

URGENT ACTION

CHARGES DROPPED AGAINST JOURNALIST

The conviction of journalist Abdiaziz Abdnur Ibrahim has been quashed, and he was released by the Supreme Court on 17 March.

Chief Justice Aideed Abdullahi Ilka-Hanaf of the Supreme Court quashed the conviction of **Abdiaziz Abdnur Ibrahim**, who had been jailed for 66 days following an unpublished interview with a woman who claimed she had been raped by government forces. The Attorney General said that further evidence has now been made available which, had it been available previously, would not have seen the case follow this course.

Abdiaziz Abdnur Ibrahim was found guilty of “insulting a national institution” on 5 February. His sentence was upheld by Somalia’s Appeals Court on 3 March.

No further action is requested at this time from the UA network. Many thanks to all who sent appeals.

Please check with your section office if sending appeals after the above date. This is the fourth update of UA 9/13. Further information:
<http://amnesty.org/en/library/info/AFR52/004/2013/en>

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ADDITIONAL INFORMATION

Abdiaziz Abdnur Ibrahim was initially detained on 10 January following his investigation into the alleged rape of an internally displaced woman by Somali security forces. On 5 February, he was sentenced to one year's imprisonment for "insulting a national institution", as well as a separate charge under Shari'a (Islamic) law. On 3 March, the Appeals Court reduced his prison term to six months. The woman, who claimed she had been raped by government forces, had been found guilty by the lower court of numerous charges – including "insulting a national institution" – and was sentenced to one year in jail. She was cleared of the charges at the Appeals Court.

It is unclear under what law Abdiaziz Abdnur Ibrahim was convicted during the appeals trial as the Appeals Court ruling did not refer to any specific legal provisions under which it found Abdiaziz Abdnur Ibrahim guilty. The Appeals Court Judge seemed to contradict the lower court judgement, and referred only to Abdiaziz Abdnur Ibrahim's lack of respect for Somali national and media laws.

The court case stemmed from an unpublished interview of the woman that Abdiaziz Abdnur Ibrahim had carried out on 8 January, two days after an Al Jazeera TV broadcast about rape and other sexual violence in settlements for internally displaced people in the capital, Mogadishu. The woman told him that she had been raped by the security forces in August 2012. Abdiaziz Abdnur Ibrahim had not been involved in producing the Al Jazeera report.

The case was flawed with significant procedural violations, including the treatment of the woman in police custody, public accusations of guilt by the government that undermined the defendants' presumption of innocence, violations of the woman's right to privacy, and the lower court's refusal to allow the defence lawyers to present witnesses.

In November 2012, President Hassan Sheikh Mohamud stated that security personnel who commit rape should be held accountable, and proposed the death penalty for rape. While those who commit rape and other forms of sexual violence must be held accountable, Amnesty International opposes the use of the death penalty in all circumstances.

The police have a responsibility to take positive measures to prevent sexual and other gender-based violence as well as to act with due diligence to investigate all allegations of rape and other forms of sexual violence. Where sufficient admissible evidence exists, prosecutions should take place in fair trials without resorting to the death penalty, and victims must be ensured reparation. There should be no targeting of journalists who investigate such allegations.

Name: Abdiaziz Abdnur Ibrahim

Gender m/f: m

Further information on UA: 9/13 Index: AFR 52/006/2013 Issue Date: 21 March 2013