



Human Rights Centre

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Human Rights Centre

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1. Introduction

This report is produced by the Human Rights Centre (HRC) in August 2018 to highlight human rights issues happened from 1st April to 31st July 2018. It is part of periodic reports published by HRC every four months. The last report was made in April 2018. HRC is grateful to its volunteers who contributed to this report with their daily human rights monitoring and documentation work.

2. Positive Developments

2.1 Anti-Rape Act approved

The House of Representatives of the Somaliland Parliament has rejected an amendment made by the Upper House (Guurti) to the Rape and Sexual Offences Bill. On December 2017 the House of Representatives approved the Bill and referred it to the Upper House to debate. On 19th March 2018, the Upper House of Parliament debated the Bill. A committee assigned to review it met the stakeholders, including the civil society. The Guurti made an amendment to the Bill including reducing the reporting period of a rape case to 48 hours and dropping the age of a child from 18 to 15. After advocacy by civil society groups, the House of Representatives rejected the Guurti amendments and passed the law in its first format.

As mandated by the Constitution, the House will submit the Bill to the President to either sign it into a law or veto it. The Bill criminalizes rape and other sexual offences. It also has procedural provisions related to investigation and prosecution of rape and other sexual offences. If the President signs it into law, it will help victims of 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 Currently, the outdated Penal Code of 1963 is the law that is applicable on rape cases.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.

2.2 Haatuf Media Group reinstated

On 8th July 2018, an appeal court in Hargeisa issued a decision lifting a suspension imposed on Haatuf Media Group on 7th April 2014 after police raided its office in Hargeisa.¹ On the 25th June 2014, Hargeisa Regional Court sentenced two journalists from Haatuf Media Group to between three and four years of imprisonment and a fine of fifty million of Somaliland Shillings. They were accused of defamation and false news in relation to news reports about alleged corruption by government officials. 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 Media Group. The journalists were released on a presidential pardon.

¹ <https://cpj.org/2014/04/somaliland-authorities-shut-down-independent-paper.php>

Haatuf has not yet resumed publication. A civil suit initiated by Haatuf against the government of Somaliland demanding compensation is ongoing at Hargeisa Regional Court.²

2.3 Work starts on amending 2004 media law

The Ministry of Information and the Somaliland Journalists Association (SOLJA) are jointly chairing talks to agree on amendments to the 2004 media law. The talks are focused on producing amendments that will add broadcasting and online regulation to the 2004 act, which covers only the print press and has been largely defunct.

The President has let it be known that he wants to see a bill approved by the current parliament. A steering committee, co-chaired by the Ministry of Information and Solja, will examine a draft being prepared by three Somaliland lawyers in August. The goal is to have a workable text to present to the cabinet in September. Once cabinet approves, it will be forwarded to parliament for scrutiny and approval.

An all-encompassing media law should replace the current practice whereby journalists are arrested and detained under the 1963 Penal Code, a practice which has been criticized both in Somaliland and the rest of the world. The Somaliland constitution upholds the right of freedom of expression.

² HRC attended some of the hearings of the case.

2.4 Journalist Mohamed Adan Dirir has been released on pardon

Journalist Mohamed Adan Dirir was released on 18th June 2018 on a presidential pardon. Dirir was sentenced, in a one-day trial on 8th October, to 18th months in prison for charges of criminal defamation and publishing false news.³

3. National Human Rights Commission formed in a manner contradicting the law

On 3rd July 2018, the president of Somaliland Muse Behi Abdi nominated seven new members for the National Human Rights Commission. The House of Representatives approved the nominated members. Human Rights Centre has closely observed the selection process to monitor that the composition of the institution is made in accordance with the National Human Rights Commission Act and Paris Principles. The process was not transparent and was not carried out in accordance with the Act and Paris Principles. The legal requirements set out by the Act and Paris Principles were not observed.

³ <https://cpj.org/data/people/mohamed-adan-dirir/>

4. Suspension of media houses

On 29th May 2018, the Ministry of Information issued a statement stating that it has banned two television channels, SBS and SOMNEWS, from operating in Somaliland. The Ministry ordered the Police to shut down their offices in Somaliland. The statement said the two televisions “committed acts of political campaigns and clear propaganda war against the Republic of Somaliland.”⁴

The management of one of the televisions who spoke to HRC said they learnt of the decision from the media and were not informed of any complaint or pending procedure taken against them.

On 11th June 2018, the Minister of Information withdrew the suspension of SOMNEWS after the Ministry became convinced of the argument of the management of SOMNEWS television, the Minister said in a letter.⁵ Since then SOMNEWS has restarted its operations in Somaliland, but SBS is still banned.

