



HUMAN  
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WATCH

## “Like Fish in Poisonous Waters”

Attacks on Media Freedom in Somalia



# **“Like Fish in Poisonous Waters”**

## **Attacks on Media Freedom in Somalia**

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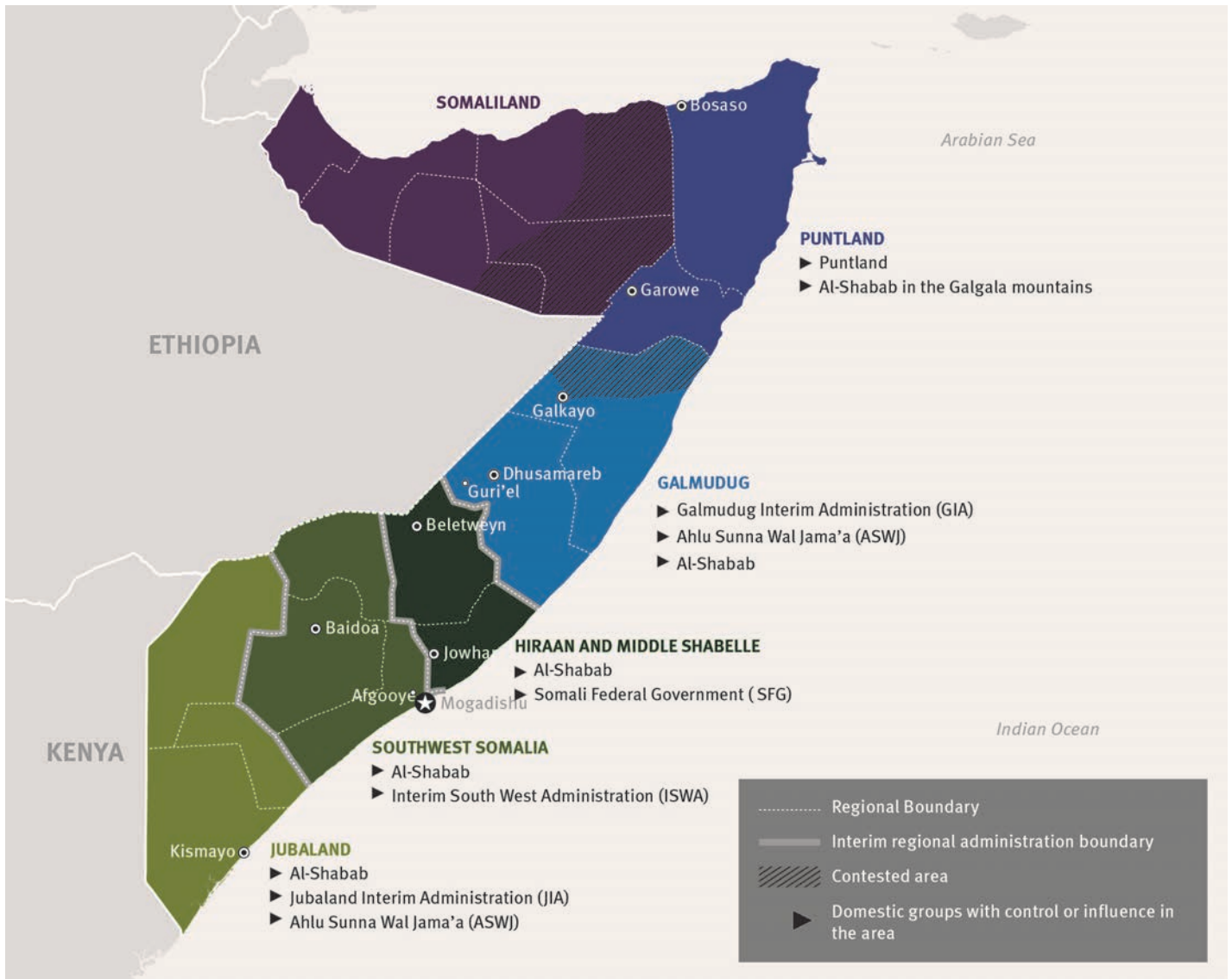
# “Like Fish in Poisonous Waters”

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# Map



Adapted with the permission of Chatham House, the Royal Institute of International Affairs, from the map originally published in Mosley, J. (2015), *Somalia's Federal Future: Layered Agendas, Risks and Opportunities*.

## Glossary

**Al-Shabab** Islamist armed group controlling much of the countryside and key supply routes in south-central Somalia

**ASWJ** Ahlu Sunna Wal Jama'a a Sufi Islamist group that controls two towns in Galgadud region

**CID** Criminal Investigation Department, part of the Federal Police

**NISA** National Intelligence and Security Agency, Somalia's intelligence service

*Somalia's internationally recognized administrations include:*

**SFG** Somali Federal Government, which came to power in 2012 after the end of the transition period, and is based in Mogadishu

**GIA** Galmudug Interim Administration, interim administration comprising regions of Galgadud and part of Mudug

**IJA** Interim Jubaland Administration, interim administration comprising regions of Lower and Middle Juba and Gedo

**ISWA** Interim South West Administration, interim administration comprising regions of Bay, Bakool and Lower Shabelle

## Summary

The authorities, the public, and the militants are all hostile to us. We are like fish in poisonous waters, we can be attacked or killed at any time.

-Journalist working in Galkayo, February 2015

On October 12, 2014, Abdirisak Jama Elmi, known as “Black,” a veteran journalist working for the private Somali Channel TV, was outside his home in Mogadishu when a man in a car started shooting. “As I was trying to escape the man started shooting automatic rounds and I felt as though he hit me about 10 times in my back,” Abdirisak said. “I could hear several voices telling the shooter to aim better. I could hear them saying, ‘He is still alive!’”

Bullets struck Abdirisak in the hand and several times in the back. He spent four months in the hospital and continues to receive weekly medical treatment. As a result of his injuries, he can no longer carry out his reporting activities.

Following the attack, government officials including the head of the National Intelligence and Security Agency (NISA) promised accountability. Yet, Abdirisak says he was never interviewed or asked to give a witness statement about his attack. He continues to live in fear: “The attackers are still alive, they know me and I don’t know them.”

In 2015, the New York-based Committee to Protect Journalists (CPJ) ranked Somalia at the top of its list of countries where journalists’ killings go uninvestigated. Since 2014, 10 journalists have been killed in Somalia, four in apparent targeted attacks. In addition, six journalists survived assassination attempts, and three have been injured while reporting. Scores have received threatening phone calls and text messages urging them to change their reporting or face the consequences. While Somali authorities have often committed to holding those responsible for attacks against journalists to account, accountability has been both extremely limited and uneven. For incidents of killings of journalists which occurred since 2014, there has been only one prosecution.

Somali journalists throughout south-central Somalia and Puntland told Human Rights Watch that over the last two years, freedom of the media has come under threat from all



sides in ongoing fighting between governmental forces and various non-state armed groups. As Somalia prepares for an electoral process (without a popular vote) in late 2016, threats and attacks against journalists are undermining Somalis' rights to basic and accurate information as media organizations censor themselves to survive.

This report focuses on abuses by state and non-state actors against journalists and other media workers since 2014. It is based on over 50 interviews with journalists working throughout south-central Somalia and Puntland, the semi-autonomous state in northeastern Somalia. Beyond killings, attempted killings, and a range of threats, the report also documents how journalists in the new interim regional states and in Puntland face unique obstacles that undermine their reporting.

Over the last two years, Somalia has experienced yet another period of heightened political and security instability since the collapse of the state in 1991. Politically, much of the recent attention of the Somali federal and regional authorities, as well as their donor and regional partners, has focused on efforts to establish a federal state system in Somalia with the establishment of interim regional administrations. This had been seen as a prerequisite for a political transition and a selection of a new government and legislature later in 2016.

Tight political deadlines around the establishment of federal states, and the framework for the 2016 electoral process, along with the armed conflict with Al-Shabab in many parts of south-central Somalia have all increased the importance of access to information and political control of news content. Hopes that the new authorities who came to office in Mogadishu in 2012, in Puntland in 2014, and within newly created interim regional administrations would bring respite to journalists have been dashed. The government, the interim regional administrations, and Al-Shabab have all sought to manipulate the media to shape public opinion and enhance their power at a heavy cost to media freedom and the safety and security of journalists.

The federal government and regional authorities have used a wide range of tactics to compel journalists to cover key issues in a way authorities deem acceptable. These include arbitrary arrests and forced closures of media outlets, threats, harassment, and occasionally the filing of criminal charges. Federal and regional authorities have temporarily closed 10 media outlets in 2014 and 2015. Intelligence service and security

force officials have imposed bans on reporting specific issues, such as statements by Al-Shabab, and clamped down on media outlets that don't comply with these orders. At the same time, threats, attacks and even killings go uninvestigated and unprosecuted.

Regional authorities in contested towns – such as Baidoa in 2014, and Dhusamareb and Guri'el in the central region in 2015 – arbitrarily detained, threatened and closed down media outlets to control political coverage, particularly on issues related to debates over federalism and the establishment of interim regional states. After some initial respite, the new authorities in Puntland have carried out a number of arrests, closure of radio stations and in one instance the pursuit of criminal charges against a media outlet.

Al-Shabab has not let-up in threats and attacks against journalists, treating them as extensions of the Somali government or foreign military forces.

Female journalists in Somalia face additional challenges. Along with the threats, intimidation, and violence faced by many journalists in Somalia, female journalists must contend with social and cultural restrictions, discrimination among their peers and targeted threats from Al-Shabab, which seeks to curtail women's participation in public affairs through violence.

Government officials regularly seek to justify restrictions on freedom of expression on the basis of alleged unprofessional journalistic practices or national security grounds. While the authorities need to take into account valid security and privacy considerations, the restrictions documented in this report largely point to attempts by the authorities to obstruct legitimate reporting on key security and political developments. The tactics used are without legal basis, and place journalists at significant risk of reprisals.

Violence against journalists and other media workers that is uninvestigated and unpunished reflects wider impunity and general disregard for the rule of law in Somalia. Government investigations and prosecutions of targeted attacks on journalists have been sporadic and the only prosecutions that have taken place have been for killings claimed or believed to have been carried out by Al-Shabab. The federal government's focus on incidents attributed to Al-Shabab and overreliance on NISA, which has no mandate to carry out law enforcement operations, to investigate these attacks contributes to one-sided accountability. Human Rights Watch identified only one killing of a journalist since 2014

that resulted in a prosecution. This case, as other recent cases attributed to Al-Shabab, was tried in the country's military court, where trials do not meet international due process standards.

Human Rights Watch did not find evidence of any government official or security force member having been disciplined or charged for abuses against journalists in the past several years.

Because many attacks go uninvestigated, there has been speculation about the identity of the perpetrators. It also leaves survivors, such as Abdirisak, and other journalists living in fear of the next attack. As a radio manager in Mogadishu said: "When a close colleague is killed, you also worry for yourself, not knowing who the perpetrators are or what their motives might be. You worry even more as you can't tell where the danger is coming from."

Somali journalists and media editors admit to responding to the current hostile environment with self-censorship. Many steer clear of reporting on sensitive issues – including the armed conflict with Al-Shabab, politicized clan fighting and the federalism process – as a means to minimize risks to personal safety. Editors and journalists told Human Rights Watch that self-censorship has become a survival mechanism. As a Radio manager in Galkayo, Puntland said:

If I had only one enemy and if I saw accountability and justice for the murder of my friends, I wouldn't censor myself... But now we face a very dangerous group that wants to interpret every single word in the media, that is Al-Shabab, and authorities that also want to oppress us instead of protecting us.

Somalia's provisional constitution and international human rights law protect the right to freedom of expression, including for the media. Yet, several of Somalia's national laws are inconsistent with the country's international obligations. In January 2016, Somali President Hassan Sheikh signed off on a new media law that risks further hampering free expression. While the law offers some positive aspects, many restrictions on the media are broad and vague, including restrictions on "propaganda against the dignity of a citizen, individuals or government institutions," and are likely to prompt further self-censorship as journalists

are unable to determine what conduct is criminalized. The country's penal code, which is under review, contains many provisions that render free speech a criminal offense, including "offending the honor and prestige of the head of state" and "contempt against the nation, state or flag."

Somali federal and regional authorities should publicly commit to allowing full, open reporting and comment on issues of pressing public interest, including sensitive political issues. They should investigate alleged abuses by government security forces, including arbitrary arrests and closures of media houses, and take threats against journalists seriously. Prior to the electoral process, authorities should also review the new media law and the penal code to ensure all their provisions comply with international human rights law. Al-Shabab should immediately cease attacks and threats against journalists, regardless of their affiliation or gender.

International donors engaged in the media sector should support efforts to improve the security of journalists, press the Somali government to review laws that violate media freedom, and provide technical assistance to carry out thorough, transparent and rights-respecting criminal investigations, including into attacks against journalists, so that perpetrators – regardless of affiliation – can be held accountable.

# Recommendations

## To the President of Somalia

- Publicly condemn all attacks on journalists and media organizations. Issue a clear and public statement to all government and security force officials prohibiting any acts of intimidation, threats, harassment, and arbitrary arrests of journalists and media workers, and state that such incidents will be immediately investigated and appropriately disciplined or prosecuted;
- Publicly support the right to freedom of the media, including public reporting of sensitive political and other issues;
- Transfer existing cases of civilians facing trial in military courts to the civilian criminal justice system. Direct the military attorney general to transfer future cases of civilians under military court jurisdiction to the civilian courts for prosecution;
- Proactively support legislative reforms regarding the new media law and role of security agencies, outlined below;
- Immediately commute pending death penalty sentences as a first step towards placing a moratorium on all death sentences; urge the parliament to enact legislation banning all use of capital punishment.

## To The Somali Federal Parliament

- Promptly and comprehensively review the penal code, the new media law and other legislation, and revise them as necessary to bring them into line with Somalia's international obligations regarding the right to freedom of expression and the media; ensure that any restrictions on media freedom in the law are necessary, proportionate and least restrictive;
- Enact a rights-respecting national security law, as set out in the provisional constitution, that defines the mandates of national security agencies and clarifies that the National Intelligence and Security Agency is not empowered to arrest and detain;

- Enact a national human rights commission law that establishes a robust, independent body with a broad mandate and enforcement powers in accordance with the Paris Principles on National Human Rights Institutions.

### **To the Minister of Internal Security**

- Direct the National Intelligence and Security Agency (NISA) and the police leadership to use all available supervisory and disciplinary mechanisms to ensure that NISA and police officers fully respect the rights of journalists and media workers;
- Ensure that NISA cease further arbitrary closures of radio stations and television stations without a court order;
- Ensure that the police, notably the Criminal Investigation Department (CID), promptly and impartially investigate credible allegations of threats or violence against journalists and media outlets;
- Discipline or prosecute as appropriate any police or NISA officer, regardless of rank, who is complicit in abuses against journalists or fails to adequately investigate alleged threats or violence against journalists;
- Ensure that security forces engaged in law enforcement activities are appropriately trained on issues regarding media freedoms.

### **To the Minister of Justice**

- Cease further arrests of journalists and media workers and closures of radio stations and television stations without a court order.

### **To the Minister of Information**

- Promptly review the media law and seek the revision of any provisions that violate the right to freedom of expression, and ensure that any restrictions on media freedom are necessary, proportionate and least restrictive;
- Ensure that the regulatory mechanisms are independent and promote self-regulation of the media;

- Ensure that the nomination of the Somalia Press Commission is independent by amending the current law so that the government no longer participates in the nomination process or otherwise inappropriately interfere in the work of the commission;
- Seek donor support for a public education campaign on freedom of expression, including the role of the media.

### **To Puntland, interim regional authorities and Ahlu Sunna Wal Jama'a**

- Publicly support the right to freedom of the media, including public reporting of sensitive political and other issues;
- Ensure that regional police forces, promptly and impartially investigate credible allegations of threats or violence against journalists and media outlets;
- Ensure that any government or security officials found responsible for obstructing, abusing, or attacking journalists or media organizations are appropriately disciplined or prosecuted;
- Cease arbitrary arrests of journalists and media workers and closures of radio stations and television stations;
- Puntland should promptly review the media law to revise any provisions that violate the right to freedom of expression, ensure that any restrictions on media freedom in the law are necessary, proportionate and least restrictive.

### **International Donors, including members of the Somali Media Support Group (SMSG)**

- Publicly express concerns regarding violations of the right to freedom of expression, and urge the Somali government to publicly call on all government and security force officials not to harass or threaten journalists and other media workers, in particular in the run-up to the 2016 electoral process;
- Publicly press the Somali government to reform laws and regulatory institutions to bring them into compliance with Somalia's human rights obligations; provide technical support and assistance to these efforts;

- Support appropriate training for police and security officers and for judicial officials on freedom of expression and media freedom;
- Provide technical expertise to Somalia's Criminal Investigation Department (CID) to carry out thorough, effective and rights-respecting investigations;
- Support efforts to ensure that military courts act in accordance with international fair trial standards;
- Support local civil society groups, including media support organisations, to carry out systematic monitoring and reporting of freedom of expression abuses throughout the country;
- Enhance support to journalists throughout the country requiring legal, medical and psychological assistance, notably via international and local media support organizations.

### **To UN Educational, Scientific and Cultural Organization (UNESCO)**

- Continue to provide training to members of the state security services and justice officials on freedom of the media throughout south-central Somalia and Puntland.

### **To the UN Department of Political Affairs and Office of the High Commissioner for Human Rights (OHCHR)**

- Ensure that the Office of the UN High Commissioner for Human Rights (OHCHR) presence in the UN Assistance Mission in Somalia (UNSOM) has sufficient resources, staffing and capability to significantly increase human rights monitoring;
- Ensure that UNSOM human rights section regularly and publicly reports on the situation of human rights in Somalia.

### **To Al-Shabab and its affiliates**

- Cease all attacks and threats against civilians, including journalists and media workers and media outlets, including those linked to the government.



## To Somalia's Journalist Organizations

- Ensure that the process of drafting the code of ethics for journalists and media organizations is independent and transparent;
- Promote the voluntary publication of corrections for inaccurate or unfair statements;
- Monitor abuses against journalists outside of Mogadishu and the major urban areas in Puntland;
- Encourage federal and regional authorities to carry out effective, thorough and transparent investigations into abuses against journalists and media workers.

## Methodology

This report is based on interviews with over 50 Somali journalists and editors between January 2015 and April 2016. The interviews were conducted in Somali or in English, in person in Somalia and Kenya, or by telephone.

Human Rights Watch interviewed Somali government officials, including the federal minister of information, the minister of internal security, the minister of women and human rights, and the federal attorney general. Human Rights Watch also spoke to the district police commissioner in Baidoa, and the Ahlu Sunna Wal Jama'a (ASWJ) spokesperson charged with media affairs to follow-up on specific incidents.

In addition, Human Rights Watch interviewed a dozen media activists, representatives of international organizations and donors engaged in the media sector.

Human Rights Watch interviewed journalists from Afgooye, Baidoa, Bosaso, Beletweyn, Dhusamareb, Garowe, Galkayo, Guri'el, Jowhar, Kismayo and Mogadishu. Due to security concerns, Human Rights Watch did not interview journalists actively working in areas controlled by the Islamist armed group Al-Shabab. A number of the abuses documented in this report have occurred in towns that fall under the administration of interim regional states that have been set up in Somalia since 2013. These administrations are establishing structures similar to the central government, with presidents, cabinets and parliaments. Yet, as with the central government structures, functionality and control of these administrations over their territory is limited.

The majority of journalists interviewed by Human Rights Watch were under 25 years of age, this was not deliberate and highlights how young many journalists currently operating in Somalia are. Most had only completed high school, and had only ad-hoc journalism training, if any at all.

Interviews took place with journalists working for both government-owned stations and privately-owned media houses, though a majority worked for privately-owned houses. No compensation or any form of remuneration was offered or provided to any person interviewed for this report.

Human Rights Watch on March 30, 2016 wrote to the head of the National Intelligence and Security Agency (NISA), Col. Abdirahman Mohamed Turyare, to the head of the military court, Col. Liban Ali Yarow, and the head of the first instance level of the military court, Col. Hassan Ali Noor “Shuute,” and to the Puntland Minister of Information, seeking the government’s response to our research findings. (Copies of letters are included in the Annexe.) Representatives of both the military court and NISA emailed Human Rights Watch to say that they would not respond to research queries in writing. At the time of writing there has been no response from the Puntland Minister of Information or other government representatives in Puntland to whom Human Rights Watch has written.

Human Rights Watch also reviewed a range of published material, including academic research, relevant reports and statements by Somali and international media rights organizations, and articles published in Somali and international media as well as postings on Facebook and other Internet sites.

Given the ongoing dominance of broadcast media across south-central Somalia and Puntland, this report focuses on threats, harassment and attacks on broadcast journalists since 2014. It does not purport to offer an exhaustive list of all the attacks on media freedom in Somalia. More work is needed on the situation facing social media journalists and activists in Somalia, as social media is becoming an increasingly vibrant source of news and discussion.

With some exceptions, in the report, government officials are referred to initially with their full name and then with their first two names. Journalists are referred to with their full names and subsequently with their first name. It is common for Somalis to be given a nickname, which they regularly use; nicknames are included when the individual was commonly referred to as such.

We have removed identifying information for many of interviewees referred to in this report to protect their identity and to prevent possible reprisals. Real names have been used in cases where the incidents described have already been published in the media and when the journalists themselves asked to be named.

# I. Background

## War, federalism and risks for civilians

Since the fall of the Siad Barre regime in 1991, state collapse and civil war have contributed to making Somalia one of the world's most enduring human rights and humanitarian crises. Successive armed conflicts have resulted in rampant violations of the laws of war, including indiscriminate attacks, unlawful killings, rape, torture, and looting, committed by all sides, causing massive civilian suffering.<sup>1</sup>

An internationally supported government that took office in 2012 has not brought an end to the volatility and insecurity in the country. The government, backed by the African Union Mission to Somalia (AMISOM)<sup>2</sup> and the Ethiopian armed forces, remains at war with the Islamist armed group Al-Shabab, which controls large swathes of territory and many key transport routes. While Al-Shabab lost control of a number of towns over the last two years, it continues to carry out targeted attacks on civilians and civilian infrastructure in the capital, Mogadishu, and other towns under government or allied authority.<sup>3</sup> Since 2015, the group has increased high-profile attacks on AMISOM facilities.<sup>4</sup>

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<sup>1</sup> For a description of the major domestic parties to the conflict in Somalia over the last decade see Human Rights Watch, *Harsh War, Harsh Peace: Abuses by al-Shabaab, the Transitional Federal Government and AMISOM in Somalia*, April 19, 2010, <http://www.hrw.org/reports/2010/04/19/harsh-war-harsh-peace>.

<sup>2</sup> In 2007, the African Union Peace and Security Council deployed a regional peace support force to Somalia mandated by the UN Security Council and supported by the AU's Peace and Security Operations Division to provide protection for Somali government officials and infrastructure and contribute to the secure delivery of humanitarian assistance. AMISOM was also given a mentoring role to support the "re-establishment and training" of Somali security forces. Since then, AMISOM's mandate, size, and geographical presence have all steadily increased. See UN Security Council, Resolution 1744 (2007), S/RES/1744 (2007), <http://www.un.org/News/Press/docs/2007/sc8960.doc.htm> (accessed May 14, 2014).

