



SOMALI REPUBLIC

THE TRANSITIONAL FEDERAL GOVERNMENT

MINISTRY OF INFORMATION

Somali Media Law

Somali Media Law - Approved by the TFP

Translated by the National Media Council – NMC nmc.somalia@gmail.com Page 1



Transitional Federal Parliament
of Somali Republic (TFP)
Office of the first Deputy Speaker

Date:01/12/07
Ref. :075/07

Ujeeddo:Magacaabid Guddi.

Waxaan taariikhda kor ku xusan magacaabaay Guddi dib u soo eega Sharcigii
Saxaafadda ee Baarlamaanka la soo hordhigay kana dooday.

Xubnaha Guddiga:

1. Xildhibaan. Aadan	Maxamed Cali – Guddoomiye	
2. Xildhibaan. Cabdi	Buulle Xuseen - Xoghaye	
3. Xildhibaan. Maxamed	Xasan Faqi - Xubin	
4. Xildhibaan. Madoobe	Nuunow Maxamed –Xubin	
5. Xildhibaan. Seynab	Maxamed Caamir - "	
6. Xildhibaan. Cabdirisaaq	Cusmaan Xasan(Juriile) "	
7. Xildhibaan. Dr.Cali Baashi	Xaaji Cumar – "	
8. Xildhibaan. Avv.Cumar	Xasan Subeer – "	
9. Xildhibaan. Muuse	Waxgarad Cabdullaahi - "	
10. Xildhibaan. Nasra	Cabdisalaan Caalim - "	
12. Xildhibaan. Caasho	Cabdi Sheekh "	
13. Avv.Yuusuf Siidow	Maxamed – La Taliye	

Mudane Prof.Maxamed Cumar Dhalxa
Ku-Simaha Guddoomiyaha Baarlamaanka
Ahna Guddoomiye Ku-Xigeenka 1-aad

Address: Tel: +2521 – 537052 or + 2525 – 918808 E-mail: mdalxa@yahoo.com

The Media Law

Art. 1.

Definition of the Media & Its objectives

The media is the system through which information; knowledge, speeches, data and ideas could be disseminated to the society while utilizing visual, auditory and printed devices. Such as newspapers, radios, televisions, press agencies, websites, speeches, films, hand drawings, books and any other printed material exhibited openly to the public

. Objectives of the Media:

- a) Safeguarding and promoting the Islamic religion, justice, culture, democracy, solidarity and unity of the Somali state and the nation.
- b) Promoting the public awareness and education
- c) Disseminating right information and ideology.

Art. 2.

Freedom of the Media.

1. The media is free to disseminate information and data while coping with the laws regulating it and the state laws.
2. Freedom of Expression and ideas is guaranteed by the transitional Federal charter of the Somali government as depicted in article 20 section 1 and 2, Universal Declaration of human Rights (UDHR), and the international treaties as well as the regional and global conventions in which Somalia is a member.
3. The media cannot be censored and cannot be compelled to publicize information complementary neither to the government nor to the opposition.

Art. 3.

The Media Law.

1. The media code will regulate the diverse activities of the media regardless to whether it is public or privately owned.
2. The law will regulate the relations existing between the ministry of information media while standardizing the relations between the media organization, the society and the government.

Art. 4

Privately Owned media

1. it is permissible to all Somali citizens, organizations and companies to open a private media where they will have the right to open the media when they complete the following requirements:
 - a) To write an application specifying the nature of the media intended to be established and to confer with the ministry of information and the National Media Council
 - B) To submit the type of media they want, its capacity , its power, its quality ,and whether it is sole proprietorship or a company , the working technique and the frequency and canals of its Operation.
 - d) That the devices utilized should not jeopardize the environment and the efficiency of the media.
2. All the operating private media operating currently should forward a request for the authorization to operate while presenting all information concerning their respective media such as orgnigrams, structure and other needed pertinent data to the National Media Council.

3. The media cannot operate unless authorization and registration to operate from the Ministry of Information.

Art. 5

Foreign Media institutions

1. Media Institutions and International press agencies are permitted freely to have representatives that can permanently and temporarily operate in the country where they will also be free to establish cooperation or coincide shareholding agreements with the local media or press agencies under the strict conditions that they should not violate the state laws or the media ethics. .

2. All foreign media Institutions and any other elements interested in opening media agencies or those interested to close agreements with the existing local Medias should contact the Ministry of Information in order to harmonize their requisitions with the state laws.