On 19th June 2018, a judge at Hargeisa Regional Court issued a decision shutting down Waaberi newspaper upon a request made by the Office of the Attorney General, according to the decision seen by Human Rights Centre. The decision said Waaberi is not properly registered. The Attorney General argued that the current owner of the paper, Hassan Omar Hassan, is not the rightful owner. The court

⁴ <https://warfaafintajsl.com/Solna/2018/05/29/xukuumadda-somaliland-oo-dalka-kamamnuucday-sbs-tv-somnews-tv/>

⁵ Ministry of Information later dated 11th June 2018.

made the decision without hearing Waaberi 's owner and editor. The owner appealed to the appeal court. In July the Appeal Court quashed the regional court suspension and allowed the newspaper to resume activities. Currently the paper has resumed publication. However, the Attorney General has appealed to the Supreme Court.

5. Arrests in Sool region

5.1 Protesters arrested in Laasaanood

On 28th May 2018 protesters were arrested in Laasaanood, the administrative capital of Sool region. The Police Commissioner of the region, Abdirisak Mohamed Faarah, said in a press conference “misled children and women made a stone throwing and disturbance in the city.”⁶ He confirmed that 57 protestors were arrested. The regional authorities called the protest illegal and destabilizing the security.

On 23rd May, a committee chaired by the speaker of the Lower House of the Parliament who was leading a delegation of Somaliland in Laasaanood issued a decision banning unauthorized press conferences and meetings being held in Sool.⁷ The decision has not provided a timeframe for the ban.

⁶ <http://boramanews.com/index.php/somali-news/item/17477-deg-deg-taliyaha-booliiska-ee-gobolka-sool-oo-ka-warbixiyay-mudaharaad-ka-dhacday-maanta-laascaanood-iyo-kacdoon-ka-jira-deegaankaasi-video>

⁷ Decree whose reference number is WGQ/01/2018 dated 23rd May 2018.

In January and May, clashes between Somaliland and Puntland State of Somalia happened in Sool region.⁸ The war displaced thousands of people.

The Constitution of Somaliland guarantees the freedom to public protests. But the government of Somaliland does not allow unsanctioned demonstrations.

5.2 Comedians arrested in Laasaanood

Iman Mohamed Jama and Abdisamad Saed Ali, comedians based in Laasaanood, were arrested on 29th March 2018. The two comedians were arrested for a video clip published in the Youtube.⁹ The clip was a drama acted by the comedians and depicts alleged poor performance of local government administrations in relation to land management. The drama angered the local government which ordered their arrest.¹⁰ They were released on 8th April 2018 without charges.¹¹

⁸ <https://www.reuters.com/article/us-somalia-conflict/dozens-killed-in-clashes-between-two-somali-regions-in-land-dispute-idUSKCN1IQ0T9>

⁹ <https://www.youtube.com/watch?v=ZjVzdw-uIUM>

¹⁰ HRC talked to local authorities and families of the two comedians.

¹¹ HRC talked to the families of the two comedians.

6. Freedom of expression challenged by prosecutions

6.1 Trial and conviction of poet Naema Ahmed Ibrahim

On 15th April 2018, the regional court in Hargeisa sentenced Naema Ahmed Ibrahim to three years in prison over charges related to statements she allegedly made in Mogadishu. According to the charge sheet, these statements were “insult and defamation against the state.” Naema was arrested on 27th January 2018 from Hargeisa Egal International Airport while she was traveling to Mogadishu, the capital of Somalia. ¹²

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). The court said it found Naema of Bringing the Nation or the State into Contempt (article 219(2) of the Penal Code).” The charge is related to statements which the prosecution said is against ‘the separation of the Republic of Somaliland,’ and calling Somaliland a “region”. Naema was released on 7th May on a presidential pardon.

¹² The Charge Sheet Submitted by the Office of Attorney General dated 04/03/2018

6.2 Trial and conviction of blogger Mohamed Kayse

On 16th April 2018, a judge at Hargeisa regional court sentenced Mohamed Kayse Mohamoud to 18 months in prison over “offending the honour of the President,” according to the presiding judge who declared his verdict. Mohamed Kayse was arrested on 7th February.

The charge is related to a Facebook post saying the “president is a local,” according to the charge sheet seen by Human Rights Centre.¹³ The judge said the post is offending the president by calling him a “local” while “the president is a national president,” the judge said in his judgment. Human Rights Centre attended the hearing in which the judgment was pronounced.

Mohamed was released on 19th June on a presidential pardon.

6.3 Boqor Osman aw Muhumed

On 20th May 2018, the appeal court in Hargeisa has sentenced Boqor Osman aw Muhumed Mohamed to three years in prison, reducing a five-year jail term given by a regional court in one day trial on 26th April 2018.¹⁴ The elder was accused of “bringing the State into Contempt (article 219(2) of the Penal Code), and “circulation of false news (article 328),” according to the presiding judge. The judge also

¹³ The Charge Sheet Submitted by the Office of Attorney General dated 25/03/2018

¹⁴ <https://www.hrw.org/news/2018/05/08/somaliland-prosecutions-threaten-free-expression>

said he found Boqor Osman guilty of “insult to a judge during a hearing “ (article 270).

