

Fredrik Reinfeldt,
Prime Minister of Sweden,
Presidency of the EU

30 October 2009
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Dear Mr Reinfeldt,

Subject: EU-US Summit

At the EU-US summit in Washington on November 3 2009, EU and US policy towards Afghanistan and Pakistan will be one of the key issues on the agenda. This meeting comes just a week after the EU has adopted a new plan for strengthened EU action in Afghanistan and Pakistan, which declares the EU's "renewed readiness to assist in meeting the challenges of the region, in co-operation with the countries concerned and with international partners." Amnesty International welcomes the EU's commitments within this plan to strengthen political dialogue and co-operation on human rights with Afghanistan and Pakistan, and to reform of the justice sector in Afghanistan, but echoes the EU's own acknowledgement that "strategies alone will not suffice. Now more than ever, implementation and action are required".

In order to bring sustainable improvements on the challenges in the region, promotion and protection of human rights and the rule of law must be paramount in all the international community's engagement in Afghanistan and Pakistan. We would like to highlight two areas of critical concern to Amnesty International on which the EU-US Summit should agree concrete actions:

- The resurgence of fighting in North West Pakistan; and
- Security and human rights protection ahead of Afghanistan's elections.

Resurgence of fighting in the North West Pakistan

This summit takes place at a crucial time, against the backdrop of a deepening humanitarian crisis in Pakistan resulting from the conflict between Pakistani security forces and the Pakistani Taleban and other insurgent groups in the area bordering Afghanistan. Humanitarian agencies estimate that more than 2 million people have been displaced as a result of the conflict. The government of Pakistan must ensure that these internally displaced people are treated in accordance with the UN Guiding Principles on Internal Displacement and have adequate food, water, shelter, and healthcare. Amnesty International urges the EU and US governments to provide adequate funding to deal with the largest displacement crisis in Pakistan's history.

The crisis needs a strong international response to ensure that the internally displaced population is protected, both inside and outside temporary camps, and that returns are voluntary and safe. The Pakistani military as well as the Pakistani Taleban groups must ensure that they take the necessary precautions, as dictated by the laws of war, to prevent civilian harm and never intentionally target civilians or civilian objects. They must also take all feasible precautions to avoid, or at least to minimize, any damage to civilians and their property. This summit provides an important opportunity for the EU and US to discuss how best to engage with the government of Pakistan to fulfil its commitment to international humanitarian law.

Amnesty International's field research has documented how tens of thousands of residents have fled the Pakistan army's new offensive in South Waziristan. Many are seeking refuge with host communities in the neighbouring areas of Dera Ismail Khan and Tank but there is a glaring lack of facilities to support the influx of displaced families. Our research showed there are no emergency health facilities for displaced people and local hospitals are full. There are also insufficient supplies of food and drinkable water. Most of the displaced have been living with host communities - often relatives or friends.

Local officials imposed a curfew in Tank last week limiting movement between 6pm and 6am, while there is also restricted access on the road to Dera Ismail Khan. This significantly hinders the ability of people from South Waziristan to seek shelter in safer parts of the country. About 20,000 displaced people have been registered by the UN refugee agency in the area at one registration point alone but, as yet, there is no camp to accommodate them and provide essential humanitarian assistance. Many more are expected to arrive if the fighting in South Waziristan continues.

Amnesty International has also documented discriminatory policies and practices against members of the Mehsud tribe of South Waziristan, some of whom are involved in the senior leadership of the Pakistani Taliban. Amnesty International's research has shown that the Pakistani military has refused to allow members of the tribe to use major roads to flee the conflict zone. This could amount to collective punishment, which is absolutely prohibited under international law.

The EU and US governments should issue a joint statement urging the Pakistan government to provide adequate facilities for the fleeing civilians, regardless of tribal or ethnic group, in line with its obligations under international humanitarian law. The statement should emphasise that all parties to the conflict, including armed opposition groups, have a legal obligation to allow and facilitate the safe passage of impartial humanitarian assistance to civilians lacking supplies and services essential for their survival. It is essential that the Pakistan security forces, as well as anti-government forces, ensure the free and safe passage of humanitarian assistance to these vulnerable displaced people is made a priority.

Security and human rights protection ahead of Afghanistan's elections

The EU's GAERC conclusions of 27 October 2009 welcomed the decision by the Independent Electoral Commission (IEC) to hold a second round in the presidential elections in Afghanistan and declared that the EU is ready to assist in review and implementation of electoral standards. The EU and US governments should now support the Afghan government in setting out a clear and effective plan to ensure that the second round voting is credible. During the first round of voting, Amnesty International received evidence of at least 20 cases of intimidation, harassment and violence against Afghan journalists and media organizations as they reported on suspected cases of electoral fraud and other irregularities. Reports were also received of intimidation and harassment against electoral workers and election monitors by Afghan government officials and affiliates of powerful candidates, including Hamid Karzai and Dr Abdullah Abdullah.

The US military and NATO forces in Afghanistan should immediately clarify how they will provide security before and during the presidential and parliamentary elections. This is of heightened importance following the Taliban attack on a United Nations guest house in Kabul earlier this week in which five UN staff members were killed. International forces are in effect responsible for security in most of Afghanistan, and particularly in southern Afghanistan where most allegations of fraud in the first round of the presidential elections appeared.

The recent controversy surrounding the Presidential Elections held in August highlights the need for better preparation to increase security ahead of the parliamentary elections scheduled for August/September 2010, as the potential for violence is much higher. In this context, it is essential that a fair and transparent vetting process be in place to keep out those candidates who may have been involved in human rights abuses, especially leaders of armed groups and militias whose appropriation of the role of elected officials has done much to erode the Afghan people's trust in their government and its international supporters.

Since the inauguration of the Afghan National Assembly in 2004, thousands of complaints about these abuses have been received by the Complaint's Commission of the Afghan parliament. However only one member of Parliament has been suspended – in May 2007, Malalai Joya, an outspoken female parliamentarian, was suspended for raising concerns about the presence in parliament of figures widely accused of being war criminals and human rights violators.

We look forward to seeing a successful outcome of these discussions and stand ready to provide any further information that would be useful to you in reaching concrete conclusions on the meeting.

Yours sincerely,



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Cc: Jose Manuel Barosso, President, European Commission
Javier Solana, High Representative for CFSP