3. A foreign journalist should abide by the state laws and should avoid any actions controversial to the media law, Islamic doctrine, Somali traditions, unity & stability and other laws of the state.

4. Representatives of foreign media agencies and their correspondents will be temporarily suspended from practicing their occupations in case they are accused of violating this code until their case is handled properly where the case will be accordingly transferred to the legal courts and if they are found guilty where they will be subject to receive punishments like the withdrawal of their permits or serving of punishment of sentences.

5) 5) Foreign media when sending a representative to the country should contact the national media council to be advised on the regulations to which they are subject to operate in order to cope with the existing laws. They will be registered and subjected to have an authorization from the Ministry of Information.

Art. 6

The National Media Council

1. A National Media Council will be in place. It is an autonomously Council and have the capacity and the required know-how of the media and would sponsor the activities of the media.

- a) The National Media Council will comprise of 15 members.
- b) 10 members will be elected from the private media and 5 members will be nominated from public media by the Ministry of information.
- c) The national Media Council elections will be finally approved by the minister of information.

2. The national media council will be responsible for:

- a) Conservation and enforcement of the media law and the attached media ethics.
- b) Mediation and resolution of emerging disagreements in between the media institutions, private media institutions, the government and the society
- c) Evaluation and operation of the private media Institutions.
- d) Evaluation and suggestions of approval of the concluded agreements between the local and foreign media institutions.
- e) Advise the local media in matters concerning the state and international laws...
- f) Preservation and defending the rights of the journalists
- g) Proposal of the withdrawal of permits issued to the operating privately owned local Medias
- h) Registration of the complaints and grievances coming from the journalists, the media agencies and the government and taking appropriate decisions concerning such complaints.
- i) Take disciplinary actions against private media agencies and journalist

3. Those interested in establishing a media agency will forward a request to the national media council so an evaluation on the fulfillments of the requirements could be made on the agency. The council will then submit to the ministry of information to register the agency.

4) The national media council will be elected once in every two years. The council will have a bylaw stipulating its occupations and rules.

Art. 7

Registration, Services, Ownership, Administration and Responsibility.

1) Registration – Every media such as Radios, TVs, newspapers, printing agencies, media training institutes, advertising companies, internet companies, cinemas, telecommunications, media organizations whether the existing bodies or the newly establishing ones has to register with the ministry of information.

2) Services: - Privately owned local and foreign media agencies will pay registration services on yearly basis and the foreign journalists operating in the country will serve under a regulating media law issued by the ministry of information in consultation with the revenue authority.

3) Ownership, Administration and Responsibility. – Every media owned privately should have an owner to be contacted and an executor accountable for the operations.

The ownership certificate, the name of the owned his address/residence, his personal address, the type of the media should be attached to the application for registration. Likewise, the application should reveal the name, knowledge and experience of the executor.

b) The two positions i.e. owner and executor could be assumed by one person if required.

4) - the Title of the Media: - Every media agency should possess a title and an office like a P.O. Box, e-mail, Fax and telephone. In case any of these titles are not available the others should be used.

a) No media agency can be established until the afore-mentioned requirements are fully completed.

5- Timeframe – the authorization for the establishment of the media agency will be given within (30) days when the conditions and requirement prescribed in the presented law are fully and accordingly met. If there are no tangible reasons the media cannot undertake any activity during the waiting period for the authorization.

a) Authorization would be issued to the operating media at present within 30 days starting from the date of the presentation of the request. The said media agencies can continue their operations until the reception or denial of the authorization of the Ministry of Information. .

6- Complaint. – The applicant forwarding the request for the establishment of a private media agency or a previously operating media agency and not satisfied with the National Media Council's decision have the right to present a complaint to the Ministry of information. If not satisfied with the decision of the Ministry of information, the applicant has the right to forward the complaint to the regional court within 10 days starting from the date the decision were taken by the Ministry of information.

Art. 8

Forfeiture of the registration Permit.

The media agency that procured a registration permit can forfeit the registration permit if its media devices fail to operate within 6 months or the devices suspended its operation for a period of 6 months.

Art. 9
Significant Directives.

1. The publications of any newspaper whether daily or periodical or any other type of media publication should demonstrate the name, the date of issuance, the residence, the name of the executor and the editor.
2. Every newspaper should deposit one copy - as a sample of its first publication with the national media council, the Ministry of Information, the regional court and the office of the attorney General.

