



HUMAN RIGHTS CENTER

Speaking for those who are not heard

COMPILED QUARTERLY REPORTS 2023

Printed in the Republic of Somaliland

Human Rights Center 2023

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Introduction

This report is produced quarterly by the Human Rights Center. This report is a compiled list of incidences covering January 2023- August 2023. It is based on data gathered and recorded by the Center using our database and primary information by eyewitness accounts. This period coincides with a tumultuous period in Somaliland's history with conflicts in the six regions and multiple infractions of human rights violation. Since January 1, 2023, our arrest records show 53 individuals arrested for freedom of expression violations, and the prosecution and detention of 18 journalists. Furthermore, the ongoing conflict in LasAnod has escalated, while election matters have stalled until August 27, 2023, when the independent commission provided guidelines for presidential and parties' election for November 2024 where the government and opposition parties have come to an agreement on deadlines and acceptance of such agreements between all parties. Additionally, considerable tensions have developed in the Gacaan-libaax mountain area. Though no clear investigation has taken place, estimates of the death of approximately 20 people has been declared. Based on the election's agreement of the mediating committee, solutions for the deaths of those individuals were drafted in the agreement, with no accountability against the perpetrators and a lack of transparency. The action's taken by the Somaliland government towards the armed coup in Gacan-libaax mountain should be investigated properly and conducted in a conducive manner that showcases dialogue, transparency, and ability to dissolve the issue without the use of further violence in the future.

Ministry of Information, National Guidance, and Culture's statement on LasAnod for Somaliland journalists

The Ministry of Information, Culture, and National Guidance¹ released a press statement on 30/01/2023, ordering journalists and media houses in Somaliland to not be involved in covering the ongoing situation in LasAnod, Sool region. The order also states that Somaliland population must respect the laws of the country, including the constitution of Somaliland, which stipulates the unity of the population, protection of the national integrity of Somaliland. The statement also orders that any violation will be punished by the laws of the country, including articles found in

¹ Statement released by the Ministry of Information, Culture, and National Guidance 30/ 01/2023

the criminal procedure of the country. Media houses and journalists were ordered by the statement of their responsibility to share accurate information. However, this statement prevented journalists and media houses to take a non-partisan position, cover the conflict in a responsible manner as per professional conduct, and allowed for misinformation and disinformation on social media to be disseminated to the public due to the government abstaining from providing to the public accurate details surrounding the conflict in LasAnod. Such a statement impedes on the work of journalists to report during times of conflict.

People arrested for exercising right to assemble and protest

During the month of May 2023, multiple protests occurred in Borama, Erigavo, and Burco. These protests occurred for different reasonings and purposes. Consecutively, the days prior to 18 May celebrations, regions in Somaliland took to the streets to protest the condition of the country from election matters to social and political grievances. The first demonstrations started in Borama when a soldier assaulted Commander Khadar Mohamed Aynanshe from the Somaliland Coast Guard, leading to the Commander's death. Riots and demonstrations shortly happened, leading to the arrests of 44 individuals, and more from looting, according to the Police Commander. Human Rights Center visited the city after the protests, gathering information while speaking with a lawyer from the Prosecutor's Office, as well as the Police Commander of the Regional Police Station of Awdal Region. Property damage and looting resulted in indiscriminate arrests. However, those protesting in Borama were released on June 4, 2023.

Case study #1

Naafic Mohammed Qaadi, Ahmed Misan Khairdoon, and Abdiqani Mohammed Dhego were arrested on May 14, 2023, for a social media post in Borama. Pre-trial detention means that they were not fully charged with a crime nor taken to court to be read of their charges or start of their trial. However, they were released later.

Case study #2

Prior to 18 May celebrations, protests broke out in Erigavo, Sanaag region on May 8, 2023, after police opened fire on a citizen from a car. According to eyewitness accounts, those that were arrested were released later, while protesting in the aftermath. Public demonstrations, as described by authorities, are often interpreted as crime. Thereby, eliciting the use of live ammunition, as the police does not apply de-escalation or riot measures. However, Somaliland Constitution establishes parameters for citizens's right to exercise, however use of excessive force was established to curb protestors from being in public spaces. Article 32(2) states every citizen can exercise their right to participate in any peaceful assembly or demonstration. Nevertheless, that right is often met with excessive force and police intimidation by Somaliland police, as was the case since May 2023.

