



NUSOJ

Ururka Qaranka Saxafiyiinta Soomaaliyeed
National Union of Somali Journalists

Between a Rock and a Hard Place: Journalists in Peril in Somalia


State of Media Freedom Report - 2021

Incidents in 2020



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Foreword

The loss of two colleagues in targeted attacks during 2020, reminds us once again, of the enduring dangers and challenges to practicing journalism in Somalia. Journalists are wedged between extremist non-state actors who kill at will without fear of being apprehended, and a repressive authority that is an abuser itself, and has not demonstrated the capacity to protect journalists.

This report is our annual flagship review of the state of media freedom in Somalia. It summarizes violations and abuses against journalists who continue to face repressive laws, partial security officers, detention, biased courts and a repressive legal regime.

The continuing loss of life to murder, whose perpetrators remain at large, is testimony to the risks journalists continue to face as they try to fulfil their duty of society's messengers. Not a single murder of a journalists' killed in 2020 has been investigated, resolved and the culprit brought to book.

The Southern regions of Somalia stand out as a particularly dangerous place for journalists in Somalia, with little distinction between the actions of state and non-state actors against journalists.

The failure to apprehend and punish abusers, arbitrary arrests, the detention and the trial of journalists on improvised charges in captive courts, also demonstrates that repression and the conditions that encourage impunity against journalists remain very much alive in Somalia today.

Far from being a safe haven, the courts in Puntland and Somaliland have explicitly demonstrated a lack of willingness to interrogate the cases brought before them, instead rushing to convict journalists on flimsy grounds. Almost all journalists that were taken before these courts were found guilty and sentenced to lengthy periods of detention.

The continuing acts of impunity, unfair laws and authorities whose servants join the abusers without any reprimand; define the burden of what we have to confront in our efforts to make Somalia a safe place for journalists.

Omar Faruk Osman, NUSOJ Secretary General

Executive Summary

Albeit some victories on the legal front, 2020 does not represent much positive movement for journalism in Somalia. The two targeted killings of journalists Abdulwali Ali Hassan on 16 February 2020 and Yusuf Ali on 4 May 2020, show that Somalia is not a safe place for journalists. The routine harassment and detention of dozens of others continue a familiar if disturbing trend in Somalia.

Security and safety of journalists remained a major challenge, instigated by both state and non-state actors. The failure to investigate the murders Abdulwali and Yusuf and bring to book their killers displays both a lack of capacity and willingness to investigate these cases, arrest and put the culprits to trial.

At different levels, the Federal Member States or regional administrators are major abusers that are responsible for all arrests, detentions and compromised court sessions. The case of journalist Kilwe Adan Farah who was arrested in 2020, held incommunicado for weeks, before a court sentenced him to a 3-year jail term stands out.

The judiciary was a leading violator of rights and freedoms of media. The courts scored a 99% conviction rate in cases where spurious charges were brought against journalists. The judiciary sanctioned unjustified detention of journalists whenever people in positions of power were unhappy with and raised complaints about the work of journalists. Perhaps because of its influence and reach, broadcast journalism appears to be the most-risky for journalists in Somalia. The two colleagues killed worked for television while 27 of the 33 journalists arrested during the year worked for either television or radio. While the killings of journalists tend to catch the limelight, a more insidious threat, is the scourge of routine harassment, intimidation and issuing of threats to journalists. A total of 113 incidents of intimidation were logged during the year.

The National Union of Somali Journalists (NUSOJ) continues in its efforts to document, report and disseminate cases of abuse of journalists to authorities in Somalia, to the public and to international partners. We shall not relent in our efforts to put to shame those that disregard the rule of law and put journalists lives at risk; demand for justice for our fallen colleagues and those journalists that continue to bear the brunt of harassment by state actors.

Khadar Awl Ismail, NUSOJ Secretary of Information and Human Rights

Murder of Journalists

Murder continued to be used as a tool for silencing critical voices and the intimidation of journalists in Somalia during the year under review. The routine application of violence and death targeting journalists, is part of a wider strategy that seeks to send a clear message to journalists that they are dispensable and can be killed or eliminated at minimum cost of likely consequences to the perpetrators. The scourge of impunity of crimes against journalists is having a broader effect on Somali citizens as a whole, effectively choking off the flow of unobstructed news and information.

