



HUMAN RIGHTS CENTER

Speaking for those who are not heard



Human Rights Center

Quarterly Report

January - April 2022

Human Rights Center 2022
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Hargeisa Somaliland

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Introduction

This quarterly report covers the general situation of human rights in Somaliland from January-April 2022. It is part of the Human Right's Center's reports based on information and data gathered to document the general situation of human rights issues in Somaliland. The report will cover and attempt to demonstrate the problems of human rights from updates on cases of arbitrary arrests and freedom of expression. This report emphasizes the lack of care for rule of law, proper procedural duties and on the verge of complete erasure for freedom of expression, due to authoritarian tendencies in the democratic processes of Somaliland.

Freedom of expression and free press are enshrined in the constitution of Somaliland, and further applicable under the penal code of Somalia in 1960, as well as ratified by the Universal Declaration of Human Rights. However, because these laws are outdated, and irrelevant to the present times in which journalism and free press has come along, the work of critics, journalists and social activists have been criminalized under the past and current administration of Somaliland. According to the Somaliland Constitution article 32 "The press and other media are part of the fundamental freedoms of expression and are independent. All acts to subjugate them are prohibited, and a law shall determine their regulation." While this act seems promising it is impossible. Most cases against freedom of expression are all charged under the penal code of 1960, which is very outdated and does not take into consideration new technologies and the methods in which these technologies are used presently, marking it as criminal capacity rather than as an independent right. As such, any reporting investigated and disseminated by journalists or critics uncovering corruption or local context are all charged with slander and defamation, as well as being used as a cover for "national security" by the government to use as a silence method to legitimize the government's attempts to silence dissents. A media law ratified in 2004, however, it has not been implemented nor enforced. Its unfavourability has allowed the bill to deteriorate in the different chambers of Somaliland parliament, stagnating and stalling the legislative process. Thus, creating a cycle of ambiguous ruling and charges, all while using the law incorrectly to convict an individual. It appears even the fundamental basics are wrongfully understood by all. Freedom of expression can be limited and restricted for the safety and security

of the national interest¹, however this excuse cannot be used by the government, as reported cases cannot be classified as national security issue, according to multiple governments and international organizations. Defamation and slander cannot be the excuse for jailing a journalist who had uncovered the truth and facts about the minister of transportation resigning, or any other journalist doing their job. These are breaking news that the public needs to be informed about and to silence those that are breaking these news topics is wholly against the constitution of Somaliland and the promises made by the administration to usher Somaliland into an era where democracy reigns supreme. April 14th, 2022, saw the largest number of journalists arrested in Hargeisa, Somaliland. While the facts of the cases are not well documented and known, because there is so much secrecy surrounding the case, including inaccessibility, the matter of the facts are this was a topic of concern for the public, as it involved a prison incident where the security and safety of the population was important. The journalists were in a public area where filming is allowed and the misinformation and disinformation surrounding the events are all evidence of a deteriorating functioning institutions. Freedom of expression can be limited or restricted on international standards and Somaliland context to protect national security, prevent public disorder, protect health or morals of the country. However, in the pretext of Somaliland, these are often used to suppress or limit the voices of citizens and limit the work of free press in Somaliland when the news is not favorable to the president or elected officials. Our work focuses on advocacy outreach, raising awareness on issues of human rights violation to share with relevant stakeholders, conducting an in depth-research to assess the root causes of human rights violations, advocating for legal policy reform according to national and international human rights standards. We publish these findings quarterly and annual to update the public on the human rights situation in Somaliland.

¹ <https://www.southernafricallitigationcentre.org/wp-content/uploads/2017/08/Chapter-3.pdf>

