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## **Somaliland Press & Publications Bill 2007**

This English Language translation of the Somaliland Press & Publications Bill is largely based, word for word, on the English language version of the Yemen Law No: 25 of 1990 on the Press & Publications, and the remainder has been translated into English language by **Ibrahim Hashi Jama, LL.B, LL.M, editor, somalilandlaw.com**. Although Article 120 of this Government drafted Bill states that the “English version” is the official version, the House of Representative were sent the Somali version only. The Somaliland House of Representatives normally insists that bills should be submitted to them in the Somali language, and it is highly unlikely that the House will agree to a foreign language version of a bill being considered as the official one, when a Somali version is available.

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## **Somaliland Press & Publications Bill 2007**

### **(As presented to the House of Representatives in early November 2007)**

In the name of Allah, the Compassionate and the Merciful

” Nuun - by oath of the pen and by oath of what is written by it.” “Nuun. By the Pen and what (angels) write (in the Records of men).” Sura 68:1

#### **The Somaliland Constitution:**

“Every person shall have the right to have his dignity, reputation and private life respected.” Article 24(3).

“The freedoms of the person shall not override the laws protecting the public morals, the security of the country or the rights of other individuals.” Article 25(4)

“Every citizen shall have the freedom, in accordance with the law, to express his opinions orally, visually, artistically or in writing or in any other way.” Article 32(1)

“The press and other media are part of the fundamental freedoms of expression and are independent. All acts to subjugate them are prohibited, and a law shall determine their regulation.” Article 32(3)

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## **Section 1: Definitions and General Principles**

### **Part 1: Definitions**

#### **Article 1:**

This law shall be known as the “Press and Publications Law”.

#### **Article 2:**

For the purposes of the application of this law the words set out below shall, provided it is not specified otherwise, bear the meanings appearing opposite them,.

**PUBLICATION:** Means anything which is published regularly under a certain name, date and serial number and which covers various subjects such as news, comment, or social , political, economic, agricultural, cultural, religious, academic, vocational, defence, artistic, sport etc matters.

**THE PRESS:** The profession of seeking facts, information and news, collecting them and writing or transforming them into articles, columns, investigations and analyses and preparing programs and commentaries, drawing of cartoons, photography, press publication and the review and writing of headlines via the written, audio and visual media.

**NEWSPAPER:** Any journal or magazine which appears regularly under a single name at specified intervals for the purpose of public circulation.

- NEWS AGENCY:** An institution of the press which monitors and seeks news, prepares news reports, produces written, audio and visual investigations and analyses and distributes them by various means.
- PRINTING PRESS:** Any machine or group of machines or equipment intended for the printing or recording of words, drawings or pictures for publication or circulation. This does not include equipment for photography, normal typewriters or the machinery used for the photocopying of documents and papers.
- PUBLISHING HOUSE:** Anyone who prepares and puts together printed material for printing, publication and sale.
- PUBLISHER:** Any individual or company who publishes any printed material in his name or that of the company.
- DISTRIBUTOR:** Any individual or company who takes it as his profession to trade in the sale and distribution of newspapers and other printed material and to offer it for circulation to the society/public.
- PRINTED MATERIAL:** All writings, drawings, audio and visual tape recordings, pieces of music and photographs prepared through modern technical means for transmission or circulation to the society.
- PUBLIC CIRCULATION:** The offer on display of newspapers, magazines and printed material at places where they can be sold for purchase and viewing by the public.
- BOOKSHOP:** Premises intended for the display and sale of printed material.
- NATIONAL LIBRARY:** Premises for the storage of historical writings and other printed material, whether issued regularly or irregularly.
- DEPOSITION:** Premises for preservation and archiving of printed material.

## **Part 2: General Principles**

### **Article 3:**

Freedom of knowledge, thought, the press, expression, communication and access to information are rights of the citizen which enable him to express his thoughts orally, in writing or in pictorial or in drawing form or by any other means of expression. These rights are guaranteed to every citizen by Article 32( 1 & 3 ) of the Constitution of the nation and by the provisions of this law. The scope of this right can be limited, as required in a democratic society, for the sake of protecting the honour and integrity of other citizens and the protection of the public health and morals; the security of the nation; the safeguarding of the society; the maintenance of the indivisibility of the country, the prevention of criminal acts; the protection from disclosure of matters considered to be national secrets; and to ensure that the justice and judicial branches are respected in the execution of their duties and for their impartiality.

### **Article 4:**

The press shall be independent and shall have full freedom to practise its vocation. It shall serve society, contribute to the formation of public opinion and shall undertake its various activities without contravening the Islamic creed, the principles of the Constitution, and the aim of strengthening the national unity: No obstacles may be placed in the way of its activities except in accordance with the provisions of this law.

### **Article 5:**

The press shall be free to print what it pleases and to gather news and information from its sources. It shall be responsible before the law for what it prints.

