



HUMAN RIGHTS CENTER

Speaking for those who are not heard

**STATE OF AFFAIRS-ANNUAL REPORT OF
HUMAN RIGHTS CENTER**

2021

Human Rights Center 2021

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Foreword:

I am pleased to present this report, covering the entire year of 2021 as the chairperson of the Human Rights Center.

As I pen this foreword, we have seen many challenges that affects our society and ourselves, presenting an enormous test of leadership and humanity. In these unnerving times, the importance of our work has become even more evident. As you will discover previously in our reports, the past two years in addition to the global pandemic of COVID-19 presented drastic challenges to our world and country. Environmental and climate disasters, along with rampant disregard to basic fundamental rights enshrined in our constitution by those elected have introduced new ways in which we must rise to the challenge and pave a new way to solve these challenging tasks to prevent, protect and consistently promote the human rights of the citizens of Somaliland.

This report emphasizes the troubling number of increased violations and abuses of human rights in our country, the gaps that exists, and the demanding increasing in which viable options must be presented by all of us in our own capacities. At the same time, our work of detailing and documenting these violations and abuses will not stop nor will it be hindered by the stalling tactics and horrendous negotiations of those in charge to deter us from sounding the alarm on misuse of judicial and executive powers. We ask for accountability and transparency within our country and institutions, before the lines become marred and the work gained becomes irrelevant.

As we approach the new year, I am cognizant of the need for strengthened efforts of everyone, the resilience of Somalilanders in the face of many crises. I look forward to the lessons learned, the change and impact forward and the hope that further violations and abuses are no longer just dependent on human rights activists, but the whole of our country, uniting us all against those that perpetuate violence and disregard our supreme laws.

Acknowledgements

Human Rights Center thanks the dedicated volunteers, members and staff who made this report possible to be published. We are grateful to all of them and appreciate their helpful contributions and support. We thank the organizations who collaborate and take part in creating advocacy within our organization.

HRC is also grateful to the individuals interviewed who shared with us their experience and stories detailed in this report. We thank you for granting us your time and allowing us into your homes to include your voices in this report.

Executive Summary

This is the annual report and accounts made by Human Rights Center between January 2021 to December 2021. Somaliland is located in the horn of Africa and declared self-independence from Somalia in 1991 after the government of Somalia collapsed led by the dictator Mohammed Said Barre. While not officially recognized, Somaliland attributes much of its success to the relative peace and elections held periodically. The constitution of Somaliland was ratified in a referendum held in 2001 containing a Bill of Rights and recognizes international treaties such as the Universal Declaration of Human Rights.

Each year, the Human Rights Center disseminates an annual report to inform people and government of Somaliland of issues that rightly need improvement in proper governance and human rights sector. In this year alone, we have seen an increasing trend of arbitrary arrests, detentions, violations of freedom of expression and a complete misuse of judicial and executive powers granted to officials elected. Furthermore, the number of journalists arrested for merely doing their jobs and reporting on the state of affairs of Somaliland has increased. These journalists are not arrested for crimes committed personally, nor have they stolen state secrets but reporting on daily issues facing Somalilanders. As such, this report highlights arbitrary arrests of journalists and citizens, police brutality, and internally displaced people.

The areas covered in this report include:

- 10 opposition leaders arrested, a total of 114 individuals arrested for cases related to freedom of expression around the region
- Police brutality cases
- Sexual gender-based violence- Hindi Omar was brutally raped and murdered while on public transportation

- Internally Displaced Persons (IDPs)- HRC visited camps located in Burco and Hargeisa to document the continuous displacement, forced evictions, and lack of basic fundamentals provided by the government such as health, shelter, education, security and food.
- Prison and jail stations- HRC visited jails and prisons in the region, however limited access granted, to document and highlight the conditions of the accused person and the environment in which they are being held in.

Recommendations

To the government of Somaliland:

- Implement the Rape and Sexual Offences Act; Adopt an implementation strategy to implement to ensure the law is fully enforced and acts are criminalized.
- Respect articles related to the freedom of expression enshrined in the constitution, decriminalize opinion sharing on any media, and halt the detentions and prosecutions of journalists and citizens.
- Fair trial procedure misconduct violates the rights of the accused
- There needs to be an oversight committee for the police force-impunity should not be ignored for misconduct of an officer
- Carry out a comprehensive reform on police and justice sector to comply with fair trial practices
- Impunity should not be ignored, especially in the context of Somaliland's democratic processes
- Accused persons detained in jails and prisons should be treated with respect and dignity
- Jails and prisons should be renovated. The conditions of the jails and prisons are not conducive to holding anyone, as it violates many international laws.
- Government involvement is needed to protect and provide fundamental rights for Internally Displaced Persons or people.

Methodology

This year's annual report was possible by the research conducted by Human Rights Center staff and monitors in the regions of Somaliland. HRC periodically monitors and documents human rights abuses and violations, verifying and recording the information on a database. At any given time, HRC staff and monitors actively research, report and advocate for change in Somaliland, so that we can challenge ingrained and fixed violations in Somaliland. We work on establishing proven and consistent methodology based on information gathered from various sources of information, and field-based research in our foundation. Monitors and staff regularly do site visits in their own regions. HRC monitors conduct field investigations, interviewing victims, accused person, evicted or displaced people at the center of our reporting and advocacy. Our goal with any research or information is to gain enough verifiable information about an incident or repeated incident violation to bring into being an accurate picture of what occurred.

While there is no uniformed way in which we conduct interviews and focus group discussions, what is consistent to interviewing and conducting research is standardized within the organization: evidence and story to corroborate statements, truthful information, monitors remain impartial, and protecting the security and dignity of witness. Most of the commonly utilized techniques in the organization are interviewing witnesses and victims to conduct interviews in private settings, focus group discussions or telephone interviews. Apart from field research used during our reporting and research, we employ legislative and policies in the country, civil society reports, and international laws during reporting season. As always, conducting research and gathering information can be challenging, especially in a society that is closed. Accessibility to prisons or rape documents are hard to come by and challenging to obtain. Access to individuals in prisons are challenging, therefore advocating for the individual and obtaining their story is done through their family and covert style.

