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Submission on Somalia - prepared by the Somali-Speaking Centre of International PEN

Freedom of Expression in Somalia

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Introduction

Somalia has been without an effective central government since the military regime of Siad Barre was overthrown in 1991 by opposing clan factions who failed to agree on a replacement and plunged the country into lawlessness and clan warfare. Years of fighting between rival warlords and religious groups and an inability to deal with famine and disease have led to the death of hundreds of thousands of people. The processes of building peace and democracy have been slow, hampered by weak administrative institutions and inadequate dialogue between administrations, civil society groups and the international community, which is expected to act as the catalyst in these processes.

Challenges

Somalia's plight is reflected in its human rights situation, especially its record on freedom of expression and press freedom. Writers, journalists and other human rights defenders operate in a hostile and often highly dangerous atmosphere, where killings, arbitrary arrests and censorship, among other attacks, are common.

In the capital Mogadishu, battles have raged over the past four years between the forces of the United Nations-backed Transitional Federal Government (TFG), currently protected by African Mission for Somalia (AMISOM) peacekeeping forces, and heavily-armed Islamist insurgent groups, particularly Al-Shabaab and Hizbul Islam. Writers, journalists, opinion shapers and media outlets have come under frequent attack and a considerable number have been killed, injured, arrested, censored or forced to flee from the country.

The violence and fear of violence in the southern and central regions of the country constitute a serious challenge to efforts to uphold rights, especially the right to freedom of expression, by enforcing a culture of silence and impunity. Freedom of expression defenders are routinely targeted because their assailants fear that free and diverse opinions will lead to them being brought to account for their actions and therefore keep citizens in a constant state of vigilance.

Radical Islamist groups

The Islamist insurgent groups Al-Shabaab and Hizbul Islam are battling with the TFG for control of Somalia and now control many areas in the country. They have killed, arrested and intimidated journalists, shut down radio stations, restricted what local media can report on and frequently prevent journalists from publishing information which they believe is unfavourable to their agenda. This makes it almost impossible to provide vital information to help the public to reach an informed decision on the situation of their country.

Hizbul Islam has imposed oppressive edicts on radio stations in Mogadishu, especially those based in the areas under their control. On 3 April 2010, the group banned radio stations from playing music and songs as well as from naming Islamist fighters from other countries as foreigners. This was the first time that such a ban had been publicly imposed on the local media in Mogadishu. Some 14 independent radio stations ceased playing music within Hizbul Islam's 10-day ultimatum, in fear for their safety and security.

Following a national and international outcry at killings, Al-Shabaab has changed its preferred method for silencing journalists and human rights activists to arresting them or taking over private media outlets by force. Al-Shabaab has forced at least five broadcasters off the air in recent months and has imposed draconian restrictions such as banning music and not allowing news to air without prior authorization on other media outlets across large swathes of southern Somalia.

On 9 April 2010 Al-Shabaab issued a ban on news and other programmes of the British Broadcasting Corporation (BBC) and Voice of America (VOA) that are re-broadcast in Somalia through local FM stations, particularly in the regions and districts under the group's control. A statement from Al-Shabaab accused the BBC and VOA of broadcasting propaganda against Muslims and Islam, banned people from listening to the two stations and said they would confiscate the companies' equipment. Immediately after the statement was released, Al-Shabaab reportedly raided and looted a number of BBC offices in the country and called on the radio stations that have contracts to re-broadcast BBC and VOA programmes to put an end to the practice, otherwise they would also be raided and plundered. The private radio stations in question reportedly complied with Al-Shabaab's order in fear for the safety of their life and equipment.

The ban on these two international broadcasters and the tyranny over independent reporting shows the gravity of repression of press freedom and of the public's right to have access to a free press at a time when Somalis are starved of balanced news and quality information. Censorship and edicts imposed by Al-Shabaab have already led many journalists and human rights defenders to flee regions under the group's control in fear for their safety, while those that remain work under harsh conditions and are likely to exercise self-censorship. There are concerns that recent developments signal Al-Shabaab's intention to crack down further on journalists and media organisations that have taken an independent attitude towards reporting.

