

SOMALIA:

**INTERNATIONAL MILITARY
AND POLICING
ASSISTANCE SHOULD BE
REVIEWED**

**AMNESTY
INTERNATIONAL**



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INTRODUCTION

This briefing note details existing and new information about recent arms supplies, training and other assistance to the security forces of the Somali Transitional Federal Government (TFG). It summarises Amnesty International's concerns about the lack of international human rights standards and effective accountability with regard to this international military and policing assistance, given the dire human rights situation in Somalia.¹ Amnesty International is concerned that:

- weapons and ammunition are transferred to Somalia's TFG without adequate safeguards to ensure that they will not be used in committing human rights abuses;
- training is provided to the TFG security forces without these being subjected to adequate vetting and oversight procedures;
- some of the training is planned without proper notification to the UN Sanctions Committee, therefore undermining the UN arms embargo on Somalia;
- no adequate training is provided in international human rights and humanitarian law.

Since the appointment in January 2009 of Sheikh Sharif Sheikh Ahmed as President of Somalia's TFG, pledged and actual international support for Somalia's army, police forces and other security sector institutions has grown. Both pledged donor funding, and the direct provision of training and weaponry, has increased during 2009, driven by international concern regarding the viability of the new TFG administration facing a renewed military offensive since May 2009 by armed groups opposed to it in south and central Somalia; and fears for the security of international shipping with the escalation of armed piracy off Somalia's coast.

However, donors' concern for the viability of the TFG and the security of international shipping has not been matched by equal attention to the human rights of the Somali people and the protection of civilians in the continuing armed conflict, as required under international law and as specifically demanded by the United Nations (UN) Security Council. Amnesty International is concerned that the supply of arms, the provision of training and security sector funding to the TFG are being delivered where issues of vetting, accountability, arms management and respect for human rights by Somalia's police and armed forces remain largely unresolved; and where there are continuing shifts in alliances between the TFG security forces and their allies and armed opposition groups. Without adequate safeguards, arms transfers may threaten the human rights and worsen the humanitarian situation of Somali civilians. Unless effectively regulated and monitored, such material assistance could be used in committing serious violations of international humanitarian law and could provide additional support to individuals and groups who are suspected of having committed, and could continue to commit, war crimes and other serious human rights abuses. It may also exacerbate the conflict – the opposite of such assistance's presumed intent – because of the risk that assistance provided will be diverted to militias and armed groups both supporting

and opposing the TFG.

Until such safeguards are in place, the international community should end all supplies of weapons, military and security equipment and financial assistance for the purchase of weapons to the TFG and properly enforce the complete arms embargo on all actors in Somalia in force since 1992.

Moreover, to help prevent the recurrence of similar human rights and humanitarian catastrophes to that in Somalia, all states should support the establishment of a global Arms Trade Treaty as agreed in principle in the UN General Assembly to strictly regulate the international transfer of conventional arms.² In particular, as shown in this briefing, states should include in the scope of the Treaty those international transfers of technical, logistical and financial support essential for the transfer and use of such arms, and a basic rule that international transfers of conventional arms and related items should never be permitted by states where there is a substantial risk of such items being used to contribute to serious violations of international law, especially international human rights and humanitarian law.

BACKGROUND

The armed conflict in Somalia poses serious threats to the safety, rights and livelihoods of Somalia's civilians. All parties to the conflict in Somalia have committed serious violations of international humanitarian law and human rights abuses.³ The human rights and humanitarian situation continues to deteriorate.⁴ In 2009, armed opposition groups carried out indiscriminate and disproportionate attacks, often launched from areas populated by civilians, to which TFG-aligned forces have often responded in an indiscriminate and disproportionate manner.⁵ In the past year, armed opposition groups have also increasingly carried out abuses such as amputations, stoning to death and public executions in areas under their control.⁶ Armed conflict and insecurity also threaten the rights and safety of humanitarian workers and the delivery of humanitarian aid on which 3.7 million, about half of the population, depend for their survival. Armed opposition groups have looted and closed compounds of humanitarian agencies and made threatening statements against aid workers and civil society activists during the last year in south and central Somalia, further restricting aid to civilians and information about the dire situation. All these abuses have been committed with near total impunity.

Despite a United Nations (UN) arms embargo on Somalia, the country is awash with weapons. The UN Security Council imposed a comprehensive arms embargo on Somalia in 1992 and established a Sanctions Committee to oversee the arms embargo. The Security Council later voted to allow exceptions to the arms embargo.⁷ These exceptions include:

- supplies of non-lethal military equipment intended solely for humanitarian or protective use, as approved in advance by the Sanctions Committee, according to UNSC Resolution 1356 (2001);
- supplies of weapons and military equipment and technical training and assistance intended solely for the support of or use by the African Union peace support operation in Somalia (formerly IGASOM, now the African Union Mission in Somalia – AMISOM -);
- supplies and technical assistance intended solely for the purpose of helping develop security sector institutions of the Transitional Federal Government of Somalia, in the absence of a negative decision by the Sanctions Committee within five working days of receiving notification; States must notify the Sanctions Committee in advance and on a case-by-case basis, according to UN Security Council resolutions 1744 (2007) and 1772(2007);
- technical assistance to Somalia and neighbouring states to combat piracy, which have to be exempted by the Sanctions Committee;
- weapons and military equipment destined for the sole use of Member States and regional organizations undertaking measures against piracy and armed robbery at

sea, cooperating with the TFG; this is subject to advance notification by the TFG to the UN Secretary-General, and the measures must be consistent with applicable international human rights and humanitarian law, according to UNSC resolution 1851(2008).

The arms embargo has been continuously violated over the years with arms supplied to armed groups on all sides in the conflict. The flow of arms to Somalia has fuelled the serious human rights abuses committed by all parties to the conflict. According to the UN Monitoring Group on Somalia, which collects information on violations of the arms embargo, armed groups opposed to the TFG have mainly been supplied in arms through commercial imports from Yemen and received financial assistance from Eritrea, donors in the Arab world and the Somali diaspora.⁸ Amnesty International opposes arms transfers to armed groups in Somalia, as there is ample evidence of their use of weapons in committing human rights abuses. Amnesty International appealed to the UN Security Council to take measures to strengthen the arms embargo, including by ensuring that the UN Monitoring Group has the resources and capacity to carry out its mandate, and by imposing targeted sanctions, following a transparent and fair process, against individuals and entities which in contravening the arms embargo, have contributed to the commission of violations of international human rights and humanitarian law. In 2008, the Security Council passed Resolution 1814, which tasked the Sanctions Committee on Somalia with providing recommendations on specific targeted measures against individuals or entities who breach the arms embargo, and those who support them in doing so. Security Council Resolution 1844 (2008) further outlined the type of such measures, which include travel bans and assets freezes. The Sanctions Committee on Somalia has not yet designated individuals or entities to be sanctioned according to such resolutions.

