

**NATIONS UNIES**  
**HAUT COMMISSARIAT DES NATIONS UNIES**  
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**PROCEDURES SPECIALES DU**  
**CONSEIL DES DROITS DE L'HOMME**

**UNITED NATIONS**  
**OFFICE OF THE UNITED NATIONS**  
**HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE**  
**HUMAN RIGHTS COUNCIL**

**Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders; the Independent Expert on the situation of human rights in Somalia; and the Special Rapporteur on extrajudicial, summary or arbitrary executions**

REFERENCE: AL G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (107-9) G/SO 214 (33-27)  
SOM 2/2013

30 July 2013

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights defenders; Independent Expert on the situation of human rights in Somalia; and Special Rapporteur on extrajudicial, summary or arbitrary executions pursuant to Human Rights Council resolutions 16/4, 15/21, 16/5, 20/21, and 17/5.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the alleged killings of Mr. **Libaan Abdullahi Farah** and Mr. **Abdi Farah Dheere**.

According to the information received:

On 7 July 2013, Mr. Libaan Abdullahi Farah, a journalist working for several media houses, was shot dead by two unknown assailants in Gassor neighbourhood, in northern Galkayo, as he was returning home from work.

On 13 July 2013 in the evening, shortly after leaving the mosque Al Towba in Israac village, in Galkayo, Mr. Abdi Farah Dheere, deputy chair of the non-governmental organisation Peace and Human Rights Network (PHRN/INXA) and head of the its Puntland office, was shot dead by two unidentified men. It is reported that the two assailants were waiting for Mr. Abdi Farah Dheere outside the mosque and escaped the scene after the killing.

Reportedly, no suspect has been arrested in connection with the attacks. Furthermore, it is alleged that the authorities have failed to take adequate measures to protect individuals exercising their legitimate rights to freedom of

association and expression. Reportedly, at least three other journalists have been subject to targeted assassination since the beginning of the year in Somalia but no investigations have been carried out.

It is reported that these assassinations come amidst the preparation of local elections that were scheduled to take place on 15 July 2013. On 14 July 2013, the Puntland authorities issued a statement postponing the elections, citing threats to peace, security and stability.

Grave concern is expressed that the killings of Mr. Libaan Abdullahi Farah and Mr. Abdi Farah Dheere may be directly related to their peaceful and legitimate exercise of their rights to freedom of expression and association in the field of human rights. Further grave concern is expressed that journalists have apparently deliberately been subjected to targeted assassinations, and that no investigations have been undertaken. Serious concern is expressed about the security and physical and psychological integrity of journalists, civic activists and other human rights defenders in Somalia.

While we do not wish to prejudge the accuracy of these allegations, we wish to draw the attention of your Excellency's Government on the principles set forth in the Universal Declaration of Human Rights and International Covenant on Civil and Political Rights (ICCPR), acceded by Somalia on 24 January 1990. Articles 3 and 6 (1) of these instruments respectively guarantee the right of every individual to life and security and provide that these rights shall be protected by law and that no one shall be arbitrarily deprived of his life. Furthermore, we would also like to refer to the principle 9 of the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (resolution 1989/65 Economic and Social Council) which underlines that Governments conduct a "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 (...)". Moreover, principle 18 underlines that "Governments shall 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 (...)."

Moreover, we would like to refer your Excellency's Government to article 19 of the International Covenant on Civil and Political Rights (ICCPR), which provides that "[e]veryone 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."

In this context, we further wish to refer to Human Rights Council resolution 21/12 adopted on 27 September 2012, which calls upon States to "promote a safe and enabling environment for journalists to perform their work independently and without undue interference" and encourages States to "put in place voluntary protection programmes for journalists, based on local needs and challenges, including protection measures that take into account the individual circumstances of the persons at risk."

We would also like to recall article 22 of the ICCPR, which provides that “Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests”.

In this connection, we would like to refer to Human Rights Council resolution 21/16, and in particular operative paragraph 1 that “reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law.”

We would further like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, and in particular articles 1 and 2 which state that "everyone has the right individually or in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels” and that “each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice”.

Furthermore, we would like to refer your Excellency’s Government to the following provisions of the above-mentioned Declaration, and in particular to its article 12 paras 2 and 3 which provide that the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

Since 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, we would be grateful for your observations on the following matters:

1. Are the facts alleged in the above summary of the case accurate?
2. Has a complaint been lodged on behalf of the alleged victims?
3. Please provide the details, and where available the results, of any investigation, 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 prosecution which has been undertaken. Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?
5. Please provide the full details of any protective measure which has been put in place, or is going to be put in place to ensure the physical and psychological integrity of individuals exercising their right to freedom of expression and association, including human rights defenders, in Somalia so that they carry out their work without fear of intimidation, threats or reprisals.
6. Please clarify whether compensation has been made available to the victims' families?

We would appreciate a response within sixty days. Your Excellency's Government's response will be made available in a report 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 guarantee that the rights and freedoms of human rights defenders are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We urge your Excellency's Government to work with the Puntland authorities to adopt effective measures to prevent the recurrence of these acts.

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

Maina Kiai  
Special Rapporteur on the rights to freedom of peaceful assembly and  
of association

Margaret Sekaggya  
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