

Press Freedom at Risk in Somalia

2014: Murder, Imprisonment, Censorship and Bad Laws



Annual Report

NUSOJ

Ururka Qaranka Suxufiyiinta Soomaaliyeed
National Union of Somali Journalists

National Union of Somali Journalists (NUSOJ)

The National Union of Somali Journalists (NUSOJ) is a fervent champion of media freedoms, the rights of journalists, workers' rights and social justice in Somalia. NUSOJ has 525 members across the whole media industry working in broadcasting, newspapers and in new media as reporters, editors, sub-editors and photographers.

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 organisations.

NUSOJ is a full member of the International Federation of Journalists (IFJ), the Federation of African Journalists (FAJ) and the Eastern Africa Journalists Association (EAJA). It is also a member of the International Freedom of Expression eXchange (IFEX), the African Freedom of Expression Exchange (AFEX) and partner with Reporters without Borders.

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Mohamed Isaq Mogow Bariyow, reporter and cameraman, was among 20 civilians killed in the suicide bombings in Baidoa, Bay region



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Abdirisq Ali Abdi, also known as “Silver”, was shot multiple times by unknown gunmen



Press Freedom at Risk in Somalia

Overview

In Somalia, media professionals continue to live and work in constant fear of arrest, threat and death. Journalists are often unjustly accused simply for doing their work of reporting on on-going issues in their country.

In 2014, efforts to silence the independent media have been brutally effective as politically motivated deaths, imprisonments and other attacks of journalists go on with impunity. Ranges of measures have been used to curb journalists' freedom.

Although deadly violence against journalists eased during 2014, due to widespread self-censorship that had made media less of a target, the media freedom landscape remains in turmoil. The grim toll for 2014 was: five media workers murdered in Mogadishu, Galkayo and Baidoa; seven journalists injured; 47 journalists arrested; five media houses attacked; and a repressive legislations enacted by the federal government and Puntland.

The murder of journalists has become part of the routine use of violence to control the independent media and is also part of a strategy to send a clear message to political opponents. The scourge of impunity of crimes against journalists is having a broader effect on Somali citizens as a whole, effectively choking off the flow of unrestricted news and information.

Journalists in Mogadishu continued to face many challenges in trying to report on sensitive stories. Al-Shabaab remained the prime suspect of targeted killings of journalists while authorities of the Federal Government were directly or indirectly responsible for the arrest of journalists and the attack on Shabelle Media Network together with the introduction of excessively a harsh media law. Assurances made by the federal government to respect and protect media freedom remained empty promises.

Although journalists in federal government-controlled areas were able to work more freely than their colleagues in the Al-Shabaab-controlled areas, they also faced pressure and intimidation. Rather than offering protection from the serious dangers journalists face in government-controlled areas, the authorities restrict their ability to work freely through the police and judiciary system, including the harassment of media that criticise them. Al-Shabaab has been able to threaten and eliminate journalists in government-controlled neighbourhoods.

Journalists in Somaliland have found themselves targeted in a pattern of increased intimidation and harassment by the Hargeisa authorities. Somaliland closed down a leading independent newspaper and maintained the shutdown of another independent newspaper.

Reporters and editors in Galkayo acknowledged that it was extremely difficult to conduct independent media work in the town. Journalists censored themselves because reporting fully and independently could prompt retribution. Journalists in Baidoa were spared from the deadly violence by the extremists.

Omar Faruk Osman

Secretary-General

National Union of Somali Journalists (NUSOJ)

Media Workers Murdered



21 April 2014: Mohamed Omar Mohamed, also known as Amaar, an advertising/marketing staffer for Radio Dalsan, was murdered in Bakara Market. Mohamed had been an activist in a local youth organisation.



21 June 2014: Radio journalist, Yusuf Ahmed Abukar Keynan, was assassinated when an explosive device ripped through his vehicle at Eel Gaab junction in the Hamarweyne District of Mogadishu. Keynan, 27, was working for privately-owned Radio Mustaqbal (meaning “future”). He had previously worked for a number of radio stations.



