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SOMALILAND LEGAL AID POLICY GUIDELINES

HABRAACA SIYAASADDA KAALMADA
SHARCIGA EE SOMALILAND

2013



**Somaliland Legal Aid Policy:
Guidelines on Access to Lawyers and Legal aid
Services in the Criminal Justice System**

Preamble

Recognizing universal human rights principles of equality before the law, the presumption of innocence, the right to a fair and public hearing by an independent and impartial tribunal, and all the guarantees necessary for the defence of everyone charged with a penal offence;

Whereas the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems (2012) notes that legal aid is an essential element of a fair, humane and efficient criminal justice system that is based on the rule of law;

Whereas the Somaliland Constitution affirms and guarantees the universally recognized right to access to a legal representative as well as to free legal services if the accused cannot afford it;

Whereas the Law on the Organization of the Judiciary of Somaliland provides for the underogable right of the parties to be represented by a counsel in criminal proceedings, whenever the accused is charged with an offence punishable with imprisonment term of more than ten years or for life , or death penalty

Whereas the Criminal Procedure Code applied in Somaliland asserts the right of the accused to be defended by one or more counsels, the duty of the court to appoint an ex officio defence counsel whenever the accused has not appointed his own defence counsel as well as the right of an accused who has been arrested to confer freely with his defense counsel at all stages of the proceedings

Whereas the Government of Somaliland

**Siyaasadda Kaalmada Sharciga ee Somaliland:
Habraaca Marin-u-Helista Qareennada iyo
Adeegyada Kaalmo Sharci ee Nidaamka
Cadaalad Ciqaabedka**

Araar

Iyadoo la aqoonsan yahay mabaadi'da caalamiga ah ee xuquuqaha aadamiga ee u-sinnaanshaha sharciga, xaqa in qofku dembi-laawe yahay ilaa maxkamdi ka cadeyso dembiilenimadiisa, xaqa garsoor cadaalad ah oo dadweynaha u furan oo ay qaado maxkamad madax-bannaan oo dhexdhexaad ah, iyo dhammaan dammaanad-qaadyada lagama maarmaanka u ah is-difaaca qof kasta oo lagu eedeeyo dembi ciqaabed;

Maadama oo Mabaadi'da iyo Habraacyada Qaramada Midoobey ee Marin-u-Helidda Kaalmo Sharci ee la xidhiidha Nidaamka Cadaalad Ciqaabedka (2012), uu xusay in kaalmada sharci tahay rukun lagama maarmaan u ah cadaaladda, aadami- nimada iyo wax ku ool-nimada nidaamka cadaalad ciqaabedka ku salaysan sarreynta sharciga;

Maadaama oo Dastuurka Somaliland jideeyey dammaanad-qaadeyna xaqa caalami ahaan loo aqoonsaday ee helitaanka wakiil sharci iyo weliba adeeyo sharci oo bilaash ah haddii anuu eedeysanuhu iska bixin karin;

Maadaama oo Xeerka Nidaamka Garsoorka Somaliland dammaanad-qaadey xaqa lama-taabtaanka ah ee dhinacyadu u leeyihiin in qareen u metelo dacwadaha ciqaabed, mar kasta oo eedeysanaha lagu eedeeyo dembi lagaga xukumi karo xadhig ka badan 10 sanno, xabsi daa'in ama dil;

Maadaama oo Habka xeerka Ciqaabta ee lagaga dhaqmo Somaliland xeeriyey xaqa eedesanuhu u leeyahy in uu helo difaaca hal qareen ama in ka badan, waajibka maxkamadda qareen shaqaynayey u magacawdo in uu difaaco mar kasta oo eedeysanuhu aanu iskii u qabsan qareen difaac iyo weliba xaqa eedeysanaha la xidhay u leeyahay in uu si xor ah ula tashado qareenkiisa difaac dhammaan heerarka dacwadaha;

Maadaama oo Xuluukamadda Somaliland

cognizant that adequate protection of the human rights and fundamental freedoms to which all persons are entitled requires that all persons have effective access to legal services provided by an independent legal professional;

Asserting that professional associations of lawyers have a vital role to play in upholding professional standards and ethics as well as providing legal services to all in need of them, and cooperating with governmental and other institutions in furthering the ends of justice and public interest.

Affirming the necessity of undertaking national measures in order to secure the universal and effective recognition of, and respect for, the rights of suspects to fair trial, legal aid as well as legal assistance and representation from the time of the arrest and during all judicial proceedings;

Recognizing that a functioning legal aid system, as part of a functioning criminal justice system, may reduce the length of time suspects are held in police stations and detention centers, in addition to reducing the prison population, prison overcrowding and congestion in the courts,

Having understood that currently there is no clear and adequate legal and regulatory framework required for ensuring effective and efficient legal aid system in Somaliland.

Whereas it becomes necessary to adopt National Legal Aid Policy guidelines on access to legal aid services to fill current legal and regulatory gap in Somaliland Legal Aid System, which is designed to assist the Somaliland judicial, custodial and law enforcement agencies in respecting and upholding constitutionally guaranteed right of individual human being in the administration of all stages of criminal justice processes

garawsan tahay in, si loogu dhawro xuquuqaha aadamaha iyo xorriyadaha lama-taabtaanka ah qof kasta oo xaq u leh, ay lagama maarmaan tahay in qof kastaa helo adeegyo sharci oo wax-ku-ool ah oo uu bixiyo mihnadle sharci oo madax-bannaani;

Iyadoo lagu adkaysanayo in ururrada mihnadleyaasha qareennadu kaalin muhiim ah ku leeyihiin sugidda heerbeegyada tayo iyo anshaxa mihnadeed, iyo u-fidinta adeegyada sharci dhammaan dadka u baahan; iyo weliba kala-shaqaynta xukuumadda baahinta midhaha cadaaladda iyo danta ummadda;

Iyadoo la jideynayo in ay lagama maarmaan tahay in la qaado talaabooyin

qaran oo lagu sugayo aqoonsiga caalamiga ah ee wax-ku-oolka ah ee loo qabo, lana xidhiidha, xuquuqda dadka la tuhmaa u leeyihiin garsoor cadaalad ah, kaalmo sharci iyo weliba taakulayn sharci iyo metelaad laga bilaabo marka la xidho iyo dhammaan dhegeysiga dacwaduhu inta ay socdaan;

Iyadoo la aqoonsan yahay in jiritaanka nidaam kaalmo sharci oo tamarinaya, oo qayb ka ah nidaam cadaalad ciqaabeed oo tamarinayaa, uu soo gaabin karo muddada dadka la tuhmo lagu hayo saldhigyada Booliiska iyo goobaha xabsiyaynta, sidoo kalena uu hoos u dhigi karo tirada maxaabiista, buux-dhaafka xabsiyada iyo mashquulnimada maxkamadaha.

