



NEW YORK
CITY BAR

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PRESIDENT

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H.E. Mr. Mohamed Abdullahi ‘Farmaajo’
President of the Federal Republic of Somalia

Re: Protecting Free Speech and Journalism and Ending Violence Against Journalists

Your Excellency:

I write on behalf of the New York City Bar Association to express deep concern regarding the state of media freedom in Somalia. The New York City Bar Association urges the government of Somalia to protect free speech and journalism and end all violence against journalists. We call on the Somali government to cease unwarranted arrests and detention of journalists, attacks on journalists, and shuttering of media stations. Furthermore, we implore the government to thoroughly investigate attacks and murders of journalists committed by Al-Shabaab and others.

The New York City Bar Association is an independent, non-governmental organization with more than 24,000 members. These members include lawyers, judges, law professors, and government officials from the United States and over 50 countries. Founded in 1870, the Association has a long history of dedication to promoting human rights and the rule of law. The African Affairs Committee closely monitors, reports on, and responds to legal developments in Africa. The International Human Rights Committee investigates and reports on human rights conditions around the world. In addition, the Association’s Cyrus R. Vance Center for International Justice advances global justice by engaging lawyers across borders to support civil society and international human rights bodies.¹

According to data compiled by the Somali Journalists Syndicate (SJS), Somali security forces arrested 38 journalists in Somalia in 2019, the highest annual number ever recorded.² Thirty-

¹ For more information on the work of the Committees and the Vance Center, please visit:

<https://www.nycbar.org/member-and-career-services/committees/african-affairs-committee>;
<https://www.nycbar.org/member-and-career-services/committees/international-human-rights-committee>; and
<https://www.vancecenter.org/>.

² Katherine Houreld, *Somali government detains record number of journalists*, REUTERS, Jan. 3, 2020, <https://www.reuters.com/article/us-somalia-media/somali-government-detains-record-number-of-journalists-idUSKBN1Z21FL>. The SJS numbers reported by Reuters exclude the breakaway republic of Somaliland, while the SJS report gives the totals in aggregate for Somalia and Somaliland. *State of Press Freedom in Somalia: Working under Pressure and Targeted Attack, Annual Report 2019*, SOMALI JOURNALISTS SYNDICATE, Jan. 6, 2020, <https://sjsyndicate.org/2020/01/05/state-of-press-freedom-in-somalia-in-2019-working-under-pressure-and-targeted-attacks/> (all cites last visited April 21, 2020).

seven journalists were beaten, shot at, or threatened at gunpoint, primarily by Somali security forces.³

In a report titled “*We Live in Perpetual Fear*,” Amnesty International similarly reports that, following the election of President Mohamed Abdullahi “Farmaajo” in 2017, government authorities have suppressed freedom of expression, including through physical attacks, killings and attempted killings of journalists, and arbitrary arrests, harassment and intimidation of journalists and other critics.⁴

The arrests and attacks largely have occurred in connection with reporting on matters deemed to be critical of the government.⁵ Journalists reportedly have been banned from Parliament,⁶ and instructed by the government to stop reporting on attacks and bombings.⁷ Since no public database of attacks and bombings in Somalia exists, public reporting is often the only means through which the public learns of such events.⁸ Most recently, the Somali government has intimidated or arrested journalists reporting on the coronavirus—for example, in connection with reports on the shortage of masks and gloves, the quarantine of individuals and the alleged removal by the President of a ventilator donated to a hospital.⁹

The SJS report details multiple incidents of beatings and harassment of journalists at the hands of police in 2019. About twenty-five journalists also had their equipment confiscated. Among the many incidents SJS reports are the following. In February 2019, Somali police beat two journalists reporting on road closures by the police, confiscated their cameras, handcuffed them and ordered them to lie on the side of the road for an hour before releasing them. In May 2019, Somali police shot at, beat up and briefly detained a journalist and cameraman who were filming the scene of a car bombing. The cameraman sustained injuries from the beating. In