However, on 23 December 2009, the Security Council imposed an arms embargo on Eritrea for its support to armed groups undermining peace and security in Somalia, and for reasons related to Eritrea's border dispute with Djibouti, in Resolution 1907(2009). The resolution tasks the Sanctions Committee on Somalia, with support from the Monitoring Group, with monitoring the arms embargo on Eritrea. The same resolution stipulates that travel restrictions and freezes of assets are imposed on individuals, including Eritrea's political and military leaders, to be designated by the Sanctions Committee on Somalia. The imposition of sanctions against Eritrea gives the sanctions regime a more marked regional dimension and requires more coordinated efforts and political will from all States, in particular neighbouring ones to fully comply with its provisions and to cooperate in its enforcement. In addition, the added responsibility of both the Sanctions Committee and the Monitoring Group indicates the need to provide them with extra resources in order to be able to conduct their work efficiently.

The international community is also concerned by armed piracy off the Somali coast, which threatens the life and safety of maritime crews and the delivery of humanitarian aid to Somalia by sea. Piracy, the result of years of armed conflict, lawlessness and economic deprivation following the collapse of the Somali state in 1991, is also fuelled by the thriving arms trade to and within Somalia. According to the UN Monitoring Group on Somalia, pirates have easy access to weapons in Somalia and are able to purchase them through the money obtained from kidnappings and ransoms and some leading pirates are probably responsible for arms embargo violations.⁹ The UN Secretary-General has called on all states to support an

integrated approach to address the root causes of piracy, including the conflict, the lack of governance, the breakdown of the rule of law and the absence of sustainable livelihoods on land, as well as the lack of enforcement of the UN arms embargo on Somalia.¹⁰

Leaders of the TFG formed following the UN-sponsored Djibouti peace agreement in 2008 have repeatedly called for international assistance to their security forces, as they face armed opposition groups who now control the vast majority of south and central Somalia, including major cities. Today, the TFG controls little more than a few districts of the capital Mogadishu and constantly faces attacks by armed groups. Many observers believe that without AMISOM,¹¹ the TFG would not be able to maintain a presence in the country.

After 18 years of armed conflict following the collapse of the last central government in 1991, there are multitudes of armed groups operating in Somalia, including clan militia, militia associated to warlords, armed forces affiliated to the TFG, armed groups opposed to the TFG and armed criminal gangs. These groups often overlap, forge or shift alliances, or suffer divisions. At the end of 2006, Ethiopia's military intervention in Somalia to support the then TFG in dislodging the Islamic Courts Union (ICU), a coalition of Islamic Courts which had extended control over Mogadishu and other areas, resulted in an upsurge of violations of international humanitarian law and human rights abuses by all parties to the conflict. The presence and behaviour of Ethiopian troops also served to catalyze armed opposition to the TFG. While the ICU first suffered military defeat, remnants of the ICU then fought against the TFG and its Ethiopian allies. Some ICU leaders constituted the Alliance for the Reliberation of Somalia (ARS) and others regrouped in the Al Harakat Al Mujahidin Al-Shabaab (Youth Movement, commonly referred to as Al-Shabaab), which had served as an armed wing to the ICU. In 2008, the ARS split over the UN-sponsored Djibouti peace process, with a group led by Sheikh Sharif Sheikh Ahmed (the ARS-Djibouti) engaging in peace talks with the TFG and the other group led by Sheikh Hassan Dahir Aweys (the ARS-Asmara) rejecting the Djibouti process.

The Djibouti process resulted in a peace agreement and a ceasefire in October 2008 between the TFG and the ARS-Djibouti,¹² an enlargement of the Transitional Federal Parliament to include members of the ARS-Djibouti and the election of a new President by members of the Parliament. The current TFG security forces are nominally composed of members of the previous TFG military, police and intelligence forces, and members of the former ARS-Djibouti, whose leader Sheikh Sharif Sheikh Ahmed is now the President of the TFG. One of the main challenges of the current TFG is to establish unified command and control and discipline over these disparate security forces and militia. The TFG also made an agreement in June 2009 with a Sufi group issued from central Somalia, Ahlu Sunna Wal Jamaa, which re-emerged and took up arms against Al-Shabaab in late 2008, after the latter's desecration of Sufi graves. Ahlu Sunna Wal Jamaa allegedly received Ethiopian military support.

The current armed opposition to the TFG comprises the former ARS- Asmara, which has forged a coalition under the name of Hizbul Islam with three other armed groups, Ras Camboni, the Somali Islamic Front (Jabathul Islamiya or JABISO) and Anole Camp; and Al-Shabaab, whose commanders now control most of south and central Somalia. Hizbul Islam and Al-Shabaab joined forces to launch the May 2009 offensive against the TFG and AMISOM; however in the latter part of 2009, Hizbul Islam and Al-Shabaab factions clashed for the control of Kismayo city and port, and of territory in southern Somalia near the border

with Kenya; these clashes may signal future shifts in alliances and realignments. In 2009, some leaders and members of Hizbul Islam joined the TFG, while some associated with the TFG defected to Hizbul Islam. Allegations of fighters from either side defecting to the other continue, including members of the TFG security forces allegedly joining armed opposition groups after not being paid salaries, or factions of armed groups joining the TFG following grudges against their former allies.¹³

In May 2009, the Security Council urged the TFG to develop an accountable and well-governed security sector, including governance, vetting and oversight mechanisms and to ensure respect for the rule of law and the protection of human rights. The Security Council also mandated the Secretary-General to support the TFG in planning a national security strategy for combating illicit arms trafficking, undertaking disarmament, demobilization and reintegration, and developing justice and prisons capacities.¹⁴ Amnesty International is concerned that, without the necessary monitoring and accountability mechanisms in place, current and pledged security assistance to the TFG may undermine efforts to improve the rule of law and the protection of human rights by the TFG security forces. In particular, there is a substantial risk that the international provision of weaponry and financing for local arms purchasing to the TFG will be used in committing violations of international humanitarian and human rights law, including indiscriminate or disproportionate attacks and direct attacks against civilians and civilian objects.

INTERNATIONAL ARMS SUPPLIES TO TFG FORCES

International arms supplies to TFG forces have increased during 2009. The UN Monitoring Group on Somalia has reported since 2006 that TFG forces have received arms and ammunition from three states – Ethiopia, Yemen and Uganda – without those states having applied for exemptions to the UN arms embargo from the UN Sanctions Committee on Somalia; and that TFG forces have also purchased arms from the private arms markets based in and around Mogadishu, from which all sides in Somalia's fighting reportedly procure arms.¹⁵ Amnesty International has been unable to verify these previous reports, but is aware that substantial US-funded arms supplies have been shipped from Uganda to Mogadishu for TFG forces since May 2009.