Iyadoo la fahamsan yahay in aanay hadda jirin xeerarkii iyo qaababkii nidaamineed ee caddaa kuna fillaa ee looga baahnaa in Somaliland lagaga xaqiijiyo nidaam kaalmo sharci oo waxtar leh, wax-ku-oolna ah.

Maadaama oo ay lagama maarmaan noqotay in la dejiyo habraacyada Siyaasadda Qaran ee Kaalmada Sharci ee la xidhiidha helista adeegyada kaalmada sharci si loo sii buuxiyo kaalinta sharciyeed iyo nidaamineed ee bannaan, ee loogu talo-galay in lagaga taakuleeyo hay'adaha garsoorka, Asluubta iyo sharci-fulinta Somaliland dhinacyada xaqdhawrida iyo ilaalinta xuquuqaha dastuur ahaan la dammaanad-qaaday ee qofka Bani Aadamka ah xilliyada maamulidda dhammaan heerarka nidaamka cadaalad ciqaabeeka.

Now, therefore, key Justice Actors of the Somaliland government have under the auspice of the Ministry of Justice devised the following guidelines on Access to Legal Aid Services, and at the same time agreed upon to apply and observe these guidelines in undertaking their daily works and duties in the criminal justice administration:

Principle 1 - Right to legal aid

1. Recognizing that legal aid is an essential element of a functioning criminal justice system that is based on the rule of law, a foundation for the enjoyment of other rights, including the right to a fair trial, and an important safeguard that ensures fundamental fairness and public trust in the criminal justice process, Somaliland Law Enforcement Agencies, including Police and Custodial Corps as well as Judicial Authorities, including Courts and Attorney General Office, should guarantee the right to legal aid in every police stations, place of detention and prisons in Somaliland.
2. All persons are entitled to call upon the assistance of a lawyer of their choice to protect and establish their rights and to defend them in all stages of criminal proceedings without distinction of any kind, such as discrimination based on race, colour, ethnic origin, sex, language, religion, political or other opinion, national or social origin, property, birth, economic or other status.

Principle 2 - Legal aid for persons arrested, detained, suspected or accused of a crime

1. A detained person suspected of or charged with a criminal offence shall be presumed innocent and shall be treated as such until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

Sidaasi darteed, hadda waxay hal-doorka hay' daha bahda cadaaladdu, iyadoo ay hoggaamineyso Wasaaradda Cadaaladdu, dejiyeen habraaca qodobbadiisu hoos ku qoran yihiin ee ku saabsan helista adeegyada kaalmada sharciga, isla markaana ku heshiiyeen in ay meelmariyaan, ku dhaqmaan qodobbada habraacan, una raacaan gudashada hawlmaalmeedkooda iyo waajibaadyadooda khuseeya maamulka nidaamka cadaalad ciqaabeedka.

Mabda'a 1^{aad}: Xaqa helista kaalmo sharci:

1. Iyadoo la aqoonsan yahay in kaalmada sharci ay tiir lagama maarmaan ah u tahay nidaam cadaalad ciqaabeed tamarinaya oo ku salaysan sarraynta iyo isku xukunka sharciga, ahna aasaaska adeegsiga xaquuqo kale, sida xaqa garsoor cadaalad ku dhisan, iyo dammaanad-qaadyada muhiimka ah ee lagu sugo cadaaladda lama-taabtaanka ah iyo kalsoonida dadweynuhu ku qabo nidaamka cadaalad ciqaabeedka, hay'adaha sharci fulinta ee Somaliland, oo ay ku jiraan Ciidammada Booliiska iyo Asluubta iyo weliba mas'uuliyiinta garsoorka - maxkamadaha iyo xafiiska xeer-Ilaalinta- waa in ay dammaanad-qaadaan in saldhig kasta oo Booliis, goob kasta oo xidhiitan iyo xabsiyada Somaliland laga hirgeliyo xaqa helista kaalmo sharci.
2. Dhammaan dadku waxay xaq u leeyihiin in ay dalbadaan kaalmada qareen ay iyagu doorteen si uu ugu dhawro una sugo xuquuqdooda, uguna difaaco dhammaan heerarka dacwadaha ciqaabeed iyada oo aan sinaba loo kala soocayn, sida kala-takooid ku salaysan sinji, midab, isir, jinsi, af, diin, siyaasad ama fikir kale, muwaadinnimo, martabad bulsho, hanti, dhalasho, dhaqaale ama xaalad kale.