Background

Somaliland is located in the horn of Africa. Upon declaring reunification with Somalia on 26 June 1960, troubling times became an obstacle, thus paving the way for Somaliland to declare restoration of their independence in 1991. In the midst of regaining independence, Somaliland ratified their constitution, creating a bicameral legislative organ, a judiciary and executive branches of presidential system. Somaliland continues to seek recognition and legitimacy ever since their new found independence in 2001. While in its infantile system, Somaliland aspires to create a country where democracy is at the core of society.

The Conditions of Jail Stations

Perhaps the most troubling of issues in Somaliland when it comes to police stations and human rights violations and abuses. Particularly glaring is the fact that most detainees are held in police stations that are meant to hold people for 48 hours and not for prolonged sentences, however Somaliland Police do not adhere to the laws in the constitution or international human rights laws, depriving one of his or her liberty¹, as stipulated by article 9(1) of the International Covenant on Civil and Political Rights, article 6 of the African Charter of Human and Peoples' Rights² guarantee a person's right to "liberty" and "security", which are ignored in the state of Somaliland, as everyone is presumed guilty. Bail as a concept does not exist in Somaliland as well, further reason for the prolonged detention of detainees. Overcrowding of detainees is partly due to the lack of funding from the government, as there is no state budget³ for jails or prisons in the current budget.

As for the treatment of detainees, the lack of humane action is another troubling factor for Somaliland democracy. Emphasis on humane action has been taken charge by civil society organizations and human rights groups to do active training for police officers when it comes to humane treatment of detainees, proper procedural rights and other aspects lacking in the department, however and despite the many trainings given to the police force, there is still lack for decorum and humane behavior from officers. Beyond imploring police officers and Somaliland government to treat detainees in a humane manner, there has to be pragmatic change in place, starting with the conditions and the treatment of detainees' scale such as the Supreme law of the land.

In November 2021, Human Rights Center monitors from the regions of Somaliland visited jail and stations around their community to report and document their conditions, except for access

¹ Somaliland Constitution

² <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>
<https://www.achpr.org/legalinstruments/detail?id=49>
https://www.echr.coe.int/documents/convention_eng.pdf

³ <http://slmof.org/wp-content/uploads/2020/06/BUDGET-OUTLOOK-PAPER-FY-2021.pdf>

to jails and prisons in Burco with a significant barrier, as we were not able to have access⁴. Overcrowding and overall condition, including first aid or health screening in police station is a recurring issue observed. For the sake of information collected, this reporting will be done on prisons and jail stations at the same time. It should be noted that accessibility and the little observation granted to our sources were possible to do this report and should be kept in mind for little information being disseminated currently in this report, discourse on prison numbers or inmates is a complicated issue

Prisons

According to article 27 (8) of the Somaliland Constitution: “The purpose of “prisons is reform and correction. The state is responsible for the rehabilitation and skills training of prisoners so that they can return to society with reformed characters⁵.”, however the trend seen in jail stations paves the way for detainees to be traumatically scarred. There is no reform nor rehabilitation to change character because there are other undermining concerns related to the detainee, including emotional and physical abuse while in detention. The responsibility of the state to provide rehabilitation and reform is not in the policies of the state nor are there any current legislations that addresses rehabilitation and reform of prisoners. It is rather dismissive of the state to declare the reform and rehabilitation of detainees without a proper recognition and action to follow through, especially on a greater The prisons in Hargeisa also experience the same problematic issues as the other regions. However, the reporting from the Hargeisa sources exhibits that internal fighting is experienced in the stations of Hargeisa jails and prisons, which ultimately affects the detainees in the short- and long-term duration of their stay and life outside of their cells. Accessibility, basic food and shelter conditions are also lacking in many prisons. The stations do not have proper air ventilation thus making it difficult for detainees to be granted rights that are universally accepted for detainees. Forgetting fundamental rights, the conditions in which accused individuals are held in is severely concerning. While conducting site visit, staff and sources were not able to have access to the prisons in the region. One concerning matter

⁴ Challenges faced by monitor and access to the centers.

⁵ http://www.somalilandlaw.com/prison_law.html

were the 42 individuals transferred from Borama to Gebilay for wearing Somalia custom flag outfits. They were not granted visitations, nor were they able to have access to lawyers or food unless it was sent by family members. Problems such as sanitary conditions, sleeping areas, or clean latrines are problems faced by prisons across the board in all the region. What little access we were granted, it was not hard to see the dire conditions of the prisons or jail stations.

LasAnood has four police stations and one detention facility. The four police station are Wadna police station, Central police station, East police station and Farahksule police station. Central Police station is one of the biggest station facilities in the Sool region, where most detainees are accused of criminal activity, including those that have not been charged with a crime are transferred to this center. According to our sources, the facilities are old, they have not been renovated for quite some time, and overcrowded with urine and fecal specimen.

Conditions of the Detainees

Detainees in the Sool region jails and prisons are cramped into small cells, with no air condition or heating provided as the seasons changed. The detainees are often forgotten in stations, due to lack of procedural rights. They are often ignored when dealing with illness and the health sanitation of the stations do not allow for ideal conditions. There are no medical services obtained or provided by the stations for detainees while they are in these correctional facilities, leading to many serious issues or death in the case for some. They aren't allowed to be outside as some have reported back, nor do any of the stations and prisons provide food and good accommodations for the detainees. Food is usually sent from their families from outside or delivered from a restaurant on behalf of their families. Families are also not provided adequately with information about their detained relative in these cases, nor are they given ample time to solve the issue of medical attention, thereby leading to severe consequences, sometimes the untimely death of the detainee. Desperate conditions await the detainees in these stations, as evidenced by the extreme actions taken by prisoners in Berbera when they could not handle the

extreme heat as they were not provided with air conditioner or fans⁶. As such, it is noted that humane treatment of detainees is seldom granted to them.

