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Item 4: Human Rights Situation in Africa

Chairperson, Honourable Commissioners,

Amnesty International welcomes this opportunity to address the African Commission on Human and Peoples' Rights (African Commission) on the state of the situation of human rights in Africa.

The political transition in **Somalia** of August 2012 was an important milestone. However violations of human rights and humanitarian law associated with the armed conflict between government forces, affiliated militias, the African Union Mission in Somalia (AMISOM) and the Islamist armed group al-Shabab continue to devastate lives in southern and central Somalia.

While the new President has repeatedly stated that one of his priorities is security, the security situation remains extremely volatile. Following al Shabab's loss of control in key areas of south and central Somalia, other armed groups have added to the complexity regarding protection of civilians; militias are being integrated into government forces, and the government forces themselves are failing to protect, and in some cases actually targeting, civilians. There have been large scale arrests of civilians by government forces in areas where the government accuses the population of being sympathetic to al-Shabab; while violence and killings continue to be carried out by al-Shabab where al-Shabab accuses the population of being sympathetic to the government and aligned forces.

Violations against civilians, particularly rape and looting, are commonplace, associated with poor discipline and command control within government forces. It is a key issue in areas populated by internally displaced people (IDPs). Conditions in IDP settlements remain extremely poor with regular reports of sexual and gender based violence against women and girls. Camp populations are predominantly women and children who are vulnerable to abuse and exploitation. Many rape attacks are alleged to have been committed by government forces.

Population displacement is an on-going and serious problem, occurring prior to or during hostilities, though also due to civilian fear of being recruited or being accused of spying. Despite an action plan signed by the Transitional Federal Government (TFG) to end the killing and maiming of children in conflict in August 2012, there have been few positive measures to end the

role of children in government and aligned armed groups. Children are still recruited by al-Shabab and aligned armed groups.

Somalia journalists and media workers continue to be attacked, harassed and intimidated by parties to the conflict. At least 23 journalists have been killed in Mogadishu since December 2011, three of which were in 2013. In November 2012, the President announced a taskforce would be established to investigate the killings of journalists and identify the perpetrators. No one has yet been appointed to the taskforce, and there have been no investigations into the killings of journalists. The Puntland and Somaliland authorities also continue to arbitrarily restrict media freedom.

There is ongoing lack of accountability for grave abuses of international humanitarian and human rights law on all sides of the conflict, including AMIOM. This continues to send a message to perpetrators that there will be no repercussions for crimes under international law or human rights abuses, and gives very little reason to fear justice.

Amnesty International calls on the African Commission to:

- Support the Somali Federal Government (SFG) to take steps to exercise greater control over the actions of its armed forces and any associated forces, through clearly upholding the principle of command responsibility.
- Urge all parties to the conflict to adhere to international humanitarian and human rights law. This includes delivering on obligations to protect the civilian population from the effect of hostilities and ceasing the recruitment or use of persons under the age of 18 into armed forces or militia, in line with the action plan signed by the TFG in August 2012.
- Insist that the Somali government to conduct full and impartial investigations into international humanitarian or human rights violations, and deliver on its commitments in November 2012 to investigate and prosecute perpetrators of rape and sexual violence.
- Urge the Somali government to deliver on their commitments to set up a task force to investigate all killings of journalists. Call upon Somali authorities to ensure the protection of journalists through prompt, effective and impartial investigations into killings, attacks and harassment, bringing those responsible to justice.

In **Côte d'Ivoire** two years after the end of the post-electoral crisis which resulted in almost 3,000 deaths, Côte d'Ivoire continues to be home to serious human rights violations committed against known or suspected supporters of former President Laurent Gbagbo. The *Forces républicaines de Côte d'Ivoire* (FRCI, Republican Forces of Côte d'Ivoire, the national army) and the military police have been responsible for numerous human rights violations after arresting and detaining individuals outside any legal framework and often on the basis of ethnic and political motivations. These exactions were made possible by the multiplication of unrecognized places of detention where individuals suspected of attempts against state security were held incommunicado, sometimes for long periods, and in inhumane and degrading conditions.

In western Côte d'Ivoire, the last internally displaced persons (IDP) camp in Nahibly near the city of Duékoué (450 km from Abidjan) was attacked and destroyed in July 2012 by local people supported by Dozos, a militia of traditional hunters sponsored by the state and the army.

Amnesty International is calling the African Commission to:

- Ensure that the Ivorian security forces stop targeting people on grounds of ethnicity and political affiliations and that the authorities bring to trial all individuals responsible for human rights violations;

- Ensure that an international commission of enquiry is set up into the human rights violations and abuses committed during and after the attack of the Nahibly camp on 20 July 2012.

In **Mali** since the beginning of the crisis in January 2012, and after the March 2012 military coup, serious human rights violations and abuses have been committed by all sides to the conflict, including the Malian army and the Tuareg and Islamist armed opposition groups that controlled the north of the country until the January 2013 military offensive led by the French and the Malian armies. The Malian army has reportedly committed serious human rights violations in the recovered territories targeting in particular Tuaregs, Arabs and more widely “light skinned” people suspected to have links with the armed opposition groups.

