

## **Centering Human Rights in U.S. Policy on Somalia, Ethiopia and Eritrea**

Subcommittee on African Affairs, Committee on Foreign Relations  
United States Senate

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I would like to thank Chairman Feingold and distinguished members of the subcommittee for this important opportunity for Amnesty International to share our concerns about violations of human rights and international humanitarian law in Somalia, Ethiopia and Eritrea, and the need for a consistent re-centering of human rights in U.S. foreign policy on the Horn of Africa.

### **Introduction**

Amnesty International is deeply concerned by widespread egregious human rights violations being perpetrated against civilians throughout the Horn of Africa. Ending current violations and preventing future violations in Somalia, Ethiopia and Eritrea is perhaps one of the greatest challenges of our time, requiring immediate action and long-term planning, attention to domestic conditions within the context of a regional perspective. Each set of country concerns must be considered independently—as with Ethiopian government repression of its domestic opposition, journalists and human rights defenders, and the humanitarian crisis in the Somali region (known as the Ogaden). In Eritrea an authoritarian government maintains a stranglehold on freedom of expression, freedom of religion and press freedom, while detaining thousands of dissidents, many in the harshest conditions. In Somalia a transitional government without popular mandate has not only failed to protect over one million displaced civilians, but has failed to hold its own troops accountable for violations against them. Compounding these challenges is the intervention of Ethiopian forces in Somalia, and recent threats of renewed conflict between Ethiopia and Eritrea along their disputed border. Further compounding these challenges is a flawed U.S. foreign policy which has placed short-sighted counter-terror concerns at the forefront of U.S. involvement in the region, while human rights and humanitarian concerns are routinely pushed aside.

In large part because of capable and resilient civil society throughout the region, despite these conditions, the situation is far from hopeless. But the United States and the International Contact Group, regional donors, and the UN Security Council, the UN Human Rights Council, and other international organizations cannot simply maintain their current priorities and refuse to shift course. Crucial to this course shift is the re-centering of humanitarian and human rights in U.S. foreign policy. On Ethiopia, that means more consistent and more public denunciations

of ongoing restrictions on civil society and the private media, demands for the release of remaining prisoners of conscience, and the requirement of a demonstrated opening of commercial and humanitarian access to the Somali region. Eritrea represents a different type of situation which requires a reversal in current policy. The U.S. administration should seriously consider any plans it might have to add Eritrean opposition groups to the U.S. list of foreign terrorist organizations or to add an already isolated regime to the U.S. list of state sponsors of terrorism, but should consider opportunities to provide essential humanitarian aid. The international community must also decide where it stands on the Boundary Commission Ruling, denying Ethiopia the ability to continue to flout its findings, and Eritrea an excuse to interfere with UNMEE. On Somalia, if the U.S. intends to alleviate, not worsen, anti-American sentiment on the Horn, it must first and foremost cease all land and air assaults intended to “take out” presumed al-Qaeda or other terrorist operatives. Since early 2007 four such assaults have been launched in Somalia, leading to civilian casualties, destruction of civilian property and livelihood, and the widespread belief that the U.S. protects the Somali Transitional Federal Government (TFG) and backs up Ethiopian forces, without genuine concern for civilians. In addition, the U.S. government must exert significantly more pressure on the governments of Ethiopia and Somalia to prevent human rights abuses and ensure accountability for the conduct of their armed forces.

I will note additional specific recommendations from Amnesty International after outlining a few of the most disturbing aspects of recent findings. This information was obtained on a November/December 2007 mission to Nairobi, Kenya and Hargeisa, Somaliland to meet with international actors and interview refugees from southern and central Somalia, as well as recent reporting on the state of human rights in Ethiopia and Eritrea. A short report on the targeting of journalists in Somalia, entitled *Journalists under Attack*, is already available, and a full report on our findings on Somalia, entitled *Who Will Protect Human Rights in Somalia*, will be made available in the coming weeks.

