



HUMAN RIGHTS CENTRE

Speaking for those who are not heard

Human Rights Centre
Quarterly Report
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Human Rights Centre

Badda Cas, Jigjigayar

Hargeisa Somaliland

www.hrcsomaliland.org

Phone: +252 (0) 633 3278181

Email: hrcsomaliland@gmail.com

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1. Introduction

This report is a quarterly produced by Human Rights Centre. It covers incidents documented by HRC from 10th December 2017. It is based on data gathered, verified and recorded by the Centre using our data base. This period coincides with a change in leadership in Somaliland. President Muse Behi Abdi was inaugurated on 13th December 2017 after he won the 13th November presidential election contested by three presidential hopefuls, two of them from opposition parties.

NEW POLICE LAW PASSED

The Police Act creates an oversight body independent from the Police, and subjects the police to the jurisdiction of civilian courts. It expressly bans the Police from using live ammunition against unarmed civilians.

2. The Presidents signed new Police Act

On 26th December 2017, the President signed the Police Act into a law. The Act was approved by the House of Representatives on 3rd December 2017, overriding the veto of the President who returned the Bill to the House. On 3rd February 2014, the vice-president who was acting the president, returned the Bill to the House of Representatives.

The approval of the Act is a positive step forward. The Act creates an oversight body independent from the Police, and subjects the police to the jurisdiction of civilian courts. It expressly bans the Police from using live ammunition against unarmed civilians.

3. The House of Representatives approved a Rape Bill

The Rape and other Related Offences Bill was approved by the House of Representatives. The Bill is currently before the Upper House (Guurti). It will become a law when the Upper House approves and the President signs.

On 19th March 2018, the Upper House of Parliament debated the Bill. Many members criticized the Bill and stated it is contrary to the religion of Islam.¹ A committee assigned to review the Bill met the stakeholders including the civil society. Human Rights Centre is very concerned about the negative statements made by members of the Guurti.

The Bill criminalizes rape and other sexual offences. It also has procedural provisions related to the investigation and prosecution of rape and other sexual offences. If the Upper House approves in this current form and the President signs into law, it will help victims of

¹ On 19th March 2018, members of the House debated about the Bill; <https://www.youtube.com/watch?v=6FjGefuoMAs>

sexual offences to get access to justice. Currently, the outdated Penal Code of 1963 is the law that is applicable on rape cases. It has few articles on sexual offences, lacks clarity and narrowly defines rape.

3.1 Rape cases

Victims of rape cases continue facing legal challenges in accessing to justice. In February, a judge at Hargeisa regional court informed the family of a six year-old girl who is a victim of rape that he had assigned a traditional leader to reconcile over the case.² The National Human Rights Commission and the Human Rights Centre who were observing the case referred the incident to the deputy attorney general who was in charge of the case. The chairman of the regional court removed the case from the judge after the prosecution and the family complained. The court found the accused guilty and has given him nine years of imprisonment.³

In Burao, a nine year-old girl died after she was raped in multiple times and beaten up by her step-father. The family lives in Galkayo of Puntland. The step-father and her mother took the girl to a private hospital in Burao to treat kidney illness. But the doctors discovered the rape and referred it to the authorities, who apprehended the suspect.

² HRC interviewed the family of the child and attended the court hearing as well as talked to the judge himself.

³ Hargeisa Regional Court judgment.

4. Ministry of Religious Affairs “Fatwa” on FGM

On 6th February 2018, the Ministry of Religious Affairs issued a Fatwa (religious declaration) banning what it called “Pharaonic FGM” and legitimized so called “Sunna FGM.”⁴ The decision of the Ministry does not have legal consequences. However, it harms long time advocacy and awareness aimed at eradicating all forms of FGM. According to NAFIS Network, an umbrella organization that is dedicated to ending FGM, and Edna Adan Hospital, 98% of girls in Somaliland undergo FGM.

Somaliland needs to adopt and implement zero tolerance policy towards FGM and to legislate a law prohibiting all forms of FGM.

⁴ <https://www.youtube.com/watch?v=CiA8U2pi0wg>

5. People arrested for their opinions

5.1 Arrest of three people with disability over “protest”

On 5th February 2018, three people with disabilities were given 18 month jail for “defamation and circulation of false news.”⁵ They were arrested after protesting at the International Day of People with Disabilities to show discontent with the Somaliland National Disability Forum (SNDF). SNDF filed the case against the three people. The case attracted public attention and people took the social media to show their dissatisfaction at the judgment. The appeal court released them on bail.

5.2 Naema Ahmed Ibrahim

On 27th January 2018, Naema Ahmed Ibrahim, a poet, was arrested by the National Intelligence Agency from Hargeisa Egal International Airport while she was traveling to Mogadishu.⁶ Naema was first held in a facility run by the National Intelligence Agency. On 28th January, she was transferred to the Central Police Station where she is now detained. She was brought to Hargeisa Regional Court on 29th January 2018, 1st February 2018, and number of other occasions. The court remanded her into custody.

⁵ Hargeisa District Court judgment issued on 5 February 2018.

⁶ HRC interviewed Ahmed Ibrahim, the father of Naema.

