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Responses to Information Requests

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23 March 2018

SOM106058.E

Somalia: Somaliland, including government structure, security, and presence of internally displaced persons (IDPs) from Somalia (2016-March 2018)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Government Structure

Sources indicate that Somaliland's government has three branches: the executive, the legislature and the judiciary (Hersi and Farah Jan. 2016; UNPO Jan. 2017). According to sources, the two chambers of Somaliland's bicameral parliament are the House of Representatives, and the elders chamber (UNPO Jan. 2017) or the House of Elders (US 3 Mar. 2017). Sources explain that the *Guurti*, the House of Elders [also called Upper House (ISS and APD Oct. 2017, 2)], is composed of 86 appointed members [or 82 appointed elders (ISS and APD Oct. 2017, 2)], while the House of Representatives has 82 elected members (ISS and APD Oct. 2017, 2; US 3 Mar. 2017, 27), "with proportional clan representation" (US 3 Mar. 2017, 27). A joint 2017 report by the Institute for Security Studies (ISS) and the Academy for Peace and Development (APD) [1], on the political and security situation in Somaliland, written ahead of the 2017 presidential elections, explains that the Guurti institutionalises the clan system prevailing in Somaliland and "traditional governance dynamics" (ISS and APD Oct. 2017, 2).

Sources indicate that Somaliland has a three-party political system (Phillips Dec. 2013, 62; ISS and APD Oct. 2017, 62), which was introduced in 2001 (Phillips Dec. 2013, 62). Article 9 of Somaliland's constitution provides the following:

Article 9: Political System

The political system of the Republic of Somaliland shall be based on peace, co-operation, democracy and plurality of political parties.

The number of political parties in the Republic of Somaliland shall not exceed three (3).

A special law shall determine the procedures for the formation of a political party, but it is unlawful for any political party to be based on regionalism or clanism. (Somaliland 2000)

A 2013 research paper published by the Developmental Leadership Program (DLP), an international research initiative on leadership, power and political processes based at the University of Birmingham (DLP n.d.), further explains that the three political parties allowed by Somaliland's constitution must secure a minimum of 20 percent of the votes in local elections in Somaliland's six electoral regions in order to gain legal status (Phillips Dec. 2013, 62). According to the same source, "[t]hese political parties are then mandated to compete in parliamentary and presidential elections for the next ten years after which the selection process should be repeated" (Phillips Dec. 2013, 62).

The joint ISS and APD report indicates that, although the three-party system was elaborated to prevent clan-based politics, "the influence of the clan remains an important determinant of Somaliland's political processes" (ISS and APD Oct. 2017, 7). The same source states that the "majority" of people living in Somaliland, including all three candidates to the presidential election, belongs to the Isaaq clan and, therefore, "intra-Isaaq politics are a crucial aspect in deciding any election" (ISS and APD Oct. 2017, 7). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Sources indicate that Somaliland's three political parties are the *Ururka Caddaalada iyo Daryeelka* (UCID) Party (Justice and Welfare Party), the Kulmiye party and the Wad[d]ani party (Somaliland n.d.; ISS and APD Oct. 2017, 3). According to the ISS and APD joint report, these three parties gained or conserved their status as political parties in Somaliland in the 2012 local council elections, which allowed the parties to contest the 2017 presidential elections (ISS and APD Oct. 2017, 3). For further information on the UCID party, see Response to Information Request SOM106012 of December 2017.

The *US Country Reports 2016 on Human Rights Practices for 2016* indicates that Somaliland's justice system includes sharia, customary and formal laws, but that "they were not well integrated" (US 3 Mar. 2017, 9). The same source adds that although there are functional courts in Somaliland, there was a shortage of trained judges, limited documentation for jurisprudential purpose, and "increasing" allegations of corruption (US 3 Mar. 2017, 9). According to the same source,

[t]here was widespread interference in the judicial process, and government officials regularly intervened to influence cases, particularly those involving journalists. International NGOs reported local officials interfered in legal matters and invoked the public order law to detain and incarcerate persons without trial. (US 3 Mar. 2017, 9)

The *US Country Reports 2016* reports that Somaliland provided, in 2016, free legal representation for defendants facing "serious" criminal charges who could not afford private attorneys (US 3 Mar. 2017, 10). The same source adds that defendants in Somaliland had a presumption of innocence and "the right to a public trial, to be present at trial, and to consult an attorney at all stages of criminal proceedings" (US 3 Mar. 2017, 10). The same source adds that defendants in Somaliland had the right not to be compelled to testify or confess guilt, and that there was a legal aid clinic in Somaliland (US 3 Mar. 2017, 10). According to the same source,

[t]he government did not always inform defendants promptly and in detail of the charges against them and did not always provide access to government-held evidence. The government did not provide defendants with dedicated facilities to prepare a defense but generally provided adequate time to prepare. The government provided defendants with free interpretation or paid for private interpretation if they declined government-offered interpretation from the moment charged through all appeals. Defendants could question witnesses, present witnesses and evidence in their defense, and appeal court verdicts. (US 3 Mar. 2017, 10)

The same source adds that Somaliland's constitution prohibits publication or circulation of "exaggerated or tendentious" news that could create public unrest and that "officials used the provision to charge and arrest journalists" (US 3 Mar. 2017, 17).

