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Maat for Peace' Submission on "Somalia-138th Session"

Introduction

Several of Somalis' civil and political rights have been violated over the years as the country went through political dissent. From arbitrary arrest and detention and denying people a right to a fair trial to torture and summary executions, Somalis have suffered on multiple fronts. Vulnerable groups including women and youth were also affected by the actions of armed groups and government forces.

This report covers both presidents, Mohamed Abdullahi Mohamed Farmaajo from 2017 to early 2022 and Hassan Sheikh Mohamud from 2022 till now. It is worth mentioning that several of the violations that were taking place under Farmaajo have spilled into the current president's rule as well, especially since the Al-Shabaab have continued to carry out their activities, resulting in the injury and death of innocent civilians. This report will provide details of incidents that are in violation of the International Covenant on Civil and Political Rights and will be concluded with a recommendations section.

Incidents under President Mohamed Abdullahi Mohamed Farmaajo

Arbitrary arrest and detention have and still are taking place at a frequent rate in Somalia, in Somaliland alone in the year of 2021, 12 journalists were arbitrarily arrested out of a total of 34 in the country¹. Such numbers have made Somalia rank 161st out of 180 countries in the World Press Freedom Index in 2021².

Arbitrary arrest and detention of journalists

¹ RSF Staff. "Massive wave of arrests in Somaliland: 14 journalists behind bars." RSF, 14 April 2022, <https://bit.ly/3IKM8pr>.

² Ibid.



As a result of a variety of physical rights violations, including physical assaults, arbitrary detention of journalists, and killings by Al-Shabaab and government forces, Somali journalists have had to endure an environment of fear. Investigations into most, if not all, of these violations did not take place, which allowed impunity to become the rule. As a result of the attacks that will be discussed further, as well as harassment and intimidation, Somalia is now one of the most dangerous countries in the world for journalists. Eight journalists have died in Farmajo's first three years in power; five died in Al-Shabaab attacks, two died at the hands of unidentified gunmen, and one was assassinated by a police officer. Eight more Somali journalists have left the nation out of concern for their safety³.

A group of journalists visited the regional capital of Hargeisa's central prison on February 13, 2022, where inmates and guards had broken out in a riot⁴. Ten journalists were detained in the initial round of arrests, including two women who were later released⁵. To stop any more information about these occurrences from being spread, the police also went to the independent channel Horn Cable TV's offices in the evening of the same day⁶. Seven editorial journalists were detained while several cameras were taken⁷. According to reports, this is the largest wave of journalist arrests the nation has seen in recent years.

A reporter for Horn Cable TV, was held by officials in Somaliland's Borame town in March 2022 a day after he covered a vox-pop story collecting opinions of common people on President Muse Bihi Abdi's visit to the United States⁸. A week following his detention, his family members expressed concern for his health and well-being because he had not yet been hauled to court or freed⁹.

In the same month, on the 18th to be specific, two journalists were attacked by intelligence personnel while they were leaving a hotel in the heart of the capital city of

³ Yusuf, Mohammed. "In Somalia, Attacks on Media Workers Rising." VOA News, 13 February 2020, <https://bit.ly/43vhEzN>.

⁴ RSF Staff. "Massive wave of arrests in Somaliland: 14 journalists behind bars." RSF, 14 April 2022, <https://bit.ly/3IKM8pr>.

⁵ Ibid.

⁶ Ibid.

⁷ Ibid.

⁸ Garowe Online Staff. "Somaliland on spot over detention of journalists." Garowe Online, 21 March 2022, <https://bit.ly/45BuiyX>.

⁹ Ibid.



Hargeisa¹⁰. According to reports, the police had weapons and even fired at the reporters' car while it was moving¹¹. This shows the intolerance of the Somaliland presidency towards journalists that criticize its policies. س

The arbitrary arrest and detention of journalists is a violation of Article 9(1) as they have been deprived of their liberty, with many not receiving compensation. The harassment and detaining of journalists must stop and protection should be accorded to members of the press whose main duty is to inform and educate the public.

Arrest of government officials

Journalists are not the only category that endured arbitrary arrest as government officials suffered the same fate. The Deputy Secretary of Information for UCID in the Awdal region was detained on August 28th, 2021¹². He was detained in Borama Central prison for 45 days without being charged, posting bond, or going through the normal due process steps, such as appearing in court¹³. As he has a right to voice his concerns and confront any official in their official position, he was detained on the grounds that he was complaining about the Governor of the Awdal region's job performance¹⁴. Another similar case was the arrest of the deputy governor of Maroodijex less than a month later on the 16th of September 2021, after he criticized the President of Maroodijex through a media conference¹⁵.