### **Recent Findings on Human Rights Violations in Somalia: Abuses by all parties to the conflict**

Amnesty International has documented ongoing human rights abuses and violations of international humanitarian law by all parties to the conflict in Somalia, including unlawful killings, rape, arbitrary detention, and attacks on civilians and civilian property. Some 6,000 civilians are estimated to have been killed in Mogadishu and across southern and central Somalia in 2007. Over 600,000 are reported to have been displaced in 2007, and a further 50,000 so far this year, joining some 400,000 already displaced from previous periods, for a total of over one million internally displaced persons in southern and central Somalia today. In addition, an estimated 335,000 refugees fled Somalia in 2007, seeking safety in other countries. On February 14, 2008 UNICEF announced that some 90,000 children could die in the next few

months if the international community doesn't increase funding for nutrition, water and sanitation programs in Somalia.

Our findings from November and December included testimony and other information reporting frequent incidents of rape and pillaging by the TFG, a recent surge in violent abuses by Ethiopian armed forces in Somalia, and the targeting of Somali journalists and human rights defenders by all parties to the conflict. House to house searches and raids in neighborhoods around Mogadishu were carried out by both TFG and Ethiopian forces, as were violent abuses against individuals and groups on the streets.

“Armed groups” in Somalia constitute a range of non-state combatants fighting the TFG , including remnants of the Islamic Courts Union, supporters of the Alliance for the Re-Liberation of Somalia, and *Shabab* youth militia. Sub-clan and other local political leaders have also acted outside of the law, as have bandits and clan militia conducting raids, robberies and violent attacks on civilians. While the command structures within these entities are opaque, and non-state armed groups and criminal elements are more difficult to identify by dress, vehicle or appearance, some leaders have made themselves known and should be held responsible for the conduct of their forces.

Those fleeing armed violence in Mogadishu have faced violence on the roads north toward Puntland and west toward Afgooye and Baidoa, including theft, rape and shootings. Once they arrive at displacement settlements and camps, IDPs and refugees have faced further violence, and a lack of access to essential services, including clean water, medical care, and adequate food supplies. Humanitarian operations attempting to deliver these services have frequently been impeded by the TFG and other parties to the conflict and armed criminal groups, as well as overall high levels of insecurity throughout Somalia.

#### Violations of Human Rights and International Humanitarian Law by TFG and Ethiopian forces

From testimonies we have collected, Amnesty International has concluded that until mid to late 2007 TFG forces are believed to be responsible for the majority of incidents of theft, looting, beatings and rape in and around Mogadishu. For example, one eyewitness reported seeing TFG soldiers seizing mobile phones from Somalis outside of a mosque as men were leaving Friday prayers. Somali civilians reported that they were more afraid of TFG forces than Ethiopians. This situation shifted in late 2007 with growing reports of increased incidents of theft, looting, beatings and rape, as well as unlawful killings, by Ethiopian forces.

This shift followed fighting in early November 2007 when several Ethiopian soldiers' bodies were dragged through the streets, recalling images of Somali gunmen dragging the bodies of American marines through the streets of Mogadishu after clan militia downed two Black Hawk helicopters in 1993. The shift also followed reported deployments of new Ethiopian troops to Somalia as more seasoned veterans were reported to have been transferred to Ethiopia's border with Eritrea when threats of renewed conflict along the border intensified in November.

In some instances involving rape and killing, the Somali government and Ethiopian forces have targeted individuals and small groups of civilians. In other cases they have targeted entire neighborhoods in disproportionate response to smaller scale attacks by armed opponents, sometimes decimating or emptying entire areas, and often resulting in injuries and unlawful killings of civilians.

Somali refugees in Nairobi and Hargeisa described incidents of attacks on their homes and in the streets. In some cases TFG and Ethiopian forces were searching for named individuals believed to have collaborated with armed groups, and in several such cases, they beat, arrested or killed someone other than the person they were looking for. TFG and Ethiopian forces would also “sweep” entire streets, moving door to door in areas believed to be insurgent strongholds.

Witnesses described military responses by Ethiopian forces after opposition armed groups launched attacks against them, most often using small improvised explosive devices. Among the most commonly reported abuses were gang rape, mass rape and a form of unlawful killing referred to by Somalis we interviewed as “slaughtering like goats,” which refers to the slitting of throats. AI collected scores of testimonies regarding incidents where bodies of men whose throats had been slit were left lying in pools of blood on the street until combatants, including snipers, had cleared the area.

