



**HUMAN RIGHTS CENTER**

*Speaking for those who are not heard*

# ANNUAL REVIEW OF HUMAN RIGHTS CENTRE 2019

**16** PEACE, JUSTICE  
AND STRONG  
INSTITUTIONS



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Human Rights Centre 2019

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## Foreword

Human Rights Centre stands for defending human rights in Somaliland based on the Constitution and international human rights law. Throughout the year, we document human rights issues. This annual report is grounded on our daily gathering of evidence. The report aims to provide information to the government of Somaliland and stakeholders to improve the situation of human right in Somaliland.

I took the leadership of the organization in December 2018. Therefore, this is the first report I presided over. Taking into account the importance of the annual report for HRC, I am delighted that we fulfilled the expectation of the people who look forward every year receiving the annual report.

I am also saddened to observe the trend. Somaliland has not improved its human rights record. All the reports of HRC since the inception in 2013 show that the government is not positively changing. Therefore, I took this opportunity to reiterate the call of the human rights defenders of Somaliland. Somaliland was first and foremost established in 1991 immediately after the end of the brutal military dictatorship to create a state based on the power of the people and the protection of human rights. The actions and omissions of the government, however, do contradict such expectation and vision of the people of Somaliland stipulated in the Constitution.

**Yasmin Omar H. Mohamoud**

The Chairperson of the Human Rights Centre

## Acknowledgements

Human Rights Centre thanks the dedicated volunteers, members and staff of Human Rights Centre who made possible this report to be published. We are very grateful to all of them and appreciate their helpful contributions and support.

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 any way during the course of this report or the activities of HRC in general.

## Executive summary

Human Rights Centre annual report cover a wide range of human rights issues and is based on the organisations' monitoring and documentation of human rights issue in Somaliland in 2019. The report is a result of the daily documentation, interviews of survivors, experts and government officials, and review of official documents such as court judgements.

The report highlights increasing crackdown of media, critical voices and opposition politicians. In this year, 2019, the Human Rights Centre has recorded 88 people arrested for cases related to freedom of opinion. This includes 29 people who are journalists and 59 who are not journalists. The people arrested without due process of law and targeted for what they have said or posted on social media include opposition figures, including the secretary-general of Waddani opposition party, Khadar Hussein Abdi, the spokesperson and youth wing leader of the party, Barkhad Jama Batun and Mohamed Sidiq Dhame, respectively.

Journalists remain the primary target of the government. HRC documented and verified arrests of 29 journalists who were put in jail for their media work. Those prosecuted were charged with 1. Anti-national propaganda; 2. Publication of false news, 3. Anti-national propaganda 3. Non-observance of orders of authorities.

The government uses outdated Penal Code which was enacted in the early 1960s and that predates the Constitution of Somaliland. The Constitution guarantees freedom of expression, media and assembly. In this year four media houses were shut down.

Unsanctioned protests are not allowed in Somaliland. Opposition parties were refused to rally at their headquarters, and homeless children who gathered to complain the harsh situation they live in were jailed for their assembly in front of the Ministry of Employment, Social and Family Affairs. On the 16<sup>th</sup> of November, the chairman of the political party Waddani called out his supporters to gather for a rally at the headquarters of the party, expressing their discontent with the government about a dispute over the composition of the National Electoral Commission. On the morning of the 18<sup>th</sup>, when the supporters gathered around the headquarters, they found several trucks of police dispatched around the office, while others took over the office around 6 in the morning, kicking the office staff out. On 19<sup>th</sup> November 2019, the governor of Hargeisa ordered hotel managers that all meetings and ceremonies not authorized by the government shall not be convened at hotels.

The report also points:

- Police impunity, arresting people without courts warrants, beatings and politicisation of the security forces to crackdown

opposition figures. Cracking down of public and peaceful protests and using unnecessary excessive force: the police uses excessive force against any public rallies not authorised by the government.

- Occurrences of sexual and gender-based violence with no legal protection. The Sexual Offences Act enacted to protect girls and women was rejected by the government to implement.
- Forced evictions by using the military and other security forces. The evictions were made without court procedures.