**Article 6:**

The law assures the protection of journalists and authors or writers, and it provides the legal guarantees necessary for them to practise their profession, to enjoy freedom of expression and immunity from interference so long as they are acting in a lawful manner consistent with the provisions of this law.

**Article 7:**

The following provisions set out the aims and objectives which the Press ought to follow or fulfil in the Republic of Somaliland:

1. To add beneficially to the thoughts and opinions of the public, and to increase their knowledge.
2. To promote the objectives set out in the Constitution of the Republic of Somaliland.
3. To persevere in combating rumour-mongering aimed at dividing the society or at creating conflict among its diverse sections along the lines of clan, ethnicity, customs, provincial culture etc.
4. To campaign against the adoption of false or corrupting practices, so that it can contribute to the observance of proper Islamic conduct and of good principles.
5. To observe and strengthen the principles of impartiality.

**Section Two: Terms of Work of Somaliland and Foreign Journalists****Part 1: Conditions of working in the Press**

**Article 8:** Any person working as a journalist shall:

- a) be a Somaliland national,
- b) be at least 21 years old,
- c) enjoy full citizen's rights,
- d) not have been found guilty by a court of an offence against honour and integrity or had such previous conviction extinguished by order of a court,
- e) be the holder of professional qualifications from a university or institute or have experience of not less than three years,
- f) work continuously and effectively in journalism.

**Article 9:**

In addition to fulfilling the conditions set out in Article 7, a chief editor shall:

- a) not work for a foreign state,
- b) be at least 25 years old,
- c) have perfect knowledge of the language in which the newspaper is published,
- d) have experience and professional journalistic knowledge of not less than five years for holders of university or institute qualifications or otherwise have experience in journalism, for a period of not less than eight years.
- e) have to work in this job on a full-time basis.

**Article 10:**

A journalist shall lose his journalist status if he:

- a) ceases to fulfil any one of the conditions set out in Article 8 of this law,
- b) is dismissed in accordance with the law for an offence which brings disrepute or dishonour to the profession of journalism,
- c) leaves or abandons the work voluntarily to take up work alternative profession or work.

**Article 11:**

The Ministry of information shall issue Press Facility Cards. In addition to the conditions set out in Article 8 of this law, recipients shall:

- a) have a degree from a university or institute in journalism or information and not less than one year's experience in journalism, or
- b) have a degree from a university or institute and not less than two years' experience in journalism, or
- c) have the general secondary school graduation certificate or its equivalent and at least five years' experience in journalism, or
- d) have sufficient experience in journalism of at least 10 years.
- e) Have Journalists' Association endorsement on his certificates as an attestation.
- f) The design of the Press Card, the data on it and the rules for issue, renewal, withdrawal and cancellation shall be laid down by the Ministry of information.

**Article 12:**

Holders of Press Cards shall enjoy all the constitutional rights and freedoms provided to journalists by this Law.

**Article 13:**

Subject to the provisions of Article 11 of this law, applications for the issue of a Press Card, supported by the other necessary documents, shall be made to the Ministry of Information. If a reasoned refusal is given or no answer has been received within 30 days, the applicant has the right to appeal to the appropriate authority within 30 days of receipt of the refusal or of the passage of thirty days since the submission of the application with no response.

**Part two: Rights and duties of journalists**

**Article 14:**

A journalist may not be interrogated on opinions which he has expressed or published, and thereby subjected to harm, unless what he expressed or published was directly contrary to the law.

**Article 15:**

A journalist has the right to obtain news or (*sic*) from his sources and to publish or not publish them. He has the right to preserve and protect the confidentiality of his sources and he cannot be forced to disclose their identity.

**Article 16:**

A journalist has the right to refuse to prepare or to write press material which is in conflict with his beliefs or views or offends his conscience as a journalist. He has the right, in line with the Constitution, to make comments, as he sees fit, so that he can express his opinions regardless of differences in opinion or points of view.

**Article 17:**

A journalist has the right to peruse official/governmental reports, news and other governmental information, and officials possessing such items shall make it possible for him to make use of such matters.

**Article 18:**

- a) A journalist shall have the right to be a correspondent for one or more local or foreign press bodies at the same time provided that he obtains a licence, renewable every two years, from the Ministry of Information.
- b) A journalist has the right to cover/report on any local or international event regardless of the nature of relations between the country in which that event occurs and the Republic of Somaliland.

**Article 19:**

A journalist shall not be dismissed, transferred to work other than journalism, suspended from working, prevented from writing or held to account for his articles, except as provided for in this law.

**Article 20:**

A journalist may protect his rights through his journalists union and by the legal means provided for in the Constitution and guaranteed by the law and he may have direct recourse to the judicial bodies in accordance with the laws.

**Article 21:** A journalist shall, in all he publishes, respect the principles relating to the sovereignty and independence of Somaliland and shall not contravene this law.

**Part 3: the responsibilities of journalists**

**Article 22:**

Journalists shall have the right to form associations/links. These associations shall be independent. The associations may, through voting, lay their own rules, which should not be in conflict with the provisions of this Law. The Chairman of the association shall be elected in a democratic manner and shall be a member of the association's Board of Directors.

