



To: Members of the International Contact Group on Somalia Meeting in Kampala, Uganda

2 June 2011

Re: Human Rights Priorities in Somalia

Dear Members,

On the occasion of your meeting in Kampala, let me begin by thanking you for your continued attention to the situation in Somalia and activeness in seeking durable solutions. The East and Horn of Africa Human Rights Defenders Project would like to take this opportunity to highlight some key issues of concern regarding the human rights situation in the country, especially as relates to human rights defenders (HRDs), and to make recommendations for action.

Since 1991, human rights violations have been carried out by a range of actors, with the perpetrators – whether governmental or members of insurgency groups, militias – accorded virtual **impunity**. We strongly believe that the establishment of **accountability mechanisms** will play a vital part in preparing the way for peace and in ensuring that the lasting peace is attained. Ending impunity will help to determine the success of the Transitional Federal Government of Somalia (TFG), in particular by helping to enhance its legitimacy in the eyes of many different segments of the Somali population and the international community. Many Somalis who have been victims of human rights abuses or have been forced into exile believe that without an end to impunity, peace cannot be restored.

Limited monitoring, documentation and reporting of violations significantly contribute to this culture of impunity. **Human rights defenders** face numerous obstacles which restrict the scope of their monitoring and advocacy work, such as the lack of safe communication channels because the only telecom company used by activists is based in a militia-controlled area. Both the TFG and militia groups have shut down media outlets and stopped journalists from carrying out their work in the areas that they control. On 12-13th February 2011, for example, the Ahlu Sunna group detained and tortured Abdikarim Ahmed Bulhan, a reporter for Radio Shabelle based in Mogadishu. This was the fourth time Bulhan had been detained by the same group. The TFG and Al-Shabaab have also repeatedly shut down radio stations in the areas they control.

Like all civilians in Somalia, HRDs are the victims of indiscriminate attacks, but they have also been targeted on account of their work – according to the Committee to Protect Journalists, at least 20 journalists have died in Somalia as result of their work in the past four years. In part due to the lack of an international civilian presence on the ground, HRDs do not receive adequate protection or emergency

support. In cases where they need to leave quickly, they may face travel restrictions, such as in Kenya where they must apply for entry clearance prior to travel, and other countries where there are increased security checks. Assistance to HRDs must be coupled with the vital improvement of measures for the **protection of all civilians.**

Recommendations

In the area of accountability, EHAHRDP recommends:

- The establishment of an independent international Commission of Inquiry into human rights and humanitarian law violations, both past and present, committed by all actors involved in the conflict as a means of mapping out the worst abuses. While the UN Security Council is examining ways to ensure accountability for crimes of piracy (and has mandated the Secretary-General to report back on the modalities of establishing specialized courts to try suspected pirates), no such initiative is forthcoming for serious human rights crimes committed in Somalia. The current Transitional Federal Government (TFG) has committed itself, under the Djibouti peace agreement in 2008, to promote justice and reconciliation;
- The establishment of a more permanent international human rights presence on the ground in Somalia, under the auspices of the OHCHR or the UN Political Office on Somalia (UNPOS) Human Rights Unit, to guarantee systematic monitoring and reporting of the human rights situation and to provide concrete protection measures to human rights defenders at risk.

For the protection of civilians, EHAHRDP recommends:

- With the cooperation of the UN Security Council, along with states and other intergovernmental organisations providing support to the African Union Mission in Somalia, the establishment an investigation mechanism within AMISOM to conduct prompt, independent and impartial investigations into all allegations of violations of international human rights and humanitarian law by AMISOM personnel, including allegations of indiscriminate or disproportionate attacks, such as mortar firing or shelling in densely populated areas. Such a mechanism should ensure the confidentiality and the safety of potential complainants and witnesses, should report its findings publicly and should recommend disciplinary measures and the initiation of appropriate criminal proceedings against any personnel found responsible for such violations;
- The provision of adequate training in international human rights and humanitarian law and on accountable arms management and safe storage, according to international standards and best practice procedures. This provision of this training should be facilitated by states and intergovernmental organisations supporting the TFG forces, as well as the UN Security Council.

- The promotion and provision of technical and financial assistance to the TFG security forces for the establishment and running of an impartial screening or vetting mechanism as part of the recruitment procedures, to ensure that those reasonably suspected of serious violations of humanitarian law or human rights abuses are not recruited into the new security forces, pending independent and impartial investigations.

As regards the protection of human rights defenders in particular, EHAHRDP recommends that:

- All states and intergovernmental bodies supporting AMISOM work closely with NGOs working on Somalia, OHCHR and UNPOS to assist in the response to the influx of requests by human rights defenders, notably journalists and other civil society actors working in Somalia, for assistance when at risk as a result of their work, to provide safe modes of communication, and engage with sub-regional countries to lift travel restrictions.

As a regional organisation working on the protection of human rights defenders (HRDs) and promotion of their rights in the East and Horn of Africa, EHAHRDP provides support to enable human rights defenders to continue their work and advocacy against human rights abuses within their own countries, if possible, will have a far-reaching effect. Details of such activities carried out by EHAHRDP are included in annex to this letter.

Again, I thank you for the opportunity to highlight these points of concern, and I look forward to fruitful discussions.

Sincerely,



Hassan Shire Sheikh
Executive Director
EHAHRDP

Annex: Summary of EHAHRDP activities in support of Somali human rights defenders

- Emergency evacuation and relocation; this is especially in cases where the activist is not able to stay in their area of work for security reasons though it is often best if the relocation is internal due to economic, social, cultural and financial difficulties an HRD may face if relocated to another country. Evacuation is usually a last resort and only if all else fails;

- Psychosocial counseling and medical assistance, mainly out of the country, for activists who have been injured;
- Access to funding for housing, feeding, communication and transport both in-country and out of the country for activists at risk and not able to continue with their human rights work;
- Funding for family support as often times the HRDs at risk are the sole providers for the families;
- Capacity building programmes and education opportunities for HRDs relocated to other countries e.g English Language Classes, training in human rights; monitoring and reporting on human rights violations; to build their capacities;
- Assistance with the Refugee Status Determination processes and other administrative processes for HRDs who have been evacuated;
- Internship placements with like-minded organisations both in country and out of the country;
- Collaboration with other service providers and information sharing for HRD support and protection e.g UNHCR, Amnesty International, Frontline, Oxfam Novib, CPJ etc;
- Encouragement and access to resources for continuation of the work of HRDs e.g access to the resource center at EHAHRDP's offices, access to financial support in setting up of offices by HRDs in the diaspora through which advocacy activities are carried out; This has proven very successful as the defenders are able to continue with their work and liaise with colleagues back home who feed them with information for reporting purposes;
- Equipment replacement e.g confiscated laptops;
- Funds to secure office premises e.g a fence around the office of a human rights organisation;
- Security management training in collaboration with Protection Desk Uganda and Kenya (a joint EHAHRDP and Protection International project) seeking to strengthen the ability of HRDs to assess risks, put in place preventive measure and reduce the impact of attacks;
- Lobbying at the UN Human Rights Council in support of the mandate of the Independent Expert on Somalia, and the standalone panel on Somalia at the 15th session;
- Capacity-building training for HRDs in advance of the Universal Periodic Review of Somalia. Facilitated the attendance at the UPR review in May 2011 of two Somali HRDs whose organisations made written UPR submissions;
- Sponsoring the participation of Somali HRDs at the African Commission of Human and Peoples' Rights and the NGO Forum.