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The Chairperson
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Item 4: Human Rights Situation in Africa

Chairperson, Honourable Commissioners,

Amnesty International welcomes this opportunity to address the African Commission on Human and Peoples' Rights (African Commission) on the state of the situation of human rights in Africa.

The 55th Ordinary Session of the African Commission on Human and Peoples' Rights is taking place against a backdrop both of continuing and escalating conflicts in Africa and a failure to hold perpetrators accountable for past crimes under international law. Amnesty International would like to bring to the Commission's attention the broader context of conflict threats and human rights violations in Africa as well as the dire situation in three specific countries: Central African Republic, South Sudan and Nigeria. Amnesty International calls for a more active role for the Commission in responding to the conflict crisis in the continent.

The situation in the **Central African Republic (CAR)** has deteriorated significantly since December 2013 leading to a complete breakdown of law and order and unprecedented level of sectarian violence resulting in human rights abuses and crimes under international law against civilians, including grave breaches of international humanitarian law, crimes against humanity and war crimes (collectively referred to as crimes under international law). Amnesty International has documented the deliberate and large-scale killings of civilians, including women and children. Thousands of people have been forcibly displaced from their homes and are now living in makeshift camps across the country in poor conditions. Others, especially Muslims, were brutally forced by the mostly Christian anti-balaka militias to flee the country. There have been numerous cases of torture; enforced disappearances; rape and other forms of sexual violence. The recruitment and use of children by armed groups continues unabated. Houses, villages and

mosques have been looted, demolished and burnt down. Amnesty International is concerned about the dire humanitarian situation of refugees from CAR in neighbouring countries as well as the precarious situation in which internally displaced people find themselves within the country.

Despite the deployment of peacekeeping troops from the International Support Mission to Central Africa (MISCA) and the French Sangaris military operation, human rights abuses and crimes under international law continue to take place in CAR. There is on-going lack of accountability for human rights abuses and crimes under international law, the transitional authorities and neighbouring countries continue to fail to arrest, investigate and prosecute perpetrators of these crimes. This continues to send a message to perpetrators that there will be no punishment for crimes under international law or human rights abuses.

Amnesty International applauds the Commission's previous resolution of 14 March 2014 on the CAR¹ and calls on the African Commission to:

- Urge all the parties to the conflict to cease all violations of international human rights law and international humanitarian law. In particular, all forces should immediately cease unlawful killings, rape and other forms of sexual violence and any other attacks on civilians, looting and destruction of public and private property;
- Call upon the UN, African Union, the government of CAR, and all other involved countries to ensure accountability for crimes under international law and human rights abuses;
- Conduct regular fact finding as well as protection and promotion missions to CAR to ensure that human rights are mainstreamed within the responses to the crisis; and
- Coordinate with the various organs of the AU, including the AU Peace and Security Council (PSC), the Department for Political Affairs (DPA) and the African commission to ensure the efficacy of the AU monitors already deployed under the authority of the PSC in the CAR.

The current conflict situation in Northern Nigeria has also seen significant deterioration and Amnesty International is extremely concerned that the Nigerian security forces and the Islamist armed group Boko Haram are committing crimes under international law. According to Amnesty International's research, more than 1,500 people were killed in north-eastern Nigeria in the first three months of 2014. At least half of the deaths are civilians, killed in attacks by Boko Haram between January and March 2014. Nigeria's security forces have, since 2009, unlawfully executed thousands of people suspected of links to Boko Haram. Hundreds more have been victims of enforced disappearances and, since 2012, thousands of suspects have died in military and police custody. In one example more than 600 people, mainly former detainees, were killed by security forces following an attack by Boko Haram on the military barracks in Maiduguri on 14 March 2014. Thousands of detainees have also been victims of torture and other cruel, inhuman or degrading treatment or punishment.

¹ <http://www.achpr.org/sessions/15th-eo/resolutions/266/>

Perpetrators of violence, whether Boko Haram members, Nigerian security forces or members of the “Civilian Joint Task Force”, loosely organised civilians who have volunteered to serve as vigilantes in the fight against Boko Haram in Borno state, are rarely brought to justice. The government has established several commissions of inquiry into allegations of human rights abuses. Often their findings and recommendations are not made public. Some have named suspected perpetrators, yet in many cases, no criminal investigation is initiated. Criminal investigations have been inadequate, with serious doubts over the quality of evidence against those arrested.

