

AMNESTY INTERNATIONAL

MEDIA BRIEFING

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Somalia: Amnesty International calls for accountability and safeguards on arms transfers to Somalia's Transitional Federal Government

Amnesty International today called for urgent safeguards to be applied to any arms transfers to Somalia, in the wake of a reported US government decision to double its arms transfers to Somalia's Transitional Federal Government (TFG).

On 6 August, US Secretary of State Hillary Clinton confirmed US military support to the President of the TFG, weeks after the US State Department said it had sent 40 tons of weapons and ammunition to Somalia.

Amnesty International urged the USA and any other state providing or financing arms or training for the military and security forces of the TFG to institute effective mechanisms to prevent such arms and training from being used to commit violations of international humanitarian and human rights law.

The organization said that these safeguards must cover all military, policing and security equipment and training provided to the TFG, as well as funding for arms acquisition or training. The international community should assist the TFG in establishing such safeguards urgently.

Since the 7 May 2009 start of a military offensive by armed groups opposed to the TFG in south and central Somalia, reports of indiscriminate shelling in civilian-populated areas, causing hundreds of civilian deaths and thousands of injuries, by all parties to the conflict, have increased. This latest fighting has displaced some 232,000 residents from the capital city Mogadishu alone, according to the United Nations (UN).

Amnesty International also called for the implementation of the UN arms embargo on Somalia, in existence since 1992, to be urgently strengthened, and for states to take additional measures to ensure its effectiveness.

The current arms embargo provides for exemptions to be applied in support of the TFG security sector. However, while a system is in place for exemption requests to be sent to the Somalia Sanctions Committee overseeing the embargo and sanctions regime, no effective mechanism is in place to ensure that transfers of weapons, funding and other materiel transferred will not be used to commit violations of international human rights and humanitarian law, or that they will not be received by those who have been responsible for past abuses, or that they will not end up in Somalia's thriving arms markets or in the hands of armed groups opposed to the TFG.

According to the last report of the UN Monitoring Group, mandated to monitor and report on violations of the UN arms embargo on Somalia, *"as much as 80 per cent of the international investment in building the Transitional Federal Government security forces has been diverted to purposes other than those for which it was intended."* Diversions have been caused by defections, desertions, sale of weapons, uniforms and equipment by members of the TFG forces, the capture of weapons and equipment by armed opposition groups, and the diversion of resources intended for civilian use to military purposes, particularly by the TFG police, which has increasingly participated in the armed conflict in Somalia. Such diversions, made possible by inadequate controls on equipment and training supplied to the TFG, have not only

facilitated the commission of serious violations of international humanitarian and human rights law, but may also undermine efforts to end the conflict and insecurity in Somalia.

It is therefore essential that all states and the UN Security Council put in place effective mechanisms to control the delivery and use of weapons and other security equipment supplied to Somalia under the arms embargo exemption regime.

As an initial measure, the Security Council should ensure that the Somalia Sanctions Committee's guidelines are strictly complied with, and that all states, international organizations and agencies applying for exemptions to the arms embargo provide the Committee with sufficient detailed information on the types and technical specifications of the equipment to be supplied, its suppliers, means of transport, routes and ports of entry, and the specific intended recipient and end-user of the equipment or training. This information should be supplied to the Sanctions Committee before any exemption is granted. This would allow checks to be made on the equipment during and after its delivery, to ensure that it has not been diverted to Somalia's arms markets or armed opposition groups. All arms transferred to Somalia, including small arms and light weapons, should be uniquely marked in compliance with the International Tracing Instrument adopted by the UN General Assembly in 2005. States that have been granted such exemptions should undertake en-route and regular post-delivery checks to ensure that military supplies have not been diverted, and should report the results of these checks to the Sanctions Committee and the Monitoring Group. Suppliers of arms and security training to the TFG should assist the TFG in establishing accountable arms management and safe storage procedures according to international standards and best practice procedures.

States must also build human rights and humanitarian safeguards into military and security assistance to the TFG. They must not supply equipment if there is a substantial risk that it could be used in committing serious violations of international law, such as the indiscriminate bombardment of civilian-populated areas.

In addition, states must ensure that the recruitment, training and deployment of all pro-TFG armed entities includes effective vetting, accountability, transparency and oversight mechanisms, with international participation. No personnel from any Somali security forces has yet been properly vetted, and some of those currently active or being considered for service could be responsible for human rights abuses that have characterized the conflict in Somalia over the years. Indeed, the UN Secretary General's last report on the situation in Somalia stated that "*progress on [governance, vetting and oversight mechanisms] has been precluded by the prevailing security situation in the country, in Mogadishu in particular.*" Such mechanisms should include enhanced monitoring and public reporting and capacity-building for independent investigations into possible violations of international humanitarian and human rights law.

Amnesty International called for states to support the establishment of an independent and impartial Commission of Inquiry, or similar mechanism, to investigate violations of international human rights and humanitarian law committed in Somalia in 2007, 2008 and 2009, to map the most serious abuses committed since 1991 and to recommend measures to hold perpetrators to account. Such a mechanism would also make an important contribution to the vetting process of the Somali security forces.

As well as complying with the arms embargo itself, in view of the continued violations of the arms embargo by both states and individuals, as documented by the UN Monitoring Group, states should not engage in transfers of arms and related materiel to other states and foreign entities where there is a substantial risk that they will be diverted, directly or indirectly, to armed entities in Somalia. Such transfers, while technically not illegal, undermine the effectiveness of the arms embargo and are likely to lead to serious human rights abuses and violations of international humanitarian law.

Background

Somalia has been mired in armed conflict since the collapse 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 against several armed opposition groups from whom it has been seeking to regain territorial control.

UN-sponsored peace negotiations between the TFG and one opposition group, the Alliance for the Reliberation of Somalia (ARS)-Djibouti, culminated in the Djibouti Agreement entering into force in October 2008, the resignation of the TFG President Abdullahi Yusuf in December 2008, and the withdrawal of Ethiopian troops from Somalia in January 2009. The leader of the ARS-Djibouti, Sheikh Sharif Sheikh Ahmed, seen as having the potential to negotiate with other armed opposition groups, was appointed as the new President of the TFG on 30 January 2009.

Many armed opposition groups, including al-Shabab and Hizbul Islam factions, vowed to continue fighting against the new TFG, and the small African Union peace support force (AMISOM) based in Mogadishu. On 7 May 2009, the armed opposition launched a military offensive against the Presidential Palace in Mogadishu. Hostilities continue to this day.

According to the terms of the Djibouti Agreement, the Somali armed forces now comprise a group of ex- TFG forces and ex-Alliance for the Re-liberation of Somalia (ARS) forces. The actual composition, command and control of these forces remain unclear. Militia associated with certain clan and sub-clan leaders, and ex-warlords, have also fought alongside TFG forces.

As part of the implementation of the Djibouti Agreement, a Joint Security Committee was created to oversee the ceasefire between the TFG and the ARS-Djibouti, security arrangements, the protection of humanitarian assistance and access, as well as be the interface between the international community and the TFG on all security issues. To date it has met only once.

The conflict has displaced one million people from Mogadishu in 2007 and 2008. Today, more than 500,000 are refugees in neighbouring countries, some 1.3 million persons are internally displaced within Somalia and some 3.2 million are dependent on humanitarian assistance for their survival.

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