Somali refugees noted specific characteristics, including uniforms, by which they identified their attackers as Ethiopian. They often referred to Ethiopian soldiers by language as “Amharic,” describing situations in which they said they pleaded for their families and their own lives but could not make themselves understood.

#### Violations by Anti-Government Armed Groups

Many survivors of violence in Mogadishu reported that “militias” are not visible, but known to launch small scale attacks to which the TFG and Ethiopian military respond with heavy artillery fire. There was a clear reluctance among many displaced Somalis to provide information about abuses by armed groups, presumably out of fear of retribution. Many were aware of rocket fire, shelling or gunfire they assumed came from armed groups, but said they never saw the attackers. Others received threats from armed groups by telephone, text message or letter delivered by a third party.

#### Targeting Journalists and Human Rights Defenders

Journalists and human rights defenders have been specifically targeted for their professional activities in exposing human rights violations by multiple parties to the conflict. Amnesty International spoke with scores of journalists among many who fled Somalia in the last few months of 2007 when attacks against them increased. While international journalists and human rights organizations have been able to document some violations of human rights and international humanitarian law, we can assume that the majority of violations are not being documented, given restrictions on and closures of independent media by the TFG, and the general silencing of journalists and human rights defenders reporting on military operations by TFG and Ethiopian forces and anti-government armed groups.

Some reporters and other media workers reported staying for days, sometimes weeks, in their offices because of general insecurity, specific threats, and fear of TFG forces. At other times they were unable able to reach their offices for fear of violence by all parties to the conflict. Journalists reported arbitrary detentions by TFG and Ethiopian forces, lasting from a couple of hours to 11 days.

Since the intensive fighting in March-April 2007, local human rights organizations active in Mogadishu have also been largely silenced. One local women's organization was raided by TFG soldiers who asked, "Are you the ones giving us a bad name?"

### Attacks on Civilian-Populated Neighborhoods

Shelling and mortar fire have destroyed buildings and other civilian infrastructure, resulted in deaths and injuries of civilians, and often emptied entire neighborhoods, as residents fled for safety. In early December 2007, five Mogadishu districts were reported "completely empty" by humanitarian organizations providing emergency assistance in IDP settlements in Somalia.

All parties to the conflict are reported to have carried out attacks on civilian-populated areas, but TFG and Ethiopian artillery is generally capable of causing much heavier damage, while armed groups with less military support resort to small mortar fire and improvised explosive devises. At times TFG and Ethiopian strikes were reported to have targeted civilian-populated areas after armed group attacks had been launched from specific locations within those areas. A number of refugees told Amnesty International that they had left their homes (to collect water, food or other necessities) and when they returned their houses were simply gone, destroyed by rocket propelled grenades or mortar fire.

Under international humanitarian law, civilians are unlawful targets for attack, unless they take a direct part in the hostilities. Amnesty International is not in a position to determine whether each of the intended targets in the incidents reported meet these criteria, but care was clearly not taken to avoid civilian casualties in most if not all of these cases.

### Attacks on civilians on the road

Displaced civilians from southern and central Somalia frequently reported being attacked on the road from Mogadishu to several destinations to the north and the southwest as they sought safety. Unidentified robbers stole money, food and other possessions. IDPs were attacked or forced to pay fees at multiple check points and road blocks. One of the most dangerous areas reported was between Jowhar and Beletweyne on the route to Somaliland.

The number of reported attacks on displaced Somalis on the road fleeing Mogadishu rose in late 2007, as did the level of brutality exhibited by perpetrators, most notably in cases of rape and other forms of sexual violence, as well as shootings, beatings and "disappearance." AI received reports of violations against IDPs on the road in Somalia committed by Ethiopian and TFG troops, anti-government armed groups, clan gangs, and common bandits. At times perpetrators would cover their faces to mask their identity, but often survivors believed they could still identify them by language or appearance. While in September 2007, some drivers

were able to travel through certain areas by virtue of their clan affiliation, this changed in late 2007 when clan affiliation no longer offered any assurance of favoritism in an attack. IDPs were increasingly targeted even in cases where they shared clan affiliations with their attackers.

