FORM 1

Notification (Rule 26)

IN THE EAST AFRICAN COURT OF JUSTICE-FIRST INSTANCE DIVISION
AT ARUSHA
REFERENCE NO. 69 OF 2026

HON. JUSTICE DR. BASHE YUSUF AHMED.....1st APPLICANT
HON. JUSTICE SALAH SH. IBRAHIM DIBLAWE.....2nd APPLICANT
HON. JUSTICE ABDIKADIR IDIRIS ESSA.....3rd APPLICANT
HON. JUSTICE DR. ABUBAKAR AHMED ALI.....4th APPLICANT
HON. JUSTICE DR. ABDIKAFAR HUSSEIN ISAK.....5th APPLICANT
HON. JUSTICE ABDIAZIZ MOHAMED YUSUF.....6th APPLICANT

VERSUS

THE STATE ATTORNEY GENERAL
THE FEDERAL REPUBLIC OF SOMALIA..... RESPONDENT

TO:

The State Attorney General
The Government of the Federal Republic of Somalia
Mogadishu
SOMALIA

You are hereby notified that the above named Applicants have instituted a Reference against you, copy of which is annexed hereto. You are hereby required to file a response within **45** days from the day of service hereof. In default whereof, the reference will be heard and determined in your absence.

Given under my hand and seal of the Court, this ...18th.....day of ....November.....2026

EAST AFRICAN COMMUNITY
THE EAST AFRICAN COURT OF JUSTICE
FIRST INSTANCE DIVISION

.....
ACTING REGISTRAR

IN THE EAST AFRICAN COURT OF JUSTICE AT ARUSHA

IN THE FIRST INSTANCE DIVISION

REFERENCE NO. 69 OF 2026

THE EAST AFRICAN COURT OF JUSTICE
Registry
18 NOV 2026
12.00
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IN THE MATTER OF THE TREATY FOR THE ESTABLISHMENT OF EAST AFRICAN COMMUNITY

AND

IN THE MATTER OF THE CONSTITUTION OF SOMALI 2026

BETWEEN

HON. JUSTICE DR. BASHE YUSUF AHMED.....1st APPLICANT

HON. JUSTICE SALAH IBRAHIM DHIBLAWE.....2nd APPLICANT —10

HON. JUSTICE ABDIKADIR IDRIS ISE.....3rd APPLICANT

HON. JUSTICE DR. ABUBAKER AHMED ALI.....4th APPLICANT

HON. JUSTICE DR. ABDIKAFAR HUSSEIN ISAK.....5th APPLICANT

HON. JUSTICE ABDIASIS MUHAMED YUSUF.....6th APPLICANT

AND

THE HON. STATE ATTORNEY GENERAL
THE FEDERAL REPUBLIC OF SOMALIA..... RESPONDENT

REFERENCE

Brought under Articles 6, 7, 8, 23, 27 (1), 30, of The Treaty for The Establishment of The East African Community, Rules 4, 25 (1), (2), and (3) of The East African Court of Justice Rules of the Court 2019, —20

(a) The Applicants

1. The 1st Applicant is a male adult of sound mind, working and living for gain in Mogadishu, Somalia within the East African Community as the Chief Justice of the Federal Republic of Somalia thus a natural person

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within the meaning of Article 30 of the Treaty for the Establishment of the East African Community. His address of service for purposes of this s Reference shall be care of **Y. N. OKUBO ADVOCATEA, Kileleshwa, Githunguri road, Taj Gardens C6, P.O Box 60417 – 00200 Nairobi, Kenya, Telephone number +254-722516423 Emai: yufokubo@gmail.com**

2. The Second Applicant, Hon. Justice Salah Ibrahim Dhiblawe, is an adult resident of the Federal Republic of Somalia and a serving Justice of the Federal Supreme Court of Somalia.

3. The Third Applicant, Hon. Justice Abdikadir Idris Ise, is an adult resident of the Federal Republic of Somalia and a serving Justice of the Federal Supreme Court of Somalia. — 10

4. The Fourth Applicant, Hon. Justice Dr. Abubaker Ahmed Ali, is an adult resident of the Federal Republic of Somalia and a serving Justice of the Federal Supreme Court of Somalia.

5. The Fifth Applicant, Hon. Justice Dr. Abdikafar Hussein Isak, is an adult resident of the Federal Republic of Somalia and a serving Justice of the Federal Supreme Court of Somalia.

6. The Sixth Applicant, Hon. Justice Abdiasis Muhamed Yusuf, is an adult resident of the Federal Republic of Somalia and a serving Justice of the Federal Supreme Court of Somalia. — 20

7. The second to Sixth Applicants address of service for purposes of this s Reference shall be care of **Y. N. OKUBO ADVOCATEA, Kileleshwa, Githunguri road, Taj Gardens C6, P.O Box 60417 – 00200 Nairobi, Kenya, Telephone number +254-722516423 Emai: yufokubo@gmail.com**

(b) The Respondent

8. The Respondent is the Honorable Attorney General of the Federal Republic of Somalia. He is the principal legal advisor to the Government of the Federal Republic of Somalia, and is being sued on behalf of the Government of Somalia which acts either directly or through its national organs and his address of Service for purposes of this Reference is — 30

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Attorney Generals of the Federal Republic of Somalia, Mogadishu, Somalia.

(c) Jurisdiction

9. By virtue of Article 23(1) of The Treaty for the Establishment of the East African Community (hereinafter referred to as the "EAC Treaty") this Honorable Court has jurisdiction to ensure adherence to law in the interpretation and application of and compliance with the provisions of the EAC Treaty, Protocols and all EAC law subsequent to it.

10. Further, Article 27 of the EAC Treaty bestows upon this Court original jurisdiction to interpret and apply the provisions of the EAC Treaty and EAC law.

11. The Respondent is a Partner States of the East African Community who is bound by the EAC Treaty, all protocols thereto and Acts of the Community.

12. This Statement of Reference concerns the actions of the Respondents Head of the Executive arm of the Government (The President) who acts on behalf of the Country as a whole and for its benefits and who has violated the fundamental and operational principles of the Community set out under Articles 6(d) 7(2) and 8 of the EAC Treaty.

13. Under the EAC Treaty, the Respondent is bound to uphold the fundamental and operational principles of the Community as enshrined under Article 6(d) and 7 (2) of the Treaty. The principles of relevance to this Reference are those of good governance including adherence to principles of the rule of law, accountability, transparency, social justice and maintenance of universally accepted standards of human rights.

14. Under Article 8 (1) of the EAC Treaty Partner States undertook to abstain from any measures likely to jeopardize the achievement of the objectives or the implementation of the provisions of the Treaty.

(d) Admissibility

15. This Reference has been filed within 2 months of the action of the Respondents that the Applicants complain about, which occurred on **4th November 2026.**

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(e) Subject matter of the Reference

16. On the 4th day of November 2026, the President of the Respondent Partner State purported to dismiss the 1st Applicant from office as the Chief Justice of the Federal Republic of Somalia without any due regard to the law and the Constitution of Somalia 2026 that spells out the procedure for removal of a judicial officer and the Treaty for the Establishment of the East African Community.
17. On 5 November 2026, the Federal Supreme Court issued an official statement declaring the purported removal of the Applicant and the subsequent appointment of one Mr. Ibrahim Lidle Suleymaan as the new Chief Justice null and void and of no legal effect. The Supreme Court further directed the President to comply with the Constitution, respect judicial independence and uphold the supremacy of the law.
18. Separately, on 5 November 2026, the Constitutional Division of the Supreme Court delivered its ruling in proceedings concerning constitutional amendments and the tenure of federal institutions in which the Court rejected the challenge to the constitutional amendments themselves on grounds of standing but upheld the separate challenge concerning the legal consequences of the amendments for the terms of incumbent federal institutions.
19. The Second to Sixth Applicants are the five Justices who constituted the panel of the Constitutional Division of the Federal Supreme Court which delivered its ruling dated 5 November 2026 concerning the constitutional terms of office of incumbent federal institutions
20. The 1st Applicant avers that, following the Supreme Court's decisions delivered on 5th November 2026, security and official transport arrangements assigned to him and other Supreme Court Justices, 2nd to 6th Applicants were immediately withdrawn without any justification or cause and was subjected to threats and harassments.
21. The Applicants avers that no lawful summons, criminal complaint or disciplinary proceedings justifying the reported coercive measures had been communicated to him in any manner whatsoever or at all.
22. The acts and omissions challenged in this Reference concern the purported removal and replacement of the Chief Justice, alleged executive interference with judicial independence, withdrawal of security and official facilities, intimidation of judicial officers and the alleged disregard of judicial authority.
23. The Applicants contend that those acts and omissions are inconsistent with Articles 6(d), 7(2) and 8(1)(c) of the Treaty.

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24. The impugned Presidential action occurred on 4 November 2026, while the subsequent events complained of occurred principally from 5 November 2026 onwards.
25. The Applicants seek an independent determination of whether the acts and omissions attributable to the Respondent are consistent with the obligations imposed upon the Federal Republic of Somalia by the Treaty.
26. The Applicants further contend that the existence of domestic constitutional proceedings does not, of itself, extinguish a distinct cause of action alleging infringement of the Treaty.
27. The Applicants bring their claims together because they arise from closely connected events, involve substantially common questions of Treaty law and concern alleged interference with the independence and functioning of the same judicial institution.
28. The Applicants contend that the constitutional distinction between appointment and removal is material and that the procedure for appointment does not, without an identifiable legal basis, confer an independent Presidential power of unilateral removal.

(f) <u>Points of Law on which the Reference is based</u>

29. This Reference is grounded under **Articles 5, 6, 7, 8, 9,23, 27 (1), 30 of The Treaty for The Establishment of The East African Community, Rules 4, 25 (1), (2), and (3) of The East African Court of Justice Rules of the Court 2019, and all enabling provisions of law** and is based on the facts that:

    a) The Treaty for The Establishment of The East African Community is the grand norm of the integration process for The East African Community, from which all other legal instruments in the Community and partner states derive, subsist and draw legality, and whose provisions must be strictly adhered to.

    b) This Honorable Court is seized with the original jurisdiction to handle this matter by virtue of **Articles 5, 6 (d), 7 (2), 8 (1), 23 (1), 27 (1), 30 (1), (2) and (3) of the Treaty for The Establishment of The East African Community, and Rules 4 and 25 of the East African Court of Justice Rules of the Court 2019.**

    c) This Reference is premised on Articles 6 (d), 7 (2), and 8 and seeks inter alia interpretation, adherence and application of Treaty.

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30. The Reference further grounded under Articles 127, 135(10 and 138(4) of the Constitution of the Federal Republic of Somalia 2026, the African Charter on Human and Peoples Rights, the United Nations Basic Principles on the independence of the Judiciary and specifically that: -

    a) The Constitution of the Federal Republic of Somalia recognizes the independence of the Judiciary and provides constitutional safeguards governing the appointment, tenure, discipline and removal of judicial officers.
    b) Article 127 of the Constitution guarantees judicial independence and protects judicial officers against improper interference, including specified forms of arrest, search and surveillance undertaken without the constitutionally required authorization.
    c) Article 135(1) prescribes the constitutional procedure for appointment of the Chief Justice, involving nomination by the Supreme Judicial Council, approval by both Houses of the Federal Parliament and formal appointment by Presidential Decree.
    d) Article 138(4) establishes a distinct procedure governing removal of the Chief Justice, including consideration by the Supreme Judicial Council and the prescribed parliamentary approval.
    e) Article 191(3) provides for the Federal Supreme Court to exercise the functions of the Constitutional Court pending its establishment.
    f) Article 191(3) provides for the Federal Supreme Court to exercise the functions of the Constitutional Court pending its establishment.
    g) The Applicants shall rely upon the original Somali constitutional text and the certified professional English translation, subject to the authoritative status of the Somali text.
    h) Article 26 of the African Charter on Human and Peoples' Rights;
    i) The United Nations Basic Principles on the Independence of the Judiciary as relevant interpretative standards concerning the content of the rule-of-law obligations imposed by the Treaty.

31. The Applicant avers that by virtue of the aforesaid breaches and aggrieved by the unlawful process of purported removal as the Chief Justice of the Federal Republic of Somalia, the Respondent has infringed/violated the spirit and later of the EAC Treaty.

(g) Nature of Evidence

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32. The Applicants shall rely on the following evidence in support of this Reference:

a) The Treaty for the Establishment of East African Community.
b) Constitution of Somalia 2026 relevant provisions, original and Certified English translation.
c) Villa Somalia Presidential announcement, 4th November 2026, original and certified English translation.
d) Statement by the Minister for Justice and Constitutional Affairs of the Federal Republic of Somalia confirming the dismissal.
e) Supreme Court official Order nullifying the purported removal of the Chief Justice, 5th November 2026, original and certified English translation.
f) Supreme Court Constitutional Division ruling of 5th November 2026, original and Certified English translation.
g) Chief Justice Urgent Diplomatic notification.

(h) Reliefs Sought

Reasons wherefore the Applicants, will move the court for orders;

1. **A declaration** that the purported removal of the First Applicant from the office of Chief Justice on 4 November 2026, without compliance with constitutionally prescribed procedures, constitutes an infringement of Articles 6(d), 7(2) and 8(1)(c) of the Treaty;
2. **A declaration** that the purported appointment of a replacement Chief Justice pursuant to the impugned action, without compliance with the applicable constitutional procedure, is inconsistent with the Respondent's obligations under the Treaty;
3. **A declaration** that intimidation, unlawful coercion or retaliatory measures directed against judicial officers for exercising their judicial functions are inconsistent with the principles of the Treaty;

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4. **A declaration** that failure to respect judicial independence and binding judicial determinations is inconsistent with the Respondent's obligations concerning the rule of law and good governance;

5. **An order or direction**, to the extent within this Honorable Court's jurisdiction, requiring the Respondent to take appropriate measures to bring its conduct into conformity with the Treaty;

6. **An order or direction** requiring the Respondent to cease measures found by this Honorable Court to constitute unlawful interference with the First Applicant's judicial office and the independence of the Judiciary;

7. **An order or direction** requiring the Respondent to take appropriate lawful measures to safeguard the security and independence of the Applicants and affected judicial officers;

8. **Pending the hearing and determination of the Reference**, suspension of the implementation and operation of the impugned removal and replacement decisions;

9. **Pending the hearing and determination of the Reference**, preservation of the constitutional and institutional **status quo ante prevailing immediately before 4 November 2026**;

10. **Pending determination of the Reference**, appropriate orders restraining further interference with the First Applicant's judicial office;

11. **Pending determination of the Reference**, protective directions concerning the security, liberty and independence of the Applicants;

Additional prayers concerning the Second to Sixth Applicants

15. **A declaration** that the withdrawal of official security personnel, drivers and other protective facilities from the Second, Third, Fourth, Fifth and Sixth Applicants, where undertaken as retaliation for the discharge of their judicial functions or in a manner inconsistent with judicial independence, constitutes an infringement of Articles 6(d), 7(2) and 8(1)(c) of the Treaty;

16. **An order or direction** requiring the Respondent to restore appropriate official security arrangements, drivers and protective facilities unlawfully withdrawn from the Second to Sixth Applicants, so as to safeguard their personal security and enable the independent discharge of their judicial functions;

17. **Pending the hearing and determination of the Reference**, an interim conservatory order directing the Respondent to preserve the judicial offices, security and independence of the Second to Sixth Applicants,

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including appropriate protection against intimidation, harassment, unlawful surveillance, threats and retaliatory measures;

18. **Pending the hearing and determination of the Reference**, an interim order directing the Respondent to restore and maintain appropriate security arrangements and protective facilities for the Second to Sixth Applicants, insofar as necessary to protect their personal safety and independent discharge of judicial functions.

19. That the court makes such further or other Orders as may be necessary in the circumstances.

20. That costs of the Reference be borne by the Respondent in any event. — 10

Dated this.....17th.....day of.....November.....2026

Y. N. OKUBO
ADVOCATE

LODGED in the Registry at Arusha this 18th day of Nov 2026

REGISTRAR

DRAWN & FILED BY:

Y. N. OKUBO
ADVOCATE
TAJ GARDEN C6, KILELESHWA
GITHUNGURI ROAD
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NAIROBI,
KENYA
Telephone number +254-722516423
Email: yufokubo@gmail.com

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TO BE SERVED UPON:

Hon State Attorney General
The Government of the Federal Republic of Somalia
Mogadishu
SOMALIA

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IN THE EAST AFRICAN COURT OF JUSTICE AT ARUSHA
IN THE FIRST INSTANCE DIVISION

REFERENCE NO. 69 OF 2026

IN THE MATTER OF THE TREATY FOR THE ESTABLISHMENT OF EAST AFRICAN COMMUNITY

IN THE MATTER OF ELECTION OF THE CONSTITUTION OF SOMALIA 2026

BETWEEN

HON. JUSTICE DR. BASHE YUSUF AHMED.....1st APPLICANT

HON. JUSTICE SALAH IBRAHIM DIBLAWE.....2nd APPLICANT

HON. JUSTICE ABDIKADIR IDRIS ISE.....3rd APPLICANT —10

HON. JUSTICE DR. ABUBAKER AHMED ALI.....4th APPLICANT

HON. JUSTICE DR. ABDIKAFAR HUSSEIN ISAK.....5th APPLICANT

HON. JUSTICE ABDIASIS MUHAMED YUSUF.....6th APPLICANT

AND

THE STATE ATTORNEY GENERAL
THE FEDERAL REPUBLIC OF SOMA..... RESPONDENT

AFFIDAVIT IN SUPPORT OF THE REFERENCE

I, HON. JUSTICE DR. BASHE YUSUF AHMED bearer of Passport number D00018371 from the Government of the Federal Republic of Somalia in Mogadishu —20
do hereby solemnly make oath and state as follows:

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1. **THAT** I am a male adult of sound mind and a resident and national of Somalia with authority and capacity, and swear this affidavit in that capacity and in support of this Reference.

2. **THAT** I thus qualify as a resident of the East Africa Community within the meaning of Article 30 of The Treaty for The Establishment of The East African Community and also as a natural person.

3. **THAT** I am the Applicant herein and the Chief Justice of the Federal Supreme Court of the Federal Republic of Somalia, whose purported removal from office on 4 November 2026 is the matters being challenged in the Reference.

4. **THAT** I am conversant with the facts and circumstances giving rise to this Reference and am competent to swear this Affidavit

6. **THAT** the Federal Republic of Somalia has a written Constitution providing for the establishment and exercise of governmental authority through constitutionally recognized institutions.

7. **THAT** the Constitution of the Federal Republic of Somalia of 2026 contains provisions recognizing the rule of law, separation of powers and independence of the Judiciary.

8. **THAT** Article 3(4) of the said Constitution recognizes human rights, the rule of law, respect for applicable international law, separation of powers and an independent Judiciary as fundamental constitutional principles.

9. **THAT** Article 3(6) provides that State power may be exercised only in accordance with the Constitution and the laws of the Federal Republic of Somalia.

10. **THAT** Article 4 establishes the supremacy of the Constitution and requires public institutions to comply with and safeguard its provisions.

11. **THAT** Article 127(1) provides for the independence of the Judiciary from the Executive and Legislative branches of government. .

12. **THAT** Article 127(2) provides that the Judiciary shall perform its functions impartially and without fear, prejudice or favoritism and shall not be subject to orders or directions from other persons or institutions.

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13. **THAT** Article 127(3) prohibits interference with the Judiciary and judicial officers in the discharge of their duties.

14. **THAT** Article 127(5) provides that judicial decisions are binding upon the persons and institutions to whom they apply, including public institutions.

15. THAT Article 127(7) provides safeguards against the arrest, search and surveillance of judicial officers without authorization of the Supreme Judicial Council, subject to the constitutional exception relating to apprehension during the commission of an offence for which arrest is mandatory.

16. **THAT** Article 127(9) protects judicial officers against removal, transfer or retirement except in circumstances specified by the Constitution and applicable laws. Annexed hereto and marked **"BYA-1"** is a copy of the relevant provisions of the Constitution of the Federal Republic of Somalia of 2026, together with the certified English translation thereof.

17. **THAT** Article 135(1) of the Constitution prescribes the procedure for the appointment of the Chief Justice of the Federal Supreme Court.

18. **THAT** the said procedure requires nomination by the Supreme Judicial Council, approval by each House of the Federal Parliament by the prescribed majority, and formal appointment by Presidential Decree following such approval.

19. **THAT** Article 138 provides the grounds and procedures governing the cessation of judicial office, including removal from office.

20. **THAT** under Article 138(4)(a), a complaint warranting removal of the Chief Justice must be considered and approved by the Supreme Judicial Council by a two-thirds majority of its total membership.

21. **THAT** the Council must thereafter transmit the complaint and its decision to the Speakers of the two Houses of the Federal Parliament within the period prescribed by the Constitution.

22. **THAT** removal of the Chief Justice by the Federal Parliament requires a secret ballot and approval by a majority of fifty percent plus one of the total memberships of each House.

23. **THAT** the constitutional provisions governing removal do not confer upon the President an independent power to dismiss the Chief Justice unilaterally.

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24. **THAT** the said procedures constitute safeguards intended to protect judicial tenure and the independence of the Judiciary from improper interference.

25. **THAT** on 4 November 2026, the Presidency of the Federal Republic of Somalia publicly announced that the President, H.E. Hassan Sheikh Mohamud, had removed me from the office of Chief Justice of the Federal Supreme Court. The said dismissal is also confirmed by the official statement from the office of the Minister for Justice and constitutional affairs of Somalia.

26. **THAT** the same announcement stated that the President had appointed lawyer **Ibrahim Iidle Suleiman** to replace me as Chief Justice.

27. **THAT** the announcement was published on the official Villa Somalia Facebook page and referred generally to complaints from judges, judicial personnel and legal professionals, together with the need for reforms in the Judiciary.

28. **THAT** the announcement did not identify any particular constitutional or statutory provision authorizing my removal or the appointment of my purported replacement.

29. **THAT** I had not resigned from the office of Chief Justice.

30. **THAT** prior to the announcement, no complaint seeking my removal had been formally communicated to me through proceedings before the Supreme Judicial Council.

31. **THAT** the Supreme Judicial Council had not been convened to consider my removal, and no disciplinary proceedings concerning my removal had been initiated before it.

32. **THAT** to the best of my knowledge, the prescribed procedure involving approval by the Federal Parliament had not been undertaken.

33. **THAT** I was not served with a lawful decision of the Supreme Judicial Council or a parliamentary determination authorizing my removal.

34. **THAT** I therefore contend that the purported removal was undertaken without compliance with the constitutional procedure governing the removal of the Chief Justice.

35. **THAT** annexed hereto and marked **"BYA-2"** are copies of the Presidential announcement of 4 November 2026 in Somali and its certified English translation and the statement from the office of the

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Minister for Justice and Constitutional Affairs of Somalia Confirming the events of 4th November 2026.

36. **THAT** on 5 November 2026, the Federal Supreme Court of Somalia issued an Order and an official statement concerning the purported Presidential removal of the Chief Justice.

37. **THAT** I neither participated in nor influenced the proceedings or deliberations leading to that statement and became aware of the Court's determination when it was made public.

38. **THAT** the Supreme Court in arriving at their decision considered the Presidential announcement and the constitutional provisions governing judicial independence and removal of the Chief Justice and observed that the announcement did not identify the legal basis upon which the President purported to act.

39. **THAT** the Court further considered the constitutional requirements governing the appointment and removal of the Chief Justice, including Articles 135 and 138 of the Constitution of 2026.

40. **THAT** the Supreme Court declared the purported removal of the Chief Justice, as announced on the official Facebook page of the Presidency, null and void and of no legal effect.

41. **THAT** the Court further directed the President to act in accordance with the Constitution, respect and safeguard judicial independence and uphold the supremacy of the law. Annexed hereto and marked **"BYA-3"** are copies of the Supreme Court's official statement dated 5 November 2026 in Somali and its certified English translation.

42. **THAT** I rely upon the said determination as evidence of the constitutional dispute concerning my purported removal and the position taken by the Federal Supreme Court.

43. **THAT** notwithstanding the said determination, I remain concerned about the practical consequences of the Presidential announcement and the measures subsequently taken affecting my security and ability to exercise my judicial responsibilities.

44. **THAT** separately from the Supreme Court's official statement concerning my removal, the Constitutional Division of the Federal Supreme Court delivered a ruling dated 5 November 2026 in constitutional proceedings bearing Claim Reference E-Som.21/2026 and Ruling Reference MS/DST/1/2026 in a suit instituted by Shariif Sheikh

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Ahmed against the Federal Government of Somalia, including the President, Federal Parliament and Federal Government.

45. **THAT** the proceedings concerned the constitutional amendment process and the legal consequences of the amendments for the terms of office of incumbent federal institutions.

46. **THAT** the Constitutional Division rejected the part of the claim challenging the constitutionality of the amendment procedure on the ground that the claimant lacked the requisite standing to bring that particular challenge, but nevertheless entertained and allowed the separate challenge concerning the extension of the constitutional terms of incumbent federal institutions.

47. **THAT** the Court determined that the constitutional terms of both Houses of the Federal Parliament expired on 14 April 2026 and that the constitutional term of the President expired on 15 May 2026.

48. **THAT** the Court further determined that the constitutional term of the Federal Government constituted through those institutions expired on 14 April 2026.

49. **THAT** the Court determined that measures undertaken by those institutions after the expiry of their respective constitutional terms in purported exercise of their constitutional or legal powers were contrary to the Constitution and the law and were null and void.

50. **THAT** the Court further determined that the Federal Government alone could act in a caretaker capacity limited to day-to-day governmental business and directed relevant electoral stakeholders to agree on an electoral framework within thirty days and conduct elections within ninety days. Annexed hereto and marked **"BYA-4"** are copies of the Constitutional Division ruling dated 5 November 2026 in Somali and its certified English translation.

51. **THAT** I rely upon this ruling as evidence of the significant constitutional proceedings before the Federal Supreme Court and the institutional circumstances in which the events complained of occurred.

52. **THAT** I do not seek in this Reference to have the East African Court of Justice exercise appellate jurisdiction over the said ruling or independently determine the constitutional tenure of the President or Parliament of Somalia.

53. **THAT** on 5 November 2026, between approximately 4.00 p.m. and 8.00 p.m., following the Supreme Court's decisions, official drivers and

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security personnel assigned to me and other Supreme Court Justices were withdrawn.

54. **THAT** these protective arrangements were ordinarily provided in connection with the security and discharge of the official responsibilities of the affected judicial officers.

55. **THAT** the withdrawal occurred during a period of considerable constitutional tension and has caused me serious concern for my personal security and that of my judicial colleagues.

56. **THAT** later that evening, approximately four or five security vehicles positioned themselves outside my residence. -10

57. **THAT** in the absence of my customary security detail and because of my concern for personal safety, I discreetly left my residence and sought accommodation at the Airport Hotel within the Halane security perimeter.

58. THAT while I was at the said hotel, three vehicles belonging to the National Intelligence and Security Agency commander arrived at the at the airport hotel and the management of the hotel indicated that it could no longer accommodate me because of concerns about possible repercussions for the establishment.

59. **THAT** I thereafter departed the airport area through Madina Gate and was being followed by officers whom I identified as belonging to the National Intelligence and Security Agency. -20

60. **THAT** I subsequently managed to dodge and moved to a private location within Somalia, which I have not publicly disclosed for reasons of personal security and I remain within Somalia and have not sought asylum or formed any intention of leaving the country.

61. **THAT** I believe the circumstances surrounding the withdrawal of my security arrangements and the subsequent events raise serious concerns regarding my personal safety and my ability to discharge my judicial responsibilities independently. -30

62. **THAT** these circumstances have heightened my apprehension for my personal safety, liberty and the security of members of my family and judicial colleagues.

63. **THAT** my objection is not to lawful accountability but to the use of coercive measures outside constitutional procedures or as retaliation for the exercise of judicial functions.

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64. **THAT** my concern was, and remains, that the Judiciary should be permitted to discharge its constitutional duties independently and without intimidation.
65. **THAT** I am advised by my advocates, which advice I verily believe to be true, that the Federal Republic of Somalia, as a Partner State of the East African Community, is bound by the obligations contained in the Treaty for the Establishment of the East African Community.
66. **THAT** I am further advised by my advocates, which advice I verily believe to be true, that Articles 6(d), 7(2) and 8(1)(c) of the Treaty establish obligations concerning good governance, the rule of law, accountability and adherence to the principles of the Treaty.
67. **THAT** I am advised by my advocates, which advice I verily believe to be true, that Article 26 of the African Charter on Human and Peoples' Rights requires States Parties to guarantee the independence of the courts.
68. **THAT** I am further advised by my advocates, which advice I verily believe to be true, that the United Nations Basic Principles on the Independence of the Judiciary articulate internationally recognized standards relating to judicial independence, security of tenure, freedom from improper interference and lawful disciplinary and removal procedures.
69. **THAT** I believe the alleged interference with my judicial office, together with the reported measures affecting judicial officers, threatens the practical independence of the Judiciary and public confidence in the administration of justice.
70. THAT I am advised by my advocates, which advice I verily believe to be true, that the African Charter and the United Nations Basic Principles are relevant interpretative instruments for considering the obligations imposed by the EAC Treaty concerning the rule of law and judicial independence.

K. Preservation of the constitutional status quo ante

71. THAT immediately before 4 November 2026, I occupied and exercised the office of Chief Justice of the Federal Supreme Court of Somalia.
72. **THAT** at that time the Supreme Court was discharging its judicial responsibilities and the customary official security arrangements for myself and other Justices were in place.
73. **THAT** the Presidential announcement of 4 November 2026 purported to alter my constitutional position by removing me and appointing another person to the office of Chief Justice.

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74. **THAT** the Supreme Court subsequently declared that purported removal null and void and of no legal effect.
75. **THAT** I believe the preservation of the constitutional and institutional position existing before the impugned announcement is necessary to prevent further interference with judicial independence while the legality of the Respondent's conduct is examined.
76. **THAT** I am concerned that continued implementation of the purported removal and replacement may render the relief sought in the substantive Reference ineffective or substantially diminish its practical value.
77. **THAT** I further believe that restoration and preservation of lawful judicial security arrangements are important to the continued independent discharge of judicial functions.
78. **THAT** I therefore seek appropriate interim protection preserving the constitutional position and preventing further harm, without prejudging the merits of the Reference or preventing the Respondent from exercising lawful constitutional powers.
79. **THAT** the events described herein have affected my personal security, freedom of movement and ability to exercise my responsibilities as Chief Justice without fear of interference.
80. **THAT** the withdrawal of security arrangements and the circumstances requiring me to relocate from my residence have caused me genuine concern for my safety.
81. **THAT** the reported measures against other Supreme Court Justices have also caused me concern for the independence and effective functioning of the Court.
82. **THAT** I believe the circumstances described may discourage judicial officers from discharging their duties independently, particularly where their decisions concern the exercise of executive authority.
83. **THAT** the consequences of interference with judicial independence extend beyond my personal interests and affect the administration of justice and the protection of the rights of persons appearing before the courts.
84. **THAT** I believe monetary compensation alone would not adequately remedy unlawful deprivation of liberty, physical injury or serious interference with the independence of the Judiciary.
85. **THAT** I have instituted the accompanying Reference seeking declarations that the acts and omissions complained of are inconsistent with the obligations imposed upon the Respondent under Articles 6(d), 7(2) and 8(1)(c) of the EAC Treaty.

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FIRST INSTANCE DIVISION

86. **THAT** I further seek appropriate consequential orders or directions requiring the Respondent to bring its conduct into conformity with the Treaty and to respect judicial independence and constitutionally prescribed procedures.
87. **THAT** I shall contemporaneously seek interim orders under Article 39 of the Treaty for preservation of the constitutional status quo ante, suspension of further implementation of the impugned removal and replacement decisions, and appropriate protection against unlawful or retaliatory interference pending determination of the Reference.
88. **THAT** I believe the grant of appropriate relief is necessary to safeguard the rule of law, judicial independence and the effective administration of justice.
89. THAT I swear this Affidavit in good faith in support of the accompanying Reference and in the interests of justice.
90. **THAT** what is deponed to herein is true to the best of my knowledge, information and belief, the sources of information having been disclosed where applicable.
91. **THAT** I make this affidavit in support of my application and Reference for an injunction.

SWORN at **MOGADISHU by**]
]
HON. DR. BASHE YUSUF AHMED)].....
)
This.....17th.....Day of.....November.....2026] DEPONENT

BEFORE ME]
]
]
]
]

COMMISSIONER FOR OATHS

Dr. BASHIR MOHAMED SHEIKH
Notary Public, Karama Public Notary
Notorial Registration/Ref: No. WAGI1058
COMMISSIONER FOR OATHS

KARAMA PUBLIC NOTARY
DR. BASHIR MOHAMED SHEIKH
ORIGINAL
MOGADISHU - SOMALIA

DRAWN & FILED BY:

Y. N. OKUBO

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THE EAST AFRICAN COURT OF JUSTICE
Lodged in the Registry
18 NOV 2026
at 12.00 pm/am
FIRST INSTANCE DIVISION

ADVOCATE
TAJ GARDEN C6, KILELESHWA
GITHUNGURI ROAD
P. O. BOX 60417
NAIROBI,
KENYA
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TO BE SERVED UPON:

1. **State Attorney General**
   The Federal Republic of Somalia
   Mogadishu
   SOMALIA

2. **Ibrahim Iidle Suleiman**
   MOGADISHU
   SOMALIA

CUTUBKA KOOWAAD: BAAQA JAMHUURIYADDA FEDERAALKA SOOMAALIYA

Qodobka 1aad: Jamhuuriyadda Federaalka Soomaaliya

(1) Soomaaliya waa Jamhuuriyad federaal ah, muslim sunni shaafici ah, lehna gobannimo ku saleysan caddaalad bulsho iyo sarraynta sharciga.

(2) Soomaaliya waa Jamhuuriyad dimuqraadi ah, oo ku dhisan matalaadda dadweynaha loo dhanyahay, kuna salaysan nidaam siyaasadeedka xisbiyada badan oo tixgelinaya kala duwanaanta afkaarta si waafaqsan Shareecada Islaamka, Dastuurka iyo xeerarka Jamhuuriyadda Federaalka Soomaaliya.

(3) Allaahu Subxaanahu wa Tacaalaa (SWT) ka sokow, awoodda gobonnimada dalka waxaa isku leh shacbiga Jamhuuriyadda Federaalka Soomaaliya, asagoo awooddaas u isticmaalaya si toos ah ama si dadban, u adeegsanaya hay'adihiisa uu u xilsaartay, si waafaqsan Dastuurka iyo xeerarka Jamhuuriyadda Federaalka Soomaaliya.

(4) Waxaa reebban in qof ama qayb ka mid ah shacabka Jamhuuriyadda ay sheegato ama la wareegto xaqa lahaanshaha gobannimada Jamhuuriyadda Federaalka Soomaaliya ama isticmaalkeeda si u gaar ah.

(5) Gobannimada, madaxbannaanida, midnimada qaranka, xuduudaha badeed iyo dhuleed ee Jamhuuriyadda Federaalka Soomaaliya waa laguma xadgudbaan.

Qodobka 2aad: Diinta

(1) Islaamku waa diinta dalka, dadka iyo dawladda Jamhuuriyadda Federaalka Soomaaliya.

(2) Diin aan ahayn Islaamka laguma faafin karo dalka Jamhuuriyadda Federaalka Soomaaliya.

(3) Waxaa reebban caayidda diinta Islaamka, nacaybkeeda iyo wax kasta oo wax u dhimaya xushmadda arrimaha diinta Islaamka. Qof kasta oo ku xadgudba diinta Islaamka waxaa lala tiigsanayaa xeerarka Jamhuuriyadda Federaalka Soomaaliya.

(4) Lama soo saari karo xeer aan waafaqsanaym Shareecada Islaamka iyo maqaasiddeeda.

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Qodobka 3aad: Mabaadi'da Aasaasiga ah

(1) Dastuurka Jamhuuriyadda Federaalka Soomaaliya waxaa saldhig u ah Qur'aanka Kariimka iyo Sunnada Nebi Muxammad (NNKH), wuxuuna ilaaliyaa Shareecada Islaamka iyo maqaasiddeeda.

(2) Jamhuuriyadda Federaalka Soomaaliya waa dal Muslim ah oo ka mid ah ummadaha adduunka gaar ahaan Carabta iyo Afrikaanka.

(3) Jamhuuriyadda Federaalka Soomaaliya waxay ku dhisantahay mabaadi'da aasaasiga ah ee awoodqaybsiga nidaamka federaalka.

(4) Dastuurka Jamhuuriyadda Federaalka Soomaaliya wuxuu ilaalinayaa xuquuqda aadanaha, talinta sharciga, xurmaynta xeerarka caalamiga ah oo aan ka hor imaanayn Shareecada Islaamka iyo Dastuurka, xoojinayaa dawlad loo dhanyahay, kala soocidda awoodaha xeerdejinta, fulinta iyo garsoor madaxbannaan, iyagoo leh hannaan ku dhisan isla xisaabtan, daahfurnaan, hufnaan, kana jawaabaya danaha dadweynaha. 10

(5) Haweenku waa in ay ka mid noqdaan dhammaan saddexda laamood ee hay'adaha dawladda iyo guddiyada madaxabannaan ee heer federaal, heer dawlad goboleed iyo dawladaha hoose si waxku-ool ah, lana sugo jagooyinka la isu doorto iyo kuwa la isu magacaabo.

(6) Awood dawladeedka heer kasta waxaa loo adeegsan karaa oo keliya si waafaqsan Dastuurka iyo xeerarka Jamhuuriyadda Federaalka Soomaaliya.

(7) Dhulka, badda, hawada, webiyada, jasiiradaha iyo khayraadka dabiiciga ah waa hanti qaran oo ay shacabka Soomaaliyeed wadaleeyihiin, waxaana mas'uul ka ah Dawladda Federaalka Soomaaliya. 20

Qodobka 4aad: Sarreynta Dastuurka

(1) Shareecada Islaamka ka sokow, Dastuurka Jamhuuriyaddu waa xeerka ugu sarreeya ee dalka, isaga ayayna u hoggaansameysaa xukuumadda heer kasta oo dawladeed ee Jamhuuriyadda Federaalka Soomaaliya, wuxuuna hagayaa curinta iyo go'aannada siyaasadeed ee qaybaha dawladda oo dhan.

(2) Cid kastaba, dhammaan hay'adaha dawladda, ururrada, xisbiyada siyaasadeed iyo bulsho waxaa waajib ku ah in ay u hoggaansamaan ku dhaqanka iyo ilaalinta Dastuurka.

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(3) Xeer, go'aan ama tallaabo kasta oo maamul oo ka soo baxa heerarka hay'adaha dawladda, kana soo horjeeda Dastuurka Jamhuuriyadda Federaalka Soomaaliya, wuxuu noqonayaa waxba kama jiraan, waxaana burin kara Maxkamadda Dastuurka.

Qodobka 5aad: Afafka Rasmiga ah

(1) Afka rasmiga ah ee Jamhuuriyadda Federaalka Soomaaliya waa af Soomaali (Maay iyo Maxaatiri), af Carabiguna waa afka labaad.

(2) Dawladda Federaalka Soomaaliya waa in ay daryeeshaa, ilaalisaa islamarkaana horumarisaa af Soomaaliga iyo suugaantiisa.

Qodobka 6aad: Calanka iyo Astaanta Qaranka

(1) Calanka Jamhuuriyadda Federaalka Soomaaliya, sida lagu muujiyey Jadwalka Koowaad (A) ee Dastuurka, waa laydi buluug furan ah oo ay dhexda kaga taal xiddig cad oo shan gees ah, madaxyo simanna leh.

(2) Astaanta Jamhuuriyadda Federaalka Soomaaliya, sida lagu muujiyey Jadwalka Koowaad (B) ee Dastuurka, waxay ka koobantahay gaashaan buluug ah, oo leh xiddaayad dahabi ah, dhexdana ku leh xiddig shan gees ah oo dheeh qalin ah leh, gaashaanka dushiisa waxaa ku yaal rukummo carbeed oo xardhan, lehna shan madax oo dahabi ah oo labada geesaha ku yaalla ay kala qaaran yihiin, hareerahana waxaa ka haya laba shabeel oo isu tusmaysan, kuna kala taagan labo waran oo isku weydaarsan caaradda hoose ee gashaanka, ayna weheliyaan laba caleen-cawbaar, mayrax cadna ay ku qoofalan tahay.

(3) Heesta Qaranka Soomaaliya waa "Qolobaa calankeedu waa cayn", sida lagu muujiyey Jadwalka Koowaad (C) ee Dastuurka, iyada ayayna Dawladda Federaalka iyo dawlad goboleedyadaba u isticmaalayaan munaasabadaha rasmiga ah.

(4) Billad sharafta calanka iyo Heesta Qaranka ee Jamhuuriyadda iyo maammuuska ay mudanyihiin dadka mutaysta waxaa xeer gaar ah ku soo saaraya Baarlamaaanka Federaalka Soomaaliya.

(5) Dawlad goboleedyadu waxay yeelan karaan calan iyo astaan u gaar ah, haise ma yeelan karaan hees astaameed iyaga u gaar ah.

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Qodobka 7aad: Geyiga Jamhuuriyadda Federaalka Soomaaliya

(1) Gobannimada Jamhuuriyadda Federaalka Soomaaliya waxay koobeysaa geyiga Jamhuuriyadda Federaalka Soomaaliya oo idil, oo ay ku jiraan berriga, badaha, webiyada, jasiiradaha iyo uurkooda hoose, hawadooda sare iyo geyi qaaradeedka iyo dhul iyo biyo goboleed kasta oo ku soo biira Jamhuuriyadda Soomaaliya, oo uu Baarlamaanka Federaalku ansixiyo.

(2) Dhulka Jamhuuriyadda Federaalka Soomaaliyeed lama kala goyn karo, lagumana xadgudbi karo.

(3) Xuduudaha Jamhuuriyadda Federaalka Soomaaliya waa xuduudihii ku astaansanaa Dastuurka 1960 ee Soomaaliya.

(4) Xuduudaha Jamhuuriyadda Federaalka Soomaaliya:
   a) Waqooyi: Gacanka Cadmeed;
   b) Waqooyi Galbeed: Jabuuti;
   c) Galbeed: Itoobiya;
   d) Koonfur Galbeed: Kenya; iyo
   e) Bari: Badweynta Hindiya.

Qodobka 8aad: Shacabka iyo Jinsiyadda

(1) Shacabka Jamhuuriyadda Federaalka Soomaaliyeed waa mid, lamana kala qaybin karo, wuxuuna ka koobanyahay dhammaan muwaaddiniinta.

(2) Jinsiyadda Soomaaliyeed waa mid qur ah, xeer gaar ah oo uu ansixiyo Baarlamaanka Federaalka Soomaaliya oo keliya ayaa xaddidaya sida lagu helayo, lagu laalayo ama lagu waayayo.

(3) Qof leh jinsiyadda Soomaaliyeed wuxuu qaadan karaa jinsiyad dal kale, lagamana qaadi karo jinsiyadda Soomaaliyeed, lagumana qasbi karo in uu ka tago jinsiyadiisa kale.

(4) Diidmada, laalista iyo kaqaadista jinsiyadda laguma xiri karo asbaabo siyaasadeed.

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Qodobka 9aad: Magaalamadaxda Jamhuuriyadda Federaalka Soomaaliya

(1) Magaalamadaxda Jamhuuriyadda Federaalka Soomaaliya waa Muqdisho.

(2) Maqaamka Magaalamadaxdu leedahay iyo matalaaddeeda waxaa lagu xeerinayaa Cutubka Saad ee Dastuurka.

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CUTUBKA LABAAD: XUQUUQDA AASAASIGA AH IYO WAAJIBAADKA MUWAADDINKA

Madaxa Koowaad: Mabaadi'da Guud ee Xuquuqda Aadanaha

Qodobka 10aad: Karaamada Aadanaha

(1) Karaamada aadanuhu waa deeq Ilaahey Subxaanahu Watacaalaa ku mannaystay qof kasta oo bani'aadan ah, xuquuqda aadanuhuna deeqdaas ayay ka dhalataa.