Recognizing that inhumane treatment is a problem with the Somaliland Police force, attention to training and capacity building for police force has fallen on the hands of civil society organizations. With that in mind, the issue still continues to be a problem for the police force, whether that is lack of punishment or implementation on the part of the police force is yet to be a question worth seeking answers. The living conditions of the jail and prisons stations in the different regions all echo the same dilemma. Poor sanitation, poor health screening issues, lack of humane treatment of detainees and lack of proper infrastructure, and lack of reading materials apart from the Qur'an, violating declarations from international laws. Another cruel and unusual punishment experienced by detainees is arrests based on compensation fee. There are detainees that are held in police stations who have not committed a major crime but because there is administration fee that they cannot pay, they are held indefinitely until that administrative fee is paid. This concept of holding a detainee in prison or jail stations is against international human rights law, in particular article 10 of the International Covenant on Civil and Political Rights.⁷ What is even more troubling with the police and court system in Somaliland is the transferring of crime from the accused to family members. Due to lack of procedural rights and due diligence on the part of the investigative team, should the police not find the individual accused of the crime, they will arrest a family member in their place, mostly these individuals are women, whether it is a mother, grandmother, or wife, reflecting poorly on the implementation of the constitution of Somaliland as article 26 (2) prohibits that action.

⁶ Reporting monitor 2016

⁷ <https://www.ohchr.org/documents/professionalinterest/ccpr.pdf>

Retrieved December 15 2021

Arbitrary Detention

Detention and harassment of opposition politicians

Somaliland went to the poll stations on May 31, 2021 to elect local and parliamentary candidates. Prior to election and during the election campaigns, Somaliland government has taken election-related actions against opposition candidates. Human Rights Centre recorded the detention of seven opposition politicians who were declared willing to compete in the elections. Additionally, three more opposition candidates are wanted by the Police at the time according to a statement issued by the Police and other sources. The arrest of the opposition politicians contradicts the Constitution of Somaliland and the Elections Act, which both provide politicians with the right to participate in politics without fear of reprisal and to join the party of their choosing. Article 22(1) of Somaliland constitutions says⁸, "Every citizen shall have the right to participate in the political, economic social and cultural affairs."

The Elections Act stipulates that a candidate has immunity from arrest unless they are caught in the act of committing a crime. In all the cases investigated by Human Rights Centre, the arrests were carried out in contrary to the Elections Law. The government has not officially charged any of the arrested candidates and politicians.

The National Electoral Commission issued a statement on 26 April 2021 informing government authorities that candidates have immunity and shall not be arrested unless caught in the act of committing a crime. The statement further provided that it is prohibited to arrest a candidate during the election period. The National Human Rights Commission also supported the electoral body's decision and called on the immediate release of detained candidates. In a press release, the Police defended the detention of the candidates and said they are investigating other candidates for the following counts⁹:

- False certification by a person performing a service of public necessity (art. 371 of the Penal Code);
- False certification of a public document by a private individual (art. 373 of the Penal Code);

⁸ Somaliland Constitution

⁹ Ganzglas, Martin R. *The Penal Code of the Somali Democratic Republic*, New Brunswick, Rutgers University Press

- Falsification of private deeds (art. 375 of the Penal Code).

The press release has not detailed the facts concerning the articles allegedly violated. Additionally, the Police have not stated which candidate is accused of which count. According to court records, no candidate or detained opposition politicians has been charged by the Office of the Attorney General.

On August, 28 2021 the UCID Deputy Secretary of Information in Awdal region Saleeban Awale Good was detained for 28 days, he was arrested on the premise of criticizing the job performance of the Governor of Awdal region, following his critique in the media. He has a right to express his concerns and challenge any official in their job capacity. His arrest challenges and contradicts article 25(1) and article 32(1). Article 25(1) states that “No one shall be deprived of his liberty except in accordance with the law.” Article 32(1) states “Every citizen shall have the right to express her or his opinion in writing, orally.” or any other form of media. HRC is also concerned that this case is another issue of abuse of power by an elected official on a citizen.

On September, 16 2021 the Deputy Governor of Maroodijex, Wali Abdi Jama, from the Wadani Party was arrested after he criticized the President, Muse Bihi Abdi, through a media conference. Wali was sentenced up to 2 years and 2 months in prison on November, 23 2021.

On October, 5 2021 the chairperson of Berbera city council of UCID party Khalil Hussein Musa was arrested for criticizing the governor and mayor of Berbera City on his personal Facebook account. He is currently still held in detention and awaiting trial in December 2021.

Mohamoud Mohammed Haji Ibrahim was arrested in Burco on 6/12/2021 for a Facebook post criticizing the Minister of the Ministry of the Interior. He was held for 10 days prior to being sentenced for one year in prison. In other violations of freedom of expression, Idiris Said Mohammed, also known as Sayidka Barakaysan was arrested for the mock portrayal of the president, violating his constitutional right to express his opinion in any medium. He is a Youtuber and comedian. He was arrested on 2/12/2021, currently held in detention without trial ¹⁰.

Arbitrary arrests have steadily been increasing in Somaliland in free speech and freedom of expression and Human Rights Center is concerned that this rapid increase is deteriorating the

¹⁰ His case is still pending without trial at the time of this publication date 23/12/2021

strength of democracy in the country, thereby weakening the processes in which the country stands on.