## Recommendations

### **To the government of Somaliland:**

- Carry out meaningful police reform on the grounds of the Constitution and internationally accepted standards. Demilitarize the police and subject the police under the jurisdiction of the civilian courts as well as establish an independent oversight body.
- Police should not use force to quell peaceful protestors;
- Appoint an independent investigation committee to examine and report about the conditions of detention facilities run by the Police.
- Appoint an independent committee to investigate incidents that occurred in Sanaag region during the inter-clan conflict. The mandate of the committee should include investigating the allegations of police brutality. Make the report of the independent committee publicly available. Particular focus should be made on the work of the Rapid Reaction Unit (RRU).

- Stop using the military in policing issues. As stated in the Constitution, it is not the job of the military to police internal affairs.
- Respect the freedom of expression as exalted in the constitution of Somaliland and accept the decriminalization of the media.
- Allow the opposition to exercise their political rights including the right to assembly and freedom of expression. Stop jailing opposition figures.
- Allow public protests and refrain from cracking down of public protests.
- Stop forcefully evicting people from land and houses. Use a due process of law and courts in handling land disputes.
- Put a stop to the detention and prosecution of the media personnel. Halt the restrictive orders intervening editorial decisions and censorship of published matter on independent media houses.
- Lift the suspension from suspended media houses and stop shutting down of media houses.
- End the illegal arrests and detention of civilians and politicians for exercising their constitutional rights as such of expression.
- Implement the Press Act, 2004, and stop using the outdated Penal Code.

## To the judiciary Commission

- Impalement the Sexual Offences Act;
- Stop hearing criminal cases against journalists arrested and prosecuted for issues related to their media work. Stop remanding journalists targeted by the government to intimidate and harass private media.
- Uphold the right to liberty and fair trial rights enshrined in the Constitution. Hence introduce meaningful reform aimed to ensure the independence of the judiciary from the ever-increasing executive reach. Make appointments and dismissals of judges based on fair and transparent competitive process devoid of clan-based selections.

## Methodology

The report is a result of a data-gathering carried out in all six regions of Somaliland. HRC regularly uses monitors who document all human rights issues. The incidents are investigated, verified and recorded. HRC conducted interviews, questionnaires which are filed as primary data and analyzed thoroughly and collection of secondary data from sources. Our monitors carried out interviews and questionnaires in August and September in all the six regions to determine challenges faced by journalists, detention and arrest numbers and also different obstacles that media personnel are dealing with.

HRC also directly visited businesses in April that provide traditional healing (Ilaaj), where the patients and the practitioners were interviewed to determine the validity of traditional healers.

Reports of civil society organizations were reviewed as well as court documents such as judgments and charge sheets. 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.

## Background

Located in the troubled region of the Horn of Africa, Somaliland has been labelled as the beacon of hope for its relative stability and democratisation process exercised in a region notorious for dictatorships. Before waves of public demonstrations in Ethiopia resulted in the premiership of the reformist Prime Minister, Abiy Ahmed, and the revolution in Sudan in 2019, Somaliland was arguably the only democracy in the region. Declaring independence in 1991, Somaliland started to transition to democracy in 2001. Elections were held in 2002, 2003 and 2005 in a period known as the first phase of Somaliland electoral process. However, the process faced challenges as election delays and extension of terms defined the country. No election is ever held on time. The last House of Representatives election was conducted in 2005 and the Upper House of the Parliament (Guurti) was never elected. Local councils are even in power whilst their mandate expired in 2017.

Human rights and freedoms are in hardship if democracy is weak or non-existent. Freedom of expression, assembly and liberty are particularly challenged. Since Human Rights Centre was established in 2013, a decline of the situation of human rights has been recorded. The number of detained journalists, bloggers and politicians are in increase. Media houses are closed down, and online

media outlets are blocked. Laws that are repressive to human rights such as the amendment of the Police Act and the Public Order Law are made. The widely praised Sexual Offences Act was amended, removing protection for women and girls and making almost impossible to convict anyone for sexual offences. A draft amendment of the Sexual Offences Act is before the House of Representatives, and the approved law is refused to be applied, which shows the blatant disregard of the rule of law and constitutionalism.

This annual report focuses on civil and political rights. It is based on occurrences documented by Human Rights Centre in 2019. The overall picture is that the human rights situation of Somaliland is deteriorating. The government of Somaliland needs to reconsider its policies and to take its duty towards its citizens as enshrined in the Constitution of Somaliland.