(2) Karaamada aadanaha waa laguma xadgudbaan, dhawristeeduna waa waajib saaran dadka oo dhan.

(3) Awoodda dawladda waa in aan marnaba loo isticmaalin ku xadgudbidda karaamada aadanaha.

(4) Qofna lama addoonsan karo, xoogna looguma shaqeysan karo, lagamana ganacsan karo, shaqana laguma qasbi karo ujeeddo kasta ha laga lahaadee. -10

Qodobka 11aad: Sinnaanta

(1) Qof kasta iyadoo aan loo eegin lab ama dheddig, diin, midab, xaalad bulsho ama dhaqaale, afkaar siyaasadeed, qabiil, naafannimo, xirfad, dhalasho, isir, da' iyo afguri toona, xuquuqda iyo waajibaadkaba way u simanyihiin xeerka hortiisa, si waafaqsan Shareecada Islaamka.

(2) Waxaa reebban in qofna lagu sameeyo, si toos ah ama dadban, takoor ku salaysan da', midab, qabiil, isir, dhaqan, afguri, lab iyo dheddig, dhalasho, naafannimo, diin, afkaar siyaasadeed, xirfad, hanti ama sababo kale.

(3) Waa in aan loo arkin fal takoorid ah barnaamijyada dawladda sida xeerarka, hab siyaasadeed iyo hab maamuleed ee loo qorsheeyey in sinnaan buuxda lagu gaarsiiyo dad ama kooxo horay loogu geystey takoorid ama ku sugan xaalad dib-udhacsan. -20

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(4) Qofna maqaam iyo maamuus uu leeyahay awgeed ugama baxsan karo la xisaabtan iyo ciqaab faldembiyeed uu galay, haddii aanu Dastuurku si kale u dhigin.

Qodobka 12aad: Dhaqangelinta Xuquuqda Aasaasiga ah

(1) Hay'adaha dawladda heer federaal iyo heer dawlad goboleedba, xisbiyada siyaasadeed, urur kasta oo gaar loo leeyahay iyo qof kastaba waa in ay u wada hoggaansamaan markasta xuquuqda aasaasiga ah iyo xorriyaadka lagu aqoonsaday cutubkan.

(2) Dawladdu waa in ay mar walba ilaalisaa, dammaanadqaaddaana hirgelinta iyo ku dhaqanka xuquuqda aasaasiga ah iyo xorriyaadkaba.

Madaxa Labaad: Xuquuqda, Xorriyaadka Aasaasiga ah ee Qofka iyo Xaddidaadooda

Qodobka 13aad: Xaqa Nolosha

(1) Qof kasta wuxuu xaq u leeyahay in uu noolaado.

(2) Noloshu waa deeq Ilaahey Subxaanahu Watacaalaa siiyay bani'aadamka oo idil, sidaas daraadeed waa xaq dabiici ah oo aan qofna laga qaadi karin, haddii aysan jirin asbaabo xeerku tilmaamayo in xaqaasi lagu waayi karo, taas oo ku imaan karta xukun maxkamadeed oo kamadambays ah.

(3) Sooriddda ilmuhu waa arrin ka soo horjeedda Shareecada Islaamka, wayna reebban tahay, haddii ayna keenin xaalad caafimaad, oo aan looga maarmin badbaadinta nolosha hooyada oo uu sugay dhakhtar hufan oo awood u leh.

Qodobka 14aad: Xorriyadda iyo Nabadgelinta Qofnimada

(1) Qof kasta wuxuu xaq u leeyahay xorriyaddiisa shakhsiga ah iyo nabadgelyada qofnimadiisa.

(2) Qof kasta wuxuu xaq u leeyahay amniga qof ahaantiisa iyo hantidiisa; qofna looma geysan karo qaab kasta oo jirdil ah ama fal bini'aadannimada ka baxsan; waxaana reebban xarig aan sharciga waafaqsanayn iyo wax kasta oo cunfi ah, oo ay ka mid tahay kan lagula kaco haweenka iyo carruurta.

(3) Qof kasta wuxuu xaq u leeyahay badqabka jirkiisa, waana laguma xadgudbaan. Qofna laguma samayn karo tijaabo dhakhtareed ama mid cilmibaariseed oggolaasho la'aantiisa,

haddii qofku sharciyan awood u lahayn inuu wax oggolaado waa in la helaa oggolaashaha xigtadiisa ugu dhow, oo ku salaysan talo uu bixiyay xeeldheere caafimaad.

(4) Gudniinka gabdhaha waa caado naxariisdarro ah iyo xaqiraad u dhiganta jirdil, wuuna reebban yahay.

Qodobka 15aad: Xorriyadda Ka Midnoqoshada

Qof kasta wuxuu xaq u leeyahay in uu ku biiro urur ama koox kale, xaqaas waxaa ka mid ah inuu sameeyo ama ka mid noqdo ururro ay ka mid yihiin ururro shaqaale ama xisbiyo siyaasadeed, wuxuu kaloo xor u yahay in uusan cidna ku biirin, lagumana qasbi karo inuu cid kale ku biiro.

Qodobka 16aad: Xorriyadda Diinta iyo Caqiidada

(1) Qof kasta wuxuu xor u yahay in uu ku dhaqmo diintiisa.

(2) Laguma faafin karo diin aan ahayn diinta Islaamka geyiga Jamhuuriyadda Federaalka Soomaaliya.

Qodobka 17aad: Xorriyadda Ra'yiga iyo Afkaarta

(1) Qof kasta wuxuu xaq u leeyahay in uu yeesho ra'yigiisa, kuna soo bandhigo hadal, qoraal, saxaafad, farshaxan ama sidii kale oo uu doono, haddii aysan ka hor imaanayn Shareecada Islaamka.

(2) Qof kasta wuxuu xaq u leeyahay in uu si xor ah u soo bandhigo aqoontiisa ama hal-abuurkiisa.

Qodobka 18aad: Xurmada Hoyga

Qofna hoygiisa, qalabkiisa, goobaha iyo waxyaabaha kale ee isaga u gaarka ah lama baari karo, lama dhegeysan karo, lamana basaasi karo amar garsoore oo sababaysan la'aantiis.

Qodobka 19aad: Xorriyadda Kulanka, Bannaanbaxa, Cabashada iyo Codsi-wadareedka

(1) Qof kasta wuxuu xaq u leeyahay in uu abaabulo kana qaybgalo kulammo ama bannaanbax, cabasho, taageero oo lagu muujinayo si xasillooni ah, iyadoo aan oggolaansho loo baahnayn.

(2) Qof kasta wuxuu xaq u leeyahay inuu cabasho qoraal ah u gudbin karo hay'adaha dawladda.

Qodobka 20aad: Xorriyadda Isusocodka iyo Degitaanka

(1) Qof kasta oo dalka sifo sharci ah ku jooga wuxuu xaq u leeyahay in uu dego meesha uu rabo, kuna dhex socon karo dalka gudihiisa, si xor ahna uga bixi karo dalka goortii uu doono.

(2) Muwaaddin kasta wuxuu xaq u leeyahay soogelidda, ka bixidda iyo joogitaanka waddanka.

(3) Muwaaddin kasta wuxuu kale uu xaq u leeyahay inuu helo baasaboor Soomaali ah, dukumentiga aqoonsiga qaranka, dukumenti diiwaangelineed iyo aqoonsi kasta oo ay dawladdu u soo saarto muwaaddiniinta.

Qodobka 21aad: Xaqa Ka Qaybgalka Siyaasadda

(1) Muwaaddin kasta wuxuu xaq u leeyahay in uu ka qeybqaato arrimaha siyaasadeed ee dalka, uuna sameysan karo, kana mid noqon karo xisbi siyaasadeed, loona dooran karo xil kasta, oo xisbiga gudihiisa ah, si waafaqsan xeerarka Jamhuuriyadda Federaalka Soomaaliya.

(2) Muwaaddin kasta oo buuxiya shuruudaha xeerku tilmaamayo wuxuu xaq u leeyahay inuu wax doorto, lana doorto.

Qodobka 22aad: Xorriyadda Xirfadda, Shaqada iyo Mihnadda

Muwaaddin kasta wuxuu xaq u leeyahay in uu si xor ah u doorto xirfadda, shaqada ama mihnadda uu rabo.

Qodobka 23aad: Xiriirka Shaqada

(1) Qof kasta wuxuu xaq u leeyahay in uu helo xiriir shaqo oo ku dhisan caddaalad.

(2) Shaqaale kasta wuxuu xaq u leeyahay inuu sameeyo, kuna biiro urur shaqaale, kana qaybgalo hawlaha ururkaas.

(3) Shaqaaluhu xaq ayay u leeyihiin shaqo joojin.

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(4) Urur shaqaale kasta ama loo shaqeeye kasta waxay xaq u leeyihiin in ay wadageli karaan gorgortan wadareed oo ku saabsan arrimaha shaqada.

(5) Qof kasta oo shaqaale ah, gaar ahaan haweenka waxay xaq gaar ah u leeyihiin in laga ilaaliyo xadgudub, faquuq iyo takoor goobaha shaqada. Xeer kasta oo shaqaaleed iyo habdhaqan kasta waa in uu xeeriyaa sinnaanta xuquuqda shaqaalaha ee lab iyo dheddigba.

(6) Dadka naafada ahi waxay xaq u leeyihiin in ay goobaha shaqada ku helaan sinnaan buuxda, waana in loo fududeeyaa qaab kasta oo u suurtaggelinaya shaqadooda.

Qodobka 24aad: Deegaan Nadiif ah

(1) Qof kasta wuxuu xaq u leeyahay inuu helo deegaan aan waxyeello u lahayn caafimaadkiisa iyo baraarihiisa nololeed oo laga ilaaliyey wasakhda iyo waxyaalaha halista ah. -10

(2) Qof kasta wuxuu xaq u leeyahay inuu wax ka helo khayraadka dabiiciga ah ee dalka, iyadoo laga ilaalinaayo ka faa'iideysi xaddhaaf ah, oo deegaanka iyo khayraadka dabiiciga ahba waxyeello u geysan kara.

Qodobka 25aad: Hantida Gaarka Loo Leeyahay

(1) Qof kasta wuxuu xaq u leeyahay in uu hanti gaar ah yeesho, ku dhaqmo, ka faa'iideysto, kuna naalloodo, iskana gado ama hibeeyo markuu doono.

(2) Dawladdu waxay hanti gaar loo leeyahay la wareegi kartaa marka ay jirto dan guud. Qof kasta oo hantidiisa dan guud awgeed loola wareegay wuxuu dawladda xaq ugu leeyahay magdhaw caaddaalad ah, lagalana heshiiyey ama maxkamadi go'aamisay. -22

Qodobka 26aad: Xuquuqda Bulshada

(1) Qof kasta wuxuu xaq u leeyahay inuu helo biyo nadiif ah oo uu cabo.

(2) Qof kasta wuxuu xaq u leeyahay inuu helo daryeel caafimaad, iyadoo qofna laga reebi karin helitaanka adeegyada caafimaadka degdeg ah sabab kasta ha jirtee.

(3) Qof kasta wuxuu xaq u leeyahay daryeel bulsho oo dhammaystiran.

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(4) Hay'adaha dawladda ee Jamhuuriyadda Federaalka Soomaaliya waa in si dhab ah ugu sugaan dadweynaha dhammaantood taabbaggelinta xuquuqdaas, iyagoo si gaar ah mudnaan u siinaya haweenka, carruurta, waayeelka, dadka naafada ah iyo beelaha laga tiro badanyahay ama la takooro.

Qodobka 27aad: Daryeelka Qoyska

(1) Guurku waa aasaaska qoyska oo ah saldhigga bulshada, ilaalintiisuna waa waajib sharci ah oo saaran dawladda.

(2) Qof kasta oo qaangaar ah wuxuu xaq u leeyahay in uu guursado uuna yeesho qoys ku yimid rabitaankiisa iyo rabitaankeeda, si waafaqsan Shareecada Islaamka iyo xeerarka Jamhuuriyadda Federaalka Soomaaliya. 10

(3) Daryeelka hooyada iyo dhalaanku waa waajib qaran oo saaran dawladda.

(4) Ubadku wuxuu waalidkiis xaq ugu leeyahay xannaano ay ka mid tahay waxbarasho iyo barbaarin toosan. Haddiise xannaanadaas uu ka waayo qoyskiisa, xigtadiisa, ama uu yahay ubad dayacan, dawladda ayaa kafaalaqaadaysa xuquuqdaas.

(5) Waalidka aan iskiis isugu filnayn wuxuu ubadkiisa qaangaarka ah xaq ugu leeyahay in uu ka helo daryeel, waalidiinta aan daryeel ka helin ubadkooda qaangaarka ah ama xigtadooda, waxaa daryeelkooda kafaalaqaadaya dawladda.

(6) Xeer uu ansixiyo Baarlamaanka Federaalka Soomaaliya ayaa nidaaminaya arrimaha qoyska.

Qodobka 28aad: Xuquuqda Carruurta 20

(1) Ubadku markuu dhasho wuxuu xaq u leeyahay in loo bixiyo magac suubban iyo in si rasmi ah loo diiwaangeliyo.

(2) Ereyga "carruur" ee qodobkan ku xusan waxaa loola jeedaa qof kasta oo ka yar da'da qaangaarnimada oo shan iyo toban (15) sano ah, halka da'da xilkasnimaduna ay tahay siddeed iyo toban (18) sano ah, iyadoo lagu faahfaahinayo xeerarka Jamhuuriyadda Federaalka Soomaaliya.

(3) Ubad kasta wuxuu xaq u leeyahay in laga ilaaliyo dhaqanxumo, dayacaad, xadgudub ama liiditaan.

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(4) Carruurta looma diri karo inay qabtaan hawl, ama adeegyo aan ku habboonayn da'dooda, ama halis gelin kara caafimaadkooda ama koritaankooda.

(5) Carruurta waxaa la xiri karaa oo keliya muddo gaaban markii la waayo xal kale, lagumana xiri karo dadka waaweyn dhexdooda, marka laga reebo xigtada ugu dhow, waana in lagu hayaa xaalado ku habboon. Xigtada ugu dhow carruurta waa in sida ugu dhaqsaha badan oo suurtagalka ah loo wargeliyaa xiritaankooda.

(6) Carruurtu waxay xaq u leeyihiin inay helaan kaalmo qareennimo oo ay dawladdu bixineyso kharashkeeda.

(7) Carruurtu waxay xaq u leeyihiin in laga ilaaliyo askarayn loona adeegsan dagaallada hubaysan.

(8) Danta carruurta ayaa mar walba mudnaanta leh, markay joogto arrin kasta oo maslaxaddooda khusaysa.

Qodobka 29aad: Waxbarashada

(1) Waxbarashadu waa xaq aasaasi ah oo ay leeyihiin dhammaan muwaaddiniinta Jamhuuriyadda Federaalka Soomaaliya.

(2) Muwaaddin kasta wuxuu xaq u leeyahay inuu helo waxbarasho lacag la'aan ah oo gaarsiisan ilaa heer dugsi sare.

(3) Waxbarashada aasaasiga ah ee Qur'aanka kariimka ah iyo dugsiyada hoose-dhexe waa khasab.

(4) Heerarka kala duwan ee hay'adaha dawladda ee u xilsaaran waxbarashada, waxaa waajib ku ah horumarinta, fidinta iyo baahinta waxbarashada guud ee dadweynaha.

(5) Heerarka kala duwan ee hay'adaha dawladda ee u xilsaaran waxbarashada waa in ay horumariyaan tacliinta sare, machadyada farsamo, tiknoolijiyada, cilmibaarista, hal-abuurka, cayaaraha, hiddaha iyo dhaqanka.

(6) Xukuumadda Federaalka Soomaaliya ayaa u xilsaaran dejinta manhaj waxbarasho mideysan ee qaranka. Hay'adaha dawladda ee heer kasta ayaa u xilsaaran in ay ka hirgeliyaan manhajkaas dhammaan dugsiyada Jamhuuriyadda Federaalka Soomaaliya.

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(7) Barashada tacliinta diinta Islaamka waa ku khasab ardeyda dhigata dugsiyada dawladda iyo dugsiyada gaarka ah oo ay leeyihiin dadka muslimka ah.

(8) Dawladdu waa in ay qaaddaa tallaabooyin muhiim u ah dhallinyarada si ay u helaan waxbrasho tayo leh, xirfad iyo horumar waxku-ool ah, iyada oo la carbinayo laguna beerayo jeceylka dadka, dalka iyo diintaba, islamarkaasna waa in dawladdu dhallinyarada ka ilaalisaa dhaqannada xunxun ee lidka ku ah mustaqbalka dalka.

(9) Dawladdu waxay xaqiijinaysaa bixinta iyo helitaanka hay'adaha iyo agabka lagama maarmaanka ah si loo horumariyo awoodda dhallinyarada iyo hal-abuurkooda. Sidoo kale, dawladdu waxay qaadaysaa tallaabooyinka lagu horumarinayo qaybaha kala duwan ee ciyaaraha.

Qodobka 30aad: Dhaqanka iyo Afka

(1) Hay'adaha dawladda ee heerarka kala duwan waa in ay horumariyaan af Soomaaliga, hiddaha iyo dhaqanka suubban ee shacabka Soomaaliyeed, iyagoo ku dadaalaya in ay bulshada dhexdeeda ka ciribtiraan caadooyinka xun ee haraaga ah iyo kuwa dhawaan soobbaxa ah ee saamayn xun ku yeelan kara diinta, midnimada iyo caafimaadka bulshada.

(2) Hay'adaha dawladda ee ku shaqada leh waa in ay uruuriyaan, ilaaliyaan, kaydiyaan dhaxalkii sooyaalka ahaa ee ummadda sida goobaha taariikhiga ah ee Jamhuuriyadda Federaalka Soomaaliya, iyaga oo islamarkaasna horumarinaya aqoonta, kartida, teknoloojiyada iyo farsamada hay'adahaas u suurtagalin karta gudashada waajibaadkan.

(3) Hay'adaha dawladda ee ku shaqada leh waa in ay horumariyaan, dhawraanna dhaqan hoosaadyada iyo afguriyada dhammaan dadka Soomaaliyeed.

(4) Xukuumadda Federaalku waa inay abuurto hay'ad si gaar ah u hormarisa, una kobcisa: hiddaha, dhaqanka, afka iyo sooyaalka Soomaaliyeed.

Qodobka 31aad: Xaqa Helidda Xogta

(1) Qof kasta wuxuu xaq u leeyahay in uu helo xogta ay hayaan hay'adaha dawladda heer kasta, marka laga reebo xogta taabanaysa amniga qaranka iyo xogta lagu ilaalinayo xuquuqda dad kale, ama xeerku reebayo.

(2) Qof iyo hay'ad midna laguma khasbi karo inuu bixiyo xog haddii aysan maxkamad ama xeerarka Jamhuuriyadda Federaalka Soomaaliya amrin.

(3) Xeer uu ansixiyo Baarlamaanka Federaalka Soomaaliya ayaa lagu hirgelinayaa xaqa helidda xogta.

Qodobka 32aad: Xaqa Ilaalinta Xogta Shaqsiga

(1) Qof kasta wuxuu xaq u leeyahay in la ilaaliyo xogtiisa qof ahaaneed, taas oo loo isticmaali karo oo keliya ujeeddadii loo uruuriyey.

(2) Xogta ku xusan faqradda 1aad ee qodobkan waxaa lagu bixin karaa oo keliya oggolaashaha shakhsiga xogta leh ama sabab kale oo xeer tilmaamayo.

(3) Qofka wuxuu xaq u leeyahay in uu helo xogtiisa gaarka ah ee la uruuriyey iyo sidoo kale in la saxo xogtiisa.

(4) Xeer uu ansixiyo Baarlamaanka Federaalka Soomaaliya ayaa nidaaminaya uruurinta, isticmaalka iyo gudbinta xogta shakhsiga ah.

Qodobka 33aad: Go'aanno Maamul oo Caddaalad ah

(1) Qof kasta wuxuu xaq u leeyahay in go'aannada maamuleed ee ka soo baxa heerarka kala duwan ee hay'adaha dawladda ay ahaadaan kuwo ku dhisan sharci, maangal ah oo sababaysan, go'aan ka gaaristoodana loo maray hannaan caddaalad ku dhisan.

(2) Qofka kasta oo ku qanci waaya go'aannada maamuleed ee ka soo baxa hay'adaha dawladda ee heerarka kala duwan, wuxuuna xaq u leeyahay inuu horgeeyo maxkamadda awoodda u leh.

Qodobka 34aad: Xaqa Dacwadda iyo Isdifaaca

(1) Qof kasta wuxuu xaq u leeyahay inuu dacwad sharciga waafaqsan ka furto maxkamadaha awoodda u leh.

(2) Qof kasta wuxuu xaq u leeyahay inuu helo garsoor madaxbannaan, caddaalad ku dhisan, aan eex lahayn; oo lagu qaado maxkamad dadweynaha u furan, laguna galo muddada xeerku jideeyey.

(3) Qof kasta wuxuu xaq u leeyahey inuu iska difaaco dacwad kasta oo lagu soo oogo heer iyo darajo kasta oo ay taagantahay.

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(4) Dawladdu waxay siinaysaa difaac sharci oo lacag la'aan ah dadka aan awoodin bixinta kharashka dacwadda maxkamadda iyo dadka raadinaya oo u doodaya arrin la xiriirta danta guud.

Qodobka 35aad: Xuquuqda Eedaysanaha

(1) Eedaysanuhu wuxuu la mid yahay qof aan dembi gelin ilaa maxkamad awood u leh ay si kamadambays ah ugu xukunto dembiga loo haysto.

(2) Qof kasta oo la soo qabto ama lagu soo xiro tuhun faldembiyeed wuxuu xaq u leeyahay in lagu wargeliyo dembiga lagu tuhunsanyahay, looguna sheegaa af uu fahmayo, wuxuuna isla markaasba xaq u leeyahay in uu ka aamuso hadal lagu eedayn karo.

(3) Qof kasta oo xorriyaddiisa shakhsiga ah laga qaado waa in xaaladdiisa la gaarsiiyo qoyskiisa ama eheladiisa iyo qareenkiisa. —10

(4) Qofna laguma qasbi karo dembiqirasho, xukunkiisana saldhig loogama dhigi karo qiraal lagu qasbay.

(5) Eedaysanuhu wuxuu xaq u leeyahay in uu iska difaaco maxkamad awood u leh horteeda, lana yimaado caddeymaha eed-iskarogidda ah ee uu isku difaacayo.

(6) Qof kasta oo la xiro wuxuu xaq u leeyahay in afartan iyo siddeed (48) saac gudahooda lagu horgeeyo maxkamad awood u leh.

(7) Eedeysanuhu wuxuu xaq u leeyahay in uu goobjoog ka ahaado marka dacwaddiisa la qaadayo.

(8) Qof kasta oo la soo xiro wuxuu xaq u leeyahay in uu qabsado qareen difaaca, haddii uusan awood u lahaynna ay dawladdu u qabato. —20

(9) Eedeysanuhu waxuu xaq u leeyahay turjumaan haddii uusan fahmayn afka maxkamaddu adeegsanayso.

(10) Eedeysanaha maxkamad lagu soo taagey tuhun faldembi ciqaabeed wuxuu xaq u leeyahay garsoor caaddil ah.

(11) Qofna laguma soo oogi karo mar labaad dembi si kamadambeys ah horey loogu soo xukumay ama looga sii daayay si sharciga waafaqsan.

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(12) Mas'uuliyadda ciqaabtu waa shakhsi, sidaa darteed, qofna looma ciqaabi karo faldembiyeed uu galay qof kale.

(13) Qofna looma ciqaabi karo fal markii uu qofku ku kacayay uusan sharcigu dembi u aqoonsaneyn, haddii uusan ahayn dembi lid ku ah bani'aadannimada.

(14) Eedeysanuhu waxuu xaq u leeyahay in uu rafcaan u qaato maxkamad ka sarreysa tan xukunka gaartay haddii uusan ku qancin xukunka maxkamadda.

(15) Eedeysanaha laguma hayn karo goob aan sharcigu bannayn, waana in loo oggolaado waqti ku filan booqashada eheladiisa, dhakhtarkiisa iyo qareenkiisa.

Qodobka 36aad: Isucelinta Eedaysanayaasha iyo Dembiilayaasha

(1) Isucelinta eedaysanayaasha iyo dembiilayaasha waxaa lagu oggolaan karaa oo keliya si waafaqsan xeerka iyo in uu jiro heshiis isucelin ah, oo ay Jamhuuriyadda Federaalka Soomaaliya dhinac ka tahay ama heshiis caalami ah oo ku waajibinaya Dawladda Federaalka Soomaaliya celinta eedaysanaha ama dembiilaha. -10

(2) Muwaaddinka Soomaaliyeed looma gacangelin karo dal shisheeye.

(3) Jamhuuriyadda Federaalka Soomaaliya waxay horumarinaysaa iskaashiga garsoor ee caalamiga ah.

(4) Baarlamaanka Federaalka ayaa soo saaraya xeer ku saabsan isucelinta eedaysanayaasha iyo dembiilayaasha iyo iskaalmaysiga sharciyeed ee arrimaha dembiyada.

Qodobka 37aad: Qaxootiga iyo Magangelyadoonka

(1) Qof kasta oo Jamhuuriyadda Federaalka Soomaaliya ku soo gala magangalyadoon ama loo aqoonsado qaxooti wuxuu xaq u leeyahay in aan dib loo celin ama aan loo qaadin dal kale, haddii ay jirto cabsi muuqata oo ah in uu la kulmayo ciqaab ama khatar lid ku ah. -20

(2) Baarlamaanka Federaalka Soomaaliya ayaa ansixinaya xeer nidaaminaya qaxootiga ama magangelyadoonka oo waafaqsan qaanuunka caalamiga ah.

Qodobka 38aad: Xaddidaadda Xuquuqda

(1) Xuquuqda ku xusay cutubkan waxaa xaddidi kara xeer, ama xaddidaad si gaar ah Dastuurka dhexdiisa ugu xusan, waase haddii xaddidaaddaasi ay tahay mid si cad u

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maangal ah ama kuwo la aqbali karo waafaqsanna qiyamka lagu qeexay Dastuurka, islamarkaasna xaddidaaddaasi aysan si gaar ah u bartilmaameedsanayn shakhsiyaad ama kooxo gaar ah.

(2) Xadiddaadu waxay imaan kartaa oo keliya marka ay jirto baahi culus oo lagu xaqiijinayo: dhawritaanka xuquuqda cid kale, amniga guud, difaaca dalka, caafimaadka guud iyo anshaxa wanaagsan, iyadoo la tixgelinayo isudheellitirnaanta xaddidaada iyo asbaabta keentay.

(3) Hay'adaha garsoorka ayaa dammaanad qaadaya in aan lagu xadgudbin xuquuqda iyo xorriyaadka, lana dhawro qiyamka saldhigga u ah Dastuurka.

Qodobka 39aad: Dib-uxaqsooridda La Xiriirta Xadgudubyada Xuquuqda Aadanaha

(1) Qof kasta waxuu xaq u leeyahay magdhow haddii lagu xadgudbo xuquuqdiisa aasaasiga ah, waxaana go'aan ka gaaraya dacwaddiisa maxkamad awood u leh.

(2) Qof ama urur wuu u dacwoon karaa maxkamad awood u leh, si ay u difaacaan xuquuqda aasaasiga ah ee dadka kale leeyihiin oo aan awoodin in ay iskood isu difaacaan.

(3) Ma laha waqti xaddidan furidda oogidda galdacwadeedka la xiriira gabboodfallada xuquuqda aadanaha, dembiyada dagaalka iyo dembiyada lidka ku ah bini'aadannimada oo ay xeeriyeen xeerarka Jamhuuriyadda Federaalka Soomaaliya ama heshiisyada caalamiga ah, oo ay Soomaaliya qayb ka tahay.

(4) Dacwadaha ku xusan faqradda 3aad ee qodobkan waxaa qaadi kara maxkamad awood u leh, gabboodfalladaasna lama siin karo gabbaad nooc kasta oo uu yahay, lamana cafin karo haddii uusan Dastuurku si kale u dhigin.

(5) Dawladdu waxay qaadaysaa tallaabooyin caddaaladeed, garsooreed, maamuleed, tacliimeed iyo tallaabo kasta oo kale, oo ay uga hortageyso, ku ciqaabmarineyso ama ugu dibgarnaqayso si ay u saxdo cid kasta oo dhibaato geysatay maqaam kasta oo ay leeyihiin.

(6) Xeer uu ansixiyo Baarlamaanka Federaalka Soomaaliya ayaa nidaaminaya dib-uxaqsooridda xadgudubyada xuquuqda aasaasiga ah.

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Qodobka 40aad: Fasiraadda Xuquuqda Aasaasiga ah

(1) Marka la fasirayo xuquuqda ku xusan cutubkan waa in maxkamad awood u leh ay raadiso qeexidda ujeeddooyinka laga leeyahay xuquuqda aasaasiga ah iyo qiyamka saldhigga u ah Dastuurkan.

(2) Marka ay fasirayso xuquuqahani waxay maxkamaddu tixgelineysaa Shareecada Islaamka, qaanuunka dawliga ah, dhaqanka suubban ee Soomaaliyeed iyo mabaadi'da iyo halbeegyada fasiraadda xeerarka ee caalamiga ah, ilaa iyo inta fasiraaddaas aysan ka hor imaanayn Dastuurka iyo qiyamka saldhigga u ah.

(3) Aqoonsiga xuquuqda aasaasiga ah ee ku xusan cutubkan kama hor imaaan karaan xuquuqda kale ee Shareecada Islaamku aqoonsatay.

Qodobka 41aad: Guddiga Xuquuqda Aadanaha

(1) Waxaa la dhisayaa Guddiga Madaxabannaan ee Xuquuqda Aadanaha oo uu waajibkiisu yahay:

(a) Xoojinta, sare u qaadidda, difaacidda, xushmeynta iyo xaqiijinta qiyamka xuquuqda aadanaha iyo xoriyadaha guud si waafaqsan: Shareecada Islaamka, Dastuurka iyo xeerarka Jamhuuriyadda Federaalka Soomaaliya;

(b) U kuurgelidda, baarista iyo diyaarinta warbixinno la xiriira xaaladda xuquuqda aadanaha ee dalka;

(c) Ka hortagga tacaddiyada iyo ku xadgudubyada xuquuqda aadanaha iyo ku wargelintooda hay'adaha qaranka ee ay khusayso;

(d) Hubinta dammaanadqaadka xuquuqda aasaasiga iyo dhawrista habdhaqanka xuquuqda aadanaha ee Jamhuuriyadda Federaalka Soomaaliya;

(e) Ka talabixinta habka ugu habboon ee lagu dhawri karo xuquuqda aadanaha iyo xaqsoorka gabboodfallada iyo kala talinta dawladda ee ka mid noqoshada iyo gelidda heshiisyada caalamiga ah ee xuquuqda aadanaha ee aan ka hor imaanayn Shareecada Islaamka iyo Dastuurka;

(f) Baarista iyo diiwaangelinta xadgudubyada xuquuqda aadanaha, kormeeridda xabsiyada iyo goobaha kale ee dadka lagu xiro iyo wacyigelinta buishada ee xuquuqda aadanaha; iyo

(g) Qabashada hawl kasta oo kale ee uu xeerku u xilsaaro.

(2) Guddigu wuxuu ka koobanyahay sagaal (9) xubnood oo uu soojeediyo Golaha Wasiirrada Xukuumadda Federaalka Soomaaliya, Baarlamaanka Federaalkuna uu ansixiyo, Madaxweynaha Jamhuuriyadduna ku meelmariyo xeer madaxweyne.

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(3) Baarlamaanka Federaalka Soomaaliya wuxuu soo saarayaa xeer qeexaya shuruudaha xubnaha iyo dhammaan arrimaha u muhiimka ah guddiga.

Madaxa Saddexaad: Waajibaadka Muwaaddinka

Qodobka 42aad: Waajibaadka Muwaaddinka

(1) Sida Diinta Islaamku qabto, caddaaladdu waxay ku jirtaa isudheellitirnaanta xuquuqda iyo waajibaadka.

(2) Muwaaddin kasta ee Jamhuuriyadda Federaalka Soomaaliya waxaa waajib ku ah inuu u hoggaansamo arrimaha soo socda:

(a) Noqdo waddani daacad u ah horumarinta iyo wanaagga dalkiisa;
(b) Difaaco ilaaliyana diinta, dalka, dadka iyo karaamada aadanaha.
(c) Adkeeyo midnimada qaranka, isaga oo kaashanaya muwaaddiniinta kale;
(d) Horumariyo mas'uuliyadda waalidnimo;
(e) Barto aasaasiyaadka diinta Islaamka;
(f) Si buuxda u barto, u xurmeeyo, ku dhaqmo, u hoggaansamo, difaacaana Dastuurka iyo xeerarka kale ee Jamhuuriyadda Federaalka Soomaaliya;
(g) Horumariyo mabda'a islaxisaabtanka iyo sarraynta sharciga;
(h) Bixiyo canshuurta si waafaqsan xeerarka Jamhuuriyadda Federaalka Soomaaliya;
(i) Ka qaybqaato hawlaha waxtarka u leh muwaaddinka, qoyska, wanaagga guud iyo in uu ka qaybqaato horumarinta qaranka iyo bulshada uu la noolyahay;
(j) Ka ilaaliyo deegaanka wasakhda iyo waxyeellada aan loo baahnayn;
(k) Dhawro xuquuqda xayawaanaadka Jamhuuriyadda Federaalka Soomaaliya; iyo
(l) Inuu codeeyo doorashooyinka.

(3) Marka la fasirayo waajibaadka ku xusan faqradda 2aad ee qodobkan laguma xaddidi karo xuquuqda aasaasiga ah ee ku xusan cutubkan.

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CUTUBKA AFARAAD: MATALAADDA SHACABKA

Madaxa Koowaad: Mabaadi'da Guud ee Matalaadda Shacabka

Qodobka 46aad: Awoodda Shacabka

(1) Allaahu Subxaanahu wa Tacaalaa (SWT) ka sokow, awoodda isxukunku waxay ka billaabataa kuna dhammaataa shacabka Jamhuuriyadda Federaalka Soomaaliya, kaasoo leh awoodda la xisaabtanka hay'adaha dawladda ee heer kasta iyo wakiillada shacabka ee u xilsaaran maamulka dalka iyo adeegyada dadweynaha.

(2) Matalaadda shacabka ee Jamhuuriyadda Federaalka Soomaaliya ee heer kasta oo dawladdeed waa in ay ahaataa mid furan oo loo dhanyahay, muwaaddin kastana fursad u siinayasa in uu si madaxbannaan, oo aan takoor lahayn uga qaybqaato xukunka si toos ah ama si dadban, si fududna u fahmi karo xeerarkiisa iyo habraacyadiisa.

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(3) Nidaamka matalaaddu waa inuu ahaado mid ka hortegi kara qalalaase ka dhalan kara tartammada siyaasadeed iyo natiijooyinka doorashada.

(4) Dawladda Federaalka Soomaaliya ayaa mas'uul ka ah xaqiijinta in dawlad goboleed kasta ay dhaqangeliso nidaam dimuquraadi ah oo waafaqsan Dastuurka iyo xeerarka Jamhuuriyada Federaalka Soomaaliya.

Madaxa Labaad: Doorashooyinka

Qodobka 47aad: Mabaadi'da Guud ee Doorashooyinka

Mabaadi'da guud ee nidaamka doorashooyinku waa in ay ahaadaan kuwo:

(1) Xor ah, caddaalad ah, codkuna qarsoodi yahay, oo ka maran: takoor, eex, musuqmaasuq, cabsigelin, hanjabaad, marinhabaabin iyo faragelin nooc kasta oo ay tahay.

(2) Dammaanadqaada xuquuqda siyaasadeed ee muwaaddinka sida ku xusan Qodobka 21aad ee Dastuurka.

(3) Sugaya geeddisocodka doorashada, oo si sahlan loo fahmi karo xeerarkiisa, qaababkiisa iyo habraacyadiisaba, uuna fulinayo Guddiga Madaxabannaan ee Doorashooyinka Qaranka iyo Soohdimaha.

(4) Dammaanadqaadaya in dhammaan muwaaddiniinta buuxiyey shuruudaha xeerku tilmaamayo ay leeyihiin xaqa dhiibashada codkooda si siman.

(5) Xeer ku salaysan, geeddisocodkiisana loo maareeyey, loona korjoogteeyey si madaxbannaan oo sugaya hab daahfuran oo isla xisaabtan leh.

(6) Hubinaya in aan lagu xadgudbin midnimada Jamhuuriyadda iyo bulshada Soomaaliya.

(7) Xaqiijinaya ka qaybgalka haweenka ee goleyaasha xeerdejinta iyo xisbiyada siyaasadeed, iyadoo qoondada haweenka lagu nidaaminayo xeerar uu soo saaro Baarlamaanka Federaalka Soomaaliya.

(8) Dammaanadqaadaya in dhammaan qaybaha kala duwan ee bulshada ay helaan matalaad caddaalad ah siiba dadka naafada ah.

(9) Sugaya in bulshada Jamhuuriyadda Federaalka Soomaaliya ay helaan matalaad caddaalad ah, siiba beelaha laga tirada badanyahay; si loo gaaro caddaalad bulsho.

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(10) Dhiirrigelinaya nidaamka siyaasadeed ee xisbiyada badan, islamarkaana tixgelinaya xaaladda amni iyo tan dhaqandhaqaale ee Jamhuuriyadda.

(11) Ka hortagga hurinta colaadaha.

Qodobka 48aad: Nidaamka Doorashooyinka

Hannaanka doorashooyinka Jamhuuriyadda Federaalka Soomaaliya waa mid ku salaysan qof iyo cod, waxaana qeexaya xeer uu ansixiyo Baarlamaanka Federaalka Soomaaliya.

Qodobka 49aad: Hay'adaha Sida Tooska ah loo Dooranayo

(1) Hay'adaha dastuuriga ah oo muwaaddiintu sida tooska ah u dooranayaan waa:
(a) Baarlamaanka Federaalka Soomaaliya oo ka kooban Golaha Shacabka iyo Golaha Aqalka Sare;
(b) Golaha Wakiillada Dawlad Goboleedka; iyo
(c) Golaha Degaanka ee Dawladaha Hoose.

(2) Xubnaha u tartamaya kuraasta Golaha Shacabka ee Baarlamaanka Federaalka Soomaaliya, waxaa cod qarsoodi ah oo madaxbannaan ku dooranaya muwaaddiiinta buuxiyey shuruudaha codbixiye.

(3) Xubnaha ku tartamaya kuraasta Golaha Aqalka Sare ee Baarlamaanka Federaalka Soomaaliya, waxaa cod qarsoodi ah oo madaxbannaan ku dooranaya keliya muwaaddiiinta deggan dawlad goboleedka kuwaas oo buuxiyey shuruudaha codbixiye.

(4) Xubnaha ku tartamaya kuraasta Golaha Wakiillada ee Dawlad Goboleed kasta waxaa cod qarsoodi ah, oo madaxbannaan ku dooranaya muwaaddiiinta deggan dawlad goboleedkaas oo buuxiyey shuruudaha codbixiye.

(5) Goleyaasha degaanka waxaa cod qarsoodi ah oo madaxbannaan ku dooranaya muwaaddininta deggan degmooyinka oo buuxiyey shuruudaha codbixiye.

Qodobka 50aad: Muddada Xilhaynta

Muddada xilhaynta hay'adaha dastuuriga ah oo sida tooska loo doooranayo ee ku xusan Qodobka 49aad, faqraddiisa 1aad waa shan (5) sano.

Qodobka 51aad: Codbixiyaha

(1) Muwaaddin kasta oo buuxiyey shuruudaha xeerku tilmaamayo, gaarayna da'da siddeed iyo toban (18) sano waqtiga diiwaangelinta, wuxuu xaq u leeyahay in uu isdiiwaangeliyo, si uu u codeeyo.

(2) Codbixiyeyaasha diiwaangashan waxay, si siman, xaq ugu wadaleeyihiin dhiibashada codkooda, waana in la ilaaliyo rabitaankooda iyo kalsoonidooda.

(3) Guddiga Madaxabannaan ee Doorashooyinka Qaranka iyo Soohdimaha wuxuu mas'uul ka yahay diiwaangelinta isagoo diyaarinaya diiwaanka codbixiyeyaasha Jamhuuriyadda Federaalka Soomaaliya.

(4) Dadka aan xaqa u lahayn diiwaangelintu waa:
- (a) Dadka aan dhimirkoodu dhammayn; iyo
- (b) Qof ay maxkamad awood u leh ku ridday xukun kamadambays ah oo la xiriira dembi doorasho shantii (5) sano ee la soo dhaafay ama maxkamaddaasi ay ka mamnuucdo xaqa codaynta, ama dembi uu galay awgeed xabsi uu ku jiro.

Madaxa Saddexaad: Xisbiyada Siyaasadeed

Qodobka 52aad: Dowrka Xisbiyada Siyaasadeed

(1) Xisbiyada siyaasadeed waxay, si nabadgelyo iyo dimuqaraadi ah, ugu tartamayaan hoggaanka siyaasadda Jamhuuriyadda Federaalka Soomaaliya.

(2) Xisbiyada siyaasadeed, ha ahaadeen kuwa xukunka haya ama kuwa mucaaradka ah, waxay ka midyihiin tiirarka nolosha siyaasadda iyo dimuqraadiyadda Jamhuuriyadda Federaalka Soomaaliya.

Qodobka 53aad: Shuruudaha Xisbiyada Siyaasadeed

(1) Xisbi siyaasadeed kasta waa in uu buuxiyaa shuruudaha soo socda:
- (a) In uu ilaaliyaa, ku dhaqmaa, adkeyaa, horumariyaana midnimada Jamhuuriyadda;
- (b) In uu u hoggaansamaa Dastuurka iyo xeerarka Jamhuuriyadda Federaalka Soomaaliya iyo talinta sharciga;
- (c) In uu u taaganyahay xurmaynta, qaddarinta, horumarinta iyo difaaca xuquuqda aadanaha;
- (d) In uu u hoggaansamaa mabaadi'da dimuqraadiyadda iyo maamulwanaagga;

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(e) In uu xaqiijiyaa matalaadda dadweynaha oo loo dhanyahay siiyaanna mudnaan gaar ah beelaha laga tirada badanyahay iyo dadka naafada ah ay ku leeyihiin xubinnimada iyo hoggaamintaba;
(f) In uu siiyo mudnaan gaar ah haweenka; iyo
(g) In uu maraa habraaca diiwaangelinta xisbiyada iyo xurmaynta xeerdhaqanka xisbiyada siyaasadeed.

(2) Waxaa reebban xisbi kasta oo:
(a) Qarsoodi ah, qaab ciidan ama ciidan u yaalle ah ama u abaabulan colaad si ujeeddooyinkiisu ku gaaro, ama u hubeysan in xukun uu ku qabsado, ama leh magac ama astaan qabiil;
(b) U ololeeya kalagoynta dalka iyo iskudirka bulshada;
(c) Adeegsada maaliyad ka timid ilo aan sharci ahayn; iyo
(d) Adeegsada hanti dawladeed ama la yimaada fal laaluush iyo musuqmaasuq, si uu u gaaro dano gaar ah.

Qodobka 54aad: Tartanka Xisbiyada Siyaasadeed

Doorashooyinka hay'adaha kala duwan waxaa ku tartamaya ururrada ama xisbiyada siyaasadeed ee sida rasmiga ah uga diiwaangashan Guddiga Madaxabannaan ee Doorashooyinka Qaranka iyo Soohdimaha. Baarlamaanka Federaalka ayaa soo saaraya xeer faahfaahinaya habraaca diiwaangelinta ururrada iyo xisbiyada siyaasadeed, iyadoo ururkii hela boqolkiiba toban (10%) tirada xubnaha labada gole ee Baarlamaanka Federaalka Soomaaliya uu noqonayo xisbi qaran.