1.1 2017 Presidential Elections

According to sources, presidential elections in Somaliland were held on 13 November 2017 (*The National* 16 Nov. 2017; Africanews 21 Nov. 2017). Sources indicate that Muse Bihi [Abdi] from the ruling Kulmiye party won the November 2017 presidential elections with 55 percent of the votes, while Abdirahman Iro, of the Waddani party, received 41 percent of the votes and 4 percent of the votes went to Faysal Ali Warabe [of the UCID party] (AFP 21 Nov. 2017; Africanews 21 Nov. 2017). According to a joint statement by the European Union and 13 partner countries [2], international and local observers "praised the smooth and peaceful conduct of voting and, despite areas of concern, concluded that irregularities were not on a scale such that they would undermine the integrity of the electoral process" (EU 21 Nov. 2017).

The Armed Conflict Location and Event Data Project (ACLED), which aims to collect data on the dates and locations of all reported political violence and protest events across Africa, South Asia, South East Asia and the Middle East (ACLED n.d.), reports that, on 21 November 2017, after the preliminary results of the 2017 presidential elections were announced, "violent" demonstrations took place in New Hargeisa, Burao [Burco] and Ceerigaabo [Cerigabo], and that supporters of the Wadani party accused the ruling party of rigging their votes (ACLED [2018], events 536 720, 536 721, 536 722). According to the same source, two persons were injured in Ceerigaabo (ACLED 2018, event 536 720). The same source reports that, according to Voice of America, on 16 November 2017, Wadani supporters alleged that their votes were rigged and they clashed with police and lit fires in Hargeisa and Ceerigaabo; between one and three casualties were reported in Hargeisa

(ACLED 2018, events 546 588, 546 589). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

According to the *US Country Reports 2016*, in 2016, the government of Somaliland banned political rallies from the opposition "outside the official campaign window, which typically [begins] 45 days ahead of a scheduled national election," but similar restrictions were not imposed on pro-government political rallies by Somaliland's authorities (US 3 Mar. 2017, 20). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2. Security Situation

A 2017 report on the security situation in Somalia by the European Asylum Support Office (EASO) indicates that, according to a fact-finding mission report on Somalia by Switzerland's State Secretariat for Migrations (SEM) and Austria's Federal Office for Immigration and Asylum (BFA), the "main threat" to security in Somaliland is the conflict with Puntland over Sanaag and Sool [administrative regions] (EU Dec. 2017, 114). The *US Country Reports 2016* states that conflict in Sanaag and Sool restricted, in 2016, humanitarian access to the regions and that "NGOs reported incidents of harassment by local authorities" in both regions (US 3 Mar. 2017, 16). However, the same source states that, overall, there were no major restrictions on the work of international and local NGOs in Somaliland (US 3 Mar. 2017, 30). The *US Country Reports 2016* also states that, in 2016 in the regions of Sool and Sanaag, security forces used "excessive force" against residents opposed to voter registration efforts from Somaliland authorities (US 3 Mar. 2017, 2).

The EASO report indicates that, according to the joint SEM and BFA fact-finding mission report on Somalia, there has not been any recorded attack by Al-Shabaab in Somaliland since 2008, and that Al-Shabaab is "deemed incapable of executing targeted assassinations in Somaliland" (EU Dec. 2017, 114). According to the same source, Al-Shabaab tracked down "deserters" around Laascaanood in eastern Somaliland, but "there have never been reports from Hargeysa [or Hargeisa, Somaliland's capital city] of an [Al-Shabaab] deserter being killed" (EU Dec. 2017, 114). The same source states that, according to the joint SEM and BFA fact-finding mission report on Somalia, one should assume that Al-Shabaab has a "covert" presence in Somaliland, "including Hargeysa," but that its capacities are limited (EU Dec. 2017, 114). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

A report on the protection of civilians published by the UN Assistance Mission in Somalia (UNSOM) and UNHCR states that Somaliland has its own security and police forces (UN Dec. 2017, 9-10). The EASO security report indicates that the main armed forces in Somaliland are the following:

- the Somaliland army;
- the Somaliland police force;
- "the Special Police Unit responsible for the protection of international organisations and NGOs;"
- the Rapid Reaction Unit;
- the National Coast Guard;
- the National Security Service (EU Dec. 2017, 114).

