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Somaliland: Release prisoner of conscience

Amnesty International is calling on the Somaliland authorities to immediately and unconditionally release elder Boqor Osman Mohamoud Buurmadow, a prisoner of conscience. Amnesty International is also urging the Somaliland authorities to quash the conviction against him, after he was sentenced on 8 July to one year's imprisonment after conviction for "insulting a public official".

Boqor Osman Mohamoud Buurmadow has been detained since 15 March 2012, when he was arrested at the airport of Hargeisa, Somaliland's capital, upon his return from the United Arab Emirates. The basis for his conviction relates to his criticism in 2011, while he was in the United Arab Emirates, of a visit to China by the President of the Republic of Somaliland.

Amnesty International previously wrote to the Somaliland authorities to call for his release, but has to date received no answer from them. Amnesty International outlined in its letter that he was being detained and charged with criminal offences solely for having peacefully exercised his right to freedom of expression, guaranteed by Article 32 of the Somaliland Constitution and Article 19 of the Universal Declaration of Human Rights.

On 9 July, the day after the verdict, Boqor Osman Mohamoud Buurmadow was transferred from Hargeisa prison to Mandera prison, some 70 km away from Hargeisa, where conditions are said to be harsh. This increases fears for his health, which Amnesty International has already brought to the attention of the Somaliland authorities. Boqor Osman Mohamoud Buurmadow ran out months ago of the medicine prescribed to him in the United Arab Emirates for high blood pressure and a number of other conditions. He should be released urgently so that he can seek the health care that he needs. For so long as he remains in detention, the Somaliland authorities have an obligation to ensure that he receives adequate health care.

Amnesty International is also concerned at the use of criminal charges against Boqor Osman Mohamoud Buurmadow for exercising his right to freedom of expression. Initially he was charged with "anti-national activity of a citizen abroad", "subversive or anti-national propaganda" and "continuing offence", all offences under the Somaliland Penal Code, but on 8 July, the judge dismissed these charges and instead found him guilty of "insulting a public official", an offence punishable by six months to two years' imprisonment, according to Article 268 of the Penal Code.

International human rights law and standards are clear that the right to freedom of expression includes the voicing of political opinions. Any restrictions imposed on the exercise of the right are permissible only for certain specific purposes (protection of national security or public order, public health or morals, or the rights or reputations of others), and must conform to strict tests of demonstrable necessity and proportionality and must not put in jeopardy the right itself. Political public figures should tolerate a greater degree of criticism, not less, than people generally, and accordingly, criminal or other laws which provide special protection against criticism for public officials are not consistent with respect for freedom of expression.

The trial proceedings against Boqor Osman Mohamoud Buurmadow have been marred by irregularities, which Amnesty International believes could be politically motivated. Most recently, the prosecution appealed against the sentence handed out to Boqor Osman

Mohamoud Buurmadow on 8 July, preventing him from converting his prison sentence into a fine and being released, as allowed under Article 109 of the Penal Code for prison sentences of a year or less. In its letter to the authorities, Amnesty International expressed concerns that he was detained for 40 days after his initial arrest before being charged, and at reports of interference by the Somaliland authorities with the trial proceedings and intimidation attempts against lawyers acting on his behalf.

Background

Boqor Osman Mohamoud Buurmadow, aged about 45, is a traditional elder from the self-declared Republic of Somaliland in north western Somalia, who has been involved in peace mediation in local conflicts in that region. Amnesty International appealed on his behalf after he was arrested in the United Arab Emirates (UAE), where he resided, in November 2011, and held incommunicado until his release in January 2012 (see Amnesty International urgent action, 5 January 2012, <http://www.amnesty.org/en/library/info/MDE25/001/2012/en>). The information available indicates that he had been arrested by the UAE authorities at the request of the Somaliland authorities, apparently because of his criticism of the President of the Republic of Somaliland.

His detention, trial and conviction have occurred in a context of increasing restrictions on freedom of expression and the press in Somaliland. Between January and June 2012, dozens of journalists were arbitrarily arrested and detained by the Somaliland security forces, on the basis of articles they have written or items they have broadcast. While in most cases they have been detained for only a matter of days, the arrests have had a chilling effect on the exercise of the right to freedom of expression in Somaliland. In addition, at least two journalists arrested in February 2012 sustained serious injuries after being beaten in custody by members of the Somaliland security forces and had to seek medical treatment outside Somaliland. To Amnesty International's knowledge, no investigation has been carried out into the beatings of the two journalists and no one has been held accountable.