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*Plenary sitting*

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**B8-0324/2018**

3.7.2018

## **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  
(2018/2784(RSP))

**Klaus Buchner, Heidi Hautala, Judith Sargentini, Bart Staes, Barbara Lochbihler, Ernest Urtasun, Bodil Valero, Jordi Solé**  
on behalf of the Verts/ALE Group  
**Fabio Massimo Castaldo, Ignazio Corrao**

**B8-0324/2018**

**European Parliament resolution on Somalia  
(2018/2784(RSP))**

*The European Parliament,*

- having regards to its previous resolution on Somalia,
  - having regard to its resolution on the situation in the Dadaab refugee camp of 18 May 2017,
  - having regard to the joint press statement from the United Nations, the African Union, the European Union, the United States and the Intergovernmental Authority on Development (IGAD) “Somalia’s International Partners gravely concerned over clashes near Tukaraq, call for cease fire” from 24 May 2018,
  - having regard to the statement by the High Representative/Vice-President on the attacks in Mogadishu, Somalia of 15 October 2017,
  - having regard to the UN Security Council Resolution 2372(2017) of 30 August 2017,
  - having regard to the latest Universal Periodic Review on Somalia before the UN Human Rights Council, January 2016
  - having regard to the report by the UN Human Rights Office and the UN Assistance Mission in Somalia (UNSOM) “Protection of Civilians: Building the Foundation for Peace, Security and Human Rights in Somalia,”
  - having regard to the African Charter on Human Rights
  - having regard to the Universal Declaration of Human Rights of 1948;
  - having regard to the revised Partnership Agreement between the members of the African, Caribbean and Pacific (ACP) Group of States and the European Community signed in Cotonou on 23 June 2000 (the Cotonou Agreement),
  - having regard to Rule 135 of its Rules of Procedure,
- A. Whereas Somalia has been plagued by civil war for years; whereas heavy fighting broke out in May between Puntland and ‘Somaliland’ forces, reportedly with the use of heavy weaponry,
- B. Whereas after years of drought, recent record rainfalls have displaced 230.000

people over half of whom are estimated to be children, due to flooding; whereas they join around 2.6 million people across the country who have already been affected by drought and conflict,

- C. Whereas Somalia is in a transition phase after having held successfully presidential elections in 2017,
- D. Whereas a 22.000 troop strong African Union peacekeeping force, AMISOM, has brought a certain degree of stability to parts of Somalia, whereas other parts remain under control or threat from the radical Islamist movement Al-Shabaab or are controlled by separate authorities as is the case in Somaliland and Puntland,
- E. whereas clan militias and Al-Shabaab have committed and continue grave abuses throughout the country, including extrajudicial killings, disappearances, cruel and unusual punishment, rape, restrictions on civil liberties and freedom of movement, restrictions on nongovernmental organizations (NGOs) and humanitarian assistance, and conscription and use of child soldiers,
- F. whereas the conflict has disproportionately affected children, exposing them to grave violations during military operations, including killing, maiming and arrest and detention by Somali security forces; whereas in the first 10 months of 2017, some 3.335 cases of child recruitment were reported - 71.5 per cent attributed to Al Shabaab, 14.6 per cent to clan militia, and 7.4 per cent to the Somali National Army,
- G. whereas Al-Shabaab is regularly perpetrating terrorist attacks, including in neighbouring Kenya; whereas on 14 October 2017 a truck bomb killed at least 358 people in the centre of Mogadishu,
- H. whereas there is an increase in civilian casualties and arbitrary arrests and detentions, as well as Al Shabaab (AS) related abductions since the beginning of 2018,
- I. whereas the African Union Forces in Somalia (AMISOM) have been accused on several occasions of severe human rights abuses, including indiscriminate killings and cases of sexual exploitation and abuse,
- J. whereas in the absence of a functioning civilian judiciary, the Somali government relies on military courts for trying and convicting civilians; whereas this practice does not guarantee the rights of civilian defendants,