The list of arrested and detained opposition politicians

	Name	Title	The date of arrest	Release/detention
1	Raage Ahmed Yusuf	Finance Secretary, UCID party	8/2/2021	6/3/2021
2	Mohamoud Ahmed Jama Dhadoon	Member, UCID party	8/2/2021	6/3/2021
3	Shu'ay Mohamed Muse	Agriculture Secretary, UCID	25/3/2021	8/4/2021
4	Ibraahim Abdi Hussein	Secretary of Religious Affairs, UCID party.	9/04/ 2021	Released.
5	Abdilaahi Hersi Hassan	Candidate for UCID party	22/04/2021	08/05/2021
6	Abdirahman Ahmed Ali	Candidate for UCID party	28/04/ 2021	08/05/2021
7	Qasim Adan Sulaiman	Candidate for Waddani party	24/04/2021	08/05/2021
8	Saleeban Awale Good	UCID Deputy Secretary of Information in Awdal region	28/08/ 2021	25/09/ 2021
9	Wali Abdi Jama	Wadani Deputy Governor of Maroodijex	16/09/2021	Sentenced to 2 years and 2 months in prison
10	Khaliil Hussein Musa	Ucid chairperson of Berbera city council	05/10/2021	Detention

Freedom of expression and press freedom

Freedom of expression is a fundamental human right enshrined in Article 19 of the Universal Declaration of Human Rights¹¹. This right extends to freedom of opinion and expression,

¹¹ <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

“including freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.” While freedom of expression is declared in the Universal declaration of human rights, freedom of expression is illustrated in Article 32, granting and establishing right to assemble, demonstrate, and press. However, there is always an obstruction to this right. From monitoring and documenting done by HRC, the issue of freedom of expression deteriorated this year and there were more individuals that have been detained for expressing their opinion or pointing and commenting the job performance of government officials. Freedom of expression is significant right for the citizens and restricting this right will have huge consequences on obtaining accountability and transparency. Silencing the citizens through detention and not giving them the chance to express their opinion on the matters that affects them is another form of oppression. Most of the cases that are related to freedom of expression take their grounds from being a national security matter or defamation. The detained individuals faced illegal detentions with almost every arrested individual was taken to custody without warrant and not being brought into court within the assigned time of 48 hours.

In the period covered by this report Human Rights Centre has recorded **114** people arrested for cases related to freedom of expression, including journalists.

On April 2021, two women were detained for allegedly supporting Somaliland’s reunification with Somalia. Sabah Abdi Ibrahim was detained after she dressed in Somalia’s flag. She was released without charges after spending six days in a police station in Hargeisa.

On 23 April 2021 Degan Omar Dahir Miiraash was arrested in Borama for allegedly dressing in clothes with the Somalia flag. She was released on the same day without charges. Dagan has already served six months of imprisonment for similar allegations.

The detention of individuals for purportedly showing support for “unity” is not new. Human Rights Centre has, in earlier reports, documented several activists, singers and other people who were detained and prosecuted in Somaliland for allegations of being against the independence of Somaliland.

On June 26, 2021, 42 individuals arrested in Borama for wearing Somalia Custom flag outfits, reports from regional monitors stated that some of the individuals were students studying in Borama that came from south Somalia, while others have been innocent bystanders. After their

arrests, the groups were divided and separated into different prisons in different location such as Gebiley and Mandhera. On a visit to the accused individuals, HRC found that they were situated in the wrong jail, as they sent to maximum security prison, refused visitations from their family and a phone call to alert their families. The accused persons were released shortly after a statement declared by HRC condemning lack of procedural rule of law and due diligence in the offence.

On June 26, 2021, Sabah Abdi Ibrahim was arrested again for wearing Somalia flag outfits and broadcasting the evidence of her actions on social media. Sabah has a right to her opinion and the right to express through whatever medium she feels spreads her message; however, Somaliland considers topics regarding Somalia as a security issue that impacts the sovereignty, security, morality, and ethics of the supreme law of the land. On June 26, 2021, 15 individuals were also arrested in Laascaanood for the same issue and they were also released soon after. In the same day, Barkhad Mohammed Baashe a social media content creator was arrested for spreading pictures of the individuals wearing the Somalia flag outfits in Laascaanood, as well as interviewing the parents of the individuals on social media.

On July 2 2021, Abdikareem Abdi Nuur was arrested as commentator on political issues in the region as well as being a local leader from LasAnood. He was arrested for criticizing the government and released shortly after. HRC considers the arbitrary detainment as violation against civil liberties and the law of the constitution.

On July 3, 2021, Ismail Abdullahi Hussein and Abdiqani Sheik Mohamed Sheik Omar were arrested after voicing their opinion and criticizing the minister of the Somaliland Ministry of Agriculture Development for what they consider stealing land plots and aggravated forced evictions against the citizens of Somaliland. Their critique came after the brother of Ismail Abdullahi Hussein wrote a Facebook post, describing the land plot issues against the minister of the ministry of Agricultural Development and thus was beaten by the police. HRC considers this a flagrant abuse of power and obstruction of their civil liberties in expressing their opinion in written form as granted by the constitution of Somaliland.

On 05 October 2021, Sacad Abdirarhman Mohamoud, a comedian was arrested for traveling to Mogadishu which is against article 23 of the Somaliland Constitution. Article 23 stipulates «

Every person who is a citizen or lawfully resident in the country shall be free to move to or settle at any place of his choice, or leave or return to the country at will. ». Sacad was released on 21 October 2021.

On 06 October 2021, Ahmed Abdirahman Yusuf, was arrested in Berbera for a Facebook post on his personal page, criticizing the coordinator of the health department in Berbera. He was charged on multiple articles of the Somali Penal Code, such as article 268, 328, and 451¹².