### Conditions for Somali Refugees

Despite the government of Kenya's closure of its border with Somalia since January 2007, a significant number of Somali refugees have managed to find refuge in Kenya. Kenya's border closure has served particularly to keep the most vulnerable from reaching safety. Individual Somali men can now reach Kenya much more easily than women and children, so families are being separated, with women and children stranded in overcrowded IDP settlements in southern and central Somalia. While some Somali refugees in Nairobi have been receiving basic assistance from local NGOs, others are completely dependent on the good will of clans and neighbors for food and shelter.

In Hargeisa, there are approximately six major displacement settlements. While the government of Somaliland does not officially accept displaced persons from southern Somalia, it has allowed thousands or more to find refuge on its territory, particularly in Hargeisa.

The UN reports there are now over one million IDPs in southern and central Somalia. Yet, as one source told us, "Everyone is in denial—denial of the scope of the problem. We say there are 600,000 newly displaced from Mogadishu and we're accused of distorting reality. The mention of [numbers] starts everyone shouting."

Risks were grave for humanitarian organizations in Somalia in 2007. Every day humanitarian workers face checkpoints, extortion, car jacking, a lack of acceptance of the impartial nature of assistance, and lack of authority and command structure among local security officials. The provision of humanitarian assistance is made difficult by unacceptable bureaucratic impediments, restricted access, restricted movement and overall insecurity, but also by the contempt for humanitarian operations indicated in recent speeches by TFG authorities. In October TFG security arbitrarily detained the director of the World Food Program for nearly a week. Staff from CARE (in May), Medecins Sans Frontieres (in December) and a French reporter (in December) were abducted, and later released, in Puntland. MSF staff were also abducted in Puntland, and several were killed in Kismayo early this year.

The situation has been so dire that humanitarian organizations made a rare public statement in October 2007, calling for urgent support for increased humanitarian space. Forty international aid organizations wrote: "There is an unfolding humanitarian catastrophe in South Central Somalia... International and national NGOs cannot respond effectively to the crisis because access and security are deteriorating dramatically at a time when needs are increasing. The international community and all parties to the present conflict have a responsibility to protect civilians, to allow the delivery of aid and to respect humanitarian space and the safety of humanitarian workers."

### **Somaliland: A striking contrast with the South**

It's important not to omit formal mention of self-declared independent Somaliland. While overall human rights and humanitarian conditions continue to worsen in southern and central Somalia, and more recently Puntland, a stable Somaliland has devoted attention to democratization, institutional capacity and development in its decade and a half long pursuit of international recognition for independence. The contrast between Hargeisa and Mogadishu is striking, and the international community should consider what the government of Somaliland needs to maintain peace and stability, including bilateral assistance to ensure it has the capacity to institutionalize human rights protections. Somaliland is not without its own set of human rights concerns. Its border with Puntland is contested, with unfortunate outbreaks of fighting in late 2007, and it has not established a monopoly on power in its boundary regions of Sool and Sanaag. In 2007 it held a journalist and unrecognized fourth party opposition leaders in prison for several months after unfair trials. And the government of Somaliland issued an expulsion order for twenty-four young southern Somali journalists seeking refuge in Hargeisa in late 2007. To its credit that order was never carried out, and the government of Somaliland has also allowed itself to become the *de facto* refuge for thousands or more southern Somali displaced persons fleeing armed conflict in Mogadishu, despite a near-total lack of international assistance to meet their basic needs.

### **Human Rights in Ethiopia: political rights, the Somali region, and the Eritrean border**

In early 2005, leading up to the May 15 elections, Ethiopia appeared to be turning a corner with respect to international human rights. The Government of Ethiopia was allowing some—albeit limited—international press access and space for political opposition rallies in Addis Ababa. Yet since the disputed 2005 elections, plagued by accusations of electoral fraud and mass protest demonstrations, political repression greatly increased. As reported by Amnesty International, Human Rights Watch and the U.S. Department of State, these violations have included mass arbitrary arrests and detentions, torture, extrajudicial killings, repression of ethnic minorities, intimidation of students and teachers, suppression of press freedom, and the less reported practice of targeting peaceful political opposition in the countryside. In several days of demonstrations in June and November 2005, government security forces shot and killed 187 people and wounded 765, including 99 women and several children. Six police officers were also killed in clashes with demonstrators.

