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Somalia: Civilians pay the price of intense fighting in Mogadishu

Amnesty International is calling on armed opposition groups and government forces in Somalia to cease all indiscriminate or disproportionate attacks and to take all feasible precautions to avoid loss of life and injury of civilians. Last week's fighting in the Somali capital, Mogadishu, resulted in some 40 deaths and at least 241 injuries, including to at least 70 women and children, though this toll may be higher.

Amnesty International is also concerned at allegations that the African Union force in Somalia (AMISOM) used mortars and heavy artillery in civilian-populated areas during the fighting. Amnesty International is calling on the African Union to clearly instruct its soldiers in Somalia that their rules of engagement include respect for international humanitarian law at all times.

Amnesty International is also calling on the international community to apply pressure on all parties to the conflict to end indiscriminate and disproportionate attacks, and to demand that all feasible precautions are taken to avoid loss of life and injury of civilians. Those who order and carry out indiscriminate and disproportionate attacks should be held accountable for war crimes. The international community should establish an international Commission of Inquiry to investigate violations of international human rights and humanitarian law in Somalia.

Most of those killed or injured in fighting on 24 and 25 February were wounded by blast, mortar shrapnel and gunshots. Amnesty International has received reports that all those engaged in last week's fighting, including armed opposition groups, government police forces and AMISOM, have fired mortars, heavy machine guns and rocket-propelled grenades (RPGs) in areas populated by civilians.

On the morning of 24 February, an armed group attacked a Transitional Federal Government (TFG) police checkpoint in Taleh in the Hodan district of southern Mogadishu with machine guns and RPGs. The attack was claimed by Hizb al-Islamiya, a coalition recently formed of armed groups opposed to the TFG.

Heavy fighting ensued and spread through adjacent streets towards an AMISOM base, whose forces reportedly came to reinforce the TFG forces. Mortar shells landed in nearby civilian areas, including in the Hodan, Bakara market, Hawlwadag, and Black Sea neighbourhoods. Ahmed Saed Omar, a 38-year-old lecturer in English, was killed by shrapnel from a mortar that landed in the street in the Hodan district.

Fighting continued throughout the day and evening, with mortars fired at the Presidential Palace. Fighting resumed on 25 February, when mortar shells hit a Koranic school in Tawfiq, northern Mogadishu, killing one child and injuring seven others. One of the wounded children in that blast was reported to have later died in hospital. Shells also hit homes in southern Mogadishu, killing at least three persons.

While many civilians had fled Mogadishu because of conflict since early 2007, there are still many civilians living in the city. In addition, some 40,000 displaced, according to UNHCR estimates, have returned to the capital since January 2009 in the hope that the appointment of the new TFG President, a former opponent of the TFG, would improve security. In Hodan district, where the

fighting started, some 3,000 were reported to have recently returned to the area. Now hundreds, possibly thousands, of people have fled Hodan and Hawlwadag again.

Indiscriminate attacks by all parties have become a well-established pattern in Somalia's conflict since early 2007.

Under international humanitarian law all parties to the conflict must take all feasible precautions to protect civilians against the effect of attacks. Routinely initiating attacks in densely civilian-populated areas, as done by the armed opposition groups, violates this obligation.

While TFG and African Union forces have a right to defend themselves against attacks, indiscriminate attacks, such as the shelling of whole areas where civilians live without attempting to identify and target military objectives is illegal. Artillery and mortars are area weapons and are not appropriate for pinpointing targets in densely populated civilian areas.

Background:

Somalia has been marred by conflict since the fall of the Siad Barre government in 1991. Conflict intensified and unlawful killings of civilians increased after Ethiopian troops entered Somalia at the end of 2006 to help the TFG fight armed opposition groups, some of whom issued from the Union of Islamic Courts, which was controlling the capital Mogadishu and other parts of the country in 2006.

Ethiopian troops withdrew at the end of 2008 and Abdullahi Yusuf resigned as President of the TFG, and was replaced by Sheikh Sharif Ahmed, then leader of the opposition Alliance for the Re-Liberation of Somalia- Djibouti (ARS-Djibouti). The new TFG President nominated a Prime Minister, Omar Abdirashid Ali Sharmarke, who has now formed a new government and has just returned to the capital.

Armed groups – including al-Shabab militias and Hizb al-Islamiya, which includes a faction faithful to the opposition ARS-Asmara, which opposed peace talks between the TFG and the ARS-Djibouti, have vowed, since the withdrawal of Ethiopian forces, to target the small African Union peace-support mission in Somalia (AMISOM). On 22 February, a suicide attack, claimed by an Al-Shabab faction, on an African Union base in Mogadishu killed 11 Burundian soldiers.

An internal investigation is reportedly underway into allegations that on 2 February, AMISOM soldiers opened fire indiscriminately, resulting in civilian casualties, after one of their vehicles was hit by an explosion on Maka Al-Mukarama road in Mogadishu.

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