Detention and persecution of Journalists

Since the beginning of the new year, 18 journalists have been arrested, detained, and persecuted for freedom of expression violations related to their job. According to the Annual Report from Human Rights in 2022, 48 journalists detained, intimidated, and persecuted while on duty. In addition, criminalization of journalists has increased. Outdated and misinterpreted text from the Somali Penal Code often criminalize Somaliland journalists. Charges range from Anti-National Propaganda, Publication of False News, and Non-observance of orders of authorities. The Somali Penal Code articles utilized to punish, censor, and prosecute journalists contradict and are contrary to what is established in the constitution for journalists. Article 32(3)² states that the press and media are fundamental freedoms of expression and are independent and subjugation of the press and media is prohibited. Journalists face a hostile environment while on duty, intimidation, and fierce crackdown by authorities. Of the 18 cases investigated, only one journalist was prosecuted using Criminal Procedure articles. There were no media houses closure or suspension this year thus far.

² http://www.somalilandlaw.com/body_somaliland_constitution.htm

Below are the details of some of the journalist's arrest records from January 2023- August 2023.

Prosecution of freelance journalist Bushaaro Ali Mohammed

Bushaaro was arrested on May 15, 2023, and remanded on May 17, 2023 in Hargeisa. Due to her capture method, she suffered bodily injuries. Since her arrest, she was not granted bail and has been remanded a total of four times by the Prosecutor's office. She was arrested without a court warrant. Her first initial round of trial was dismissed due to lack of sufficient evidence by the Prosecutor's office, and thus allowed for another trial to begin with a different set of charges. As the center witnessed her trial on multiple occasions, our investigation allowed us to discover that prosecutors were antagonizing most often, investigators involved in the discovery process of her case could not identify the difference between judge or investigator that pressed charges against her, as her charge sheet showed that it was a judge that pressed charges against her. Her trial concluded and was released on 15/08/2023. Her conviction resulted in her being fined for a year in which she was able to pay a fine based on the months she was held in jail. Her violent capture by either Somaliland police or immigration officers were also not investigated as these institutions lack an oversight body.³

Freelance journalist Ali Ismail Arreh

Ali Ismail Arreh was arrested on May 14, 2023, without a warrant in Borama. During his detention, he was not brought to court, nor was he charged with a crime. According to his statements during our visit at the Borama Regional Prison, he has been informed informally that his arrest and detention was due to his briefing post about an alleged clandestine meeting with the Dir community about three months ago prior to his arrest. The meeting did not take place. He was released on June 22, 2023.

³ Trial testimony by Defense and prosecuting lawyers

Journalist Warsame Kaafi Abdirashid Adam

Warsame Kaafi Abdirashid Adam was arrested on May 28, 2023, in Erigavo. Warsame currently works with MMTV. His arrest was ordered by the Governor of Ergiavo. He was released days later.

Journalist Ahmed Wadacad Qabille

Ahmed Wadacad Qabille was arrested on January 18, 2023, in Berbera, Saxil region. He made a Facebook post, discussing the mismanagement of the Berbera Local Council. He was released three days on bail conditions.

Fair Trial Practices and Right to Liberty

Fair trial practices and rights in Somaliland are lacking in practice and behavior. Based on Human Rights Center observation of randomly selected cases in the Hargeisa Regional Court and interviews with accused individuals, pre-trial detention is often done without the presence of lawyers. Accused individuals usually go through the Criminal Investigation Department without being afforded lawyers, depriving the individual of their fundamental rights as enshrined in the constitution. Accused individuals are not afforded the opportunity to view their charge sheet and are often deprived of correct procedures such as search warrants. These visits are done to elucidate the gaps in which the judiciary functions in Somaliland and to showcase the areas that need improvement.

In cases observed such as Bushaaro Ali Mohammed and others, lawyers are not provided access to their clients in initial processes. Article 27(1) in the Somaliland Constitution stipulates that the individual must meet their legal representatives, relatives, or any person they ask for. However, in our observation to have access to Bushaaro and others through legal documents provided by the court has seen us turned away from meeting with the accused. As such, accused individuals will be held in jail stations even while their trial is ongoing. Thus, allowing the court and investigative department to infringe on the right of the accused, thereby violating Article 27(2)⁴,

⁴ [Somaliland Constitution \(somalilandlaw.com\)](https://somalilandlaw.com)

which requires the individual accused of criminal offenses to be brought to court within 48 hours of their arrest. However, that is never the case in Somaliland's judicial process. Individuals will be processed by the Criminal Investigation Department and held there until they are moved to jail stations without their lawyers present or informed consent of the deprivation of their freedom. Article 25 of the Somaliland Constitution clearly states that one cannot be arrested, searched, or detained without a warrant. However, this order is always violated by authorities, allowing the police and other authorities to abuse the public, by arresting and detaining citizens, journalists and opposition members on the order and requests of those in higher positions in the government without cause or justification. The same for their freedom. The individual will have a trial with many legal gaps and insufficient evidence by prosecutors, in which the judge will give them ample time to find charges, thus delaying the bail time or be remanded further.

