

Carl Bildt,
Minister for Foreign Affairs, Sweden
Presidency of the EU

22 July 2009
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Dear Mr Bildt,

Horn of Africa at July 2009 GAERC

Ahead of the discussion of Somalia, and the wider Horn of Africa strategy, at the July meeting of the General Affairs and External Relations Council we would like to draw your attention to several human rights issues in the region of the utmost concern.

People living in the Horn of Africa continue to endure a range of ongoing human rights abuses, including government violations of freedom of expression, association and assembly in Ethiopia; crimes against humanity and possible war crimes throughout southern and central Somalia committed by all parties to the conflict; egregious levels of government repression of civil and political rights in Eritrea; restrictions on freedom of association in Djibouti, and the use of government security committees to conduct arbitrary arrests and indefinite detentions in Somaliland.

We urge you to prioritise civilian protection in conflict areas, and consistently convey the message that government violations of human rights will not be condoned. In addition, we ask the Government of Sweden to use its significant moral authority regarding human rights in the region to encourage tougher diplomacy in coordination with the governments of the United States, Canada, and others in the EU, to demand positive change to protect human rights.

Ethiopia

The human rights situation in Ethiopia has been deteriorating since the contested 2005 elections. Since 2008, a number of laws have been passed which restrict the ability of the press, political parties and civil society to operate freely in Ethiopia. Legislation, including the Charities and Societies and Anti-Terror proclamations, has codified deteriorating standards of protection for freedom of expression, association and assembly, in violation of Article 9 of the Cotonou Agreement. Amnesty International is concerned that the EU's response to this situation has not been consistent with promoting the protection of human rights. For example, following the passage of the Charities and Societies Proclamation, some EU donors have begun reconsidering their financial assistance to already-underfunded organisations carrying out essential human rights monitoring, at a time when these organisations need donor support most. Without Swedish, EU and other donor support, many civil society organisations in Ethiopia are unlikely to survive. Without consistent diplomatic pressure to address the emerging impact of this law, human rights monitoring and advocacy in Ethiopia will become increasingly restricted.

The case of Birtukan Mideksa, a former judge and parliamentarian, has become emblematic of the extreme manner in which Ethiopian government officials respond to any serious challenge to their authority. Amnesty International considers Ms Mideksa a prisoner of conscience, imprisoned solely for the peaceful expression of her political beliefs.

Somalia

The ongoing armed conflict between the anti-government al-Shabab and Hizbul Islam factions against the armed forces of the Transitional Federal Government of Somalia and pro-government militias, as well as AMISOM forces, intensified in May and June, as opposition groups mounted intensive campaigns to defeat the new government of Sheikh Sharif Sheikh Ahmed. Somali civilians continue to pay the heaviest price, caught in the crossfire of indiscriminate attacks by all sides, and increasingly targeted by non-state

opposition groups applying an extreme interpretation of *sharia* law to carry out amputations, amounting to torture and possible war crimes, and executions without due process. Journalists, human rights defenders and humanitarian workers who remain in southern and central Somalia have been killed, kidnapped, harassed and threatened.

While piracy still captures the headlines, as well as a large percentage of EU assistance for Somalia to combat the scourge, the human rights and humanitarian crisis on land requires more international attention, and greater commitments to provide funding for emergency aid, political support for human rights protections, and practical support for human rights defenders. The Swedish Presidency can help ensure real progress, focusing greater EU attention and resources on enforcing the arms embargo, ending impunity for human rights abuses, and providing essential assistance to besieged civilians in and from Somalia.

Eritrea

Since the arrests and detention of the G-15 politicians in Eritrea in 2001, thousands of individuals, including practitioners of banned religions, forcibly returned refugees, young people evading or deserting mandatory national service, and family members of such individuals, have been arrested. Most of these detainees are believed to be held in indefinite, incommunicado detention, without charge or trial, in violation of Article 9 of the Cotonou Agreement. Shunning the opinion of all human rights organisations and most governments, the Government of Eritrea is still, by necessity, susceptible to the influence of its remaining partners, including the EU, donors on which it depends more heavily as its economy plunges deeper into crisis.

The European Union recently provided 120 million Euros for Eritrean development projects. This ongoing engagement with Eritrea carries with it the responsibility of the EU to use all available diplomatic means to insist upon human rights improvements. The EU should start by unequivocally calling for the disclosure of locations and conditions of detention of specific prisoners of conscience, including Swedish citizen Dawit Isaak. We also encourage you to use the Swedish Presidency to strengthen protections against any forced return by EU member states of Eritreans seeking asylum within their borders, in accordance with UNHCR guidelines.

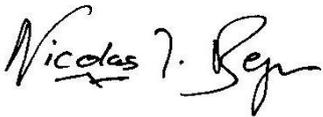
To address concerns across the region, we make the following recommendations:

- Utilise the review process for the Cotonou Agreement to ensure that obligations to protect freedom of expression, association and assembly are binding on all parties to the agreement.
- Press the Government of Ethiopia to release Birtukan Mideksa immediately, ahead of scheduled 2010 parliamentary elections.
- Actively work with the UN Security Council, Political Office on Somalia, and the High Commissioner for Human Rights to initiate steps toward the establishment of a Commission of Inquiry or related mechanism to investigate human rights abuses committed by all parties to the conflict in Somalia.
- Work with the UN Security Council, Sanctions Committee and Monitoring Group to strengthen enforcement of the UN arms embargo on Somalia; formally determine and apply targeted sanctions to specific violators; use EU anti-piracy operations to share information on arms embargo violations; and ensure that all security assistance provided to the TFG forces is fully transparent and accountable to donor governments.
- Ensure the delivery of all pledged funding to UN and other international humanitarian operations providing emergency assistance to the population of Somalia; provide assistance to refugees from Somalia, Ethiopia and Eritrea, and encourage Kenya and other countries in the region to open their borders and fulfil their obligations under the Refugee Convention.

- Call on the Eritrean government to immediately reveal the location and conditions of detention of prisoners of conscience and political prisoners throughout the country, and use the full weight of the EU to call for the immediate and unconditional release of journalist Dawit Isaak.
- Insist that EU member states fulfil their obligation to refrain from any forced returns of asylum seekers to Eritrea.

We thank you for your attention to these issues. We look forward to hearing what actions the Swedish Presidency plans to take to effectively address them.

Yours sincerely,



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Cc: Cecilia Malmstrom, Minister for EU Affairs