

## LEGAL AID ANNUAL REPORT ON 2010

### 16 years old, IDPs and disabled girl

Fadumo Salah Ali is IDPs, from South Somalia with her grandmother, she is deaf and she was working a family in Ergavo, she caused grave hurt with a lady of that family called Safia Farah Abdi; on 11/11/09, Fadumo were arrested and accused serious injury; SOLLA legal aid lawyer of Ergavo represented her, she made confession and regional Court sentenced her 5 years of imprisonment with payment of injuries compensation, without considering her status of disability nor her minor age on 30<sup>th</sup> December, 2009; SOLLA appealed her, the Court of appeal dismissed imprisonment sentence, considered her status of deafness and her age, but couldn't able to release her, because she has not any relatives who pay compensation and her solo grandmother is very old and poor and the injury party refuse to forgive, thus it became difficult to release considering her security; after great effort made by SOLLA with collaboration of Sanag Court of Appeal Magistrate, the case were settled by mediation after SOLLA lawyers contribute 7,000,000 sh.SI, the injury party accept to forgive the rest of the compensation, when Fadumo was released on 24<sup>th</sup> November, 2010.

Legal aid group photo:



# LEGAL AID AND ACCESS TO JUSTICE ANNUAL REPORT

## I. INTRODUCTION

This programme is part of the project to increase access to justice and provide free legal aid for vulnerable and economically deprived groups in Somaliland funded by UNDP/Roles and implementing by SOLLA. The project focus to provide free sustainable legal services for the vulnerable groups, in particular women, children, aged people, disabled, IDPs, refugees, minorities in the criminal and civil case, carry out prisons and police custody visits and provide free legal assistance and representation for individuals in remand status, pre-trial detainee and representation of clients in appeal decisions; raise awareness among key justice stakeholders, project's benefices and civil society to legal aid, access to justice and available legal services to encourage the development and maintenance of just and fair criminal justice system. SOLLA will regularly meet key criminal stakeholders in order to share and update on legal aid access to justice related issues and promote coordination through regular meetings among UNDP-supported legal aid providers and cluster protection members. During the project implementation will be trained the legal professionals, particularly lawyers the adopted code of ethics and encourage to practice during performance of their duties.

Somaliland lawyers Association (SOLLA), who had operational offices and provisional members working as lawyer around all Somaliland regions, selected to implement of this project in Six regions including Gabilay those are M/jeeh, Awdal, T/dher, Sanag, Sahil and Gabilay as was the MCG2 legal aid and access to justice agreement between UNDP/Rolls and SOLLA signed on first May, 2010, as extension of the previous MCG1 signed between SOLLA and UNDP/Rols.

## II. OBJECTIVES

The main objective of the project is to strengthening access to justice, provision of legal aid and human right improvement to vulnerable people in Somaliland as well as to improve the capacity of the Somaliland legal professionals.

### 111. The project's activities:

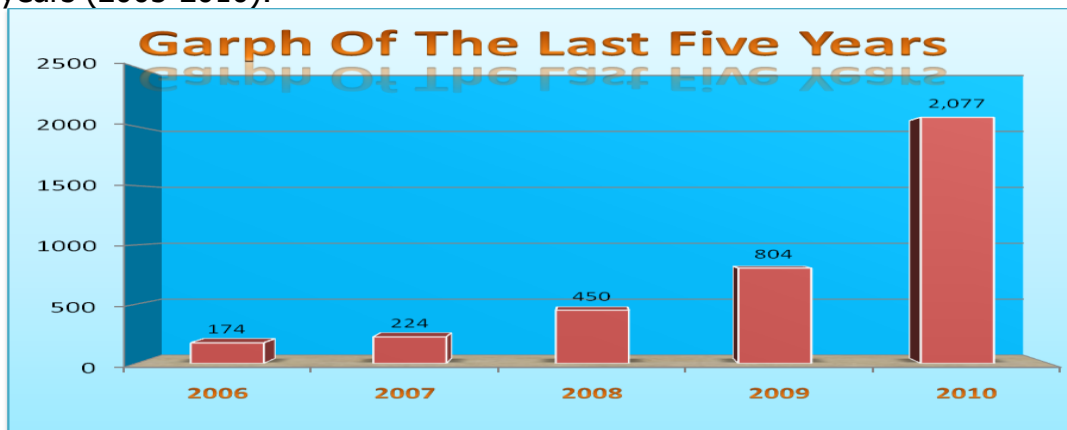
The project's activities intend to perform were as below:

- ❖ To provide legal assistance to vulnerable people of the community including Women, IDPs, Refugee, Minorities, aged, children and economically deprived people of community as well as remand prisoners and detainee those are not able to hire a lawyer for the criminal, civil, labour, family cases in the different courts' stages such as trial courts, appeal courts and supreme court, where mainly were to provide legal representation or legal advice;

- ❖ Human Rights violation investigation, documentation, reporting and to take any possible action in the regards of correction, healing or prevention of new similar violation;
- ❖ Facilitating, encouragement or assisting to settle local disputes through mediation or arbitration;
- ❖ Awareness raising towards legal aid provision and access to justice within the target groups, justice stakeholders, which comprise:
  - Regular visit to the police cells, prisons and IDPs settlements and to disseminate the information that help the detainee, remands and vulnerable people to understand their rights and they seek free legal assistance, where similarly provide the police officers or prison officers the information regards their legal responsibilities towards protection of the rights those are under their custody;
  - Awareness and information sharing meetings among justice stakeholders;
  - Dissemination of IEC materials around all Somaliland regions
  - Media programs towards legal aid provision
  - National workshops towards obstacles of access to justice, laws and practice;
  - Co-ordination, awareness raising, networking and information sharing among legal aid providers and other SCOs
- ❖ Strengthen capacity of Bar such as the office equipments, running costs support, improvement of lawyers knowledge, skills and professional ethics.

#### IV. OVEVIEW SOLLA PREVIOUS LEGAL AID RECOND SUMMARY:

SOLLA were evolved the provision of legal aid till it's establishment, where SOLLA freely representing those accusing the crimes under assize sections of the regional courts, appeal courts, supreme court and Military courts such as Murder cases, piracy, terrorism related cases, robbery etc; also SOLLA were provided legal aid representation the vulnerable people of the community, as well as public interest litigations; the table 1 in bellow summery illustrate the legal activities during last five years (2005-2010):



## V. THE ACTIVITIES PERFORMED IN JAN.2010 TO NOVEMBER, 2010:



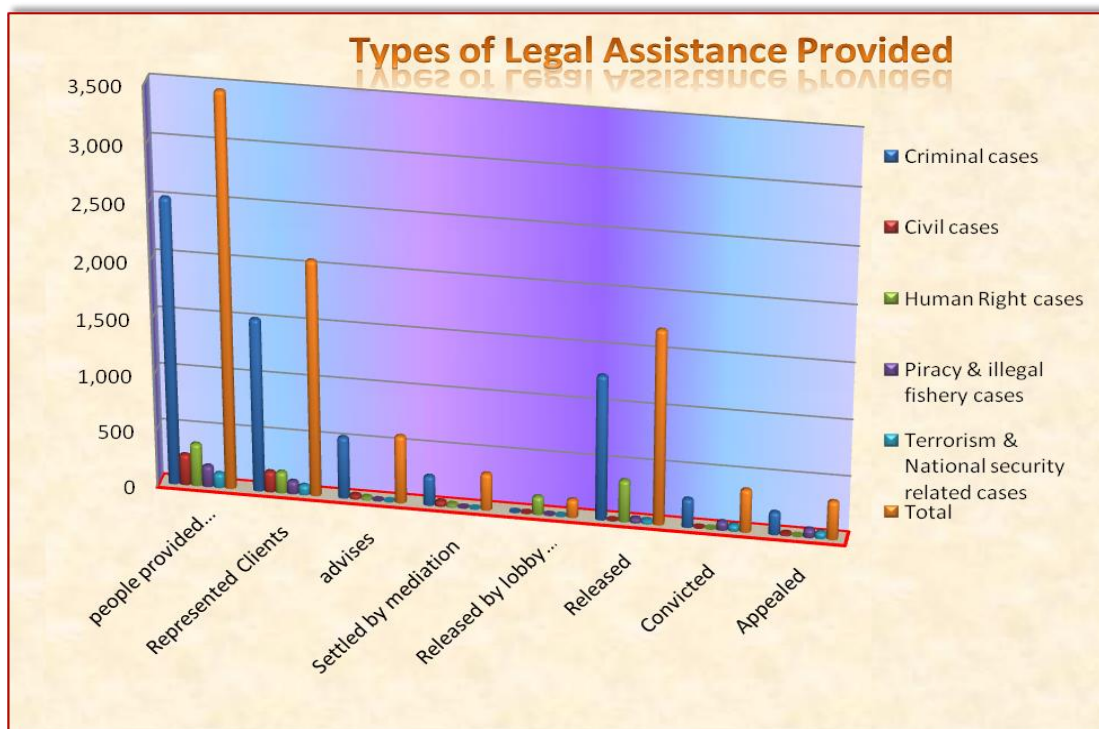
### A. Legal services provided:

SOLLA legal aid lawyers and paralegals in regions were provided legal aid assistance 3,467 clients, those clients 2,077 client were represented, where 594 clients were advised, 322 clients were settled through mediation, 155 clients were released through lobby or wrote a petition and 336 clients were took an appeal (As detailed in Table II below).

Table II: types of legal assistance provided

Types of cases assisted	No: of people provided legal assistance	Represented Clients	advises	Settled by mediation	Released by lobby or petition	Released	Convicted	Appealed	% released those assisted
Criminal cases	2,523	1,527	542	258	00	1,278	249	196	83.6%
Civil cases	267	178	33	41	00	00	00	15	
Human Right cases	372	182	19	23	155	366	00	00	98.3%
Piracy & illegal fishery cases	182	109	00	00	00	36	73	73	33%
Terrorism & National security related cases	123	81	00	00	00	29	52	52	35.9%
<b>Total</b>	<b>3,467</b>	<b>2,077</b>	<b>594</b>	<b>322</b>	<b>155</b>	<b>1,719</b>	<b>375</b>	<b>336</b>	

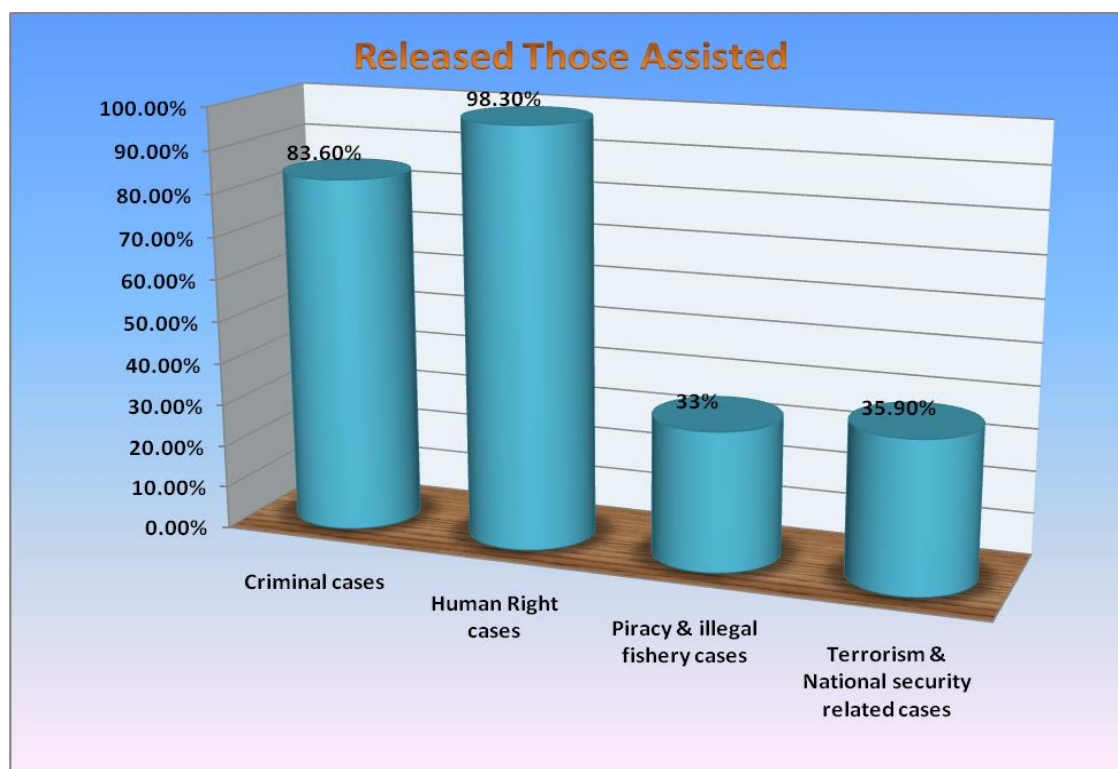




**Table III: Monthly Client statistical Report of SOLLA**

Months	Client Served	Advised	mediated	Represented in court	Released through lobbying	Appeals took	women	Minority	Juvenile	IDPs/refugee
Jan to March	778	183	108	493	134	00	98	38	87	105
April	194	38	54	102	0	00	20	18	8	22
May	294	34	27	178	04	41	17	15	40	24
June	182	014	007	123	00		17	28	007	31
July	414	53	34	224	17	86	49	16	40	29
August & Sep.	658	73	31	426	00	128	93	45	55	93
Oct.	478	137	36	255	00	50	38	13	19	45
Nov.	414	62	45	276	00	31	48	36	30	92
<b>Total</b>	<b>3,467</b>	<b>594</b>	<b>322</b>	<b>2,077</b>	<b>155</b>	<b>336</b>	<b>380</b>	<b>209</b>	<b>286</b>	<b>441</b>

The average of the types of legal assistance provided



**Table IV: Regional activities statistical report of SOLLA**

Region	Clients served	Clients represented	Advised	Mediated	Released in lobbying	Appealed
M/jeeh	841	436	182	93	48	82
Sanaag	494	280	123	38	24	29
Awdal	384	237	57	42	16	32
T/dher	728	431	145	60	28	68
Sahil	658	415	61	63	24	105
Gabely	269	185	26	23	15	20
Ainabo	70	70	00	00	00	00
Las/anod	23	23	00	00	00	00
<b>Total</b>	<b>3,467</b>	<b>2,077</b>	<b>594</b>	<b>322</b>	<b>155</b>	<b>336</b>