<sup>3</sup> For an overview see Human Rights Watch, *World Report 2016*, Somalia chapter, <https://www.hrw.org/world-report/2016/country-chapters/somalia> (accessed March 17, 2016).

<sup>4</sup> Al-Shabab carried out three large-scale attacks on a Burundian base in Lego in June 2015, on a Ugandan base in Janale in September 2015 and on a Kenyan base in El-Adde in January 2016; See, for example, AlJazeera, "Al-Shabab Claims Attack on AU base in Somalia," June 26, 2015, <http://www.aljazeera.com/news/2015/06/al-shabab-claims-attack-au-base-somalia-150626094327750.html> (accessed March 17, 2016); BBC, "Somalia Attack: Al-Shabab attacks African Union Janale base," September 1, 2015, <http://www.bbc.com/news/world-africa-34113503> (accessed March 17, 2016); BBC, 'Somalia's Al-Shabab Killed '180 Kenyan Troops' in El-Ade attack,' February 25, 2016, <http://www.bbc.com/news/world-africa-35658500> (accessed March 17, 2016).

Politically, much of the recent attention of the Somali federal and regional authorities, as well as their donor and regional partners, had focused on efforts to establish a federal state system in Somalia with the establishment of interim regional administrations. This had been seen as a prerequisite for a political transition and the selection of a new government and legislature later in 2016.<sup>5</sup>

This has resulted in tension and on occasion violence in which civilians have been the targets, particularly in Lower Shabelle and in the central regions. In December 2013, for example, government forces attacked a local militia in KM-50 village, and beat residents, looting and burning homes and shops.<sup>6</sup> Several civilians were reportedly killed and many civilians fled the area. While open conflict in this region has subsided, the creation of the Interim South West Administration has not resolved political infighting.<sup>7</sup>

In February 2015, fighting in Guri'el between government forces and the Ahlu Sunna Wal Jama'a (ASWJ), a Sufi militia, resulted in civilian deaths and massive displacement. According to the United Nations, about 90 percent of the estimated population of over 65,000 temporarily fled.<sup>8</sup> ASWJ continues to control the towns of Dhusamareb and Guri'el in the Galgadud region.

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<sup>5</sup> After much speculation, in 2015 both the Somali government and its international backers acknowledged that a "one person, one vote" election in 2016 would not be feasible in Somalia. Since October 2015, there have been a series of consultative meetings bringing together federal and regional authorities to discuss what electoral model would be used in 2016. While the federal government released its plan in January 2016, disagreements over the model that would be used to elect representatives for the lower house and a yet to be established upper house persisted. For an assessment of the different positions see Somali Newsroom, "Analysis: What is a 'Fair' 2016 Election Model for Somalia?" February 2, 2016, <http://somalianewsroom.com/2016/02/02/analysis-what-is-a-fair-2016-election-model-for-somalia/> (accessed March 17, 2016). In April 2016, Puntland and the Federal government finally came to an agreement on the basic framework of the electoral model, which will remain primarily a selection process, although many technical issues, including the timeframe of the process, are yet to be resolved. For more details see Somali Newsroom, "Analysis: Puntland and the Somali Government Reach an Election Deal. What's Next?" <https://somalianewsroom.com/2016/04/07/analysis-puntland-and-the-somali-government-reach-an-election-deal-whats-next/> (accessed April 19, 2016).

<sup>6</sup> For a detailed description of the cycles of violence in Lower Shabelle, particularly around Km-50, see UN Security Council, "Letter dated 10 October 2014 from the Chair of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea addressed to the President of the Security Council," paras. 19-41, S/2014/727 [http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/S\\_2014\\_727.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/S_2014_727.pdf) (accessed March 17, 2016).

<sup>7</sup> See, for example, International Crisis Group, "Somalia: Why is Al-Shabaab Still a Potent Threat," February 11, 2016, <http://blog.crisisgroup.org/africa/2016/02/11/somalia-why-is-al-shabaab-still-a-potent-threat/> (accessed February 12, 2016).

<sup>8</sup> "Dispatches: Overlooking the Cost to Somalia's Civilians," Human Rights Watch dispatch, February 19, 2015.

### *Puntland's political landscape*

Puntland, in northeastern Somalia, declared itself a semi-autonomous state in 1998, but recognizes its status as a constituent part of the Somali state. In 2013, scheduled local elections were indefinitely postponed, heralding the way for the selection of a new president, Abdiweli Abdi Gaas, in January 2014 and a parliamentary speaker selected by local clan elders.<sup>9</sup> In recent years, Puntland experienced an increase in Al-Shabab activity in the Galgala mountains near the town of Bosaso in the northeast of Puntland. In March 2016, Al-Shabab attacked several coastal areas in central Puntland.<sup>10</sup>

The Puntland government initially rejected the formation of the Galmudug Interim Administration (GIA), which borders and shares the Mudug region with Puntland, saying it was unconstitutional.<sup>11</sup> In late 2015, simmering tensions between the two administrations resulted in open warfare when Puntland forces repeatedly clashed with forces from the newly formed Galmudug regional administration in the contested town of Galkayo, leaving at least nine civilians dead and dozens injured.<sup>12</sup> According to the United Nations, the fighting displaced at least 90,000 people.<sup>13</sup>

### *Media in Somalia*

During the Siad Barre regime from 1969 to 1991, independent media was largely nonexistent and state control over the media was stringent. Following Barre's fall, the media was unregulated and private media ownership expanded. In the 1990s, warlords

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<sup>9</sup> See Hamza Mohamed, "Somalia's Puntland appoints new president," Aljazeera Online, January 8, 2014, <http://www.aljazeera.com/news/africa/2014/01/somalia-puntland-appoints-new-president-2014186481924811.html> (accessed March 22, 2016); For a detailed analysis of the factors that undermined the elections process in Puntland, including clampdown on the media and attempt to muzzle opposition views in the run-up to the planned elections, see Saferworld, "Puntland at the Polls," June 2014, <http://www.saferworld.org.uk/resources/view-resource/817-puntland-at-the-polls> (accessed February 2, 2016) and see International Crisis Group, "Somalia: Puntland's Punted Polls," December 19, 2013, [http://www.crisisgroup.org/~media/Files/africa/horn-of-africa/somalia/b097-somalia-puntlands-punted-polls.pdf](http://www.crisisgroup.org/~/media/Files/africa/horn-of-africa/somalia/b097-somalia-puntlands-punted-polls.pdf).

<sup>10</sup> Abdiqani Hassan, "Somali militants seize small port in Puntland region, Reuters, March 15, 2016, <http://af.reuters.com/article/topNews/idAFKCN0WH0V9> (accessed April 19, 2016); Robyn Kriel and Briana Duggan, "Al-Shabaab child soldiers captured in Somalia firefight," CNN, April 1, 2016, <http://edition.cnn.com/2016/03/31/africa/al-shabaab-child-soldiers/> (accessed April 19, 2016).

<sup>11</sup> For an overview of the historical, political and clan contexts underlying the tensions between Puntland and the Galmudug Interim Administration see International Crisis Group, "Galkayo and Somalia's Dangerous Faultlines," December 10, 2015, <http://blog.crisisgroup.org/africa/2015/12/10/galkayo-and-somalias-dangerous-faultlines/> (accessed February 12, 2016).

<sup>12</sup> "Dispatches: Don't Forget Somalia's Civilians," December 14, 2015, <https://www.hrw.org/news/2015/12/14/dispatches-dont-forget-somalias-civilians>.

<sup>13</sup> Ibid.

vying for power in Mogadishu established many newspapers and radio stations for propaganda purposes.<sup>14</sup> During the 2000s, newspapers declined, the radio was the most widespread medium for news and a few local and satellite TV stations were established. In this period, the media is reported to have been used as a tool by parties to the conflict and, at least to some extent, was perceived to be a driver of conflict, while journalists were targeted with violence.<sup>15</sup> Throughout the conflict, the media has been a key propaganda platform for all parties – for those in power and for insurgents – to communicate their voices and messages to the public. At the same time, journalists have often been the only actors on the ground seeking to fill a void of information so key to surviving decades of war.

Given the oral culture, high illiteracy rates, and cost of other mediums, radio remains the most prevalent source of news. The lack of a functioning radio licensing system has contributed to creating a media landscape that is constantly changing as radio stations are opened and closed, particularly at the local level. Few radio stations have national coverage.<sup>16</sup> The British Broadcasting Corporation (BBC) Somali service remains the most widely listened to radio station, including via local FM relays.

Given the relative stability in Puntland, a number of radio stations sprung up from mid-2000s and continue to broadcast to date.<sup>17</sup> At the same time, government control and restrictions on the media have increased, with a number of arrests and closures of outlets during the administration of President Abdirahman Mohamud Farole from 2009 to 2014.<sup>18</sup>

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<sup>14</sup> The concept of warlordism in Somalia is used to describe the multitude of armed factions, some headed by former government officials, others by business leaders, primarily constituted along clan lines which fought for power following the collapse of the Somali state. See for example Mohamed Hussein Gaas, Stig Jarle Hansen & David Berry, “Mapping the Somali Media: An Overview,” Noragric Report , No. 65 (March 2012), [http://www.umb.no/statisk/noragric/publications/reports/noragric\\_report\\_no.\\_65cover.pdf](http://www.umb.no/statisk/noragric/publications/reports/noragric_report_no._65cover.pdf) (accessed March 17, 2016); Human Rights Watch interview with Yasin Isse Wardhere, Nairobi, January 28, 2016.

<sup>15</sup> Gaas, Jarle Hansen & Berry, “Mapping the Somali Media: An Overview,” Noragric Report, No. 65 (March 2012).

<sup>16</sup> See AU/UN IST, “Media Mapping Briefing Note,” p. 5, <http://somalimedia.so/wp-content/uploads/2013/05/Somali-Media-Mapping-Report.pdf> (accessed March 17, 2016); there are a number of other radio services with wider reach via FM radio transmitters in big towns, multiple stations and via relays in the country include: VOA Somali Service, the formerly UN-funded Radio Bar-Kulan, the humanitarian station, Radio Ergo, Radio Star FM, and in Puntland, Radio Daljir also has a broad reach.

<sup>17</sup> Somalia Report, “Puntland Media Landscape,” May 23, 2012, [http://www.somaliareport.com/index.php/post/3268/Puntlands\\_Media\\_Landscape](http://www.somaliareport.com/index.php/post/3268/Puntlands_Media_Landscape) (accessed March 21, 2016).

<sup>18</sup> BBC World Service Trust, “An Analysis of the Somali Media Environment,” July 2011, p.19; Freedom House, ‘Freedom of the Press 2012: Somalia,’ <https://freedomhouse.org/report/freedom-press/2012/somalia> (accessed February 6, 2016); Human Rights Watch interview with media owner from Puntland, March 15, 2016.

Since 2012, following the formal withdrawal of Al-Shabab from Mogadishu, the selection of a new federal government, and the return of many people from the diaspora, many new radio stations with affiliated websites have been established in towns throughout south-central Somalia. By 2015, there were about 50 radio stations broadcasting across south-central Somalia and Puntland.<sup>19</sup> Radio stations remain concentrated in Mogadishu and in Bosaso and Galkayo in Puntland, with reporters in regional towns, although there are also a multitude of local radio stations throughout government-controlled towns in south-central and Puntland.<sup>20</sup>

Somali language satellite TV channels have also become increasingly popular, with London-based Universal TV spearheading the way since it was established in 2005.<sup>21</sup> The reach of television is still limited, primarily to larger urban areas and for more privileged sections of society. There are currently only a handful of newspapers in south-central Somalia and Puntland.<sup>22</sup>

Websites that report on Somali current affairs, as well as blogs, have proliferated and most of the main radio stations also run websites; Internet access remains limited.<sup>23</sup> Social media usage has grown considerably, particularly among the Somali diaspora and young and urban-based population.<sup>24</sup>

### *Ownership and ethics*

Despite the vibrancy of the media scene, Somalia journalists operate in a very precarious chaotic, politicized, and often outright hostile environment. Media ownership in Somalia remains controversial, with ownership even of the more established and professional media outlets often being along clan or political lines. Many perceive, rightly or wrongly, media owners to be pursuing business, political, or, although reportedly to a lesser extent

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<sup>19</sup> See AU/UN IST, “Media Mapping Briefing Note,” p.4.

<sup>20</sup> Internews, “Somalia Media & Telecoms Landscape Guide,” January 2012, p. 17 <http://www.internews.org/research-publications/somalia-media-and-telecoms-landscape-guide> (accessed March 17, 2016).

<sup>21</sup> Ibid, p. 15.

<sup>22</sup> BBC World Service Trust, “An Analysis of the Somali Media Environment,” July 2011, <http://downloads.bbc.co.uk/rmhttp/mediaaction/pdf/AnAnalysisOfTheSomaliMediaEnvironment.pdf> (accessed March 17, 2016).

<sup>23</sup> Ibid.

<sup>24</sup> BBC World Service Trust, “An Analysis of the Somali Media Environment,” July 2011, p.6; for a historical overview of the Somali media landscape see Gaas, Jarle Hansen & Berry, “Mapping the Somali Media: An Overview,” Noragric Report.



in recent years, clan interests.<sup>25</sup> Some journalists told Human Rights Watch that negative social perceptions of the media, and mistrust within the wider public also undermine their security.<sup>26</sup>

Government officials, journalists and international media experts told Human Rights Watch that many journalists lacked professionalism, pointing in particular to a handful of websites and outlets that have on occasion smeared public officials.<sup>27</sup>

Given the dangers of practicing journalism in Somalia, many trained and educated journalist have fled Somalia over the last decade. According to the Committee to Protect Journalists (CPJ), at least 70 Somali journalists went into exile between 2008 and mid-2013.<sup>28</sup>

Journalists in Somalia rarely carry out in-depth investigative reporting and tend to focus primarily on news items and official version of events. Most Somali journalists earn very little or work for free.<sup>29</sup> Owners often rely on volunteers to work for them, making those working for media houses vulnerable to being used by politicians and armed groups. Journalists told Human Rights Watch that they cannot complain about their pay or risk being replaced.<sup>30</sup> Journalists therefore continue to rely heavily on trainings and bribes

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<sup>25</sup> Human Rights Watch interview with Yasin Isse Wardhere, January 28, 2016. BBC World Service Trust, “An Analysis of the Somali Media Environment,” July 2011, p. 8.

<sup>26</sup> Human Rights Watch interview with journalist working in Galkayo, February 16, 2015.

<sup>27</sup> Human Rights Watch interview with Jaco Du Toit, Nairobi, December 4, 2015; interview with Steve Turner, February 11, 2016; interview with Louise Tunbridge, Nairobi, February 15, 2016. The websites of Dahir Alasow in particular were mentioned in discussions as evidence of poor journalism bent on smearing the reputation of individuals. The attorney general ordered the suspension of a number of Dahir Alasow’s websites, including wagaacusub.com in November 2015. Human Rights Watch came across one example of the questionable reporting of this website and the impact of this report in December 2015. The website had published an article naming Mohamed Abukar Zubeyr as the suicide bomber in an attack on a police post in Bosaso; the report also published a photo of his passport. These accusations were later also included in a 2014 report by the UN Security Council Somalia Eritrea Monitoring Group which also named Mohamed Abukar Zubeyr as the bomber in the attack. Mohamed is in fact currently alive and is the Director General of the Federal Ministry of Constitutional Affairs in Mogadishu. See Raxanreeb, “Somali man seeks compensation over UN monitoring report that alleges him suicide bomber,” November 24, 2015 <http://www.raxanreeb.com/2015/11/somalia-somali-man-seeks-compensation-over-un-monitoring-report-that-alleges-him-suicide-bomber/> (accessed March 7, 2016).

<sup>28</sup> Committee to Protect Journalists, “Journalists in Exile 2013,” June 19, 2013, <https://www.cpj.org/reports/2013/06/journalists-in-exile-2013.php> (accessed February 12, 2016).

<sup>29</sup> Financial sustainability is also a problem with media outlets relying on advertisement, diaspora funding and support from international organizations. Yet, the advertising sector is weak and unable to sustain the multitude of media outlets.

<sup>30</sup> Human Rights Watch interviews with journalists in Baidoa, Kismayo in particular.

(commonly known as “*sharuur*,”) from government officials, clan representatives and even nongovernmental organizations, as a way of making a living.<sup>31</sup>

Somalia has a number of media organizations that advocate on behalf of journalists and media owners. Infighting within and between media organizations has on several occasions undermined their work and credibility.

### *Propaganda war between the government and Al-Shabab*

Both Al-Shabab and the Somali government and its allies have relied on the vulnerabilities and weaknesses of the Somalia media to meet their own ends. In the public relations war, each side uses the media to communicate both real and false military successes in the war, manipulate the public’s access to causality numbers and obstruct factual investigations, all of which has greatly affected the media environment in south-central Somalia and Puntland.

Al-Shabab frequently publicizes its interpretation of events, to counter narratives by Somali authorities and the African Union forces in Somalia (AMISOM), releasing statements and videos in Somali, English and Kiswahili.<sup>32</sup> Al-Shabab also relies on the media to broadcast Islamic religious teachings from its perspective and to inform the public about governance issues in areas under its control.<sup>33</sup>

In 2009, Al-Shabab established its own radio station, Al-Andalus, which remains the group’s main mouthpiece, and later a TV station, al-Kataib.<sup>34</sup> There are a number of

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<sup>31</sup> Jamal Osman, “Somali Journalists are Dying from Corruption as Much as Conflict,” *The Guardian*, October 11, 2012, <http://www.theguardian.com/commentisfree/2012/oct/11/somali-journalists-dying-corruption-conflict>.

<sup>32</sup> While not the focus of this report, the African Union Forces in Somalia (AMISOM) and their supporters have also invested millions of dollars since 2011 in public relations and media activities. Human Rights Watch interview with Steve Turner, February 11, 2016.

<sup>33</sup> See, for example, Gaas, Jarle Hansen & Berry, “Mapping the Somali Media: An Overview,” Noragric Report p. 19; Harriet Alexander, “Tweeting Terrorism: How al Shabaab live blogged Nairobi attacks,” *Daily Telegraph*, September 22, 2013, <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/kenya/10326863/Tweeting-terrorism-How-al-Shabaab-live-blogged-the-Nairobi-attacks.html> (accessed March 17, 2016). For an analysis of Al-Shabab’s twitter campaign to attract western recruits, see International Center for the Study of Radicalisation and Political Violence, “Lights, Camera, Jihad: Al-Shabab’s Western media Strategy,” November 2012, [http://icsr.info/wp-content/uploads/2012/11/ICSR-Lights-Camera-Jihad-Report\\_Nov2012\\_ForWeb-2.pdf](http://icsr.info/wp-content/uploads/2012/11/ICSR-Lights-Camera-Jihad-Report_Nov2012_ForWeb-2.pdf) (accessed March 17, 2016) ; Freedom House, ‘Freedom of the Press 2012: Somalia,’ <https://freedomhouse.org/report/freedom-press/2012/somalia> (accessed February 6, 2016).

<sup>34</sup> Mohammed Yusuf, “Al-Shabab Radio Station off the Air in Somali capital,” VOA, May 24, 2012, <http://www.voanews.com/content/al-shabab-radio-station-off-the-air-in-somali-capital/940395.html> (accessed March 17,

websites affiliated with Al-Shabab that publicize its statements and interviews Al-Shabab spokespeople. The group also maintains social media accounts.<sup>35</sup> Al-Shabab has coerced local journalists into working for them, imposed strict regulations on content including banning music, and raided and looted broadcast equipment, in some instances it forcibly took over media outlets.<sup>36</sup> This led to the closure of several stations, including one of the country's oldest private media outlets, HornAfrik.<sup>37</sup>

### *“Federalism” in Somalia*

The process of establishing a federal framework in Somalia has in principle been underway since the early 2000s under the Transitional Federal Charter, however it has only really been implemented in the last four years, with the endorsement of the provisional constitution and the end of the transitional period in 2012.<sup>38</sup>

Three provisional interim regional states, aspiring to become federal member states, have been established. In 2013, the Interim Jubaland Administration (IJA) was set-up comprising Gedo, Middle and Lower Juba;<sup>39</sup> following that the Interim South West Administration (ISWA)

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2016); Al-Kataib was launched the same year as Somali National TV (SNTV) was re-launched, see BBC, ‘An Analysis of the Somali Media Environment,’ p. 36.

<sup>35</sup> Human Rights Watch skype interview with Tres Thomas, February 6, 2016.

<sup>36</sup> Human Rights Watch interviews with journalist in Baidoa, January 29, 2015; See for example Somalia Report, “Al-Shabab’s Media Outlets,” October 7, 2010, [http://www.somaliareport.com/index.php/post/3485/Al-Shabaabs\\_Media\\_Outlets\\_](http://www.somaliareport.com/index.php/post/3485/Al-Shabaabs_Media_Outlets_) (accessed March 21, 2016); CNN, ‘Islamist militants raid two independent radio stations in Mogadishu,’ September 19, 2010, <http://edition.cnn.com/2010/WORLD/africa/09/19/somalia.radio.stations/> (accessed March 21, 2016). See section “Violence, Attacks and Threats by Al-Shabab, or alleged Al-Shabab” below for recent examples of abuses by Al-Shabab. According to CPJ statements, Al-Shabab claimed direct responsibility for two out of 29 killings of journalists that took place between 2009 and 2014. See CPJ, “59 journalists killed since 1992/ motive confirmed,” <https://cpj.org/killed/africa/somalia/> (accessed April 4, 2016).

<sup>37</sup> Mareeg, “Al-Shabab, Hizbul Islam forces chase journalists, take over HornAfrik, GBC radios,” <http://www.mareeg.com/fidsan.php?sid=17331&tirsan=3> (accessed March 21, 2016).

<sup>38</sup> See for example Jason Mosley, “Somalia’s Federal Future/ Layered Agendas, Risks and Opportunities,” *Chatham House*, September 2015, [https://www.chathamhouse.org/sites/files/chathamhouse/field/field\\_document/20150902SomaliaFederalFutureMosley.pdf](https://www.chathamhouse.org/sites/files/chathamhouse/field/field_document/20150902SomaliaFederalFutureMosley.pdf) (accessed March 19, 2016).

<sup>39</sup> For an overview of the tensions around the creation of Jubaland see for example: International Crisis Group, “Jubaland in Jeopardy: The Uneasy Path to State-Building in Somalia,” May 21, 2013, <http://blog.crisisgroup.org/africa/somalia/2013/05/21/jubaland-in-jeopardy-the-uneasy-path-to-state-building-in-somalia/> (accessed March 19, 2016); “Somalia: Civilians Killed in Kismayo Clashes,” *Human Rights Watch press release*, June 25, 2013, <https://www.hrw.org/news/2013/06/25/somalia-civilians-killed-kismayo-clashes>.

administration was set up, comprising of Lower Shabelle, Bay, and Bakool in 2014;<sup>40</sup> and finally in 2015, the Galmudug Interim Administration (GIA) was established, made up of Galgaduud and the southern part of Mudug.<sup>41</sup> Discussions have been ongoing at time of writing over a possible state comprising of Middle Shabelle and Hiraaan. The status of Mogadishu has still not been resolved.

