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## Assessing the risks of journalists reporting in conflict zones: A case study of Somalia

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### Abstract

This study was conducted to assess the risks journalists face while reporting in Somalia. It was guided by three specific objectives that included; Evaluating the cases of physical attacks on journalists reporting in Somalia, Analyzing the cases of arbitrary arrests and imprisonments of journalists recorded in Somalia and Investigating the cases of journalists being killed in Somalia in three years between 2019 and 2021. The study was qualitative and used secondary data to explore the objectives. It analyzed data from five reports which had information collected between 2019- 2021 that included: The Somali Mechanism for Safety of Journalists (SMSJ) report 2021, The UNESCO observatory report on journalists killed 2021, The National Union of Somalia Journalists (NUSOJ) report of 2021, The Committee to Protect Journalists (CPJ) report of 2020/2021, and The Amnesty International Research report of 2020. Data was classified into three thematic areas according to the study objectives. The data was then uploaded into the coding sheet and analyzed. The study found out that, Media freedoms in Somalia is being suppressed by the Federal state and non-state actors. Evidence from the reports showed that, between 2019 and 2021, eight journalists have been killed, 66 journalists have been arbitrary arrested and 81 journalists have been physically attacked and assaulted. Additionally, The Somali federal and state governments targeted and raided media outlets considered disloyal to the regime and approximately 14 media outlets were struck by government officials and armed soldiers. The study recommends that, according to UN plan of Action on the safety of Journalists and the issue of impunity (2012), The Somali government needs to demonstrate its assurance to the protection and safety of journalists and media freedom by taking significant action to tackle the extensive impunity for crimes against the media, otherwise, The African Court on Human and Peoples' Rights ACHPR having signed a memorandum of understanding with UNESCO to safeguard journalists should step in and manage the risks that journalists working in Somalia face daily.

**Keywords:** Journalists, physical attacks, arbitrary arrests, killing

### Introduction

Article 19 of the Universal Declaration on Human Rights (UDHR, 1948), binding on all States, promises the right to freedom of expression in the following terms: Everyone has the right to freedom of opinion and expression; this right includes the right to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

According to the 65<sup>th</sup> Ordinary Session of the African Commission on Human and Peoples' Rights held in Banjul Gambia between October and November 2019, "*Freedom of expression and access to information are fundamental rights protected under the African Charter and other international human rights laws and standards. The respect, protection and fulfilment of these rights is crucial and indispensable for the free development of the human person, the creation and nurturing of democratic societies and for enabling the exercise of other rights* (African Union Charter, Banjul declaration 2019). The right of citizens to seek, receive and impart information freely is restricted when journalists are not permitted to gather and disseminate information independently, and in a secure manner. The end effect is a society where civic space is diminished, decision-making authority over matters of public interest is compromised, and citizen participation in democratic discourse is constrained (Pearson, 2012) <sup>[13]</sup>. The 2030 Sustainable Development goal 16, indicator 16.10 which aims to "promote peaceful and inclusive societies for sustainable development, provide access to justice for all, and build effective, accountable, and inclusive institutions at all levels," depends on freedom of information and expression.

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In the past decade, attacks on journalists have gone up including arbitrary arrests, with at least two journalists getting killed per week. This is a clear indication that journalists in pursuit of facts and information are exposed to danger and have become targets.

The social media has also brought about an increase in verbal attacks to journalists and thus disrupts the whole media industry affecting their search for facts and quest to inform the public. Additionally, politicians have led their followers to acts of violence against media reporters which supports a culture of impunity. Many times, such politicians enjoy the protection of the government hence no cases are brought against them. When a proper trial and prosecution cannot be pursued for those who attack journalists, this stifles media freedom as well as undermines the rule of law in the country concerned (Finkelstein, 2012, Law Commission (NZ, 2013) <sup>[5]</sup>).

According to the Columbia Law School report on Africa case-law files of 2016 and the reporters without borders report of 2018, the legal justification for jailing journalists varies from country to country in Africa, but the motivation is nearly always the same: to thwart those who challenge the authority of the state (Columbia case law review, 2016). In Africa, there has been a number of cases on violations of press freedom by various States. Article 19, in its report "Silenced and Intimidated: Attacks on Freedom of Expression in Kenya January-September 2015" indicated that out of the many incidents they recorded, a trivial 42 are the only ones that were followed up officially. Several contributing factors were mentioned in the Committee to Protect Journalists (CPJ) report, of 2015, but of importance was given to the threats and intimidations facing journalists in their daily practice of work, and the immunity enjoyed by culprits, predominantly political elites and those close to government and State security agents. CPJ submitted that threats were generally as a result of investigative journalism and publishing of information that relates to abuse of power, corruption, human rights violations, among other matters committed by powerful individuals in government and society which are not to be exposed to the public.

