

# Republic of Somaliland

Supreme Court .

المحكمة العليا

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MS/GMS/417 / G-7 / 2016

16 /06/2016.

**To: All Human Right Groups.**

**Subject : Abdilahi Ali' Case.**

Abdilahi Ali is accused and charged by the Office of the Attorney General for murder. According to Somaliland laws, the accused has a right to fair trial in which his/her case is heard by competent and independent court. The jurisdiction of the courts are determined by the Criminal Procedure Code. According to the Code, the Regional Court which the alleged act occurred has the jurisdiction in murder cases. In this case, the Regional Court of Sool had the jurisdiction.

At the court, he was given legal defense as mandated by the law. The Regional Court convicted him on the charges. He lodged an appeal to the Regional Appeal Court. The basis of his appeal was mental illness. In Somaliland law, mental illness preclude one from criminal responsibility. However, that has to be proven fact. The Appeal Court upheld the Regional Court judgment.

In that stage, the Supreme Court received appeal taken by Abdilahi Ali. In his appeal he claimed that medical experts were not summoned by the court to decide upon his mental illness. The Supreme Court respecting his claim and cognizant to the importance of fair trial has taken steps intended to ensure attaining justice. He was given legal representation by competent lawyer. Medical experts were referred to him to provide an opinion on his mental capacity. After hearing all the parties, and taking evidences, the Supreme Court made its verdict.

Abdilahi Ali was not satisfied to the ruling of the Supreme Court. Hence his lawyers requested Review of judgment. According to Somaliland law, full bench judges at the Supreme Court have to be assigned to hear and decide review cases. Thereby, the Chief Justice named full bench

judges to hear the petition of Abdilahiand to reassess if procedural or otherwise errors were committed. The Bench will also seek expert opinions to evaluate his mental capacity.

The case is now pending before Full Bench at Supreme Court. Therefore, the case is not final. As ongoing trial, it is a premature to claim that execution will be carried out. The case is not in an execution stage. Abdilahi Ali has not exhausted the national courts.

He was given fair trial with legal defense team. Currently three lawyers are representing him at the Supreme Court review. The local human rights defenders are following his case. The international human rights defenders and any other people who are interested are allowed to attend and observed the trial. The trial of the Review will be scheduled by the presiding judge. The lawyers and his family will be informed. The hearing, as others were, will be open.

Therefore, this is ongoing trial case which is not final. The national courts shall be given a time and space to hear the case without pressure.

**H.E. Adam Haji Ali Ahmed**

**Chief Justice of the Supreme Court and Constitutional Court.**