The model of federalism to be established in Somalia has not been defined, prompting significant tensions around the process. The provisional constitution of Somalia has vague provisions on federalism giving room for competing interpretations, including on how federal member states should be formed.<sup>42</sup>

At the same time, the current expedited process of drawing up new interim regional states has brought to the fore many underlying causes of conflict.<sup>43</sup> The process has also been criticized for being top-down, pushed by international and regional partners,<sup>44</sup> and often overlooking smaller clans and groups considered as minorities in the country.

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<sup>40</sup> For an overview of the tensions around the creation of the south west interim administration see: Somalia Newsroom, “Analysis: Baidoa Becoming the Next Crisis in Somalia’s Federalism Process,” Newsdesk, February 11, 2014, <http://somalianewsroom.com/2014/02/11/analysis-baidoa-becoming-the-next-crisis-in-somalias-federalism-process/> (accessed March 19, 2016).

<sup>41</sup> North Mudug is under Puntland administration. For an overview of the historical, political and clan contexts underlying the tensions between Puntland and the Galmudug Interim Administration, see International Crisis Group, “Galkayo and Somalia’s Dangerous Faultlines,” December 10, 2015, <http://blog.crisisgroup.org/africa/2015/12/10/galkayo-and-somalias-dangerous-faultlines/> (accessed February 12, 2016); “Dispatches: Overlooking the Cost to Somalia’s Civilians,” Human Rights Watch dispatch, February 19, 2015, <https://www.hrw.org/news/2015/02/19/dispatches-overlooking-cost-somalias-civilians>; “Dispatches: Don’t Forget Somalia’s Civilians,” December 14, 2015, <https://www.hrw.org/news/2015/12/14/dispatches-dont-forget-somalias-civilians>.

<sup>42</sup> For general assessments of many of the challenges underlying the federal state building process in Somalia, see, for example, EJ Hogendoorn, “Security and Governance in Somalia: Consolidating Gains, Confronting Challenges and Charting the Path Forward,” International Crisis Group, October 8, 2013, <http://www.crisisgroup.org/en/publication-type/speeches/2013/hogendoorn-security-and-governance-in-somalia.aspx> (accessed March 19, 2016); Jason Mosley, “Somalia’s Federal Future/ Layered Agendas, Risks and Opportunities,” *Chatham House*, September 2015, [https://www.chathamhouse.org/sites/files/chathamhouse/field/field\\_document/20150902SomaliaFederalFutureMosley.pdf](https://www.chathamhouse.org/sites/files/chathamhouse/field/field_document/20150902SomaliaFederalFutureMosley.pdf) (accessed March 19, 2016); Matt Bryden & Tres Thomas, Somalia’s Troubled Transition: Vision 2016 Revisited, *Sahan*, May 2015, file:///C:/Users/User/Downloads/Somalias%20troubled%20transition%20-%20Vision%202016%20revisited.pdf (accessed March 19, 2016).

<sup>43</sup> Hudda Ibrahim, “Is Forced Federalism a Panacea for Somali Disunity,” *Somali Current*, October 26, 2014, <http://www.somalicurrent.com/2014/10/26/is-forced-federalism-a-panacea-for-somali-disunity-2/> (accessed March 19, 2016).

<sup>44</sup> See Jason Mosley, “Somalia’s Federal Future/ Layered Agendas, Risks and Opportunities,” *Chatham House*, September 2015.

## II. Abuses against Journalists in South-Central Somalia and Puntland

Various actors inside and outside the government vying for control of the public sphere in Somalia have targeted journalists through various means. Radio and TV journalists have faced threats, harassment, and physical attacks, including assassinations. The state authorities have carried out arbitrary arrests, censorship and temporarily closed down media outlets. Al-Shabab and allied groups have threatened and attacked journalists as part of their campaign against Somalia's federal and regional authorities.

### Killings and Attempted Killings

For years, Somalia has been one of the most dangerous countries in the world to be a journalist. According to CPJ, which tracks journalists fatalities, including when they are killed for their work, 41 journalists have been killed in Somalia since 1992, and 22 of them just since 2012.<sup>45</sup>

Since 2014, at least 10 journalists have been killed, six in Mogadishu. Four journalists were killed in apparently targeted attacks,<sup>46</sup> six in indiscriminate attacks,<sup>47</sup> including one

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<sup>45</sup> Committee to Protect Journalists, "41 Journalists Murdered in Somalia since 1992," <https://cpj.org/killed/africa/somalia/murder.php>. The worst year on record was 2012, during which 12 journalists were killed, 8 in Mogadishu. On the situation in 2012, see, for example: "Somalia: Investigate Killings of Journalists," Human Rights Watch press release, September 24, 2012, <https://www.hrw.org/news/2012/09/24/somalia-investigate-killings-journalists>; IRIN, "Dangers for Journalists Grow as New Government Takes Hold," September 28, 2012, <http://www.irinnews.org/report/96412/somalia-dangers-journalists-grow-new-government-takes-hold> (accessed March 20, 2016); Committee to Protect Journalists, "Journalists Deaths Spike in 2012 due to Syria, Somalia," December 18, 2012, <https://www.cpj.org/reports/2012/12/journalist-deaths-spike-in-2012-due-to-syria-somal.php> (accessed March 17, 2016).

<sup>46</sup> For the purposes of this report, Human Rights Watch has used the Committee to Protect Journalist's database and terminology, which has a strict definition of journalists that are murdered as a result of their work. However, we have separated those killed in indiscriminate attacks even though perpetrators of these attacks do on occasion explicitly pinpoint journalists as among the targets of the attack. For the four journalists killed since 2014, see CPJ, "41 journalists murdered in Somalia," <https://www.cpj.org/killed/africa/somalia/murder.php> (accessed March 21, 2016).

<sup>47</sup> Two journalists, Abdihakim Mohamed Omar, producer for the Somali Broadcasting Corporation (SBC), and Mohamed Abdikarim Moallim Adam, a reporter for Universal TV, died and one, Salman Jamal, also reporter at Universal TV, was injured in a July 26, 2015 attack on the Jazeera hotel in Mogadishu that was claimed by Al-Shabab; see Roy Greenslade, "Two journalists killed in Somalia suicide bombing," *The Guardian*, July 28, 2015. Two journalists in Baidoa, Mohamed Isaq and Abdulkadir Ahmed were killed in a December 5, 2014 attack see CPJ, "Mohamed Isaq," <https://www.cpj.org/killed/2014/mohamed-isaq.php> (accessed March 21, 2016); Ismail Mohamed Halane, a radio reporter and press officer at the Ministry of Education was killed in an April 14, 2015; on the attack see BBC, "Seventeen dead in al-

reporting at the scene of an attack.<sup>48</sup> In addition, at least six journalists survived targeted attacks in Mogadishu, three journalists were injured while on a reporting assignment,<sup>49</sup> and two were injured in a grenade attack on a radio station in Galkayo.

Assassination attempts and other attacks on journalists form part of a wider pattern of attacks directed at specific civilians, including lawmakers, government officials, traditional elders, and sheikhs.<sup>50</sup>

Human Rights Watch was not able to determine whether specific targeted attacks were directly related to the victims' recent reporting, but journalists interviewed, including survivors, believed that this was the case. Al-Shabab claimed responsibility for one killing of a journalist in 2015.

### *Targeted Attacks*

On December 3, 2015, a car bomb killed 31-year-old reporter Hindiya Haji Mohamed, who worked for the state-run Radio Mogadishu and Somali National Television (SNTV), near KM4 in Mogadishu's Hodan district. Hindiya, a mother of five, had been preparing for exams at Somalia International University (SIU), and was a widow of another journalist, Liban Ali Nur, who died in an attack on a popular restaurant on December 20, 2012.<sup>51</sup>

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Shabab attack on Somalia ministries," April 14, 2015, <http://www.bbc.com/news/world-africa-32299273> (accessed March 20, 2016).

<sup>48</sup> Mustaf Abdi Noor 'Shafana' was killed on November 1, 2015 see CPJ, "Mustaf Abdi Noor," <https://cpj.org/killed/2015/mustaf-abdi-noor.php> (accessed March 21, 2016).

<sup>49</sup> Osman Adan Areys was wounded while on assignment in Beletweyn on October 19, 2015; Muawiye Ahmed Mudey was wounded while on assignment on February 27, 2015, See Dalsan Radio, "SIMHA concerned about wounded Somali freelance journalist," February 28, 2015 <http://www.radiodalsan.com/2015/02/28/untitled-promotion-5simha-concerned-about-wounded-somali-freelance-journalist/> (March 20, 2016); Committee to Protect Journalists, "Making an Impact. Journalist Assistance," <https://cpj.org/campaigns/assistance/impact.php> (March 20, 2016); photojournalist Feisal Omar was injured while reporting on November 1, 2015 Sahafi attack.

<sup>50</sup> See for example Human Rights Watch, *World Report 2016*, Somalia chapter, <https://www.hrw.org/world-report/2016/country-chapters/somalia> (accessed March 17, 2016).

<sup>51</sup> "Somalia: Investigate Killings of Journalists," Human Rights Watch press release, September 24, 2012, <https://www.hrw.org/news/2012/09/24/somalia-investigate-killings-journalists>; A spokesman for the Islamist armed group al-Shabaab told the media that their supporters had carried out the suicide bomb attack on September 20, but claimed they did not order it.; Amnesty International, 'Somalia: Investigate Killings of Journalists and hold perpetrators to account,' September 26, 2012, file:///C:/Users/User/Downloads/afr520112012en.pdf.

Al-Shabab's military spokesperson, Sheikh Abdiasis Abu Musab, broadcast on Al-Andalus radio to claim responsibility for the attack, accusing Hindiya of being an "intelligence officer" for the government.<sup>52</sup> A relative of Hindiya's believed the killing was linked to her work for the state-run media:

Al-Shabab said: "We killed a female officer working for the government." The term "officer" is a word they give to all civilians working for government agencies. They use that term in order to justify their targeting. But Hindiya was a reporter and program producer.<sup>53</sup>

One colleague said that Hindiya had been threatened several times since her husband's death.<sup>54</sup>

Unidentified gunmen killed Daud Ali Omar and his wife at their home in the Bardale neighborhood of Baidoa in the early hours of April, 30, 2015. Daud was a reporter and producer of the Fanka iyo Suugaanta program ("Fun and Music") at the privately owned Radio Baidoa. Their neighbor, Ali Gaab, was also killed in the attack. A journalist who went to the scene of the killing the following day said the house had been sprayed with bullets.<sup>55</sup>

Colleagues said that Daud had been receiving threatening text messages from individuals claiming to be Al-Shabab members.<sup>56</sup> They believed that Daud was killed because of his decision to ignore the threats and to continue to host his radio show, which aired music that Al-Shabab has sought to ban for years. They also thought he was an easy target because he lived in a house without any security.<sup>57</sup> The district police commissioner in

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<sup>52</sup> SomaliMemo, 'Sarkaalad U Shaqaynaysay Dowladda Federaalka oo Muqdisho Lagu Dilay,' December 03, 2015, <http://somalimemo.net/articles/3978/Sarkaalad-U-Shaqaynaysay-Dowladda-Federaalka-oo-Muqdisho-Lagu-Dilay> (accessed February 6, 2016); Human Rights Watch interview with relative; Bloomberg, 'Somalia Journalist Killed by Al-Shabaab Car Bomb in Capital,' December 3, 2015 <http://www.bloomberg.com/news/articles/2015-12-03/somalia-journalist-killed-by-al-shabaab-car-bomb-in-capital>.

<sup>53</sup> Human Rights Watch interview with relative of Hindiya Haji, December 12, 2015; Human Rights Watch email communication with former head of SNTV, Abdirahman Yusuf 'Al-Adala', December 23, 2015.

<sup>54</sup> Human Rights Watch interview with former head of SNTV, Abdirahman Yusuf 'Al-Adala', December 24, 2015; interview with relative of Hindiya Haji (name withheld), December 12, 2015.

<sup>55</sup> Human Rights Watch interviews with journalists working in Baidoa (name withheld), January 13, 2016.

<sup>56</sup> Human Rights Watch interview with journalist working in Baidoa (name withheld), January 29, 2016.

<sup>57</sup> Human Rights Watch interview with journalist working in Baidoa (name withheld), January 13, 2016.

Baidoa told Human Rights Watch that on the night of the killing, police pursued the armed men who carried out the killing, and engaged them in a firefight but the assailants escaped. He said that after this, no investigation was opened.<sup>58</sup>

On November 18, 2014, Abdirisak Ali Abdi “Silver,” a reporter working at the privately owned Radio Daljir in the Puntland-controlled side of the contested town of Galkayo, was shot by unidentified gunmen at a restaurant and reportedly died of his injuries at a hospital located in the same town.<sup>59</sup> The reason he was targeted remains unknown, although a close colleague told Human Rights Watch that Abdirisak had been receiving threats from anonymous callers claiming to work for Al-Shabab.<sup>60</sup>

On June 21, 2014, Yusuf Ahmed Abukar, a prominent reporter known as “Keynan” was killed by an improvised explosive device planted in his car in the Hamerweyne district of Mogadishu.<sup>61</sup> He was an editor at Radio Mustaqbal and a reporter with the humanitarian Ergo Radio. No group claimed responsibility for his killing and the reasons behind his death remain unknown.<sup>62</sup> Following the killing, the government committed to investigating the attack.<sup>63</sup> Human Rights Watch was not able to confirm whether any investigation was opened or prosecutions carried out.

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<sup>58</sup> Human Rights Watch telephone interview with Baidoa district police commissioner, March 21, 2016.

<sup>59</sup> Al-Jazeera, “Somali Reporter shot dead in Puntland,” November 19, 2014, <http://www.aljazeera.com/news/africa/2014/11/somali-reporter-shot-dead-puntland-2014111965250988316.html> (accessed December 23, 2014); Africa Review, ‘Journalist Killed in central Somalia,’ 19 November, 2014, <http://www.africareview.com/News/Journalist-killed-in-central-Somalia/-/979180/2527694/-/q8c6hp/-/index.html> (accessed December 23, 2014).

<sup>60</sup> Human Rights Watch interview with journalist working in Galkayo (name withheld), February 4, 2016.

<sup>61</sup> Horseed Media, “Somalia: Somali journalist killed in car bomb attack,” June 21, 2014, <https://horseedmedia.net/2014/06/21/somalia-somali-journalist-killed-car-bomb-attack/>. To find out more about Keynan and his work see NPR, “A radio journalist who put his life on the line,” February 13, 2015 <http://www.npr.org/sections/goatsandsoda/2015/02/13/385986623/a-radio-journalist-who-put-his-life-on-the-line> (accessed March 21, 2016).

<sup>62</sup> A colleague close to Keynan said that Mustaqbal radio had been receiving threats before Keynan’s killing after the station aired a story about clients of a hotel smoking shisha, a flavored tobacco, inside the hotel, a practice that is frowned upon by many in Mogadishu’s still conservative social culture. They did not have any evidence that this report was linked to his killing. Human Rights Watch interview with Mustaqbal radio journalist (name withheld), January 28, 2016.

<sup>63</sup> Committee to Protect Journalists, “Yusuf Ahmed Abukar,” <https://www.cpj.org/killed/2014/yusuf-ahmed-abukar.php> (accessed March 22, 2016).



Since 2014, two other individuals linked to media outlets were shot dead in Mogadishu. Mohamed Omar Mohamed, who worked in the marketing section of Dalsan Radio,<sup>64</sup> was killed in April 2014, and Abdullahi Ali Hussein, who was believed to be a reporter with the controversial news website Waagasucub, was killed in September 2015.<sup>65</sup>

### *Attempted Killings*

On July 25, 2014, bystanders warned Mohammed Abdullahi Haji – a journalist with Radio Mogadishu and SNTV – that they had seen individuals attaching something to his car, which was near his home in Mogadishu’s Waberi district. He went to a nearby police station to report the incident. Before the police had time to intervene, the device detonated, but no one was injured.<sup>66</sup>

Mohammed told Human Rights Watch he received a phone call after the incident from a journalist he knows worked for Al-Shabab warning him that next time he would be killed.<sup>67</sup> Mohammed said his lack of trust in the authorities discouraged him from seeking justice and asking the police to open an investigation.

On April 10, 2015, Farhan Saleban Dahir, a journalist and photographer with SNTV and Radio Mogadishu, survived an assassination attempt by two unidentified gunmen near the Casa Populare in the Hodan district of Mogadishu. Farhan told Human Rights Watch that he was shot six times and that one bullet remained lodged in his left hand.<sup>68</sup> The incident occurred near the Hodan police station, while he was on his way to visit a relative after work. He said: “I ran towards the police station, but the police opened fire, only stopping

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<sup>64</sup> See for example: UNESCO, “Director-General condemns killing of two media professionals in Somalia: Yusuf Ahmed Abukar Keynan and Mohamed Omar Mohamed,” *UNESCO press*, June 25, 2014, [http://www.unesco.org/new/en/communication-and-information/resources/news-and-in-focus-articles/all-news/news/director\\_general\\_condemns\\_killing\\_of\\_two\\_media\\_professionals\\_in\\_somalia\\_yusuf\\_ahmed\\_abukar\\_keynan\\_and\\_mohamed\\_omar\\_mohamed/#.Vuz6WuJ951s](http://www.unesco.org/new/en/communication-and-information/resources/news-and-in-focus-articles/all-news/news/director_general_condemns_killing_of_two_media_professionals_in_somalia_yusuf_ahmed_abukar_keynan_and_mohamed_omar_mohamed/#.Vuz6WuJ951s).

<sup>65</sup> UNESCO, “Director-General condemns killing of somali journalist Abdullahi Ali Hussein,” *UNESCO press*, September 15, 2015, [http://www.unesco.org/new/en/communication-and-information/resources/news-and-in-focus-articles/all-news/news/director\\_general\\_condemns\\_killing\\_of\\_somali\\_journalist\\_abdullahi\\_ali\\_hussein/#.Vuz6J951s](http://www.unesco.org/new/en/communication-and-information/resources/news-and-in-focus-articles/all-news/news/director_general_condemns_killing_of_somali_journalist_abdullahi_ali_hussein/#.Vuz6J951s) (accessed March 19, 2016), Human Rights Watch was not able to confirm Abdullahi Ali’s actual position and involvement with the website.

<sup>66</sup> Human Rights Watch interview with Mohammed Abdullahi Haji, May 6, 2015.

<sup>67</sup> Human Rights Watch interview with Mohammed Abdullahi Haji, May 6, 2015.

<sup>68</sup> Human Rights Watch telephone interview with Farhan Suleiman Dahir, January 19, 2015.

when they realized I was injured. The attackers escaped in the opposite direction.”<sup>69</sup> Shortly after the attack he received a message on Facebook, from a woman’s account, threatening him: “You have survived this time, but next time you won’t.”

Abdalle Ahmed Mumin, a veteran freelancer working in Mogadishu for two international newspapers the *Guardian* and the *Wall Street Journal*, said he started receiving threatening phone calls and Facebook messages in October 2014, after he published an article on the killing of Al-Shabab leader Ahmed Godane in an aerial drone strike.<sup>70</sup> On January 26, 2015, two assailants shot at his car. Abdalle told Human Rights Watch that he was driving home from Mogadishu’s Dharkenley district:

I saw a car with no number plate behind me. There were two young men, one was wearing black sunglasses, and one was wearing a green NISA uniform.<sup>71</sup> They shot at my car three times with AK47s (assault rifles), one bullet hit the backside of my car.<sup>72</sup>

Abdalle fled Mogadishu the following day and has been living in exile ever since.<sup>73</sup> Since he left, Abdalle said that unknown gunmen came to his family home in Medina district on two occasions, asking for him.<sup>74</sup>

Abdalle believes that the attack was linked to his reporting for the *Wall Street Journal* on Al-Shabab, particularly one article in which he discussed whether the group would splinter after Godane’s killing or would find a successor. While this is an issue often discussed by

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<sup>69</sup> Human Rights Watch interview with Farhan Suleiman Dahir, January 19, 2015; Committee to Protect Journalists, “Somali journalist shot by gunmen in Mogadishu,” April 19, 2015, <https://cpj.org/2015/04/somali-journalist-shot-by-gunmen-in-mogadishu.php> (accessed March 21, 2016).

<sup>70</sup> Human Rights Watch interview with Abdalle Ahmed Mumin, March 26, 2015; “Somalia Al-Shabaab Commander Killed in US Airstrike,” *The Wall Street Journal*, September 5, 2014, <http://www.wsj.com/articles/somalia-al-shabaab-commander-believed-killed-in-u-s-airstrike-1409924376> (accessed March 18, 2016).

<sup>71</sup> Access to uniforms in Mogadishu is very easy, many of the uniforms of the security forces can be bought in the cities’ markets.

<sup>72</sup> Human Rights Watch interview with Abdalle Ahmed Mumin, March 26, 2015.

<sup>73</sup> Human Rights Watch interview with Abdalle Ahmed Mumin, March 26, 2015; see also Michael Onyiego, “The day they came to kill me,” Aljazeera Online, November 1, 2015, <http://www.aljazeera.com/indepth/features/2015/11/day-kill-151101161035093.html> (accessed March 21, 2016).

<sup>74</sup> Human Rights Watch interview with Abdalle Ahmed Mumin, December 22, 2015.

international reporters or experts, it's rare to see a journalist in Somalia writing such an article for an international media outlet in his own name.

About 8 p.m. on November 9, 2014, Nuure Mohamed Ali, a freelance journalist, was on his way home when part of his car detonated:

I was driving when an explosion happened. All of a sudden, police from a nearby checkpoint started shooting at my car as they thought I was a suicide bomber. Then I realized that the explosion happened in my car. I saw smoke, and I tried to get out. But then realized one of my legs was missing. Luckily enough, I didn't lose consciousness and got out of my car.<sup>75</sup>

Nuure lost his leg in the attack and spent two months in the hospital. He said that the authorities never followed-up with him following the attack and he wasn't aware of any investigation.

On October 12, 2014, Abdirisak Jama Elmi ("Black"), a reporter and Mogadishu bureau chief for the privately run Somali Channel TV, was seriously injured following an attack by an unidentified gunman outside his home in Mogadishu's Howl-Wadag district. Abdirisak said that a gunman, accompanied by several other men driving in a Toyota Carib, started shooting at him as he was outside greeting a neighbor, who was also badly injured in the attack. "During the shooting I could hear that several voices were telling the shooter to point his gun at me well. I could hear them saying, 'He is still alive,'" he said.<sup>76</sup>

Abdirisak suffered injuries to his back, stomach and left hand and lost a finger. He is no longer able to carry out reporting activities because of the long-term effects of his injuries.

Abdirisak could not identify his attackers but believes the attack could be linked to an interview he did in 2013 with a woman who said she was gang raped by African Union forces at their Maslah base in Mogadishu. That interview had resulted in reprisals against a number of people involved in bringing attention to the rape. Abdirisak himself was

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<sup>75</sup> Human Rights Watch interview with Nuure Mohamed Ali, March 12, 2016.