Mabda'a 2^{aad}: kaalmada sharci ee qof kasta oo xidhan, la hayo, la tuhmay ama ku eedaysan dembi ciqaabeed

1. Qof kasta oo xidhan oo lagu tuhmay ama lagu eedeeyey fal-dembiyeed waxa loo qaadanaaya dembi-laawe, waxaana loola dhaqmayaa sidaa ilaa inta si sharciga waafaqsan loogaga cadaynayo dembiilenimo maxkamad

<p>2. Somaliland Law Enforcement Agencies and Judicial Authorities should ensure that anyone who is arrested, detained or prosecuted for a crime shall be informed at the time of his arrest of the reason for his arrest and shall be promptly informed of any charges against him.</p> <p>3. The police and Judicial Authorities should ensure that anyone who is detained, arrested, or prosecuted for a crime punishable by a term of not less than ten years imprisonment or the death penalty receives legal assistance, if he so wishes it, and that the legal assistance is free of charge, if the person cannot afford it, at all stages of the criminal justice process, including pre and post-trial proceedings, immediately from the time of apprehension to the completion of the criminal proceedings .</p> <p>4. The Police, Custodial Corps and Judicial Authorities should ensure that, at the time of deprivation of liberty and prior to any questioning, in any facility where persons are imprisoned or detained, persons are informed of their right to legal aid provided by a qualified legal professional, legal aid services available and how to access such services and other procedural safeguards and of the consequences of voluntarily waiving those rights.</p> <p>5. The police, Custodial Corps and Judicial Authorities should make available in police stations, prisons and places of detention the means to contact a legal representative. Information on the rights of a person arrested or charged with a crime and on the availability of free legal aid services should be visible, including information materials affixed on walls such as contact details and names of</p>	<p>dadweynaha u furan horteed oo uu ku haystay dhammaan dammaanad-qaadayadii lagama maarmaanka u ahaa difaaciisa.</p> <p>2. Hay’adaha sharci-fulinta iyo mas’uuliyiinta Garsoorka ee Somaliland waa in ay hubiyaan in qof kasta oo la xidho, la hayo ama lagu oogo dembi lagu wargeliyo marka la xidho sababta loo xidhay, waana in lagu wargeliyo eedaha lidka ku ah.</p> <p>3. Ciidanka Booliiska iyo mas’uuliyiinta garsoorku waa in ay hubiyaan in qof kasta oo la hayo, la xidho ama lagu oogo dembi lagaga ciqaabi karo xadhig aan ka yarayn toban sano ama dil uu helo kaalmo sharci, haddii uu sida doorto, iyo in ay kaalmadaa sharci noqoto bilaash, haddii aanu qofku dhaqaale ahaan awoodin in uu qabsado, dhammaan heerarka dacwadda ee nidaamka cadaalad ciqaabeedka, oo ay ku jirto ka hor iyo ka dib geedi-socodka garmaqalka, isla marka qofka la qabto ilaa inta ay ka dhammaanayso dhegeysiga dacwad ciqaabeedku.</p> <p>4. Ciidanka Booliiska, Ciddanka Asluubta, iyo mas’uuliyiinta garsoorku waa in ay hubiyaan in, xilliga xorriyad-ka-qaadista qofka iyo ka hor inta aan wax su’aal ah la waydiin, meel kasta oo dadka lagu xidho ama lagu hayo, ay ku wargeliyaan dadkaa xaqa ay u leeyihiin adeeg kaalmo sharci oo ay bixiyaan mihnadleyaal sharci oo aqoontii iyo waayo-aragnimadii leh, adeegyada kaalmada sharci ee jira iyo sida lagu helayo adeegyadaas iyo dammaanad-qaadyada habraaca iyo waxa ka dhalan kara haddii uu qofku iskii uga tanaasilo xuquuqahaas.</p> <p>5. Booliiska, Ciidamada Asluubta iyo mas’uuliyiinta Garsoorku waa in ay ku diyaariyaan Saldhigyada Booliiska, xabsiyada iyo goobaha xidhitaanka habkii loola xidhiidhii lahaa wakiil sharci. Xogta ku saabsan xuquuqaha qofka la xidhay ama lagu eedeeyey dembi iyo helitaanka adeegyada kaaalmo sharci waa in ay ahaadaan kuwo muuqda, taasoo ay ku jirto agabka xogta oo lagu dhejiyey gidaarrada sida magacyada qareennada iyo halka lagala xidhiidhayo,</p>
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<p>lawyers, and provided in police stations, detention centres, courts and prisons; such information is provided in a manner that corresponds to the needs of illiterate persons, minorities, women, persons with disabilities and children; and such information is in a language that those persons understand.</p> <p>6. The Police and Judicial Authorities should inform every person arrested or charged with a crime of his or her right to remain silent, his or her right to consult with a legal representative before being interviewed by the authorities and his or her right to be accompanied by an independent legal representative while being interviewed.</p> <p>7. The Police and Judicial Authorities should ensure that suspects understand their rights and persons have the opportunity to meet with a legal representative promptly after their arrest and in any case not later than forty-eight hours from the time of arrest or detention.</p> <p>8. Detained or imprisoned person shall be allowed adequate time and facilities for consultations with his legal representative. The right of a detained or imprisoned person to be visited by and to consult and communicate, without delay or censorship and in full confidentiality, with his legal representative may not be suspended or restricted save in exceptional circumstances, to be specified by law or lawful.</p> <p>9. The Police, Custodial Corps and Judicial Authorities should enable every person who has been detained for any reason to imminently notify a member of his or her family, or any other appropriate person of his or her choosing, of his or her detention and location and of any imminent change of location.</p> <p>10. Finally, it is the responsibility of prosecutors and judges to ensure that</p>	<p>waana in laga helo Saldhigyada Booliiska, xarumaha xidhitaanka, maxkamadaha iyo xabsiyada; xogtan waxa loo gudbinayaa hab waafaqsan baahida dadka aan aqoon u lahayn akhris-qorista, kuwa laga tirada badan yahay, dumarka, dadka laxaadkoodu dhiman yahay iyo carruurta; waxaana xogtaa lagu gudbinayaa luuqad dadkaasu fahmi karaan.</p> <p>6. Booliiska iyo mas'uuliyiinta garsoorku waa in ay ku wargeliyaan qof kast oo la xidho ama lagu eedeeyo fal-dembiyeed xaqa uu u leeyahay in uu aamusnaado, xaqa uu u leeyahay in uu la tashado wakiil sharci ka hor inta aanay cidi waraysan iyo xaqa uu u leeyahay in uu wakiil sharci oo madax-bannaani la joogo marka la waraysanayo.</p> <p>7. Booliiska iyo mas'uuliyiinta garsoorku waa in ay hubiyaan in la-tuhmeyaashu ay fahmaan xuquuqahooda iyo in ay fursad u helaan in ay si degdeg ah ula kulmaan wakiil sharci marka la xidho ka dib, xaalad kastana aanay ka dambayn siddeed iyo afartan saacadood laga bilaabo wakhtiga qabashada ama xidhitaanka.</p> <p>8. Qofka la hayo ama xidhan waa in loo oggolaado waqti ku filan iyo meel haboon oo uu kula tashan karo wakiilkiisa sharci. Xaqa uu qofka la-hayaha ah ama maxbuuska ahi u leeyahay in uu soo booqdo, la tashado, lana xidhiidho, dib-u-dhac la'aan, faaf-reeb la'aan iyo in ay si buuxda isugu gaar noqdaan, wakiilkiisa sharci lama laali karo lamana xaddidi karo marka laga reebo xaalado gaar ah oo sharcigu qeexi doono ama sharci ah.</p> <p>9. Booliiska, Ciidanka Asluubta iyo mas'uuliyiinta garsoorku waa in ay awood u siiyaan qof kasta oo la xidhay sabab kastaa ha keento e in uu qof ka mid ah qoyskiisa, ama qof kasta oo kale oo ku habboon oo uu doortay, markaaba ogeysiyo xidhitaankiisa, meesha lagu hayo iyo is-beddel kasta oo ku yimaada halka lagu hayo.</p> <p>10. Ugu dambeyntii, waa mas'uuliyadda xeer-ilaaliyeyaasha iyo garsooreyaasha in ay</p>
