

AMNESTY INTERNATIONAL

Public Statement

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Somalia: Protection of civilians must be priority

Amnesty International today urgently called on the international community, and particularly the UN Security Council meeting today to discuss Somalia, to make protection of civilians a key objective of their response to the critical situation in the country. The organizations said that there are increasing violations of the human rights of civilians, a dangerous worsening of the security situation, and a severe deterioration in the humanitarian conditions of people displaced by the recent fighting.

The conflict in Mogadishu between Somalia's Transitional Federal Government (TFG) and its opponents has led to the deaths of over 1,000 people since late-February. This includes some 250 killed in the past week, who are mostly civilians killed by TFG and allied Ethiopian troops; the wounding of about four times that number; and the flight of a third of a million people from Mogadishu--a third of its population.

In addition, the conflict has severely exacerbated the humanitarian crisis, which has been compounded by reported obstruction by TFG officials of humanitarian assistance.

Amnesty International called on the TFG to fulfil its responsibility to protect the security of its citizens in line with the Transitional Federal Charter, and for the Ethiopian government, which provides its military support, to commit to protection of international human rights. All parties in the conflict, including armed groups, are accountable for breaches of their obligations under international humanitarian law.

Amnesty International also called on the TFG to immediately lift all unreasonable restrictions on humanitarian operations, and facilitate the movement of humanitarian supplies and personnel and ensure their safety.

Amnesty International renewed its call on the Kenyan government to re-open its border to asylum seekers from Somalia, particularly those now fleeing to the border and in need of urgent medical care, and thus fulfil its international refugee protection obligations. Kenya should also allow humanitarian assistance across the border to displaced persons in Somalia on a regular, predictable and safe basis.

Background

The UN Security Council is today discussing the Secretary General's latest report pursuant to Security Council resolution 1744 (2007) and following a Technical Assessment Mission to the region. The African Union peacekeeping force, AMISOM, endorsed by the UN Security Council in February for a six-month operation leading to a possible UN peacekeeping operation, has a mandate to protect the weakly-established TFG and other transitional federal institutions, but no mandate to protect civilians. It is still in the first stage of deployment, with only some 1,200 Ugandan troops out of a multi-national force projected at 8,000, and few resources yet provided for its overall mission to replace thousands of Ethiopian troops called in by TFG President Abdullahi Yusuf Ahmed. AMISOM has also come under armed attack from opponents of the TFG.

Amnesty International called on the African Union in a letter of 16 February for AMISOM to protect civilians and include specific human rights components in its operational mandate, in line with international standards for peacekeeping.

The new cycle of violence arose mainly from the resumption of a TFG/Ethiopian security operation after a short truce in early April. They are fiercely opposed by remnants of the Council of Somali Islamic Courts (COSIC) forces and other fighters opposing particularly the presence of Ethiopian troops.

All parties to the armed conflict, including armed groups, are bound by international humanitarian law. They must ensure their military operations avoid or minimize incidental loss of civilian life and injury to civilians. In particular, they are prohibited from carrying out direct attacks on civilians and indiscriminate or disproportionate attacks. Injured and captured combatants must be treated humanely at all times.

Ethiopian troops have been accused of indiscriminate shelling in civilian population centres, leading to hundreds of civilian deaths and mass displacement in Mogadishu, in violation of international humanitarian law. Armed groups have reportedly carried out indiscriminate attacks. They also reportedly have been launching attacks against Ethiopian troops from civilian concentrations. By carrying out such attacks, they are endangering civilians present. Ethiopian forces, however, are obliged at all times to apply the principles of distinction and proportionality, and take the precautions required by international humanitarian law, when launching attacks against armed groups, to avoid or minimize loss of civilian life and injuries to civilians.

Vulnerable civilian groups have suffered heavily in the conflict, such as women, children, the elderly, human rights defenders and journalists, internally displaced persons, the Somali minorities discriminated by all clans, and particular clan groups who are weakly represented in particular areas. As the fighting in the capital spreads – including now to Kismayu, many previously nearby safe areas have now become dangerous. Kenya maintains the closure of its border since January to asylum seekers from Somalia, in breach of its international refugee protection obligations. In addition to looting and rape by criminal gangs, the displaced face increasingly life-threatening lack of food, shelter, sanitation, health care and clean water. Humanitarian agencies have virtually no access to most of the displaced – who are mostly women, children and the elderly..

On 23 April UN Secretary General Ban Ki-moon called on the parties to immediately cease all hostilities and to resume political dialogue. The planned National Reconciliation Congress has been postponed to at least mid-May.