



**HUMAN RIGHTS CENTRE**

*Speaking for those who are not heard*

**Annual Review  
of Human Rights Centre  
Somaliland  
2016**

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## **FORWARD**

This 2016 annual report is the Human Rights Centre's 4<sup>th</sup> Annual Review on human rights in Somaliland. At the end of every year, the Human Rights Centre (HRC) releases its report summarising human rights practices in Somaliland in the reporting year.

HR operates in all the regions of Somaliland. It bases its Annual Reports on research and information gathering with strong evidence. The Annual Report also presents the human rights violations received and documented by HRC during the reporting period.

We have considered the recommendations and reflections suggested by the people who attended the last conference at which the 2015 report was presented. The recommendations included gathering information from the six regions and having Somali version of the report, which we have acted upon.

This year was not a good year for the freedom of expression and the media. Many more journalists and writers were arrested than in 2015. This is an assault on the freedom of expression and does not make for a positive outlook in an election year, despite pledges that such harassment will cease in line with the Constitution, which guarantees such freedoms.

HRC stands with the victims and defends the weak and voiceless. The task of working as a human rights defender in Somaliland is becoming more difficult and truly challenging. I appreciate the volunteers whose commitment and dedication allows us to continue monitoring human rights adherence, despite the challenges.

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**Guleid Ahmed Jama**

Chairperson of Human Rights Centre

## **ACKNOWLEDGEMENT**

This report would not have been possible without the hard work of HRC's committed and dedicated volunteers. We are very grateful for their work.

HRC would like to thank the individuals and organizations who shared their experience and stories to include in this report. Thank you very much.

Thank you all the people and organizations that have helped us in any way during the course of this report or the activities of HRC in general.

## EXECUTIVE SUMMARY

This report is published on 9<sup>th</sup> December 2016, the eve of the World Human Rights Day, to draw attention to the human rights situation in Somaliland. It covers the period from December 2015 to December 2016. It is being published not merely to criticise, but to make recommendations that might further enhance Somaliland's human rights record, international reputation and build confidence with the public.

Somaliland, a former British Protectorate, won its independence on 26 June 1960. It was recognized as an independent, sovereign state before it entered into what would become a failed union with Somalia on a flawed and dubious legal basis. The people of Somaliland, having suffered systematic discrimination and violence, decided to dissolve their failed union with Somalia on May 18, 1991 and reclaimed their independence. Since then, Somaliland has achieved peace by means of a bottom up approach, with little external help. It has built a democracy in which power changes hands peacefully in elections which are monitored internationally. It has put in place a system of governance which provides services to its people.

However, despite these promising foundations and the legacy of the Siad Barre regime, conflict and civil war still loom large in the country and democratic Somaliland has been slow to unravel and turn back tendencies in a variety of fields. Our 2016 annual report focuses on a number of these areas including:

- The continued militarisation of the police forces with civil control not yet established, and police playing the role of enforcers rather than public servants;
- The narrow space for media with excessive efforts to control media and stifle journalistic dissent;
- The use of military courts to try civilians;

- The worrying reinstatement of the use of the death penalty following an effective moratorium; and
- Baseless and unwarranted deportation of individuals.

This report is based on a research carried out in Hargeisa, Burao, Berbera, Boorama, Erigavo and Gebiley. From February 2016 to November 2016, we interviewed 221 people consisting of journalists, members of civil society organizations, lawyers, judges, university officials, government authorities, detainees, and members of the public. HRC visited 11 police station in Hargeisa, one police station in Erigavo and two police stations in Buroa. It also visited Gabiley, Buroa and Erigavo prisons. Cases were reviewed and examined. HRC also has a system and mechanism, including a data base, used to monitor the human rights situation in Somaliland.

Somaliland often cites the freedom of the media and expression as further proof of its democratic credentials, in addition to regular multi-party elections, freedom of assembly and a record of relative peace and security in a turbulent region. However, in the past 12 months, HRC has documented detentions, beating, and harassment of journalists, as well as suspension of newspapers.

The total detentions for the review period is 28 journalists compared to 19 in the same reporting period last year. Two newspapers have been closed, making a total of five closures in the past few years. Two have since been reopened.<sup>1</sup>

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<sup>1</sup> Hubaal was reopened after it was closed on December 2013, and Xog Ogaal has been reopened in November 2016.

**Table: total incidents in the reporting period**

	<b>Incident</b>	<b>Number</b>	<b>Percentage</b> <b>%</b>
1	<b>Detentions</b>	<b>34</b>	<b>83%</b>
2	<b>Charged, but not detained</b>	<b>4</b>	<b>10%</b>
3	<b>Pending from 2015</b>	<b>3</b>	<b>7%</b>
	<b>Total incidents</b>	<b>41</b>	

Six of the journalists detained were held on issues relating to the Berbera port project, a further eight were detained for querying land deals or transfers and two were arrested for reports over the government's handling of devastating drought.

Additionally seven individuals were arrested after querying the agreement between Somaliland and Dubai Ports World to revamp Berbera port into a regional trade hub. The government's sensitivity over corruption allegations in general and the Berbera port agreement in particular is further illustrated by the arrest of seven individuals for voicing opposition to the accord.

HRC found that due process of law was not followed in the arrests and the procedural guidelines stipulated in the law were ignored. Illegal detentions are common. Police ill-treatment, including severe beatings, has been widely reported. The situation of the over-crowded police stations is disturbing. People are arrested and detained more than 48 hours without bringing them to court as the law requires.

Remand periods are unnecessarily prolonged in a process called “Xalaalayn” (literally *legitimizing*). Although the Law sets out strict rules to hold a detainee at the pre-trial stage, the police bring the suspects to a judge who renew the remand period without considering the reasons of arrest, the possibility of bail and the duration reasonably needed to investigate the case depending on its nature.<sup>2</sup>

The police force of Somaliland is not subject to the jurisdiction of the civilian courts. In the absence of judicial oversight and accountability, they exercise and use power without recourse to the law or legal action. Victims of police actions do not have legal protection to challenge the police before civilian courts.

The military courts continue to try civilian people, contrary to Somaliland constitution. HRC documented the cases of 29 civilian people tried by the military court in Hargeisa. The military court judges are military officers. The Somaliland constitution clearly prohibits military courts hearing cases in which civilians are party.

Somaliland executed seven people in this year. Executions resumed in 2015 after nine years of de facto moratorium. In 2015, seven people were also executed.<sup>3</sup> The constitution of Somaliland and the Penal Code allow the death penalty.<sup>4</sup>

On 19<sup>th</sup> January 2016, Somaliland police and immigration department officials launched a nationwide campaign against Ethiopian nationals in Somaliland.

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<sup>2</sup> Interviews, August, September and October, lawyers in Hargeisa

<sup>3</sup> <http://www.hrcsomaliland.org/publication/154-hrc-2015-report>

<sup>4</sup> The articles that carry death penalty include: Art. 184. (Attempts Against the Integrity, Independence or Unity of the Somali State; high treason), Art. 185. (Citizen Who Bears Arms Against the Somali State). Art. 222. (Devastation, Pillage and Slaughter). Art. 223. (Civil War). Art. 434 (Murder)

According to the then Minister of Interior, the government was committed to locate and deport undocumented foreigners.<sup>5</sup> This mass deportations started after the government announced in December 2015 that all “illegal immigrations” shall leave the country within 30 days starting from 1<sup>st</sup> January 2016.<sup>6</sup> After local and international outcry, the government suspended the deportations.<sup>7</sup> But not before several hundreds, possibly thousands, were reported to have been deported.

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<sup>5</sup> <http://www.voasomali.com/content/somaliland-ajaaniib-la-masaafurin-doono/3152516.html>

<sup>6</sup> <http://www.somalilandpost.net/?p=50574>

<sup>7</sup> <http://www.hrcsomaliland.org/press-release/161-human-rights-centre-the-government-shall-stop-the-massive-expulsions-of-ethiopian-people-in-somaliland>

## RECOMMENDATIONS

### To the government:

- Decriminalize media and stop applying the Penal Code in media cases;
- Drop all pending charges against journalists;
- Lift the suspension from *Haatuf*, *Hubsad* and *Codksa Shacabka* newspapers;
- Stop arrests and harassment of journalists;
- Allow opening of independent radios;
- Re-open registration of new media houses;
- Reform the police in accordance with Somaliland constitution and the international standards of good practices;
- Subject the police to the jurisdiction of the civilian courts;
- Police use of force shall be regulated, proportional, and shall strictly follow the legal limitations imposed by Somaliland laws and international standard practices;
- The police shall respect and apply the constitution and the Criminal Procedure Code in making arrests, searches and seizures;
- Stop prosecutions of civilian people before military courts;

### To the Parliament

- Approve Police Act compatible with the constitution, and the international standards;

### To the donors

- Press Somaliland government to implement the recommendations stated in this report, and ensure donor projects are human rights-sensitized;
- Support reforming the judiciary and law enforcement agencies;
- Support decriminalization of media and advocate for lifting the suspension from closed and suspended newspapers of *Haatuf*, *Hubsad* and *Codka Shacabka*.

## **METHODOLOGY**

HRC has a system and mechanism, including a data base, used to monitor the human rights situation in Somaliland. From February 2016 to November 2016, we interviewed 221 people consisting of journalists, members of civil society organizations, lawyers, judges, university officials, government authorities, detainees, and members of the public in Hargeisa, Burao, Berbera, Boorama, Erigavo and Gbiley. The majority of interviews took place in Hargeisa. Most of the interviewees had face-to-face meetings, but there were people were interviewed by telephone phone. HRC visited 11 police station in Hargeisa, one police station in Erigavo and two police stations in Buroa. It also visited Gbiley, Buroa and Erigavo prisons. Cases were reviewed and examined.