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<p>those who appear before them who cannot afford a legal representative and/or who are vulnerable are availed of the opportunity to receive legal assistance from a qualified legal representative.</p> <p>Principle 3 - Legal aid at the pretrial stage</p> <ol style="list-style-type: none">1. The Police and Judicial Authorities should not restrict the right to legal aid, and access to it, of persons arrested, detained, suspected of or charged with a crime, in police stations.2. Pre-trial detainees must be informed of the grounds of their detention and their legal rights at the earliest possible opportunity. The Police and Law Enforcement Agencies should allow and facilitate confidential access by legal representatives to detained persons in police stations and other places of detention immediately after the time of apprehension and in any case not later than forty-eight hours from the time of arrest or detention as well as ensure legal representation at pretrial release or detention or bail hearings.3. Police, and Judicial Authorities should monitor and enforce custody time limits in police holding cells or other detention centres, for example by requesting that prosecutors and judges to screen the remand caseload in detention centres on a regular basis to make sure that people are remanded lawfully, that their cases are dealt with in a timely manner and that the conditions in which they are held meet the relevant laws and international standards.4. Police, Custodial Corps and Judicial Authorities should provide every person, on admission to a place of detention, with	<p>hubiyaan in kuwa la hor-keeno ee aan awoodin in ay wakiil sharci qabsadaan iyo/ama kuwa nugul loo suurto-geliyey fursad ay ku helaan kaalmo sharci oo uu bixinayo wakiil sharci oo aqoon iyo waayo-aragnimo u lihi.</p> <p>Mabda'a 3^{aad} : Kaalmada sharci ee marxaladda ka horraysa gar-maqalka</p> <ol style="list-style-type: none">1. Booliiska iyo mas'uuliyiinta garsoorku waa in aanay xaddidin xaqa kaalmada sharci, iyo in ay xaqaasi helaan dadka la xidho, la hayo, lagu tuhmo ama lagu eedeeyo fal-dambiyeed ee lagu hayo Saldhigyada Booliiska.2. Gar-maqalka ka hor, fursadda ugu horraysa ee suurto-galka ah, waa in la-hayeyaasha lagu war-geliyo sababta hayntooda iyo xuquuqahooda sharci. Booliiska iyo hay'adaha sharci-fulintu waa in ay u oggolaadaan una fududeeyaan wakiillada sharci in ay la kulmaan iskuna keliyoobaan dadka lagu hayo Saldhigyada Booliiska iyo goobaha kale ee xidhitaanka, si dhakhso ah qabashadooda ka dib, xaalad kastana goor aan ka dambayn siddeed iyo afartan saacadood laga soo bilaabo markii la qabtay ama la xidhay, waana in ay hubiyaan in ay helaan metelaad sharci xidhitaanka gar-maqalka ka hor, siideynta gar-maqalka ka hor iyo dhegeysiga dammaanadda la xidhiidha.3. Booliiska iyo mas'uuliyiinta garsoorku waa in ay la socdaan oo fuliyaan wakhtiga sharcigu u xaddidey in qof lagu hayn karo Saldhig Booliis ama xarun kale oo dadka lagu xidho, iyaga oo tusaale ahaan ka codsanaya xeer ilaaliyeyaasha iyo garsooreyaasha in ay si joogto ah ula socdaan garsugeyaasha ku jira xarumaha xabsiyaynta, si ay u hubiyaan in dadka loo garsugeeyey si sharciga waafaqsan, in dacwadahooda si dhakhso ah loo socodsiiyey iyo in xaaladaha lagu hayaa ay waafaqsan yihiin xeerarka khuseeya iyo hal-beegyada caalamiga ah.4. Booliiska, Ciidanka Asluubta iyo mas'uuliyiinta garsoorku waa in ay u sheegaan qof kasta, marka la keeno goobta lagu xidhayo, xogaha khuseeya xuquuqihiisa
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<p>information on their rights in law, the rules of the place of detention and the initial stages of the pretrial process. Such information should be provided in a manner that corresponds to the needs of illiterate persons, minorities, persons with disabilities and children and in a language they understand. The information material should be supported by visual aids prominently located in each detention centre.</p> <p>5. Police and Judicial Authorities should request bar or legal associations and other legal aid providers to establish a roster of lawyers [and paralegals] who are available to provide legal aid to persons arrested, detained, suspected of or charged with a crime, in particular at each and every police stations.</p>	<p>sharcigu siinayo, xeerarka lagaga dhaqmo goobta xabsiyaynta iyo marxaladaha bilawga ah ee ka-hor gar-maqalka dacwadda. Xogtan waa in loo gudbiyo hab la jaanqaqdi kara baahida dadka aan aqoon akhris-qorista, dadka laga tirada badan yahay, dadka naafada ah iyo carruurta looguna gudbiyo luuqad ay fahmi karaan. Agabka xogta waa in lagu taageero muuqaallo meel muuqata laga dhigo xarun kasta oo xabsiyayn.</p> <p>5. Booliiska iyo mas'uuliyiinta garsoorku waa in ay ka dalbadaan ururrada qareennada iyo xarumaha kale ee bixiya adeeg kaalmo sharci in ay diyaariyaan liiska qareennada [iyo adeegeyaasha sharci] ee diyaar u ah in ay siiyaan kaalmo sharci dadka la xidho, la hayo, lagu tuhmo ama lagu eedeeyo fal-dembiyeed, gaar ahaanna kuwa u diyaarka ah in ay adeeggaa ka bixiyaan Saldhig kasta.</p>
<p>Principle 4 - Legal aid during trial stage</p> <p>1. Judicial Authorities should ensure that every person charged with a crime for which deprivation of liberty of ten years or more or capital punishment may be imposed by a court of law is provided with access to legal representation in all proceedings of the trial at court.</p> <p>2. Judicial Authorities should ensure that the accused understands the case against him or her and the possible consequences of the trial. They should ensure that unrepresented suspects and the accused understand their rights. This may include, but is not limited to, requiring judges and prosecutors to explain their rights to them in clear and plain language.</p> <p>3. Judicial Authorities should ensure that every accused has adequate time, facilities and legal assistance, in case he or she does not have sufficient means, to prepare his or her defence and to be able to consult with his or her legal</p>	<p>Mabda'a 4^{aad} : Adeegga kaalmada sharciga marxaladda gar-maqalka dacwadda</p> <p>1. Mas'uuliyiinta Garsoorku waa inay hubiyaan in qof kasta oo lagu eedeeyey fal-dembiyeed lagu mutaysan karo xorriyad-ka-qaadis toban sannadood ah ama ka badan amaba ciqaab dil ah oo ay xukunto maxkamad sharci ah fursad loo siiyey helitaanka metelaad sharci ah dhamaan geeddi-socodka gar-maqalaka maxkamadda.</p> <p>2. Mas'uuliyiinta garsoorku waa in ay hubiyaan in eedaysanuhu fahmayo dacwadda ka dhanka ah iyo raadka ka dhalan Kara dhegeysiga dacwadda. Waa in ay hubiyaan in la-tuhmeyaasha aan qareen meteleyn iyo eedaysaneyaashu ay fahamsan yihiin xuquuqdooda. Tan waxa ka mid noqon karta, iyadoo aanay ku koobnayn, in lagu waajibiyoo garsooreyaasha iyo ku-xigeennada xeer-Ilaaliyaha Guud in ay ugu sharxaan xuquuqdooda luuqad cad oo la fahmi karo.</p> <p>3. Mas'uuliyiinta garsoorku waa in ay hubiyaan in eedeysane kastaa helay wakhti ku filan, kaabayaal iyo kaalmo sharci, haddii aanu haysan wax ku filan, si uu u diyaarsado difaaciisa awoodna ugu yeesho in uu la tashado qareenkiisa.</p>

