

IMPUNITY

War on Somalia's Journalists

A REPORT BY THE NATIONAL UNION OF SOMALI JOURNALISTS (NUSOJ)

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Preface

As the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity of March 2012 states: “In recent years, there has been disquieting evidence of the scale and number of attacks against the physical safety of journalists and media workers as well as of incidents affecting their ability to exercise freedom of expression.”

In many cases, those responsible for these crimes go unpunished and benefit from a de facto impunity which perpetuates the cycle of violence against journalists.

This is especially the case in Somalia, where journalists pay a very high price for exercising their profession: three were killed in 2010, four in 2011 and 18 since the beginning of 2012. This situation is unacceptable. The French Minister for Foreign Affairs, Mr Laurent Fabius, has repeatedly condemned it.

The report of the National Union of Somali Journalists (NUSOJ) “Impunity: War on Somalia’s Journalists,” underscores the magnitude of the campaign of violence against Somali journalists

and calls on the new Somali government to ensure that thorough and transparent investigations will lead to the arrest and trial of those who commit these crimes.

France already recognized the work of the NUSOJ in favour of the promotion and protection of freedom of expression in Somalia by granting the organization an Honourable Mention in the 2009 French Republic Human Rights Award.

This report offers new evidence of NUSOJ’s commitment to protecting freedom of expression. I am especially pleased to note that the report was prepared with the support of the Embassy of France in Kenya.

I take this opportunity to express my hope that this report will contribute to improving the conditions that Somali journalists face, allowing them to freely and safely exercise their profession.

H.E. Etienne de Poncins

Ambassador of France to Kenya and Somalia

Executive Summary

Article 19 of the Universal Declaration of Human Rights, proclaims the right to freedom of expression stressing that: “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers.

However, in Somalia, enjoyment of media freedom and freedom of expression continue to be a far cry for journalists and other media practitioners as they experience gross violations of their rights while they seek, receive and impart information. This has greatly abridged their efforts to freely practice journalism as is supposed to be in a free and democratic society. Somali journalists live in fear of death, intimidation and attacks against them by criminal minds who are State operatives and non-state actors.

Impunity persistently continues to pose a serious threat to media practitioners in Somalia as the country struggles to establish effective justice, law and order sectors. Unabated human rights abuses and violations have made Somalia a lawless country as victims endure injustice. Media freedom, a cornerstone for democracy and good governance, has constantly been curtailed to unacceptable degrees.

Journalists and media practitioners are attacked, murdered, threatened, forced to leave their jobs, exiled and their media houses arbitrarily closed without any action taken. The perpetrators continue to walk scot-free, leaving journalists more vulnerable and resigned to their fate.

Forty-four media practitioners, all male and most of whom working with broadcast media were killed in Somalia between January 2007 and October 2012. Eighteen media workers were killed in the first 10 months of 2012; making this the deadliest year to practice journalism in Somalia. It goes without saying that Mogadishu is the deadliest place to practice journalism in the country.

Killing of journalists in Somalia is a common and normal practice. Mogadishu continues to record the highest levels of attacks against journalists and news media organisations in the country. With the majority of killings of journalists being in this troubled capital city, it is where the most serious violations of press freedom are committed.

Efforts by journalists in search for remedies have been rendered ineffective due to the absence of functional justice systems that can effectively deal with impunity. The lack of trained and skilled personnel to investigate and adjudicate on these matters, combined with inadequate and weak accountability and justice structures greatly hinders journalists’ efforts to obtain justice.

The absence of the rule of law and the fragmented power structures at different levels in Somalia have fostered the culture of impunity and created a climate of fear among the media community. This has caused more fright to journalists limiting their space to exercise their right to freedom of expression.

Significant questions and opinions about the killings of journalists cannot be raised for fear of the gruesome repercussions. As a result, vital information about the unlawful killings of citizens, professionals and journalists remains unavailable.

The provisional Constitution of Somalia, which was adopted on 1 August 2012, guarantees the protection of fundamental rights and freedoms. The willingness of the new federal authorities to implement it is very vital.

Justice and accountability for human rights violations, including media rights abuses, are indispensable if Somalia is to re-establish rule of law and justice.

As the world marks the International Day to End Impunity, Somali journalists are in dire need of establishing the truth about the abuses and violations against them. There is also urgency to see the perpetrators punished, and the victims rendered justice.

This report highlights the situation of freedom of expression and the media in Somalia and threats encountered by journalists on a regular basis, particularly unpunished and murderous crimes against journalists. It draws the attention of the Somali authorities, the international community, media and human rights organisations to the unprecedented levels of impunity in Somalia.

Omar Faruk Osman

Secretary General, National Union of Somali Journalists (NUSOJ)

Recommendations

The Federal Government of Somalia:

- ▶ Publically condemn all forms of violence against journalists as a violation of the right to life, the right to freedom of expression and the public's right to be informed;
- ▶ Immediately institute investigations and inquiries into the deaths of more than 40 journalists in order to bring all the perpetrators to trial;
- ▶ Adopt protocols to ensure that crimes against journalists and other media practitioners are effectively investigated;
- ▶ Make media law reforms that are consonant with the provisional Constitution, International Covenants that Somalia has ratified and internationally acceptable standards of Human Rights and best practices;
- ▶ Make penal code reforms and include a section punishing crimes against journalists and freedom of expression;
- ▶ Expedite the creation of a protective mechanism for journalists that will involve professional and civil society organizations in a decision-making capacity;
- ▶ Take serious judicial reforms that will aid free and fair trial as well as judiciary protection for the media;
- ▶ Give adequate support to the police in its operations and order it to adhere to the rule of law;
- ▶ Establish a functional and independent Human Rights Commission to effectively monitor the government's human rights compliance, to promote human rights and as an alternative mechanism for redress on issues of human rights abuse;
- ▶ Recruit competent and qualified legal and judicial officers to deliver justice;

World Community:

- ▶ Assist the federal government of Somalia to put in place effective and functional public law and order management sector;
- ▶ Place the need for the protection of media workers in Somalia on the foreign policy agenda and insist on the implementation of the above recommendations to protect journalists and the end impunity for crimes against them;
- ▶ Ensure human rights obligations are fully complied within aid given to Somalia by conditioning all future foreign aid to Somalia upon the government of Somalia taking genuine and effective action to redress the serious human rights violations in the country;
- ▶ Assist the media to present their cases before regional and international justice systems like the African Court of Justice and the International Criminal Court;
- ▶ Provide practical support and expertise to the media on safety issues and documentation of atrocities committed against media;
- ▶ Provide resources to the media in Somalia to rebuild itself and improve on the capacities of its practitioners;

Message from UNESCO

Every human being should be free to use his or her fundamental right of freedom of expression. But the operative word is 'should' – because not every person currently enjoys this right. Too many people worldwide are harassed, intimidated, physically attacked, and even killed for exercising their rights to free speech.