In its most recent Country Report for Ethiopia, the U.S. Department of State's Bureau of Democracy, Human Rights, and Labor reported human rights abuses including: unlawful killings, and beating, abuse, and mistreatment of detainees and opposition supporters by security forces; poor prison conditions; arbitrary arrest and detention; restrictions on freedom of the

press; restrictions on freedom of assembly and association; and discrimination against religious and ethnic minorities.

### Prisoners of Conscience and Coalition for Unity and Democracy (CUD) Trials

While allowed very limited access to observe the trials in Addis Ababa, Amnesty International has nevertheless closely monitored their progress as a means to gauge overall human rights conditions for journalists, Coalition for Unity and Democracy (CUD) opposition leaders, and human rights defenders in Ethiopia.

Defendants have been held in different sections of Kaliti prison on the outskirts of Addis Ababa. Conditions in the worst sections have been harsh, with severe overcrowding, inadequate sanitation and poor hygiene. Correspondence has often been prohibited, and private consultation with lawyers not allowed.

Amnesty International has consistently called for the immediate and unconditional release of those defendants whom it classified as prisoners of conscience, because they did not use or advocate violence but were peacefully exercising their right to freedom of expression, association and assembly, as guaranteed by the Ethiopian Constitution and international human rights treaties which Ethiopia has ratified. Several trials of CUD leaders, journalists and human rights defenders began in spring 2006, with the prosecution resting its case in April 2007. More than 30 defendants were acquitted. In June 38 others, including human rights leader Mesfin Woldemariam and parliamentarian Kifle Tigneh, were convicted and sentenced to life, but they were pardoned and released in July, after a presidential pardon was negotiated by Ethiopian elders and other parties.

Two civil society activists and human rights lawyers, Daniel Bekele, policy manager of the Ethiopian office of ActionAid, and Netsanet Demissie, founder and director of the Organization for Social Justice, who refused to sign documents requesting pardon, were convicted in a trial which failed to meet international standards of justice, and sentenced to two years and eight months. Their convictions were based on evidence that did not prove beyond reasonable doubt that they committed a crime under Ethiopian law. While their release, after time served, was expected in early January they are still in prison. Yalemzawde Bekele, a human rights lawyer working for the European Commission, was charged in July 2007 with conspiring to commit outrage against the constitution, but granted bail pending trial in late March 2008.

Over 17,000 prisoners, mostly convicted criminals, were released in September 2007, by presidential amnesty upon the occasion of the Ethiopian millennium new year, while hundreds more CUD members detained in 2005 are still being held without trial.



Separate from the CUD trials, a parliamentary inquiry was established in December 2005 to investigate the demonstration killings. This body initially concluded that Ethiopian security forces had used excessive force. However, the Chair and other members of the inquiry commission were later forced to flee the country, after receiving threats that they must alter their findings. The remaining members of the commission subsequently endorsed a report accepted by the parliament in October 2006 that the actions of the security forces had been "legal and necessary." No member of the security forces has since been arrested or charged with any offense in connection with the demonstration violence.

#### Ethiopia's Border Dispute with Eritrea

Despite the government of Ethiopia's stated acceptance the international boundary commission ruling in 2002, following the 1998-2000 border war between Ethiopia and Eritrea, it has resisted the implementation of this ruling and called for further negotiations. Not surprising, Eritrea has refused to allow the commission's ruling to be re-examined and demanded international enforcement instead. The ICB was dissolved in November without any further progress toward formal demarcation. The potential for mass abuses of human rights and international humanitarian law in the event of renewed combat along the border is grave, with new deployments by both sides in late 2007. Instability and threats of violence have already had dire effects on the livelihood, health and right to movement of local populations. Though the mandate for the UN Mission in Ethiopia and Eritrea (UNMEE) was renewed in December 2007, Eritrea has created such severe obstacles to its function that UN Secretary General Ban Ki-Moon is temporarily disbanding UNMEE pending further UNSC consideration.

#### Ethiopian Blockade in the Somali Region (the Ogaden)

The government of Ethiopia, initially in response to attacks by the Ogaden National Liberation Front (ONLF) on an oil installation in Obole in April 2007, which reportedly killed 65 Ethiopian and six Chinese oil workers, stepped up counter-insurgency operations in the Somali Region, including a blockade of aid and commercial trade that has had devastating impact on conflict-affected districts of the region, including food shortages. It has also further injured Ethiopia's overall relationship with the people of Somalia.

