

AMNESTY INTERNATIONAL

Open Letter

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Somalia: No Lasting Peace Without Human Rights

An Open Letter from Amnesty International to the Peace Talks Participants

Eldoret, Kenya

In memory of Starlin Arush, Somali human rights defender, who was tragically murdered in Nairobi, reportedly by armed robbers, as she was about to attend the peace talks; and of hundreds of thousands of unarmed civilians -- children, women and men -- killed by armed factions in 11 years of civil wars since the Somali state collapsed in 1991, or during the preceding 21 years of the Siad Barre government.

As the Somalia National Reconciliation Process enters its second phase, following the cease-fire signed by 19 armed faction leaders and the Transitional National Government (TNG) on 27 October 2002, Amnesty International is calling on all the several hundred participants in the current peace talks in Eldoret to ensure that human rights are at the forefront and will be much better protected as the outcome. This should be the main objective of these 14th peace and reconciliation talks, since without a central focus on securing rights and justice for all Somalis, the resulting agreement cannot deliver lasting peace.

Every Somali will understand the meaning of the basic human rights to life, physical integrity and security of livelihood, since all have experience of human rights violations against themselves or their close family over the past decade or more. As much as a fifth of Somalia's population has been forced to abandon homes and livelihoods as refugees or internally displaced people. A generation has been deprived of the right to education, and most of the population has no access to health care. Somalis -- except for those profiting from it -- are utterly tired of warfare, and desperate for peace.

Human rights in the Somali context means particularly the right to life and personal security. Every man and woman, whether town-dweller, traditional elder, intellectual, nomad, farmer, artisan or worker, should be able to go about their daily lives without fear of being killed or kidnapped. The right not to be arbitrarily detained, tortured or ill-treated, the rights to freedom of expression, opinion and belief (including the freedom of the press), and the right to live under the rule of law and democracy, are all essential pre-requisites for any lasting peace agreement. These rights have been systematically violated without any possibility of legal redress. Violence and discrimination on the grounds of identity -- clan membership, women, minorities and other vulnerable groups -- is rampant. In Mogadishu, in particular, there are almost daily killings, rapes and kidnappings for ransom -- even of children -- by faction militias or faction-linked militias. Both Somali and international humanitarian workers have been killed and kidnapped, and relief supplies stolen.

Amnesty International holds leaders of all political authorities and armed political groups responsible and accountable for protecting the human rights of all persons in the areas they control. In

addition, they are responsible for protecting human rights defenders, who are particularly at risk, and who also need the support of all sectors and branches of civil society.

Appeal to the Conference

Amnesty International calls on the participants -- clan-based armed political factions, the TNG and members of civil society -- to commit themselves to actively uphold these rights, which are grounded in both international law and traditional Somali cultural values. Human rights protection and promotion should be the focus of all the committees - on constitutional issues, disarmament/ demobilisation, land and property rights, economic reconstruction, conflict resolution and reconciliation (including human rights violations), and regional/international relations.

No new abuses

From the time of this cease-fire, faction leaders, TNG officials and those representing civil society -- clan elders, religious leaders, NGOs and others -- should establish firm safeguards to ensure that there will be no more conflict-related violations of the human rights of civilians. Killings of civilians, rape, kidnappings, looting of farms, livestock and property, and plunder of natural resources by militias, must stop completely. Faction-leaders bear the responsibility to prevent and punish abuses by their militias. Failure to do so will show lack of commitment or even violation of the peace process. It is vital at this present critical stage to monitor and stop human rights abuses, so that sustainable peace and reconciliation can be achieved.

Abuses of the past -- no general amnesty

How to deal with the gross human rights violations and war crimes of the past decades is a difficult issue. Rather than endangering the peace process, this is necessary for a lasting peace. Somali people themselves must collectively decide on the most appropriate method, in relation to international human rights standards. The options might include a Truth and Reconciliation Commission, or court prosecutions when a system of justice has been created conforming to international standards, so as to provide fair trial and without the use of the death penalty. There was a long-term human rights crisis under the Siad Barre government, with massacres of unarmed civilians, systematic torture of opponents, and widespread arbitrary detentions. After the state's collapse into civil war in 1991, Somalia experienced appalling new abuses and a horrendous famine: clan-targeted killings of unarmed civilians, killings of defenceless minorities, and rape and plunder by clan militias. No-one was ever punished and there was never any legal accountability.

Amnesty International would find it unacceptable for those responsible for such crimes to be included in any new government, which would be expected to be wholeheartedly committed to the rule of law and respect for human rights. Granting total impunity through a general amnesty would not bring lasting peace to Somalia. In practice, it would open the door to new violations by the same perpetrators, who would make sure they continued to silence their accusers, and it would encourage others to hope to go unpunished. In the coming months the International Criminal Court will be established in Rome for war crimes and crimes against humanity in the future, anywhere in the world, in order to bring perpetrators to justice.

International community responsibilities

Amnesty International calls on the international community representatives at the Eldoret peace talks - the UN, European Union, the neighbouring IGAD states of Kenya, Djibouti and Ethiopia, the League of Arab States and the Governments of Egypt, Italy and the United States -- to serve as effective and impartial monitors of the cease-fire and firm guarantors of human rights. Human rights monitoring is also urgently needed to support the cease-fire. In addition over the long term, the international community should increase its assistance for the creation of institutions of good governance in Somalia and empowerment of all sections of Somali society to build a new human rights future.

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