Table V: Regional type of service statistical report

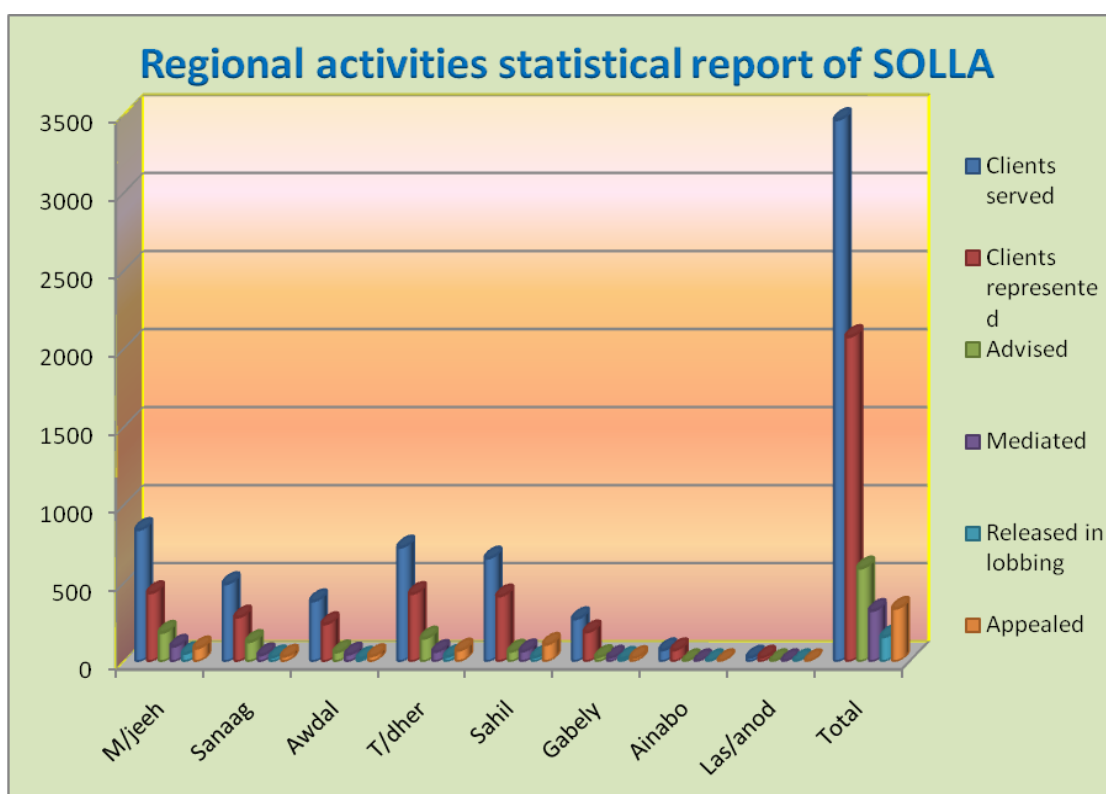
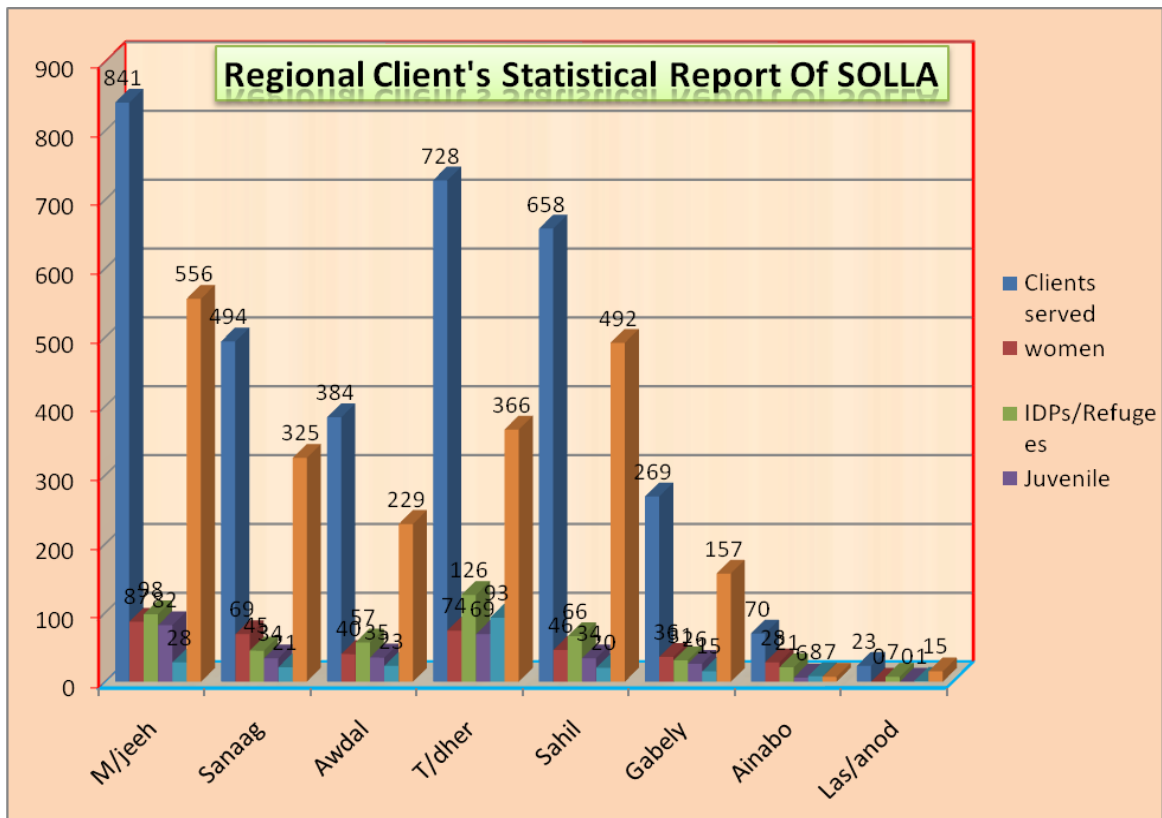


Table V: Regional type of service statistical report

Region	Clients represented	Criminal cases	Civil cases	HR cases	Piracy and illegal fishery	Terrorism and sec.	Completed	Pending
M/jeeh	436	298	47	58	00	33	419	17
Sanag	280	220	36	24	00	00	274	6
Awdal	237	210	08	19	00	00	236	01
T/dher	431	260	72	82	00	17	427	04
Sahil	415	253	02	20	81	59	414	01
Gabely	185	148	13	24	00	00	165	20
Ainabo	70	00	0	00	00	00	70	0
Las'anod	23	00	0	00	00	00	23	0
<b>Total</b>	<b>2,077</b>	<b>1482</b>	<b>178</b>	<b>227</b>	<b>81</b>	<b>109</b>	<b>1437</b>	<b>45</b>