Article 268 of the Somali Penal Code declares “Insult to a Public Officer”, article 328 “Publication or Circulation of False, Exaggerated, or Tendentious News Capable of Disturbing Public Order” and article 451 declares “Insult”. These charges contradict the laws of the constitution of Somaliland and International human rights law. The contradiction of article 32 (1) which stipulates « 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. Much of the charges against Ahmed Abdirahman Yusuf are contrived, outdated and cannot be penalized in current times due to the outdated version of the Somali Penal Code being utilized.

On 24 October 2021, four traditional elders, Yusuf Ahmed Handule, Mustafa Aden Gale, Farahdeer Garad Ismail Ducaale, and Mohammed Awad Baruud were arrested for supporting a parliamentary candidate in Somalia. They were immediately transferred to Hargeisa and Mandheera Jails without been charged for offence and they were released after 12 days. Saeed Mohamoud Gahayr, a social activist and poet, was arrested on the orders of the Minister of the Ministry of Education, Ahmed Mohammed Diriye. Saeed was released after spending 16 days in Prison and with conditions to his release, including a probation order.

Arbitrary arrest is against the constitution of Somaliland, in particular article 32 (1) which grants freedom of speech to citizens. Furthermore, article 25 (2) stipulates that “no one’s right to freedom shall not be taken without cause. While the constitution clearly states laws, the problem facing Somaliland is misutilization of the constitution, misuse of the judicial and executive powers and a complete disregard for the democratic processes in Somaliland.

¹² Ganzglas, Martin R. *The Penal Code of the Somali Democratic Republic*, New Brunswick, Rutgers University Press pp.301, 368, 507.

Detention of journalists

Detention and prosecution cases of journalists have been part of annual reports of Human Rights Centre since its establishment. The incidents of detentions, media house suspensions and intimidation from government is real concern when it comes to freedom of media even though the constitution of Somaliland guarantees the freedom of media as stated in article 32, coupled with 2004 press law which also guarantees the protection of journalists. However, the penal code of Somalia which was ratified back in the 1960 is still used for media cases, which in contrast contradicts the Somaliland Constitution and criminalizes media issues such as defamation, most of which cannot be applicable to the journalists in the current time¹³. Misinterpretation and plurality of the legal system utilized in Somaliland leads to confusion in the ways that people are arrested and charged, in effect the Penal Code. In this reporting period Human Rights Centre documented the detention of 13 journalists for work-related activities.

On 5 January 2021, Abdihakim Mohamed Ali, a freelancer journalist, was arrested in Erigavo for a Facebook post. He was released on 18 January 2021 without charges.

On 16 January 2021, Hussein Ateeye Gaafane, a reporter of Universal TV, Abdilaahi Dahir Ways of Saab TV, Ahmed Dirie Iltire, a reporter of SBC TV and Shuaib Mohamed Kahin of Bulsho TV, was arrested in Borama on the order of the mayor of Borama. They were released on 20 January 2021 without any charge.

On 16 March 2021, Mustafe Abdirahman Mohamed Araale, a reporter from Eryal TV was arrested in Borama after he videotaped a garbage dumpster in the middle of the city, his arrest was ordered by governor of Borama and he was released on the same date.

On 13 April 2021, Adan Abdi Idle, a freelancer journalist was arrested for Facebook posts for being critical about the Central Bank governor on corruption issues. Hargeisa Regional Court remanded him into prison for further investigations. No official charges were currently filed with the court. He was released on 29 April 2021 without charges.

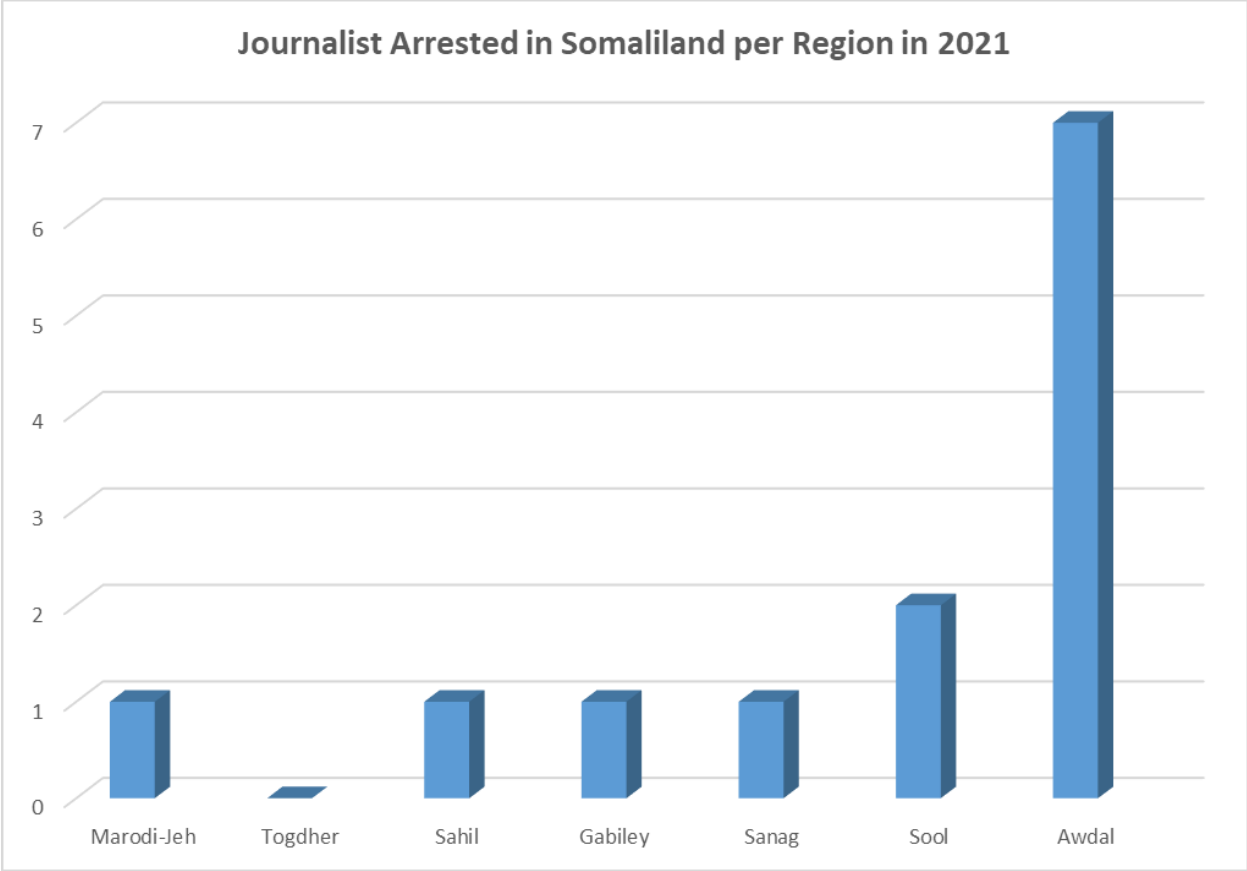
¹³ Reasoning being the utilization of the Somali Penal Code, which does not have a clear distinction of the media currently used in present times.