Madaxa Afaraad: Maamulka Doorashooyinka

Qodobka 55aad: Dhisidda Guddiga Madaxabannaan ee Doorashooyinka Qaranka iyo Soohdimaha

Waxaa la dhisayaa Guddiga Madaxabannaan ee Doorashooyinka Qaranka iyo Soohdimaha oo u xilsaaran maamulka doorashooyinka dalka oo dhan iyo maareyntoodaba heer kasta, si loo helo doorashooyin hufan, daahfuran oo xor iyo xalaal ah.

Qodobka 56aad: Xilka iyo Waajibaadka Guddiga Madaxabannaan ee Doorashooyinka Qaranka iyo Soohdimaha

(1) Guddiga Madaxabannaan ee Doorashooyinka Qaranka iyo Soohdimaha waxaa xilkiisa iyo waajibaadkiisa ka mid ah:

(a) in uu maamulo, la socdo, xaqiijiyo habsami-usocodka, xalaalnimada iyo hufnaanta, doorashooyinka heerarka kala duwan ee dawladda iyo in uu ku dhawaaqo natiijada doorashooyinka;
(b) in uu si joogta ah u diiwaangeliyo codbixiyeyaasha doorashooyinka oo dhan;
(c) in uu diyaariyo, abaabulo, fududeeyo, qabto heerarka kala duwan ee doorashooyinka guud;
(d) in uu si joogta ah u diiwaangeliyo ururrada ama xisbiyada siyaasadeed iyo musharraxiinta doorashooyinka guud ee heerarka kala duwan;
(e) in uu soohdimeeyo degaan doorashooyinka, si xilliyeysanna u asteeyo xarumaha codbixinta;
(f) in uu dejiyo hab dhaqanka doorashooyinka ee musharraxiinta iyo xisbiyada siyaasadda;
(g) in uu cayimo tirada iyo goobaha codbixinta ee dalka;
(h) in uu diyaariyo, maamulana agabka doorashada iyo goobaha codbixinta;
(i) in uu sameeyo daraasad iyo khariidado la xiriira astaynta soohdimaha deegannada, asagoo kaashanaya khuburro;
(j) in uu u soojeediyo talooyin Baarlamaanka Federaalka Soomaaliya sidii loo soohdimeeyo xuduudaha degaannada, asagoo tixgelinaya xogta: dadka, dhulka, xaaladda siyaasadeed iyo kan dhaqan, si uu baarlamaanku go'aan uga gaaro arrimaha xuduudaha; iyo
(k) in uu fuliyo hawl kasta ee kale oo la xiriirta arrimaha doorashooyinka iyo soohdimaha, oo ku xusan Dastuurka ama xeerarka Jamhuuriyadda Federaalka Soomaaliya.

Qodobka 57aad: Xubnaha Guddiga Madaxabannaan ee Doorashooyinka Qaranka iyo Soohdimaha

(1) Guddiga Madaxabannaan ee Doorashooyinka Qaranka iyo Soohdimaha wuxuu ka koobanyahay siddeed iyo toban (18) xubnood, oo uu soojeedinayo Golaha Wasiirrada Xukuumadda Federaalka Soomaaliya, oo la soo tashaday hay'adaha ay khuseyso, Baarlamaanka Federaalkuna uu ansixiyo, Madaxweynaha Jamhuuriyadda uu ku meelmariyo xeer madaxweyne.

(2) Guddoomiyaha iyo guddoomiye kuxigeenka guddiga waxaa iska dhexdooranaya xubnaha guddiga.

Qodobka 58aad: Shuruudaha Xubnaha Guddiga Madaxabannaan ee Doorashooyinka Qaranka iyo Soohdimaha

(1) Xubnaha Guddiga Madaxabannaan ee Doorashooyinka Qaranka iyo Soohdimaha waxaa ka mid noqon kara qof kasta oo buuxiya shuruudahan soo socda:
   (a) in uu yahay muwaaddin; da'diisuna ka yareyn soddon iyo shan (35) sano;
   (b) in uu leeyahay anshax iyo sumcad wanaagsan;
   (c) in uu haysto shahaado jaamacadeed oo la aqoonsanyahay; iyo
   (d) in uu leeyahay ugu yaraan toban (10) sano waaya-aragnimo maamul ama sharci.

(2) Xubinnimada guddiga looma magacaabi karo dadka soo socda:
   (a) Qof ka tirsan xisbi siyaasadeed;
   (b) Qof ay maxkamad ku ridday xukun kamadambays ah oo ay ciqaabtiisu gaarsiisan tahay shan (5) sano;
   (c) Qof kasta oo ka haya xil dawladeed hay'adaha dawladda ee heer federaal iyo heer dawlad gobaleed xilliga magacaabista ama ixdii bilood ee ka horreysay; iyo
   (d) Qof kasta oo ay ka mamnuucaan xeerarka Dawladda Federaalka.

Qodobka 59aad: Xilwaayidda Xubnaha Guddiga

Xubnaha Guddigu waxay xilkooda ku waayi karaan oo keliya arrimaha soo socda midkood:

(1) Geeri;
(2) Istiqaalad qoraal ah oo uu u gudbiyey guddiga lagana aqbalo;
(3) Xilgudasho la'aan joogta ah sababo la xiriira mid jireed ama maskaxeed oo uu caddeeyey dhakhtar takhasus u leh oo la aqoonsanyahay;
(4) Xukun maxkamadeed oo kamadambays ah ee ku xusan Qodobka 58aad faqraddiisa 2aad xarafka (b);
(5) Aqbalaadda xil kale oo dawladeed;
(6) Muddada xilhaynta oo dhammaata; iyo
(7) Arrin kasta oo kale, oo lagu xuso Dastuurka ama xeerarka kale ee Dawladda Federaalka.

Qodobka 60aad: Muddada Xilhaynta Xubnaha Guddiga

Muddada xilhaynta xubnaha Guddiga Madaxabannaan ee Doorashooyinka Qaranka iyo Soohdimaha waa lix sano oo hal mar ah oo aan dib u cusboonaysiin lahayn.

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CUTUBKA TODDOBAAD: MADAXWEYNAHA JAMHUURIYADDA FEDERAALKA SOOMAALIYA

Qodobka 105aad: Madaxweynaha Jamhuuriyadda Federaalka Soomaaliya

(1) Madaxweynaha Jamhuuriyadda Federaalka Soomaaliya waa:
- (a) Madaxa Jamhuuriyadda Federaalka Soomaaliya;
- (b) Astaanta midnimada qaranka; iyo
- (c) Ilaaliyaha iyo horumariyaha Dastuurka.

(2) Madaxweynaha wuxuu matalaa Jamhuuriyadda Federaalka Soomaaliya gudaha iyo dibaddaba.

(3) Madaxweynaha Jamhuuriyadda Federaalka Soomaaliya waa in uu u gutaa waajibaadkiisa si waafaqsan Shareecada Islaamka, Dastuurka iyo xeerarka kale ee Jamhuuriyadda Federaalka Soomaaliya.

Qodobka 106aad: Shuruudaha Doorashada Xilka Madaxweynaha

(1) Xilka Madaxweynaha Jamhuuriyadda Federaalka Soomaaliya waxaa loo dooran karaa qof kasta oo buuxiya shuruudaha soo sooda:
- (a) Muwaaddin Jamhuuriyadda Federaalka Soomaaliya oo Muslim ah;
- (b) Labadiisa waalid ay yihiin muwaaddiniin Jamhuuriyadda Federaalka Soomaaliya;
- (c) Da'diisu aanay ka yarayn afartan (40) sano maalinta doorashada;
- (d) Aqoontiisa ay gaarsiisantahay heer jaamacadeed oo la aqoonsanyahay iyo waaya-aragnimo hoggaamineed oo aan ka yarayn shan iyo toban (15) sano;
- (e) Dhimirkiisu dhanyahay, horayna aan dhakhtar si rasmi ah ugu caddayn xanuun dhimirka ah;
- (f) Gelin faldembiyeed culus oo ay maxkamad awood u leh ugu xukuntay xukun si kamadambays ah;

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(g) In uu ku noolaa/degganaa Jamhuuriyadda Federaalka Soomaaliya muddo aan ka yarayn shan (5) sano;
(h) Qabin xaas ajnabi ah;
(i) In lagu yaqaan dhaqan suubban bulshada dhaxdeeda;
(j) In aan horay loogu samayn maamuus kaxayuubin jagada madaxweynennimo;
(k) In musharraxa haysta jinsiyad dal kale uu caddeeyo ka noqoshada jinsiyaddaas haddii uu ku guulaysto xilka Madaxweynaha Jamhuuriyadda Federaalka Soomaaliya; iyo
(l) In uu caddeeyo hantida uu leeyahay uguna gudbiyo hab qoraal ah Xafiiska Hantidhowraha Guud ee Jamhuuriyadda Federaalka Soomaaliya.

(2) Musharraxa madaxweynaha waxaa soo gudbinaya xisbi siyaasadeed ama isbahaysi xisbiyo siyaasadeed.

Qodobka 107aad: Doorashada Madaxweynaha Jamhuuriyadda Federaalka Soomaaliya

(1) Madaxweynaha Jamhuuriyadda Federaalka Soomaaliya waxaa kulan wadajir ah ku dooranaya labada gole ee Baarlamaanka Federaalka.

(2) Ugu yaraan saddex meelood labo meel (2/3) tirada guud ee xubnaha gole walba ee Baarlamaanka Federaalku waa inay joogaan u codaynta doorashada Madaxweynaha Jamhuuriyadda Federaalka.

(3) Musharraxa Madaxweynaha Jamhuuriyadda Federaalka Soomaaliya waxaa musharraxnimadiisa soojeedin kara saddexda xisbi siyaasadeed ee ka mid ka ah xisbiyada qaran ee dalka, kuwaas oo helay tirada ugu badan ee xildhibaannada labada gole ee Baarlamaanka Federaalka Soomaaliya, wuxuuna barnaamijkiisa ku soo bandhigayaa kulanka wadajirka ah ee labada gole ee Baarlamaanka Federaalka.

(4) Marka loo codaynayo doorashada Madaxweynaha Jamhuuriyadda xildhibaan kasta wuxuu leeyahay hal cod.

(5) Labada gole ee Baarlamaanka Federaalka waxay ku dooranayaan Madaxweynaha Jamhuuriyadda hab codayn qarsoodi ah, iyadoo la raacayo habraaca soo socda:
(a) Wareegga koowaad musharraxii hela aqlabiyad boqolkiiba konton iyo haldheeri (50%+1) ah tirada guud ee xubnaha labada gole ee Baarlamaanka Federaalka Soomaaliya ayaa ku guulaysanaya xilka Madaxweynaha Jamhuuriyadda Federaalka Soomaaliya. Haddii la waayo musharrax guulaysta, waxaa loo gudbayaa wareeg labaad.

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(b) Wareegga labaad waxaa u soo gudbaya labada musharrax ee ugu codka badan wareeggii koowaad, haddiise uu jiro musharrax saddexaad oo helay codad barbardhac ah wuxuu xaq u leeyahay in uu ka qaybgalo una gudbo tartanka doorashada wareegga labaad. Musharraxii hela cod aqlabiyad boqolkiiba kontoq iyo haldheeri (50%+1) ah tirada guud ee xubnaha labada gole ayaa ku guuleysanaya in uu noqdo Madaxweynaha Jamhuuriyadda Federaalka Soomaaliya.

Qodobka 108aad: Dhaarta Madaxweynaha

(1) Madaxweynaha ku guuleysta doorashada waxaa dhaarinaya Guddoomiyaha Maxkamadda Sare ee Federaalka marka lagu dhawaaqo natiijada doorashada, wuxuuna marayaa dhaartan:

"Aniga oo ah _____,
waxaan ku dhaaranayaa magaca Ilaahay inaan xilkayga u guto si daacad ah oo danta dalka, dadka iyo diintu ku jirto, ilaaliyo, dhawro, una hoggaansamo Shareecada Islaamka, Dastuurka iyo xeerarka kale oo dalka u yaalla; difaacana madaxbannaanida, gobannimada iyo midnimada dalka; iyo inaan dadka Soomaaliyeed ku hoggaamiyo sinnaan, caddaalad iyo hufnaan".

(2) Madaxweynaha la doortay wuxuu xafiiska kula wareegayaa muddo shan iyo toban (15) maalmood gudahood ah kaddib markii lagu dhawaaqo natiijada kamadambaysta ah ee doorashada Madaxweynaha.

Qodobka 109aad: Xasaanadda Madaxweynaha

(1) Madaxweynaha Jamhuuriyadda Federaalka Soomaaliya waxa uu leeyahay xasaanad inta uu xilka hayo lamana maxkamadayn karo.

(2) Madaxweynaha laguma maxkamadayn karo gudashada waajibaadkiisa dastuuriga ah marka uu xilka ka dego, haddii uusan gelin gabboodfal la xiriira xuquuqda aadanaha.

(3) Madaxweyne kasta oo xilka banneeya si nabad iyo dimuquraadi ah wuxuu xaq u leeyahay maamuus khaas ah oo lagu xusayo xeer gaar ah uu ansixiyo Baarlamaanka Federaalka, haddii aanu xilka ku bannayn maamuus kaxayuubin waafaqsan Dastuurka.

Qodobka 110aad: Awoodaha Madaxweynaha Jamhuuriyadda Federaalka Soomaaliya

Awoodaha Madaxweynaha Jamhuuriyadda Federaalka Soomaaliya waxaa ka mid ah:

(1) Wuxuu magacaabaa Ra'iisulwasaaraha Xukuumadda Federaalka Soomaaliya.

(2) Waa Taliyaha Guud ee Ciidammada Qalabka Sida.

(3) Wuxuu magacaabaa xilkana ka qaadaa, kaddib marka ay soo dhammaadaan habraacyada kale si waafaqsan Dastuurka iyo xeerarka Jamhuuriyadda Federaalka Soomaaliya, xilalka soo socda:

(a) Danjireyaasha iyo Qunsuliyadaha Guud;

(b) Taliyeyaasha Ciidanka Xoogga Dalka; Ciidanka Booliiska; Ciidanka Asluubta iyo Agaasimaha Hay'adda Sirdoonka iyo Nabadsugidda Qaranka;

(c) Guddiyada iyo hay'adaha madaxabannaan; iyo

(d) Xilalka kale ee lagu xeeriyay Dastuurka iyo xeerarka Jamhuuriyadda Federaalka Soomaaliya. — 10

(4) Wuxuu magacaabaa xilkana ka qaadaa Guddoomiyaha Maxkamadda Sare, Guddoomiyaha Maxkamadda Dastuurka iyo Xeer-ilaaliyaha Guud ee Qaranka kaddib soojeedinta Golaha Sare ee Garsoorka, si waafaqsan Qodobka 138(4)(a) ee Cutubka 9aad ee Dastuurka iyo xeerarka Dawladda Federaalka Soomaaliya.

(5) Wuxuu qaabbilaa, warqadaha aqoonsigana ka guddoomaa diblomaasiyiinta iyo wakiillada dalalka shisheeye.

(6) Wuxuu saxiixaa, celin karaana hindise xeereedyada uu u soo ansixiyo Baarlamaanka Federaalka si waafaqsan habraaca ku xusan Dastuurka.

(7) Wuxuu saxiixaa heshiisyada caalamiga ah ee uu ansixiyo Baarlamaanka Federaalka Soomaaliya. — 20

(8) Wuxuu ku dhawaaqaa xaalad dagaal ama mid degdeg ah si waafaqsan Qodobbada 187aad iyo 188aad ee Dastuurka iyo xeerarka kale ee Jamhuuriyadda Federaalka Soomaaliya.

(9) Wuxuu iskugu yeeraa shir aan caadi ahayn ee goleyaasha baarlamaanka mar kasta oo ay jiraan sababo muhiim ah.

(10) Wuxuu bixiyaa abaalmarinta xushmadda qaranka.

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(11) Wuxuu cafis u fidiyaa ama ciqaab ka dhimaa dembiilayaal marka uu u soo gudbiyo Xeer-ilaaliyaha Guud ee Qaranka si waafaqsan habraacyada ku xusan Dastuurka iyo xeerarka kale ee Jamhuuriyadda Federaalka Soomaaliya.

(12) Wuxuu fuliyaa dhammaan awoodaha kale ee Dastuurka iyo xeerarka dalku ay siiyaan.

Qodobka 111aad: Soo Saarista Digreetooyinka

(1) Madaxweynaha Jamhuuriyadda Federaalka Soomaaliya wuxuu soo saaraa digreetooyin iyo amarro khuseeya awoodaha u gaarka ah Dawladda Federaalka.

(2) Digreetooyinka iyo amarrada Madaxweynaha Jamhuuriyadda Federaalka Soomaaliya waxay ka dhaqangalayaan guud ahaan geyiga Jamhuuriyadda Federaalka Soomaaliya.

(3) Digreetooyinka iyo amarrada Madaxweynaha Jamhuuriyadda Federaalka Soomaaliya waa in aysan ka hor imaan Dastuurka Jamhuuriyadda Federaalka Soomaaliya iyo xeerarka federaalka. —10

Qodobka 112aad: Muddada Xilhaynta Madaxweynaha Jamhuuriyadda Federaalka Soomaaliya

(1) Madaxweynaha Jamhuuriyadda Federaalku wuxuu xilka haynayaa muddo shan (5) sano ah oo ka billaabanaysa maalinta xilka loo dhaariyo.

(2) Qofna looma dooran karo xilka madaxweynennimada in ka badan labo (2) muddo xileed oo xiriir ah.

Qodobka 113aad: Eedaynta iyo Maamuus Kaxayuubinta Madaxweynaha Jamhuuriyadda Federaalka Soomaaliya —20

(1) Eedaynta Madaxweynaha Jamhuuriyadda Federaalka Soomaaliya waxaa soojeedin kara Baarlamaanka Federaalka Soomaaliya marka lagu eedeeyo mid ka mid ah arrimaha soo socda:

(a) Khiyaano qaran;

(b) Ku xadgudubka Dastuurka iyo xeerarka kale ee Jamhuuriyadda Federaalka Soomaaliya; ama

(c) Xilgudasho la'aan joogta ah sababo maskaxeed ama jireed awgood oo uu si rasmi ah u caddeeyay dhakhtar caafimaad oo la aqoonsanyahay.

(2) Khiyaano qaran Dastuurka dhexdiisa waxaa loola jeeda:

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(a) Fal kasta oo lagu hor istaagayo ama lagu baabi'inayo ku dhaqanka iyo sarraynta mabaadi'da aasaasiga ah ee Dastuurka;
(b) Fal kasta oo lid ku ah gobannimada, madaxbannaanida iyo midnimadda qaranka Soomaaliya; iyo
(c) Daacad u noqoshada, gacansiinta iyo u basaasidda quwado shisheeye.

(3) Hindisaha soojeedinta eedaynta Madaxweynaha ee ku xusan faqradda 1aad ee qodobkan, waxaa baarlamaanka horkeeni kara ugu yaraan saddex meelood hal meel (1/3) tirada guud ee xubnaha gole kasta ee Baarlamaanka Federaalka, waxaana loo gudbinayaa Guddoomiyaha Golaha Shacabka kaas oo u diraya Maxkamadda Dastuurka si ay go'aan uga gaarto in eedeyntu ay sal leedahay.

(4) Haddii ay go'aamiso maxkamaddu inay eedayntu sal sharci leedahay, Baarlamaanka Federaalka Soomaaliya waa inuu go'aan ka gaaraa eedaynta loo soojeediyey Madaxweynaha muddo aan ka badnayn soddon (30) maalmood oo ka billaabanaysa maalinta la soo saaro go'aanka maxkamadda.

(5) Madaxweynaha Jamhuuriyadda Federaalka Soomaaliya waxa uu sii gudanayaa waajibaadkiisa shaqo ilaa iyo inta baarlamaanku go'aan kamadambays ah ka gaarayo maamuus kaxayuubinta.

(6) Go'aanka eedaynta iyo maamuus kaxayuubinta Madaxweynaha waxaa uu ku hirgelayaa codayn qarsoodi ah oo saddex meelood labo meel (2/3) tirada guud ee xubnaha gole walba ee Baarlamaanka Federaalka Soomaaliya. Guddoomiyaha kulankaasi ayaa ku dhawaaqaya go'aanka maamuus kaxayuubinta Madaxweynaha oo noqonaya mid kamadambeys ah.

(7) Haddii Baarlamaanka Federaalka Soomaaliya uu ansixiyo maamuus kaxayuubinta Madaxweynaha, si waafaqsan faqradda 6aad ee qodobkan, waxaa uu weynayaa xilkiisa. Haddiise, la waayo codka saddex meelood labo meel (2/3) tirada guud ee xubnaha gole walba, Madaxweynuhu wuxuu sii wadanayaa muddo xileedkiisa.

(8) Madaxweynuhu ma go'aamin karo doorasho ama afti dadweyne inta lagu gudajiro habraaca eedaynta iyo maamuus kaxayuubinta.

Qodobka 114aad: Kusimaha Madaxweynaha Jamhuuriyadda Federaalka Soomaaliya

(1) Haddii Madaxweynuhu ka maqanyahay dalka ama caafimaaddarro ama sabab kasta oo kale darteed uusan awoodin inuu guto xilkiisa, Guddoomiyaha Golaha Shacabka ee Baarlamaanka Federaalka ah ayaa xilkiisa sii qabanaya ilaa inta uu Madaxweynuhu

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xilkiisa dib ugu soo noqonayo. Haddii guddoomiyuhu maqanyahay waxaa kusime madaxweyne noqonayaa Guddoomiyaha Golaha Aqalka Sare.

(2) Kuxigeenka koowaad ee guddoomiyaha golaha ayaa si kumeelgaar ah u haynaya xilka guddoomiyaha inta uu guddoomiyuhu yahay kusimaha Madaxweynaha.

Qodobka 115aad: Bannaanaanta Xilka Madaxweynaha Jamhuuriyadda Federaalka Soomaaliya

(1) Xilka Madaxweynaha Jamhuuriyadda Federaalka Soomaaliya wuxuu ku bannaanaan karaa sababaha soo socda midkood:
   (a) Geeri;
   (b) Iscasilaad qoraal ah oo uu u soo gudbiyo Guddoomiyaha Golaha Aqalka Sare;
   (c) Xilgudasho la'aan joogta ah ee xilka xafiiska sababo maskaxeed ama jireed awgood oo uu caddeeyey dhakhtar caafimaad oo la aqoonsanyahay, ayna go'aamisay maxkamadda awoodda u leh; iyo
   (d) Maamuus kaxayuubin si waafaqsan Qodobka 113aad ee Dastuurka.

(2) Guddoomiyaha Golaha Aqalka Sare marka uu xaqiijiyo arrimaha ku xusan faqradda 1(a) iyo (b) ee qodobkan, waxa uu u gudbinayaa Maxkamadda Sare si ay ugu dhawaaqdo bannaanaashaha xilka Madaxweynaha.

(3) Haddii Madaxweynaha Jamhuuriyadda Federaalka Soomaaliya uu xilka banneeyo si waafqsan faqradda 1aad ee qodobkan, Guddoomiyaha Golaha Shacabka ayaa xilka sii hayn doona ilaa Madaxweyne cusub laga dooranayo.

(4) Haddii Guddoomiyaha Golaha Shacabka oo xilka kusimannimada Madaxweynaha haya uu is casilo ama si buuxda oo joogto ah awood ugu waayo in uu guto waajibaadkiisa, Guddoomiyaha Golaha Aqalka Sare ayaa noqonaya sii hayaha xilka Madaxweynaha.

(5) Siihayaha ama kusimaha xilka Madaxweynaha waxaa ka reebban awoodaha soo socda:
   (a) Ma magacaabi karo xilalka dawladeed ee dhaca awoodaha Madaxweynaha;
   (b) Dembi ma cafin karo, mana khafiifin karo;
   (c) Ma iclaamin karo afti dadweyne; iyo
   (d) Kuma dhawaaqi karo xaalad dagaal ama xaalad degdeg ah oggolaansho la'aanta Baarlamaanka.

(6) Baarlamaanka Federaalka Soomaaliya ayaa dooranaya Madaxweynaha Jamhuuriyadda Federaalka Soomaaliya oo buuxinaya xilka bannaanaaday si waafaqsan faqradda (1) ee qodobkan, doorashadana waa in lagu qabtaa soddon (30) maalmood gudahood laga

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billaabo maalinta uu xilku bannaanaado, iyadoo loo raacayo habraaca doorashada ee ku xusan Qodobka 107aad ee Dastuurka.

(7) Madaxweynaha cusub ee la doortay si waafaqsan faqradda 6aad ee qodobkan wuxuu dhammaystirayaa muddada ka harsan muddo xileedka madaxweynihii hore.

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CUTUBKA SIDDEEDAAD: XUKUUMADDA FEDERAALKA SOOMAALIYA

Qodobka 116aad: Golaha Wasiirrada

(1) Golaha wasiirradu wuxuu ka koobanyahay ra'iisulwasaare, ra'iisulwasaare kuxigeen/kuxigeenno, wasiirro, wasiiru dawlayaal iyo wasiir kuxigeenno. Xeerka Nidaamka Xukuumadda oo uu ansixiyo Baarlamaanka Federaalka Soomaaliya ayaa lagu nidaaminayaa tirada iyo waajibaadka wasaaradaha.

(2) Golaha Wasiirrada, oo uu hoggaamiyo ra'iisulwasaaraha, ayaa mas'uul ka ah dejinta iyo hirgelinta siyaasadda dawladda iyo maamulidda hawlaha qaranka, waxayna ku shaqeynayaan barnaamijka xukuumadda ee uu ansixiyay Golaha Shacabka.

Qodobka 117aad: Shuruudaha Xubinnimada Golaha Wasiirrada

(1) Waxaa xilka Ra'iisulwasaaraha Xukuumadda Federaalka Soomaaliya loo magacaabi karaa muwaaddin kasta oo buuxiyay shuruudaha soo socda:
   (a) Inuu yahay muwaaddin Jamhuuriyadda Federaalka Soomaaliya oo muslim ah;
   (b) In da'diisu aanay ka yarayn afartan (40) sano;
   (c) In aqoontiisu ay gaarsiisantahay ugu yaraan heer jaamacadeed, uuna leeyahay aqoon maamul iyo waaya-aragnimo hoggaamineed oo aan ka yarayn 10 sano;
   (d) In labadiisa waalid ay yihiin muwaaddiniin Jamhuuriyada Federaalka Soomaaliya;
   (e) In uusan qabin xaas ajnabi ah;
   (f) In lagu yaqaanno dhaqan suubban bulshada dhexdeedda;
   (g) Inuu si joogto ah u deggenaa dhulka Jamhuuriyadda Federaalka Soomaaliya ugu yaraan saddex sano;
   (h) Inuu dhimirkiisu dhanyahay, horayna aan dhakhtar si rasmi ah ugu caddayn xanuun dhimirka ah;
   (i) In uusan haysan jinsiyad dal kale ama uu ka tanaasulo kaddib magacaabistiisa; iyo
   (j) In uu caddeeyo hantida uu leeyahay uguna gudbiyo hab qoraal ah Xafiiska Hantidhowraha Guud ee Jamhuuriyadda Federaalka Soomaaliya ka hor kalsoonisiinta Golaha Shacabka.

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(2) Xubnaha kale ee golaha wasiirrada waxaa loo magacaabi karaa muwaaddin kasta oo buuxiyey shuruudaha ku xusan faqradda 1aad ee qodobkan, marka laga reebo shuruudaha ku xusan xarafka (b) oo noqonaysa soddon (30) sano; xarafka (c) oo noqonaysa shan (5) sano; (e) iyo (i).

(3) Xubnaha golaha wasiirrada muddada ay xilka hayaan, waxaa ka reebban:
(a) In ay qabtaan xilal kale ee dawladeed ama mas'uuliyad kale ee heerarka kala duwan ee dawladda;
(b) In ay ku shaqeeyaan xirfad gaar ah ama hawlo ganacsi gaar ah, mid maaliyadeed ama hawlo warshadeed; iyo
(c) Inuu iibsado ama ijaarto hanti dawladeed, ama uu hantidiisa ka gado ama ka ijaaro dawladda.

Qodobka 118aad: Xilwaayidda Xubnaha Golaha Wasiirrada

(1) Xubnaha golaha wasiirrada waxay xilkooda ku waayi karaan:
(a) Geeri;
(b) Iscasilaad qoraal ah;
(c) Xilkaqaadis;
(d) Xilgudasho la'aan joogto ah sababo la xiriira mid jireed ama maskaxeed oo uu caddeeyay dhakhtar takhasus u leh oo la aqoonsanyahay; iyo
(e) Haddii uu galo fal khiyaano qaran ah, laaluush, ama xadgudub culus oo dastuuri ah ama xeerarka kale ee Jamhuuriyadda Federaalka Soomaaliya.

(2) Xukuumadda Federaalka Soomaaliya waxay u baahantahay kalsoonisiinta Golaha Shacabka haddii uu isbeddel ku yimaado kalabar in ka badan xubnaha golaha wasiirrada.

Qodobka 119aad: Waajibaadka Golaha Wasiirrada

Golaha wasiirradu waxay leeyihiin awoodaha iyo waajibaadyada soo socda:

(1) Dejinta iyo hirgelinta siyaasadda guud ee Xukuumadda Federaalka Soomaaliya iyaga oo ku shaqaynaya aragtida iyo jiheynta Madaxweynaha;

(2) Diyaarinta hindise xeereed, miisaaniyad sanadeedka iyo xisaabxirkeeda ee loo gudbinayo Baarlamaaanka Federaalka;

(3) Dejinta iyo hirgelinta xeernidaamiyeyaasha si waafaqsan xeerarka dalka;

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(4) Magacaabista maareeyayaasha iyo agaasimeyaasha guud kaddib soojeedinta wasiirka ay khuseyso; iyadoo la raacayo habraacyada ku xusan xeerarka dalka;

(5) Soojeedinta magacaabista iyo xilkaqaadista, xilalka soo socda, si waafaqsan habraaca ku xusan Dastuurka iyo xeerarka Dawladda Federaalka Soomaaliya:
(a) Danjireyaasha iyo qunsuliyadaha guud;
(b) Taliyeyaasha Ciidanka Xoogga Dalka; Ciidanka Booliiska; Ciidanka Asluubta iyo Agaasimaha Hay'adda Sirdoonka iyo Nabadsugidda Qaranka;
(c) Guddiyada iyo hay'adaha madaxabannaan; iyo
(d) Xilalka kale ee lagu xeeriyay Dastuurka iyo xeerarka dalka.

(6) Wadaxaajoodyada heshiisyada caalamiga ah iyo horgeyntooda Baarlamaanka Federaalka si waafaqsan habraaca ku xusan Dastuurka;

(7) Hirgelinta xeerarka Dawladda Federaalka Soomaaliya;

(8) Soojeedinta ku dhawaaqid xaalad degdeg ah ama mid dagaal si waafaqsan habraaca ku xusan Qodobbada 187aad iyo 188aad ee Dastuurka; iyo

(9) Qabashada hawlaha kale oo uu u xilsaaray Dastuurku ama xeerarka kale ee Dawladda Federaalka.

Qodobka 120aad: Awoodaha Ra'iisulwasaaraha

Ra'iisulwasaaraha oo ah madaxa Xukuumadda Federaalka Soomaaliya wuxuu leeyahay awoodaha soo socda:

(1) Matalaadda golaha wasiirrada iyo shirguddoominta kulammadooda;

(2) Magacaabidda, xilkaqaadidda iyo isku beddelka wasiirrada, wasiiru dawleyaasha iyo wasiir kuxigeennada; kaddib oggolaanshaha Madaxweynaha Jamhuuriyadda;

(3) Jiheynta iyo la xisaabtanka xubnaha golaha wasiirrada;

(4) Iskuxirka hawlaha wasaaradaha, hay'adaha iyo xafiisyada dawladda;

(5) Saxiixidda go'aannada golaha wasiirrada;

(6) Adkaynta xiriirka iyo iskaashiga Xukuumadda Federaalka iyo xukuumadaha dawlad goboleedyada;

(7) Horumarinta iyo sare u qaadidda maamulwanaagga dhammaan Jamhuuriyadda Federaalka Soomaaliya; iyo

(8) Qabashada hawlaha kale uu u xilsaaray Madaxweynaha si waafaqsan Dastuurka ama xeerarka Dawladda Federaalka.

Qodobka 121aad: Kuxigeenka Ra'iisulwasaaraha

Ra'iisulwasaare kuxigeenka waa kusimaha ra'iisulwasaraha marka uu dalka ka maqanyahay, wuxuuna qabtaa hawlaha kale ee uu u igmado ra'iisulwasaarahu.

Qodobka 122aad: Waajibaadka Wasiirka, Wasiiru Dawlaha iyo Wasiir Kuxigeenka

(1) Wasiir kasta wuxuu mas'uul ka yahay hawlaha wasaaradda loo magacaabay.

(2) Wasiir kuxigeen kasta wuxuu qabtaa hawlaha wasiirka wasaaraddu u igmado, wuxuuna yahay kusimaha wasiirka marka uu ka maqanyahay dalka. —10

(3) Wasiiru dawle waxaa loo magacaabi karaa madaxtooyada, xafiiska ra'iisulwasaaraha iyo wasaaradda u xilsaaran arrimaha dibedda, wuxuuna fulinayaa hawlaha la xiriira xafiiska loo magacaabay.

(4) Haddii wasiir xilka laga qaado ama uu xilka banneeyo sababo kale awgeed, waxaa xilka sii haynaya wasiir kuxigeenka inta laga soo magacaabayo wasiir cusub.

Qodobka 123aad: Dhaarta Golaha Wasiirrada

Xubnaha golaha wasiirrada waxaa dhaarinaya Guddoomiyaha Maxkamadda Sare ee Federaalka ama garsoore uu usoo igmado, waxayna marayaan dhaarta soo socota:

"Aniga oo ah_____, —20
waxaan ku dhaaranayaa magaca Ilaahay inaan daacad u noqdo Jamhuuriyadda Federaalka Soomaaliya; dhawrana Shareecada Islaamka, Dastuurka iyo xeerarka dalka; uguna adeego xilka la ii magacaabay dadka iyo dalka si xilkasnimo, hufnaan iyo islaxisaabtan ku jirto, aniga oo ilaalinaya sirta hawsha la igu aaminay".

Qodobka 124aad: Xilkaqaadidda Ra'iisulwasaaraha iyo Golaha Wasiirrada

(1) Hindisaha xilkaqaadista Ra'iisulwasaaraha, waxaa soojeedin kara ugu yaraan shan meelood meel (1/5) tirada xubnaha Golaha Shacabka, halka xilkaqaadista xubin ka mid

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ah golaha wasiirrada ay soojeedin karaan toban (10) xildhibaan oo Golaha Shacabka ah, si waafaqsan Qodobka 92aad, faqraddiisa 2aad ee Dastuurka.

(2) Guddoonka Golaha Shacabku waa in hindisaha xilkaqaadista ku horgeeyaa fadhiga guud ee Golaha Shacabka muddo toddoba (7) maalmood gudahood oo maalmo shaqo ah.

(3) Golaha Shacabka waa in go'aan uga gaaraa soojeedinta xilkaqaadista ugu badnaan muddo shan iyo toban (15) maalmood ah iyadoo cidda uu hindisaha khuseeyo la siinayo fursad uu isku difaaco Golaha Shacabka hortiisa.

(4) Haddii Golaha Shacabka ay cod gacan taag ah aqlabiyad boqolkiiba konton iyo hal dheeri (50%+1) ah tirada guud ee xubnahiisa ugu codeeyaan xilkaqaadista ra'iisulwasaaraha, golaha Wasiirrada ama xubin ka tirsan golaha wasiirrada:
   (a) Haddii ay xilkaqaadistu khuseyso Ra'iisulwasaaraha, Madaxweynaha Jamhuuriyadda wuxuu soo magacaabayaa Ra'iisulwasaare cusub si waafaqsan Qodobka 110(1) ee Dastuurka.
   (b) Haddii xilkaqaadistu ay khuseyso xubin ka tirsan golaha wasiirrada, ra'iisulwasaaraha wuxuu soo magacaabayaa xubin buuxisa xilka bannaanaaday si waafaqsan Qodobka 120 (2) ee Dastuurka.

Qodobka 125aad: Xukuumadda Xilgaarsiinta

(1) Xukuumadda xilgaarsiinta oo ah xukuumadda xilliga kalaguurka ee doorashadu qabsoontay isla markaana aan xukuumad cusub weli la soo dhisin ama kalsoonida lagala noqday si waafaqsan Qodobka 124aad ee Dastuurka, waxay sii ahaanaysaa xukuumad xilgaarsiin, waxayna fulisaa waajibaadka caadiga ah ee dawladda.

(2) Xukuumadda xilgaarsiinta waxaa ka reebban arrimaha soo socda:
   (a) Gelidda heshiisyo caalami ah ama kuwo waqti dheer qaadanaya oo saamaynaya siyaasadda xukuumadda cusub;
   (b) Soojeedinta magacaabidda iyo xilkaqaadista xilalka sare ee dawladda;
   (c) Curinta ama soo gudbinta hindise xeereed;
   (d) Go'aanno abuuraya qalalaase ama khilaaf siyaasadeed;
   (e) Jaangooynta qiimaha badeecadaha, mushaaraadka iyo adeegyada saamaynaya dhaqaalaha qaranka; iyo
   (f) Soojeedinta afti dadweyne iyo ku dhawaaqid xaalad degdeg ah ama mid dagaal.

CUTUBKA SAGAALAAD: GARSOORKA JAMHUURIYADDA FEDERAALKA SOOMAALIYA

Madaxa Koowaad: Qodobbo Guud

Qodobka 126aad: Mabaadi'da Garsoorka

(1) Allaahu Subxaanahu wa Tacaalaa (SWT) ka sokow, awoodda garsoorka waxay ka timaaddaa shacabka, waxaana u xilsaaran fulinta awoodda garsoorka maxkamadaha iyo Xafiiska Xeer-ilaalinta Guud ee Qaranka si waafaqsan Shareecada Islaamka, Dastuurka iyo xeerarka kale.

(2) Hay'adaha garsoorku marka ay xilkooda gudanayaan, waxa hagaya mabaadi'dan:
- (a) Ilaalinta maqaasidda Shareecada Islaamka, dhawrista ujeeddooyinka iyo mabaadi'da Dastuurka;
- (b) Madaxbannaani, dhexdhexaadnimo iyo hufnaan;
- (c) Caddaalad loo dhanyahay, loona simanyahay;
- (d) Caddaalad aan la daahin; iyo
- (e) Dhiirregelinta hannaanka dadban ee xallinta khilaafaadka oo daahfuran, xeerna ku dhisan.

(3) Hannaanka dadban ee xallinta khilaafaadka waa in uusan ka horimaanayn:
- (a) Shareecada Islaamka;
- (b) Dastuurka iyo xeerarka kale ee Jamhuuriyadda Federaalka Soomaaliya u yaalla; iyo
- (c) Xuquuqaha iyo xorriyaadka aasaasiga ah ee Dastuurkani dammaanadqaaday.

Qodobka 127aad: Madaxbannaanida Garsoorka

(1) Garsoorku wuxuu ka madaxbannaanyahay laamaha fulinta iyo xeerdejinta ee dawladda, wuxuuna gudanayaa waajibaadkiisa iyadoo aanay jirin wax faragelin ah.

(2) Garsoorku waxa uu u hoggaansamayaa Shareecada Islaamka, Dastuurka iyo xeerarka kale ee Jamhuuriyadda Federaalka Soomaaliya u yaalla oo keliya, umana hoggaansami karo awaamiir ama hagitaan qof ama hay'ad kale midna, wuxuuna u fulinayaa hawlahiisa si dhexdhexaad ah, cabsi iyo eex la'aan ah oo aan cid gaar ah loogu daneynayn.

(3) Qofna ama hay'adna ma faragelin karto garsoorka iyo saraakiisha garsoorka marka ay gudanayaan xilkooda.

(4) Garsoorku wuxuu u madaxbannaanyahay maamulkiisa iyo maaliyaddiisa.

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(5) Go'aannada garsoorku waxa ay qabanayaan dhammaan dhinacyada ay khuseeyaan, ha noqoto hay'ad dawladeed ama shakhsiyaadba.

(6) Xubin ka tirsan garsoorka laguma oogi karo dacwad ciqaab ah ama madani ah oo ka dhalatay fal la xiriira gudashada xilkiisa.

(7) Xubin ka tirsan garsoorka lama xiri karo lamana baari karo oogadiisa ama hoygiisa, lamana basaasi karo, iyada oo aan oggolaansho laga haysan Golaha Sare ee Garsoorka haddii aan lagu qaban xubinta garsoorka isagoo faraha kula jira dembi ka dhigaya khasab xiritaankiisa.

(8) Go'aannada garsoorka waxa lagu duri karaa oo keliya si waafaqsan habraacyada xeerku jideeyey.

(9) Garsooraha xilka lagama qaadi karo, lama beddeli karo, howlgabna lagama dhigi karo marka laga reebo xaaladaha Dastuurka iyo Xeerka Nidaamka Garsoorku tilmaameen.

Qodobka 128aad: Habka Dacwad Qaadista Maxkamadaha

(1) Maxkamadaha waxaa u dacwoon kara qof kasta iyada oo aan loo eegin xaaladda dhaqaalahiisa, jirkiisa, qofnimadiisa, lab iyo dhedig kuu yahay, diintiisa, maqaamkiisa ama duruufihiisa gaarka ah ee kale.

(2) Dacwad qaadistu way u furantahay dhegeysiga dadweynaha, haseyeeshee maxkamaduhu waxay go'aansan karaan in dhageysiga dacwaddu noqoto mid albaabada u xiranyihiin sababaha soo socda midkood:
   (a) Sababo la xiriira nabadgelyada qaranka ama maslaxadda guud;
   (b) Sababo la xiriira anshax wanaagga iyo bedqabka;
   (c) Badbaadinta markhaatiga;
   (d) Dacwado khuseeya dhallaan;
   (e) Dacwad la xiriirta tacaddiyada haweenka; ama
   (f) Xaaladaha aan caadiga ahayn ee ay dhegeysiga furan ee maxkamaddu wax u dhimayso caddaaladda, kaddib marka uu qiimeeyo garsooraha dacwadda qaadaya.

(3) Go'aan maxkamadeed lama gaari karo haddii aan la siinin dhinacyada fursado isku mid ah oo ay ku soo bandhigaan doodahooda.

(4) Go'aanka maxkamadda waa in la soo saaraa oo aan la daahin haddii aysan jirin sababo maangal ah.

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(5) Go'aan kasta oo maxkamadeed waa in uu ku qotomo asbaab xeereed oo maangal ah, laguna bixiyaa qoraal.

(6) Go'aanka maxkamadda waa in la ogeysiiyaa dhinacyada, lana shaaciyaa isla markaana la kaydiyaa.

(7) Go'aan kasta oo maxkamadeed waa in uu tilmaamaa inay jirto fursad rafcaan qaadasho, marka laga reebo xaaladaha xeerku si kale u sheegay.

Madaxa Labaad: Maxkamadaha Jamhuuriyadda Federaalka

Qodobka 129aad: Qaabdhismeedka Maxkamadaha Dalka

(1) Maxkamadaha Jamhuuriyadda Federaalka Soomaaliya waxay ka koobanyihiin:
- (a) Maxkamadda Sare ee Federaalka;
- (b) Maxkamadda Dastuurka;
- (c) Maxkamadaha kore ee dawlad goboleedyada iyo Caasimadda Jamhuuriyadda;
- (d) Maxkamadaha rafcaanka ee dawlad goboleedyada iyo Caasimadda Jamhuuriyadda; iyo
- (e) Maxkamadaha darajada koowaad ee dawlad goboleedyada iyo Caasimadda Jamhuuriyadda.

(2) Garsoorka Ciidammada waxaa lagu nidaaminayaa xeer uu soo saaro Baarlamaanka Federaalka Soomaaliya oo lagu qeexayo qaabdhismeedkiisa iyo ikhtisaaskiisa.

(3) Lama dhisikaro hay'ado garsoor ama maxkamado gaar ah haddii uusan dhisin Dastuurkan ama xeer kaddib soojeedinta Golaha Sare ee Garsoorka baahi jirta darteed.