This yet again proves that arbitrary arrests have steadily been increasing in Somaliland in free speech and freedom of expression which raises the concern that these violations rapidly deteriorating the strength of democracy in the country. The arbitrary arrest of government officials is also a violation of Article 9(1) and 9(2) as the first government official mentioned in this section spent 45 days without being informed of the charges against him.

The right of peaceful assembly

¹⁰ Ibid.

¹¹ Ibid.

¹² Somaliland Standard Staff. "Arbitrary Detention and Arrest of Opposition Leaders and Journalists." Somaliland Standard, 26 September 2021, <https://bit.ly/43vBdrP>.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Ibid.



The right to peaceful assembly is often not enjoyed in Somalia as well as demonstrators and protesters are punished for freely expressing their opinion through peaceful protests and are either arbitrarily arrested or badly wounded.

On Monday, May 28, 2018, as demonstrators marched through the town of Las Anod chanting in favor of re-joining the federal government, police in the Somaliland area detained more than 40 protesters and two journalists¹⁶. The number of protesters detained was 47, which included women and young people¹⁷. According to the police commander, the reason behind their arrest was because they were deemed to be "misled" and disrupting the peace¹⁸.

A little over a month later, additional nonviolent protests marched through the same city while shouting slogans against the self-declared state¹⁹. There were several women and children among the protesters²⁰. This time however, the Somaliland police used live ammunition to disperse the angry demonstrators, injuring two unarmed women who were later taken to a nearby hospital for medical treatment while several others were arbitrarily taken into custody²¹.

A small number of protesters were beginning to march on the way to the airport on Friday February 19th, 2021, when gunshots broke out²². Elections were meant to be held 11 days prior, but because of political unrest, the nation failed to go to the polls²³. Although there were no confirmed casualties, some of the peaceful protesters were injured by the gunfire²⁴.

The violent dispersion of peaceful protesters and denying them of the right of peaceful assembly is a violation of Article 21 of the ICCPR. It is very clear that on several occasions, the excuse of peace destabilization is used by the Somali authorities to justify

¹⁶ Africanews Staff. "Somaliland authorities arrest demonstrators, journalists covering protest." Africanews, 29 May 2018, <https://bit.ly/42ehyf1>.

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ Garowe Online Staff. "Somalia: Two hurt in rally against Somaliland in Las Anod." Garowe Online, 15 June 2018, <https://bit.ly/3N1Bddy>.

²⁰ Ibid.

²¹ Ibid.

²² Africanews staff. "'Heavy' gunfire breaks out on Somalia protesters, calm returns." Africanews, 19 February 2021, <https://bit.ly/3N1vODm>.

²³ Ibid.

²⁴ Ibid.



the arrest of these protesters. It is also worth noting that those released do not receive compensation for the unjust time spent in detention.

Torture and degrading treatment

In February 2022, some independent journalists traveled to the Benadir region's Kahda district one morning to cover an attack there that was claimed by Al-Shabaab fighters²⁵. The nation's special forces, known as Cheetah, tortured and forcibly arrested them while they were getting ready to do so. The journalists were attacked by having their equipment taken away from them and then forced to place their chests on the scorching ground as a method of torture²⁶.

The Cheetahs have also been involved in other earlier incidents involving the torture of journalists. The Mustaqbal media center was stormed by Cheetah forces on April 27, 2021, who tortured some Mustaqbal employees and destroyed their media equipment²⁷. In the course of their work, they also tortured journalists who were covering protests by some parents of young soldiers sent to Eritrea and others calling for the rights of a NISA officer who had been killed after going missing since June 26, 2021²⁸.

These incidents of torture represent violations of Article 7 of the covenant as the journalists had to endure degrading treatment and some were even tortured. While arbitrary arrest is also a violation of the ICCPR, the least the Cheetah forces can do when arresting individuals is to arrest them in a humane way that does not affect their mental or physical health and well-being.