On 6 August 2009, US Secretary of State Hillary Clinton publicly pledged military support for Sheikh Sharif Sheikh Ahmed's government, and a State Department spokesperson stated that the US government intended to supply the TFG with 40 tons of military weaponry and equipment, which might be increased in the future.¹⁶ Amnesty International has established that on 22 May 2009 the US government applied for exemptions from the UN Sanctions Committee to supply 19 tons of ammunition to the TFG in Mogadishu from Entebbe airport in Uganda during the last week of May. This shipment included 7.62mm (assault rifle) ammunition, 12.7mm (machine gun) ammunition, RPG-7 rocket-propelled grenades, and 81/82mm mortar ammunition. The US government also informed the UN Sanctions Committee of their intention to provide a further shipment of small arms and light weapons, consisting of 48 rifle-propelled grenades; 36 PKM 7.62mm machine guns, twelve DShK 12.7mm heavy machine guns, and ten 81/82mm mortars. Amnesty International understands that there have been at least two further US requests to the Sanctions Committee for the supply of weapons to the TFG, and one for the transport of TFG forces to Uganda to receive training. Amnesty International understands that the Sanctions Committee on Somalia authorized these requests, and that the weaponry has been stockpiled in Mogadishu.

Although these kinds of weapons and munitions constitute the basic 'suite' of arms of all sides to Somalia's conflict, some types are of particular concern, including indirect-fire munitions such as mortar bombs. Since the beginning of 2007 Amnesty International has received repeated and credible reports, from civilians fleeing the conflict and from Somali civil society, of the indiscriminate or disproportionate bombardment from or of densely-populated civilian areas in Mogadishu with unguided mortar and artillery fire, by all sides to the conflict including the TFG. Such attacks have resulted in thousands of civilian deaths and injuries, the destruction of countless civilian homes and the displacement of hundreds of thousands of people from the capital city. Indiscriminate and disproportionate attacks are prohibited by international humanitarian law. Reports of indiscriminate attacks with the use of mortars in areas densely populated or frequented by civilians, such as the Bakara market in Mogadishu, have increased since the armed groups launched an offensive against the TFG

in May 2009.¹⁷ TFG forces, AMISOM troops and armed groups opposed to the TFG are all reported to possess mortar bombs.

Amnesty International also believes that the TFG lacks the capacity to prevent the diversion of substantial quantities of its own weaponry and military equipment to other armed groups and to Somalia's domestic arms markets, as the UN Monitoring Group on Somalia has underlined.¹⁸ According to its December 2008 report, *“as much as 80 per cent of the international investment in building the Transitional Federal Government security forces has been diverted to purposes other than those for which it was intended.”*¹⁹ Diversions of weaponry and military equipment documented by the Monitoring Group have been caused by defections and desertions; the sale of weapons, uniforms and equipment by members of TFG forces; the capture of weapons and equipment by armed opposition groups; and the diversion to military purposes of international donor assistance intended for security and police use. Such assistance has been diverted to both the TFG armed forces and the armed groups, while the TFG police has itself increasingly participated in the armed conflict. Although the specific US requests to the UN for embargo exemptions mentioned above included limited information required by the Sanctions Committee about the nature of the arms and the supply routes,²⁰ the requests did not contain sufficient information about the technical specifications, quantities and markings of the weapons and ammunition to enable independent observers such as the Monitoring Group on Somalia to be able to detect the loss or diversion of some of the arms during or after its delivery. Efforts by the Somalia Sanctions Committee requesting all those applying for exemptions to provide details about the material assistance to be supplied to the TFG should be continued, strengthened and standardized, and should also be applied by other Sanctions Committees that supervise Security Council imposed arms embargoes.

Other means of supplying weapons to the TFG have been even less accountable. Amnesty International has learned of US plans to supply substantial quantities of cash to TFG forces for the purchase of weapons and logistical supplies within Somalia itself. On 14 May 2009 the US government applied for an embargo exemption to supply up to USD\$2 million in cash, to be flown from Nairobi to Mogadishu, for the TFG's National Security Force to procure weapons, ammunition and logistical supplies 'locally', and thus presumably in part from the Somali arms markets. Amnesty International understands that the expenditure of this cash may be overseen by an international accounting firm under a contract with the TFG signed in July 2009 for the oversight of international donor funding for humanitarian and security sector assistance.²¹ The details of this oversight mechanism are not publicly available. However, even if this cash is not diverted from its stated recipient and end-use, nonetheless the funding of purchases from domestic arms traders will help to support Mogadishu's flourishing, uncontrolled domestic arms markets: the same markets that are reportedly a major source of weaponry for al-Shabaab and other armed groups opposed to the TFG, and themselves accused of committing war crimes and other serious human rights abuses. Providing revenue to these markets thus fuels further the extreme insecurity in which Somalia's civilian population lives. Equipping the TFG security forces through financing local TFG arms also makes it impossible for international donors to determine whether those weapons are marked and recorded in line with international weapons tracing standards,²² seriously hindering the accountability of those weapons, and making it difficult for either the TFG or donors to detect their diversion to other armed groups and unauthorised end users.

MILITARY AND POLICE TRAINING

In April 2009 at an international donor conference convened in Brussels, states and intergovernmental organizations pledged over \$213 million of funding for AMISOM and Somali security sector institutions.²³ A range of governments and intergovernmental organisations have pledged - and some currently provide - training and equipment to the TFG armed forces and police in south and central Somalia, as well as to security sector institutions in Somaliland and Puntland. On 22 October 2009, the head of the TFG's armed forces was quoted as saying that more than 3,000 Somali military and police forces were currently being trained in Ethiopia, Kenya, Djibouti and Uganda.²⁴ A number of other countries are also involved in, or have pledged, training to these forces (Tables 1 and 2 in the Appendix of this document give further details of security assistance to the TFG).

Some efforts are made to coordinate this assistance through a Joint Security Committee,²⁵ established under the Djibouti peace agreement. Nonetheless, much international assistance for military and police training lacks transparency and adherence to international standards: some states informed the UN Sanctions Committee of their training of TFG forces only after the training was completed. Several providers of training, including Ethiopia²⁶ and Kenya, have not applied for exemptions to the UN Sanctions Committee on Somalia. In its last report, the UN Monitoring Group expressed concern that Ethiopia's training curriculum for TFG armed and police forces in 2008 was either not available, or only vaguely described, and that it contained references to counter-insurgency - even for police forces, which should theoretically not be involved in military operations - and counter-terrorism. This was at a time when Ethiopian armed forces were engaged in military operations in Somalia and were accused of committing serious violations of international humanitarian and human rights law, including indiscriminate and disproportionate attacks, extra-judicial executions, arbitrary detentions and torture.²⁷ In Kenya, allegations have surfaced that in October 2009, Somali refugees in the Dadaab refugee camps and Kenyan citizens of Somali ethnicity were enticed for military training in Kenya and recruitment into TFG forces through deception.²⁸ The recruitment of individuals from refugee camps violates the principles that refugee camps should be exclusively civilian and humanitarian in character.