<sup>76</sup> Human Rights Watch interviews with Abdirisak Jama Elmi, including on March 11, 2016.

questioned by a government committee set up in August 2013 to look into the incident during which security officials questioned him about his sources and the identity of the alleged survivor without legal counsel present.<sup>77</sup> In addition to his reporting, Abdirisak is also known as an outspoken critic of government restrictions on freedom of the media.<sup>78</sup>

Following the attack, the head of NISA, Col. Abdirahman Mohamed Turyare, reportedly visited Abdirisak in the hospital and committed to investigate the incident.<sup>79</sup> Abdirisak told Human Rights Watch that despite having relevant details to share, he has not been contacted by the authorities since he was hospitalized, and knows of no ongoing investigation.<sup>80</sup>

Three journalists told Human Rights Watch in Puntland that their names were on a “hit list” reportedly found by the authorities in Galkayo in February 2014 in the house of an alleged Al-Shabab member who was arrested in connection with the killing of a security officer.<sup>81</sup> The list reportedly included names of 12 journalists, including Abdirisak Ali Abdi (known as “Silver”) who, as described above, was killed in November 2014. One female journalist whose name was on the list described the anxiety she felt: “Finding your name on a kill list is not easy and when you have no police to report to, you must deal with pain.”<sup>82</sup>

Radio programmer Abdullahi Mohamud Adan and editor Shine Abdi Ahmed were injured in a December 31, 2014 attack when two hand grenades were thrown into the offices of Radio Galkayo in Puntland.<sup>83</sup> The station was attacked again on January 16, 2015, although no

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<sup>77</sup> See Human Rights Watch, “Somalia: Deeply Flawed Rape Inquiry,” November 10, 2013, <https://www.hrw.org/news/2013/11/10/somalia-deeply-flawed-rape-inquiry>.

<sup>78</sup> Human Rights Watch interviews with Abdirisak Jama Elmi, including on March 11, 2016.

<sup>79</sup> Human Rights Watch interviews with Abdirisak Jama Elmi, including on March 11, 2016; Reporters without Borders, “TV journalist badly wounded in targeted shooting,” October 14, 2014, <http://en.rsf.org/somalia-tv-journalist-badly-wounded-in-14-10-2014,47103.html> (March 21, 2016).

<sup>80</sup> Human Rights Watch interviews with Abdirisak Jama Elmi, including on March 11, 2016.

<sup>81</sup> Human Rights Watch telephone interview with Awil Mohamud Abdi, February 4, 2016; interview with Fadumo Yusuf Saud ‘Taxadar’, March 18, 2016; and other journalists in Puntland. Human Rights Watch cannot verify the existence or contents of this alleged hit-list.

<sup>82</sup> Human Rights Watch interview with journalist working in Garowe, February 10, 2015.

<sup>83</sup> Human Rights Watch telephone interview with Awil Mohamud Abdi, February 4, 2016; see also Goojoog, “Grenade attack on station wound two journalists,” January 1, 2015, <http://goojoog.com/english/?p=7938>.

one was injured. This was not the first time the station and its journalists had been attacked.<sup>84</sup>

Awil Mohamud Abdi, director of Radio Galkayo, told Human Rights Watch that in the months prior to the attacks, he and the station had been receiving many threats from an anonymous telephone caller claiming to be affiliated to Al-Shabab in the Galgadud region. The caller was annoyed with some of the programs and talk shows the radio station had aired on security issues and complained that the station was not covering Al-Shabab press releases.<sup>85</sup> The station had hosted several security officials for discussions on insecurity in the region.<sup>86</sup>

Awil reported the threats to the authorities; the town's police commander, Abdirashid Hassan Hashi, agreed to post three police officers at the radio station in late October 2014. Shortly after, one of the officers was shot dead by unknown assailants behind the station, and from then on the other officers did not return.<sup>87</sup>

Following the first attack, a group of youth in the vicinity were arrested but released shortly after as there was no evidence against them.<sup>88</sup> Awil told Human Rights Watch that after the attacks he repeatedly visited the police station, but the police never sought to get a thorough statement and would only tell him that they had not found anything.<sup>89</sup>

### *Journalists caught in the crossfire*

At least one journalist has been killed and three others injured while on reporting assignments in the past two years.<sup>90</sup>

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<sup>84</sup> Committee to Protect Journalists, "In Puntland fourth radio station hit by grenade," October 19, 2011, <https://cpj.org/2011/10/in-puntland-fourth-radio-station-hit-by-grenade-at.php> (accessed March 21, 2016).

<sup>85</sup> Human Rights Watch telephone interview with Awil Mohamud Abdi, February 4, 2016.

<sup>86</sup> Ibid.

<sup>87</sup> Ibid.

<sup>88</sup> Ibid.

<sup>89</sup> Human Rights Watch reached out to the Galkayo police commissioner on several occasions but was unable to receive feedback on this incident and the killing of Abdirisak Silver.

<sup>90</sup> On February 27, 2015, Muawiye Ahmed Mudey, a freelance journalist, was reportedly wounded in crossfire during a shootout between federal government security forces and security forces of a government delegation from the ISWA region. Muawiye had been on assignment covering the ISWA delegation's visit. See Dalsan Radio, "SIMHA concerned about wounded Somali freelance journalist," February 28, 2015 <http://www.radiodalsan.com/2015/02/28/untitled-promotion->

On November 1, 2015, freelance journalist Mustaf Abdi Nor, known as Shafana, was killed while reporting at the scene after an al-Shabab attack on the popular Sahafi hotel in central Mogadishu. Mustaf was taking photos from behind a car in front of the hotel when the car detonated.<sup>91</sup> Feisal Omar Hashi, a photojournalist for Reuters, was also injured in the attack.<sup>92</sup>

On October 19, 2015, Osman Adan Areys, a respected reporter with Somali Channel TV based in Beletweyn was shot in his left arm while covering violent clashes between the Gaaljecel and Baadicade clan militia at a checkpoint in Beletweyn.<sup>93</sup>

## **Arbitrary Arrests and Threats by Federal and Regional Authorities**

NISA, regional police forces, and local militias have harassed, threatened and arbitrarily arrested and detained journalists and closed media outlets to prevent or discourage coverage of news events and as punishment. While the security forces are the visible face of these abuses, journalists told Human Rights Watch that senior government officials often issued the orders for actions taken against them.<sup>94</sup>

### *Arbitrary Arrests and Closures by Federal and Regional Authorities*

Since 2014, government and security officials in Puntland and south-central Somalia regularly called in journalists for questioning and then arbitrarily arrested them. Criminal prosecutions of journalists are rarer, but in two cases in Mogadishu journalists have faced court cases, received prison sentences and significant fines.<sup>95</sup> Ten media outlets were

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5simha-concerned-about-wounded-somali-freelance-journalist/ (March 20, 2016); CPJ, "Making an Impact. Journalist Assistance," <https://cpj.org/campaigns/assistance/impact.php> (accessed March 20, 2016).

<sup>91</sup> Al Jazeera, "Shafana: The Journalist who Believed in Somalia," November 1, 2015, <http://www.aljazeera.com/blogs/africa/2015/11/shafana-journalist-believed-somalia-151101142919042.html> (accessed February 17, 2015).

<sup>92</sup> Human Rights Watch interview with survivor of attack (name withheld), November 14, 2015.

<sup>93</sup> Human Rights Watch telephone interview with Osman Adan Areys, October 21, 2015.

<sup>94</sup> Human Rights Watch interview with journalist working in Afgooye (name withheld), February 16, 2015; interview with journalist in Bosaso (name withheld), January 8, 2016; interviews with journalists in Beletweyn; interview with Nafiso Hersi Ogle, February 1, 2016.

<sup>95</sup> see Committee to Protect Journalists, Radio Journalists given Hefty Fines in Somalia, one still detained," March 3, 2015, <https://www.cpj.org/africa/somalia/2015/#24909> (accessed March 18, 2016).

temporarily closed in 2014 and 2015 in several towns across south-central Somalia and Puntland.<sup>96</sup>

### **Galgadud and Ahlu Sunna Wal Jama'a Clampdown**

Between May and August 2015, the Ahlu Sunna Wal Jama'a (ASWJ) militia, a Sufi Islamist armed group that controls the towns of Guri'el and Dhusamareb in the Galgadud region, sought to restrict media reporting on the Galmudug interim state formation and security matters involving ASWJ. The group pressured local stations to sign up to their new media regulations, and carried out a string of arbitrary arrests of journalists and closures of local radio stations.

On May 16, 2015, Abdulkader Barre Gure, the deputy director of privately owned Radio Galgadud, based in Guri'el, received a phone call from a high-level ASWJ official ordering him to shut down the station.<sup>97</sup> The following day, ASWJ temporarily detained Abdulkader. On May 18, ASWJ forces raided the offices of Radio Galgadud and shut it down. The station was not reopened until May 31, after lengthy discussions with the authorities about the conditions placed on the station to be allowed to reopen.<sup>98</sup>

On May 18, Osman Mohamed Aden, a reporter for the state-run SNTV in Guri'el, was summoned by a police official and given an ultimatum to stop working for SNTV or leave Guri'el. Osman told Human Rights Watch that the ASWJ officials did not want him working for the state-run channel, as they wanted no relationship with the central government,

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<sup>96</sup> Human Rights Watch only included media outlets shut down for more than a couple of hours and these include 5 outlets in Mogadishu, 2 in Bosaso and 3 in Dhusamareb and Guri'el. See also, Compilation prepared by the Office of the UN High Commissioner for Human Rights, A/HRC/WG.6/24/SOM/2, November 23, 2015, para. 51, [http://www.upr-info.org/sites/default/files/document/somalia/session\\_24\\_-\\_january\\_2016/a-hrc-wg.6-24-som-2-e.pdf](http://www.upr-info.org/sites/default/files/document/somalia/session_24_-_january_2016/a-hrc-wg.6-24-som-2-e.pdf) (accessed March 18, 2016); Human Rights Watch interview with journalist working in Afgooye, March 24, 2015; interview with journalist in Baidoa February 9, 2015.

<sup>97</sup> Human Rights Watch interview with journalist in Guri'el (name withheld), October 15, 2015; see also NUSOJ, "Heavy censorship, intimidation, arbitrary arrests and draconian orders threatens media freedoms in Puntland and central Somalia regions," May 23, 2015, <https://nuso.wordpress.com/2015/05/23/heavy-censorship-intimidation-arbitrary-arrests-and-draconian-orders-threatens-media-freedoms-in-puntland-and-central-somalia-regions/> (accessed March 20, 2016).

<sup>98</sup> See also CPJ, "Militia in Central Somalia detains six journalists for four days," <https://cpj.org/2015/08/militia-in-central-somalia-detains-six-journalists.php> (accessed February 17, 2016); NUSOJ, "NUSOJ Condemns Closure of Two Radio Stations in Central Somalia," August 22, 2015, <http://www.radiodalsan.com/2015/08/22/nuso-condemns-closures-of-two-independent-radio-stations-in-central-somalia/> (accessed February 17, 2016).

accused him of being biased and questioned him about several of his stories and interviews.<sup>99</sup> Osman refused to meet their demands and in fear for his safety, left the area.

Over three days in late July 2015, ASWJ officials arrested six journalists in Dhusamareb.<sup>100</sup>

On July 31, Abdi Jamal Moalim from Kalsan TV and Radio Bar-Kulan, Mohamed Abdi Mohamed from Somali National TV, and Bashir Mohamoud from Horncable TV were arrested, after they reported on a demonstration in Dhusamareb in favor of the creation of the Galmudug interim state.<sup>101</sup> The following day, ASWJ security forces arrested two staff from the privately owned Radio Codka Bartamaha, Abdullahi Warsame Roble and Leylo Nor, after they released a news item on the journalists' arrests.

Nafiso Hersi Ogle, the director of Radio Codka Bartamaha, told Human Rights Watch:

The day the first three journalists were arrested, I received a call from the district security officer [name withheld], who told me I couldn't publicly report on the arrests in any of the media outlets I work with.

On August 1, at 9 a.m., about 16 gunmen surrounded our radio station. They told me they wanted to arrest Abdullahi Warsame Roble [a journalist at the station] but I told them that Abdullahi was in the studio reading the news.

The commander, [name withheld], ordered me to open the studio, but I told him we needed to wait for Abdullahi to finish. The commander opened the studio by force and tried to grab Abdullahi. I told him not to resist and leave. The mic was open and the whole town was listening.

The commander then closed down the station. On August 2, ASWJ security forces detained Nafiso Hersi.<sup>102</sup>

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<sup>99</sup> Human Rights Watch telephone interview with Osman Mohammed Aden, January 19, 2016.

<sup>100</sup> Human Rights Watch telephone interview with Nafiso Hersi Ogle, February 1, 2016.

<sup>101</sup> Human Rights Watch telephone interview with Nafiso Hersi Ogle, February 1, 2016.

<sup>102</sup> Human Rights Watch telephone interview with Nafiso Hersi Ogle, February 1, 2016.



The six journalists, including Abdullahi, Leyla and Nafiso, were released on August 2 but ordered to appear before a judge on August 3. Four were brought before an ASWJ-run court that administers Sharia (Islamic law), presided over by an ASWJ official. The judge reportedly sentenced the four to two months in prison, without legal counsel, on charges of defying the orders of the local administration and airing information that could create unrest. However, he immediately pardoned and released them, following a request by the journalists' relatives.<sup>103</sup>

In August, the ASWJ administration tried again to compel local media owners to sign onto new media regulations. On August 21, ASWJ forces again closed down Radio Galgadud branches in Dhusamareb and Guri'el and Star FM in Guri'el after the journalists decided to boycott ASWJ events and reporting on ASWJ activities for several days in protest.<sup>104</sup>

While the other stations reopened, Radio Codka Bartamaha remains closed. Nafiso told Human Rights Watch why they refused to comply with the administration's restrictions and reopen the station:

We are a community radio, people wanted to hear what was going on at the time around the Galmudug interim state formation as there was a lot of tensions, but the local administration wanted to keep people uninformed. We also want to be able to cover the news on all the country, all regions, and so there is no point reopening the station if we cannot.<sup>105</sup>

Since 2014, the authorities in Beletweyn have arrested three journalists and temporarily closed down two radio stations.<sup>106</sup> On April 2, 2015, NISA members in Beletweyn arbitrarily arrested two journalists from Goobjoog radio, office manager, Abdirisak Mohamed Abdullahi "Al-Adala" and reporter Khalid Mohamed Osman, and ordered them to close down the station. Minutes earlier, the station had aired a story on a case of extrajudicial killing by militia linked to the self-proclaimed administration of the west side of Beletweyn, for which they interviewed a representative from this administration, seemingly giving him

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<sup>103</sup> Human Rights Watch telephone interview with Nafiso Hersi Ogle, February 1, 2016; interview with journalist in Guri'el (name withheld), October 15, 2015.

<sup>104</sup> Human Rights Watch interview with journalist in Guri'el (name withheld), October 15, 2015.

<sup>105</sup> Human Rights Watch telephone interview with Nafiso Hersi Ogle, February 1, 2016.

<sup>106</sup> Human Rights Watch telephone interview with Osman Adan Areys, October 21, 2015.

credibility in the eyes of the town's official administration.<sup>107</sup> The journalists were held for three days in a NISA detention facility without charges or access to their relatives.<sup>108</sup>

### **Mogadishu and the NISA clampdown**

Since 2014, the National Intelligence and Security Agency, which has no legal mandate to arrest or detain people, has temporarily closed down five media outlets and arrested dozens of journalists and managers that have been held from periods ranging from a few hours to several weeks in NISA facilities in Mogadishu.<sup>109</sup> Four journalists were sentenced under the criminal code and given prison terms of the time served and significant fines, after months in detention.<sup>110</sup> The chief justice of Somalia's supreme court told Human Rights Watch that he had never granted any orders for these arrests and closures.<sup>111</sup>

In September 2014, NISA temporarily detained journalists and managers from Radio Simba, Kulmiye Radio and the state-run Radio Mogadishu after they broadcast the voice of an Al-Shabab spokesperson, following a ban by the head of NISA in Benadir on the broadcast of Al-Shabab statements; NISA ordered both Radio Simba and Kulmiye Radio off-air for several hours.<sup>112</sup>

### **Shabelle Network Station Closures and Prosecutions**

NISA has arrested dozens of journalists from the Shabelle Media Network and shut down its stations, including Mogadishu's once most popular station, Shabelle Radio, on three occasions over the past two years.

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<sup>107</sup> Human Rights Watch telephone interview with Abdirisak Mohammed Abdullahi, February 10, 2016.

<sup>108</sup> Human Rights Watch telephone interview with Abdirisak Mohammed Abdullahi, February 10, 2016.

<sup>109</sup> In December 2015, Abdirisak Omar Ahmed, a freelance journalist, was arrested by NISA and held for several weeks; Human Rights Watch was not able to look into this case. See CPJ, "Somalia intelligence agency detains journalist for weeks," January 6, 2016, <https://cpj.org/2016/01/somalia-intelligence-agency-detains-journalist.php> (accessed April 4, 2016).

<sup>110</sup> In addition to the station closures mentioned in this section Radio Risaala was also shut down from January 3- 8, 2015 and three of the station's journalists, Mohamed Abdulwahab the radio station's director, Mohamed-Kafi Sheikh Abukar, the editor, and Mohamed Abdi Ali, a reporter arbitrarily arrested by NISA, for a report on an alleged case of Ebola in Somalia. Mohamed Abdi Ali was transferred to the central prison on January 8, and sentenced on March 1, 2015, with publishing false information. Human Rights Watch interview with Radio Risaala journalist, January 10, 2015.

<sup>111</sup> Human Rights Watch telephone interview with Chief Justice Aideed Abdullahi, March 21, 2016.

<sup>112</sup> Human Rights Watch interview with radio station manager (name withheld), February 2, 2015; Human Rights Watch interview with radio station manager (name withheld), January 1, 2015; interview with journalist in Mogadishu (name withheld), January 3, 2015; see also Reporters without Borders, "Security agency arrests journalists and closes radio stations after banning coverage of Al-Shabab," September 11, 2014, <http://en.rsf.org/somalie-security-agency-arrests-11-09-2014,46931.html> (accessed March 19, 2016).

On August 15, 2014, NISA officials raided the Shabelle offices and its sister station, Sky FM, both part of the Shabelle Media Network, and arrested all 19 male journalists and media workers present at the time (female staffers present were not arrested).<sup>113</sup> They confiscated equipment and shut the stations down.<sup>114</sup> The raids and arrests came after controversial broadcasts by the two stations, including a live talk show on Shabelle Radio, discussing a security operation against a powerful warlord in Mogadishu, Ahmed Dai, that underlined the clan-dynamics around the operation.<sup>115</sup>

After initial questioning and detention at Godka Jillaow, one of the main detention facilities run by NISA, 16 of the journalists were released.<sup>116</sup>

On August 17, Abdimalik Yusuf Mohamed, Shabelle Media Network owner, and Mohamud Mohamed “Arab,” Sky FM director, and Radio Shabelle presenter Ahmed Abdi Hassan, who were still in detention, were taken to the Benadir Regional Court, and remanded for an additional 21 days.<sup>117</sup> They spent a total of 22 days in NISA detention. On September 6, they were formally charged and transferred to Mogadishu central prison.<sup>118</sup> On the same day, Shabelle Radio Producer, Mohamed Bashir Hashi, was also arrested.<sup>119</sup>

On October 21, 2014, Abdimalik and Ahmed were released on bail, after some of the charges against them were dropped.<sup>120</sup> Mohamud and Mohamed were detained for almost

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<sup>113</sup> Human Rights Watch interviews with several Radio Shabelle and SKY FM journalists, August 22, 2014.

<sup>114</sup> Human Rights Watch interviews with several Radio Shabelle and SKY FM journalists, August 22, 2014; ; UN Security Council, “Report of the Secretary-General on Somalia,” S/2015/331, May 12, 2015, Para. 53, [http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_2015\\_331.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2015_331.pdf) (accessed March 18, 2016).

<sup>115</sup> AFP, “Somali Army Battle Warlord in Mogadishu, shuts radio station,” August 15, 2014, <https://news.yahoo.com/heavy-fighting-mogadishu-troops-try-disarm-warlords-militia-071147343.html> (accessed February 16, 2016).

<sup>116</sup> Journalists returned to the station after their release but it was once again shut down by NISA. Human Rights Watch interviews with several Radio Shabelle and SKY FM journalists, August 22, 2014.

<sup>117</sup> Human Rights Watch interview with Abdimalik Yusuf Mohammed, March 21, 2016.

<sup>118</sup> Human Rights Watch interview with Dr Ali Halane, lawyer of the defendants, March 22, 2016.

<sup>119</sup> Mohamed Bashir was charged under article 184 of the penal code with “attempts against the integrity, independence or unity of the Somali state; high treason,” in a separate case. He was detained until March 24 2016 when he was released on bail. Human Rights Watch was not able to clarify whether the charges against him are still pending. Human Rights Watch interview with Deputy Attorney General, Mohamed Hassan, April 12, 2016; interview with Mohamed Bashir Hashi, April 12, 2016.

<sup>120</sup> Abdimalik Yusuf, as the owner of Shabelle Media Network, was fined US\$10,000; Mohamud Mohammed ‘Arab’ was fined \$2000 and time served (August to March); Abdi Hassan was fined \$500 and time served (August to October); Human Rights Watch interview with Abdimalik Yusuf Mohammed, March 21, 2016; Reporters without Borders, “Two of Four Detained

seven months. On March 1, 2015 Abdimalik, Ahmed and Mohamud were sentenced under the country's penal code including for public instigation to disobey the law,<sup>121</sup> and "circulation of false, exaggerated or tendentious news capable of disturbing public order,"<sup>122</sup> sentenced to time served and given excessive fines.<sup>123</sup> The stations were off air throughout these months.

On April 3, 2015, NISA again raided and closed down Radio Shabelle and Sky FM and arrested a number of journalists present, once again without a court order.<sup>124</sup> Most staff were released, but NISA continued to hold Mohamed Muse, director of Radio Shabelle, and Ahmed Abdi Hassan, who had been sentenced in the previous case.<sup>125</sup> According to Ahmed, after two days in detention they were brought before the Benadir regional court and the court ordered their release stating that the accusations against them had no legal basis. NISA ignored the order and continued to hold them for another two weeks.<sup>126</sup> The arrests and closure came after Radio Shabelle broadcast an interview with Al-Shabab spokesperson Sheikh Ali Dheere, who claimed responsibility for the attack on Garissa University in northeastern Kenya, thereby violating a ban that NISA had imposed on the broadcast of Al-Shabab statements, discussed below.<sup>127</sup>

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Journalists Released on Bail," October 21, 2014, <http://en.rsf.org/somalie-three-journalists-tortured-while-19-08-2014,46821.html> (accessed March 20, 2016).

<sup>121</sup> Somali Penal Code, Legislative Decree n. 5 of 16 December 1962, art.231.

<sup>122</sup> Ibid. art. 328.

<sup>123</sup> Human Rights Watch interview with Deputy Attorney General Mohamed Hassan, April 12, 2016; Committee to Protect Journalists, "Radio journalists given hefty fines in Somalia, one still detained," March 3, 2015, <https://cpj.org/2015/03/radio-journalists-given-hefty-fines-in-somalia-one.php> (accessed March 20, 2016).

<sup>124</sup> UN Security Council, "Report of the Secretary General on Somalia," S/215/331, May 12, 2015, [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/2015/331](http://www.un.org/ga/search/view_doc.asp?symbol=S/2015/331) (accessed March 17, 2016); Human Rights Watch interview with Radio Shabelle journalist, April 8, 2015.

