

ACHPR/Res.137(XXXXIV)08: RESOLUTION ON THE HUMAN RIGHTS SITUATION IN SOMALIA

The African Commission on Human and Peoples' Rights meeting at its 44th Ordinary Session held from 10th to 24th November, 2008 in Abuja, Federal Republic of Nigeria:

Concerned that the Human rights situation in Somalia has since 1991 remained precarious following the years of conflict, notwithstanding the establishment of the Transitional Federal Government in 2005,

Recalling its Resolutions ACHPR/Res.117 (XLII) 07 on Strengthening on the Responsibility to Protect in Africa, adopted during the 42nd Ordinary Session held in Brazzaville Republic of Congo and; **ACHPR/Res.129(Ext.OS/IV) 08** on the Human Rights situation in the Republic of Somalia adopted during its Extra Ordinary Session in Banjul , The Gambia from 17th to 23rd February 2008,

Recalling further its resolution ACHPR/Res.129(Ext. OS/IV) 08 of 23rd February 2008 on the decision to undertake fact finding mission to Somalia which has, hitherto not been authorized;

Being aware that various initiatives have been deployed by the African Union to find lasting peace in Somalia,

Taking note of the African Union Assembly Declaration on the Situation in Somalia, **Assembly/AU/DECL.2 (VII)** adopted on 2nd July, 2006 Banjul, The Gambia and decision **Assembly AU/Dec.142(VIII)** which *inter alia*, recognized the deployment of the military forces of Ethiopia in Somalia under African Union mandate,

Recalling that the Assembly's decision called on Member States of the African Union to contribute troops and material resources to AMISOM under the leadership of Inter- Governmental Authority on Development (IGAD) in order to avoid a security vacuum should Ethiopia troops withdraw,

Commending the Republic of Uganda and the Republic of Burundi for contributing troops to AMISOM,

Being concerned that the African Union Member States and the International Community have not fully supported AMISOM as urged by the Assembly.

Expressing deep concern that the escalation in the armed conflict in Somalia continues to inflict massive and serious human rights violations on the civilian population which also constitute a violation of international humanitarian law;

Alarmed by the breakdown of the rule of law and the fragility of State institutions in Somalia, which have, *inter alia*, resulted in incidences of piracy in the territorial waters of Somalia, thereby, affecting vessels, including those carrying humanitarian assistance to the vulnerable Somali population

1. **Condemns** the massive violations of the human rights of the civilian population in Somalia, particularly in Mogadishu;
2. **Condemns** the killing of Ms. Aisha Ibrahim Duhulow, a 13 years old girl by stoning, as cruel, inhuman and degrading punishment, and calls for the punishment of those who were responsible;
3. **Calls** on the parties to the conflict in Somalia to respect the human rights of the civilian population, and their obligation under International Humanitarian Law;
4. **Urges** the African Union to continue its efforts to facilitate a national dialogue between the Transitional Federal Government (TFG) and the political leadership of the Union of Islamic Courts, including the implementation of the Djibouti agreement;
5. **Requests** the United Nations and the African Union to urgently enhance the African Union Mission in Somalia (AMISOM) by contributing troops, financial and material resources in order to guarantee the protection of the civilian population in Somalia;
6. **Draw the attention of the Assembly of the African Union** to the serious violation of human rights, on the grave humanitarian situation in Somalia, under Article 58(3) of the African Charter on Human and Peoples' Rights.