³ *Id.*

⁴ “*We Live in Perpetual Fear*”: *Violations and Abuses of Freedom of Expression in Somalia*, AMNESTY INTERNATIONAL, Feb. 13, 2020, <https://www.amnesty.org/en/documents/afr52/1442/2020/en/>. The Amnesty International report is the first report by an international organization on the state of media freedom since 2015, and the first since President Mohamed Abdullahi ‘Farmaajo’ came to power in 2017. *SJS welcomes AI’s findings on Somalia’s freedom expression report, calls authorities to publicly condemn violations*, SOMALI JOURNALISTS SYNDICATE, Feb. 13, 2020, <https://sjsyndicate.org/2020/02/13/sjs-welcomes-ais-findings-on-somalias-freedom-expression-report-calls-authorities-to-publicly-condemn-violations/>.

⁵ *State of Press Freedom in Somalia*, SOMALI JOURNALISTS SYNDICATE, *supra* note 2 at 3.

⁶ Houreld, REUTERS, *supra* note 2; “*We Live in Perpetual Fear*,” AMNESTY INTERNATIONAL, *supra* note 4 at 7, 37-38. For example, in October 2019, the Somali Federal Parliament (People’s House) banned independent media and journalists from covering the parliamentary debates, but granted access to state-owned media. Parliament officials claimed the new ban was due to limited space. *Id.*, “*We Live in Perpetual Fear*,” at 38.

⁷ In Mogadishu, Somali police blocked journalists from reporting on bombings and other security incidents over 15 times in 2019. *State of Press Freedom in Somalia*, SOMALI JOURNALISTS SYNDICATE, *supra* note 2 at 3.

⁸ Houreld, REUTERS, *supra* note 2.

⁹ *SJS expresses concern over the arrest of Goobjoog media deputy director*, SOMALI JOURNALISTS SYNDICATE, April 14, 2020, <https://sjsyndicate.org/2020/04/14/sjs-expresses-concern-over-the-arrest-of-goobjoog-media-deputy-director/>; *Journalist covering Covid-19 briefly detained in Jubbaland*, SOMALI JOURNALISTS SYNDICATE, April 14, 2020, <https://sjsyndicate.org/2020/04/14/journalist-covering-covid-19-briefly-detained-in-jubbaland/>; *Journalists face threats of intimidation and censorship for reporting Covid-19 in Mogadishu and Hargeisa*, SOMALI JOURNALISTS SYNDICATE, April 3, 2020, <https://sjsyndicate.org/2020/04/03/journalists-face-threats-of-intimidation-and-censorship-for-reporting-covid-19-in-mogadishu-and-hargeisa/>.

November 2019, Somali police beat Al Jazeera and Reuters journalists. Police pointed guns at the journalists, while others, at the same time, fired shots in the air.¹⁰

Reuters reports the case of one reporter who was arrested three times last year and twice in 2018. Once he was blindfolded and beaten by Somali police with gun butts. On another occasion, his camera was smashed.¹¹ Mohamed Bulbul, a journalist based in Mogadishu, said he went into hiding for several weeks after receiving threats from state officials when he reported on Al-Shabaab's infiltration of local business and government offices.¹² Other journalists have fled the country in fear of death or imprisonment by Al-Shabaab or Somali officials due to their reporting activities.¹³

Somali officials have also reportedly raided and shuttered media stations.¹⁴ In one instance in December 2019, Somali police raided a private broadcaster, City FM, briefly detained seven staffers and shut down the station indefinitely.¹⁵ Police claimed they acted based on state officials' accusations that the station was spreading "fake news" in order to incite the public to protest against the government.¹⁶ The raids followed reporting by the station's owner, Abdishakur Abdullahi Ahmed (through other media channels, and also shared on Facebook) on the

¹⁰ *State of Press Freedom in Somalia*, SOMALI JOURNALISTS SYNDICATE, *supra* note 2 at 6-7.

¹¹ Houreld, REUTERS, *supra* note 2.

¹² Mohammed Yusuf, *Despite Fewer Killings, Somali Journalists Remain Targets*, VOICE OF AMERICA, Jan. 9, 2020, <https://www.voanews.com/africa/despite-fewer-killings-somali-journalists-remain-targets>.

