



Horizon Institute Renews Its Call for An Independent Investigation into the Mishandling of the Hargeisa Orphanage Case

12 January 2021

On 25 June 2020, *Horizon Institute* issued a public statement asking the government of Somaliland to initiate an independent inquiry into how, and why, the Criminal Investigations Department (CID) failed to carry out a serious probe into allegations that a teenage girl at Hargeisa Orphanage had been subjected to the pain and trauma of rape. The recommendation had a twofold purpose. The first was to ensure the victim received the justice she needed and deserved. The second was to make certain there was sufficient evidence against the young boys from the Orphanage who had been arrested for the crime after the CID had conducted a few hasty interviews.

Unfortunately, an independent review did not take place. Instead, there was a rush to judgement, with two trials in Hargeisa, in October before the Regional Court of Maroodi-Jeeh and in December before the Court of Appeal of Maroodi-Jeeh. In a statement issued on 30 December 2020, *Horizon* detailed what it described as a miscarriage of justice against five of the boys who have consistently denied complicity in rape. Arguing the decision to sentence them to imprisonment had no basis in law, *Horizon* also criticized the complete absence of evidence against these young defendants. The case is now due to be heard at the Supreme Court where, it is hoped, the boys will be set free.

Yesterday, 11 January 2021, the families of four of the young boys spoke publicly on television. They made a powerful appeal for justice, not only regarding their sons and grandsons, but also for the victim. Their central arguments, that these children were treated unfairly by the criminal justice system, were based on three critical features of the case.

The families pointed out the most obvious failing of the two trials which have taken place, namely the glaring absence of hard evidence. As mentioned in *Horizon's* 30 December 2020 statement, only four witnesses were produced by the prosecution, three members of the Orphanage management and the CID investigator. None claimed to have witnessed the rape; in fact, what they testified is that no rape had taken place. The five boys admitted calling the young girl at the request of one of the boys who confessed, but said they did not know the reasons why he wanted to see her. The prosecution did not, at any time, offer other corroborating evidence.

Secondly, the families rightly asked why the CID had limited its investigation to just a group of young boys when it has repeatedly been said, ***including by the Court of Appeal itself***, that there are other individuals still at liberty who have not been interviewed. Close relatives of the victim have themselves, on many occasions, asked that the inquiry be broadened to include staff of the Orphanage.

Finally, and very importantly, the families of the boys questioned the legality of the arrest and detention of the five boys, saying they are, and were at the time of their arrest in June 2020, under the age of criminal responsibility, that is under 15 years of age. Pointing out that Somaliland's 2007 Juvenile Justice Law prohibits the arrest, prosecution and conviction of children aged younger than 15, on 14 June 2020, *Horizon* wrote to the head of the CID to protest the illegal arrest and detention of the boys whose ages ranged from 12 to 14. Rather than making a good faith effort to establish the true age of the boys by whatever means possible, given the lack of birth certificates, the prosecution simply asked the government-run Hargeisa Group Hospital to examine them, a process which is inherently unscientific and unreliable. Unsurprisingly, the Hospital came back with all the ages of the boys changed to 15 and higher, with the result they could be prosecuted. The fact the hospital erroneously gave the same age to two boys who are brothers, but not twins, highlights the doubtful nature of the examination and the findings.

The families who spoke up yesterday did so in the belief that having their voices heard would lead, at the very least, to a more just outcome when the case goes to the Supreme Court. *Horizon Institute* shares their confidence that an informed and objective trial, based on a careful examination of all the evidence, will earn these five boys their freedom. Such an outcome must also be accompanied by a determination to find the truth about what happened at the Orphanage, how and under what circumstances a young girl in its care was subjected to hideous violence, why the truth was covered up and who bears the responsibility for this chain of unfortunate events.

For links to the TV interviews with the families: Click here: [Horn Cable](#), and [MM Somali TV](#).

To read *Horizon's* two previous statements on the Orphanage case, click here:

Statement 1: [Somali](#), [English](#).

Statement 2: [Somali](#), [English](#).

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