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Hargeisa, Somaliland

Date: 28/05/2007

STATEMENT

Somaliland Security Committees Infringe the Rights and Freedoms of Citizens

Somaliland security committees

The umbrella group of the Somaliland human rights organisations (Shuro-Net) has been involved for a long time in activities aimed at tackling the Somaliland security committees which have infringed citizens' rights and freedoms guaranteed under the Somaliland Constitution and under international human rights instruments. Shuro-Net, which encompasses all the Somaliland human rights organisations, is well informed about the unlawful detentions and human rights infringements carried out by the Somaliland security committees. These committees often rely on the 1962 Somalia Public Order Law, which was declared in 1999 by the Somaliland House of Representatives as being contrary to the Somaliland Constitution, Islamic Sharia and international human rights conventions.

These security committees which are staffed by government officials and which are not based on any law, whatsoever, have, during the last few years, sent hundreds of citizens to prison without out any recourse to the courts of law, and in direct contravention of the fundamental rights and freedoms enshrined in the Somaliland Constitution. The number of such prisoners is increasing day by day and many of them are suffering from ill health and from the bad conditions of the prisons.

Of the 472 total prisoners currently held at Mandhera Prison, which is situated 93 kilometers north east of the capital, Hargeisa, a total of 143 (30%) are there on the orders of the security committees which have sentenced some of them to jail terms and detained the others on indeterminate remand. As confirmed on visits undertaken by Somaliland human rights organisations to the prison, these security committees' detainees include 12 who are suffering from tuberculosis and are seriously ill.

Similarly, the jails in Burao, Borama, Gabiley and other towns in Somaliland hold a large number of prisoners who are detained illegally on the orders of the security committees.

The Supreme Court challenge

On 12 May 2007, at around 11.00 am, Shuro-Net took a case to the Somaliland Supreme Court (and Constitutional Court), on behalf of some of the security

committees' detainees, to challenge the legality of the security committees. Shuro-Net's lawyer, Mr Ibrahim Idle Sulaiman took the case papers to the Supreme Court office, and was summoned by the Chairman of the Court, Mr Mohamed Hersi Omane, who, there and then, rejected, without any reason whatsoever, the submission of the case papers to the court office. Shortly afterwards, Shuro-Net started to hold a press conference outside the Court so as to explain the reasons why the case was brought. The press conference was then stopped by policemen who were summoned by the Chairman of the Supreme Court and who proceeded to threaten and manhandle the members of the press and the staff of Shuro-Net. Members of Shuro-Net were threatened and some of them from the minority communities were specifically abused. The police also arrested and took to their station cell, on the orders of the Chairman of the Court, the Chairman of Shuro-Net, Ms Zamzam Abdi Aden, who committed no offence. Zamzam was later released, on the intervention of the Hargeisa police chief, Abdi Guun.

Another call about the security committees

Human rights organisations and the Diaspora organisation, the Somaliland Forum, have commented a lot about the unlawful detentions ordered by the security committees, but the Somaliland government has not heeded their numerous calls and recommendations. Shuro-Net is once again calling on the Somaliland government to take urgent on this matter. Shuro-Net is also calling for support in its legal challenge of the security committees at the Supreme Court, which will signify that we are a nation which values the rule of law and the constitution.

A reminder to the security committees

Shuro-Net wishes to remind the security committees that they are breaking the following constitutional provisions and laws:

1. Article 25(1) of the Constitution: No person shall be deprived of his liberty except in accordance with the law.
2. Article 26(3) of the Constitution: An accused person is innocent until proven guilty in a court.
3. Article 26(1) of the Constitution: Crimes and (*their*) punishment shall be laid down by the law, and no punishment shall be administered in a manner which is contrary to the law.
4. Article 27(2) of the Constitution: Any person who is deprived of his liberty because of alleged criminal offences shall have the right to be brought before a court within 48 hours of his arrest.
5. Article 27(6) of the Constitution: Any accused person who is convicted by a court shall have the right to appeal to a higher court.
6. Article 28(2) of the Constitution: Every person shall have the right to defend himself in a court.