<p>representative.</p> <p>4. Judicial Authorities should provide legal representation for a person charged with an offence punishable of imprisonment term of ten years or more or capital punishment in any court proceedings by a lawyer of his choice or by a competent lawyer assigned by the court or other legal aid authority free of charge.</p> <p>Principle 5 - Legal aid at the post-trial stage</p> <p>1. Judicial Authorities and Custodial Corps should ensure that imprisoned persons deprived of their liberty have access to legal aid and that they are held in prison in conformity with the law.</p> <p>2. Judicial Authorities, Law Enforcement Agencies and Custodial Corps should provide all persons, on admission to the place of imprisonment and during their detention, with information on the rules of the place of imprisonment and their rights in law, including the right to confidential legal aid, advice and assistance; the possibilities for further review of their case; their rights during disciplinary proceedings; and procedures for complaint, appeal, early release, pardon or clemency. The information material should be supported by visual aids prominently located in those parts of the facilities to which prisoners have regular access, including names and contact details of legal representatives who provide free legal aid.</p> <p>3. Judicial Authorities and Custodial Corps should allow and encourage bar and legal associations and other legal aid providers to draw up rosters of lawyers [and paralegals] to visit prisons to provide legal advice and assistance [free of charge] to prisoners.</p>	<p>4. Mas’uuliyiinta garsoorku waa in ay u oggolaadaan qofka maxkamad horteed lagaga eedeeyo fal-dembiyeed lagu mutaysan karo xadhig dhan 10 sano ama ka badan amaba dil in uu metelaad sharci ka helo qareenka uu isagu doorto ama uu yeesho qareen karti, aqoon iyo waayo-aragnimo leh oo lacag la’aan u difaaca oo ay maxkamaddu u magacawdo ama uu ka helo xarumaha bixiya adeegga kaalmada sharci.</p> <p>Mabda’a 5^{aad} : Kaalmada sharciga ee marxaladda dhegeysiga dacwadda ka dib</p> <p>1. Mas’uuliyiinta Garsoorka iyo Ciidanka Asluubtu waa inay hubiyaan in dadka xorriyadda laga qaaday ee xidhani ay marin u helaan kaalmo sharci iyo in xabsiga loogu hayo si waafaqsan sharciga.</p> <p>2. Mas’uuliyiinta Garsoorka , hay’adaha sharci-fulinta iyo Ciidanka Asluubtu waa in ay u sheegaan qof kasta, marka la keeno goob xabsiyayn iyo inta uu xidhanyahayba, xogta ku saabsan xeerarka xabsiga/ xarumaha haynta iyo xuquuqahooda sharciyeed, sida xaqa uu u leeyahay in uu helo adeeg kaalmo sharci, la-talin iyo taakulayn; suurto-galnimada in dib-u-eegis lagu sameeyo dacwaddooda; xuquuqahooda xilliga dhegeysigan dacwadaha anshax-marineed; iyo habraacayada cabashada, racfaanka, xabsi-ka-sii-deynta xilli hore, cafiska ama ciqaab-dhimista. Agabka xogta waa in lagu taageero muuqaallo muujinaya magacyada qareennada bixiya adeegga kaalmada sharciga iyo halka lagala xidhiidhi karo oo si joogteysan loogu sameeyo ama loogu dhejiyo qaybo ka mid ah dhismaha oo ay maxaabiistu ka arki karayso.</p> <p>3. Mas’uuliyiinta Garsoorka iyo Ciidanka Asluubtu waa in ay u oggolaadaan kuna dhiirri-geliyaan ururrada qareennada iyo ciddii kale ee bixinaysa adeegga kaalmada sharci in ay diyaariyaan liis koobaya magacyada iyo macluumaadka qareennada (iyo adeegeyaasha sharci) in ay booqdaan xabsiyada si ay ugu fidiyaan maxaabiista talo iyo taakulayn sharci (oo lacag la’aan ah).</p>
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4. Judicial Authorities and Custodial Corps should ensure that prisoners have access to legal aid for the purpose of submitting appeals and filing requests related to their treatment and the conditions of their imprisonment when facing serious disciplinary charges, and for requests for pardon, in particular for those prisoners facing the serious or death penalty.