- K. whereas broad powers of investigations are granted to the National Intelligence and Security Agency (NISA), which currently does not have a law enforcement mandate, resulting in significant violations of due process rights of detainees held by NISA;
- L. whereas freedom of expression continues to be severely restricted, with journalists being threatened, arbitrarily detained and denied due process and fair trial guarantees; whereas media outlets have been closed down by regional and federal level authorities;
- M. whereas the authorities rarely investigate cases of killings or attacks on journalists or prosecute perpetrators, except if such attacks are attributed to Al-Shabaab,
- N. whereas several Somali refugee camps exist in Kenya, including the Dadaab camp with around 350.000 refugees alone; whereas the Kenyan authorities intend to reduce these camps by pushing for returns to Somalia, in light of the failure of the international community to provide adequate support,
- O. whereas a Joint Programme (JP) on Human Rights, developed with the Federal Government of Somalia jointly by UNSOM, UNDP and UNICEF was approved in February 2018; whereas Somalia established a national human rights commission with a diverse composition,
- P. whereas the EU provided through the European Development Fund 286 million € (2014-2020) focusing on state and peace building, food security, resilience and education; whereas it allocated 120 million € for humanitarian aid and an emergency allocation of 100.000 € following the terrorist attack in Mogadishu in October 2014, whereas the EU is also committed to support the AMISOM through the African Peace Facility;
1. Is concerned about the latest armed clashes taking place near the Tukaraq area of the Sool region between Puntland and Somaliland,
  2. Calls for a dialogue between military commanders on the ground, secure humanitarian access for displaced persons, and calls for talks in order to discuss a separation of forces and an exchange of detained security personnel,

3. Considers that the security situation in Somalia remains volatile and unstable in large parts of the country, despite important progress having been made in the fight against Al-Shabaab and clan militias,
4. Commends the efforts made by the African Union in order to bring back a certain degree of stability to Somalia and to organise the transitional political process; also commends the support given by the EU,
5. Urges all Somali parties to the conflict, including government forces, political leaders, clan and federal militia, to immediately end abuses against civilians, including in the context of political processes, and to take steps to hold perpetrators to account,
6. Calls on all Somali and international parties to the conflict in Somalia, both within and outside AMISOM, to comply with international human rights and humanitarian law;
7. Remains concerned at the ongoing humanitarian consequences of the severe drought in Somalia followed by floodings and calls on international donors to remain committed to delivering humanitarian assistance,
8. Commends the Somalian authorities for the notable progress made in human rights matters, including the adoption of the Joint Programme on Human Rights and the establishment of a human rights commission; calls for the swift implementation of the Joint Programme and calls on international donors to offer their support in this context,
9. Calls on all actors engaged in Somalia's state-building efforts to ensure that civilians are protected and that perpetrators brought to justice,
10. Stresses that free and independent media are essential in order to guarantee an informed, active and engaged population, particularly in an electoral period, and calls on the Somali federal and regional authorities to stop suppressing the free flow of information, including by arbitrarily arresting journalists, closing down media outlets and intimidating journalists;
11. Requests that the Somali authorities stop using the country's national intelligence and security agency (NISA) to intimidate independent journalists and political opponents; urges the Somali parliament to call for the passing 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;

12. Calls on the government and the EU, as part of its rule of law activities in Somalia, to ensure that NISA is regulated with effective oversight mechanisms; calls on the same to build the technical expertise of Somalia's Criminal Investigation Department (CID) to carry out thorough, effective and rights-respecting investigations;
13. Calls on the Somali government and all parties to the conflict to end recruitment and use of children in security forces as soldiers and as informants, including use of captured or deserting child soldiers;
14. 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 civilians under military court jurisdiction to the civilian courts for prosecution;
15. Urges host countries to refugees from Somalia to remain realistic about the security situation in large parts of Somalia and to refrain from putting pressure on refugees to return to Somalia,
16. 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 African Union, the President, the Prime Minister and the Parliament of Somalia, the Secretary General of the United Nations, the United Nations security Council and the Council of human rights of the United Nations and to the ACP-EU Joint Parliamentary Assembly.