Donor governments and intergovernmental organisations providing funding for these training and assistance activities, or providing such assistance themselves, should ensure that all such assistance involves practical measures to uphold standards consistent with international human rights and humanitarian law and does not pose a substantial risk of contributing to human rights violations. Failing to do so may result in being responsible for the commission of an internationally wrongful act.²⁹ Amnesty International believes that donors should assist the TFG in developing structures and practices within its security institutions to prevent human rights violations from taking place and to ensure effective, independent and impartial accountability and oversight. Donors must ensure, for instance, that they do not encourage, however inadvertently, any use of force that is indiscriminate or excessive, or any recruitment into TFG forces which would contravene international law and standards, as seems to be the case recently in Kenya, and that no assistance is given to armed forces recruiting or using

child soldiers. The UN reported the presence of child soldiers in militia allied to the TFG in 2008.³⁰ The TFG pledged on 20 November 2009 to ratify the Convention on the Rights of the Child. However, no effective mechanism is in place to ensure that forces fighting on behalf of the TFG do not use child soldiers.

Amnesty International is also concerned that trainees and recruits may not be adequately vetted to prevent suspected perpetrators of human rights abuses from being incorporated into the Somali army and police forces, and indeed provided with further military capacity. Some governments that have offered training to the TFG do not seem to apply any criteria for participation. The USA, France and the UN Development Program (UNDP) all incorporate some criteria for the participation of TFG members in the training they offer, but these criteria are not always applied independently so as to exclude those guilty of grave human rights violations. The inability of states and agencies that provide training to independently vet police officers recruited to their training program, due to the insecurity and lack of access to southern and central Somalia by UNDP officials,³¹ calls into serious question their capacity to exclude police members suspected of human rights abuses from the TFG's reconstituted police force. The selection of trainees in Somalia continues to be done by the TFG, or the TFG Police Commissioner³² in the case of the UNDP police training.

In addition, Amnesty International is concerned that some training for Somali police personnel, who should not in theory be involved in military operations, may be intended to rapidly provide 'boots on the ground' for the TFG to fight against armed opposition groups, rather than to provide the skills, standards and capacities necessary for law enforcement operations. The need for adequately trained law enforcement personnel and military forces to protect civilians in Somalia is undeniable. But the intention expressed by the international community to train 6,000 TFG soldiers, as well as 10,000 TFG police officers by the end of 2010³³ (in 3-month training cycles of 2000 police recruits each) allows very little time and resources to ensure that the respect and protection of human rights is incorporated into the practices of Somalia's security forces.

Amnesty International welcomes UNDP's recent addition of a number of policing training modules intended to include human rights standards, and to distinguish standards of policing practice from standards of armed forces military operations, including training modules covering: policing and use of force policy; unarmed/open-hand self-defence techniques; cooperation with the military, explaining the role of the police in the protection of civilians and the differences with combat and combat support roles; and gender equity principles.³⁴ However, training and assistance to Somali security forces should not simply describe security forces' obligations under international humanitarian and human rights law and standards which security forces must respect, and international policing best practices standards. International humanitarian and human rights law standards must also be incorporated in standard operating procedures and manuals used by the security forces. Training and assistance should also include adequate time for rigorous practical training exercises for all personnel which reflect the reality of policing conditions, with an emphasis on the practical implementation of international human rights and humanitarian law and best practice standards.

Amnesty International also welcomes efforts, under difficult circumstances, to institute some independent accountability and security sector oversight mechanisms, including international

support for the development of Police Advisory Committees, comprising Somali community leaders who carry out visits to detention centres and police stations under TFG control in Mogadishu, often at considerable risk to their own safety. However, these initiatives remain limited to police stations and constrained by insecurity.

According to press and civil society reports, the TFG also instituted a military court in October 2009, to try TFG security personnel accused of crimes against civilians, including killings, thefts and extortions. This may signal political will to address civilians' long-standing complaints about the misconduct of TFG forces. However, human rights standards require the jurisdiction of military courts to be limited to offences of a purely military nature committed by military personnel³⁵ and independent human rights bodies have expressed serious concerns that trial of military personnel by military court for ordinary crimes and human rights violations have often not been impartial and have resulted in impunity for the offender.

Finally, Amnesty International is seriously concerned that some training of TFG military and police personnel is being delivered by foreign security forces, such as the Ethiopian security forces, which have themselves been accused of repeated violations of international human rights and humanitarian law in Somalia, including extra-judicial executions, unlawful killings, indiscriminate and disproportionate attacks.³⁶ In addition to the absence of detailed information about the nature, scope and curricula of the training being provided by Ethiopia to the TFG security forces, Amnesty International is also concerned that such training does not include adequate safeguards to ensure respect for international humanitarian and human rights law and best practice standards.

Moreover, Amnesty International urges AMISOM, which is training 6,000 TFG soldiers and also providing small arms training to police recruits, not to include in its training teams any AMISOM personnel reasonably suspected of committing or ordering violations of international humanitarian or human rights law. In order to do this, independent and impartial investigations should be conducted into allegations of AMISOM troops indiscriminately firing and shelling in areas populated or frequented by civilians.³⁷

RECOMMENDATIONS

The armed conflict in Somalia and the weakness of the institutions of the TFG present difficult challenges for the international community. Amnesty International believes that there can be no improvement to the human rights and humanitarian situation if parties to the conflict in Somalia continue to violate international human rights and humanitarian law with impunity.

Amnesty International recommends that all states and intergovernmental organisations providing or considering providing security assistance to the TFG:

- end all supplies of weapons, military and security equipment and financial assistance for the purchase of weapons to the TFG until effective mechanisms are in place to prevent such material assistance from being used in committing serious violations of international humanitarian and human rights law;
- respect the UN arms embargo on Somalia, including the obligation to make prior requests to the Sanctions Committee on Somalia for exemptions to provide any proposed security sector assistance to the TFG; all states should adopt legislation or other legal measures, if they have not done so already, incorporating their obligations under UN imposed arms embargoes and making violations of the same a criminal offence, as specifically requested by the UN Security Council.
- provide the Sanctions Committee with comprehensive details of any military and security equipment or training to be supplied to the TFG, including types and technical specifications of the equipment to be supplied, its suppliers, means of transport, routes and ports of entry, and the specific intended recipient and end-user; if exemptions have been provided for the supply of equipment or training, make all efforts to undertake en-route and regular post-delivery checks to ensure that equipment is not diverted, and monitoring and evaluation during and after the training to ensure that it is not misused; and report the results of these checks to the Sanctions Committee on Somalia and the Monitoring Group on Somalia;
- ensure that its weapons arsenals, including small arms and light weapons, are uniquely marked in compliance with the International Tracing Instrument adopted by the UN General Assembly in 2005; Ammunition crates and consignments should also be uniquely marked with batch numbers and other identifying features, and records kept of the unique markings of both arms and ammunition;
- provide training to TFG forces on accountable arms management and safe storage, according to international standards and best practice procedures. These should include:
 - best practices in arms stockpile management and security established in the OSCE Handbook of Best Practices on Small Arms and Light Weapons (2003), including adequate record-keeping, auditing of those records, safe storage locations and an adequate transport and storage security plan for small arms and light weapons

stockpiles;