The continued suppression and harassment of journalists by the insurgent groups have reached alarming proportions and these groups enjoy complete impunity. It is believed that this is part of a wider campaign against the media by Islamist groups now that they have fortified their control in most of the country's southern regions.

Transitional Federal Government

Somalia's internationally backed Transitional Federal Government (TFG) controls only a small part of the capital Mogadishu, while the rest of southern and central Somalia is under the control of armed Islamist groups. The two largest, Al-Shabab and Hizbul Islam, are allied against the TFG but have sometimes engaged in fighting against each other.

While the armed groups pose the most deadly threat to writers and other opinion shapers in the country, journalists and other writers have come under increased pressure from the TFG amid growing a government crackdown on the independent press. In the areas controlled by the TFG, authorities continue to commit infringements against freedom of expression despite its responsibility to ensure that this right is respected and protected. Rather than protecting journalists from armed groups, the Somali authorities add to the problems for media workers by intimidating them or imposing restrictions on the independent press in the capital. For example, in June 2010 *New York Times* correspondent **Mohammed Ibrahim** fled Somalia after receiving threats from the government security forces, following the publication of an article alleging that the Somali army uses child soldiers.

Puntland

In the relatively peaceful Puntland, which declared itself a federal autonomous state in 1998 after the failure of more than a dozen internationally backed attempts to restore peace and order in Somalia, the authorities maintain a tight hold on the media via restrictions and harsh sanctions. The situation for freedom of expression and press freedom in Puntland has been deteriorating of late, especially since the antiterrorism law was put in place by the administration in July 2010. Journalists, other media professionals, intellectuals, community elders and ordinary citizens who try to express their views are often subjected to arbitrary arrests, mistreatment and other violations of constitutional rights. Brutality by the administration's security forces continues with impunity.

For example, in June 2010 soldiers arrested **Yusuf Ali Adan**, Bossaso correspondent for the news website Somalifans and later handed him over to the antiterrorist Puntland Intelligence Service (PIS). The PIS detained Adan incommunicado until 27 July, when his whereabouts were made known to his family. At the time of writing, Adan was being held in Bossaso central prison. No reason has been given for his arrest and he is yet to be charged or brought to court. However, it is reportedly believed that his arrest is linked to articles he had written criticising the Puntland administration, touching on alleged links to piracy and human rights abuses. Prison conditions are reportedly poor and Adan is said to be in ill health, suffering from gastric complaints and dehydration among others, with no access to medical care. PEN is disturbed that Adan has been detained by the Puntland authorities without charge or trial for four months, and is seriously concerned about his safety and wellbeing.

On 14 August 2010, **Abdifatah Jama Mire**, director of Horseed Media Radio in Bossaso, was sentenced to six years in prison under Puntland's antiterrorism law, a day after Mire's station aired an interview with an Islamist rebel leader whose forces are at war with the Puntland administration. Mire was accused of broadcasting interviews of people who are against the administration and giving a space to terrorists in his media. He was brought to court in Bossaso without prior notice. Neither the prosecutor nor the police produced any evidence to substantiate their allegations, nor did they allow the journalist a defence lawyer.

Mire's imprisonment is a clear violation of freedom of expression, as protected by Puntland State laws, Somalia's Transitional Federal Charter and international human rights treaties. It sends a strong message that the Puntland authorities take a dim view of independent journalism, diversity of opinion and the freedom to report on issues of public importance.