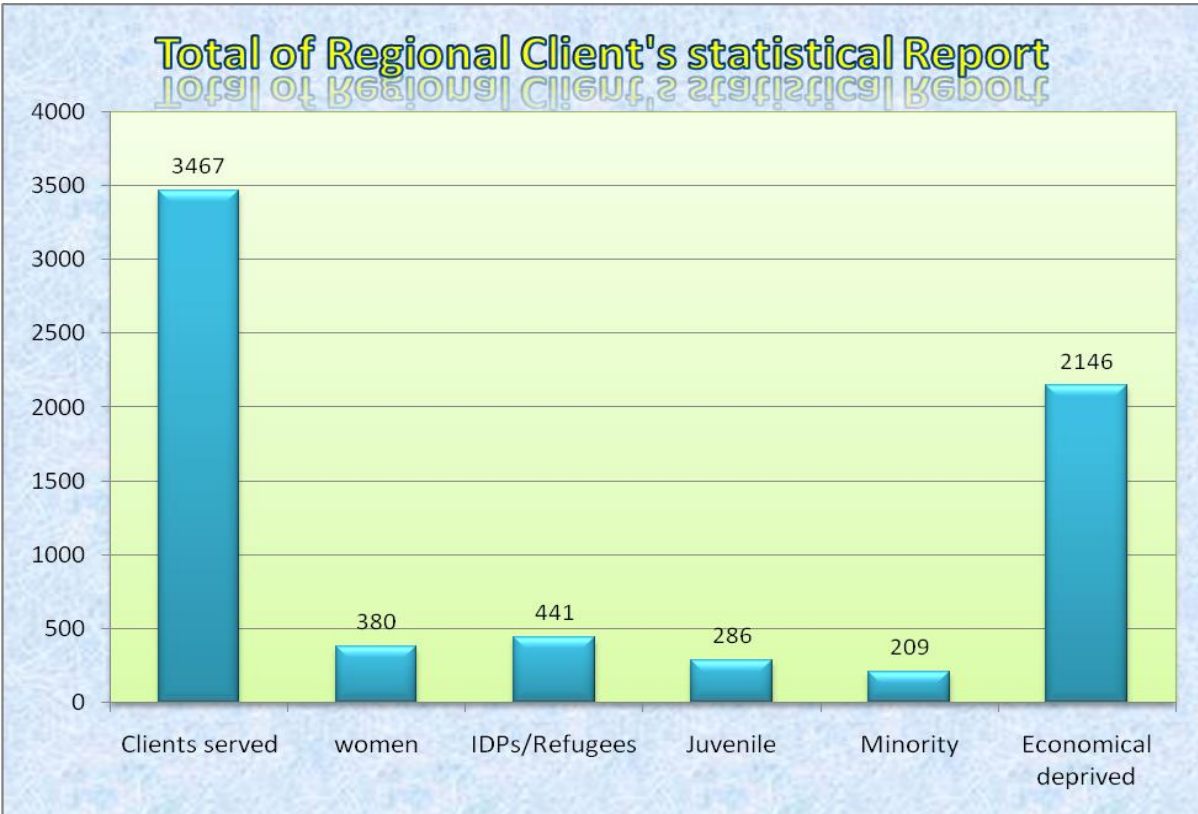
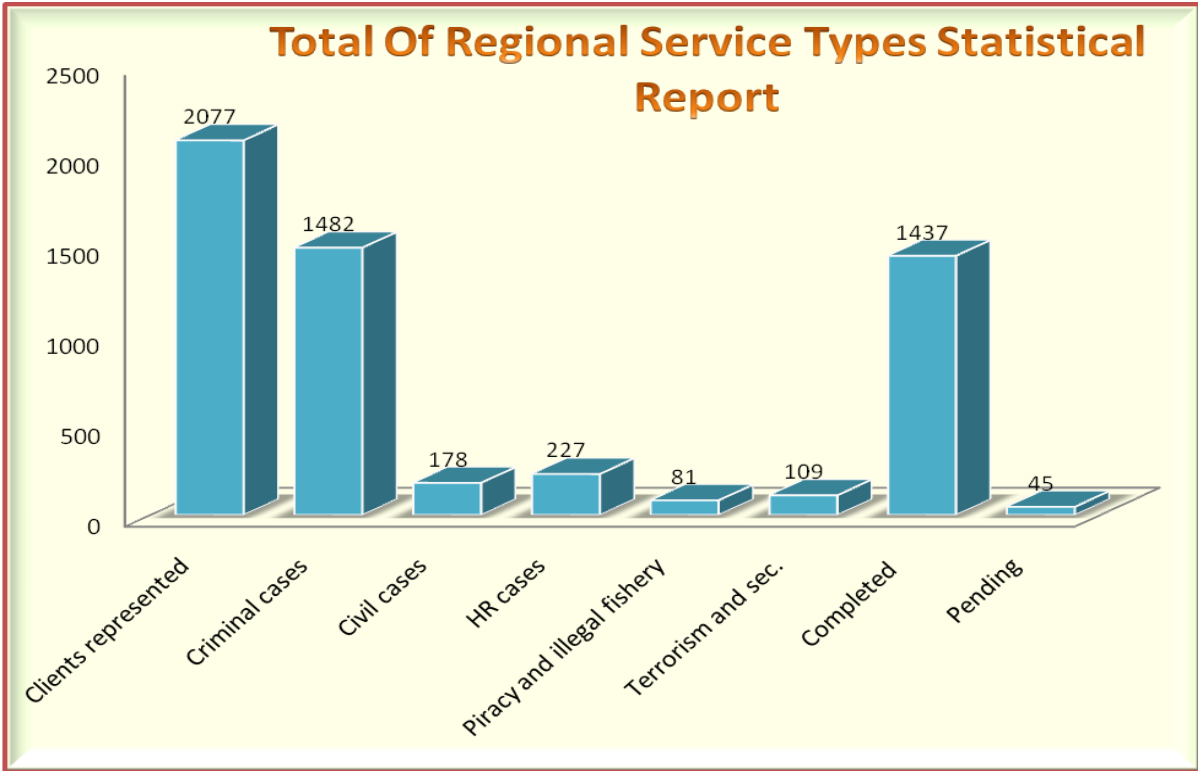
**Table VI: Regional client's statistical report of SOLLA**



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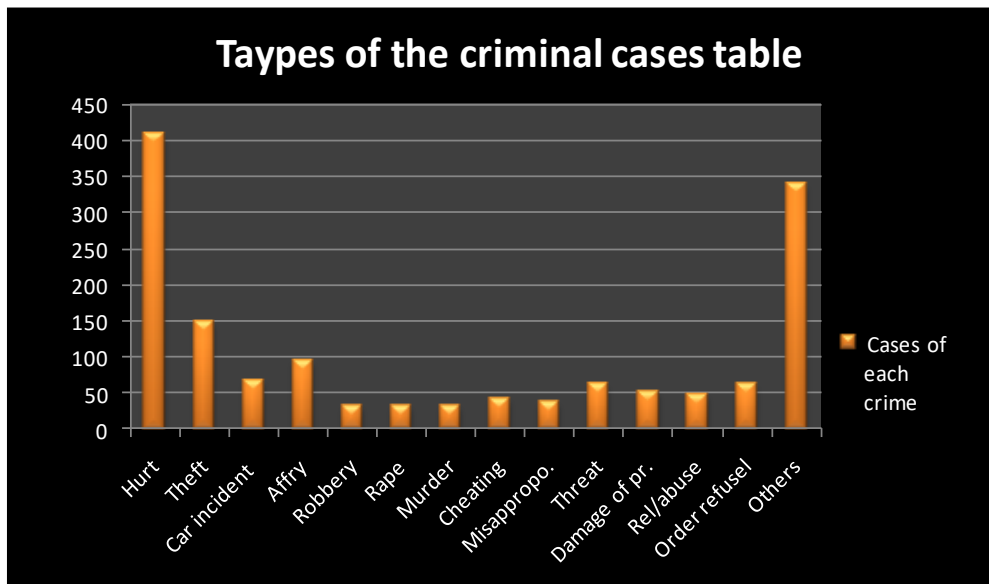
Region	Clients served	women	IDPs/Refugees	Juvenile	Minority	Economical deprived
M/jeeh	841	87	98	82	28	556
Sanaag	494	69	45	34	21	325
Awdal	384	40	57	35	23	229
T/dher	728	74	126	69	93	366
Sahil	658	46	66	34	20	492
Gabely	269	36	31	26	15	157
Ainabo	70	28	21	06	8	07
Las/anod	23	00	07	0	1	15
<b>Total</b>	<b>3,467</b>	<b>380</b>	<b>441</b>	<b>286</b>	<b>209</b>	<b>2,146</b>





**The types of Criminal cases represented:**

The criminal cases represented by SOLLA are 1,482 cases which consist of 410 cases are hurt under article 440 of Somali Penal Code, 148 are theft under articles 480/481 SPC, 86 cases are Car accident caused by death or injury under articles 445 & 446 SPC, 32 cases are affray under article 444 SPC, 32 cases are Robbery under article 484 SPC, 32 cases are sexual assault such as rape and Act of lust committed with violence under articles 398 & 399 SPC, 30 cases are Murder under article 434 SPC, 42 cases are cheating under article 496 SPC, 38 cases are Crime of misappropriation under article 502 SPC, 65 cases are Threats and related crimes under articles 468/266 SPC, 52 cases are damage of property under article 491 SPC, 65 cases are religious abuse under article 313 SPC, 72 cases were breach of order under articles 308 & 505 SPC and 393 cases are different crimes or contravention such as land trespass, peculation, falsification, drug related crimes etc.(see the detailed below tables):