Qodobka 130aad: Maxkamadda Sare ee Federaalka

(1) Maxkamadda Sare ee Federaalka waa maxkamadda ugu sarraysa dalka, awooddeeduna waxa ay ku fidsantahay dhammaan geyiga Jamhuuriyadda Federaalka Soomaaliya.

(2) Xarunta Maxkamadda Sare ee Federaalku waa magaalamadaxda dalka, waxayse fadhiyadeeda ku qabsan kartaa meel kasta oo dalka ka mid ah, marka Guddoomiyaha Maxkamadda Sare u arko in danta caddaaladdu sidaas ku jirto.

(3) Maxkamadda Sare ee Federaalku waxa ay xaqiijisaa dhawrista ku dhaqanka xeerarka, hubisaana dhaqangalka iyo dabaqidda xeerarka dalka si midaysan.

(4) Maxkamaddu si ay u xaqiijiso hirgelinta farqadda 3aad ee qodobkan, waxa ay soo saaraysaa hageyaal, habraacyo, tafsiir sharci iyo awaamiir ay arrintan ku taabbagelinayso, sidoo kale waxay soo saaraysaa habraacyo ay ku jaangooynayso qiimaha dacwadaha madaniga.

(5) Go'aannada Maxkamadda Sare waa kamadambays, waana in ay u hoggaansamaan dhammaan dhinacyada ay khuseeyaan.

(6) Maxkamadda Sare ee Federaalka waxa ay ka koobantahay guddoomiyaha maxkamadda iyo toban garsoore.

(7) Maxkamadda Sare ee Federaalka waxa ay leedahay awoodahan asalka ah:
- (a) Ka garnaqidda iyo ka go'aangaarista cabashooyinka la xiriira dacwadaha maamul ee lidka ku ah hay'adaha federaalka;
- (b) Ka garnaqidda iyo ka go'aangaarista dacwadaha la xiriira muranka ikhtisaaska maxkamadaha kala duwan ee dalka; ee la xiriira ikhtisaaska federaalka ah;
- (c) Ka garnaqidda iyo ka go'aangaarista dacwadaha la xiriira magacaabidda iyo xilkaqaadista jagooyinka dawladda ee heer federaal;
- (d) Ka garnaqidda iyo ka go'aangaarista dacwadaha la xiriira muranka doorashooyinka;
- (e) Dhaarinta madaxda heer federaal;
- (f) Siinta talo sharci Dawladda Federaalka marka la waydiiyo;
- (g) Soo saaridda amarro ku socda hay'daha dawladda ee ku saabsan gudashada hawlqaran oo uu xeerku ku waajibiyay ama ka joogsashada fulinta arrin aan xeerku awood u siin;
- (h) Dhegaysiga iyo ka go'aangaarista cabashooyinka u baahan ku noqoshada ama ka noqoshada go'aaneed ee laga keeno go'aan iyada ka soo baxay;
- (i) Go'aan ka gaaridda cabashooyinka la xariira xorriyad ka qaadidda sharcidarrada ah ee loo soo gudbiyo ayna ikhtisaaska u leedahay; iyo
- (j) Awoodaha kale ee ku xusan Dastuurka Federaalka Soomaaliya iyo xeerarka kale ee Jamhuuriyadda Federaalka Soomaaliya.

(8) Maxkamadda Sare ee Federaalka waxay kale oo leedahay ikhtisaaska rafcaan ee soo socda:
- (a) Ka garnaqidda iyo ka go'aangaarista cabashooyinka laga soo qaato xukunnada iyo go'aannada maxkamadaha kore ee dawlad goboleedyada iyo Caasimadda ee la xiriira dacwadaha federaaliga ah;
- (b) Ka garnaqidda iyo ka go'aangaarista cabashooyinka laga soo qaato xukunnada iyo go'aannada maxkamadaha kore ee dawlad goboleedyada iyo Caasimadda ee la

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xiriira dacwadaha ganacsi ee dabeecad caalami leh iyo kuwa qiimahoodu aadka u sarreeyo;

(c) Ka go'aangaarista rafcaannada laga soo qaato xukunnada dilka ah ee maxkamadaha kore ee dawlad goboleedyada iyo Caasimadda; iyo

(d) Arrimaha kale ee ku xusan xeerarka dalka.

Qodobka 131aad: Maxkamadda Dastuurka

(1) Dastuurkani wuxuu dhisayaa Maxkamadda Dastuurka oo xarunteedu tahay magaalamadaxda dalka, kana kooban guddoomiye iyo afar (4) garsoore.

(2) Maxkamadda Dastuurka waa maxkamad madaxbannaan oo gaar ah, oo leh ikhtisaaskan:

(a) Fasiraadda Dastuurka Federaalka, dastuurrada dawlad goboleedyada iyo xeerarka kale ee Jamhuuriyadda Federaalka Soomaaliya;

(b) Dhegeysiga iyo go'aan ka gaaridda murannada u dhaxeeya hay'adaha federaalka dhexdooda, ama hay'adaha federaalka iyo kuwo dawlad goboleedyada ama hay'adaha dawlad goboleedyada dhexdooda; ee la xiriira awoodahooda dastuuriga ah;

(c) Dib-u-eegista iyo go'aan ka gaarista waafaqsanaanta dastuuriga ah ee hindise xeereedka la soojeediyay;

(d) Go'aan ka gaaridda xadgudubyada xuquuqaha iyo xorriyadaha Dastuurka ee muwaaddinka;

(e) Go'aan ka gaaridda dacwadaha la xiriira Dastuurka ee looga soo gudbiyey maxkamadaha kale;

(f) Burinta xeerarka ama go'aannada ee aan waafaqsanayn Shareecada Islaamka ama Dastuurka;

(g) Hubinta ansaxnimada hannaanka wax-kabeddelka Dastuurka, aftida dadweynaha iyo ku dhawaaqidda natiijada aftida; iyo

(h) Awoodaha kale ee ku xusan Dastuurka Federaalka Soomaaliya iyo xeerarka kale ee Jamhuuriyadda Federaalka Soomaaliya.

(3) Maxkamadda Dastuurka ayaa awood u leh go'aan ka gaarista taariikhda ay ka billaaban karto hirgelinta go'aanka burinta marka lagu dhawaaqayo in uu xeer yahay waxba kama jiraan, iyadoo la tixgelinayo saameynta ay ku leedahay:

(a) Taariikhda uu xeerkaasu noqonayo wax kama jiraan;

(b) Dadka daneynaya;

(c) Guud ahaan danaha bulsho; iyo

(d) Danaha qofka xeerkaas lagu xukumay haddii uu yahay xeer dembiyeed.

Qodobka 132aad: Maxkamadaha Kore

(1) Dawlad goboleed kasta wuxuu yeelanayaa Maxkamad Kore oo xarunteedu tahay caasimadda dawlad goboleedka, waana hay'adda garsoorka ugu sarraysa ee ka shaqeysa soohdimaha dawlad goboleedkaas. Awooddeedu waxay ku fidsantahay dhammaan degaannada hoosyimaada dawlad goboleedka.

(2) Maxkamadda Kore ee dawlad goboleedku waxay ikhtisaas u leedahay:
- (a) Ka garnaqidda iyo ka go'aangaarista cabashooyinka la xiriirta dacwadaha maamul ee dhanka ka ah hay'adaha dawlad goboleedka;
- (b) Dhegeysiga dacwadaha la xiriira muranka awoodaha maxkamadaha kala duwan ee dawlad goboleedka ee aan hoos tagayn ikhtisaaska federaalka;
- (c) Ka garnaqidda iyo ka go'aangaarista rafcaannada laga soo qaato xukunnada iyo go'aannada maxkamadaha darajada koowaad ee dawlad goboleedka ee khusaysa dacwadaha federaaliga ah.
- (d) Ka garnaqidda iyo ka go'aangaarista rafcaannada aan federaaliga ahayn ee laga soo qaato xukunnada iyo go'aannada maxkamadaha darajada labaad ee dawlad goboleedka;
- (e) Go'aan ka gaaridda dacwadaha la xiriira magacaabidda iyo xilkaqaadista xilalka dawladda ee heer dawlad goboleed ee ku siman soohdimaha dawlad goboleed kasta; iyo
- (f) Fulinta awood kasta oo uu siiyo dastuurka ama xeerarka dawlad goboleedka, haddii aanay awoodahaasi ka hor imaanayn Dastuurka Federaalka iyo xeerarka federaalka.

(3) Caasimaddu waxay yeelanaysaa maxkamad kore, maxkamad rafcaan iyo maxkamadaha darajada koowaad.

Qodobka 133aad: Maxkamadda Rafcaanka ee Dawlad Goboleedka

Maxkamadda Rafcaanka ee dawlad goboleedka waxa ay ka garnaqdaa, go'aanna ka gaartaa dhammaan rafcaannada aan federaaliga ahayn ee laga soo qaato maxkamadda darajada koowaad ee dawlad goboleedka.

Qodobka 134aad: Maxkamadaha Darajada Koowaad

Maxkamadaha darajada koowaad waxay leeyihiin ikhtisaas federaali ah iyo mid heer dawlad goboleed ah, waxayna ka garnaqaan, go'aanna ka gaaraan dhammaan noocyada dacwadaha labada heer ee aan Dastuurkan ama xeerar kale si kale u tilmaamin.

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Qodobka 135aad: Habraaca Magacaabista Garsooreyaasha iyo Kaaliyeyaasha

(1) Guddoomiyaha Maxkamadda Sare iyo Guddoomiyaha Maxkamadda Dastuurka waxaa magacaabistooda loo marayaa habka soo socda:

(a) Golaha Sare ee Garsoorka wuxuu soojeedinayaa qof hufnaan iyo dhaqan suubban leh, haystana ugu yaraan shahaado jaamacadeed heerka labaad ee qaanuunka, leh waaya-aragnimo aan toban (10) sano ka yarayn oo ah shaqo garsoore, xeer-ilaaliye, qareen ama bare sare ee sharci;

(b) Labada gole ee Baarlamaanka Federaalka Soomaaliya ayaa, qofka kasta oo la soo magacaabay, ku ansixinaya ama ku diidaya aqlabiyad boqolkiiba konton iyo hal dheeri (50%+1) ah tirada guud ee xubnaha gole walba, kaddib soojeedinta Golaha Sare ee Garsoorka;

(c) Madaxweynaha Jamhuuriyadda Federaalka Soomaaliya ayaa xeer madaxweyne ku meelmarinaya Guddoomiyaha Maxkamadda Sare iyo Guddoomiyaha Maxkamadda Dastuurka, kaddib ansixinta Baarlamaanka Federaalka; waxaana lagu soo saarayaa Faafinta Rasmiga ah ee Jamhuuriyadda.

(2) Kaddib soojeedinta Golaha Sare ee Garsoorka, Madaxweynaha Jamhuuriyadda Federaalka Soomaaliya wuxuu u magacaabayaa garsooreyaasha kale ee Maxkamadda Sare iyo Maxkamadda Dastuurka, qof hufnaan iyo dhaqan suubban leh, haystana ugu yaraan shahaadada koowaad ee qaanuunka, leh waaya-aragnimo aan todobba (7) sano ka yarayn oo ah shaqo garsoore, xeer-ilaaliye, qareen ama bare sare ee sharci.

(3) Guddoomiyeyaasha maxkamadaha kore waxaa magacaabaya hoggaamiyeha dawlad goboleedka, kaddib marka Golaha Sare Garsoorku soojeediyo, golaha wakiilada dawlad goboleedkuna ansixiyo.

(4) Dhammaan garsooreyaasha kale iyo kaaliyayaasha waxaa magacaabaya Golaha Sare ee Garsoorka, waxaana lagu soo saarayaa Faafinta Rasmiga ah ee Jamhuuriyadda.

Qodobka 136aad: Dhaarta Garsoorka

(1) Guddoomiyaha Maxkamadda Sare iyo Guddoomiyaha Maxkamadda Dastuurka waxaa lagu hor dhaarinayaa Madaxweynaha Jamhuuriyadda, iyadoo ay goobjoog yihiin guddoomiyeyaasha Golaha Shacabka iyo Golaha Aqalka Sare ee Baarlamaanka Federaalka Soomaaliya.

(2) Garsooreyaasha Maxkamadda Sare, Garsooreyaasha Maxkamadda Dastuurka iyo dhammaan garsooreyaasha kale waxaa lagu hor dhaarinayaa Guddoomiyaha Golaha Sare ee Garsoorka.

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(3) Guddoomiyaha iyo garsooreyaasha maxkamadda kore ee dawlad goboleedka waxaa lagu hor dhaarinayaa hoggaamiyaha dawlad goboleedka iyadoo uu goobjoog yahay guddoomiyaha golaha wakiillada.

(4) Guddoomiyeyaasha iyo garsooreyaasha ku xusan farqadaha 1aad, 2aad iyo 3aad ee qodobkan, inta aanay shaqada billaabin, waxa ay marayaan dhaartan:

"Aniga oo ah_____,
waxaan ku dhaaranayaa magaca Ilaahay inaan si daacad ah u guto waajibaadkayga; dhawrana Shareecada Islaamka, Dastuurka iyo xeerarka kale ee Jamhuuriyadda Federaalka Soomaaliya u yaalla; inaan u fuliyo xilkayga si madaxbannaan oo dhexdhexaad ah; go'aannadaydana ku gaaro si aan lahayn cabsi, eex, siyaasad, qof jeclaysi ama saamayn kale; iyo inaan ku shaqeeyo danaha caddaaladda iyo sarraynta sharciga oo keliya, ilaaliyana sharafta, hufnaanta iyo madaxbannaanida garsoorka dalka".

Qodobka 137aad: Da'da Hawlgabka iyo Muddada Xilhaynta

(1) Garsooreyaashu waxa ay hawlgab iskood ah gali karaan xilliga ay gaaraan da'da 65 jirka, waxaana waajib ku ah in ay hawlgab noqdaan marka ay gaaraan da'da 70 jirka.

(2) Guddoomiyaha iyo garsooreyaasha Maxkamadda Sare, guddoomiyeyaasha maxkamadaha kore ee dawlad goboleedyada iyo Caasimadda waxa ay hawlgabka galayaan marka ay gaaraan da'da 75 jirka, haddii aanay si iskood ah uga fariisan xilka si waafaqsan faqradda 1aad ee qodobkan.

(3) Muddada xilhaynta guddoomiyaha iyo garsooreyaasha Maxkamadda Dastuurku waa toddoba (7) sano oo hal mar la cusboonaysiin karo.

Qodobka 138aad: Xilwaayidda Garsooraha

(1) Garsooruhu waxa uu xilkiisa ku waayi karaa sababaha soo socda oo keliya:
(a) Geeri;
(b) Gaarista da'da hawlgabka ee waajibka ah;
(c) Xilgudusho la'aan joogta ah sababo la xiriira mid jireed ama maskaxeed oo uu caddeeyay dhakhtar takhasus u leh oo la aqoonsanyahay;
(d) Aqbalidda xil kale oo dawladeed;
(e) Istiqaalo qoraal ah uu u gudbiyo Golaha Sare ee Garsoorka;
(f) Fal anshaxmarin uu go'aamiyo Golaha Sare ee Garsoorka si waafaqsan Dastuurka iyo xeerarka dalka; ama

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(g) Arrin kasta oo kale oo ku xusan Dastuurka ama xeerarka kale ee Jamhuuriyadda.

(2) Xilkaqaadista garsooruhu waxa ay ka billaaban kartaa Golaha Sare ee Garsoorka ama cabasho qof kale u soo gudbiyey golaha.

(3) Cabashada ka dhanka ah garsooraha oo loo gudbinayo Golaha Sare ee Garsoorka, waa in qaab qoraal ah lagu soo gudbiyaa, laguna caddeeyaa saldhigga xeer iyo xaqiiqda cabashada.

(4) Qiimeyn kaddib, haddii Golaha Sare Garsoorku ku qanco in asbaabta cabashadu keeni karto xilkaqaadis, waxaa la raacayaa habraaca soo socda:

(a) Haddii cabashadu khuseyso Guddoomiyaha Maxkamadda Sare ama Guddoomiyaha Maxkamadda Dastuurka waa in:

i. Goluhu ku oggolaadaa kuna ansixiyaa cabashada aqlabiyad saddex meelood labo meel (2/3) tirada xubnaha golaha;

ii. Goluhuna u gudbiyaa cabashada iyo go'aankooda Guddoomiyaha Golaha Shacabka iyo Guddoomiyaha Golaha Aqalka Sare muddo shan iyo toban (15) maalmood gudahood ah; iyo

iii. Baarlamaanka Federaalka Soomaaliya wuxuu xilka uga qaadi karaa Guddoomiyaha Maxkamadda Sare iyo Guddoomiyaha Maxkamadda Dastuurka codayn qarsoodi ah oo aqlabiyad boqolkiiba konton iyo hal dheeri (50%+1) tirada guud ee xubnaha gole walba.

(b) Haddii cabashadu la xiriirto garsoore aan ahayn guddoomiyeyaasha lagu sheegay xarafka (a) faqradda 4aad ee qodobkan, Golaha Sare ee Garsoorka wuxuu qaadayaa tallaabooyinkan:

i. Shaqada ka joojinayaa garsooraha; iyo

ii. Magacaabayaa guddi ka kooban afar (4) garsoore oo darajada maxkamad rafcaan ugu hoosayso, hal qareen oo leh khibrad aan 10 sano ka yarayn iyo labo xubnood oo aqoon durugsan u leh arrimaha maamulka, bulshada dhexdeedana sumcad fiican ku leh.

(5) Garsooraha shaqada laga joojiyey wuxuu helayaa xuquuqda uu xaqa u lahaa ilaa inta go'aan kamadamabays ah laga gaarayo.

(6) Guddigu waa in uu sida ugu dhakhso badan uguna macquulsan go'aan uga gaaraa, iyagoo raacayaa habraac ay dejisteen iyo xeerarka arrinkan khuseeya.

(7) Goluhu wuxuu ku go'aan qaadanayaa talada guddiga ama baarlamaanka isla markaana fulinayaa.

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(8) Garsooraha go'aanka guddigu saameeyey wuxuu muddo 15 maalmood gudahood ah cabasho u qaadan karaa Maxkamadda Sare ee Dalka.

(9) Haddii garsoorahu aanu rafcaan qaadan, go'aanka guddigu wuxuu dhaqangalayaa marka muddada rafcaanka dhammaato. Haddii uu rafcaan qaato, go'aanka ugu dambeeya waxaa soo saaraya xukunka Maxkamadda Sare.

Madaxa Saddexaad: Xeer-ilaalinta Guud

Qodobka 139aad: Dhismaha Xafiiska Xeer-ilaaliyaha Guud ee Qaranka

(1) Waxaa la dhisayaa xafiiska Xeer-ilaalinta Guud ee Qaranka.

(2) Xafiiska Xeer-ilaalinta Guud ee Qaranku wuxuu ka koobanyahay:
- (a) Xeer-ilaaliyaha Guud oo ah mas'uulka ugu sarreeya xafiiska, iyo Kuxigeennada Xeer-ilaaliyaha Guud ee Qaranka; iyo
- (b) Xeer-ilaaliyaha dawlad goboleedka iyo kuxigeennada xeer-ilaaliyaha dawlad goboleedka iyo Caasimadda Jamhuuriyadda.

(3) Xarunta Xafiiska Xeer-ilaalinta Guud waa Caasimadda Jamhuuriyadda Federaalka Soomaaliya, wuxuuna xarummo shaqo ku yeelan karaa meeshii uu u arko Xeer-ilaaliyaha Guud ee Qaranka in ay u muhiim u tahay fulinta hawlaha xafiiska.

Qodobka 140aad: Magacaabista iyo Xilkaqaadista Xubnaha Xafiiska Xeer-ilaalinta

(1) Habraaca magacaabista Xeer-ilaaliyaha Guud ee Qaranka, xilwaayiddiisa iyo dhaartaba waa mid la mid ah habraaca Guddoomiyaha Maxkamadda Sare ee Federaalka iyo Guddoomiyaha Maxkamadda Dastuurka, marka laga reebo aqlabiyadda xilkaqaadista Baarlamaanka oo noqonaysaa boqolkiiba konton iyo hal dheeri (50%+1) ee tirada guud ee xubnaha gole walba.

(2) Xeer-ilaaliyeyaasha xafiiska Xeer-ilaaliyaha Guud ee Qaranka waxaa magacaabistooda, xilkaqaadistooda iyo dhaartoodaba loo marayaa habraac la mid ah kan garsooreyaasha sare ee Maxkamadda Dastuurka iyo Maxkamadda Sare ee Federaalka.

(3) Xeer-ilaaliyayaasha dawlad gobooledyada waxaa magacabistooda, xilkaqaadistooda iyo dhaartoodaba loo marayaa habraac la mid ah garsooreyaasha maxkamadda kore ee dawlad goboleedka.

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Qodobka 141aad: Madaxbannaanida Xafiiska Xeer-ilaalinta

(1) Xafiiska Xeer-ilaalinta Guud ee Qaranka oo qayb ka mid ah garsoorka Jamhuuriyadda Federaalka Soomaaliya, wuxuu u madaxbannaanyahay hawlaha maamul iyo maaliyadeed ee xafiiska.

(2) Xeer-ilaaliyuhu wuxuu u hoggaansamayaa oo keliya Shareecada Islaamka, Dastuurka iyo xeerarka kale ee Jamhuuriyadda Federaalka Soomaaliya marka uu gudanayo waajibaadkiisa, lamana faragelin karo xafiiska xeer-ilaalinta iyo saraakiishiisa marka ay gudanayaan xilalkooda.

Qodobka 142aad: Xilka iyo Awoodaha Xafiiska Xeer-ilaalinta Guud ee Qaranka

(1) Xafiiska Xeer-ilaalinta Guud waxaa xil ka saaranyahay ilaalinta caddaaladda, ku dhaqanka xeerarka, difaacidda danaha shacabka iyo dawladda.

(2) Awoodaha xafiiska Xeer-ilaalinta Guud waxaa ka mid ah:
- (a) La dagaallanka iyo ka hortagga dembiyada federaalka;
- (b) Inuu dhaqaajiyo isla markaana oogo dacwadaha ciqaabta federaaliga ah;
- (c) Hoggaaminta baarista dembiyada federaaliga;
- (d) Inuu unko ama billaabo tallaabooyinka horgaynta eedaysanayaasha maxkamadaha hortooda;
- (e) Inuu qaato rafcaannada dacwadaha laga xukumo markay ay ku jirto danta caddaaladda;
- (f) Inuu maxkamadaha ku matalaa dadka taagta daran iyo carruurta agoonta ah;
- (g) Inuu ku kormeero hay'adaha baarista iyo saraakiisha booliiska federaalka shaqadooda la xiriirta baarista;
- (h) Inuu hago ama uu la wareego tallaabooyinka baariseed si waafaqsan danta guud;
- (i) Inuu hago iskuna xiro xafiisyada xeer-ilaalinta ee heerarka kaladuwan ee dawladda; iyo
- (j) Inuu guto hawl kasta oo ay farayaan Dastuurka iyo xeerarka kale ee dalka.

(3) Xeer-ilaaliyaha Guud ee Qaranka waxay mas'uuliyad gaar ah ka saarantahay:
- (a) Agoonta iyo dadka aan isdifaaci karin sharciga hortiisa;
- (b) Hubinta in eedda lagu gudbiyo muddada xeerku tilmaamay; iyo
- (c) Kormeeridda xabsiyada federaalka iyo goobaha sharcigu oggolyahay ee dadka lagu xiro ama lagu hayo.

(4) Xeer-ilaaliyaha Guud ee Qaranka waxa uu soo saari karaa habraacyo iyo hagayaal lagu fududeynayo shaqada xafiiska.

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Qodobka 143aad: Awoodaha Xafiiska Xeer-ilaalinta Dawlad Goboleedka

(1) Xafiiska Xeer-ilaalinta dawlad goboleedka waxa uu awood u leeyahay dacwad oogista dhammaan dacwadaha ka dhasha xeerarka dawlad goboleedka oo keliya, waxaana awoodihiisa ka mid ah:

(a) Inuu oogo dacwadaha ciqaabta ah ee heer dawlad goboleed;

(b) Inuu billaabo tallaabooyinka horgaynta eedaysanayaasha maxkamadaha hortooda ee;

(c) Inuu qaato rafcaannada dacwadaha laga xukumo markay ay ku jirto danta caddaaladda;

(d) Inuu maxkamadaha ku matalaa dadka taagta daran iyo carruurta agoonta ah, arrimaha la xiriira xeerarka dawlad goboleedka;

(e) Inuu ku kormeero hay'adaha baarista dawlad goboleedka iyo saraakiisha booliiska shaqadooda la xiriirta dembiyada dawlad goboleedka;

(f) Inuu hago ama uu la wareego tallaabooyinka baariseed ee la xiriira xeerarka dawlad goboleedka si waafaqsan danta guud; iyo

(g) Inuu guto hawl kasta oo ay farayaan Dastuurka iyo xeerarka Dawladda Federaalka ama Dastuurka iyo xeerarka dawlad goboleedka.

(2) Xeer-ilaaliyaha Guud ee Qaranku wuxuu u idman karaa xeer-ilaaliyaha dawlad goboleedka ama mid ka mid ah xeer-ilaaliyeyaasha dawlad goboleedka oogista dacwadaha ciqaabta ee federaalka.

Madaxa Afaraad: Maamulka Garsoorka

Qodobka 144aad: Dhisidda Golaha Sare ee Garsoorka

(1) Waxaa la dhisayaa Golaha Sare ee Garsoorka kaas oo xaqiijinaya madaxbannaanida garsoorka.

(2) Golaha Sare ee Garsoorka waa in uu ahaadaa mid maamul iyo maaliyad ahaan madaxbannaan.

Qodobka 145aad: Xubnaha Golaha Sare ee Garsoorka

(1) Golaha Sare ee Garsoorka wuxuu ka koobanyahay xubnaha soo socda:

(a) Guddoomiyaha Maxkamadda Sare;

(b) Guddoomiyaha Maxkamadda Dastuurka;

(c) Xeer-ilaaliyaha Guud ee Qaranka;

(d) Guddoomiyeyaasha maxkamadaha kore ee dawlad goboleedyada iyo Maamulka Caasimadda Jamhuuriyadda;
(e) Guddoomiyaha Guddiga Madaxabannaan ee Xuquuqda Aadanaha;
(f) Laba (2) qareen sare oo ka imaanaya Ururka Qareennada Soomaaliyeed, xilkana haynaya muddo shan (5) sano ah, oo ay soojeedinayso wasaaradda ay khuseyso, golaha wasiirraduna uu ansixiyo; iyo
(g) Laba (2) xubnood oo ku xeeldheer xeerarka oo haysta shahaado jaamacadeed oo qaanuunka ah, lehna khibrad muddo aan ka yarayn toban (10) sano, xilkana haynaya muddo shan (5) sano ah, oo ay soojeedinayso wasaaradda ay khuseyso, Golaha wasiirraduna ansixiyo.

(2) Xubnaha ku xusan xarfaha (f) iyo (g) faqradda 1aad ee qodobkan waxaa magacaabistooda meelmarinaya Madaxweynaha Jamhuuriyadda Federaalka Soomaaliya, kaddib ansixinta labada gole ee baarlamaanka.

(3) Guddoomiyaha Maxkamadda Sare ee Federaalka ayaa ah Guddoomiyaha Golaha Sare ee Garsoorka, Guddoomiyaha Maxkamadda Dastuurka ayaa ah kuxigeenka Guddoomiyaha Golaha Sare ee Garsoorka, haddii kuxigeenku maqanyahay, waxaa kuxigeen noqonaya Xeer-ilaaliyha Guud ee Qaranka.

(4) Si waafaqsan Dastuurka Federaalka iyo Xeerarka, Golaha Sare Garsoorka wuxuu samaysanayaa xeer hoosaad.

Qodobka 146aad: Shuruudaha iyo Awoodaha Guddoomiyaha Golaha Sare ee Garsoorka

(1) Guddoomiyaha Golaha Sare ee Garsoorka ahna Guddoomiyaha Maxkamadda Sare waa in uu buuxiyaa shuruudaha soo socda, waana in:
(a) Uu yahay muwaaddin Jamhuuriyadda Federaalka Soomaaliya oo Muslim ah;
(b) Labadiisa waalid ay yihiin muwaaddiniin Jamhuuriyadda Federaalka Soomaaliya;
(c) Da'diisu aanay ka yarayn afartan sano (40);
(d) Uusan qabin xaas ajnabi ah;
(e) Aqoontiisa ay gaarsiisantahay shahaado qaanuun ee heerka labaad jaamacadda iyo waaya-aragnimo hoggaamineed oo aan ka yarayn toban sano (10) sano;
(f) Lagu yaqaannaa dhaqan suubban bulshada dhexdeeda;
(g) Dhimirkiisu dhanyahay, horayna aan dhakhtar la aqoonsanyahay si rasmi ah ugu caddayn xanuun dhimirka ah; iyo
(h) Aanu gelin faldembiyeed culus oo ay maxkamad madaxbannaan ugu xukuntay si kamadambays ah.

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(2) Guddoomiyaha Golaha Sare ee Garsoorka waa mas'uulka ugu sarreeya garsoorka Jamhuuriyadda Federaalka, waxaanu awood maamul iyo korjoogteyn ku leeyahay dhammaan maxkamadaha iyo Xeer-ilaalinta dalka, wuxuuna soo saari karaa awaamiir iyo habraacyo muhiim u ah maamulka iyo habsami u socodka caddaaladda.

Qodobka 147aad: Waajibaadka Golaha Sare ee Garsoorka

Golaha Sare ee Garsoorka wuxuu fulinayaa hawlaha soo socda:

(1) Ilaalinta madaxbannaanida, dhexdhexaadinimada, hufnaanta iyo horumarinta garsoorka.

(2) Soojeedinta magacaabista, xilkaqaadista, baddelidda, dallacsiinta, go'aan ka gaarista anshaxmarinta, xuquuqda, howlgabnimada xubnaha iyo hawlwadeennada garsoorka ee heerarka kala duwan ee dawladda. Sidoo kale, horumarinta tababbarka iyo kobcinta aqoonta iyo xirfadda xubnaha iyo hawlwadeennada garsoorka ee heerarka dawladda.

(3) Tixgelinta cabashooyinka dadweynaha iyada oo la qaadayo tallaabooyinka ku habboon, si kor loogu qaado kalsoonida ay ku qabaan garsoorka.

(4) Nidaaminta habsami-usocodka hawlaha garsoorka, hagaajinta xaaladaha shaqada iyo daryeelka hawlwadeennada garsoorka.

(5) Maareynta maamulka iyo maaliyadda garsoorka.

(6) Casriyaynta habmaamulka hay'adaha garsoorka.

(7) La xisaabtanka, qiimeynta iyo korjoogteynta xilgudashada hay'adaha garsoorka ee dhammaan heerarka dawladda.

(8) Waajibaadka kale ee ku xusan Dastuurka, xeerarka kale ee Jamhuuriyadda iyo xeer hoosaadka Golaha Sare ee Garsoorka.

Qodobka 148aad: Sanduuqa Garsoorka

(1) Si loo xaqiijiyo madaxbannaanida hay'adaha garsoorka, Dastuurkan wuxuu aasaasayaa Sanduuqa Garsoorka oo hoosyimaada nidaamka Qasnadda Midaysan ee Dawladda.

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(2) Sanad maaliyadeed kasta, Xoghayaha Guud ee Garsoorka ayaa diyaarinaya miisaaniyadda garsoorka taas oo ka mid ah hannaanka guud ee nidaamka dejinta miisaaniyadda qaranka.

(3) Sanduuqa waxaa loo isticmaalayaa kharashaadka maamul ee garsoorka iyo arrimaha kale ee muhiimka u ah xilgudashada garsoorka, kaddib marka sanduuqa lagu shubo qoondada miisaaniyadda garsoorka.

(4) Xeerka Nidaamka Garsoorka ayaa lagu faahfaahinayaa maamulka Sanduuqa Garsoorka.

Qodobka 149aad: Fadhiyada Golaha Sare ee Garsoorka

(1) Xubnaha Golaha Sare ee Garsoorka waa in ay shiraan ugu yaraan halmar saddexdii biloodba.

(2) Golaha waxaa iskugu yeeri kara oo keliya guddoomiyaha golaha, haddii u maqanyahayna waxaa iskugu yeeri kara guddoomiye kuxigeenka.

(3) Guntanka fadhiyada Golaha waxa uu ku qabsoomayaa ugu yaraan aqlabiyad boqolkiiba konton iyo hal dheeri (50%+1) ah tirada xubnaha golaha.

(4) Shirka Golahu wuxuu ku qabsoomi karaa xarunta guud ee golaha, waxa uu sidoo kale ka dhici karaa hadba meeshii uu guddoomiyaha goluhu u arko munaasab.

(5) Haddii aan cutubkan iyo xeerarka dalku si kale u qeexin, go'aannada golaha waxaa lagu gaarayaa cod hal dheeri ah, haddii ay codadku barbardhac noqdaan, codka guddoomiyaha ayaa kala saaraya.

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CUTUBKA SHAN IYO TOBNAAD: QODOBBADA KAMADAMBAYSTA AH IYO KUWA KUMEELGAARKA AH

Qodobka 189aad: Habraaca Wax-kabeddelka Dastuurka

(1) Dastuurkan waxaa wax looga beddeli karaa oo keliya si waafaqsan habraacyada ku xusan cutubkan.

(2) Wax-kabeddelka qodob ama qayb ka mid ah Dastuurka waxaa soojeedin kara:

(a) Saddex meelood meel (1/3) tirada guud ee xubnaha Golaha Shacabka ama Golaha Aqalka Sare;

(b) Golaha wasiirrada;

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(c) Ugu yaraan mid ka mid ah dawlad goboleedyada;
(d) Madaxda fulinta ee heer federaal iyo heer dawlad goboleed oo ku heshiiya in qodob ama arrimaha ku xusan Jadwalka Labaad lagu sameeyo wax-kabeddel; ama
(e) Codsi ay saxiixeen ugu yaraan 15,000 codbixiyaal diiwaangashan ee Jamhuuriyadda Federaalka Soomaaliya.

(3) Waxaa waajib ah in soojeedinta wax-kabeddelka Dastuurku ay sababaysan tahay isla markaana ay saxiixaan dhinacyada soo gudbiyay.

(4) Wax-kabeddelka qodob ama qodobbada Dastuurka oo uu soojeediyay dawlad goboleed ee ku xusan faqradda 2aad xafarkeeda (c) ee qodobkan, inta aan la horgayn Baarlamaanka Federaalka, waa in marka hore loo gudbiyaa golaha wakiillada dawlad goboleedka soojeediyay ayna ku oggolaadaan soojeedintaas aqlabiyad boqolkiiba konton iyo hal dheeri (50%+1) ah. — 10

(5) Wax-kabeddelka ku yimaada heshiis siyaasadeed ee u dhexeeya madaxda fulinta ee heer federaal iyo heer dawlad goboleed, ee ku xusan faqradda 2aad xafarkeeda (d) ee qodobkan, waa in heshiiskaas ay wada saxiixaan dhammaan madaxda fulinta dawlad goboleedyada iyo madaxda fulinta ee heer federaal, haddii heshiiskaas uu la xiriiro Jadwalka Labaad ee astaynta awoodaha, wuxuu heshiiskaas ku ansaxayaa oggolaanshaha aqlabiyad boqolkiiba konton iyo hal dheeri (50%+1) ah ee labada gole ee Baarlamaanka Federaalka, balse haddii uu la xiriiro qodob ka mid ah Dastuurkan, heshiiskaas waxaa la raacayaa habraaca ku xusan faqradda 9aad ee qodobkan.

(6) Lama oggola soojeedinta wax-kabeddelid kasta oo saamaynaya ujeeddooyinka iyo nuxurka muhiimka ah ee la xiriira mabaadi'da aasaasiga ah ee Jamhuuriyadda Federaalka Soomaaliya sida ku cad Qodobbada 1aad, 2aad, 3aad iyo 4aad ee Dastuurka Jamhuuriyadda Federaalka Soomaaliya. — 20

(7) Waa in gole kasta oo ka tirsan Baarlamaanka Federaalka Soomaaliya uu ku ansixiyaa soojeedinta wax-kabeddelka Dastuurka boqolkiiba konton hal dheeri (50%+1) ah ee gole kasta inta aan la billaabin doodda wax-kabeddelka Dastuurka.

(8) Baarlamaanka Federaalka Soomaaliya waa in uu xaqiijiyaa in la sameeyey latashiyo, marka la diyaarinayo soojeedinta, si waafaqsan cutubkan.

(9) Wax-kabeddelka qodob ama qodobbada Dastuurka waxay ku ansaxaysaa, marka uu gole kasta ee Baarlamaanka Federaalku ku ansixiyo saddex meelood labo meel (2/3) tirada guud ee xubnaha gole walba. — 30

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(10) Haddii Baarlamaanka Federaalka uu laalo soojeedinta wax-kabeddelka Dastuurka, waxaa reebban in soojeedintaas dib loogu soo celiyo ilaa ay ka soo wareegto muddo hal sano iyo bar ah.

(11) Marka labada gole ee Baarlamaanka Federaalku uu ansixiyo soojeedinta wax-kabeddelka Dastuurka ayna Maxkamadda Dastuurka xaqiijiso ansaxnimada wax-kabeddelka Dastuurka, waxaa xeer madaxweyne ku meelmarinaya Madaxweynaha Jamhuuriyadda Federaalka Soomaaliya.

Qodobka 190aad: Dhaqangalka Dastuurka

(1) Marka labada gole ee Baarlamaanka Federaalku uu ku ansixiyo wax-kabeddelka Dastuurka saddex meelood labo meel (2/3) tirada guud ee xubnaha gole kasta, waxaa xeer madaxweyne ku meelmarinaya Madaxweynaha Jamhuuriyadda Federaalka Soomaaliya, wuxuuna dhaqangalayaa 30 maalmood kaddib taariikhda Faafinta Rasmiga ah lagu soo saaro.

(2) Dastuurkan wuxuu yeelanayaa dhaqangal joogto ah, iyadoo lagu kordhinayo natiijada ka soo baxda wadahadallada Soomaaliya iyo gobollada Soomaaliyeed ee Somaliland, ka hor qabashada afti dadweyne.

Qodobka 191aad: Sii Socoshada iyo Dib-u-eegista Xeer Jira

(1) Dhammaan xeerarka dhaqangalay ka hor ansixinta Dastuurkan waxay sii ahaanayaan kuwo lagu dhaqmo inta laga dhammaystirayo dib-u-eegistooda sida ugu dhakhsaha badan si ay ula jaanqaadayaan Dastuurkan.

(2) Dhammaan tallaabooyinka maamul ee aan waafaqsanayn Dastuurkan la ansixiyay waa in la waafajiyo muddo (6) lix bilood ah Dastuurka Federaalka.

(3) Ilaa iyo inta laga dhisayo Maxkamadda Dastuurka, waxaa xilalkeeda iyo awoodaheeda ku xusan Qodobka 131aad sii fulinaya Maxkamadda Sare ee Federaalka.

(4) Baarlamaanka Federaalka Soomaaliya wuxuu dib-u-eegayaa dhammaan xeerarkii horey u jiray, wuxuuna ansixinayaa wax-kabeddellada lagama maarmaanka ah muddo shan (5) sano gudahood ah laga billaabo taariikhda uu Dastuurkan dhaqangalo.

(5) Guddiga Madaxabannaan ee Dib-u-eegista iyo Hirgelinta Dastuurka ee lagu aasaasay cutubkan wuxuu ka taageerayaa dib-u-eegista xeerarka, wuxuuna diyaarinayaa

warbixinno oo uu u gudbinayo Guddiga La Socodka, si loogu sii gudbiyo labada gole ee baarlamaanka.

Qodobka 192aad: Guddiga La Socodka Dib-u-eegista iyo Hirgelinta Dastuurka

(1) Guddiga la socodka wuxuu ka koobanyahay:
- **(a) Shan** (5) xubnood oo uu dooranayo Golaha Shacabka;
- **(b) Shan** (5) xubnood oo uu dooranayo Golaha Aqalka Sare;
- **(c) Hal** (1) ergay oo uu soo dooranayo dawlad goboleed kasta; iyo
- **(d) Hal** (1) ergay oo uu soo dooranayo Golaha Caasimadda Jamhuuriyadda.

(2) Xubnaha guddiga la socodka waxay iska dhexdooranayaan guddoonkooda.

(3) Guddiga la socodka wuxuu korjoogteynayaa jiheynayaana hawlaha hirgelinta **Dastuurka asagoo** ka helaya taageero farsamo Guddiga Madaxabannaan ee **Dib-u-eegista iyo Hirgelinta Dastuurka** arrimaha la xiriira in dastuurrada dawlad goboleedyada la **waafajiyo Dastuurka Federaalka.**

(4) Guddiga la socodka wuxuu u xilsaarayaa guddiga madaxabannaan ee **Dastuurka diyaarinta** soojeedimaha wax-kabeddelka Dastuurka haddii loo baahdo, si **waafaqsan Qodobka** 189aad ee Dastuurka, ka hor aftida dadweynaha ee Dastuurka.

(5) Guddiga la socodka wuxuu u diri karaa guddiga madaxabannaan ee Dastuurka **cilmibaarisyo** iyo warbixinno la xiriira hawsha waafajinta dastuurrada dawlad **goboleedyada** Dastuurka Federaalka, Guddiga Madaxabannaan ee **Dib-u-eegista iyo Hirgelinta** Dastuurka.

(6) Guddiga la socodka wuxuu warbixin ka siinayaa labada gole ee baarlamaanka iyo **goleyaasha** wakiillada horumarka laga sameeyay waafajinta dastuurrada dawlad **goboleedyada** ee Dastuurka Federaalka.

(7) Guddiga la socodka wuxuu korjoogteynayaa diyaarinta soojeedinta waafajinta oo ku **saabsan** dastuurka dawlad goboleed kasta, muddo shan (5) sano gudahood ah laga **billaabo** taariikhda uu Dastuurkan dhaqangalo.

(8) Dastuurrada dawlad goboleedyada ee dib-u-eegista lagu sameeyey si waafaqsan **qodobkan** waa in loo gudbiyaa Maxkamadda Dastuurka si ay u xaqiijiso **waafaqsanaantooda** ka hor inta aysan dhaqangelin.

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(9) Khilaaf kasta oo ka dhasha habraaca waafajinta waxaa go'aan kamadambays ah ka gaaraysa Maxkamadda Dastuurka.

Qodobka 193aad: Guddiga Madaxabannaan ee Dib-u-eegista iyo Hirgelinta Dastuurka

(1) Guddiga Madaxabannaan ee Dib-u-eegista iyo Hirgelinta Dastuurka waxaa uu ka koobanyahay shan (5) xubnood, iyo min hal (1) ergay oo ay soo magacaabayaan dawlad goboleedyada iyo Caasimadda Jamhuuriyadda.

(2) Xubnaha guddiga waa in buuxiyaan shuruudaha ku xusan Qodobka 58aad faqradda 1aad ee Dastuurka.

(3) Shanta (5) xubnood oo uu ku jiro guddoomiyaha guddiga waxaa soojeedinaya golaha wasiirrada, Madaxweynaha Jamhuuriyadda ayaana ku meelmarinaya xeer madaxweyne kaddib ansixinta Baarlamaanka Federaalka.

(4) Guddiga Madaxabannaan ee Dib-u-eegista iyo Hirgelinta Dastuurka waxa uu qabanayaa hawlaha soo socda:

(a) Diyaarinta soojeedimaha wax-kabeddelka Dastuurka haddii loo baahdo, ka hor aftida dadweynaha ee Dastuurka;
(b) Isku dubbarididda hirgelinta Dastuurkan;
(c) Taageeridda dib-uhabaynta xeerarka ku xusan Dastuurkan.
(d) Taageeridda waafajinta dastuurrada dawlad goboleedyada ee Dastuurka Federaalka;
(e) Diyaarinta warbixinno dadweyne oo saddex biloodle ah oo ku saabsan horumarka hirgelinta; iyo
(f) Hawlaha kale oo ay u xilsaaraan Dastuurka iyo xeerarka dalka.