18 November 2014: Abdirisq Ali Abdi, also known as “Silver”, was shot multiple times by unknown gunmen at a restaurant in Galkayo, a town in the semi-autonomous region of Puntland. Abdi was working as a stringer for Puntland-based Radio Daljir and Hargeisa-based HornCable TV. The attackers fled the scene immediately and Abdi was rushed to Mudug General Hospital, where he died.



5 December 2014: Mohamed Isaq Mogow Bariyow (nicknamed Madkey), who was working for Kalsan TV and baidoanews.com as reporter and cameraman, and Abdulkadir Ahmed Mayow (nicknamed Maaynot), reporter at Radio Baidoa and Somali Channel TV, were among 20 civilians killed in the suicide bombings in Baidoa, Bay region.

Wounded Journalists

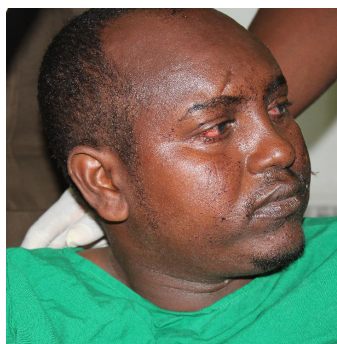
21 February 2014: Journalist Ahmed Said Ahmed of Radio Kulmiye was seriously wounded after Al-Shabaab fighters, wearing suicide vests and carrying guns and grenades, attacked Villa Somalia, the presidential palace. He was wounded on the right side of his chest and right shoulder in the attack which also killed senior government officials.

2 October 2014: Abdirisak Jama Elmi (known as “Black” pictured below), director of the Somali Channel TV office in Mogadishu, was attacked when he was leaving his house in the Howl-Wadag district. The TV journalist was hit by three bullets on the back and stomach, and was treated at Mogadishu’s Madina hospital.



5 December 2014: Abdulkadir Hassan Jokar of Kalsan TV, Mohamed Adan So’dal of Radio Dalsan and Abdulkadir Hassan Ibrahim (nicknamed Iyeyow), reporter for Baidoanews.com and SOMSATTV were wounded in a deadly suicide attack in Baidoa, Bay region.

31 December 2014: unidentified assailants hurled two firebombs at Radio Galkayo, which was directed at the studio. Mohamud Abdi Ahmed (Shine), editor and acting director of Radio Galkayo, and Abdullahi Mohamud Adan, producer of Radio Galkayo, were seriously wounded.



Arrests and Intimidations of Journalists

3 January 2014: Faysal Jama Adan, a reporter for Radio Bar Kulan, was briefly arrested by police in in Las Anod, in the Sool region. Police attempted to stop Adan from covering the demonstration by businesswomen after some of them were earlier arrested by the police.

5 February 2014: Security forces on the instructions of the Baidoa district administration, arrested, and detained for 3 days, Ali Ilyas Abdullahi, a journalist working for Radio Warsan and HornCable TV in Baidoa, who claims he was badly beaten. The attack occurred after Abdullahi was blamed for covering a meeting held at the Bakin Hotel, where elders and politicians discussed the setting up of a regional state in the south-western region of Somalia. At least five journalists told NUSOJ that they were intimidated by local security forces and senior officials of the Baidoa administration who warned them not to cover this meeting.

February 2014: Veteran journalist Mohamed Aweys Mudey was sentenced to 27 years in prison under Ethiopia's anti-terror law. He did not have a lawyer or family member with him during his trial. At least three people detained with Mudey at Ethiopia's Crimes Investigations Sector (CIS) – widely known as Makalawi – saw Mudey badly tortured and having difficulty walking. He was later moved to a secret place. Ethiopian prosecutors reportedly accused Mudey of having information about Al-Shabaab operations in Ethiopia and charged him with participating in terror activities. Mudey, 48, was among some 100 Somalis arrested in November 2013 on the suspicion of a terror attack in Addis Ababa. The journalist is still imprisoned in Ethiopia.

