

Catherine Ashton
High Representative of the Union
for Foreign Affairs and Security Policy

Brussels, 19 January, 2010
Our Ref: B932

Dear Baroness Ashton,

Subject: Foreign Affairs Council discussions on Iran and Somalia

In light of the forthcoming Foreign Affairs Council (FAC) on 25 January, Amnesty International would like to draw your attention to our concerns regarding the human rights situations in Iran and Somalia, both of which we understand will be discussed during the meeting.

Post-election human rights crisis in Iran

There has been a human rights crisis in Iran since the disputed presidential election in June 2009. The Iranian authorities have responded to peaceful demonstrations with the arbitrary detention of demonstrators, human rights defenders, journalists and opposition figures. Torture and other ill-treatment are widely reported, non-violent demonstrations have been met with excessive use of force leading to unlawful killings, and grossly unfair trials have led to the imposition of heavy penalties, including the death sentence and flogging. There are now signs that the Iranian authorities may soon start executing people in connection with the post election events.

Violent repression carried out by the Iranian authorities against demonstrators and any form of dissent is documented in Amnesty International's report *Iran: Election Contested, Repression Compounded* (published in December 2009). Against this backdrop, Amnesty International calls on the EU to use the conclusions of the FAC, the forthcoming examination of Iran under the UN Universal Periodic Review mechanism (15 February), and the next full Human Rights Council session (1-26 March) to clearly demand that the Iranian authorities:

- Remove ongoing restrictions on freedom of expression, association and assembly;
- Stop ongoing violence by security forces against peaceful demonstrators, which has led to beatings, shootings and unlawful killings by the security forces, including the paramilitary Basij militia;
- End the hundreds of arbitrary detentions, in many cases involving those of a different political viewpoint to the government;
- End the use of torture and other ill-treatment, including rape and other sexual abuse against detainees;
- Stop the unfair trials of those detained after the election, which have included the mass "show trials" of August 2009 and have led to the imposition of heavy prison sentences, sentences of the cruel punishment of flogging and to at least seven death sentences, of which at least one has been commuted to a 10-year prison sentence on appeal.

In order to allow independent international scrutiny of the human rights situation, we also call on the EU to use these opportunities to press the Iranian authorities to facilitate visits by the UN Special Rapporteurs on torture and other cruel, inhuman or degrading treatment or punishment and on extrajudicial, summary or arbitrary executions. Owing to the gravity of the situation and the lack of confidence of Iranians and others in the ability of the Iranian judicial system to uncover the truth and to provide redress for victims of human rights violations, UN experts' assessments and recommendations could contribute to ensuring that those responsible for ordering or committing violations are held to account.

In addition to the above, we look for a public commitment from the EU and its Member States, in line the EU Guidelines on Human Rights Defenders, to undertake demarches against any arbitrary arrests and other harassment or intimidation of human rights defenders in Iran, intended to restrict their ability to peacefully exercise their rights to freedom of expression, association and assembly in relation to the promotion and protection of human rights in Iran.

International Police and Military Assistance in Somalia

Since the appointment in January 2009 of Sheikh Sharif Sheikh Ahmed as President of Somalia's Transitional Federal Government (TFG), pledged and actual international support for Somalia's army, police forces and other security sector institutions has grown. This has been driven by international concern regarding the viability of the new TFG administration facing a renewed military offensive since May 2009 in south and central Somalia; and also by 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.

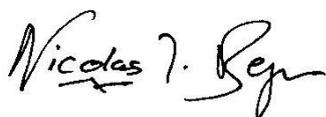
The EU has a key role to play in tackling this, as it takes forward further planning of a possible mission to support troop training of TFG security forces. The EU should ensure that any support it provides:

- 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;
- includes 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;
- covers accountable arms management and safe storage, according to international standards and best practice procedures, as 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; and
- includes 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.

In addition, the EU should 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. It should also provide assistance in the establishment of effective, independent and impartial accountability and oversight mechanisms for all TFG military, security and police forces and affiliated militia, and support concrete measures to end impunity in Somalia, including the establishment of an independent and impartial Commission of Inquiry, to investigate and map crimes under international law and recommend further measures for accountability.

The discussion of these issues at the forthcoming FAC provides a good opportunity to set out these principles for engagement in Somalia in the Council Conclusions.

Yours sincerely,



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