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*Plenary sitting*

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**B8-0327/2018**

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))

**Javier Nart, Nedzhmi Ali, Petras Auštrevičius, Beatriz Becerra Basterrechea, Izaskun Bilbao Barandica, Dita Charanzová, Gérard Deprez, Martina Dlabajová, María Teresa Giménez Barbat, Charles Goerens, Marian Harkin, Ivan Jakovčić, Ilhan Kyuchyuk, Patricia Lalonde, Valentinas Mazuronis, Louis Michel, Urmas Paet, Maite Pagazaurtundúa Ruiz, Jozo Radoš, Frédérique Ries, Robert Rochefort, Marietje Schaake, Jasenko Selimovic, Pavel Telička, Viktor Uspaskich, Ivo Vajgl, Johannes Cornelis van Baalen, Hilde Vautmans, Cecilia Wikström**  
on behalf of the ALDE Group

**B8-0327/2018**

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

*The European Parliament,*

- having regard to its previous resolutions on Somalia,
  - having regard to the statements by the Spokesperson of the European External Action Service on 30 October 2017,
  - having regard to the statement by Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy Federica Mogherini on the decision on an electoral model for Somalia in 2016,
  - having regard to the first EU Pan-African Programme for the period 2014-2020,
  - having regard to the relevant United Nations Security Council resolutions, in particular to the UN Security Council Resolution 733/1992 establishing an arms embargo on Somalia which has been reaffirmed by several UNSC Resolutions, as the latest UN Security United Nations Security Council Resolution 2372,
  - having regard to the UN Secretary-General's reports on Somalia to the UN Security Council of 09 May 2017,
  - having regard to the Universal Declaration of Human Rights,
  - having regard to the Charter of the United Nations,
  - having regard to the African Charter on Human Rights and Peoples of 1981,
  - having regard to the 1951 UN Refugee Convention to which Kenya is a party,
  - having regard to the EU-Horn of Africa Migration Route Initiative launched on 28 November of 2014,
  - having regard to Rule 123(2) of its Rules of Procedure,
- A. Whereas President Farmajo's federal government did not in practice mark a significant break with the past; whereas the official corruption is still affecting the new administration in particular the management of the Mogadishu port and fisheries policy; whereas according to Transparency International, Somalia remains the most corrupt country in the world.
- B. Whereas Somalia faces a big challenge in consolidating the country's emerging federal system; whereas the long-delayed "national constitutional convention" which should take place during 2018 is still uncertain.
- C. Whereas the federal government is reportedly still facing challenges from the powerful Abgal sub-clan of the Hawiye clan, which has felt under-represented in his government calling for Prime Minister Khayre to be replaced by one of their own.