March 2014: Galmudug security discovered a hit list of journalists on an Al-shabaab fighter, Abdihakim Hassan Hamud, when they arrested him after he killed and wounded civilians in northern Galkayo. The list included Mudug region officials, journalists and business people that he was supposed to assassinate. Top of the list was the director of Radio Galkayo, Awil Mohamud Abdi, whose assassination was planned for 3 March. Hamud had six other journalists on the hit list.

30 March 2014: Nuradin Hassan Ibrahim, editor of SkyFM Radio in Mogadishu, was arrested and detained at the Crimes Investigations Department (CID) headquarters in Mogadishu, following summons from officials. Nuradin has been questioned on how his station obtained news about a passport stolen from an official stationed at the Prime Minister's office. The journalist reportedly answered all the questions satisfactorily, but was detained due to the influence of General Abdullahi Gafow, head of Immigration and Naturalization directorate, who lodged the complaint against SkyFM at the CID. Nuradin was detained for 6 days.

10 May 2014: Two journalists, Yusuf Abdi Gabobe, owner and chairman of Haatuf Media Network, and Ahmed Ali Igeh, Editor-in-chief of Haatuf newspaper were arrested by Somaliland police inside the Hargeisa Regional Court after the court ordered their imprisonment.

25 June 2014: Hargeisa Regional Court announced that it found Yusuf Abdi Gabobe, chairman of Haatuf Media Network and Ahmed Ali Igeh, Editor-in-chief of Haatuf newspaper, guilty of all charges. The two journalists were charged with "spreading false information" and "defamation" against Somaliland ministers and the son-in-law of the Somaliland president. Gabobe was sentenced to three years in jail while Igeh was condemned to four years.

The court revoked the license of the Haatuf Media Network, which publishes Haatuf newspaper (in Somali language) and The Somaliland Times (in English). On 13 July 2014, Somaliland President pardoned Gabobe and Igeh, and they were released from prison on the same day.

27 July 2014: Journalist Ahmed Adan Robleh, editor of Baligubadle Online Media was arrested after officers at Hargeisa's Criminal Investigations Department (CID) summoned him on 26 July. In a separate incident, Mohamed Aabi, director of Universal TV in Somaliland, was arrested on 27 July by the police. Robleh was accused of "misreporting" and "spreading false information" with regard to the health of Somaliland President Ahmed Mohamed Mohamoud Silanyo. He was released after 8 days in detention.

6 August 2014: Puntland police raided Hotel Sharjah in Garowe and took woman radio journalist, Faduma Yusuf Said, to the police station. They then announced that Faduma would be incarcerated for an "indefinite period" based on "undetermined charges". The reason for the arrest was not officially stated, but it is widely believed that the Puntland government was annoyed by an interview that she gave to the Voice of America's (VOA) Somali Service, about a raid on Puntland TV by security forces. She was detained for one night and released next day.



Four Radio Shabelle Journalists in the court docket

4 September 2014: In a hearing at Banadir Regional Court in Mogadishu, the office of the Attorney General officially charged three journalists from Shabelle Media Network, as read out by deputy attorney general Mohammed Hassan. Abdimalik Yusuf, chairman of Shabelle Media Network, Mohamud Mohamed Dahir (Arab), director of SkyFM and Ahmed Abdi Hassan, deputy editor of Radio Shabelle (pictured above) were charged of violating articles 184, 220, 231, 320, 321 and 328 of Somali Penal code. For Article 184, the journalists are accused of "attack on the integrity, independence or the unity of the Somali State". It is deemed "highest treason", which is punishable by death, according to the penal code. Mohamed Bashir Hashi, editor of Radio Shabelle,



Radio Shabelle Journalists Mohamud Arab and Mohamed Bashir in Banadir Court

was arrested on 6 September 2014, making the total number of Shabelle journalists in prison to four. Hashi is facing similar charges as his detained colleagues. On 21 October, Abdimalik Yusuf and Ahmed Abdi Hassan were freed on bail after the Deputy Attorney General Hassan stated that the two journalists were facing charges of violating 320 and 321 of penal code – the previous six charges against the journalists were apparently reduced to two charges in the cases of Yusuf and Hassan.