¹³ *State of Press Freedom in Somalia*, SOMALI JOURNALISTS SYNDICATE, *supra* note 2 at 20. The arrests and intimidation of journalists for purposes of preventing news reports on issues of public interest show no signs of abating in 2020. On Feb. 19, a reporter was on his way to interview elders who opposed the appointment of a new district commissioner, when he was arrested, detained, and his equipment confiscated. On Feb. 20, three journalists in Puntland were arrested for covering a protest by local businesses over tax hikes. Police and a government official punched and beat them with guns, confiscated their equipment, and threatened to harm them if they reported news of the protest. They were arrested and then later released without charges. *SJS condemns multiple arrests against journalists in Somalia's Hirshabelle and Puntland*, SOMALI JOURNALISTS SYNDICATE, Feb. 20, 2020, <https://sjsyndicate.org/2020/02/20/sjs-condemns-multiple-arrests-against-journalists-in-somalias-hirshabelle-and-puntland/>. Mohamed Abdiwahab Nuur, editor of Radio Hiigsi, remains detained without charges. He was first arrested on February 29, and detained by Somali National Intelligence and Security Agency officers after he published an editorial regarding security service. He was released, and then re-arrested on March 7. He reportedly has been denied access to a lawyer and has not been brought before any court of law. *Somalia: NISA again detains Editor of Radio Hiigsi in Mogadishu*, HORN OBSERVER, March 7, 2020, <https://hornobserver.com/articles/235/Somalia-NISA-again-detains-Editor-of-Radio-Hiigsi-in-Mogadishu>; *Radio Hiigsi editor released without charge*, SOMALI JOURNALISTS SYNDICATE, March 2, 2020, <https://sjsyndicate.org/2020/03/02/radio-hiigsi-editor-released-without-charge/>; *Somali intelligence officers detain radio editor in Mogadishu*, SOMALI JOURNALISTS SYNDICATE, March 1, 2020, <https://sjsyndicate.org/2020/03/01/somali-intelligence-officers-detain-radio-editor-in-mogadishu/>.

¹⁴ *See State of Press Freedom in Somalia*, SOMALI JOURNALISTS SYNDICATE, *supra* note 2 at 16.

¹⁵ *Somali authorities shut down radio station City FM, seek to question owner*, COMMITTEE TO PROTECT JOURNALISTS, Dec. 23, 2019, <https://cpj.org/2019/12/somali-authorities-shut-down-radio-station-city-fm.php>; *Hirshabelle: Police shut down independent radio station, briefly detain seven journalists in Jowhar*, SOMALI JOURNALISTS SYNDICATE, Dec. 19, 2019, <https://madmimi.com/p/d91cef?fact=35162-155952292-12106983516-d41cc3f619ccfc40daa971418cf8f52005409ed3>.

¹⁶ Press Statement, *FESoj decries closure of radio station in Jowhar*, FEDERATION OF SOMALI JOURNALISTS, Dec. 21, 2019, <https://madmimi.com/p/150e39?fact=217460-155942003-10147771729-4c6600e0c07d953b2b432af866cbfe2c512bdbaa>.

government's alleged illegal confiscation of land from locals.¹⁷ Abdishakur had previously been arrested in 2017 for publishing "false" news in connection with reporting that was critical of the government.¹⁸ In March 2019, armed regional police raided the offices of Universal TV in Mogadishu and began shooting inside. Journalists fled for safety, and the TV programming was interrupted. Although the government promised that the perpetrators would be brought to justice, nobody has been arrested or charged.¹⁹

Amnesty International also reports that government officials allegedly have been paying monthly bribes to owners and directors of main media outlets and Somali social media influencers in return for favorable media coverage. In interviews, journalists relayed that their editors openly admitted that they were paid bribes and ordered them not to publish or air stories unfavorable to the government. Several journalists quit their jobs, while others were fired who refused to follow the orders to self-censor their work.²⁰