Further to its resolution passed on the 5th Extra- Ordinary Session 14 March 2014, Amnesty International calls upon the African Commission to:

- Urge the parties to the conflict to cease all violations of international human rights and humanitarian law. In particular, all forces should immediately cease unlawful killings, acts of sexual violence and any other attacks on civilians, looting and destruction of public and private property;
- Urgently initiate protection measures, including carrying out a fact-finding mission to Nigeria to investigate allegations of serious violations of human rights;
- Urge the government of Nigeria to initiate independent criminal investigations into allegations of crimes under international law committed by Boko Haram, other civilian vigilante groups, and Nigerian security forces; and
- Urge the Nigerian government to ensure that investigations lead to accountability for crimes under international law through fair trials.

In South Sudan conflict broke out in December 2013 following tensions within the leadership of the Sudan People’s Liberation Movement government. The party and the army split between supporters of President Salva Kiir and former Vice President Riek Machar’s. This followed political contestation over the Vice President’s decision to challenge for the presidency in elections scheduled for 2015. The army divided in large part along ethnic lines, with many Nuer defecting from the government forces and aligning themselves with former Vice-President Riek Machar.

Although the conflict was triggered by a political dispute, the fighting has taken on an ethnic dimension. Amnesty International has documented cases in which Dinka, Nuer and Shilluk civilians, including the elderly and children, have been targeted and killed on the basis of their ethnicity. As a result of the conflict, over a million civilians have fled their homes. Of these, 800,000 people are displaced within South Sudan, approximately 10% of whom have taken shelter in UNMISS compounds around the country, where they face serious security risks. On 17 April, armed men attacked the UNMISS compound in Bor, where over 5,000 people had taken refuge, killing over 50 people. 270,000 people have fled to neighbouring countries, particularly Ethiopia, Kenya, Uganda and Sudan. Despite the cessation of hostilities agreement signed on 23 January 2014, violence continues with little hope for abating as peace negotiations between the warring parties have effectively stalled.

Since the outbreak of violence in South Sudan on 15 December 2013, both government and opposition forces have committed war crimes, crimes against humanity and other grave human rights abuses. They have killed civilians and executed fighters *hors de combat*; abducted and sexually assaulted women and girls; arbitrarily detained civilians, some of whose whereabouts

are still unknown; burned down homes, damaged and destroyed medical facilities; attacked places of sanctuary; and looted public and private property as well as desperately needed food and humanitarian aid.

Welcoming its resolution passed on the 5th Extra- Ordinary Session 14 March 2014, Amnesty International calls upon the African Commission to:

- Reiterate its call on the Government of South Sudan to immediately ratify and domesticate the African Charter and other fundamental human rights instruments;
- Reiterate its call on the parties to the conflict to cease all violations of international human rights and humanitarian law. In particular, all forces should immediately cease unlawful killings, acts of sexual violence and any other attacks on civilians, looting and destruction of public and private property;
- Call on the government of South Sudan to initiate independent criminal investigations into allegations of crimes under international law committed by all parties to the conflict;
- Call on the government of South Sudan to adequately protect Internally Displaced populations, ensure their security, and help create conditions that would allow them to cultivate;
- Condemn attacks against humanitarian personnel, assets and other obstructions to the delivery of humanitarian assistance. Call for all parties to the conflict to grant immediate and unhindered access for humanitarian assistance to reach internally displaced persons;
- Call for the mobilization of adequate humanitarian support to ensure that the basic needs of all populations affected by the conflict are met; and
- Call on countries hosting refugee populations to take all necessary measures to ensure their security, adequate humanitarian assistance, and freedom of movement.

Other countries and conflict related human rights violations of concern:

In Egypt Amnesty International is concerned by the use of disproportionate force against protesters. Over 1,400 people have been killed in protests and political violence in the last nine months – many at the hands of the security forces. On 14 August 2013 security forces used excessive force on an unprecedented scale to disperse protests by the ousted president's supporters in Greater Cairo, killing hundreds. Hundreds more have died in political violence across the country, with Coptic Christians also targeted in a wave of sectarian attacks. Women protesters have also faced a wave of sexual violence during demonstrations.