HRC members conducted research by analysing and monitoring the data and information collected. The research was based on documentation, monitoring and interviews. When investigating repeated human rights violations rather than specific incidents, we first conduct background research to determine the best locations for interviewing individuals. The identity and the details of the interviewees were given full confidentiality.

Due to the tight budget of the HRC, we could not visit all the rural areas in Somaliland but we hope that we will cover them in next year and be able to include them in the annual report 2017. We recognize that the special circumstances of the rural communities demand special consideration.

## **BACKGROUND**

The Somaliland Human Rights Centre was founded in 2013 for the purpose of serving the people of Somaliland by defending the fundamental freedoms and rights enshrined in the constitution and in international human rights law. We recognise that the task of working as a human rights defender in Somaliland may be difficult one and are deeply grateful to our volunteers who remain as dedicated as ever to promoting and pursuing human rights activities in a challenging environment.

Each year the Somaliland Human Rights Centre publishes its annual report on the situation of human rights in Somaliland on the 10<sup>th</sup> December, as a part of the international community's commemoration of the day in 1948 when the United Nations General Assembly adopted the Universal Declaration of Human Rights.

Somaliland, a former British Protectorate, won its independence on 26 June 1960. It was recognized as an independent, sovereign state before it entered into what would become a failed union with Somalia on a flawed and dubious legal basis. The people of Somaliland, having suffered systematic discrimination and violence, decided to dissolve their failed union with Somalia on May 18, 1991 and reclaimed their independence. Since then, Somaliland has achieved peace by means of a bottom up approach, with little external help; built a democracy in which power changes hands peacefully in elections which are monitored internationally; and put in place a system of governance which provides services to its people.

The peace and stability that Somaliland enjoys sits in obvious contrast to the turmoil of Somalia, but Somaliland nonetheless remains a challenging environment in which to carry out human rights work. Somalilanders are rightly proud of their legacy of peaceful mediation and the resolution of

community disputes through indigenous justice mechanisms, but Somaliland is also a politically and culturally conservative environment where many harbour an attitude of hostility and suspicion towards human rights. On the ground resistance to human rights ideas comes from a variety of quarters but often arise from a misunderstanding about the origins, source and purpose of human rights. It is clear that human rights should not fuel cultural destruction, or provoke an assault on positive local traditions, but should be instead about creating a responsible relationship between Somaliland's citizen and the State.

The Human Rights Centre sees itself as not in opposition to the Government but as playing a role in vindicating the rights of citizens and holding the State accountable to its citizens. We share the belief of Somaliland's people and government that the continued lack of international recognition for Somaliland when it clearly fulfils all of the criteria to be a state and has a cast-iron moral, political and legal case for recognition, hampers Somaliland's capacity to engage with international agencies and treaties, and articulate the human rights needs of its citizens on the international stage. We agree that Somaliland should exercise its right to self-determination, but to stay silent to its failings is to be a poor friend, and to reduce and harm Somaliland's potential.

Somaliland should be a fertile ground for human rights thinking as Somalilanders place a strong cultural value on freedom of expression, personal liberty, and resistance to central authority, domination and authoritarian political tendencies. Somaliland has a good human rights record in relation not only to Somalia, but also other countries in the Horn of Africa region. Moreover, the Somaliland Constitution is a progressive document that in 2001 received the mandate of 97% of the Somaliland Public. The Constitution contains a number of articles that enshrine human rights, including article 10

which accepts all international treaties signed by Somalia between 1960 and 1991 and commits Somaliland to respect, protect and fulfil its human rights obligations.

However, despite these hopeful foundations, the legacy of the Siad Barre regime, conflict and civil war still loom large and democratic Somaliland has been slow to unravel and unwind regressive tendencies in a variety of fields. Our 2016 annual report focuses on a number of these areas including the continued militarisation of the police forces with civil control not yet established and police playing the role of enforcers rather than public servants; the narrow space for media with excessive efforts to control media and stifle journalistic dissent; the use of military courts to try civilians; the worrying reinstatement of use of the death penalty following an effective moratorium; and baseless and unwarranted deportation of individuals.

## **MEDIA FREEDOMS AND FREEDOM OF EXPRESSION IN SOMALILAND**

### *THE SOMALILAND PRESS LAW OF 2004*

#### **Article 8: Right of access to receive and impart information**

1. A journalist shall not be imprisoned for undertaking press activities unless otherwise ordered by a competent court.
2. Unless otherwise restricted by law, any press and its agents shall have the right to seek, obtain and report news and information and acquire information from any government source of news and information.
3. Any press and its agents shall have the right to disseminate news and information and any other products of the press.

## **INTRODUCTION**

Somaliland often cites the freedom of the media and expression as further proof of its democratic credentials, in addition to regular multi-party elections, freedom of assembly and a record of relative peace and security in a turbulent region.

But the persistent arrest and detention of journalists and profound mistrust between the private media and the government tarnishes that image the government presents of an open space in which journalism and free speech flourish.

President Ahmed Mohammed Silanyo, sensitive to the damage such incidents do to the country’s image, especially in an election year, has promised there will be no more detentions.

“The Somaliland media acts as a watchdog of my government, I’m therefore against any harassment of the free press....Journalists cannot be detained or harassed without proper legal procedures. I advise the security and regional authorities to give due respect to the constitutional rights of journalists and to scrutinise the freedom of expression.”<sup>8</sup>

But in the past 12 months, Human Rights Centre documented detentions, beating and harassment of journalists, as well as suspension of newspapers. It is being published on World Human Rights day, not merely to criticise but to make recommendations that might further enhance Somaliland’s international reputation and build confidence with the public

The total detentions for the review period is 28 journalists<sup>9</sup> compared to 19 in the same reporting period last year. Two newspapers have been closed, making a total of five closures in the past few years. Two have since been reopened.<sup>10</sup>

**Table 2: Comparison between 2015 reporting period and 2016**

Reporting period	Reported year	Detained journalists
December 2014- December 2015	2015	19
December 2015- December 2016	2016	28

<sup>8</sup> President addresses at Somaliland Media Submit, 5 to 6 November 2016 at Hargeisa Somaliland

<sup>9</sup> Total detentions are 34 because some journalists were arrested more than one time.

<sup>10</sup> Hubaal was reopened after it was closed on 13<sup>th</sup> December 2013 and Xog Ogaal has been reopened in November 2016.

Six of the journalists detained were held on issues relating to the Berbera project, a further eight were detained for querying land deals or transfers and two were arrested for reports over the government's handling of this year's devastating drought.

Additionally seven individuals have been arrested after querying the agreement between Somaliland and Dubai Ports World to revamp Berbera port into a regional trade hub.

Chief Justice Aden Haji Ali has been an energetic and committed supporter of press freedom and has worked hard to limit or prevent detentions and to get journalists released or pursued under an appropriate legal mandate. But the media needs more than one champion and there is an urgent need to get the two sides together in a constructive discussion of rights, responsibilities and the underlying problems of professionalism and tolerance.

The government's sensitivity over corruption allegations in general and the Berbera port agreement in particular is further illustrated by the arrest of seven individuals for voicing opposition to the accord.

The Berbera agreement is the single biggest in Somaliland's history and will transform the economic landscape of the region. Yet information about the details of the accord and how it will affect employment and government revenue has been scant. This had led to exactly the speculation the government accuses the media.

"I have the tolerance to listen to you and work on the areas that need more perfection. But I caution you not to spread rumours and baseless speculations, which are of no help to us all," the President said at a November Media Summit in Hargeisa.

There is a need for the authorities to prioritise professional and consistent communication with the public on such matters as Berbera as well as on development issues that concern them and the recurrent drought calamities the nation faces.

Often the detentions take place under Somaliland's Penal Code of 1965 rather than the 2004 Somaliland *Xeerka Saxaafadda* or Press Law, which does provide protection to journalists under the broad banner of human rights in the 2001 constitution.

**ARTICLE 8; Right to access and impart information**

4. Journalists shall have the right to receive from the government any documents relating to their activities.

5. The disclosure and dissemination of the following matters are not allowed:

a. comments relating to proceedings which have not been concluded and are still before a court; *(and)*

b. unless the individual concerned consents, any personal information relating to victim of a criminal act.

6. Disclosure of source of information: Only a court judge may question a publisher, editor or a reporter about the source from which he obtained or took information he used for his reporting, if it is necessary for the disposal of the proceedings in the court.

The effect is to criminalise the alleged offence and to detain the journalist pending trial under the penal code. If the Press Law was implemented, the civil law will be applied to the journalists.

It is not hard to see how foreign donors, the International Community and Human Rights groups see the detention of Somaliland's journalists as symptomatic of a repressive, dictatorial state rather than the open democracy the government claims it to be.

“Conditions for the press in the semi-autonomous republic of Somaliland may, on the surface, appear to be improving. But without a functioning media law to lend protection, and pending legislative elections, journalists remain wary of state harassment,” said the international Committee to Protect Journalists (CPJ).

The absence of a functioning media law may have become an election issue with both the President and the opposition WADDANI party setting out a freedom of the press stall.

“The WADDANI government, when elected, will take appropriate action to tackle the matter. Its responses will be based on a fully inclusive and transparent consultative process, which will involve...media houses and journalists, academia and media activists, civil society, the business and civic community, the public and relevant international sources as well as key Government sectors,” it said in a public statement.<sup>11</sup>

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<sup>11</sup> Waddani Position Paper dated 9<sup>th</sup> October 2016

## SUSPENSION OF NEWSPAPERS

Somaliland government suspended three newspapers in four months. The following are suspended newspapers:

1. *Hubsad* newspaper was suspended on November 2015 by the Attorney General. The editor-in-chief and chairperson of *Hubsad* were tried before Hargeisa Regional Court which acquitted them;
2. Codka Shacabka newspaper was suspended on 24<sup>th</sup> March 2016 by order from the Office of the Attorney General.
3. Xog Ogaal newspaper was suspended as well on March 2016 by Attorney General. It was reopened in November 2016.

