



East and Horn of Africa Human Rights Defenders Project

Tuesday 18th March 2008

Parallel Event on Somalia – Human Rights Defenders in Crisis

Address by Hassan Shire Sheikh – Chairperson of the East and Horn of Africa Human Rights Defenders Network (EHAHRD-Net)

Acknowledgements

First of all, I would like to thank Dr. Ghanim Alnajjar, the Independent Expert appointed by the Secretary General on the Situation of Human Rights in Somalia in particular, Martin Hill, Amnesty International Horn of Africa Researcher, Omar Faruk Osman, Secretary General of the National Union of Somali Journalists, and Julie De Rivero, Geneva Director of Human Rights Watch, for having been willing to participate in this important event. I believe that your participation is essential to raising international attention accorded to the human rights situation in Somalia.

An overview of the nature of the current human rights violations taking place in Somalia

I will be using the findings of my recent field research in Somalia and interviews carried out with Somali human rights activists and journalists in exile – notably in Uganda - in order to offer a representative overview of the HR violations currently taking place in Somalia.

Introduction

The human rights situation in Somalia has significantly deteriorated in recent months. The Transitional Federal Government of Somalia (TGF) continues to be incredibly weak and largely lacks the essential support of the Somali population. Lawlessness prevails in many parts of the country as the TGF has failed to consolidate control over the Somali territory. ‘War-lordism’ is on the increase and in many parts of the country, clan based militias are given free reign. TGF forces have been implicated in many human rights violations. In their supposed search for Al-Qaeda members, the forces have carried out raids on villages and arbitrarily arrested people.

According to testimonies, the number of attacks by Ethiopian forces on civilians has also been increasing since late 2007. The indiscriminate attacks by the Ethiopian forces have included

house raids, arbitrary arrests and sexual violence. These have once again supposedly been aimed at finding potential Al-Qaeda members.

The Somali population has suffered enormously from the large-scale retaliatory attacks by the TGF and Ethiopian forces following insurgents' actions.

The population is also victim of violations committed by the insurgents.

Those fleeing Mogadishu have been attacked during their flight.

Violations committed against Human Rights Defenders – particularly journalists

Civilians in general have suffered from massive rights violations but certain groups of the population, notably human rights defenders (HRDs) and currently in particular journalists, have been subjected to persistent and targeted violations.

One of the key achievements had been the growth of independent media and civil society in Somalia.

However, in recent months particularly since the end of 2007, with the intensification of the conflict, the situation has drastically changed.

Curtailment of independent media

In recent months, there has been significant and deliberate curtailment of independent journalism.

Some of the key human rights violations which HRDs are subjected to are:

- Violation of right to life
- Violation of freedom of expression
- Violation of freedom of the media

Some of the concrete violations

Persistent attacks have been carried out on the three leading private radio stations: HornAfrik, Radio Shabelle and Holy Q'uran Radio. All of these have been closed at one time or another by the TFG forces. Crucial equipment has been destroyed. Journalists have been arrested and detained

On the 2nd of March 2008, TGF forces forcefully entered into Radio Shabelle and Radio Simba; they confiscated part of the recording equipment thus forcing these two stations off air. The Director of Radio Shabelle, Muqtar Mohamed Hirabe was detained. He was taken to a site near the Presidential Palace but has since been released and is back at work. The forces also attempted to shut down Radio HornAfrik but failed.

These are just some of the media organisations which have been targeted, but there are many others that have also been affected at one time or another. Al Jazeera offices for example were also closed in 2007.

Personal attacks, intimidation and harassment of journalists

The attempts to thwart media freedom have also involved personal attacks/ intimidation and harassment of journalist.

Journalists have:

- Been subjected to arbitrary arrest and detention;
- Received anonymous death threats – notably by telephone - calling on the journalists to remove certain articles from public circulation;
- Been threatened with imprisonment;
- Been followed and harassed in the streets;
- Been intimidated at their place of work – notably by the police forces.

One of the journalists we are currently working with in Uganda was arrested by Ethiopian troops and taken to Ethiopia where he was held incommunicado and interrogated before finally being released;

Several journalists have had their houses searched, property destroyed, members of their families intimidated, received death threats, and some have seen members of their families kidnapped.

As a result, 9 journalists have been killed in Somalia since 2007. At least 50 fled Mogadishu in the past four months (up until January 2008) and are currently scattered in different countries with little or no assistance.

Targeted killings

The targeted killings of journalists have taken different forms:

- Direct gun attacks against journalists in public;
- Attacks by unidentified gunmen on the convoys/vehicles in which the journalists were travelling in;
- Planting of landmines on the route taken by renowned journalist.