In addition, governmental authorities reportedly harass, intimidate and threaten journalists online, including on social media.²¹ According to Amnesty International, Somali government officials have set up teams to regularly monitor and report critical content published on journalists' personal media accounts.²² SJS documents 15 cases where journalists were subject to online harassment or intimidation in the last six months of 2019 alone, and reports that in at least four cases in 2019, journalists were detained and questioned regarding comments published on their personal Facebook pages.²³ In one instance in May 2019, according to an account by the Committee to Protect Journalists ("CPJ"), Ali Adan Mumin, a reporter for Goobjoog Media Group in Mogadishu was arrested in conjunction with police complaints that his Facebook postings insulted public officials and spread anti-national propaganda. He was released a few days after a regional court's dismissal of the case.²⁴ In February 2020, Hussein Ali Gesey, a TV journalist, was briefly detained after posting critical comments regarding regional security. He was released without charges, but says that police warned him he would be re-arrested and beaten if he chose to share such opinions on Facebook in the future.²⁵

It has been suggested that the increase in arrests and mistreatment of journalists and crackdown on reporting is linked to the government's efforts to suppress information for election

¹⁷ *Somali authorities shut down radio station City FM, seek to question owner*, COMMITTEE TO PROTECT JOURNALISTS, *supra* note 15.

¹⁸ *Id.*

¹⁹ "We Live in Perpetual Fear," AMNESTY INTERNATIONAL, *supra* note 4 at 29-30. *State of Press Freedom in Somalia*, SOMALI JOURNALISTS SYNDICATE, *supra* note 2 at 16.

²⁰ "We Live in Perpetual Fear," AMNESTY INTERNATIONAL, *supra* note 4 at 39-41.

²¹ *Id.*, pp. 42-44. *State of Press Freedom in Somalia*, SOMALI JOURNALISTS SYNDICATE, *supra* note 2 at 21.

²² "We Live in Perpetual Fear," AMNESTY INTERNATIONAL, *supra* note 4 at 42.

²³ *State of Press Freedom in Somalia*, SOMALI JOURNALISTS SYNDICATE, *supra* note 2 at 21.

²⁴ *Somali journalist Ali Adan Mumin jailed despite court order for release*, COMMITTEE TO PROTECT JOURNALISTS, May 31, 2019, <https://cpj.org/2019/05/somali-journalist-ali-adan-mumin-remains-jailed-af.php>; *State of Press Freedom in Somalia*, SOMALI JOURNALISTS SYNDICATE, *supra* note 2 at 12.

²⁵ *TV journalist briefly arrested in SW Somalia over critical Facebook post*, SOMALI JOURNALISTS SYNDICATE, Feb. 11, 2020, <https://sjsyndicate.org/2020/02/11/tv-journalist-arrested-in-south-west-state-of-somalia-for-a-facebook-post-deemed-critical-to-the-state/>.

purposes.²⁶ Multiple politically-sensitive elections occurred at the end of 2018 and in 2019²⁷ with more to come in 2020, when Somalia will hold its milestone first one-person, one-vote election since 1991.²⁸

Furthermore, while it is indeed encouraging that the number of journalists murdered in Somalia reportedly has declined in recent years,²⁹ it is unfortunate that Somalia in 2019 was ranked for the fifth year in a row on CPJ's Global Impunity Index as the world's worst country in terms of failing to prosecute murders of journalists.³⁰ As of August 31, 2019, 25 of 28 murders of journalists committed in the last decade in Somalia remain unsolved.³¹ Somali authorities have rarely investigated such killings of journalists or attacks against journalists.³²

Last year saw the death of two journalists.³³ On July 12, 2019, Somali journalists Mohamed Omar Sahal and Hodan Nalayeh were killed in an attack on the Madina Hotel in Kismayo for

²⁶ Houreld, REUTERS, *supra* note 2; *State of Press Freedom in Somalia*, SOMALI JOURNALISTS SYNDICATE, *supra* note 2 at 3.

²⁷ *State of Press Freedom in Somalia*, SOMALI JOURNALISTS SYNDICATE, *supra* note 2 at 3. See “*We Live in Perpetual Fear*,” AMNESTY INTERNATIONAL, *supra* note 2 at 13-14.

²⁸ Houreld, REUTERS, *supra* note 2. See “*We Live in Perpetual Fear*,” AMNESTY INTERNATIONAL, *supra* note 2 at 8.