All of the three newspapers were suspended on the same grounds; the ownership and leadership have transferred to new people. The Attorney General, Hassan Ahmed Adam, rejects such ownership change and imposed ban. Additionally, registration of new media houses were banned by the Attorney General.

While the media complains of harassment and intimidation, government officials complain loudly that the private media comprises unskilled, untrained and unprincipled youngsters who will publish/print/broadcast anything if they are paid to do so.

The practice of seeking payment for publication is widespread in both state and private media, with fees ranging from 50 to 200 USD sought by the media to broadcast information to which the public has a constitutional right.

“Anyone with a camcorder or tape recorder can call himself a journalist and ask for money to publish,” said former Interior Minister Ali Mohammed Waran Ade. “They are not journalists, they are guns for hire.”<sup>12</sup>

Minister of Presidency Mahmoud Hashi Abdi, said: “We liberated this country from warlords who were blackmailing the people with their guns. We will liberate our country from these pirates with pen.”<sup>13</sup>

SOLJA, the main journalists’ trade union, and WIJA, which groups women journalists, acknowledge that there is a huge shortage of training and equipment in the profession, which foreign donors have sought to bridge with short-term workshops.

But there is no Faculty of Journalism at Hargeisa University, which points to a gap that needs to be filled to meet demands of the government and media for more professionalism in the sector.

There is also a critical need for the government to professionalise its own communications with the media and the public. These are characterised by contradictory statements by various ministers and a failure to make part of any

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<sup>12</sup> Interior Minister Ali Mohammed Waran Ade

<sup>13</sup> <http://geeska.net/archives/35751>

event, such as the Berbera port, a matter which cries out for a communications strategy.

The situation is a stain on Somaliland's claim to democratic legitimacy and points to the need for the Government, Civil Society and the Media to work together towards long-term regulatory, disciplinary and capacity reforms.

A measure of a country's openness and maturity is the degree to which its government can tolerate critical opinion and sceptical voices. A diversity of opinion is a sign of national health. Calls for "patriotic journalism" are a sign of the opposite.

## **MEDIA FREEDOM – THE LEGAL BACKGROUND**

The constitution of Somaliland recognizes and protects freedom of expression and freedom of media. Article 32 (1) of Somaliland constitution states "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."

The article further provides protection to the media stating that "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."<sup>14</sup>

Article 21 of the Constitution stipulates that "the articles which relate to fundamental rights and freedoms shall be interpreted in a manner consistent with the international conventions of human rights and also with the international laws referred to in this constitution." The constitution in article 10 (2) says that Somaliland shall respect the Universal Declaration of Human

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<sup>14</sup> Article 32 of Somaliland constitution

Rights. Article 19 of the Universal Declaration of Human Rights reads as following:

“Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers”

In 2004 Somaliland passed Act of Parliament called Xeerka Saxaafadda which is mostly referred to in English as THE Press Law, although the Act covers both the press and other media.<sup>15</sup> The Press Law reinforces the guarantees and protection enshrined in the constitution. It gives freedoms to the media and states in article 10 that the Civil Code is applicable to the media and journalists. In article 32, the Act repeals all laws that are contrary to its provisions.<sup>16</sup>

Somaliland applies the Somali Penal Code approved in 1965 by Somali Republic. The Penal Code is used by the prosecution of Somaliland to charge and prosecute journalists. The Penal Code articles that are mostly applied to the media are:

- a. Defamation,
- b. False accusation (287), and
- c. Publication or Circulation of False, Exaggerated or Tendencious News Capable of Disturbing Public Order (328)

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<sup>15</sup> Article 1(1) defines *Saxaafad* (Press) as following: “Press: means the creation of any work which affects the thoughts and opinions of the public at large, such as: newspapers, journals, periodicals, news agencies, radio, television, film and video, pictures, cartoons, books, music, and any other means of mass communication.”

<sup>16</sup> Article 31 “Any law, decree, circular, or order which is in conflict with this Law shall become null and void when this Law comes into force.”

The Penal Code predates both the constitution and the Press Law. Article 130 (5) of the constitution provides that all laws which were applied at the time of the approval of the constitution which do not conflict with the Islamic Sharia and the individual freedoms shall remain in force in Somaliland until new laws are promulgated. It further requires laws to be prepared within minimum time scale.

There are 13 independent newspapers published in Hargeisa, the capital of Somaliland, five Television stations in Somaliland, and numerous website. There are also the government owned media, namely Radio Hargeisa, Somaliland National Television and two newspapers; Dawan and Horn Tribune. Independent radios are not allowed in Somaliland. Radio Hargeisa has the single biggest national audience.

### **CASE HISTORIES – PRINCIPLES AND THEIR PRACTICE**

In the year under review Human Rights Centre documented 34 arrests and detentions suffered by 28 journalists, four (4) journalists were tried by court in a criminal case, but not detained, and three (3) cases from last year (2015) have been pending at the courts.

**Table 3: total incidents in the reporting period**

	<b>Incident</b>	<b>Number</b>	<b>Percentage %</b>
1	<b>Detained</b>	<b>34</b>	<b>83%</b>
2	<b>Charged, but not detained</b>	<b>4</b>	<b>10%</b>
3	<b>Pending from 2015</b>	<b>3</b>	<b>7%</b>
	<b>Total incidents</b>	<b>41</b>	

## SUMMARY TABLES

**Table A: Detentions**

	Name	Org.	Date of arrest	Charge	Sentence	Release date	Region
1	Ahmed Saed Mohamed	Kalsan TV	25-12-2015	No	No	25-12-2016	Saahil
2	Ahmed Saed Mohamed	Kalsan TV	25-05-2016	No	No	27-05-2016	Saahil
3	Ahmed Saed Mohamed	Kalsan TV	23-09-2016	No	No	23-09-2016	Saahil
	Abdirahman Mohamed Egeh	SomalineWS	25-12-2015	No	No	25-12-2016	Saahil
5	Abdirahman Mohamed Egeh	SomalineWS	25-05-2016	No	No	27-05-2016	Saahil
6	Abdirahman Mohamed Egeh	SomalineWS	23-09-2016	No	No	23-09-2016	Saahil
7	Mubarig Osman Saed	Star Tv	26-05-2016	No	No	27-05-2016	Saahil
8	Cabdiraxmaan Axmed Else	Star TV	14-01-2016	No	No	14-01-2016	Sanaag
9	Cabdimalik Muuse Coldoon	Freelancer	18-01-2016	No	No	26-01-2016	Togdheer
10	Khadar Abokor	Freelancer	18-01-2016	No	No	26-01-2016	Togdheer
11	Yaasiin Xasan Balbalaadhse	Freelancer	16-03-2016	Yes	Fined	28-03-2016	Togdheer
12	Cabdiweli Aw Diiriye	Freelancer	16-03-2016	Yes	Fined	28-03-2016	Togdheer
13	Cabdinajiib Ibraahim	Star TV	16-03-2016	No	No	17-03-2016	Awdal
14	Mohamed Omar Jaray	Boramanews	16-03-2016	No	No	18-03-2016	Awdal
15	Mohamed Omar Jaray	Boramanews	13-04-2016	No	Fined	09-05-2016	Awdal
16	Ahmed Mouse Sakaaro	Berberatoday	08-04-2016	No	No	08-03-2016	Togdheer
17	Ahmed Mouse Sakaaro	Berberatoday	25-09-2016	No	No	25-10-2016	Togdheer
18	Cabdifataax Ismaaciil Caarshe	Freelancer	26-03-2016	No	No	28-03-2016	Hargeisa
19	Mohamed Omar Barre	Freelancer	13-04-2016	No	No	14-04-2016	Awdal
20	Abdirahmaan Nouh Hiiraan	Hadhwanaag	13-05-2016	No	No	13-05-2016	Hargeisa
21	Sidiq Carab	SBC	22-06-2016	No	No	28-06-2016	Saahil
22	Mahdi Ali Goodir	Hadhwanaag	29-07-2016	No	No	29-07-2016	Togdheer
23	Kayse Ahmed Digaale	HCTV	07-09-2016	No	No	07-09-2016	Togdheer
24	Yaasiin Jama Ali	UniversalTV	23-09-2016	No	No	23-09-2016	Saahil
25	Mohamed Abdilah Soofahdiiste	Berberatoday	23-09-2016	No	No	23-09-2016	Saahil
26	Abdirashid Abdiwahab Ibraahim	Foore	23-05-2016	Yes	Pending	01-06-2016	Hargeisa
27	Mohamoud Abdi Bare	Star TV	10-10-2016	No	No	11-10-2016	Sanaag
28	Sidiq Mohamed Yousuf	Togdheernews	10-10-2016	No	No	11-10-2016	Sanaag

29	Ms Farah Abdi Nour	HCTV	20-10-2016	No	No	20-10-2016	Sanaag
30	Ahmed Mouse Hassan	Bulsho TV	09-11-2016	No	No	09-11-2016	Awdal
31	Abdiqadir Mohamed Abdilahi	Bulsho TV	09-11-2016	No	No	09-11-2016	Awdal
32	Hanad Arale Ayuni	Kalsan TV	02-12-2016	No	No	02-12-2016	Hargeisa
33	Mohamed Haykal	Kalsan TV	02-12-2016	No	No	02-12-2016	Hargeisa
34	Khadar Gurayte	Heeganews	02-12-2016	No	No	02-12-2016	Hargeisa

**Table B: journalists who were not detained, but were charged.**

	Name	Organization	Charge	Court decision	Stage	Region
1	Ahmed Mouse Sakaaro	Berberatnews	Charged	closure of the case	Final	Togdheer
2	Mohamed Mohamoud Yousuf	Foore	charged	Pending	Pending	Hargeisa
3	Ibrahim Osam Ahmed	Hangoolnews	charged	closed	Final	Hargeisa
4	Alimahid Jibril Hassan	Bulsho TV	charged	Pending	Pending	Hargeisa

**Table C: Cases from last year (2015), but still pending at the court**

	Name	Org.	Charge	Court decision	Stage	Region
1	Cabdirashiid Nuur Wacays	Hubsad	Publication of false news	Acquitted	Regional Court	Hargeisa
2	Siciid Khadar Cabdilaahi	Hubsad	Publication of false news	Acquitted	Regional Court	Hargeisa
3	Muuse Faarah Jaambiir	Ogaal	Publication of false new	Pending	Regional Court	Hargeisa

## THE DETAILS OF THE CASES

### 1. AHMED SAED MOHAMED

Ahmed, a reporter for Kalsan TV, was arrested three times in this year.