- measures for the management, accountability, inspection, storage and security of conventional ammunition stockpiles recommended by the UN Group of Governmental Experts established pursuant to General Assembly resolution 61/72 to consider further steps to enhance cooperation with regard to the issue of conventional ammunition stockpiles in surplus (A/63/182)
- end transfers of arms and related materiel to states and foreign entities where there is a substantial risk that they will be diverted, directly or indirectly to armed entities, including the TFG, in Somalia, thus strengthening the effectiveness of the UN arms embargo on Somalia;
- collaborate fully, including by providing all requested information, with the UN Monitoring Group and the Sanctions Committee, and provide political support to the UN Monitoring Group to improve enforcement of the UN arms embargo on Somalia, to stem the tide of weapons into Somalia and prevent further human rights abuses. In particular, states neighbouring Somalia and Eritrea must cooperate with the UN Monitoring Group and the Sanctions Committee, and ensure that the UN arms embargo on Somalia is fully implemented and enforced in their territories.
- ensure that training to the TFG forces fully respects international human rights and humanitarian law and that training personnel are vetted to ensure that they are not themselves implicated in human rights abuses;
- provide comprehensive practical training to TFG armed forces in the application of international human rights and humanitarian law principles, including the obligation to distinguish at all times between military targets and civilians, and the obligation to take all necessary precautions to protect civilians and civilian objects;
- press for and provide technical and financial assistance for the establishment of effective, independent and impartial accountability and oversight mechanisms for all TFG military, security and police forces and affiliated militia; such mechanisms should include enhanced monitoring, documenting and public reporting of alleged serious violations of international human rights and humanitarian law by TFG security forces and or pro-TFG forces, and capacity-building for the TFG to establish independent investigations into such violations;
- promote and provide technical and financial assistance to the TFG security forces for the establishment and running of an impartial screening or vetting mechanism as part of the recruitment procedures, to ensure that those reasonably suspected of serious violations of humanitarian law or human rights abuses are not recruited into the new security forces, pending independent and impartial investigations;
- publicly condemn all violations of international human rights and humanitarian law committed in Somalia, including those committed by the TFG and press for accountability for these and past violations;

- press the TFG to immediately suspend from the TFG forces any personnel who are reasonably suspected of committing or ordering serious violations of international human rights and humanitarian law, pending credible investigations, and to bring to justice anyone found responsible for such violations, in fair trials and without the application of the death penalty;
- support concrete measures to end impunity in Somalia, including the establishment of an independent and impartial Commission of Inquiry, or similar mechanism, to investigate and map crimes under international law and recommend further measures for accountability.

Amnesty International recommends that the UN Security Council and the UN Sanctions Committee on Somalia:

- ensure that no exemptions to the arms embargo on Somalia are authorized if requests for exemptions involve the supply of arms, funding or training that are likely to facilitate serious violations of international human rights and humanitarian law; refuse to authorize the provision of arms or other assistance if no sufficient information is provided about the precise recipient of such security assistance and about the nature of such assistance, supply routes and precise specifications and markings on arms to allow the UN Monitoring Group and supplying governments to detect their subsequent diversion or misuse;
- report publicly on the nature, number, source and recipient of the arms embargo exemptions of which has been notified, and whether they have been authorized, including in its public annual reports of activities;
- identify individuals or entities suspected of violating the UN arms embargo, according to a transparent and fair procedure, based on clear criteria and a uniformly applied standard of evidence, with a view to recommend targeted sanctions on them.

Amnesty International recommends that the African Union, in particular the African Union Peace and Security Council:

- ensures that the rules of engagement of AMISOM are fully consistent with international human rights and humanitarian law in all its operations in Somalia;
- establishes an investigation mechanism to conduct prompt, independent and impartial investigations into all allegations of violations of international human rights and humanitarian law by AMISOM personnel, including allegations of indiscriminate or disproportionate attacks, such as mortar firing or shelling in densely populated areas; such a mechanism should ensure the confidentiality and the security of potential complainants and witnesses, should report its findings publicly and should recommend disciplinary measures and the initiation of criminal proceedings against any personnel found to have been responsible for such violations;
- ensures that all African Union Member States respect the UN arms embargo, including the obligation to request exemptions for any security sector assistance to the TFG to the UN

Sanctions Committee on Somalia; in particular, states neighbouring Somalia and Eritrea must cooperate with the UN Monitoring Group and the Sanctions Committee;

- guarantees that any training and other security assistance provided by African Union member states to TFG security forces requires rigorous practical exercises and operating standards designed to ensure full respect for international human rights and humanitarian law and that all training personnel is vetted to ensure that they have not themselves been implicated in human rights abuses.

Amnesty International recommends that Transitional Federal Government of Somalia:

- publicly orders its security forces and other groups affiliated to them not to commit unlawful attacks, including those targeting civilians, those which do not attempt to distinguish between military targets and civilians or civilian objects, and those which, although aimed at a legitimate military target, have a disproportionate impact on civilians or civilian objects; and issue clear instructions prohibiting arbitrary arrests and detentions, torture and other ill-treatment, including sexual violence, extra-judicial killings, and looting of civilian property;
- immediately suspends from duty any member of its security forces reasonably suspected of violations of international humanitarian and human rights law, pending independent and effective investigations;
- establishes effective and impartial vetting procedures to ensure that TFG armed forces and police do not include persons under the age of 18 and that those reasonably suspected of violations of international humanitarian or human rights law are suspended or not recruited into the new security forces, pending independent and impartial investigations; and seeks international assistance on standards and best practices in setting up vetting procedures for the security forces;
- seeks international assistance to ensure that all TFG security forces, including troops commanders, are rigorously trained with operational rules to carry out their duties in conformity with international human rights and humanitarian law principles and international best practice standards;
- regulates and controls the storage and issuing of firearms and other arms and ammunition to security forces, according to international standards of accountable weapons management and safe storage;
- ensures prompt, effective, independent and impartial investigations into all violations of international humanitarian and human rights law, including unlawful killings, torture and other ill-treatment and unlawful attacks, and bring those responsible to justice in fair trials without application of the death penalty;
- ensures that victims of human rights violations or their relatives are entitled to obtain effective reparations, including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.