²⁹ The number of murdered journalists reached a record high of 12 in 2012 and has been on a decline since then. It goes without saying, however, that no rate of murders is acceptable. *CPJ Data: 45 Journalists Killed in Somalia between 1992 and 2019/Motive Confirmed/Murdered*, COMMITTEE TO PROTECT JOURNALISTS, https://cpj.org/data/killed/murdered/?status=Killed&motiveConfirmed%5B%5D=Confirmed&type%5B%5D=Journalist&typeOfDeath%5B%5D=Murder&cc_fips%5B%5D=SO&start_year=1992&end_year=2019&group_by=year.

³⁰ *Global Impunity Index 2019, Getting Away with Murder*, COMMITTEE TO PROTECT JOURNALISTS, Oct. 2019, <https://cpj.org/reports/2019/10/getting-away-with-murder-killed-justice.php>. CPJ's index measures the number of unsolved journalist murders as a percentage of the country's population.

³¹ CPJ data shows 25 unsolved murders of journalists during the time period from September 1, 2009 to August 31, 2019. *Id.* During the same period, CPJ data indicates that there were a total of 28 murders, https://cpj.org/data/killed/?status=Killed&motiveConfirmed%5B%5D=Confirmed&type%5B%5D=Journalist&typeOfDeath%5B%5D=Murder&cc_fips%5B%5D=SO&start_year=2009&end_year=2019&group_by=year. It is important to point out that CPJ defines “murder” narrowly to exclude journalists killed in combat or while on dangerous assignments. Thus, the rate of murders may be viewed as higher by others using a different methodology. <https://cpj.org/reports/2019/10/getting-away-with-murder-killed-justice.php#methodology>.

³² “*We Live in Perpetual Fear*” AMNESTY INTERNATIONAL, *supra* note 4 at 19. *World Report 2020: Somalia, Events of 2019*, HUMAN RIGHTS WATCH, 2019, <https://www.hrw.org/world-report/2020/country-chapters/somalia>.

³³ Neither are included in CPJ's database as “murders” of “journalists.” CPJ classifies Mohamed Omar Sahal (alternatively identified as “Mohamed Sahal Omar”) as a journalist killed while on dangerous assignment. Although acknowledging the reported death of “journalist” Hodan Nalayeh, CPJ excludes her from its database altogether. <https://cpj.org/data/people/mohamed-sahal-omar/index.php>; https://cpj.org/data/killed/?status=Killed&motiveConfirmed%5B%5D=Confirmed&type%5B%5D=Journalist&type%5B%5D=Media%20Worker&cc_fips%5B%5D=SO&start_year=2019&end_year=2019&group_by=year

The press has widely reported the death of journalist Nalayeh. See, e.g., *Hodan Nalayeh: Somalia's 'inspirational' journalist, killed in Kismayo*, BBC, July 13, 2019, <https://www.bbc.com/news/world-africa-48975875>; Siobhán O'Grady, *A Somali-Canadian journalist returned to Somalia to tell 'uplifting' stories. The terrorists killed her*, WASH. POST, July 13, 2019, <https://www.washingtonpost.com/world/2019/07/13/somali-canadian-journalist-returned-somalia-tell-uplifting-stories-then-terrorists-killed-her/>; ‘*Brave, inspiring' Somali-Canadian journalist killed in Kismayo*, AL JAZEERA, July 15, 2019, <https://www.aljazeera.com/news/2019/07/inspiring-somali-canadian-journalist-killed-kismayo-190714072758850.html>.

which Al-Shabaab claimed responsibility.³⁴ Already in 2020, one journalist has died. Abdiwali Ali Hasson, a young freelance journalist was shot dead by unidentified gunmen on his way home from work. He had reported on humanitarian and security issues, including Somali National Army operations targeting locations held by Al-Shabaab; he had received death threats in 2019.³⁵

As Elana Beiser, CPJ's Editorial Director, states, "Rampant impunity sends a message to would-be killers of journalists that they can get away with the crime. It also sends an intimidating message to journalists and can lead them to censor their own reporting out of concern for their safety, which in turn leaves members of the public in the dark."³⁶

