



# **Human Rights Centre Quarterly Report on the Situation of Media in Somaliland**

April 2016



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Situation of Media in Somaliland  
April 2016**

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## Acronym

HRC: Human Rights Centre

UDHR: Universal Declaration of Human Rights

SOLJA: Somaliland Journalists Association

IMS: International Media Support

## Acknowledgement

We deeply appreciate the journalists and other people who closely work and share information with Human Rights Centre. We are very grateful to your invaluable contributions and dedications.

Human Rights Centre expresses its deep gratitude to the International Media Support (IMS) and Fojo Media Institute (Fojo) for their support in funding Human Rights Centre's Freedom of Media Project.

## Forward

Defending freedom of media is one of the main assignments of Human Rights Centre. Freedom of media is a fundamental and inalienable freedom enshrined in Somaliland constitution, the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

The role Somaliland journalists play in promoting and providing space to freedom of expression is enormous. Despite their central and vital contributions, media in Somaliland are struggling with numerous challenges. As election scheduled March 2017 approaches, we closely keep an eye on the trend, taking into account that the political environment is heated in election periods. The striking development is that the number of banned newspapers have increased. Three newspapers are outlawed within four months whereas *Haatuf* newspaper was already on ban since April 2014.

This report is the first part of what will be series reports that will be issued quarterly. The objective is to give concrete and reliable information so that all stakeholders are well informed in every four months. Although this particular report focuses on media, HRC releases updates on variety of human rights issues. Reporting is essential component and vital task for HRC.

**Guleid Ahmed Jama**  
Chairperson, Human Rights Centre

## Executive summary

This report covers from 10<sup>th</sup> December 2015 to 1<sup>st</sup> April 2016. Within this reporting period eleven (11) journalists were arrested for their work. Two criminal cases were brought against journalists: Cabdirashiid Nuur Wacays, chairman of *Hubsad* newspaper and Siciid Khadar Cabdilaahi, editor-in-chief of *Hubsad* newspaper, are facing criminal charges pending at Hargeisa Regional Court while Ahmed Mouse Sakaaro, a journalist based in Buroa, east of Somaliland, was charged in Buroa. Two newspapers, *Codka Shacabka* and *Xog Ogaal* were suspended in March 2016, and *Hubsad* was banned on the end of November 2015.

Calimahdi Jibriil Xasan of Bulsho TV and Cabdiweli Yuusuf Cumar of Bulsho TV were attacked by assailants in Hargeisa on 20<sup>th</sup> March 2016. Cabdiweli sustained injuries. Journalist Cabdifataax Ismaaciil Caarshe detained on 26<sup>th</sup> March and released on 28<sup>th</sup> March sustained injuries after he was beaten up.

The Penal Code continues to be applied on journalist engaged in their work and the Press Law is overlooked and ignored to be implemented. This report gives details of each case, and overview legal analysis of the rules and laws applying to media in Somaliland.

## Recommendations

### To the government of Somaliland:

- Stop criminalization of the media and halt detention and trial of journalists;
- Allow opening of new media houses and transfers of media houses to new owners;
- Lift the ban from the suspended newspapers *Hubsad*, *Codka Shacakba*, *Xog ogaal* and *Haatuf*<sup>1</sup>;

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<sup>1</sup> Haatuf was closed down on 7<sup>th</sup> April 2014 and still on ban.

- Withdraw the criminal charges against Cabdirashiid Nuur Wacays, Siciid Khadar and Ahmed Mouse Sakaaro.

#### To the judiciary:

- Stop applying the Penal Code against journalist and apply the Press Law and Somaliland constitution;

#### To the civil society organizations:

- Support Somaliland journalists and media houses in tackling arrests and criminal prosecutions ;
- Support decriminalization of media and advocate for the banned newspapers.

## Methodology

This quarterly report is a result of regular monitoring and documentation of the situation of media freedom in Somaliland. Human Rights Centre has a system and mechanism used to monitor media related incidents and the overall context of freedom of media and freedom of expression.

Furthermore, journalists, civil society organizations, lawyers, judges, university officials and government authorities were interviewed in Hargeisa, Burao, Berbera, Boorama, and Erigavo.

