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**Promotion and protection of all human rights,
civil, political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Amnesty International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 February 2010]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Protecting the rights of Somali Internally Displaced People (IDPs)

Amnesty International welcomes the report of the Representative of the Secretary-General on the human rights of internally displaced persons to the Human Rights Council on his visit to Somalia in October 2009 (A/HRC/13/21/Add.2). The organization shares the concerns of the Representative and urges the parties to the conflict in Somalia, the African Union, the United Nations and international donors to implement the recommendations contained in the report.

This statement expands on the concerns held by Amnesty International in relation to the human rights situation in Somalia, with particular focus on Internally Displaced People (IDPs).

Civilians in Somalia bear the brunt of the armed conflict between armed groups and Transitional Federal Government troops and allied forces. The UN estimates that 1.5 million are internally displaced in Somalia, with 1,380,000 displaced within southern and central Somalia, where armed conflict rages. Since January 2010, according to Somali civil society groups, some 29,000 civilians have fled armed confrontations around Dhusamareb in central Somalia between the al-Shabaab armed opposition group and the government-allied Alhu Sunna Waal Jamaa; 25,000 are estimated to be displaced as a result of fighting between the same groups for the control of Beletweyne, a city in central Somalia; and thousands of civilians are fleeing the capital city Mogadishu ahead of an announced offensive by the Transitional Federal Government (TFG) against armed opposition groups.

Those displaced are in a dire situation, with limited or no access to essential humanitarian aid. They are also vulnerable to serious human rights abuses while they are fleeing, as most of them are women and children. The Representative of the Secretary-General identified assaults, rape and domestic violence as common abuses inflicted on IDPs. Amnesty International has received reports of rapes of civilians fleeing fighting in Dhusamareb in January 2010. Particularly worrying are the reports received by the Representative of recruitment of children living in IDP settlements in Southern Somalia into armed forces.

Displacement as a consequence of serious human rights abuses

Armed conflict and conflict-related abuses are a major cause of displacement. Armed opposition groups have continued to commit serious human rights abuses, and on a wider scale compared to 2009. They are responsible for launching attacks from and in densely populated civilian areas and for using mortars and improvised explosive devices in urban areas where civilians reside or frequent. There are allegations that armed opposition groups have murdered persons suspected to be sympathising with the Government, including in Beletweyne at the end of January 2010. Journalists, civil society activists and humanitarian workers are intimidated by armed groups and often receive death threats thought to come from armed opposition groups. In areas under their control, armed groups have imposed drastic rules on journalists and civil society actors and closed down some radio stations. As a result, information that the international community receives about the dire situation of IDPs is limited.

In addition, there are persistent reports of the widespread recruitment of child soldiers by armed opposition groups, as mentioned above, and of the restrictions imposed on women's dress code and freedom of movement in the areas armed opposition groups control. These groups are also responsible for a pattern of unlawful killings, torture and other ill-treatment, including stoning of women and men to death, public executions, amputations and

floggings, use of unlawful and arbitrary quasi-judicial bodies, and enforcement of their own interpretation of Islamic law.

There are also consistent and persistent reports of serious violations by TFG forces, and even by African Union Mission in Somalia (AMISOM) troops in Mogadishu. Amnesty International continues to receive reports similar to those expressed to the Representative and reproduced in his report. These reports are mainly about the practice of indiscriminate shelling of civilian areas of Mogadishu by Transitional Federal Government forces and AMISOM, in response to attacks by armed groups. Civilians and civil society actors report that mortars and other heavy artillery weapons are regularly fired from government and AMISOM bases in Mogadishu towards the general direction of the attackers. Civilians, including displaced persons in Mogadishu, are routinely killed and injured because of such shelling.

Impunity fuels abuses and displacement

It is essential that the government and AMISOM treat these allegations seriously and publicly order forces under their command not to commit attacks that do not distinguish between military objectives and civilians. The international community, which supports the government and AMISOM, should be more vocal against such violations and ensure that oversight mechanisms are put in place to independently investigate such allegations.

Amnesty International believes that armed conflict and displacement in Somalia will continue until serious steps are taken to address the overwhelming impunity with which acts which amount to war crimes are committed. Amnesty International welcomes the Representative's support for the establishment of an independent Commission of Inquiry to investigate serious crimes committed in Somalia. The Transitional Federal Government has committed under the 2008 Djibouti peace agreement to address justice and reconciliation, and must take practical steps to implement this. The international community must also spearhead the establishment of a credible mechanism to address impunity in Somalia, which can contribute to end the cycle of violence against civilians.

Lack of humanitarian access

Access for humanitarian aid to IDPs in urgent need of food, water, shelter and healthcare is limited and in some places non-existent. Apart from a general context of insecurity and indiscriminate violence, the work of humanitarian agencies has been hampered by targeted killings of aid workers and by strict limits imposed on their work. Amnesty International concluded that out of 46 cases of killings of aid workers in Somalia in 2008, the majority were targeted killings. Half of these targeted killings were committed by members of armed opposition groups, including al-Shabaab militias, according to information gathered by Amnesty International. The impunity for such crimes must be addressed. In 2009, another 10 aid workers were killed.

Access to people in need of emergency aid has also been limited because parties to the conflict have obstructed access. In 2009, armed opposition groups bore primary responsibility for restricting aid operations. They made threatening statements against international and Somali aid workers and imposed conditions on humanitarian agencies, such as forbidding the employment of female staff as aid workers.

As the Representative outlined in his report, the international community also bears some responsibility for the dwindling aid given to those displaced by the conflict in Somalia. In 2009, the UN Consolidated Appeal Process for Somalia was only half-funded, and projects related to the protection of civilians have not received enough contributions from donors.

Amnesty International calls on donor countries to fully fund humanitarian projects for Somalia, including projects relating to the protection of civilians.

Recommendations

Amnesty International supports the recommendations made by the Representative of the Secretary-General in his report and urges all relevant actors to implement them. Amnesty International recommends, in particular, that:

- All parties to the conflict immediately cease direct attacks on civilians and indiscriminate and disproportionate attacks which cause civilian deaths, injuries, destruction of homes and displacement;
 - All parties to the conflict allow safe, timely, unconditional and unimpeded access by aid agencies to all IDPs and civilians in need of assistance in Somalia;
 - The Transitional Federal Government, the United Nations and the international community take urgent and concrete steps towards the establishment of an independent Commission of Inquiry, or similar mechanism, to address impunity for crimes under international law committed in Somalia;
 - The international community provide full support and funding for humanitarian programmes in all areas hosting displaced Somalis.
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