

ACHPR/Res.109(XXXX)07: RESOLUTION ON THE SITUATION IN SOMALIA

The African Commission on Human and Peoples' Rights, (the African Commission), meeting at its 41st Ordinary Session in Accra, Ghana, from 16 to 30 May 2007:-

CONSIDERING that the Democratic Republic of Somalia is party to the African Charter on Human and Peoples' Rights, and has adopted and domesticated the basic international and regional human rights and humanitarian instruments,

BEARING IN MIND Somalia's obligations under the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized 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, participate in the government of the country, and the conduct of public affairs,

BEING AWARE of the grave human rights and humanitarian law violations that continue to prevail as a result of the civil war in Somalia for the past 16 years,

NOTING WITH CONCERN the recent human rights violations perpetrated by all parties to the conflict against the civilian populations, internally displaced people in Somalia, women, children, older persons, people with disability, and human rights defenders,

DEEPLY CONCERNED by the recent events in which human rights defenders have been subjected to arbitrary arrests, detention, torture, inhuman and degrading treatment, denial of access to medical treatment and food while in custody, and extra-judicial executions,

DEPLORING the continued human rights and humanitarian crisis caused in the course of the last seventeen (17) years in Somalia by all parties to the conflict,

NOTING that the continued harassment and intimidation of human rights defenders in Somalia, including journalists, affects the free flow of information and has completely silenced the voices of the frontline human rights defenders,

NOTING FURTHER that the closing of borders to Somalia's refugees, displaced people, and asylum seekers constitutes a gross violation of human rights:

1. **WELCOMES** the installation of the internationally recognized Transitional Federal Government of Somalia;
2. **FURTHER WELCOMES** the decision of the African Union Member States to deploy peacekeeping forces to build and maintain peace and security in Somalia;
3. **APPEALS** to neighbouring countries to reopen their borders to asylum seekers from Somalia, to facilitate the humanitarian assistance, and to ensure the protection of refugees;
4. **URGES** all parties to comply with their obligations under the African Charter on Human and Peoples' Rights, the UN Declaration on Human Rights Defenders, and other international human rights and humanitarian law instruments, and **CALLS**

UPON all parties involved in the Somali conflict to desist from harassing, intimidating, arresting and detaining human rights defenders;

5. **APPEALS** to the international community to provide necessary assistance to the refugees, internally displaced persons and asylum seekers;
6. **CALLS UPON** the African Union and the international community to urgently provide required financial and material assistance towards the deployment of the African Union peace keeping forces in Somalia, in order to maintain peace and security in the country and ensure that the withdrawal of the Ethiopian troops--allied to the Transition Federal Government does not create a security vacuum;
7. **FURTHER CALLS UPON** the African Union to encourage the Transitional Federal Government of Somalia to initiate dialogue among all the factions, including the Union of Islamic Courts, taking into account the security concerns of neighbouring countries, with a view to achieve reconciliation and a lasting solution to the problem;
8. **URGES** the Transitional Federal Government to implement the recommendations contained in this resolution.