Qodobka 194aad: Waajibaadka Caalamiga Ah

(1) Heshiisyada caalamiga ah ee uu ansixiyo Baarlamaanka Federaalka waxay qayb ka noqonayaan xeerarka Jamhuuriyadda Federaalka Soomaaliya.

(2) Haddii heshiis la ansixiyay uu khilaafsanyahay Dastuurkan, Maxkamadda Dastuurka ayaa go'aaminaysa jiritaanka iyo baaxadda khilaafkaas.

(3) Baarlamaanka Federaalka wuxuu soo saarayaa xeer nidaaminaya habraaca ansixinta, ku darista xeerarka gudaha, iyo ka bixitaanka heshiisyada caalamiga ah.

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(4) Waajibaadka caalamiga ah ee jira waxay ahaanayaan kuwo ku waajib ah Jamhuuriyadda Federaalka Soomaaliya, ilaa ay Maxkamadda Dastuurka ahi ku go'aamiso inay ka hor imanayaan Dastuurkan.

Qodobka 195aad: Aftida

(1) Dastuurka kamadambaysta ah waxaa lagu ansixinayaa afti dadweyne, waana in dhammaan muwaaddiinta u diiwaangashan codbixiye ay fursad u helaan dhiibashada aragtidooda si xor ah, toos ah, qarsoodi ah si waafaqsan xeer Baarlamaanka Federaalka uu ansixiyo kaasoo qeexaya habraaca aftida.

(2) Afti waxaa la qabanayaa marka la xaqiijiyo in shuruudahan soo socda la buuxiyey:
- (a) In maamul dawladeed oo shaqaynaya uu ka jiro dalka oo idil;
- (b) In la dhammaystiray diiwaanka codbixiyeyaasha qaranka isla markaana la hubiyey; iyo
- (c) In Guddiga Madaxabannaan ee Doorashooyinka Qaranka iyo Soohdimaha uu si buuxda u hawlgalayo.

(3) Guddiga Madaxabannaan ee Doorashooyinka Qaranka iyo Soohdimaha ayaa qiimaynaya heerka diyaargarowga, wuxuuna warbixin u gudbinayaa Baarlamaanka Federaalka Soomaaliya.

(4) Maxkamadda Dastuurka waxay dib-u-eegi kartaa isla markaana xaqiijin kartaa go'aanka ku saabsan diyaargarowga.

(5) Guddiga Madaxabannaan ee Doorashooyinka Qaranka iyo Soohdimaha ayaa go'aaminaya taariikhda aftida muddo lixdan (60) maalmood gudahood ah laga billaabo marka la xaqiijiyo diyaargarowga.

(6) Dastuurka kamadambaysta ah waxa uu ansaxayaa haddii ay u codeeyaan aqlabiyadda codadka saxda ah oo idil.

(7) Waxaa reebban in afti dadweyne loo qaado wax-kabeddelka Dastuurka inta laga sugayo midnimada dhuleed iyo midda dadeed ee Jamhuuriyadda Federaalka Soomaaliya.

Qodobka 196aad: Daahfurnaan iyo Ka Qaybgal Dadweyne

(1) Dhammaan hindiseyaasha xeer, soojeedinnada iswaafajinta iyo wax-kabeddellada Dastuurka ee loo diyaarinayo si waafaqsan cutubkan waa in lala tashadaa dadweynaha si ay aragti uga dhiibtaan.

JUST LEGAL SERVICES

CERTIFICATE OF TRANSLATION

SOMALI TO ENGLISH

2026 Constitution of the Federal Republic of Somalia | Selected Chapters 1,2,4,7,8,9,15

IDENTIFICATION OF THE TRANSLATED DOCUMENT

Source language	Somali
Target language	English
Original document	Constitution of the Federal Republic of Somalia (2026), Somali text, Official Bulletin, Year 13, Issue No. 2 (14 March 2026).
Translation covered	Chapters 1, and 2(Articles 1–42), Chapter 4 (46–60), Chapter 7 (Articles 105–115), Chapter 8 (Articles 116–125), Chapter 9 (Articles 126–149) and Chapter 15 (Articles 189–196).
Identified translation	The consolidated English translation on pages 3–35 of this volume, dated 12 November 2026.

CERTIFICATION BY THE SIGNATORY

I, Fahad Arteh, Managing Partner of Just Legal Services (JLS), declare that I am competent to read and understand both Somali and English and to evaluate the legal and constitutional terminology used in the documents identified above.

Having personally compared the identified English text with the corresponding original Somali provision. I certify that the translation is, to the best of my knowledge, a true, faithful, and complete rendering of the selected Somali-language provisions.

This certificate relates only to the chapters and articles identified above. The English text is an unofficial professional translation, not an English constitutional text promulgated or authenticated by the State. If any inconsistency arises, the authoritative Somali constitutional text prevails.

EXECUTION

Fahad Arteh
Managing Partner | Just Legal Services

Signature:

Date: **12th of November, 2026**

Place of execution: **Mogadishu, Federal Republic of Somalia**

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CHAPTER ONE | DECLARATION OF THE FEDERAL REPUBLIC OF SOMALIA

Article 1: The Federal Republic of Somalia

(1) Somalia is a sovereign federal republic adhering to Sunni Islam and the Shafi'i school of jurisprudence, founded on social justice and the rule of law.

(2) Somalia is a democratic republic founded on inclusive popular representation and based on a multiparty political system that respects diversity of opinion, in accordance with Islamic Sharia, the Constitution and the laws of the Federal Republic of Somalia.

(3) Apart from Allah, Glorified and Exalted, sovereign authority over the country belongs to the people of the Federal Republic of Somalia, who shall exercise that authority directly or indirectly through the institutions to which they have entrusted it, in accordance with the Constitution and the laws of the Federal Republic of Somalia.

(4) No individual or section of the people of the Republic may claim or assume exclusive ownership or exercise of the sovereignty of the Federal Republic of Somalia.

(5) The sovereignty, independence, national unity, and maritime and land boundaries of the Federal Republic of Somalia are inviolable.

Article 2: Religion

(1) Islam is the religion of the country, the people and the State of the Federal Republic of Somalia.

(2) No religion other than Islam may be propagated in the territory of the Federal Republic of Somalia.

(3) Insulting Islam, expressing hatred toward it, and any act that undermines respect for matters relating to the Islamic religion are prohibited. A person who engages in conduct that violates the Islamic religion shall be dealt with in accordance with the laws of the Federal Republic of Somalia.

(4) No law may be enacted that is inconsistent with Islamic Sharia and its objectives (maqasid).

Article 3: Fundamental Principles

(1) The Constitution of the Federal Republic of Somalia is founded upon the Holy Qur'an and the Sunnah of the Prophet Muhammad (peace and blessings be upon him), and safeguards Islamic Sharia and its objectives.

(2) The Federal Republic of Somalia is a Muslim country and a member of the community of nations, particularly the Arab and African nations.

(3) The Federal Republic of Somalia is founded upon the fundamental principles of the distribution of powers under a federal system.

(4) The Constitution of the Federal Republic of Somalia protects human rights, the rule of law and respect for international laws that do not conflict with Islamic Sharia and the Constitution. It promotes inclusive government and the separation of legislative and executive powers and an independent judiciary, within a system founded upon accountability, transparency, integrity and responsiveness to the public interest.

(5) Women shall participate effectively in all three branches of government and in independent commissions at the federal, Federal Member State and local-government levels, and their participation in elected and appointed positions shall be ensured.

(6) State power at every level may be exercised only in accordance with the Constitution and the laws of the Federal Republic of Somalia.

(7) The land, sea, airspace, rivers, islands and natural resources are national assets jointly owned by the Somali people, for which the Federal Government of Somalia is responsible.

Article 4: Supremacy of the Constitution

(1) Subject to Islamic Sharia, the Constitution of the Republic is the supreme law of the country. The government at every level of the Federal Republic of Somalia shall comply with it, and it shall guide the formulation of policies and decisions of all branches of government.

(2) Every person, all State institutions, organizations, political parties and society at large have a duty to comply with, implement and safeguard the Constitution.

(3) Any law, decision or administrative measure issued by an institution of government at any level that is inconsistent with the Constitution of the Federal Republic of Somalia shall be null and void and may be annulled by the Constitutional Court.

Article 5: Official Languages

(1) The official language of the Federal Republic of Somalia is Somali (Maay and Maxaatiri), and Arabic is the second language.

(2) The Federal Government of Somalia shall care for, protect and develop the Somali language and its literature.

Article 6: The Flag and National Emblem

(1) The flag of the Federal Republic of Somalia, as depicted in the First Schedule (A) to the Constitution, is a light-blue rectangle bearing at its center a white five-pointed star with equal points.

(2) The emblem of the Federal Republic of Somalia, as depicted in the First Schedule (B) to the Constitution, consists of a blue shield with a gold border and a five-pointed silver star at its center. Above the shield is an ornate Arabian-style battlement with five golden points, the two outer points of which are halved. The shield is supported on either side by two facing leopards, standing upon two spears crossed beneath the shield, accompanied by two palm leaves entwined with a white ribbon.

(3) The national anthem of Somalia is "Qolobaa Calankeedu Waa Cayn," as set out in the First Schedule (C) to the Constitution, and shall be used by the Federal Government and the Federal Member States at official occasions.

(4) A special law enacted by the Federal Parliament of Somalia shall regulate honors relating to the national flag and anthem and the honors to be accorded to deserving persons.

(5) Federal Member States may have their own flags and emblems but may not have separate anthems of their own.

Article 7: Territory of the Federal Republic of Somalia

(1) The sovereignty of the Federal Republic of Somalia extends to the entire territory of the Federal Republic of Somalia, including its land, seas, rivers, islands and subsoil, the airspace above them, the continental shelf, and any territory and territorial waters incorporated into the Republic of Somalia with the approval of the Federal Parliament.

(2) The territory of the Federal Republic of Somalia is indivisible and inviolable.

(3) The boundaries of the Federal Republic of Somalia are those identified in the Constitution of Somalia of 1960.

(4) The Federal Republic of Somalia is bounded:

(a) To the north, by the Gulf of Aden;

(b) To the northwest, by Djibouti;

(c) To the west, by Ethiopia;

(d) To the southwest, by Kenya; and

(e) To the east, by the Indian Ocean.

Article 8: The People and Citizenship

(1) The people of the Federal Republic of Somalia are one and indivisible and comprise all citizens.

(2) There is only one Somali citizenship. The manner of its acquisition, suspension or loss shall be determined exclusively by a specific law enacted by the Federal Parliament of Somalia.

(3) A person holding Somali citizenship may acquire citizenship of another country, and may neither be deprived of Somali citizenship nor compelled to renounce that other citizenship.

(4) The denial, suspension or revocation of citizenship may not be based on political grounds.

Article 9: Capital of the Federal Republic of Somalia

(1) The capital of the Federal Republic of Somalia is Mogadishu.

(2) The status and representation of the capital shall be regulated under Chapter Five of the Constitution.

CHAPTER TWO | FUNDAMENTAL RIGHTS AND DUTIES OF THE CITIZEN

Part One: General Principles of Human Rights

Article 10: Human Dignity

(1) Human dignity is a gift bestowed by Allah, Glorified and Exalted, upon every human being, and human rights arise from that gift.

(2) Human dignity is inviolable, and its protection is a duty incumbent upon everyone.

(3) State authority shall never be used to violate human dignity.

(4) No person may be enslaved, subjected to forced labor, trafficked or compelled to work for any purpose whatsoever.

Article 11: Equality

(1) Every person, regardless of sex, religion, color, social or economic status, political opinion, clan, disability, profession, birth, ethnicity, age or dialect, is equal before the law in rights and duties, in accordance with Islamic Sharia.

(2) Direct or indirect discrimination against any person on grounds of age, color, clan, ethnicity, culture, dialect, sex, birth, disability, religion, political opinion, profession, wealth or any other ground is prohibited.

(3) Government measures, including legislation, policies and administrative arrangements, designed to achieve full equality for persons or groups previously subjected to discrimination or experiencing disadvantage shall not be regarded as discriminatory.

(4) No person shall, by reason of status or honor, be exempt from accountability or criminal punishment for an offense committed, unless the Constitution provides otherwise.

Article 12: Application of Fundamental Rights

(1) State institutions at both the federal and Federal Member State levels, political parties, every private organization and every individual shall at all times respect the fundamental rights and freedoms recognized in this Chapter.

(2) The State shall at all times protect and guarantee the realization and observance of fundamental rights and freedoms.

Part Two: Fundamental Individual Rights and Freedoms and Their Limitations

Article 13: Right to Life

(1) Every person has the right to life.

(2) Life is a gift bestowed by Allah, Glorified and Exalted, upon all human beings. It is therefore a natural right of which no person may be deprived except on grounds expressly prescribed by law and pursuant to a final judgment of a court.

(3) Abortion is contrary to Islamic Sharia and is prohibited, except where a medical necessity arises in which it is indispensable to save the life of the mother, as established by a competent and qualified physician.

Article 14: Personal Liberty and Security

(1) Every person has the right to personal liberty and security of the person.

(2) Every person has the right to the security of their person and property. No person may be subjected to any form of torture or inhuman treatment. Unlawful arrest and all forms of violence, including violence against women and children, are prohibited.

(3) Every person has the right to bodily integrity, which is inviolable. No person may be subjected to medical or scientific experimentation without their consent. Where a person lacks legal capacity to consent, consent shall be obtained from the person's closest relative on the advice of a medical professional.

(4) Female genital mutilation is a cruel and degrading practice tantamount to torture and is prohibited.

Article 15: Freedom of Association

Every person has the right to associate with others. This right includes forming or joining organizations, including trade unions and political parties. Every person is also free not to associate with anyone and may not be compelled to join any association.

Article 16: Freedom of Religion and Belief

(1) Every person is free to practice their religion.

(2) No religion other than Islam may be propagated within the territory of the Federal Republic of Somalia.

Article 17: Freedom of Opinion and Expression

(1) Every person has the right to hold an opinion and express it through speech, writing, the press, art or any other means of their choice, provided that it does not conflict with Islamic Sharia.

(2) Every person has the right freely to express their knowledge or creativity.

Article 18: Inviolability of the Home

No person's home, equipment, premises or other private belongings may be searched, monitored, listened to or placed under surveillance without a reasoned judicial order.

Article 19: Freedom of Assembly, Demonstration, Complaint and Collective Petition

(1) Every person has the right to organize and participate peacefully in meetings, demonstrations and expressions of complaint or support without requiring prior permission.

(2) Every person has the right to submit a written complaint to State institutions.

Article 20: Freedom of Movement and Residence

(1) Every person lawfully present in the country has the right to reside wherever they wish, to move freely within the country and to leave the country freely whenever they wish.

(2) Every citizen has the right to enter, leave and remain in the country.

(3) Every citizen also has the right to obtain a Somali passport, a national identity document, registration documents and any other identification issued by the State to its citizens.

Article 21: Right to Political Participation

(1) Every citizen has the right to participate in the political affairs of the country, to establish and join a political party and to be elected to any position within a political party, in accordance with the laws of the Federal Republic of Somalia.

(2) Every citizen who satisfies the requirements prescribed by law has the right to vote and to stand for election.

Article 22: Freedom to Choose an Occupation, Employment or Profession

Every citizen has the right freely to choose the occupation, employment or profession they wish to pursue.

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Article 23: Labor Relations

(1) Every person has the right to fair labor relations.

(2) Every worker has the right to form and join a trade union and to participate in its activities.

(3) Workers have the right to strike.

(4) Every trade union and every employer has the right to engage in collective bargaining concerning employment matters.

(5) Every worker, and women in particular, has a special right to protection against abuse, exclusion and discrimination in the workplace. All labor laws and employment practices shall ensure equal employment rights for men and women.

(6) Persons with disabilities have the right to full equality in the workplace, and all measures necessary to enable them to perform their work shall be facilitated.

Article 24: Clean Environment

(1) Every person has the right to an environment that is not harmful to their health or well-being and that is protected against pollution and hazardous substances.

(2) Every person has the right to benefit from the natural resources of the country, which shall be protected against excessive exploitation capable of harming the environment or natural resources.

Article 25: Private Property

(1) Every person has the right to own, use, benefit from and enjoy private property, and to sell or donate it whenever they wish.

(2) The State may acquire private property where the public interest so requires. Any person whose property has been acquired for a public purpose has the right to fair compensation from the State, agreed with the owner or determined by a court.

Article 26: Social Rights

(1) Every person has the right to clean drinking water.

(2) Every person has the right to health care, and no person may be denied emergency medical services on any ground whatsoever.

(3) Every person has the right to comprehensive social care.

(4) State institutions of the Federal Republic of Somalia shall take effective steps to ensure that these rights are realized for the whole population, giving particular priority to women, children, older persons, persons with disabilities, and minority or marginalized communities.

Article 27: Protection of the Family

(1) Marriage is the foundation of the family, which is the basis of society, and its protection is a legal duty of the State.

(2) Every person who has reached the age of maturity has the right to marry and establish a family by their own free will and that of their prospective spouse, in accordance with Islamic Sharia and the laws of the Federal Republic of Somalia.

(3) Maternal and infant care is a national duty incumbent upon the State.

(4) Every child has the right to care from their parents, including education and proper upbringing. Where such care is unavailable from the child's family or relatives, or where the child is abandoned or neglected, the State shall guarantee these rights.

(5) A parent who cannot support themselves has the right to be cared for by their adult children. The State shall provide care for parents who do not receive care from their adult children or relatives.

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(6) A law enacted by the Federal Parliament of Somalia shall regulate family matters.

Article 28: Rights of Children

(1) Every child has the right, upon birth, to be given an appropriate name and to be officially registered.

(2) For the purposes of this Article, the term "children" means persons below the age of maturity, which is fifteen (15) years, whereas the age of legal responsibility is eighteen (18) years, as further specified by the laws of the Federal Republic of Somalia.

(3) Every child has the right to protection from misconduct, neglect, abuse and degrading treatment.

(4) Children may not be required to undertake work or services inappropriate to their age or likely to endanger their health or development.

(5) Children may be detained only for a short period when no alternative is available. They shall not be detained together with adults, except their closest relatives, and shall be held in appropriate conditions. A child's closest relatives shall be informed of the detention as soon as reasonably possible.

(6) Children have the right to legal assistance at the expense of the State.

(7) Children have the right to protection against recruitment into, or use in, armed conflict.

(8) The best interests of the child shall always take precedence in every matter affecting the child's welfare.

Article 29: Education

(1) Education is a fundamental right of all citizens of the Federal Republic of Somalia.

(2) Every citizen has the right to free education through secondary-school level.

(3) Basic instruction in the Holy Qur'an and primary and intermediate schooling are compulsory.

(4) State institutions responsible for education at the various levels shall promote, expand and make available public education.

(5) State institutions responsible for education at the various levels shall promote higher education, technical institutions, technology, research, innovation, sports, heritage and culture.

(6) The Federal Government of Somalia is responsible for establishing a unified national educational curriculum. State institutions at every level are responsible for implementing that curriculum in all schools of the Federal Republic of Somalia.

(7) Instruction in the Islamic religion is compulsory for students attending public schools and privately owned schools belonging to Muslims.

(8) The State shall take measures necessary to enable young people to obtain quality education, professional skills and meaningful development, to foster love of the people, country and religion, and to protect young people from harmful practices detrimental to the country's future.

(9) The State shall ensure the provision and availability of the institutions and resources necessary to develop the capacities and creativity of young people. It shall also take measures to develop the various fields of sport.

Article 30: Culture and Language

(1) State institutions at the various levels shall promote the Somali language and the worthy heritage and culture of the Somali people and shall strive to eliminate harmful traditional practices and emerging harmful practices that may adversely affect religion, national unity or public health.

(2) Competent State institutions shall collect, protect and preserve the nation's historical heritage, including historic sites in the Federal Republic of Somalia, and shall develop the knowledge, skills, technology and technical capacity necessary to fulfill this duty.

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(3) Competent State institutions shall promote and protect the distinct cultural traditions and dialects of all Somali people.

(4) The Federal Government shall establish an institution specifically responsible for promoting and developing Somali heritage, culture, language and history.

Article 31: Right of Access to Information

(1) Every person has the right to access information held by State institutions at every level, except information relating to national security, information protected to safeguard the rights of others, or information whose disclosure is prohibited by law.

(2) No person or institution may be compelled to disclose information unless ordered to do so by a court or by the laws of the Federal Republic of Somalia.

(3) A law enacted by the Federal Parliament of Somalia shall give effect to the right of access to information.

Article 32: Right to Protection of Personal Data

(1) Every person has the right to protection of their personal data, which may be used only for the purposes for which it was collected.

(2) Data referred to in paragraph (1) may be disclosed only with the consent of the data subject or on another ground prescribed by law.

(3) Every person has the right to access personal data collected about them and to have their data corrected.

(4) A law enacted by the Federal Parliament of Somalia shall regulate the collection, use and transfer of personal data.

Article 33: Fair Administrative Decisions

(1) Every person has the right to administrative decisions issued by State institutions at the various levels that are lawful, reasonable and supported by reasons, and that are made through a fair procedure.

(2) Every person dissatisfied with an administrative decision of a State institution at any level has the right to bring that decision before a court of competent jurisdiction.

Article 34: Right of Access to Courts and Legal Defense

(1) Every person has the right to bring a lawful claim before a court of competent jurisdiction.

(2) Every person has the right to independent, fair and impartial adjudication before a court open to the public, within the period prescribed by law.

(3) Every person has the right to defend themselves against any proceedings brought against them at every stage and level.

(4) The State shall provide free legal representation to persons unable to meet the costs of court proceedings and to persons seeking to advance or defend a matter relating to the public interest.

Article 35: Rights of the Accused

(1) An accused person shall be presumed innocent until a court of competent jurisdiction has finally convicted that person of the offense charged.

(2) Every person apprehended or arrested on suspicion of a criminal offense has the right to be informed of the suspected offense in a language they understand and has the immediate right to remain silent rather than make statements that may incriminate them.

(3) Where a person is deprived of personal liberty, the person's circumstances shall be communicated to their family or relatives and to their lawyer.

(4) No person may be compelled to confess to a crime, and a conviction may not be based upon a coerced confession.

(5) An accused person has the right to defend themselves before a court of competent jurisdiction and to present exculpatory evidence in their defense.

(6) Every person who is arrested has the right to be brought before a court of competent jurisdiction within forty-eight (48) hours.

(7) An accused person has the right to be present during the hearing of their case.

(8) Every arrested person has the right to engage defense counsel or, if unable to afford counsel, to have counsel provided by the State.

(9) An accused person has the right to an interpreter if they do not understand the language used by the court.

(10) An accused person brought before a court on a criminal charge has the right to a fair trial.

(11) No person may be prosecuted a second time for an offense for which they have previously been finally convicted or lawfully acquitted.

(12) Criminal responsibility is personal. Accordingly, no person may be punished for a criminal act committed by another person.

(13) No person may be punished for an act that was not an offense under the law when it was committed, unless it constitutes a crime against humanity.

(14) An accused person who is dissatisfied with a judgment has the right to appeal to a court higher than the court that delivered the judgment.

(15) An accused person may not be detained at a place not authorized by law and shall be afforded sufficient opportunity for visits from their relatives, physician and lawyer.

Article 36: Extradition of Suspects and Offenders

(1) Extradition of suspects and offenders may be authorized only in accordance with law and where there is an extradition agreement to which the Federal Republic of Somalia is a party, or an international agreement obliging the Federal Government of Somalia to surrender the suspect or offender.

(2) A Somali citizen may not be surrendered to a foreign country.

(3) The Federal Republic of Somalia shall promote international judicial cooperation.

(4) The Federal Parliament shall enact a law governing the extradition of suspects and offenders and mutual legal assistance in criminal matters.

Article 37: Refugees and Asylum Seekers

(1) A person who enters the Federal Republic of Somalia seeking asylum, or who is recognized as a refugee, has the right not to be returned or transferred to another country where there is a clear fear that they would face punishment or other harm.

(2) The Federal Parliament of Somalia shall enact a law regulating refugees and asylum seekers in accordance with international law.

Article 38: Limitation of Rights

(1) Rights recognized in this Chapter may be limited by law or by a limitation expressly provided in the Constitution, provided that the limitation is demonstrably reasonable or justifiable, is consistent with the values set out in the Constitution, and does not specifically target particular persons or groups.

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(2) A limitation may be imposed only where there is a compelling need to protect the rights of others, public security, national defense, public health or public morals, taking into account the proportionality of the limitation to the reasons justifying it.

(3) The judicial institutions shall guarantee that rights and freedoms are not violated and that the values underlying the Constitution are respected.

Article 39: Redress for Violations of Human Rights

(1) Every person has the right to compensation where their fundamental rights have been violated, and a court of competent jurisdiction shall determine the claim.

(2) Any person or organization may bring proceedings before a court of competent jurisdiction to protect the fundamental rights of others who are unable to defend themselves.

(3) No limitation period shall apply to the institution of proceedings concerning human rights violations, war crimes or crimes against humanity as regulated by the laws of the Federal Republic of Somalia or international agreements to which Somalia is a party.

(4) Proceedings referred to in paragraph (3) may be heard by a court of competent jurisdiction. No form of immunity or amnesty may be granted in respect of such violations unless the Constitution provides otherwise.

(5) The State shall take justice-related, judicial, administrative, educational and other measures to prevent such violations, impose sanctions and provide redress, and to hold those responsible to account regardless of their status.

(6) A law enacted by the Federal Parliament of Somalia shall regulate redress for violations of fundamental rights.

Article 40: Interpretation of Fundamental Rights

(1) In interpreting the rights set out in this Chapter, a court of competent jurisdiction shall seek to determine the purposes of the fundamental rights and the values underlying this Constitution.

(2) In interpreting those rights, the court shall take into account Islamic Sharia, international law, the worthy traditions of the Somali people, and internationally recognized principles and standards of statutory interpretation, insofar as such interpretation does not conflict with the Constitution or its foundational values.

(3) Recognition of the fundamental rights set out in this Chapter shall not be construed to contradict other rights recognized by Islamic Sharia.

Article 41: Human Rights Commission

(1) An Independent Human Rights Commission shall be established with the following responsibilities:

(a) To strengthen, promote, defend, respect and ensure human rights values and fundamental freedoms in accordance with Islamic Sharia, the Constitution and the laws of the Federal Republic of Somalia;

(b) To monitor, investigate and prepare reports on the human rights situation in the country;

(c) To prevent human rights abuses and violations and report them to the relevant national authorities;

(d) To ensure guarantees of fundamental rights and observance of human rights practices in the Federal Republic of Somalia;

(e) To advise on the most appropriate means of protecting human rights and providing remedies for abuses, and to advise the State on acceding to or becoming party to international human rights agreements that do not conflict with Islamic Sharia and the Constitution;

(f) To investigate and document human rights violations, inspect prisons and other places of detention, and raise public awareness of human rights; and

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(g) To perform any other function assigned to it by law.

(2) The Commission shall consist of nine (9) members nominated by the Council of Ministers of the Federal Government of Somalia, approved by the Federal Parliament, with their appointments given effect by presidential decree issued by the President of the Republic.

(3) The Federal Parliament of Somalia shall enact a law prescribing the qualifications of members and all other matters necessary for the Commission.

Part Three: Duties of the Citizen

Article 42: Duties of the Citizen

(1) As provided by the Islamic religion, justice lies in the balance between rights and duties.

(2) Every citizen of the Federal Republic of Somalia has the following duties:

(a) To be a loyal patriot dedicated to the development and welfare of the country;

(b) To defend and protect religion, the country, the people and human dignity;

(c) To strengthen national unity in cooperation with other citizens;

(d) To promote responsible parenthood;

(e) To learn the fundamentals of the Islamic religion;

(f) To learn, respect, observe, obey and defend the Constitution and the other laws of the Federal Republic of Somalia;

(g) To promote accountability and the rule of law;

(h) To pay taxes in accordance with the laws of the Federal Republic of Somalia;

(i) To participate in activities beneficial to citizens, families and the public good, and to contribute to the development of the nation and the community in which they live;

(j) To protect the environment against pollution and unnecessary harm;

(k) To respect the rights of animals in the Federal Republic of Somalia; and

(l) To vote in elections.

(3) The duties set out in paragraph (2) shall not be interpreted so as to limit the fundamental rights recognized in this Chapter.

CHAPTER FOUR | REPRESENTATION OF THE PEOPLE

Part One: General Principles of Popular Representation

Article 46: Power of the People

(1) Apart from Allah, Glorified and Exalted, the power of self-government originates from and rests with the people of the Federal Republic of Somalia, who have the power to hold State institutions at every level, and their representatives entrusted with the administration of the country and public services, accountable.

(2) Popular representation at every level of government in the Federal Republic of Somalia shall be open and inclusive, enabling every citizen, independently and without discrimination, to participate directly or indirectly in governance and to understand its laws and procedures with ease.

(3) The representative system shall be capable of preventing unrest arising from political competition and election results.

(4) The Federal Government of Somalia is responsible for ensuring that every Federal Member State implements a democratic system consistent with the Constitution and the laws of the Federal Republic of Somalia.

Part Two: Elections

Article 47: General Principles of Elections

The general principles of the electoral system shall:

(1) Ensure free and fair elections by secret ballot, free from discrimination, bias, corruption, intimidation, threats, deception and interference of any kind.

(2) Guarantee the political rights of citizens as provided in Article 21 of the Constitution.

(3) Ensure an electoral process whose laws, systems and procedures are easily understood and which is administered by the Independent National Electoral and Boundaries Commission.

(4) Guarantee that all citizens who satisfy the statutory requirements have an equal right to cast their votes.

(5) Be based on law and provide for a process administered and supervised independently, ensuring transparency and accountability.

(6) Ensure that the unity of the Republic and Somali society is not infringed.

(7) Ensure the participation of women in legislative assemblies and political parties, with women's quotas to be regulated by laws enacted by the Federal Parliament of Somalia.

(8) Guarantee fair representation of all sections of society, particularly persons with disabilities.

(9) Ensure fair representation of the communities of the Federal Republic of Somalia, particularly minority communities, in order to achieve social justice.

(10) Promote a multiparty political system while taking into consideration the security and socioeconomic circumstances of the Republic.

(11) Prevent the incitement of conflict.

Article 48: Electoral System

The electoral system of the Federal Republic of Somalia shall be based on one person, one vote, as prescribed by a law enacted by the Federal Parliament of Somalia.

Article 49: Institutions to Be Directly Elected

(1) The constitutional institutions directly elected by citizens are:

(a) The Federal Parliament of Somalia, comprising the House of the People and the Upper House;

(b) The House of Representatives of each Federal Member State; and

(c) The councils of local governments.

(2) Candidates contesting seats in the House of the People of the Federal Parliament of Somalia shall be elected by free and secret ballot by citizens who satisfy the qualifications for voting.

(3) Candidates contesting seats in the Upper House of the Federal Parliament of Somalia shall be elected by free and secret ballot only by citizens resident in the relevant Federal Member State who satisfy the qualifications for voting.

(4) Candidates contesting seats in the House of Representatives of each Federal Member State shall be elected by free and secret ballot by citizens resident in that Federal Member State who satisfy the qualifications for voting.

(5) Local councils shall be elected by free and secret ballot by citizens resident in the relevant districts who satisfy the qualifications for voting.

Article 50: Term of Office

The term of office of the directly elected constitutional institutions referred to in Article 49(1) shall be five (5) years.

Article 51: Voters

(1) Every citizen who satisfies the requirements prescribed by law and has attained the age of eighteen (18) years at the time of registration has the right to register to vote.

(2) Registered voters have an equal right to cast their votes, and their free will and confidence shall be safeguarded.

(3) The Independent National Electoral and Boundaries Commission is responsible for voter registration and for preparing the voter register of the Federal Republic of Somalia.

(4) The following persons are not entitled to be registered:

(a) Persons who lack full mental capacity; and

(b) A person against whom a court of competent jurisdiction has entered a final judgment for an electoral offense within the preceding five (5) years, or whom such a court has disqualified from voting, or who is imprisoned for an offense committed.

Part Three: Political Parties

Article 52: Role of Political Parties

(1) Political parties shall compete peacefully and democratically for political leadership in the Federal Republic of Somalia.

(2) Political parties, whether governing or in opposition, are among the pillars of the political and democratic life of the Federal Republic of Somalia.

Article 53: Requirements for Political Parties

(1) Every political party shall satisfy the following requirements:

(a) Protect, observe, strengthen and promote the unity of the Republic;

(b) Comply with the Constitution and the laws of the Federal Republic of Somalia and the rule of law;

(c) Be committed to respecting, valuing, promoting and defending human rights;

(d) Adhere to the principles of democracy and good governance;

(e) Ensure inclusive popular representation and give particular priority to minority communities and persons with disabilities in both membership and leadership;

(f) Give particular priority to women; and

(g) Comply with the procedures for party registration and respect the code of conduct governing political parties.

(2) A political party is prohibited if it:

(a) Is secret, military or paramilitary in nature, is organized to use violence to achieve its objectives, is armed for the purpose of seizing power, or has a clan-based name or symbol;

(b) Advocates the separation of the country or division among its people;

(c) Uses financing derived from unlawful sources; or

(d) Uses State property, bribery or corruption to obtain private advantage.

Article 54: Competition Between Political Parties

Elections to the various institutions shall be contested by political organizations or parties officially registered with the Independent National Electoral and Boundaries Commission. The Federal Parliament shall enact a law detailing procedures for the registration of political organizations and parties. An organization that secures seats amounting to ten percent (10%) of the combined membership of the two Houses of the Federal Parliament of Somalia shall become a national political party.

Part Four: Administration of Elections

Article 55: Establishment of the Independent National Electoral and Boundaries Commission

An Independent National Electoral and Boundaries Commission shall be established and entrusted with administering and managing elections throughout the country at every level, with a view to ensuring efficient, transparent, free and fair elections.

Article 56: Functions and Duties of the Independent National Electoral and Boundaries Commission

(1) The functions and duties of the Independent National Electoral and Boundaries Commission shall include:

(a) Administering, monitoring and ensuring the orderly conduct, integrity and transparency of elections at the various levels of government, and announcing election results;

(b) Maintaining ongoing registration of voters for all elections;

(c) Preparing, organizing, facilitating and conducting general elections at the various levels;

(d) Maintaining ongoing registration of political organizations or parties and candidates for general elections at the various levels;

(e) Delimiting electoral constituencies and periodically designating polling centers;

(f) Prescribing an electoral code of conduct for candidates and political parties;

(g) Determining the number and locations of polling stations throughout the country;

(h) Preparing and managing election materials and polling premises;

(i) Conducting studies and preparing maps relating to the delimitation of constituency boundaries, with the assistance of experts;

(j) Submitting recommendations to the Federal Parliament of Somalia on the delimitation of constituency boundaries, taking account of population, land, political and social circumstances, for Parliament to determine matters relating to those boundaries; and

(k) Performing any other function relating to elections and boundaries provided for in the Constitution or the laws of the Federal Republic of Somalia.

Article 57: Members of the Independent National Electoral and Boundaries Commission

(1) The Independent National Electoral and Boundaries Commission shall consist of eighteen (18) members nominated by the Council of Ministers of the Federal Government of Somalia, following consultation with relevant institutions, approved by the Federal Parliament, with their appointments given effect by presidential decree issued by the President of the Republic.

(2) The Chairperson and Deputy Chairperson of the Commission shall be elected by the members from among themselves.

Article 58: Qualifications of Members of the Independent National Electoral and Boundaries Commission

(1) A person is eligible to be a member of the Independent National Electoral and Boundaries Commission if that person:

(a) Is a citizen and is not less than thirty-five (35) years of age;

(b) Is of good character and reputation;

(c) Holds a recognized university degree; and

(d) Has at least ten (10) years of administrative or legal experience.

(2) The following persons may not be appointed as members of the Commission:

(a) A member of a political party;

(b) A person against whom a court has entered a final conviction carrying a sentence of at least five (5) years;

(c) A person holding a position in a federal or Federal Member State government institution at the time of appointment or within the preceding six (6) months; and

(d) Any person disqualified under the laws of the Federal Government.

Article 59: Loss of Office by Members of the Commission

A member of the Commission may lose office only on one of the following grounds:

(1) Death;

(2) A written resignation submitted to and accepted by the Commission;

(3) Permanent incapacity to perform duties for a physical or mental reason, certified by a recognized medical specialist;

(4) A final judicial conviction of the kind referred to in Article 58(2)(b);

(5) Acceptance of another public office;

(6) Expiration of the term of office; or

(7) Any other ground prescribed by the Constitution or other laws of the Federal Government.

Article 60: Term of Office of Members of the Commission

Members of the Independent National Electoral and Boundaries Commission shall serve one nonrenewable term of six (6) years.

CHAPTER SEVEN | THE PRESIDENT OF THE FEDERAL REPUBLIC OF SOMALIA

Article 105: The President of the Federal Republic of Somalia

(1) The President of the Federal Republic of Somalia is:

(a) The Head of State of the Federal Republic of Somalia;

(b) The symbol of national unity; and

(c) The guardian and promoter of the Constitution.

(2) The President shall represent the Federal Republic of Somalia both domestically and internationally.

(3) The President of the Federal Republic of Somalia shall discharge the duties of office in accordance with Islamic Sharia, the Constitution, and the other laws of the Federal Republic of Somalia.

Article 106: Eligibility Criteria for Election to the Office of President of the Federal Republic of Somalia

(1) Any person who satisfies the following requirements may be elected President of the Federal Republic of Somalia:

(a) Be a Muslim citizen of the Federal Republic of Somalia;

(b) Have two parents who are citizens of the Federal Republic of Somalia;

(c) Be at least forty (40) years of age on election day;

(d) Have attained a recognized university-level education and have at least fifteen (15) years of leadership experience;

(e) Be of sound mind and not have previously been formally certified by a physician as suffering from a mental illness;

(f) Not have been convicted of a serious criminal offense by a final judgment of a competent court;

(g) Have resided in the Federal Republic of Somalia for at least five (5) years;

(h) Not have a wife who is a foreign national;

(i) Be known within the community for good conduct;

(j) Not have previously been removed from the office of President through impeachment;

(k) If the candidate holds the nationality of another country, provide proof of renunciation of that nationality if elected President of the Federal Republic of Somalia; and

(l) Declare the assets owned by the candidate and submit the declaration in writing to the Office of the Auditor General of the Federal Republic of Somalia.

(2) A presidential candidate shall be nominated by a political party or an alliance of political parties.

Article 107: Election of the President of the Federal Republic of Somalia

(1) The President of the Federal Republic of Somalia shall be elected by the two Houses of the Federal Parliament sitting in joint session.

(2) At least two-thirds (2/3) of the total membership of each House of the Federal Parliament must be present for the vote to elect the President of the Federal Republic of Somalia.

(3) A candidate for President of the Federal Republic of Somalia may be nominated by the three national political parties that have obtained the greatest number of seats in the two Houses of the Federal Parliament. The candidate shall present the electoral program at a joint sitting of the two Houses of the Federal Parliament.

(4) In voting for the President of the Federal Republic of Somalia, each member of Parliament shall have one vote.

(5) The two Houses of the Federal Parliament shall elect the President of the Federal Republic of Somalia by secret ballot, in accordance with the following procedure:

(a) In the first round, a candidate who obtains a majority of fifty percent plus one (50% + 1) of the total membership of both Houses of the Federal Parliament of Somalia shall be elected President of the Federal Republic of Somalia. If no candidate is elected, a second round shall be held.

(b) The two candidates receiving the highest numbers of votes in the first round shall proceed to the second round. Where a third candidate has received an equal number of votes, that candidate shall also be entitled to participate in and advance to the second round. A candidate who obtains a majority of fifty percent plus one (50% + 1) of the total membership of both Houses shall be elected President of the Federal Republic of Somalia.

Article 108: Oath of the President

(1) The President-elect shall be sworn in by the Chief Justice of the Federal Supreme Court upon the announcement of the election results and shall take the following oath:

"I, [name], swear in the name of God that I will faithfully discharge the duties of my office in the interests of the country, its people, and the religion; that I will protect, uphold, and abide by Islamic Sharia, the Constitution, and the other laws of the country; that I will defend the independence, sovereignty, and unity of the country; and that I will lead the Somali people with equality, justice, and integrity."

(2) The President-elect shall assume office within fifteen (15) days after the announcement of the final results of the presidential election.

Article 109: Immunity of the President

(1) The President of the Federal Republic of Somalia shall enjoy immunity while in office and may not be tried during that period.

(2) After leaving office, the President shall not be tried in respect of the performance of constitutional duties, unless the President has committed a violation of human rights.

(3) Every President who peacefully and democratically leaves office shall be entitled to special honors as prescribed by a separate law enacted by the Federal Parliament, provided that the President did not leave office as a result of impeachment in accordance with the Constitution.

Article 110: Powers of the President of the Federal Republic of Somalia

The powers of the President of the Federal Republic of Somalia shall include the following:

(1) Appointing the Prime Minister of the Federal Government of Somalia.

(2) Serving as Commander-in-Chief of the Armed Forces.

(3) Appointing persons to, and removing persons from, the following offices, after completion of the other procedures required under the Constitution and the laws of the Federal Republic of Somalia:

(a) Ambassadors and Consuls General;

(b) The commanders of the Somali National Army, Police Force, and Custodial Corps, and the Director of the National Intelligence and Security Agency;

(c) Positions in independent commissions and institutions; and

(d) Other offices prescribed by the Constitution and the laws of the Federal Republic of Somalia.

(4) Appointing and removing from office the Chief Justice of the Supreme Court, the President of the Constitutional Court, and the Prosecutor General of the Nation, following a proposal by the Supreme Judicial Council, in accordance with Article 138(4)(a) of Chapter Nine of the Constitution and the laws of the Federal Government of Somalia.

(5) Receiving diplomats and representatives of foreign countries and accepting their credentials.

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(6) Signing bills approved by the Federal Parliament or returning them in accordance with the procedure prescribed by the Constitution.

(7) Signing international agreements approved by the Federal Parliament of Somalia.

(8) Declaring a state of war or a state of emergency in accordance with Articles 187 and 188 of the Constitution and the other laws of the Federal Republic of Somalia.

(9) Calling the Houses of the Federal Parliament into extraordinary session whenever there are important reasons to do so.

(10) Conferring national honors.

(11) Granting pardons or reducing sentences for persons convicted of crimes on the referral of the Prosecutor General of the Nation, in accordance with the procedures prescribed by the Constitution and the other laws of the Federal Republic of Somalia.

(12) Exercising all other powers conferred upon the President by the Constitution and the laws of the country.

Article 111: Issuance of Decrees

(1) The President of the Federal Republic of Somalia shall issue decrees and orders concerning matters within the exclusive powers of the Federal Government.

(2) The decrees and orders of the President of the Federal Republic of Somalia shall take effect throughout the territory of the Federal Republic of Somalia.

(3) The decrees and orders of the President of the Federal Republic of Somalia shall not be contrary to the Constitution of the Federal Republic of Somalia or federal laws.

Article 112: Term of Office of the President of the Federal Republic of Somalia

(1) The President of the Federal Republic shall hold office for a term of five (5) years, commencing on the date on which the President takes the oath of office.

(2) No person may be elected to the office of President for more than two (2) consecutive terms.

Article 113: Impeachment and Removal of the President of the Federal Republic of Somalia

(1) The Federal Parliament of Somalia may initiate impeachment proceedings against the President of the Federal Republic of Somalia where the President is accused of any of the following:

(a) Treason;

(b) Violation of the Constitution or other laws of the Federal Republic of Somalia; or

(c) Permanent inability to discharge the duties of office for mental or physical reasons, as formally certified by a recognized medical practitioner.

(2) For the purposes of this Constitution, treason means:

(a) Any act intended to obstruct the implementation of, or undermine the supremacy of, the fundamental principles of the Constitution;

(b) Any act contrary to the sovereignty, independence, and national unity of Somalia; and

(c) Pledging allegiance to, assisting, or spying for foreign powers.