It is regrettable that 2020 is another year where we have to report the loss of Somali journalists to targeted violence, albeit in lower numbers. Two broadcast journalists were murdered in southern Somalia during the first half of the year. In Mogadishu the capital, a journalist was murdered, on May 4, just a day after World Press Freedom Day – May 3rd, 2020 – was commemorated.

Date	Victim	Organisation / Freelance	Place	State / Region	Type of Assault
16 February 2020	Abdulwali Ali Hassan	Universal TV and Radio Kulmiye	Afgoye	SouthWest	Murder
04 May 2020	Said Yusuf Ali	Kalsan TV	Mogadishu	Banadir	Murder



Arrests and Detentions of Journalists

Nearly three dozen cases of serious violations of media rights and freedoms were monitored, investigated and reported by NUSOJ during 2020. As depicted in the summary below, thirty-three (33) journalists were arrested and held for varying periods. Arrests and detentions were widely distributed across all regions of Somalia and involved a diverse array of actors including security and government agencies at the federal, state and regional levels. Agencies ranging from the police, judiciary, local government officials as well as non-state actors acting either individually or collectively, feature prominently among the abusers.

In the course of these arrests, tools of trade are destroyed, dignity is undermined, and due process disregarded. Journalists were explicitly targeted due to their journalism work.

Threats and subsequent detention of journalists without recourse to due process has become routine, especially in politically motivated cases where the perpetrator is uncomfortable with the truth unearthed by journalists.

Somaliland tops the ranks as the worst jailer of journalists in the year under review with 9 arrests. Banadir region follows closely with 6 arrests and detentions. The police arrested and detained journalists at will without federal authorities holding them to account.

Both Puntland and Jubbaland logged 5 arrests. It is now an established routine that journalists who write uncomfortable truths are promptly detained for unspecified periods without charge. The two administration rarely tolerate independent or critical reporting, and would go the extra mile to either arrest or do anything that would impede the practice of independent journalism.

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Authorities affiliated with Hirshabelle and those not connected with the administration seem to have copied other administrations and started threatening and arresting journalists with 4 journalists arrested in Hirshabelle.

Records show 3 journalists were arrested in SouthWest State and 1 journalist in Galmudug. Despite this, the two Federal Member States appear to have become more tolerant to journalists in comparison to previous years and have allowed a space for dialogue with journalists in an attempt to moderate the hostile environment.

With all the arrests, 2020 ended with journalist Kilwe Adan Farah detained incommunicado for more than 2 weeks by Puntland security forces on trumped-up charges before the military court. The real reason behind his arrest was to stop him from covering public protests against increasing inflation in Puntland.

The cases documented below refer to journalists arrested or detained journalists in a targeted crackdown against independent journalism.

Date/Month Year 2020	Victim	Sex	Organisation / Freelance	Place	State / Region	Type of Assault
13 January 2020	Saeed Abdullahi Kulmiye	Male	Kasmaal Media	Galkayo	Puntland	Arrested
11 February 2020	Hussein Ali Gesey	Male	5 Somali TV	Burhakaba	SouthWest	Arrested
19 February 2020	Mumin Muhumad Biyow	Male	Radio Hiiraanweyn	Bula Burt	Hirshabelle	Arrested
19 March 2020	Abdullahi Farah Nur	Male	Somali Cable TV	Mogadishu	Banadir	Arrested
29 March 2020	Rahmo Hassan Mohamed	Female	Goobjoog Media Group	Mogadishu	Banadir	Arrested
29 March 2020	Hamdi Mahad Dirie	Female	Goobjoog Media Group	Mogadishu	Banadir	Arrested
29 March 2020	Muno Mohamed Nur	Female	Goobjoog Media Group	Mogadishu	Banadir	Arrested
14 April 2020	Abdiasis Ahmed Gurbiye	Male	Goobjoog Media Group	Mogadishu	Banadir	Arrested

