

## Using Insult Laws is an Insult to the Somaliland Media and Public – the detention and trial of *Haatuf* Journalists

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### The raid of *Haatuf* newspaper premises

The Republic of Somaliland has a free and thriving press, but this is often marred by the occasional detention of journalists<sup>1</sup> on the orders of the government or its regional representatives. As nothing happens to the public officials who order these, often short, detentions, the impression has been given that the freedoms of the press guaranteed under the Somaliland Constitution are somewhat circumscribed by the whims of public officials. The latest detention, this time of the veteran journalist and Chairman of Haatuf Media Network, Mr Yusuf Abdi Gabobe, and, the editor of the Somali language Hargeisa daily, *Haatuf*, Mr Ali Abdi Dini, on 2 January 2007, raises considerable constitutional and legal issues, which are explored in this article. The journalists were arrested without a warrant for a series of articles in the newspaper exposing alleged corrupt practices attributed to the President and his household. At the start, though, I should add my voice to the many already raised and call for their immediate release, as I consider that their arrest and continued detention is unlawful.

### The use of the Somali Penal Code

The main legislation which governs the press is the Somaliland Press Law (Law No: 27 of 2004)<sup>2</sup>. The use, therefore, of the 1962 Penal Code (and the 1963 Criminal Procedure Code) in the detention and the subsequent trial of the *Haatuf* journalists has been very widely questioned. It is my view that, in this specific case concerning articles published in the newspaper, the use of the Penal Code is unlawful and unconstitutional. Despite its shortcomings, the Penal Code is in general use in Somaliland - it is simply a question of practicalities and Somaliland re-adopted the Penal Code shortly after 1991/2 to avoid a vacuum in the laws of a country which just re-asserted its independence. The 1993 Borama Charter confirmed the continued use of the pre 1969 laws and the Constitution (Article 130(5)) expanded that to all the pre-1991 laws, but made it conditional on such laws:

- a) not conflicting with Islamic Sharia (e.g the 1975 Family Law) or
- b) not conflicting with individual and fundamental freedoms (e.g all the Siyad Barre security laws) or
- c) of course, not having been repealed by a Somaliland law since 1991.

This means that Somaliland does still use many of the major codes passed in the 1960s (such as the Penal Code, the Traffic code, the Maritime code, the Criminal Procedure Code etc) and also some of the main codes passed in the 1970s (such as the 1973 Civil Code and the 1974 Civil Procedure Code etc). These are all extensive codes which will

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<sup>1</sup> The editor of Somali language daily, *Jamhuuriya*, and journalists of both *Jamhuuriya* and *Haatuf* have been detained at various times over the last few years.

<sup>2</sup> See [www.somalilandlaw.com](http://www.somalilandlaw.com) for text of the law in English.

take time to replace, and those which were passed before 1969 were based on the democratic Somali Republic 1960 constitution. Nonetheless, they are outdated and as the concepts of the protection of human rights have since developed in leaps and bounds, some of their provisions are unlikely to pass the second constitutional test of "not conflicting with individual and fundamental rights". It is therefore important that the government, the police, the prosecution and the judiciary are fully aware of this limitation of the pre-1991 laws and must always be ready to examine whether any specific provision is contrary to the extensive bill of rights<sup>3</sup> in the Somaliland Constitution.

### **The press regulation regime**

The Somaliland Press Law 2004, which initially when it was a bill, proposed many criminal offences for the media, did not, in the end, include criminal sanctions and relied instead on a largely self regulating regime based on the press code of conduct. The Law also made it clear that no journalist shall be detained for undertaking his journalistic activities unless otherwise ordered by a competent court (Article 8(1)) and that all other laws inconsistent with the Press Law are repealed (see Article 31). This does not mean that journalists can break the law at will; all it means is that if what they have published was contrary to the Press Law, then it will be dealt according to this Law, which expressly rules out any criminal sanctions. The reference to authorisation by a court in case of any detention does not, in my view, detract from the non-criminal self regulation system, but reinforces the freedom of the press by making it conditional on any alleged crimes committed by journalists, which are linked to their occupation, being considered by a competent court before they can be detained.