The African regional and sub-regional courts have been working to ensure that such acts of impunity are reduced and the fundamental rights to freedom of expression and access to information are given to all deserving citizens of the states in Africa. Hence, these courts have handed down key decisions which have impacted on States' obligations to advocate for press freedom and to ensure protection of the right to freedom of expression as prescribed by the Banjul Charter (4 November 2016, Columbia Law School, New York). Some of the landmark court judgements include.

The case of *Lohé Issa Konaté v. Burkina Faso* in 2014 where the African Court on Human and Peoples' Rights ruled that, detention of a journalist for defamation was unacceptable and that any such penalties curtailing freedom of speech should be banned.

Additionally, the ECOWAS Community Court of Justice in the same year in the case of *Deyda Hydara Jr. and Others v. The Gambia*, gave a ruling that failing to carry out investigations against the killing of a journalist is a violation of Article 9 of the Banjul charter. This follows a case whereby the republic of Gambia failed to investigate the disappearance of journalists.

In the Horn of Africa, the East African Court of Justice has also had such cases and the judgment has not been different. In the case of *Burundi Journalists' Union v. Burundi*, the court ruled that provisions in the Burundi's government new

press law went against its obligations to uphold the principles of democracy, rules of law, transparency and principles of human rights.

The Declaration of Principles of Freedom of Expression and Access to Information in Africa was adopted by the African Commission on Human and Peoples' Rights at its 65<sup>th</sup> Ordinary Session which was held from 21 October to 10 November 2019 in Banjul, The Gambia.

With the above declaration in place, it was hoped that the arbitrary detentions and killing of journalists in Africa should reduce if not end completely. The above declaration follows a series of such crimes happening haphazardly as demonstrated by the rulings from the African court on human and people's rights and the East African court of justice.

Therefore, the purpose of this study was to assess the risks of journalists reporting in conflict zones, specifically in Somalia. The study was guided by the following three specific objectives; to evaluate the cases of physical attacks on journalists reporting in Somalia, to analyze the cases of arbitrary arrests and imprisonments of journalists recorded in Somalia and to investigate the cases of journalists being killed in Somalia. The study focused on the period between 2019 and 2021 as the declaration of the freedom of expression and access to information by the 65<sup>th</sup> ordinary session held in Banjul happened in 2019. It was expected that African state leaders would trickle down this information to their respective governments in order to safeguard the work of journalists especially those reporting in conflict zones. According to Somali Mechanism for Safety of Journalists (SMSJ) report 2021, directed terror attacks, political violence, use of the archaic 1964 Penal Code and military tribunals, remain the most serious threats to the freedom of media and freedom of expression in Somalia. Additionally, reports from Reporters without Borders (RSF) 2021, Somalia continues to hold onto the unhealthiest honor of being one of the worst countries in the world for journalists to work, ranking 161 out of 180 countries in the 2021 World Press Freedom Index.

### Objectives

The overall objective of the study was to assess the risks of journalists reporting in conflict zones with a case study of Somalia. Specifically, the study was guided by the following objectives:

1. To evaluate the cases of physical attacks on journalists reporting in Somalia.
2. To analyze the cases of arrests and imprisonments of journalists reporting in Somalia.
3. To investigate the cases of journalists being arbitrarily killed in Somalia.

### Methodology

The study was qualitative and used secondary data to explore the objectives. The study analyzed literature from existing documents and reports relevant to risks and safety of journalists in the Horn of Africa. It employed thematic analysis to draw inferences from its findings. With respect to the Somalia situation, the study relied on the following reports sourced from organizations that follow up on safety of journalists around the globe. They include: Somali Mechanism for Safety of Journalists (SMSJ) report 2021, The UNESCO observatory report on safety of journalists 2021, The National Union of Somalia Journalists (NUSOJ) report of 2021, the committee to protect journalists (CPJ) report of 2020/2021, and the Amnesty International

Research report of 2020. The study examined narratives that showed the cases of physical attacks on journalists reporting in Somalia, those that showed the cases of arbitrary arrests and imprisonments of journalists in Somalia and narratives on the cases of journalists who have been killed in Somalia. Data was classified into three thematic areas according to the study objectives. The data was then uploaded into the coding sheet and analyzed. The report options considered in this study are based on careful consideration of relevant information from the organizations and their credibility rating in the world.