**Article 23:**

The Journalists' association shall issue codes of conduct implemented within the association and which include the fundamental principles which are binding on journalists:

- a) To respect the facts and the right of the public to know about these facts.
- b) A Journalist shall publish news and, whilst he is solemnly (in the name of Allah) aware that he has no personal interest in it, to comment on the news or analyse it in an objective and judicious manner.
- c) To narrate or publish news from a known source. Journalist must not falsify news or documents.
- d) To utilise proper and ordinary ways and means for obtaining news, photographs or documents.
- e) To retract any news that may foster misunderstanding or is difficult to substantiate.
- f) To avoid publishing any news that may cause disorder and confrontation based on clan, citizenship, creed, religion, politics or sectarianism, race or ethnicity, property ownership or social standing.
- g) To respect matters which are confidential or personal to an individual.
- h) Writing or pictures which are immoral or contain blasphemy are prohibited and shall not be published or distributed.
- i) It is prohibited to infringe a person's right to a hearing at a court, on which, as set out in the Constitution of the Republic of Somaliland, justice is based.
- j) The occurrence of the matters listed below are infringements and wrongful acts and run counter to the interests of the Press:
  - ✓ *Theft of others' writings or of information belonging to others, which have been re-produced*
  - ✓ The deliberate publication of news in a wrongful way so as to sway the opinion others have of someone or other persons.
  - ✓ Telling lies about someone, smears and defamation
  - ✓ Bribery or seeking benefits on the basis of news published or withheld.

**Part 4: Terms of work of foreign journalists**

**Article 24:**

A journalist may be accredited as correspondent of one or more of the foreign media owned by persons in another country or media owned by foreigners once he has been granted such accreditation.

**Article 25:**

The Ministry of Information may accredit a journalist as a correspondent for a foreign news agency, newspaper radio or television stations for a period of one year, which may be renewed thereafter. Such journalists shall be able to carry out their journalistic work within the country. The Ministry may refuse or cancel accreditations.

**Article 26:** Correspondents of the both the local and foreign media shall enjoy the following privileges:

- a) right of residence for the person and family,
- b) right to an entry visa for himself and family,
- c) the opening of an office with the permission of the Ministry of Information,
- d) travel throughout the country to obtain information, of which the Ministry of Information shall kept informed in advance,
- e) the rights and privileges set out in all regulations and laws.

**Article 27:**

a) A journalist or a correspondent working for a newspaper or other press shall respect and adhere to the laws in force in the country and shall also respect the sovereignty and independence of the country, the creed, religious law, culture and traditions of the Somaliland nation. He shall engage in no activity which endangers the peace and security of the country.

b) Journalists referred to in item (a) above shall gather news only through legal means.

**Article 28:**

The Ministry of information has the right to grant a press accreditation card to a foreign journalist, and to withdraw, or refuse to renew it, without giving any reasons. The withdrawal of such a card shall result in the loss of the right of residence or stay in the country for such foreign correspondent unless there is another reason, not contrary to the provisions of this law, which allows him to remain in the country.

**Article 29:**

The Ministry of Information shall issue regulations setting out the conditions under which foreign journalists may work in the various Somaliland media – whether written, audio or visual.

## **Section Three: Organisation of the Activities of Newspapers and Magazines**

### **Part one: Publication and ownership of newspapers and magazines**

**Article 30:**

The right to own and distribute newspapers and magazines is guaranteed by the Constitution in accordance with the provisions of this law for all citizens, political parties, private companies and public corporations, international organisations, Government Ministries and agencies.

**Article 31:**

Any person wanting to publish a newspaper or magazine shall write an application to the Ministry of Information containing the following:

- a) Full name address and the title for which the licence is sought.

- b) Full name, title, address and the level of knowledge of the responsible editor-in-chief, editors and publisher, if applicable.
- c) The name of the printing press at which the paper is to be printed if the publisher does not own his own press.
- d) The name of the newspaper or magazine, the language in which it is to be issued, the frequency of its publication, its nature and title. A newspaper or magazine shall not bear the same or a closely similar name to that of an already existing newspaper or magazine.
- e) The banner or emblem of a newspaper or magazine shall not be the same or similar to that of an already existing newspaper or magazine.
- f) A statement of the assets of the newspaper or magazine and the name of its bank, in accordance with the provisions in paragraph (a) of Article 26 of this law- (*sic- as printed in the Bill. This should read, however, paragraph (e) of Article 42*)

**Article 32:**

The decision of the Minister of Information issuing a licence shall contain the following:

- a) The name of the newspaper or magazine,
- b) Its address,
- c) its own printing press in accordance with the provisions of this law, if applicable,
- d) its nature – political, economic, social, cultural, artistic, etc.,
- e) its frequency of issue, (*and*)
- f) the responsible editor.

