



HUMAN RIGHTS CENTER

Speaking for those who are not heard



Quarterly Report

[August 2021]

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This month's quarterly report showcases the many ways that demonstrates the increasing rate of human rights abuses and violations taking place in Somaliland. HRC reports provide examples, compiling cases in the hopes for lobbying change, impact, awareness, holding perpetrators accountable and outreach to disseminate in the hope of creating a resilient society and better governance and democracy. This report showcases the many ways in which we document and support work that is targeted to realize rights and build advocacy and justice for all in Somaliland. It is vital that as the country moves forward with strengthening and providing security in the hopes of recognition and legitimization, the country must also be cognizant of violations and abuses taking place in Somaliland in order to effectively reduce or eradicate human rights violations and abuses. The quarterly reporting of May- August 2021 saw multiple infractions of freedom of expression, gender-based violence, and an increasing rate of arbitrary detentions. With this in mind, we hope that this quarterly report provides insight and illuminates the many issues facing human rights in Somaliland.

Introduction

This report covers from May to August 2021. It is based on the Human Rights Center's data gathered and documented to highlight human rights issues in Hargeisa, Burco, Borama, Berbera, Laascaanood, and Erigavo. This period of the report coincides with local and parliamentary elections in Somaliland. In addition, it catalogues human rights violations from police brutality and illegal detentions, gender-based violence, and freedom of expression. Human Rights Center monitors and documents violations and abuses producing critical reports that are essential to the awareness and advocacy of human rights, and gathered in a report that is evidence-based and gathered to be disseminated to the public for accountability and transparency. This quarterly report attempts to showcase and provide insight into violations and abuses relevant to the topics of police brutality, gender-based violence and freedom of expression.

Local and Parliamentary Elections

Somalilanders went to the poll stations on May 31 to elect local and parliamentary candidates. In the spirit of complete transparency, Human rights monitors documented different poll stations in the different regions of Somaliland. The reports indicated issues of long poll lines, climate issues such as the hot summer sun for the elderly and disabled, and abuses from poll workers or police officers stationed as guards at the polling stations. The results of the election indicated that out of all the candidates, none were women who were voted into parliament; however three women were elected into the local councils from the region of Sanaag, Laascaanood, and Erigavo. As such, it is concerning recurring topic for HRC that there is a lack of women participation and running candidates to have in parliamentary electoral process. The lack of women inclusion in parliament leads to lack of advocacy and awareness of issues related to women concerning bills targeting women, children, and the society, thus continuing the perpetuation of systems of oppression against women. Discriminatory practices such as candidature selection is a factor that prevents the selection of women running for the elections, as well as further stereotypes and misconceptions about gender and instead selecting a male candidate. Lack of understanding what gender equality means is another fundamental block that is contributing to women involvement in parliament. Taboo behaviors that are still in practice such as Islamic or

traditional behaviors or social mores like women staying at home rather than working or having a career. All of these social norms or mores prevent women from being selected, elected or even being promoted as a voice for Somaliland to participate in local councils or parliament, while there are still mechanisms in place to make sure that women in Somaliland have voice in the decision making and policy decisions of the country they reside in, though these mechanisms are failing to be utilized here. The assessment made by HRC shows that lack of women elected is still an issue that has no definite solution at the moment, despite the many awareness and capacity building activities raised to tackle gender issues. However, HRC will continue to advocate, raise awareness of gender issues, and emphasize the voices of women candidates, as it is deemed important to have inclusion and diversity in the policy making decisions and being actual decision makers in issues affecting them. It is important to create a genuine inclusive and female friendly electoral process. It is for fundamental purposes so that we tackle the root causes of prejudice in candidature selection, dismantling the systems of patriarchy or oppressive attitudes and behaviors that put women down, that prevents them from having a voice and ownership in the decision-making processes of their country.

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. Many facets of Somalia's institutions had limited capacity and weakness prior to the civil war, thus creating systems or institutions that are strong is difficult, despite the many activities and task forces to train officers, therefore mechanisms of oversight do not exist. Though the Police Act law answers many of the problems affecting Somalilanders and police officers, enforcement is another story altogether. However, implementation is another issue that needs to be tackled. Most of the cases involving police brutality acts have been a lack of oversight and accountability.

Human Rights Center monitors in Hargeisa documented seven cases of police brutality and illegal detentions. Of the seven cases reported to HRC, two of the cases involved a minor or a partial minor according to the bylaws of the country¹. The numbers of police brutality cases have increased, even in a global pandemic. 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 and due diligence by reporting them to the CID and trying them in military courts, even though the cases involve civilians.

While the Police Act could not pass as it sits in parliamentarian houses, it does not mean that the police should have impunity in getting away with excessive force, police brutality or a lack of empathy and compassion in dealing with victims and offenders. 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. Police commanders in different police stations around the country are arbitrarily detaining and releasing victims in the blink of an eye without reason, rule of law and propriety. 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.

Incident: 1

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.

Incident: 2

Yusuf Ahmed Guleid: 17-year-old- minor, arrested on July 10th 2021.