Date/Month Year 2020	Victim	Sex	Organisation / Freelance	Place	State / Region	Type of Assault
20 April 2020	Mukhtar Mohamed Atosh	Male	VOA Somali	Baidoa	SouthWest	Arrested
24 April 2020	Farhan Mohammed Hussein	Male	Radio Kulmiye	Mogadishu	Banadir	Arrested
01 May 2020	Khalid Ismail Abdirahman (Fodhadhi)	Male	Freelance Journalist	Hargeisa	Somaliland	Arrested
25 May 2020	Abdirahman Ali Hidig	Male	Eryal TV	Erigabo	Somaliland	Arrested
08 June 2020	Ali Fahad Jama	Male	SAAB TV	Hargeisa	Somaliland	Arrested
10 June 2020	Bishar Ibrahim Adan	Male	Dalka TV and Radio Markabley	Burdhubo	Jubaland	Arrested
12 June 2020	Abdishakur Mohamed Hassan	Male	SAAB TV	Beledweyn	Hirshabelle	Arrested
16 June 2020	Khadar Mohamed Tarabi	Male	Somali Cable TV	Las Anod	Somaliland	Arrested
16 June 2020	Khadar Rigah	Male	Universal TV	Las Anod	Somaliland	Arrested
16 June 2020	Jabir Said Dualeh	Male	Horyaal24 TV	Erigabo	Somaliland	Arrested
26 August 2020	Mohamed Abdirahim Mohamed	Male	RTN TV	Baidoa	SouthWest	Arrested
06 September 2020	Khadar Awl Ismail	Male	Radio Daljir	Garowe	Puntland	Arrested
06 September 2020	Abdiqani Ahmed Mohamed	Male	Radio Daljir	Garowe	Puntland	Arrested

Date/Month Year 2020	Victim	Sex	Organisation / Freelance	Place	State / Region	Type of Assault
14 September 2020	Ilyas Abdi Ali	Male	Radio ERGO	Hargeisa	Somaliland	Arrested
22 October 2020	Barwaqo Hassan Farah	Male	Sahan TV	Hargeisa	Somaliland	Arrested
22 October 2020	Mohamud Sheekh Bashir	Male	Freelance Journalist	Elwaq	Jubaland	Arrested
02 November 2020	Ahmed Omar Salihi	Male	Radio Markabley	Bardhere	Jubaland	Arrested
02 November 2020	Yahye Abdirisq Sofe	Male	Radio Markabley	Bardhere	Jubaland	Arrested
04 November 2020	Abdimanan Yusuf	Male	ASTAAN TV	Hargeisa	Somaliland	Arrested
06 December 2020	Abdullahi Hussein Kilas	Male	Eryal TV	Kismayo	Jubaland	Arrested
12 December 2020	Abdiwahid Moallim Isak	Male	VOA Somali	Galkayo	Galmudug	Arrested
24 December 2020	Abdulkadir Mohamed Farah	Male	Freelance Journalist	Beledweyn	Hirshabelle	Arrested
26 December 2020	Ali Dahir Herow	Male	Freelance Journalist	Beledweyn	Hirshabelle	Arrested
27 December 2020	Farah Mohamed Khalif	Male	Freelance Journalist	Garowe	Puntland	Arrested
27 December 2020	Kilwe Adan Farah	Male	Freelance Journalist	Garowe	Puntland	Arrested

Intimidation and Other Assaults Against Journalists

While arrests and killings of journalists stood out during 2020, intimidation and threats, represent a far more insidious and prevalent threat to the practice of journalism in Somalia.

In the year under review, journalists reporting on politically sensitive, corruption or security related stories were singled out for intimidation. NUSOJ monitored, recorded and verified **113 cases of intimidation**, overt threats and other forms of assault directed against journalists.

Journalists continue to face threats from police, were denied access to vital news sources and were subjected to various forms of psychological torture including death threats.

Journalists working in Puntland by far, received the largest number of threats and intimidation directed at them because of their journalism work. **A total of 28 cases of intimidation and other assaults against journalists recorded were recorded in Puntland during 2020.**

Somaliland followed closely with journalists reporting sustained intimidation, threats of violence. Security forces tended to act swiftly against journalists on the orders of politicians who were uncomfortable with their reporting.

While Banadir, Hirshabelle and Galmudug recorded lesser incidents of intimidation and other assaults against journalists, efforts to cow independent