<sup>125</sup> Another staff member of the station, Abdiaziz Mohamed Ali aka Haji, was also held for four additional days according to a Shabelle Radio journalist but later released reportedly for medical reasons. Human Rights Watch interviews with Radio Shabelle journalist, April 2015.

<sup>126</sup> Human Rights Watch interview with Ahmed Abdi Hassan, April 1, 2016; the UN Independent Expert on the Human Rights situation in Somalia reported that the journalists were held despite an order by the regional court to release them. See UN Human Rights Council, Report of the Independent Expert on the Human Rights Situation in Somalia, Bahame Tom Nyanduga, para. 24.

<sup>127</sup> Committee to Protect Journalists, "Authorities Arrest Shabelle Media Network Journalists, Close Down Stations Again," April 7, 2015, <https://cpj.org/2015/04/authorities-arrest-shabelle-media-network-journali.php> (accessed February 16, 2016); see also UN Human Rights Council, Report of the Independent Expert on the Human Rights Situation in Somalia, Bahame Tom Nyanduga, A/HRC/30/57, October 28, 2015, para. 24, <http://reliefweb.int/report/somalia/report-independent-expert-situation-human-rights-somalia-bahame-tom-nyanduga-ahrc3057> (accessed March 17, 2016).

## Universal TV arrests and closure

On October 2, 2015, the head of NISA, Col. Turyare, summoned Mogadishu director of the privately owned broadcaster Universal TV, Abdullahi Hersi Kulmiye, and presenter of the popular political talk show, “Doodwadaag” (“Debate”), Awil Dahir Salad, to the offices of NISA at Godka Jillaow.<sup>128</sup> On the same day, NISA forces raided the Universal TV offices and ordered journalists at the offices to close the station indefinitely, without a court order.<sup>129</sup>

The arrests and closure came after Doodwadaag hosted two Somali parliamentarians, Abdi Hashi Abdullahi and Mohamed Abdi Yusuf, for a live debate on September 30 during which speakers raised a series of issues critical of the government and president, and of the influence of foreign forces inside Somalia, particularly Ethiopia.<sup>130</sup>

Abdullahi told Human Rights Watch that he asked for a lawyer during their initial interrogation, but the NISA official interrogating them said that the questioning was only informal, and the two media workers did not need a lawyer. Yet, by the evening of October 2, NISA officials told them that they were under arrest. Abdullahi said NISA officials questioned him about the station’s programs, and particularly about “Doodwadaag” and a satirical political show, “Faaliyaha Qaranka” (“Nation’s Prediction”).<sup>131</sup>

The following afternoon, they were taken to the Benadir regional court, still without legal counsel. Abdullahi said that no one informed them of any charges against them when they appeared before court and that the judge granted NISA an additional 21 days to carry out the investigations.<sup>132</sup>

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<sup>128</sup> Human Rights Watch interview with Abdullahi Hersi Kulmiye, December, 23, 2015; interview with manager at Universal TV, October 5, 2015; email exchange with Mohamed Ibrahim, October 3, 2015.

<sup>129</sup> Human Rights Watch telephone interview with manager at Universal TV, October 5, 2015; see also Goobjoog, News, “Two Universal TV journalists arrested, Mogadishu bureau closed,” October 3, 2015, <http://goobjoog.com/english/?p=20218> (accessed March 20, 2016).

<sup>130</sup> The show can be seen at <https://www.youtube.com/watch?v=TERAm56OTTU&feature=youtu.be>; Human Rights Watch email correspondence with Mohamed Ibrahim, October 3, 2015; Human Rights Watch interview with Abdullahi Hersi, December, 23, 2015; see also NUSOJ, “Universal TV staff to remain in prison for 21 days, its offices remain closed,” October 4, 2015, <https://nusoj.wordpress.com/2015/10/04/universal-tv-staff-to-remain-in-prison-for-21-days-its-offices-remain-closed/> (accessed March 20, 2016).

<sup>131</sup> Human Rights Watch telephone interview with manager at Universal TV, October 5, 2015.

<sup>132</sup> Attorney General Ahmed Ali Dahir told Human Rights Watch in a March 12, 2016 meeting that he only granted an additional 7 days of investigation time to NISA.

The authorities released Abdullahi and Awil on October 8. Attorney General Ahmed Ali Dahir told Human Rights Watch that formal charges were never brought against the two men.<sup>133</sup> The station reopened its Mogadishu office on October 10.

Four journalists arrested by NISA alleged mistreatment in NISA detention facilities in Mogadishu.<sup>134</sup> On February 11, 2014, director of privately owned Radio Danan, Mohamed Haji Bare, was arrested and held for two days in NISA's Godka Jillaow detention facility, for taking photos of a deputy governor from Lower Shabelle immediately after he was injured by a car bomb. Mohamed told Human Rights Watch he was mistreated during his interrogation by NISA officials:

They started beating me and showing me a photo of the exploded car with a lot of bystanders and myself holding a camera and taking photos in the background. They asked me what I knew about the explosion.

They beat me for about 15 minutes until I lost control and fell down. They beat me with sticks, guns and kicked with boots as well. I was beaten only that time, but they hurt me pretty badly. All my body was in pain and some parts of my body were swollen.<sup>135</sup>

## Puntland

Despite a lull in government-orchestrated restrictions on the media during the first year of President Abdiweli Mohamed's term in office, the Puntland authorities have since temporarily detained a handful of journalists.<sup>136</sup> The Puntland authorities also temporarily

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<sup>133</sup> Human Rights Watch with Attorney General Ahmed Ali Dahir, March 12, 2016.

<sup>134</sup> UN Security Council, "Letter dated 10 October 2014 from the Chair of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea addressed to the President of the Security Council," para. 14 ; Two Radio Shabelle journalists detained on August 15, 2014 following the raid on Shabelle offices told Human Rights Watch that they were also intimidated during the interrogations and beaten and heard Abdimalik being mistreated. Radio Shabelle director, Abdimalik Yusuf Mohammed, described being badly beaten during his first day of interrogation at Godka Jillaow. Human Rights Watch interview with Abdimalik Yusuf Mohammed, March 21, 2016; Ahmed Abdi described being beaten during his detention by NISA in April 2015; Human Rights Watch interview with Ahmed Abdi Hassan, April 1, 2016.

<sup>135</sup> Human Rights Watch telephone interview with Mohamed Haji Bare, February 2014; see also "Dispatches: Somalia - Worrying Times for Press Freedom," Human Rights Watch dispatches October 13, 2014, <https://www.hrw.org/news/2014/10/13/dispatches-somalia-worrying-times-press-freedom>.

<sup>136</sup> At least six journalists in Puntland have been arrested and briefly detained; none have been charged.

shut down two media outlets in 2015 and pressed charges against one. The Puntland authorities appear particularly sensitive to issues that touch on government officials' record in office,<sup>137</sup> Puntland's reputation, and the implementation of the federalism model in Somalia.

On May 19, 2015, the Puntland deputy minister of interior ordered the closure of SNTV by publishing a letter in the local media, without giving prior warning to the SNTV management.<sup>138</sup> The order followed the broadcast of a report on the situation of refugees from Yemen in Bosaso, which the deputy Minister said damaged the reputation of the Puntland government. The official revoked the order within days.<sup>139</sup>

On October, 29, the Puntland Minister of information, Mohamud Hassan Soocade, sent a letter to Voice of America (VOA) prohibiting journalists from working with VOA in Puntland, ordering the closure of VOA offices and prohibiting the rebroadcast of VOA programs across Puntland.<sup>140</sup> The minister accused VOA of having made a "habit of reporting baseless and false reports, which pose damage to the dignity and statehood of Puntland." The ban came one day after the speaker of parliament resigned, creating significant political tensions.<sup>141</sup> A VOA journalist in Puntland told Human Rights Watch their concerns about reporting on the issue before the closure: "When the spokesperson resigned, people were not happy. People were calling VOA but we were declining to interview them as we were scared our offices would be closed. We told them to call our colleagues in Washington, DC."<sup>142</sup> The minister revoked his decision on October 31.<sup>143</sup>

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<sup>137</sup> For an overview of the string of arrests and closures in Puntland in 2015 see for example: Media Association of Puntland, "MAP condemns arrest of two radio journalists in Garowe," May 23, 2015, <http://mediapuntland.org/map-condemns-arrest-of-two-radio-journalists-in-garowe/> (accessed March 18, 2016) ; East and Horn of Africa Human Rights Defenders Project, "Puntland: Release Journalist Jama Deperani," November 23, 2015, <https://www.defenddefenders.org/2015/11/puntland-release-journalist-jama-deperani/> (accessed March 18, 2016).

<sup>138</sup> Human Rights Watch telephone interview with former head of SNTV, Abdirahman Yusuf 'Al-Adala', December 24, 2015.

<sup>139</sup> Human Rights Watch interview with former head of SNTV, Abdirahman Yusuf 'Al-Adala', December 24, 2015.; Letter from Puntland Deputy Minister of Interior, Abdullahi Hashi Warsame, on file with Human Rights Watch.

<sup>140</sup> Copy of order by Minister Hassan Soocade on file with Human Rights Watch ; Human Rights Watch telephone interview with Fadumo Yassin Jama, January 29, 2016.

<sup>141</sup> Garowe Online, "Somalia: Puntland Speaker of Parliament Resigns Before Vote, October 28, 2015 <http://www.garoweonline.com/en/news/puntland/somalia-puntland-parliament-speaker-resigns-before-vote>.

<sup>142</sup> Human Rights Watch telephone interview with Fadumo Yassin Jama, January 29, 2016.

<sup>143</sup> Media Association of Puntland, "Puntland: Authorities "lift VOA Somali broadcast ban" in Puntland," October 30, 2015, <http://mediapuntland.org/puntland-administration-lifts-the-ban-on-the-voa-somali-broadcast-in-puntland/> (accessed March 18, 2016).

Individual government officials and members of the judiciary also punish journalists for reporting they perceive as undermining their reputation, by ordering their arrest.

On May 27, 2015, VOA reporter, Fadumo Yasin Jama, said she received a text message from Ahmed Ali Ahmed, chairman of the Bari regional court of appeal, telling her to appear in court the following morning. When she appeared in court, the chairman ordered her arrest and that of a reporter with the Puntland-based privately owned radio station SBC, Yusuf Mohamud Yusuf, accusing them of having offended judges. Fadumo had recently filed an interview with Puntland President Abdiweli Mohamed in which he acknowledged public concerns with the judiciary.<sup>144</sup> Fadumo and Yusuf, who attended the trial and questioned the warrant of arrest against Fadumo, were taken to the Bosaso central police station. Fadumo said they were later released following pressure from her clan representatives and an official from the President's office.<sup>145</sup>

On November 19 2015, the police in Garowe arrested Somalia Channel TV presenter Jama Yusuf Deperani after he hosted the minister of information on his talk show, and questioned the minister about a range of political and development issues in Puntland.<sup>146</sup> He was held for ten days in pre-trial detention, never brought before a court or given access to legal counsel.<sup>147</sup> According to the Media Association of Puntland (MAP), in August 2015, the government charged the media outlet, Sahan Radio, with criminal defamation and propaganda against the government, but the case was dismissed on the basis of lack of evidence by a regional court.<sup>148</sup>

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<sup>144</sup> Copy of arrest warrant on file with Human Rights Watch.

<sup>145</sup> Human Rights Watch phone interview with Fadumo Yassin Jama, January 29, 2016.

<sup>146</sup> East and Horn of Africa Human Rights Defenders Project, "Puntland: Release Journalist Jama Deperani," November 23, 2015, <https://www.defenddefenders.org/2015/11/puntland-release-journalist-jama-deperani/>; Human Rights Watch interview with Faisal Khalif Barre, February 17, 2016.

<sup>147</sup> Human Rights Watch interview with Faisal Khalif Barre, March 21, 2016.

<sup>148</sup> Media Association of Puntland, "Nugaal regional court dismiss Radio-Sahan case," <http://mediapuntland.org/nugaal-regional-court-dismiss-radio-sahan-case/> (accessed March 18, 2016); Garowe Online, "Somalia: FM station cleared of alleged slander in case by Puntland government," August 17, 2015, <http://www.garoweonline.com/en/news/puntland/somalia-fm-station-cleared-of-alleged-slander-in-case-by-puntland-govt> (accessed March 18, 2016).



## Censorship

Security forces, notably NISA and local police forces, in south-central Somalia and Puntland have on several occasions since 2014 sought to control the content of media coverage of Al-Shabab and Al-Shabab activities. Such bans undermine the media outlets independence, limits the public's legitimate rights to information, and put journalists at risk.

In 2014 and again in 2015, the NISA leadership in Mogadishu met with journalists and station managers and orally instructed them to stop reporting on Al-Shabab, and banned the airing of Al-Shabab voices.<sup>149</sup> According to the UN Independent Expert on the human rights situation in Somalia, no court had approved such a ban.<sup>150</sup>

Several journalists told Human Rights Watch that they attended a September 2, 2014 meeting, where the former head of NISA Benadir region, Col. Mohamed Adam Kofi, banned them from reporting on Al-Shabab activities, except from official statements from the Ministry of Security, broadcasting Al-Shabab statements and voices, and reporting on a new joint AMISOM- Somali government offensive against Al-Shabab. <sup>151</sup> When one journalist asked for an official document, he was told it was a verbal order.<sup>152</sup>

A journalist who was in the room, and later arrested when his station rebroadcast a VOA item with the voice of an Al-Shabab spokesperson, told Human Rights Watch: "He didn't specifically threaten us with reprisals but we could understand from the language he used and the actions he later took when we accidentally aired the voice that this was a threat." A media owner in Mogadishu said that a local NISA official visited his radio station shortly after the ban imposed by Kofi and gave the station a long list of restrictions with which to comply.<sup>153</sup>

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<sup>149</sup> Human Rights Watch interview with Fadumo Yusuf Saud 'Taxadar', March 18, 2016.

<sup>150</sup> UN Human Rights Council, Report of the Independent Expert on the Human Rights Situation in Somalia, Bahame Tom Nyanduga, A/HRC/30/57, October 28, 2015, para. 24, <http://reliefweb.int/report/somalia/report-independent-expert-situation-human-rights-somalia-bahame-tom-nyanduga-ahrc3057> (accessed March 17, 2016); Human Rights Watch interview with Deputy Attorney General, Mohamed Hassan, April 12, 2016.

<sup>151</sup> Human Rights Watch interview with journalist working in Mogadishu (name withheld), March 11, 2016.

<sup>152</sup> Ibid.

<sup>153</sup> Human Rights Watch telephone interview with radio owner working in Mogadishu (name withheld), January 29, 2015.

In March 2014, the former governor of Hiraaan, Abdi Farah Laqanyo, and the Djibouti contingent commander, Col. Osman Dubad, also banned journalists in Beletweyn from broadcasting Al-Shabab's voices or information about their activities.<sup>154</sup>

In addition to the direct reprisals against journalists and media outlets that reportedly failed to comply with these orders, the broader impact on journalists' reporting and security is significant. One journalist spelled out the dilemma such bans impose on journalists:

It undermines our freedom and also creates a mess, because even Al-Shabab then put out a statement saying that the media that obeys NISA orders will be targeted.<sup>155</sup> So, it is a dilemma for us to choose between the government's jails and Al-Shabab threats and none of them are friendly at all.<sup>156</sup>

The radio stations that rebroadcast VOA and BBC programs find it particularly difficult to comply with these bans. One editor in Beletweyn said that the only way they get around this is by "cutting the stream and turning on commercials when they start a story about Al-Shabab."<sup>157</sup>

Regional authorities have also sought to impose and control reporting around federalism. As described above, according to journalists in ASWJ-controlled towns, since mid-2015 the ASWJ spokesperson, Mursal Sheikh Mohamed Yusuf Hefow, has tried to impose new regulations on local journalists and stations, which included provisions prohibiting reporting on Galmudug Interim Administration and requiring that journalists seek permission to report on security incidents involving ASWJ forces.<sup>158</sup>

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<sup>154</sup> Human Rights Watch interview with journalist working in Beletweyn (name withheld), February 10, 2016.

<sup>155</sup> In Mogadishu, Al-Shabab threatened to respond to the head of NISA's May 4, 2015 order to stop referring to Al-Shabab as such with reprisals. See BBC, 'Somalia's government ban Al-Shabab name from media', May 4, 2015, <http://www.bbc.com/news/world-africa-32580748> ; Hamza Mohamed, "Somalia bans media from using 'al-shabab' name, Aljazeera Online, May 4, 2015, <http://www.aljazeera.com/news/2015/05/somalia-bans-media-al-shabab-150504130216081.html> (accessed April 4, 2016).

<sup>156</sup> Human Rights Watch interview with journalist working in Mogadishu (name withheld), March 11, 2016.

<sup>157</sup> Human Rights Watch interview with journalist working in Beletweyn (name withheld), February 10, 2016.

<sup>158</sup> Human Rights Watch interview with journalist in Guri'el (name withheld), October 15, 2015; interview with Nafiso Hersi Ogle, February 1, 2016.

## Threats

Many journalists who spoke to Human Rights Watch described receiving threats and warnings directly from government and security officials, as well as anonymous threats. They are threatened by phone and text messages, on occasion via email or Facebook. Government officials have also threatened journalists in person, or via allies. A journalist in Galkayo said:

Al-Shabab always use telephones. They either call you with unknown numbers or SMS you directly. When Al-Shabab is calling, they say who the caller is, and they always insult us, they use the words “apostate, spy, puppet” and other bad words.

When angry clan militia call, they don’t hide themselves. They say who they are and why they are angry. After that, they start threatening.<sup>159</sup> The politicians and business people are also like that. If they don’t call directly, their supporters call us and say “if you don’t stop so and so, you will die.”

Government and security officials threaten directly. They call the journalists, meet us and they dictate to us whatever they think their interest is. If you don’t obey they arrest you and if you obey them you annoy the opposite party and you receive serious threats. That is why Al-Shabab calls us puppets.<sup>160</sup>

Several journalists said these constant threats are much more detrimental than the more formalized bans on reporting on security matters.<sup>161</sup>

Journalists in Bosaso said that they were often unable to cover security incidents involving Al-Shabab that depicted the security forces in a negative light without receiving threats

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<sup>159</sup> For example: A reporter at Radio Daljir in Bosaso, Fadumo Yusuf Saud ‘Taxadar’, told Human Rights Watch she received a string of threats from clan representatives and local authorities after reporting on contested nominations of a new clan representative in Bosaso. Human Rights Watch interview with Fadumo Yusuf Saud ‘Taxadar’, March 18, 2016.

<sup>160</sup> Human Rights Watch interview with journalist in Baidoa, January 10, 2015.

<sup>161</sup> Human Rights Watch interview with journalist working in Bosaso, June 5, 2015.

from the authorities. A reporter in Bosaso described the most recent incident he had faced after he asked the police commissioner for a statement on a recent security incident:

Last night [May 5, 2015] Al-Shabab ambushed a forces' checkpoint in Bosaso. They killed three soldiers and destroyed two technical vehicles and injured many others. The story is there. When I called the police commissioner to ask if he could confirm that story, he said: "Yes, that is the reality, but why do you care, you can't report it." I asked him why, and he said, "I told you that no media can report it, if you report it you will pay the price." I stopped reporting it, because if I report it I already know what the commissioner will do.<sup>162</sup>

The towns of Guri'el and Dhusamareb have changed hands several times since 2014, and journalists in these towns have been threatened by regional authorities allied to the federal government and members of ASWJ regarding their coverage of the parallel administrations in the region.<sup>163</sup> As a journalist in Guri'el told Human Rights Watch:

The major challenge in the region are the different administrations, ASWJ and the government. When one is in control, they don't like journalists to cover the stories from the other side, they tell us not to cover stories, they tell us to air their stories. They threaten you and imply that if you air the stories from the other side, you support them."<sup>164</sup>

When residents of Dhusamareb took to the streets in December 2014 to show their support for ASWJ, the head of the town's administration, who was allied to the federal government at the time, called an editor working in Dhusamareb and warned him against reporting on the protests: "The story is not good for the town, nor the administration. If you air the stories, you will take responsibility for anything that can result from those reports."<sup>165</sup>

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<sup>162</sup> An editor from a different media outlet said that the police commissioner in Bosaso also called him on that day threatening him not to report on this incident. Human Rights Watch interview with journalist working in Bosaso, June 5, 2015; interview with journalist in Bosaso (name withheld), January 8, 2016.

<sup>163</sup> Human Rights Watch interview with journalist working in Dhusamareb, February 16, 2015; interview with journalist working in Guri'el, January 19, 2015.

<sup>164</sup> Human Rights Watch interview with journalist working in Dhusamareb, February 16, 2015.

<sup>165</sup> Human Rights Watch interview with journalist working in Dhusamareb, February 16, 2015; interview with journalist in Guri'el March 12, 2015.

Journalists in Baidoa received threatening calls from people on both sides of the political divide, including clan representatives, during discussions around the formation of a new state in southwest Somalia in 2014.<sup>166</sup> Several journalists in ASWJ-controlled towns and in Puntland received orders on how to report on the developments of the formation of the Galmudug Interim Administration.<sup>167</sup>

More generally, government officials throughout south-central Somalia and Puntland use threats to deter reporting that might reflect negatively on them. The breadth of issues deemed controversial is wide, making it very difficult for journalists not to run afoul of the authorities.<sup>168</sup> A journalist in Garowe said he was threatened in January 2015 by the town's police commissioner to stop him from releasing footage of a protest by civil servants; the journalist then sent the footage to a friend to release.<sup>169</sup> He told Human Rights Watch that he subsequently received another threatening phone call from the police commissioner accusing him of being against Puntland.

Most threats go unreported and are dealt with informally, with discussions with clan representatives of the journalists, media outlets, or media owners.<sup>170</sup> This contributes to a context in which harassment and threats are normalized and go unpunished.

## Restrictions on Access to Information

Journalists told Human Rights Watch that government and security officials in Puntland, Mogadishu, Baidoa and Beletweyn on occasion refused to provide basic information about

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<sup>166</sup> Human Rights Watch interview with journalist working in Baidoa February 9, 2015; interview with journalist in Baidoa, January 29, 2015; interview with journalist working in Afgooye, February 16, 2015. There were two competing factions, one seeking to creating a six region South West State, and the other, which ultimately won, seeking to create a three region state. These groups were referred to as SW6 and SW3. see: Somalia Newsroom, "Analysis: Baidoa Becoming the Next Crisis in Somalia's Federalism Process," Newsdesk, February 11, 2014, <http://somalianewsroom.com/2014/02/11/analysis-baidoa-becoming-the-next-crisis-in-somalias-federalism-process/> (accessed March 19, 2016).

<sup>167</sup> Human Rights Watch interview with journalist in Guri'el (name withheld), October 15, 2015; interview with journalist working in Garowe, February 10, 2015; Human Rights Watch telephone interview with Awil Mohamud Abdi, February 3, 2016; interview with journalist working in Garowe, February 10, 2015.

<sup>168</sup> Human Rights Watch interview with Fadumo Yusuf Saud 'Taxadar', March 18, 2016; interview with Osman Adan Areys, October 21, 2015.

<sup>169</sup> Human Rights Watch interview with journalist in Garowe, February 10, 2015.

