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*Plenary sitting*

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**B8-0989/2016**

13.9.2016

## **MOTION FOR A RESOLUTION**

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 135 of the Rules of Procedure

on Somalia  
(2016/2881(RSP))

**Ignazio Corrao, Isabella Adinolfi, Laura Agea, Rolandas Paksas, Fabio Massimo Castaldo, Beatrix von Storch**  
on behalf of the EFDD Group

**B8-0989/2016**

**European Parliament resolution on Somalia  
(2016/2881(RSP))**

*The European Parliament,*

– having regard to the September 4, 2016, report by UNSOM on Freedom of Expression in Somalia

– having regard to the latest Universal Periodic Review on Somalia before the UN Human Rights Council,

A. Whereas fighting persists in many parts of south-central Somalia, including in the course of the military operation against al-Shabab as well as in the course of intra and inter-clan fighting, resulting in civilian deaths, injuries, destruction of property and large scale new displacement of civilians;

B. Whereas the political processes, most notably the federal process, has on occasion reignited unresolved historical grievances and resulted in violence which has led to abuses against civilians;

C. Whereas according to international human rights organisations and the UN mission in Somalia, journalists continue to be killed, threatened, arbitrarily detained, and denied due process or fair trial guarantees, and media outlets closed down by regional and federal level authorities and by members of the armed Islamist group al-Shabab;

D. Whereas despite significant publicity by local media groups, journalists and the international community to attacks on freedom of expression, the authorities rarely investigate the cases or prosecute perpetrators;

E. Whereas the Somali government continues to rely on the country's military court to bring to trial a broad range of offences and defendants, including civilians, and the military courts continue to condemn defendants to death following trials;

F. Whereas broad powers of investigation are granted to the National Intelligence and Security Agency (NISA) which currently does not have a law enforcement mandate, thereby resulting in significant violations of the due process rights of detainees held by NISA;

G. Whereas the prolonged and deep status of anarchy that affects a large part of the territory had provoked during decades the flourishing of criminality, terrorism and piracy, which have had strong consequences in the entire region;

H. Whereas according to the UN, there are currently 1.1 million internally displaced people in Somalia, with an estimated 400000 living in Mogadishu alone, UNHCR reported that forced evictions and insecurity in the month of July resulted in almost 28,000 new displacements due to the ongoing military offensive. International human rights and humanitarian organizations continue to document serious abuses against people living in informal displacement camps in government controlled areas, including rape and forced evictions;

I. Whereas the Kenyan government declared in May 2016 that the Dadaab refugee camp in north-eastern Kenya, which hosts an estimated 320000 Somali refugees, will close by the year's end and that the "voluntary" repatriation process spearheaded by UNHCR, Kenya and Somalia has been fast tracked, resulting in 10000 Somali refugees returning to Somalia within three months;

J. Whereas international human rights organisations and the UN continue to document human rights abuses by the African Union Forces in Somalia (AMISOM), including indiscriminate killings and sexual exploitation and abuse, and raise concerns that despite instances in which AMISOM publicly commit to investigate incidents, safe and appropriate investigations and prosecutions rarely take place;

K. Whereas the Ugandan forces in Somalia have deployed a military court into Somalia to try offenses carried out by its forces under AMISOM in an April 2015 investigation report the AU found that with one exception all troop-contributing countries (TCCs), though agreeing in principle to holding ad hoc court martials in Somalia, to date no other TCC has followed suit;

L. Whereas AMISOM has established the Civilian Casualty Tracking Analysis Research Cell (CCTARC), and that numerous UNSC resolutions have called on TCCs to share information with the cell and the UN.

1. Calls on all parties to the conflict, including government forces, political leaders, clan and federal militia, to immediately end abuses against civilians, and to take steps to hold perpetrators to account fairly and effectively;

2. Calls on all actors engaged in Somalia's state-building efforts to ensure that civilians are protected, that perpetrators are brought to justice, and that victims of abuses are not forgotten to new and future crises;

3. Stresses that free and independent media are essential in order to guarantee an informed, active and engaged population, and calls on the Somali federal and regional authorities to desist from suppressing the free flow of information, including by arbitrarily arresting journalists, closing down media outlets and intimidating journalists; calls on the Somalia government to review the penal code, the new media law and other legislation, and revise them as necessary to bring them into line with Somalia's international obligations regarding the right to freedom of expression;

4. Expresses concerns regarding violations of the right to freedom of expression, and urges the Somali government to publicly call on all government and security force officials not to harass or threaten journalists and other media workers, in particular in the run-up to the elections;

5. Stresses that freedom of expression is not only a fundamental right, but also an essential means to ensure democracy, rule of law and control by the people on public power; strongly reminds that press control on fairness of elections is an indispensable part of democracy;

6. Requests that the Somali authorities stop using the country's National Intelligence and Security Agency (NISA) to intimidate journalists critical of the regime and political opponents; urges the Somali parliament to call for the implementation of a rights-respecting national security law, as set out in the provisional constitution, that defines the mandates of

national security agencies and clarifies that the National Intelligence and Security Agency is not empowered to arrest and detain;

7. Calls on the Somalia government to make clear that any NISA or police officer, regardless of rank, who is complicit in abuses against journalists, political opponents or human rights defenders, or who fails to adequately investigate threats or attacks on journalists, is disciplined or prosecuted as appropriate, and ensures that NISA is regulated with effective oversight mechanisms;

8. Calls on the Somali president to immediately commute pending death penalty sentences as a first step towards placing a moratorium on all death sentences and requests that the Somali authorities transfer future cases of civilian trials currently under military court jurisdiction to the civilian courts for prosecution;

9. Calls on the Somali government to follow through with commitments made during the country's Universal Periodic Review to end forced evictions of internally displaced people, including in the country's capital, Mogadishu;

10. Call on the Somali government to promptly establish an independent Human Rights Commission;

11. Calls on the Somali authorities, political actors, and the EU, as a key supporter of the current political process, to ensure that the commitments to a 30 per cent quota for women by leaders of the Federal Government and the regional state administrations should be respected and enforced;

12. Calls on the EU, as the biggest contributor to AMISOM, to attentively and effectively monitor programmes and policies, in order to ensure that EU assistance to AMISOM is not contributing to abuses of international humanitarian or human rights law; calls on the EU to prioritize assistance to bolster robust monitoring of human rights abuses.;

13. Calls on the EU to ensure that all troop-contributing countries are sharing information with the CCTARC, regarding reports of or investigations into civilian casualties by TCCs, and that this information is also shared with the UN and is fed into AMISOM operational plans;

14. Calls on the UN to prioritize the implementation of the Secretary-General's Human Rights and Due Diligence Policy (UNHRDDP), and to ensure that its mission has the capacity to fully implement the HRRDP and measures/ tools associated with its implementation; urges the UN and all implicating actors to ensure that measures taken as part of the HRRDP feed into concrete steps in terms of improvement of force conduct and accountability for abuses by forces;

15. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, and to the Government and Parliament of Somalia.