**A.** On 25<sup>th</sup> December 2015 he was arrested from Laas-geel district of Saahil region. He was released on the same day without charges. Along with his colleague Abdirahman Mohamed Egeh, he arrived at Laas-geel district of Saahil region to report public protest held by people complaining arrests made at the area a week ago. While they were covering the scene and taking videos and interviews, Police detained them. Their hands were shackled at their back with chain and taken to Hargeisa Central Police Station.<sup>17</sup> Their cameras, laptops and mobiles were taken by the Police. After six hours in detention, they were released on the condition of not releasing the videos of the protests.”<sup>18</sup>

**B.** Ahmed Saed Mohamed and other two journalists were detained at Berbera on 25<sup>th</sup> May 2016. He was released on 27<sup>th</sup> May 2016 without charges.

He was arrested after the Mayor of Berbera submitted to the police a list of journalists he wanted arrested for giving coverage to a member of Berbera local government council who expressed skepticism<sup>19</sup> on an agreement between the Somaliland government and DP World, a company based in United Arab Emirates, on Berbera port

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<sup>17</sup> Interview, Ahmed Saed Mohamd and Abdirahman Mohamed Egeh at Berbera in February 2016

<sup>18</sup> Interview, Ahmed Saed Mohamed and Abdirahmaan Mohamed Egeh at Berbera in February 2016

<sup>19</sup> <http://berberatoday.net/2016/05/24/daawo-xildhibaan-saleeban-cali-khayre-oo-shuruudo-adag-hor-dhigay-madaxa-shirkada-dp-world-oo-kulan-kula-yeeshay-berbera-kaaderiintii-xukuumadda-maayirka-saaxil-oo-qorshahoodi-kala-kacay-baashe-mo/>

management.<sup>20</sup> The councillor voiced his statement at a meeting held in Berbera in the presence of the head of DP World who visited Somaliland. According to journalists in Berbera, the reporters who were present at the meeting were ordered by the Mayor not to report the remarks of the councillor, Suleiman Ali Khayre. Those who ignored the instruction and reported were all ordered to be arrested.<sup>21</sup>

C. He was arrested on 23<sup>rd</sup> September 2016 at Berbera along with other three journalists. They were apprehended by the police from a place in which they arrived to cover alleged transfer of land from the government to a businessman. The memory cards of their cameras were taken away by the police. They were released on the same day. No charges were brought against him.

## **2. ABDIRAHMAN MOHAMED EGEH**

Abdirahman Mohamed Egeh, Somalinews TV, was arrested three times in this year.

A. On 25<sup>th</sup> December 2015 he was arrested from Laas-geel district of Saahil region. He was released on the same day without charges. Along with his colleague Abdirahman Mohamed Egeh, he arrived at Laas-geel district of Saahil region to report public protest held by people complaining arrests made at the area a week ago. While they were covering the scene and taking videos and interviews, Police detained them. Their hands were shackled at their back with chain and taken to Hargeisa Central Police Station.<sup>22</sup> Their

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<sup>20</sup> <http://www.somalilandsun.com/economic/9005-somaliland-dp-world-impressed-by-status-of-berbera-port>

<sup>21</sup> Interviewing journalists at Berbera who were at the scene.

<sup>22</sup> Interview, Ahmed Saed Mohamd and Abdirahman Mohamed Egeh at Berbera in February 2016

cameras, laptops and mobiles were taken by the Police. After six hours in detention, they were released on the condition of not releasing the videos of the protests.”<sup>23</sup>

**B.** Abdirahman Mohamed Egeh was detained at Berbera on 25<sup>th</sup> May 2016. He was released on 27<sup>th</sup> May 2016.

He was arrested after the Mayor of Berbera submitted to the police a list of journalists he wanted arrested for giving coverage to a member of Berbera local government council who expressed skepticism<sup>24</sup> on an agreement between the Somaliland government and DP World, a company based in United Arab Emirates, on Berbera port management.<sup>25</sup> The councillor voiced his statement at a meeting held in Berbera in the presence of the head of DP World who visited Somaliland. According to journalists in Berbera, the reporters who were present at the meeting were ordered by the Mayor not to report the remarks of the councillor, Suleiman Ali Khayre. Those who ignored the instruction and reported were all ordered to be arrested.<sup>26</sup>

**C.** He was arrested on 23<sup>rd</sup> September 2016 at Berbera along with other three journalists. They were apprehended by the police from a place in which they arrived to cover alleged transfer of land from the government to a businessman. The memory cards of their

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<sup>23</sup> Interview, Ahmed Saed Mohamed and Abdirahmaan Mohamed Egeh at Berbera in February 2016

<sup>24</sup> <http://berberatoday.net/2016/05/24/daawo-xildhibaan-saleeban-cali-khayre-oo-shuruudo-adag-hor-dhigay-madaxa-shirkada-dp-world-oo-kulan-kula-yeeshay-berbera-kaaderiintii-xukuumadda-maayirka-saaxil-oo-qorshahoodi-kala-kacay-baashe-mo/>

<sup>25</sup> <http://www.somalilandsun.com/economic/9005-somaliland-dp-world-impressed-by-status-of-berbera-port>

<sup>26</sup> Interviewing journalists at Berbera who were at the scene.

cameras were taken away by the police. They were released on the same day. No charges were brought against him.

### **3. MUBARIG OSMAN SAED**

Mubarig Osman Saed of Star TV, was detained at Berbera on 26<sup>th</sup> May 2016 along with journalist 1 and 2. He was released on 27<sup>th</sup> May 2016.

He was arrested after the Mayor of Berbera submitted to the police a list of journalists he wanted arrested for giving coverage to a member of Berbera local government council who expressed skepticism<sup>27</sup> on an agreement between the Somaliland government and DP World, a company based in United Arab Emirates, on Berbera port management.<sup>28</sup> The councillor voiced his statement at a meeting held in Berbera in the presence of the head of DP World who visited Somaliland. According to journalists in Berbera, the reporters who were present at the meeting were ordered by the Mayor not to report the remarks of the councillor, Suleiman Ali Khayre. Those who ignored the instruction and reported were all ordered to be arrested.<sup>29</sup>

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<sup>27</sup> <http://berberatoday.net/2016/05/24/daawo-xildhibaan-saleeban-cali-khayre-oo-shuruudo-adag-hor-dhigay-madaxa-shirkada-dp-world-oo-kulan-kula-yeeshay-berbera-kaaderiintii-xukuumadda-maayirka-saaxil-oo-qorshahoodi-kala-kacay-baashe-mo/>

<sup>28</sup> <http://www.somalilandsun.com/economic/9005-somaliland-dp-world-impressed-by-status-of-berbera-port>

<sup>29</sup> Interviewing journalists at Berbera who were at the scene.

#### **4. CABDIRAXMAAN AXMED ELSER**

Cabdiraxmaan, a reporter for Star TV, was summoned and detained by the Criminal Investigation Department at Erigavo, Sanaag region.<sup>30</sup> He was detained in 14<sup>th</sup> January 2016 on the request of the regional coordinator of the Ministry of Environment who was dissatisfied by a report publicized by Star TV on impacts of charcoal production to the environment.<sup>31</sup> He was released without charges.

#### **5. CABDIMAALIK MUISE COLDOON**

On 18<sup>th</sup> January 2016, Cabdimaalik Muuse Coldoon, a freelance journalist, and his cameraman, Khadar Abokor, were arrested in Buraq for interviewing in a prison a man alleged of cannibalism. They were released on bail in 26<sup>th</sup> January 2016. Official charge was not submitted, but they were accused of illegally taking interview and interrupting police investigation.

#### **6. KHADAR ABOKOR**

On 18<sup>th</sup> January 2016, Khadar was arrested in Buraq. He was released on 26<sup>th</sup> January 2016 on bail. Khadar, a cameraman, was arrested with Cabdimaalik Muuse Coldoon, freelance journalist in Buraq for interviewing in a prison a man alleged of cannibalism. They were released on bail in 26<sup>th</sup> January 2016. Official charge was not submitted, but they were accused of illegally taking interview and interrupting police investigation.

#### **7. YAASIIN XASAN BALBALAADHSHE**

Yaasiin, a cameraman and film maker, was arrested in Buraq on 16<sup>th</sup> March 2016. On 19<sup>th</sup> March a court remanded him to seven days in custody. On 28<sup>th</sup> March, Togdheer Regional Court fined him one million Somaliland Shillings

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<sup>30</sup> Interview, Cabdiraxmaan Axmed Elser in Erigavo, February 2016

<sup>31</sup> Interviews, Erigavo, February and November 2016

(about 150 USD). He paid the fine and was released. The authorities accused him of publishing pictures with graphic contents showing the body of a man allegedly killed by an assailants at café in Burao.