Principle 6 - Equity in access to legal aid for vulnerable groups, including women and children

1. Judicial Authorities, Law Enforcement Agencies and Custodial Corps should ensure meaningful access to legal aid for women, children and groups with special needs such as the elderly, minorities, persons with disabilities, persons with mental illnesses, persons living with HIV/AIDS, minority groups, asylum-seekers, refugees and internally displaced persons.
2. Children should have access to free legal aid under the same or more lenient conditions as adults. Information provided to children must be provided in a manner appropriate to their age and maturity. Children are entitled to access and representation by counsel at all stages of the proceedings, with special care to privacy, protection of their best interests, and rehabilitative potential.
3. Judicial Authorities, Law Enforcement Agencies and Custodial Corps should ensure the right of women to access legal aid, including providing free legal aid, advice and court support services in all legal proceedings to female survivors of sexual and gender-based violence in order to ensure access to justice and minimize any secondary victimization.

4. Mas' uuliyiinta Garsoorka iyo Ciidanka Asluubtu waa in ay hubiyaan in ay maxaabiistu marin u helaan adeeg kaalmo sharci si ay u gudbistaan codsiyo racfaan iyo in ay diiwaan-gashadaan codsiyada la xiidhiidha sida loola dhaqmayo iyo xaaladaha ku gedaaman xadhigooda marka ay soo wajahaan eedaymo anshax-marineed oo culusi, iyo codsiyada cafiska, gaar ahaan maxaabiista uu ku dhacay xukun adagi ama dil ahi.

Mabda'a 6^{aad} : U-sinnaanta marin-u-helidda kaalmada sharciga ee kooxaha nugul, oo ay ku jiraan dumarka iyo carruurta

1. Mas' uuliyiinta Garsoorka, hay'adaha sharci-fulinta iyo Ciidanka Asluubtu waa in ay u xaqiijiyaan helitaanka kaalmo sharci oo macno samaysa dumarka, carruurta iyo kooxaha baahida gaarka qaba sida waayeeelka, dadka laga tirada badan yahay, dadka laxaadka la', dadka uu hayo canuunka dhimirku, dadka la nool HIV/AIDS-ka, dadka magan-gelyo doonka ah, qaxootiga iyo dadka dalka gudhihiisa ku baro-kacay.
2. Carruurta waa in si ka roon ama ay ula mid yihiin dadka waaweyn, ay u helaan adeeg kaalmo sharci oo lacag la'aan ah. Xogta la siiyo carruurta waa in loo siiyo hab ku habboon da' dooda iyo caqligooda. Carruurta waxa ay xaq u leeyihiin in ay helaan qareen metela dhammaan marxaladaha dhegeysiga dacwadda, iyada oo si gaar ah loogu dhug-yeelanayo ilaalinta asturnaanta (privacy), dhawrista dantooda, iyo awoodda dhaqan-celineed.
3. Mas' uuliyiinta Garsoorka, hay'adaha sharci-fulinta iyo Ciidanka Asluubtu waa in ay u xaqiijiyaan haweenka xaq ay u leeyihiin in ay helaan kaalmo sharci, oo ay ka mid yihiin kaalmo sharci oo lacag la'aan ah, la-talin iyo adeegyada taageero ee maxkamaddu fidiso ee dhammaan marxaladaha dhegeysiga dacwadaha ee la siiyo haweenka dhibtu ka soo gaadho tacadiyada lagu galo galmada iyo gacan-ka-hadalka lamaanaha si loo xaqiijiyo marin-u-helid caddaaladeed lana yareeyo in

