



BY AIRMAIL

Mr. Ahmed Farah Adare
Minister of Justice
Ministry of Justice and Judicial Affairs of
Somaliland
HARGEISA
REPUBLIC OF SOMALILAND

Email: moj@somalilandgov.com

Amsterdam, 3 June 2016

Re: revocation of license of Mr. Guleid Ahmed Jama

Your Excellency,

Lawyers for Lawyers is an independent and non-political Dutch foundation that seeks to promote the proper functioning of the rule of law by pursuing freedom and independence of the legal profession. We are concerned about the situation of our Somaliland colleague and human rights lawyer Mr. Guleid Ahmed Jama.

On 16 May 2016, Mr. Guleid Ahmed Jama received notification of the Minister of Justice and Judicial Affairs that his license to practice law had been terminated. He also became aware of a letter signed by the Minister of Justice requesting that the Chief Justice of Somaliland revoke the license of Mr. Guleid Ahmed Jama. In this letter (which is dated 10 April 2016 i.e. significantly before Mr. Guleid Ahmed Jama became aware of this letter), the Minister of Justice accused Mr. Guleid Ahmed Jama of committing a violation by being both a lawyer and the chairperson of a human rights organization, Human Rights Center.

Mr. Guleid Ahmed Jama and the Human Rights Center have previously worked on the case of Saado Jaamac Aadan, a civilian who was arrested by police, charged in a closed military court and denied access to a lawyer in March 2016. On 16 March 2016, Mr. Guleid Ahmed Jama wrote a letter to the Office of the Attorney General and the Minister for Justice denouncing the unconstitutional arrest and detention of Mrs. Aadan by a military court, and demanding that her trial be transferred to a civilian court.

In addition, Lawyers for Lawyers has learned of previous judicial harassment against Mr. Guleid Ahmed Jama. In April 2015, we understand he was arrested and accused of 'subversive or anti-national propoganda', 'instigation to disobey the laws', 'intimidation of the public' and 'publication or circulation of false, exaggerated and tendentious news capable of disturbing public order'. His arrest came after he provided an interview during



which he commented on the judicial system in Somaliland to the BBC Somali on 17 April 2015. After a hunger strike, Mr. Guleid Ahmed Jama was released on bail. Upon his release, Mr. Guleid Ahmed Jama was not brought before a court, or informed of the date of his future trial. In August 2015, the Hargeisa Regional Court issued a ruling closing the criminal case against him.¹

As we understand it, according to Somaliland statutory law (Law No. 30 of 2004), the Minister of Justice does not have the power to revoke a lawyer's license, as seems to have happened in this case. Also, revoking a license can only be done after a thorough investigation is conducted into the allegations and a fair hearing has taken place.

We would like to draw your attention to the UN Basic Principles on the Role of Lawyers, that contain the core values for lawyers.² One of those values is that the protection and promotion of human rights is a core activity of lawyers. Principle 14 of the UN Basic Principles on the Role of Lawyers states: "*Lawyers, in protecting the rights of their clients and in promoting the cause of justice, shall seek to uphold human rights and fundamental freedoms recognized by national and international law (...)*". Also, pursuant to Principle 23 of the Basic Principles, lawyers are entitled to freedom of speech and of association, especially when it comes to matters concerning the law and the promotion and protection of human rights. Therefore the activities of Mr. Guleid Ahmed Jama as chairperson of a human rights organization are fully compatible with his activities as a lawyer and should not have led to a revocation of his license to act as a lawyer. Also, the interview he gave in 2015 about the judicial system should not have led to his arrest.

Furthermore, we would like to draw your attention to Principle 16 stating that governments are under an obligation "*to ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference (...); and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics*" and Principles 26 – 29 dealing with disciplinary proceedings, including Principle 28: "*Disciplinary proceedings against lawyers shall be brought before an impartial disciplinary committee established by the legal profession, before an independent statutory authority, or before a court, and shall be subject to an independent judicial review.*"

¹ <https://www.frontlinedefenders.org/en/case/case-history-guleid-ahmed-jama>

² The Basic Principles were unanimously adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in Havana, Cuba on 7 September 1990. Subsequently, the UN General Assembly "welcomed" the Basic Principles in their 'Human rights in the administration of justice' resolution, which was adopted without a vote on 18 December 1990 in both the session of the Third Committee and the plenary session of the General Assembly. <http://www.ohchr.org/EN/ProfessionalInterest/Pages/RoleOfLawyers.aspx>.



Lawyers for Lawyers urges you to:

1. Immediately and unconditionally reinstate Mr. Guleid Ahmed Jama's license to practice law; and
2. Guarantee in all circumstances that Mr. Guleid Ahmed Jama, and all lawyers in Somaliland, are able to carry out their activities as a lawyer and their legitimate human rights activities without fear of reprisals and free of all restrictions including judicial harassment.

We thank you for your attention to this very important matter. We are confident of your sense of justice and will continue to monitor this case closely.

On behalf of the President of Lawyers for Lawyers, Phon van den Biesen,

Yours sincerely,

LAWYERS FOR LAWYERS

Adrie van de Streek
Executive Director

Copies of this letter were sent to:

- The chief justice of the Supreme Court of the Republic of Somaliland, H.E. Adan Haji Ali Ahmed
- Attorney General H.E Hassan Ahmed Adam