But no one should have to fear repercussions like this, let alone have to pay the ultimate price. Journalists are no exception here, yet they are too often especially singled out as specific targets of violence. This is because their job involves publishing to the public – in other words, they are victimized for using their right to free expression in conjunction with the related right to press freedom. It is warlords and other criminals who operate in the shadows who are responsible for silencing those who seek to bring their actions to light.

For the benefit of any society, journalists must be able to work in an environment where each day is not a matter of life or death, and where persecution is not the norm. Each journalist who is killed deprives society of a witness to the world, and each attack is not only an attack on the individual, but also a blow to the society, the rule of law and to development and democracy.

Too many Somali journalists have been victims of pressure, and the nation as a whole has been the ultimate loser. When journalists are killed, and when fear drives survivors into self-censorship or exile, a society loses the very people who would otherwise be contributing to its lifeblood – i.e. to the flow of information.

When citizens at large see what is happening to those who publicly exercise freedom of expression, many are also intimidated. The result is that very few people feel safe to speak their minds or to tell the truth about national matters both big and small. The consequence is that a society condemned to darkness cannot go forwards.

On the other hand, the right to freedom of expression is a right enshrined in global declarations and covenants, as well as acknowledged by the leaders of the world. Each government has a responsibility to protect and promote it. That means, especially, ensuring that those who kill journalists are brought to



justice – something, however, that happens all too seldom. This makes a mockery of the rule of law and authority of the state, and it is a blemish on the image of a country.

It is exactly to help governments stop the killings of journalists, and to end the impunity of crimes against freedom of expression, that the United Nations has agreed the UN Plan of Action on the Safety of Journalists and the Issue of Impunity. It is the world's first systematic attempt to harness the collective power of the UN systems, and to promote alignment amongst these efforts and those of civil society, media organizations, and the national authorities.

The UN Plan of Action, details of which can be found on the UNESCO website, is a new initiative that has the potential to be a vital component in the fight for freedom of expression. The Plan harnesses the expertise and resources of the UN, and it lends itself to serving as a rallying point for all other stakeholders as well. In line with the UN's impartiality, and in seeking to build momentum, encourages all stakeholders to set aside their general differences in regard to co-operating on this very particular issue – namely, the safety of journalists. The power of many combined and harmonized actions for the safety of journalists can – and must – halt the increasing numbers of killings.

Guy Berger

*Director for Freedom of Expression
and Media Development, UNESCO*

Message from the International Federation of Journalists (IFJ)

Since the early 1990s when Mogadishu warlords toppled the regime of former President Mohammed Siad Barre, Somalia has over the years proved to be a risky reporting ground for journalists. But 2012 has been the deadliest year on record for Somali journalists. The ferocity of attacks against journalists in the last few months is earning the country the rank of the most dangerous place in the world.

A typical execution was the gunning down of Mohamed Mohamud, a producer and webmaster at Radio Shabelle known as “Turyare”, who was cornered in a street while walking back home in the Hawo Tako neighbourhood of Wadair district in Mogadishu, and shot by two men who pumped three bullets in his stomach. He died one week later in hospital on 28th October. Mohamed was the 17th journalists to die this year. The following day, Warsame Shire Awale, a popular radio personality, was gunned down. His assassination had all the hallmarks of a cold-blooded Shabab execution as the playwright and comedian was renowned for his sharp criticism of the Islamist insurgent group.

Al Shabaab has a bloody record of maiming and killing journalists who do not toe their line. With Hezbul-Islam, another hard-line insurgent group, they have in recent years ratcheted up pressure on radio stations first and foremost to ascertain their authority on what goes on air and, most importantly, to impose Taliban-type commandments on un-Islamic music, ringtones, film and football. Journalists who resist are targeted and often pay with their lives.

September was the bloodiest month as renewed killings of journalists may have been triggered by the recent change of government. On September 20, suicide bombers blew themselves in a restaurant in the Hamer Wayne district of Mogadishu killing three journalists and wounding five others. The following day another journalist, Hassan Yusuf Absuge, working for Radio Maanta, was shot dead near his station in Yaqshiid district, Mogadishu. Al-Shabaab claimed that their supporters did it.

There is plenty of evidence showing that it is not only the Islamist insurgent groups that have been targeting journalists. Somali broadcasters and journalists have always operated in an extremely hostile environment where they are also muzzled by the authorities in power or by their henchmen and supporters who want them silenced. Somalia has been without a central government since 1991 and attempts by the international community at stabilising the country by manufacturing a “democratic” transitional process that may transfer power to a more effective and broad-based national authority came to nothing.

In the last few months, major international institutions such as the World Bank or the UN Monitoring Group on Somalia have published damning reports exposing the corrosive political practices under the Transitional Federal Government that seem to have put the brake on the restoration of peace and security in the country and detailing the “systematic misappropriation, embezzlement and theft of public resources” which according to them ‘have become a system of governance’.

Over the years many brave journalists have played a key role in investigating and reporting on these abuses as well as the rampant corruption. So it is no wonder that they had to pay such a heavy price at the hands of both government and opposition forces.





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44 media workers have died in Somalia since 2007. It is true that, in some instances, some journalists simply get caught in the cross fire but we know that they were not in the wrong place as they have to be on the spot when news is in the making. There are killings blamed directly on Al-Shabab. But there are also killings as a result of feuds between warlords or clans, or by vested interests to silence any one exposing wrong doings and corruption.