#### **8. CABDIWELI AW DIIRIYE**

Cabdiweli, a freelance journalist, was arrested in Buroa on 16<sup>th</sup> March 2016. On 19<sup>th</sup> March a court remanded him to seven days in custody. On 28<sup>th</sup> March, Togdheer Regional Court fined him one million Somaliland Shillings (about 150 USD). He paid the fine and was released. The authorities accused him of publishing pictures with graphic contents showing the body of a man allegedly killed by assailants at café in Burao.

#### **9. CABDINAJIIB IBRAAHIM MUUMIN**

Cabdinajiib, a journalist with Star TV, was arrested on 16<sup>th</sup> March 2016 and released on 17<sup>th</sup> March. He was arrested by the chairman of Xariirad District Court. There were no official charges against him.

#### **10. MOHAMED OMAR JARAY**

Mohamed, a reporter for Borama News website, was arrested two times in this year.

- A.** He was arrested in Borama, Awdal region, on 16<sup>th</sup> March and was released on 18<sup>th</sup> March. He was arrested for an opinion article published by Borama News website which allegedly accused the vice-president and the ruling party on disputed polling stations. Mohamed argues that he was not the editor of the website and was not responsible for the publication of the article.
- B.** He was again arrested on 13th April 2016 in Borama. Mohamed was detained after he interviewed people singing the national anthem of Somalia. In a video clip published by the Borama News website,

residents on the streets were asked by the journalist to sing the Somaliland or the Somalia national anthem as a part of a quiz program. The majority of the quizzed participants preferred to sing the Somalia national anthem instead of Somaliland's national anthem.

His lawyers were arrested and his case was heard without legal representation. On 9<sup>th</sup> May 2016, he was sentenced to six months of imprisonment in which the court accepted to convert into payment of a fine. He was released when he paid the fine.

## **11. ABDIRASHID ABDIWAHAAB IBRAAHIM**

Abdirashid Abdiwahaab Ibraahim, chairman of Foore, was arrested on 29<sup>th</sup> May 2016 in Hargeisa. He was released on 1<sup>st</sup> June 2016. Abdirashid along his editor has been prosecuted before the court. See number 31 for the details of their case which is pending before Hargeisa Regional Court.

## **12. AHMED MOUSE SAKAARO**

Ahmed Mouse Sakaaro, a journalist based in Buroa, east of Somaliland, was detained and prosecuted in numerous occasions.

A. On March 2016, Ahmed Mouse Sakaaro was charged of falsely accusing the Mayor of Buroa, Mohamed Yousuf Murad. <sup>32</sup> The Regional Court of Togdheer issued on 23<sup>rd</sup> March 2016 a decree closing the case and clearing Ahmed of all charges.<sup>33</sup>

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<sup>32</sup> Office of the Attorney General, Togdheer, Charge Sheet, 22<sup>nd</sup> February 2016

<sup>33</sup> Court Decree Number: MGT/DDL/59/2016 dated 23<sup>rd</sup> March 2016

- B.** On another occasion, Ahmed was detained on 8<sup>th</sup> March 2016 at Buroa, Togdheer region, on the order of the Deputy Attorney General in charge of Togdheer region. He was released after three hours in custody.
- C.** On 25<sup>th</sup> September 2016, Ahmed was arrested at Buroa, east of Somaliland. The authorities accused Ahmed for inciting violence by urging the journalists “to defend themselves”.<sup>34</sup> Ahmed condemned<sup>35</sup> statement made by the Minister of Presidency who threatened<sup>36</sup> to liberate from the country what he called pirate journalists. In response to the Minister, Ahmed urged the journalists to stay vigilant and on guard. Togdheer Regional Court dismissed the case and released Ahmed on 25<sup>th</sup> October. The prosecution appealed against the decision.

### **13. CABDIFATAAX ISMAACIIL CAARSHE**

Cabdifataax, a freelance journalist, was detained on 26<sup>th</sup> March 2016 and was released on 28<sup>th</sup> March. Cabdifataax was arrested from his house and was held incommunicado custody. He was neither brought to court nor told why he was arrested. According to Cabdifataax and Somaliland Journalists Association (SOLJA), he was detained and beaten up by the body guards of the then Minister of Interior, Ali Mohamed Waran-Ade.<sup>37</sup>

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<sup>34</sup> Charge sheet, Office of the Attorney General

<sup>35</sup> <http://afkashacabka.com/articles/19348/DaawoSuxufi-Sakaaro-Oo-Jawaab-Adag-Ugu-Jawaabay-Wasiirka-Madaxtooyada-Somaliland-Muxuuse-Ku-Yidhi>

<sup>36</sup> <http://geeska.net/archives/35751>

<sup>37</sup> <http://tooshnews.net/?p=25236>

#### **14. MOHAMED BARRE OMAR**

Mohamed Barre Omar, a freelance journalist, was detained in Boorama on 13th April 2016 and was released on the second day, 14<sup>th</sup> April. No charges were brought against him.

#### **15. ABDIRAHMAAN NOUH HIIRAAN**

Abdirahmaan Nauh Hiiraan, Hadhwanaagnews website, was detained in Wajaale on 13<sup>th</sup> May 2016. He was released on the same day. No charges were brought against him.

#### **16. SIDIIQ CARAB**

Sidiq Carab, a reporter for Somali Broadcasting Corporation (SBC), was detained from Sheikh on 22<sup>nd</sup> June 2016 while he was covering public protest held at the town. He was held in custody at Berbera. He was released on 28<sup>th</sup> June 2016. No charges were brought against him.

#### **17. MAHDI ALI GOODIR**

Mahdi Ali Goodir, Hadhwanaagnews website, was detained in Buroa on the morning of 29<sup>th</sup> July 2016 from the office of the governor of Togdheer region. He was released on the evening of 29<sup>th</sup> July. No charges were brought against him.

#### **18. KAYSE AHMED DIGAALE**

Kayse is the deputy chairman of Somaliland Journalists Association and reporter for Horn Cable TV. He was arrested on 7<sup>th</sup> September for a Facebook post. He was released on the same day. No charges were brought against.

## **19. YAASIN JAMA ALI**

Yaasin, a reporter for Universal TV, was arrested on 23<sup>rd</sup> September 2016 at Berbera along with other three journalists. They were apprehended by the police from a place in which they arrived to cover alleged transfer of land from the government to a businessman. The memory cards of their cameras were taken away by the police. They were released on the same day. No charges were brought against him.

## **20. MOHAMED ABDILAAHI SOO FAADHIISTE**

Mohamed, Berberanews website, was arrested on 23<sup>rd</sup> September 2016 at Berbera along with other three journalists. They were apprehended by the police from a place in which they arrived to cover alleged transfer of land from the government to a businessman. The memory cards of their cameras were taken away by the police. They were released on the same day. No charges were brought against him.

## **21. MOHAMOUD ABDI BARE, AND**

## **22. SIDIQ MOHAMED YOUSUF**

On 10<sup>th</sup> October 2016, two journalists were arrested in Eil Afwayn district of Sanaag region at east of Somaliland. Mohamoud Abdi Bare, Star TV, and Sidiq Mohamed Yousuf, Togdheernews website, were arrested after they visited an area to report drought in that place, according to the journalists at the region and the deputy chairman of Somaliland Journalists Association. They were released on the same day without charges.

**23. AHMED MOUSE HASSAN; AND**

**24. ABDIQADIR MOHAMED ABDILAH**

Two Bulsho TV journalists, Ahmed Mouse Hassan and Abdiqadir Mohamed Abdilahi were arrested in Borama on 9<sup>th</sup> November 2016 after they visited the office of the mayor of Borama to interview him. They were released at the same date.

**25. FARAH ABDI NOUR**

Farah Abdi Nour, a journalist at HCTV, was arrested in Gar-adag district of Sanaag region on 20<sup>th</sup> October 2016. She was released on the same day. She was not charged of any crime, but she was arrested after reporting about distribution of humanitarian aid at the district in which the Mayor was accused of mishandling the distribution.

**26. HANAD ARALE AYUNI,**

**27. MOHAMED HAYKAL, AND**

**28. KHADAR GURAYTE, HEEGANNEWS**

Hanad Arale Ayuni, journalist with Kalsan TV, Mohamed Haykal, cameraman with Kalsan TV and Khadar Gurayte of Heegannews website were detained on 2<sup>nd</sup> December 2016 at Hargeisa Central Police Station. The journalists were arrested from the outside of the compound of Hargeisa Central Police Station while they were allegedly taking photos at a scene where the speaker of the Lower House who is also the chairman of Waddani opposition party was rejected to enter the police station to visit detainees. They were released at the evening of that same day. No charges were brought against them.

## 29. CABDIRASHIID NUUR WACAYS AND

## 30. SICIID KHADAR CABDILAAHI

Cabdirashiid Nuur Wacays, chairman of *Hubsad* newspaper and Siciid Khadar Cabdilaahi, editor-in-chief of *Hubsad* newspaper, were charged before Hargeisa Regional Court. The Office of the Attorney General submitted to Hargeisa Regional Court a Charge Sheet indicting Siciid Khadar Cabdilaahi and Cabdirashiid Nuur Wacays of two accounts:<sup>38</sup>

(1) Publication or Circulation of False, Exaggerated or Tendencious News Capable of Disturbing Public Order (Art. 328.).

(2). Unauthorised or Prohibited Business Agencies and Public Trading Concerns (Art. 518.)

The journalists were arrested on 30<sup>th</sup> November 2015 in Hargeisa. They were released 3<sup>rd</sup> December on bail. Authorities claim that the journalists were running unlicensed newspaper.<sup>39</sup> They were arrested from the Office of the Attorney General while they were filling to register the names of new leadership and ownership of *Hubsad*.<sup>40</sup> The publication of *Hubsad* newspaper is suspended by the Attorney General.