Article 10 of the Law sets out what activities of the Press come under this Law and these are, among other things, the truth of what they have written, as well as balance. It even includes issues such as decency, comments about the religion, military information etc. Article 10(6) then adds that any press which infringes matters set out in the Article (e.g whoever publishes untruthful articles or indecent articles) will be dealt with in accordance with the Press Code and the civil (NOT the criminal) laws of the country. The Press Law has therefore superseded many of the provisions in the Penal Code which relate to legitimate journalistic activities and which are contrary to the freedom of the press. Examples of these are criminal defamation, publishing false news, insult and above all the old 1930s Rocco<sup>4</sup> laws which protect the reputation of public officials such as the provisions which make it an offence to insult a public officer (Article 268) or even a political or administrative or judicial body or its representatives (Article 269), in their presence, and by reason of their duties. One can also commit these offences in writing, but only if one addresses the insulting writing to them.

It follows, therefore, that as the complaint against *Haatuf* is about the truth or veracity of the articles written in the newspaper, the matter should have been dealt with under the Press Law and its code and the civil law. Furthermore, it is clear that the police had

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<sup>3</sup> See Articles 21 to 36 of the Somaliland Constitution

<sup>4</sup> The Somali Penal Code is a replica of the 1931 Italian Penal Code drafted by a Commission chaired by Prof. Arturo Rocco in 1931 (the Rocco Code).

neither prior authorisation from a court, nor warrants for arrest or search on 2 January 2007, when they raided the *Haatuf* office and detained the journalists. This is not only contrary to Article 8(1) of the Press Law, but is also contrary to Article 25(2) of the Somaliland Constitution, as well as the Criminal Procedure Code (CPC), which state clearly that no one may be arrested without a warrant issued by a judge, unless caught in *flagrante delicto* (in the act) - a term defined in Article 37 of the CPC. Indeed this initial illegality, in my view, has an effect on the only charge which has since been brought against Mr Yusuf Abdi Gabobe.

### **The charges at the court**

Looking then at the charges brought against the *Haatuf* journalists, it was initially said at the District Court that they will be charged with Article 451 of the Penal Code - offending the honour and dignity of a person in writing (Insult). This is normally punishable on complaint of the injured person with imprisonment of one year or with a fine (but can be doubled if certain aggravating circumstances exist). The prosecution shall be initiated by the State only when the insult is in writing which tends to provoke, or is of serious nature; or when the insult is directed at nationality, community or family of the injured person. Other possible charges were said to be Article 328, publishing false, exaggerated or tendentious news so as to disturb public order (punishable with imprisonment up to 6 months or a fine) and Article 220, offending the honour or prestige of the President (punishable with imprisonment from six months to three years). The case was, however, removed from the District Court, which has jurisdiction for offences which merit maximum imprisonment of 3 years and was put in the Regional Court.

The final formal charges proffered by the prosecutor at the Regional court on 11 January 2007 were different from and more serious than the ones previously indicated, and this time included the author of the articles in question, Mr Muhammad-Rashid M Farah, who was not arrested previously and was not even present at the court. They were as follows:

#### Mr Ali Abdi Dini and Muhammad-Rashid M Farah

- 1) Article 220 - Offending the honour and prestige of the President: Any one who offends the honour or prestige of the President of the Republic or holds him to be responsible for the acts of the Government (punishable with imprisonment from six months to three years).
- 2) Article 209(2) & (4a) - Incitement to disaffection: Any one who incites soldiers to disobey the law or to violate their oath or their military discipline or their duties ... shall be punished with imprisonment of two to five years when the acts were committed publicly by means of the press.
- 4) Article 321 - Instigation to disobey the laws: Anyone who publicly incites another to disobey the laws relating to public order or to stir up hatred between the social classes shall be punished with imprisonment from 6 months to five years.
- 3) Article 45 & 71: The offences were said to be continuing under Article 45 in that there was more than one act in breach of the same Articles done at different times. The offences were also committed by more than one person who each,

according to Article 71, shall be liable for the prescribed punishment. These Articles simply reflect the charges that the series of articles started on 24 November 2006 and that the author and the editor were both responsible for them.