81%
OF REPORTED CASES
OF INTIMIDATION
AND THREATS



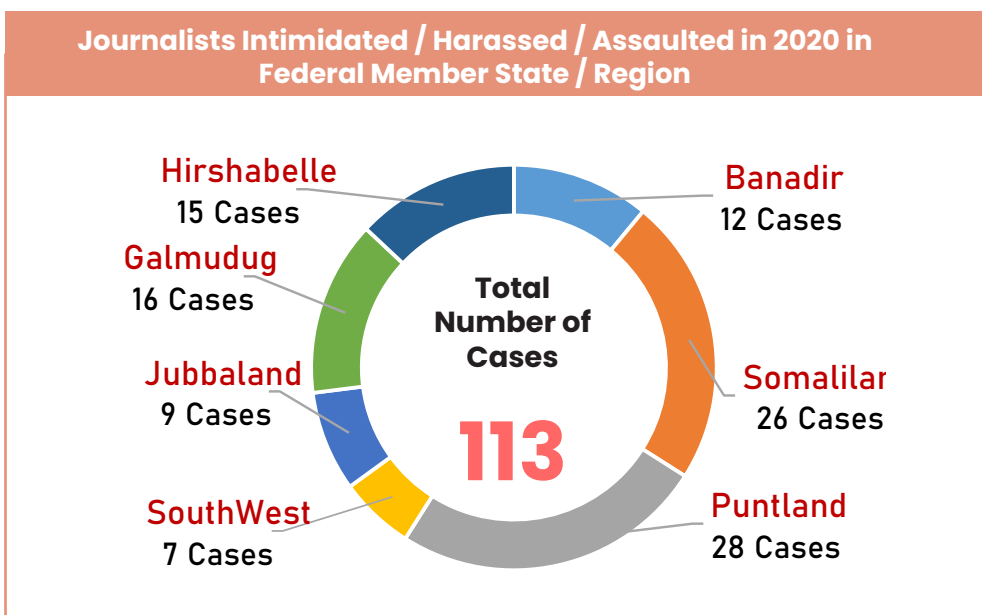
ARE CARRIED OUT
have power over
the security
forces

journalists into submission and silence are disturbing. Many journalists reported cases of threats directed at them by figures in authority.

An emerging pattern suggests that intimidation through overt threats to harm journalists is becoming a preferred weapon to silence journalists. **In all, 113 cases of intimidation were reported, nearly three times the number of reported arrests.** This approach is particularly dangerous because victims are likely to suffer in silence since it is more difficult to secure evidence of abuse.

Records show that 81% of reported cases of intimidation and threats are carried out by people who have power over the security forces. All reported incidents were also directly related to a story a journalist had either published in the mainstream media or the social media or was in the course of investigating.

The attitude and behaviour of security personnel towards journalists suggests a high level of confidence that can only be attributed to full endorsement of their actions by the political authorities or leadership. In most cases, the victims see no value to reporting cases of intimidation or assaults because the likelihood of a logical outcome is slim. The abusers are from the same security system that would be responsible for the investigation.





Heightened Criminalisation of Journalism

Somalia's judicial authorities rely on and apply an old and outdated Somali Penal Code. Dating back to the colonial era and the decades of military rule, the penal code is inconsistent with the provisional constitution of Somalia and decidedly slanted against independent journalism and freedom of expression.

The penal code plainly falls short even of the constitutional guarantees for freedom of expression provided for in Somalia's Provisional Constitution and the international standards for freedom of expression. Despite these defects, it has become a popular tool for repression by the authorities, which is widely and frequently used against journalists.

In several court proceedings in the Federal Member States, NUSOJ has observed that contrary to the presumption of innocence until proven guilty, the courts of the regional administrations have flipped this, assuming guilt and requiring the accused to prove their innocence. The courts tend to be partial, often ignoring evidence that favour the accused. This denies poor journalists access to temporary liberties such as bail. It also requires them to hire legal representation which is impossible for many because of low pay. This has given birth to a culture of self-censorship, which leads to the public being denied access to factual information that may be in the possession of journalists.

The consequences of this disregard for constitutionalism are disturbing. Statistics show that 99% of all the cases brought against journalists resulted in a conviction that largely mirrored the wishes of the political entity or person behind the charges.

Following renewed efforts by local activists and the international community for judicial reforms, there has been some improvement at the federal level. There have



been changes to the leadership of the judiciary in Mogadishu, and we are seeing less spurious prosecution in the capital. Even when charges are brought against journalists, the atmosphere is more relaxed, and journalists tend to get a fair hearing. The major concern now, is that the courts are relying on outdated laws that were not designed to advance freedom of expression and media freedom. The picture outside Mogadishu is, however, very different because in the federal member states or Somaliland as there is no effort or even desire to abide by even the old law regardless of its shortcomings.