27 September 2014: Journalist Ibrahim Said Salah, editor of www.allcarmo.com, has been detained after he travelled from Bossasso, Puntland, where he has been investigating the formation of political parties and Puntland's democratisation process. Kenyan police are reportedly carrying out investigations into the website and are frequently asking him questions. Salah is still being detained.

2 October 2014: Fourteen journalists and other media workers, working for Puntland Television, were detained overnight after they demanded payment of their three-month salaries and allowances. Puntland President intervened to settle the dispute and journalists' salaries were paid.

30 October 2014: Journalist Muktar Nuh Ibrahim, reporter at HornCable TV, was arrested by Somaliland police in Gabiley for covering a demonstration in the town. He was charged with defamation and false claims in his news report. He was released on bail on 12 November 2014.

31 October 2014: Mohamed Hassan Mohamud, reporter at SomSat TV, was arrested in Gabiley, Somaliland, by the police for covering a demonstration on 30 October. Mohamud and his colleague in Horn Cable TV, Muktar Nuh Ibrahim, were both charged with defamation and false claims in their news reports. Mohamud was released on bail on 12 November 2014.

18 December 2014: Security forces in Beledweyne, Hiran region, arrested Osman Adan Areys, a reporter for Somali Channel TV, who is also the secretary of NUSOJ's central branch. He was released on 20 December.

Attacks on Media Houses

3 February 2014: Somaliland's Minister of Information, Culture and National Guidance, Abdullahi Mohamed Dahir (Ukuse), announced that he had revoked the operating licence of the London-based broadcaster Universal TV, alleging that the TV station transmitted "scandals" and "insults" against Somaliland President Ahmed Mohamed Mohamoud (Silanyo). Ukuse asserted that they would take legal action against the owner of Universal TV, Engineer Ahmed Abubakar, and the TV station for broadcasting "slanderous" programmes. "They violated the terms and conditions under which they were allowed to operate in Somaliland," said Ukuse.

7 March 2014: Somaliland police closed down independent daily newspaper Haatuf in Hargeisa after a shutdown order was issued by Marodi Jeeh Regional court. Hundreds of police came to the newspaper and ordered journalists and media workers to leave. It is widely believed that the closure of the newspaper was caused by its coverage of activities by Somaliland ministers.

16 April 2014: Haatuf newspaper's news website www.haatuf.net and Somaliland Times newspaper, www.somalilandtimes.net, access was blocked by telecommunication companies after Hargeisa's Marodi Jeeh Regional Court ordered. Both news sites had been publishing reports critical of the Somaliland presidency and ministers, even after Haatuf newspaper was closed down.

15 August 2014: Heavily armed security forces raided and shut down both Radio Shabelle and SkyFM, which are owned by Shabelle Media Network, and arrested 19 journalists, including Shabelle chairman Abdimalik Yusuf Mohamud. Sixteen journalists were released on 17 August.

Repressive Media Legislation

On 1 September 2014, Somalia's Council of Ministers narrowly passed a draft media law presented by the Minister of Information, Mustaf Sheikh Ali Dhuhulow, in an attempt to control the independent media under the guise of regulation.

Many of the broad restrictions laid out by this legislation could be used by Somali authorities to silence their critics, control independent media, disproportionately punish journalists and result in self-censorship on the part of journalists and media houses in order to avoid potential repercussions.

Article 6 of the draft media law establishes National Media Council, which consists of thirteen (13) members. Six of the thirteen members will be appointed from the Ministry of Information while four will be appointed from independent media. The remaining three members will be appointed from civil society, particularly from the National Human Rights Commission, the National Women's Organisation, the Solicitor General or the Somali Bar Association. The National Media Council shall be appointed by the Ministry of Information, according to article 6, provision 6.2 of the bill.

This article clearly establishes a media regulatory body which is dominated by the Ministry of Information with most of its members appointed by the same ministry. The council undoubtedly lacks independence, credibility and the journalistic community and the wider public will have no faith in it.

All media houses including newspapers must register at the Ministry of Information and pay an unspecified annual license fee to get a licence from the ministry, according to article 7, provision 7.3. This opens the door for the ministry to politicise the issuance of licenses and deny any media house that they may deem to be critical of them.