In such grim circumstances, it is usually the duty of government to protect journalists and media workers and bring their assassins to justice. Unfortunately as the conflict in Somalia escalated, the last Transitional Federal Government, despite pompous declarations and promises, did very little to end impunity. At the same time, their supporters within the international community failed to hold them to account.

With a new speaker of parliament, a new president and a new cabinet, the Somali journalists and their union expect a new beginning and a fresh commitment to protect journalists and tackle impunity as a priority and to promote the right to free expression.

The International Federation of Journalists and its 180 unions worldwide will make the newly-empowered authorities accountable for adopting immediate and effective measures to provide better protection for journalists and order serious investigations into their killings. We urge their international backers to give the new government all the help necessary to bring the triggermen and their paymasters to justice.

Jim Boumelha
President, International Federation of Journalists (IFJ)

Message from Reporters Without Borders

Country's Media Being Wiped Out with Complete Impunity

Somali journalists are trapped in a nightmare. They were already used – if one can get used to this kind of thing – to Somalia being Africa's deadliest country for media personnel, but this year has seen even more violence and tragedies. The levels of violence in the first 10 months of 2012 have been without precedent in the recent history of this country with no stable government since 1991. By late October, Somalia had become the world's second deadliest country for the media, after Syria.

The figures? Eighteen journalists and media personnel killed from 1 January to 29 October 2012, twice the figure of 2009, until now the deadliest year for the media with nine killed. A total of 43 media workers have been slain since 2007. Journalists have been fleeing the country for years but the number fleeing in a single month shot up to about 20 in September.

Cancer of impunity

Warsame Shire Awale, a leading comedian, actor, songwriter and playwright who worked on Radio Kulmiye's entertainment programmes, was gunned down in cold blood by two men near his Mogadishu home on 29 October. A senior police officer, Ahmed Hassan Malin, said: "Two armed men killed him [£] we will investigate and the killers will be brought to justice."

But Reporters Without Borders finds it hard to believe his promise, so great is the level of impunity in Somalia.

A week before that, Radio Shabelle journalist Mohamed Mohamud Turyare was fatally shot four times in the chest and stomach as he left a mosque. Several members of the Somali armed forces who happened to be at the scene opened fire on his assailants. But despite their presence, Turyare's killers have still not been identified.

Out of the 18 murders of media personnel killed between January and October, none has been seriously investigated. There has been not a single arrest or a trial of those responsible. In fact, justice has not been rendered in any of the 43 murders since 2007.

The vicious cycle of impunity must be brought to an end, not only because rendering justice is one of a sovereign state's functions and obligations but also because it is one of the best ways of deterring those who otherwise stop at nothing to combat freedom of information.

Powerless or indifferent?

So why don't the authorities do this? The lack of resources and the disastrous state of government institutions is one reason but the chaos does not account for everything. Those who kill journalists are not only to be found within the clans or the Islamist militia Al-Shabaab, but also within the transitional federal government and the regional governments in Puntland and Somaliland, where media revelations about corruption and bad governance are resented.

The existence of a free and independent press is an essential condition for Somalia's transition towards peace and stability. A modern and democratic society is based on journalists being able to do their work without fearing for their safety. If nothing is done, there will soon be no more journalists left in the country.

Somalia and its capital, Mogadishu, cannot continue to be abandoned to their fate, to the killers who are decimating civil society.

If the international community has any influence at all over the Somali government, it must urge the new president, Hassan Sheikh Mohamud, to ensure respect for UN Security Council Resolution 1738 on the safety of journalists. It must obtain guarantees from him that resources will be committed to combatting impunity. It must ensure that the government's priorities include the safety of journalists and freedom of information.

Every second counts.

Reporters Without Borders

Violence against Journalists

Journalists in Somalia have a long history of working under dangerous conditions. However, killings, beatings and threats against the journalist community have been particularly prevalent since 2007, when remnants of the Islamic Courts Union and hard-line Islamic militants, driven out of Mogadishu at the end of December 2006, started their war against the allied forces of the Transitional Federal Government and the Ethiopian army and, later, African Union peace-keeping forces.

Somali journalists report that they live in a state of fear and that any one of them may be exposed to danger. They increasingly tell of threats, coercion and targeted killings by both militants and the security forces, and many self-censor to avoid retribution.

Being a journalist in Somalia is always a dangerous, often fatal, profession. Somali journalists – be they reporter, producer, editor or newscaster – face organised crimes of death threats, pressure on their media houses, and threats against their families, because of the nature of their work.

During 2007, eight media professionals were killed as a result of antagonistic action within the country. Due to the emergency and the escalation of Islamic insurgency in Mogadishu and surrounding neighbourhoods after the Islamic Courts Union was driven out of Mogadishu, together with more general lawlessness, journalists and other media workers are unable to identify the perpetrators of these crimes against the media. But all parties to the conflict committed serious violations and abuses of freedom of expression and of the press. Journalists and others working in private media are those most targeted.

In 2008, two journalists were murdered, both in the southern town of Kismayu, which at that time was occupied by the remnants of Islamic Courts Union and armed militias of Al-Shabaab, which threatened journalists with death.

The year 2009 opened on an ominous note for journalism in Somalia with the daylight murder of Hassan Mayow Hassan, a Radio Shabelle journalist, who sadly on January 1 became the



first journalist in the world to be murdered that year, according to the International Federation of Journalists (IFJ). Nine journalists were murdered in 2009, making it the deadliest year till then for journalists in Somalia.

In 2010, killings of journalists continued to be a source of terrible pain in the hearts of journalists, especially in the conflict-ravaged city of Mogadishu, where most journalists are murdered in Somalia. Three journalists were murdered in Mogadishu and Galkayo.

The death toll increased in 2011, when four journalists were killed, all of them in Mogadishu. This showed that there was no respite from the killings of journalists and that it was still open season for the suppression of journalists.

The number of media victims, falling to assassins' bullets in cold-blood has now intensified, as warring sides directed increasingly their anger against journalists and media outlets for their coverage of events and issues related to the political and security situation. This has resulted in a now unprecedented number of media killings and an escalation of the tragedy afflicting media work in the country.