The evidence also shows a clear link between the human rights situation and the democratic status of Somaliland. The less democratic the institutions are the more human rights and freedoms are curbed. Hence HRC urges comprehensive view on the matter and calls on opening up of space and holding free and fair and periodic elections.

## The crackdown on media, opposition and critical voices

This year, 2019, has observed the highest number of journalists arrested illegally and people detained/arrested for their opinions in the last year and some running away to seek safety in fear of being incarcerated after publishing and/or reporting on issues against the government or what is being classified as “acts going against the sovereignty of the state”.

Considering that the constitution of Somaliland in its 32<sup>nd</sup> protects explicitly the freedom of expression, and also upholds the Universal Declaration of Human Rights in article 10(2) stating that the republic shall "act in conformity with the united states charter and with international law, and shall respect the universal declaration of human rights".

In the period covered by this report the Human Rights Center has recorded 88 people arrested for cases related to freedom of opinion. This includes 29 people who are journalists and 59 who are not

journalists. The Penal Code which outdates the constitution is used against those prosecuted.

Abdurrahman Ibrahim Abees, a poet, was arrested on the 12<sup>th</sup> of January 2019 for writing a poem about the state of police stations in Somaliland. He was arrested after the poem was deemed to be defaming the police and the government and spreading false information. Abees, who is a dual Somaliland/British national, was brought in front of the court several times. He was released on February 25<sup>th</sup> 2019.

Jamal Abdi Muhumed was arrested on the 18<sup>th</sup> of April 2019, after posting on his Facebook a comment talking about the conditions of police stations. On the 2<sup>nd</sup> of July, he was sentenced to 6 months of imprisonment on charges of defamation by the Maroodi-Jeh regional courts.

Naleeye Abdilahi Shir, Ahsam Muhumed Dubad, Dhakhtar Warsame Dirir and Jama Ismail Warsame were arrested on the 8<sup>th</sup> of May 2019 after posting on their personal Facebook pages complaints about the secretary-general of the local government in Laascaanood. They were not brought before a court and were released on the 12<sup>th</sup> of May after 4 days in detention.

Abdirahman Aar who has been arrested on 14<sup>th</sup> May 2019 in Hargeisa for wearing outfits of Somalia flag. All are still in detention.

22 children who were homeless and some of them orphaned were arrested on February 2<sup>nd</sup> after going to the Ministry of Employment and Social and Family Affairs, asking for help against the harsh winter but were met with rejection and arrested after a while. Once in court, they were charged with creating chaos and rioting in front of the ministry building which was found to be baseless but was charged with accounts of taking drugs and selling them and were sentenced to 6 months in prison. They were released within a month, after a collective effort from the opposition political parties and human rights organizations who campaigned for their release.

Six young people were arrested on the 4<sup>th</sup> of February in Borama city Awdal region, for commemorating the alleged death of family members who were killed during the civil war in Somaliland. They were released on the 17<sup>th</sup> of that same month without being brought before a court.

On other accounts, 12 young people were arrested in an area around Gebiley, for fear they were going to stage a demonstration against the president who was scheduled to pass through that area. They were not brought before a court.

## **OPPOSITION CRACKDOWN**

On the evening of the 17<sup>th</sup> of November, 2 politicians from the opposition party Waddani, Barkhad Jama Batuun the spokespersons of the party who was arrested for calling out to the public to gather

on the 18<sup>th</sup> for a demonstration, and Khadar Hussien Abdi the secretary general of the same party was arrested after prior happenings while checking up on Barkhad. They remained in detention for 9 days, after being brought in front of the court on the 26<sup>th</sup>. They were released as a result of mediation negotiated by businesspersons.

Abdi Ibrahim Abdulle, a civilian was also arrested on the same day for making the phrase “ila maerayso” viral, in a context where he was criticizing the government. He was released 9 days later as well.

Mohamed Sidiq Dhame who is the leader of the youth wing for the opposition party Waddani was arrested on May 1<sup>st</sup> 2019 after clearly stating his opposition to the state of emergency imposed by the president on districts in Sanaag region. He was detained for 2 months and a half and was later released on bail.