The draft media law further states that a journalist or media house shall pay a fine of between US \$5,000 to \$10,000 for breach of the "code of ethics", according to article 3, provision 3.4.

As stated by article 21, any media house, which is found guilty by the National Media Council and penalised to pay a fine or compensation, must publish or broadcast the judgment of the council, and upon failure to do so, the media house shall pay US \$20,000 for penalty.

Article 15 specifies that the Ministry of Information and the National Media Council shall set code of ethics based on respect for the "Islamic religion" and "Somalia's good tradition". It is deplorable that people other than journalists can set a code of ethics for journalism.

Article 19 prohibits the dissemination of “false news” or “propaganda” against the dignity of citizen, individuals, organisations or government. This article is susceptible for abuse and vaguely interpretation.

The language of the draft media law is broad and open to wide-ranging interpretation and selective implementation by the Ministry of Information, the government-controlled National Media Council and the courts.

According to article 25, provision 25.7, the media house must record and keep the voice of the “confidential source” or the voice of its unidentified reporter to disclose before a court of law. This provision orders that the court can compel the media house to disclose the “confidential source” or name its unidentified journalist.

The draft law outlines who could be a journalist. According to article 24, any Somali who has journalism knowledge or has been working in the media for at least three years can be a journalist. This means this bill does not recognise as a journalist a non-Somali, who does not have journalism education background or who was not in the media for at least three years. This discriminates foreigners working and living in Somalia to join the journalism profession and imposes restrictions on how Somalis can join an open profession.

The draft media law foresees “criminal offences” by journalists and media houses, which will be handled by the “Attorney General and competent court of law”. This insertion was repeatedly affirmed in the draft media law and shows a “criminal offence” is being sought for journalists and media.

The new draft law also places undue restrictions on media ownership and management. If the media house, including print media, does not have a license from the Ministry of Information, it will not be allowed to operate.

Federal Government’s proposed Media Law is still before the federal parliament, which has not discussed it. It will only become law when passed by the federal parliament and signed by President of Somalia.

On 10 July 2014, Somalia’s council of Ministers passed counter-terrorism legislation, and the union expressed concerns over it as it could threaten the already tenuous protection for free expression.

The union is particularly concerned that activities like media coverage of terrorist groups’ activities could be interpreted as “supporting a terrorist organisation.” The legislation grants the police, the secret intelligence service and other government agencies greater powers over anyone considered a “terror suspect.”

NUSOJ fears that counter-terrorism legislation could be used to justify violations of the legitimate exercise of the right to freedom of expression under the shroud of national security and public order. Without sufficient explanation, phrases like “disturb the peace”, “jeopardize the safety and security of society” and “create fear in people’s lives” could be used to suppress freedom of expression and other fundamental human rights.

To ensure compatibility between respect for human rights and the fight against terrorism, NUSOJ urges the parliament and the government to further amend the current counter-terrorism legislation based on the requirements of international human rights law, and in particular take into account the requirements relating to the definition of the crime of terrorism.

On 21 July 2014, Puntland's parliament passed the draft media law, which was resubmitted to the parliament on 19 July 2014 after the parliament returned the same text to the Ministry of Information on 16 July.

This media law specifies penalties, fines, and suspension of journalists from their work. It legalizes the closure of media houses and restrains editorial independence of media outlets. The draft law gives the Ministry of Information the power to withhold or revoke media house registration unilaterally. The ministry will have the authority to issue and withdraw journalists' identification cards, according to this law.

Puntland journalists have spoken out against the swift decision of the parliament to approve the draft media law that still has several suppressive provisions. Earlier, journalists addressed the parliament and challenged the submission of the Minister of Information, which resulted in the parliament sending it back to the ministry.

Puntland President Abdiweli Mohamed Ali Gaas signed Puntland media law into law despite calls for further reform.

Protection of Freedom of Association

The National Union of Somali Journalists (NUSOJ) congratulated the Federal Government of Somalia in joining the countries that ratified International Labour Organization (ILO) Conventions 87 and 98 on freedom of association and union rights.

