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Somaliland's legal clinic spreads its wings

Four years ago UNDP helped establish a service which has transformed the lives of many citizens of Somaliland. The UNDP Legal Clinic based out of Hargeisa University has been offering free legal advice to the people of Hargeisa since 2004, giving guidance and representation to people formerly excluded from the legal process by their inability to pay the cost of hiring a lawyer.

The Legal Aid clinic is staffed by nine legal aid lawyers assisted by students from the university's law faculty. Last year saw them expand their activities beyond Hargeisa to provide outreach services in Burao, Berbera, Erigavo, Boroma and Gabilay, recruiting legal aid lawyers in those regions to take on cases and represent clients free of charge.

A dedicated human rights section was added to the clinic last year, with funds partly provided by UNHCR, and has resulted in an increase in legal assistance provided to IDPs and refugees living in the settlements around Hargeisa. They have benefited from advice in a variety of civil and criminal cases as well as on immigration and asylum claims.

This expansion has seen a rapid increase in the number of cases dealt with by the Legal Clinic from 174 in 2006 to 509 in 2007, including 250 remand cases, a tribute to the dedication and determination of the clinic team and an indication of its growing profile and reputation not only in Hargeisa but throughout Somaliland. The head of the Regional Court in Gabiley, a town an hour and a half drive from Hargeisa, says, "We have been impressed with the Legal Clinic over the last year. Whenever people have requested lawyers and they cannot afford one, the Legal Clinic has been on hand to help. We hope this cooperation continues".

The Clinic has represented clients in a number of ground breaking cases over the last year. One such case was a civil matter concerning a client from a clan affiliated with the former regime. He had owned property in Hargeisa which was then appropriated by persons belonging to a Somaliland based clan. He approached the Legal Clinic who agreed to assist. After a number of hearings throughout the Court System, the Supreme Court of Somaliland eventually found in favour of the Legal Clinic and ordered the property to be returned to its rightful owner. The case was seen as a landmark, illustrating the transparency and growing independence of the Judiciary here in that the court was not afraid to go against what is perceived to be the status quo.

Another important case involved a victim of an assault in which he had suffered extensive head and facial injuries, leaving him scarred and destitute as a result of being incapacitated. The Legal Clinic agreed to act, bringing a civil claim for loss of earnings and compensation against the suspect, and referring the case to the police who brought a criminal prosecution. The court sentenced the suspect to six

months imprisonment and ordered him to pay compensation to the client. Following his release from prison, he is paying this compensation in monthly instalments to the court.

The Dean of Hargeisa University's law faculty and director of the Legal Clinic, Mohamoud Hussein Farah, explains,

"The case was important because of the linkages between civil and criminal law, it is rare here that in criminal cases that a civil action will necessarily follow. This case was an important development."

Goals for 2008 include building on the growth of last year, expanding the clinic's coverage in the regions while consolidating their work in Hargeisa. The Dean is an enthusiastic supporter of the clinic.

"The Legal Clinic has an important role to play in the administration of justice, in developing jurisprudence in Somaliland and in ensuring that everyone who wants to is represented when they have their day in court. This can only help to ensure that everyone has a fair trial."

Bringing justice for the poor motivates paralegal adviser

Hussein Aw Deria has been working as a paralegal in UNDP's Legal Clinic since November last year. He and another paralegal, Adam Ali Buale, visit each of Hargeisa's eight police stations twice a day where they are given free access to the cells and the police registers detailing arrests and charges. Their aim is simple: to provide legal assistance to the poor and vulnerable in Hargeisa and to provide that advice free of charge.

In the few months since he started this work, Hussein has helped provide free legal advice in more than 50 criminal and civil cases including assault, theft, and extortion as well as domestic violence and rape in one month. He has also provided assistance in a number of civil cases involving land issues and compensation. In each of these cases Hussein has used his experience and judgement and either referred the case to UNDP Legal Aid lawyers or, where appropriate, sought to resolve them himself.

He is enthusiastic about the impact of his and the Legal Clinic's work, "we provide free legal assistance for everyone. In the past suspects might wait on remand for months, but we are trying to reverse this and ensure that people's cases are dealt with quickly and, moreover, that they have their day in court".

Hussein, 55, and Ali, a former police officer, are themselves graduates of Hargeisa law faculty and amongst the first group to graduate in 2006 after UNDP's support for the faculty began in 2004. Hussein was not able to afford the fees and applied for and was granted a full scholarship by UNDP. He is now committed to assisting his Community through the Legal Clinic saying,

"I believe it is important to give a voice to the poor and the vulnerable. The Legal Clinic has been able to do that. It is important for these people to have a lawyer if we are serious about giving everyone, rich or poor, a fair trial."

Over the last two months Hussein has helped personally in resolving a number of civil and criminal cases. Earlier this year he represented a 13 year old girl who had been arrested for shoplifting and was being held in detention at a police station in Hargeisa. Hussein explained

"because of my intervention, the case was expedited and heard by the Court within three days. Before the hearing I mediated between the child's parents and the owner of the shop, during which the owner agreed to an out of court settlement and all charges against the child were dropped. She has now been reunited with her parents".

Hussein is committed to providing free legal assistance to the people of Hargeisa.

"The chance UNDP gave me in helping me gain a quality legal education at Hargeisa University now means I can put my knowledge into practice and also improve the administration of Justice in Somaliland. Thank you to UNDP for giving me the opportunity to help to realize this".