Art. 10
Changes Occurring to the Medias registered previously

Any transformation occurring on the appearance, or the capacity and the efficiency of a media agency that received authorization and registered earlier, the owner or the person responsible of the concerned agency should submit and report to the national media council, the Ministry of Information, the regional court the transformation and the changes they encountered which will be registered accordingly within 7 working days.

Art. 11
Alterations occurring to the Ownership, Title or the Executive

The national media council, the Ministry of Information, the regional court and the office of the attorney General should be informed of any alterations occurring to the Ownership of the agency, title or the Executive organ of any media agency where such alterations would be registered accordingly.

Art. 12
Media Ethics.

1. The national media law is based on the Islamic doctrine and the Somali tradition hence, the Somali media should avoid broadcasting and disseminating materials jeopardizing the Islamic religion and the Somali traditional ethics, unity of Somali people and sovereignty the Somali republic while the media should also evade: -

- a) Broadcasting or dissemination of false and unfounded information or data
- b) Broadcasting or dissemination of information that endangers the stability of the nation.
- c) Broadcasting or dissemination of publications, articles contrary to the religious confession and the Islamic doctrine.
- d) Dissemination and publication of pornographic pictures whether actual or artificial unless it is intended for research and experimental knowledge.
- e) The newspapers should avoid displaying tortured human body, carnal violence and other pictures that can spread shock within the community.
- f) Broadcasting or dissemination of information on national secrets

Art. 13
Unlawful Media

1. Any person establishing an unauthorized and unregistered media agency or disseminates information would be brought to justice and the media agency would be immediately closed.

2. A company or a person demonstrating an unlawful publication would be fined an amount of money between US\$50 to US\$150 if his actions do not constitute a more serious offense.

Art. 14
Unlawful Alterations.

1. Any media agency that intentionally issues newspapers or a publication other than the registered and authorized agency where such alteration was not legally approved by the state would pay a fine of US\$500 if his actions do not constitute a more serious offense.
2. The fined agency would be ordered to issue the originally authorized and registered copy – sample until the proposed alteration is legally approved.
3. Any media that undertakes an alteration in its media and broadcasts information would pay a fine amounting to US\$1000 if the committed actions do not constitute a more serious offense.

Art. 15
Prove of Falsification.

1. Legal actions prescribed by the law would be taken against any media agency falsifying the registered authorization or publicizing materials not corresponding with the conditions under which the registration was authorized.

Art. 16
Dissemination of fictitious information.

The media agencies should avoid disseminating fictitious information and denouncement contrary to the dignity of the Somali citizen, person, organization, business entity or the state where any media organization disseminating such information would:-

- a) Provide a written apology and correction of the information (see column I of the first page) that was publicized or the broadcasted program through the radio within a period not exceeding 48 hours immediately after the complains reached..
- b) Allow the citizen or the organization to give a response to the defaming information without any payable charges where the response will be publicized in the same column and page in which the defaming information was printed earlier or should be broadcasted in the same radio program the information was released. The contents of the response should not be abridged and should convey fully the significance of the response...
- C) In case a citizen, or an organization was defamed or fictitious information was released declined to accept the provided apology they will have the right to raise their case to the competent court.
- d) The person broadcasting or publicizing unlawful information constituting an offense committed through the media would be accountable for his actions.
- e) The media organization is not permitted to release information amounting to denouncements about a Deceased persons or a person of unsound mind. In case this occurs the prescriptions of sections a, b, and c, of this article would be applicable where the direct heirs will have to raise the case to a competent court.

Art. 17
Compensation.

Any persons or agency suffering defamation or wrongdoing from a media organization will have the right to register a complaint and ask for compensation equal to the suffered damage.

Art. 18

Obligatory Release of information.

The media organization that was punished for a committed offense, payable fine or compensation should broadcast the sentence. In case the media organization fails to do so, the agency will be fined an amount equal to the exchange rate of USD 500 up to USD 1,500.

Art. 19

The State Media.

The Ministry of Information would be responsible for the state Media where the ministry would nominate directorate for coordinating government media agencies, the privately owned media and the international media.

- a) The Ministry of Information will have News agency; the Somali news Agency – SONNA which will have the obligation of exploring and distributing the information received. SONNA will respond to the demands and requests of the state media agencies, private media and the international media for data details. SONNA will have the right to quote the information released by the international media, local media and privately owned media.
- b) The state will have its own radio service, TV, newspapers, printing agency, and websites, poets, handcrafts, theatre. Such state media agencies will have the obligations of presenting information, programs, films, dramas in which they will compete with the privately owned media.
- c) The state media will operate autonomously its media activities while respecting the existing media ethics...