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## Background

The Republic of Somaliland is located in the Horn of Africa. It is not recognized as a sovereign state. However, it declared restoration of its independence in May 1991 after the central government of Somali Republic collapsed.<sup>2</sup>

Somaliland was under British colony before gaining independence in 1960 and in the same year joining voluntary union with Italian Somalia to form Somali Republic.<sup>3</sup> Somali Republic was run by civilian administrations from 1960 to 1969.<sup>4</sup> In 1969 military regime came in power, abolished the constitution and introduced dictatorship government. After years of civil war, the military was ousted in 1991.

Since Somaliland announced nullifying 1960 union, it has achieved maintained peace, establishment of government and approval of constitution.<sup>5</sup> The constitution has a bill of rights that upholds freedom of media and expression. Since 2002 Somaliland conducted five elections.

Somaliland has presidential system of governance with bicameral parliament, and judiciary organ.<sup>6</sup>

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<sup>2</sup> Michael Walls, A Somali Nation-State: History, Culture and Somaliland's Political Transition 2014

<sup>3</sup> I M Lewis, A Modern History of the Somali 2002

<sup>4</sup> *ibid*

<sup>5</sup> Michael Walls, A Somali Nation-State: History, Culture and Somaliland's Political Transition 2014

<sup>6</sup> Articles 000000 of Somaliland constitution

## Legal Frame Work

### Somaliland constitution and the international human rights law

Article 32 (1) of Somaliland constitution states “every citizen shall have the freedom, in accordance with the law, to express his opinions orally, visually, artistically or in writing or in any other way.”

The article further provides protection to the media stating that “media are part of the fundamental freedoms of expression and are independent. All acts to subjugate them are prohibited, and a law shall determine their regulation.”<sup>7</sup>

Article 32 is the basis of freedom of expression and media in Somaliland. It guarantees freedom of media and outlaws its suppression. Additionally, article 21 of the Constitution stipulates that “the articles which relate to fundamental rights and freedoms shall be interpreted in a manner consistent with the international conventions of human rights and also with the international laws referred to in this constitution.” The constitution in article 10 (2) says that Somaliland shall respect the Universal Declaration of Human Rights.

Article 19 of the Universal Declaration of Human Rights reads as following:  
“Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers”

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<sup>7</sup> Article 32 of Somaliland constitution

## Somaliland Press Law

In 2004 Somaliland passed Act of Parliament called Xeerka Saxaafadda which is mostly referred in English as Press Law, although the Act covers both the press and other media.<sup>8</sup> The Press Law reinforces the guarantees and protection enshrined in the constitution. It gives freedoms to the media and states in article 10 that the Civil Code is applicable to the media and journalists. In article 32, the Act repeals all laws that are contrary to its provisions.<sup>9</sup>

## Somali Penal Code

Somaliland applies the Somali Penal Code approved in 1965 by Somali Republic. The Penal Code is used by the prosecution of Somaliland to charge and prosecute journalists. The Penal Code articles that are mostly applied to the media are:

- a. Defamation,
- b. False accusation (287), and
- c. Publication or Circulation of False, Exaggerated or Tendencious News Capable of Disturbing Public Order (328)

The Penal Code predates both the constitution and the Press Law. Article 130 (5) of the constitution provides that all laws which were applied at the time of the approval of the constitution which do not conflict with the Islamic Sharia and the individual freedoms shall remain in force in Somaliland until new laws are promulgated. It further requires laws to be prepared within minimum time scale.

The Penal Code provisions penalizing media do clearly conflict with the constitution and the Press Law which repealed any provision that contravenes it. Nevertheless, the Penal Code is still applied to the media.

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<sup>8</sup> Article 1(1) defines *Saxaafad* (Press) as following: “**Press:** means the creation of any work which affects the thoughts and opinions of the public at large, such as: newspapers, journals, periodicals, news agencies, radio, television, film and video, pictures, cartoons, books, music, and any other means of mass communication.”

<sup>9</sup> Article 31 “Any law, decree, circular, or order which is in conflict with this Law shall become null and void when this Law comes into force.”

## Detentions

Eleven (11) journalists were detained in Somaliland since 25<sup>th</sup> December 2015. In the first three months of this year, nine (9) journalists were arrested. Following is details of each detained journalist:

### 1. Ahmed Saed Mohamed

Ahmed, a reporter for Kalsan TV, was detained in 25<sup>th</sup> December 2015 and was released the same day.

### 2. Abdirahman Mohamed Egeh

Abdirahman Mohamed Egeh, Somalinews TV, was detained in 25<sup>th</sup> December 2015 and was released the same day.