- D. Whereas the present administration has moreover lost credibility during its first year in office due to the autocratic approach resulting in arrests of political opponents and peaceful critics in Mogadishu at the end of 2017; whereas likewise, some of the regional state administrations have been undertaking similar repressive measures; whereas there is no progress in holding security forces to account for attacks on journalists and arbitrary detentions, or improving protection for the internally displaced populations; whereas positively, the government took steps to establish a national human rights commission.
- E. Whereas leadership and members of trade union organisations in Somalia, and in particular FESTU and NUSOJ, are the target of serious human rights violations such as bans on union meetings, interferences in internal union affairs and even risks to their personal safety; whereas these attacks appear to be part of a coordinated strategy to destabilise legitimate and independent trade union work and to pave the way for government-sponsored individuals to take over independent unions.
- F. Whereas there are threats and intimidations coupled with a smear campaign against the Secretary General of the Somali trade union ‘National Union of Somali Journalists’ (NUSOJ), Mr Omar Faruk Osman, who is also General Secretary of the ‘Federation of Somali Trade Unions’ (FESTU); whereas other union leaders and activists are also targeted for standing up and defending freedom of expression, freedom of association and freedom of assembly.
- G. Whereas security forces unlawfully killed and wounded civilians during infighting over land, control of roadblocks, disarmament operations, and aid distribution, whereas the National Intelligence and Security Agency (NISA) and the Puntland Intelligence Service (PIS), which operate without legal authority, arbitrarily arrested and detained individuals without charge or access to legal counsel and family visits; whereas on several occasions, intelligence agents tortured and ill-treated alleged terrorism suspects to extract confessions or provide information.
- H. whereas military courts continue to try a broad range of cases, including for terrorism-related offenses, in proceedings falling far short of international fair trial standards; whereas by the third quarter of 2017 at least 23 individuals were executed following military court convictions, the majority on terrorism-related charges; whereas seven defendants, including a child, were sentenced to death for murder on February 13 in Puntland based largely on confessions obtained under coercion by PIS; five were executed in April.
- I. Whereas during the first quarter of 2018, opposition politicians have been canvassing for an impeachment motion in the federal parliament (which has barely sat at all since February 2017) against President Farmajo, while foreign governments, including the UK, have called on Somali leaders to “respect the rule of law and the Provisional Federal Constitution in resolving political differences.; whereas this needs to include preservation of democratic space.”
- J. Whereas there is no improvement in the security situation; whereas however, with donor support, efforts are underway to strengthen Somali security institutions, most notably through improving the coordination between the SNA and forces loyal to the regional states, whereas for example, in November 2017 2,400 Puntland forces were integrated into the SNA; whereas a ‘national stabilization strategy’ aimed at boosting reconstruction and the extension of state authority from the ‘bottom-up’ has been finalised.

- K. Whereas, foreign interests further complicate the political picture. Whereas in terms of the wider confrontation between the UAE and Saudi Arabia, on the one hand, and Qatar, on the other, the Somali federal government has sought to remain neutral; whereas, in retaliation, Saudi Arabia and UAE have stopped their regular budgetary support payments to Somalia, which further weakens the government's ability to pay the security forces;
- L. Whereas, some of the regional state administrations such as, South West State, Galmudug and Puntland, have taken the side of the UAE and Saudi Arabia, which has further heightened tensions with the federal government.
- M. Whereas, while western countries, remain supportive of the federal government their interest is waning; whereas in December 2017, the US suspended its military aid to the SNA, complaining that it was being misappropriated.
- N. Whereas the credibility of the Farmajo government will depend on its ability to deliver security; whereas since 2016, after several years of fighting with the SNA and AMISOM in which it lost control over substantial areas of territory, al-Shabaab has increasingly prioritised conducting asymmetrical attacks on Mogadishu and other urban centers; whereas however, it retains control over substantial tracts of territory in the south of the country and supply routes between towns.
- O. Whereas Al-Shabaab was unable to prevent the 2016/17 electoral, process from taking place but continued to launch regular attacks on the Somali security forces and civilians during this period; whereas at least 50 people died at its hands in December 2016, while there have been further major al-Shabaab attacks in Mogadishu; whereas Al-Shabab still continuously commits serious abuses such as arbitrary executions, including those accused of spying, collaborating with the government, and at times adultery, forcibly recruiting adults and children, and extorting "taxes" through threats; whereas on October 27/17, in Sakoow, a woman was stoned to death for allegedly committing adultery.
- P. whereas attacks against civilians and civilian objects using vehicle-borne improvised explosive devices in Mogadishu resulted in a sharp rise in civilian casualties; whereas the group also claimed responsibility for several targeted assassinations, particularly of government officials and electoral delegates.
- Q. whereas in late May, Al-Shabab fighters abducted civilians, stole livestock, and committed arson in attacks that caused more than 15,000 people to flee their homes in the highly contested region of Lower Shabelle.
- R. Whereas the May 2017 "London Conference on Somalia" agreed a plan whereby the SNA would gradually take over from it in areas where AMISOM had been taking the lead on security; whereas In August 2017, the UN Security Council renewed AMISOM's mandate while endorsing its scaling back; whereas in December 2017 a security conference in Mogadishu agreed to develop a "conditions-based" transition plan, with clear target dates, of security responsibility from AMISOM to the SNA.
- S. Whereas UN Secretary-General, Antonio Guterres, reiterated AMISOM's "critical" security role in Somalia in December 2017; whereas however, AMISOM morale is reportedly low; whereas the Trump Administration ceased to provide funding; whereas France has also shown signs that it