Amnesty International has received reports of mass arrests, lengthy detentions without trial, beatings, rape and other forms of torture, forcible conscription and extrajudicial executions of alleged ONLF supporters by Ethiopian forces. And the ONLF has reportedly assassinated some civilian officials.

A UN fact-finding mission in August 2007 reported on the humanitarian crisis, but a subsequent mission to assess human rights conditions in the Somali Region has not yet materialized. In addition, Sultan Fowski Mohamed Ali, a clan elder and mediator, was detained in August, reportedly to prevent him from

speaking with members of the UN fact-finding mission, and he is still being detained without trial. Amnesty International considers him to be a prisoner of conscience.

While some reports indicate a partial lessening of abuses in the region, most particularly a partial lifting of Ethiopia's blockade, there is no way to assess this information without full access for human rights monitors throughout the Somali region.

### Armed Ethiopian Intervention in Somalia

Please see related human rights concerns about Ethiopian violations of human rights and international humanitarian law addressed under Somalia above.

### Renditions and Forcible Returns

In January and February 2007 Ethiopian forces in Somalia rendered at least 85 political prisoners to Ethiopia. Most had been arrested in Kenya when Kenya closed its border to people fleeing Somalia. Foreign nationals from some fourteen countries were released after some months and sent back to their countries of origin. In May the Ethiopian authorities acknowledged holding forty-one detainees in military custody, but authorities have still not released their charges or their whereabouts. These detainees included Somalis who are Kenyan citizens, two conscripted Eritrean journalists, and alleged members of armed Ethiopian opposition groups. Detainees from Kenya and Somalia were reported to have been tortured or ill-treated in secret military places of detention in Addis Ababa.

Fifteen refugees forcibly returned to Ethiopia by Sudan in August 2007 were detained in Ethiopia, and five people from the Somali Region were forcibly returned to Ethiopia by Somaliland in October 2007 and their whereabouts are unknown.

### **Human Rights in Eritrea: freedom of expression, political prisoners, and military conscription**

One would be hard pressed to find a country in sub-Saharan Africa in which U.S. foreign policy currently has less impact than Eritrea, where the regime of President Issayas Afewerki maintains a stranglehold on basic human rights in perceived protection against multiple threats, domestic and regional, to his rule. International relations for Eritrea have not been improving—from the government of Eritrea's conduct toward UNMEE to its support for Ethiopian and Somali opposition groups. And its human rights record remains abysmal, including persecution of Eritreans for their religious beliefs, arbitrary detention, cruel, inhuman and degrading treatment of detainees, and forced conscription. The government, supported by remittances from the Eritrean diaspora, maintains its bellicosity on the Horn and its international isolation, with the ready excuse of the unenforced border commission ruling, and in retaliation for years of neglect by an international community biased against independence claims. No independent

or private news outlets have been allowed since 2001, and university education is no longer available in Eritrea.

### Political Prisoners

There is no tolerance for dissent in Eritrea, evidenced by frequent arrests of suspected government critics, the absence of any authorized forums for assembly and association, and government violations of telephone and internet privacy. Since authorities have taken reprisals against detainees' families if they made inquiries or communicated with international human rights organizations, it is very difficult to obtain information on their cases.

In addition to religious detainees (mostly evangelical Christians), eleven former government ministers, and Eritrean liberation veterans, who called for democratic reform and were charged with treason, remain in secret detention since 2001. They have not been seen by their families since their arrest in 2001. Ten journalists, determined to be prisoners of conscience, have been held in *incommunicado* detention since 2001 for supporting the detained government ministers. Journalist and educator Fessahaye "Joshua" Yohannes is reported to have died in detention, as have certain of the former government leaders. Aster Yohannes, arrested in 2003 when she returned from the United States to see her children, also remains in *incommunicado* detention, as does her husband, who was detained in 2001. Thousands of other political detainees have been held *incommunicado* for years.