## Details of the detentions of Ahmed and Abdirahman

In 25<sup>th</sup> December 2015, Ahmed and Abdirahman arrived at Laas-geel district of Saahil region to report public protest held by people complaining arrests made at the area week ago. While they were covering the scene and taking videos and interviews, Police detained them. Their hands were shackled at their back with chain and taken to Hargeisa Central Police Station.<sup>10</sup> Their cameras, laptops and mobiles were taken by the Police. After six hours in detention, they were released on the condition of not releasing the videos of the protests."<sup>11</sup>

### 3. Cabdiraxmaan Axmed Elser

Cabdiraxmaan, reporter for Star TV, was summoned and detained by the Criminal Investigation Department at Erigavo, Sanaag region.<sup>12</sup> He was detained in 14<sup>th</sup> January 2016 on the request of the regional coordinator of the Ministry of Environment who was dissatisfied by report publicized by Star TV on impacts of charcoal production to the environment.<sup>13</sup>

<sup>10</sup> Interview, Ahmed Saed Mohamd and Abdirahman Mohamed Egeh at Berbera in February 2016

<sup>11</sup> Interview, Ahmed Saed Mohamed and Abdirahmaan Mohamed Egeh at Berbera in February 2016

<sup>12</sup> Interview, Cabdiraxmaan Axmed Elser in Erigavo, February 2016

<sup>13</sup> Interviews, Erigavo

#### **4. Cabdimaalik Muuse Colsoon**

On 18<sup>th</sup> January 2016, Cabdimaalik was arrested in Buroa. He was released on 26<sup>th</sup> January 2016 on bail.

#### **5. Khadar Abokor**

On 18<sup>th</sup> January 2016, Khadar was arrested in Buroa. He was released on 26<sup>th</sup> January 2016 on bail.

### **Details of the detentions Cabdimaalik and Khadar**

On 18<sup>th</sup> January 2016, Cabdimaalik Muuse Colsoon, freelance journalist, and his cameraman, Khadar Abokor, were arrested in Buroa for interviewing in prison a man alleged of cannibalism. They were released on bail in 26<sup>th</sup> January 2016. Official charge was not submitted, but they were accused of illegally taking interview and interrupting police investigation.

#### **6. Yaasiin Xasan Balbalaadhshe**

Yaasiin, cameraman and film maker, was arrested in Buroa on 16<sup>th</sup> March 2016. On 19<sup>th</sup> March a court remanded him to seven days in custody. On 28<sup>th</sup> March, court fined him one million Somaliland Shillings (about 150 USD). He paid the fine and was released.

#### **7. Cabdiweli Aw Diiriye**

Cabdiweli, freelance journalist, was arrested in Buroa on 16<sup>th</sup> March 2016. On 19<sup>th</sup> March a court remanded him to seven days in custody. On 28<sup>th</sup> March, court fined him one million Somaliland Shillings (about 150 USD). He paid the fine and was released.

## Details of the case of Yaasiin and Cabdiweli

The authorities accused them of publishing pictures with graphic contents showing the body of a man allegedly killed by assailants at café in Burao. Court convicted them and sentenced fine of one million Somaliland Shillings which they paid.

### 8. Cabdinajiib Ibraahim Muumin

Cabdinajiib, Star TV, was arrested on 16<sup>th</sup> March 2016 and released on 17<sup>th</sup> March. He was arrested by the chairman of Xariirad District Court. There were no official charges against him.

### 9. Maxamed Cumar Jeerey

Maxamed, Boorama News website, was arrested in Borama, Awdal region, on 16<sup>th</sup> March and was released on 18<sup>th</sup> March. He was arrested for an opinion article published by Boorama News website which allegedly accused the vice-president and the ruling party on disputed polling stations. Maxamed argues that he is not the editor of the website and was not responsible of publishing the article. Maxamed reports to the website from Awdal region.

### 10. Ahmed Mouse Sakaaro

Ahmed was detained on 8<sup>th</sup> March 2016 at Buroa, Togdheer region, on the order of the Deputy Attorney General in charge of Togdheer region. He was released after three hours in custody.

### 11. Cabdifataax Ismaaciil Caarshe

Cabdifataax, freelance journalist, was detained on 26<sup>th</sup> March 2016 and was released on 28<sup>th</sup> March. Cabdifataax was arrested from his house and was held

incommunicado custody. He was neither brought to court nor told why he was arrested. According to Cabdifataax and Somaliland Journalists Association (SOLJA), he was detained and beaten up by the body guards of the Minister of Interior.