Already at the time of writing at the end of October, in 2012, 18 media workers, including 17 journalists, have been murdered in southern, central and northern Somalia. Journalists are no longer safe anywhere in the country as the men toting guns turn their fire on them. Already, this year is the deadliest ever for journalists in the history of Somalia.

During the month of September alone, over 50% more journalists were murdered than in the whole of 2012, making that month the deadliest ever for Somali journalists, as seven journalists were killed, all in the capital city and within 11 days.

Mogadishu remains the deadliest place to be a journalist in Somalia. 68% of killings of journalists since 2007 happened in this city. Galkayo is the second deadliest place to practice journalism in the country, with four journalists killed in six years.

Hostility and threats against Somali journalists have cultivated an environment of terror and insecurity that has slowed down independent journalism and promoted self-censorship as a form of protection.

All the journalists killed since 2007 were male professionals; 90% of killed media professionals worked for broadcast media, followed by those working for online news media and news agencies. It is reported that 72% of the murdered journalists received death threats before they were killed.

Telephone and face-to-face death threats are widespread throughout Somalia as part of the violent attempt to intimidate journalists. Known as "mouth-murdering" acts, these threats have driven around 250 journalists out of the country since 2007.

Many journalists believe that the practice of journalism is such a risky undertaking in Somalia that their lives and work have become worthless and dispensable as long as attacks against journalists continue unrestrained. Many of the killers are known but there is no justice for their victims.

Hostility and threats against Somali journalists have cultivated an environment of terror and insecurity that has slowed down independent journalism and promoted self-censorship as a form of protection. Significant numbers of journalists have chosen to work in secret. Many journalists are also victims of the political slant of the news media organisations that they work for.

A sense of trepidation is continuously instilled deep in the hearts of journalists as they are threatened endlessly with the risk of baseless judicial proceedings and investigations, attacks, arrests, raids and even killings.

Grounds of Impunity

Impunity has become the fundamental problem in Somalia. Journalists in almost every region of Somalia commonly face harassment, blackmail, political manoeuvring, police detention and threats. Despite this, the authorities provide no support to journalists, and the perpetrators operate with impunity.

In addition, Somali journalists face threats from criminal elements hired to suppress them, and are often physically and verbally attacked for their reporting. Despite this, a veil of impunity persists, and no action has ever been taken following a case of violence against a journalist.

As the perpetrators continue to commit acts of violence and go free, victims and their families are left to endure the pain and nurse the injuries. Many of the killers are known but there is no justice for their victims. The lives of journalists have become worthless and dispensable. A sense of trepidation is deeply rooted in their hearts as they are endlessly threatened

with baseless judicial proceedings and investigations, attacks, arrests, raids and killings.

No crime committed against a journalist has been properly investigated, still less has anyone been convicted of carrying out, or being responsible in chain-of-command terms for, the killing of a journalist. The only single exception has been the admission by the African Union mission (AMISON) that a Burundi soldier was allegedly responsible for the death of a Malaysian journalist in Mogadishu.

Thus, proper and credible investigations into the killings of Somali journalists, to explain the facts of the killing, identify the culprits, make arrests, and bring perpetrators to trial, have been consistently missing.

The National Union of Somali Journalists (NUSOJ) considers impunity the foremost, albeit silent, enemy of journalists and



press freedom. Victimisation of journalists and the accompanying impunity of the perpetrators are being fostered because journalists and media houses are the tool that reveals the truth, that encourages the tackling of the rampant culture of impunity, and that promotes accountability, the rule of law, and the judicial protection of those who fight for accountability and justice.

Why impunity continues to thrive

Impunity is largely the result of corruption and complicity within the authorities that are supposed to tackle it and uphold the rule of law. Somalia's judiciary (which itself is struggling to exist in name) and police force have been severely compromised under the politics of the day.

The police's inability to effectively investigate the violations, the shortage of legal documentation to build judicial precedents and the judiciary's deficiency in conducting proper trials greatly nurture impunity in Somalia. Experienced and professional legal and judicial officers, a key factor in fighting impunity, are absent. The independence of the judiciary is also doubtful. Resource constraints in all the sectors have had an adverse effect on delivery of justice.

Public officials, clan leaders and other authorities see themselves as the law. They have thwarted the prosecution of perpetrators by undermining the independence of the judiciary, through apparent manipulation, co-opting or corrupting some judges. Political interference has eroded the independence of law enforcement institutions. Thus, proper and credible investigations into the killings of journalists, to identify the culprits, and bring them to trial have consistently failed.

In Southern Somalia, militias are paid by politicians and interested parties to attack journalists and media houses. In the end, the masterminds of these attacks are unknown. Police officials in Mogadishu, Puntland and Somaliland are reluctant to take action on cases of violations and abuses against journalists.

At times, Police officials are directly / indirectly involved in the harassment and mistreatment of journalists. This has given impunity a leeway.

The absence of a centralized power control system in the country has immensely contributed to the culture of impunity. For example, a crime committed in Puntland could not be tried by courts appointed by the former Transitional Federal Institutions, based in Mogadishu because Puntland has its own judiciary.

Impunity is further perpetuated by a lack of will and motivation to reform the judiciary, law enforcement agencies and amending of the laws dating from military government in 1991 that lack provisions to prosecute the perpetrators.

Impact of impunity

Untamed impunity has had a great bearing on journalists and media practitioners in Somalia. Hostilities and threats have cultivated an environment of terror and insecurity that has slowed down independent journalism and promoted self-censorship as a form of protection. Over 250 journalists have fled the country; others abandoned the profession, some work secretly and many write or report according to the wishes of their tormentors, which has greatly compromised objectivity.

Journalists have chosen not to report crimes committed against them or their colleagues because they believe nothing will result from the complaint, except increased danger. After registering his complaint of receiving death threats from an alleged al-Shabaab militant at a police station in Mogadishu, a journalist said that the police advised him not to complain to them as long as he was still alive.

The independence of the media, freedom of expression and speech, journalism professional standards and the right to seek, impart and receive information are under siege. Clouds of uncertainty continue to hover around the future of journalism in Somalia.

