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PROCEDURES SPECIALES DU
CONSEIL DES DROITS DE L'HOMME

Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on extrajudicial, summary or arbitrary executions.

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UNITED NATIONS
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Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Special Rapporteur on extrajudicial, summary or arbitrary executions pursuant to Human Rights Council resolutions 16/4 and 17/5.

In this connection, we would like to draw the attention of your Excellency's Government to information received regarding the killing of six journalists, named Messrs. **Abukar Mohamed Kadaf, Ali Ahmed Abdi, Mahad Salad Adan, Farhan James Abdulle, Hassan Osman Abdi** and **Ahmed Addow Anshur** and recent attacks on two journalists, Messrs. [REDACTED] and [REDACTED], in relation to their professional activities.

According to the information received:

On 28 January 2012, Mr. Hassan Osman Abdi (also known as "Fantastic"), aged 29, Director of the Shabelle Media Network and a leading Somalia journalist, was shot by unidentified masked gunmen outside his home in Mogadishu's Wadajir district. He reportedly died on the way to the hospital. It is alleged that Mr. Abdi was killed due to his reporting on politics and corruption cases.

On 28 February 2012, Mr. Abukar Mohamed Kadaf, the director of Somaliweyn radio, was shot dead in front of his home in Mogadishu's Wadajir neighborhood by two men armed with pistols. It is reported that Mr. Kadaf was trying to resume operations of the Somaliweyn Radio operation after it was looted by the Al Shabaab in 2010.

On 4 March 2012, Mr. Ali Ahmed Abdi a journalist working for Galkayo radio and an online news website, puntlandi.com, aged 26, was shot on his way to the north-central city of Galkayo. The incident reportedly took place on a street near

the Guure Hotel in Is-Raac, a northern district of Galkayo, the capital of the Mudug region.

On 5 April 2012, Mr. Mahad Salad Adan, the editor of Radio Voice of Hiran and a reporter for Radio Shabelle in the same region, was shot dead by a man armed with a pistol in Howlwadag village of Sigalow neighborhood, in western Beledweyn.

On 2 May 2012, Mr. Farhan James Abdulle, a reporter for Radio Daljir, Galkayo branch, aged 27, was killed by unidentified men armed with pistols on his way home at Kuwait Street in Garsoor village. Mr. Abdulle was also a member of the National Union of Somali Journalists and had been advocating for the security of journalists in Galkayo.

On 24 May 2012, Mr. Ahmed Addow Anshur, a journalist working for Radio Shabelle, aged 24, was killed by four men armed with pistols in Suq Bo'le neighbourhood of Dharkenley district. Mr. Anshur had been investigating and reporting on corruption cases along with Mr. Hassan Osman Abdi. The journalist reportedly received several death threats in connection with his investigations on these corruption cases before and after the death of Mr. Ali Ahmed Abdi.

On 7 July 2012, two men armed with pistols allegedly attacked Mr. [REDACTED] when he was sitting in the garden of his house in Madajir district of Mogadishu's Banadir region. Mr. [REDACTED] is a reporter for Universal TV in Mogadishu widely known as Abdulkadir Quarrel to be covering political and security topics. After the men opened fire, he ran into his house, where he was followed by the armed men who shot him in the stomach and the leg. Reportedly, three bullets fractured Mr. [REDACTED]'s right leg, which caused heavy blood loss and a fourth bullet hit him in the stomach.

On 12 July 2012, Mr. [REDACTED] (also known as [REDACTED]) was allegedly hit by security guards of [REDACTED], the [REDACTED] [REDACTED], at the International Village Hotel in Bossasso where the campaign of one of the candidates standing for the presidential election was taking place. He is a reporter and representative of private Royal TV network. It is further reported that the security guards pointed their guns at Mr. [REDACTED] and threatened that they would kill him if they see him at the campaign event. The attack may be linked with critical reports of the journalist which were broadcasted on television. Following the incident, the [REDACTED] reportedly presented his apologies to the reporter.