APPENDIX

TABLE 1: CURRENT AND PLEDGED SECURITY SECTOR TRAINING FOR SOMALI SECURITY SECTOR INSTITUTIONS

| Provider | Recipient(s) | Location of training | Details | Selection of trainees | Military, security or police equipment provided? |
|----------|--------------------------------|---|---|--|--|
| USA | TFG armed forces | Not fully known – including Uganda and Djibouti | Full scope of US assistance not known. Amnesty International understands that some training is taking place via AMISOM, the Ugandan People's Defence Forces (UPDF) in Uganda, and the Djiboutian government. 750 TFG recruits were flown by the USA to Uganda for a nine-month training program. ³⁸ | Full details not known. According to US officials, 'Leahy Law' provisions applied to battalion level, although it is not known whether potential recruits have been excluded. ³⁹ | Yes (see above) |
| France | TFG 'national security forces' | Djibouti | Over 600 ⁴⁰ members of the TFG 'security forces' completed training by French personnel in Djibouti during 2009, at a cost of 1.5 million Euros. On 9 October 2009, the French government offered to train a further 3,000 troops. ⁴¹ Includes basic military training, sessions on relating to civilian populations, sessions on nature of peacekeeping missions, | Trainees recruited directly by the TFG. Three criteria established by French government: (i) Recruits must be over 18 years old (ii) Recruits selected under '4.5 clan formula' in Somalia's constitution, with representation for | |

| Provider | Recipient(s) | Location of training | Details | Selection of trainees | Military, security or police equipment provided? |
|--------------------|--|---|--|---|--|
| | | | and basic human rights training. | different clans (iii) Recruits must have no past experience in fighting, either in military or militia forces (assessed by trainers observing recruits' military and weapons handling skills) According to the French government, some recruits have been excluded due to these criteria. | |
| Russian Federation | TFG security forces ⁴² | Plan to support or participate in French-delivered training in Djibouti | | | |
| AMISOM/ Uganda | TFG armed forces Police forces, central/south Somalia | Uganda and Mogadishu, Somalia | 6,000 soldiers to be trained by end of 2010. To be funded by the European Union (60 million Euros). AMISOM is also delivering police small arms training. ⁴³ | | Yes (see above) |
| UNDP | Police, central/south Somalia Police | Uganda. Somalia (by Somali police trainers, | 10,000 TFG police officers to be trained by end of 2010, according to the Brussels conference of the | Trainees selected by the TFG Commissioner of Police. The ARS-Djibouti | Vehicles (prior to 2009) |

| Provider | Recipient(s) | Location of training | Details | Selection of trainees | Military, security or police equipment provided? |
|----------|--|--|---|--|--|
| | <p>Special Protection Unit (SPU), Somaliland</p> <p>Police Special Protection Unit (SPU), Puntland</p> | <p>themselves trained in Uganda)</p> <p>Mogadishu police academies currently also being rehabilitated for future training.</p> | <p>International Contact Group on Somalia. Training to take place on 3-month training cycles of batches of 2000 recruits each.</p> <p>Curriculum covering public order, use of force and weapons/firearms training (latter delivered by AMISOM); open hand (non-armed) self-defence techniques; basic life and literacy skills; use of force policy; police command, management and organisation; community policing; Somali and international legal standards relating to policing; human rights; and gender equity.⁴⁴</p> <p>Around 2000 serving officers also paid stipends (currently delivered to individual officers through a money transfer service; the identity of recipients is checked through their photographs, signatures and identity papers).</p> <p>Training (including arms management/handling</p> | <p>reportedly selecting trainees drawn from its forces. Names and details of candidates given to UNDP are checked against a database of persons known to have committed human rights abuses.</p> | |

| Provider | Recipient(s) | Location of training | Details | Selection of trainees | Military, security or police equipment provided? |
|----------|------------------------------|--------------------------------|---|--|--|
| | | | and safety training). Police station rehabilitation for SPU units in Somaliland and Puntland (including building armouries for secure storage of weapons). | | |
| Kenya | TFG police, TFG armed forces | Planned to take place in Kenya | In October 2008 the Kenyan Minister for Foreign Affairs announced plan to assist with training 6 to 10,000 Somali security forces. ⁴⁵ A year later, both TFG and Kenyan officials admitted that a training of Somali security forces was conducted in Kenya. ⁴⁶ | Full details not known. However, Human Rights Watch documented a recent recruitment drive of Somali refugees and Kenyan citizens around the Dadaab refugee camps in Northern Kenya, by Somali recruiters with Kenyan government involvement. Those recruited would be transported in government trucks to a military training facility near Mombasa. The Kenyan government has denied it is involved in recruiting individuals on its territory. ⁴⁷ | |

| Provider | Recipient(s) | Location of training | Details | Selection of trainees | Military, security or police equipment provided? |
|---------------------|------------------------------|----------------------------------|--|--------------------------|--|
| European Union (EU) | 'TFG Security forces' | Planned to take place in Uganda. | <p>Not fully known. Intended training to be in coordination with AMISOM and the Joint Monitoring Committee, with a human rights component and possible follow-up mentoring, equipment and payments.</p> <p>In July 2009, the EU announced intentions to send a planning team to Somalia to plan anti-piracy training for Somalia's security forces.⁴⁸ It is not known whether any such training has yet been delivered.</p> <p>On 17 November 2009, the Council of the European Union approved plans to contribute to the training of TFG security forces.⁴⁹</p> | Details not fully known. | |
| Ethiopia | TFG armed forces, TFG police | Ethiopia | <p>TFG armed forces training in 2007 to 2008.⁵⁰</p> <p>TFG Police training from 2007 to 2009.</p> <p>In addition, a training of up to 1,000 TFG police recruits intended to start in December 2009, with two courses lasting three months</p> | Not known | <p>According to the UN Monitoring Group, trained police officers received uniforms and individual weapons during 2007-8.⁵¹</p> <p>The UN Monitoring Group also reports ongoing arms supplies to TFG</p> |

| Provider | Recipient(s) | Location of training | Details | Selection of trainees | Military, security or police equipment provided? |
|-------------------|--------------------------------|----------------------|--|--|---|
| | | | each, to be financed by Germany. Italy said to finance other training in Ethiopia. | | forces and Somali arms markets by Ethiopian soldiers during 2008. ⁵² |
| Germany and Italy | TFG police forces | Ethiopia | Intend to finance a training of TFG police forces in Ethiopia scheduled to start in December 2009. The training was reportedly postponed. Italy reportedly planning to train a special paramilitary police force, similar to the Italian <i>Carabinieri</i> . | Not fully known. The TFG to select those to be trained. | |
| Egypt | TFG police and security forces | Egypt | Unknown number of Somali police and security forces to be trained in Mubarak Security Academy, and other security and military institutions in Egypt. | Not known | 10,000 police uniforms |
| United Kingdom | TFG security forces | Not known | Offer of strategic advice at ministry level on security sector governance, command and control. Not known whether such assistance has yet taken place. Reportedly developing a standardised program of instruction for TFG basic infantry recruits | Not involving individual training. According to the UK government, this planned assistance is in line with the UK's human rights responsibilities and obligations, but does not include specific | |

| Provider | Recipient(s) | Location of training | Details | Selection of trainees | Military, security or police equipment provided? |
|----------|------------------|----------------------|---|--|--|
| Sudan | TFG armed forces | Not known | in collaboration with AMISOM. This program has yet to be approved by the TFG. Training of 120 close-protection personnel ⁵³ | human rights content. Not known | |