On 23 April 2021, Abdiqadir Mohamed Abdilahi (Aka Ishqi), a reporter of MM TV was arrested in Borama by the Somaliland police after he interviewed Hassan Dehehe, a sheikh based in Borama who allegedly supported the President of Somalia.

On 13 September 2021, Mohammed Abdi Omar a reporter from SBCTV was arrested in Gebilay after he filmed a documentary of kalabaydh hospital in Gebilay.

On 02 October 2021, Mawliid Ismacil Haredigeed a reporter of Halbeeg media was arrested in Lascaanood after he recorded a major humanitarian crisis against Somaliland government for the force eviction taken place in LasAnood, he was released at the same date.

On 24 October 2021, Abdifatah Mohammed Abdi a reporter who works with Holhol media was arrested in LasAnood for videotaping four traditional elders who were supporting a parliamentary candidate in Somalia. He was released on 06 November 2021 without charge.



Source: Primary Data

The highest rate of detention starting is Borama (Awdal) consisting of 54% of arrests. LasAnood(Sool) at a rate of 15%, followed by Erigavo(Sanaag), Berbera(Sahil) arrests at the rate of 8 % followed by Gebilay(Maroodi-jeex) and Hargeisa(Maroodi-jeex) arrests at 7% of journalists detained.

Police Brutality

Somaliland is a victim of its infantile system, accountability and transparency within and around institutions in Somaliland leads to chaos, creating a population that is morally desensitized to its problems and participation apart from voting in elections, lack of security in these institutions which are meant to protect the population, decreasing the strength of the democratic identity which Somaliland is striving towards. Various government institutions have limited capacity including the police despite the many activities and task forces to train officers; therefore, mechanisms of oversight do not exist though the Police law of 2017 created civilian police and established

oversight body and banned use of live bullets against unarmed civilians, however the act was not implemented and an amendment was made within a year. The amendment removed all accountability provisions from the law making it an irrelevant document that does not provide a protection for civilians. Most of the cases involving police brutality acts have been a lack of oversight and accountability¹⁴.

Human Rights Center documented several cases of police brutality; Most of the cases have been cases where due diligence, due process and a respect of law and order is ignored, as well as appropriate use of force and correct enforcement of statutes. Actions taken by the police included indiscriminately targeting citizens, armed shooting and illegal processing procedures.

Of the cases reported, investigated and documented by the Human Rights Center, each case showed a lack of decorum, responsibility and accountability on behalf of the police force. The most egregious case of excessive force and police brutality involves a 19-year-old Abdiassis Abdillahi, resulting in gunshots aimed at both of his legs seven times by the officer involved. The facts of his case will be outlined in the graph below.

Case Study #1

Hoodo Mohamed Nur Garays, a journalist of Horyal TV, and her mother, Suleekha Abdilahi Abdi, were arrested and tortured on 20 February 2021, by the police. They spent 23 hours in Iftin police station seven people attacked them including Police women. They released them a next day by negotiations.

¹⁴https://opendocs.ids.ac.uk/opendocs/bitstream/handle/20.500.12413/16598/946_Somaliland_security_and_justice.pdf?sequence=1&isAllowed=y

Case Study #2

Abdiassis Abdillahi: 19 years of age, Hargeisa.

He was arrested on April 19th 2021. According to reports from monitors, his case seems like a personal vendetta with the victim's family against the officer involved and the station, as well as witness intimidation and threatening incessant phone calls against him. While there's a lack of further information regarding the personal vendetta, the police officer was released from detention after the intervention of his commander without a regard to the victim, as the victim is still hospitalized and hospital bills are increasing and affecting the wellbeing of the victim and his family. Article 26(1)(2) clearly state that punishment shall be confined to the accused and that crimes and punishments should not be administered that are contrary to law. With the intervention of the police commander, the proper channels in which to convict the accused and help the victim have been erased, damaging the proper way to administer justice and grant the due process both victim and accused are supposed to be afforded.

Case Study #3

Abdirahman Abdillahii (Abdirahman Fantastic): police brutality on May 10th, 2021

A Somaliland journalist brutality beat by men considered to be the Somaliland intelligence agents. He was beaten viciously by people considered to be intelligence agents, after he heard the cries of a neighbor of his. He was trying to help him since he heard her yelling, however he was beaten for investigating the noise and rising the alarm for trying to help. His right eye was damaged as a result of his interaction with the police.

Case Study #4

Istahil- 28 years of age-

Caught in the possession of illegal drugs. Istahil's story is a precarious case as it stands, she is not a citizen of Somaliland.