Adopted in 2012, Somalia's provisional Constitution guarantees the right to freedom of expression and opinion, including "freedom of speech" and "freedom of the media."³⁷ It also guarantees the right of access to information.³⁸ The International Covenant on Civil and Political Rights and the African (Banjul) Charter on Human and Peoples' Rights to which Somalia is a State Party³⁹ also both recognize and protect fundamental human rights, among them: (a) the right to freedom of expression; (b) the right to liberty and security of person, including the right to be free from arbitrary arrest and detention; and (c) the right to be treated with dignity, free of cruel treatment.⁴⁰ The freedom to express viewpoints critical of the government and to report on subjects such as terrorism by Al-Shabaab or possible government corruption are important aspects of free speech and a free press that ensure a government's accountability to its citizens.

The New York City Bar Association, while recognizing the enormous challenges that the Somali government faces, calls on the government to fulfill its constitutional and international obligations by ending governmental violence against journalists and protecting the free speech of journalists and all citizens. The Somali government must cease its unwarranted arrests and detention of journalists, its attacks on journalists, and its shuttering of media stations. Furthermore, the New York City Bar Association urges the Somali government to thoroughly investigate attacks against and murders of journalists allegedly committed by Al-Shabaab and others, and to prosecute perpetrators to the fullest extent possible.

³⁴ *State of Press Freedom in Somalia*, SOMALI JOURNALISTS SYNDICATE, *supra* note 2 at 5.

³⁵ *Young Somali freelance journalist shot dead in Afgoye*, SOMALI JOURNALISTS SYNDICATE, Feb. 17, 2020, <https://sjsyndicate.org/2020/02/17/young-somali-freelance-journalist-shot-dead-in-afgoye/>; *FESoj condemns murder of journalist in Somalia*, FEDERATION OF SOMALI JOURNALISTS, Feb. 16, 2020, <https://fesoj.org/fesoj-condemns-murder-of-journalist-in-somalia/>.

³⁶ Margaret Basheer, *Impunity the Norm in Many Countries for Murders of Journalists*, VOICE OF AMERICA, Oct. 29, 2019, <https://www.voanews.com/press-freedom/impunity-norm-many-countries-murders-journalists>.

³⁷ Somalia Provisional Constitution, art. 18 (Mogadishu, Somalia, Aug. 1, 2012), <http://www.fao.org/faolex/results/details/en/c/LEX-FAOC127387/>.

³⁸ *Id.* at art. 32.

³⁹ Int'l Covenant on Civil and Political Rights (New York, Dec. 16, 1966) (status as of April 21, 2020), https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&clang=en; African Charter on Human and Peoples' Rights, African Comm. on Human and Peoples' Rights (Nairobi, Kenya, June 1981), <https://www.achpr.org/legalinstruments/detail?id=49>.

⁴⁰ Int'l Covenant on Civil and Political Rights at articles 7, 9 & 19. African Charter on Human and Peoples' Rights at articles 5, 6 & 9, https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&clang=en.

By undertaking the above measures, the Somali government can promote a free press, free speech and the personal safety of all Somalians. By so doing, it can protect Somalia's democracy and rule of law, ensure that Somalia's milestone one-person one-vote elections of 2020 take place in a free, well-informed and open environment, and thereby advance the brightest future for Somalians.

Respectfully,



Roger Juan Maldonado

Cc: H.E. Hassan Ali Khaire, Prime Minister of Somalia
H.E. Deqa Yasin, Somalia Minister of Women and Human Rights Development
H.E. Mohamed Abdi Hayir Maareeye, Somalia Minister of Information
H.E. Mohamed Mursal Abdirahman, Speaker of Somalia Federal Parliament
H.E. Abdi Hashi Abdullahi, Speaker of Somalia Senate
The Honourable Donald Y. Yamamoto, US Ambassador to Somalia
H.E. Ali Sharif Ahmed, Somali Ambassador to the US
H.E. Moussa Faki Mahamat, Chairperson of the African Union Commission
H.E. Michelle Batchelet Jeria, United Nations High Commissioner for Human Rights