Prison conditions are extremely harsh and constitute cruel, inhuman and degrading treatment. Many prisoners are held in overcrowded shipping containers, with no protection against extremes of heat and cold. Torture by means of painful tying, known as "helicopter," is routinely employed as punishment and a method of interrogation for religious and political prisoners. Evangelicals have been tortured to make them abandon their faith.

### Freedom of Religion

Some 2,000 members of minority religions arrested since their faiths were banned in 2002, including women and children, have been held in *incommunicado* detention without charge or trial. Some members of authorized religions (including the Eritrean Orthodox Church, the Roman Catholic Church, the Lutheran Church and Islam) were also detained. Government officials closed churches and seized church property. In one notable example, Patriarch Antonios, head of the Eritrean Orthodox Church, aged 79 and in poor health due to diabetes, was placed in secret detention and deposed in May 2007 after having been under house arrest since January 2006, for protesting the detention of three priests and the government's intervention in church affairs.

## Conscription

National military service has been compulsory for all citizens aged 18-40, with women over 27 informally exempted. Relatives of young people who eluded conscription, by hiding in Eritrea or leaving the country, are detained and forced to pay heavy fines. They remain in indefinite detention if they can't pay the fine. Legal challenges to this system are not allowed. Thousands of young people facing conscription and conscripts have fled the country seeking asylum. Conscientious objection is not recognized, and three Jehovah's Witnesses have been detained by the military since 1994.

## Forced Returns

Despite guidelines from the Office of the UN High Commissioner for Refugees, that rejected Eritrean asylum-seekers should not be returned to Eritrea on account of its serious human rights situation, several recognized refugees were returned by Sudan and detained by Eritrea in late 2007. One asylum-seeker from the United Kingdom was also forcibly returned and detained. Hundreds of detained Eritrean asylum seekers in Libya remain at risk of forced return. Asylum-seekers forcibly returned from Malta in 2002 and from Libya in 2003 remain in *incommunicado* detention. Recent threats to add Eritrean Liberation Front (ELF) groups to the U.S. list of foreign terrorist organizations will only serve to harm refugees seeking asylum based on serious human rights concerns, where previously affiliations with these groups constituted reason for consideration of asylum.

## **Conclusion and Recommendations: A human rights-based approach to U.S. policy on the Horn**

There has been a dearth of consideration for serious human rights and humanitarian concerns throughout the Horn of Africa by U.S. policy makers, with dire consequences. As described in this testimony, trends indicate that violations of human rights and international humanitarian law in Somalia, Ethiopia and Eritrea are worsening, not improving. It is now time for a shift in approach—to make the immediate protection of vulnerable civilians central to an effective U.S. foreign policy on the Horn. This means holding individual governments accountable for protecting the rights of civilians and controlling the conduct of their armed forces. It also means taking a step back to gain a regional perspective on interlocking crises on the Ethiopia-Eritrea border, in southern and Central Somalia, and in the Somali region of Ethiopia. Toward these ends, Amnesty International is grateful for the opportunity to offer the following recommendations on how to re-center human rights in U.S. foreign policy on the Horn of Africa.

## Foreign Policy Recommendations on Ethiopia

- The U.S. government must make human rights central to U.S. relations with the Government of Ethiopia and Ethiopian civil society.

- The U.S. Ambassador to Ethiopia and other U.S. officials should press the Government of Ethiopia to release all prisoners of conscience immediately and unconditionally.
- The U.S. Ambassador to Ethiopia and other U.S. officials should actively monitor all political trials and visit political detainees in Addis Ababa and other places in Ethiopia, insist that trials and prison conditions adhere to international standards, and actively monitor the treatment of all prisoners of conscience and political detainees.
- U.S. government officials, including the U.S. Ambassador to Ethiopia, must ensure that steps are taken by the government of Ethiopia to fully remove all remaining obstacles to unhindered humanitarian assistance and commercial trade in the Somali Region of Ethiopia.
- U.S. government officials must press the Government of Ethiopia to do everything in its power to avoid armed conflict with Eritrea.
- The Appropriations Committees of the U.S. Senate and House of Representatives should provide humanitarian assistance at appropriate levels to meet the basic needs of the people of Ethiopia.
- The U.S. Congress should actively fund and support judicial and security sector reform in Ethiopia.
- In the spirit of current notification requirements for IMET and FMF funding to Ethiopia, the Appropriations Committees of the U.S. Senate and House of Representatives should consider withholding a portion of both programs' assistance until the Secretary of State certifies that assistance under these programs is not being used by Ethiopian security forces against Ethiopian civilians, including students and political opposition groups, with special attention to the Somali, Oromia and Gambella regions of Ethiopia.
- The United States government should establish investigations to determine which units of the TFG and the Ethiopian armed forces are responsible for mass human rights violations, and military assistance should be conditioned for those units.
- The U.S. Permanent Representative to the UN should call for the establishment of a long-overdue UN fact-finding mission on human rights conditions in the Somali Region.