Art. 20

Media Cooperation

- 1) The establishment of media cooperatives between the state media agencies and the private media is permissible under this law in order to encourage the improvement of the national media. The media in question could include the operating media at present and the future registered Medias.
- 2) Any agreement concluded under section 1 of this article should be undertaken in a legal notary with the presence of **the government prosecutor attorney general** and a copy of the agreement should be registered in the regional court. The registered agreement will be kept or archived in the regional court.
- 3) The concluded agreement between the state media and the private media should explicitly demonstrate the conditions of the agreement and the duration of its validity, the objectives and any other pertinent and significant issue.
- 4) Any media organization emerging from a concluded agreement should respect the provisions of the media law and other laws of the state.

Art. 21

The Journalist.

1. Any Somali graduating from the media training institutes or having equivalent qualifications or having acquired knowledge of the media profession and have been trained with the journalist skills and gained experience inherited from working as journalist.
2. The media profession is an open profession for every person interested in the field of journalism as is prescribed by the state laws and international conventions.

3. Other skilled and experienced technicians engaged in journalism and media will be regarded members of the media profession and should respect the code of ethics of journalism. Members of the media mentioned here above should receive the same respect offered to the journalist.

Art. 22

Obligations of the journalist.

1. The journalist should be a competent person free to undertake his profession and should be truthful while disseminating information where he/she should specifically identify his sources.
2. The journalist should not violate the rights of the person, organization, religious centers and the ethics of national traditions...
3. The journalist should avoid the dissemination of fictitious information and denouncements that can damage the stability and unity of the nation and that can jeopardize the peaceful cohabitation of the public.
4. The journalist should preserve the dignity, the privacy and the rights and the dignity of the people providing him/her with the information and he/she should demonstrate admiration.
5. The journalist is not allowed to collect secret information or personal photographs in a deceptive manner or theft not legally permissible.
6. Officials responsible for the media and the press and the correspondents should release thoroughly edited material, and should preserve impartiality demonstrating truthfulness while not damaging the freedom of press.
7. a) If the media or the correspondent releases information received from a person requesting confidentiality, the reason for the confidentiality should be evaluated before broadcasting the information. If his/her anonymity is reasonable by the media, the information can be publicized.
b). In case the released information creates grievances or complaints the confidentiality will be lifted and the identification of the source would be exposed in front of a court if need arises through a secret session in order to respect the safety of both sides.

Art. 23

The Rights of the Journalist.

1. The journalist has the right for the preservation of his/her personal security, his dignity and should demonstrate freely all the real information received through his profession.
2. The journalist has the right to receive all information he/she needs where there are no reasonable conditions not allowing him/her to receive such information.
3. The state should encourage and facilitate for the journalists with additional trainings concerning the improvement of the occupation.
4. Owners of the media and the correspondents can have their private and separate unions in order to defend their personal interests.
5. Owners of the private media should preserve the rights of the journalist and the technicians in matters concerning;
 - i) Employment Agreements.
 - ii) Working hours.
 - iii) Holidays and sick leaves.
 - iv) Dismissal or release for the employment and the related rights.

6. The owners of the media, the journalists and the technicians will have to respect the existing labor codes of the state.

Art. 24
Preservation of the Copyrights

The source of any data and idea should be exposed before the utility and reference of such information. It is totally unacceptable to refer or quote ideas and information data whose source is not identified accordingly.

b) It inadmissible is to print, publicize or reproduce written materials, literature, pictures and films without the reception of approval from the person directly concerned.

t) The designer or the broadcaster has the right to register and open a case in front of the regional court in case the rights mentioned in this article section (b) are violated.

Art. 25
The Preservation of the Code.

Government institutions who are assigned for criminal investigation has the authority to trace and look after the violations undertaken by the related activities of the media. The case should be taken to the authorized court of that trial.

Art. 26
The Law.

The right to enter any alteration in the media law rests with the suggestions of the national media council and the ministry of information in case need arises.

Art. 27
Enforcement of the Law.

The present media law will be enforced after the approval of the transitional Federal parliament and the issuance of the decree of the President of the State where the law is publicized in the official bulletin of the state.