<sup>170</sup> Human Rights Watch telephone interview with Nafiso Hersi Ogle, February 1, 2016; interview with journalist in Guri'el March 12, 2015.

security incidents or to accept interviews or denied them access to the scene of incidents or important events.<sup>171</sup> A journalist in Baidoa said:

The leaders of the district, financial department and other officials, don't want to be interviewed by journalists. If you ask them for an interview, they don't want to talk to you. But then you cannot criticize them, or they will threaten you, and tell you not to get involved in their affairs.<sup>172</sup>

On occasion, even though journalists are invited to cover events by government officials, the security forces hamper journalists' ability to report. In June, 2015, at the height of the influx of Somali and Yemeni refugees into Puntland, a reporter working in Bosaso told Human Rights Watch that Puntland police forces prevented him from interviewing Yemeni refugees while covering the story at reception centers in Bosaso, despite being officially invited to cover the government response to the crisis.<sup>173</sup>

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<sup>171</sup> Human Rights Watch interview with journalist working in Baidoa February 9, 2015; interview with journalist in Bosaso (name withheld), January 8, 2016.; interview with journalist working in Beletweyn (name withheld), February 10, 2016; interview with journalist working in Baidoa, March 12, 2015; interview with journalist working in Afgooye, March 24, 2015; interview with journalist in Guri'el (name withheld), October 15, 2015; interview with journalist working in Bosaso, June 5, 2015.

<sup>172</sup> Human Rights Watch telephone interview with journalist working in Baidoa (name withheld), February 9, 2015.

<sup>173</sup> Human Rights Watch interview with journalist in Bosaso (name withheld), January 8, 2016.

### III. Al-Shabab Abuses against Journalists

The Islamist armed group Al-Shabab has repeatedly threatened and attacked journalists, often treating them as an extension of their fight against the Somali government and foreign forces in the country. Al-Shabab's statements and own media outlets often refer to journalists as legitimate targets. They refer to journalists working for state-run media as "officers" and "spies" of the government or foreign forces and those working for private outlets as "puppets."<sup>174</sup>

At the same time, Al-Shabab appears acutely aware of the power of the media, sees the media as an important propaganda platform, and seeks to pressure journalists into covering their statements or to not report on stories that depict them in a negative light, often using threats of violence.

Since 2014, Al-Shabab has claimed responsibility for one targeted killing. The lack of investigations into targeted attacks on journalists leaves open the possibility that the group has been involved in additional attacks against journalists.

Al-Shabab has also carried out a number of attacks in which journalists were among the civilian casualties. At least six journalists and media workers have died in attacks claimed by Al-Shabab on restaurants and hotels between 2014 and 2015.<sup>175</sup> When Al-Shabab claimed responsibility for these attacks, they often highlighted the number of journalists killed. On December 5, a cameraman with Kalsan TV, Mohamed Isaq, and a freelance journalist, Abdulkadir Ahmed, were among 13 people killed when a car bomb exploded

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<sup>174</sup> Human Rights Watch interview with journalist in Mogadishu (name withheld), January 6, 2015; interview with journalist in Mogadishu (name withheld), January 3, 2015.

<sup>175</sup> Two journalists, Abdihakim Mohamed Omar, producer for the Somali Broadcasting Corporation (SBC), and Mohamed Abdikarim Moallim Adam, a reporter for Universal TV, died and one, Salman Jamal, also reporter at Universal TV, was injured in a July 26 attack on the Jazeera hotel in Mogadishu that was claimed by Al-Shabab, see Roy Greenslade, "Two journalists killed in Somalia suicide bombing," *The Guardian*, July 28, 2015, <http://www.theguardian.com/media/greenslade/2015/jul/28/two-journalists-killed-in-somalia-suicide-car-bomb-attack> (Accessed March 19, 2016); UNESCO, "Director-General Deplores Death of Mohamed Abdikarim Moallim Adam in Mogadishu, Somalia," *UNESCO press*, July 27, 2015, [http://www.unesco.org/new/en/communication-and-information/resources/news-and-in-focus-articles/all-news/news/director\\_general\\_deplores\\_death\\_of\\_mohamed\\_abdikarim\\_moallim\\_adam\\_in\\_mogadishu\\_somalia/#.Vuz4GJ9515](http://www.unesco.org/new/en/communication-and-information/resources/news-and-in-focus-articles/all-news/news/director_general_deplores_death_of_mohamed_abdikarim_moallim_adam_in_mogadishu_somalia/#.Vuz4GJ9515) (accessed March 19, 2016).

outside a popular restaurant in Baidoa.<sup>176</sup> Three other journalists were injured in the attack. Al-Shabab claimed responsibility for the attack and claimed that the targets were “Ethiopians, spies and officials.”<sup>177</sup>

Several journalists told Human Rights Watch that they received death threats from individuals they knew or believed to be from Al-Shabab following attempted killings or Al-Shabab bombings.<sup>178</sup> A reporter in Baidoa who survived the December 5 attack said:

One day after the twin deadly attacks at the restaurant in Baidoa, someone claiming to be the head of AMNIYAT [Al-Shabab’s intelligence branch] in the region called me and started threatening me. He said to me: “You are at the burial of your friend who was killed in yesterday’s explosion. We wanted you to die, and if you survived yesterday you will not survive the next day.”<sup>179</sup>

In January 2015, the Puntland government forces transported four reporters into the Galgala mountains to report on recent fighting against Al-Shabab in which several Al-Shabab fighters had allegedly been killed. According to one of the reporters: “The authorities wanted to show the media how they defeated Al-Shabab.<sup>180</sup>” On the convoys return trip it was ambushed, but the journalists survived.

Al-Shabab claimed responsibility for the ambush. One of the journalists said: “Even before we returned, Al-Shabab published a story on their website, I think it was Somalimemo.<sup>181</sup> They said ‘the Mujahideen attacked four journalists that Puntland authority took to the scene of the war.’” The journalist later received an anonymous phone call. The caller said

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<sup>176</sup> Mohamed Ibrahim, “Twin bombings hit a café in Somalia,” *The New York Times*, December 5, 2014, [http://www.nytimes.com/2014/12/06/world/africa/twin-bombings-hit-a-cafe-in-somalia.html?\\_r=0](http://www.nytimes.com/2014/12/06/world/africa/twin-bombings-hit-a-cafe-in-somalia.html?_r=0) (accessed April 4, 2016).

<sup>177</sup> Committee to Protect Journalists, ‘Mohamed Isaq,’ <https://www.cpj.org/killed/2014/mohamed-isaq.php> (accessed March 21, 2016).

<sup>178</sup> Human Rights Watch interview with Mohammed Abdullahi Haji, May 6, 2015; interview with journalist in Baidoa (name withheld), January 29, 2015.

<sup>179</sup> Human Rights Watch interview with journalist in Baidoa (name withheld), January 29, 2015.

<sup>180</sup> Human Rights Watch interview with journalist in Bosaso (name withheld), January 8, 2016.

<sup>181</sup> A pro Al-Shabab website.



“we know that you survived from the ambush,” and threatened to hunt the journalist down.<sup>182</sup>

Journalists working for state-run media told Human Rights Watch that they receive regular threats from Al-Shabab.<sup>183</sup> A female journalist working in central Somalia was threatened when she joined the state-radio station in March 2015: “An unknown number called me. He said to me ‘If you left Kulmiye Radio and joined Somali National TV don’t think that you did a good job, you just left puppet radio and joined the apostate’s one.’ I asked him ‘Who are you?’ he replied to me ‘The Mujahideen’ and hung up.”<sup>184</sup>

Al-Shabab or purported Al-Shabab members seek to influence coverage of their activities and security incidents. That pressure comes at times comes through ostensible appeals to journalistic “balance.” A radio manager in Galkayo received threatening calls from Al-Shabab complaining that his station was not covering their press releases.<sup>185</sup> Another director in Bosaso said they regularly received calls from individuals claiming to be eyewitnesses to killings of government soldiers, but they know these are Al-Shabab or their sympathizers hoping to get the story in the mainstream media.<sup>186</sup>

Several journalists told Human Rights Watch that they received threats from Al-Shabab after reporting stories depicting Al-Shabab’s local administrations in a negative light. Osman Mohammed, an SNTV reporter in Guri’el town, said he received several death threats by phone in January 2015 after reporting on the story of a man who defected from Al-Shabab.<sup>187</sup> A journalist in Baidoa received death threats after he reported on forced recruitment by Al-Shabab in the village of Toosweyne.<sup>188</sup> In August 2014 another journalist in Baidoa received death threats by phone after reporting on Al-Shabab restrictions on access to water points in Toosweyne and Qansah Dhere.<sup>189</sup> He said, “I got calls from Al-

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<sup>182</sup> Human Rights Watch interview with journalist in Bosaso (name withheld), January 8, 2016.

<sup>183</sup> Human Rights Watch telephone interview with journalist working in Beletweyn (name withheld), January 19, 2016; interview with journalist in Kismayo (name withheld), May 6, 2015.

<sup>184</sup> Human Rights Watch telephone interview with journalist working in central region (name withheld), February 1, 2016.

<sup>185</sup> Human Rights Watch telephone interview with radio station manager working in Galkayo (name withheld), February 4, 2016.

<sup>186</sup> Human Rights Watch interview with journalist working in Bosaso (name withheld), June 5, 2015.

<sup>187</sup> Human Rights Watch telephone interview with journalist working in Beletweyn (name withheld), January 19, 2016.

<sup>188</sup> Human Rights Watch interview with journalist in Baidoa (name withheld), January 10, 2015.

<sup>189</sup> Ibid.

Shabab guys. They vowed that they will cut my head off. They vowed that they will hunt me from everywhere including the radio station.<sup>190</sup>

Similarly, Al-Shabab threatened a journalist in Beletweyn on February 11, 2015 after he reported on an uprising by a local community against Al-Shabab in the Hiraan region:

The caller said he was from Al-Shabab but didn't identify himself. He said to me: "Read a story that corrects your false story about the fight between Al-Shabab and locals and apologize, otherwise you will pay the price." I told him that the story was right and I confirmed it from different angles and all the people know it. He warned me that if he found me he would cut off my head.<sup>191</sup>

Al-Shabab also continues to try to limit content. A presenter on a talk show in Baidoa decided to stop the program in 2014 after receiving threats from Al-Shabab on and off air:

It was a kind of information-sharing for the people of Baidoa and people liked it. There were music parts of the program as well, which made Al-Shabab unhappy. Al-Shabab started calling the program, and insulting me live on air. When I cut the phone, they would call on another line and when the program ends they called me and told me that they will kill me if I don't stop the program.

I convinced my boss to stop that program and he agreed with me. I didn't stop it because of fear, but we couldn't stop Al-Shabab guys insulting us live on our radio. They benefited from the opportunity we gave to the audience to call.<sup>192</sup>

These threats, coupled with Al-Shabab's history of assassinations of perceived enemies, greatly magnifies their impact on all journalists in Somalia.

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<sup>190</sup> Human Rights Watch interview with journalist in Baidoa (name withheld), January 10, 2015.

<sup>191</sup> Human Rights Watch telephone interview with journalist in Beletweyn (name withheld), October 21, 2015.

<sup>192</sup> Human Rights Watch interview with journalist in Baidoa (name withheld), February 10, 2015.

## IV. Self-Censorship

Somali journalists often respond to the risks of their job with self-censorship. Journalists and editors told Human Rights Watch that on occasion they don't even attempt to report on issues they fear will pose a risk to their security or tensions with the local authorities.<sup>193</sup>

There are a range of topics that journalists consider off-limits or as putting them at risk of serious reprisals, including reporting on fighting between government forces and Al-Shabab, the federalism state-building process, intra and inter-clan tensions, corruption, and human rights issues.<sup>194</sup>

Reporting accurately on security incidents without running afoul either of Al-Shabab or government and security officials is particularly difficult and so managers often err on the side of caution and drop security-related stories.<sup>195</sup> An editor described the dilemma:

Every time there is an attack on Puntland forces that claim lives of soldiers, I get a call from authorities telling me not to report on it. They don't request me not to do it, they tell me that I can't. So, if the reporters bring the same story, I tell them not to report, because I don't want to get them into trouble. Then we get calls from Al-Shabab who want them to report on attacks.<sup>196</sup>

An editor in Puntland said that constant pressure to “balance” reporting on casualty figures forced him to stop publishing such stories: “If we hide the casualty numbers because of fear from the authorities, we will suffer from threats from Al-Shabab, which wants the media to report the numbers. That is why we stopped the kind of stories we cannot report on freely.”<sup>197</sup>

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<sup>193</sup> Human Rights Watch interview with journalist working in Kismayo (name withheld), May 6, 2015.

<sup>194</sup> Human Rights Watch interview with journalist working in Afgooye (name withheld), February 16, 2015 interview with Mohammed Abdullahi Haji, May 6, 2015; interview with journalist working in Afgooye (name withheld), February 16, 2015.

<sup>195</sup> Human Rights Watch interview with journalist working in Bosaso (name withheld), June 5, 2015.

<sup>196</sup> Ibid.

<sup>197</sup> Human Rights Watch interview with journalist working in Baidoa (name withheld), June 5, 2015.

In Baidoa, several journalists said that they felt compelled to stop their reporting on activities and views of South-West 6 (SW6) supporters, the faction that was advocating a six-region state in southwest Somalia, after Sharif Hassan, who advocated for a three-region state, was selected. One said:

There were stories I wanted to cover, but I feared for myself. Ugaas Mohammed Ugaas Nur, an elder, in SW6, he is the deputy – negotiating with the president- he was complaining a lot about the new administration, that the president has failed to follow through with his promises. I interviewed him yesterday, I have that interview with me now, but I’m afraid to air it.<sup>198</sup>

A journalist in Kismayo described the range of ostensibly benign issues that are considered “sensitive” by the Interim Jubaland Administration (IJA), which currently controls and administers the town:

Suppose if two militias fought in the town and there is a casualty, we can’t do any story out of it. If a technical vehicle collides with a civilian vehicle and there is civilian casualty, we can’t report it. If the Jubaland administration militia kills innocent civilians in town we can’t pick it. Even I can’t pick a story about the hygiene of the town. Self-censorship is must otherwise the attacks would increase. If you tell the truth you die for it.<sup>199</sup>

As long as such fears remain, journalists and editors will tend towards self-censorship on key issues, to the detriment of public discourse, the public interest and the public’s right to information.

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<sup>198</sup> Human Rights Watch interview with journalist working in Baidoa (name withheld), February 9, 2015.

<sup>199</sup> Human Rights Watch interview with journalist working in Kismayo (name withheld), May 6, 2015.

## V. Dangers Faced By Female Journalists

Female journalists in Somalia face additional challenges.<sup>200</sup> Along with the threats, intimidation, and violence faced by all journalists in Somalia, social and cultural restrictions impede female reporters and may result in them being targeted not only for coverage that angers powerful people or groups, but also simply for being women. These dangers contribute to the limited number of women journalists working in Somalia.

Several female journalists said that some of the threats and intimidation they faced were specifically related to their gender.<sup>201</sup> The mere act of speaking publicly and presenting a radio show can be particularly controversial for a woman.<sup>202</sup> Al-Shabab in particular seeks to curtail, often through threats of violence, women's participation in public affairs. In December 2014, a female journalist from central Somalia received a death threat after she read the news while in Mogadishu for a training.<sup>203</sup> She believed the threat was from an Al-Shabab member. Another female reporter in Bosaso described the threats she received in 2014:

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<sup>200</sup> Human Rights Watch interview with Fadumo Yusuf Saud 'Taxadar', March 18, 2016; interview with Nafiso Hersi Ogle, February 1, 2016; interview with female journalist (name withheld), January 22, 2016; interview with female journalist working in Mogadishu (name withheld), January 6, 2015; and interview with Fadumo Yassin Jama, January 29, 2016; interview with journalist in Garowe, January 10, 2015.

<sup>201</sup> On August 6, 2014, police arrested Fadumo Yusuf Said (Known as "Taxadar") from her hotel room in Garowe and held her overnight at the Garowe police station before releasing her. She said that a police officer hit her when she asked to see their arrest warrant. The arrest followed an August 5 interview she gave to VOA regarding the dismissal of the director of Puntland TV, Ahmed Mohamed Ali "Kismayo," and unrest around his sacking. Fadumo believes that one of the reasons she was targeted by the security forces and treated badly is because she was an easy target as a woman. Being female, her clan members were less likely to mobilize to protect her, and she is from a less powerful clan: "Fairly speaking, if I was not female, no police would come to my hotel room at that late time, that is how I felt and I am still feeling." Human Rights Watch interview with Fadumo Yusuf Saud 'Taxadar', March 18, 2016; see also Committee to Protect Journalists, "In Somalia, Puntland authorities detain journalist," August 6, 2014, <https://cpj.org/2014/08/in-somalia-puntland-authorities-detain-radio-journ.php> (accessed March 22, 2016); Garowe Online, 'Somalia: Puntland Leader Fires State Television Director,' August 4, 2014, <http://allafrica.com/stories/201408050346.html>; Garowe Online, 'Somalia: Angry Soldiers Seize Puntland Television Building Over Collective Sacking,' August 5, 2015, <http://allafrica.com/stories/201408060962.html>.

<sup>202</sup> Human Rights Watch telephone interview with journalist working in Dhusamareb (name withheld), February 1, 2016; interview with journalist working in Garowe, February 10, 2015; telephone interview with radio station manager (name withheld), February 3, 2016.

<sup>203</sup> Human Rights Watch telephone interview with female journalist (name withheld), February 1, 2016.

They used to call me at the night when they were sure that I was at home. They used to tell me that they are the Mujahideen of the Golis mountains,<sup>204</sup> which means the Al-Shabab of Galgala mountains, and threaten me, saying: “Your voice is Haram [an Arabic term meaning "forbidden"]. You are a woman, so stop speaking on the radio, otherwise we will kill you.”<sup>205</sup>

The director of Radio Galkayo told Human Rights Watch that one of the station’s female reporters, Fadumo Ahmed Jama, whose car was hit when the station was attacked with grenades in January 2015, received many threats at the time of the attack. She was producing a women’s program on the station.<sup>206</sup>

In addition, some female journalists told Human Rights Watch that they must also contend with harassment and discrimination from colleagues within their media outlets.<sup>207</sup> They cited examples of where their access to career advancement and trainings had been curtailed because they are women.<sup>208</sup>

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<sup>204</sup> The Golis mountains are also referred to as the Galgala mountains. Galgala is a village in the Golis mountains.

<sup>205</sup> Human Rights Watch interview with Fadumo Yusuf Saud ‘Taxadar’, March 18, 2016.

<sup>206</sup> Human Rights Watch telephone interview with Awil Mohamud Abdi, February 4, 2016.

<sup>207</sup> Human Rights Watch telephone interview with Nafiso Hersi Ogle, February 1, 2016.

<sup>208</sup> Human Rights Watch interview with journalist working in Garowe, February 10, 2015; Human Rights Watch telephone interview with Nafiso Hersi Ogle, February 1, 2016; see also Laetitia Bader, “First Step Towards Ending Somalia’s Rape Epidemic,” February 20, 2014.

## VI. Lack of Investigations and Fair Prosecutions

### Prosecutions of Attacks Attributed to Al-Shabab

In 2015, the Committee to Protect Journalists found that Somalia has the highest number of journalists killed without any form of accountability in the world.<sup>209</sup> Government investigations and prosecutions of targeted attacks on journalists have been sporadic and the only prosecutions that have taken place have been for killings claimed or believed to have been carried out by Al-Shabab. Human Rights Watch did not find evidence of any government official or security force member having been charged let alone convicted for abuses against journalists in the past several years.

NISA conducted the few investigations that have taken place, but it has no legal mandate to carry out arrests. The cases that have proceeded from investigations have been heard before the country's military court, where there are serious due process concerns, including the use of the death penalty with inadequate safeguards.<sup>210</sup> The military court does not have jurisdiction over cases against civilians, though authorities argue that they have to use them as the civilian courts are insecure.<sup>211</sup>

In 2013, a military court sentenced to death Aden Sheikh Abdi after he was charged with being an Al-Shabab fighter and for murdering Somali journalist Hassan Yusuf Absuge, killed on September 21, 2012. Human Rights Watch documented a range of concerns with the proceedings.<sup>212</sup> In October 2014, two men were sentenced to death by the military court

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<sup>209</sup> Committee to Protect Journalists, "Getting Away With Murder," October 8, 2015, <https://cpj.org/reports/2015/10/impunity-index-getting-away-with-murder.php> (accessed March 17, 2016).

<sup>210</sup> Human Rights Watch, *The Courts of Absolute Power. Fair Trial Violations by Somalia's Military Court*, May 21, 2014, <https://www.hrw.org/report/2014/05/21/courts-absolute-power/fair-trial-violations-somalias-military-court>. Human Rights Watch opposes the death penalty in all circumstances as inherently cruel.

<sup>211</sup> Human Rights Watch interview with Attorney General, Ahmed Ali, March 12, 2016.

<sup>212</sup> Human Rights Watch examined the trial of Aden Sheikh Abdi and interviewed both individuals involved in the prosecution, a defense lawyer, and relatives of the defendant, but did not identify any evidence presented in court by the prosecution of Aden's involvement or membership in Al-Shabab. This raises questions as to why this case was heard in front of the military court and not in the ordinary court. In addition, the Supreme Military Court hearing his appeal reportedly closed before pronouncing the sentence, and Aden's relatives only heard about the final decision in the media after two weeks. Aden was executed eight days later on August 17, 2013. The relatives were never given the final decision in writing, undermining their ability to seek a pardon or commutation. For more information on due process violations before the military court, see Human Rights Watch, "The Courts of 'Absolute Power': Fair Trial Violations by Somalia's Military Courts," May 21, 2014, <https://www.hrw.org/report/2014/05/21/courts-absolute-power/fair-trial-violations-somalias-military-court>.

and executed for the killing of Mohamed Mohamud Tima'adde, a reporter with the private TV station Universal TV in October 2013.<sup>213</sup> Human Rights Watch was unable to conduct an investigation into this trial.

On February 3, 2016, the military court sentenced Hassan Hanafi Haji (commonly referred to as Hanafi), a journalist who worked for Al-Shabab's Radio Andalus, for being a member of Al-Shabab and for his alleged involvement in the killings of five journalists,<sup>214</sup> killed between 2007 and 2010. The sentence was upheld on appeal. Hanafi was executed by firing squad on April 11, 2016.<sup>215</sup>

According to witnesses present during the trial, Hanafi confessed to being involved in the killing of Radio Mogadishu journalist, Sheikh Noor Mohamed, but denied his involvement in other killings.<sup>216</sup> Three journalists testified at the hearing, and focused on death threats they or others had allegedly received from Hanafi.<sup>217</sup> According to a credible source, Hanafi only met the lawyers representing him on the day of his sentencing, and solely for a few hours, and had not been brought before a court before that time.<sup>218</sup> Before his trial, on February 5, 2016, SNTV broadcast a program narrated by SNTV journalist Abdiaziz Mohamud Guled (known as "Africa"),<sup>219</sup> that included lengthy interviews with Hanafi.

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<sup>213</sup> Garowe Online, 'Somalia: Mogadishu military court executes two journalist killers,' October 26, 2014 <http://www.garoweonline.com/en/news/somalia/somalia-mogadishu-military-court-executes-two-journalist-killers> (accessed February 11, 2016).

