

**MEDIA RELEASE**

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Legal Action Worldwide (LAW)

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**A high-level Panel in Somalia has discussed the preliminary findings and recommendations of a report identifying serious violations by security forces in Somalia and calling for concrete action.**

On 5 February 2018, Legal Action Worldwide (LAW) held a high-level panel discussion in Mogadishu on allegations of serious violations of human rights and humanitarian law by security forces in south central regions of Somalia, including extrajudicial killings, torture and arbitrary arrest and detention. The panel, chaired by LAW's Executive Director Antonia Mulvey, discussed the key findings and recommendations from the report 'Due Process and the Rule of Law in Somalia,' soon to be released by LAW. A copy of the Preliminary Key Findings and Recommendations are now available on [LAW's website](http://LAW's website).

The Swedish Ambassador to Somalia Hon. Andreas von Uexkull opened the event. Panellists included high profile members of the Somali government, civil society and the UN: Attorney General Ahmed Ali Dahir, Deputy Humanitarian Coordinator Victor Lelei, Somali Youth Cluster Coordinator Muna Hassan and UN Assistance Mission to Somalia (UNSOM) Human Rights Chief Kirsten Young.

Research by LAW identified four key violations that are occurring in Somalia, perpetrated by Security Forces: the right to liberty and security through arbitrary arrests and detention; the right to fair trial before military courts; the right against torture and cruel, inhumane and degrading treatment and the right to life through summary executions and extrajudicial killings.

A key recommendation of LAW's report is for prompt, independent and impartial investigations into credible allegations of serious due process violations. This includes the establishment of an Independent Commission and for the Attorney General's office investigation unit to be sufficiently resourced; that a National Security Law, Office of the Ombudsman Law, Legal Aid Law, Sexual Offences Bill, Anti-Torture Law, Counter-terrorism Bill and Land Law be enacted; that external oversight systems of the security forces be developed and existing initiatives be better coordinated and supported; and that access to justice for victims of due process violations be increased by establishing an Independent Complaints Mechanism in pilot IDP camps.

In considering LAW's recommendations, panellists also put forward some suggestions of their own. Ten main ideas emerged from the discussion:

1. Legal aid, assistance and representation programmes should be expanded;
2. Efforts to increase accountability and due process by the UN and international NGOs should expand beyond Mogadishu and appropriate resources should be concentrated in the federal states;
3. The allegations of human rights violations contained in the report require an independent, impartial investigation, whether by the Somali state or an external commission of inquiry;

4. Key legislation must be drafted, passed and implemented. Legislation specifically mentioned by panellists included the Judicial Services Commission Act, Office of the Ombudsman Law, Sexual Offences Bill, Counter-terrorism Bill and reform of the Penal Code;
5. Civilian oversight of the security forces must be established;
6. Better coordination of initiatives aimed at increasing accountability and oversight of the security forces is required;
7. The National Intelligence and Security Agency (NISA) is the subject of a disproportionately high number of allegations of human rights violations and has extremely limited accountability. It is not validly established by any legislation and does not have legal powers to arrest and detain, though it regularly does both;
8. The Human Rights Commission must be established and supported to address due process concerns and other human rights violations and to assist in the way forward;
9. Cases involving civilians must be transferred from military to civilian courts;
10. Creative avenues must be found for building trust between the security forces, the state and the civilian population in order to create a social contract.

“Allegations of serious abuses by State security forces, such as extrajudicial killing, torture, unlawful detention and arbitrary arrest remain systemic in Somalia. The Somali Government and civil society have begun initiatives such as civilian oversight mechanisms to address this. It is vital these receive the support of the international community.” Antonia Mulvey said.

The report’s key findings are drawn from substantial research including reporting by international experts, state departments and national and international NGOs, interviews conducted on the ground in Somalia, as well as reports from police station visits undertaken by the Civilian Oversight Board, a project coordinated by LAW in the Deynille and Dharkenley districts of Mogadishu.

LAW is a unique non-profit network and think tank of human rights lawyers who provide creative legal assistance to individuals and communities who have suffered from human rights violations and abuses in fragile and conflict-affected areas. These people are those who often have the greatest need for protection and assistance but are also those who have the least access to legal resources. Most of the time, they are unaware that legal assistance exists and often do not know what their options are for legal redress. Since its establishment, LAW has focused on regions experiencing conflict, such as the Horn of Africa and the Middle East, and on key themes, such as sexual violence and accountability for security forces.

LAW’s activities are centred on four pillars:

**Strategic Casework:** civil litigation, supporting criminal prosecutions, UN complaints or OECD complaints.

**Advocacy and Research:** including high-level panels and production of reports with practical and implementable recommendations.

**Legal Assistance and Empowerment:** to increase rights awareness and knowledge of legal avenues for redress.

**Legal Think Tank for Creative Lawyering:** for innovative legal thinking and creating a cadre of human rights champions in conflict-affected areas.

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