*Hubsad* is a registered newspaper, but the ownership and leadership have transferred from previous management to new leadership, according to *Hubsad* journalists and government issued documents seen by HRC. The Office of the Attorney General is responsible the registration of press, according to article 6 of the Press Law.

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<sup>38</sup> Office of the Attorney General, Hargeisa, Charge Sheet

<sup>39</sup> Office of the Attorney General, Hargeisa, Charge Sheet

<sup>40</sup> <http://hargeisatimes.com/xeer-ilaaliyaha-guud-ee-qaranka-somaliland-oo-jabiyay-amar-ka-soo-baxay-maxkamada-sare-ee-somaliland/>

On 12<sup>th</sup> November 2016, the presiding charge pronounced a judgment acquitting the two journalists. However, the court judgment stated that the newspaper cannot be published unless “remaining registration process is completed.”

### **31. MOHAMED MOHAMOUD YOUSUF**

Criminal case against Mohamed Mohamoud Yousuf, editor-in-chief of Foore, and Abdirashid Abdiwahaab Ibraahim (number 11 above), chairman of Foore newspaper, is pending before Hargeisa Regional Court.<sup>41</sup> The hearings are concluded. The court is yet to pronounce judgment. The Attorney General charges the journalists the following crimes:

- (1) Publication or Circulation of False, Exaggerated or Tendentious News Capable of Disturbing Public Order (Art. 328.)
- (2) Subversive or Anti-National Propaganda (article. 215.).
- (3) Unauthorized or Prohibited Business Agencies and Public (Art. 518.)
- (4) Substitution of Person (Art. 383.)

The journalists are charged for news articles about agreement between the Somaliland government and DP World, a company based in United Arab Emirates, on Berbera port management.<sup>42</sup> The newspaper articles allegedly stated that the family of Somaliland President maintains 15% in the new deal.

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<sup>41</sup> <http://foorenews.com/ma-dhabaa-in-35-ka-somaliland-ka-helayso-heshiiska-dekeda-ay-15-ku-hagaagayaan-qoyska-madaxweyne-siilaanyo-iyo-qaar-ka-mid-ah-wasiiradda-ka-agdhaw/>

<sup>42</sup> <http://foorenews.com/ma-dhabaa-in-35-ka-somaliland-ka-helayso-heshiiska-dekeda-ay-15-ku-hagaagayaan-qoyska-madaxweyne-siilaanyo-iyo-qaar-ka-mid-ah-wasiiradda-ka-agdhaw/>

### **32. IBRAHIM OSMAN AHMED**

On 11<sup>th</sup> July 2016, Somaliland Attorney General charged Ibrahim Osman Ahmed, editor-in-chief of Hangoonews website.<sup>43</sup> Ibrahim was accused of “publication of false news, false-accusation and defamation”.<sup>44</sup>

According to the charge sheet, the editor was charged for published stories written about the Manager of Egal International Airport (Hargeisa) and the Director General of the Ministry of Civil Aviation. The articles published by the website criticized the service delivery of the Airport and accused the manager of the Airport on facilitating tax evasion, according to the charge sheet.

The case was closed after the journalist and Egal International Airport authorities settled.

### **33. ALIMAHDI JIBRIL HASSAN**

A. Calimahdi Jibriil Xasan, Bulsho TV, and Cabdiweli Yuusuf Cumar, Bulsho TV, were attacked by assailants in Hargeisa on 20<sup>th</sup> March 2016.<sup>45</sup> Cabdiweli sustained injuries, and was hospitalized. The two journalists complained to the police who later apprehended two civil servants who purportedly were part of the attackers. However, they were immediately released without further information. The journalists claim that they were attacked for airing report asserting that Erigavo road construction halted after a new minister took over the Ministry of the Public Works, according to journalist. The government has not made any statement regarding the attack and the claim of the journalists.

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<sup>43</sup> <http://hangoonews.com/>

<sup>44</sup> Charge Sheet, Office of the Attorney General

<sup>45</sup> Interview, Hargeisa 21 and 22<sup>nd</sup> March 2016

- B.** Charge sheet indicting Alimahdi Jibril Hassan, a journalist with Bulsho TV, was submitted to Hargeisa Regional Court. He is accused for Facebook posts posted on a Facebook page. Alimahdi denies that he owns the Facebook page in which the authorities are attributing to him. The case is pending before the Regional Court.

### **34. MUUSE FAARAH JAAMBIIR**

Muuse Faarah Jaambiir, chairman of Ogaal newspaper is accused of publishing “false news defaming the President and shaming the First Lady”. The charge sheet states that *Ogaal* newspaper published on 24<sup>th</sup> August 2015 and 30<sup>th</sup> August 2015 false news related to privatization process of a government owned Berbera Petroleum Tanks and the powers of the first lady. His case is pending before Hargeisa Regional Court.

### **35. CABDIWELI YUUSUF CUMAR**

Cabdiweli Yuusuf Cumar, a journalist with Bulsho TV, and Calimahdi Jibriil Xasan, were attacked by assailants in Hargeisa on 20<sup>th</sup> March 2016.<sup>46</sup> Cabdiweli sustained injuries, and was hospitalized. The two journalists complained to the police who later apprehended two civil servants who purportedly were part of the attackers. However, they were immediately released without further information. The journalists claim that they were attacked for airing report asserting that Erigavo road construction halted after new minister took over the Ministry of the Public Works, according to journalist. The government has not made any statement regarding the attack and the claim of the journalists.

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<sup>46</sup> Interview, Hargeisa 21 and 22<sup>nd</sup> March 2016

Private radios continue to be banned in Somaliland which severely limits access to information in rural areas and among nomadic communities. The only local radio that operates in Somaliland is the government owned *Radio Hargeisa*. International radios of BBC Somali Service and VOA Somali Service are also listened to in Somaliland.<sup>47</sup>

On 20<sup>th</sup> August 2016, Saed Mohamoud Gahayr, author and teacher, was arrested in Hargeisa. According to the charge sheet, Gahayr was charged for Facebook posts and published articles in which he expressed his opinion on a land expropriated by the government for Egal International Airport (Hargeisa). On 15<sup>th</sup> October 2016, the court acquitted him. The Office of the Attorney General appealed against the acquittal, and Gahayr remained in detention. On 15<sup>th</sup> November, he was released after settlement was reached.

## THE CASE OF HAATUF

Yusuf Abdi Gabobe, the chairman of the banned Haatuf Media Group filed a civil suit against the government demanding compensation for a damage caused by the closure of Haatuf office and the banning of Somaliland Times and Al Haatef Al-Arabia.

On 7<sup>th</sup> April 2014, Somaliland Police shut down the headquarters of the independent newspapers of Haatuf, Somaliland Times and Al Haatef Al-Arabia. In 25<sup>th</sup> June 2014, Hargeisa Regional Court sentenced Haatuf journalists between three and four years of imprisonment and compensation of fifty millions of Somaliland Shillings. Yusuf Abdi Gabobe, chairman of Haatuf Media Group, was sentenced to three years of imprisonment and Ahmed Ali Ege, Editor-in-chief of Haatuf newspaper, was sentenced to four years of imprisonment. The Court also ruled the revocation of the license of Haatuf newspaper. The journalists were released on presidential pardon. But, the media houses remain in closure.

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<sup>47</sup> BBC Somali Service and VOA are two international radios based London and Washington respectively.

Between 6th and 8th June 2016, four people, Mohamed Sidiq Dhame, Mohamoud Ahmed, Nuradin Ibrahim and Mohamed Duale, were arrested after they expressed their opinion on an agreement signed by Somaliland government with United Arab Emirates based company, DP World, to manage Berbera port.<sup>48</sup> The four people including Mohamed Sidiq Dhame, Waddani opposition party youth wing leader, were arrested after they participated in a press conference held at Kaah Hotel in Hargeisa on 5<sup>th</sup> June where they criticized the agreement.<sup>49</sup> They were released on 21<sup>st</sup> June 2016 on bail. No charges are filled with the court.

Sultan Ali Saleebaan Mohamed, a traditional leader, was arrested on 28<sup>th</sup> July 2016. The sultan expressed concern on DP World deal on Berbera Port management. He was released on 7<sup>th</sup> August 2016 without charges.

The police arrested and detained people accused of participating and organizing demonstrations that took place in Saahil region against agreement reached by the government of Somaliland with United Arab Emirates based company called DP World on the management of Berbera Port.<sup>50</sup>

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[http://web.dpworld.com/wp-content/uploads/2016/05/2016\\_05\\_28\\_Somaliland\\_Visit\\_En.pdf](http://web.dpworld.com/wp-content/uploads/2016/05/2016_05_28_Somaliland_Visit_En.pdf)

<sup>49</sup> <https://www.youtube.com/watch?v=3c76krgl2fs&feature=share>

<sup>50</sup> <https://www.youtube.com/watch?v=uB5F5FAggy8>

Four people were arrested for allegedly criticizing and organizing public protests against agreement between the government of Somaliland and Dubai Ports World. Ibrahim Abdilahi Abdi was arrested on 20<sup>th</sup> July 2016, Mohamed Osman Ahmed was arrested on 5<sup>th</sup> June 2016, Mohamed Omar Yousuf was arrested on 5<sup>th</sup> June 2016 and Saed Ali was arrested on 5<sup>th</sup> June 2016. They were held in Hargeisa. All were released on 7<sup>th</sup> August 2016 without charges.

On 22<sup>nd</sup> June 2016, three people accused of protesting at Sheikh district of Saahil region were arrested. One of them was fined by court and the others were freed. On 20<sup>th</sup> June 2016, protest took place in Berbera<sup>51</sup> and Abdaal. Fifteen people including breast feeding mother was arrested from Lafa-ruug and detained in Moalin Harun police station at Hargeisa. They were released without charges after days in detention.