is losing faith in its effectiveness.; whereas in either case there is doubt about the SNA's ability to fill the gap if AMISOM is wound down – which raises the question of who will lead the fight against al-Shabaab in the years ahead;

- T. whereas the current government took office in February 2017 amidst a severe drought; whereas in January 2017, the UN Humanitarian Coordinator for Somalia said five million Somalis – about half the population – did not have enough to eat; whereas over a year on, although the threat of famine has so far been averted, the drought remains intense; whereas the agricultural sector has virtually collapsed – livestock deaths have been massive – and food prices have risen markedly.
  - U. Whereas Somalia continues to face a massive internal displacement crisis; whereas according to Amnesty International as of January 2018, there were 2.1 million IDPs in Somalia, many of whom have crowded into urban areas, placing a huge strain on resources; whereas the lack of clean water in Somalia has also triggered a cholera outbreak, which killed at least 1,155 people; whereas donors provided more than \$1.2 billion towards famine prevention during 2017.
  - V. Whereas humanitarian access remains a major issue with constraints in particular in Al Shabaab held areas and targeted attacks restricting humanitarian operations; whereas protection of civilians, including high levels of sexual and gender based violence, forced recruitment of children by armed groups and violations of International Humanitarian Law continue to occur; whereas hence, UN Independent Expert on the situation of human rights in Somalia, Bahame Tom Mukirya Nyanduga, has called for the immediate release of all children kidnapped or recruited as fighters in the country's armed conflict.
1. Reiterates its concern regarding the fact that the electoral process organised in February 2017, which led to the election of a new president, has not yet in practice marked a significant break with the past and expresses its expectation that political stability, the adoption of necessary reforms and the moving forward of the federal project in close coordination and collaboration with the Federal Member States (FMS) will succeed;
  2. Welcomes that Al-Shabaab was unable to prevent the 2016/17 electoral, process from taking place but deplores that Al-Shabab still continuously commits serious abuses such as arbitrary executions, forcibly recruiting adults and children; and extorting “taxes” through threats.
  3. Deplores the fact that, despite repeated warnings from humanitarian groups, aid agencies and the European Union, Somalia continues to teeter on the brink of famine; recalls that the death toll in the 2011 famine was exacerbated by insecurity and the actions of extremist militants from Al-Shabaab to hinder food aid deliveries to areas of south-central Somalia that at the time were under its control;
  4. Recalls for the EU and its international partners to fulfil their commitments to Somalia, through measures to establish food security, with a view to avoiding the structural problems that lead to famine, to fostering security and the reconciliation, to improving the management of public finances and to assisting in the completion of the constitutional review in the so-called “national constitutional convention” needed to achieve long-term stability;