Amnesty International is calling the African Commission to:

- Ensure that the Malian army stops the reprisals against people targeted on ethnic grounds and against political opponents and journalists;
- Ensure that the African troops composing the African-led International Support Mission to Mali (AFISMA) that will be integrated in a forthcoming UN peacekeeping force are properly vetted and that this peacekeeping force has a robust human rights component with a sizable number of human rights observers deployed throughout Mali.

The human rights situation in **Sudan** remains dire as a result of ongoing armed conflict between the Sudanese Armed Forces (SAF) and the armed opposition groups in Darfur, and in Southern Kordofan and Blue Nile, with civilians trapped in an endless cycle of violence.

As the Darfur conflict marks its tenth anniversary, the human rights situation in the region remains alarming. Civilians continue to face attacks by government forces, pro-government militias, and armed opposition groups. In the first three months of 2013, 500 people were reportedly killed and roughly 100,000 displaced in attacks against civilians that have involved members of government forces.

Fighting intensified in late 2012 between the SAF and Sudan Peoples’ Liberation Army-North (SPLA-N) with indiscriminate attacks, including aerial bombardments, by the Sudanese armed forces; mortar shelling by both parties in parts of Southern Kordofan. Indiscriminate attacks by both parties and the denial of humanitarian access by the Sudanese government in SPLA-N controlled areas since the conflict erupted in June 2011, has led to deaths, injuries, destruction of civilian property, hundreds of thousands displaced internally and over 180,000 refugees in South Sudan.

Amnesty International commends the efforts of the AU Peace and Security Council, the AU High-Level Implementation Panel (AUHIP) in January 2013, where stronger language on humanitarian access in Southern Kordofan and Blue Nile was adopted in their report. The report reiterates calls for “immediate and unconditional humanitarian assistance.”¹ However, human rights concerns still need to be address including condemning the indiscriminate attacks on civilians, and calling for an independent investigation into human rights violations and abuses by both parties.

Freedom of opinion and expression continues to be curtailed by the Sudanese authorities. Many of those who openly oppose or are deemed opponents by the Sudanese authorities of the government’s policies, face arrest, torture and other forms of ill-treatment by the National Security

¹ *AUHIP mediation report*, Addis Ababa, 28 January 2013, available at: <http://radiotamazuj.org/en/article/full-text-auhip-mediation-report>

Service and other security agents in Sudan. Scores are detained without charge, access to lawyers and families, including those believed to be affiliated with armed opposition groups. While the Sudanese authorities recently released seven political prisoners after months of detention without charge, Amnesty International believes that arbitrary detention and detention without due process remains a major concern in Sudan.

Furthermore, space for civil society in Sudan continues to be restricted. Towards the end of 2012, the Sudanese government closed down more than three NGOs working on development, human rights and peace. Their staff have faced harassment and threats by the National Security Service.

Amnesty International calls on the African Commission to:

- Urge the Sudanese authorities to immediately cease all violations of international humanitarian and human rights law in Southern Kordofan, Blue Nile states, and Darfur, including indiscriminate aerial bombardments in civilian areas;
- Request the Sudanese authorities to grant immediate and unhindered access to UN agencies, humanitarian organizations and human rights monitors, including monitors from the African Commission, to all areas of Darfur, Southern Kordofan and Blue Nile;
- Urge the Sudanese authorities to immediately stop the harassment and intimidation of journalists, activists and civil society representatives; respect their right to freedoms of expression and association in accordance with Sudan's commitment to international human rights standards and to ensure safeguards of fair trials are fully respected for all those in detention.

On the **Hissène Habré** case, Amnesty International welcomes the inauguration in February 2013 in Dakar (Senegal) of a special court that will allow to bring to justice former Chadian president Hissène Habré who is suspected of committing serious human rights violations during his tenure in office from 1982 to 1990. The inauguration of this court followed an agreement signed on 22 August 2012 between Senegal and the African Union to establish a special court to try Habré. The initiatives of the AU and Senegal came after the 20 July 2012 judgement of the International Court of Justice (ICJ) that ruled that Senegal must “without further delay, submit the case of Mr Hissène Habré to its competent authorities for the purpose of prosecution, if it does not extradite him”. The African Union has previously asked Senegal to try Habré on behalf of Africa.

It is important that the ACHPR is involved in this process. In particular, it is crucial that during its various dialogue with the AU, Senegal and Chad the ACHPR insists on the full and effective participation of the victims in this case and during the trial and ensure that protection of victims and witnesses in both Chad and Senegal is at the heart of the case at all stages of the procedure. It is also important that the populations of Chad and Senegal as well as other Africans are informed of the proceedings and their outcomes to allow the trial to have an educational impact and contribute to the fight against impunity in Africa. The right to full reparation for Habré's victims should also be among the Commission's concerns.