**Article 33:**

The licence of a newspaper or magazine shall be considered void (*as follows*):

- a) Any change in the information presented when the application for the licence was made, unless the Ministry of Information was previously informed of such change.
- b) For daily newspapers, if they fail to appear for a consecutive period of three months; for weekly and fortnightly magazines if they fail to appear for six months, and if quarterlies if they fail to appear for one year.
- c) If the newspaper or magazine is not issued during the six months following the granting of the licence.
- d) If the owner asks for the cancellation of the licence.
- e) If the company licensed to issue the newspaper disintegrates or is dissolved.
- f) After the death of the licensed owner, if his heirs are unable to issue the newspaper within a period of one year from the date of death.

**Article 34:**

Two or more newspapers may be merged, in which case the individual licences (of both) shall, on application, be exchanged for another one.

**Article 35:**

- a) Any person licensed to issue a newspaper or magazine shall inform the Ministry of Information in writing of any expected change in the information contained in the licence application at least one week in advance, or within one week of its occurrence, if the change were unexpected.
- b) If the change involves the appointment of a new editor-in-chief, the conditions required for an editor-in-chief apply, and such change must be published. If the change relates to the name, emblem, or owner of the paper, it must be made published in another newspaper.

**Article 36:**



The conditions in Articles 31 and 32 of this law relating to the publication of newspapers and magazines do not apply to the newspapers of political parties, international organisations, ministries and other governmental agencies.

**Article 37:**

Political parties, ministries, other governmental agencies, international organisations, and government authorities shall submit the names of the responsible editor and team of journalists to the Ministry of Information; and shall inform the Ministry of any changes within 10 days of their occurrence.

**Article 38:**

The editor shall bear full responsibility for everything published in the newspapers of political parties, governmental agencies and international organisations, in accordance with the provisions of this law.

**Article 39:**

Every newspaper and magazine shall have an editor-in-chief who shall be responsible for everything published in the paper and shall exercise control over it. The newspaper shall also have a number of editors answerable to him and who manage its various sections. The owner of the newspaper may serve as the editor-in-chief or a responsible editor if he fulfils the conditions set out in this law.

**Article 40:**

Every issue of a newspaper shall carry in easily clearly visible manner the names of the editor-in-chief, the publisher, and of the press where it was printed. It shall also carry the date of issue, the cost of subscription, the price per copy and its frequency of publication.

**Article 41:**

Supplements may be published by newspapers and magazines at times different from the original publication provided that it is stated clearly that they are supplements and carry the same name and emblem as the original publication.

**Article 42:**

The owner of a newspaper or magazine shall:

- a) be a citizen,
- b) have full citizen's rights,
- c) not have been found guilty by the court of an offence against honour or integrity or had such conviction extinguished by a court or other hearing,
- d) if the owner is a shareholding company, all its equity must be held by Somalilanders only,
- e) raise/replace capital for the newspaper or magazine as specified in the regulations to be issued by the Ministry of Information. Newspapers of political parties, international organisations, ministries and government agencies are exempt from, and are not affected by this Law.

**Article 43:**

- a) The owner of a newspaper may, with the written consent of the Minister of Information, transfer the ownership of a newspaper or magazine to another citizen who fulfils the conditions set out in this law.
- b) The person transferring the ownership must present an application to the Minister of Information proving that the new owner fulfils all the necessary conditions, required of an owner, laid down in this law.

**Article 44:**

A newspaper may publish an article under a pen name provided that the real name of the writer is known to the newspaper.

**Article 45:**

A newspaper has the right to publish them or not information and news obtained from its sources.

**Article 46:**

The editor-in-chief may accept writings/articles submitted by the public. He may refuse to publish such writings if they contravene the provisions of this law. Writers whose writings have been refused publication may appeal to the Minister of Information.

**Part 2: The structure of print journalism****Article 47:**

- a) Each published newspaper shall appoint a Director, who is a Somalilander, and, who prior to the commencement of the daily activities of the publication, enjoys his full political and citizenship rights; and shall publicise its objectives or “editorial statute”.
- b) The Director shall be assisted by deputy or assistant directors.
- c) If, for any circumstance, the Director is unable to fulfil his duties, he shall be replaced by his deputy or assistant or by the editor.

**Article 48:**

In general, the following is incumbent on the Director:

- a) The preparation/forwarding of the standards, keeping abreast of and finalising the contents of the newspaper or magazine.
- b) The chairing of the meetings of the Board of Directors.
- c) The appointment of the editor-in-chief, as advised by the Board of Directors.
- d) The representation of the newspaper or magazine at important meetings in accordance with his powers and skills, and the responsibilities of his post.

**Article 49:**

Where the reporters are more than five (5) professionals, an editorial board, elected by the professional reporters who work for the newspaper or magazine from amongst their members, shall be appointed in accordance with this Law.

