

ACHPR/Res.221 (LI) 2012: RESOLUTION ON THE ATTACKS AGAINST JOURNALISTS AND MEDIA PRACTITIONERS IN SOMALIA

The African Commission on Human and Peoples' Rights (the African Commission), meeting at its 51st Ordinary Session, held in Banjul, The Gambia, from 18 April to 2 May 2012;

Recalling its mandate to promote and protect human and peoples' rights pursuant to the African Charter on Human and Peoples' Rights (the African Charter);

Underscoring that freedom of expression and access to information are fundamental human rights guaranteed by Article 9 of the African Charter, and other international and regional human rights treaties;

Reaffirming its commitment to promote the rights of all peoples "*To national and international peace and security*" in line with Article 23 of the African Charter, and Article 3(f) of the Constitutive Act of the African Union (AU);

Recalling Resolutions ACHPR/Res.62 (XXXII) 02 on the adoption of the Declaration of Principles on Freedom of Expression in Africa, which elaborates on the scope of Article 9 of the African Charter; ACHPR/Res.54 (XXIX) 01 on the Situation of Freedom of Expression in Africa; ACHPR/Res.99 (XXXX) 06 on the Deteriorating Situation of Freedom of Expression and Access to Information in Africa; and ACHPR/Res.178 (XLIX) 2011 on the safety of journalists and media practitioners in Africa;

Recalling the United Nations Security Council's Resolution 1738 (2006), which condemns attacks against journalists in conflict situations, and UNESCO Resolution 29(1997) on "*Condemnation of Violence Against Journalists*" adopted by the UNESCO General Conference;

Aware of the UNESCO Plan of Action on the Safety of Journalists and the Issue of Impunity endorsed on 13 April 2012, which aims to create a free and safe environment for journalists and media workers in both conflict and non-conflict situations, with a view to strengthening peace, democracy and development worldwide.;

Noting the Communiqué of the 21st Meeting of the International Contact Group (ICG) from 5 to 6 February 2012, in Djibouti which strongly condemned all forms of violence and intimidation against Somali journalists, and media organizations, as well as urged the Somali authorities to end the impunity, investigate and prosecute those responsible;

Further noting the Communiqué of the London Conference on Somalia at Lancaster House on 23 Feb 2012 which emphasized *inter alia* that journalists must be able to operate freely and without fear;

Deeply Concerned by the murder of four (4) journalists from January to April 2012 in Mogadishu and Galkayo, Somalia, with the death toll now at more than thirty (30) journalists in three (3) years; and lack of investigation which leaves the perpetrators unpunished:

- i. *Condemns* the continued killings of journalists in the Somali Republic;
- ii. *Calls on* Somali authorities and all armed groups to end ongoing violations against journalists, media practitioners, and media organizations;
- iii. *Urges* Somali authorities to investigate the violations committed against journalists and media practitioners in Somalia;
- iv. ***Further urges*** the Transitional Federal Government of Somalia to review laws related to the guarantee of freedom of expression, in particular, the 2007 Media law and the Penal Code to ensure that they comply with international and regional standards on freedom of expression;
- v. *Appeals* to the Somali authorities including Somaliland and Puntland authorities to refrain from prosecuting journalists in retaliation of their independent and critical work of journalism;
- vi. *Calls on* Somali authorities, the AU and the international community to support the establishment of an Independent Commission of Inquiry to investigate the killings of journalists and other violent attacks against them, so as to end the culture of impunity.

Done in Banjul, The Gambia 2 May 2012