Ugaas Abdirahman Dirie, a traditional leader based in Buroa, east of Somaliland, was arrested from Buroa on 3<sup>rd</sup> November 2016 without court warrant. He was transferred to Hargeisa. He was brought to court on 12<sup>th</sup> November 2016 exceeding the 48 hours limitation required by the law. The court in Hargeisa remanded him 4 days into custody. Upon the expiration of the remand period, the appeal court ordered his release. But the police refused to give his liberty back. On 3<sup>rd</sup> December the Hargeisa Regional Office of the Attorney General instructed the police to release him. Again the police rejected the order. The traditional leader was arrested after he held a meeting in which he pronounced that he had joined an opposition party.

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<sup>51</sup> [http://www.bbc.com/somali/war/2016/06/160620\\_berbera](http://www.bbc.com/somali/war/2016/06/160620_berbera)

## SOMALILAND POLICE AND HUMAN RIGHTS

The constitution of Somaliland guarantees the right to personal liberty and sets out the circumstances under which one's liberty can be taken away. The Criminal Procedure Code requires strict application of the law in applying the standards provided for arrest and detention. Depriving someone of their liberty unlawfully or arbitrarily is prohibited by the law. The constitution of Somaliland dictates that no person shall be deprived of his liberty except in accordance with the law. The constitution states that no person may be arrested, searched, or detained, except when caught in the act of committing crime (*in flagrante delicto*), or on the issue of a reasoned arrest warrant by a competent judge.

Human Rights Centre found that due process of law is not followed in conducting arrests and the procedural guidelines stipulated in the law are sidelined. There are people arrested and detained for exercising their freedom of expression and protests.<sup>52</sup>

Parents are arrested for acts allegedly committed by their children. Human Rights Centre interviewed 13 mothers arrested and detained solely on the basis that their sons are wanted by the police.<sup>53</sup> They were held in detention between three and 15 days. The police violating the law, often search the houses of teenagers they want for questioning and if they do not find them, they instead apprehend and detain their mothers.<sup>54</sup> The law of Somaliland clearly forbid these actions. Article 1 of the Penal Code states that no one shall be punished

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<sup>52</sup> See section for Freedom of Expression in this report for the details related to the people arrested for freedom of expression.

<sup>53</sup> They were interviewed in Harigesa in September, October and November.

<sup>54</sup> HRC found that the mothers are arrested, but not the fathers. Interviewed police officer told HRC that they children are more sympathetic for mothers and will surrender to police if their mothers are arrested.

for an act which is not expressly made an offence by law. Article 26 (2) of the constitution states that “the liability for the punishment of any crime shall be confined to the offender only”. There is no law or reasonable grounds allowing the police to arrest parents for the alleged actions of others.

Elders were arrested for crimes purportedly committed by members of their clan. On 17<sup>th</sup> June 2016, 24 elders were arrested and held without charges. They were arrested from Ainabo district, Saraar region, on 17<sup>th</sup> June 2016 without court warrant. They were neither brought to court nor charged with any crime. Eighteen of them were held in Mandheera prison and six were in Ainabo prison.<sup>55</sup>

The elders were arrested after a man of their clan allegedly killed another man. The authorities demanded the clansmen to apprehend the suspect who escaped after the purported incident. They are not accused of involvement of the alleged killing. They are held on the order of the governor of Saraar region.<sup>56</sup> Somaliland laws do not allow governors to remand people in custody.

According to article 25 of the Somaliland constitution no person shall be deprived of his liberty except in accordance with the law. The law requires arrested persons to be brought to court within 48 hours. These 24 persons were not brought before court, and no competent judge allowed their detention as mandated by the law. Article 26 (2) of Somaliland Constitution says “the

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<sup>55</sup> The names of the elders:

Those detained in Mandheera: 1.Jiif Caaqil Salaad Yuusuf Qodax 2.Caqil Salaad Faarax Yuusuf 3.Caaqil Aadan Salaad Jaamac 4.Faarax Sahal Cali 5.Maxamuud Warsame Geedi 6.Ciise Xaaji Nuur Diiriye 7.Xasan Cabdilaahi Cali 8.Cabdi Cabdilaahi Cali 9.Xaashi Ciise Cali 10. Muuse Aw Cilmi 11. Cali Cawil Muuse 12. Ismaacil Sahal Cali 13.Ciise Geedi Jaamac 14. Faarax Geedi Cigaal 15. Faarax Carab Cilmi 16. Sahal Muuse Shire 17. Amiir-Cismaan Ismaaciil Barre 18. Cali Faarax Shire  
Those detained in Ainabo: 1. Cabdi Xaaji Maxamed Abokor 2. Ismaacil Sahal Abokor 3. Cawil Colijoog Aadan 4. Cabdilaahi Salaad Jaamac 5. Aadan Xaaji Abokor 6. Xasan Guuleed Jaamac Diiriye.

<sup>56</sup> Interviews in Hargeisa, and phone interviews in Ainabo and Mandheera.

liability for the punishment of any crime shall be confined to the offender only”.

On 14<sup>th</sup> June 2015, thirty elders were arrested and detained in Erigavo prison. The elders were arrested after member of their clan accused of murder escaped. To force the clan to apprehend the man, the elders were arrested. Some of them became ill in the prison. Mohammed Hussein Duale died in the prison after he became sick. His family and other sources stated that medical assistance was not given to him. They were kept in custody without charging them any crime. They were released in 15<sup>th</sup> June 2016 after one year of imprisonment.<sup>57</sup>

Article 9(3) of the International Covenant on Civil and Political Rights states that every detained person facing criminal charges has a right to trial within a reasonable time or to be released pending trial. The majority of judges and lawyers interviewed told HRC that the police hold suspects for a long and unjustified period<sup>58</sup>. Remand periods are unnecessarily prolonged in a process called “Xalaalayn” (literally meaning legitimizing). Article 47 of the Criminal Procedure Code states that an accused person in custody shall be brought before judge every seven days. Although the Law sets out strict rules to hold a detainee at the pre-trial stage, the police bring the suspects to a judge who renews the remand period without considering the reasons of arrest, the possibility of bail or the duration reasonably needed to investigate the case.<sup>59</sup>

Police Stations hold the detainees at the pre-trial stages in the majority of the regions of Somaliland including Hargeisa, the capital. The Police Stations are

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<sup>57</sup> HRC interviewed prison guards, family members, released elders and judges in Erigavo in November 2016.

<sup>58</sup> Interview, Hargeisa, and phone interviews in Buroa and Berbera

<sup>59</sup> Interview in Hargeisa, lawyers

intended and structured to hold suspects for 48 hours. They lack the basics required for a detention centre. Dozens and sometimes hundreds of inmates share one toilet. The toilets are dirty and are located outside the cells.<sup>60</sup> From 6:00pm to 6:00am the detainees are in the cells without toilets forcing them to use jerry cans and plastic bags.<sup>61</sup> The rooms are very small and crowded beyond capacity, posing the risk of transmittable diseases.

Once an accused person is acquitted by court after the case is heard, the prosecution office immediately lodges an appeal and prevents the person being released.<sup>62</sup> The appeal process takes lengthy period in which innocent person is kept behind bars despite the court order of release.

Pregnant and breast-feeding women are held in detention without bail in contrary to article 44 of the Criminal Procedure Code. This poses serious concern, taking into account the poor conditions of congested police stations lacking sanitation, food and health services.

Detained people are not informed of their right to legal counsel.<sup>63</sup> The lawyers do not have access to their clients in detention.<sup>64</sup> The role of the lawyers only starts at the trial stage. Lawyers are not allowed to represent their clients at the pre-trial stage.<sup>65</sup> At the time of interrogations, lawyers are not permitted to safeguard the protection of the rights of the accused. “The task of the lawyer is restricted to the court and the hearing. It is limited. Our hands are tied,” one defence lawyer told Human Rights Centre<sup>66</sup>

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<sup>60</sup> HRC visited 14 police stations.

<sup>61</sup> Interviewing detainees August, September, October and November.

<sup>62</sup> Interviewing lawyers, judges and acquitted detainees.

<sup>63</sup> Interview of detainees in Hargeisa

<sup>64</sup> Interview of lawyers, and police officers

<sup>65</sup> Interviews on August to November in Hargeisa, Buroa, Boorama and Berbera

<sup>66</sup> Interview with lawyer in Hargeisa, August 2016

The prosecution has ample of time to prepare the case, unlike the defence, which is not given sufficient time.<sup>67</sup> Upon the conclusion of the investigation, the prosecution prepares and submits a charge sheet. The hearings start immediately, without giving the defence time to study the charges and prepare for the case. The majority of the cases studied by Human Rights Centre and as confirmed by interviewed lawyers, take only one day. In the majority of the cases, the defence does not call witnesses because it has neither the time nor the opportunity.

Although police resources and budget are very limited, the condition of police stations is alarming. Police stations are below the minimum standards allowable in which to hold human beings. HRC visited 14 police stations, interviewed lawyers, detainees and police officers. The detainees are dependent on their families for food. Those who do not have a family to care for them do not get food. The cells are overcrowded and unclean. There is no medical care. There is no even an emergency First Aid kit at police stations. Water is scarce. In many police stations the detainees are only allowed to fetch water from taps once or twice a day.