Regarding the killings, we are informed that investigations leading to the arrest of four suspects have only been conducted regarding the case of Mr. Hassan Osman Abdi. Yet, unconfirmed reports suggest that two of the suspects were released in June. No thorough investigation has been carried out in respect of the other killings.

In light of the information received, we are seriously concerned about the reported attacks on journalists, six of whom have been killed in 2012 alone and three of whom worked for Radio Shabelle, one of the leading independent radio stations in Somalia. In all cases, the victims are believed to have been targeted in relation to their professional activities as journalists. Information received further suggests that local journalists operate in a general climate of insecurity and receive death threats on a regular basis.

Without implying a conclusion on the facts, we wish to draw to the attention of your Excellency's Government the relevant international principles and norms applicable to the present cases.

Under article 6(1) of the International Covenant on Civil and Political Rights (ICCPR), which the Somali Republic acceded to on 24 January 1990, the Government of Somalia has the obligation to protect every individual's right to life and to ensure that no individual on its territory or subject to its jurisdiction is arbitrarily deprived of his or her life. Such obligation implies the positive duty to provide "effective protection through judicial or other means to individuals and groups who are in danger of extra-legal, arbitrary or summary executions, including those who receive death threats" in accordance with the Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, adopted by the Economic and Social Council resolution 1989/65, principle 4.

According to principle 9 of the aforementioned instrument, "[t]here shall be thorough, prompt and impartial investigation of all suspected cases of extra-legal, arbitrary and summary executions, including cases where complaints by relatives or other reliable reports suggest unnatural death in the above circumstances." Principle 18 further requires Governments to "ensure that persons identified by the investigation as having participated in extra-legal, arbitrary or summary executions in any territory under their jurisdiction are brought to justice."

We would also like to appeal to your Excellency's Government to take all necessary steps to secure the right to freedom of opinion and expression in accordance with fundamental principles as set forth in article 19 of the ICCPR, which provides that "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice."

Somalia is reportedly among the 20 deadliest places for journalists in the world. In this respect, we wish to draw the attention of your Excellency's Government to our reports presented at the Human Rights Council 20th session respectively on the protection of the right to life of journalists and on challenges to the protection of journalists and media freedom and in particular to the recommendations formulated therein (A/HRC/20/22, paras. 109-123, A/HRC/20/17, paras. 100-110).

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to ensure the safety of Messrs. [REDACTED] and [REDACTED] as well as that of journalists working for Radio Shabelle, in compliance with the forementioned international instruments.

Moreover, it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters, when relevant to the case under consideration:

1. Are the facts alleged in the summary of the cases accurate?
2. Has a complaint been lodged by or on behalf of the alleged victims?
3. Please provide the details, and where available the results, of any investigation, medical examinations, and judicial or other inquiries carried out in relation to these cases. If no inquiries have taken place, or if they have been inconclusive, please explain why.
4. Please provide the full details of any prosecutions which have been undertaken. Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?
5. Please indicate whether compensation has been provided to the victims or their families.
6. Please provide information on the measures taken to ensure the safety of Messrs. [REDACTED] and [REDACTED] as well as that of journalists working for Radio Shabelle.

We undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the report we will submit to the Human Rights Council for its consideration.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to ensure the safety of Messrs. [REDACTED] and [REDACTED] as well as that of journalists working with Radio Shabelle, and to carry out a prompt, thorough and impartial investigation into the alleged killings and attacks. In the event that your investigations support or suggest the allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Excellency's Government adopt effective measures to ensure that journalists in Somalia may exercise their professional activities in a safe environment without fear of being killed or attacked, and would appreciate receiving information on the steps taken in this respect.

In line with the recommendations contained in our aforementioned reports, we would also suggest that the authorities take a strong stance in publicly condemning attacks on journalists, as we believe that this could contribute to combating impunity and preventing the recurrence of such attacks, and reconstitute appropriate protection measures.

Please accept, Excellency, the assurances of our highest consideration.

Frank La Rue
Special Rapporteur on the promotion and protection of the right to freedom of
opinion and expression

Christof Heyns
Special Rapporteur on extrajudicial, summary or arbitrary executions