(3) A motion proposing the impeachment of the President under paragraph (1) of this Article may be brought before Parliament by at least one-third (1/3) of the total membership of each House of the Federal Parliament. The motion shall be submitted to the Speaker of the House of the People, who shall refer it to the Constitutional Court to determine whether the accusation is well-founded.

(4) If the Court determines that the accusation has a legal basis, the Federal Parliament of Somalia shall decide upon the accusation against the President within a period not exceeding thirty (30) days from the date of the Court's decision.

(5) The President of the Federal Republic of Somalia shall continue to discharge official duties until the Federal Parliament makes a final decision on removal from office through impeachment.

(6) A decision to impeach and remove the President shall be adopted by secret ballot with the support of two-thirds (2/3) of the total membership of each House of the Federal Parliament of Somalia. The presiding officer at that sitting shall announce the decision to remove the President, which shall be final.

(7) If the Federal Parliament of Somalia approves the removal of the President through impeachment in accordance with paragraph (6) of this Article, the President shall cease to hold office. If the required two-thirds (2/3) majority of the total membership of each House is not obtained, the President shall continue to serve the term of office.

(8) The President may not decide to hold an election or a public referendum while impeachment proceedings are pending.

Article 114: Acting President of the Federal Republic of Somalia

(1) If the President is absent from the country or, owing to ill health or any other reason, is unable to discharge the duties of office, the Speaker of the House of the People of the Federal Parliament shall perform the President's duties until the President resumes office. If the Speaker is absent, the Speaker of the Upper House shall serve as Acting President.

(2) The First Deputy Speaker of the relevant House shall temporarily perform the duties of the Speaker while that Speaker is serving as Acting President.

Article 115: Vacancy in the Office of President of the Federal Republic of Somalia

(1) The office of President of the Federal Republic of Somalia may become vacant for any of the following reasons:

(a) Death;

(b) Written resignation submitted to the Speaker of the Upper House;

(c) Permanent inability to discharge the duties of office for mental or physical reasons, certified by a recognized medical practitioner and determined by a competent court; or

(d) Removal through impeachment in accordance with Article 113 of the Constitution.

(2) Upon confirming either of the circumstances specified in paragraph (1)(a) or (b) of this Article, the Speaker of the Upper House shall refer the matter to the Supreme Court so that it may declare the office of President vacant.

(3) If the President of the Federal Republic of Somalia vacates office in accordance with paragraph (1) of this Article, the Speaker of the House of the People shall perform the duties of President until a new President is elected.

(4) If the Speaker of the House of the People, while serving as Acting President, resigns or becomes permanently and completely unable to perform the duties of office, the Speaker of the Upper House shall become the person performing the duties of President.

(5) A person temporarily performing the duties of President or serving as Acting President shall not exercise the following powers:

(a) Appointing persons to governmental offices falling within the President's powers of appointment;

(b) Granting pardons or reducing criminal sentences;

(c) Proclaiming a public referendum; and

(d) Declaring a state of war or a state of emergency without the approval of Parliament.

(6) The Federal Parliament of Somalia shall elect a President of the Federal Republic of Somalia to fill a vacancy arising in accordance with paragraph (1) of this Article. The election shall be held within thirty

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(30) days from the date on which the office becomes vacant and shall follow the presidential election procedure prescribed by Article 107 of the Constitution.

(7) The new President elected in accordance with paragraph (6) of this Article shall complete the remainder of the former President's term of office.

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CHAPTER EIGHT | THE FEDERAL GOVERNMENT OF SOMALIA

Article 116: The Council of Ministers

(1) The Council of Ministers shall consist of the Prime Minister, one or more Deputy Prime Ministers, Ministers, Ministers of State, and Deputy Ministers. The number and responsibilities of ministries shall be regulated by the Law on the Organization of the Government, as approved by the Federal Parliament of Somalia.

(2) The Council of Ministers, headed by the Prime Minister, shall be responsible for formulating and implementing government policy and administering national affairs. It shall act in accordance with the government program approved by the House of the People.

Article 117: Qualifications for Membership of the Council of Ministers

(1) Any citizen who meets the following requirements may be appointed Prime Minister of the Federal Government of Somalia:

(a) Be a Muslim citizen of the Federal Republic of Somalia;

(b) Be at least forty (40) years of age;

(c) Have at least a university-level education, possess knowledge of administration, and have no fewer than ten (10) years of leadership experience;

(d) Have two parents who are citizens of the Federal Republic of Somalia;

(e) Not have a wife who is a foreign national;

(f) Be known for good moral character within the community;

(g) Have resided continuously within the territory of the Federal Republic of Somalia for at least three (3) years;

(h) Be of sound mind and not have previously been formally certified by a physician as having a mental illness;

(i) Not hold citizenship of another country, or renounce such citizenship after appointment; and

(j) Declare his or her assets and submit a written declaration to the Office of the Auditor General of the Federal Republic of Somalia before receiving a vote of confidence from the House of the People.

(2) Other members of the Council of Ministers may be appointed from among citizens meeting the requirements set out in paragraph (1) of this Article, except that the minimum age under subparagraph (b) shall be thirty (30) years, the required period of experience under subparagraph (c) shall be five (5) years, and the requirements in subparagraphs (e) and (i) shall not apply.

(3) During their terms of office, members of the Council of Ministers shall be prohibited from:

(a) Holding another government office or other responsibility at any level of government;

(b) Practicing a private profession or engaging in private commercial, financial, or industrial activities; and

(c) Purchasing or renting government property, or selling or leasing their own property to the government.

Article 118: Cessation of Office of Members of the Council of Ministers

(1) A member of the Council of Ministers may cease to hold office on any of the following grounds:

(a) Death;

(b) Resignation in writing;

(c) Removal from office;

(d) Permanent inability to perform official duties for physical or mental reasons, as certified by a recognized specialist physician; or

(e) Commission of an act of treason, bribery, or a serious violation of the Constitution or other laws of the Federal Republic of Somalia.

(2) The Federal Government of Somalia shall be required to obtain a vote of confidence from the House of the People if more than half of the membership of the Council of Ministers changes.

Article 119: Duties of the Council of Ministers

The Council of Ministers shall have the following powers and responsibilities:

(1) Formulating and implementing the general policy of the Federal Government of Somalia in accordance with the vision and direction of the President;

(2) Preparing draft legislation, the annual budget, and the corresponding final accounts for submission to the Federal Parliament;

(3) Adopting and implementing regulations in accordance with the laws of the country;

(4) Appointing managers and directors-general upon the proposal of the minister concerned, in accordance with the procedures prescribed by law;

(5) Proposing appointments to, and removals from, the following offices and institutions, in accordance with the procedures laid down in the Constitution and the laws of the Federal Government of Somalia:

(a) Ambassadors and consuls-general;

(b) Commanders of the Somali National Armed Forces, the Police Force, and the Custodial Corps, and the Director of the National Intelligence and Security Agency;

(c) Independent commissions and institutions; and

(d) Other offices provided for by the Constitution and the laws of the country.

(6) Negotiating international agreements and submitting them to the Federal Parliament in accordance with the procedures prescribed by the Constitution;

(7) Implementing the laws of the Federal Government of Somalia;

(8) Proposing the declaration of a state of emergency or a state of war in accordance with the procedures prescribed by Articles 187 and 188 of the Constitution; and

(9) Performing such other functions as are assigned to it by the Constitution or other laws of the Federal Government.

Article 120: Powers of the Prime Minister

The Prime Minister, as Head of the Federal Government of Somalia, shall have the following powers:

(1) Representing the Council of Ministers and presiding over its meetings;

(2) Appointing, removing, and reshuffling Ministers, Ministers of State, and Deputy Ministers, following the approval of the President of the Republic;

(3) Directing members of the Council of Ministers and holding them accountable;

(4) Coordinating the work of ministries, institutions, and government offices;

(5) Signing decisions of the Council of Ministers;

(6) Strengthening relations and cooperation between the Federal Government and the governments of the Federal Member States;

(7) Promoting and enhancing good governance throughout the Federal Republic of Somalia; and

(8) Performing such other functions as the President may assign in accordance with the Constitution or the laws of the Federal Government.

Article 121: The Deputy Prime Minister

The Deputy Prime Minister shall act as Prime Minister when the Prime Minister is absent from the country and shall perform such other functions as the Prime Minister may delegate.

Article 122: Duties of Ministers, Ministers of State, and Deputy Ministers

(1) Each Minister shall be responsible for the affairs of the ministry to which he or she has been appointed.

(2) Each Deputy Minister shall perform the duties delegated by the Minister responsible for the ministry and shall act as Minister when that Minister is absent from the country.

(3) A Minister of State may be appointed to the Office of the President, the Office of the Prime Minister, or the ministry responsible for foreign affairs, and shall perform the duties relating to the office to which he or she has been appointed.

(4) Where a Minister is removed from office or the office becomes vacant for any other reason, the Deputy Minister shall continue to discharge the duties of that office until a new Minister is appointed.

Article 123: Oath of the Council of Ministers

Members of the Council of Ministers shall be sworn in by the Chief Justice of the Federal Supreme Court or a judge designated by the Chief Justice, and shall take the following oath:

"I, _____, swear in the name of Allah that I shall be loyal to the Federal Republic of Somalia; uphold Islamic Sharia, the Constitution, and the laws of the country; and serve the people and the country in the office to which I have been appointed with responsibility, integrity, and accountability, while safeguarding the confidentiality of the duties entrusted to me."

Article 124: Removal of the Prime Minister and the Council of Ministers

(1) A motion for the removal of the Prime Minister may be proposed by at least one-fifth (1/5) of the total membership of the House of the People, whereas a motion for the removal of a member of the Council of Ministers may be proposed by ten (10) members of the House of the People, in accordance with Article 92(2) of the Constitution.

(2) The leadership of the House of the People shall present the motion for removal to a plenary sitting of the House within seven (7) working days.

(3) The House of the People shall decide on the motion for removal within a maximum of fifteen (15) days, and the person concerned shall be afforded an opportunity to defend himself or herself before the House of the People.

(4) If the House of the People votes by a show of hands, with a majority of fifty percent plus one (50% + 1) of its total membership, in favor of the removal of the Prime Minister, the Council of Ministers, or a member of the Council of Ministers:

(a) Where the removal concerns the Prime Minister, the President of the Republic shall appoint a new Prime Minister in accordance with Article 110(1) of the Constitution.

(b) Where the removal concerns a member of the Council of Ministers, the Prime Minister shall appoint a member to fill the vacant office in accordance with Article 120(2) of the Constitution.

Article 125: The Caretaker Government

(1) A caretaker government is a government serving during a transitional period following an election when a new government has not yet been formed, or a government from which confidence has been withdrawn in accordance with Article 124 of the Constitution. Such a government shall continue in a caretaker capacity and shall perform the ordinary functions of government.

(2) A caretaker government shall be prohibited from:

(a) Entering into international agreements or long-term agreements that affect the policy of the incoming government;

(b) Proposing appointments to, or removals from, senior government offices;

(c) Initiating or submitting draft legislation;

(d) Making decisions that create unrest or political conflict;

(e) Setting prices for goods, wage levels, or charges for services in a manner that affects the national economy; and

(f) Proposing a referendum or declaring a state of emergency or a state of war.

CHAPTER NINE | THE JUDICIARY OF THE FEDERAL REPUBLIC OF SOMALIA

PART ONE: GENERAL PROVISIONS

Article 126: Principles of the Judiciary

(1) Apart from Allah, the Most Glorified and Exalted (SWT), judicial authority derives from the people. The exercise of judicial authority is entrusted to the courts and the Office of the National Prosecutor General, in accordance with Islamic Sharia, the Constitution, and other laws.

(2) In discharging their functions, judicial institutions shall be guided by the following principles:

(a) Upholding the objectives of Islamic Sharia and safeguarding the purposes and principles of the Constitution;

(b) Independence, impartiality, and integrity;

(c) Justice that is accessible and equal to all;

(d) Justice without delay; and

(e) Promoting transparent, law-based alternative dispute resolution mechanisms.

(3) Alternative dispute resolution mechanisms shall not contravene:

(a) Islamic Sharia;

(b) The Constitution and other laws of the Federal Republic of Somalia; or

(c) The fundamental rights and freedoms guaranteed by this Constitution.

Article 127: Independence of the Judiciary

(1) The Judiciary shall be independent of the executive and legislative branches of government and shall discharge its duties without interference.

(2) The Judiciary shall be subject only to Islamic Sharia, the Constitution, and the other laws of the Federal Republic of Somalia. It shall not be subject to the orders or directions of any other person or institution and shall perform its functions impartially, without fear, prejudice, or favoritism toward any person.

(3) No person or institution may interfere with the Judiciary or judicial officers in the discharge of their duties.

(4) The Judiciary shall enjoy administrative and financial independence.

(5) Judicial decisions shall be binding upon all parties to whom they apply, whether public institutions or private persons.

(6) No member of the Judiciary shall be subject to criminal or civil proceedings arising from acts connected with the performance of that member's judicial duties.

(7) No member of the Judiciary shall be arrested, subjected to a search of their person or residence, or placed under surveillance without the authorization of the Supreme Judicial Council, unless the member is apprehended in the commission of an offense for which arrest is mandatory.

(8) Judicial decisions may be challenged only in accordance with procedures prescribed by law.

(9) A judge shall not be removed from office, transferred, or retired except in the circumstances specified by the Constitution and the Law on the Organization of the Judiciary.

Article 128: Procedures for Court Proceedings

(1) Every person shall have access to the courts, irrespective of economic circumstances, physical condition, personal characteristics, sex, religion, status, or other individual circumstances.

(2) Court proceedings shall be open to the public. However, a court may order that proceedings be heard in camera on any of the following grounds:

(a) National security or the public interest;

(b) Public morality or safety;

(c) Protection of witnesses;

(d) Cases involving minors;

(e) Cases involving abuse against women; or

(f) Exceptional circumstances in which a public hearing would prejudice the administration of justice, as assessed by the judge hearing the case.

(3) No judicial decision may be rendered unless the parties have been afforded equal opportunities to present their arguments.

(4) A court shall deliver its decision without delay, unless reasonable grounds justify a delay.

(5) Every judicial decision shall be based on reasonable legal grounds and shall be issued in writing.

(6) A judicial decision shall be communicated to the parties, made public, and duly recorded.

(7) Every judicial decision shall indicate whether a right of appeal is available, except where the law provides otherwise.

PART TWO: COURTS OF THE FEDERAL REPUBLIC

Article 129: Structure of the Courts

(1) The courts of the Federal Republic of Somalia shall comprise:

(a) The Federal Supreme Court;

(b) The Constitutional Court;

(c) The High Courts of the Federal Member States and the Capital of the Republic;

(d) The Courts of Appeal of the Federal Member States and the Capital of the Republic; and

(e) The Courts of First Instance of the Federal Member States and the Capital of the Republic.

(2) Military justice shall be regulated by a law enacted by the Federal Parliament of Somalia defining its structure and jurisdiction.

(3) No judicial institution or special court may be established unless it is established by this Constitution or by a law enacted following a proposal by the Supreme Judicial Council based on an identified need.

Article 130: The Federal Supreme Court

(1) The Federal Supreme Court shall be the highest court in the country, and its jurisdiction shall extend throughout the territory of the Federal Republic of Somalia.

(2) The seat of the Federal Supreme Court shall be the capital of the country. The Court may, however, hold sittings anywhere in the country where the Chief Justice considers this to be in the interests of justice.

(3) The Federal Supreme Court shall ensure observance and enforcement of the laws and shall secure their uniform operation and application throughout the country.

(4) For the purpose of giving effect to paragraph (3), the Court shall issue guidelines, procedures, legal interpretations, and orders. It shall also issue procedures governing the assessment of the value of civil claims.

(5) Decisions of the Federal Supreme Court shall be final and shall be complied with by all parties to whom they apply.

(6) The Federal Supreme Court shall consist of the Chief Justice and ten judges.

(7) The Federal Supreme Court shall have the following original jurisdiction and powers:

(a) To hear and determine complaints concerning administrative proceedings against federal institutions;

(b) To hear and determine disputes concerning the jurisdiction of the various courts of the country in matters falling within federal jurisdiction;

(c) To hear and determine cases concerning the appointment to, and removal from, public offices at the federal level;

(d) To hear and determine electoral disputes;

(e) To administer oaths of office to federal-level leaders;

(f) To provide legal advice to the Federal Government upon request;

(g) To issue orders directing public institutions to perform duties imposed upon them by law or to refrain from acts for which they have no legal authority;

(h) To hear and determine applications seeking reconsideration or reversal of its own decisions;

(i) To determine applications concerning unlawful deprivation of liberty that are submitted to it and fall within its jurisdiction; and

(j) To exercise any other powers conferred by the Federal Constitution of Somalia and the other laws of the Federal Republic of Somalia.

(8) The Federal Supreme Court shall also have the following appellate jurisdiction:

(a) To hear and determine appeals against judgments and decisions of the High Courts of the Federal Member States and the Capital concerning federal cases;

(b) To hear and determine appeals against judgments and decisions of those High Courts concerning commercial cases of an international character and cases involving exceptionally high values;

(c) To determine appeals against death sentences imposed by the High Courts of the Federal Member States and the Capital; and

(d) To determine other matters specified by the laws of the country.

Article 131: The Constitutional Court

(1) This Constitution establishes a Constitutional Court, with its seat in the capital of the country, comprising a President and four (4) judges.

(2) The Constitutional Court shall be a separate and independent court with jurisdiction to:

(a) Interpret the Federal Constitution, the constitutions of the Federal Member States, and other laws of the Federal Republic of Somalia;

(b) Hear and determine disputes between federal institutions, between federal institutions and Federal Member State institutions, or between institutions of the Federal Member States, concerning their constitutional powers;

(c) Review and determine the constitutionality of proposed legislation;

(d) Determine violations of the constitutional rights and freedoms of citizens;

(e) Determine constitutional questions referred to it by other courts;

(f) Annul laws or decisions inconsistent with Islamic Sharia or the Constitution;

(g) Verify the validity of constitutional amendment procedures, public referendums, and declarations of referendum results; and

(h) Exercise such other powers as are provided by the Federal Constitution of Somalia and other laws of the Federal Republic of Somalia.

(3) When declaring a law null and void, the Constitutional Court shall have authority to determine the date on which the annulment is to take effect, taking into consideration:

(a) The date on which the law is to become null and void;

(b) Persons with an interest in the matter;

(c) The interests of society as a whole; and

(d) The interests of a person convicted under that law, where it is a criminal law.

Article 132: The High Courts

(1) Each Federal Member State shall have a High Court whose seat shall be in the capital of that State. It shall be the highest judicial institution operating within the boundaries of that State, and its jurisdiction shall extend throughout its territory.

(2) The High Court of a Federal Member State shall have jurisdiction to:

(a) Hear and determine complaints concerning administrative proceedings against institutions of that Federal Member State;

(b) Hear cases concerning disputes over the jurisdiction of courts within the Federal Member State that do not fall within federal jurisdiction;

(c) Hear and determine appeals against judgments and decisions of Courts of First Instance of the Federal Member State relating to federal cases;

(d) Hear and determine non-federal appeals from judgments and decisions of the courts of second instance of the Federal Member State;

(e) Determine cases concerning appointments to, and removal from, public offices at the Federal Member State level within the respective State; and

(f) Exercise any powers conferred upon it by the constitution or laws of the Federal Member State, provided that such powers do not conflict with the Federal Constitution or federal laws.

(3) The Capital shall have a High Court, a Court of Appeal, and Courts of First Instance.

Article 133: Court of Appeal of a Federal Member State

The Court of Appeal of a Federal Member State shall hear and determine all non-federal appeals from the Court of First Instance of that Federal Member State.

Article 134: Courts of First Instance

Courts of First Instance shall exercise both federal and Federal Member State jurisdiction and shall hear and determine all types of cases at both levels, except where this Constitution or another law provides otherwise.

Article 135: Procedures for the Appointment of Judges and Judicial Assistants

(1) The appointment of the Chief Justice of the Federal Supreme Court and the President of the Constitutional Court shall be governed by the following procedure:

(a) The Supreme Judicial Council shall nominate a person of integrity and good character who holds at least a postgraduate university degree in law and has no fewer than ten (10) years of professional experience as a judge, prosecutor, lawyer, or senior lecturer in law;

(b) Each House of the Federal Parliament of Somalia shall approve or reject the nominated candidate by a majority of fifty percent plus one (50%+1) of its total membership, following nomination by the Supreme Judicial Council; and

(c) Following the approval of the Federal Parliament, the President of the Federal Republic of Somalia shall give effect to the appointment of the Chief Justice of the Federal Supreme Court or the President of the Constitutional Court by presidential decree, which shall be published in the Official Bulletin of the Republic.

(2) Following nomination by the Supreme Judicial Council, the President of the Federal Republic of Somalia shall appoint the other judges of the Supreme Court and Constitutional Court from among persons of integrity and good character who hold at least an undergraduate degree in law and have no

fewer than seven (7) years of professional experience as a judge, prosecutor, lawyer, or senior lecturer in law.

(3) The Presidents of the High Courts shall be appointed by the leader of the relevant Federal Member State, following nomination by the Supreme Judicial Council and approval by the House of Representatives of that Federal Member State.

(4) All other judges and judicial assistants shall be appointed by the Supreme Judicial Council, and their appointments shall be published in the Official Bulletin of the Republic.

Article 136: The Judicial Oath

(1) The Chief Justice of the Federal Supreme Court and the President of the Constitutional Court shall take the oath before the President of the Republic, in the presence of the Speakers of the House of the People and the Upper House of the Federal Parliament of Somalia.

(2) Judges of the Supreme Court, judges of the Constitutional Court, and all other judges shall take the oath before the Chairperson of the Supreme Judicial Council.

(3) The President and judges of the High Court of a Federal Member State shall take the oath before the leader of that Federal Member State, in the presence of the Speaker of its House of Representatives.

(4) Before assuming office, the court presidents and judges referred to in paragraphs (1), (2), and (3) of this Article shall take the following oath:

"I, _____, swear by the name of Allah that I will faithfully discharge my duties; uphold Islamic Sharia, the Constitution, and the other laws of the Federal Republic of Somalia; perform my office independently and impartially; make my decisions without fear, prejudice, political influence, favoritism, or any other influence; act solely in the interests of justice and the rule of law; and safeguard the dignity, integrity, and independence of the Judiciary of the country."

Article 137: Retirement Age and Tenure of Office

(1) Judges may voluntarily retire upon reaching sixty-five (65) years of age and shall be required to retire upon reaching seventy (70) years of age.

(2) The Chief Justice and judges of the Supreme Court, and the Presidents of the High Courts of the Federal Member States and the Capital, shall retire upon reaching seventy-five (75) years of age, unless they voluntarily retire in accordance with paragraph (1) of this Article.

(3) The term of office of the President and judges of the Constitutional Court shall be seven (7) years and may be renewed once.

Article 138: Cessation of a Judge's Office

(1) A judge may cease to hold office only on the following grounds:

(a) Death;

(b) Attainment of the mandatory retirement age;

(c) Permanent inability to perform judicial duties by reason of a physical or mental condition certified by a recognized specialist physician;

(d) Acceptance of another public office;

(e) Written resignation submitted to the Supreme Judicial Council;

(f) Misconduct warranting disciplinary action, as determined by the Supreme Judicial Council in accordance with the Constitution and the laws of the country; or

(g) Any other ground provided for in the Constitution or other laws of the Republic.

(2) Proceedings for the removal of a judge may be initiated by the Supreme Judicial Council or by a complaint submitted to the Council by another person.

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(3) A complaint against a judge submitted to the Supreme Judicial Council shall be made in writing and shall specify the legal grounds and factual basis of the complaint.

(4) Where, following an assessment, the Supreme Judicial Council is satisfied that the grounds of a complaint may warrant removal from office, the following procedure shall apply:

(a) If the complaint concerns the Chief Justice of the Supreme Court or the President of the Constitutional Court:

(i) The Council must accept and approve the complaint by a two-thirds (2/3) majority of its total membership;

(ii) The Council must transmit the complaint and its decision to the Speaker of the House of the People and the Speaker of the Upper House within fifteen (15) days; and

(iii) The Federal Parliament of Somalia may remove the Chief Justice of the Supreme Court or the President of the Constitutional Court from office by secret ballot, requiring a majority of fifty percent plus one (50%+1) of the total membership of each House.

(b) If the complaint concerns a judge other than the court presidents referred to in subparagraph (a) of paragraph (4), the Supreme Judicial Council shall:

(i) Suspend the judge from the performance of duties; and

(ii) Appoint a committee comprising four (4) judges holding at least the rank of judge of a Court of Appeal, one lawyer with not fewer than ten (10) years of experience, and two members with substantial expertise in administration and a good reputation within the community.

(5) A judge suspended from duties shall continue to enjoy the rights and entitlements due to that judge until a final decision is reached.

(6) The committee shall reach a decision as expeditiously as reasonably possible, in accordance with its established procedures and the laws applicable to the matter.

(7) The Council shall make and implement its decision on the basis of the recommendation of the committee or Parliament, as applicable.

(8) A judge affected by the committee's decision may lodge an appeal before the Supreme Court of the country within fifteen (15) days.

(9) If the judge does not appeal, the committee's decision shall take effect upon expiry of the period for appeal. If an appeal is lodged, the final decision shall be given by the Supreme Court.

PART THREE: THE PUBLIC PROSECUTION SERVICE

Article 139: Establishment of the Office of the National Prosecutor General

(1) There shall be established the Office of the National Prosecutor General.

(2) The Office of the National Prosecutor General shall comprise:

(a) The National Prosecutor General, as head of the Office, and the Deputy National Prosecutors General; and

(b) The Prosecutors of the Federal Member States and the Deputy Prosecutors of the Federal Member States and the Capital of the Republic.

(3) The headquarters of the Office of the National Prosecutor General shall be in the Capital of the Federal Republic of Somalia. The Office may establish other operational offices wherever the National Prosecutor General considers them necessary for the performance of its functions.

Article 140: Appointment and Removal of Members of the Prosecution Service

(1) The procedures for the appointment, cessation of office, and oath of the National Prosecutor General shall be the same as those applicable to the Chief Justice of the Federal Supreme Court and the President of the Constitutional Court, save that removal by Parliament shall require a majority of fifty percent plus one (50%+1) of the total membership of each House.

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(2) Prosecutors within the Office of the National Prosecutor General shall be appointed, removed, and sworn in under procedures equivalent to those applicable to the senior judges of the Constitutional Court and the Federal Supreme Court.

(3) Prosecutors of the Federal Member States shall be appointed, removed, and sworn in under procedures equivalent to those applicable to judges of the High Courts of the Federal Member States.

Article 141: Independence of the Prosecution Service

(1) The Office of the National Prosecutor General, as part of the Judiciary of the Federal Republic of Somalia, shall be administratively and financially independent in the performance of its functions.

(2) In discharging their duties, prosecutors shall be subject only to Islamic Sharia, the Constitution, and the other laws of the Federal Republic of Somalia. Neither the Office of the Prosecutor General nor its officers may be interfered with in the performance of their duties.

Article 142: Functions and Powers of the Office of the National Prosecutor General

(1) The Office of the National Prosecutor General shall be responsible for safeguarding justice, securing compliance with the laws, and protecting the interests of the people and the State.

(2) The powers of the Office of the National Prosecutor General shall include:

(a) Combating and preventing federal offenses;

(b) Initiating and conducting federal criminal prosecutions;

(c) Directing investigations into federal offenses;

(d) Instituting or commencing proceedings to bring accused persons before the courts;

(e) Appealing judgments where the interests of justice so require;

(f) Representing vulnerable persons and orphaned children before the courts;

(g) Supervising investigative bodies and federal police officers in their investigative functions;

(h) Directing or taking over investigative measures in the public interest;

(i) Directing and coordinating prosecution offices at the different levels of government; and

(j) Performing any other functions assigned by the Constitution and the other laws of the country.

(3) The National Prosecutor General shall bear particular responsibility for:

(a) Orphans and persons unable to defend themselves before the law;

(b) Ensuring that charges are filed within the period prescribed by law; and

(c) Inspecting federal prisons and places where persons may lawfully be imprisoned or detained.

(4) The National Prosecutor General may issue procedures and guidelines to facilitate the work of the Office.

Article 143: Powers of the Prosecution Offices of Federal Member States

(1) A prosecution office of a Federal Member State shall have authority to prosecute all cases arising solely under the laws of that Federal Member State. Its powers shall include:

(a) Prosecuting criminal cases at the Federal Member State level;

(b) Initiating proceedings to bring accused persons before the courts;

(c) Appealing judgments where the interests of justice so require;

(d) Representing vulnerable persons and orphaned children before the courts in matters governed by Federal Member State law;

(e) Supervising the investigative functions of Federal Member State investigative bodies and police officers in relation to offenses under Federal Member State law;

(f) Directing or taking over investigative measures relating to Federal Member State law in the public interest; and

(g) Performing any other functions assigned by the Federal Constitution and federal laws or by the constitution and laws of the Federal Member State.

(2) The National Prosecutor General may authorize a prosecutor of a Federal Member State, or any member of that State's prosecution service, to prosecute federal criminal cases.

PART FOUR: JUDICIAL ADMINISTRATION

Article 144: Establishment of the Supreme Judicial Council

(1) There shall be established a Supreme Judicial Council responsible for ensuring the independence of the Judiciary.

(2) The Supreme Judicial Council shall be administratively and financially independent.

Article 145: Membership of the Supreme Judicial Council

(1) The Supreme Judicial Council shall comprise the following members:

(a) The Chief Justice of the Supreme Court;

(b) The President of the Constitutional Court;

(c) The National Prosecutor General;

(d) The Presidents of the High Courts of the Federal Member States and the Administration of the Capital of the Republic;

(e) The Chairperson of the Independent Human Rights Commission;

(f) Two (2) senior lawyers drawn from the Somali Bar Association, who shall serve terms of five (5) years, upon nomination by the competent ministry and approval by the Council of Ministers; and

(g) Two (2) legal experts holding university degrees in law and having not fewer than ten (10) years of experience, who shall serve terms of five (5) years, upon nomination by the competent ministry and approval by the Council of Ministers.

(2) The appointments of the members referred to in subparagraphs (f) and (g) of paragraph (1) shall be formalized by the President of the Federal Republic of Somalia following the approval of both Houses of Parliament.

(3) The Chief Justice of the Federal Supreme Court shall be Chairperson of the Supreme Judicial Council, and the President of the Constitutional Court shall be its Deputy Chairperson. In the absence of the Deputy Chairperson, the National Prosecutor General shall act as Deputy Chairperson.

(4) In accordance with the Federal Constitution and the laws, the Supreme Judicial Council shall adopt its own rules of procedure.

Article 146: Qualifications and Powers of the Chairperson of the Supreme Judicial Council

(1) The Chairperson of the Supreme Judicial Council, who is also the Chief Justice of the Supreme Court, shall meet the following qualifications:

(a) Be a Muslim citizen of the Federal Republic of Somalia;

(b) Have two parents who are citizens of the Federal Republic of Somalia;

(c) Be at least forty (40) years of age;

(d) Not have a wife who is a foreign national;

(e) Hold a postgraduate university degree in law and have at least ten (10) years of leadership experience;

(f) Be known in the community for good character;

(g) Be of sound mental health and not previously have been formally diagnosed with a mental illness by a recognized medical practitioner; and

(h) Not have been finally convicted of a serious criminal offense by an independent court.

(2) The Chairperson of the Supreme Judicial Council shall be the highest-ranking official of the Judiciary of the Federal Republic and shall exercise administrative and supervisory authority over all courts and prosecution offices in the country. The Chairperson may issue orders and procedures necessary for judicial administration and the proper functioning of justice.

Article 147: Functions of the Supreme Judicial Council

The Supreme Judicial Council shall perform the following functions:

(1) Safeguarding the independence, impartiality, integrity, and development of the Judiciary.

(2) Proposing the appointment, removal, transfer, and promotion of judicial members and personnel at the various levels of government; determining disciplinary measures, rights, and retirement matters; and promoting their training, knowledge, and professional development.

(3) Considering public complaints and taking appropriate measures to strengthen public confidence in the Judiciary.

(4) Regulating the effective functioning of judicial activities, improving working conditions, and safeguarding the welfare of judicial personnel.

(5) Managing the administration and finances of the Judiciary.

(6) Modernizing the administration of judicial institutions.

(7) Ensuring accountability, evaluation, and supervision of the performance of judicial institutions at every level of government.

(8) Performing any other functions specified by the Constitution, other laws of the Republic, and the rules of procedure of the Supreme Judicial Council.

Article 148: The Judiciary Fund

(1) To secure the independence of judicial institutions, this Constitution establishes a Judiciary Fund within the framework of the Government's Treasury Single Account system.

(2) In each financial year, the Secretary-General of the Judiciary shall prepare the judicial budget as part of the national budget formulation process.

(3) Once the Judiciary's budgetary allocation has been deposited into the Fund, it shall be used for the administrative expenses of the Judiciary and other matters essential to the performance of judicial functions.

(4) The administration of the Judiciary Fund shall be further regulated by the Law on the Organization of the Judiciary.

Article 149: Meetings of the Supreme Judicial Council

(1) Members of the Supreme Judicial Council shall meet at least once every three months.

(2) Meetings of the Council may be convened only by the Chairperson or, in the Chairperson's absence, by the Deputy Chairperson.

(3) The quorum for meetings of the Council shall be at least fifty percent plus one (50%+1) of the total membership of the Council.

(4) Meetings of the Council may be held at its headquarters or at any other location the Chairperson considers appropriate.

(5) Unless otherwise provided in this Chapter or in the laws of the country, decisions of the Council shall be adopted by a simple majority of votes. In the event of a tie, the Chairperson shall have a casting vote.

CHAPTER FIFTEEN | FINAL AND TRANSITIONAL PROVISIONS

Article 189: Procedure for Amending the Constitution

(1) This Constitution may be amended only in accordance with the procedures set out in this Chapter.

(2) An amendment to an article or any part of this Constitution may be proposed by:

(a) One-third (1/3) of the total membership of either the House of the People or the Upper House;

(b) The Council of Ministers;

(c) At least one Federal Member State;

(d) The executive leadership at the federal and Federal Member State levels, where they agree to amend an article or a matter specified in the Second Schedule; or

(e) A petition signed by at least fifteen thousand (15,000) registered voters of the Federal Republic of Somalia.

(3) A proposal to amend the Constitution shall be accompanied by a statement of reasons and shall be signed by the parties submitting it.

(4) Where an amendment to an article or articles of the Constitution is proposed by a Federal Member State under paragraph (2)(c) of this Article, the proposal shall, before being submitted to the Federal Parliament, first be referred to the legislative assembly of the proposing Federal Member State and approved by a majority of fifty percent plus one (50% + 1).

(5) Where an amendment arises from a political agreement between the executive leadership at the federal and Federal Member State levels under paragraph (2)(d) of this Article, that agreement shall be signed jointly by all executive leaders of the Federal Member States and the executive leadership at the federal level. If the agreement concerns the allocation of powers under the Second Schedule, it shall be approved by a majority of fifty percent plus one (50% + 1) in both Houses of the Federal Parliament. If, however, it concerns an article of this Constitution, the procedure prescribed in paragraph (9) of this Article shall apply.

(6) No proposal for an amendment shall be permitted if it affects the objectives or essential substance of the founding principles of the Federal Republic of Somalia as set out in Articles 1, 2, 3, and 4 of the Constitution of the Federal Republic of Somalia.

(7) Before debate on a proposed constitutional amendment may commence, each House of the Federal Parliament of Somalia shall approve the proposal by a majority of fifty percent plus one (50% + 1) of that House.

(8) The Federal Parliament of Somalia shall ensure that consultations have been conducted in the preparation of the proposal, in accordance with this Chapter.

(9) An amendment to an article or articles of the Constitution shall be adopted when each House of the Federal Parliament approves it by a two-thirds (2/3) majority of the total membership of that House.

(10) If the Federal Parliament rejects a proposed constitutional amendment, the same proposal may not be resubmitted until one year and six months have elapsed.

(11) Once both Houses of the Federal Parliament have approved a proposed constitutional amendment and the Constitutional Court has confirmed the validity of the amendment, the President of the Federal Republic of Somalia shall promulgate it by presidential decree.

Article 190: Entry Into Force of the Constitution

(1) When both Houses of the Federal Parliament approve a constitutional amendment by a two-thirds (2/3) majority of the total membership of each House, the President of the Federal Republic of Somalia shall promulgate it by presidential decree, and it shall enter into force thirty (30) days after the date of its publication in the Official Bulletin.

(2) This Constitution shall remain in continuous force and shall be supplemented by the outcomes of discussions between Somalia and the Somali regions of Somaliland before a public referendum is held.

Article 191: Continuity and Review of Existing Laws

(1) All laws that entered into force before the adoption of this Constitution shall remain applicable pending completion, as expeditiously as possible, of their review to bring them into conformity with this Constitution.

(2) All administrative measures that are inconsistent with this adopted Constitution shall be brought into conformity with the Federal Constitution within six (6) months.

(3) Until the Constitutional Court is established, the Federal Supreme Court shall continue to exercise the functions and powers of the Constitutional Court specified in Article 131.

(4) The Federal Parliament of Somalia shall review all pre-existing laws and adopt the necessary amendments within five (5) years from the date on which this Constitution enters into force.

(5) The Independent Constitutional Review and Implementation Commission established under this Chapter shall assist with the review of laws and prepare reports for submission to the Constitutional Review and Implementation Oversight Committee, for onward transmission to both Houses of Parliament.

Article 192: Constitutional Review and Implementation Oversight Committee

(1) The Oversight Committee shall consist of:

(a) Five (5) members elected by the House of the People;

(b) Five (5) members elected by the Upper House;

(c) One (1) delegate elected by each Federal Member State; and

(d) One (1) delegate elected by the Council of the Capital of the Republic.

(2) Members of the Oversight Committee shall elect their leadership from among themselves.

(3) The Oversight Committee shall oversee and direct the implementation of the Constitution, with technical assistance from the Independent Constitutional Review and Implementation Commission on matters concerning the harmonization of Federal Member State constitutions with the Federal Constitution.

(4) The Oversight Committee shall, where necessary, task the Independent Constitutional Review and Implementation Commission with preparing proposals to amend the Constitution in accordance with Article 189, before the constitutional referendum.

(5) The Oversight Committee may transmit to the Independent Constitutional Review and Implementation Commission research studies and reports relating to the harmonization of Federal Member State constitutions with the Federal Constitution.

(6) The Oversight Committee shall report to both Houses of the Federal Parliament and to the legislative assemblies on progress made in harmonizing Federal Member State constitutions with the Federal Constitution.

(7) The Oversight Committee shall oversee the preparation of proposals to harmonize the constitution of each Federal Member State within five (5) years from the date on which this Constitution enters into force.

(8) Federal Member State constitutions revised in accordance with this Article shall be submitted to the Constitutional Court for confirmation of their conformity with the Federal Constitution before they enter into force.

(9) Any dispute arising from the harmonization procedure shall be finally determined by the Constitutional Court.

Article 193: Independent Constitutional Review and Implementation Commission

(1) The Independent Constitutional Review and Implementation Commission shall consist of five (5) members, together with one (1) delegate appointed by each Federal Member State and by the Capital of the Republic.

(2) Members of the Commission shall satisfy the qualifications specified in Article 58(1) of the Constitution.

(3) The five (5) members, including the Chairperson of the Commission, shall be nominated by the Council of Ministers and appointed by presidential decree by the President of the Republic following approval by the Federal Parliament.

(4) The Independent Constitutional Review and Implementation Commission shall perform the following functions:

(a) Prepare proposals for constitutional amendments, where necessary, before the constitutional referendum;

(b) Coordinate the implementation of this Constitution;

(c) Support the reform of the laws referred to in this Constitution;

(d) Support the harmonization of the constitutions of the Federal Member States with the Federal Constitution;

(e) Prepare quarterly public reports on implementation progress; and

(f) Perform such other functions as are assigned to it by the Constitution and the laws of the country.

Article 194: International Obligations

(1) International agreements approved by the Federal Parliament shall form part of the laws of the Federal Republic of Somalia.

(2) If an approved agreement conflicts with this Constitution, the Constitutional Court shall determine the existence and extent of that conflict.

(3) The Federal Parliament shall enact a law governing the ratification of international agreements, their incorporation into domestic law, and withdrawal from such agreements.

(4) Existing international obligations shall remain binding upon the Federal Republic of Somalia unless and until the Constitutional Court determines that they are contrary to this Constitution.

Article 195: Referendum

(1) The final Constitution shall be approved by public referendum. All citizens registered as voters shall have an opportunity to express their choice freely, directly, and by secret ballot, in accordance with a law adopted by the Federal Parliament prescribing the referendum procedure.

(2) A referendum shall be held once it has been verified that the following conditions have been met:

(a) A functioning governmental administration exists throughout the country;

(b) The national voter register has been completed and verified; and

(c) The Independent National Electoral and Boundaries Commission is fully operational.

(3) The Independent National Electoral and Boundaries Commission shall assess the state of preparedness and submit a report to the Federal Parliament of Somalia.

(4) The Constitutional Court may review and confirm the decision concerning preparedness.

(5) The Independent National Electoral and Boundaries Commission shall determine the date of the referendum within sixty (60) days after preparedness has been confirmed.

(6) The final Constitution shall be approved if it receives a majority of all valid votes cast.

(7) A public referendum on an amendment to the Constitution is prohibited pending the achievement of the territorial unity and unity of the people of the Federal Republic of Somalia.

Article 196: Transparency and Public Participation

(1) All draft laws, proposals for harmonization, and constitutional amendments prepared in accordance with this Chapter shall be subject to public consultation to enable the public to express its views.

15:26

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Villa Somalia
Nov 4 ·

XIL-KA QAADIS IYO MAGAÇAABIS GUDDOOMIYAHA MAXKAMADDA SARE EE DALKA

Muqdisho, Nofeembar 04, 2026: Madaxweynaha Jamhuuriyadda Federaalka Soomaaliya, Mudane Xasan Sheekh Maxamuud ayaa xilka ka qaaday Guddoomiyihii Maxkamadda Sare ee dalka, Dr. Baashe Yuusuf Axmed, isaga oo xilkaas u magacaabay Garyaqaan Ibraahim Iidle Suleymaan.

Madaxweynaha oo tix galiyay cabasho ka timid Garsoorayaasha dalka, hawl-wadeennada garsoorka iyo xirfadleyaasha sharciga ee la xiriira in la helo garsoor hufan oo caddaalad ah, ayaa go'aansaday in dib u habeyn ballaaran lagu sameeyo hay'adaha garsoorka si muwaadiniinta Soomaaliyeed ay u helaan garsoor hufan oo la isku halleyn karo.

Madaxweyne Xasan Sheekh ayaa Guddoomiyaha cusub u rajeeyay in uu ku guuleysto gudashada waajibaadka culus ee loo igmaday, isaga oo ku adkeeyay muhiimadda ay leedahay ilaalinta madax-bannaanida garsoorka, ku dhaqanka sharciga iyo xaqiijinta caddaaladda loo siman yahay.

DHAMMAAD

JUST LEGAL SERVICES

CERTIFICATE OF TRANSLATION

SOMALI TO ENGLISH

CERTIFICATION BY THE SIGNATORY

I, Fahad Arteh, Managing Partner of Just Legal Services (JLS), declare that I am competent to read and understand both Somali and English and to evaluate the terminology and linguistic phrases used in the documents below.

Having personally compared the identified English text with the corresponding original Somali text. I certify that the translation is, to the best of my knowledge, a true, faithful, and complete.

This certificate relates only to the document below. The English text is an unofficial professional translation, not an English text promulgated or authenticated by the State. If any inconsistency arises, the authoritative Somali text prevails.

EXECUTION

Fahad Arteh
Managing Partner | Just Legal Services

Signature:

Date: **12th of November, 2026**

Place of execution: **Mogadishu, Federal Republic of Somalia**

JUST LEGAL SERVICES
OFFICIAL SEAL

UNOFFICIAL ENGLISH TRANSLATION

VILLA SOMALIA | Facebook announcement dated November 4, 2026

REMOVAL AND APPOINTMENT OF THE CHIEF JUSTICE OF THE SUPREME COURT

Mogadishu, November 4, 2026. The President of the Federal Republic of Somalia, Hassan Sheikh Mohamud, has removed Dr. Baashe Yusuf Ahmed from office as Chief Justice of the Supreme Court and appointed lawyer Ibrahim Iidle Suleiman to that position.