Arbitrary arrests and detention

Before the new year even commenced, HRC received reports of journalists being arrested on the 31 of December. There were 4 journalists arrested in Sool region for reporting on the town's disapproval rating for the governor of Sool, due to mismanagement. From that point on, each month saw an increase of arrests not only against journalists, but any individual with dissenting views and opinions on the sociopolitical and economic situation of Somaliland. HRC has recorded 30 journalists and 14 individuals arrested for freedom of expression violations since the beginning of January 2022. The biggest month where the arrests exponentially rose was in April 2022. While the circumstances surrounding the arrests are inconclusive and information is lacking, HRC was able to record 17 journalists arrested for covering the scuffle at the Hargeisa Central prison at the beginning of the month. Of the 17 arrested, 12 were released and three are still detained in Hargeisa Central Prison presently on 8/5/2022. The circumstances related to the three journalists still arrested has been highly politicized due to conflict between the journalists and those in higher position in the government. The last 3 journalists involved in this case have been brought to court since it became a high-profile case, with trumped up charges. This case, along with the other released journalists, was an attempt by the Somaliland government to crackdown on freedom of expression and free press in Somaliland. The two journalists detained from the prison incident. Mohammed Abdi Sheik Ilig and Abdijabbar Mohammed Hussein have been sentenced to 16 months in prison for "slander and Anti-national Propaganda" by the Hargeisa Regional Court. Human Rights Centre appeals for their release as this sentence is unjustifiable.

Free press and freedom of expression has been under attack by the government for the unforeseeable future to the point that self-censorship has been the result of crackdown on journalists and journalism. While one can argue that having a camera and voice does not make a journalist, the responsibility of the state is to respect the profession, uphold the laws in the constitution that guarantees that right and allow these individuals to do their jobs without hinderance, intimidation and fear. The responsibility of the state for those that are unaware is to allow free media to flourish in the country for the sake of democratic values such as justice prevailing and ability to be as democratic as possible that the country espouses to be. Article 32(3) clearly states that "Press and other media are part of the fundamental freedoms of

expression and are independent. All acts to subjugate them are prohibited and a law shall determine that.” In this case, subjugation can be in many forms. From the experience of those interviewed after their ordeal, subjugation by Somaliland authorities is in the form of torture, forced confessions, diminished rights during arrest and detention, damage of personnel and property, intimidation, self-censorship, and a crackdown on dissent. While the last sentence in article 32 requires a law to regulate free press in Somaliland, it seemingly is absent now. The Press Law is currently in the chambers of parliament, requiring debate and discussion and formal signatures to make it into a law.

HRC’s focus on freedom of expression in Somaliland is to strengthen the rights of all citizens in Somaliland and the protection of human rights principles. Therefore, HRC’s quarterly report has shown that lack of respect for free press is a problem and should be the concern for all, as it weakens the democratic processes of the country or decreases democratization process the country is progressing towards. According to the Somaliland constitution, freedom of expression is a right explicitly guaranteed in the constitution as stated by article 32 and must maintain independence from the state, also expressed by article 10 of the Equality and Human Rights Commission² and other international charters. We have provided statistics of the arrests and detentions in the graph below. As disclaimer, numbers of the cases are subject to the data collected and gathered by the center.

² [Somaliland Constitution \(somalilandlaw.com\)](http://somalilandlaw.com)

Case Study #1

Ali Aadan Dirir, a journalist of HCTV, was arrested on 13th January in Aynabo due to reporting on distribution of water given by Boqor Buurmadow. This journalist released on 15th, January 2022, without charge.

Case Study #2

Abdirahman Awil Ilmi, a journalist of Baddacas 24 TV was arrested on the 14th, January in Erigavo for facebook post. He was released on 15th January 2022, without charge, but on condition to delete the post he criticized the ministry of water and resource and their coordinators.

Case Study #3

Abdisalam Mohamed Jama (Germany) was arrested on 5th January 2022, for a Facebook post, and released on 7th January 2022 without charge.

Case Study #4

Warsame Aadan Rashiid, a journalist of Goobjoog TV in Erigavo was arrested on 18th January for Facebook post criticizing to the mayor of Erigavo for mismanagement and negligence over the drought management. He was released on 24th January 2022 with no charge.

Case Study #5

Aadan Tarabi, a journalist of Sahan TV was arrested on 18th February 2022, and released 19th February 2022 on orders of the former governor of Sool, Abdikhani Jidhe.

Case Study #6

Abdirisaaq Qaasim Jamac, a journalist of Saab TV was arrested on February 20th, 2022 in Berbera, after he reported a demonstration by people who complained about the price of gas. He was released same day on the condition of self-censorship.

Case Study #7

Jamaal Ibraahim Maxamed, a freelancer journalist arrested in Hargeisa February 6th, 2022, after interrogation, released and then re-arrested again on February 8th, 2022, by alleged individuals from Somaliland IC. He was brought to the court two times, and remanded. He was not charged with a crime but detained.

