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64th Ordinary Session of the African Commission on Human and Peoples' Rights, Sharm el Sheikh, Egypt

Agenda Item 3: Human Rights Situation in Africa

Honourable Chairperson and Commissioners,

Amnesty International welcomes this opportunity to address the African Commission on Human and Peoples' Rights during this occasion of its 64th ordinary session.

Since the start of the year, significant political changes have taken place in a number of African countries, including in Algeria, Democratic Republic of Congo (DRC) and Sudan. While the unfolding political events in these countries inspire some hope, the peace and security condition in several African countries, on the other hand, is a cause for serious concern. The situation in Cameroon, Libya, Mali, Nigeria and Somalia remains dire and reminds us all of the pressing need and the responsibility of states to protect civilians during conflict or crisis.

In this statement, we focus on the situation in two countries: Sudan and Somalia. We highlight urgent measures that must be taken to ensure justice and accountability for gross human rights violations in these twin countries.

SUDAN

In Sudan, the end of President Omar al-Bashir's 30-year rule offers an unprecedented opportunity to make human rights central to the Sudan's transition. For the past four months, protesters have called for peace, justice, rule of law and economic reform, many paying with their lives and liberty. Since al-Bashir's ousting Sudan's authorities have cancelled the curfew, released protesters from jail, and promised to try security forces who killed demonstrators. But this falls far short of the change that Sudan needs. Much more must be done to overcome past atrocities. The country must undertake desperately needed reforms to ensure that there can be no repeat of the heinous crimes under international law the country has witnessed over the past three decades.

In this regard, we urge the African Commission to call upon Sudan to take concrete steps to end the endemic impunity by:

- Prosecuting high ranking security officers, politicians and others suspected of serious human rights violations and crimes under international law, including war crimes and crimes against humanity, and discharging military officers found guilty of such crimes from the army.



- Suspending army officers, police and intelligence officials suspected of involvement in serious human rights violations, pending investigations and ensuring the suspects are prosecuted where there is sufficient admissible evidence.
- Until a comprehensive legal reform is undertaken, immediately suspend the application of Articles 51 and 52 of the 2010 National Security Act which provides National Intelligence and Security Services agents with powers of arrest and detention and immunities, respectively. Sudanese authorities must also immediately suspend any application of the death penalty and corporal punishments.
- Urgently confirm the whereabouts of former President al-Bashir and the other three officials indicted by the ICC and immediately surrender them to the ICC to ensure justice can be served for the atrocities committed during al-Bashir's three decades in power.

SOMALIA

In Somalia, Amnesty International's research points to a failure by the Somali government to adequately investigate allegations of civilian casualties resulting from US operations in the country. The US has launched at least 81 air strikes in Somalia in 2017 and 2018 and is on track for at least 140 more in 2019 if it continues at its current pace. Yet, for a long time, the US claimed that these strikes had killed zero civilians. Early this month, the US acknowledged for the first time that its strikes had indeed killed two civilians in April 2018, and that they had failed to report those killings. However, Amnesty International has published credible evidence that US strikes have killed many more civilians. Our investigations of five incidents in the Lower Shabelle region revealed that 14 civilians were killed and eight injured. US air strikes were responsible for four of these incidents and that the fifth was most plausibly caused by a US air strike.

A lack of transparency characterizes all aspects of US air strikes in Somalia, including the process employed by AFRICOM to assess the credibility of allegations of civilian casualties, and, when an allegation is deemed credible, how this is then investigated. Further, for Somalis affected by US air strikes, to even report the killing or injury of family or community members is near impossible, given the location of these attacks and the security risks associated with doing so. Therefore, they have had little, if any, chance of obtaining justice. According to information available to Amnesty International, neither the US nor Somali governments have adequate accountability mechanisms in place in Somalia for reporting and responding to allegations of civilian casualties, including a safe and accessible means for survivors and families of victims to self-report their losses.

The Government of Somalia also has a duty to investigate potentially unlawful killings, as part of its obligation to protect the right to life of everyone under its jurisdiction. This duty applies not only to allegations of unlawful killings by its own forces, but also to killings by other States and forces, particularly by those such as US military forces which are acting with the government's consent.



As such, Amnesty International urges the African Commission to call on the Government of Somalia to:

- Ensure that all air strikes carried out in Somalia are in line with international humanitarian law and that all reasonable steps are taken to ensure the protection of civilian life.
- Acknowledge civilian casualties caused by US attacks and offer compensation and explanation to survivors and families of civilians killed in US strikes regardless of whether or not the casualties were caused by a lawful attack.
- Provide victims of violations of international humanitarian law by US forces, and their families with access to justice and to full reparation, including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition from the US government.
- Conduct independent and impartial investigations into all credible allegations of civilian casualties resulting from US air strikes or other military operations conducted by the US, Somali or other States' forces. Investigations should include proactively seeking to speak with eyewitnesses, survivors and families of victims despite constraints.
- Implement an effective mechanism to ensure a safe and accessible means for families and communities to self-report civilian casualties arising from US air strikes and other military operations.