### Results and Discussion

To assess the risks of Journalists Reporting in Conflict Zones specifically in Somalia, an analysis of information from several organizations' reports which follow up on safety of journalists was done. From these reports, the following was found.

#### Cases of physical attacks on journalists reporting in Somalia

The CPJ news update of 1st July 2022 denotes that, *"Somalia authorities should immediately and thoroughly investigate the explosion that killed three people and injured journalists Abdikarin Mohamed Siyad and Khalid Mohamud Osman, and hold those responsible to account"*. According to SMSJ and The National Union of Somali Journalists (NUSOJ) 2021 annual reports, Physical assaults, intimidation, and threats rose dramatically between 2019 and 2021 with 81 incidents being captured and recorded. In 2021 alone, the incidents reported were 63 (NUSOJ, 2021). This figure has been supported by the Amnesty International research report of 2021 and confirmed by the CPJ report of 2021. From the reports by CPJ, SMSJ and Amnesty International, most of the attacks usually take place in Mogadishu, which accounts for 68% of the cases. Out the total, four cases happened in Jubaland, where journalists were asked to stop with immediate effect, the covering of critical stories regarding the elections. Other cases of attacks were reported in the towns of Hirshabelle, Galmudug, South West and Puntland (CPJ 2021, SMSJ2021, Amnesty International 2020).

The AA news broadcasting system (HAS) also asserted that *"At least 81 journalists were physically assaulted between 2019 and 2021 while on duty, while the authorities arrested 50 others' Abdalle Ahmed Moumin, secretary general of the Somali Journalists Syndicate (SJS), told Anadolu Agency"*.

The various reports continue to indicate that, in 2021, 14 journalists were physically assaulted while reporting in the field. Most of these journalists were covering military campaigns against the militant group Al-Shabaab at the time of their attacks. The SMSJ indicated that, they recorded at least two serious violations each week in 2021, including two gruesome murders, 66 arrests, 14 media outlets raided or closed, and 27 cases of physical assault and harassment.

One of the CPJ's Sub-Saharan African representative denotes that, the perpetual threat of physical attack looms dark over Journalists in Somali, and the sure way to mitigate these fears is to root out impunity and ensure culpability whenever a journalist is harmed in the course of their work (CPJ report, 2021). Some of the attacks are done using live ammunition against on-duty journalists triggering life-threatening wounds and injuries. Alongside the physical attacks on the journalists, state security officers beat, frighten, and engaged in malevolent vandalism of media equipment for no apparent reason. Amnesty international

2021 report quotes that; *"On 26 June 2019, a military officer beat Abdulkadir Ahmed Mohamed, popularly known as 'Moalim', a journalist with the Radio Voice of Banadir Regional Administration (BRA). Abdulkadir was badly beaten by the military officer at the Banadir Regional Administration premises while trying to cover the celebrations of the Somalia Independence Day., Similarly, on 1 July 2019, a senior official at the office of the Prime Minister physically assaulted and harassed China Global Television Network (CGTN) correspondent Abdulaziz Billow Ali and his cameraman Mohamed Ahmed Mohamed. The two journalists were covering celebrations of the Somalia Independence Day inside the Prime Minister's residence"*.

The SMSJ report 2021 also implies that, Somali Police Force (SPF) were responsible for majority of such cases. The report shows that a high percentage of the violations are connected with government's use of brutal measures to block coverage of election demonstrations and other related protests.

The reports continued to show that, the Police in Puntland have been overly aggressive targeting the media and they keep carrying out raids on independent media houses forcing them to refrain from publishing investigative reports considered critical of the state. The Killing of journalists between 2019-2021 could have slowed down, however random arrests, attacks and suspensions of journalists has remained steady if not increased. To sum up this, the reports from CPJ and SMSJ 2021 established that, six media houses were shut down in total during the period of study, including five independent broadcasters and one newspaper.