Case Study #8

Ahmedqani Jama Hirsi Tuluh, was captured on 12th March 2022 by Somaliland Intelligence Agency and arrested on 14th March 2022. He was prosecuted and accused by articles 215 and 238 in Somali Penal Code. He was sentenced on 28th of March 2022 for one year and fined 1 million of Somaliland shilling.

Case Study #9

On March 24th 2022, Abdirahman Mohamed Cadami, a freelancer journalist was arrested for Facebook post related corruption issues by the chairperson of Erigavo regional court. He was released on 28th March 2022, without charge, on the condition to remove the Facebook post he made.

Case Study #10

Cimraan Hussein Adam was arrested in Borama on March 14th, 2022, for a video report he made while the president's visit in America. He was then released on 20th of March 2022 without charge.

Case Study #11

Hassan Suleiman Harun Galaydh, Mohammed Abdi Illig, Caydaruus Mohammed Ahmed, Ahmed Nur Samrawi, Ahmed Said Hassan Shimali, Ahmed Mohamud Yusuf, Abdijabar Mohamed Hussein, Mohammed Suldan Ahmed, Khalid Mohamed Aleeli, Ayanle Abdi Buni, Mustafa Muhamud Abdi, Abdifatah Mohamud Ismail, Mohamed Jamal Jirde, Hussein Ahmed Abees, Abdirahman Cali Khalif, Nicimo Abdi and Sagal Mustafe were arrested on April 13th 2022, for covering the breaking news at the Hargeisa central prison.

Case Study #12

Ayaanle Cige Faroole and Sidiq Hassan Waabeeye, journalists in Bura' o on April 28th, 2022, were arrested. fortunately, they were released on 29th April 2022.

Case Study #13

Mukhtar Nuux Ibrahim was arrested on 10th of May 2022 for reporting poor sanitation in Wajaale.

Case Study #14

Arreh Suleyman Awled Arreh is a media presence who lives in the city of Gebilay. He was arrested on May 21, 2022, for criticizing the Djiboutian president. He has been remanded several times without the court or Criminal Investigation Department finding a just charge, therefore delaying his release without being formally charged. His release has been delayed on the premise of police and CID looking for an article to charge him, which is unconstitutional.

Arbitrary detention at Gebiley Jail station

Around the global jail stations are meant as holding cells before the individual is set for court and taken to prison after judgement. However, the situation in Somaliland is the opposite of that. Jail stations in Somaliland are a violation of human rights and fundamental hygiene. They are filled beyond their capacity and endangers the community and those held in these stations for multiple of reasons. The infrastructure of the stations is filled to the capacity, in an area that is small without being afforded the ability to go out for sun exposure. The smells are repugnant due to the lack of toilet facilities capable of having 20-30 people using it, instead individuals are told to pee in water bottles and throw it to the courtyard that is in the same vicinity as their holding cell. The number of individuals in the holding cells are 20-30 people stacked in a small area. From the information taken from the inmates, they have been held for months without a court appearance. According to Somaliland constitution article 27(2)³ clearly states that any accused persons should be brought to court within 48 years, however it is irresponsible of the Somaliland police force to hold accused persons for more than the time allotted, breaking international and national standards of procedure. The common sense of judicial procedure and justice should prevail, and they should be released, however patriarchal systems and factors play a role here. It is the responsibility of the government to make sure those detained are held and maintained with

³ [Somaliland Constitution \(somalilandlaw.com\)](http://somalilandlaw.com)

dignity and treated in humane manner, as such the conditions in this jail station in Gabiley is contradictory with many international and national standards. Observation has shown that accused persons are not treated in a humane manner. In transferring inmates from the jail station to the courthouse, we've observed 3 men who were without shoes, in the hot summer weather. This irresponsibility exacerbates the poor conditions and ill-treatment.

Another factor that prevents an accused person from leaving if they're not charged is the blame factor. In the Somaliland court system, when an accused person cannot be located, the police will arrest those closest to the runaway accused person. As stated by article 26(2)⁴, liability of any crime should be confined to the offender only and not family, however this practice is not applicable in Somaliland. Somaliland police will often arrest mothers and relatives of the accused. As such, we found a case in Gabiley station where men and women were locked up and not charged with a crime but are closest related to the accused person and are associated as complicit to the crime. There are eight women reported who were in the jail station because of a neighborhood dispute with their children.

