

URGENT ACTION

JOURNALIST'S JAIL SENTENCE UPHeld

Abdiaziz Abdnur Ibrahim, who had been found guilty on 5 February of "insulting a national institution", had his sentence upheld by Somalia's Appeals Court on 3 March. The woman who claimed she had been raped was cleared of the same charge.

Abdiaziz Abdnur Ibrahim had been sentenced on 5 February 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 was cleared of the charge by the Appeals Court. Amnesty International considers Abdiaziz Abdnur Ibrahim a prisoner of conscience, jailed solely for the peaceful exercise of his right to freedom of expression.

The court case stemmed from an unpublished interview of the woman that Abdiaziz Abdnur Ibrahim had carried out on 8 January, two days after an Al Jazeera TV broadcast about rape and other sexual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.

It is not clear under what law Abdiaziz Abdnur Ibrahim was tried. His 5 February conviction appears to have been the result of his supposed involvement in the Al Jazeera broadcast. The Appeals Court judge did not mention that, however, referring instead to his lack of respect for national laws and the Somali media law. The Somali media law is a draft law which has not yet entered into force. The judge did not specify the law under which Abdiaziz Abdnur Ibrahim had been found guilty.

The appeal hearing took place in two sessions, on 20 and 27 February. The defence presented documented evidence that Abdiaziz Abdnur Ibrahim had not been involved in the 6 January Al Jazeera report. They also called three witnesses to support the case of the woman who had said she had been raped.

Please write immediately in English, Somali or your own language:

- Calling on the authorities to quash the conviction of Abdiaziz Abdnur Ibrahim and release him immediately and unconditionally;
- Welcoming the fact that the woman's conviction has been overturned, and reminding the authorities that they are obliged to conduct comprehensive, impartial investigations into all allegations of rape and provide effective protection to rape survivors.

PLEASE SEND APPEALS BEFORE 17 APRIL 2013 TO:

President

H.E. Hassan Sheikh Mahamoud
c/o Director of the Somali Presidency
Kamal Dahir Hassan
Office of the Presidency
Mogadishu, Somalia
Email: khassan@presidency.gov.so
Salutation: His Excellency

Prime Minister

H.E. Abdiqaadir Farah Shirdoon
c/o Permanent Secretary Mohamoud H.
Abdulle
Office of the Prime Minister
Mogadishu, Somalia
Email: mabdulle@opm.gov.so

Salutation: His Excellency

Speaker of Parliament
H.E. Mohamed Osman Jawari
Office of Parliament
Mogadishu, Somalia
Email: mojawaw@online.no
Salutation: Dear Speaker

Also send copies to diplomatic representatives accredited to your country.

Please check with your section office if sending appeals after the above date. This is the third update of UA 9/13. Further information: <http://amnesty.org/en/library/info/AFR52/003/2013/en>

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ADDITIONAL INFORMATION

Abdiaziz Abdnur Ibrahim has been detained since 10 January following his investigation into the alleged rape of an internally displaced woman by Somali security forces.

On 18 January the government issued a public statement in which it claimed that the allegation of rape made by the woman Abdiaziz Abdnur Ibrahim interviewed was false, and accused him of fabricating the story. By declaring both Abdiaziz Abdnur Ibrahim and the woman guilty in the press, even before a trial, the authorities disregarded their presumption of innocence, which is a fundamental component of the right to a fair trial.

At least three other journalists were questioned by the Central Investigations Department in connection with the Al Jazeera report, including one radio journalist, who was detained overnight at the National Security Agency facilities. In addition, Daud Abdi Daud was arrested on 5 February after speaking out at the sentencing of Abdiaziz Abdnur Ibrahim and the woman he interviewed after saying that "journalists have the right to interview people". He was freed on 12 February.

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.

There are regular reports of rape and other forms of sexual violence against women and girls living in internally displaced people's settlements in Mogadishu, sometimes alleged to have been carried out by men wearing government uniforms.

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.

In the trial of 5 February, the prosecutor failed to provide any evidence to justify a conviction on the criminal charges. One witness called by the prosecution was a nurse who had not examined the woman. A midwife testified on 2 February, the first day of the trial, that she concluded that the woman was not raped after conducting a "finger test," a practice that has long been discredited due to its lack of medical credibility. The judge refused to allow the defence lawyer to present witnesses to the court; or to present any medical evidence to rebut the prosecution's assertions.

Name: Abdiaziz Abdnur Ibrahim
Gender m/f: m

Further information on UA: 9/13 Index: AFR 52/004/2013 Issue Date: 6 March 2013