

Report on Somaliland: Media Freedom Kept within Bounds



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Introduction

Following the rescheduling of presidential elections and extensions of the term of office of President Dahir Rayale Kahin's government several times, Somaliland has been slowly slipping into political uncertainty at an unprecedented scale.

The right to express opinions without censorship or restraint consequently has become under attack. A number of journalists have been arrested and officially charged in courts. A privately owned Radio station was denied registration and consequently outlawed.

A strategy deviously planned to stifle or divert the professional independence of the privately owned print press has been brought into effective implementation.

The quality of newspapers in Somaliland, which consist of folded unstapled sheets of news, features, and advertorials have descend to very low levels or have gone contrary to the standards expected in the journalistic profession due to pressure and have resulted into poor quality journalism. The media in Somaliland has also been accused of resorting to using confrontational, insulting and offensive language.

The National Union of Somali Journalists, therefore, carried out a mission to observe and document cases of violations against media rights and freedom of expression in Somaliland.

Suppression of the Media

Somaliland government has long-established a commitment; the course of actions and conduct aimed at denying the establishment and operationalisation of privately owned Radio Stations despite the formal assurances by the Somaliland constitution and press law.

Horyaal Radio, a privately owned Radio station established outside Somaliland, is not registered in the secessionist republic and is therefore regarded as a forbidden station by the authorities. Horyaal journalists and director have been arrested frequently and excluded from press conferences by Somaliland authorities.

Somaliland authorities have several arguments to base their actions that have no legal basis. The usual argument is that Somaliland society is a highly argumentative society that would be able to overthrow the government instantly if they were allowed to air their views through private or independent radio stations. The other



Abdiweli Farah Jambir

argument is derived from the case of radio Mille Collins in Rwanda, that private radios will incite hatred and violence and could lead to atrocities and instability in Somaliland like it happened in Rwanda and southern Somalia. It is widely known by the journalists in Hargeisa that there exists a secret memo by the government, which dictates that no private radio station should be allowed in Somaliland.

Universal TV and Horn Cable TV, both privately-owned, operate in Somaliland but are facing pressure and intimidations. They are being accused by the authorities of bias and of working with opposition parties to undermine the government.

“Arrest and put in the vehicle is all what they have adopted for journalists,” said one journalist who does not want to be named for security reasons when he was explaining the actions of the police as they arrest journalists.

“Hostilities between journalists and the police are not unusual. They cannot see us and we cannot allow many of their abuses go unreported. They (police) are going after us. Journalists and police are like mice and cat,” said another senior journalist.

Police seem prepared to target journalists with cameras, according to journalists and parliamentarians. Soldiers come close to photographers and cameramen to observe pictures/films they are taking. Police were given full power to confiscate pictures or shots of touchy cases involving government officials. Sometimes police forcefully destroy and delete these pictures.

Some journalists admitted that the pressure started not only as the elections period approached but when the current spokesman of Somaliland presidency was appointed who allegedly instructed journalists working for the print media on “where to place the picture of president Rayale”, which was reportedly turned down by the newspapers.

Journalists have reported that access to information from government is difficult and ministers are unwilling to give information to journalists whom they accuse of being critical or more independent.

Opposition political parties seem to be good at giving information to journalists, but journalists said that this access is twinned with gifts and favours made by the opposition to get their messages out to the public.

“Interior Minister and the Spokesperson of the Presidency are two officials who

do not tolerate independent journalism and critical reporting. They make decisions to arrest journalists,” said Mustafe Abdi Isse, Chairman of Somaliland Journalists Association (SOLJA).

Mohamed Hussein Jama (Rambo) of the leading Geeska Afrika newspaper said that Somaliland media is going through the most worrisome period. “Once the political crisis deepens, we fear that the attacks on the press will double,” he said.

Abdiweli Farah Jambir of the Ogaal daily newspaper also said that though print media is attacked, electronic media, especially radio and their journalists are hot targets of the government.



Ahmed Suleyman Dhuhul

Some journalists stated that they received threatening phone calls following their reports. Some politicians in Somaliland were also reported of hiring thugs to attack and beat journalists.

Radio Horyaal is a well-known victim of denial of the right to establish independent radio in Somaliland. Mohamed Osman Mire, Director of Horyaal Radio, said that the attorney general who is supposed to register the Radio stations diverted them to the Ministry of Information for the registration, which is contrary to what the law says. But Mohamed argues that it is part of the strategy to deny them registration.

Mohamed Osman said that he was arrested 6 times since 23rd April 2004 when the Horyaal Radio was established but due to denial of registration and pressure their transmitter was based in Belgium. Police searched his home 3 times.