## Criminal cases

There are two criminal cases brought against journalists in Hargeisa and Buroa. The following are the details of the two cases:

### **Cabdirashiid Nuur Wacays and Siciid Khadar Cabdilaahi**

Cabdirashiid Nuur Wacays, chairman of *Hubsad* newspaper and Siciid Khadar Cabdilaahi, editor-in-chief of *Hubsad* newspaper, are facing criminal charges at Hargeisa Regional Court. The Office of the Attorney General submitted to Hargeisa Regional Court a Charge Sheet indicting Siciid Khadar Cabdilaahi and Cabdirashiid Nuur Wacays of two accounts:<sup>14</sup>

- (1) Publication or Circulation of False, Exaggerated or Tendencious News Capable of Disturbing Public Order (Art. 328.).
- (2). Unauthorised or Prohibited Business Agencies and Public Trading Concerns (Art. 518.)

The journalists were arrested on 30<sup>th</sup> November 2015 in Hargeisa. They were released 3<sup>rd</sup> December on bail. Authorities claim that the journalists were running unlicensed newspaper.<sup>15</sup> The journalists were arrested from the Office of the attorney General while they were filling to register the names of new leadership and ownership of *Hubsad*.<sup>16</sup> The publication of *Hubsad* newspaper is suspended by the authorities.

*Hubsad* is a registered newspaper, but the ownership and leadership have transferred from previous management to new leadership, according to *Hubsad* journalists and

<sup>14</sup> Office of the Attorney General, Hargeisa, Charge Sheet

<sup>15</sup> Office of the Attorney General, Hargeisa, Charge Sheet

<sup>16</sup> <http://hargeisatimes.com/xeer-ilaaliyaha-guud-ee-qaranka-somaliland-oo-jabiyay-amar-ka-soo-baxay-maxkamada-sare-ee-somaliland/>

government issued documents seen by HRC. The Office of the Attorney General is responsible the registration of press, according to article 6 of the Press Law.

The case is still pending at Hargeisa Regional Court.

## Ahmed Mouse Sakaaro

Ahmed Mouse Sakaaro, a journalist based in Buroa, east of Somaliland, is charged of falsely accusing the mayor of Buroa, Mohamed Yousuf Murad.<sup>17</sup>

On 21<sup>st</sup> October 2015, Ahmed Mouse Sakaaro was attacked by 7 assailants who hit him in the head and chest with sticks. He was hospitalized for injuries he sustained, according to journalists and hospital records. Before the raid, Sakaaro received threats warning him to write about the mayor of Buroa.<sup>18</sup> He believes that the mayor was behind the attack. Five people were arrested by the Police for the attack. The mayor submitted a complaint against the statement made by the journalist, arguing that he falsely accused.

The Office of the Attorney General indicted for the attack seven people whom two were in absentia. On 3<sup>rd</sup> March 2016, the Regional Court of Togdheer issued its judgment. Two were acquitted, and one suspect who is in absentia was sentenced to 7 years of imprisonment whereas three were given sentences less than one year in which the court accepted to convert the imprisonment into fine. Therefore, they were all released. The seventh attacker was unrecognized, says the court. The convicted people who were later released include the one who made the threats, according to the court judgment.<sup>19</sup> Ahmed is not satisfied with the ruling.

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<sup>17</sup> Office of the Attorney General, Togdheer, Charge Sheet, 22<sup>nd</sup> February 2016

<sup>18</sup> Interviews, Buroa, February 2016

<sup>19</sup> Togdheer Regional Court Judgment, 3<sup>rd</sup> March 2016

After the court ruling, the court started hearing criminal charges against Ahmed based on his remarks regarding who was behind the attack. He was charged of false-accusation under article 287 of the Penal Code. The Regional Court of Hargeisa issued on 23<sup>rd</sup> March 2016 a decree closing the case and clearing Ahmed of all charges.<sup>20</sup> According to the law, the prosecution has fifteen (15) days to appeal.<sup>21</sup>

## Beating

Calimahdi Jibriil Xasan, Bulsho TV, and Cabdiweli Yuusuf Cumar, Bulsho TV, were attacked by assailants in Hargeisa on 20<sup>th</sup> March 2016.<sup>22</sup> Cabdiweli sustained injuries, and was hospitalized. The two journalists complained to the police who later apprehended two civil servants who purportedly were part of the attackers. However, they were immediately released without further information. The journalists claim that they were attacked for airing report asserting that Erigavo road construction halted after new minister took over the Ministry of the Public Works, according to journalist. The government has not made any statement regarding the attack and the claim of the journalists.