The right to a fair trial

In Somalia, not everyone has access to a fair trial. According to the Somali defense minister's directive, the Somali military executed six Al-Shabaab members on December 30th, 2018, using a firing squad²⁹. The men were members of an assassination unit, and one of them was captured red-handed shooting a government soldier, prompting the arrest

²⁵ Anonymous. "Somalia's Cheetah special forces torture some Journalists in Mogadishu." Mustaqbal Media, 16 February 2022, <https://bit.ly/3WH4Bt6>.

²⁶ Ibid.

²⁷ Ibid.

²⁸ Ibid.

²⁹ Hassan, Mohamed. "Somalia Military Executes 6 Militants Without Trial." VOA News, 1 January 2019, <https://bit.ly/3BZrGNR>.



of five others³⁰. It is worth noting that they were held for five months and did not receive the chance at a fair legal procedure due to the military acting beyond its jurisdiction³¹. Although executions in Somalia are sadly nothing new, the fact that these executions take militant detainees out of jail and execute them in plain sight without first having them appear before a military court has attracted the attention of many human rights groups in Somalia and within the region as well.

This incident is a violation of Article 14 which guarantees all persons the right to a fair and public hearing by a competent, independent and impartial tribunal established by law. It is safe to say that these six militants were not given the chance to defend themselves in person or through legal assistance and were summarily executed.

Religious minority

In most of the country, Christians have reported that they are unable to publicly exercise their faith out of fear of social discrimination, requiring them to maintain a low profile with regard to their religious beliefs and activities. A 7-year-old Christian child was attacked by three Muslim 13-year-olds in October 2020, leaving him with a swollen and injured face as well as a knife wound to his left hand, necessitating three days in the hospital³². The father of the young boy was stopped by three men in 2018 two years prior, and they beat him with rods and punches for converting to Christianity³³. The man was taken to a nearby dispensary where he was treated for severe back pain, wounds to his left hand, and injuries to his knee³⁴. The man's father-in-law, who disapproved of his conversion, was the one who sent the three assailants³⁵.

These two incidents, among others that have taken place over the years, are a violation of Article 18 and 27 as it is a clear indication that members of a certain religious minority are unable to profess and practice their own religion in their own country.

³⁰ Ibid.

³¹ Ibid.

³² Anonymous. "Muslim Boys in Somalia Beat Christian's 7-Year-Old Son." Morningstar News, 30 October 2020, <https://bit.ly/3MHEPA4>.

³³ Ibid.

³⁴ Ibid.

³⁵ Ibid.



Incidents under President Hassan Sheikh Mohamud

Attacks on journalists and media personnel

A cameraman for M24 TV, was shot in the cheek on August 21 2022, by a police officer from the Haramacad Unit while he covered the Hotel Hayat attack³⁶. Two Haramacad policemen were detained following the event, according to the Somali Journalists Syndicate (SJS), a trade union and local media advocacy group, but were later freed on the instructions of their commander³⁷.

A media activist, was unlawfully detained by security authorities on October 10, 2022, in the capital of Somalia, just one day after he had criticized an order from the Ministry of Information that forbade journalists from covering stories about the militant group Al-Shabaab³⁸. The media crackdown occurred months after the current president of Somalia, who accused his predecessor of employing illegal force to muzzle journalists, made a campaign pledge to advance press freedom³⁹.

On November 30th of the same year, the National Intelligence and Security Agency (NISA) agents who were stationed at the People's House (the Federal Parliament) gate, halted journalists and threatened them with death or imprisonment if they inquired about a hotel attack⁴⁰. Pressing inquiries concerning the hotel attack were avoided by local reporters from various television stations out of fear.

On the same day, three SJS employees were forcibly detained at Baidoa Airport as they were scheduled to return to Mogadishu following a training for local journalists⁴¹. The three coworkers were released that day, but the following day, on December 1, they were detained again after being stopped by a Southwest intelligence officer at the Baidoa Airport⁴². All were freed without charges⁴³.

Moreover, a reporter for Shabelle TV, was seized on December 3 2022 by Galmudug police in Adado after he uploaded a news article about civilians kidnapped by

³⁶ Horn Observer Staff. "Somalia: Local TV camera-journalist shot and injured by Haramcad police while covering Mogadishu hotel attack." Horn Observer, 21 August 2022, <https://bit.ly/3O2vAN5>.

³⁷ Ibid.

³⁸ Somali Guardian Staff. "Arrest of media activist in Somalia sparks outcry." Somali Guardian, 13 October 2022, <https://bit.ly/3Bje5Ra>.