On 4th March 2018, the Office of the Attorney General charged Naema. The prosecution charged Naema of two accounts: Anti-national Activity of a citizen abroad (article 212 of the Penal Code) and Bringing the Nation or the State into Contempt (article 219(2) of the Penal Code).⁷

As stated in the charge sheet dated on 4th March, the first charge relates to a Facebook post allegedly written by Naema in her Facebook account. The prosecution says the post “weakens the existence, unity, and solidarity of the State.”

The second charge is about “insult and defamation against the state circulated in the media,” by Naema, the charge sheet says. The first hearing of the case started on 17th March 2018.

5.3 Mohamed Kayse Mohamoud

Mohamed Kayse Mohamoud was arrested on 7th February 2018 for Facebook posts, according to the charge sheet.⁸ Mohamed Kayse Mohamoud is held in Ibrahim Koodbuur Police Station, Hargeisa.

According to a charge sheet submitted by the Office of the Attorney General, Mohamed is accused of “subversive or anti-national propaganda,” and “offending the honour of the President.”⁹ The first charge relates to a Facebook post saying “it is meaningless Somaliland

⁷ Charge sheet issued by the Attorney General of Somaliland, dated 4th March 2018

⁸ HRC met Mohamed and spoke a member of his family.

⁹ Charge sheet filled with the court on 25th March 2018,

to reach its borders,” according to the charge sheet. The second charge is about another Facebook post in which Mohamed said “the President is a local.” The charge sheet says such statement is defaming the president, but it does not provide details. The first hearing of the case started on 1st April 2018,

5.4 Abdiasis Adan Jalow

Abdiasis Adan Jalow was arrested on 6th February 2018 after he held a press conference criticizing the government over “lack of power sharing” in Sanaag region, east of Somaliland.¹⁰ He was released on 3rd March 2018 without charges.

5.5 Licensed lawyer Abdirisq Ismail Hassan

Licensed lawyer Abdirisq Ismail Hassan was arrested on 17th February 2018. He was brought before a military court at same day. The court remanded him into custody. The head of the Firefighters told the media that Abdirisq works for them.¹¹ He stated that the reason for his arrest relates to statements published on the online media which harms the reputation of the firefighters. According to him, Abdirisq’s membership of the firefighters justifies his appearance before the military court. Abdirisq has a license from the Lawyers Licensing and Disciplining Commission.

¹⁰ <https://www.youtube.com/watch?v=tONBfdvSAIU&feature=youtu.be>

¹¹ https://www.youtube.com/watch?v=VTa_gCSWrqw&t=297s

As stated in article 104 of the Constitution of Somaliland, the military courts have no jurisdiction over a civilian person. He was released on 26th February 2018 after the Somaliland Lawyers Association negotiated with the head of the Firefighters, who then withdraw his complaints.

6. Detention and prosecution of journalists

Since the inauguration of the new president, 11 journalists were arrested in different regions. Five of them were prosecuted (four of them were released after paying fine, and one is still in detention facing charges), and six were released without charges.

Region	Number of journalists	Status
Sahil	2	Released
Hargeisa	4	3 Released
		1 in detention
Awdal	2	Released
Sool	3	Released
Total	11	

According to HRC annual report, during 2017, 25 journalists were detained in Somaliland and two of them were prosecuted.¹² In addition the government blocked 6 websites. In the previous year (2016), 28 journalists were detained and 2 newspapers were closed down.

¹² HRC 2017 Annual report issued on 9 December 2017.

Here is the details of all the cases recorded from 10 December 2017 to 31st March 2018.

Case #1

Journalists: Abdirahamn Mohamed Egeh and Ahmed Saed Mohamed

Status: released after they paid a fine

Region: Saahil

Abdirahamn Mohamed Egeh, Saab TV, and Ahmed Saed Mohamed, Eryal TV, were arrested on 18th December 2017 in Berbera, Sahil region. They were released on bail in 23rd December 2017. The prosecution accused them of defamation, publication of false news, and instigation to disobey the laws. According to the charge sheet, they were accused over two different stories related to land owned by the government which was purportedly transferred to private people by the mayor of the city.

The court convicted them on 15th January and found them guilty of defamation, but cleared them the other charges. The court has given each seven months jail. The presiding judge accepted a proposal to convert the imprisonment into fines, which they paid.

Case #2

Journalist: Abdirisak Dayib Ali

Status: in detention

Region: Hargeisa

On 5th December 2017 Abdirisak Dayib Ali, a journalist with Haldoornews website was arrested in Gabiley. He was accused of taking an interview published in Gabliyenews.net in which a lady made allegations against the mayor of Gabiley, according to the charge sheet. Abdirisak argues that he did not take the interview and that he does not write anything on Gabilyenews.net website. According to Abdrisak, he designed the website and handed over its owner in 2015. Abdirisak is a journalist and a web designer. On 28th December the court released him on bail. On 1st April 2018, the court arrested him again. His case is pending.