TABLE 2: OTHER PLEDGED DONOR FUNDING FOR SOMALIA SECURITY SECTOR, APRIL 2009

| Country/Institution | Contribution | Details |
|---------------------|--|---|
| Arab League | USD\$18 million | To be paid directly to the TFG for its security forces over a 6 month period. |
| Belgium | 500,000 Euros | |
| European Union | 72 million Euros for security in Somalia | 60 million Euros for 6000 AMISOM soldiers, ⁵⁴ 12 million Euros for the police forces under the UNDP Rule of Law and Security program in Somalia, including police training and capacity-building in southern and central Somalia. |
| Italy | 4 million Euros | |
| Netherlands | USD\$1.5 million | AMISOM training |
| Spain | 6 million Euros | |

NOTES

¹ Amnesty International has consulted publicly available information on multilateral and bilateral assistance to the Somali security forces and sought further details about such assistance with government officials and intergovernmental organisations. Amnesty International has not been able to undertake field research on human rights issues in south and central Somalia, out of concern for the security of those the organization would seek to meet, and for its own staff. However, Amnesty International has interviewed many Somali refugees from the conflict in Kenya and Djibouti in March and April 2009, and maintains regular contact with civil society activists in Somalia.

² See United Nations General Assembly Resolution A/Res/64/48, 2 December 2009, which was supported by 151 Member States.

³ See Amnesty International documents, *Somalia: Journalists under attack* (AFR 52/001/2008, 3 March 2008); *Somalia: Routinely targeted: Attacks on civilians in Somalia* (AFR 52/006/2008, 1 June 2008); *Fatal Insecurity: Attacks on aid workers and rights defenders in Somalia* (AFR 52/016/2008, 6 November 2008)

⁴ See United Nations, *Report of the independent expert on the situation of human rights in Somalia, Shamsul Bari* (A/HRC/12/44, 17 September 2009) and United Nations press release: *International Community fails Somali displaced, UN Representative says* (21 October 2009, available at: <http://www.unhcr.ch/hurricane/hurricane.nsf/view01/E16D50453D3903E3C1257656004AE0ED?opendocument>)

⁵ See Amnesty International public statements, *Somalia: civilians pay the price of intense fighting in Mogadishu* (AFR 52/002/2009, 4 March 2009); *Somalia: end indiscriminate shelling in Mogadishu* (AFR 52/005/2009, 19 June 2009)

⁶ See Amnesty International press release, *Somalia: Amputations deplorable*, 25 June 2009; Amnesty International public statement, *Somalia: Unlawful killings and torture demonstrate Al Shabaab's contempt for the lives of civilians* (AFR 52/009/2009, 24 November 2009)

⁷ The European Union also imposed an arms embargo on Somalia in December 2002, amended in February 2009 to exempt the supply of arms, related materiel and technical assistance to AMISOM; and arms, related materiel and technical assistance solely for the purpose of helping to develop Somali security sector institutions according to the procedures established by the UN Security Council. See European Council Common Position 2009/138/CFSP of 16 February 2009 concerning restrictive measures against Somalia and repealing Common Position 2009/960/CFSP

⁸ See UN, *Report of the Monitoring Group on Somalia pursuant to Security Council resolution 1811 (2008)*, S/2008/769, 10 December 2008

⁹ Ibid

¹⁰ See UN, *Report of the Secretary-General pursuant to Security Council resolution 1846 (2008)*, S/2009/590, 13 November 2009

¹¹ AMISOM is composed of some 5217 troops from Uganda and Burundi. Its mandate, spelt out under UN Security Council Resolution 1744 (2007) includes taking all necessary measures: “(a) to support dialogue and reconciliation in Somalia by assisting with the free movement, safe passage and protection of all those involved with the process referred to in paragraphs 1, 2 and 3; (b) to provide, as appropriate, protection to the Transitional Federal Institutions to help them carry out their functions of government, and security for key infrastructure; (c) to assist, within its capabilities, and in coordination with other parties, with implementation of the National Security and Stabilization Plan, in particular the effective re-establishment and training of all-inclusive Somali security forces; (d) to contribute, as may be requested and within capabilities, to the creation of the necessary security conditions for the provision of humanitarian assistance; (e) to protect its personnel, facilities, installations, equipment and mission, and to ensure the security and freedom of movement of its personnel”.

In addition, AMISOM is responsible, under the ceasefire arrangements agreed in Djibouti between the TFG and the ARS-Djibouti, for security after the withdrawal of Ethiopian troops from Somalia. AMISOM has been increasingly targeted by armed groups opposed to the TFG in 2009 and seems to have been drawn into the internal armed conflict. There are regular allegations that AMISOM troops respond by firing or shelling when attacked in Mogadishu.

¹² The Djibouti process and the resulting agreement and ceasefire were rejected by other armed opposition groups, including Al-Shabaab and the ARS-Asmara.

¹³ For further information, see for instance Institute for Security Studies, Paula Cristina Roque, *The battle for Mogadishu: Revealing Somalia's fluid loyalties and identities*, available at: http://www.issafrica.org/dynamic/administration/file_manager/file_links/18N03ROQUE.PDF?link_id=14&slink_id=8291&link_type=12&slink_type=13&tmpl_id=3

¹⁴ UN Security Council Resolution 1872 (26 May 2009)

¹⁵ See Reports of the UN Monitoring Group on Somalia S/2006/913; S/2007/436; and S/2008/274

¹⁶ US Africa Command press release, 7 August 2009 (<http://www.africom.mil/getArticle.asp?art=3270&lang=>); Robert Wood (US State Department deputy spokesperson), daily briefing, 6 August 2009 (transcript at <http://www.state.gov/r/pa/prs/dpb/2009/aug/126950.htm>)

¹⁷ Amnesty International, *Somalia: Amnesty International calls for accountability and safeguards on arms transfers to Somalia's Transitional Federal Government* (AFR 52/006/2009, 11 August 2009)