Mr Yusuf Abdi Gabobe

1) Article 264: Resisting a Public Officer – Anyone who uses force or threats in order to oppose a public officer who is performing his official duties shall be punished with imprisonment from six months to five years

### **Insult laws**

For a start, you will see that instead of staying with the insult charge under Article 451 or going for the more appropriate, in terms of the Penal Code, charge of criminal defamation or libel (Article 452), the prosecution has deliberately, in my view, chosen to stick with the charge of the old “insult” law against the Head of State (or as they used to be called in South America “desacato”) in the Penal Code. My guess is that the reason was because in both cases of Insult to a person under Article 451 and defamation under Article 452, the accused has a right to defend himself (under Article 453) by proving the truth of the allegations, especially if the injured party is a public official. In contrast, Article 220 carries no such defence and all that the prosecution has to show is that the honour and prestige of the President has been “offended”. Secondly and rather unfortunately, the offence of insulting the President falls under the group of offences, known as “crimes against the personality of the state” in which, under Article 59(3) and 42 of the CPC, bail is not usually available.

These “special” head of state (or public officials/authorities) insult laws go back a long way to the days of monarchs and emperors. Needless to say, they are now considered to be contrary to freedom of expression and are against modern human rights treaties. Professor Walden in her 2000 WPFC (World Press Freedom Committee) study of these laws titled “*Insult Laws: An insult to Press Freedom*” says this about the nature of these laws:

“Defamation laws generally are aimed at false assertions of fact. They are designed to ensure that an individual’s reputation is not unjustly harmed by the publication or dissemination of falsehoods. As many national and international courts have recognised, however, true statements are not actionable as defamation, nor are unverifiable statements of opinion. In contrast, insult laws are designed to protect “honour and dignity” and, therefore, are used to punish truth as well as falsehood, statements of opinion as well as factual assertions. The statutes in many countries expressly recognise this distinction.... Because they are designed to protect “honour and dignity” rather than reputation, insult laws are frequently used to punish name-calling, invective, vituperative language, even bad manners — what might be termed “blowing off steam.”

Fortunately, many countries are waking up to the fact that these laws are no longer acceptable in any country which believes in (or even strives to maintain a semblance of)

the rule of law and have repealed their insult laws. In Africa, example of such countries were Egypt, Nigeria, South Africa and Kenya

### Limitations of the freedom of expression

There are of course situations where it may be legitimate to limit freedom of expression and the Somaliland Constitution states in Article 25(4) that individual freedoms shall not override “the laws protecting morals, the security of the country or the rights of individuals”. But any such laws abridging the freedom of expression and the press, for example, must not go beyond the limits set under international standards<sup>5</sup>. The Somaliland Constitution reflects Article 19 of the International Covenant on Civil and Political Rights (ICCPR), which, for example, limits any restrictions on freedom of expression to those which are

“provided by law and are necessary:

(a) For respect of the rights or reputations of others;

(b) For the protection of national security or of public order (order public), or of public health or morals.”

Other conventions and declarations, such as the *Declaration of Principles on Freedom of Expression in Africa*<sup>6</sup> of the African Commission on Human and Peoples' Rights (2002), add that any restrictions must “serve a legitimate interest and be necessary in a democratic society.” International and national<sup>7</sup> human rights jurisprudence has held that any restrictions must serve a pressing social need, the reasons given to justify them must be relevant and sufficient and they must be proportionate to the legitimate aim pursued.

Criminal defamation laws do not satisfy these conditions because the criminal sanctions are unduly harsh and disproportionate to any legitimate aim to protect the reputations and rights of others, when these rights could instead be adequately protected under the civil law. Similarly criminal laws that protect the reputation of politicians or officials above and beyond that of ordinary citizens will fail these international tests in that they are not necessary in a democratic society. The European Human Rights Court, in one such case, stated that criminal sanctions were likely to discourage the making of criticism of a politician as well as “hamper the press in performing its task as purveyor of information and public watchdog”. The Court stated<sup>8</sup>:

“The limits of permissible criticism are wider with regard to the Government than in relation to a private citizen, or even a politician. In a democratic system the actions or omissions of the Government must be subject to the close scrutiny not only of the legislative and judicial authorities but also of the press and public opinion. Furthermore, the dominant position which the Government occupies

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<sup>5</sup> See Article 21(2) of the Somaliland Constitution:

“The articles which relate to fundamental rights and freedoms shall be interpreted in a manner consistent with international conventions on human rights ...”

<sup>6</sup> *Declaration of Principles on Freedom of Expression in Africa*, African Commission on Human and Peoples' Rights, 32<sup>nd</sup> Session, 17-23 October 2002: Banjul, The Gambia.

<sup>7</sup> See, for example, the Canadian Supreme Court decision of *R v Oakes* (1986) 1 SRC 03.