**Article 50:**

The Board of Directors shall:

- a) Co-operate with the publishing management so as to safeguard the standards of the newspaper or magazine.
- b) Advise on the various aspects of the newspaper or magazine, which relate to or fall within the journalistic activities of the newspaper.
- c) Advise on the appointment of the editor-in-chief.
- d) Advise on the recruitment, discipline or dismissal of professional reporters.
- e) Express opinions on the formulation of and changes in the editorial statute.

**Part three: Financial supervision of newspapers and magazines**

**Article 51:** It is forbidden for newspapers and magazines to accept subsidies or gifts of any kind, from non-Somalilanders.

**Article 52:**

It is forbidden to open subscription lists to meet any fines, duties or compensation owed to their employees or printers/publishers.

**Article 53:**

Owners of newspapers and magazines shall keep ledgers based on sound accounting principles and shall select specific accountants and auditors to supervise or audit the annual accounts.

**Article 54:**

The Ministry of Finance shall scrutinise newspapers' financial accounts, budgets and vouchers so as to ensure that they comply with the provisions of this part of the law. The officials of the Ministry of Finance shall preserve the newspaper's confidential information except where the law has been violated.

**Part four: Circulation of newspapers, magazines and other publications**

**Article 55:**

No newspaper, magazine or other publication may be put into circulation unless it carries clearly, on any of its pages, the names of the newspaper, magazine or publication; the publisher and the editor-in-chief; the date and place of issue; the price per copy; the cost of subscription; the number of the issue; and the names of the printing press and the publishing house.

**Article 56:**

Any person who wishes to carry on the business of import, sale, distribution and circulation of newspapers and magazines shall obtain permission in writing from the Ministry of Information prior to such activity.

**Article 57:**

Any newspaper, magazine or publication printed outside Somaliland may be circulated according to the law in force provided that it does not contain forbidden material. The Minister concerned has the right to prohibit the circulation of any newspaper, magazine or other publication if it contravenes the laws of the land.

**Article 58:**

- a) The owner of a newspaper, magazine or other publication has the right to appeal against the imposition of a prohibition of circulation.
- b) The imposition of prohibition of circulation of a newspaper, magazine or other publication does not preclude the taking of measures which are in line with this law.

**Article 59:**

Businesses which sell office equipment, newspapers, magazines and other publications may be opened only with the written permission obtained from the appropriate department of the Ministry of Commerce. No permission is required by those shops which distribute newspapers, magazines and other publications as an additional activity, which is not their principal source of income.

**Part five: Rights of correction and reply and official communiqués**

**Article 60:**

The right of reply and correction is to be enjoyed by citizens, political parties, local and international organisations, ministries, other governmental agencies and companies and may be exercised by their representatives if the material published concerns them.

**Article 61:**

Whenever a newspaper or a magazine publishes/distributes an article in which an individual or a body has the right of reply in line with the circumstances set out in this law, it shall be respected even if it is not apparent that there are clear aspersions cast or libel.

**Article 62:**

The editor-in-chief shall publish the correction and reply in the same page, typescript, language and space of the in which the writing being responded to has appeared, without payment, and in accordance with the following:

- a) the request of the person concerned,
- b) the request of the heirs or of the official representatives, if the writing concerned a person who has died,

c) the reply or correction reaches the editor-in-chief not later than three months after publication of the item for to be corrected.

**Article 63:**

The editor-in-chief shall publish a reply or correction within three days of receiving it if the newspaper is a daily or in the next issue if it a periodical.

**Article 64:**

The editor-in-chief shall publish without any payment, in his next issue and in the area reserved for important news items any official press releases issued by the political parties, which relate to the public interest and shall correct any previously published items on this subject.

**Article 65:**

The newspaper or magazine may refuse to print corrections if:

- a) the conditions stipulated in Article 62 no longer apply,
- b) the newspaper or magazine has already made the correction,
- c) the request is signed by an alias or is not in the language in which the item to be corrected was written.

**Article 66:**

The complainant may appeal to the Minister of Information if the editor-in-chief does not issue/publish the correction or reply.

**Article 67:**

A publisher shall correct unconfirmed news and reported incidents at the same time that he becomes aware of the truth about these items. The complainant may submit a written appeal to the Minister of Information or to the courts if the publisher does not issue the reply.

**Part six: Advertisements**

**Article 68:**

Once written permission from the Ministry of Information has been obtained, advertising agencies may carry on their advertising activities whilst using any proper means to display commercial advertisements on film or on any other ways.

**Article 69:**

Newspapers shall fix their tariffs for advertisements in consultation with the journalists associations and shall submit a copy of their tariffs and any subsequent changes to the Ministry of Information so as to ensure that newspapers are adhering to their decisions.

**Article 70:**

Advertisements shall be distinguished from other material published in a newspaper by the placement of a title pointing out "advertisement".

**Article 71:**

If a newspaper publishes an advertisement without the approval/request of the concerned party, the latter does not owe any payment for the advertisement.

**Article 72:**

Any pictures, commentaries or writings sent for publication by international organisations to record their achievements shall be treated as advertisements.