Mohamed Osman Mire said that the government even offered Horyaal Radio money so that they could lose down the radio. But they refused. The government accuses the Radio of being out of law and being used by supporters of KULMIYE political party. The government officials also said that KULMIYE politicians who are in hiding, own the radio.

Diminished Quality of the Media and Professionalism



Mohamed Osman Mire

Both media managers and journalists admit the quality of reporting has gone down since the crisis started. Young journalists who were not trained were employed in media houses. After six months, when they gain experience and start requesting salaries they are fired, according to Mustafe Abdi Isse of SOLJA.

Senior journalists were sacked or sent on compulsory vacation, according to journalists in Hargiesa. Mohamed Rashid Muhumad Farah who was part of the editorial team at Haatuf Newspaper said that he was sacked from the newspaper because the owner received complaints against him and due to private interests of the owner he was sacked. He believes the government is the one that complained.

Mohamed Rashid adds that at least four editors were either sacked, sent on compulsory vacation or were demoted to the positions of assistant editor, reporter or just a columnist.

Another senior journalist who was assistant editor of one of the newspapers in Somaliland

said that he was barred even from entering the premises of the newspaper following an order from the media owner.

But media owners also state that the journalists are collaborating with politicians who are paying them loads of money and fear that the reporting and the publication is comprised by the money received corruptly.

However, the journalists also say that media owners are following money and political interests. But both journalists and media owners agree that corruption in the media, which is locally known, as “Qabac”, is widespread and a major threat to quality journalism in the society.

If at all they are paid, a journalist receives as little as US\$30 a month for a salary while the minimum living standard in Hargeisa is US\$150. “To earn a living many journalists accept Qabac. Every day there is argument

between a journalist and the one that gave the money,” said one journalist.

Somaliland authorities also took steps to put those media outlets critical of them in severe financial situations. For example, Ministries will stop buying newspapers published by a critical media house and will deny them advertisement, which Mohamed Rashid explains as a sanction on independent newspapers.

The two leading newspapers, Ogaal and Geeska Afrika, also reported similar cases, while the opposition political parties are buying newspapers whatever political opinion the paper supports.

But the opposition parties are using inducements of money, public defence of troubled journalists and giving journalists access to get important information. However, this was pointed out as unhealthy relation between opposition political parties and the media, since it is unethical.

Tribal Pressure on Media

Journalists in Somaliland have experienced what journalists in the rest of Somalia never experienced. When a journalist is arrested, the government approaches the tribal leaders or elders of the journalist’s clan/tribe to settle the problem.

One journalist said that the government invites meetings with traditional elders about the arrested journalist’s case. The government manages to convince the elders to sign for the release of the journalist, which serves as a guarantee for the government that the journalist will not repeat what he or she did, an act that journalists are unhappy about, since it amounts to blackmail.

Journalists argue that the elders’ understanding is that the government has given them respect by contacting them about the case. Most elders do not understand issues of press freedom and

independent press, and try to blame the journalist for wrongdoing, according to the journalists.

Mohamed Mire of Horyaal Radio said that the government has been going after elders of his clan 4 times to convince them that he has done something wrong and the elders were supposed to sign the guarantee that he will not do it again. “Today I am released and elders signed for me,” he added.

According to Mohamed Rambo of Geeska Afrika, the elders are pressuring the media. “This is a new observable fact and the society has high respect for elders, specially their role in settling the affairs of Somaliland,” he added.

“We feel that clan elders were brought in to stem our freedom of expression. Government is using ultimate tactic to deny us the freedom to work independently,” said Mohamed Rashiid.

Indifference of Perpetrators and Judges

Governors and mayors in the regions of Somaliland have arrested journalists in different occasions for performing their media work. But when a journalist is arrested and brought to court, justice is not given to detained journalists.

Judges agree with the mayors, governors or public prosecutors on whatever case and consequently dictate their verdicts against the accused journalist, said one journalist. Judiciary system is comprised by the political system, he added.



Judges in Somaliland are mostly unaware of what are defamation, libel, slander and the true meaning of freedom of the press, said Mustafe Abdi Isse of SOLJA. "Some judges make decisions that have no legal basis. They have no proper understanding of Somaliland press law," he added.

One journalist argues that there is a strong relationship and collaboration among governors, mayors, police officers, prosecutors, ministers and the judges sitting in the courts who legitimize unjust allegations against journalists.

Recommendations

1. Somaliland should restore and respect constitutional protection pertaining to the media freedom and acts of seeking, receiving and imparting information or ideas, regardless of the medium used.
2. Somaliland should allow exercise of independent journalism as a craft conveying news and information through wide spectrum of media that include independent newspapers, radio, television and the Internet.
3. Somaliland authorities should end their active repression of individual journalists and elders' efforts to undermine journalism and its practitioners.