In August 2020, the President of Somalia Mohamed Abdullahi Mohamed, signed into law amendment to the Media Law which are unexpected to encourage a more liberal posture in the judiciary. A major outcome of the amendments is that they will operationalise Article 18 of the Federal Provisional Constitution of Somalia which provides for freedom of expression, freedom of opinion and media freedom by repealing the draconian and widely discredited 2016 Media Law that gravely infringed on citizens basic rights.

While the 2016 law had serious deficits and fell far short of international standards for freedom of expression, some of the key concerns in the amended media law were the provisions that criminalised freedom of expression and several aspects of the practice of journalism. The amended law restricted who could practice journalism, dictated ethical guidelines, compromised the independence and composition of the Somali Media Council. It also spelt out ambiguous and vague media crimes, issuance of press cards and undetermined fines for journalists and news media organisations who breached its provisions.

NUSOJ has been pressing the Federal Government to support the establishment of an independent Somali Media Council (SMC) through a process that is transparent and inclusive, representative and credible.

Unrestrained Culture of Impunity

A staggering 98 percent of threats, attacks against journalists and violations of press freedom, were unresolved and there was no tangible effort to investigate and bring closure for the victims. This is emblematic of the unrestrained culture of impunity, lack of political will and the systematic weaknesses that prevail across of Somalia.

NUSOJ continues in its campaign to exert pressure on the authorities, both at Federal and State levels, to ensure those who violate journalists' rights and compromise their safety are brought to book.

The absence of an effective regime of crime and punishment is a big contributor to this state of affairs since members of the regimented forces see that attacks against journalists are rarely punished. This is especially true of the regions outside Mogadishu.

The rampant culture of impunity in many parts of Somalia, has made independent journalism a choice between life and death. This is having negative effects of the practice as journalists have to consider self-preservation. Journalists are forced into self-censorship which in effect impedes the free flow of information.

Amidst such conditions, even members of the public are careful about what they share with media. Since a story is only as good as its sources, this limits how much information citizens are willing to share with media and amongst themselves.



The killing of journalists also robs the profession of mentors and potentially traps the profession in a state of immaturity since senior practitioners are either eliminated or forced to leave the profession.

As part of our efforts to fight impunity, NUSOJ has taken unprecedented move to challenge authorities to live up to their obligations. In its application to Banadir Regional Court in May 2020, NUSOJ stated that assassinations of journalists are not only violations of international human rights law but more pertinently constitute egregious and recurrent violations of article 13 (right to life) and article 18 (freedom of expression and opinion) of the provisional constitution of Somalia, and therefore asked the court to address the unpunished crimes committed against journalists.

The action triggered some positive action. On 21 May 2020, Banadir Regional Court has for the first time in recent history, issued an order that directed the Attorney General's Office (AG) to urgently commence investigations into the killings of journalists to confront impunity and to bring the perpetrators before the court.

The court order reads: "In reference to the letter dated 20 May 2020 from the National Union of Somali Journalists whose subject was a request to take action against impunity of journalists' killings, it is therefore ordered that the Office of Attorney General conduct urgent investigations as per the attached letter, and the results of the investigation must be brought before Banadir Regional Court."

In response to the court order, the Attorney General appointed in September 2020 a Special Prosecutor for journalists' killings to conduct a full investigation of the murders of journalists in Somalia to end the impunity of unpunished crimes committed against journalists.

This move by the NUSOJ to get the court order and get the attorney general appoint a special prosecutor is a milestone. It, however, represents only the beginning as a lot more work, lays ahead. There is a need to ensure that such orders are replicated at a national level and do not remain just on paper but result in visible actions that will bring some perpetrators to book.

ABOUT NATIONAL UNION OF SOMALI JOURNALISTS (NUSOJ)

The National Union of Somali Journalists (NUSOJ) is a fervent champion for media freedom, the rights of journalists, workers' rights and for social justice in Somalia. Member journalists work across the whole industry as reporters, editors, sub-editors and photographers. NUSOJ has 623 members that work in broadcasting, newspapers and in the new media.

NUSOJ systematically monitors and conducts investigations into violations of press freedom and human rights of journalists. The union provides accurate, prompt and impartial information concerning attacks on journalists such as killings, arrests, death threats and harassments, as well as acts of aggression against media organizations.

NUSOJ is a full member of the International Federation of Journalists (IFJ), Federation of African Journalists (FAJ), Eastern Africa Journalists Association (EAJA) and the Federation of Somali Trade Unions (FESTU). It is the partner organisation of Reporters without Borders (RSF).

For more information, visit www.nusoj.org



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