<sup>8</sup> *Castells v Spain* 11798/85 [1992] ECHR 48 (23 April 1992), para 46

makes it necessary for it to display restraint in resorting to criminal proceedings, particularly where other means are available for replying to the unjustified attacks and criticisms of its adversaries or the media”

As for limitations setting offences of incitement or sedition, other than meeting the above constitutional tests, any prosecution must show the existence of a clear intention to incite an imminent disorder, the likelihood of such disorder happening and a direct and immediate connection between the expression of opinion and the likelihood or occurrence of such disorder<sup>9</sup>. Without the presence of these factors, these criminal laws must not be used to stifle the legitimate role of an independent press. There are ample examples<sup>10</sup> from African and Asian courts striking down as unconstitutional and acceptable charges of incitement or sedition against the press.

As for the protection of the reputation of others, civil laws are perfectly capable of striking a balance between the two competing rights, so long as their genuine and necessary purpose is to protect the reputation of individuals against injury and they are proportionate in their effect of limiting the freedom of expression<sup>11</sup>. Even then, the use of such laws by high public officials<sup>12</sup> or by public bodies is increasingly circumscribed. In the United States, public officials and public figures, unlike private persons, suing for civil defamation have to prove that the additional factors that the allegedly defamatory comments were made with actual malice i.e with knowledge that they were false or with reckless disregard of whether they were false or not<sup>13</sup>.

### **Incompatibility with the Somaliland Constitution**

In the light of the above comments, the “insult law” provisions in the Somali Penal Code have not, in my view, survived the test in Article 130(5) of the Somaliland Constitution of pre-1991 laws not being in conflict with the fundamental rights and freedoms of individuals and in particular, Article 32<sup>14</sup>. As confirmed in Article 21(2), the fundamental rights and freedoms in the Constitution have to be interpreted in a manner consistent with the international laws, including, for example, the Universal declaration of Human Rights which is specifically mentioned in Article 10(2) of the Somaliland. The criminal sanctions, therefore, in the Penal Code for the offences of insult (including defamation)

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<sup>9</sup> See, Mandel T “*Criminal Content Restrictions*” A Conference paper available at <http://www.article19.org/docimages/629.htm>

<sup>10</sup> For example, *Kedar Nath Singh v. State of Bihar* [1962] Supp. SCR 769 (Indian Supreme Court)

<sup>11</sup> See for example, the recent (2006) excellent and clear guidance by Article 19 titled *Defamation ABC*, available at <http://www.article19.org/pdfs/tools/defamation-abc.pdf>

<sup>12</sup> Established democracies do not allow public bodies (such as ministries, government agencies or local authorities) to sue for defamation under any circumstances.

<sup>13</sup> *New York Times Co. v. Sullivan*, 376 U.S. 254 (1964); *Curtis Publishing Co. v. Butts*, 388 U.S. 130 (1967).

<sup>14</sup> Article 32: “Freedom of Public Demonstration, Expression of Opinion, Press and other Media

1. 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.
2. Every citizen shall have the freedom, in accordance with the law, to organise or participate in any peaceful assembly or demonstration.
3. 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.”

and for the other offences relating to the press are disproportionate and are not necessary in a democratic society.

Moreover, so far as Article 220 of the 1962 Penal Code is concerned, there is a clear difference between the respective constitutional positions of the Somali Republic 1960s President referred to in the Penal Code and the Somaliland President. One can see this when one reads the whole of Article 220 which talks about not only offending the honour and dignity of the President, but also makes it a crime for anyone to “hold him responsible for the acts of the Government”. Under the 1960 Constitution, the President was the Head of the State, but the Prime Minister was the Head of the Government, and Article 76 of this Constitution expressly stated that the President was not responsible for any of the acts of the Government. The Prime Minister did not enjoy the benefit of Article 220 of the Penal Code and his “honour” was protected by the more general articles 268 and 269 (see above) which applied to all public officials or bodies. In contrast, the Somaliland President is not only the Head of State, but is also the Head of the Government and, in a democracy, will invariably be criticised legitimately for anything he and his government has or has not done. It is, in my view, impossible for Somaliland democracy to function properly if Article 220 is still current and any criticism of the head of the government by the opposition parties, parliamentarians and the public can be so easily labelled as offensive. Worse, it cannot be the case that Head of the Government cannot be held accountable for the failings and shortcomings of his government. Article 220 therefore is not only in conflict with the fundamental rights enshrined in the Constitution, but is also in conflict with the presidential system of government set up under the Somaliland Constitution.