Name of the crime represented	Article of the law	Number of cases
Crime of Hurt	Under article 440 SPC	410 cases
Crime of theft	Under article 480/481 Spc	148 cases
Car incident caused by death or injury	Under articles 445/446 Spc	86 cases
Crime of Affray	Under article 444 Spc	32 cases
Crime of Robbery	Under article 484 SPC	32 cases
Crimes of Rape and Act of lust	Under articles 398/399 SPC	32 cases
Murder	Under article 434 SPC	30 cases
Crime of cheating	Under article 496 SPC	42 cases
Crime of misappropriation	Under article 502 SPC	38 cases
Crime of Threats and related crimes	Under article 468/266 SPC	65 cases

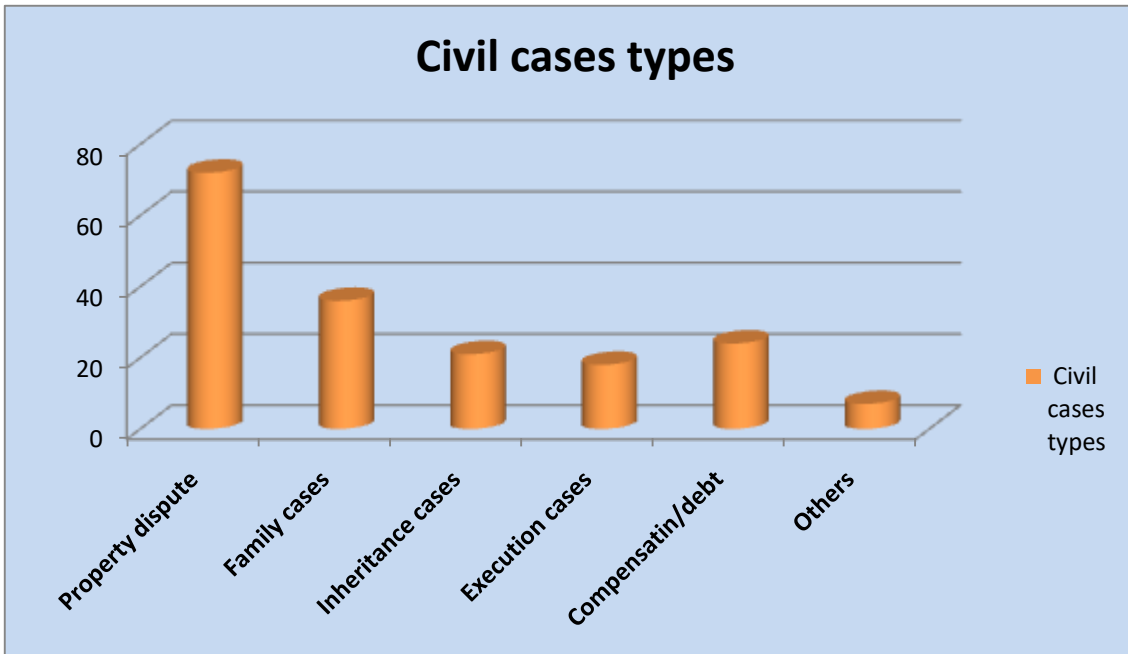
Crime of damage of properties	Under article 491 SPC	52 cases
Crimes of religious abuse	Under article 313 SPC	48 cases
Crimes of refusal of order	Under article 308/505 SPC	72 cases
Other different crimes and contraventions	Other articles of SPC and other special laws	393 cases
<b>Total</b>		<b>1,482 cases</b>

### Civil cases types & result:

The represented civil cases are 178 cases involved by vulnerable people such as women, IDPs, refugees, minority groups, those cases are divided 72 cases are related properties dispute including land dispute, 36 cases are related family rights such as divorce, family needs supply, child custody etc; 26 are Inheritance cases, 21 cases are execution cases, 18 cases are related compensation or debt and other remaining 5 cases are different allegations; the types of the cases, the number of completed, pending and their result are as detailed in (tables below):

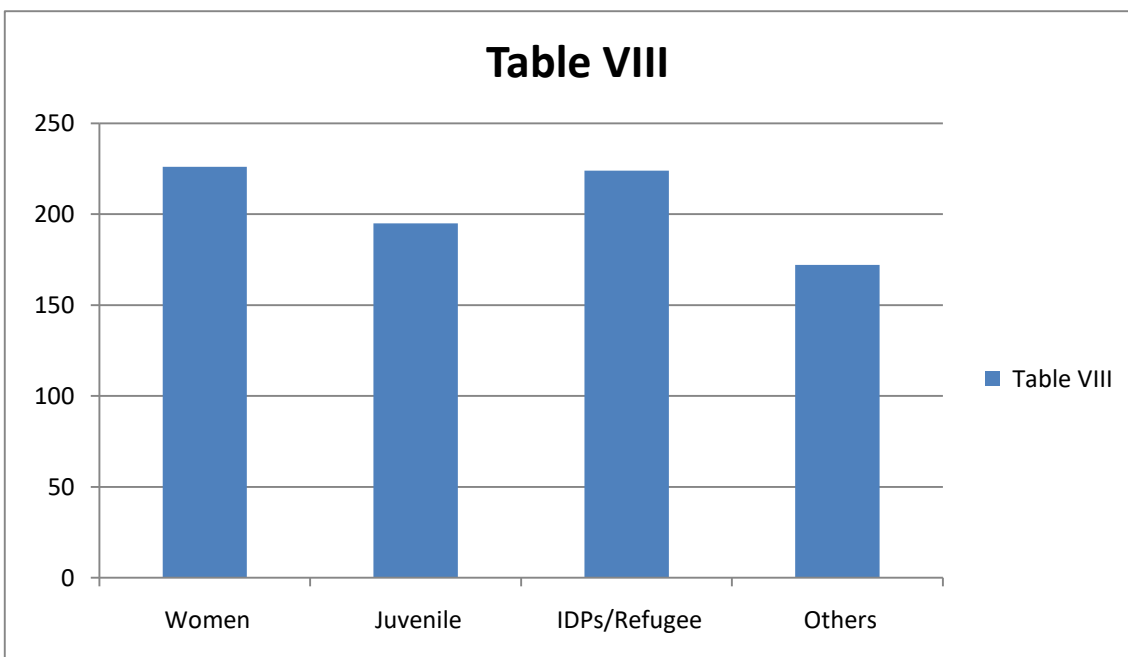
### Civil cases types and result table

Type of the case	Number of cases	Completed	Pending	Number of cases win by SOLLA party	Number of cases loose by SOLLA party
Property dispute including land dispute	72 cases	70	02	66	04
Family cases including divorce, child custody etc.	36 cases	35	01	33	02
Inheritance cases	26 cases	26	0	25	01
Execution cases	21 cases	18	03	14	04
Compensation and debt cases	18 cases	17	01	17	00
Others	05 cases	04	01	03	00
<b>Total</b>	<b>178 cases</b>	<b>170</b>	<b>08</b>	<b>159</b>	<b>11</b>