Mahamed Ahmed Dhakool, a member of the Somaliland parliament was arrested on the 9<sup>th</sup> of May 2019 for stating his opinion on the 18<sup>th</sup> of May, even though it goes against his constitutional rights as a member of the parliament not be arrested or detained as stated in article 49(3) “No member of the House of Representatives shall be investigated, questioned, arrested, imprisoned or otherwise subjected to any other acts relating to punishment without the consent of the House of Representatives. Action may be taken against the member if he is caught in *flagrante delicto*, in which

case the House shall be informed promptly.” He was not remanded by the court which refused to do so citing the article of the constitution giving members of parliament immunity. The Parliament also rejected to strip of immunity. The government held him in the Counter Terrorism Unit of the Criminal Investigation Department in a month. He was late released after clan elders convinced the president to let him go.

## **PUBLIC PROTESTS AND RIGHTS TO ASSEMBLY**

Unsanctioned protests are not allowed in Somaliland. On the 16<sup>th</sup> of November, the chairman of the political party Waddani called out his supporters to gather for a rally at the headquarters of the party, expressing their discontent with the government about a dispute over the composition of the National Electoral Commission. On the eve of the seventeenth, 2 major politicians Barkhad Batuun and Khadar Hussien were arrested in Hargeisa, 5 individuals who are supporters in Borama were arrested including the head of the women's section in Borama Hawa Rooble Cidheere.

On the morning of the 18<sup>th</sup>, when the supporters gathered around the headquarters, they found several trucks of police dispatched around the office, while others took over the office around 6 in the morning, kicking the office staff out.

In an interview the chairman of the party Abdirahman Mohamed Abdilahi said “demonstrating and gathering peacefully was a

constitutional right, and that as long as no one was getting hurts and peace was being kept no one had the authority to stop anyone.”

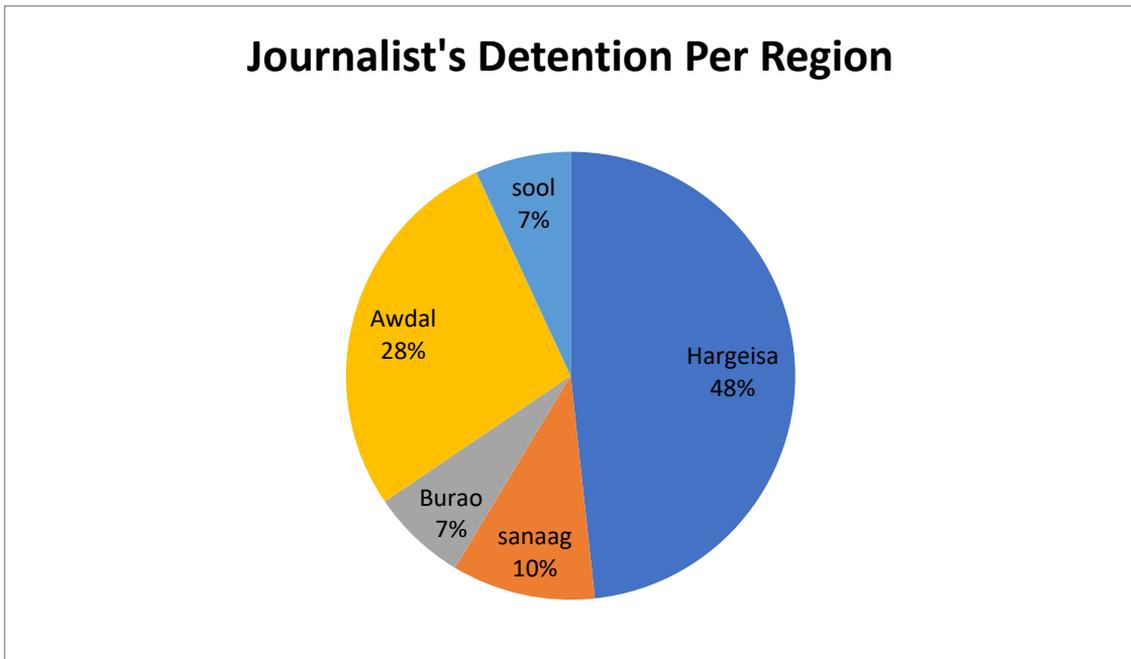
The police commissioner, Mohamed Aadan Saqadhi, in a press conference claimed that “the chairman did not heed the warning he had been given and started demonstrating in front of the party’s headquarters with his supporters by holding hands and marching across the street.” He accused the opposition of gathering illegally and without prior authorization.

