign in Colombia's history.[153] This mass rejection of violence against civilians, sharp public criticism of human rights violations by the state, and the actions of a determined judiciary together illustrate the role that a democratic governance system and civil society mobilization can play in gradually moving a society away from systematic armed violence, including one-sided violence.[154]

VII. Conclusions

The dynamics of violence against civilians in Somalia and Sri Lanka reaffirm the currently dominant pattern of one-sided violence in the context of armed conflicts: constant, almost routine, low-scale violence against civilians, perpetrated by all armed actors. As the conflict in South Ossetia shows, even relatively brief, but intensive, use of force against civilians may have disastrous consequences for the population, especially in terms of mass displacement. Colombia, however, shows signs of a slow reversal of its deeply embedded pattern of one-sided violence in the context of an armed conflict.

While reliable fatality estimates are not easily available and distinguishing between the civilian victims of indiscriminate and one-sided violence is

[152] On the legal revision see International Crisis Group (ICG), *Correcting Course: Victims and the Justice and Peace Law in Colombia*, Latin America Report no. 29 (ICG: Brussels, 30 Oct. 2008).

[153] The protests were organized by an independent Internet-based network, 'A million voices against the FARC', on the Facebook social networking website and involved demonstrations in 104 cities around the world. Perez, M. C., 'Facebook brings protest to Colombia', *International Herald Tribune*, 10 Feb. 2008. Similar protests followed on 20 July 2008.

[154] For a broader discussion of the role of civil society mobilization as an alternative to and a way out of armed conflict see Kaldor, M., *Global Civil Society: An Answer to War* (Polity: Cambridge, 2003).

not always possible, deaths due to one-sided violence were outnumbered by total battle-related deaths in all four of the cases presented in this chapter, and, in most cases, were also outnumbered by battle-related civilian deaths.[155]

Three of the four cases reviewed in this chapter—Colombia being the exception—show that the global decline in one-sided violence being perpetrated by national or foreign government forces is relative, uneven and not universally manifested. The probable motives behind one-sided violence on the government side range from targeting alleged civilian sources of support to an insurgency to stimulating mass displacement of the 'enemy' civilian population.

It is often overlooked, however, that coordinated and methodical campaigns of one-sided violence by government forces require a certain degree of functionality and determination on the part of the government. The significant role of non-state actors in one-sided violence may be partly explained by the absence of such government functionality and determination in very weak or failed states and areas of more fragmented violence. In the context of fragmented violence, some of the worst violations against civilians may be committed by local power brokers, warlords, armed irregulars, criminal organizations and street gangs who are not motivated by any explicit political agenda.

Of all the main trends in one-sided violence, the one that best reflects some of the broader trends in armed conflicts in 2008 is the growing role of non-state actors, including both government-aligned and rebel groups. These broader trends include the further proliferation and diversification of armed non-state actors and the fragmentation of violence in many conflict areas, and the shifts from conventional battles to asymmetrical violence and from major direct armed confrontation between combatants to attacks by them against an opponent's 'civilian base'.

Terrorism that combines one-sided violence with the use of attacks against civilians as a tactic in asymmetrical armed confrontation is one of the types of one-sided violence most closely linked to conflict dynamics and is increasingly being employed by rebel groups. In three of the four cases—Somalia, Sri Lanka and Colombia—terrorism by non-state actors was a major element of the conflict dynamics and increased in 2008. As the cases presented here show, terrorism can manifest itself in different stages of armed confrontation and for different reasons. In Somalia terrorist bombings were employed as a secondary tactic by rebel forces making major parallel military advances. In contrast, in Colombia the militarily

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[155] Deaths from one-sided violence in Sri Lanka in 2008 may have been comparable to, or even matched, the battle-related civilian death toll.

weakened insurgency increasingly used terrorist means to signal its continued presence.

One-sided violence by rebels has often also been an inextricable part of clan-based, ethnic or sectarian clashes. In addition, rebel groups have played a major indirect role as instigators of one-sided and indiscriminate violence by systematically launching attacks against government forces from densely populated civilian areas and thus provoking—sometimes, it must be assumed, deliberately—reprisal attacks against civilians. Finally, one-sided violence has been just one element in a broader context of human rights abuse and violations by non-state actors, such as sexual violence and forced recruitment, including of child soldiers.

In sum, while states may no longer necessarily be the main perpetrators of one-side violence in the context of armed conflicts and may invest much effort into confronting certain forms of it (e.g. terrorism), this has not led to an overall decline in one-sided violence against civilians. The relative decline of one-sided violence in specific cases is more likely to be a short-term effect of mass displacement or result from the rise of the minimally functional local governance structures, often themselves with questionable human rights records, than it is to arise from the parties' greater compliance with international humanitarian law.