Police stations in Somaliland usually do not provide food and proper sanitation, a responsibility of the government. Food is often the sole responsibility of the family of the accused. Proper sanitation is often a concern. Overcrowding is also another factor that violates the standards in which individuals are meant to be held in. Additionally, the dignity of the accused is never protected. Accused individuals can be chained up with multiple people, sitting outside in the hot sun. The conditions of the accused are not a primary factor for authorities, thus violating the way in which an accused⁵ individual is brought to and forth court and jail and is treated.

⁵ Interviews by accused journalists and other victims on the conditions of their detention.

Attached below is a photo of accused individuals chained





LasAnod Conflict

Historical significance of LasAnod has shown the political landscape of two warring national governments; Somaliland and Puntland government. Clashes between the two nations has been brewing in the region since the dissipation of the country due to the Somali civil war. In local context, both government administration believe that LasAnod lies in the strength and legitimization of its government⁶. Conflict between the two governments began during the aftermath and in the rebuilding of Somaliland and Puntland, leading to sporadic conflict between the two until October 2007, when Somaliland forces recaptured LasAnod from Puntland⁷. However, since the recapture, assassination and extrajudicial killings became the norm. The assassination of Abdifatah Abdullahi Abdi (Hadrawi) on December 26, 2022, escalated the situation further. Demonstrations shortly took place in which Somaliland forces opened fire on protestors and used live ammunition to suppress the protests happening in the city. According to our sources, the death toll reached 10 individuals, with two people succumbing to their wounds ultimately and many others wounded while protesting⁸.

The public continued to demonstrate and protest well into the new year, shifting the reason for the conflict to unanswered grievances by the local population. By February 6, 2023, heavy infighting between Somaliland forces and the local population began. According to Somaliland government, narrative surrounding the conflict is creating an inroad to Al-Shabaab and terrorism to function in the area, disrupting the peaceful environment cultivated by Somaliland. To date, little to no evidence of allegations associating the region to terrorism has been found, despite claims by Somaliland in the numerous press conferences held by the President of Somaliland, Muse Bihi. However, the conflict has exacerbated the many crises facing the region. Humanitarian and environmental crises have displaced residents to nearing regions, Ethiopia, and Puntland cities such as Garowe. According to many aid agencies, at the start of the conflict, access for aid was not possible for many factors including safety and the city being blocked,

⁶ [The Political Development of Somaliland and its Conflict With Puntland \(ethz.ch\)](#)

Accessed July 2023

⁷ [The Las Anod Conflict - Hiraal Institute](#)

Accessed July 2023

⁸ Detail was reported and included in HRC annual report on December 2022.

which limited the help that residents could receive through aid. Since August 2023, the conflict continues without solutions, dialogue and further escalation between Somaliland forces and local population. Accurate information related to the deaths and injured parties is conflated by the limited capacity of both sides involved in the conflict. However, estimates showcase the need for proper agencies to develop and to be implemented in the region to depict real numbers of damaged and destruction of properties, death, and those wounded for future references.

The military court tries civilians

Somaliland's military court started this year to hear criminal cases against civilians who are not members of the security forces⁹. According to article 104 of Somaliland's constitution, the military courts "shall have special jurisdiction in hearing criminal charges brought against the members of the national army in peace or war."

Until recently, individuals accused of being "terrorists" or members of "terrorist" organizations have been brought to the civilian courts. But, this year, the military court took over these cases. Somaliland does not have an anti-terrorism law. Therefore, individuals alleged to have participated in these so-called "terrorism" acts are charged with the Penal Code articles.

The change of jurisdiction of the military court is not based on law and is contrary to the constitution and precedence. Dozens of "terrorist" cases have been tried by Somaliland civil courts in the last two decades. The lack of a clear definition creates legal loopholes. For example, in September 2023, a businessman named Abdirisaq Mohammed Mohamoud was arrested in Hargeisa and brought to the military court, which remanded him. He was accused of contacting or having relations with the armed group fighting in Las Anod against the government of Somaliland. He was later released without charges. The government of Somaliland has called the local armed groups fighting in Las Anod a coalition of forces, including "terrorists." Such labelling and the empowerment of the military court create human rights issues and violations of the constitution where the military court's jurisdiction is expanded to civilians in the absence of a law that defines the court's new extra-constitutional powers.

⁹ Somaliland Constitution checks and balances
[Somaliland Constitution \(somalilandlaw.com\)](http://somalilandlaw.com)

The cases observed by the Human Rights Centre include individuals arrested from Sanaag region and charged with various cases of alleged involvement in terrorism.

Lawyers and other persons close to the judiciary of Somaliland confirmed to the Human Rights Centre that the (civilian) Attorney General wrote a letter transferring cases related to the undefined crime of “terrorism” from the civilian court to the military court. The Attorney General has no such powers constitutionally and cannot override the articles of the Constitution.