As per Sustainable Development Goal (SDG) indicator 16.10 which talks about public access to information, fundamental freedoms cannot be realized without independent media that helps in achieving all the SDGs – be it gender equality, climate change, eliminating poverty, reducing inequalities, and sustainable cities. All these SDGs require citizens to acquire information from various sources and media is one of the most accessible sources of information for all.

#### Cases of arrests and imprisonments of journalists recorded in Somalia

According to SMSJ 2021 annual report, a total of 66 arbitrary arrests and detention of Somali journalists happened in 2021 alone. The Amnesty international research report of 2021 confirms these figures and adds that, there are 11 additional cases where journalists were arbitrarily arrested and detained in south central Somalia and in Punt land that happened in 2019. These figures keep increasing and a significant spike was recorded in 2021. The CPJ's report comments that, the dramatic increase in the number of illegal arrests is as a result of the series of protests and public anger over the election failures and delays.

The Amnesty International research report established that on 28 May 2019, police in Mogadishu arrested a popular journalist known as Ali Adan Mumin, who worked for Goobjoog Media TV and Radio without a warrant. The journalist was then taken to the Banadir Regional Court and was charged of insulting public officials and disrupting government work by spreading propaganda, which amounted to being dangerous to the public. With further investigations into the case, the journalist's case was dismissed by the judges but he was detained for a number of days which could not be explained. The amnesty

international report 2021 included the lament from the journalists' lawyer "It was unacceptable that the judge dismissed the allegations against my client and again ordered for his continued detention" Ali's lawyer, Abdirahman Hassan who was surprised with the decision, told Amnesty international".

According to SMSJ report of 2021, more than 30% of the arrests were done by police from the Banadir Regional Administration with the help of National Intelligence and Security Agency (NISA) soldiers. They were carried out with heavy-handedness and a lot of harassment. Examples of the journalists arrests according to the report are as follows; "on 16th January 2021, Police in Boorame arrested four journalists: Hussein Gaafane of Universal TV, Abdillahi Daahir of SAAB TV, Ahmed Diiriye of SBC TV, and Shuayb Maxamed of Bulsho TV, for airing an ongoing investigation by the Auditor General concerning the district commissioner, Saleeban Hassan". Four days later, some more journalists were arrested again as reported on SMSJ report; "On 20th January 2021, Police in Galmudug following orders from the state ministry of information arrested two journalists: Mohamed Toohow of Universal TV and Abdullahi Warsame of SNTV, for covering Al Shabaab attacks in the region". These arrests continued on and on and it is established that, the Federal states in Somalia target journalists and resort to bogus trials that result to very harsh sentences to serve as an example to the rest.

The National Union of Somali journalists (NUSOJ 2021) denote that, various partners such as media labour rights unions and Press freedom advocates who represent the affected journalists face numerous threats and harassment for defending their clients. The SMSJ report of 2021 also noted that, in 2021, police and court officials, in some instances declined to cooperate with or share documents and case facts with SMSJ members and their partners who defend media workers.

### **Cases of journalists being arbitrarily killed in Somalia**

According to the UNESCO observatory report of 2020/2022, 1560 journalists have been killed worldwide since 1993, out of these 76 are from Somalia which accounts for 4.8% and 8 of the cases happened between 2019 and 2021. The Committee on Journalists Protection (CPJ) report of 2021 confirms these figures and further indicates that, out of the 8 journalists killed in Somalia during the period in question, 3 of them were through murder and one was from crossfire between the fighting groups. The CPJ report (2021) further implies that the above figures represent journalists killed with a confirmed motive which is to silence their sharing of information. To confirm the above figures, The Somali Mechanism for Safety of Journalists (SMSJ) report 2021 suggest that, in 2021 alone, Al Shabaab declared that they murdered two veteran Somali journalists. The group continued to intentionally target and kill journalists specifically for doing their work. In April 2021, they gunned down senior journalist Jamal Farah in Galkacayo North, Puntland.

Amnesty International's research report of 2021 reveals that, for five years consecutively, Somalia has been on top of the list of the Committee to Protect Journalists' (CPJ) Global Impunity Index on countries where killers of journalists habitually escape trial. The research report further established that The Somalia government seldom investigates cases of assaults or murders on journalists generally. Hence, this is a clear indication that Somalia is fighting to be the most dangerous State to send journalists

and media workers. The SMSJ 2021 report agrees with this as it suggests that in the absence of plausible action and investigations, perpetrators continue to act with unrestrained impunity. Consequently, a climate of fear is generated, which thus fuels a silent departure from the media profession. For journalists who choose to remain, their lives are crammed with distress and resultant self-censorship. To this effect, for survival purposes, such journalists avoid covering events that touch on the government and terror groups. Likewise, media workers ignore covering critical and investigative stories.