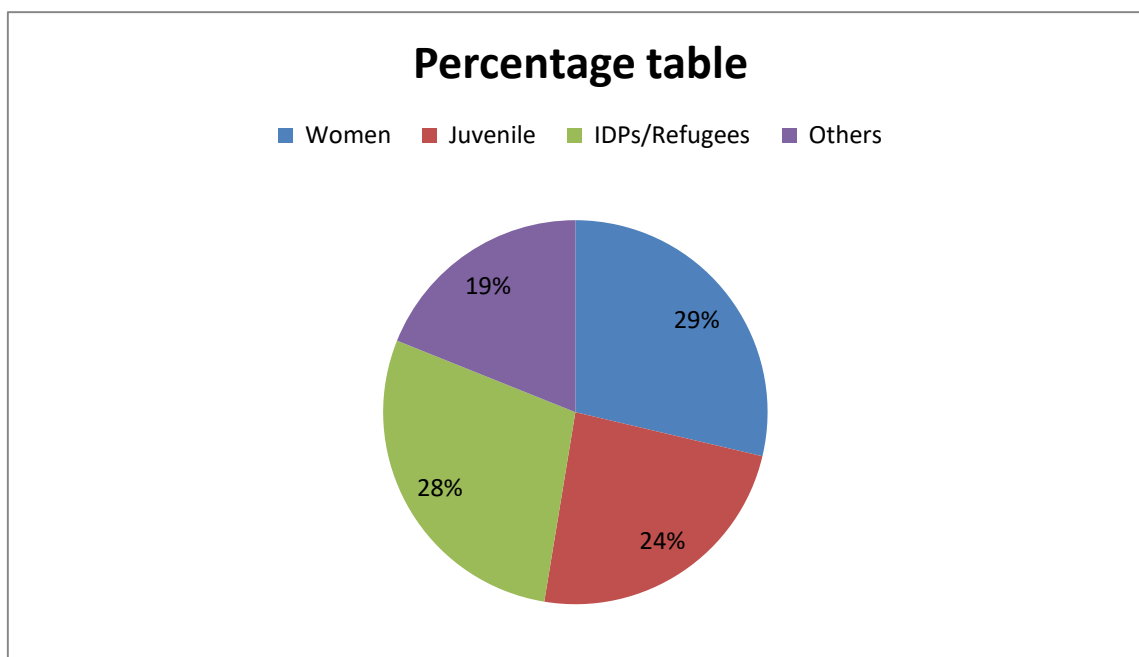


**B. Human Rights investigation:**

SOLLA were investigated during January to November, 2010, 787 different human rights' violation, where the victims of investigated violation 226 were women, that corresponding 28.8%, 195 were juvenile which corresponding 24%, 224 of them were IDPs or Refugees which corresponding 28.6% and 172 victims that corresponding 19% were others such as aged, disabled or detainee etc.



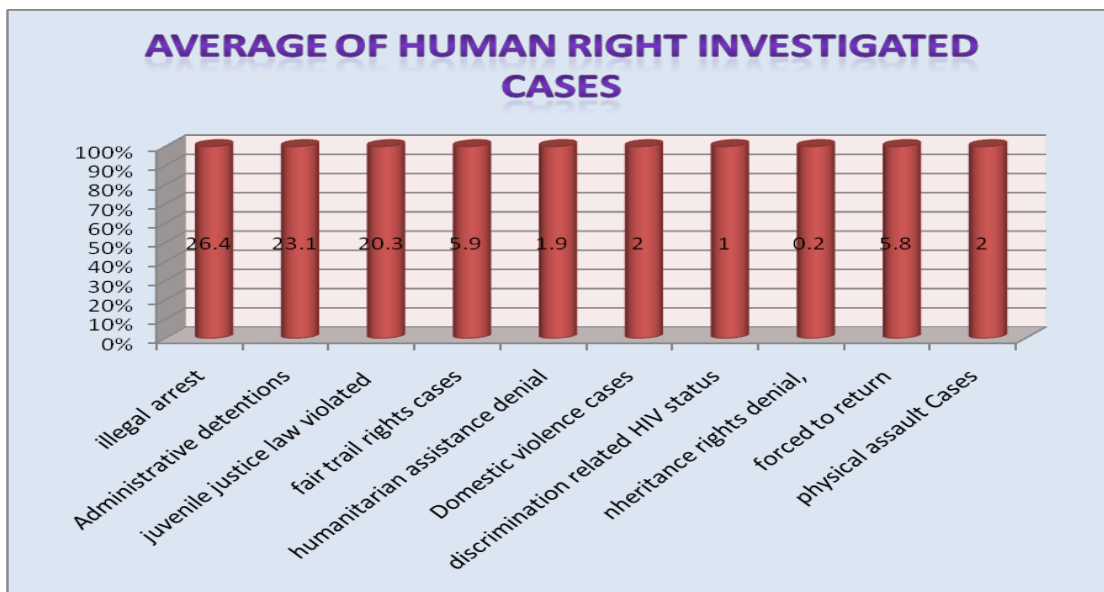
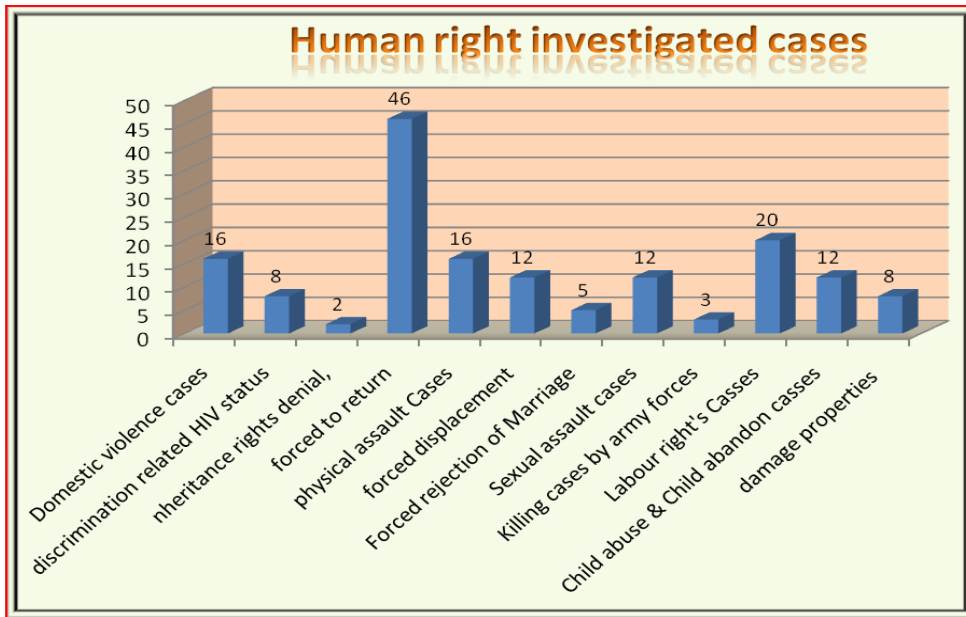
The Human right investigated cases 208 of them were illegal arrest which equivalent 26.4%, 182 were Administrative detentions which corresponding 23.1%, 160 were juvenile justice law violated that equivalent 20.3%, 47 cases that corresponding 5.9% were fair trial rights abuse, 15 cases corresponding 1.9% were humanitarian assistance denial, Domestic violence cases were 16 or 2%, 8 cases or 1% were discrimination related HIV status or ethnic; 2 cases equivalent 0.2% were inheritance rights denial; 46 were forced to return which is corresponding 5.8%, 16 cases which corresponding 2% were physical assault, 18 cases that equivalent 2.2%, 12 cases, equivalent 1.5% were forced displacement, 5 cases were forced or rejection of marriage that corresponding 0.6%, 12 cases were sexual assault other than rape that corresponding 1.5%, while 3 cases were killing cause by army forces, which corresponding 0.3%, 20 cases were labour rights' abuse such as forced labour, child labour and refusal of wages, which corresponding 2.5%, 12 cases which corresponding 1.5% were child abuse including child abandon and child neglect and 8 cases equivalent 1% were damage of properties.(See table VIII, table IX & table X below):