**Article 73:**

The fees for such advertisements shall not exceed those charged for other similar advertisements.

**Article 74:**

No advertisement shall contain material which is prohibited according to the provisions of this law. The editor-in-chief can stop the printing and publication of such advertisements.

**Article 75:**

The Ministry of Information is responsible for issuing the grant of licences/permits for advertising businesses/agencies and for the places used for advertising. The Ministry shall define the conditions for the submission of applications for such licences.

**Section 4: Provisions governing printing presses, publishing houses and the legal repository**

**Part one: Printing presses**

**Article 76:**

A licence from the Ministry of Industry shall be obtained to set up a printing press and the application, which shall be directed to the appropriate department of the Ministry, shall contain the following information:

- a) The name, residence address and date of birth of the owner of the printing press,
- b) The name of the printing press, the number and types of machines installed, its location and address of its administration,
- c) The name, address and date of birth of the person responsible for running the printing press,
- d) The number in the commercial register.

**Article 77:**

The responsible director of a printing press shall:

- a) possess full citizen's rights,
- b) not have been found guilty of a criminal offence concerned with this profession or has his reputation restored by a court,
- c) be at least 25 years of age,
  - (i) have no less than 5 years experience in printing presses,
  - (ii) not be the director of another printing press at the same time.
- d) Where the printing press takes the form of an establishment or a share-holding company:
  - (i) the shares must carry the names of the owners,
  - (ii) the necessary information about the owner of the printing press and its board of directors must be presented to the Ministry of Commerce in line with the Company Law.

**Article 78:**

The Ministry of Industry shall take the decision on the licence application within 30 days of its presentation. If 30 days passes without a decision or if the Ministry turn down the application, the applicant has the right to appeal to the appropriate court within 30 days of notification of the refusal.

**Article 79:**

The owner or responsible director of a printing company must inform the Ministry of Industry of any changes which may occur in the information contained in the application previously submitted to the Ministry, a week before the change, which was known beforehand, or if the change was unexpected, within a week of its occurrence.

**Article 80:**

The owner of a printing press may transfer the ownership subject to obtaining prior written authorisation from the Ministry. The application for authorisation shall contain all the

necessary information and supporting documents so that the necessary conditions can be fulfilled.

**Article 81:**

If the owner of a printing press dies, his heirs shall inform the Ministry in writing within two months of the date of death and the licence so that the ownership can be transferred to them unless they decide to discontinue the business of the printing press.

**Article 82:**

- a) The owner of a printing press or the responsible director shall maintain a register which has all its pages stamped and in which all the details of material printed on the press are recorded. These details include the titles/names of the materials printed, the dates, the author/s of the materials and the number of copies printed.
- b) The owner or the responsible director of a printing press shall submit the register to the appropriate department of the Ministry so that it may be endorsed on the first or last page indicating the register's number of pages, the date of submission to the Ministry, the name of the printing press and its owner or responsible director and the number of the licence.

**Article 83:**

All printed materials shall carry clearly on one of their pages the name and address of the printing press, the name and address of the publisher and the date of the printing. It shall also carry in an appropriate page the name of the writer/author and copyright details.

**Article 84:**

No printed material may be printed or reprinted without the permission of the copyright holder whether that is an individual or a company.

**Article 85:**

The owner and the responsible director of the printing press shall bear full responsibility and are accountable for the release of any writing printed by their press, which contravenes the law.

**Article 86:**

Articles 83, 84, and 85 of this law do not apply to material printed for commercial purposes.

**Part two: Publishing houses**

**Article 87:**

A person wishing to establish a offices/businesses for publishing printed materials (*hereinafter referred to as publishing house*) shall apply to the appropriate department in the Ministry of Information. The application shall contain the following information:

- a) The name, address and date of birth of the owner of publishing house.
- b) Place of residence, or full address.
- c) The name and location of the office/business.
- d) Its nature.
- e) The name, address, title and date of birth of the responsible director.
- f) The name of the printing press which prints the materials published, if it does not possess its own printing press.
- g) If the publishing house is a share-holding company, the name and address of each member of the board of directors/management, or advisory board, and the capital of the company. A copy of the articles of association of the company and of its constitution shall be deposited at the Ministry of Information.

**Article 88:**

- a) A person who wants to set up a publishing house shall:

- (i) not have been found guilty of a criminal offence concerned with the profession unless the previous sentence has been extinguished at a court hearing.
  - (ii) If the publishing house is a share-holding company, the shares and the names of their owners must be identified.
- b) The director of a publishing house shall fulfil the conditions laid down in Article 77 (*of this law*).

**Article 89:**

Every publishing house shall have an advisory board composed of persons with ability, knowledge and experience in the tasks facing them.

**Article 90:**

The publisher's name and address shall appear on the first or last page of all printed material issued by the publishing house.

**Part three: Legal repository**

**Article 91:**

a) All printed material shall carry on the first or last page reference to the number of their deposit at the National Library,

b) Copies of printed materials, newspapers, magazines, books, literary and artistic writings shall be deposited at the General Repository.

