



HUMAN RIGHTS CENTER
Speaking for those who are not heard

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16 PEACE, JUSTICE
AND STRONG
INSTITUTIONS



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Human Rights Centre 2020

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Contents

Foreword	3
Acknowledgment	4
Executive Summary	5
Recommendations	7
Methodology	8
Background	9
Freedom of Expression and the Restrictions of Protest	10
Wrongful Detentions and the Lack of Judicial Corrections.	15
Forced Evictions.	16
Sexual Gender Based Violence	17
ABOUT THE HRC	18

Foreword

The Human Rights Centre stands for defending human rights in Somaliland based on the Constitution and international human rights laws. Throughout the year, we document human rights issues. This Annual Report is addressed to our daily data gathering. The Report figures out the level of human rights issue in Somaliland. The Government of Somaliland and stakeholders should be aware of the situation of human rights in Somaliland context .

I took the leadership of the organization in December 2018. Therefore, this is the second Report I presented over. Taking into account the importance of the Annual Report for HRC, I am happy that every year people receive the Annual Report.

On the other hand, I am worrying about the unchanging situation of human rights in Somaliland. Arresting people without trial, restriction of social assembly and the existing laws and other outdated laws which worked as stumbling blocks for the constitution of Somaliland to be implemented which made the situation more worse than ever. All the Reports of HRC since the inception in 2013 until now show that the same trends (matter).

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The Chairperson of the Human Rights Centre

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Acknowledgment

The Human Rights Centre thanks the honorable volunteers, staff members of the Human Rights Centre who made this report to be published. We are very grateful to all of them and appreciate their helpful contributions and support, especially Yasmin Umar Mohamoud who is the Chairperson of HRC and was constantly in support to Executive Director of HRC Mr. Yunus Esmail Ebrahim during his editing of this Report.

HRC is also grateful to the individuals and organizations who shared their experience and stories to include in this report. Thank you very much. Thank you also to all the people and organizations that have helped us in one way during the course of this report or the activities of HRC in general.

Executive Summary

Firstly, the Human Rights Centre annual Report covers comprehensively the human rights issues and is based on the organizations' monitoring and documentation of human rights issues in Somaliland in 2020. The Report is a result of the daily documentation, interviews of survivors, experts and government officials, and review of official documents such as court judgments.

Secondly, the Report mentions an unchanging situation of crackdown on the media, people arrested due to their freedom of expression. In this year 2020, the Human Rights Centre has recorded 60 people arrested for cases related to freedom of expression. This includes 14 people who are journalists and 46 who are not journalists. The people arrested without due process of law and targeted for what they have said or posted on social media which includes the following.

- Journalists who are usually targeted by the government.
- HRC documented and confirmed arrests of 14 journalists who were put in jail during their daily operation, and charged with (accused of):
 - a) Anti-national propaganda
 - b) Publication of false news
 - c) Defamation.

The problems partly arises that the government uses outdated laws rather than the Constitution of Somaliland. The Constitution guarantees freedom of expression, media and assembly. In this year two media houses were shut down. Public protests are not allowed in Somaliland whether Opposition Political Parties or normal citizens. Any kind of public demonstration remains inconvenienced. On 10th August 2020, 25 people who are members of Tawfiq Transportation Association in Berbera were detained by the police as the result of demonstration against the election of their new chairman of Tawfiq Transportation. Police used force against them; as a result one person got injured for that operation.

Somaliland police forcefully evicted family from their place of residence and injured two people another two people were arrested. The government is behind that activity, there was no one who sued that act along with no remedy has been done.

On other hand, The cases of SGBV and GBV are not much narrated this year compare to the previous year because of the global pandemic caused by the COVID-19 also known as Corona Virus.

Recommendations

Our recommendations to the Government are as follows:

- To stop the arrests of journalist and the closure of media houses;
- Allow demonstrations and respect the right to assembly;
- Stop detaining government critics and suppressing opposition parties;
- Stop the indefinite detentions of people and apply the constitution in respect to lawful arrests;
- Reform the police and establish accountability framework;
- Stop using the police for political purposes;
- The government should stop the forceful eviction of IDPs and other poor people. Reform the land laws to permit poor and vulnerable people access to land and provide IDPs land registration certificates;
- Stop the amended Zina, Rape and Related Offences Bill and apply the original Rape Act of 2018.

Methodology

This report is raised from the daily documentations made by the HRC regional monitors, whereby the interviews were used as one of the methods of data collections as well as reports of civil society organizations were reviewed as well as court documents such as judgments and charge sheets. The interviewer has used purposive sampling because she was intended to meet the specific groups of people such as lawyers, judges, court clerks, police officers, detainees, survivors and family members were also interviewed.