On 19<sup>th</sup> November 2019, the governor of Hargeisa ordered hotel managers that all meetings and ceremonies not authorized by the government shall not be convened at hotels. The order explicitly says all meetings and ceremonies are prohibited unless they are authorities. In a press conference, the two opposition parties stated that they were refused to hold a meeting in a hotel as a result of the governor's order which they said was intended to disrupt their work.

## **DETENTION AND PROSECUTION OF JOURNALISTS**

As per the norm, ever since the establishment of the Human Rights Center in the year 2013, the number of arrested journalists stay on the increase coupled with incidents of detentions and media house suspensions and closures. The constitution guarantees freedom of media as stated in article 32, coupled with 2004 Press Law which protects journalists.

Nevertheless, the Penal Code of Somalia which was enacted back in the 1960s is used over media cases, which in its respect predates the Somaliland constitution, and criminalizes defamation and contains ambiguously worded articles that are often used to charge the journalists. In this reporting period 29 journalists were arrested, where only 1 was prosecuted.



The arrested journalists were accused of the following criminal offences:-

- Defamation of the president
- Reporting ongoing cases, covering news on civil society's complaints.

- Publishing news pointing out the shortcomings of local governments and so on.
- Bringing the nation or state into contempt.

This year has seen a rise in illegal arrests and detentions with almost every arrested journalist being taken in without a warrant, and not being brought into court within the allocated time of 48 hours. There are heavy censorship and filtering of the news being published by the media done so by the government. In an assessment carried out by the Human Rights Centre, where over 30 journalists from the 6 regions took part in, their number one complaint was the censorship and the intimidation they are facing by the government.

### **Case study: Beating**

Sagal Beel-deeq who is a reporter for Horn Cable TV was physically assaulted and threatened by a police officer and then detained in a police station for over 4 hours. The incident occurred in the 27<sup>th</sup> of February while Sagal was in the middle of a "vox-pop" interview at the central market of Hargeisa when a police officer approached her

and her cameraman forcibly informing to turn off the camera and stop the interview. When they asked the reason for his order, the policeman attacked Sagal, causing physical harm and tearing up her clothes which caused an uproar amongst the public. The journalist and cameraman were later released.

## **SUSPENSION OF MEDIA HOUSES**

On February 10<sup>th</sup>, the regional court of Hargeisa suspended the privately owned *foore* newspaper for 1 year and charged its editor-in-chief 3,000,000SISH (about 300 USD) following a conviction for publishing "false news" and anti-national propaganda. The charges relate to *Foore's* coverage of the Somaliland government, including October 11, 2018 story on the construction of a new presidential palace. The article in question which contrasts the luxury of the new presidential palace and the poverty of the civil society is said by the authorities that it was meant to incite the public against the government.

On the 15<sup>th</sup> of June, two TV stations Horyaal 24 TV and Eryal TV were closed down by the police after a ministerial decree in the form of a letter presented by the police officers came from the Ministry of

information, shutting down the stations indefinitely, on accounts of airing content that threatened national security even though what kind of content it was about remains unknown to the television managers and the public.

On 8<sup>th</sup> November, police officers closed down the headquarters of Horn Cable TV in Hargeisa. Also, the police arrested the acting editor of Horn Cable TV, Abdikadir Oman (Oday). No court warrant has been shown to the managers of the television, according to sources who spoke to HRC. On 9<sup>th</sup> November, Hargeisa Regional Court quashed the closure but remanded the editor into police custody.

## **ADMINISTRATIVE INTIMIDATIONS**

On the 9<sup>th</sup> of September 2019, the Ministry of Information released a press release detailing a meeting the minister Mohamed Muse Diiriye had with television owners. The Minister said the televisions were ordered to make the first headline news for Somaliland news. The decision is obvious interference of editorial decisions. The minister also ordered Somaliland media not to interview or give coverage to "armed" groups against Somaliland. He publicly threatened that any media house he shuts down will never be reinstated. The minister's series of administrative decisions intimidate private media and interferes editorial decisions.