<p>Principle 7 - Independence and protection of legal aid providers</p> <ol style="list-style-type: none">Judicial Authorities, Law Enforcement Agencies, Custodial Corps and Ministry of Justice should ensure that legal aid providers are able to carry out their work effectively, freely and independently. In particular, they should ensure that legal representatives providing free legal aid:<ol style="list-style-type: none">are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference;are able to travel and to consult with their clients freely; andshould not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics adopted.Where the security of legal representatives is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.	<p>dhibaato kale oo ay ka soo gaadha.</p> <p>Mabda'a 7^{aad} : Madax-bannaanida iyo badbaadinta bixiyeyaasha kaalmada sharciga</p> <ol style="list-style-type: none">Mas'uuliyiinta Garsoorka, sharci-Fulinta, Ciidanka Asluubtu iyo Wasaaradda Cadaaladu waa in ay hubiyaan in bixiyeyaasha kaalmada sharcigu ay awood u leeyihiin in ay hawshooda u gudanayaan si wax-ku-oolnimo leh, xor ah oo madax-bannaan. Gaar ahaan, waa in ay hubiyaan in qareennada bixinaya kaalmo sharci oo lacag-la'aan ahi:<ol style="list-style-type: none">ay awoodaan in ay gutaan dhammaan xilalkooda mihnadeed iyada oo aan la baqogelin, la iska hortaagin, la carqaladayn ama aan si aan habboonayn loo faro-gelin;ay awoodaan in ay si xor ah u safraan ulana tashadaan cidda ay qareenka u yihiin; iyoaanay ku-dhib-mudan, ama aan loogu hanjabin, dembi-ku-oogis ama ka-qaadis tallaabo maamul ama dhaqaale oo lagaga aar-gudanayo fal ay u sameeyeen si waafaqsan waajibaadkooda mihnadeed ee la aqoonsan yahay, halbeegyada iyo anshaxa la isla qaatay.Marka amniga qareennadu uu halis ku galo sabab la xidhiidha gudashada xilkooda, waxa si ku filan u ilaalinaya mas'uuliyiinta.
<p>Principle 8 – Information, Partnership and Coordination</p> <ol style="list-style-type: none">Judicial Authorities, Law Enforcement Agencies and Custodial Corps shall, through the Legal aid Unit of the Ministry of Justice, establish partnership and coordination with bar or legal associations and legal aid providers to:<ol style="list-style-type: none">ensure the provision of legal aid at all stages of the criminal justice process and	<p>Mabda'a 8^{aad}: Xogta, shuraakonimada iyo Xidhiidhinta</p> <ol style="list-style-type: none">Mas'uuliyiinta Garsoorka, hay'adaha sharci-fulinta iyo Ciidanka Asluubtu, iyagoo kala xidhiidhaya Unugga Kaalmada sharci ee Wasaaradda cadaaladda, waxay shuraako iyo xidhiidh shaqo la yeelanayaan ururrada qareennada iyo bixiyeyaasha kaalmada sharciga si ay:<ol style="list-style-type: none">u hubiyaan in laga bixinayo kaalmada sharci dhamaan marxladaha habka cadaalad