The President has taken into account complaints from judges across the country, judicial personnel, and legal professionals concerning the need for a transparent and fair judiciary, the President decided that extensive reforms should be carried out within judicial institutions so that Somali citizens may have access to a transparent and reliable judiciary.

President Hassan Sheikh wished the newly appointed Chief Justice success in discharging the significant responsibilities entrusted to him. He stressed the importance of safeguarding the independence of the judiciary, observing the law, and ensuring equal justice for all.

END

TRANSLATION NOTE

This document is an unofficial English translation of the Somali-language announcement shown in the supplied screenshot of a November 4, 2026 post from the verified Villa Somalia Facebook page. It reproduces the Presidency's statements and does not independently authenticate the post or establish the legal validity of the dismissal or appointment described. Personal names are rendered in English-language spelling variants; the Somali source preserves their original spellings. The Somali text shown in the source screenshot remains controlling in the event of a discrepancy.

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TWO DISTINCT SUPREME COURT TEXTS

PART I

Supreme Court Official Statement Declaring the Purported Presidential Removal of the Chief Justice Null and Void

A separate statement of the Supreme Court. Its operative declarations concern the purported removal of the Chief Justice and the constitutional independence of the Judiciary.

PART II

Supreme Court Constitutional Division Ruling on Constitutional Amendments and the Terms of Federal Institutions

A separate adjudication in constitutional proceedings, concerning the legal effect of constitutional amendments on incumbent federal institutions. Claim reference E-Som.21/2026; ruling reference MS/DST/1/2026.

DOCUMENT CLASSIFICATION

The two texts are reproduced separately and in full from the available English versions.

JUST LEGAL SERVICES
CERTIFICATE OF TRANSLATION

Languages Somali (source) to English (translation).

Documents covered (1) Supreme Court Official Statement of 5 November 2026 declaring null and void the purported removal of the Chief Justice; and (2) Supreme Court Constitutional Division Ruling of 5 November 2026 concerning constitutional amendments and the terms of office of federal institutions (case E-Som.21/2026; ruling ref. MS/DST/1/2026).

CERTIFICATE OF TRANSLATION

SOMALI TO ENGLISH

-10

IDENTIFICATION OF THE TRANSLATED DOCUMENT

Source language	Somali
Target language	English
Document Part I	Supreme Court Official Statement of 5 November 2026 declaring null and void the purported removal of the Chief Justice;
Document Part II	Supreme Court Constitutional Division Ruling of 5 November 2026 concerning constitutional amendments and the terms of office of federal institutions (case E-Som.21/2026; ruling ref. MS/DST/1/2026).
Identified translation	The consolidated English translation of Supreme Court two-paged Nullification Decision, and Supreme Court's Constitutional Division five-paged Ruling, dated 12 November 2026. -20

CERTIFICATION BY THE SIGNATORY

I, Fahad Arteh, Managing Partner of Just Legal Services (JLS), declare that I am competent to read and understand both Somali and English and to evaluate the legal terminology and linguistic phrases used in the documents identified above.

Having personally compared the identified English text with the corresponding original Somali provision. I certify that the translation is, to the best of my knowledge, a true, faithful, and complete rendering of the selected Somali-language provisions.

This certificate relates only to the documents identified above. The English text is an unofficial professional translation, not an English text officially promulgated or authenticated by the State or the Judiciary. If any inconsistency arises, the authoritative Somali text prevails. -30

EXECUTION

Fahad Arteh
Managing Partner | Just Legal Services

Signature:

Date: **12th of November, 2026**

Place of execution: **Mogadishu, Federal Republic of Somalia**

JUST LEGAL SERVICES
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PART I

SUPREME COURT DETERMINATION CONCERNING THE PURPORTED REMOVAL OF THE CHIEF JUSTICE

FEDERAL REPUBLIC OF SOMALIA

SUPREME COURT

OFFICIAL STATEMENT

Date: 5 November 2026

The Supreme Court of the Federal Republic of Somalia, recognizing its legal and constitutional standing as the highest judicial authority of the country, and mindful of its responsibility to uphold the supremacy of the law, ensure its effective application, and maintain consistency in the interpretation of legal provisions, pursuant to Article 108 of the Provisional Constitution of 2012 and Article 129 of the Constitution of the Federal Republic of Somalia of 2026, which is presently the subject of constitutional proceedings, read together with Article 5 of the Law on the Organization of the Judiciary, Law No. 3 of 12 June 1962;

Recognizing further that its jurisdiction extends throughout the territory of the Federal Republic of Somalia and encompasses matters of significant constitutional and legal importance, including proceedings against governmental institutions, constitutional disputes pending the establishment of the Constitutional Court, challenges to administrative decisions, and electoral disputes, in accordance with Articles 191(3) and 131(7)(a) and (d) of the Constitution of 2026, whose constitutionality is presently under judicial consideration;

Having considered the following grounds

First. The announcement purporting to remove the Chief Justice of the Supreme Court, published on the official Facebook page of the Presidency, does not identify any legal provision upon which the decision is based.

The Court considers that the announcement was intended to interfere with the administration and determination of constitutional proceedings instituted before the Supreme Court concerning matters of considerable national significance, including the procedures followed in amending the Constitution and questions relating to the constitutional terms of office of the President, the Federal Government, and both Houses of the Federal Parliament.

Second. The action undertaken by the Presidency is inconsistent with the fundamental constitutional principles of the supremacy of the law, the separation of powers, and the independence of the Judiciary, as recognized under Articles 3(4) and 4 of the Provisional Constitution of 2012 and the corresponding provisions of the Constitution of 2026, which remains the subject of constitutional proceedings.

Third. Article 135(1)(a), (b), and (c) of the Constitution of 2026 provides that the appointment of the Chief Justice of the Supreme Court requires a proposal from the Supreme Judicial Council, followed by approval by both Houses of the Federal Parliament through the prescribed majority of their respective memberships, after which the President issues the formal decree of appointment.

Article 138(4) of the same constitutional text establishes a procedure for the removal of the Chief Justice requiring a proposal by the Supreme Judicial Council and approval by the Federal Parliament sitting jointly, through the majority specified in that provision.

Accordingly, the Court maintains that no constitutional provision confers upon the President an independent and unilateral power to remove the Chief Justice of the Supreme Court from office.

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Fourth. The Court rejects as unfounded the allegations referred to in the statement published by the Presidency, which purportedly originated from judges and members of the Judiciary.

The Court observes that, during the tenure of Chief Justice Baashe Yusuf Ahmed, the Judiciary made significant progress in institutional development, the improvement of judicial performance, transparency, and efforts to combat corruption and bias. The Chief Justice's leadership was further characterized by diligence, integrity, respect for judicial office, and adherence to the supremacy of the law.

Accordingly, the Supreme Court Declares and Directs as Follows

1. The purported removal of the Chief Justice of the Supreme Court, as announced in the statement published on the official Facebook page of the Presidency, is hereby declared null and void and of no legal effect.

2. The Court directs the President of the Federal Republic of Somalia to act in accordance with the Constitution, respect and safeguard the independence of the Judiciary, and uphold the supremacy of the law, bearing in mind the President's constitutional responsibility as guardian and promoter of the Constitution.

END

Supreme Court of the Federal Republic of Somalia

Mogadishu, 5 November 2026

Jamhuuriyadda Federaalka Soomaaliya

Maxkamadda Sare Ee Dalka

Qeybta Dastuurka

Sum:MS/DST/1/2026
Sum:MS/QDST/ /2026

Tr.

Go'aan

Maxkamadda Sare Ee Dalka qeybteeda dastuurka oo ka kooban 5 garsoore, ayaa fadhi ay qolka tashiga ku yeelatay 05/11/2026 waxa ay uga go'aangaartay dacwad dastuur oo ku saabsan duridda waxkabeddelka lagu sameeyay dastuurka kumeelgaarka ah ee 2012, go'aaminta in waxkabeddelkaasi yahay mid dastuurka khilaafsan, iyo burinta dhammaan raadadka dastuur iyo sharci ee ka dhashay waxkabeddelkaas. Dacwadaas oo laga keenay is-hortaag lid ku ah, una dhexeysay dhinacyada kala ah:

1. Shariif Shiikh Axmed_____Dacwoode.
   Qareen: Zakariye Ismaaciil Nuur.

LID

1. Dowladda Federaalka Soomaaliya (Madaxweynaha, Baarlamaanka iyo Xukuumadda Federaalka)_____ Dacweysane.
   Qareen: Xafiiska Garyaqaanka Guud ee Dowladda.

Maxkamaddu:

Markii ay aragtay: Dacwadda kor ku xusan ee ay sumaddeedu tahay E-Som.21/2026, kuna taariikheysan 11/10/2026, ee uu maxkamadda u soo gudbiyay qareenka dacwoodaha ee kor ku xusan, kaalinta maxkamadduna ay qabatay 12/10/2026. dacwaddaas oo uu nuxurkeedu yahay:

1. In habraaca loo maray waxkabeddelka dastuurka kumeelgaarka ah ee 2012 aanu waafaqsanayn habraaca uu *jideeyay* isla dastuurkaas, gaar ahaan qodobbadiisa 132[aad],133[aad] iyo 136[aad].
2. In raadadka dastuur iyo sharci ee ka dhashay waxkabeddelkaasi aysan ahayn kuwa waafaqsan sharciga. Raadadkaas oo ay ka mid yihiin kordhinta muddada xilhaynta dastuuriga ah ee hey'adaha la doorto ee kala ah; labada gole ee baarlamaanka federaalka, madaxweynaha jamhuuriyadda iyo xukuumadda federaalka oo ka dhexdhalato labadoodaas.

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Markii ay aragtay: Nuxurka codsiga dacwooduha oo ah:

1. In ay aqbasho dacwadda uu soo gudbiyay habraac ahaan iyo nuxur ahaanba.
2. In ay laasho isla markaana buriso dhammaan habraacyada iyo tallaabooyinka loo maray waxkabeddelka dastuurka kumeelgaarka ah ee 2012.
3. In ay baabi'iso raadadka dastuur iyo sharci ee ka dhashay waxkabeddelkaas.
4. In ay go'aamiso in dastuurka dhaqangalka ka ah dalka uu yahay dastuurka kumeelgaarka ah ee la ansixiyay 2012.
5. In maxkamaddu ku xukunto xukuumadda federaalka, kharashka dacwadda iyo xushmadda qareenka oo gaaraysa $15,000 (Shan iyo toban kun oo doollarka Mareykanka ah).

Markii ay aragtay: Is-hortaagga kor ku xusan ee ay sumaddiisu tahay XGG/XG/371/2026, kuna taariikheysan 22/10/2026, ee uu maxkamadda u soo gudbiyay qareenka dacweysanaha kor ku xusan. Is-hortaaggaas oo uu nuxurkiisu yahay:

1. In dacwooduhu aanu lahayn sifo sharci oo uu dacwaddan ku furan karo.
2. In xeerka uu dacwooduhu cuskaday aanu ahayn dhaqangal marka laga fiiriyo awoodda maxkamadda.
3. In dastuurka aanu ka mid ahayn sharciyada ay maxkamadda dastuurku burin karto.

Markii ay aragtay : Nuxurka codsiga dacweysanaha oo ah:

1. In ay aqbasho is-hortaagga lidka ku ah dacwadda kor ku xusan.
2. In ay diiddo ka garnaqidda dacwadda kor ku xusan.

Waxaa u caddaatay:

1. In nuxurka dacwadda uu soo gudbiyay dacwooduhu ay ka kooban tahay labo qeybood oo kala ah:
   1.1. In habraaca loo maray waxkabeddelka dastuurka kumeelgaarka ah ee 2012 aanu waafaqsanayn habraaca uu jideeyay isla dastuurkaas, gaar ahaan qodobbadiisa 132 and, 133 and iyo 136 and.
   1.2. In raadadka dastuur iyo sharci ee ka dhashay waxkabeddelkaas aanay waafaqsanay sharciga. Raadadkaas oo ay ka mid yihiin kordhinta muddada xilhaynta dastuuriga ah ee hay'adaha la doorto ee kala ah labada gole ee baarlamaanka federaalka, madaxweynaha jamhuuriyadda iyo xukuumadda federaalka oo ka dhexdhalato labadoodaas.
2. In labada qeybood ee ay ku saabsan tahay nuxurka dacwaddu ay kala madaxbannaan yihiin oo mid walba ay ka dhalanayso natiijadiisa gaarka ah.

3. In ka go'aangaaridda dacwadda qeybteeda lidku ku ah dastuurnimada habraaca waxkabeddelka dastuurka kumeelgaarka ah ee 2012 loo raacayo si waafaqsan isla dastuurkaasi maadaama uu yahay dastuurku jidceyay habraaca waxkabeddelkiisa si waafaqsan qodobbadiisa 132[aad], 133[aad] iyo 136[aad].
4. In ka sokow Shareecada Islaamka, dastuurku uu yahay sharciga ugu sarreeyo sharciyada dalka.
5. In dastuurka kumeelgaarka ah ee 2012 qodobkiisa 86[aad] uu xadiday cidda xaqa u leh durid lid ku ah sharci uu meelmariyay baarlamaanka federaalka.
6. In dacwooduhu uusan lahayn sifada sharci ee uu ku soo gudbin karo dacwad waafaqsan qodobka 86[aad] ee dastuurka kumeelgaarka ah maadaama aanu ka mid ahayn jihooyinka ku xusan qodobkaasi.
7. In sifo la'aanta dacwoodaha ee qeybtaasi aanay ka dhignayn in aan dacwad laga keeni karin habraaca wax ka beddelkaas haddii la helo dacwad waafaqsan habraaca ku xusan dastuurkaas.
8. In nuxurka dacwadda qeybteeda ku saabsan sharcidarranimada tallaabooyinka ka dhashay waxkabeddelkaasi ay tahay mid waafaqsan sharciga oo uu dacwooduhu xaq u leeyahay in uu ka dacwoodo isaga oo ku durayo in aanay waafaqsanayn dastuurka kumeelgaarka ah ee 2012 iyo kan ka dhashay waxkabeddelka ee 2026 labaduba.
9. In maxkamaddan ay awood u leedahay ka go'aangaaridda dacwaddan dastuurka ah si waafaqsan qodobka 191[aad], faqraddiisa 3[aad] ee dastuurka 2026, maxkamadduna ay u cuskatay dastuurkan maadaama dacwadda qeybteeda lidka ku ah dastuurnimada waxkabeddelkaasi aanay ahayn mid uu dacwooduhu leeyahay sifadeedii sharci, sidaas darteedna mar haddii aysan hadda taagnayn dacwad waafaqsan habraaca lagu durayo waxkabeddelkaas, maxkamaddu waxa ay u cuskatay in uu yahay kan hadda shaqeynayo, maxkamaddana awood u siinaya in ay ku shaqeyso waajibaadka maxkamadda dastuurka ee ku xusan qodobka 191[aad], faqraddiisa 3[aad] ee dastuurka 2026.
10. In si waafaqsan fasiraadda dastuuriga ah ee fiqiga dastuurka ay tahay in haddii uu dhaco waxkabeddel dastuur, kaas oo ay qodobbadiisu waxkabeddeleen muddada xilhaynta hay'daha la doorto iyo kuwa ka dhexdhasho, uu yahay dhaqanka fiqiga dastuuriga ah in waxkabeddelkaas saddex midkood un uu raaco:
    10.1. In si cad loogu sheego in muddada ku xusan waxkabeddelka cusub ay ku dabaqmayaan hay'adaha la doorto iyo kuwa ka dhexdhasho ee markaasi xilka haya, tusaale haddii muddada cusub ee waxkabeddelku ay tahay 5 sano halka tii hore ay ahayd 4 sano, in si cad loogu sheego in muddada xilhaynta hay'adaha markaasi joogo ay isu beddelayso 5 sano.
    10.2. In si cad loogu sheego in muddada ku xusan waxkabeddelka cusub aanay ku dabaqmaynin hay'adaha la doorto iyo kuwa ka dhexdhasho ee markaasi xilka haya, tusaale haddii muddada cusub ee waxkabeddelku ay tahay 5 sano halka tii hore ay ahayd 4 sano, in si cad loogu sheego in muddada xilhaynta hay'adaha markaasi joogo aanay waxba iska beddelaynin oo ay sii ahaanayso sidii lagu doortay oo ah 4 sano.

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10.3. In aan lagu caddeynin oo lagu aamuso ku dabaqmidda ama ku dabaqmid la'aanta muddada ku xusan waxkabeddelka cusub, hay'adaha la doorto iyo kuwa ka dhexdhasho ee markaasi xilka haya, tusaale haddii muddada cusub ee waxkabeddelku ay tahay 5 sano halka tii hore ay ahayd 4 sano, in waxkabeddelka cusub uu ka aamuso ku dabaqmidda muddada cusub ee ah 5 sano xilhaynta hay'adaha markaasi joogo. Xaaladdan u dambeyso waxa uu fiqiga dastuurku qabaa in aanay muddada cusub ku dabaqmaynin hay'adaha la doorto iyo kuwa ka dhexdhasho ee markaasi xilka haya, muddada xilhayntooda dastuuriga ahna ay ahaanayso sidii lagu doortay oo ah 4 sano maadaama aan si cad loo siinin muddada cusub, fiqiga maamulka/idaariguna uu qabo in awooddu ay ahaato mid ku qotonto sharci ee aysan ahayn mid la abuurto ama loo cuskado maxaa ii diidaya ama iga reebaya ee su'aashu ay tahay maxaa saldhig sharci ah oo ku siiyay awooddaas.

11. In muddada dastuuriga ah ee xilhaynta hay'adaha la doorto ee heer federaal ee kala ah labada gole ee baarlamaanka federaalka, madaxweynaha jamhuuriyadda iyo xukuumadda federaalka oo ka dhexdhalato labadoodaas, ay tahay 4 sano marka loo fiiriyo dastuurka kumeelgaarka ah ee 2012 iyo kan waxkabeddelka ee 2026, maadaama daskuurka lagu doortay uu ka dhigayay muddada dastuuriga ah ee xilhayntooda 4 sano, dastuurka 2026 na uu ka aamusay, sidaas darteedna ay ku dabaqmayaan arrimaha ku faahfaahsan tirsiga 10.3 ee hore ku xusan.

Go'aanka Maxkamadda

Iyada oo cuskatay asbaabta kor ku xusan, maxkamaddu waxa ay:

1. Diiday dacwadda dacwoodaha ku xusan bogga 1[aad] ee go'aankan, qeybteeda ku saabsan duridda dastuurnimada waxkabeddelka lagu sameeyay dastuurka kumeelgaarka ah ee 2012.
2. Ogolaatay dacwadda dacwoodaha ku xusan bogga 1[aad] ee go'aankan, qeybteeda ku saabsan duridda raadadka dastuur iyo sharci ee ka dhashay waxkabeddelkaas, gaar ahaan kordhinta muddada dastuuriga ah ee xilhaynta hay'adaha la doorto ee heer federaal ee kala ah labada gole ee baarlamaanka federaalka, madaxweynaha jamhuuriyadda iyo xukuumadda federaalka oo ka dhexdhalatay labadoodaas.
3. Go'aamisay in muddada dastuuriga ah ee xilhaynta hay'adaha la doorto ee heer federaal ee kala ah labada gole ee baarlamaanka federaalka, madaxweynaha jamhuuriyadda iyo xukuumadda federaalka oo ka dhexdhalatay labadoodaas, ay ahayd 4 sano oo ku kala ekeyd; labada gole ee baarlamaanka federaalka oo ay ku ekeyd xilhayntooda dastuuriga ah 14[kii] Abriil 2026, madaxweynaha jamhuuriyadda oo ay ku ekeyd xilhayntiisa dastuuriga ah 15[kii] Maajo 2026, iyo xukumaadda federaalka oo ka dhexdhalatay labadoodaas oo ay ku ekeyd xilhaynteeda dastuuriga ah 14[kii] Abriil 2026 maadaama kalsoonisiinteeda iyo korjoogtaynteedaha uu leeyahay baarlamaanka oo ay xilhayntiisu ku ekeyd xilligaas hore ku xusan.

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4. Go'aamisay in hay'adahaasi dhammaantood aysan qaadikarin wax tallaabo ah oo ku dhisan awooddooda dastuur iyo shurci laga soo billaabo xilligii ay ku kala ekaayeen muddooyinka xilhayntooda dastuuriga ah.
5. Go'aamisay in aanay ahayn dastuuri iyo shurci midkoodna dhammaan tallaabooyinkii ku dhisnaa awooddooda dastuur iyo shurci ee ay hay'adahaasi qaadeen waxii ka dambeeyay xilligii ay ku kala ekaayeen muddooyinka xilhayntooda dastuuriga ah, dhammaan tallaabooyinkaasina ay yihiin kuwa haalmarsan dastuurka iyo sharciga oo waxba kamajiraan ah.
6. Go'aamisay in xukuumadda federaalka ah ay tahay cidda keli ah ee leh awood xilgaarsiin oo ku koobnan shaqooyinka maalinlaha, iyada oo aan qaadi Karin wax tallaabo ah oo ka baxsan shaqooyinkaas. —10
7. Faraysaa dhammaan dhinacyada ay khuseyso doorashadu in ay uga heshiiyaan muddo 30 maalin gudahood ah, hannaan doorasho oo wadar ogol ah oo la hirgelin karo, laguna qabto 90 maalin gudahood.

Go'aankan waxaa lagu soo saaray Muqdisho 05/11/2026.

Garsooreyaasha Maxkamadda Sare Ee Dalka:

1. Saalax Sh. Ibraahim Dhiblaawe_____ Guddoomiye.
2. Dr. Abuubakar Axmed Cali_____ Xubin.
3. Cabdulqaadir Idiris Ciise_____ Xubin.
4. Cabdulcasiis Maxamed Yuusuf_____ Xubin. —20
5. Dr. Cabdulqafaar Xuseen Isaaq_____ Xubin.

JAMHUURIYADDA FEDERAALKA SOOMAALIYA
FEDERAL REPUBLIC OF SOMALIA
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TWO DISTINCT SUPREME COURT TEXTS

PART I

Supreme Court Official Statement Declaring the Purported Presidential Removal of the Chief Justice Null and Void

A separate statement of the Supreme Court. Its operative declarations concern the purported removal of the Chief Justice and the constitutional independence of the Judiciary.

PART II

Supreme Court Constitutional Division Ruling on Constitutional Amendments and the Terms of Federal Institutions

A separate adjudication in constitutional proceedings, concerning the legal effect of constitutional amendments on incumbent federal institutions. Claim reference E-Som.21/2026; ruling reference MS/DST/1/2026.

DOCUMENT CLASSIFICATION

The two texts are reproduced separately and in full from the available English versions.

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JUST LEGAL SERVICES
CERTIFICATE OF TRANSLATION

Languages Somali (source) to English (translation).

Documents covered (1) Supreme Court Official Statement of 5 November 2026 declaring null and void the purported removal of the Chief Justice; and (2) Supreme Court Constitutional Division Ruling of 5 November 2026 concerning constitutional amendments and the terms of office of federal institutions (case E-Som.21/2026; ruling ref. MS/DST/1/2026).

CERTIFICATE OF TRANSLATION

SOMALI TO ENGLISH

IDENTIFICATION OF THE TRANSLATED DOCUMENT

Source language	**Somali**
Target language	**English**
Document Part I	**Supreme Court Official Statement of 5 November 2026 declaring null and void the purported removal of the Chief Justice;**
Document Part II	**Supreme Court Constitutional Division Ruling of 5 November 2026 concerning constitutional amendments and the terms of office of federal institutions (case E-Som.21/2026; ruling ref. MS/DST/1/2026).**
Identified translation	**The consolidated English translation of Supreme Court two-paged Nullification Decision, and Supreme Court's Constitutional Division five-paged Ruling, dated 12 November 2026.**

CERTIFICATION BY THE SIGNATORY

I, Fahad Arteh, Managing Partner of Just Legal Services (JLS), declare that I am competent to read and understand both Somali and English and to evaluate the legal terminology and linguistic phrases used in the documents identified above.

Having personally compared the identified English text with the corresponding original Somali provision. I certify that the translation is, to the best of my knowledge, a true, faithful, and complete rendering of the selected Somali-language provisions.

This certificate relates only to the documents identified above. The English text is an unofficial professional translation, not an English text officially promulgated or authenticated by the State or the Judiciary. If any inconsistency arises, the authoritative Somali text prevails.

EXECUTION

Fahad Arteh
Managing Partner | Just Legal Services

Signature:

Date: **12th of November, 2026**

Place of execution: **Mogadishu, Federal Republic of Somalia**

JUST LEGAL SERVICES
OFFICIAL SEAL

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PART II

CONSTITUTIONAL DIVISION RULING ON THE TERMS OF FEDERAL INSTITUTIONS

Separate adjudication of the Supreme Court Constitutional Division | 5 November 2026

Editorial note: References in the ruling to its own page numbers refer to the original standalone ruling, not to the pagination of this compilation.

FEDERAL REPUBLIC OF SOMALIA

SUPREME COURT OF THE FEDERAL REPUBLIC OF SOMALIA

CONSTITUTIONAL DIVISION

Ref.: MS/DST/1/2026

Ref.: MS/QDST/ /2026

RULING

The Constitutional Division of the Supreme Court of the Federal Republic of Somalia, composed of five judges, at its deliberative session held on 5 November 2026, determined a constitutional case challenging the amendments made to the Provisional Constitution of 2012, seeking a determination that those amendments were unconstitutional and the annulment of all constitutional and legal consequences arising from them. A preliminary objection was filed in opposition to the case, which was between the following parties:

1. Shariif Sheikh Ahmed — Claimant

Represented by Zakariye Ismail Nuur

2. Federal Government of Somalia (the President, the Federal Parliament and the Federal Government) — Respondent

Represented by Office of the State Attorney General of the Government

THE COURT

Having examined the above-mentioned claim, bearing reference E-Som.21/2026 and dated 11 October 2026, submitted to the Court by counsel for the Claimant identified above and received by the Court on 12 October 2026, the substance of which was as follows:

1. That the procedure followed in amending the Provisional Constitution of 2012 did not conform to the amendment procedure prescribed by that Constitution, in particular Articles 132, 133 and 136.

2. That the constitutional and legal consequences arising from those amendments were not in accordance with the law. Those consequences included the extension of the constitutional terms of office of the elected federal institutions, namely the two Houses of the Federal Parliament, the President of the Republic, and the Federal Government constituted through those institutions.

Having examined the relief sought by the Claimant, namely:

1. That the Court admit the claim, both procedurally and on its merits.

2. That the Court set aside and annul all procedures and measures undertaken in amending the Provisional Constitution of 2012.

3. That the Court invalidate the constitutional and legal consequences arising from those amendments.

4. That the Court declare the Constitution in force in the country to be the Provisional Constitution adopted in 2012.

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5. That the Court order the Federal Government to pay the costs of the proceedings and legal fees in the amount of US$15,000 (fifteen thousand United States dollars).

Having examined the above-mentioned preliminary objection, bearing reference XGG/XG/371/2026 and dated 22 October 2026, submitted to the Court by counsel for the Respondent identified above, the substance of which was as follows:

1. That the Claimant lacked the requisite legal standing to institute the proceedings.

2. That the law relied upon by the Claimant was not in force insofar as the jurisdiction of the Court was concerned.

3. That the Constitution was not among the laws that the Constitutional Court was empowered to annul.

Having examined the relief sought by the Respondent, namely:

1. That the Court uphold the preliminary objection raised against the above-mentioned claim.

2. That the Court decline to adjudicate the above-mentioned claim.

THE COURT FINDS

1. That the claim submitted by the Claimant comprises two distinct parts:

   1.1. That the procedure followed in amending the Provisional Constitution of 2012 did not comply with the procedure prescribed by that Constitution, particularly Articles 132, 133 and 136.

   1.2. That the constitutional and legal consequences arising from those amendments were unlawful. Those consequences included the extension of the constitutional terms of office of the elected federal institutions, namely the two Houses of the Federal Parliament, the President of the Republic, and the Federal Government constituted through those institutions.

2. That the two parts of the claim are independent of one another and that each may give rise to its own distinct legal outcome.

3. That determination of the part of the claim challenging the constitutionality of the procedure followed in amending the Provisional Constitution of 2012 must be governed by that Constitution itself, since it is the Constitution which prescribed the procedure for its amendment under Articles 132, 133 and 136.

4. That, subject to Islamic Sharia, the Constitution is the supreme law of the country.

5. That Article 86 of the Provisional Constitution of 2012 restricts the persons or bodies entitled to challenge a law enacted by the Federal Parliament.

6. That the Claimant lacks the requisite legal standing to institute proceedings under Article 86 of the Provisional Constitution, because he is not among the persons or bodies identified in that Article.

7. That the Claimant's lack of standing in respect of that part of the case does not preclude a challenge to the constitutional amendment procedure if proceedings satisfying the requirements of the Constitution are instituted.

8. That the part of the claim concerning the unlawfulness of measures resulting from those amendments is legally admissible, and that the Claimant is entitled to challenge those measures on the ground that they are incompatible with both the Provisional Constitution of 2012 and the Constitution resulting from the amendments of 2026.

9. That this Court has jurisdiction to determine the present constitutional case pursuant to Article 191(3) of the Constitution of 2026. The Court relies upon that Constitution because the Claimant lacks the requisite legal standing in respect of the part of the case challenging the constitutionality of the amendments themselves. Accordingly, as no properly instituted proceedings challenging the amendment procedure are presently before the Court, the Court regards the 2026 Constitution as the constitutional text currently in operation and as conferring upon it the power to discharge the functions of the Constitutional Court specified in Article 191(3) thereof.

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10. That, according to constitutional interpretation and the principles of constitutional jurisprudence, where a constitutional amendment changes the terms of office of elected institutions and institutions derived from them, the amendment may address the incumbents' terms in one of the following three ways:

10.1. It may expressly provide that the new term prescribed by the amendment applies to the elected institutions, and institutions derived from them, that are already in office. For example, if an amendment increases a term from four to five years, it may expressly provide that the term of the incumbent institutions is extended to five years.

10.2. It may expressly provide that the new term prescribed by the amendment does not apply to the elected institutions, and institutions derived from them, that are already in office. For example, if an amendment increases a term from four to five years, it may expressly provide that the incumbent institutions' terms remain unchanged at four years, being the terms for which they were elected.

10.3. It may be silent as to whether the new term applies to the elected institutions, and institutions derived from them, that are already in office. For example, if an amendment increases a term from four to five years but makes no provision as to whether the five-year term applies to the incumbent institutions, constitutional jurisprudence holds that the new term does not apply to those institutions. Their constitutional terms remain the four-year terms for which they were elected, since no express extension was conferred upon them. Likewise, the principles of administrative law require that public authority be grounded in law and not created or asserted merely on the basis that nothing expressly prohibits its exercise. The relevant question is not, "What prevents or prohibits me from exercising this power?" but rather, "What legal basis confers this power upon me?"

11. That the constitutional terms of office of the elected federal institutions, namely the two Houses of the Federal Parliament, the President of the Republic, and the Federal Government constituted through those institutions, are four years when considered in light of the Provisional Constitution of 2012 and the amended Constitution of 2026. This is because the Constitution under which those institutions assumed office prescribed four-year terms, while the Constitution of 2026 was silent on the extension of the terms of incumbents. Accordingly, the principle explained in paragraph 10.3 above applies.

DECISION OF THE COURT

For the reasons set out above, the Court hereby:

1. Rejects the part of the Claimant's claim, identified on page 1 of this Decision, challenging the constitutionality of the amendments made to the Provisional Constitution of 2012.

2. Allows the part of the Claimant's claim, identified on page 1 of this Decision, challenging the constitutional and legal consequences arising from those amendments, particularly the extension of the constitutional terms of office of the elected federal institutions, namely the two Houses of the Federal Parliament, the President of the Republic, and the Federal Government constituted through those institutions.

3. Determines that the constitutional terms of office of those elected federal institutions, namely the two Houses of the Federal Parliament, the President of the Republic, and the Federal Government constituted through those institutions, were four years and expired on the following dates: the terms of both Houses of the Federal Parliament expired on 14 April 2026; the constitutional term of the President of the Republic expired on 15 May 2026; and the constitutional term of the Federal Government constituted through those institutions expired on 14 April 2026, because the Federal Government derives its confidence and is subject to the oversight of the Parliament, whose term expired on the date stated above.

4. Determines that none of those institutions may, from the date on which its respective constitutional term expired, undertake any measure in reliance upon its constitutional or legal powers.

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5. Determines that all measures taken by those institutions after the expiry of their respective constitutional terms, in purported exercise of their constitutional or legal powers, are neither constitutional nor lawful, are contrary to the Constitution and the law, and are null and void.

6. Determines that the Federal Government is the only institution authorized to act in a caretaker capacity, and that such authority is limited to the conduct of day-to-day governmental business; it may not undertake measures extending beyond those functions.

7. Directs all stakeholders concerned with the elections to reach agreement within thirty (30) days on a consensual and practicable electoral framework, and to conduct the elections within ninety (90) days.

This Decision was issued in Mogadishu on 5 November 2026.

JUDICIAL PANEL

Judges of the Supreme Court of the Federal Republic of Somalia:

1. Justice Saalax Sh. Ibraahim Dhiblaawe — Presiding Judge
2. Justice Dr. Abubakar Axmed Cali — Member
3. Justice Cabdulqaadir Idriis Ciise — Member
4. Justice Cabdulcasiis Maxamed Yuusuf — Member
5. Justice Dr. Cabdulqafaar Xuseen Isaaq — Member

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THE EAST AFRICAN COURT OF JUSTICE
Judges of the Registry
18 NOV 2026
12:00
FIRST INSTANCE DIVISION

IN THE EAST AFRICAN COURT OF JUSTICE AT ARUSHA
IN THE FIRST INSTANCE DIVISION

REFERENCE NO. 69 OF 2026

IN THE MATTER OF THE TREATY FOR THE ESTABLISHMENT OF EAST AFRICAN COMMUNITY

IN THE MATTER OF ELECTION OF THE CONSTITUTION OF SOMALIA 2026

BETWEEN

HON. JUSTICE DR. BASHE YUSUF AHMED.....1st APPLICANT

HON. JUSTICE SALAH IBRAHIM DIBLAWE.....2nd APPLICANT

HON. JUSTICE ABDIKADIR IDRIS ISE.....3rd APPLICANT

HON. JUSTICE DR. ABUBAKER AHMED ALI.....4th APPLICANT

HON. JUSTICE DR. ABDIKAFAR HUSSEIN ISAK.....5th APPLICANT

HON. JUSTICE ABDIASIS MUHAMED YUSUF.....6th APPLICANT

AND

THE STATE ATTORNEY GENERAL
THE FEDERAL REPUBLIC OF SOMALIA..... RESPONDENT

AFFIDAVIT IN SUPPORT OF THE REFERENCE

I, HON. JUSTICE SALAH SH IBRAHIM DIBLAWE, of Mogadishu in the Federal Republic of Somalia, bearer of Passport No. D00019407, an adult of sound

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mind and a Judge of the Federal Supreme Court of Somalia, do hereby make oath and state as follows:

1. **THAT** I am the Second Applicant herein, a serving Judge of the Federal Supreme Court of Somalia, and competent to swear this Affidavit.
2. **THAT** I am also the Judge who presided over the five-member panel of the Constitutional Division of the Federal Supreme Court which delivered its ruling dated 5 November 2026 in Case Reference E-Som.21/2026, Ruling Reference MS/DST/1/2026.
3. **THAT** I swear this Affidavit in my own capacity as the Second Applicant and on behalf of the Third, Fourth, Fifth and Sixth Applicants, who are my colleagues and fellow Judges of the Federal Supreme Court.
4. **THAT** the Third, Fourth, Fifth and Sixth Applicants have each authorized e in writing to swear this Supporting Affidavit on their behalf concerning matters common to us and information which they have communicated to me. Annexed hereto and collectively marked **"SID-1"** are copies of the four written authorities executed by the Third, Fourth, Fifth and Sixth Applicants.
5. **THAT** the matters deponed to herein are within my personal knowledge, save where expressly stated to be based upon information received from the other Applicants or from identified documents, which information I verily believe to be true.
6. **THAT** I swear this Affidavit in support of the Reference instituted by the six Applicants against the State Attorney General of the Federal Republic of Somalia alleging violations of Articles 6(d), 7(2) and 8(1)(c) of the Treaty for the Establishment of the East African Community.

OUR POSITIONS AS JUSTICES OF THE SUPREME COURT

7. **THAT** I am a duly appointed Justice of the Federal Supreme Court of Somalia.
8. THAT the third, fourth, fifth and sixth Applicants, are likewise Judges of the Federal Supreme Court.
9. **THAT** we have been discharging our judicial responsibilities in accordance with the Constitution and laws of the Federal Republic of Somalia.
10. **THA**T none of the Second, Third, Fourth, Fifth or Sixth Applicants has been lawfully removed from judicial office.
11. **THAT** our continued discharge of judicial functions is protected by the constitutional provisions concerning judicial independence and security of tenure.

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12. **THAT** in the performance of our judicial duties, we are required to determine matters before us impartially, without fear, favour, prejudice or interference from the Executive or any other authority.

THE CONSTITUTIONAL PROTECTION OF JUDICIAL INDEPENDENCE

13. **THAT** I am familiar with the Constitution of the Federal Republic of Somalia of 2026, including its provisions concerning the independence of the Judiciary.
14. **THAT** Article 127(1) provides for the independence of the Judiciary from the Executive and Legislative branches of government.
15. **THAT** Article 127(2) provides that the Judiciary shall discharge its functions without being subject to orders or directions from other persons or institutions.
16. **THAT** Article 127(3) prohibits interference with judicial officers in the discharge of their duties.
17. **THAT** Article 127(4) recognizes the administrative and financial independence of the Judiciary.
18. **THAT** Article 127(5) provides that judicial decisions are binding upon the persons and institutions to whom they apply.
19. **THAT** Article 127(7) contains safeguards against the arrest, search and surveillance of judicial officers without the prescribed authorization, subject to the constitutional exception.
20. **THAT** Article 127(9) protects judicial officers against removal, transfer or retirement except in accordance with the Constitution and applicable law.
21. THAT annexed hereto and marked **"SID-2"** are copies of the relevant constitutional provisions and their certified English translation and I refer to those provisions because the events described below concern our ability to continue exercising judicial functions independently and without intimidation.

THE CONSTITUTIONAL DIVISION PROCEEDINGS

22. **THAT** in October 2026, constitutional proceedings were instituted before the Federal Supreme Court concerning amendments to the Constitution and their consequences for the constitutional terms of office of federal institutions registered as Case Reference E-Som.21/2026 the claimant being Shariif Sheikh Ahmed and the Respondent was the Federal Government of Somalia, including the President, Federal Parliament and Federal Government.

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23. **THAT** the proceedings raised questions concerning the constitutional amendment process and the purported extension of the terms of office of the President, Parliament and Federal Government.
24. **THAT** the Constitutional Division was constituted to hear and determine the proceedings and I presided over the panel, which comprised myself and the Third, Fourth, Fifth and Sixth Applicants.
25. **THAT** we considered the pleadings, objections and legal questions presented in the proceedings and the Court delivered its ruling on 5 November 2026.
26. **THAT** annexed hereto and marked **"SID-3"** is a copy of the Constitutional Division ruling dated 5 November 2026, together with its certified English translation.

THE RULING OF 5 NOVEMBER 2026

27. **THAT** in its ruling, the Constitutional Division considered two distinct questions; the first concerned the validity of the procedure followed in amending the Provisional Constitution of 2012 and the second concerned the constitutional and legal consequences arising from those amendments, particularly the purported extension of the terms of office of federal institutions.
28. **THAT** the Court rejected the challenge to the constitutional amendment procedure on the ground that the claimant lacked the requisite standing to pursue that part of the claim.
29. **THAT** the Court nevertheless entertained and allowed the separate challenge concerning the constitutional and legal consequences of the amendments where it determined that the constitutional terms of both Houses of the Federal Parliament had expired on 14 April 2026 and also determined that the constitutional term of the President had expired on 15 May 2026.
30. **THAT** the Court also determined that the constitutional term of the Federal Government constituted through those institutions had expired on 14 April 2026.
31. **THAT** the Court further determined that measures undertaken by the affected institutions after expiry of their respective terms, in purported exercise of their constitutional or legal powers, were contrary to the Constitution and the law.
32. **THAT** the Court recognized the Federal Government's limited caretaker authority for the conduct of ordinary day-to-day governmental business and directed the relevant stakeholders to agree upon an electoral framework within thirty days and to conduct elections within ninety days.

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33. **THAT** the ruling was delivered in the discharge of our judicial functions as members of the Constitutional Division and our participation in the proceedings was undertaken in our capacity as judicial officers exercising the jurisdiction of the Court.
34. **THAT** the ruling was a judicial determination and not a political declaration by the Second to Sixth Applicants and our duty was to determine the legal questions presented to us according to the Constitution and applicable law.

THE PURPORTED REMOVAL OF THE CHIEF JUSTICE

35. **THAT** on 4 November 2026, the Presidency publicly announced the purported removal of the First Applicant, Hon. Dr. Bashe Yusuf Ahmed, from the office of Chief Justice and the same announcement stated that **Ibrahim Iidle Suleiman** had been appointed to replace him. Annexed hereto and marked **"SID-4"** is a copy of the Presidential announcement dated 4 November 2026 and its certified English translation.
36. **THAT** on 5 November 2026, the Federal Supreme Court issued a separate official statement declaring the purported removal of the First Applicant null and void and of no legal effect.
37. **THAT** the said statement is distinct from the Constitutional Division ruling referred to in paragraphs 31 to 36 above. Annexed hereto and marked **"SID-5"** is a copy of the Supreme Court's official statement dated 5 November 2026 and its certified English translation.
38. **THAT** the subsequent events affecting our security and judicial functions occurred against the background of those two judicial pronouncements.

WITHDRAWAL OF OFFICIAL SECURITY AND FACILITIES

39. **THAT** following the events of 5 November 2026, the official security arrangements and drivers assigned to members of the Federal Supreme Court were withdrawn.
40. **THAT** the withdrawal affected me personally and also affected the Third, Fourth, Fifth and Sixth Applicants, as each has communicated to me.
41. **THAT** before the withdrawal, we had official security arrangements and facilities associated with the discharge of our judicial functions.
42. **THAT** those arrangements were intended to facilitate our duties and provide protection appropriate to our judicial responsibilities.
43. **THAT** on or about 5 November 2026, the security arrangements previously available to me were withdrawn.

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44. **THAT** the Third, Fourth, Fifth and Sixth Applicants informed me that their official security arrangements and associated facilities had likewise been withdrawn.
45. **THAT** the withdrawal occurred shortly after the Constitutional Division delivered its ruling concerning the constitutional terms of federal institutions.
46. **THAT** the withdrawal of those arrangements left us concerned about our personal safety, particularly in the prevailing circumstances.
47. **THAT**, to the best of my knowledge, no prior disciplinary determination authorizing the withdrawal as a sanction against us had been communicated to me.
48. **THAT** I am not aware of any judicial or disciplinary determination finding that the Second to Sixth Applicants had committed misconduct warranting punitive measures.
49. **THAT** I believe the timing and circumstances of the withdrawal require explanation by the relevant authorities.
50. **THAT** I further believe that withdrawal of protection from serving judicial officers immediately following the delivery of a judgment involving the Executive is capable of undermining the independence of the Judiciary.
51. **THAT** the withdrawal has caused concern among the affected Applicant Judges regarding our ability to continue discharging judicial responsibilities safely.

