

# AMNESTY INTERNATIONAL

## Public Statement

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### **Kenya: Renewed appeal for humanitarian access to Somalia**

Amnesty International is concerned that Kenyan authorities are obstructing delivery of UN humanitarian aid designated for Somalia. On Friday 22 June, the United Nations World Food Program (WFP) reported that 141 trucks they had contracted to deliver emergency food aid to southern Somalia were unable to cross the Kenyan border. The WFP trucks have been prevented from crossing into Somalia by Kenyan authorities at the El-Wak border, between north-eastern Kenya and the Gedo region of Somalia, for almost a month now. Many of the trucks have now had to return to Nairobi, after the WFP had unloaded and stored foodstuffs near the Kenyan side of the border crossing.

Amnesty International has confirmed that the Kenyan government is currently preventing food aid by WFP as well as other humanitarian relief organisations from crossing the border. Amnesty International is very concerned at the impact of this delay on the 200,000 Somalis, including internally displaced people, who were the intended recipients of the food aid and who are suffering from alarming levels of malnutrition.

This recent obstruction of emergency food aid by the Kenyan authorities follows the government's decision to close the Kenya/Somalia border on 3 January 2006. This prevented thousands of individuals who were fleeing the conflict from crossing into Kenya, leaving them highly vulnerable to human rights abuses by parties to the Somali conflict. The closing of the border also prevented humanitarian aid from being transported into Somalia for seven weeks after the closure. Amnesty International highlighted this closure and ongoing local obstructions to humanitarian relief in the report, *Denied Refuge: The effect of the closure of the Kenya/Somalia border on thousands of Somali asylum-seekers and refugees*.

Amnesty International renews its previous calls on the Kenyan authorities to allow humanitarian assistance across its border into Somalia for persons in need, including internally displaced people on a regular, predictable and safe basis. The only effective way to deliver humanitarian emergency aid to Somalis in need in the Gedo and Juba regions is through Kenya, due to the insecurity and extremely difficult logistical situation in Somalia as a consequence of conflict and the extreme under-development of infrastructure in these remote areas.

Kenya has an obligation under international human rights law to ensure that it does not impose undue and unreasonable restriction to the delivery of aid and other humanitarian assistance to persons in need within Somalia. The International Covenant on Economic, Social and Cultural Rights, to which Kenya is a state party, requires states to recognize the essential role of international assistance and cooperation and comply with their commitment to take joint and separate action to achieve progressively the full realization of rights, including the right to adequate food. The UN Committee on Economic, Social and Cultural Rights, the body in charge of interpreting the obligations of States under the ICESCR, has further clarified that the right to adequate food under Article 11 of the ICESCR includes the obligation that "States parties should take steps to respect the enjoyment of the right to food in other countries. . ."

The continuing closure of the border also affects the human rights of persons seeking safety from the ongoing conflict in Kismayo, Mogadishu and other areas, which has left hundreds of thousands internally displaced and many attempting to flee.

Amnesty International repeats its call on the government of Kenya to re-open its border with Somalia in order to allow entry to individuals fleeing Somalia and seeking refuge in Kenya, in line with its refugee protection obligations under international and national refugee and human rights law.

