

AMNESTY INTERNATIONAL

PUBLIC STATEMENT

23 June 2011

AI Index: IOR 63/002/2011

African Union must prioritize the protection of civilians in conflict situations

As the African Union (AU) meets for its 17th Ordinary Heads of State and Government Summit in Malabo, Equatorial Guinea, Amnesty International calls upon the AU to prioritize the plight of civilians in the armed conflicts in Libya, Somalia and Sudan.

In **Libya**, serious violations of international human rights and humanitarian law have taken place in the context of the ongoing armed conflict. Amnesty International found that pro-al-Gaddafi forces committed serious violations, in some cases amounting to war crimes - including indiscriminate attacks against civilians and civilian areas - leading to casualties among civilians including women and children. Pro-al-Gaddafi forces used inherently indiscriminate weapons including those banned internationally such as anti-personnel mines and cluster bombs, and artillery, mortars and rockets in residential areas. Pro-al-Gaddafi forces have also mounted a campaign of enforced disappearances against perceived opponents; leading to the disappearances of hundreds or possibly more individuals, mostly men, across the country. Pro-al-Gaddafi forces have also committed torture or other ill-treatment, and even extra-judicial executions, of captured fighters or others in their custody. At the inception of the unrest, in late February 2011, pro-al-Gaddafi forces were responsible for the excessive use of force including lethal force against anti-government protesters. Such violations are taken place against the backdrop of severe constraints imposed on independent media, including the arrest, intimidation and harassment of Libyan and foreign journalists.

Opposition forces have also been responsible for abuses, including the torture or other ill-treatment of captured soldiers, individuals believed to be "mercenaries" and other detainees believed to support Colonel al-Gaddafi or believed to have committed human rights violations in the past. Such individuals were subjected to beatings and other violations particularly upon apprehension or in the first days of detention. Amnesty International is also concerned regarding the absence of a clear structure to arrest, detain or interrogate such individuals; and the lack of oversight by or coordination with civilian authorities including the Department of Public Prosecutions. The National Transitional Council (NTC) also failed to take steps to publicly condemn and carry out independent, impartial and full investigations into the killings of captured soldiers, suspected mercenaries, or members of the notorious Internal Security Agency, an intelligence body responsible for gross human rights violations during Colonel al-Gaddafi's rule, by individuals supporting the opposition. Impunity for such crimes increases the risks of their repetition and sends a signal to society that such crimes will be tolerated.

Amnesty International would like to draw the attention of the African Union to the plight of foreign nationals in Libya, particularly those from sub-Saharan countries in Africa. Amnesty International received reports of violent attacks against nationals from sub-Saharan countries in territories controlled by the opposition, partially due to a widely held belief that Colonel al-Gaddafi enlisted "African mercenaries" to carry out attacks against his own people. Africans from sub-Saharan countries in areas under the control of Colonel al-Gaddafi have also reported a rise in racist and xenophobic attacks against them by ordinary citizens, who steal their money and phones and at times violently attack them, with total impunity.

Amnesty International calls on the African Union to take a more proactive role to:

- Pressure Colonel M'ummar al-Gaddafi's government to comply by the provisional measures ordered by the African Court on Human and Peoples' Rights on 25 March 2011 to immediately cease any actions leading to violations to the right of life or "physical integrity";
- Urge all parties to the conflict to comply with international humanitarian law, in particular not to carry out any attacks targeting civilians, or attacks that do not distinguish between civilian and military objects, or attacks that have a disproportionate impact on civilians or civilian objects; and to ensure that all those detained in the context of the unrest and fighting are treated humanely, and that their families are informed and allowed to establish contact with them;
- Urge Colonel Mu'ammarr al-Gaddafi's government and the NTC to address violent attacks against foreign nationals particularly from sub-Saharan countries, by publicly condemning such attacks, investigating them even when no official complaint has been made and bringing those responsible to justice; and
- Ensure that anyone fleeing Libya has access at a border including third-country nationals, without discrimination and irrespective of their background

In **Somalia**, fighting continues in the context of a military offensive by government and African Union peace support troops against armed Islamist groups. Somali children and the youth are most affected: in May 2011, three Mogadishu hospitals reportedly received 1,590 war-wounded patients, 46% of them children under the age of five, mostly suffering blast, shrapnel and bullets injuries. Child soldiers are used by all Somali parties to the conflict, but more systematically by the al-Shabab armed group, which also forcibly recruits young adults. One in every four children is estimated to be acutely malnourished, the majority of them living in southern Somalia where humanitarian organizations have poor or no access. The catastrophic human rights situation and the humanitarian emergency forced some 60,000 more Somalis to seek refuge outside their country this year. Yet instead of finding safety and protection, Somali refugees face human rights abuses and forced returns from other countries.