Why are they targeted?

- Following the massive crackdown on prominent human rights organisations, journalists are at present one of the few voices still speaking out against the massive human rights violations being perpetrated against innocent civilians in the country.
- As a result of the lack of international adequate involvement and presence on the ground, they are the only voices denouncing the continued practice of arbitrary arrests - the illegal detentions.

Who is targeting them?

Journalists have come under attack from all the sides/ parties perpetrating human rights violations in the conflict notably:

- Somali security services (National Security Agency) – often backed by the Ethiopian forces;
- Ethiopian forces in Somalia;
- Insurgents – notably Al Shabab (wing of the Islamic Courts Group);
- Clan based militias.

What are they being accused of?

- Generally accused of siding with the enemy;
- Providing unfair coverage;
- Highlighting violations committed by a given side.

What are the protection mechanisms available to journalists?

Protection mechanisms within Somalia are few:

- Some journalists have been confined to their offices having received threats or having been caught in the general shelling/insecurity of the capital;
- Others have been forced to disappear from the public scene, to change their telephone numbers; some have gone into hiding and are working “underground”.

Protection efforts outside Somalia:

There are more than 50 journalists currently living in exile in neighbouring countries (notably in Kenya and Uganda). This number is likely to increase;

Most of the activists and journalists who we have been working with show an ardent desire to pursue their work;

We have recently supported financially 21 Exiled Somali Journalists in Kenya; they have received training with the support of the French Embassy.

Recommendations

EHAHRD-Net call on the TFG Somalia to:

- Immediately end to all systematic attacks on the media and on journalists;
- End arbitrary arrests of journalists;
- Investigate in an impartial manner and condemn attacks on the media and the targeted killings of journalists;
- End impunity by bringing those responsible for the current and past violations to justice whilst ensuring access to a fair trial, which adheres to international standards;
- Strictly observe the regional and international mechanisms put in place for the protection of the media; notably to adhere to the African Charter on Human and Peoples' Rights, which guarantee freedom of expression (Article 9);
- Ensure that journalists are able to pursue their work unimpeded, notably by halting raids and closures of media outlets, returning or restoring all property which is essential to their work, and which has been confiscated in recent weeks;
- Ensure that the new Somali media law is used to further the protection accorded to journalists.

EHAHRD-Net further appeals to the Ethiopian forces and insurgents to:

- Bring an immediate end to all systematic attacks on the media and on journalists as a media black-out would constitute a further compromise of the rights of the Somali people;
- End intimidation and threats being made against journalists.

EHAHRD-Net further appeals to the insurgents, the Ethiopian forces and the TFG to:

- Bring an immediate end to all attacks on the civilian population.

Finally, EHAHRD-Net calls upon the UN, the African Commission on Human and Peoples' Rights and all other concerned international humanitarian bodies to:

- Encourage members of the Human Rights Council to ensure that the mandate of the Independent Expert on the human rights situation in Somalia appointed by the Secretary General, is renewed and maintains its current status;
- Encourage members of the Human Rights Council to urge the Special Procedures' mandate-holders to pay specific attention to the situation of human rights in the region- notably by recommending that the Special Representative on Human Rights Defenders pays an immediate visit to Somalia;
- Put pressure in particular on the TGF and the Ethiopian forces to halt their indiscriminate actions;
- Use their relevant mandates to ensure that Somali authorities desist from the ill-treatment of journalists;
- Ensure that freedom of expression is respected;
- Continue monitoring the unfolding events surrounding the media in Somalia;
- Encourage the TFG to end impunity and ensure that all actors responsible for the current abuses are held accountable for their actions;
- Ensure that a genuine peace and reconciliation process is carried out, a process which includes all the parties in the conflict, and which places particular emphasis on the establishment of accountability mechanisms;
- Ensure that any future peacekeeping forces, whether under UN leadership or not, have a clear mandate to protect civilians. Without this, the forces are unlikely to receive the support the Somali population – support which is essential to the success of the mission, and runs the risk of being seen as merely another foreign intervention simply seeking to legitimize the currently evidently unpopular TGF forces;
- Ensure that all HRDs in particular journalists that have been forced into exile can pursue their vital work by providing them with assistance, protection and training;
- Specifically call on Office of the High Commissioner for Human Rights (OHCHR) to use its role and mandate to ensure that accountability mechanisms are put in place.

Thank you,

Hassan Shire Sheikh

Chairperson of the East and Horn of Africa Human Rights Defenders Network