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- ¹⁸ Report of the Monitoring Group on Somalia submitted in accordance with resolution 1766 (S/2008/274, 24 April 2008), paras. 178, 182
- ¹⁹ Report of the Monitoring Group on Somalia submitted in accordance with resolution 1811 (S/2008/769, 10 December 2008), para. 173
- ²⁰ UN Security Council Committee established pursuant to Resolution 744 (1992), *GUIDELINES OF THE COMMITTEE FOR THE CONDUCT OF ITS WORK as consolidated, revised and adopted by the Committee on 11 May 2009* (<http://www.un.org/sc/committees/751/comguide.shtml>)
- ²¹ See UN, Report of the Secretary-General on the situation in Somalia (S/2009/373, 20 July 2009), para. 19; 'Somalia appoints accountancy firm', *BBC News*, 7 July 2009
- ²² Such standards are spelt out in the International Tracing Instrument adopted by the UN General Assembly in 2005.
- ²³ Final Communiqué of the International Conference in support of the Somali Security Institutions and the African Union Mission in Somalia, Brussels, 23 April 2009. According to the Report of the UN Secretary-General pursuant to Security Council resolution 1872 (S/2009/503) on 2 October 2009, "the United Nations Trust Funds for the Somali security institutions has received approximately \$830,000 and the Trust Fund for AMISOM has received \$24.6 million. Some \$1.5 million have been disbursed directly by donors to the Transitional Federal Government, while the African Union has received about \$6.7 million".
- ²⁴ Somali government says over 3,000 troops training in neighbouring countries, *Puntlandpost*, 22 October 2009
- ²⁵ The Joint Monitoring Committee, established under the Djibouti peace agreement, is chaired by the UN and comprises TFG ministers, the AU, the EU, the Arab League and other observers and intends to oversee and coordinate the security sector institutions of the TFG. It met three times in 2009.
- ²⁶ Report of the Monitoring Group on Somalia submitted in accordance with resolution 1811 (S/2008/769, 10 December 2008), para. 168
- ²⁷ See Amnesty International, *Routinely targeted: Attacks on civilians in Somalia* (AFR 52/006/2008, 1 June 2008)
- ²⁸ Human Rights Watch, *Kenya: Stop recruitment of Somalis in refugee camps*, 22 October 2009
- ²⁹ This responsibility is enshrined in Article 16 of the International Law Commission's Articles on Responsibility of States for Internationally Wrongful Acts, which states: "A State which aids or assists another State in the commission of an internationally wrongful act by the latter is internationally responsible for doing so if: (a) that State does so with knowledge of the circumstances of the internationally wrongful act; and (b) the act would be internationally wrongful if committed by that State".

³⁰ See UN Security Council, Report of the Secretary-General on children and armed conflict in Somalia (S/2008/352), June 2008; UN Security Council, Working Group on Children and Armed Conflict, Conclusions on children and armed conflict in Somalia (S/AC.51/2008/14), 5 December 2008

³¹ For more information about abuses by the TFG security forces, see Amnesty International publications: *Somalia: Journalists under attack* (AFR 52/001/2008, March 2008), *Routinely targeted: Attacks on civilians in Somalia* (AFR 52/006/2008, 1 June 2008), *Fatal Insecurity: Attacks on aid workers and rights defenders in Somalia* (AFR 52/016/2008, 11 November 2008)

³² The TFG Police Commissioner, Abdi Hassan Awale Qeybdiid, in place since 2007, was replaced by Ali Mohamed Hassan on 6 December 2009.

³³ UN Political Office for Somalia, *International Conference in support of the Somalia Security Institutions and the African Union Mission in Somalia (AMISOM) on 23 April 2009 in Brussels*, 17 April 2009, available at: <http://www.reliefweb.int/rwarchive/rwb.nsf/db900sid/EGUA-7R7KTB?>

³⁴ Somalia Police Service Basic Recruit Curriculum 2009, dated September 2009, on file with Amnesty International

³⁵ See Principles and Guidelines on the Right to Fair Trial and Legal Assistance in Africa adopted by the African Commission on Human and Peoples' Rights: http://www.achpr.org/english/declarations/Guidelines_Trial_en.html

³⁶ Amnesty International, *Routinely targeted: attacks on civilians in Somalia* (AFR 52/006/2008, 6 May 2008)

³⁷ See Amnesty International, *Somalia: Allegations of AU force firing on civilians need investigating* (press release, 5 February 2009); since then, there have been further allegations that AMISOM has fired mortars and artillery indiscriminately in areas frequented by civilians, in response to attacks on them by armed groups. AMISOM has denied this.

³⁸ Report of the UN Secretary-General on Somalia pursuant to Security Council Resolution 1872 (2009), S/2009/503

³⁹ The 'Leahy provision' included in the US' annual Foreign Operations Appropriations Acts since 1997 forbids the US government to fund assistance to any unit of the security forces of a foreign country if the Secretary of State has credible evidence that such unit has committed gross violations of human rights, unless the Secretary determines and reports to the Committees on Appropriations that the government of such country is taking effective measures to bring the responsible members of the security forces unit to justice. In other circumstances the State Department has judged a military 'unit' to be the smallest operational unit to have committed an offence. In some other cases, the US State Department has interpreted this unit to be a brigade (a collection of battalions): see Human Rights Watch, *The "Sixth Division": Military-Paramilitary Ties and U.S. Policy in Colombia* (September 2001), fn. 303. It appears that a smaller military unit has been used as the

basis for exclusions in the case of TFG assistance.

⁴⁰ Report of the Secretary-General on Somalia pursuant to Security Council Resolution 1872 (2009), S/2009/503

⁴¹ Agence France-Presse, *France offers more training for Somali forces*, 9 October 2009

⁴² Statement by French foreign minister Bernard Kouchner, quoted in 'Russia to help France train Somali soldiers', *Agence France Presse*, 7 October 2009

⁴³ Somalia Police Service Basic Recruit Curriculum 2009, dated September 2009

⁴⁴ Somalia Police Service Basic Recruit Curriculum 2009, dated September 2009

⁴⁵ <http://allafrica.com/stories/200810100272.html>

⁴⁶ See for instance Daily Nation, *Kenya admits to secret police training for Somalia*, 24 October 2009, <http://www.nation.co.ke/News/-/1056/676620/-/item/0/-/5xeqd5/-/index.html>

⁴⁷ Human Rights Watch, *Kenya: Stop recruitment of Somalis in refugee camps*, 22 October 2009 (<http://www.hrw.org/en/news/2009/10/22/kenya-stop-recruitment-somalis-refugee-camps>); Voice of America, *Somali General confirms Kenya recruiting soldiers*, 23 October 2009 (<http://www.reliefweb.int/rwarchive/rwb.nsf/db900sid/DKAN-7X4Q2L?>)

⁴⁸ 'EU to train Somali piracy force', *BBC News*, 28 July 2009 (<http://news.bbc.co.uk/2/hi/africa/8171922.stm>)

⁴⁹ Council of the European Union, *Council conclusions on the European Security and Defence Policy*, 2974th External Relations Council meeting, Brussels, 17 November 2009 (http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/gena/111291.pdf)

⁵⁰ Report of the Monitoring Group on Somalia submitted in accordance with resolution 1766 (S/2008/274, 24 April 2008)

⁵¹ Report of the Monitoring Group on Somalia submitted in accordance with resolution 1811 (S/2008/769, 10 December 2008), para. 171

⁵² Report of the Monitoring Group on Somalia submitted in accordance with resolution 1766 (S/2008/274, 24 April 2008)

⁵³ According to the Report of the Secretary-General on the situation in Somalia (S/2009/684, 31 December 2009)

⁵⁴ On 2 October 2009, Ugandan news outlets reported a statement by the Ugandan defence minister claiming that the EC had suspended funding for AMISOM troops in Somalia due to concerns over the accounting of previous funds. A European Council Secretariat official has denied to Amnesty International that this funding has been suspended, although stating that EC officials have such concerns.

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