³⁹ Ibid.

⁴⁰ Horn Observer Staff. "Threats, arbitrary detention against Somali journalists on the rise amid crackdown on free press." Horn Observer, 5 December 2022, <https://bit.ly/42QNXJl>.

⁴¹ Ibid.

⁴² Ibid.

⁴³ Ibid.



al-Shabaab in central Somalia on his Facebook page⁴⁴. He was detained at the Adado police station on the direction of the regional president⁴⁵. He was released without charges late on Sunday, December 4⁴⁶.

These incidents that have happened over a very short span represent violations of Article 7 and Article 19 of the ICCPR as these journalists were deprived of their right to liberty by being arbitrarily arrested for simply expressing their opinions. They were denied the right to hold opinions without interference and the right to impart information through the media of their choice.

. *Ud fr*The Somali National Action Plan (NAP) for the implementation of the Somali Women's Charter and United Nations Security Council Resolution 1325 (UNSCR 1325) was launched by the Federal Government of Somalia on September 5, 2022⁴⁷. The Ministry of Women and Human Rights Development oversaw the process of creating the national action plan, working with other line ministries with a focus on gender, peace, and security with funding assistance from the Government of Sweden through UN Women Somalia⁴⁸. Ensuring Somali women's inclusion and engagement in peacebuilding and decision-making at all levels is the main goal of the national action plan⁴⁹. The national action plan identifies and seeks to address ongoing and new peace and security issues that affect Somali women⁵⁰. These issues include climate change, humanitarian crises, COVID-19, access to justice, participation in constitutional review processes, state building and peacebuilding, national reconciliation, as well as transitional justice mechanisms⁵¹.

The process to create and launch local action plans (LAP) on UNSCR 1325 was initiated by the 5 Federal Member States and the Banadir District⁵². Each federal member state has a draft LAP that identifies ongoing, recent, and emerging problems with peace and security, examines how gender affects these problems, and develops specific plans to

⁴⁴ Ibid.

⁴⁵ Ibid.

⁴⁶ Ibid.

⁴⁷ APO Group Staff. "Somalia launches National Action Plan on United Nations Security Council Resolution (UNSCR 13) for women and security." APO Group Africa Newsroom, 5 January 2023, <https://bit.ly/42sdzfp>.

⁴⁸ Ibid.

⁴⁹ Ibid.

⁵⁰ Ibid.

⁵¹ Ibid.

⁵² Ibid.



deal with these problems thoroughly and methodically over a four-year period⁵³. This initiative is in line with Article 25(a) of the covenant as it increases the chances of women directly taking part in the conduct of public affairs.

Recommendations

In order to minimize and hopefully end all violations against civilians and media personnel, Maat recommends the following:

When it comes to the arbitrary arrest of journalists, Maat recommends a regular assessment of existing laws that can be misused to target journalists with the aim of amending or repealing them to ensure they align with international human rights standards. Laws related to defamation and national security should be carefully reviewed to prevent their misuse to stifle freedom of the press. It is important that this assessment takes place in collaboration with different stakeholders, including journalists themselves and civil society.

Maat also recommends that law enforcement officers must receive regular and comprehensive training on crowd control techniques, de-escalation strategies and respect for human rights while emphasizing the importance of protecting the rights of protesters and avoiding unnecessary use of force.

Law enforcement agencies must be held accountable for their actions, this can only happen by ensuring that any excessive use of force or misconduct is thoroughly investigated. This may involve establishing independent oversight bodies or strengthening existing mechanisms to ensure transparency and accountability.

Another recommendation would be to work on fostering strong relationships between law enforcement agencies and local communities. Implementing community policing strategies that involve community members in crime prevention efforts, build trust and gather valuable intelligence is important. Civil society organizations can be effective partners in implementing such strategies as they usually have the needed resources and expertise.

And finally, when it comes to providing protection to religious minorities, Maat recommends the launch of public and education awareness campaigns and programs to combat prejudice and stereotypes about religious minorities. This can be achieved through inclusive curricula, interfaith dialogue and cultural exchange programs that encourage mutual understanding among different religious communities. For more immediate results, proactive measures must be taken to ensure their security and

⁵³ Ibid.



protection which may involve increasing police presence in areas prone to religious tension, providing security escorts for religious gatherings and collaborating with community leaders to develop safety protocols.