Her treatment at the local jail station is horrendous, as it is alleged that her and her cell mate do not get the same treatment as everyone else. They do not have any of the privileges the others receive, which can be considered as clan discrimination. She has multiple injuries, but the biggest concerning one is a big gash wound on her leg near the calf muscle. She has not received any medical attention and has been stuck inside her jail cell since her incarceration. While she is not a citizen of Somaliland, her universal human rights have not been protected, in particularly contrary to Articles 24, 25, 26 and 27.

Case Study #5

Anisa Abdirahman Jamac: 13-year-old, from Laascaanood.

Anisa lives in the neighborhood of a boarding school, and is the victim of collateral damage, hit by a stray bullet from an officer that was trying to silence students that were protesting against the administration of their boarding school. The police officer in the involvement of her death was detained.

Arresting people without court warrant is another issue that the police normalize in the scale that a civilian can simply be ordered by a police officer to detain and they will do it even if you are not committing any crime at that present time. Somaliland constitution states "no person may be denied his/her freedom in a manner that is not accordance with the law". Despite the Somaliland constitution which protects and guarantees fair trial procedures, this right is not respected. The cases of people being arrested without due process of law, prolonged pretrial detentions, and ignoring fair trial procedures have become the norm in the country.

Gender and sexual Violence

Somaliland constitution stipulates in article 36 that “the government shall encourage and legislate for women to be free of practices which are contrary and injurious to their person and dignity”, however that is mostly obstructed both by representatives and those in decision making positions. Mostly, the lack of legislation is linked to the mixed interpretations of the laws and the plural law system applied in the country¹⁵. In 2018, the Somaliland president signed the Rape and Sexual Offences Act, which also faced backlash from the religious leaders including the minister of religious affairs at that time because of its language and interpretations. The bill was agreed to be amended for better language, that fulfilled sharia interpretation and the Somaliland constitution, but the progress of the amendment has been stalled for unknown reasons. It has been three years and the Act is still sitting in the Guurti house. Although, the importance of this law is known by every citizen in this country and the need of it is growing every single day. Criminalization of rape can lead to prevention, of which organizations have requested.

We have witnessed countless meetings to discuss prevention measures, post-care and trauma efforts, dialogues between international NGO’s and government institutions and civil society organizations. However, the issue at hand is not that Somaliland is incapable of taking care of a rape victim, but rather that they’ve let down the victim because Somaliland leaders, politicians, religious leaders, traditional elders, and women, in general, have decided to stay quiet against the victims with their inaction and lack of proper mechanism in the rules affecting SGBV. There are no policies in hand or even legislation to criminalize issues of SGBV, conflating the issue of SGBV even further by allowing perpetrators to marry the girl or women violated and raped.

The lack of women in decision making roles is making easier to subjugate women in Somaliland as the decision-making roles does not involve any woman or any advocates for gender issues in the parliament. Somaliland government held a parliamentary election in May 2021 and unfortunately none of the elected candidates were women, thus making it difficult when there is no single woman in parliament that can raise issues and advocate for the issues related women

¹⁵ https://lib.ohchr.org/HRBodies/UPR/Documents/Session11/SO/SOMRAF_SomaliMinorityRightsAidForum-eng.pdf

including SGBV. On 03 November 2021, the Somaliland police forces published a report that includes the number of rape cases that have been recorded in this year and they stated that **232** ¹⁶ rape cases have been recorded and that those are the reported cases, however the cruel reality is rape is one of the least underreported crimes in the country for a plethora of reasons, one of them being there is no mechanism in place. There is no database for these reports nor does Somaliland have a forensics department that can handle these cases.

Case Study #1

Hinda Cumar Abdi: 30-year-old woman located in Hargeisa. The rape and death of Hinda Abdi took place on July 9th 2021.

Hinda Cumar Abdi was visiting her family in the Mohammed Mooge area when she got on a bus to take her back to her place of residence. The rape and consequent murder happened approximately a few kilometers away from the place of her family. Eyewitness heard a scream and a body being thrown on the street, no one could identify her as she was horribly disfigured due to struggle and the subsequent rape and murder afterwards. Her families were informed by doctors overseeing her case that the trauma suffered by Hinda was related to the Rape and blunt trauma by the bus drivers. Her case is still currently being investigated in ongoing trial.

¹⁶ <https://www.youtube.com/watch?v=ewSBBikP6OE>

Retrieved December 12,2021

Internally Displaced People

Human Rights Center traveled to Burco on September 16-17 2021 and Istanbul IDP in Hargeisa on September 22-23 2021. The first IDP the staff and monitors visited was named May 18th, specifically the data gathered and formulated came from the Kuurlibaah and Alaa Amin section of May 18th camp. The population according to the families is around 2800-3000, though there is no viable way for us to verify that information, as they were all displaced from the area of Burco University. It should be noted that those that gave us access to interview them were predominately women, thus all the quotes in this report for this section will be from the women residing in May 18 camp from Burco, as well as omitting their names for privacy and security. Of the interviewees questioned, water, sanitation issues as well as the distance from the camp to the central burco is a problem. The distanced traveled from the city center of Burco or anything of relevance to daily activity is hindered by the lack of access, whether that is transportation services and money. According to the interviewees, taxi cost back and forth to the camp costs them 10k Somaliland shilling, which presents a problem as they do not have the money or access to get money. Their livelihood has been stagnated due to the fact that they live so far out from the rest of the population, that even paying rent seems impossible at most times, in doing so leading to a lack of accessibility to other necessities such as a pharmacy, clinics or supermarkets. May 18 camp lists many humanitarian issues, of all the basic necessities granted to all humans. Of the two camps in May 18, Kuurlibaah and Alaa Amiin, the most grievous of issues for the residents were clean water and restrooms. Interviewees reported that six families share one area of the toilet. The toilets aren't sustainable in the way they were constructed, as they are open toilets. Another concerning factor mentioned by the residents, they don't use the toilet after 6 pm for security purposes, including animal warfare. Other difficulties counted by the residents regards land ownership. Because they don't own the land they currently reside in, they are not allowed to dig or construct a proper bathroom¹⁷, further adding to the challenges and difficulties they face.