<p>promote the provision of effective legal aid at all stages of the criminal justice process for persons accused of a crime and for victims of crime;</p> <p>1.2. ensure coordination between justice agencies and other professionals such as health, social services and victim support workers in order to maximize effectiveness of the legal aid system;</p> <p>1.3. encourage bar or legal associations or legal providers to draw up rosters of lawyers volunteering to provide legal assistance to persons arrested or charged with a crime before the courts on fixed days and provide services free of charge for those without sufficient means;</p> <p>1.4. encourage legal and bar associations to support the provision of legal aid by offering a range of services, including those that are free (pro bono), in line with their professional calling and ethical duty.</p> <p>2. Judicial Authorities, Law Enforcement Agencies, Custodial Corps as well as legal representatives providing legal aid should always take into account the needs of specific vulnerable groups such as the elderly, minorities, persons with disabilities, the mentally ill, persons living with HIV/AIDS, asylum-seekers, refugees and internally displaced persons.</p> <p>3. The Somaliland Ministry, professional associations of lawyers and legal aid providers shall promote programmes and awareness raising campaigns to inform the public about their rights and duties under the law and the important role of lawyers in protecting their fundamental freedoms, including information on the right to legal aid and what such aid consists of and on the availability of legal</p>	<p>ciqaabedka lana horumarinayo bixinta kaalmo sharci oo waxtar leh dhamaan marxladaha habka cadaalad ciqaabedka oo ay helaan dadka lagu eedeeyey fal-dembiyeed iyo dhibbaneyaasha fal-dembiyeedku.</p> <p>1.2. u hubiyaan in xidhiidh wada-shaqayneed uu ka jiro hay'adaha bahda cadaaladda iyo mihnedleyaasha sida caafimaadka, adeegyada bulshada iyo hawl-wadeennada dhibbanaha taageera si loo kordhiyo waxtarka nidaamka kaalmada sharciga.</p> <p>1.3. u dhiirri-geliyaan in ururrada qareennada iyo bixiyeyaasha kaalmada sharcigu ay u dejiyaan liiska qareennada ku tabarucaya in ay maalamo cayiman siiyaan kaalmo sharci dadka la xidho ama dembi lagaga hor-eedeeyo maxkamad iyo in ay siiyaan adeeg lacag la'aan ah kuwa aan hanti u goysa haysan.</p> <p>1.4. u dhiirri-geliyaan ururrada qareennada in ay taageeraan bixinta adeegga kaalmada sharci fidiyaanna adeegyo kala duwan oo ay ka mid yihiin adeegyo lacag la'aan ah (tabaruc ah), hab waafaqsan mihnaddooda iyo anshaxa waajibaadkooda.</p> <p>2. Mas'uuliyiinta garsoorka, sharci-fulinta iyo Ciidanka Asluubta iyo sidoo kale qareennada bixiya adeegga kaalmada sharci waa inay mar kasta ku xisaabtamaan baahida u gaarka ah dadka nugul sida dadka waayeelka ah, dadka laga tirada badan yahay, dadka laxaadka la', dadka xanuunnada dhimirka qaba, dadka la nool HIV/AIDS, dadka magan-gelyo doonka ah, qaxoontiga iyo dadka dalka gudhiisa ku baro- kacay.</p> <p>3. Wasaaradda Cadaaladda, ururrada qareennada iyo bixiyeyaasha Kaalmada Sharcigu waxay horumarinayaan barnaamijyada iyo ololeyaasha wacyi-gelineed ee lagu wargelinayo dadka xaquuqahooda iyo waajibaadyadooda sharcigu siiyey iyo doorka muhiimka ah ee qareennadu ku leeyihiin ilaalinta xorriyadahooda lama-taabtaanka ah, sida xogta ku saabsan xaqa ay u leeyihiin kaalmo sharci iyo waxa kaalmadaasi ka</p>
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<p>aid services and how to access such services, as well as other relevant information. Special attention should be given to assisting the poor and other vulnerable and disadvantaged groups, including women, children internally displaced people, refugees, minority group, etc. so as to enable them to assert their rights and where necessary call upon the assistance of lawyers.</p> <p>Principle 9 - Observance of the Guidelines</p> <ol style="list-style-type: none">1. Law enforcement Officials, Custodial Corps and Judicial Authorities shall respect the law and the present Access to Legal Aid Guidelines. They shall also, to the best of their capability, prevent and rigorously oppose any violations of them. 2. Law Enforcement Officials, Custodial Corps and Judicial Authorities who have reason to believe that a violation of the present Guidelines has occurred or is about to occur shall report the matter to their superior authorities and, where necessary, to Legal aid Unit of the Ministry of Justice or appropriate organs vested with reviewing or remedial power. 3. Professional associations of lawyers shall	<p>kooban tahay iyo sida loo helo adeegyada kaalmada sharci, iyo weliba wararka kale ee xidhiidhka la leh. Tix-gelin gaar ah waa in la siiyo kaalmaynta saboolka iyo dadka kale ee nugul ee ay ka midka yihiin dumarka, carruurta, baro-kaceyaasha, qaxoontiga, dadka laga tirada badan yahay iwm, si ay awood ugu yeeshaan adeegsiga xuquuqahooda iyo in marka loo baahdo ay u dalbadaan taakulaynta qareennada.</p> <p>Mabda'a 9^{aad}: U-hoggaansanaanta Habraacyada</p> <ol style="list-style-type: none">1. Saraakiisha sharci-fulinta, ciidanka Asluubta iyo mas'uuliyiinta Garsoorku waxay ixtiraamayaan sharciga iyo habraacan Marin-u-Helidda Kaalmada Sharciga. Waxa kale oo, inta awooddooda ah, ka hortegayaan si adagna u diidayaan in la jebiyo sharciga iyo habraacan. 2. Saraakiisha sharci-fulinta, Ciidanka Asluubta, iyo mas'uuliyiinta Garsoorka ee sabab u haysta in ay aaminaan in uu dhacay xadgudub lid ku ah habraacan ama uu u dhawyahay in uu dhaco waa in ay ku wargeliyaan dhacdadaasi mas'uuliyiintooda sare iyo, haddii loo baahdo, Unugga Kaalmada Sharciga ee Wasaaradda Cadaaladda ama hay'daha ku habboon ee la siiyey awoodda dib-u-eegista ama magdhawga (remedial power). 3. Ururrada mihnedleyaasha qareennadu waa in
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<p>ensure that legal representatives providing legal aid have received appropriate education and training and are aware of the ideals and ethical duties of the lawyer and of human rights and fundamental freedoms recognized by national and international law. The duties of lawyers towards their clients shall include:</p> <p>a. Advising clients as to their legal rights and obligations and as to the working of the legal system in so far as it is relevant to the legal rights and obligations of the clients;</p> <p>b. Assisting clients in every appropriate way, and taking legal action to protect their interests;</p> <p>c. Assisting clients before courts, tribunals or administrative authorities, where appropriate.</p> <p>4. Legal representatives providing legal aid, in protecting the rights of their clients and in promoting the cause of justice, shall seek to uphold human rights and fundamental freedoms recognized by Somaliland and international law and shall at all times act freely and diligently in accordance with the law and recognized standards and ethics of the legal profession as set out by Legal aid policy and Professionals Code of Conduct to be adopted.</p> <p>Adopted by:</p> <p>The Commander of the Custodial Corps..... The Police Commission..... The Office of the Attorney General..... The Chairman of the Supreme Court..... The Ministry of Interior..... The Minister of Justice.....</p> <p>on the 25th day of August, 2013.</p>	<p>ay hubiyaan in qareennada bixinaya kaalmada sharcigu ay heleen aqoontii iyo tababarkii habboonayd aanay ka warqabaan halbeegyada tayo iyo mas' uuliyadda anshaxa ee qareenka, xuquuqda Aadamiga iyo xorriyadaha lama-taabtaanka ah ee ay aqoonsadeed xeerarka wadaniga ah iyo kuwa caalamiga ahi. Mas' uuliyadaha qareenka ka saran macaamiishiisa waxa ka mid ah:</p> <p>b. In uu kala taliyo macaamiishiisa xuquuqahooda sharcigu siiyey iyo waajibaadyadooda sharcigu saaray iyo sida uu u shaqeeyo nidaamka sharci inta ka khuseeya xuquuqaha iyo waajibaadyada sharciga ah ee macaamiisha;</p> <p>t. In uu u kaalmeeyo macaamiishiisa si kasta oo habboon, iyo in uu qaado tallaabo sharci si uu u difaaco danahooda;</p> <p>j. In uu ka kaalmeeyo macaamiishiisa maxkamadaha hortooda, xeerbeegtayada, iyo mas' uuliyiinta maamulka, meesha ku habboonaata.</p> <p>4. Qareennada bixinaya kaalmada sharciga, ee ku difaacaya xuquuqaha macaamiishooda iyo horumarinta danta caddaaladdu, waxay u guntanayaan dhawrista xuquuqaha aadaminimo iyo xorriyadaha lama-taabtaanka ah ee ay aqoonsadeen shuruucda Somaliland iyo kuwa caalamiga ahi waxaanay xilli kasta u dhaqmayaan si xor ah oo xilkasnimo leh oo waafaqsanna xeerka, halbeegyada iyo anshaxa mihnadda sharci ee la aqoonsan yahay sida lagu jideeyey Siyaasadda Kaalmada Sharciga iyo Xeer-Mihnadeedka Anshaxa ee la isla qaadan doono;</p> <p>Waxa ansixivey:</p> <p>Taliyaha Ciidanka Asluubta..... Taliyaha Ciidanka Booliiska..... Ku-Simaha Xeer-Ilalliyaha Guud..... Guddoomiyaha Maxkamadda Sare..... Wasiirka Arrimaha Gudaha..... Wasiirka Cadaaladda.....</p> <p>maanta oo ah maalintii 25^{aad} ee Ogost, 2013.</p>
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