Cabdifataax Ismaaciil Caarshe, Cabdifataax, freelance journalist, detained on 26<sup>th</sup> March and released on 28<sup>th</sup> March sustained injuries after he was beaten up by the body guards of the Minister of Interior, according to Cabdifataax and Somaliland Journalists Association (SOLJA).<sup>23</sup>

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<sup>20</sup> Court Decree Number: MGT/DDL/59/2016 dated 23<sup>rd</sup> March 2016

<sup>21</sup> The 15 days right to appeal starts from 23<sup>rd</sup> March, the day the court issued its decree.

<sup>22</sup> Interview, Hargeisa 21 and 22<sup>nd</sup> March 2016

<sup>23</sup> <http://tooshnews.net/?p=25236>

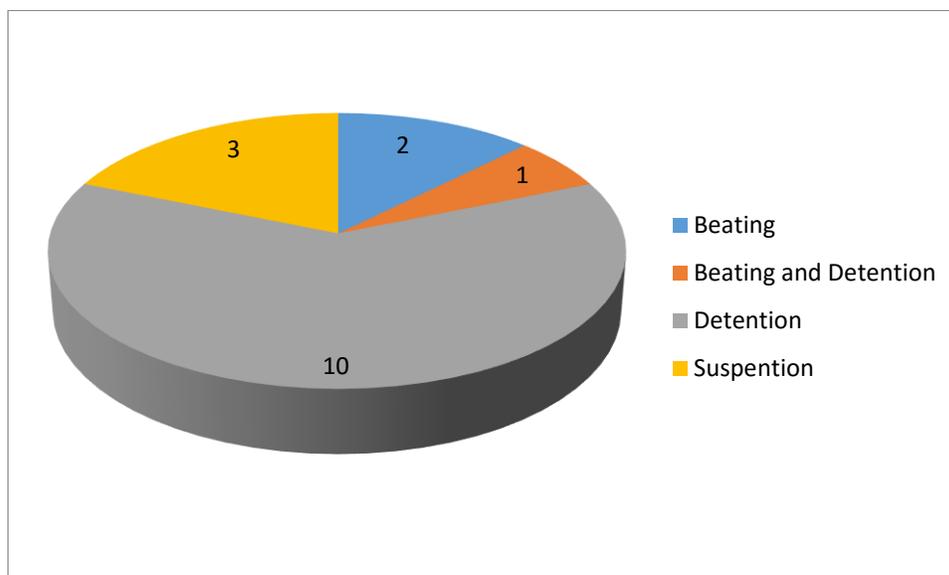


Figure 1: Overall incidents in chart

## Suspension of newspapers

Somaliland government suspended the third newspaper in four months. The following are suspended newspapers:

1. *Hubsad* newspaper was suspended on November 2015 and continues to be on halt while its editor-in-chief and chairperson are facing criminal charges;
2. *Codka Shacabka* was suspended on 24<sup>th</sup> March 2016 by order from the Office of the Attorney General.
3. *Xog Ogaal* newspaper was suspended as well on March 2016.

All of the three newspapers were suspended on the same grounds; the ownership and leadership have transferred to new people. The Office of the Attorney General rejects such ownership change and imposes the ban.

## About Human Rights Centre

Human Rights Centre (HRC) is a local human rights watchdog based in Somaliland. HRC was established in 2013. It is registered with the Somaliland government as a non-profit, non-governmental organization. HRC was formed to cover the need for documentation and advocacy for human rights to help maintain the gains in Somaliland's nascent democracy.

Human Rights Centre (HRC) strongly advocates for the freedom and independence of journalists and media houses. HRC issues press releases, holds campaign rallies and carries lobbying for the cause of journalists and media freedoms. HRC has been advocating for decriminalization of media and application of the Press Law. It provides legal aid to the journalists who are arrested or are under legal proceedings.

Human Rights Centre is governed by Board of Directors. The majority of board members are female human rights defenders including its deputy chairpersons and secretary general.

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