HRC is not allowed to access police stations. Therefore, detainees were interviewed at court premises and released detainees were also interviewed.

The cases in the report are only those verified by HRC with evidence.

On other hand, The cases of SGBV and GBV are not much narrated this year compare to the previous year because of the global pandemic caused by the COVID-19 also known as Corona Virus. The pandemic had caused a global lockdown which in hand has affected Somaliland as well, March 2020- July 2020 the country has been in a national lockdown, all facilities were forced shutdown including schools.

Background

Somaliland located in the Horn of Africa, proclaimed independence from Somalia on May 18, 1991. Before this era, historically Somaliland was British protectorate; it gained her Independence from Britain on 26th June 1960. From 1991 Somaliland up to now is an independent country though UN and the African Union still recognize Somaliland as one country under the umbrella of Somalia. However, Somaliland held different elections, has its own Constitution which granted fundamental rights and freedoms.

Moreover, Somaliland has the Presidential system of governance of which people elect their President. On top of that, Somaliland has three different Political Parties such as Kulmiye the ruling Party, Wadani and Ucid Parties are the Opposition Parties.

Freedom of Expression and the Restrictions of Protest

Freedom of expression does not get any better in Somaliland. Arrests of journalists, closure of media houses and restriction of public opinion through demonstration remains as usual being restricted. Jailed without warrant or summon, and then simply kept in detention without judicial order guides perilous situations, people usually face indefinite detentions. It is generally recognized that Article 32 of Somaliland Constitution protects and values the freedom of expression in parallel with the Universal Declaration of Human Rights.

In the period covered by this report, in this year of 2020, the Human Rights Centre has recorded 60 people arrested for issues related to freedom of expression, including 14 people who are Journalists and 44 people who are not journalists.

On 14th April 2020, Mohamed Abiib Yuusuf, a ruling party politician, was taken into police custody after he criticized the quarantine measures of the government regarding people **who tested positive for COVID-19**. He was released on 4th of May 2020 without any charge.

On 16th April 2020, the police also arrested Abdirahman Mohamed Dahir (Aka Abdi Duco) for a Facebook post which was also critical of the government measures concerning **curbing COVID-19**. He was released on 19 April without trial.

On 23th April 2020, Abdiwahaab Osman Omar, an activist based in Borama, was also arrested for a Facebook post critical of the government, He was released on 8th June without charge.

On 29th June, 2020, Somaliland Police arrested the young poet Abdirahman Shucay (aka Shucayb Yare) after he read a poem about political issues. He was released at the next day without charge.

On April 20th 2020, the government of Somaliland arrested Hamda Yousuf Ibrahim and Barwaaqo Mohamed Hashi after the two singers performed shows in Mogadishu, the capital of Somalia. They were charged with anti-national activity of a citizen abroad (article 212 of the Penal Code) and corruption of a citizen by foreigners (article 189). Both charges are related to the visit and performing of a music concert in Mogadishu, They were released on June 24th 2020, by the Court of Appeal.

On October 26th 2020, Somaliland police arrested a musician, Mohamed Cabdi Abdilahi (aka Qamar Sugani) in Berbera after he had performed a show in Muqdisho. He was released without charge on November 4th 2020.

On 1st July 2020, Hugur Abdi Hassan was arrested by the police in Gabiley for wearing outfits of the Somalia flag. He was later released without charges.

Mukhtaar Abiib Yuusuf, a Somaliland citizen, who prepared tea with the decoration of Somalia Flag was arrested same as a comedian from Somalia was publicized the tea which has been decorated with Somalia flag was arrested after 38 days of detention, Hargeysa regional court has ordered to deport both of them into Somalia.

On 28th July, 2020, Degan Cumar Daahir Miiraash was arrested in Hargeysa, She was charged with Instigation Disobey the Laws (Article 321 of the Penal Code) after she wore clothes of Somalia flag and decorated to her bed with that flag, and then posted in to social media. On 12th of Sep, 2020, the regional court of Somaliland sentenced her for six months.

On 28th November 2020, Abdirisaaq Mohamed Ibraahim, a Somaliland citizen living in Berbera was arrested in Berbera, for a Facebook post about political issues, He was released the next day 29th November, 2020.

Detention of Journalists and the Closure of Media Houses.

Media situation in Somaliland worsening and there is no change and any positive result. Arrests and threatening of journalists, suspension of media houses is becoming the order of the day. Although, **Somaliland Constitution and the Somaliland Press law** in 2004 granted media rights, journalists are arrested and prosecuted per outdated Penal Code. HRC recorded arrest of 14 journalists and closure of two media houses.

