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African Union Summit: Human rights must be protected during armed conflicts

Since its inception in 2002, the African Union (AU) has become a central player in Africa in the areas of conflict resolution, peace and security, international justice and the general promotion and protection of human rights.

On the eve of a meeting of AU Heads of State on 27 and 28 January in Addis Ababa, Amnesty International is urging the AU to give particular attention to the protection of human rights in conflict situations in Africa, including the protection of civilians in Mali, Sudan, Somalia and the Democratic Republic of the Congo (DRC).

Mali: Since the beginning of the armed conflict in northern Mali in January 2012, Amnesty International has documented crimes under international law committed by all the parties to the conflict. Tuareg and Islamist armed opposition groups have committed human rights abuses, including torture and killings of captured Malian soldiers, rape of women and girls and recruitment of child soldiers.

Amnesty International received information about the use of child soldiers by Islamists armed groups during the fighting around Diabaly in mid January 2013. Child soldiers were sent to the frontline, and some were reportedly wounded or killed.

Malian security forces have also committed violations of international human rights and humanitarian law, including the extrajudicial executions of Tuareg civilians, indiscriminate shelling of a Tuareg nomadic camp and killing livestock which the nomadic population rely on for survival.

Sudan: The human rights situation in Sudan remains dire as a result of ongoing armed conflict between the Sudanese armed forces and the armed opposition group, Sudan People's Liberation Movement-North (SPLM-N) in Southern Kordofan and Blue Nile. Fighting intensified in late 2012 with indiscriminate attacks, including aerial bombardments, by the Sudanese armed forces; mortar shelling by both parties in parts of Southern Kordofan resulted in civilian deaths and injuries. Indiscriminate aerial bombardments by the Sudanese armed forces also led to the destruction of property and disrupted agriculture. Despite an agreement between the parties to allow humanitarian access, this has not happened. The conflict and the denial of humanitarian access to SPLM-N-controlled areas have resulted in over 200,000 people seeking refuge in South Sudan and Ethiopia.

The situation in Darfur, including the recent escalation of violence in the Kebkabiya area, is also deeply troubling. In Kebkabiya more than 200 people are believed to have been killed and tens of thousands displaced as a result of fighting between members of two tribal groups. Reports indicate that officers from Sudan's security forces have been involved in attacks on civilians in the context of the violence in the Kebkabiya area.

Somalia: While the political transition of August 2012 was an important milestone, armed conflict between government forces, affiliated militias, the African Union Mission in Somalia (AMISOM) and the Islamist armed group al-Shabab continues to devastate lives in southern and central Somalia.

Al-Shabab continues to recruit and use children in fighting, and to abduct, torture and unlawfully kill people. In areas where al-Shabab have been dislodged, including Mogadishu, insecurity has continued, and Amnesty International receives regular reports of human rights abuses, including reports of suicide bombs and other attacks, which cause civilian deaths and injuries.

Amnesty International also continues to receive information about direct targeting of civilians by parties to the conflict.

Journalists and media workers face extreme risk. At least 20 journalists have been killed in Somalia since December 2011 and no one has been held accountable for these killings.

DRC: 2012 saw an escalation of the conflict in the DRC, between the M23 armed group and the national army. Amnesty International has documented human rights violations perpetrated by all parties to the conflict, including other national and foreign armed groups present in the East. These groups have extended their control over parts of the region vacated by the national army to fight M23. M23 has extended its control over Rutshuru territory subjecting local populations to torture, extrajudicial executions, sexual violence, and forced recruitment of children. The situation culminated late last year with the temporary occupation of the provincial capital, Goma, by M23 and with hundreds of thousands of newly displaced people living in dire conditions.

Though the start of peace negotiations in December 2012 led to a *de facto* truce between the government army and M23, people in North Kivu remain at risk as a result of continuing fighting between the government and other armed groups.

Since June 2012, Amnesty International has documented numerous cases of human rights defenders directly threatened, apparently by members of M23, after criticizing the group or denouncing its human rights abuses.

Ongoing discussions in the AU about long-term solutions to the conflict should ensure that civilian protection and respect for international humanitarian and human rights law are at the centre of their efforts.

Amnesty International calls on the AU to:

- Promote action at the AU for the protection of civilians in armed conflict, including in Mali, Sudan, Somalia and the DRC, specifically by:
 - o Publicly calling on all parties to the conflicts in Mali, Sudan, Somalia and DRC to take immediate and effective steps to safeguard civilians from attack, and to immediately cease all activities that constitute breaches of international humanitarian law (IHL) or abuse of human rights.
 - o Pressing all member states of the AU to provide support and refuge to civilians fleeing situations of armed conflict.
 - o Calling on the relevant governments to remove from duty any member of the armed forces, including at command level, who is reasonably suspected of having

committed war crimes or other serious human rights violations, pending investigation and fair trial, which excludes the death penalty;

o Calling for any alleged breaches of IHL and violations and abuses of human rights to be investigated independently and impartially, with a view to bringing perpetrators to justice.

- In all AU engagement on situations of armed conflict on the continent, ensure that the protection of civilians from attack and respect for IHL and human rights are explicitly made central considerations.