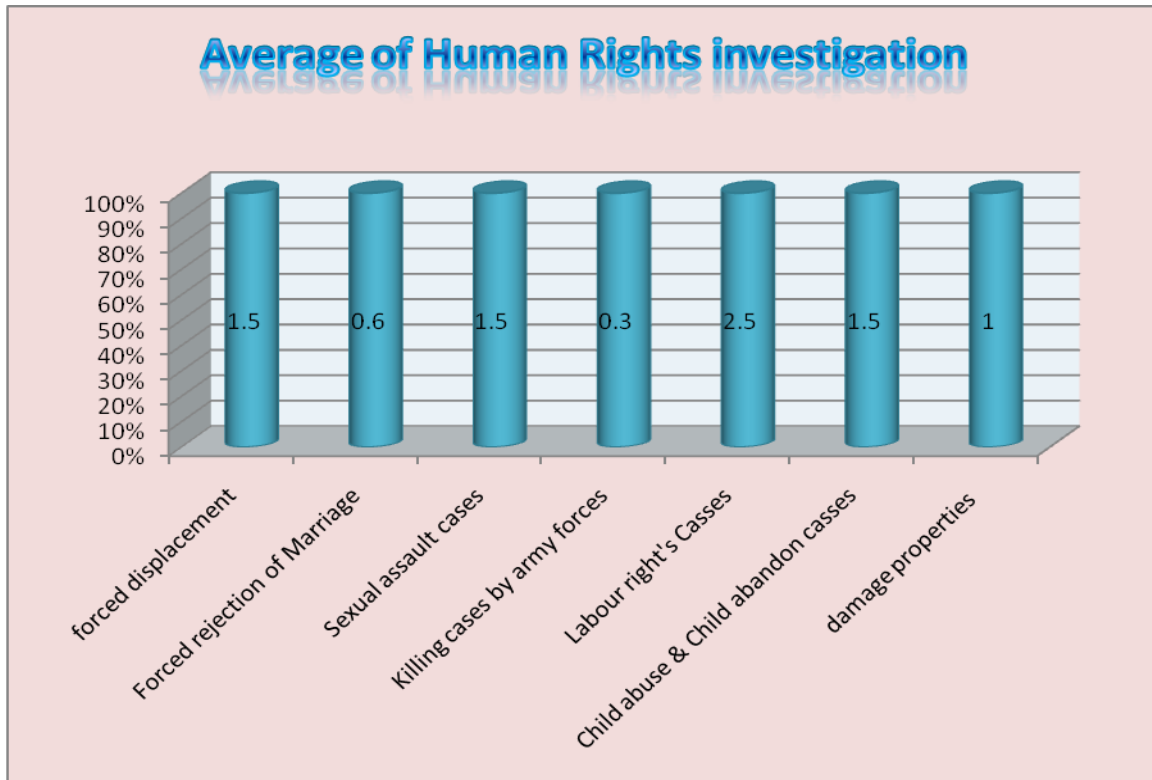
The Human Rights' cases investigated 227 of them, those were mostly illegal arrest or children conflict with the law were represented those standing 28.8% of the total cases, 155 cases mostly were detainees were released after lobby or wrote a petition, which corresponding 19.6%, 125 cases were referred or were advised that standing 15.8%, where other 280 violations were reported only that corresponding 35.8%.



## Human Rights investigation types



Average part Two  
Human Rights investigation

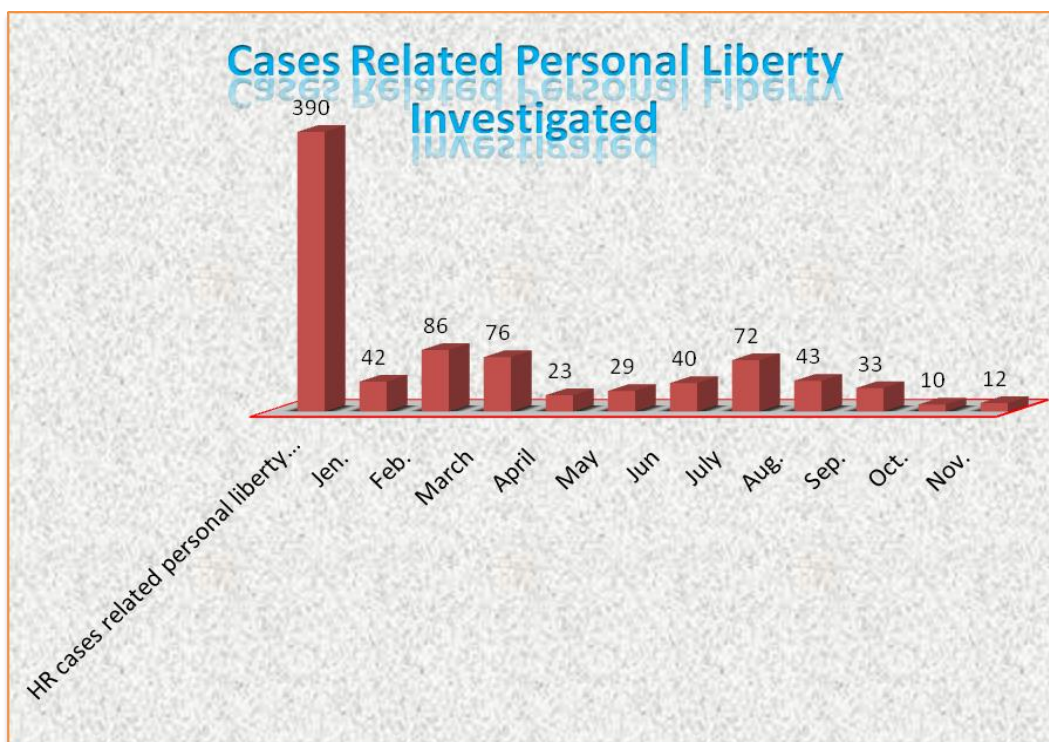


Those illegally deprived their liberties including administrative detentions is highest violation occur in Somaliland, but due to the SOLLA interference the illegal arrest decreased much during last four months in this year, while SOLLA reported 390 cases of those illegally deprived their liberties including administrative detentions, expire of remand time limit and arbitrary arrests, where 292 of them were reported in between January and July, which corresponding 75% and other 25% that equivalent 98 cases were reported last four months August to November (See table below).

**Personal liberty related case statistical monthly report**

HR cases related personal liberty investigated	Jan.	Feb.	March	April	May	Jun	July	Aug.	Sep.	Oct.	Nov.
390	42	86	76	23	29	40	72	43	33	10	12

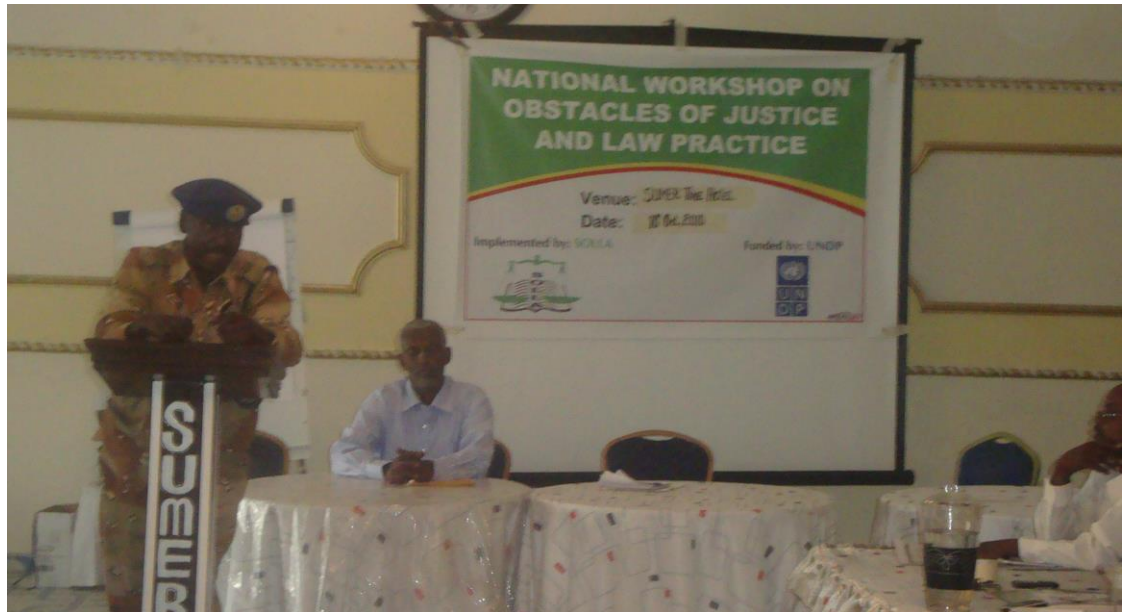
**Personal liberty related case statistical monthly chart report**