4. Somaliland authorities are bound by moral duty to publish and promote openness and democratic governance, and hence should allow the right of access to information to be exercised.

5. Media owners in Somaliland should end acts of unfair sacking and compulsory vacation against independent journalists, including editors.

6. Media owners of publications should allow the freedom of editors to make decisions without interference from any quarters.

7. Journalists in Somaliland should endeavour

to exercise journalistic objectivity of fairness, impartiality, factuality, and non-partisanship.

8. Corruption in the media should be combated and discouraged as it is a disservice to the people for the reason that it falls short from trying to cover truth.

9. Somaliland ministries and agencies should not stop buying critical newspapers and cut advertisements from the media that resist being propaganda tool.

10. Media organizations with the support of the international community and Somaliland authorities should devise immediate strategies to promote journalism ethics and standards that comprise principles of ethics and of good

practice as applicable to the specific challenges faced by professional journalists in Somaliland.

11. Courts and judges should be educated about the right to freedom of speech and expression, limitations on freedom of speech, defamation, character assassination, and slander.

12. Welfare of journalists and other media workers in Somaliland should be promoted, protected and maintained in order to protect and further their rights and interests and to crackdown on bribery and un-professionalism.

13. Somaliland government should limit the unwarranted powers of governors and mayors as well as abusive acts by the police against the media.



Somaliland Police

Passage on Recent Attacks on Media in Somaliland

Mohamed Osman Mire of Horyaal radio was arrested on 6 September and released on 11 September without any charges preferred against him.

Mustafe Sheik Omar of Geeska Afrika newspaper was briefly detained on 6 September 2009 at the Lower House of Somaliland.

On 23 August 2009, the Sahil regional court found Yasin Jama Ali, a reporter and stringer for <http://berberanews.com> and Horyaal radio respectively, and Mohamed Said Abdullahi, the editor-in chief of berberanews.com, guilty of committing a “crime against the Somaliland nation.” The judge ordered the police to arrest Mohamed Said Abdullahi, who was convicted in absentia, and to arrest Yasin Jama Ali if they spot him doing any media work, despite being freed by the court. Mohamed Said Abdullahi has gone into hiding.

On 9 August, Hargeisa Regional Court sentenced journalists Mohamed Osman Mire, widely known as “Siyad”, and Ahmed Suleyman Dhuhul, director and news editor of Horyaal Radio respectively, to prison terms of six months and a fine of 300,000 Somaliland shillings (approximately US\$45) each. The journalists subsequently asked to buy the prison terms. Judge Faysal announced that each of the two journalists must pay an amount of 2,500,000 Somaliland shillings (approximately US\$373). As a result, the Hargeisa Regional Court released journalists Mire and Dhuhul after they paid for the prison terms.



Mustafe Abdi Isse

On 13 July, Mohamed Osman Mire and Ahmed Suleyman Dhuhul, director and news editor of Horyaal Radio respectively, were arrested by Somaliland police at the office of the radio station in Hargeisa.

On 15 July, Judge Sheik Hussein Warfa Sigad, of the Hargeisa Appeals Court, issued a judgement banning Horn CABLE TV. This decision reversed a verdict by the Hargeisa Regional Court, which had rejected the Somaliland Attorney-General’s request that Horn CABLE TV be banned for “inciting violence” that has existed in Eel-bardale town and for “spreading false information”.

On 14 April, journalist Abdullahi Hassan Darwish of Ogaal newspaper was arrested. Sanaag Regional Court in Erigabo, which passed this judgement on 25 April 2009, found the journalist guilty of spreading “unsubstantiated information” about corruption in the management of the water agency in Erigabo and the political use of

the agency by Ismail Haji Nur, the mayor of Erigabo. But elders and family members secured his release on 26 April.

On 26 February, Mohamed Abdi Guled Urad, editor of Yool newspaper was arrested. On 17 March 2009, the Hargeisa regional court sentenced Mohamed to a five-month prison term for publishing a newspaper that does not have a publishing licence and for “spreading lies”.

Ibrahim Abdirahman Qasim, a cameraman for WARYA TV and Saraar News Online, was briefly arrested and his camera and equipment confiscated by police as the journalists tried to photograph arguing MPs. Another journalist Hassan Budul Abdillah was arrested at the same time.



Mohamed Rambo



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 and sub-editors and photographers. Members work in broadcasting, newspapers, magazines, 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 member of the International Federation of Journalists (IFJ), Federation of African Journalists (FAJ), and Eastern Africa Journalists Association (EAJA). It is also a member of International Freedom of Expression eXchange (IFEX) and partner with Reporters without Borders.

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