The charges were related to a traditional event held in Armo, a town located in the Puntland region of Somalia, where the elder attended an inauguration of another traditional leader. There he made a statement which “weakens the existence of the sovereignty of Somaliland and denouncing the national army who are performing their constitutional duties,” the judge said

The regional court, which is the first instance court, heard the case without the presence of his lawyer. The judge, Ahmed Dalmar Ismail, pronounced the judgment on the same day. Boqor Osman repeatedly asked the presiding judge for a lawyer and time to prepare a defence. The prosecution was heard and then the verdict was made by the court.

The traditional elder was denied the basic fair trial rights enshrined in the Constitution of Somaliland and the Criminal Procedure Code. He had a right to legal representation and defence according to articles 27 and 28 of the Constitution. Additionally, he was not given time to defend himself. The whole trial happened while the defendant could only observe and was denied any role. He was silent watching while the prosecution was heard and the decision was made. He asked to exercise his right to legal representation. On 20th June 2018, the elder was released after the president extended pardon.

7. Detention of journalists

Since April this year 7 journalists were arrested. All were released, and there were no prosecutions. This is in contrast of HRC report covering December 2017 to 30th March 2018 in which arrests of 11 journalists were documented.¹⁵ Five of them were prosecuted, and six were released without charges.

Region	Number of journalists	Status
Togdheer	1	Released
Sanaag	1	Released
Awdal	1	Released
Sool	4	Released
<i>Total</i>	7	

¹⁵ <http://hrcsomaliland.org/wp-content/uploads/2018/04/HRC-Quarterly-Report-April-2018.pdf>

Case #1

Journalist: Mukhtar Abdi Jama

Status: released

Region: Sool

Mukhtar Abdi Jama, a freelance journalist, was detained on 6th April 2018 in Lasaanood. He was not charge, but he was told by the Police that he was arrested for Facebook post related to clashes which happened in Tukaraq of Sool region between Somaliland and Puntland.

Case #2

Journalist: Khadar Abdirisq Saleban

Status: released

Region: Togdheer

Khadar Abdirisq Saleban, a journalist with Hadhwanaagnews website, was arrested on the morning of 10th April 2018 in Burco. Khadar was arrested for a news article published in Hadhwanaagnews claiming that the governor of Togdheer region has lately distributed the president's photo to be posted in government offices. He was released on the evening of the same day without charges.

Case #3

Journalist: Adnan Rashid Shoodhe

Status: released

Region: Sanaag

Adnan Rashid Shoodhe, a reporter for SOMNEWS, was arrested on 24th April 2018 in El-Afwayn district of Sanaag region, and was released after 8 hours in police detention, according to Somaliland Journalists Association (SOLJA). According to SOLJA, the journalist was arrested while covering an event at El-Afwayn. Number of violent interclan clashes have happened at the district which is located in Sanag region. No charges were filed against him.

Case #4

Journalist: Adan Jama Oogle

Status: released

Region: Sool

Adan Jama Oogle a freelance journalist, got arrested on 14th May 2018 in Lasaanood of Sool region. He was jailed for Facebook posts related to the 18 May celebrations. He was released on 17th May without charges.

Case #5

Journalists: Abdirahman Kayse Mohamed and Mohamed Ahmed
Jama

Status: released

Region: Sool

Two journalists have been arrested in Lasaanood. Abdirahman Kayse Mohamed, a Bulsho TV reporter, was arrested on 27th May and Mohamed Ahmed Jama, a reporter for SBS TV, was arrested on 28th May. Abdirahman was arrested for news report he sent from Lasanood. The news report was seen by the government as false and destabilizing. It is not clear the reason Mohamed was arrested, but he was arrested on the day that the protest took place in Laasaanood.

Case #6

Journalist: Hoori Ahmed Hoori

Status: released

Region: Awdal

On 3 July 2018, Hoori Ahmed Hoori, a reporter of HCTV, was arrested in Borama, Awdal region. The journalist was arrested for a question he asked the governor of Awdal in a press conference. The governor was angered by the question and ordered his arrest, according to sources talked to HRC.

8. Recommendations

To the government of Somaliland:

- Respect the freedom of expression enshrined in the Constitution of Somaliland and accept the decriminalization of the media and halt the detentions and prosecutions of journalists;
- Sign the Rape and Sexual Offences Bill into law and adopt implementation strategy;
- Reconsider the composition of the National Human Rights Commission and apply the National Human Rights Commission Act and Paris Principles in order to form an independent and impartial institution. The process has to be carried out according to the Act and in a transparent manner;
- Reform the police and implement the Police Act and establish the independent police complaint body enshrined in the Act;
- Draft a Media Law that decriminalizes media issues and is based on the Constitution of Somaliland international standards.

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.