- Sahra Abdi Elmi
- Faysa Yusuf Ali
- Fahima Abdi Abdillahi
- Luul Ibrahim Osman
- Muna Abdi Dawoud
- Habiba Hasan Cige
- Sacida Ahmed Aare
- Nimco Abdillahi- breastfeeding mom

The most serious case is Nimco Abdillahi. Her infant child is one years old. Her child was taken away from her altering her breastfeeding schedule, to the detriment of her health. She requested that her child be given to her. We were able to pass her concerns and wishes to the police commissioner. He gave us assurances that he would work with her to allow her to

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

breastfeed her child. When situations like this happens, most cases with mothers and young infants are not separated but held together until the mother can be transferred.

Recommendation

The police force of Somaliland is intended to protect and serve the citizens of Somaliland. As such, the police force works to help the elites in this country, rather than the job described to them as protectors of the citizens. Pretrial detention has become a commonly abused practice in Somaliland and is overlooked in the country, becoming the default setting of criminal justice systems⁵. At most, the numbers of accused individuals in jail cells waiting for their day in court outnumber those that are convicted and sent to prisons. Therefore, at HRC, we are emphasizing the need for policy reform when it comes to pretrial detention numbers, amongst other recommendations to ease the workload of the justice system in Somaliland.

- Police force reform- the force should be trained on how to conduct themselves in a proper manner, with the utmost respect for the citizens they swore to protect by treating them at the early stages of detention with common decency and in humane conduct. This means the police force should not be using their authority to beat down accused person by demeaning them or dehumanizing them for alleged crimes or stretching their muscles to subjugate the accused individual.
- Document and disseminate good practices that reduces arbitrary and the excessive use of pretrial detention. This should be shared along with assistance from the government at the national level to monitoring and documenting so that it could be shared at the local governments and the other regions. ⁶
- Promote criminal justice reform models that pay due attention to the pretrial stage of the criminal justice process, including crime prevention and other incentives to reduce the number of accused people entering the criminal justice system. These mechanisms should

⁵ [Pre-trial detention: the issue - Penal Reform International](#)

⁶ [In A Cell Until Proven Guilty: The Problems with Pretrial Detention \(prisonfellowship.org\)](#)

be used to provide legal aid and assistance to the accused person in a speedy manner after their arrest, judicial discretion to released accused person despite the charges against them. All of which have been recommended to be added to the Police Act⁷. However, we feel this needs to be reiterated in all our reports concerning police behavior and action.

Somaliland Government

- Modernize the legal framework and practices related to pretrial detention and other frameworks to bring them in line with applicable law. This should and must include repealing laws and practices which make pretrial detention mandatory, especially articles that are unfavorable to the time presently⁸.
- Establish and fund provision of legal aid and provide them to accused individuals as soon as they are arrested, without taking statements which are at times coerced confessions.
- The government should be required to enquire prosecutors to demonstrate the reasons for pretrial detention before court or if it should be a last resort effort.
- Legislate and formulate a law that determines a method in which to prevent corruption within the justice sector.
- Sufficient resources should be allocated to avoid delays and lengthening of detention periods by creating a mechanism that alerts courts and practitioners when accused individuals have been held for long periods.

Criminal Justice practitioners and officials

- Develop coordinated inter-agency efforts to regularly review weaknesses and related challenges in the justice process. These should be jointly identified and then addressed within the justice sector of Somaliland to disseminate to the public, human rights organizations and to the government.

⁷ [Human Rights Watch: Excessive Pretrial Detention \(hrw.org\)](https://www.hrw.org)

⁸ [Justice-Denied-Evidence-Brief.pdf \(vera.org\)](https://www.vera.org)

- Request the judges presiding in cases to release accused persons if the criminal investigation department and police could not find the reasons for charging them, rather than being complicit to false charges. Hence, further delays needed to “investigate”.

Conclusion

This report demonstrates the worrying cases of arbitrary arrests, all of which are determined to be spreading false news and spreading anti-nationalism propaganda. Despite this fact, it should be noted that having and expressing an opinion is not a right that can be taken away in the pretext of “national security”. In the interest of the “national security”, it should be the responsibility of the government to use discretion and distinguish the difference between an opinion or national security. This behavior of arresting dissenting voices are the acts of a dictatorship government, one which Somaliland should not be included. We are hopeful that the Somaliland government, police force, criminal justice practitioners and officials are willing to follow the recommendations above to create a seemingly free flowing justice system where justice, equality and fairness are the foundation of our justice system.

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 fulfilled.

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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