

COUNCIL MONITOR

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COUNCIL UPDATE – ITEM 10 - INDEPENDENT EXPERT ON SOMALIA HUMAN RIGHTS COUNCIL, 12TH SESSION 1 OCTOBER 2009

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Overview

On 1 October 2009, the Independent Expert on the situation of human rights in Somalia, Mr Shamsul Bari, presented his annual report to the Council. All participants, including the high-level delegation from Somalia, welcomed the Independent Expert's work and there was general support for the continuation of his mandate. The interactive dialogue on his report was fairly constructive, but only few concrete suggestions to deepen the Council's involvement were made. These included the holding of a panel debate or a special session, and the establishment of a commission of inquiry to ensure accountability for widespread past and ongoing human rights violations.

Independent Expert on Somalia

The Independent Expert on the situation of human rights in Somalia, Mr Shamsul Bari, presented his annual report to the Council.¹ In his report, Mr Bari described the situation in Somalia as 'one of the worst humanitarian crises in the world today' and regretted that 'the situation has worsened in recent months'. When presenting the report to the Council, he underlined that view, and said the situation was currently very volatile. The Independent Expert explained that it had been difficult for him to meet with the Government of Somalia, because he was unable to travel to Mogadishu due to the security situation. His report was therefore mostly based on talks with people he met in Somaliland, Puntland and refugee camps in Kenya. Despite the grim analysis of the situation, Mr Bari said there is 'a glimmer of hope'. He underlined the need for the international community and the Government of Somalia to work together, and for the Government to instil hope in its people that the future can be better.

Interactive dialogue

The interactive dialogue that followed was fairly positive and constructive. Somalia, as the concerned country, sent a high level delegation, represented by Ms Fauzia Mohamed Sheikh, the Minister of Women Development and Family Care, and human rights focal point in the Government. Ms Fauzia highlighted the simultaneous challenges facing her 'beloved country', including the challenge to reconcile the traditional Somali state with a

¹ A/HRC/12/44.

modern federal State, and to reconcile Sharia law, Somali customary law and a modern legal system. She stressed that a ‘timely implementation of technical assistance and capacity building in Somalia’ is crucial.

Most delegations welcomed the presence of the high-level Somali delegation, and the constructive attitude of the Government. They also welcomed the report of the Independent Expert and his work. Nigeria (on behalf of the African Group) particularly welcomed the ‘passion and determination’ with which Mr Bari carried out his mandate. Several delegations explicitly supported the **continuation of the mandate**,² with Tunisia (on behalf of the Arab Group) highlighting the importance of the assistance-aspect of the resolution, and Egypt being supportive ‘on the basis that it provides a value added on the ground’.

In relation to the current situation in Somalia, most comments focused on the **security aspect**.³ Several States condemned the recent attack on peacekeepers of the African Union Mission in Somalia (AMISOM),⁴ but also focused on attacks on aid workers,⁵ the targeting of civilians,⁶ and piracy.⁷ Human Rights Watch enquired if and when alleged killings of civilians by AMISOM troops would be investigated.

A large part of the debate centred around the issue of **impunity and the need to ensure accountability**, which was also a main theme in the Independent Expert’s work.⁸ Switzerland supported Mr Bari’s recommendation to focus on the training of civil servants in this regard, and the US supported a quarterly ‘human rights and training meeting’ as suggested by the Independent Expert.

Human Rights Watch and the Cairo Institute for Human Rights Studies wished to see more concrete steps to ensure accountability, including focused human rights monitoring by the Council. The former, along with FIDH, suggested the establishment of a commission of inquiry to look into human rights violations. In his comprehensive answers, the Independent Expert suggested that the Government of Somalia needs to assure its population of its commitment to end impunity. He noted that he does not expect accountability for the ‘crimes of the last two decades’ but believes that the Government should address current impunity. He was also adamant that any assistance provided to the Government needs to be conditional on such accountability.

Other comments about the **general human rights situation** included questions on what measures had been taken to stop the recruitment of child soldiers,⁹ the dire food situation,¹⁰ and the need to ensure education of the population to facilitate post-conflict recovery.¹¹ The Cairo Institute for Human Rights Studies and FIDH highlighted the killing of human rights defenders and journalists in recent months. Norway highlighted the need for more participation of women at all levels of decision-making.

Some comments in relation to the **role of the Council** were also made. Sweden (on behalf of the EU) said it was ‘keen to see the Council do more’ but failed to provide concrete suggestions. Bangladesh suggested that States should support UN engagement in Somalia through ‘financial means’ while Algeria called on the international community to ‘provide multifaceted assistance’. Among the more concrete proposals was the United Kingdom’s suggestion to hold a panel discussion in the Council to enhance its engagement with Somalia. Human Rights Watch reiterated its previous suggestion that the Council hold a special session or a panel on the situation of

² Tunisia (on behalf of the Arab Group), United States, Egypt, Sweden (on behalf of the EU), Amnesty International.

³ Switzerland, Nigeria (on behalf of the African Group), Djibouti, Australia, US, UK, Organisation of the Islamic Conference (OIC), Human Rights Watch.

⁴ See for instance <http://tr.im/Apsl>.

⁵ Djibouti, Italy.

⁶ US.

⁷ Organisation of the Islamic Conference.

⁸ Sweden (on behalf of the EU), Australia, UK, US, Switzerland, Canada, Human Rights Watch, Cairo Institute for Human Rights Studies,

⁹ Switzerland.

¹⁰ Canada.

¹¹ US.

human rights in Somalia. Only NGOs commented on the **role of the Office of the High Commissioner for Human Rights (OHCHR)**, with Human Rights Watch and the Cairo Institute for Human Rights Studies asking for focused monitoring of the situation. Amnesty International was looking forward to the framework agreement between OHCHR and the Government of Somalia as required by Council *Resolution 10/32*.

Finally, some speakers commented on the **political situation**, and supported the Djibouti peace accords as a good basis for moving forward.¹² Ethiopia asked the Independent Expert if he would consider the role of Eritrea in his future work. Mr Bari said he would consider this suggestion.

Further information

For further information on the Human Rights Council, please consult the following resources:

- Follow ISHR on Twitter: [@ishr_geneva](https://twitter.com/ishr_geneva).
- Web site of the International Service for Human Rights, providing up-to-date information before, during and after sessions of the Council: <http://www.ishr.ch/council>. During the session, ISHR will provide information about the Council's proceedings on a regular but not daily basis. You can subscribe to receive alerts of our publications by sending an email to information@ishr.ch.
- Oral statements made at the Council, as well as other informal documents and draft resolutions are available on the 'OHCHR extranet' at <http://portal.ohchr.org/portal/page/portal/HRCExtranet>. Username: 'hrc extranet' Password: '1session'.
- Web site of the Office of the High Commissioner for Human Rights (OHCHR) on the 12th session of the Human Rights Council: <http://www2.ohchr.org/english/bodies/hrcouncil/12session>. For direct access to reports considered, check <http://www2.ohchr.org/english/bodies/hrcouncil/12session/reports.htm>.

NGOs and human rights defenders seeking more specific information or individual advice on the Council session, please contact the ISHR secretariat by email or phone at +41 (0) 22 919 71 00.

¹² OIC, Egypt.

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