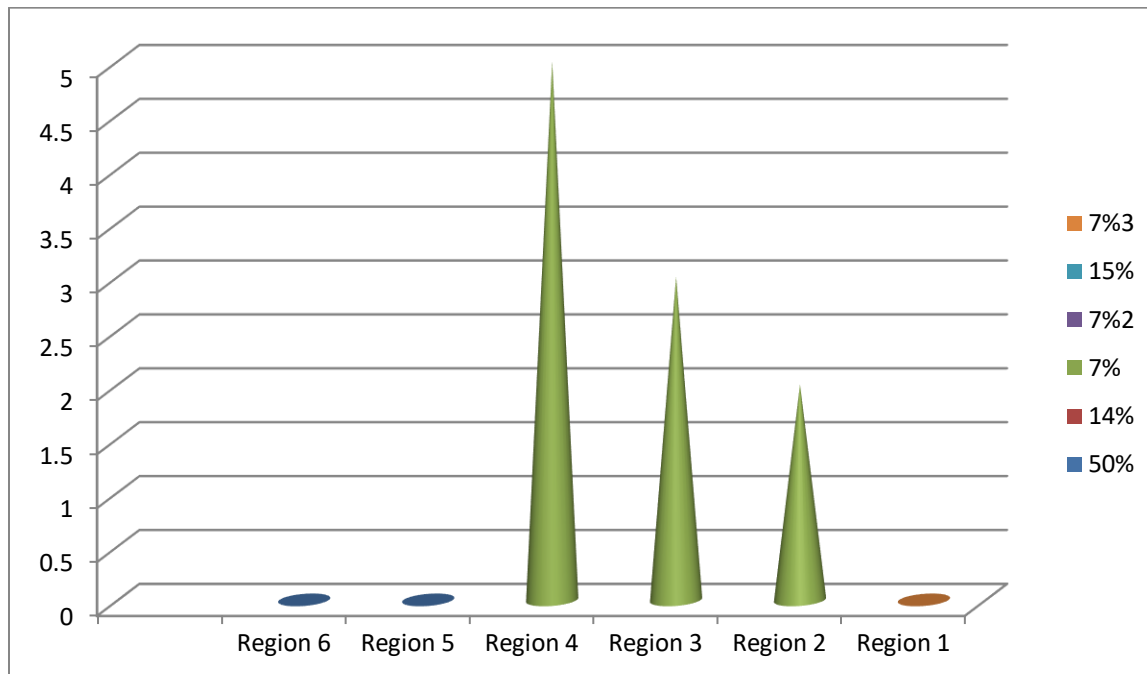
Case Study: Detentions

On May 25th of 2020, Abdirahman Ali Hidig, a reporter for Eryal TV was arrested and sentenced in Ceerigaabo at the same day of his arrests through summary trial without lawyer. He was sentenced one year and nine months in to prison and fine of three million Somaliland shillings which is equivalent with 352US Dollars. The governor of Ceerigaabo ordered his arrest. The Court of appeal released him later. In May 2020, he was arrested again and released after the mayor withdrew the case.

Ilyas Abdi, a reporter of **Radio Ergo** was arrested on 14th of September by the police of Somaliland for Facebook Post. He was released on 22 September 2020 without charge.

Barwaaqo Hassan Haji Farah, a reporter of Sahan TV, was arrested in Hargeisa, on 22nd October, 2020, by the police, while she was in the middle of a Vox-pop interview, at the downtown of Hargeisa. Her interview was about a woman raped and killed in Burcao. The police ordered to stop the interview and arrested her. She was released after she spent eight hours of detention.

Detained journalist per region



Source: Primary Data

The highest rate of detention starting is Hargeysa (Maroodi-jeex) which is 50%, followed by Lasacaanod (Sool) which is 15% and Erigavo(Sanag) which 14%.

The persecuted journalist was accused of the following:

- Defamation
- Anti-national propaganda

Suspension of Media Houses and Administration intimidation

On June 25th 2020, Universal TV and Star TV were suspended by the Somaliland Police after they raided the headquarters of both TVs in Hargeisa. The Police prevented the staff to enter and ordered all those who were inside to leave.

There was no court warrant issued by a court shown to the management of the television. Furthermore, there is no written document of any kind communicated to the management of both televisions and made public, according to multiple sources who talked to the Human Rights Centre. The Ministry of information told the media the suspension of Star and Universal TV.

On 10th August, 2020, The Ministry of Information published a statement stating that it fined both televisions, fifteen thousand dollars (\$15,000) to Universal TV while Star TV was fined five thousand dollar (\$5000).