<sup>214</sup> Human Rights Watch was not able to clarify the exact number of journalists Hanafi was accused of killing but several sources said he was accused of killing five journalists.

<sup>215</sup> Mohamed Sheikh Nur, "Somalia Executes Man who Helped Al-Shabaab Kill Five Journalists," Bloomberg, April 11, 2016, <http://www.bloomberg.com/news/articles/2016-04-11/somalia-executes-man-who-helped-al-shabaab-kill-five-journalists> (accessed April 20, 2016); Abdi Guled, "Man executed for journalists' killings," Associated Press, April 11, 2016, <https://www.yahoo.com/news/somalia-man-executed-journalists-killings-084938843.html> (accessed April 20, 2016).

<sup>216</sup> Feisal Omar, "Somalia sentences al Shabaab media officer to death for killings of journalists," Reuters, March 3, 2016, <http://www.reuters.com/article/us-somalia-attacks-idUSKCN0W51LF> (accessed March 18, 2016); Committee to Protect Journalists, "Court sentences man in murders of five Somali journalists," March 4, 2016, <https://cpj.org/2016/03/court-sentences-man-in-murders-of-five-somali-jour.php> (accessed March 6, 2016).

<sup>217</sup> Human Rights Watch interviews with three journalists present at Hanafi's hearing and another credible witness.

<sup>218</sup> Human Rights Watch interview with witness to the trial, March 8, 2016.

<sup>219</sup> Human Rights Watch has received a number of complaints by journalists of SNTV journalist Abdiaziz 'Africa's' involvement in intelligence operations against media outlets, including the arrest and detention of two radio journalists in 2014; Human Rights Watch was not able to clarify or confirm the journalist's allegedly links to NISA.



According to media reports, Hanafi had been arrested in Kenya in August 2014 and extradited to Somalia in December of that year.<sup>220</sup>

To Human Rights Watch's knowledge, the authorities have only initiated active investigations into two cases of targeted attacks that have occurred since 2014 and only one has led to a trial and conviction, once again, before the military court.

On January 5, 2016, SNTV broadcast a program again narrated by SNTV journalist Abdiaziz Mohamud Guled that included lengthy interviews with two alleged suspects, Abdirisak Mohamed Barrow and Hassan Noor Ali Farah, confessing to their involvement in Hindiya Haji Mohamed's killing.<sup>221</sup> Human Rights Watch was not able to confirm if the two suspects had ever been in court prior to appearing on TV or whether the filmed confessions were ever used as evidence in court. The broadcasting of defendants' alleged confessions suggests coercion and is an evident due process violation.

On February 25, 2016, the military court sentenced six individuals in connection with Hindiya's killing. Those sentenced included the two suspects who appeared on the SNTV documentary, Abdirisak Mohamed Barrow, who was accused of planting the car bomb in Hindiya's car, was sentenced to death and three others, including Hassan Noor, were sentenced to life in prison.<sup>222</sup> On appeal, Abdirisak's sentence was upheld while Hassan Noor's sentence was converted to the death penalty.<sup>223</sup> According to a journalist reporting at a press conference following the appeal, the head of the court, Liban Ali Yarow, stated that upon reviewing the evidence, he found the court of first instance's decision too lenient.<sup>224</sup> However, the basis for an appeal under the military criminal procedure code is

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<sup>220</sup> Hassan Hanafi was arrested in Kenya in August 2014, where he was reportedly seeking medical treatment and later extradited to Somalia, see BBC, "Kenya Arrest Suspect from Al-Shabab Group," August 6, 2014, <http://www.bbc.com/news/world-africa-28673852> (accessed February 16, 2016) ; Al Jazeera Online, " 'Al-Shabab' journalist returned to Somalia," December 13, 2014, <http://www.aljazeera.com/news/africa/2014/12/journalist-returned-somalia-2014121313440342577.html> (accessed February 16, 2016).

<sup>221</sup> Human Rights Watch viewed the documentary which is available at <https://www.youtube.com/watch?v=PINYfXclAwQ> ( March 20, 2016) ; the program also includes an interview with the Minister of Information and Hindiya's children.

<sup>222</sup> Goobjoog News, " Somali military court sentences alleged Al Shabaab members," February 25, 2016 <http://goobjoog.com/english/?p=25565> (accessed March 20, 2016).

<sup>223</sup> Human Rights Watch interview with journalist present at the trial, March 21, 2016.

<sup>224</sup> Human Rights Watch interview with witness in hearing, March 21, 2016.

limited to procedural flaws or errors of law in the sentencing.<sup>225</sup> The two were executed by firing squad on April 9, 2016.<sup>226</sup>

Human Rights Watch found that NISA has opened investigations into only one of the targeted attacks that occurred in Mogadishu since 2014.

One journalist who survived an assassination attempt told Human Rights Watch that following the attack the police arrested three of his relatives who ran to the scene and did not release them until the following day. Subsequently, he was interviewed by NISA officials, and asked to identify his attackers among a group of individuals in detention. At time of writing, he was not aware of whether an investigation was ongoing or whether any prosecutions in connection with his attack had taken place.<sup>227</sup>

## Failure to Investigate Government Abuses, Other Attacks

The federal government minister of information, Mohamed Abdi Hayir, known as “Maareeye,” told Human Rights Watch in a meeting on February 1, 2016 that insecurity remained the greatest challenge for the government and hampered their efforts to investigate attacks against journalists.<sup>228</sup>

The security environment clearly affects many aspects of law enforcement in Somalia. But the recently installed government has not made investigating abuses by the security forces, including violence against journalists, a priority. Nor has the government taken adequate steps to rein in the security forces to prevent future abuses.

Human Rights Watch was not able to determine whether disciplinary or other measures have been taken against security force personnel for violence against journalists or other unlawful interference with their work. The Federal Minister of Internal Security Abdirisak Omar told Human Rights Watch in a March 9, 2016 meeting in Mogadishu that there is currently no oversight mechanism in place to investigate abusive actions by NISA. He

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<sup>225</sup> Code of Military Criminal Procedure in Peace and War, No. 1 of 1964, art. 43.

<sup>226</sup> Mareeg, “Somalia executes two for killing female journalists,” April 9, 2016, <http://www.mareeg.com/somalia-executes-two-for-killing-female-journalist/> (accessed April 20, 2016).

<sup>227</sup> Human Rights Watch telephone interview with journalist working in Mogadishu (name and date withheld).

<sup>228</sup> Human Rights Watch meeting with Minister of Information, Mohamed Abdi Hayir ‘Maareeye’, February 1, 2016.

asserted he could order investigations if allegations came to his attention, but never has.<sup>229</sup>

The lack of investigations into attacks, even when the survivors themselves are available to testify, leaves the motives behind the attacks open to speculation and fosters an enduring fear among journalists. As a friend of Yusuf “Keynan,” who was killed in June 2014 in a car-bomb explosion, said: “When a close colleague is killed, you also worry for yourself, not knowing who the perpetrators are or what their motives might be. You worry even more as you can’t tell where the danger came from.”<sup>230</sup>

The ongoing harassment, threats and attacks against journalists is compounded by the authorities’ failure to investigate them, discouraging journalists from reporting threats or violence.

Some fear that filing a complaint could put them at risk of retribution from those making the threats, including Al-Shabab, or from the authorities themselves. Nuure Mohamed Ali, who survived an assassination attempt in Mogadishu, said that the lack of investigations into the killing of his friend Yusuf “Keynan” and his fear of reprisals deterred him from pushing for an investigation. He explained the dilemma journalists find themselves in:

If I go to the police or NISA and ask them to open an investigation, those behind my attack may think that I know them and want them arrested. But in the country in which I live in, no one will protect me, and so I worry about the consequences of following-up on my case.<sup>231</sup>

Others do not think the security and judicial officials are capable of responding effectively.<sup>232</sup>

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<sup>229</sup> Human Rights Watch interview with Minister for Internal Security, Abdirisak Omar, March 9, 2016.

<sup>230</sup> Human Rights Watch interview with Mustaqbal radio journalist, January 28, 2016.

<sup>231</sup> Human Rights Watch interview with Nuure Mohamed Ali, March 12, 2016.

<sup>232</sup> Multiple interviews with journalists working including Human Rights Watch interview with journalist in Bosaso (name withheld), June 5, 2015; interview with journalist in Bosaso (name withheld), January 8, 2016; interview with journalist in Kismayo (name withheld), May 6, 2015; interview with journalist in Mogadishu (name withheld), January 8, 2015.

The lack of proactive civil society and lawyers in many towns in south-central Somalia also means that journalists who are threatened by government officials and their agents rarely have anyone who can come to their assistance. Journalists either did not know whether their station had a lawyer or questioned the validity of legal representation in towns where the police or justice system remain weak or non-existent and cases against journalist are politicized. A journalist in Kismayo said:

I don't think if the radio station itself has a lawyer, because here an armed group is ruling the town with military rule[ referring to the Jubaland Interim Administration forces], the issue of lawyer and a justice that a lawyer could represent a defendant is a dream, I think that is not the case now in Kismayo. If you sleep safe you pray to wake up safe and if you wake up safe you pray to sleep safe.<sup>233</sup>

Journalists who choose to report a security incident or threat to the police or authorities in their town say that the response is generally inadequate, unhelpful and even threatening.<sup>234</sup> One journalist in Baidoa said:

When Al-Shabab threatened me, I reported it to my radio stations' management and I reported to the police and the local district Office. The police officer I reported to just said, "Take your own gun and defend yourself. Al-Shabab can come to your house at any time." It was awful advice, because if I have a gun, how can I approach people who I want to interview. The officer's comments made me understand how desperate the police are.<sup>235</sup>

The manager of a radio station in Mogadishu reported to the police Criminal Investigation Department (CID) when a female reporter was followed by an unknown man and expressed concern for her safety, but said he found the police response inadequate: "I shared this

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<sup>233</sup> Human Rights Watch interview with journalist in Kismayo (name withheld), May 6, 2015.

<sup>234</sup> Human Rights Watch interview with journalist in Baidoa (name withheld), January 29, 2015; interview with journalist working in Galkayo (name withheld), February 4, 2016; interview with journalist working in Bosaso (name withheld), March 18, 2016; interview with journalist in Mogadishu (name withheld), February 16, 2015; interview with journalist in Mogadishu, January 1, 2015.

<sup>235</sup> Human Rights Watch interviews with journalist in Baidoa (name withheld), February 10, 2015.

with CID but just they listen to you as if you called to say hi. They didn't even ask me details about the incident."<sup>236</sup>

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<sup>236</sup> Human Rights Watch interview journalist working in Beletweyn (name withheld), January 10, 2015.

## VII. Applicable Legal Framework

### Somalia's Legal Framework

The Somali government is obligated to respect the right to freedom of expression of all persons under international law as well as under its provisional constitution.

Somalia's provisional constitution, adopted in 2012, protects freedom of expression and the media, as well as the right to impart information in any way under article 18. It also protects the right of access to information under article 32.

However, the country's new media law, which was passed in January 2016, and the penal code, which is currently being revised, are inconsistent with these obligations. While in recent years the Somali authorities have only prosecuted a handful of journalists, reform of these and other laws is crucial toward creating a media environment more conducive to free expression.

#### *New Media Law*

In January 2016, President Hassan Sheikh signed the media law into force.<sup>237</sup> After years of consultations around drafts, some journalists were relieved that they finally had a legal framework within which to operate. Others however raised concerns that ambiguities in the law could be used to further harass journalists and so further entrench self-censorship.

The media law includes some positive elements, such as explicitly referring to freedom of expression provisions in the constitution and under international treaties ratified by Somalia, and spelling out rights of journalists including to security, information and prohibiting censorship and forced reporting.<sup>238</sup> These rights are qualified as described below.

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<sup>237</sup> The Somalia Media law was endorsed by the Cabinet in September 2014; see "Dispatches: Somalia Worrying Times for Press Freedom," Human Rights Watch dispatch, October 13, 2014, <https://www.hrw.org/news/2014/10/13/dispatches-somalia-worrying-times-press-freedom>.

<sup>238</sup> Media law, article 3, prohibits journalists from "being forced to report on issues against the interest of the country, its security, economic, political and social interests or reports that serve the interest of a particular side."

However the law includes several content restrictions that are vaguely worded and ill-defined and allow significant room for problematic interpretation by the authorities.<sup>239</sup> The law also sets up an ostensibly self-regulatory regime that lacks independence.<sup>240</sup>

Article 4 of the Media Law lists several vaguely worded and undefined categories of expressions and broadcasts that are prohibited including: “spreading baseless propaganda,” “encouraging tribalism” and “broadcasting reports based on hatred and extremism.” Article 5 imposes significant fines on journalists and media outlets of up to US\$3000 for the problematic offenses outlined in article 4.

Article 29 prohibits the “dissemination of false information, statements and propaganda against the dignity of a citizen, individuals or government institutions.”

The law does not define any of these offenses. Vague provisions such as these are susceptible to rights-violating interpretation by authorities. As international experts have noted, “vague provisions also fail to provide sufficient notice of exactly what conduct is prohibited or prescribed. As a result, they exert an unacceptable chilling effect on freedom of expression as individuals stay well clear of the potential zone of application in order to avoid censure.”<sup>241</sup> In addition, as described below, international standards prohibit restrictions on criticism of the state and state institutions.

The Media Law also devotes a section to media duties and ethics, stating that the Ministry of Information will develop a code of conduct, in consultation with the media.<sup>242</sup> International standards however call for such codes to be voluntary and developed by the media themselves, in order to limit government interference.<sup>243</sup> These standards also state that these codes should not place certain interests and rights above the right to freedom of expression, but the new media law includes a vague and ill-defined provisions stating that

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<sup>239</sup> Media Law, articles 4 & 29.

<sup>240</sup> Media Law, articles 14, 16, 18, 19 & 35.

<sup>241</sup> *The Supreme Court of Gambia, Civil Suit No. 5/2005, Written Comments Submitted by ARTICLE 19, Global Campaign For Free Expression, and the Open Society Institute Justice Initiative regarding the National Media Commission Act of Gambia, 2002.*

<sup>242</sup> According to media expert Steve Turner, a draft code of conduct was developed by media organizations in the last couple of years, although has not been officially endorsed. Human Rights Watch interview with Steve Turner, February 11, 2016.

<sup>243</sup> A code of conduct is in fact being developed at time of writing by representatives from Somali media support organizations.

the code would be “based on respect for Islamic law and Somali culture” and that journalists should “avoid the dissemination or publication of videos and photos that are against the sound conduct of the society.”<sup>244</sup> It is not clear who would define what conduct is deemed “sound” for these purposes.

Article 14 of the media law establishes a nine-member media committee, the Somali Press Commission, which would include three government representatives, and stipulates that the minister of information propose nominations with cabinet approval, depriving the body of any independence. Minister of Information Mohamed Abdi told Human Rights Watch on February 1, 2016, that his ministry had sent a letter out to civil society requesting that they nominate their representatives and committed to establishing an independent committee to vet the candidates<sup>245</sup>; an independent committee and parliamentary rather than cabinet approval of candidates would be a positive step and should also include vetting of government nominees.<sup>246</sup>

Contrary to international standards that reject substantive requirements for entry into the journalism profession, article 35 appears to require that journalists have a journalism degree, which could disqualify the majority of journalists currently practicing in the country and stop new members joining the profession.<sup>247</sup>

Information Minister Mohamed Abdi told Human Rights Watch that bi-laws would be passed to clarify the provisions around qualifications, an apparent response to an outcry by media professionals in Somalia. However, clarifying the ambiguous provisions on restrictions on free expression was not an explicitly stated priority.

### *Penal Code*

Somalia’s 1963 penal code which is under review,<sup>248</sup> also curtails free speech using broad and vaguely worded provisions that criminalize various forms of expression and conduct by journalists such as defamation,<sup>249</sup> offending the honor and prestige of the head of

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<sup>244</sup> Media law, art 25.2.

<sup>245</sup> Letter from Minister of Information Mohamed Abdi Hayir on file with Human Rights Watch.

<sup>246</sup> Human Rights Watch interview with Minister Mohamed Abdi Hayir ‘Maareeye’, February 1, 2016.

<sup>247</sup> Media Law, art. 35.

<sup>248</sup> Human Rights Watch interview with Adam-Shirwa Jama, director of IDLO Somalia, Nairobi, January 21, 2016.

<sup>249</sup> Somali Penal Code, Legislative Decree n. 5 of 16 December 1962, article 452.



state,<sup>250</sup> the publication or dissemination of false, exaggerated or tendentious news,<sup>251</sup> insulting a public officer<sup>252</sup> or institution,<sup>253</sup> and contempt against the nation, state or flag,<sup>254</sup> or Islam.<sup>255</sup> These provisions including sentences of up to 3 years in prison.

### *Other regional legislation of concern*

A media law in Puntland that was enacted by the president in July 2014 contains provisions that unduly restrict free expression.<sup>256</sup> The law maintains criminal defamation,<sup>257</sup> gives the ministry of information oversight of accreditation of journalists,<sup>258</sup> and prohibits reporting on “the secrets of the Puntland government,<sup>259</sup>” a vague provision that could thwart reporting on issues of public interest.<sup>260</sup>

## **International Law**

### *International human rights law*

Freedom of the media is a fundamental principle of international human rights law. The media plays a crucial role in exposing abuses of power and human rights violations thus helping to ensure that the public is informed, that abuses are halted, that criminal perpetrators face justice, and that victims can seek redress. Core international instruments emphasize the importance of a free media, such as article 19 of the Universal Declaration of Human Rights,<sup>261</sup> and article 19 of the International Covenant on Civil and Political Rights,<sup>262</sup> which Somalia ratified in 1990. Somalia is also a party to the African Charter on

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<sup>250</sup> Ibid, art. 220.

<sup>251</sup> Somali Penal Code, Legislative Decree n. 5 of 16 December 1962, art. 328.

<sup>252</sup> Ibid, art. 268.

<sup>253</sup> Ibid, art. 269.

<sup>254</sup> Ibid, art .219.

<sup>255</sup> Ibid, art 313.

<sup>256</sup> Human Rights Watch interview with Faisal Khalif Barre, March 21, 2016.

<sup>257</sup> Article 16 Puntland Media law, on file with Human Rights Watch.

<sup>258</sup> Article 5 Puntland Media law.

<sup>259</sup> Article 6(3) Puntland media Law.

<sup>260</sup> In September 2015, following a request by the Media Association of Puntland (MAP) the Deputy Attorney General issued an advisory opinion calling for the review of two articles in the law- article 5 and article 21(3) which states that the Ministry of Information would chair meetings of the media council. Expert opinion on file with Human Rights Watch.

<sup>261</sup> Universal Declaration of Human Rights, G.A. res. 217A (III), U.N. Doc A/810 at 71 (1948).

<sup>262</sup> International Covenant on Civil and Political Rights, G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force Mar. 23, 1976.

Human and Peoples' Rights (ACHPR), which in article 9 states “every individual shall have the right to receive information” and “every individual shall have the right to express and disseminate his opinions within the law.”<sup>263</sup>

The ICCPR imposes a very strict regime of exceptions that can be placed on freedom of expression. Article 19 permits governments to impose restrictions on freedom of expression only if they are “provided by law and are necessary...for the protection of national security or of public order.”<sup>264</sup>

The UN Human Rights Committee, the body of independent experts that provides authoritative interpretations of the ICCPR, said in its General Comment No. 34 that laws limiting freedom of expression “must provide sufficient guidance to those charged with their execution to enable them to ascertain what sorts of expression are properly restricted and what sorts are not.”<sup>265</sup> Furthermore, restrictions must be “necessary” to serve one or more of the legitimate purposes listed in article 19.<sup>266</sup> State authorities who invoke a legitimate ground to restrict freedom of expression must be able to demonstrate in a specific and individualized fashion the precise nature of the threat that requires expression to be constrained, and the necessity and proportionality of the specific action taken to constrain such expression, in particular by establishing a direct and immediate connection between the expression and the threat.<sup>267</sup>

Somali authorities often refer to the security context as a justification for restrictions on the media. The Johannesburg Principles on National Security, Freedom of Expression and Access to Information were issued by experts in international law, national security and

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<sup>263</sup> African [Banjul] Charter on Human and Peoples' Rights, adopted June 27, 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58, (1982), entered into force October 21, 1986, ratified by Uganda May 10, 1986.

<sup>264</sup> International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, art. 19. Somalia acceded to the ICCPR on January 24, 1990, <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx> (accessed March 23, 2016).

<sup>265</sup> UN Human Rights Committee, General Comment No. 34, Article 19: Freedoms of opinion and expression, U.N. Doc. CCPR/C/GC/34 (2011), para. 25.

<sup>266</sup> *Ibid.*, para. 33.

<sup>267</sup> *Ibid.*, para. 35.

human rights in 1995 to establish standards that could help resolve the tension between free expression and information on the one hand, and national security on the other.<sup>268</sup>

The principles set out guidelines on restrictions on free speech, including the principle that governments must use the least restrictive means possible in prohibiting speech that is contrary to legitimate national security interests.<sup>269</sup> The principles note that national security interests do not include “protect[ing] a government from embarrassment or exposure of wrongdoing.”<sup>270</sup> In addition, “No one may be punished for criticizing or insulting the nation, the state or its symbols, the government, its agencies, or public officials, or a foreign nation, state or its symbols, government, agency.”<sup>271</sup>

International law strongly discourages the criminalization of defamation and encourages states to adopt civil defamation laws. The Human Rights Committee’s General Comment No. 34 states: “States parties should consider the decriminalization of defamation and, in any case, the application of the criminal law should only be countenanced in the most serious of cases and imprisonment is never an appropriate penalty.”<sup>272</sup>

Redress for defamation should come through civil remedies that focuses on reasonable and proportionate damages, rather than criminal imprisonment.

In its first judgement on free speech in December 2014, in the case of *Konate v. Burkina Faso*, the Africa Court on Human and Peoples’ Rights, ruled that imprisonment for defamation violates the African Charter and the right to freedom of expression, and stated

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<sup>268</sup> The Johannesburg Principles set out standards for the protection of freedom of expression in the context of national security laws. They were adopted on October 1, 1995, by a group of experts in international law, national security, and human rights convened by Article 19 in collaboration with the Centre for Applied Legal Studies of the University of the Witwatersrand, in Johannesburg. They have been endorsed by the UN Special Rapporteur on Freedom of Opinion and Expression and had been referred to annually by the UN Human Rights Commission. Johannesburg Principles on National Security, Freedom of Expression, and Access to Information (Johannesburg Principles), adopted on October 1, 1995, <http://www1.umn.edu/humanrts/instree/johannesburg.html> (accessed March 21, 2016).

<sup>269</sup> Johannesburg Principles, principle 1.3.

<sup>270</sup> Johannesburg Principles, principle 2.

<sup>271</sup> Johannesburg Principles, principle 7.