**C. Awareness raising:**

SOLLA legal aid lawyers and paralegals in these target regions were conducted the following awareness raising:

- Were visited with the legal information dissemination and orientation around 907 places, including 394 police stations visit, 162 prison visits and 295 IDPs settlements visits and 56 courts visits;
- 1150 IEC material disseminated
- 12 radio programs
- 12 coordination and information meetings
- Two workshops for justice stakeholders



#### **D. Piracy & illegal fishery represented cases:**

SOLLA provided free legal aid representation for 132 persons arrested for piracy or illegal fishing, where 116 Somali men accused piracy related cases and 16 were Yemani men accused illegal fishing, where 36 of them were released which are 16 Yameni and 20 Somalis and other 94 were convicted but their appeals are waiting retrial in the higher Courts.

#### **E. Terrorism and national security related cases**

SOLLA lawyers were represented and defended 81 persons for terrorism related allegations, were 24 of them were released, 57 were convicted and took an appeals to a higher courts.

#### **F. Institutional capacity building performed**

During the project's cycle period was improved SOLLA capacity in many aspects through trainings, office equipments provision, and professional ethic enhancement as illustrated below:

##### **i. Legal aid sub-offices equipped and internet installed**

To facilitate smooth running of the legal provision towards SOLLA legal aid branches in region were provided each branch one desktop Computer, one printer and scanner as well as installed all regional offices internet communication, that contribute a lot the legal aid activities in those region and

enhanced the capacities of those offices and make easy the communication, guiding and information sharing between regional legal aid offices and SOLLA main office in Hargeisa.

## **ii. Legal aid offices operating costs supported**

The legal aid and access to justice project had partially solved the problem of the operating cost of the regional legal aid offices, because SOLLA was met many difficulties before this project to cover all running costs of the offices in the regions as well the main office expenses, while during project's period were covered partially the running cost of regional offices such as stationery expenses, internet and telephone lines bills, which contributed much for well operating of those regional offices.

## **iii. Lawyers code of conduct trained**

To improve lawyers' work performance and their service delivery the project enabled to SOLLA to prepare, discuss and adopt the code of conduct of the lawyers, where disseminated all SOLLA members to the adopted code of conduct to be aware and commit their views, where also trained 60 lawyers the lawyers' code of conduct.

## **iv. Lawyering skills and law practice training**

The enhance regularly the knowledge and skills of lawyers as well as to improve legal aid lawyers capacities were prepared and produced lawyering skills and law practice training manual which consist of about 100 pages, while were trained 30 lawyers from all regions the lawyering skills and law proper practice



## **G. Project impact**

Since last November,09 when SOLLA became legal aid and access to justice partner, the project has realize great impact as illustrate in the table below:



S. No :	Description	Before/after November, 09	In the current time	Impact causes by the SOLLA legal aid and access to justice	The means verified
1.	Local journalists' abuses	In between January to November, 09 were reported 26 media staff encountered different abuses such as arrest, beating or damage towards their working tools	Since January 2010, were not reported any abuses against media personnel	Somaliland independent media abuses were decreased 80%	Trough awareness raising, lobbying, IDMA and legal representation around five regions in Somaliland
2.	Securities committees extra judicial detentions	Before November, 09 around 400 detainees were held in Somaliland regional & central prisons	Since last May, 2010 no new detainee detained in those five regions	90% of the administrative detentions are decreased	Trough awareness raising, lobbying, IDMA, legal representation around five regions in Somaliland and collaboration with the newly elected government
3.	Access to prisons	During legal aid access to justice project's commencement the legal aid lawyers and paralegals have limited access to visit or obtain necessary information in the prisons	In the current time SOLLA legal staff have full access to visit or obtain necessary information to the all target prisons	90% of Prisoners' information accessibility were improved	Trough awareness raising, lobbying, justice information sharing meetings, direct discussion and relation building with superior prisons' authorities
4.	Detentions for causes related civil obligations	In November & December, 09 the SOLLA legal teams had reported 28 cases for people arrested only for causes related a civil obligation	In July and August,2010 the legal aid teams had met 5 persons arrested for civil obligation	The arrest ordered by court's judges in the regards of civil obligations were decreased around 82%	Through legal representation and legal awareness
5.	Justice stakeholders collaboration	There were very poor collaboration among justice stakeholders	The justice stakeholders collaboration towards legal aid provision and access to justice are strong	The justice stakeholders cooperation towards legal aid and access to justice programme were improved around 60%	Through awareness raising, lobbying, direct discussion and frequent meetings
6.	Legal aid availability awareness	Among vulnerable community there were very limited awareness for the legal aid provision availability, where the first three months all interviewed client were met in their location such as prisons, police cells, IDPs settlements etc.	In the last three months 30% of interviewed client were walking clients or were referred by relatives, courts, SCOs, law enforcements officers or IDPs communities leaders	The legal availability among community were improved around 40%	Through IEC material dissemination, media broadcasting, necessary locations' visit, coordination meetings and orientations
7.	Referral system and information sharing	November & December, 2009 no legal aid needed clients referred	In July & August, 2010, 30 32 vulnerable clients were referred to the SOLLA legal aid teams by concerning SCOs, judiciary staff or law enforcement officers through official writing, telephone call or direct contact	The referral mechanism among different stakeholders were improved 30%	Through awareness raising, lobbying, direct discussion and frequent meetings

8.	Remand time limit observation	During November & December 2009, SOLLA legal aid teams had reported 48 cases related remand prisoners those their remand time limit had expired	Where During July & August 2010, where reported 12 remand time limit expired cases	The observation of the remand time limit improved 25%	Through awareness raising, lobbying, direct discussion, advocacy, representation and frequent meetings
9.	Pirate accusers access to justice	Last year around 48 piracy accused were sentenced long imprisonment between 15 to 20 years using with law articles not related to the piracy	In this year , 2010, the supreme court has dismissed and released 20 men accused for piracy,	25% piracy accused innocents had got their fair trail rights	Through free legal representation and lobbying
10	SOLLA associational capacity	Before the project SOLLA associational capacity were limited for financial constraints	During the project implementation SOLLA institutional capacity were build	Around 40% of SOLLA institutional capacity had promoted	Through training, provision of working equipment, expanding new branches, staff in job training, contribution offices running costs, telephones/internet installations, stakeholders' relation building, internal financial management and M&E building etc
11.	Lawyers' professional ethics	Before this project implementation the Somaliland lawyers were not trained the professional code of conduct	During the project's implementation period 60 Lawyers were trained the lawyers' professional ethics	40% of Somaliland lawyers adopted and practice the lawyers' code of conduct	Through trainings and orientations
12.	Judiciary and law enforcement Behaviour	Before and during commencement of the project activities the Judiciary and law enforcement staff had Demonstrate unfriendly comportment towards legal aid activities	In the current time the Judiciary and law enforcement shown friendly comportment towards legal aid staff and collaboration to legal aid and access to justice programme	Around 30% of the judiciary and law enforcement personal's behaviour positively changes	Through awareness raising, lobbying, direct discussion and frequent meetings with the collaboration of the ongoing judiciary training
13	Remand prisoners fair trail rights	Before and during commencement of the project activities the fair trail rights by remand prisoners were very weak	In January to November, 2010 were represented 2,077 clients 1874 clients were released and other 275 were convicted	Around 80% of remand and detainee prisoners represented have got their liberties	Through legal representation