

# AMNESTY INTERNATIONAL

## BRIEFING PAPER

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### **Somalia: UN Security Council Arria Briefing**

The dire inter-linked human rights and humanitarian crises in Somalia require far greater attention by the UN Security Council (UNSC) and its member states. While Amnesty International notes the strategic and coordinated planning in security, political and programmatic areas of engagement on Somalia, as presented in the recent report of the Secretary General, serious abuses of human rights and violations of international humanitarian law remain largely undocumented, unpunished, and ignored by the international community. These violations arise from a surge in attacks affecting civilians, committed by all parties to the conflict in 2007 and early 2008, including by Transitional Federal Government (TFG) and Ethiopian armed forces.

More than 6,000 civilians have been killed, and some 600,000 displaced within southern and central Somalia since the beginning of 2007, resulting in over one million internally displaced at this time. The UN has estimated that nearly 60% of the population of Mogadishu has fled. Entire neighbourhoods have been emptied by armed conflict and an absence of functioning institutions of justice and basic governance has resulted in near-total impunity. Journalists, other media workers and human rights defenders have been and continue to be specifically targeted; women and girls have been subjected to increasing levels of rape and other forms of gender-based violence; and all Somalis remain at risk of beating and unlawful killing, arbitrary arrest and detention, and theft and looting, including at some 400 check points and road blocks throughout the area.

Amnesty International recently travelled to the region to interview survivors of armed conflict and witnesses to human rights abuses and humanitarian law violations in southern and central Somalia. Their testimonies described horrific attacks against individuals and families during house to house raids and searches by TFG and Ethiopian armed forces, rocket and mortar attacks by TFG and Ethiopian forces in heavily populated urban neighbourhoods, as well as threats and attacks by non-state armed groups. Amnesty International repeats its call to all parties to the conflict in Somalia to immediately abide by international human rights and humanitarian law.

As the UN Security Council moves forward with plans to provide security and support political dialogue in Somalia, Amnesty International calls on UN Security Council member states to urgently, consistently and directly confront the inter-linked human rights and humanitarian crises. Specifically the ongoing violations against rights to physical integrity, freedom of expression and association, the rights of the displaced, and violations of international humanitarian law, some of which may include war crimes. There must be no further delay in establishing mechanisms to end a decades-long environment of impunity that serves to encourage violations against civilians by all parties to the conflict.

There is nothing to be gained by the international community remaining silent in relation to abuses currently being committed in Somalia. Impunity will not contribute to a Transitional Federal Government more capable of protecting the rights of Somali civilians, nor will it end insurgency. To the contrary, impunity only deepens the conflict and drives communities apart as there is no deterrent against committing human rights violations and abuses. The current lack of attention to serious human rights violations in Somalia gives the damaging impression to all parties to the conflict that these conditions are somehow acceptable and that the international community will not act to prevent them.

In light of these grave and urgent concerns, Amnesty International calls on the UN Security Council and its member states to:

1. Strengthen the capacity of the UN Political Office for Somalia (UNPOS) and allocate sufficient resources to the Office of the United Nations High Commissioner for Human Rights to— effectively monitor and report on human rights conditions, provide technical assistance and advice to the Transitional Federal Institutions (TFI), and support human rights defenders throughout Somalia;
2. Support an International Commission of Inquiry or a similar mechanism established by the Security Council to investigate violations of international human rights and humanitarian law committed in Somalia in 2007 and 2008, and to map violations since 1991 which may be considered war crimes or crimes against humanity. This mechanism could be assisted by the International Humanitarian Fact-Finding Commission, established under article 90 of the First Additional Protocol to the Geneva Conventions;
3. Strongly encourage that the African Union's Peace Support Mission to Somalia (AMISOM) and any succeeding UN peacekeeping mission be mandated to protect civilians— particularly women, children, discriminated Somali minorities and internally displaced persons, and include a strong human rights component with the capacity to monitor, investigate and publicly report human rights violations;
4. Strengthen the UN arms embargo on Somalia, by increasing the capacity of the Panel of Experts to monitor and report violations, enforcing the requirement of application for exemptions, and considering imposing a ban on aircraft, ships, and land vehicles owned by individuals, companies or countries reported to have breached the embargo;
5. Publicly and privately insist that TFG and Ethiopian armed forces cease extra-judicial executions and other unlawful killings, including all direct or indiscriminate attacks against civilians and civilian objects in violation of international humanitarian law.
6. Strongly urge the TFG and the Ethiopian government to fulfil their obligations under international law to investigate and bring to justice armed forces commanders and other personnel suspected of violations of international human rights and humanitarian law;
7. Use all available diplomatic means to ensure that the TFG and other parties to the conflict remove all obstacles to the delivery of humanitarian assistance, and take effective measures to ensure the safety of local and international humanitarian workers;
8. Ensure that all diplomatic initiatives toward national reconciliation make human rights and access to humanitarian assistance central to inclusive dialogue in Somalia.