The ratification follows a successful campaign by the Federation of Somali Trade Unions (FESTU) and its affiliated unions, including NUSOJ, that have pressed for a speedy ratification of ILO core conventions if Somalia is to demonstrate its commitment to protect fundamental union rights and freedom of association.

NUSOJ applauded the progressive leadership provided by the Prime Minister of Somalia, Abdiweli Sheikh Ahmed, who ratified these conventions on 20 March 2014 at the ILO headquarters in Geneva.

This development finally opens the door to the demand of NUSOJ and other union leaders for the full respect of freedom of association in Somalia, in law and in practice. The union calls on the federal government to do whatever would be necessary to turn this ratification into reality.

NUSOJ has been complaining about violations of freedom of association, internal union interferences as well as intimidations and harassments of NUSOJ leaders and members for the exercise of legitimate trade union activities. Some officials in the federal government, using their public offices, stand accused of violations of freedom of association as set out in ILO Conventions.

There is no social peace and no real democracy without free, representative and independent trade unions in Somalia. Respect for the rights of Somalia's working men and women, including working journalists, and responding to their fundamental needs is essential for the construction of a democracy which respects fundamental rights, development and social justice.

Failure to apply ILO conventions 87 and 98 in law and in practice as well as continued violations of trade union rights will force union leaders, activists and members to file complaint at the ILO since Somalia has become a signatory of these conventions.



African Commission Adopts Resolution on Media Attacks in Somalia

Following a rigorous campaign by the National Union of Somali Journalists (NUSOJ), the African Commission on Human and Peoples' Rights' (ACHPR) adopted the following resolution addressing the continual attacks on media workers in Somalia. The Commission said:

"264: Resolution on Attacks against Journalists and Media Practitioners in the Federal Republic of Somalia

The African Commission on Human and Peoples' Rights (the Commission), meeting at its 15th Extraordinary Session held in Banjul, The Gambia, from 7 to 14 March 2014:

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

Considering that the Federal Republic of Somalia is a Party to the African Charter and has committed itself to ensuring respect for human and peoples' rights within its territory;

Further considering the need to protect human life under Article 4 of the African Charter, which provides that every human being shall be entitled to respect for his life and the integrity of his person;

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

Recalling Articles 10 and 11 of the African Charter which guarantee the right to freedom of association and assembly;

Recalling its 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.178 (XLIX) 2011 on the safety of journalists and media practitioners in Africa; ACHPR/Res.221 (LI) 2012 on attacks against journalists and media practitioners in Somalia;

Highlighting that the right to life and freedom of expression, assembly and association constitute fundamental human rights enshrined in the provisional Constitution of the Federal Republic of Somalia;

Welcoming the on-going efforts by the African Union Peacekeeping Mission in Somalia (AMISOM) to restore peace and stability in the Federal Republic of Somalia, and commending its efforts to protect human rights;

Stressing that promoting respect for human rights is vital to restoring peace, stability and democratic governance in the Federal Republic of Somalia;

Denouncing the serious violations of the right to life and freedom of expression that continue to prevail in the Federal Republic of Somalia;

Concerned about the restrictions and intimidations against the National Union of Somali Journalists (NUSOJ) such as negative labelling, prosecution as well as physical harassment and intimidation of its members;

Deeply concerned by the continued killing of journalists and media practitioners in the Federal Republic of Somalia, where several media workers were killed with total impunity, in Mogadishu and Galkayo in 2013;

The Commission:

Strongly condemns the serious violations of the right to life committed against journalists and media practitioners in the Federal Republic of Somalia;

Calls on the Somali authorities to respect, protect and promote the right to life, freedom of expression and freedom of association and assembly of journalists and media practitioners as provided in the African Charter and other international and regional human rights instruments;

Calls on the Somali authorities and AMISOM to investigate the killing of journalists and media practitioners, and bring the perpetrators to justice;

Appeals for the immediate cessation of harassment and intimidation aimed at independent media organisations, in particular the NUSOJ, in the Federal Republic of Somalia.

Done in Banjul, The Gambia, on 14 March 2014

NUSOJ

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