MEDIA WORKERS KILLED IN SOMALIA (2007–2012)

NO	NAME	DATE KILLED	NEWS MEDIA ORGANIZATION	GENDER	MEDIA CATEGORY	PLACE OF DEATH
1.	Ali Mohammed Omar	February 16, 2007	Radio Warsan	M	Broadcast	Baidoa
2.	Mohammed Abdullahi Khalif	May 5, 2007	Radio Voice of Peace	M	Broadcast	Galkayo
3.	Abshir Ali Gabre	May 15, 2007	Radio Jowhar	M	Broadcast	Adale
4.	Ahmed Hassan Mahad	May 15, 2007	Radio Jowhar	M	Broadcast	Adale
5.	Mahad Ahmed Elmi	August 11, 2007	Radio Capital Voice	M	Broadcast	Mogadishu
6.	Ali Iman Sharmarke	August 11, 2007	HornAfrik Radio	M	Broadcast	Mogadishu
7.	Abdulkadir Mahad Moallim Kaskey	August 24, 2007	Radio Banadir	M	Broadcast	El Ilan
8.	Bashir Nur Gedi	October 19, 2007	Radio Shabelle	M	Broadcast	Mogadishu
9.	Hassan Kafi Hared	January 28, 2008	SONNA	M	News agency	Kismayu
10.	Nasteh Dahir Farah	June 7, 2008	BBC	M	Broadcast	Kismayu
11.	Hassan Mayow Hassan	January 1, 2009	Radio Shabelle	M	Broadcast	Afgoye
12.	Said Tahlil Ahmed	February 4, 2009	HornAfrik Radio	M	Broadcast	Mogadishu
13.	Abdirisak Warsameh Mohamed	May 22, 2009	Radio Shabelle	M	Broadcast	Mogadishu
14.	Nur Muse Hussein	May 26, 2009	Radio Voice of Holy Quran	M	Broadcast	Beledweyne
15.	Mukhtar Mohamed Hirabe	June 7, 2009	Radio Shabelle	M	Broadcast	Mogadishu
16.	Mohamud Mohamed Yusuf	July 5, 2009	Radio Voice of Holy Quran	M	Broadcast	Mogadishu
17.	Abdigafar Abdulkadir Hassan	December 3, 2009	Freelance journalist	M	Broadcast	Mogadishu
18.	Hassan Zubeyr Haji Hassan	December 3, 2009	Al-Arabia TV	M	Broadcast	Mogadishu
19.	Mohamed Amin Adan Abdulle	December 3, 2009	Radio Shabelle	M	Broadcast	Mogadishu
20.	Sheik Nur Mohamed Abkey	May 5, 2010	Radio Mogadishu	M	Broadcast	Mogadishu
21.	Barkhad Awale Adan	August 24, 2010	Hurmo Radio	M	Broadcast	Mogadishu
22.	Abdullahi Omar Gedi	August 31, 2010	Radio Daljir	M	Broadcast	Galkayo
23.	Farah Hassan Sahal	August 4, 2011	Radio Simba	M	Broadcast	Mogadishu
24.	Noramfaizul Mohd Nor	September 2, 2011	Bernama TV	M	Broadcast	Mogadishu
25.	Abdiaziz Ahmed Aden	October 4, 2011	Radio Markabley	M	Broadcast	Mogadishu
26.	Abdisalan Sheik Hassan	December 18, 2011	Horn Cable TV	M	Broadcast	Mogadishu
27.	Hassan Osman Abdi	January 28, 2012	Radio Shabelle	M	Broadcast	Mogadishu
28.	Abukar Hassan Mohamoud	February 28, 2012	Radio Somaliweyn	M	Broadcast	Mogadishu
29.	Ali Ahmed Abdi	March 4, 2012	Radio Galkayo	M	Broadcast	Galkayo
30.	Mahad Salad Adan	April 5, 2012	Voice of Hiran / Radio Shabelle	M	Broadcast	Beledweyne
31.	Farhan James Abdulle	May 2, 2012	Radio Daljir	M	Broadcast	Galkayo
32.	Ahmed Adow Anshur	May 24, 2012	Radio Shabelle	M	Broadcast	Mogadishu
33.	Abdi Jeylani Malaq	July 31, 2012	Universal TV	M	Broadcast	Mogadishu
34.	Mohamud Ali Keyre (Buneyste)	August 12, 2012	Horyaalmedia.com	M	Online	Mogadishu
35.	Zakariye Mohamed Mohamud Moallim	September 16, 2012	Freelance journalist	M	Broadcast	Mogadishu
36.	Abdirahman Yasin Ali	September 20, 2012	Radio Hamar	M	Broadcast	Mogadishu
37.	Abdisatar Daher Sabriye	September 20, 2012	Radio Mogadishu	M	Broadcast	Mogadishu
38.	Liban Ali Nur	September 20, 2012	Somali National TV	M	Broadcast	Mogadishu
39.	Hassan Yusuf Absuge	September 21, 2012	Radio Maanta	M	Broadcast	Mogadishu
40.	Abdirahman Mohamed Ali	September 27, 2012	ciyaarahamaanta.com	M	Online	Mogadishu
41.	Ahmed Abdullahi Farah	September 28, 2012	SABA	M	News agency	Mogadishu
42.	Ahmed Farah Ilyas (Saakin)	October 22, 2012	Universal TV	M	Broadcast	Las Anod
43.	Mohamed Mohamud Turyare	October 28, 2012	Radio Shabelle	M	Broadcast	Mogadishu
44.	Warsame Shire Awale	October 29, 2012	Radio Kulmiye	M	Broadcast	Mogadishu

Violence and Impunity: *Violating Journalists' Rights*

The continuing violence and aggression directed at journalists, as well as the on-going impunity for such crimes, puts Somalia in violation of various human rights provisions under the African Charter on Human and People's Rights (African Charter) in the African Union human rights system (African Union system) and the International Covenant on Civil and Political Rights (ICCPR) in the UN human rights system (UN system).

