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Somalia: Call for a human rights-committed interim parliament

As delegates to the Somalia Peace and Reconciliation Conference begin, in the coming days, to choose an interim parliament, Amnesty International calls on them to ensure that the new members of parliament, and of the interim government it will subsequently elect, will be fully committed to protecting human rights and the rule of law during the difficult task of reconstructing the disintegrated Somali state.

If disagreements on an interim Charter are quickly resolved, the 361-plus conference delegates are very soon due to choose, mainly from among themselves and on a clan-sharing basis, interim members of parliament who will then elect an interim president for possibly the next three years. The interim president's new government will replace the current ineffective Transitional National Government (TNG), whose three-year term from the previous peace conference expires in mid-August 2003.

"After 12 years of civil wars and state disintegration following 21 years of the repressive Siad Barre government, Somalia deserves a new start for human rights," Amnesty International said today.

"It would be unacceptable for faction leaders or former officials responsible in the past for crimes against humanity, war crimes and gross human rights violations to be given blanket impunity or amnesty and to be part of a new government obliged to abide by the Universal Declaration of Human Rights and the international human rights treaties ratified by Somalia in the past, which are still binding," Amnesty International said.

Nine months of difficult peace talks in Kenya must have sensitized all the delegates to the urgent need for real peace and security throughout Somalia. The faction leaders have heard the voices of Somali civil society and the international community, and should recognise that the new leaders must represent the whole country and protect all its citizens, and not just their clan or personal interests.

Amnesty International is calling on the delegates to choose leaders who will genuinely protect human rights for all Somalia's citizens.

"Parliamentary and presidential candidates should be asked to explain their human rights record and to pledge their personal commitment to protecting human rights in the future and the rule of law," the organization said.

"There should be a 'leadership code of ethics' and acceptance of a broad human rights agenda to which leaders could be held accountable. This should be accompanied by mechanisms for human rights monitoring, for example by an independent and impartial National Human Rights Commission including respected members of civil society and human rights defenders, to prevent any return to the abuses of the past."

A human rights agenda

Fundamental human rights which should be respected and protected by the interim authorities include:

- the right to life - no-one should be arbitrarily killed for political reasons or on account of their membership of a particular clan or minority group;
- the right to personal security - everyone should be able to go peacefully about their daily lives without fear of intimidation, violence, kidnapping or rape;
- the right not to be tortured or subjected to cruel, inhuman or degrading treatment or punishment, including the death penalty (which also violates the right to life);
- the right not to be arbitrarily detained;
- the right to a fair trial in accordance with recognized international standards;
- the rights to freedom of opinion, expression, association and assembly - including freedom of the media and peaceful democratic political activity;
- the right not to be discriminated against on account of gender or membership of a particular clan or minority group;
- the right to defend human rights.

Human rights defenders

Somali civil society also has the duty to work for peace and human rights - through grassroots activities in community-based organizations and through the media, NGOs, professional and humanitarian associations. Somalia already has a wide range of well-established NGOs working for human rights under extremely difficult conditions.

"The new interim government should publicly recognise the legitimate role of human rights defenders as established by the UN Declaration on Human Rights Defenders (1998), and support their valuable work in promoting human rights, peace, democracy and good governance."

A "Declaration of Somali Human Rights Defenders" in February 2003 affirmed the resolve of Somali human rights NGOs from all areas to "*increase our struggle against human rights abuses*" and to "*work for equal rights of all, with full protection for vulnerable groups such as women and minorities, and for a sustainable livelihood and favourable humanitarian environment*".

The critical months ahead

During the period of interim government, Amnesty International urges special attention to developing firm human rights safeguards in the eventual permanent Constitution, dealing with issues of human rights protection and redress named by the peace talks committees, and addressing past abuses.

Amnesty International calls on the United Nations and international community to provide extensive human rights assistance to the interim government and to civil society in the process of reconstruction in all areas of rights and development.

"In the critical months ahead, human rights must be at the forefront in order to achieve lasting peace and reconciliation," Amnesty International reiterated.

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