#### **The incitement charges**

So far as the other two charges of incitement (or sedition) against the editor and journalist are concerned, it is believed that they are based on criticisms about the President’s alleged acts or omissions in connection with eastern Sool which has been occupied by the militia of neighbouring Puntland since the President’s visit in 2003. According to many sources, what was written in the articles about this subject was no more than what was said by many about the President’s ill-advised 2003 visit to Las Anod which triggered the Puntland invasion of the town and the lack of any credible policy to end the illegal occupation. It is not clear therefore what evidence there is to back these serious allegations and it is also worrying that one of the charges raises the spectre of inter-clan troubles in that it is alleged that the newspaper articles were instigating hatred between “the social classes” – a euphemism for clans. In any case, these criminal sanctions must also meet the international tests for restrictions of freedom of expression discussed above, and nothing in the newspaper articles appeared to indicate an intention on the part of authors to incite an imminent disorder by the public or disaffection on the part of the Somaliland soldiers, and neither was there any likelihood of the occurrence of such disorder or disaffection as a direct and immediate result of the articles published in the paper.

#### **The charge against Mr Gabobe**

As for the only charge against Mr Yusuf Abdi Gabobe, any court ought to note that the police raid and search were unlawful as the police had no warrant of arrest or search

from a court to execute. As mentioned above Article 25(2) of the Constitution explicitly outlaws arrests without a warrant in this kind of situation where the police were following a complaint about what a newspaper has already published. Article 53 of the CPC also makes it clear that a search warrant may only be issued by a judge and article 58 limits the exceptional situation where the police may undertake a search without a warrant to cases of “urgent necessity” when there are grounds to believe that during the time required to obtain a search warrant, “material evidence may be destroyed or altered; or the wanted person may abscond”. None of these conditions applied; the police were dealing with an established media group and there was nothing stopping them from seeking the necessary warrants before the raid. As reported, the police raid involved a considerable number of armed policemen, and they confirmed that they had no warrants in their possession. In these circumstances, and in the light of the unlawful action of the police, the charge against the Chairman and Head of the organisation for nothing else other than resisting the police’s unlawful action will not stand up to close scrutiny.

### **The Regional Court preliminary decision**

It is not up to the Prosecution or the Government to choose which parts of the Penal Code have been repealed or are null and void under Article 130 of the Constitution. The Penal Code is awash with references to the “Somali Republic” and is linked to the 1960 Constitution. Somaliland courts use it every day and disregard those provisions which are obviously no longer applicable to Somaliland. Article 220 falls, in my view, within that group of provisions which are no longer applicable to Somaliland. Furthermore, as discussed above neither Article 220, nor the charges brought against the editor and the journalist are any longer applicable to journalists because of Article 31 of the Somaliland Press Law. So what happened when these arguments were put to the Regional Court by the defence lawyers? On 13 January 2007, the court (Mr Justice Faysal Abdillahi) issued a brief unreasoned ruling in which he insisted that the criminal charges will proceed, and started to hear the witnesses for the prosecution. The trial is now continuing, and the Mr Gabobe and Mr Dini are still in jail.

### **Court jurisdiction and the constitutional challenges**

It appears to me that this matter raises two important issues which are new to the Somaliland courts and which require careful thought, in the absence of detailed Rules of the Procedure of the Supreme/Constitutional Court. These are:

- a) The jurisdiction of the Regional Court in matters relating to the Press, and
- b) the procedure for dealing with cases at lower courts when constitutional challenges are raised.

So far as jurisdiction is concerned, Article 4 of the CPC allows any court to make a ruling about whether it has jurisdiction to hear any case. The Regional Court has jurisdiction to consider cases where the punishment is more than three years imprisonment and so ostensibly it has jurisdiction to consider the charge of resisting a Public Officer in the execution of his duties (see above), but according to the Press Law, it has no jurisdiction to consider the other charges against the journalists. It is not clear whether the preliminary ruling of the court was made before or after the trial started. As this matter goes to the competence of the court in dealing with the cases against two of the journalists, and an appeal, will, if successful, dispose of these proceedings altogether, it is



open to the journalists to submit an immediate appeal<sup>15</sup> under Article 219(a) of the CPC. The period of appeal against the preliminary decision is only 15 days (Article 214(1)(b) of the CPC).