In Libya the security situation is extremely precarious and human rights violations and abuses continue to be perpetrated with impunity by state security forces, state-affiliated militias and non-state groups. The authorities' inability to rein in militias and establish the rule of law immediately after the 2011 conflict has impeded access to justice both for victims of gross human rights violations committed in the past and for ongoing abuses. Thousands of conflict related detainees remain held in detention centres across the country subject to varying levels of

government control, without trial, judicial review or access to lawyers. Where cases have reached the courts lawyers, prosecutors and judges have been harassed, threatened and intimidated. The Libyan government has failed to cooperate fully with the ICC and has refused to hand Saif al-Islam Gaddafi over to the court in the Hague. Armed clashes between militias across the country continue to cause extensive damage to property as well as deaths and injuries to ordinary people. Militia attacks on unarmed demonstrators leading to scores of deaths and hundreds of injuries in 2013 have gone unpunished.

It is eleven years since the current conflict started in Darfur. The human rights situation remains dire, with increased inter-communal violence between Arab tribes, as well as on-going fighting between government forces, pro-government militias and armed opposition groups, resulting in civilians being killed and displaced in large numbers.

Post conflict countries such as Kenya, Cote D'Ivoire, Libya, the DRC and Mozambique face threats to peace and stability of their own. They also face the difficult task of achieving justice for human rights abuses and crimes under international law committed by both sides. In other countries, such as Gambia and Guinea Bissau, the lack of democratic space and the continued repression of dissent are giving early warning of troubles ahead. Amnesty International has documented human rights violations committed in the name of counterterrorism and national security in countries across the continent such as Kenya, Mauritania, Niger and Mali. These violations, in addition to the abuses perpetrated by armed opposition groups in these countries, indicate the potential for more large-scale conflict.

In Ethiopia we reiterate our concern about conflicts in the Somali, Oromia and Afar regions and the repression of the ethnic minorities in these areas; reported human rights abuses and possible crimes under international law by Ethiopian forces in Somalia and possible future conflict arising from the damming of the river Omo, which flows into Lake Turkana and could cause the displacement of 200,000 people in Ethiopia and Kenya.

A common element in conflict situations across the continent has been impunity for crimes under international law. Impunity for grave human rights violations feeds into the cycle of conflict and Amnesty International reiterates its calls to all parties to the African Charter to take measures to ensure accountability for the commission of crimes under international law. Amnesty International believes that the Commission has an essential role to play in the prevention and response to conflicts as well as to break the cycle of impunity for human rights abuses committed in the context of conflict.

Amnesty International calls on the African Commission on Human and Peoples' Rights to:

- Consider a public session on conflict and human rights in Africa as an agenda item for the 56th Ordinary session to exchange views on strategies for enhancing the role of the Commission in responding to conflict situations in Africa;
- Prioritise conflict prevention within its promotional and protective mandates, including requesting missions by special rapporteurs and country mandate holders to countries at risk of conflict, experiencing conflict and recovering from conflict;

- Prioritise and urgently address continued crimes under international law and violations of the African Charter on Human and Peoples' Rights and other human rights treaties, in countries affected by conflict;
- Urge governments to take urgent measures to cease and prevent attacks on civilians. In particular, all forces should immediately cease unlawful killings, torture, acts of sexual violence and any other attacks on civilians, looting and destruction of public and private property;
- Urge governments to take urgent action to investigate - promptly, independently, impartially and effectively - all allegations of crimes under international law to ensure that perpetrators are held to account;
- Call on all governments to cooperate with the ICC to end impunity on the continent;
- Call on governments to adequately protect IDP and refugee populations, ensure their security, adequate humanitarian assistance, and freedom of movement and help create conditions that would allow them to engage in economic activities;
- Condemn attacks against humanitarian personnel, assets and other obstructions to the delivery of humanitarian assistance; and
- Call for all parties to conflicts to grant immediate and unhindered access for humanitarian assistance to reach internally displaced persons.