Restriction of Public Protest

In Somaliland any kind of public demonstration remains banned. On 10th August 2020, 25 people who are members of Tawfiq Transportation Association in Berbera, were detained by the police, as a result of demonstration against the election of their new chairman for Tawfiq Transportation.

Police used force against them, one person was injured, 25 protestors were demanding resignation of the new elected person. They were detained several days, and released later on.

Freedom of demonstrations is a right allowed by the Somaliland constitution as article 32 (2) indicates, in spite of that people couldn't enjoy their rights as protestors, publicly or privately, the situation cannot therefore be described as satisfactory in the eyes of the society.

Wrongful Detentions and the Lack of Judicial Corrections.

Wrongful detentions increasing numerically in Somaliland. People arrested and detained without reasonable grounds have become traditionally accepted phenomena. There are parents and family members detained and held in several weeks for alleged crimes committed by a family member. According to article 26 (2) of the Somaliland constitution **“The liability for the punishment of any crime shall be confined to the offender only.”**

Misconduct of Police to the constitution and their illegal actions are familiar to the citizens. They arrest people arbitrarily, they hold and treat them badly, and do not bring them to court on time, according to multiple sources and victims. There is no accountability in their violations. There is no independent supervisory body to hear complaints, and civilian courts do not hear cases against the security agencies including the Police.

Malyun Ali Jamac, a mother who at the age of 50, was arrested by the police in Hargeisa. She was detained for sixty days for the sake that her son was accused of a case and escaped. This act is based on a police practice whereby if your son has committed a crime and disappears or escapes, the police will take either father or mother or any member of the family and imprison him or her until the suspect brings himself in front of the police. Malyun did not get a judicial protection. She was held in custody without charges until the accused handed himself over to the police. Sometimes a detained mother is the only person in which the entire is dependent on, particularly in single mother families.

Forced Evictions.

Human Rights Centre has documented forced evictions in a land located the western part of Hargeisa. The ownership of the land is claimed by the family of the President of Somaliland, Muse Behi Abdi, and local families who allege that the family of the President is using force and power to take their land. On 12th of June 2020, the police attacked families living at the land and injured two people and removed them from the homes without due process of law. Life ammunition was used against the families.

Ruqiya Ahmed Jamac, a 50-year-old women and Muxumed Xaashi Daaud, 50-year-old man were got injured after the Somaliland police bullets fired by the police hit them. The Human Rights Centre cannot confirm who owns the land. However, the force used and the use of fire ammunition against unarmed civilians are against the constitution of Somaliland. No police officer has been arrested or prosecuted for the use of life ammunition against unarmed people.

Sexual Gender Based Violence

Somaliland constitution has a preamble that upholds the desire of a state which fulfills the aspirations of the nation and is thereby appreciated by all, which is founded on equality and justice. In addition to Article 36 of the constitution, it guarantees the right of women as well as obligates the government to encourage and legislate for the right of women to be free from practices which are contrary to Sharia-Law and are damaging their personality and dignity.

The cases of SGBV and GBV increased this year, according to the data with service providers. The police commission report the occurrence of 161 cases of rape in 2020, 140 suspects in custody and that a total of 170 suspects being held on charges of rape. Nevertheless the cases with service provider triple the police records.

Somaliland lacks proper legal framework to protect women and girls from rape and other forms of sexual offences. The Penal Code which is an outdated law with a narrow definition of rape is still used in Somaliland. The Rape and Other Sexual Offences Act approved in 2018 has not been implemented. On 25 August 2020, the Somaliland House of Representatives approved the Zina, Rape and Other Related Offences Bill (Law no 78 of 2020) paving the way for its submission to the Upper House of Parliament for debate and approval; thereafter, if the Upper House approves the Bill, it will be sent to the President for signing and finally becomes law.

The approved Bill has serious flaws. It narrowly defined rape, mixed rape with consensual sex, refuses women to testify as witnesses before court, includes articles that can be used to punish survivors, and rejects the use of forensic science as evidence.

ABOUT THE HRC

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 central policy of the Human Rights Centre is to create and foster a culture of voluntary human rights activists who are willingly and committed as Human Rights defenders with passion to contribute to the protection, promotion and realization of Human Rights in the region.

Vision

To reach everywhere in Somaliland and make sure that human rights are protected, promoted, respected and fulfilled.

Mission

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

Our Values

We uphold the values of honesty, justice, and integrity for all. We aim to work with transparency and accountability, commitment and discipline. We encourage creative participation in understanding the need for sustainability and respect for all. We will continue to strive for impartial 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.