To affirm these claims, one journalist who had been sent on an assignment in Somalia in 2015 commented that "The authorities, the public, and the militants are all hostile to us. We are like fish in poisonous waters, we can be attacked or killed at any time" (Journalist working in Galkayo, February 2015). This is an absurd statement as it shows that nobody cares about these group of men and women who risk it all to inform the world of what is happening in Somalia. With such comments in 2015, it was expected that the situation would improve, however, six years later in 2021, another comment from a journalist says "we live in perpetual fear". According to the research report by Amnesty International, Somalia citizens celebrated the election of President Mohamed Abdullahi Mohamed Farmajo in 2017, with the hope that this new administration would address challenges facing media workers and journalists including human rights in general. However, this new administration has been worse five years later as it uses heavy-handed methods to subjugate media freedom and the right to access information. The African Union Declaration of Principles on Freedom of Expression in Africa, Principle XI (2019) <sup>[4]</sup> specifies that, "Attacks such as the murder, kidnapping, intimidation of and threats to practitioners and others exercising their right to freedom of expression, as well as the material destruction of communications facilities, undermines independent journalism, freedom of expression and the free flow of information to the public". It continues to state that, "in times of conflict, States shall respect the status of media practitioners as non-combatants and States are under an obligation to take effective measures to prevent such attacks and, when they do occur, to investigate them, to punish perpetrators and to ensure that victims have access to effective remedies". This according to UNESCO, Amnesty International and CPJ reports of 2021 has not happened to the 8 fallen journalists in Somalia.

### **Conclusion and recommendations**

The results from various reports analyzed are a clear indication that Media freedom in Somalia is being suppressed by the Federal state and non-state actors. Various media houses continue to safeguard the safety of their journalists and other workers; however, these media organizations keep facing vicious attacks. Evidence from the reports show that, between 2019 and 2020, eight journalists have been killed, 66 journalists have been arbitrary arrested and 81 journalists have been physically attacked and assaulted. Additionally, The Somali federal and state governments targeted and raided media outlets considered disloyal to the regime and approximately 14 media outlets were struck by government officials and armed soldiers. As a result, some media outlets were shut and others had staff arrested and taken through trial while their equipment were seized or destroyed.

Journalists worldwide play a crucial role in pursuit of stability, democratic governments and peace. Somali

journalists are not an exception. Their duty is to ensure that everyone in the country, region and world at large gets to know what is happening in Somali. Therefore, attacks and threats to choke their critical role to provide the public with information interferes with the accomplishment of Somalia's national goals and aspirations.

In 2012, the UN General Assembly made a resolution and adopted it under the UN Plan of Action on the Safety of Journalists. This was the beginning of an assurance to fight the issue of Impunity against journalists worldwide. The UN Human Rights Council and UNESCO were given the mandate to follow up on countries, and since then, the UNESCO observatory report on killing of journalists has recorded a total of 52 journalists killed in Somalia between 2012 to 2022 (UNESCO 2022) <sup>[10]</sup>. These statistics shows a worrying trend of the risks journalists face in Somalia while doing their job. To confirm this, the CPJ report 2021 cites Somalia as the most dangerous country for journalists in Africa.

As Somalia commemorated the 10th anniversary of the UN Plan of Action on the Safety of Journalists, A Consultative Forum on the Safety and Security of Journalists was held in Mogadishu between September 3-5, 2022 which put in place new measures that would aid in building a secure working environment for journalists to access and enjoy all the basic media freedoms. The UN Plan of Action, together with the African Union Master Roadmap was to be the Practical guide to Silencing the Guns in Somali. Therefore, the study recommends that, The Somali government needs to demonstrate its assurance to the protection and safety of journalists and media freedom by taking significant action to tackle the extensive impunity for crimes against the media. It should be noted that, UNESCO has signed six Memoranda of Understanding with regional human rights courts and international institutions between 2018 and 2021; The African Court on Human and Peoples' Rights is one of them. Somali being one of the African nations, the ACHPR should be keen on the physical attacks, arbitrary detentions and killing of journalists' cases in this country.

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