## Police brutality

This section of the report which is based on field visits, interviews and official documents explain the treatment of the police towards the public. Throughout the year HRC documented incidents of police brutality consisting of beatings during arresting and at detention facilities and killing of unarmed civilians. Somaliland police have been working without legal framework since the declaration of the restoration of independence in 1991. After the military took over power in 1969, the then Somali police were militarized. Although the Constitution of Somaliland separates the police from the military, Somaliland has not enacted a Police law until 2017. The Police Act of 2017 created civilian police, established oversight body and banned use of bullets against unarmed civilians. Nevertheless, the Act was not implemented and the amendment was made within a year. The amendment removed

all accountability provisions from the Act, rendering it a document that does not protect the civilians.

Working in such impunity, the Police arrests people without due process of law. Human Rights Centre documenting the following abuses:

- Arresting people without courts warrants
- The beating of detainee: HRC documented detainees who sustained serious injuries inflicted by police officers. For instance, a young detainee in Koodbuur Police station was hit by a policeman. He lost one tooth. No prosecution was initiated against the policeman. No case is filed for the injury.
- Cracking down of public and peaceful protests and using unnecessary excessive force: the police uses excessive force against any public rallies not authorised by the government. The police sent to disperse protesters are armed with AK 47 machine guns, which they often use against unarmed protesters.
- During the investigation period, detainees face unfair treatment and prohibition of meeting with their legal representatives and families which is perfectly allowed by the constitution. The harsh conditions of police stations coupled with denial of meeting with lawyers lead to confessions.

- In many documented occasions, police authorities declare orders that go against the law and have no legal basis which hinders the day to day lives of the civil society.
- When the police arrest civilians, they are rarely treated well, kept in cramped dirty cells, humiliated constantly and their fundamental human rights infringed.

Somaliland Constitution states “no person may be denied his/her freedom in a manner that is not in accordance with the law”.<sup>1</sup> In spite of the Somaliland constitution which protects and guarantees a fair trial, the right to a fair trial is not respected. People are arrested without due process of law, held in prolonged pretrial detentions, cases dragged, and fair trial process ignored.

In addition to that, people are getting arrested for civil cases particularly debts. Debtors who are unable to pay are arrested on court order and held until they pay or present a guarantor. This particularly affects poor people. People are detained for crimes allegedly committed by their family members, particularly offspring.

HRC has documented the case of Ismail Hassan, 70 years old. Ismail has been in detention two months without trial. He was arrested for allegations of crime purportedly committed by his

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<sup>1</sup> Article 25(1) of Somaliland Constitutions

nephew.

## **Arbitrary Detentions and Extra Judicial Killing in Sanaag region**

Interclan war in El Afweyn district of Sanaag region has claimed the lives of many people including civilians, wounded more and destroyed private property. The recurrent interclan wars led to the increased militarisation of the areas. The government has deployed military units and the notorious paramilitary police force, the Rapid Reaction Unit (RRU).

Human Rights Centre documented prolonged arbitrary detentions without due process of law and increased powers with security forces in the absence of judicial oversight. Traditional leaders and other members of the communities of El Afweyn have been detained without court orders. They were transferred to prisons in

Hargeisa, Mandheera and Gabiley, hundreds of kilometres away from their homes. They were not charged or brought before a court as required by the Somaliland Constitution.

The security forces were also responsible for the deaths of civilians. On 27<sup>th</sup> July 2019, about 16:00 local time, members of a paramilitary police unit called Rapid Reaction Unit (RRU) killed Roble Mahdi Eidle, 22 years, at El-Afweyn District, Sanaag region. Human Rights Centre talked to eyewitnesses and saw the medical report.

A bullet hit him at the back of his head and came out at the eye position while he was on his way home at the center of the city. The fire that hit him came from a heavy machine gun from a police vehicle which was sprayed indiscriminately by the RRU and Roble was among civilians that were shot. Others were injured. All were unarmed civilians

At the same incident Sa'ad Abdilahi Dualeh, male, 32 years, died of wounds sustained. Bullet hit at the left shoulder through into the other right side of the body or it penetrates to ribs with lungs.

Su'ad sh. Mahmoud Sh. Hussein, Female, 18 years, Najah Saalah Aden Deriye, 17 years, Muna Muse Dualeh 19 years, these three others got injured during the incident. No person is prosecuted or arrested for the incident, which is in clear violation of the Constitution of Somaliland.