There are also the additional constitutional challenges, which make an immediate appeal or a petition imperative. Unlike the United States where constitutional decisions can be made by any court, in Somaliland, as in most European countries, constitutional decisions are the exclusive preserve of the Somaliland Constitutional Court, which, unlike many of the latter courts, is also the Supreme Court. The challenges relating to the constitutionality any laws have to be referred to the Constitutional Court. There are no Rules of Procedure for the Somaliland Constitutional Court yet and the Organisation of the Judiciary Law (Article 15(3)) simply states that the Court will use the Civil Procedure Code 1974 when it receives petitions about the constitutionality of laws or other constitutional suits. It appears to me that where there is a constitutional challenge, this takes priority over an appeal and whilst it will be advisable for the defence to put in an appeal, as well, to the Court of Appeal against the preliminary decision of the Regional Court because of the time limits, this is a matter which needs to be considered immediately by the Constitutional Court. It is only there that the interplay between the Press Law and the Penal Code can be fully explored beyond the jurisdictional issue.

It was and it is still open to the Regional Court to refer the matter to the Constitutional Court for interpretation of these issues, and in these circumstances, to free the journalists immediately. In many countries with Constitutional Courts, lower courts are obliged to refer genuine constitutional questions to the Constitutional Court. On receipt of the appeals or petitions, it is also open to either the Court of Appeal or the Supreme Court to release the journalists. In these circumstances, therefore, any rush on the part of the Regional Court to convict the journalists of these criminal offences, and specially of insulting the President will be seen as an undue punishment of the free press, and an act of subjugation which is contrary to Article 32(3) of the Somaliland Constitution.

### **Final word on insult laws**

I shall give the final word about these insult (*desacato*) laws (like Article 220 of the Penal Code) to the Inter-American Commission on Human Rights which has repeatedly condemned them as follows:

“The use of *desacato* (offending the honour) laws to protect the honor of public functionaries acting in their official capacities unjustifiably grants a right to protection to public officials that is not available to other members of society. This distinction inverts the fundamental principle in a democratic society that holds the Government subject to controls, such as public scrutiny, in order to preclude or control abuse of its coercive powers. ... Contrary to the rationale underlying *desacato* laws, in democratic societies, political and public figures must be more, not less, open to public scrutiny and criticism. The open and wide-

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<sup>15</sup> Different considerations apply to orders/interim decisions made during a trial, when the appeal will be taken with the judgment.

ranging public debate which is at the core of democratic society necessarily involves those persons who are involved in devising and implementing public policy.”

### Recommendations

As soon as these journalists are freed, as, in my view, there is no justification for their continuing detention, it is time for the Somaliland parliament and the Government to consider the following:

- 1) A joint committee of the two houses of parliament should hold a formal investigation into how this matter was dealt with by the police, the prosecution and any of the ministers involved.
- 2) The Attorney General must investigate the incident on 2 January 2007 at the *Haatuf* premises and should bring proceedings under Article 461 (illegal arrest) and 463 (arbitrary search) of the Penal Code for any evidence of illegal arrest or search. This should include those who have ordered the action.
- 3) There is nothing wrong with most of the provisions of the Penal Code, but it should be revised so as align it with the Somaliland Constitution and the other modern laws of the Republic.
- 4) In particular, all the insult or criminal defamation provisions in the Penal Code or the other offences which mention the press should be swept away.
- 5) A simple and modern civil defamation law can be passed, with a higher threshold for public officials who, when challenging falsehoods relating to their public conduct, must prove that the statements were made with actual malice or with reckless disregard of the truth.
- 6) An independent Human Rights Commission (and not a non-statutory Committee) appointed by and accountable to the House of Representatives and which is built on the Principles relating to the Status of National (Human Rights) Institutions (*The Paris Principles*<sup>16</sup>) should be established immediately.
- 7) The Press Law and the self regulating system of the press should be strengthened and not weakened. It is also time for a Broadcasting Law to be passed.
- 8) The Rules of Procedure of the Constitutional Court (and of the Supreme Court also) should be drawn up and passed.
- 9) More training should be given to the police and the prosecution service and all public officials including ministers on human rights law and the position of the media in a democratic country.
- 10) Training should be given to judges on constitutional issues.
- 11) Funds should be sought to enable the setting up of a law review commission with staff and experts that can replace the current ad hoc committee and can push through a full review of the old laws and the drafting of new major codes

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<sup>16</sup> See: <http://www.ohchr.org/english/law/parisprinciples.htm>