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Somalia: Free journalist and others unlawfully detained

Police Response to Sexual Violence Chills Media Freedom; Allegations of Rape Not Adequately Investigated

Somali authorities should immediately release a journalist and three others linked to the case of a woman who reported being raped by state security forces, Amnesty International, the Committee to Protect Journalists (CPJ), and Human Rights Watch said today. The detainees have now been held for more than a week – one for 12 days – without charge.

“Somalia’s new government is saying the right things about the rule of law and a free press, but locking up journalists and others who report rape sends the opposite message,” said Daniel Bekele, Africa director at Human Rights Watch. “The authorities should release the four detainees, and ensure that the police investigate sexual violence effectively.”

On January 10, 2013, the Central Investigation Department (CID) of the Somali police in Mogadishu arrested a woman who said she had been raped by government forces a few months earlier. They also detained two acquaintances who had put the woman in contact with journalists.

During interrogations, the head of CID, General Abdullahi Hassan Barisse, allegedly compelled the woman to hand over the telephone numbers of journalists who had interviewed her. The police, using the woman’s cell phone, called one journalist who had interviewed her and ordered him to come to their offices. Abdiaziz Abdinur Ibrahim, a freelance journalist who has worked with Dalsan Radio and Badri Media Productions, complied on January 10 and has been detained ever since.

Police released the woman after two days of interrogations, once police said she had retracted the rape allegation. But they then arbitrarily detained her husband on January 12; he is still in custody. According to credible local sources, he maintains that his wife was raped. Two other people – a woman and a man who helped the woman meet with journalists – have also been detained for more than a week.

These arrests are linked to increasing media attention given to the high levels of rape and other sexual violence in southern and central Somalia, including attacks allegedly committed by security forces. On January 6, Universal TV, a Somali television station, reported that armed men in police uniform had raped a young woman. The same day, Al Jazeera published an article describing rape by security forces in camps for internally displaced people in Mogadishu.

Abdiaziz Abdinur, the detained journalist, has no connection with the Al Jazeera or Universal TV reports, and does not work for either outlet. He had not reported the woman’s allegations of rape to any media company and he did not interview her until two days after the airing of this news coverage. Regardless, this would not constitute a criminal offense or grounds for detention. Amnesty International has described him as a prisoner of conscience.

Women and girls in displaced communities in Somalia are often reluctant to report rape to authorities,

because of fear of reprisals, lack of trust in the authorities, and the limited medical, psychosocial and legal services available to them, Human Rights Watch and Amnesty International said.

Somalia is a party to the International Covenant on Civil and Political Rights, which provides for the right to freedom of expression and information. Restrictions on this right for genuine reasons of public order or national security must be in accordance with law, strictly necessary for a specific purpose and be proportionate to the harm incurred. The authorities have failed to provide any lawful basis to justify the restrictions on these rights of the detainees, and therefore are in violation of international human rights law, Amnesty International, CPJ and Human Rights Watch said.

CID also questioned several other Somali journalists, including an Al Jazeera Arabic correspondent, Omar Faruk, and a radio journalist, Abdiaziz Mohamed Dirie, who was detained at the National Security Agency facilities for one night.

“Somalia is one of the most dangerous places in the world to be a journalist,” said Tom Rhodes, East Africa consultant at the Committee to Protect Journalists. “Interviewing an individual, regardless of the veracity of the story, has never been a crime. The authorities should be spending their time and resources investigating crimes, not inventing them.”

On January 16, the police commissioner, General Sharif Shekuna Maye, held a news conference in Mogadishu during which he alleged that Abdiaziz Abdinur had assisted with the Al Jazeera report. The police commissioner’s speech raises concerns that Abdiaziz Abdinur may not only face unlawful detention and possible criminal charges on the basis of the exercise of his human rights, but also possibly on the basis of allegations that are factually untrue.

On January 18, the minister of interior was quoted in the government press saying that the journalist and alleged rape victim were guilty of fabricating the story. By declaring the detainees guilty, the authorities have disregarded their presumption of innocence, a fundamental due process right, the organizations said.

On January 17, the police requested an additional 10 days to investigate the case. The attorney general extended the police investigation phase for three days. On January 20 police requested another extension, but the Attorney General is reported to have denied the request. The people detained in the case have had limited access to family, legal counsel, and medical treatment, including being denied medicine on several occasions.

There are serious concerns about the treatment of the woman while she was in police custody, including interrogations that took place without her lawyer present, Amnesty International, CPJ and Human Rights Watch said.

During the news conference on January 16, General Sharif Shekuna Maye publicly presented the woman. He claimed that she had confessed to fabricating the story for money, and that she had been persuaded to do so by the journalist and her detained female acquaintance.

He said the plot was intended to “tarnish dignity of the police force and the dignity of the Somali nation.”

“The police’s handling of this case profoundly risks discouraging victims of rape and other forms of sexual violence and the media from talking about this taboo subject: they not only paraded the woman in public and in front of the media, but have publicly commented on the alleged victim’s health records in stark violation of her right to privacy,” said Audrey Gaughran, Africa programme director at Amnesty International. “The police must fundamentally alter their approach to women who report sexual violence. They must guarantee their protection and conduct impartial investigations rather than denying and criminalizing those who do speak out and report attacks.”

In November, the new Somali president, Hassan Sheikh Mohamud, publicly committed to holding abusive state security forces to account, including those responsible for rape. He went on to call for the use of the death penalty against those found guilty of rape. Human Rights Watch and Amnesty

International urge the authorities not to resort to the death penalty, which is the ultimate denial of human rights.

Sexual violence in Somalia is finally being addressed publicly, but this case could severely set back such efforts, discourage survivors to report incidents of sexual violence, hinder further services being provided to them, and undermine the president's commitments to prosecute offenders, Amnesty International and Human Rights Watch said.