Detainees are ill-treated whence they are transported to courts. Up to 10 detainees are shackled together to one chain and walked to the compound of the court some openly complaining. They are beaten and degraded. They are taken openly in the backs of pickup trucks with long chains through the streets of the city. They are walked in and around the compound of the court, some of without shoes and shirts, held by tight and heavy shackles in the presence of the public, damaging their reputation and presumption of innocence as well as being humiliating to morale.<sup>68</sup>

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<sup>67</sup> Interviews in Hargeisa on August, September and October

<sup>68</sup> Interviews of judges, and lawyers in Hargeisa, October and November 2016

“I have encountered detainees complaining of ill-treatment at the police stations” a Judge told HRC.<sup>69</sup> One judge told HRC team that one detainee who was brought to him was injured in the testicles by police. Beatings of detainees have been reported. On 6<sup>th</sup> September 2016, Abdinour Osman, detainee at Koodbuur Police station, was beaten by policeman using his gun. His neck was fractured. He was hospitalized and taken to Ethiopia for medical attention. No police officer has been arrested for the act. Other interviewed detainees were released by the court told HRC that they were beaten and asked to confess to crime they did not commit.<sup>70</sup>

In this year, the police started to cut men’s hair in the streets of Hargeisa by enforcing a directive from the Minister of Religious Affairs who banned “improper and unreligious haircuts.”<sup>71</sup> The Minister of Religious Affairs also instructed barbershops to strictly follow haircut styles his Minister and a Committee for the Promotion of Virtue and Prevention of Vice has distributed to the barbershops.<sup>72</sup>

On 13<sup>th</sup> October 2016, a concert by singer Nasteexo Indho was shut down by the police on the grounds that it was incompatible with the religion of Islam. Police arrived at Crown Hotel in Hargeisa and ordered the management to halt the event and directed participants to leave.<sup>73</sup> Nasteexo is a Somali Diaspora singer based in Europe. The Minister told the media that Ms Nasteexo Indho dances in unreligious ways.<sup>74</sup>

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<sup>69</sup> Interview, Harigesa, September 2016

<sup>70</sup> Interviews with family members on August 2016, Hargeisa

<sup>71</sup> <https://www.youtube.com/watch?v=YHF-U8U4jkQ&app=desktop>

<sup>72</sup> Committee for Promotion of Virtue and Prevention of Vice is nongovernmental entity established and run by religious leaders.

<sup>73</sup> [https://www.youtube.com/watch?v=\\_yX8nIkBu0M](https://www.youtube.com/watch?v=_yX8nIkBu0M)

<sup>74</sup> <https://www.youtube.com/watch?v=YHF-U8U4jkQ&app=desktop>

On 9<sup>th</sup> October 2016, one person died and another was injured after police fired on people gathered in a souk at Wajaale district, west of Hargeisa. The police arrived to evict members of minority clans who work as blacksmiths in the centre of Wajaale.

## **CIVILIANS CHARGED IN MILITARY COURTS**

Human Rights Centre documented military courts trying civilians contrary to the Somaliland constitution, which says “the courts of the Armed Forces shall have special jurisdiction in hearing criminal charges brought against the members of the armed forces in peace or war.”<sup>75</sup> The proceedings of the military courts are swift, limit right to legal representation and ignore the basic fair trial standards provided by the constitution and the Criminal Procedure Code. The judges and prosecutors are military officers.<sup>76</sup>

The military courts appoint police and military officers as legal counsels for the defendants charged of a serious crime. The defendants who are able and decide to have their own legal defence are allowed, but the lawyers find access difficult, time to prepare the case inadequate and they complain of harassment.<sup>77</sup> “I no longer represent anyone before the military courts. I was humiliated by the court before everyone many times, and cannot defend my client,” a defence lawyer told Human Rights Centre.<sup>78</sup>

Saado Jaamac Aadam was arrested from her home in Berbera, Saahil region, on 12<sup>th</sup> March 2016 at about 10:30 pm local time. The police made the arrest

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<sup>75</sup> Article 104 of Somaliland constitution

<sup>76</sup> The military court officials do not have formal legal knowledge.

<sup>77</sup> Interviewing lawyers, August, September 2016, Hargeisa

<sup>78</sup> Interview in Hargeisa, lawyer May 2016

without a warrant or search. Saado was immediately transferred to Hargeisa, 190 km from Berbera.

The next day she was brought before a military court in Hargeisa Central Police Station. Along with other 24 civilians, she was out on trial, accused of communicating and sending money to a man who allegedly killed a police commander in the Saahil region. She is not a member of the armed forces. She was released on 16<sup>th</sup> June 2016 – three months later --, after the military Attorney General withdrew his charges.<sup>79</sup>

On 24<sup>th</sup> July 2016, the military court in Hargeisa sentenced to death eight civilians for the killing of the Sahil Police Commissioner in March 2016. Another 10 were sentenced to between 8 months and seven years of imprisonment.<sup>80</sup> All the defendants were civilians.

A criminal case against Mohamed Amin Jibril, a freelance journalist, Safiya Jibril, a civilian, and a policewoman is pending before the military court in Hargeisa. They are charged with allegedly sending insulting and threatening text messages to a civilian person.<sup>81</sup>

Xamse Xuseen Cabdi, a civilian, was convicted by a military court on 20<sup>th</sup> December, accused of killing a traffic man on 30<sup>th</sup> November. The military courts also hear all criminal cases against the police and the prison guards, even when the victim is a civilian. According to the constitution, the military courts do not have a legal mandate to try the police.<sup>82</sup>

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<sup>79</sup> The case of Saado attracted international pressure. Amnesty International issued Urgent Action on her behalf: <https://www.amnesty.org/en/documents/afr52/3680/2016/en/>

<sup>80</sup> Court judgment: <http://www.hctv.tv/?p=36574>

<sup>81</sup> Human Rights Centre interviewed Mohamed Amin Jibril and his lawyer.

<sup>82</sup> Article 104 of Somaliland constitution

## DEATH PENALTY

Somaliland executed seven people in this year. Executions resumed in 2015 after nine years of de facto moratorium. In 2015, seven people were also executed.<sup>83</sup> The constitution of Somaliland and the Penal Code allow the death penalty.<sup>84</sup>

On 11<sup>th</sup> January 2016, four men were executed in Somaliland. Two were executed in Mandheera where a prison and police academy are located, and two others were executed in Dararweyne military compound.

Cabdirisaaq Maxamed Khayre, a policeman convicted by the military court, was accused of killing a senior police officer in Berbera on 17<sup>th</sup> December 2016. On the next day, 18<sup>th</sup> December, a Friday which is nonworking day, the first instant court of the military court heard the case and issued its death sentence. The Military Supreme Court heard and upheld the judgment on 20<sup>th</sup> December.

Cabdilaahi Cabdi Cilmi, a policeman convicted by the military court, was accused of killing a man in a land dispute. His lawyer told HRC that a review of the case was pending before the Military Supreme Court when the execution was carried out.<sup>85</sup> According to the lawyer, he submitted to the Military Supreme Court a petition to review the case. Cismaan Hiirad Diiriye and Cabdicasiis Siciid Warsame, two soldiers convicted by the military court were also executed.

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<sup>83</sup> <http://www.hrcsomaliland.org/publication/154-hrc-2015-report>

<sup>84</sup> The articles that carry death penalty include: Art. 184. (Attempts Against the Integrity, Independence or Unity of the Somali State; high treason), Art. 185. (Citizen Who Bears Arms Against the Somali State). Art. 222. (Devastation, Pillage and Slaughter). Art. 223. (Civil War). Art. 434 (Murder)

<sup>85</sup> Human Rights Centre interviewed in Hargeisa the lawyer of the Cabdilaahi.

On 17<sup>th</sup> January 2016, another three people were executed. Muna Maxamed Cabdilaahi, 37, a mother, Maxamed Axmed Cabdi, 21, her son, and Cabdaleh Xasan Maxamed, 30, were executed in Mandheer.

## DEPORTATIONS

On 19<sup>th</sup> January 2016, Somaliland police and immigration department officials launched a nationwide campaign against Ethiopian nationals living illegally in Somaliland. According to the then Minister of Interior Ali Mohamed Waran Ade, the government was committed to locate and deport undocumented foreigners.<sup>86</sup> These mass deportations started after the government announced in December 2015 that all “illegal immigrants” shall leave the country within 30 days starting from 1<sup>st</sup> January 2016.<sup>87</sup> After local and international outcry, the government suspended the deportations.<sup>88</sup>

Every government has the right to take action against unregistered non-nationals living on its territory. But HRC has concerns that:

- there seemed to have been no assessment about the numbers or potential numbers;
- there was confusion about where these people could or might have registered;
- most of the people were ethnic Oromo and those returned may have included people at risk because of their political beliefs or activities;
- there was no time for Ethiopians working in Somaliland to register or find a sponsor.

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<sup>86</sup> <http://www.voasomali.com/content/somaliland-ajaaniib-la-masaafurin-doono/3152516.html>

<sup>87</sup> <http://www.somalilandpost.net/?p=50574>

<sup>88</sup> <http://www.hrcsomaliland.org/press-release/161-human-rights-centre-the-government-shall-stop-the-massive-expulsions-of-ethiopian-people-in-somaliland>

On 7<sup>th</sup> August 2016, the government of Somaliland handed over two Sudanese men to Ethiopia.<sup>89</sup> They were arrested from Hargeisa and detained in the Criminal Investigation Department. The police brought the two men to Hargeisa Regional Court and argued that they are wanted by Ethiopia for case purportedly pending in Ethiopia. Their lawyer challenged the claim and asked the police to present any evidence supporting their assertion. Before the court made any decision regarding their status, as the law dictates, they were handed over to Ethiopia by the then Minister of Interior, Ali Mohamed Waran-Ade, who does not have a legal authority to take such action.

Article 279 of the Criminal Procedure says “extradition of an accused or convicted person to a foreign country may be granted only subject to a favourable decision of the President of the Court of Appeal within whose jurisdiction such person is found, having heard the Attorney General and he person to be extradited”. In this case, there was no such hearing and decision of court.

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<sup>89</sup> HRC interviewed their lawyer and government officers



**HUMAN RIGHTS CENTRE**

*Speaking for those who are not heard*