Case #3

Journalists: Mohamed Abdilahi Dabshid and Ahmed Dirie Iiltire

Status: released after they paid a fine

Region: Awdal

On 26th and 29th December 2017, the police arrested journalists Mohamed Abdilahi Dabshid, a journalist at Kalsan TV, and Ahmed Dirie Iiltire of SBC television and Xeegonews. They were charged with “subversive and anti-national propaganda, bringing the Nation or the State into contempt, and bringing into contempt the flag or national emblem of a foreign state.”

The charges were linked to articles allegedly published in [Xeegonews](#) website claiming that Ethiopian militias are trained in Awdal region, according to the charge sheet. Human Rights Centre was not able to review the alleged article.

A regional court in Borama sentenced the two journalists on 7th January 2018, to two years in jail. They appealed to the Appeal Court. The appeal court made its judgment on 6th February 2018. It sentenced the two journalists to one year of imprisonment which the court accepted to convert into fine. They were release on 6th February after they paid the fines.

Case #4

Journalists Mowlid Ismail Digid and Mohamed Ahmed

Jama,

Status: Released without charges

Region: Sool

Mowlid Ismail Digid, Somnews reporter, and Mohamed Ahmed Jama, of SBS television, were arrested on 16th January 2018 in Las Anod, Sool region. Mowlid was released on the same day and Mohamed was released on the next day, 17th January. They were arrested for posting a live Facebook feed of a football match that had happened in Las Anod. According to the authorities, the flag of Somalia appeared at the football match and reference of the name of Somalia was mentioned by the reporters. They were released without charges.

Case #5

Journalist: Hamse Abdirahman Ahmed

Status: Released without charges

Region: Sool

Hamse Abdirahman Ahmed was arrested in Las Anod of Sool region on 14th February 2018. He was arrested for Facebook posts critical to the governor of Sool region, according to journalists. He was released on 18th February 2018. He was not charged with any crime.

Case #6

Journalist: Mohamed Aabi Digaale

Status: Detention

Region: Hargeisa

On 17th February 2018, the police arrested Mohamed Aabi Digaale, Hargeisa bureau chief of the London based [Universal TV](#). He was brought to court on 19th February. The court remanded him for seven days in prison. So far the prosecution has not filled a case against him. But court officials told HRC that he is held for a news report aired by Universal TV on 3rd February 2018. The report was sent by a reporter from El-Afwayn district, Sanaag region, where inter-clan clashes happened on number of occasions. On 27th February, the regional court in Hargeisa released Mohamed on bail.

Case #7

Journalists: Mohamed Ali Bakeeri and Mohamed Ayd haf

Status: released on bail

Region: Hargeisa

On 12 March 2018, journalists Mohamed Ali Bakeeri and Mohamed Ayd haf of Bulsho TV and Karinnews website were arrested in Hargeisa. They were released on 14 March on bail. According to Somaliland Journalists Association, they were arrested on the

complaint of the then Director General of the Ministry of Environment. The complaint of the director is linked to articles published in Karinnews website.¹³

¹³ <http://www.haleelnews.com/articles/2029/Masuul-Ka-Tirsan-Xukuumadda-Madaxweyne-Biixi-Oo-Labo-Sano-Ku-Noqday-Milyan-neer-Taajir-Ah-Tirada-Shaqsiyaad-Caan-Ah-Tooshka-Xabsigu-Qabtay-Waa-Kuma-Akhri-Magaciisa>

8. Recommendations

To the government of Somaliland:

- Respect the freedom of expression enshrined in the Constitution of Somaliland and release all detained for their opinions; poet Naema Ahmed Ibrahim and Mohamed Kayse Mohamoud, and journalist Abdirisq Dayib Ali;
- Drop all charges against Mohamed Aabi Digaale;
- Release journalist Mohamed Adan Dirir who is serving 18 months of jail;
- End all forms of FGM, and legislate a law prohibiting FGM;
- Accept the decriminalization of the media and halt the detentions and prosecutions of journalists;
- Implement the Police Act and establish the independent police complaint body enshrined in the Act;

To the Guurti

- Approve the Rape and other Related Offences Bill.

About Human Rights Centre

Background

The Human Rights Centre (HRC) is a non-profit organization established in January 2013 with the aim of contributing to the protection and promotion of human rights in Somaliland. HRC was founded by lawyers who are inspired by the Bill of Rights in the Somaliland Constitution and the Universal Declaration of Human Rights. It is registered with the Somaliland government as a non-profit-making and non-governmental organization. HRC was formed to cover the need for documentation and advocacy on human rights to help maintain the gains made by Somaliland's nascent democracy. The central policy of Human Rights Centre is to create and foster a culture of voluntary human rights activism where committed human rights defenders with passion contribute to the protection, promotion and realization of human rights.

Vision

For Somaliland, place where human rights are protected, promoted, respected and fulfilled.

Mission

Human Rights Centre exists to defend and protect the rights of human beings in Somaliland.

Our Values

We uphold the values of honesty, justice, and integrity for all. We aim to work with transparency and accountability, commitment and discipline. We encourage creative participation understanding the need for sustainability and respect for all. We will continue to strive for impartially and independence while placing great value on confidentiality. We also appreciate the importance of volunteering which forms the foundations of our organization.



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