<sup>272</sup> UN Human Rights Committee, General Comment No. 34, para. 47.

that criminal defamation should only be used in restricted circumstances, and called on Burkina Faso to change its laws accordingly.<sup>273</sup>

In addition, criticism of state institutions should never be prohibited, and neither should insulting public figures. Various human rights bodies and courts around the world have determined that protection of freedom of expression should include tolerance from public officials regarding open criticism.<sup>274</sup> The Human Rights Committee has said in its General Comment 34 that, “the mere fact that forms of expression are considered to be insulting to a public figure is not sufficient to justify the imposition of penalties.... [A]ll public figures, including those exercising the highest political authority such as heads of state and government, are legitimately subject to criticism and political opposition.<sup>275</sup> As the African Commission stated, “People who assume highly visible public roles must necessarily face a higher degree of criticism than private citizens; otherwise public debate may be stifled altogether.”<sup>276</sup>

The Human Rights Committee has also made clear that governments may not prohibit expression related to religious beliefs and institutions except in certain limited and prescribed circumstances: “Prohibitions of displays of lack of respect for a religion or other belief system, including blasphemy laws, are incompatible with the Covenant,” except advocacy of religious or other hatred that amounts to incitement. Such prohibitions must be strictly necessary and proportionate in accordance with article 19, and be non-discriminatory.<sup>277</sup>

Beyond upholding the rights to freedom of expression and the media, governments have an obligation to prevent, investigate and appropriately prosecute abuses against journalists and media organizations. The Human Rights Committee has made clear that governments violate their obligations under the ICCPR not only when state actors are

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<sup>273</sup> Media Legal Defense Initiative, “African Court delivers landmark ruling on criminal libel,” December 5, 2014, <http://www.mediadefence.org/news/african-court-delivers-landmark-ruling-criminal-libel> (accessed February 8, 2016).

<sup>274</sup> European Court of Human Rights, *Lingens v. Austria*, judgment of July 8, 1986, application no. 9815/82, [www.echr.coe.int](http://www.echr.coe.int) para.42.

<sup>275</sup> UN Human Rights Committee, General Comment No. 34, para. 38.

<sup>276</sup> Media Rights Agenda, Constitutional Rights Project, *Media Rights Agenda and Constitutional Rights Project v. Nigeria*, 105/93, 128/94, 130/94, 152/96, [http://www.achpr.org/files/sessions/24th/comunications/105.93-128.94-130.94-152.96/achpr24\\_105.93\\_128.94\\_130.94\\_152.96\\_eng.pdf](http://www.achpr.org/files/sessions/24th/comunications/105.93-128.94-130.94-152.96/achpr24_105.93_128.94_130.94_152.96_eng.pdf) (accessed February 9, 2016), para. 74.

<sup>277</sup> UN Human Rights Committee, General Comment No. 34, para. 48.

responsible for human rights violations, but also when the government fails to take necessary steps to prevent abuses caused by private actors: governments must “take appropriate measures or ... exercise due diligence to prevent, punish, investigate or redress the harm caused by such acts by private persons or entities.”<sup>278</sup>

### *International humanitarian law*

International humanitarian law (the “laws of war”) imposes upon all parties to an armed conflict the legal obligations to reduce unnecessary suffering and to protect civilians and other non-combatants. It is applicable to all situations of armed conflict, without regard to whether those fighting are regular armies, such as the Somali government forces and AU troops in Somalia, or non-state armed groups, including Al-Shabab, Ahlu Sunna Wal Jama’a, and other irregular militias.<sup>279</sup>

A fundamental principle of the laws of war is that parties to the conflict must at all times distinguish between civilians and military objectives. Journalists are explicitly accorded protection as civilians.<sup>280</sup> Attacks may only be directed at military objectives.<sup>281</sup> Civilians are only military objectives when and for such time as they are directly participating in hostilities. Where there is doubt as to whether a person is a civilian or a combatant, that person must be considered a civilian.<sup>282</sup>

In 2015, the UN Security Council adopted a resolution underlying the importance of a free and impartial media for the protection of civilians in conflicts and noted the protection

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<sup>278</sup> UN Human Rights Committee, General Comment 31, Nature of the General Legal Obligation imposed on States Parties to the Covenant, U.N. Doc. CCPR/C/21/Rev.1/Add.13 (2004), para. 9.

<sup>279</sup> Non-state armed groups also have a legal obligation to respect the laws of war, and thus a responsibility to ensure that its commanders and combatants abide by its requirements. See International Committee of the Red Cross (ICRC), Customary International Humanitarian Law (Cambridge, UK: Cambridge University Press, 2005), rules 139 and 149, [https://www.icrc.org/customary-ihl/eng/docs/v1\\_cha](https://www.icrc.org/customary-ihl/eng/docs/v1_cha) (accessed March 22, 2016).

<sup>280</sup> ICRC, Customary International Humanitarian Law, rule 34, [https://www.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule34](https://www.icrc.org/customary-ihl/eng/docs/v1_rul_rule34) (accessed March 22, 2016).

<sup>281</sup> *Ibid.*, rule 1, citing Protocol I, arts. 48 and 51(2); Protocol II, art. 13(2).

<sup>282</sup> *Ibid.*, rule 16 (“Each party to the conflict must do everything feasible to verify that targets are military objectives”), citing Protocol I, art. 57(2)(a). See also Protocol I, art. 52(3) on the general protection of civilian objects: “In case of doubt whether an object which is normally dedicated to civilian purposes, such as a place of worship, a house or other dwelling or a school, is being used to make an effective contribution to military action, it shall be presumed not to be so used.”

accorded to journalists under international humanitarian and human rights law.<sup>283</sup> The resolution underlines the problem of impunity and that “ensuring accountability for crimes committed against [journalists] is a key element in preventing future attacks.”<sup>284</sup>

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<sup>283</sup> UN Security Council, S/Res/2222 (2015), [http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_res\\_2222.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_res_2222.pdf) (accessed March 18, 2016); see also UN, <http://www.un.org/press/en/2015/sc11908.doc.htm>; see “In an All-Day Debate, Security Council voices alarm at growing threats to Journalists, Unanimously Adopting Resolution 2222 (2015),” UN Meetings Coverage, May 27, 2015, [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/2015/307](http://www.un.org/ga/search/view_doc.asp?symbol=S/2015/307) (accessed March 18, 2016).

<sup>284</sup> UN Security Council, S/Res/2222 (2015), preamble, [http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_res\\_2222.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_res_2222.pdf) (accessed March 18, 2016).

## VIII. Somalia's International Partners

Freedom of expression is one of the few human rights issues in Somalia that has received significant attention from Somalia's international partners.

The Somalia Media Support Group (SMSG) brings together key Western donors and international media support organizations and the UN. The group was initially actively involved in the draft media law, but were cut out once the draft was sent to cabinet. The UN and bilateral donors have supported specific media outlets, notably Bar-Kulan Radio, and donated equipment to state-run outlets.<sup>285</sup>

In late 2015, two international NGOs, the International Media Support group (IMS) and Fojo Media Institute, along with local media support organizations, spearheaded the development of a 2016-2020 media strategy for the Somali federal government. The strategy identifies key focus areas including training and capacity building of the media and improved security for journalists, notably by ensuring a forum for regular dialogue between the media and government security officials. The strategy was endorsed during two high-level meetings in Mogadishu that brought together government officials from federal and regional governments, media practitioners and organizations. The strategy underlines Somalia's responsibilities under international law and the provisional constitution to respect freedom of expression and the media; however many elements refer to the new media law, which, as described above, in its current form does not create a legislative or regulatory framework conducive to a free media.<sup>286</sup> One expert also raised concerns about the fact that the strategy is largely government-led.<sup>287</sup>

Mogadishu's diplomatic community, primarily the EU Human Rights Working Group, as well as UN agencies, including UNESCO and UNSOM, regularly condemn attacks on and arrests of journalists.<sup>288</sup>

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<sup>285</sup> Human Rights Watch interview with Steve Turner, international media expert, February 11, 2016.

<sup>286</sup> Draft Somali Federal Media Strategy on file with Human Rights Watch.

<sup>287</sup> Human Rights Watch interview with international media expert, December 5, 2015.

<sup>288</sup> The UN's education organization, UNESCO, have carried out two trainings on media freedoms for security personnel since 2015, primarily the national intelligence (NISA), in Mogadishu. UNESCO, "Somalian security forces trained on safety of

But very little has been done by these bodies to ensure that the climate of impunity for harassment, arbitrary arrests and attacks on journalists is addressed.<sup>289</sup> Human Rights Watch is not aware, for example, of any international efforts to improve impartial investigations of attacks on journalists.

As donors look for ways to improve human rights protections in Somalia, offering forensic and investigative support to police could buttress the response to threats to the media. This would be an important contribution to improving free expression, and an especially important one as elections later this year draw near.

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journalists and freedom of expression,” <http://en.unesco.org/news/somalian-security-forces-trained-safety-journalists-and-freedom-expression> (accessed February 17, 2016).

<sup>289</sup> Human Rights Watch interviews with media support organisations and diplomats in Nairobi.



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Abdullahi Abdi, associate in the Africa division, provided production assistance and support. The report was prepared for publication by Josh Lyons, satellite imagery analysis in the emergencies division; Olivia Hunter, publications associate; and Fitzroy Hepkins, administrative manager.

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Human Rights Watch would like to thank the many Somali journalists who shared their experiences, making this report possible. We also wish to thank all those Somalis and others who offered information and their expertise.

## Annexes

HUMAN  
RIGHTS  
WATCH

HRW.org

### Annex 1: Letter to the military court

30 March, 2016

*Via email:*

#### Re: Trials related to killings of journalists

Dear Major Gen. Liban Ali and Col. Hassan Ali,

I am writing to share with you the findings of research carried out by Human Rights Watch into abuses against journalists in south-central Somalia and Puntland since 2014.

Human Rights Watch is an international human rights organization that conducts research and advocacy on human rights abuses in over 90 countries worldwide. Human Rights Watch has long documented violations of human rights and international humanitarian law by all parties to the conflict in Somalia. In 2014, Human Rights Watch also released a report on due process concerns within the Military Court.

Human Rights Watch is committed to producing material that is well-informed and objective. We want to ensure that our report properly reflects the views, policies, and practices of relevant authorities and actors. On several occasions, Human Rights Watch has engaged with military court leaders, including meeting with General Mungab (in December 2013) and Colonel Abdirahman Mohamed Turyare (in August 2015) when they headed the court.

We recently held a series of meetings with Somali government officials in Mogadishu regarding our ongoing research. Unfortunately, you were in Baidoa during our visit so we were not able to meet in person. Given the military court's role in prosecutions of a number of cases of killings of journalists, we are now following-up with you in order to get your response and insights. We would appreciate receiving your response to this letter by April 13, 2016 in order to ensure that it can be reflected in our final report.

### **Research findings:**

Our research is based on over 50 interviews with journalists throughout south-central Somalia and Puntland, as well as with government officials, and members of international and local media support groups. We found that journalists continue to be targeted by state and non-state actors. Radio and TV journalists have been subjected to a range of human rights abuses including targeted killings and attempted killings, arbitrary arrests, censorship and threats. Security forces have temporarily closed down a number of media outlets. Al-Shabab and its alleged affiliates have also continued to target and threaten journalists.

We found that since 2014, four journalists have been killed, two in Mogadishu, while at least six others have survived assassinations attempts in Mogadishu. Three others have been injured or killed while reporting.

Journalists killed in Mogadishu since 2014 are:

- Yusuf Ahmed Abukar (‘Keynan’), on June 21, 2014
- Hindiya Haji Mohamed, on December 3, 2015

According to media reports, at least nine individuals have been tried by the military court over the last two years for killings of journalists. Six individuals were reportedly convicted and sentenced for the killing of journalist Hindiya Haji Mohamed. Several of the sentences were for killings of journalists that happened outside the timeframe of our report. Two individuals were sentenced and executed for the killing of Mohamed Mohamud Timacade (killed in October 2013). Hassan Hanafi was charged for the murder of Sheikh Nur Mohamed Abkey (killed in May 2010) among other journalists.

### **Inquiries:**

#### *Pre-Trial Detention*

1. Human Rights Watch is aware that defendants had legal counsel during the trials. Please provide more details about this:
  - a) How were the lawyers selected to represent these defendants?
  - b) When did the defendants first have access to their lawyers? Did all defendants meet with their lawyers?

2. Could you tell us how long Hassan Hanafi was held in pretrial detention and when he was first brought to court?

*Trial*

3. Please explain the legal basis under Somali law for the military court to try civilian defendants.
4. When were the six defendants in the Hindiya killing prosecution case brought to court? How many times were they brought before the court? If possible please provide exact dates of hearings at first instance and appeal's level.
5. How many times was Hassan Hanafi brought before court? If possible please provide exact dates of hearings at first instance and appeal's level.
6. Two of the suspects in the Hindiya case, Abdirisak Mohamed Barrow and Hassan Ali Nur Farah, and Hassan Hanafi appeared on Somali National TV (SNTV) documentaries. Were their confessions from these documentaries presented as evidence in court?
7. Please provide us the specific charges against the five individuals sentenced to death in the three trials that had taken place since 2014, notably:
  - a) Ali Bashir Osman (executed October 26, 2014)
  - b) Abdulahi Sharif Osman (executed October 26, 2014)
  - c) Abdirisak Mohamed Barrow
  - d) Hassan Ali Nur Farah
  - e) Hassan Hanafi
8. Can you please provide written rulings for Hindiya killing prosecution case and Hassan Hanafi's case?

We welcome any other thoughts you have on these important issues. Please do not hesitate to send us any other materials or information that you think would be relevant for our understanding of these issues. As noted above, we would appreciate receiving your response to this letter by **April 13, 2016**. Please send your response to my colleague, Laetitia Bader, our Somalia researcher who can be reached at. ...

Yours Sincerely,

A handwritten signature in black ink that reads "Daniel Bekele". The signature is written in a cursive style with a large initial 'D'.

Daniel Bekele  
Africa Director

## Annex 2: Letter to Minister of Information

30 March, 2016

*Via email:*

HUMAN  
RIGHTS  
WATCH

HRW.org

### Re: Rights Abuses Against Journalists

Dear Minister Mohamud Hassan,

I am writing to share with you the findings of research carried out by Human Rights Watch into abuses against journalists in south-central Somalia and Puntland since 2014.

Human Rights Watch is an international human rights organization that conducts research and advocacy on human rights abuses in over 90 countries worldwide. Human Rights Watch has long documented violations of human rights and international humanitarian law by all parties to the conflict in Somalia. The focus of our work has to date been largely on south-central Somalia.

Human Rights Watch is committed to producing material that is well-informed and objective. We want to ensure that our report properly reflects the views, policies, and practices of relevant authorities and actors. We hope you or your staff will respond to the questions below so that your views are accurately reflected in our reporting.

#### **Research findings:**

Our research is based on over 50 interviews with journalists throughout south-central Somalia and Puntland, as well as with government officials, and members of international and local media support groups. We found that journalists continue to be targeted by state and non-state actors. Radio and TV journalists have been subjected to a range of human rights abuses including targeted killings and attempted killings, arbitrary arrests, censorship and threats. Security forces have temporarily closed down a number of media outlets. Al-Shabab and its alleged affiliates have also continued to target and threaten journalists.

We found that in Puntland, since 2014 one journalist, Abdirisak Ali Abdi “Silver,” was killed on November 18, 2014. In addition, Radio Galkayo, has been attacked by unknown assailants on two occasions.

In addition, several journalists have been detained, such as Jama Deperani who was held for 10 days without being brought before a court, two media outlets – Voice of America (VOA) and Somali National TV (SNTV) temporarily were closed down and criminal defamation charges were brought against one media outlet. Human Rights Watch is concerned that these incidents violated free expression rights and were aimed at silencing legitimate criticism of the government.

Human Rights Watch also found that journalists face frequent threats from many quarters, including from government and security officials, which is impeding their ability to report accurately on issues of public interest, such as security news and federalism issues. Journalists in Bossaso in particular said they were regularly harassed by security forces in the town when out reporting.

In addition, President Abdiweli endorsed a media law that includes vague restrictions on free expression amongst other provisions of concern.

**Inquiries:**

Human Rights Watch would appreciate your response to the concerns described above and to the following questions in order to reflect your views in our reporting. We would appreciate receiving your response to this letter by April 13, 2016 in order to ensure that it can be reflected in our final report.

1. Has the killing of Abdirisak “Silver” or the double attacks on Radio Galkayo resulted in any arrests? Prosecutions?
2. Has the government investigated or prosecuted any previous cases of killings of journalists over the last two years?
3. Please provide any documents, including charge sheets, in the government’s criminal proceedings against individual journalists and media houses since 2014.
4. Do the security forces, either police or military, receive any trainings on human rights, and specifically on media freedom?

5. Please provide information of any disciplinary or other actions taken against security officials, for harassment or other unlawful actions against journalists since 2014.
6. Does the government have any plans to seek the revision of the media law to ensure that it conforms to international human rights standards?

We welcome any other thoughts you have on these important issues. Please do not hesitate to send us any other materials or information that you think would be relevant for our understanding of these issues.

As noted above, we would appreciate receiving your response to this letter by **April 13, 2016**. Please send your response to my colleague, Laetitia Bader, our Somalia researcher who can be reached at. ...

Yours Sincerely,



Daniel Bekele  
Africa Director

Cc:

Abwan Abdirashid Yusuf Jibril, Director of information, culture and traditions of Puntland Presidency.



## Annex 3: Letter to NISA

March 29, 2016

Via email:

HUMAN  
RIGHTS  
WATCH

HRW.org

### Re: Rights Abuses Against Journalists

Dear Gen. Abdirahman Mohamud Turyare,

I am writing to share with you the findings of research carried out by Human Rights Watch into abuses against journalists in south-central Somalia and Puntland since 2014.

As you know from a previous meeting with our staff, Human Rights Watch is an international human rights organization that conducts research and advocacy on human rights abuses in over 90 countries worldwide. Human Rights Watch has long documented violations of human rights and international humanitarian law by all parties to the conflict in Somalia.

Human Rights Watch is committed to producing material that is well-informed and objective. We want to ensure that our report properly reflects the views, policies, and practices of relevant authorities and actors. With this in mind we recently held a series of meetings with government officials in Mogadishu regarding the findings of our report, including with Minister of Internal Security Abdirisak Omar, who we are copying into this letter.

Given NISA's involvement in a number of the incidents documented in this report and its current role in investigations into targeted attacks, we are now following up with you to get your response and insights. We hope you or your staff will respond to the questions below so that your views are accurately reflected in our reporting.

#### Research findings:

Our research is based on over 50 interviews with journalists throughout south-central Somalia and Puntland, as well as with government officials, and members of international

and local media support groups. We found that journalists continue to be targeted by state and non-state actors. Radio and TV journalists have been subjected to a range of human rights abuses including targeted killings and attempted killings, arbitrary arrests, censorship and threats. Security forces have temporarily closed down a number of media outlets. Al-Shabab and its alleged affiliates have also continued to target and threaten journalists.

We found that since 2014, four journalists have been killed, two in Mogadishu, while at least six others have survived assassinations attempts in Mogadishu. Three others have been injured or killed while reporting.

Journalists killed in Mogadishu are:

- Hindiya Haji Mohamed, on December 3, 2015
- Yusuf Ahmed Abukar (“Keynan,”) on June 21, 2014

Journalists who have survived targeted attacks include:

- Nimo Hassan Abdi, on May 12, 2015
- Farhan Saleban Dahir, on April 10, 2015
- Abdalle Ahmed Mumin, on January 26, 2015
- Nuure Mohamed Ali, on November 9, 2014
- Abdirisak Jama Elmi (“Black”) on October 12, 2014
- Mohammed Abdullahi Haji, on July 25, 2014

Our research indicates that NISA opened investigations into only one of these killings, that of Hindiya Haji Mohamed, which is the only case in which Al-Shabaab publicly claimed responsibility.

In addition, during this period, NISA officials have closed down at least six media outlets in Mogadishu, and Radio Shabelle and Star FM were shut down on three occasions.

NISA has on at least one occasion held journalists against the order of the Benadir regional court. In addition, several journalists held by NISA allege mistreatment during interrogations.

We are concerned that the lack of transparent investigations into attacks on journalists as well as NISA's clampdown on a number of media outlets and arrests of dozens of journalists is having a chilling effect on the media, including the survivors of these attacks, and undermining trust in the authorities more broadly, which discourages journalists facing threats and violence from reporting.

### **Inquiries:**

Human Rights Watch would appreciate your response to the following questions in order to reflect your views in our reporting. We would appreciate receiving your response to this letter by April 15, 2016 in order to ensure that it can be reflected in our final report.

#### *Bans, Closures & Arrests*

1. What is the legal basis for the ban initially imposed by former head of NISA Benadir on September 2, 2014, regarding airing Al-Shabab voices, which has been the basis of several arrests and media closures?
2. Please provide information on the legal procedures followed by NISA officials when closing Radio Simba (September 2014), Kulmiye Radio (September 2014), Radio Shabelle & Sky FM (in August 2014 and again April 2015), Radio Risaala (January 2015) and Universal TV (October 2015).
3. Please describe internal disciplinary and other procedures available to NISA to hold its officials to account for abusing the rights of detainees.
4. Please share details of any disciplinary or other actions that have been taken against NISA officials because of a failure to follow procedures during arrests, detention of journalists, and closures of media outlets.

#### *Investigations*

1. What have been the main challenges faced when investigating targeted attacks on journalists?
2. Out of the two killings and six targeted attacks against journalists that have occurred in Mogadishu over the last two years mentioned above, how many investigations has NISA opened? In the cases where investigations have been opened please could you provide information on the steps taken by NISA or Central Investigations Department to investigate the attacks?
3. How many of these attacks have resulted in prosecutions?

We welcome any other thoughts you have on these important issues. Please do not hesitate to send us any other materials or information that you think would be relevant for our understanding of these issues.

As noted above, we would appreciate receiving your response to this letter by April 15, 2016. Please send your response to my colleague, Laetitia Bader, our Somalia researcher who can be reached at. ..

Yours sincerely,

A handwritten signature in black ink that reads "Daniel Bekele". The signature is written in a cursive, flowing style.

Daniel Bekele  
Africa Director

Cc:

H.E. Minister Abdirisak Omar Mohamed, Minister of Internal Security



Somalia is one of most perilous countries in the world for journalists. Reporting has brought violence and threats from all sides during the country's long armed conflict. In the last two years, as new federal and regional administrations have come to power, there has been little respite for Somali journalists.

*"Like Fish in Poisonous Waters,"* based on over 50 interviews with journalists working throughout south-central Somalia and Puntland, examines attacks on media freedoms since 2014 and the government's failure to adequately investigate and prosecute those responsible.

The report finds that journalists face targeted killings and attacks, including ongoing violence from the Islamist armed group Al-Shabab, and clampdowns and censorship by security forces and government officials. It also documents obstacles facing the media in the new interim regional states and in Puntland. As Somalia prepares for an electoral process in late 2016, these attacks undermine Somalis' right to information as journalists censor themselves to survive.

Human Rights Watch calls on the Somali authorities to allow full, open reporting and comment on issues of pressing public interest, rein in abusive security forces, and consider reforms to the country's new media law. Somali authorities can and should do more to ensure investigations and accountability for violence against journalists. Human Rights Watch also calls on Al-Shabab to immediately end targeted attacks and threats against the media.

*(above) Relatives and fellow journalists pray over the body of Somali journalist Yusuf Keynan, on June 21, 2014, during his funeral. Keynan died in Mogadishu after a bomb believed to have been attached to his car was remotely detonated.*

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Mohamed Abdiwahab

*(front cover) Somali photojournalist runs for cover while reporting on fighting between the Somali government and African Union forces against the Islamist armed group Al-Shabab in the Lower Shabelle region of Somalia, April 2012.*

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