7. Article 21(1) of the Constitution: The legislative, executive and judicial branches of the state and the local government of the regions and the districts of the Republic of Somaliland, of all levels, shall be bound by the provisions of this Part.
8. Article 27(9) of the Constitution: The punishment for the infringement of Clauses 1 to 7 of this Article shall be determined by law.
9. Article 460 of the Penal Code: Whoever deprives another of personal liberty shall be punished with imprisonment from 6 months to 8 years .
10. Article 461 of the Penal Code: A public officer who, other than in the cases allowed by law, effects an arrest, or, being in charge of a prison, received therein any person without an order from competent authorities ... shall be punished with imprisonment up to three years.
11. Article 99(1) of the Constitution: The Judiciary consists of the courts and the Procuracy.
12. Article 128(2) of the Constitution: The Constitution shall be the supreme law of the land, and any law which does not conform to it shall be null and void.
13. Article 9 of the Universal Declaration of Human Rights: No one shall be subjected to arbitrary arrest, detention or exile.
14. Article 10 of the Universal Declaration of Human Rights: Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.
15. Article 130(5) of the Constitution: All the laws which were current and which did not conflict with the Islamic Sharia, individual rights and fundamental freedoms shall remain in force in the country of the Republic of Somaliland until the promulgation of laws which are in accord with the Constitution of the Republic of Somaliland.
16. Article 40(2) of the Criminal Procedure Code: A warrant of arrest may only be issued by the competent judge ... or by the President of the competent court.

Appeal to the President of Somaliland

Mr President, we respectfully request that you assist us in this task by heeding the calls of the citizens who have elected you and the wider concerns expressed by the Somaliland public about the security committees and bring about the abolition of these committees.

Mr President, you have sworn to uphold the laws and the constitution of the Republic and the activities of these security committees clearly contravene the constitution, as

well as the international human rights conventions. History will remember the decision you take on this matter, which could affect your political future. We appeal for the immediate release of all the people who are detained by the security committees and if any them are accused of any recent specific offences, we ask that they be brought immediately to a court of law.

The Parliament

Whilst we are aware of the fact that the House of Representatives has spoken and has reached a far reaching resolution about this matter before, nothing has changed. We therefore ask that you give this issue your urgent consideration again and that you take steps to declare the security committees and the Public Order 1963 unlawful. The people have elected you, honourable members, to protect their rights and to ensure that the government acts according to the law. We, therefore, request that both Houses should act jointly in issuing a law which will end, once and for all, these security committees.

The national parties

The political parties have already played an important role in the efforts to abolish the security committees and have attempted to submit the matter to the Supreme Court, but we ask them again to re-double their efforts. We call on all the three political parties to issue clear resolutions about the security committees and to support their fellow citizens, many of whom who are their members and who are imprisoned unlawfully.

The Supreme Court

Shuro-Net believes that the Supreme (and constitutional) Court is the only forum which can change how laws are actually implemented and can thereby lead the nation towards justice and equity. We therefore respectfully ask the Supreme Court to reach a memorable ruling about these security committees which have usurped the powers of the judiciary. As enshrined in the Somaliland Constitution, we have a right to pursue a constitutional claim at the Supreme Court. We have high hopes, therefore, that the Supreme Court shall re-consider its initial refusal to allow us to file a claim against the security committees and that it shall issue a historic ruling, which will be long remembered in the annals of the Somaliland judicial history.

Final comments

We impress on the Somaliland nation that we value the peace and security of our country and its progress and that this comes about as a result of the implementation of the laws and constitution of the land. We are against anyone who wishes to harm our people by contravening their rights in the name of the government. We implore the Somaliland government to respect the fundamental freedoms, guarantee the observance of the constitution and strengthen the young democracy that has grown in the Republic of Somaliland.

Samsam Abdi Adan
Gudoomiyaha Shuro-Net

Mubarik Ibrahim Aar
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