**Article 92:**

When a newspaper, its associated prints, a magazine or any other printed material is issued, five copies shall be deposited with the appropriate Ministry or its relevant departments, such as the Ministry of Information or the Ministry of Culture or their branches in the regions in which the publication is issued; and five other copies shall be deposited with the National Library in the capital or in the region. A receipt shall be given for these deposits.

**Article 93:**

If a reprint of a printed material is carried out without alteration, five copies shall be deposited with the appropriate departments of the Ministries of Information and Culture or with their offices within the region the reprint is issued, and two copies shall be deposited with the National Library.

**Article 94:**

Five copies of any printed material authored or translated by any Somalilander residing outside the country shall be deposited with appropriate department of the Ministry of Culture.

**Article 95:**

Importers of any printed material shall deposit two copies of each imported publication with the Ministry of Culture before circulation. If the number of copies imported is limited, only one copy may be deposited.

**Article 96:**

No printed material may be circulated unless it is registered and deposited in accordance with the provisions of this law.

**Article 97:**

The conditions set out Articles 91, 92, 93, 94, and 95 do not apply to materials printed for commercial purposes.

## **Section Five: Prohibitions on Publications and Penal Provisions**

### **Part one: Prohibitions on publication**

**Article 98:**

Persons employed in radio, television and print journalism and especially those employed in responsible positions in radio and television, owners and editors-in-chief of newspapers, owners of printing presses and publishing houses and journalists, shall be bound to abstain from and avoid the circulation, printing or publication of:

- a) Anything which maligns the Islamic faith and its lofty principles or belittles other religions or other human creeds.
- b) Any document or information considered secret or confidential in accordance with the law, (*the exposure of*) which might jeopardise the national public interest or uncover the nation's security and defence (*interests*).
- c) Anything which may cause tribal, sectarian, racial/ethnic, regional or ancestral discord, or which may spread disorder and division among the Somaliland people or call on them to apostasise.
- d) Anything which spreads ideas contrary to the principles of the national sovereignty and unity or distorts the image and standing of the citizens and their religious heritage.
- e) Anything which undermines public morale and spirit or prejudices the dignity and honour of individuals or the freedom of the individual and which include smears and defamation.
- f) Decision made by the higher national bodies which are top secret and are not meant for publication.
- g) The details of cases during the stages of investigation in ways which might prejudice the final decision. During these stages, the criminal investigation departments, the police, the prosecution service and the judiciary shall determine matters which cannot be published.
- h) The intentional publication of false information or news with the aim of influencing the economic trends or of changing the existing circumstances or of spreading chaos and confusion in the country.
- i) Inciting the public to use violence or terrorism.
- j) Advertisements containing texts or pictures which are inconsistent with Islamic values so as to defame or libel individuals and attack the rights of others or mislead the public.
- k) Publishing news, pictures or drawings which enable the readers or listeners to recognise the names of:
  1. Any persons involved in cases concerning paternity suits, marriage or divorce, or child custody.
  2. A child/baby aged less than 18 years who is involved in a criminal case.
  3. A woman who is involved in a case concerning rape or indecent assault.
- l) Advertisements for pharmaceutical preparations, female beauty aids or foodstuffs without the permission of the relevant body.
- m) The provisions of this Article shall not apply to architectural plans or maps.

**Part two: Penal provisions****Article 99:**

Without prejudice to any more severe penalties set under another law, any person who contravenes the provisions of this law shall be subject to a fine not exceeding twenty (20) million Somaliland shillings or a period of imprisonment not exceeding two years.

**Article 100:**

The court may order the closure of a newspaper, printing press, publishing house or premises for the circulation of printed material or similar products which have been opened without the proper licences provided for in this law.

**Article 101:**



In addition to above penalties, the court may order the imposition of any of the following:

- a) interdiction, for a period not exceeding one year, of an accused person from continued practice of the profession of journalism, publication and circulation of printed materials or from the business of the import, export, renting or sale of cinema films and of any other ways of exhibiting, in line with the provisions of this law.
- b) Confiscation of property.

**Article 102:**

A newspaper or other printed material may, by a decision of the Minister of Information or his deputy, be seized if it has been printed, or circulated in violation of the provisions of this law. The matter shall be brought before the courts to rule on whether the material seized should be confiscated. The person concerned has the right to appeal against the decision of seizure or to bring a claim to the appropriate court for compensation against whoever ordered the seizure.

**Article 103:**

The editor-in-chief shall be held fully responsible and accountable for any breach of the law committed by a writer or artist in a work appearing in his publication, unless it can be proven that he had no knowledge of the breach of the law before the publication took place.

**Article 104:**

The importer and distributor of any printed material, newspaper, magazine or artistic composition containing written pieces, symbols (*or*) photographs published abroad which contravene this law shall be liable to the penalties set out in Article 99.

