


AFRICAN UNION		UNION AFRICAINE
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## Human Rights situation in the Republic of Somalia

### 1. Press Statement on the Recent Terrorist Attacks in the Federal Republic of Somalia ([https://www.achpr.org/pressrelease\(detail?id=429\)](https://www.achpr.org/pressrelease(detail?id=429)) )

The African Commission on Human and Peoples' Rights (the Commission), through its Country Rapporteur for the Human Rights Situation in the Federal Republic of Somalia, wishes to express its deep concern about the recent terrorist attacks in Somalia.

According to information reaching the Commission, on 24 July 2019, a suicide attack targeting the Office of the Mayor of Mogadishu, resulted in injuries to the Mayor, and the deaths of at least six (6) Government officials. Many others have also been wounded.

Reports also indicate that on 22 July 2019, a bomb exploded near the international airport in Mogadishu killing seventeen (17) people and injuring dozens more.

The Commission has also received information that on 14 July 2019 a suicide bomber drove a car containing explosives into Asasey Hotel in Kismayo, resulting in the deaths of at least twenty-six (26) people, and injuries to several others.

The Commission notes with concern that the terrorist group Al-Shabaab has taken responsibility for all three attacks.

The Commission recalls ACHPR/Res. 410 (LXIII) 2018 - Resolution on the Human Rights Situation in the Federal Republic of Somalia, which condemned the serious human rights violations in Somalia, in particular the indiscriminate killings and injuries to civilians.

fulfilling its obligation to ensure the safety and protection of the civilian population; . urges all state and non-state parties to engage in genuine dialogue to bring about lasting peace and security in the Federal Republic of Somalia; and . urges all parties to prioritise dialogue and refrain from acts of violence.

Banjul, February 11 , 2019

3. Press Release on the recent attacks in Mogadishu, Somalia  
(<https://www.achpr.org/pressrelease/detail?id=78> )

The African Commission on Human and Peoples' Right's Country Rapporteur for the Republic of Somalia, Honourable Commissioner Med SK. Kaggwa (the Country Rapporteur) expresses deep concern over the recent bomb attack on Saturday 14 October 2017 in Mogadishu, capital of Somalia.

The Country Rapporteur strongly condemns the horrific terror attack when a lorry packed with explosives detonated and killed over three hundred civilians and injuring hundreds more. The Country Rapporteur expresses his heartfelt condolences to the families of the victims and the people of Somalia and wishes to reassure its solidarity with the Government and People of Somalia during this difficult time.

The Country Rapporteur further condemns the instigators and perpetrators of these horrendous acts of violence and calls for an immediate end to the repeated attacks on civilians in Somalia. These acts of terror violate human rights as it negates the principles enshrined in the African Charter on Human and Peoples' Rights and other international human rights treaties.

The Country Rapporteur urges the Government of Somalia to take all necessary measures to prevent such human rights violations by terrorist groups; to take the necessary steps to investigate, prosecute and punish those responsible; and to ensure peace and security throughout the country. In doing so, the Country Rapporteur reminds the State of the need to respect human rights while countering terrorism and particularly encourages the State to be inspired by the Directives contained in the Commission's Principles and Guidelines on Human and Peoples' Rights while Countering Terrorism in Africa.

The Country Rapporteur calls on the African Union and the International Community at large, to continue their support and commitment to the Government of Somalia in their efforts to fight terrorism and end all acts of terror and violence in Somalia.

Banjul, October 18 , 2017

## II. Resolutions

1. Resolution **ACHPR/Res.422(EXT.OS/XXVI)2019** on human rights and humanitarian law violations resulting from foreign airstrikes - [https://\\_www.achpr.org/sessions/resolutions?id=450](https://_www.achpr.org/sessions/resolutions?id=450)

The African Commission on Human and Peoples' Rights (the Commission), meeting at its 26th Extra-Ordinary Session, held in Banjul, Republic of The Gambia, from 16 to 30 July 2019:

Recalling its mandate to promote and ensure the protection of human and peoples' rights in Africa under the African Charter on Human and Peoples' Rights (African Charter) and the provisions under Articles 60 and 61 of the Charter that allow the Commission to draw inspiration from and to take into consideration other international instruments and norms recognized by States Parties in interpreting the African Charter;

Reaffirming the right of human beings to respect for their life and integrity of their person and the prohibition of torture, cruel, inhuman and degrading treatment under the African Charter;

Further affirming that the human and peoples' rights protected under the African Charter should be protected at all time and thus no one may be arbitrarily deprived of these rights, including in the context of conflict or counterterrorism;

Recalling its General Comment No. 3 on the Right to Life, which provides that States have the responsibility to prevent arbitrary deprivations of life caused by its own agents or others, to investigate any killings that take place, and to hold the perpetrators accountable;

Also recalling its Principles and Guidelines on Human and Peoples' Rights while Countering Terrorism in Africa which provide that States Parties have an obligation

under international human rights, humanitarian, and refugee law to not only protect people against acts of terrorism, but also to protect terrorist suspects, their families, and associates from attacks;

Stressing that the use of force should be a last resort and that the principles of international humanitarian law require a distinction between civilian and military targets, the application of the principles of necessity and proportionality of use of force, and the humane treatment of protected persons;

Deeply concerned by the increased use of foreign operated armed drones to address instability in parts of Africa, including deployment of armed and reconnaissance drones in Somalia and the Sahel region;

Particularly concerned that States Parties to the African Charter allow non-African states to use manned aircraft and armed drones in the name of countering terrorism; and

Dismayed by recent information to the effect that such drone air strikes by foreign military operations in Somalia have dramatically increased since 2017, resulting in instances of civilian casualties and heightening risks of further civilian casualties;

The Commission:

1. Reminds States Parties to the African Charter that they bear the primary responsibility for protecting all civilians, including through ensuring that their own forces and foreign military interventions abstain from targeting noncombatants;
2. Reiterates that as part of this responsibility, States Parties to the African Charter should put in place legislative mechanisms for regulating the use of force by foreign military, including armed drones, from their territories and for undertaking independent investigations for holding those responsible accountable in cases where such use causes harm to civilians;
3. Strongly urges the Government of Somalia in collaboration with the African Union including through the African Commission to conduct independent and transparent investigations into the alleged cases of civilian casualties in air strikes by the United States of America, and to put in place the necessary structures to enable victims to report such violations and to obtain reparations;

4. Urges the Governments of States Parties in the Sahel region to ensure that the expansion of the use of foreign armed forces, in particular armed drones in countering terrorism, is subject to rigorous regulation and control, and that all measures are put in place to prevent civilian casualties resulting from such use; and
5. Calls on all States Parties to ensure that foreign military interventions undertaken with the support of the Government refrain from violating international humanitarian law, targeting civilians or disregarding loss of life or injury of civilians, and that active precautions and all reasonable steps are taken, as required by international humanitarian law, to protect civilian lives.

Done in Banjul, 30 July 2019