Amnesty International is calling upon the African Union to turn its attention to Somali children and the youth and to:

- Ensure that AMISOM troops consistently take all feasible precautions in order to avoid civilian casualties, including by warning civilians of impending military attacks, unless circumstances do not permit; avoiding placing, to the extent feasible, the locations of military bases and other military objectives within or near densely populated civilian areas; and ensuring that its troops do not indiscriminately shell mortars and other artillery weapons in densely-populated civilian areas;
- Call on all African Union Member States to end arms transfers to all parties to the conflict in Somalia, including the Transitional Federal Government, until effective mechanisms are in place to prevent such material assistance from being used in committing violations of international humanitarian and human rights law, including the recruitment or use of child soldiers;
- Call on all African Union Member States to give protection and assistance to Somalis fleeing armed conflict and not to forcibly return any individual to South and Central Somalia;
- Demand the establishment of an independent and impartial Commission of Inquiry, or similar mechanism, to investigate and map crimes under international law committed in Somalia and recommend further measures for accountability.

In **Sudan**, Darfur, fighting further intensified from January to May 2011. On 23 January 2011, government forces raided Zamzam displaced camp in North Darfur. The government forces arrested 37 people, entered homes and looted property. In late February 2011, Sudanese government air and ground forces and armed opposition groups fought in and around Shangil Tobaya, North Darfur. Ten villages were reportedly destroyed and over 4,000 people fled from the region as a result. Most recently in May, aerial bombings were reported in both North Darfur and South Darfur.

The government continues to restrict humanitarian organizations from accessing large areas of Darfur. Furthermore, the government has actively kept UNAMID out of conflict zones, on the pretext that they are insecure. In January alone, the government reportedly blocked more than 20 attempts by UNAMID to patrol areas. These restrictions severely restrict UNAMID from monitoring and carrying out its civilian protection mandate in areas most affected by conflict.

In recent weeks there has been increased fighting between the northern Sudan Armed Forces (SAF) and largely southern Sudan People's Liberation Army (SPLA), around the border areas between north and south Sudan. South Sudan is set to become independent on 9 July, following a referendum held in January 2011, under the 2005 Comprehensive Peace Agreement (CPA). On 21 May, SAF effectively occupied Abyei town, in violation of the 2005 CPA, and other agreements between the ruling National Congress Party (NCP) and Southern Sudan People's Liberation Movement (SPLM). The assault followed a series of skirmishes between SAF and SPLA, including an alleged attack on 19 May by SPLA on SAF troops travelling with a UN convoy near Abyei.

The SAF responded with aerial bombardments, and artillery fire, as well as burning and looting of civilian property. The United Nations estimates the number of displaced at 96,000 people. Reports were received that the displaced were being pressured to return to Agok, a town neighbouring Abyei. Furthermore, reports were received that the Sudanese government had facilitated the movement of thousands of Arab Misseryia into the town, in an effort to strengthen its claim to the territory.

Fighting between the SAF and elements of the SPLA began on 5 June in different parts of Southern Kordofan, including Kadugli, the state capital. Aerial bombardments and artillery attacks by SAF have been reported in villages south of Kadugli, in addition to Talodi, Heiban, Kauda, and a number of other towns. Some of the aerial bombings by SAF are indiscriminate.

Looting and destruction of property by security forces was rampant, with civilian homes and NGO offices raided. In Kadugli and Dilling, SAF and security forces in civilian uniforms were searching the streets and houses, and arresting and killing people suspected of supporting the SPLM, largely from the Nuba tribe. The number of civilians killed from the fighting is unknown, due to ongoing insecurity. The UN stated more than 61,000 have been displaced by recent clashes. Dilling town and a number of villages surrounding Kadugli are reportedly deserted.

Humanitarian access is extremely limited in the region. The majority of international NGO staff have been evacuated and there are severe shortages of food and medical supplies. Kadugli airstrip remains closed, preventing humanitarian aid from reaching the area. On 14 June, Kauda, a town near Kadugli, was bombed with the airstrip destroyed, further preventing humanitarian access.

Amnesty International calls on the African Union to:

- Call on all parties to the conflict in Darfur, Abyei and Southern Kordofan to immediately order their forces to take all necessary precautions to avoid civilian casualties, and to prohibit the attack against civilians, during military operations and to allow the UN and humanitarian organizations unrestricted access;
- Continue to support national and international justice mechanisms in order to end the culture of impunity in Sudan.