Yusuf fought with his friend and was arrested after the friend's family lodged complaints. Though there's no charge against Yusuf, arbitrarily detaining him is against Article 27 which stipulates charging an accused within 48 hours or releasing them. The purpose of detaining Yusuf according to the police is because the friend's family had lodged complaints against him, which is also against the law of the constitution, as he has been deprived of his liberties. With his case brought forth to court and determining sufficient evidence, the police and the court could not provide with sufficient evidence thus resulting in Yusuf being released.

¹ According to the constitution of Somaliland and Juvenile Justice law, article 10.

Incident: 3

Hussein Abdi Abdillahi: 21-year-old

Hussein was arrested on July 19, 2021. According to his family, they have no information or clue as to the reason or the charge of his crimes. He was working and while eating, the police escorted him to the police station in Qudhac Dheer. Once again, processed without due process and diligence. During his trial, the prosecution was asked for the cause of his detainment and evidence for the corroborating story of armed robbery, and the lack of sufficient evidence allowed the judge to release Hussein. The police and prosecution team failed to protect Hussein's civil liberties, as he was detained for more than 48 hours, trialed and almost convicted with false charges and crimes against his person, as per the edicts of Article 27.

Incident: 4

Adan Hussen Hashi: 21 years old, arrested on 3/8/2021.

Adan is a construction worker, who was stationed at the building in which he was doing work. According to documents and reports, the individuals responsible for his injuries are intelligence agents. Adan was beaten, charged without warrants, reason and court date set in the military court, even though Adan is a civilian and not a troop for Somaliland armed forces. According to the constitution of Somaliland of Article 25(2), no one should be arrested or detained without a warrant. Another contradiction in devaluing of Adan's civil liberties involves holding and charging him in military court, encroaching on articles 25, 26, and 27 of the supreme law of the land.

Incident: 5

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 raising the alarm for trying to help. His right eye was damaged as a result of his interaction with the police.

Incident: 6

Cumar Ismail Raage: Arrested on April 11th 2021.

Convicted and sentenced. His treatment at the hands of officials barbaric and traumatizing. He was chained and injured during his processing time, as he was held past the forty-eight hours established in the constitution. He was participating in opposition campaign by the constitution. Activities in Salaxley district. The governor of the district orchestrated his arrest and accused him of insulting the religion resulting in him being detained past the hours allotted. Cumar's case violates article 27(2).

Incident: 7

Ismail Ahmed Yusuf-17 years of age, arrested on June 24th 2021, Hargeisa.

He was accused of robbing someone. He was held without sufficient evidence and detained without proper procedure, including due process, due diligence and unfair trial procedures in which the police and lawyers failed to show evidence. Once on trial, due to lack of sufficient evidence, the judge had no choice but to release him. However, this experience is daunting for a person considered a minor. Lack of accountability and incorrect procedural process led Ismail being charged without due cause and held in unfair conditions as well as having to be held in jail for a long time without being processed.

Incident: 8

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.

Incident: 9

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 is currently in jail.

Gender-based Violence

Within Somaliland, cases of gender-based violence see an exponential trend of increasing patterns. These cases are the different types of abuses and violations, even within the context of a global pandemic. According to the constitution of Somaliland, article 36 stipulates 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 the representatives and those that are the decision makers in the country. Mostly, the lack of legislation is linked to the mixed interpretations of the laws governing the country and the plural law system applied in the country, as the decision making does not involve any woman or any advocates for gender issues in the parliament. The lack of women activists and participation in decision making and legal policies makes it easier to subjugate women in Somaliland. The saying “If you’re not at the table, you’re on the menu.” While graphic and wholly distasteful, it lends to the belief of discriminatory behaviors, practices, lack of judicial powers and review to succeed, and it enables the society and institutions to make or take decisions and policies that are not helpful, damaging and conducive to the empowerment and progress of woman in Somaliland. The first Rape and Sexual Offence Bill of 2018 was problematic in language and interpretation therefore it was decided that a new bill should be amended, however it was difficult to ratify and pass it, therefore it is currently sitting in the Guurti house. Because there’s no bill currently defining or determining what rape or sexual offense is, it is problematic because there’s no way to implement or enforce a bill that is not ratified. The lack of movement in enforcement and implementation of the Rape and Sexual Offense bill reinforces subjugation and inability for women to take control of choices granted to them and justice to prosecute crimes. While there’s no linkage between rape and policy decisions, it does aid that policy lessens crimes, enables proper procedures to convict and determine the right sentences for offenders.

Incident: 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 family was 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.