Somalia signed and ratified the African Charter in 1982 and 1985 respectively and acceded to the ICCPR on January 24, 1990. Somalia also acceded to the Optional Protocol that allows the United Nations Human Rights Council (HRC) to hear complaints brought under the ICCPR covenant.

Right to Freedom of Expression

Article 18 of the new provisional constitution of the Federal Republic of Somalia guarantees freedom of expression and states:

1. Every person has the right to have and express their opinions and to receive and impart their opinion, information and ideas in any way.
2. Freedom of expression includes freedom of speech, and freedom of the media, including all forms of electronic and web-based media.
3. Every person has the right to freely express their artistic creativity, knowledge, and information gathered through research.

Article 32 of the provisional constitution protects the right to access information and it states:

1. Every person has the right of access to information held by the state.
2. Every person has the right of access to any information that is held by another person which is required for the exercise or protection of any other just right.
3. Federal Parliament shall enact a law to ensure the right of access to information.

In the African Union system, member states have positive obligations with respect to the rights established in the African Charter. Pursuant to the African Charter, the state is obliged to respect, protect, and fulfil the human rights obligations contained in that charter. The member state is further obligated to deter and prevent violations of the rights contained in it, and to investigate and remedy any violations of those rights.

The African Charter establishes a legal right to freedom of expression. Article 9 sets out the core of this right:

1. Every individual shall have the right to receive information.
2. Every individual shall have the right to express and disseminate his opinions within the law.

With respect to the on-going violence against journalists and other media workers in Somalia, Declaration of Principles on Freedom of Expression in Africa of the African Commission on Human and Peoples' Rights (Declaration of Principles) guarantees the right to freedom of expression as follows:

1. Freedom of expression and information, including the right to seek, receive and impart information and ideas, either orally, in writing or in print, in the form of art, or through any other form of communication, including across frontiers, is a fundamental and inalienable human right and an indispensable component of democracy.
2. Everyone shall have an equal opportunity to exercise the right to freedom of expression and to access information without discrimination.

The on-going violence against journalists in Somalia and the impunity surrounding this violence constitute a violation of Article 14 of the Declaration of Principles which stipulates:

1. Attacks such as the murder, kidnapping, intimidation of and threats to media practitioners and others exercising their right to freedom of expression, as well as the material destruction of communications facilities, undermines independent journalism, freedom of expression and the free flow of information to the public.
2. States are under an obligation to take effective measures to prevent such attacks and, when they do occur, to investigate them, to punish perpetrators and to ensure that victims have access to effective remedies.
3. In times of conflict, States shall respect the status of media practitioners as non-combatants.

Under the UN system, Article 19(2) of the ICCPR sets out the core of the right to freedom of expression:

Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

Somalia's obligations under the ICCPR are similar to those under the African Union system; namely, to respect, protect, and fulfil the human rights obligations found in that charter, and to deter and prevent and investigate violations of those rights. Pursuant to Article 2(3)(a) of the ICCPR, governments have an obligation "to ensure that any person whose rights or freedoms as [t]herein recognized are violated shall have an effective remedy."

Right to Life

The sanctity of human life is guaranteed by the Provisional Constitution of Somalia and other legislations. Article 13 of the provisional Constitution of the Federal Republic of Somalia, adopted on August 1, 2012, states that: Everyone has the right to life.

Article 39 of the provisional constitution stipulates a provision concerning "Redress of Violations of Human Rights" and states:

1. The law shall provide for adequate procedures for redress of violations of human rights.
2. Redress of violations of human rights must be available in courts that the people can readily access.

3. A person or organization may go to court to protect the rights of others who are unable to do so for themselves.

Somalia is a state party to the African Charter which in Article 4 states that: Human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right.

Article 6(1) of the ICCPR states: Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

In its General Comment No. 6 on the Right to Life, the UN Human Rights Committee (now Council) sets out the obligation of state parties to prevent and punish violations of the right to life: "State parties should take measures not only to prevent and punish deprivation of life by criminal acts, but also to prevent arbitrary killing by their own security forces."

Somalia's failures to prevent, investigate, punish and provide redress for the human rights violations against journalists set out in this report therefore also constitute violations of Somalia's obligations at African and international levels.