The prolonged interclan war in El Afweyn is marred by a lack of accountability and justice. Perpetrators of crimes, including revenge killings of unarmed civilians, enjoy impunity. Over one hundred people died in the war since it erupted in 2015. Many more were wounded, displaced and private property were destroyed or looted.

On July 2018 Abdilahi Farah Abdilaahi, 13 years, Said Jama Ismail, 16 years, Jama Ibrahim Hasan, and Mohamed Abdilaahi Mohamed were rounded up from different places in Erigavo district of Sanaag region without a court warrant.

They have been rounded up by the Rapid Reaction Unit (RRU) of the Police. They were immediately taken to Hargeisa Central Prison, hundreds of miles away from their homes and families. They were never brought before a judge. In 2018, clan clashes happened in Eryan village (Ceeryaan in Somali) between two clans. Three people died, according to the government officials. The Rapid Reaction Unit, a paramilitary police unit, was deployed at the area. The RRU rounded up the four people.

They were released a year after their imprisonment after Human Rights Centre waged advocacy on their behalf.

## Forced evictions

Human Rights Centre (HRC) documented a forceful eviction of families driven out of the land “allocated” by the government for building a new presidential palace. On 17th April 2019, police forces and soldiers forcefully evicted families from land located south-west of Hargeisa. A video clip and interviews confirmed to HRC that the police have used unnecessary force and detained residents of the land. The police had no court warrant. The land in question has been fenced by the military for the intention of constructing a presidential palace, according to the Director General of the Presidency who spoke to the media.

Those arrested during the eviction were all released, family members told HRC. Medical records and witnesses confirmed that some of the residents were injured by the police during the forceful eviction.

Mohamed Ali Bile, the Director General of the Presidency who spoke to the media, said the government has the power to expropriate every private property it needs. He also agrees that the land is owned by private citizens.

Article 31 of the Constitution protects the right to own private property. The Constitution states that private property “shall not be expropriated except for reasons of public interest and provided that proper compensation is paid.” The Constitution requires a special law to be enacted to determine “matters that are within the public interest, which may bring about the expropriation of private property.”

Currently, such law does not exist and no compensation was paid. There was no procedure followed by the government at all. The military was deployed which fenced a vast area of 4 KM. Then a force was used against the owners. Families are displaced from their houses. Building a presidential palace is a luxury, not a necessity. The families have a priority for shelter and they have legal documents to claim private ownership protected by the Constitution. The Government is obliged by the law to follow a due process.

## **The Appalling treatment of traditional healers**

Health care system for Somaliland has become a lucrative business, with little or total absence of regulation which led to risk to human life. This is due to a lack of effective legal mechanism escorted by the negligence of line ministers to govern the quality of treatments. However, this report is not about the state of healthcare, it is about the perils on the right of life and right to health.

Human Right Centre interviewed 20 patient, 10 professionals and also visited 5 local healer centers. The main reason HRC has carried out this research was due to several malpractices of those centers

with no accountability and regulation from the relevant government agencies.

Healer centers are mainly divided into two; traditional healers and Islamic healers. Both of them use treatment which is mixture of spiritual healing "*Cashar*" and herbs that has been prepared by them and they perform readings from the Koran (Holy Book) to "treat evil eye and other conditions that are caused by spirits or ghosts (Shaydaan)"<sup>2</sup>. |Those illnesses including fever, headaches, lack of appetite, faint and dizziness<sup>3</sup>. On the other hand, some of the interviewees were suffering from mental health issues, malnutrition, anaemia and diarrhea which can also cause some of those symptoms and it takes a qualified doctor or professional to classify it. With the total absence of government supervision, treating a patient with traditional medicine without proper knowledge and guideline is risky. Commonly, a folk healer in Somaliland use herbal and degrading treatments that cause serious diseases which either leads death<sup>4</sup> or harmful illnesses. Patients are often beaten "to remove the evil spirit." Reports of sexual violence have been received as well.