**Article 105:**

Any journalist or owner of a newspaper (*or*) publishing house who is proven to have taken/accepted bribes or gifts to create undue disorder or disturbances among the public shall be liable to the penalties set out in Article 99 of this law.

**Part 3 Procedures for proceedings and penalties**

**Article 106: Institution of proceedings**

1. Without prejudice to the investigation procedures of the relevant security forces, or suits brought privately against defendants, the Attorney General shall order the relevant agencies to commence the proceedings for the infringements set out in this Law and for the contraventions which merit imprisonment, as set out in the Penal Code, that are committed by the press.
2. In the same way, and without prejudice to the investigation procedures of the relevant security forces, the Attorney General shall order the commencement of the proceedings for allegations that may, as set out in this Law, merit imprisonment, and shall ask that it should be confirmed whether or not the press has committed a crime.
3. The commencement of the proceedings for the contraventions, set out in this Law, committed by the Press and of those meriting imprisonment, as set out in the Penal Code, shall be triggered by the persons alleging that crimes were committed against them, or by their representatives.

**Article 107: Penalties**

1. The office of the Attorney General of the nation shall have the power to prosecute crimes/contraventions set out in Article 106(1).
2. The office of the Attorney General of the nation shall have the power to prosecute any possible criminal offences under Article 106(2).

3. The power to instigate proceedings in connection with the crimes/*(contraventions)* set out in Article 106(3) shall lie with the persons alleging that the offences were committed against them, or by their representatives.

#### **Part 4 Forum for adjudication and procedures**

##### **Article 108: Competency to hear criminal proceedings**

The ordinary courts of the land shall have the competence to deal with the criminal offences set out in this Law.

##### **Article 109: Confirmation of the place where the crime was committed as the venue for adjudication**

1. As confirmation of the (*court venues of*) crimes set out in this Law, the court situated at the headquarters of the press which committed the crimes shall have the jurisdiction to hear the cases. If, however, the crime relates to libel, insult, slander or threats, the court situated at the victim's location shall have jurisdiction to hear the case.
2. If the (*offending*) material appears in or concerns a secretly published publication or one with an unknown time of publication, the court situated at the location where the publisher is caught shall hear the case.

##### **Article 110: The procedure for conduct of the proceedings**

1. The criminal offences committed by the press shall be dealt with under the relevant criminal law processes or procedures.
2. The crimes of libel, insult and slander shall be dealt with as set out in future additions to the Criminal Procedure Code.

##### **Article 111: Expedition of the conduct of the proceedings**

1. Even if the accused is not in custody, all proceedings relating to crimes committed by the press shall be conducted expeditiously.
2. Without prejudice to the execution of orders, adjournments and convening as set out in the law or on the orders of the competent persons, the expedition of the proceedings relating to crimes committed by the press shall mean less than half of the relevant periods set out in the Criminal Procedure Code.
3. If the accused is in custody, the period within which he shall be brought to a court and a hearing shall not exceed 30 days.

##### **Article 112: Evidence**

1. To prove the damage, wrong or infringement contained in a broadcast or publication, and without prejudice to any other evidence brought to the court, the person affected may request, in accordance with the provisions of the criminal procedure code, that the press responsible be ordered to produce at the court the publication or the recorded broadcast.
2. In addition to the evidence mentioned in the preceding paragraph, there can only also be other written pleadings and the previous claims of the complainant included in the charge file.
3. The judge may refuse or accept applications for an appeal within 3 days (*of the request*).

##### **Article 113:**

**MISSING**

##### **Article 114: Publication of judicial decisions**

1. The final findings of guilt relating to the contraventions committed by the press shall be published/broadcast in full by the same press which committed the crime and shall include the facts proven, confirmation of the injured party, the judgment reached and the compensation ordered to be paid.

2. If the accused is found not guilty, the decision shall also be published unabridged and proving that the accused was found not to have committed any offence.

**Article 115:**

No newspaper, magazine, publication or similar material shall be confiscated unless it has contravened this law.

**Article 116:**

Owners of publications, printing presses, newspapers, and publishing houses already in existence shall align their operations with the provisions of this law within a period of three months from its issuance. After this period, any delays in its implementation will be considered as contraventions of the law.

**Article 117:**

The establishment of offices (*bureaux*) and agencies for the press or information services or of exhibition halls or offices for translation shall all be subject to the provisions of this law and to its related regulations.

**Article 118:**

The Minister of Information shall issue such decisions, regulations, and instructions, as are within his competence, so that this law shall be properly implemented.

**Article 119:**

All other laws which are in conflict with this law are hereby repealed.

**Article 120:**

This law shall come into force on its signature by the President, after its approval by Parliament, and it shall be published in the Official Bulletin.

In any disputes about the interpretation and meaning of any provisions of this law, the English language text shall be considered as the official one.

*(End note: Throughout the Bill the words contraventions, crimes and offences are used interchangeably despite these phrases having distinct meanings under the Somali Penal Code. Contraventions under the Penal Code are the category of less serious offences - IHJ)*