5. Calls on all parties to work with humanitarian agencies, fully respecting humanitarian principles to allow full and unhindered access to those who continue to suffer and who are in need, in particular those in rural areas;
6. Is concerned by the autocratic approach of the present administration and some of the regional state administrations, resulting in arrests of political opponents and peaceful critics; Notes the lack of progress in holding security forces to account for attacks on journalists and arbitrary detentions, or of improving protection for the internally displaced populations; Welcomes however the federal government's steps to establish a "national human rights commission"
7. Calls for the Somali authorities to review existing media laws and the Somali penal code and to bring them into line with Somalia's international obligations regarding the right to freedom of expression and the media; Urges to stop suppressing free information, including by arbitrarily arresting journalists, closing down media outlets and intimidating journalists.
8. Stresses once more the importance of fighting the endemic corruption in the country and of providing options for the country's youth in order to reduce the risk of their recruitment by Al Shabaab;
9. Urges Somali authorities to end arbitrary detention of children suspected of being unlawfully associated with Al-Shabaab, to allow for independent monitoring of children in custody and to ensure access to relatives and legal counsel; Recalls that if children are to be prosecuted for other serious offenses, they should be tried in civilian courts that guarantee basic juvenile justice protections;
10. Demands the European Union, to press for civilian oversight of cases involving children, to seek independent monitoring of all detention facilities, and to call for a credible investigation of abuses against children, including by intelligence officers; Reiterates that the Somali government should treat children as victims of the conflict, and ensure that they, regardless of the crimes they may have committed, are accorded the basic protection due to all children.
11. Expresses serious concerns over the alleged decapitation of an Al Shabab member by Somalian government soldiers in the Qorryoley district. Believes that such practices hinder Somalia's reputation concerning its commitment to upholding humanitarian law obligations;
12. Expresses concern about the "National Intelligence and Security Agency's" broad remit and its use of military courts to prosecute alleged terrorism-related crimes, whereby it has repeatedly flouted due process and imposed the death penalty without accountability;
13. Calls on the Somali Government and the EU, as part of its rule-of-law activities in Somalia, to ensure that NISA is regulated with effective oversight mechanisms, respectful of citizens' rights; Calls on the Somali president to initiate 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;
14. Calls upon the Somali government, to stop human rights abuses and smear campaigns against the NUSOJ and FESTU leadership; Urges the Council, the European External Action Service (EEAS), EU member states and the wider international community to apply pressure on the

Somali government so that it fully complies with decisions of and commitments made to the International Labour Organisation (ILO) and with appeals from UN human rights experts.

15. Calls upon the Somali government to follow-up 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; to execute in good faith the policy on displacement persons, specifying clear procedures to protect affected communities and urges to endorse this program in close consultation with displaced people and aid organizations, in accordance with the UN Guiding Principles on Internal Displacement.
16. Acknowledges AMISOM's role in enabling security and stability, in anticipation of a transfer of security responsibility to Somali institutions and forces; Takes note that August 2017, the UN Security Council renewed AMISOM's mandate while endorsing its scaling back; Notes that December 2017 a security conference in Mogadishu agreed to develop a "conditions-based" transition plan, with clear target dates, of security responsibility from AMISOM to the SNA. Is concerned however over SNA's ability to effectively take over from AMISON.
17. Calls on the Commission to ensure that EU assistance to AMISOM is not contributing to serious abuses of international humanitarian or human rights law; calls on the EU to prioritize assistance to bolster investigations and prosecutions capacity within AMISOM forces in Somali;
18. Underlines the need to fight impunity and to ensure accountability for crimes against humanity and war crimes carried out in Somalia; calls on the Somali Government to investigate all international crimes and human rights violations committed by all parties and hold those responsible to account in accordance with international law standards; calls on the EU to play an active role in this regard;
19. Expresses concern about some foreign interests that further complicate the political picture. Notes that in terms of the wider confrontation between the UAE and Saudi Arabia, on the one hand, and Qatar, on the other, the Somali federal government in its stand to remain neutral, has in retaliation been deprived by Saudi Arabia and UAE of their regular budgetary support payments, which further weakens the government's ability to pay the security forces; calls on all foreign parties involved to refrain from harmful intervention in Somalia's national security;
20. Agrees with the recent position taken by the High Representative /Vice President of the European Commission Federica Mogherini highlighting the link between the implementation of Somalia's transition plan for security, the implementation of economic reforms and the political roadmap towards elections in 2020. Notes her full support and commitment to the Transition Plan as the central piece of security reform in Somalia.
21. Welcomes the High Representatives confirmation of the EU's readiness to continue supporting the country, through an integrated approach using all available policies and instruments, including Common Security and Defense Policy missions and development cooperation funds.
22. 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, the United Nations Human Rights Council, and the ACP-EU Member States.