On 23rd October 2019, in Baligubdle a town in southern Maroodi Jeex region of Somaliland, two people have lost their lives after folk healer gave them herbs to cure them of 'Jinn'. The healer's approach of treatment was adding herbals on Intravenous ( IV), one of them

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<sup>2</sup> Local Healer interviewee on July 2019 at Hargeisa, Somaliland

<sup>3</sup> Local Healer interviewee on July 2019 at Hargeisa, Somaliland

<sup>4</sup> <https://www.youtube.com/watch?v=1bbQZMnrFlc>

has died when the ambulance came to rescue, and the other person dies on their way to Hargeisa group hospital. Additionally, Dr Ahmed Darese; which was interviewed by SAAB TV, mentioned that this was not the first time that the folk healer has done such a thing. The medications can be taken via different routes including oral intake, IV etc. medications or fluids that should be taken via IV are exclusively designed for that purpose it should be 100% sterile, 100% balanced and 100% soluble in content as they can rapidly change the status of the body, any content that's not dissolved can cause a life-threatening condition.<sup>5</sup> Former head of ICU from Hargeisa Group hospital, who talked to HRC, said: "that this is very common to our people because they trust more on the folk healers than the hospitals and doctors, and we received patients that's very misfortune and has been poisoned by herbals, some of the patients that the hospital was handling including cases that after we have settled their health status, their families took them to folk healer that placed them in very serious conditions."<sup>6</sup>

Additionally, 11/20 people HRC interviewed mentioned that they been harmed by strong tube or by the folk healer using his hands, this is a belief that the "jinn" will run away,<sup>7</sup> and if the person opposes the healer it means that the "jinn" fighting with them. During HRC observation of the healer centers, the monitors

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<sup>5</sup> Hargeisa Group Hospital Doctor, an interviewee

<sup>6</sup> Doctor Interviewed on 2019

<sup>7</sup> Sufferer Interviewed on 2019

witnessed the cruelty of the folk healers and how they were using their hands so that the "jinn" escapes. Some healers use cruel and inhumane actions to the individuals.<sup>8</sup>

## Case study

### Interview with survivor

My mom took me to a sheikh so he can read Koran (Holy Book) on me. After he read the first ayah (verse) or two and saw that I was alert and my conscious is not budging he took matters to his own hands and grabbed my neck pressuring my carotids with both his hands. My vision became blurry and I felt lightheaded, so I fought out of his hold at once. I knew his actions because I was a medical student.<sup>9</sup> This method is medically referred to as strangulation injury. Its effects include drop-in blood pressure and the heart rate which in turn will cause brain damage or asphyxia and neuronal death.

Above and beyond, Somaliland government have failed to take proper care and supervise the variety of folk healers and their practices, and it's mainly because those practice has been viewed as Islamic procedures which gives a kind of foundation for the practice of Islamic healers, but it's worth mentioning the confusion of precise type of Islamic healing and the risk of human life if the

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<sup>8</sup> <https://www.youtube.com/watch?v=hK6GckPAkqc&feature=youtu.be>

<sup>9</sup> Sufferer Interviewed on 2019

government do not take immediate actions to eliminate and monitor such threats.

## Gender and Sexual Based Violence

Somaliland constitution has a preamble that upholds the desire of a state which fulfils 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 of practices which are contrary to Sharia and are damaging their person and dignity.

The widespread abuses, prevalent sexual offences and women discrimination with government inattention to implement the sexual offence act has led to jeopardize the safety, security and dignity of women in Somaliland. Even though, it has been a year and four months since 28<sup>th</sup> August 2018 when the president of Somaliland signed the Rape and Sexual Offences Act, which also the minister of religious affairs claimed it was against Islam and they will be reviewing it, yet nothing has improved, and the law remains unenforced. The Director General of Ministry of Employment, Social and Family Affairs confirmed that **460** rape cases have been reported in this year. He also stated that those are the only reported cases however the reality is rape is one of the least underreported crimes.

Interferences of clan leaders in rape cases and intimidation of survivors result dropping of cases out of court processes, leaving many survivors in peril and giving perpetrators impunity. the state institution including the executive and the judiciary failed to uphold the law and protect girls and women from sexual violence. Constitutionally, a law approved by the Parliament and signed by the President shall be enforced. Refusal to do so is a clear violation of the Constitution and shows the government's disregard of the rule of law. It is the obligation and duty of the state to protect citizens. Rejection of applying the law that protects girls and women is a manifestation of the state's failure to protect.

# About the Human Rights Centre

## **Background**

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 activism where committed human rights defenders with passion contribute to the protection, promotion and realization of human rights.

## **Vision**

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

## **Mission**

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

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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