According to the same source, there are four to five divisions in Somaliland's army and approximately 6,000 officers in the Somaliland police force (EU Dec. 2017, 114). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

The EASO report also indicates that, "in order to fight crime and terrorism," there was "a number of permanent" roadblocks operated by the police in Somaliland, 3 of which lie between Hargeysa and Wajaale, a town located on the border between Ethiopia and Somaliland, and 10 to 15 of which are located between Laascaanood and Hargeysa (EU Dec. 2017, 114). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

3. IDPs from Somalia

According to the *US Country Reports 2016*, the government and authorities in Somaliland cooperated with UNHCR and the International Organization for Migration (IOM) "to assist IDPs, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern" (US 3 Mar. 2017, 21). The same source indicates that, in 2016, the Somaliland Ministry of Rehabilitation, Resettlement and Reconstruction registered less than 1,000 "new arrivals and asylum seekers" (US 3 Mar. 2017, 24). The same source states that, "in some instances," the government of Somaliland refused to register Ethiopians and Eritreans as asylum seekers, and "[s]ome Yemenis with Somali origins" were registered as returnees instead of refugees, "shifting the costs associated with resettlement from UNHCR to the government of Somaliland" (US 3 Mar. 2017, 24). According to the same source, it was reported that some refugees returned to Yemen due to "[p]

oor refugee reception services in Somaliland" (US 3 Mar. 2017, 25). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

UNHCR indicates that, as of July 2016, there were approximately 85,000 IDPs in Somaliland (UN 18 Aug. 2016). The Regional Mixed Migration Secretariat (RMMS), an organization that aims to improve the protection and assistance response to people in mixed migration flows in the Horn of Africa and Yemen sub-region (RMMS n.d.), explains that a "large proportion" of the IDPs in Somaliland comes from regions in the south of Somalia, and that disputes over the border between Somaliland and Puntland contributes to displacements in Somaliland (RMMS July 2016).

The Protection and Return Monitoring Network (PRMN) dataset on internal migration network, a project led by the UNHRC and the Norwegian Refugee Council (NRC) that "identifies and reports on displacements and return trends of populations in Somalia," indicates that, from January 2016 up to January 2018, there have been 266,039 newly registered IDPs in Somaliland, including 242,823 who relocated from within Somaliland and 23,206 IDPs who came from regions of Somalia other than Somaliland (PRMN 31 Jan. 2018) [3]. The same source indicates that, of those 23,206 newly arrived IDPs, approximately 99 percent of them were displaced for reasons related to drought, around 0.4 percent were for reasons related to conflicts or insecurity, while approximately 1 percent were displaced for "other" reasons (PRMN 31 Jan. 2018).

The US *Country Reports 2016* indicates that, according to local civil society organizations in Somaliland, gang rape continued to be a problem in 2016 in Somaliland's urban areas; they were "primarily" perpetrated by youth gangs and male students and, in 55 percent of reported cases, the victim was a minor (US 3 Mar. 2017, 32). According to the same source, these events occurred in "poorer neighborhoods and among immigrants, returned refugees, and displaced rural populations living in urban areas" and most of them were unreported (US 3 Mar. 2017, 32). A December 2017 UN Security Council report of the Secretary-General in Somalia states that the UN received reports "from across the country" of sexual violence affecting "mostly" women and girls living in IDP settlements (UN 26 Dec. 2017, para. 64). Amnesty International's *The State of the World's Human Rights* report for 2017 and 2018 indicates that Somalia's Integrated Management System, an agency of the Somali government, documented 271 cases of gender-based violence in 2017 "against displaced women and girls in Somaliland" (Amnesty International 22 Feb. 2018, 332). Without providing further detail, the same source states the following about gender-based violence in Somalia:

The drought led to more women being separated from their families, which put them at greater risk of sexual and gender-based violence, particularly because they were perceived as lacking "male protection". (Amnesty International 22 Feb. 2018, 332)

The Internal Displacement Monitoring Centre (IDMC), a centre collecting information and data and providing analysis on internal displacement around the world, indicates that in 2017, there were 14 settlements for IDPs in Hargeisa inhabiting "economic migrants mixed with IDPs," from areas of Somaliland affected by drought and conflicts, and returnees and refugees (IDMC [2017]).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

Notes

[1] The ISS is an African non-profit organization that provides analysis, training and assistance to governments and civil societies on issues related, among others, to transnational crimes, migration, peacekeeping, conflict and governance (ISS n.d.). The APD is a research institute with an interest in peacebuilding (APD n.d.).

[2] The joint statement was signed by Belgium, Denmark, Finland, France, Germany, Ireland, Italy, Norway, the Netherlands, Switzerland, Sweden, the UK and the US, in addition to the European Union (EU 21 Nov. 2017).

[3] The provinces of Sool and Sanaag, disputed by Puntland, were considered as parts of Somaliland in computing the number of IDPs.

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Internet sites, including: Africa Research Institute; eoi.net; Factiva; Freedom House; Global Shelter Cluster; Human Rights Watch; International Crisis Group; Internal Displacement Monitoring Centre; International Organization for Migration; Minority Rights Group International; ReliefWeb; UN – Development Programme, Refworld; The World Bank Group.

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