

COUNTRY SPECIFIC RECCOMENDATION-SOMALIA

RECCOMENDATION ON THE SITUATION IN SOMALIA

We, the participants at the Forum on the participation of NGOs at the 45th Ordinary Session of the African Commission on Human and Peoples' Rights in The Gambia, resolve as follows:

Considering that Somalia is party to the African Charter on Human and Peoples' Rights, has adopted all the international and regional instruments for the protection of human rights and humanitarian law ratified and domesticated by the former Democratic Republic of Somalia;

Welcoming the appointment of a government of unity through the UN-brokered Djibouti Peace Process, between the Transitional Federal Government (TFG) of Somalia and the Alliance for the Re-Liberation of Somalia (ARS) as a key step to a wider peace process that will include all parties involved in the conflict;

Welcoming the withdrawal of the Ethiopian troops from Somalia in January 2009;

Deeply concerned by the continued violations against civilians notably arbitrary arrests, prolonged detention, torture, inhuman and degrading treatment, extra-judicial executions and denial of access to medical treatment and food in internally displaced camps;

Deeply disturbed by the extent of sexual and gender-based violence being carried out by all actors involved in the conflict;

Deploring the recent and continuing targeting and kidnapping of aid workers rendering it particularly difficult for these groups to carry out their vital work;

Condemning the involvement and responsibility of all actors involved in the conflict, notably the TFG and ARS forces, and the insurgents, especially Al-Shabab, in the deteriorating human rights situation;

Deeply concerned by the lack of accountability for past and present violations and abuses of human rights and international humanitarian law, clearly exacerbating the conflict;

Concerned by the alleged implications of the AMISON peacekeeping troops in indiscriminate attacks on civilian areas;

Further considering Somalia's obligations under the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms (the UN Declaration on Human Rights Defenders), particularly to ensure the

rights of human rights defenders to assemble, associate, express themselves and participate in the government of the country and the conduct of public affairs;

Deeply disturbed by the widespread violations of freedom of expression and the systematic attacks being committed against human rights defenders, particularly journalists;

Deeply concerned by the situation of women human rights defenders in Somalia or defenders involved in women's rights and issues, that are perceived as culturally sensitive, and who as a result face additional gender-specific risks and violations in their human rights work;

Noting that harassment and intimidation of human rights defenders, including journalists, obscures the actual and deteriorating human rights situation and thereby undermines efforts to bring these violations to the attention of the international community;

EHAHRD-Net calls upon the ACHPR to take all necessary measures to adopt this recommendation

- **Calling on** the new Government of Unity to allow for the establishment of an independent international commission of inquiry in order to ensure prompt, impartial, effective and independent investigations into all cases of human rights violations, both past and present, particularly those affecting human rights defenders;
- **Encouraging** the new Government of Unity to establish accountability mechanisms which conform with international standards of independence and impartiality in order to bring an end to impunity and ensure that all actors responsible for current and past abuses are held accountable for their actions;
- **Calling on** the TFG and the ARS to ensure the observance of the provisions of the Djibouti Peace Accords and to extend the national dialogue to include the remaining armed groups within the Accords;
- **Calling** on all actors involved in the conflict to immediately end attacks on humanitarian workers and to allow for humanitarian access;
- **Calling upon** the TFG, ARS and insurgents to bring an immediate end to arbitrary arrests, harassments, systematic attacks and targeted killings of all human rights defenders, and more particularly journalists;
- **Encouraging** new Government of Unity to ensure the protection of defenders and to create an enabling environment for them to pursue their legitimate work;
- **Calling** on the African Union, in collaboration with the United Nations Security Council, and other relevant UN bodies, to support the establishment of an international commission of inquiry to investigate the human rights and humanitarian law violations committed
- **Encouraging** all member States of the African Union to provide support - logistical, political and financial - to entities and bodies that can monitor and report on past and current human rights abuses and can help to establish impartial and independent accountability mechanisms ;
- **Encouraging** the AU members to ensure the AU troops also offer protection to civil society by ensuring the protection of key institutions notably the independent media outlets.

- **Calling** on the African Union to ensure that mechanisms are established which will ensure that the members of the TFG forces and AMISON responsible for violations of human rights and humanitarian laws are held to account;
- **Recommending** to AU member States to ensure that all HRDs in particular journalists that have been forced into exile can pursue their vital work by providing them with assistance, and protection;
- **Calling upon** the AU members to ensure that the AU troops currently stationed in Somalia extend the protection they are currently offering to include the protection of civilians, particularly internally displaced persons.
- **Call Upon the ACHPR to prepare a full report on the situation of human rights on Somalia at its next 46th Ordinary session.**

Banjul, The Gambia- May 2009