Before the declaration of independence in 1991, the military courts used to have huge powers to hear cases against civilians during military rule (1969-1991). This new development expanding the powers of the military courts is gravely concerning and raises serious human rights issues. Military courts should not be involved in cases against civilians. Somaliland should not fall back the practices of the military regime.

Mental health predicament in Somaliland

Mental health is often conflated with black magic in Somali culture. There is stigma in how mental health is diagnosed and oftentimes it harms the individual further. In research conducted by the Center at the Hargeisa General Group Hospital at their Mental health and Psych ward department, patients are often those abused in places called ilaaj¹⁰, a cure or treatment center, often admitted against the patient’s will by legal guardians, chained and administered drugs that are harmful to the recovery and treatment of the patient. After exhausting their resources at these centers, patients are brought to Hargeisa Group Hospital, or they’re procured by staff as most are homeless. According to the doctor interviewed by HRC at the Hargeisa Group Hospital, many of the patients suffer from schizophrenia, bipolar disorder, depression, post-trauma stress disorder due to the events of the war, and general psychosis. Per the statement of the doctor, the patients are given beds, new clothes once they enter the facility, properly assessed by the doctor, and are allowed to have free time unchained in the hospital courtyard, thus protecting the individual and persevering their dignity.

¹⁰ [\(PDF\) Mental Health in Somaliland: a critical situation \(researchgate.net\)](#)

Accessed August 2023

Those under ilaaj treatments against their will are often mistreated and abused physically as the treatment is exorcism, since the centers are not legally operating under the government, nor is there a mechanism or policy that governs them. However, despite the limited capacity of trained doctors and lack of knowledge transfer, the Hargeisa Group hospital works to serve the community. The Hargeisa Group Hospital has 100 beds for in-patient treatment, 12 doctors on rotation for administering drugs, nurses and technicians are available, and a total of 89 patients at the time of the interview in June 2023.

It is at these ilaaj centers that human rights violations occur due to the gaps between operating in a legal or informal manner. Ongoing abuse has been documented at these centers, as well as the way these centers' function. Somaliland's government's role in these centers is missing as well as a regulatory body.

Case Study #1

Ali Abdiqadir was forcibly admitted to Daryel Mental Hospital(ilaaj) in 2014 by his mother. He was admitted based on mental health issues and drug problems on statements by his mother, without further investigation. However, that was not the case and was cleared by the courts and the hospital free of substances. He was locked in the ilaaj center for five years by statements from his lawyer. He was released in 2022, as he is not a citizen of Somaliland, but his case is another abused individual perpetuated by an unchecked and unregulated system, emphasizing the need for better structure in place to regulate mental health clinics around the region and to provide further support for legal mental health wards to function.

Recommendations

To the Government of Somaliland:

- Implement the Media Act Policy and a strategy to ensure the law is fully enforced.
- The current media act is drafted with too many fines and extreme punishment therefore redrafting the act to decriminalize media and journalist is a must
- Respect the freedom of expression enshrined in the constitution of Somaliland and accept the decriminalization of media to stop the prosecution and detention of journalists, critics, and dissenters.
- Reinforcement of legal frameworks to ensure that the rights of citizens, journalists and independent media are protected.
- Carry out meaningful police reform on the grounds of the constitution and internationally accepted standards. Demilitarize and de-politicize the police and subject the police to the jurisdiction of civilian courts.
- Police reform is a must and legislation should be developed and strengthened for enforcement purposes.
- Establish an independent oversight committee to investigate the Gacaan-Libaax conflict and look further into the LasAnod conflict.
- Promote legal safeguards to strengthen democratic processes in Somaliland.
- Separation of powers within institutions is a must and should be upheld, as established by the constitution.
- Democratic processes such as election timelines must be upheld and strengthened further to stop the disruption of party and presidential elections.
- Stop the arbitrary arrests of critics, dissenters, and journalists without a warrant given by the courts.
- Provide support and aid to agencies working to help mental health patients.
- Provide support to agencies that are creating services for mental health patients.

About the HRC

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 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 the Human Rights Centre is creating and fostering a culture of voluntary human rights activism where committed human rights defenders with passion contribute to the protection, promotion, and realization of human rights.

Our Mission

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

Our Vision

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

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.

Areas of Operation

HRC helps and works for the people of Somaliland. It focuses on vulnerable people, women, the poor, minority clans, and victims of human rights abuses. HRC directs most of its attention to abuses committed by the state. The areas HRC works on include, but are not limited to, police brutality, freedom of media and expression, sexual and gender-based violence, illegal detentions, the death penalty, and freedom of assembly.