Freedom of expression

Freedom of expression is a fundamental human right enshrined in Article 19 of the Universal Declaration of Human Rights². This right extends to freedom of opinion and expression, “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 most obstructed individuals attacked for freedom of expression are journalists³. Journalists and media houses in Somaliland have been targets for the government due to their nature of investigation and shedding light on government abuses, as well as those working in media houses and individuals that critique and criticize the government and have sentimental value of unifying with Somalia as their message. However, when it comes to individuals who have sentiments of unifying with Somalia if they wear Somalia flag outfits, they are silenced and jailed for dissent. From monitoring done by HRC, it was revealed that there is also a mixed interpretation of freedom of expression, national security, and the moral and ethics of Somaliland. Although that is an unfortunate aspect, HRC has found that individuals accused of wearing the Somalia flag outfits do not receive proper procedure in their arrests, warrants or

² <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

³ <https://www.hrw.org/world-report/2020/country-chapters/somalia>

due diligence. Some of the accused persons were even transferred from their place of residence, as that is contradictory to the criminal procedures governing the state. Lack of rule of law attempts to showcase that the strength of Somaliland's sovereignty decreases with violations of tenets that are important to proper governance and democracy.

Incident: 1

42 individuals arrested in Borama for wearing Somalia Custom flag outfits. They were arrested on June 26, 2021.

Reports from regional monitors stated that some of the individuals were students studying in Borama from Somalia, while others have been innocent bystanders. After their arrests, the groups were divided and separated into different prisons in location such as Gebiley and Mandhere. On a visit to the accused persons, HRC found that they were situated in the wrong jail, as they went to 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.

15 individuals were also arrested in Laascaanood on July 16th, 2021 for wearing Somalia flag outfits. They were also released soon after.

Barkhad Mohammed Baashi- arrested for spreading social media and pictures of the individuals wearing the Somalia flag outfits, as well as interviewing the parents of the individuals. He was arrested in Laascaanood on July 4th, 2021.

Incident: 2

Sabax Cabdi Ibrahim- located in Hargeisa, arrested on June 26, 2021

Sabax has prior cases of freedom of expression issues, in which she is wearing Somalia flag outfits and broadcasting the evidence of her actions on social media. Sabax 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.

Incident: 3

Ismail Cabdillahi Xuseen and Cabdiqani sheik Mohamed Sheik Cumar-Hargeisa, arrested on July 3rd, 2021.

Both men have been 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 Cabdillahi Xuseen 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.

Incident: 4

Abdikareem Abdi Nuur- Arrested on July 2nd 2021.

He is a commentator on political issues in the region as well as being a local leader from Laascaanood. 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.

Recommendation

Protecting values such as freedom of expression is a must for democratic states therefore arrests and illegal detentions for freedom of expression and police brutality are issues that are concerning and the rate at which these violations are happening, and the enforcement and implementation of a reformed police act might be a deterrent factor that should be in place. Reformation of the Police Act can answer and provide solutions, by holding accountable institutions and agency linked to the values of freedom of expression, media and fair trial issues. Currently, seeing the trend of increasing rates of violations, these are some of the recommendations HRC sees as a point of rectification:

1. Lack of impunity- those in violations of procedural issues such as police officers enjoy impunity, therefore lack of accountability impacts that. Police should not be able to get away from egregious acts of violence and behavior.
2. Reformation of Police Act- while the police act passed, however there are problematic issues that should be reformed that could deter areas of impunity, training and accountability.
3. Passing of the pending freedom of expression- HRC recommends the new cabinet to diligently work through the pending freedom of expression bill, so that there's implementation and enforcement of the bill to protect those working to disseminate the truth to the public, whether it's journalists, critics and dissidents of the government, citizens and students alike. Freedom of expression is a right enshrined in the constitution of Somaliland, and it should be valued and protected by those writing and framing the laws of the country.
4. Reformation of the Rape and sexual offence bill- the mixing of interpretation of rape and sexual assault mars the passing of the bills therefore, representatives must sit down in the new cabinet, figure out how to interpret and determine the difference between rape and sexual offence and determine how to prosecute and convict the different issues separately so that victims receive proper care, justice and fairness in concluding their trauma. Until representatives can interpret

the bill properly, HRC recommends that the rape and sexual offence bill of 2018 be implemented and enforced in its place, until the new cabinet of parliament can suggest, propose and produce better Rape and Sexual Offence Bill.

5. HRC recommends that Somaliland government not confuse National security issues with the issues of freedom of expression and not conflate it with moral and ethic issues if an individual is expressing their own opinions through different modes of media, as well as those critiquing and criticizing the government for socio-political issues.
6. Proper training of Police officers- HRC recommends that police officers should have proper training in understanding and recognizing what is deemed appropriate force or use of correct force, procedural law and the laws governing accused person as dictated by the constitution.

Conclusion

Through documentation and analysis of the cases brought forth to HRC, there is a worrying trend of increased numbers of violations and abuses in Somaliland. Based on reports examined, it is a concerning factor that there are still violations and abuses occurring in Somaliland on fundamental civil liberties, specifically those enshrined in the constitution of Somaliland. HRC is hopeful that those in power in our new parliament with the ability to make policies are looking to make change happen, create lasting impact in order to protect, advocate and promote our civil and political rights.

About Human Rights Centre

The Human Rights Centre (HRC) is a non-profit organization established in January 2013 to contribute 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 Human Rights Centre's central policy is to create and foster a culture of voluntary human rights activists who are willing and committed as Human Rights defenders with a passion for contributing to the protection, promotion and realization of Human Rights in the region.

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