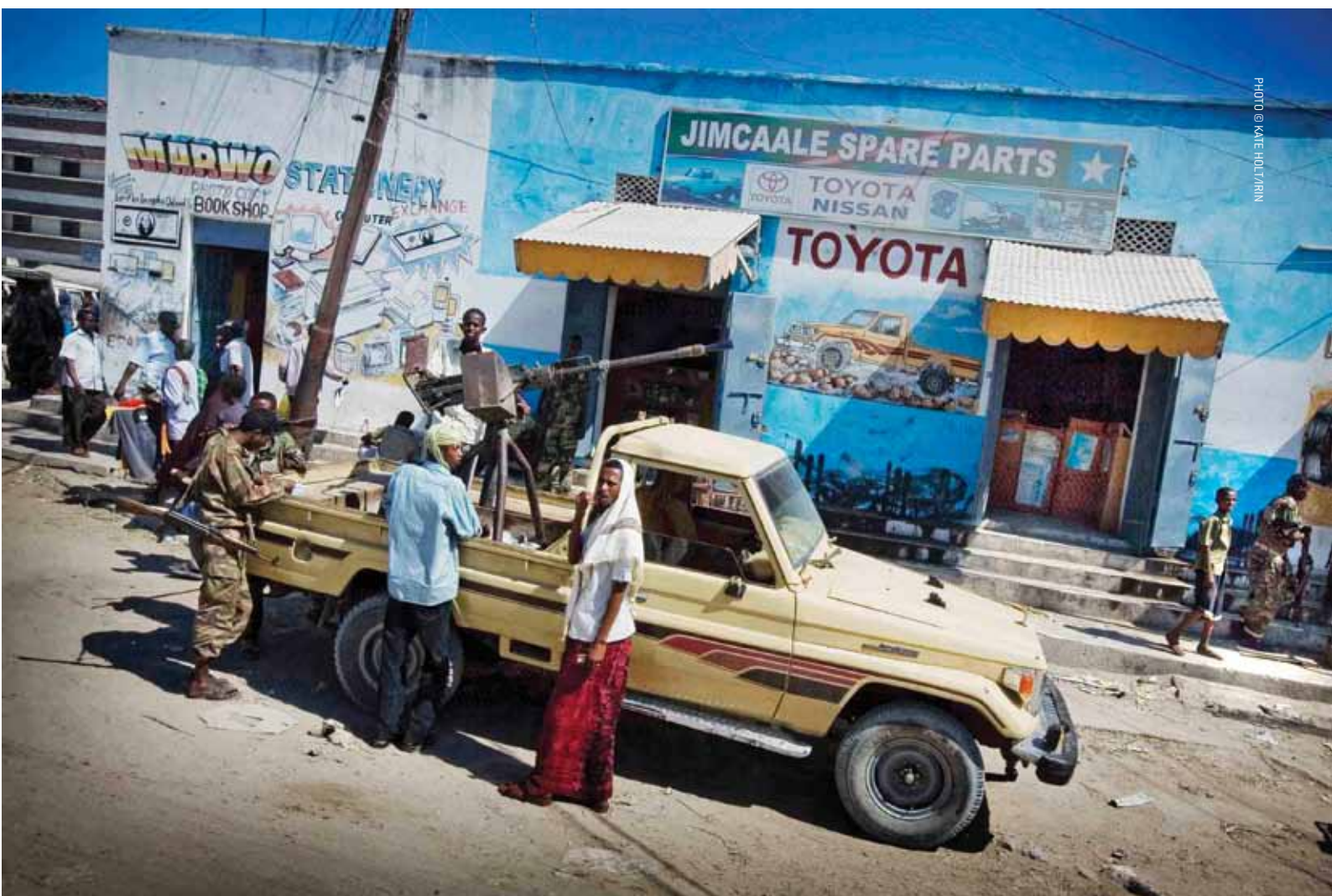


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Working Conditions

The working conditions for journalists in Somalia are appalling. They lack basic and essential tools of trade like identification cards and telecommunication gadgets besides underpayment or non-payment for their services. The majority operate with no contractual terms with their employers leading to exploitation and manipulation of labour.

On a daily basis, they risk their lives to get news that infuriates local tribal militias, criminal elements or politically motivated forces, who blackmail, harass, and threaten them with death and violence. They receive meagre salaries that are irregularly paid, lack insurance coverage and seldom get their stories published. The profession is stifled; the working conditions are outrageous. This has compromised the quality of journalism, and put journalistic ethics under great pressure.

The amount of time and work devoted to professional journalistic endeavours clearly are not reflected in salaries that acknowledge those efforts. Meeting the cost of living in main cities is a heavy task for a journalist earning a low wage. Most Somali media workers have spent their wages by the middle of the month, and are left under extreme financial pressure for the rest of the month.

Since 2007, many local media houses have experienced financial difficulties, which have led to delays in payment or non-payment of salaries or the down-sizing of staff. The prevailing low pay has increased vulnerability to corruption within the profession.

Journalism is a profession still dominated by males; cultural restraints continue to bar females from adopting professions that demand odd hours and expose them to high risks. The list of barriers faced by women wanting to pursue a career in journalism includes gender stereotyping and negative cultural attitudes, inequity of employment conditions, gender-based violence and social and personal obstacles.

In the case of threats of violence, no arrangement is made to increase the personal security of journalists. For the vast majority of journalists, no security and safety training has ever been provided, leaving them vulnerable.

Article 7 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) provides that member states are required to recognize the right of everyone to enjoy just and favourable conditions of work, in particular ensuring fair wages, a decent living, and safe working conditions.

Under the ICESCR, Somalia has an obligation to take immediate steps to address the low pay, lack of physical safety and lack of protection by employers experienced by working journalists. Even if these violations of the Covenant have been caused by third parties, the State is responsible to offer redress to the workers.

Inaction not only constitutes a failure to live up to the State's ICESCR commitments, it also undermines the journalists' ability to play the key role required of them as disseminators of information in a free and democratic society.

Legal Framework to Freedom of Expression

Somalia's legal framework breaches and impedes the right to freedom of expression through both acts and omissions on the part of the State with the exception of the new provisional constitution of Somalia. This leaves journalists more vulnerable susceptible to violence and impunity.

Criminal defamation remains on the statute books. It is used to harass journalists who work to uncover sensitive topical issues. Media independence remains perilous, as journalists are often forced to censor their coverage for fear of being closed down or taken over.

Article 18 of the new provisional constitution of the federal republic of Somalia adequately guarantees freedom of expression and opinions, and it stipulates as follows:

1. Every person has the right to have and express their opinions and to receive and impart their opinion, information and ideas in any way.
2. Freedom of expression includes freedom of speech, and freedom of the media, including all forms of electronic and web-based media.
3. Every person has the right to freely express their artistic creativity, knowledge, and information gathered through research.

The media law, passed by the former Transitional Federal Parliament (TFP) on 8 December 2007 in Baidoa, has several articles that severely restrict and curtail freedom of expression and freedom of the media, and remains unreformed despite efforts to reform it.

A critical look at this media law reveals serious flaws and shortcomings, contradictions and ambiguities. It contains a number of problematic provisions that subject media to government control. It has been largely criticised by media freedom advocates who have called on the authorities to revise and bring it into conformity with international standards.

Articles 5, 6, 7, 8, 10, 12, 13, 14, 16 and 17 of the media law portray a bold government determination to control the media in a manner that cannot be justified in a free and democratic society.

Implicit assumption in the said articles is that the media are prone to cause harm to society unless the State instils discipline and responsibility among the media owners and practitioners. Such provisions do not bond well with other provisions of the media law that seek to enable the growth of free and vibrant media in Somalia.

Thus the media law embodies the classical conflict between freedom and responsibility that invariably arises when it comes to discourse about the role and privileges of the media in society.

Following adoption of new provisional Constitution, there is an urgency to reform this media law to provide clarity and also ensure conformity with internationally accepted best practices and standards to the extent possible.