In a press conference held in Bossaso the day after Mire's sentencing, on 15 August 2010, the Information Minister Abdihakim Ahmed Guled stated that the Ministry had previously warned the media not to interview any rebel leaders, a claim that is entirely unfounded, according to Somali Speaking PEN's sources. (The Ministry did issue a censorship notice two months before, ordering all media including radio stations to submit their programming to the government ahead of publication or broadcast; however, media houses chose to ignore this order, which is constitutionally illegal.) Guled went on to ban news organisations and journalists in Puntland from interviewing rebels led by Sheik Mohamed Said Atom, who according to Guled have links with international terrorists, on pain of "severe punishment" and "appropriate actions" by the Puntland security forces.

Since Mire's imprisonment, local journalists are forbidden from traveling to areas where the rebels operate and are in any case afraid to cover the issue as they believe that they will not receive a fair trial if they are arrested while carrying out their work. As a result only foreign media now conduct interviews with the rebels.

This diversion of the media from covering hard news stories such as conflicts, community matters, courts, crime and interviews with important newsmakers in a fair, responsible and unbiased manner is a steady encroachment on media freedom and independence. The government is apparently closed to any criticism by the media and even by citizens and community leaders.

Somaliland

In secessionist Somaliland, which has relative peace and a functional administration, the authorities also maintain a tight hold on the press. Journalists and other opinion shapers have frequently been threatened, arrested or otherwise silenced. Although the last multiparty elections and the emergence of the new reformist-like administration in Somaliland opened up a window for more freedom of expression and press freedom, these still face a number of challenges.

The state of press freedom was destabilized following the assault and brief detention of three journalists by presidential security guards in the capital Hargeisa on 2 June 2010. The three were attacked while taking photographs of a house opposite the presidential palace which was painted with the flag of Kulmiye Party, then the largest opposition party (and now the ruling party after winning the presidential elections later in June). The journalists were briefly held in a prison in the presidential palace before being transferred to the central police station in Hargeisa where they were detained for a few days before being released.

On 5 October 2010, the Somaliland authorities issued an order suspending the UK-based satellite broadcaster Universal TV from reporting or broadcasting in Somaliland. Information Minister Abdullahi Osman told the press that he imposed the indefinite suspension in a letter to the station. He did not give any reason for the suspension, although his official statement accused the station of being biased. According to local journalists, the suspension came shortly

after Universal TV aired interviews and a debate programme concerning the separatist Sool, Sanag and Ain militia based along the borders of Somaliland.

Conclusions

As outlined above, the media and human rights defenders in Somalia have become defenceless victims exposed to all sorts of oppression, brutality and abuse. The impact is not limited to individual writers, journalists or defenders but extends to their family and also the wider community. Ultimately, it challenges the values enshrined in the Universal Declaration of Human Rights and other international human rights instruments for free expression and a free society.

The Somali Speaking Centre of International PEN is disappointed that the international community has continued to watch these atrocities from a distance without making any serious attempts to restore law and order in Somalia. There is an urgent need for dedicated collective action to end gross violations of the right to freedom of expression and the culture of impunity in the country. Somali Speaking PEN believes there will be no peace in Somalia without justice and human rights.

Recommendations:

The Somali Speaking Centre of International PEN calls on the international community, including the United Nations (UN) and human rights defenders worldwide, to:

1. Prioritise the securing of freedom of expression and access to information in Somalia, the defence of local journalists and human rights defenders and the guaranteeing of safety throughout transition processes in the country.
2. Put pressure on the TFG, the administrations of Somaliland and Puntland and all political groups in Somalia to cease their war on free expression and to protect journalists and human rights defenders from abuses that prevent them from carrying out their legitimate work.
3. Set in motion a dedicated collective action to end gross violations of the right to freedom of expression and the culture of impunity in Somalia.

Somali Speaking PEN calls specifically on the UN Human Rights Council to:

1. Condemn gross violations of the right of freedom of expression in Somalia by all parties: authorities and armed groups.
2. Take appropriate actions to end hostility towards freedom of expression and the independent media in Somalia and to ensure that the perpetrators of human rights abuses against journalists in Somalia are brought to justice.