#### Foreign Policy Recommendations on Eritrea

- The U.S. government should make human rights central to U.S. relations with the Government of Eritrea and Eritrean civil society.
- The U.S. Ambassador to Eritrea and other U.S. officials should press the Government of Eritrea, directly and through mutual bilateral partners, to release all prisoners of conscience immediately and unconditionally.
- The U.S. Ambassador to Eritrea and other U.S. officials should actively monitor all political trials and visit political detainees in Asmara and other places in Eritrea, insist that trials and prison conditions adhere to international standards, and actively monitor the treatment of all prisoners of conscience and political detainees.
- The U.S. government must press the Government of Eritrea, directly and through mutual bilateral partners, to do everything in its power to avoid armed conflict with Ethiopia.

- The Appropriations Committees of the U.S. Senate and House of Representatives should provide humanitarian assistance at appropriate levels to meet the basic needs of the people of Eritrea, with special emphasis on the needs of displaced persons along its borders.
- The Appropriations Committees of the U.S. Senate and House of Representatives should consider initial ESF funding to support Eritrean diaspora projects in the United States, to provide disenfranchised expatriate Eritreans with an effective means to promote human rights and democracy in their home country.

#### Foreign Policy Recommendations on Somalia

- U.S. government officials should strongly condemn human rights abuses and violations of international humanitarian law in all documents and statements pertaining to Somalia.
- The United States and other countries to which Somali refugees have fled persecution must ensure that they are afforded protection, as required under international human rights standards and international standards governing the treatment of refugees.
- UN agencies and bilateral partners, including the U.S. government, should fund and implement programs to provide vulnerable groups, including women, young people, and minorities, with education, employment and training opportunities, in addition to fully funding and staffing emergency assistance programs throughout Somalia.
- The U.S. Permanent Representative to the United Nations should work within the UN Security Council to give the human rights and humanitarian crisis in Somalia a higher profile, beyond the question of a peacekeeping force, strengthen human rights components of UNPOS, and ensure authorization of resources necessary to support human rights assistance for Somalia through the Office of the UN High Commissioner for Human Rights.
- The U.S. Permanent Representative to the United Nations should work within the UNSC to strengthen and enforce the UN arms embargo.
- Any U.S. military or police assistance to the TFG should require a vetting process to ensure that violators of human rights are not placed in positions of authority in Somalia.
- The U.S. Congress should consider conditioning plans for further security sector assistance to the TFG on the inclusion of mechanisms to monitor the human rights performance of its security forces and hold individual leaders, soldiers and units responsible for violations of human rights and international humanitarian law accountable for their actions, according to international standards of justice.
- The United States should establish investigations to determine which forces of the TFG are responsible for violations of human rights and international humanitarian law.
- The U.S. government and the international community are strongly encouraged to fulfill all commitments made in UNSC Resolution 1745 to fund and support full deployment of AMISOM, as part of the process required to facilitate the withdrawal of Ethiopian troops from Somalia, while acting to encourage AMISOM to extend its operational mandate to include civilian protection.

- As national reconciliation efforts continue, diplomatic initiatives must ensure that human rights and humanitarian assistance are made central to the dialogue among all political actors and parties to the conflict in Somalia.

#### Foreign Policy Recommendations on Somaliland

- The Appropriations Committees of the U.S. Senate and House of Representatives should consider initial ESF and Development Assistance to support democratization, elections, institutionalization of human rights protections, police and security sector reform and judicial capacity building in self-declared independent Somaliland. Such assistance need not address the question of international recognition, but would ensure the support of the government of Somaliland requires to continue to build democratic institutions and a secure environment for its citizens.