

URGENT ACTION

JOURNALIST & ALLEGED RAPE VICTIM FOUND GUILTY

Freelance journalist Abdiaziz Abdnur Ibrahim has been found guilty of insulting a national institution, following his investigation into an alleged rape involving government forces. The woman who reported the rape has also been found guilty.

The grounds for the convictions are unclear, but the court appeared to convict the two under Somalia's penal code and additional charges under Shari'a (Islamic) law. On 5 February, **Abdiaziz Abdnur Ibrahim** was found guilty of insulting a national institution, fabricating a false media report, and entering the home of another man without permission. The alleged rape victim has also been found guilty of fabricating a rape case that damages state security.

Abdiaziz Abdnur Ibrahim was sentenced to one year in prison and is being detained in Mogadishu Central Prison. The woman was also sentenced to one year in prison; however, the court deferred her sentence for one year because she is currently breastfeeding. The court ordered the release of the woman's husband and two others, due to lack of evidence.

The verdicts stem from an interview by Abdiaziz Abdnur Ibrahim with the woman on 8 January about her alleged rape by government security forces in August 2012, following an Al Jazeera report published on 6 January on rape and other forms of sexual violence in settlements for internally displaced people in Mogadishu. Abdiaziz Abdnur Ibrahim was not involved in the production of the report.

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 defense lawyer to present witnesses to the court; additionally, he was not permitted to present any medical evidence to rebut the prosecution's assertions. The defendants will appeal the convictions, according to their lawyer.

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

- Calling on the Somali authorities to quash the charges against Abdiaziz Abdnur Ibrahim and the alleged rape victim, and for the immediate and unconditional release of Abdiaziz Abdnur Ibrahim;
- Calling on them, until his release, to allow Abdiaziz Abdnur Ibrahim full access to lawyers, doctors and family members.

PLEASE SEND APPEALS BEFORE 2 APRIL 2013 TO:

Minister of Interior and National Security

H.E. Abdikaram Hussein Guled,

Ministry of Interior

Mogadishu, Somalia

Email: guuleed20@hotmail.com

Salutation: Dear Minister

Minister of Justice

H.E. Abdullahi Abyan Nur

Ministry of Justice

Mogadishu, Somalia

Email: justicesom@hotmail.com

Salutation: Dear Minister

State Minister of the Presidential Palace

H.E Farah Sheikh Abdulkader

Office of the President

Mogadishu, Somalia

Email: faaraxsheekh@yahoo.com

Salutation: Dear Minister

Also send copies to diplomatic representatives accredited to your country.

Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

Abdiaziz Abdnur Ibrahim has been arbitrarily detained since 10 January following his investigation into the alleged rape of an internally displaced woman by Somali security forces. The information from his interview with the alleged rape victim has not been published.

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 the detainees 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 2013.

In November 2012, President Hassan Sheikh Mohamud stated that security personnel who commit rape should be held accountable, and proposed the death penalty. 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 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. In addition, 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 52/003/2013 Issue Date: 19 February 2013