¹⁷ Interview, September 16 2021 May 18 IDP camp Burco resident

Without the drought crisis and food insecurity plaguing residents in IDPs, the issue of water is a consistent humanitarian crisis. Droughts and water crisis is a continuous challenging humanitarian issue that the Somaliland National Drought Committee¹⁸ was reactivated by the Government in early March 2021 and reported that dry rains have severely deteriorated the problems in Somaliland, in addition to the already troubling environmental and conflict issues in the country, and the frequency in which these disasters are happening. When asked how the residents have access to water, the overwhelming response was from water tank or jar costing 1.000 Somaliland Shilling. In respect to the money, residents mentioned that some cannot afford to buy it, and when they can buy the water from the tanks or jars, the water is salty. While the water being salty is perfect for cooking because salt will not be needed, as mentioned by the residents, drinking salty water is far from ideal. Somaliland's groundwater source is boreholes, shallow wells and springs for all water usages, thus the salinity of the water acquired is higher than needed for drinking water, therefore households across Somaliland will live around areas of where they can access the water, or relatively close where they can travel miles to get water. Moreover, the complexity of humanitarian issues in the country paves the way for more insecurity in the region. Consuming salt water is harmful for a myriad of reasons, most importantly dehydration and failure of organs, which violates the fundamental right provided by the Somaliland government over the rights of their citizens.

According to the residents interviewed in May 18 IDP camp from Burco, the location of the camp from central creates more problems for them:

“Traveling back and forth from the camp to the central areas where the shops are is 1.000 Somaliland shillings. Because everything is located away from us, it is hard to fend for ourselves. Thankfully, some organizations have helped us to survive. What we want more, is that we can be able to fend and survive on our own with the help of others. Because we depend on each other in the camps rather than organizations. We can't keep drinking salt water. IF we can build our own water reserve, we could control it ourselves.”

While HRC staff and monitors were documenting and collecting data, residents were quite vocal about a lot of the issues and challenges facing them, however they noted one grievance that

¹⁸ <https://reliefweb.int/report/somalia/somalia-drought-conditions-situation-update-14-april-2021>
Retrieved December 16, 2021

demonstrates the lack of accountability and transparency with the organizations working in the region. As HRC policy, when we do site visitations in IDP's or wherever the individual is detained, disclosure is the best policy in that HRC's role in interviewing them is to advocate on their behalf, as we do not provide services or help in allocating food, water or any other benefits. The grievance held by the residents is that there is an awareness of individual coming to interview them with the premise of helping them change their situation, noting that nothing changes for them nor do they hear from the individuals again. Therefore, they question why and how organizations can continue to visit them without any real change involved. With the conflating and complex humanitarian crises in Somaliland, the most vulnerable groups in the region are those in IDPS, as experienced by the worse hit camps such as Istanbul, located in Hargeisa. Istanbul is located in Moalin Haruun District, east of Hargeisa. The resident of this camp has been displaced due to security conflict and environmental disasters such as droughts and famine. The conditions in the camp have been documented before. Reports of fire constantly breaking out, injuring or killing residents. Crime rates increasing yet unreported or underreported. These are all challenging issues that makes accurate documentation arduous. Of the interviewees questioned, insecurity from different sectors makes it difficult for the residents to have peace and security within their own dwelling, both as residents of an IDP and as humans, despite the fact that Istanbul is privately owned by a citizen. Due to the location of the camp, residents are finding that being self-sufficient is blocked due to income source. In order to pay for their rent and other household items, residents have remarked that they have to travel to the city¹⁹, or other acts of demeaning behavior like beg on the streets to secure funds to pay for the water or food for their family. Fundamentals are missing from the camps, such as the right to food, education, safety and security and housing. Moreover, this camp creates situation where vulnerable people become even more vulnerable due to their circumstances. Those living with mental health issues or disabilities are even more disadvantaged than normal. Families do not have the abilities to provide adequate accessibility such as a wheelchair, ramps or a motor vehicle that can be used in the terrains of Somaliland for their disabled one or those suffering from mental health issues. They are usually locked in chains, highlighting the need for a more

¹⁹ Interview, 22 September 2021 Istanbul IDP Camp resident

dignified way to treat individuals with disability or mental health issues in Somaliland that are currently not addressed.

Forced Evictions

Another factor displacing people in Somaliland is forced evictions. Somaliland unilaterally forcibly evicted people in LasAnood and Erigavo for what the government considered “security issues²⁰”, however the circumstances in which they were evicted do not support that claim from the information gathered by our sources and witnesses. On October 2, 2021, HRC received report of 1000 individuals of the Rahanweyn residing in LasAnood were told to leave and go back to south Somalia, without notice. This was a lapse in humanitarian judgement on the part of the government. The evictees were long-term residents of LasAnood with business and a life spanning a long family history in the area. Reports received by the Center recorded a massive campaign of evicting elderly and pregnant women, thus leading to an outcry from Somaliland citizens and the international community. Forced eviction campaign from LasAnood and Erigavo spanned throughout the month of October. However, due to the outcry from the international community, the government allowed Rahanweyn residents of Erigavo a month’s notice to leave Somaliland. According to our sources, between 1000-3000 families were evicted, although there are more than what is reported, though there’s no record or complete investigation into how many individuals were forcibly evicted from these two regions.

²⁰ Press release- <https://twitter.com/somalilandmfa/status/1445300599491268614>

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 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 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.

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