The Penal Code of Somalia poses major threats to freedom of expression as it criminalizes defamation. Journalists have been frequently subjected to the sections of the Penal Code which are repressive. It contradicts the new provisional Constitution of Somalia as well as the African Charter, Declaration of Principles and ICCPR.

The Penal Code does not have specific provisions that particularly address crimes against journalists and persecution of those suspected of carrying out crimes against journalists. On 14 August 2010, Puntland authorities handed down a six-year jail term, under this penal code, to Abdifatah Jama Mire, the then Director of Horseed Media in Bossasso, which is the harshest punishment given to a journalist in recent times in Puntland. Mire was later given presidential pardon.

Criminal prosecutions and the use of threats and violence on the part of State actors as well as regional administrations have further been employed against journalists to silence them. Many of these attacks, and the failure of Somali authorities to address them, also constitute violations of the right to judicial protection.

Reaction from French National Union of Journalists (SNJ)

The French National Journalists Union (SNJ) is horrified by the deadly repeated attacks against journalists and media workers in Somalia: 18 among them have been killed since the beginning of the year and 44 so far since 2007.

According to SNJ, the most cause of concern in this dangerous environment which made Somalia as one of the most perilous places for journalists in the world is the impunity granted to the authors of these killings. It is urgent to put an end to this culture of impunity.



Conclusions

Eighteen media workers have been killed between January and October 2012, making it the deadliest years for the media of Somalia. 44 media people were killed since 2007. Journalism in Somalia has reached a state of emergency. None of these crimes are investigated properly, much less prosecuted, despite successive administrations' promises to end the country's shameful record of impunity.

Reporting the news in certain parts of the country has become as deadly an undertaking as living in a war zone.

In these circumstances, Somali journalists have also contended with laws that limit freedom of expression and muzzle their attempts to tell newsworthy stories at both local and national levels.

Somali journalists can no longer take action to protect themselves without putting their lives at grave risk. It is time for the federal government and world community to act. The risk of not doing so is far too great.



Resolution on the Attacks against Journalists and Media Practitioners in Somalia

The African Commission on Human and Peoples' Rights (the African Commission), meeting at its 51st Ordinary Session, held in Banjul, The Gambia, from 18 April to 2 May 2012;

Recalling its mandate to promote and protect human and peoples' rights pursuant to the African Charter on Human and Peoples' Rights (the African Charter);

Underscoring that freedom of expression and access to information are fundamental human rights guaranteed by Article 9 of the African Charter, and other international and regional human rights treaties;

Reaffirming its commitment to promote the rights of all peoples "To national and international peace and security" in line with Article 23 of the African Charter, and Article 3(f) of the Constitutive Act of the African Union (AU);

Recalling Resolutions ACHPR/Res.62 (XXXII) 02 on the adoption of the Declaration of Principles on Freedom of Expression in Africa, which elaborates on the scope of Article 9 of the African Charter; ACHPR/Res.54 (XXIX) 01 on the Situation of Freedom of Expression in Africa; ACHPR/Res.99 (XXXX) 06 on the Deteriorating Situation of Freedom of Expression and Access to Information in Africa; and ACHPR/Res.178 (XLIX) 2011 on the safety of journalists and media practitioners in Africa;

Recalling the United Nations Security Council's Resolution 1738 (2006), which condemns attacks against journalists in conflict situations, and UNESCO Resolution 29(1997) on "Condemnation of Violence Against Journalists" adopted by the UNESCO General Conference;

Aware of the UNESCO Plan of Action on the Safety of Journalists and the Issue of Impunity endorsed on 13 April 2012, which aims to create a free and safe environment for journalists and media workers in both conflict and non-conflict situations, with a view to strengthening peace, democracy and development worldwide.;

Noting the Communiqué of the 21st Meeting of the International Contact Group (ICG) from 5 to 6 February 2012, in Djibouti which

strongly condemned all forms of violence and intimidation against Somali journalists, and media organizations, as well as urged the Somali authorities to end the impunity, investigate and prosecute those responsible;

Further noting the Communiqué of the London Conference on Somalia at Lancaster House on 23 Feb 2012 which emphasized inter alia that journalists must be able to operate freely and without fear;

Deeply Concerned by the murder of four (4) journalists from January to April 2012 in Mogadishu and Galkayo, Somalia, with the death toll now at more than thirty (30) journalists in three (3) years; and lack of investigation which leaves the perpetrators unpunished:

1. Condemns the continued killings of journalists in the Somali Republic;
2. Calls on Somali authorities and all armed groups to end ongoing violations against journalists, media practitioners, and media organizations;
3. Urges Somali authorities to investigate the violations committed against journalists and media practitioners in Somalia;
4. Further urges the Transitional Federal Government of Somalia to review laws related to the guarantee of freedom of expression, in particularly, the 2007 Media law and the Penal Code to ensure that they comply with international and regional standards on freedom of expression;
5. Appeals to the Somali authorities including Somaliland and Puntland authorities to refrain from prosecuting journalists in retaliation of their independent and critical work of journalism;
6. Calls on Somali authorities, the AU and the international community to support the establishment of an Independent Commission of Inquiry to investigate the killings of journalists and other violent attacks against them, so as to end the culture of impunity.

Done in Banjul, The Gambia 2 May 2012



Ururka Qaranka Suxufiyiinta Soomaaliyeed
National Union of Somali Journalists

The National Union of Somali Journalists (NUSOJ) is a fervent champion for media freedom, the rights of journalists, workers' rights and for social justice in Somalia. Member journalists work across the whole industry as reporters, editors and sub-editors and photographers. Members work in broadcasting, newspapers, magazines, and in the new media. NUSOJ systematically monitors and conducts investigations into violations of press freedom and human rights of journalists. The union provides accurate, prompt and impartial information concerning attacks on journalists such as killings, arrests, death threats and harassments, as well as acts of aggression against media organizations.

For more information, visit www.nusoj.org



NUSOJ is a full member of the International Federation of Journalists (IFJ)

NUSOJ is a member of the International Freedom of Expression Exchange (IFEX)



NUSOJ is partner organisation of the Reporters without Borders



NUSOJ is a member of the Eastern Africa Journalists Association (EAJA) and the Federation of African Journalists (FAJ)