ALLEGED INTIMIDATION, SURVEILLANCE AND THREATS

52. **THAT** following the Constitutional Division ruling, I became concerned about the safety and independence of the members of the judicial panel.
53. **THAT** I have received information from my fellow Applicants concerning incidents which they regard as intimidation, surveillance, harassment or threats that occurred on 5th and 6th November 2026 during the morning hours.
54. **THAT** the Third, Fourth, Fifth and Sixth Applicants informed me on 5th and 6th November of concerns affecting his personal security following the ruling.
55. **THAT** I understand from information communicated to me on the same dates that concerns have also arisen regarding restrictions upon the freedom of movement of Supreme Court Judges.
56. **THAT** the First Applicant's diplomatic notification of 6 November 2026 records information concerning restrictions upon the departure of five Supreme Court Judges from Somalia. Annexed hereto and marked

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"SID-6" is a copy of the First Applicant's Urgent Diplomatic Notification dated 6 November 2026.

57. **THAT** I am concerned that coercive measures directed against judicial officers because of the decisions they render would have a chilling effect upon judicial independence.
58. **THAT** the Second to Sixth Applicants remain serving judicial officers and are entitled to perform their functions without unlawful intimidation or interference.
59. **THAT** the Applicants seek protection against unlawful surveillance, threats, harassment and retaliatory restrictions, rather than immunity from lawful investigation or other proceedings conducted in accordance with the Constitution.

THE GOVERNMENT'S SUBSEQUENT STATEMENT

60. **THAT** I have seen the statement issued by the Ministry of Justice and Constitutional Affairs responding to concerns expressed by United Nations human rights experts on 12 November 2026. Annexed hereto and marked **"SID-7"** is a copy of the said Government statement.
61. **THAT** the Government statement acknowledges the purported removal of the First Applicant on 4 November 2026.
62. **THAT** the Government asserts that the removal was effected pursuant to a transitional procedure, in circumstances where the High Council of the Judiciary had not yet been established.
63. **THAT** the Government further disputes the legal validity of the Supreme Court's pronouncements.
64. **THAT** the statement raises objections concerning the jurisdiction, procedure and composition of the judicial proceedings.
65. **THAT** I understand the Government to be asserting that the Supreme Court's pronouncements were null and void.
66. **THAT** I respectfully maintain that any objections to the jurisdiction or proceedings of a court should be addressed through lawful procedures.
67. **THAT** I further maintain that disagreement with a judicial decision cannot justify unlawful retaliation or intimidation directed against the judges who delivered it.
68. **THAT** the Government's statement reinforces my concern that the circumstances affecting the independence of the Judiciary remain unresolved.

CONTINUING EFFECT UPON OUR JUDICIAL FUNCTIONS

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69. **THAT** the Second to Sixth Applicants have not relinquished their judicial offices and we remain willing to discharge our judicial functions in accordance with the Constitution and laws of Somalia.
70. **THAT** the withdrawal of security arrangements and the reported threats have created serious concerns regarding our ability to perform those functions without fear.
71. **THAT** I am concerned that continued exposure to such circumstances may compromise the practical independence of the Judiciary.
72. **THAT** judicial independence requires more than the formal retention of judicial office as it also requires that judges be able to exercise their responsibilities without unlawful coercion, retaliation or fear for their personal safety.
73. **THAT** I believe the continued absence of appropriate protective arrangements places the affected Judges in a vulnerable position.
74. **THAT** I further believe that the continued uncertainty concerning our safety may affect the proper functioning of the Federal Supreme Court.
75. **THAT** these concerns are particularly serious where the judicial officers affected have recently determined proceedings involving the constitutional powers of the Executive and Legislature.

THE NEED FOR PROTECTIVE AND CONSERVATORY ORDERS

76. 78. THAT I have been advised by the Applicants' advocates, which advice I verily believe to be true, that the Reference raises substantial questions concerning the Respondent's obligations under Articles 6(d), 7(2) and 8(1)(c) of the EAC Treaty.
77. 79. **THAT** I am further advised that the Applicants may seek interim conservatory and protective orders under Article 39 of the Treaty and I believe urgent protective measures are necessary to safeguard the independence and personal security of the Second to Sixth Applicants pending determination of the Reference.
78. **THAT** the orders sought on our behalf are intended to preserve our continued exercise of judicial office and protect us against unlawful interference.
79. **THAT** we specifically seek restoration and maintenance of appropriate official security arrangements, drivers and protective facilities unlawfully withdrawn from us.
80. **THAT** we further seek protection against unlawful intimidation, harassment, surveillance, threats, restrictions on movement and retaliatory measures.

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81. **THAT** we seek orders ensuring that our existing judicial positions and the independence attaching to them are protected pending determination of the Reference.
82. **THAT** I believe that an award of damages cannot adequately compensate for the harm arising from unlawful intimidation or interference with judicial independence.
83. **THAT** the safety and independence of judicial officers are matters of public importance extending beyond our individual interests.
84. **THAT** I believe the public interest favors preserving judicial independence and preventing unlawful coercive measures pending determination of the Reference.
85. **THAT** I am advised that the Court may grant such proportionate interim measures as it considers necessary or desirable in the circumstances.
86. **THAT** the Applicants seek those measures without prejudging the substantive constitutional questions or asking this Honorable Court to exercise appellate jurisdiction over the domestic courts of Somalia.

PRAYERS

87. **THAT** I respectfully pray that this Honorable Court be pleased to grant the declarations and orders sought in the Reference, particularly those concerning the security, independence and continued discharge of judicial functions by the Second to Sixth Applicants.
88. **THAT** I further pray that the Honorable Court grant appropriate interim protective and conservatory orders in the accompanying application under Article 39 of the Treaty.
89. **THAT** I swear this Affidavit in good faith in support of the Reference and for the protection of the independence of the Judiciary and the rule of law.
90. **THAT** what is deponed to herein is true to the best of my knowledge, verification, understanding, information and belief, the sources of information having been disclosed where applicable.

SWORN at **MOGADISHU by**]
]
HON. JUSTICE SALAH SH IBRAHIM DIBLAWE].....
)
This...17th...Day of...November...2026] DEPONENT

BEFORE ME]

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THE EAST AFRICAN COURT OF JUSTICE
Registry at the Registry
18 NOV 2026
12.00
FIRST INSTANCE DIVISION

]
COMMISSIONER FOR OATHS]

Dr. BASHIR MOHAMED SHEIKH
Notary Public, Karama Public Notary
Notorial Registration/Ref: No. WAGI1058
COMMISSIONER FOR OATHS

KARAMA PUBLIC NOTARY
DR. BASHIR MOHAMED SHEIKH
ORIGINAL
MOGADISHU - SOMALIA

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TO BE SERVED UPON:

1. State Attorney General
   The Federal Republic of Somalia
   Mogadishu
   SOMALIA

2. Ibrahim Iidle Suleiman
   Mogadishu
   SOMALIA

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IN THE EAST AFRICAN COURT OF JUSTICE

FIRST INSTANCE DIVISION

AT ARUSHA

REFERENCE NO. 69 OF 2026

BETWEEN

THE EAST AFRICAN COURT OF JUSTICE
Registered in the Registry
18 NOV 2026
at 12:00
FIRST INSTANCE DIVISION

HON. DR. BASHE YUSUF AHMED & FIVE JUSTICES.....APPLICANT

VERSUS

THE STATE ATTORNEY GENERAL

OF THE FEDERAL REPUBLIC OF SOMALIA.....RESPONDENT

AUTHORITY

I, **HON. JUSTICE ABDIAZIZ MOHAMED YUSUF**, a Judge of the Federal Supreme Court of Somalia and one of the Applicants herein, hereby authorise **HON. JUSTICE SALAH SH. IBRAHIM DIBLAWE**, the Second Applicant, to swear on my behalf the Supporting Affidavit accompanying the Reference and the Supporting Affidavit accompanying the Notice of Motion.

The said authority extends to matters within his personal knowledge and to facts and information concerning me which I have communicated to him for purposes of these proceedings.

DATED at the 16th day of November 2026.

Signature: _____

HON. JUSTICE ABDIAZIZ MOHAMED YUSUF

"SID-7"

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THE EAST AFRICAN COURT OF JUSTICE
Registered at the Registry
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12:00
FIRST INSTANCE DIVISION

IN THE EAST AFRICAN COURT OF JUSTICE

FIRST INSTANCE DIVISION

AT ARUSHA

REFERENCE NO. 69 OF 2026

BETWEEN

HON. DR. BASHE YUSUF AHMED & FIVE JUSTICES.....APPLICANT

VERSUS

THE STATE ATTORNEY GENERAL

OF THE FEDERAL REPUBLIC OF SOMALIA.....RESPONDENT

AUTHORITY

I, **HON. JUSTICE DR. ABUBAKAR AHMED ALI**, a Judge of the Federal Supreme Court of Somalia and one of the Applicants herein, hereby authorise **HON. JUSTICE SALAH SH. IBRAHIM DIBLAWE**, the Second Applicant, to swear on my behalf the Supporting Affidavit accompanying the Reference and the Supporting Affidavit accompanying the Notice of Motion.

The said authority extends to matters within his personal knowledge and to facts and information concerning me which I have communicated to him for purposes of these proceedings.

DATED at the 16th day of November 2026.

Signature: _____

HON. JUSTICE DR. ABUBAKAR AHMED ALI

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THE EAST AFRICAN COURT OF JUSTICE
Registry at the Registry
10 NOV 2026
FIRST INSTANCE DIVISION

IN THE EAST AFRICAN COURT OF JUSTICE

FIRST INSTANCE DIVISION

AT ARUSHA

REFERENCE NO. 69 OF 2026

BETWEEN

HON. DR. BASHE YUSUF AHMED & FIVE JUSTICES.....APPLICANT

VERSUS

THE STATE ATTORNEY GENERAL

OF THE FEDERAL REPUBLIC OF SOMALIA.....RESPONDENT

AUTHORITY

I, **HON. JUSTICE DR. ABDIKAFAR HUSSEIN ISAK**, a Judge of the Federal Supreme Court of Somalia and one of the Applicants herein, hereby authorise **HON. JUSTICE SALAH SH. IBRAHIM DIBLAWE**, the Second Applicant, to swear on my behalf the Supporting Affidavit accompanying the Reference and the Supporting Affidavit accompanying the Notice of Motion.

The said authority extends to matters within his personal knowledge and to facts and information concerning me which I have communicated to him for purposes of these proceedings.

DATED at the 16th day of November 2026.

Signature: _____

HON. JUSTICE DR. ABDIKAFAR HUSSEIN ISAK

JUST LEGAL SERVICES

CERTIFICATE OF TRANSLATION

SOMALI TO ENGLISH

2026 Constitution of the Federal Republic of Somalia | Selected Chapters 1,2,4,7,8,9,15

IDENTIFICATION OF THE TRANSLATED DOCUMENT

Source language	Somali
Target language	English
Original document	Constitution of the Federal Republic of Somalia (2026), Somali text, Official Bulletin, Year 13, Issue No. 2 (14 March 2026).
Translation covered	Chapters 1, and 2(Articles 1–42), Chapter 4 (46–60), Chapter 7 (Articles 105–115), Chapter 8 (Articles 116–125), Chapter 9 (Articles 126–149) and Chapter 15 (Articles 189–196).
Identified translation	The consolidated English translation on pages 3–35 of this volume, dated 12 November 2026.

CERTIFICATION BY THE SIGNATORY

I, Fahad Arteh, Managing Partner of Just Legal Services (JLS), declare that I am competent to read and understand both Somali and English and to evaluate the legal and constitutional terminology used in the documents identified above.

Having personally compared the identified English text with the corresponding original Somali provision. I certify that the translation is, to the best of my knowledge, a true, faithful, and complete rendering of the selected Somali-language provisions.

This certificate relates only to the chapters and articles identified above. The English text is an unofficial professional translation, not an English constitutional text promulgated or authenticated by the State. If any inconsistency arises, the authoritative Somali constitutional text prevails.

EXECUTION

Fahad Arteh
Managing Partner | Just Legal Services

Signature:

Date: **12th of November, 2026**

Place of execution: **Mogadishu, Federal Republic of Somalia**

JUST LEGAL SERVICES * OFFICIAL SEAL *

CONTENTS

Selected provisions of the Constitution of the Federal Republic of Somalia (2026). Chapters not listed below are deliberately excluded.

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CHAPTER ONE | DECLARATION OF THE FEDERAL REPUBLIC OF SOMALIA

Article 1: The Federal Republic of Somalia

(1) Somalia is a sovereign federal republic adhering to Sunni Islam and the Shafi'i school of jurisprudence, founded on social justice and the rule of law.

(2) Somalia is a democratic republic founded on inclusive popular representation and based on a multiparty political system that respects diversity of opinion, in accordance with Islamic Sharia, the Constitution and the laws of the Federal Republic of Somalia.

(3) Apart from Allah, Glorified and Exalted, sovereign authority over the country belongs to the people of the Federal Republic of Somalia, who shall exercise that authority directly or indirectly through the institutions to which they have entrusted it, in accordance with the Constitution and the laws of the Federal Republic of Somalia.

(4) No individual or section of the people of the Republic may claim or assume exclusive ownership or exercise of the sovereignty of the Federal Republic of Somalia.

(5) The sovereignty, independence, national unity, and maritime and land boundaries of the Federal Republic of Somalia are inviolable.

Article 2: Religion

(1) Islam is the religion of the country, the people and the State of the Federal Republic of Somalia.

(2) No religion other than Islam may be propagated in the territory of the Federal Republic of Somalia.

(3) Insulting Islam, expressing hatred toward it, and any act that undermines respect for matters relating to the Islamic religion are prohibited. A person who engages in conduct that violates the Islamic religion shall be dealt with in accordance with the laws of the Federal Republic of Somalia.

(4) No law may be enacted that is inconsistent with Islamic Sharia and its objectives (maqasid).

Article 3: Fundamental Principles

(1) The Constitution of the Federal Republic of Somalia is founded upon the Holy Qur'an and the Sunnah of the Prophet Muhammad (peace and blessings be upon him), and safeguards Islamic Sharia and its objectives.

(2) The Federal Republic of Somalia is a Muslim country and a member of the community of nations, particularly the Arab and African nations.

(3) The Federal Republic of Somalia is founded upon the fundamental principles of the distribution of powers under a federal system.

(4) The Constitution of the Federal Republic of Somalia protects human rights, the rule of law and respect for international laws that do not conflict with Islamic Sharia and the Constitution. It promotes inclusive government and the separation of legislative and executive powers and an independent judiciary, within a system founded upon accountability, transparency, integrity and responsiveness to the public interest.

(5) Women shall participate effectively in all three branches of government and in independent commissions at the federal, Federal Member State and local-government levels, and their participation in elected and appointed positions shall be ensured.

(6) State power at every level may be exercised only in accordance with the Constitution and the laws of the Federal Republic of Somalia.

(7) The land, sea, airspace, rivers, islands and natural resources are national assets jointly owned by the Somali people, for which the Federal Government of Somalia is responsible.

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Article 4: Supremacy of the Constitution

(1) Subject to Islamic Sharia, the Constitution of the Republic is the supreme law of the country. The government at every level of the Federal Republic of Somalia shall comply with it, and it shall guide the formulation of policies and decisions of all branches of government.

(2) Every person, all State institutions, organizations, political parties and society at large have a duty to comply with, implement and safeguard the Constitution.

(3) Any law, decision or administrative measure issued by an institution of government at any level that is inconsistent with the Constitution of the Federal Republic of Somalia shall be null and void and may be annulled by the Constitutional Court.

Article 5: Official Languages

(1) The official language of the Federal Republic of Somalia is Somali (Maay and Maxaatiri), and Arabic is the second language.

(2) The Federal Government of Somalia shall care for, protect and develop the Somali language and its literature.

Article 6: The Flag and National Emblem

(1) The flag of the Federal Republic of Somalia, as depicted in the First Schedule (A) to the Constitution, is a light-blue rectangle bearing at its center a white five-pointed star with equal points.

(2) The emblem of the Federal Republic of Somalia, as depicted in the First Schedule (B) to the Constitution, consists of a blue shield with a gold border and a five-pointed silver star at its center. Above the shield is an ornate Arabian-style battlement with five golden points, the two outer points of which are halved. The shield is supported on either side by two facing leopards, standing upon two spears crossed beneath the shield, accompanied by two palm leaves entwined with a white ribbon.

(3) The national anthem of Somalia is "Qolobaa Calankeedu Waa Cayn," as set out in the First Schedule (C) to the Constitution, and shall be used by the Federal Government and the Federal Member States at official occasions.

(4) A special law enacted by the Federal Parliament of Somalia shall regulate honors relating to the national flag and anthem and the honors to be accorded to deserving persons.

(5) Federal Member States may have their own flags and emblems but may not have separate anthems of their own.

Article 7: Territory of the Federal Republic of Somalia

(1) The sovereignty of the Federal Republic of Somalia extends to the entire territory of the Federal Republic of Somalia, including its land, seas, rivers, islands and subsoil, the airspace above them, the continental shelf, and any territory and territorial waters incorporated into the Republic of Somalia with the approval of the Federal Parliament.

(2) The territory of the Federal Republic of Somalia is indivisible and inviolable.

(3) The boundaries of the Federal Republic of Somalia are those identified in the Constitution of Somalia of 1960.

(4) The Federal Republic of Somalia is bounded:

(a) To the north, by the Gulf of Aden;

(b) To the northwest, by Djibouti;

(c) To the west, by Ethiopia;

(d) To the southwest, by Kenya; and

(e) To the east, by the Indian Ocean.

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Article 8: The People and Citizenship

(1) The people of the Federal Republic of Somalia are one and indivisible and comprise all citizens.

(2) There is only one Somali citizenship. The manner of its acquisition, suspension or loss shall be determined exclusively by a specific law enacted by the Federal Parliament of Somalia.

(3) A person holding Somali citizenship may acquire citizenship of another country, and may neither be deprived of Somali citizenship nor compelled to renounce that other citizenship.

(4) The denial, suspension or revocation of citizenship may not be based on political grounds.

Article 9: Capital of the Federal Republic of Somalia

(1) The capital of the Federal Republic of Somalia is Mogadishu.

(2) The status and representation of the capital shall be regulated under Chapter Five of the Constitution.

CHAPTER TWO | FUNDAMENTAL RIGHTS AND DUTIES OF THE CITIZEN

Part One: General Principles of Human Rights

Article 10: Human Dignity

(1) Human dignity is a gift bestowed by Allah, Glorified and Exalted, upon every human being, and human rights arise from that gift.

(2) Human dignity is inviolable, and its protection is a duty incumbent upon everyone.

(3) State authority shall never be used to violate human dignity.

(4) No person may be enslaved, subjected to forced labor, trafficked or compelled to work for any purpose whatsoever.

Article 11: Equality

(1) Every person, regardless of sex, religion, color, social or economic status, political opinion, clan, disability, profession, birth, ethnicity, age or dialect, is equal before the law in rights and duties, in accordance with Islamic Sharia.

(2) Direct or indirect discrimination against any person on grounds of age, color, clan, ethnicity, culture, dialect, sex, birth, disability, religion, political opinion, profession, wealth or any other ground is prohibited.

(3) Government measures, including legislation, policies and administrative arrangements, designed to achieve full equality for persons or groups previously subjected to discrimination or experiencing disadvantage shall not be regarded as discriminatory.

(4) No person shall, by reason of status or honor, be exempt from accountability or criminal punishment for an offense committed, unless the Constitution provides otherwise.

Article 12: Application of Fundamental Rights

(1) State institutions at both the federal and Federal Member State levels, political parties, every private organization and every individual shall at all times respect the fundamental rights and freedoms recognized in this Chapter.

(2) The State shall at all times protect and guarantee the realization and observance of fundamental rights and freedoms.

Part Two: Fundamental Individual Rights and Freedoms and Their Limitations

Article 13: Right to Life

(1) Every person has the right to life.

(2) Life is a gift bestowed by Allah, Glorified and Exalted, upon all human beings. It is therefore a natural right of which no person may be deprived except on grounds expressly prescribed by law and pursuant to a final judgment of a court.

(3) Abortion is contrary to Islamic Sharia and is prohibited, except where a medical necessity arises in which it is indispensable to save the life of the mother, as established by a competent and qualified physician.

Article 14: Personal Liberty and Security

(1) Every person has the right to personal liberty and security of the person.

(2) Every person has the right to the security of their person and property. No person may be subjected to any form of torture or inhuman treatment. Unlawful arrest and all forms of violence, including violence against women and children, are prohibited.

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(3) Every person has the right to bodily integrity, which is inviolable. No person may be subjected to medical or scientific experimentation without their consent. Where a person lacks legal capacity to consent, consent shall be obtained from the person's closest relative on the advice of a medical professional.

(4) Female genital mutilation is a cruel and degrading practice tantamount to torture and is prohibited.

Article 15: Freedom of Association

Every person has the right to associate with others. This right includes forming or joining organizations, including trade unions and political parties. Every person is also free not to associate with anyone and may not be compelled to join any association.

Article 16: Freedom of Religion and Belief

(1) Every person is free to practice their religion.

(2) No religion other than Islam may be propagated within the territory of the Federal Republic of Somalia.

Article 17: Freedom of Opinion and Expression

(1) Every person has the right to hold an opinion and express it through speech, writing, the press, art or any other means of their choice, provided that it does not conflict with Islamic Sharia.

(2) Every person has the right freely to express their knowledge or creativity.

Article 18: Inviolability of the Home

No person's home, equipment, premises or other private belongings may be searched, monitored, listened to or placed under surveillance without a reasoned judicial order.

Article 19: Freedom of Assembly, Demonstration, Complaint and Collective Petition

(1) Every person has the right to organize and participate peacefully in meetings, demonstrations and expressions of complaint or support without requiring prior permission.

(2) Every person has the right to submit a written complaint to State institutions.

Article 20: Freedom of Movement and Residence

(1) Every person lawfully present in the country has the right to reside wherever they wish, to move freely within the country and to leave the country freely whenever they wish.

(2) Every citizen has the right to enter, leave and remain in the country.

(3) Every citizen also has the right to obtain a Somali passport, a national identity document, registration documents and any other identification issued by the State to its citizens.

Article 21: Right to Political Participation

(1) Every citizen has the right to participate in the political affairs of the country, to establish and join a political party and to be elected to any position within a political party, in accordance with the laws of the Federal Republic of Somalia.

(2) Every citizen who satisfies the requirements prescribed by law has the right to vote and to stand for election.

Article 22: Freedom to Choose an Occupation, Employment or Profession

Every citizen has the right freely to choose the occupation, employment or profession they wish to pursue.

Article 23: Labor Relations

(1) Every person has the right to fair labor relations.

(2) Every worker has the right to form and join a trade union and to participate in its activities.

(3) Workers have the right to strike.

(4) Every trade union and every employer has the right to engage in collective bargaining concerning employment matters.

(5) Every worker, and women in particular, has a special right to protection against abuse, exclusion and discrimination in the workplace. All labor laws and employment practices shall ensure equal employment rights for men and women.

(6) Persons with disabilities have the right to full equality in the workplace, and all measures necessary to enable them to perform their work shall be facilitated.

Article 24: Clean Environment

(1) Every person has the right to an environment that is not harmful to their health or well-being and that is protected against pollution and hazardous substances.

(2) Every person has the right to benefit from the natural resources of the country, which shall be protected against excessive exploitation capable of harming the environment or natural resources.

Article 25: Private Property

(1) Every person has the right to own, use, benefit from and enjoy private property, and to sell or donate it whenever they wish.

(2) The State may acquire private property where the public interest so requires. Any person whose property has been acquired for a public purpose has the right to fair compensation from the State, agreed with the owner or determined by a court.

Article 26: Social Rights

(1) Every person has the right to clean drinking water.

(2) Every person has the right to health care, and no person may be denied emergency medical services on any ground whatsoever.

(3) Every person has the right to comprehensive social care.

(4) State institutions of the Federal Republic of Somalia shall take effective steps to ensure that these rights are realized for the whole population, giving particular priority to women, children, older persons, persons with disabilities, and minority or marginalized communities.

Article 27: Protection of the Family

(1) Marriage is the foundation of the family, which is the basis of society, and its protection is a legal duty of the State.

(2) Every person who has reached the age of maturity has the right to marry and establish a family by their own free will and that of their prospective spouse, in accordance with Islamic Sharia and the laws of the Federal Republic of Somalia.

(3) Maternal and infant care is a national duty incumbent upon the State.

(4) Every child has the right to care from their parents, including education and proper upbringing. Where such care is unavailable from the child's family or relatives, or where the child is abandoned or neglected, the State shall guarantee these rights.

(5) A parent who cannot support themselves has the right to be cared for by their adult children. The State shall provide care for parents who do not receive care from their adult children or relatives.

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(6) A law enacted by the Federal Parliament of Somalia shall regulate family matters.

Article 28: Rights of Children

(1) Every child has the right, upon birth, to be given an appropriate name and to be officially registered.

(2) For the purposes of this Article, the term "children" means persons below the age of maturity, which is fifteen (15) years, whereas the age of legal responsibility is eighteen (18) years, as further specified by the laws of the Federal Republic of Somalia.

(3) Every child has the right to protection from misconduct, neglect, abuse and degrading treatment.

(4) Children may not be required to undertake work or services inappropriate to their age or likely to endanger their health or development.

(5) Children may be detained only for a short period when no alternative is available. They shall not be detained together with adults, except their closest relatives, and shall be held in appropriate conditions. A child's closest relatives shall be informed of the detention as soon as reasonably possible.

(6) Children have the right to legal assistance at the expense of the State.

(7) Children have the right to protection against recruitment into, or use in, armed conflict.

(8) The best interests of the child shall always take precedence in every matter affecting the child's welfare.

Article 29: Education

(1) Education is a fundamental right of all citizens of the Federal Republic of Somalia.

(2) Every citizen has the right to free education through secondary-school level.

(3) Basic instruction in the Holy Qur'an and primary and intermediate schooling are compulsory.

(4) State institutions responsible for education at the various levels shall promote, expand and make available public education.

(5) State institutions responsible for education at the various levels shall promote higher education, technical institutions, technology, research, innovation, sports, heritage and culture.

(6) The Federal Government of Somalia is responsible for establishing a unified national educational curriculum. State institutions at every level are responsible for implementing that curriculum in all schools of the Federal Republic of Somalia.

(7) Instruction in the Islamic religion is compulsory for students attending public schools and privately owned schools belonging to Muslims.

(8) The State shall take measures necessary to enable young people to obtain quality education, professional skills and meaningful development, to foster love of the people, country and religion, and to protect young people from harmful practices detrimental to the country's future.

(9) The State shall ensure the provision and availability of the institutions and resources necessary to develop the capacities and creativity of young people. It shall also take measures to develop the various fields of sport.

Article 30: Culture and Language

(1) State institutions at the various levels shall promote the Somali language and the worthy heritage and culture of the Somali people and shall strive to eliminate harmful traditional practices and emerging harmful practices that may adversely affect religion, national unity or public health.

(2) Competent State institutions shall collect, protect and preserve the nation's historical heritage, including historic sites in the Federal Republic of Somalia, and shall develop the knowledge, skills, technology and technical capacity necessary to fulfill this duty.

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(3) Competent State institutions shall promote and protect the distinct cultural traditions and dialects of all Somali people.

(4) The Federal Government shall establish an institution specifically responsible for promoting and developing Somali heritage, culture, language and history.

Article 31: Right of Access to Information

(1) Every person has the right to access information held by State institutions at every level, except information relating to national security, information protected to safeguard the rights of others, or information whose disclosure is prohibited by law.

(2) No person or institution may be compelled to disclose information unless ordered to do so by a court or by the laws of the Federal Republic of Somalia.

(3) A law enacted by the Federal Parliament of Somalia shall give effect to the right of access to information.

Article 32: Right to Protection of Personal Data

(1) Every person has the right to protection of their personal data, which may be used only for the purposes for which it was collected.

(2) Data referred to in paragraph (1) may be disclosed only with the consent of the data subject or on another ground prescribed by law.

(3) Every person has the right to access personal data collected about them and to have their data corrected.

(4) A law enacted by the Federal Parliament of Somalia shall regulate the collection, use and transfer of personal data.

Article 33: Fair Administrative Decisions

(1) Every person has the right to administrative decisions issued by State institutions at the various levels that are lawful, reasonable and supported by reasons, and that are made through a fair procedure.

(2) Every person dissatisfied with an administrative decision of a State institution at any level has the right to bring that decision before a court of competent jurisdiction.

Article 34: Right of Access to Courts and Legal Defense

(1) Every person has the right to bring a lawful claim before a court of competent jurisdiction.

(2) Every person has the right to independent, fair and impartial adjudication before a court open to the public, within the period prescribed by law.

(3) Every person has the right to defend themselves against any proceedings brought against them at every stage and level.

(4) The State shall provide free legal representation to persons unable to meet the costs of court proceedings and to persons seeking to advance or defend a matter relating to the public interest.

Article 35: Rights of the Accused

(1) An accused person shall be presumed innocent until a court of competent jurisdiction has finally convicted that person of the offense charged.

(2) Every person apprehended or arrested on suspicion of a criminal offense has the right to be informed of the suspected offense in a language they understand and has the immediate right to remain silent rather than make statements that may incriminate them.

(3) Where a person is deprived of personal liberty, the person's circumstances shall be communicated to their family or relatives and to their lawyer.

(4) No person may be compelled to confess to a crime, and a conviction may not be based upon a coerced confession.

(5) An accused person has the right to defend themselves before a court of competent jurisdiction and to present exculpatory evidence in their defense.

(6) Every person who is arrested has the right to be brought before a court of competent jurisdiction within forty-eight (48) hours.

(7) An accused person has the right to be present during the hearing of their case.

(8) Every arrested person has the right to engage defense counsel or, if unable to afford counsel, to have counsel provided by the State.

(9) An accused person has the right to an interpreter if they do not understand the language used by the court.

(10) An accused person brought before a court on a criminal charge has the right to a fair trial.

(11) No person may be prosecuted a second time for an offense for which they have previously been finally convicted or lawfully acquitted.

(12) Criminal responsibility is personal. Accordingly, no person may be punished for a criminal act committed by another person.

(13) No person may be punished for an act that was not an offense under the law when it was committed, unless it constitutes a crime against humanity.

(14) An accused person who is dissatisfied with a judgment has the right to appeal to a court higher than the court that delivered the judgment.

(15) An accused person may not be detained at a place not authorized by law and shall be afforded sufficient opportunity for visits from their relatives, physician and lawyer.

Article 36: Extradition of Suspects and Offenders

(1) Extradition of suspects and offenders may be authorized only in accordance with law and where there is an extradition agreement to which the Federal Republic of Somalia is a party, or an international agreement obliging the Federal Government of Somalia to surrender the suspect or offender.

(2) A Somali citizen may not be surrendered to a foreign country.

(3) The Federal Republic of Somalia shall promote international judicial cooperation.

(4) The Federal Parliament shall enact a law governing the extradition of suspects and offenders and mutual legal assistance in criminal matters.

Article 37: Refugees and Asylum Seekers

(1) A person who enters the Federal Republic of Somalia seeking asylum, or who is recognized as a refugee, has the right not to be returned or transferred to another country where there is a clear fear that they would face punishment or other harm.

(2) The Federal Parliament of Somalia shall enact a law regulating refugees and asylum seekers in accordance with international law.

Article 38: Limitation of Rights

(1) Rights recognized in this Chapter may be limited by law or by a limitation expressly provided in the Constitution, provided that the limitation is demonstrably reasonable or justifiable, is consistent with the values set out in the Constitution, and does not specifically target particular persons or groups.

(2) A limitation may be imposed only where there is a compelling need to protect the rights of others, public security, national defense, public health or public morals, taking into account the proportionality of the limitation to the reasons justifying it.

(3) The judicial institutions shall guarantee that rights and freedoms are not violated and that the values underlying the Constitution are respected.

Article 39: Redress for Violations of Human Rights

(1) Every person has the right to compensation where their fundamental rights have been violated, and a court of competent jurisdiction shall determine the claim.

(2) Any person or organization may bring proceedings before a court of competent jurisdiction to protect the fundamental rights of others who are unable to defend themselves.

(3) No limitation period shall apply to the institution of proceedings concerning human rights violations, war crimes or crimes against humanity as regulated by the laws of the Federal Republic of Somalia or international agreements to which Somalia is a party.

(4) Proceedings referred to in paragraph (3) may be heard by a court of competent jurisdiction. No form of immunity or amnesty may be granted in respect of such violations unless the Constitution provides otherwise.

(5) The State shall take justice-related, judicial, administrative, educational and other measures to prevent such violations, impose sanctions and provide redress, and to hold those responsible to account regardless of their status.

(6) A law enacted by the Federal Parliament of Somalia shall regulate redress for violations of fundamental rights.

Article 40: Interpretation of Fundamental Rights

(1) In interpreting the rights set out in this Chapter, a court of competent jurisdiction shall seek to determine the purposes of the fundamental rights and the values underlying this Constitution.

(2) In interpreting those rights, the court shall take into account Islamic Sharia, international law, the worthy traditions of the Somali people, and internationally recognized principles and standards of statutory interpretation, insofar as such interpretation does not conflict with the Constitution or its foundational values.

(3) Recognition of the fundamental rights set out in this Chapter shall not be construed to contradict other rights recognized by Islamic Sharia.

Article 41: Human Rights Commission

(1) An Independent Human Rights Commission shall be established with the following responsibilities:

(a) To strengthen, promote, defend, respect and ensure human rights values and fundamental freedoms in accordance with Islamic Sharia, the Constitution and the laws of the Federal Republic of Somalia;

(b) To monitor, investigate and prepare reports on the human rights situation in the country;

(c) To prevent human rights abuses and violations and report them to the relevant national authorities;

(d) To ensure guarantees of fundamental rights and observance of human rights practices in the Federal Republic of Somalia;

(e) To advise on the most appropriate means of protecting human rights and providing remedies for abuses, and to advise the State on acceding to or becoming party to international human rights agreements that do not conflict with Islamic Sharia and the Constitution;

(f) To investigate and document human rights violations, inspect prisons and other places of detention, and raise public awareness of human rights; and

(g) To perform any other function assigned to it by law.

(2) The Commission shall consist of nine (9) members nominated by the Council of Ministers of the Federal Government of Somalia, approved by the Federal Parliament, with their appointments given effect by presidential decree issued by the President of the Republic.

(3) The Federal Parliament of Somalia shall enact a law prescribing the qualifications of members and all other matters necessary for the Commission.

Part Three: Duties of the Citizen

Article 42: Duties of the Citizen

(1) As provided by the Islamic religion, justice lies in the balance between rights and duties.

(2) Every citizen of the Federal Republic of Somalia has the following duties:

(a) To be a loyal patriot dedicated to the development and welfare of the country;

(b) To defend and protect religion, the country, the people and human dignity;

(c) To strengthen national unity in cooperation with other citizens;

(d) To promote responsible parenthood;

(e) To learn the fundamentals of the Islamic religion;

(f) To learn, respect, observe, obey and defend the Constitution and the other laws of the Federal Republic of Somalia;

(g) To promote accountability and the rule of law;

(h) To pay taxes in accordance with the laws of the Federal Republic of Somalia;

(i) To participate in activities beneficial to citizens, families and the public good, and to contribute to the development of the nation and the community in which they live;

(j) To protect the environment against pollution and unnecessary harm;

(k) To respect the rights of animals in the Federal Republic of Somalia; and

(l) To vote in elections.

(3) The duties set out in paragraph (2) shall not be interpreted so as to limit the fundamental rights recognized in this Chapter.

CHAPTER FOUR | REPRESENTATION OF THE PEOPLE

Part One: General Principles of Popular Representation

Article 46: Power of the People

(1) Apart from Allah, Glorified and Exalted, the power of self-government originates from and rests with the people of the Federal Republic of Somalia, who have the power to hold State institutions at every level, and their representatives entrusted with the administration of the country and public services, accountable.

(2) Popular representation at every level of government in the Federal Republic of Somalia shall be open and inclusive, enabling every citizen, independently and without discrimination, to participate directly or indirectly in governance and to understand its laws and procedures with ease.

(3) The representative system shall be capable of preventing unrest arising from political competition and election results.

(4) The Federal Government of Somalia is responsible for ensuring that every Federal Member State implements a democratic system consistent with the Constitution and the laws of the Federal Republic of Somalia.

Part Two: Elections

Article 47: General Principles of Elections

The general principles of the electoral system shall:

(1) Ensure free and fair elections by secret ballot, free from discrimination, bias, corruption, intimidation, threats, deception and interference of any kind.

(2) Guarantee the political rights of citizens as provided in Article 21 of the Constitution.

(3) Ensure an electoral process whose laws, systems and procedures are easily understood and which is administered by the Independent National Electoral and Boundaries Commission.

(4) Guarantee that all citizens who satisfy the statutory requirements have an equal right to cast their votes.

(5) Be based on law and provide for a process administered and supervised independently, ensuring transparency and accountability.

(6) Ensure that the unity of the Republic and Somali society is not infringed.

(7) Ensure the participation of women in legislative assemblies and political parties, with women's quotas to be regulated by laws enacted by the Federal Parliament of Somalia.

(8) Guarantee fair representation of all sections of society, particularly persons with disabilities.

(9) Ensure fair representation of the communities of the Federal Republic of Somalia, particularly minority communities, in order to achieve social justice.

(10) Promote a multiparty political system while taking into consideration the security and socioeconomic circumstances of the Republic.

(11) Prevent the incitement of conflict.

Article 48: Electoral System

The electoral system of the Federal Republic of Somalia shall be based on one person, one vote, as prescribed by a law enacted by the Federal Parliament of Somalia.

Article 49: Institutions to Be Directly Elected

(1) The constitutional institutions directly elected by citizens are:

(a) The Federal Parliament of Somalia, comprising the House of the People and the Upper House;

(b) The House of Representatives of each Federal Member State; and

(c) The councils of local governments.

(2) Candidates contesting seats in the House of the People of the Federal Parliament of Somalia shall be elected by free and secret ballot by citizens who satisfy the qualifications for voting.

(3) Candidates contesting seats in the Upper House of the Federal Parliament of Somalia shall be elected by free and secret ballot only by citizens resident in the relevant Federal Member State who satisfy the qualifications for voting.

(4) Candidates contesting seats in the House of Representatives of each Federal Member State shall be elected by free and secret ballot by citizens resident in that Federal Member State who satisfy the qualifications for voting.

(5) Local councils shall be elected by free and secret ballot by citizens resident in the relevant districts who satisfy the qualifications for voting.

Article 50: Term of Office

The term of office of the directly elected constitutional institutions referred to in Article 49(1) shall be five (5) years.

Article 51: Voters

(1) Every citizen who satisfies the requirements prescribed by law and has attained the age of eighteen (18) years at the time of registration has the right to register to vote.

(2) Registered voters have an equal right to cast their votes, and their free will and confidence shall be safeguarded.

(3) The Independent National Electoral and Boundaries Commission is responsible for voter registration and for preparing the voter register of the Federal Republic of Somalia.

(4) The following persons are not entitled to be registered:

(a) Persons who lack full mental capacity; and

(b) A person against whom a court of competent jurisdiction has entered a final judgment for an electoral offense within the preceding five (5) years, or whom such a court has disqualified from voting, or who is imprisoned for an offense committed.

Part Three: Political Parties

Article 52: Role of Political Parties

(1) Political parties shall compete peacefully and democratically for political leadership in the Federal Republic of Somalia.

(2) Political parties, whether governing or in opposition, are among the pillars of the political and democratic life of the Federal Republic of Somalia.

Article 53: Requirements for Political Parties

(1) Every political party shall satisfy the following requirements:

(a) Protect, observe, strengthen and promote the unity of the Republic;

(b) Comply with the Constitution and the laws of the Federal Republic of Somalia and the rule of law;

(c) Be committed to respecting, valuing, promoting and defending human rights;

(d) Adhere to the principles of democracy and good governance;

(e) Ensure inclusive popular representation and give particular priority to minority communities and persons with disabilities in both membership and leadership;

(f) Give particular priority to women; and

(g) Comply with the procedures for party registration and respect the code of conduct governing political parties.

(2) A political party is prohibited if it:

(a) Is secret, military or paramilitary in nature, is organized to use violence to achieve its objectives, is armed for the purpose of seizing power, or has a clan-based name or symbol;

(b) Advocates the separation of the country or division among its people;

(c) Uses financing derived from unlawful sources; or

(d) Uses State property, bribery or corruption to obtain private advantage.

Article 54: Competition Between Political Parties

Elections to the various institutions shall be contested by political organizations or parties officially registered with the Independent National Electoral and Boundaries Commission. The Federal Parliament shall enact a law detailing procedures for the registration of political organizations and parties. An organization that secures seats amounting to ten percent (10%) of the combined membership of the two Houses of the Federal Parliament of Somalia shall become a national political party.

Part Four: Administration of Elections

Article 55: Establishment of the Independent National Electoral and Boundaries Commission

An Independent National Electoral and Boundaries Commission shall be established and entrusted with administering and managing elections throughout the country at every level, with a view to ensuring efficient, transparent, free and fair elections.

Article 56: Functions and Duties of the Independent National Electoral and Boundaries Commission

(1) The functions and duties of the Independent National Electoral and Boundaries Commission shall include:

(a) Administering, monitoring and ensuring the orderly conduct, integrity and transparency of elections at the various levels of government, and announcing election results;

(b) Maintaining ongoing registration of voters for all elections;

(c) Preparing, organizing, facilitating and conducting general elections at the various levels;

(d) Maintaining ongoing registration of political organizations or parties and candidates for general elections at the various levels;

(e) Delimiting electoral constituencies and periodically designating polling centers;

(f) Prescribing an electoral code of conduct for candidates and political parties;

(g) Determining the number and locations of polling stations throughout the country;

(h) Preparing and managing election materials and polling premises;

(i) Conducting studies and preparing maps relating to the delimitation of constituency boundaries, with the assistance of experts;

(j) Submitting recommendations to the Federal Parliament of Somalia on the delimitation of constituency boundaries, taking account of population, land, political and social circumstances, for Parliament to determine matters relating to those boundaries; and

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(k) Performing any other function relating to elections and boundaries provided for in the Constitution or the laws of the Federal Republic of Somalia.

Article 57: Members of the Independent National Electoral and Boundaries Commission

(1) The Independent National Electoral and Boundaries Commission shall consist of eighteen (18) members nominated by the Council of Ministers of the Federal Government of Somalia, following consultation with relevant institutions, approved by the Federal Parliament, with their appointments given effect by presidential decree issued by the President of the Republic.

(2) The Chairperson and Deputy Chairperson of the Commission shall be elected by the members from among themselves.

Article 58: Qualifications of Members of the Independent National Electoral and Boundaries Commission

(1) A person is eligible to be a member of the Independent National Electoral and Boundaries Commission if that person:

(a) Is a citizen and is not less than thirty-five (35) years of age;

(b) Is of good character and reputation;

(c) Holds a recognized university degree; and

(d) Has at least ten (10) years of administrative or legal experience.

(2) The following persons may not be appointed as members of the Commission:

(a) A member of a political party;

(b) A person against whom a court has entered a final conviction carrying a sentence of at least five (5) years;

(c) A person holding a position in a federal or Federal Member State government institution at the time of appointment or within the preceding six (6) months; and

(d) Any person disqualified under the laws of the Federal Government.

Article 59: Loss of Office by Members of the Commission

A member of the Commission may lose office only on one of the following grounds:

(1) Death;

(2) A written resignation submitted to and accepted by the Commission;

(3) Permanent incapacity to perform duties for a physical or mental reason, certified by a recognized medical specialist;

(4) A final judicial conviction of the kind referred to in Article 58(2)(b);

(5) Acceptance of another public office;

(6) Expiration of the term of office; or

(7) Any other ground prescribed by the Constitution or other laws of the Federal Government.

Article 60: Term of Office of Members of the Commission

Members of the Independent National Electoral and Boundaries Commission shall serve one nonrenewable term of six (6) years.

CHAPTER SEVEN | THE PRESIDENT OF THE FEDERAL REPUBLIC OF SOMALIA

Article 105: The President of the Federal Republic of Somalia

(1) The President of the Federal Republic of Somalia is:

(a) The Head of State of the Federal Republic of Somalia;

(b) The symbol of national unity; and

(c) The guardian and promoter of the Constitution.

(2) The President shall represent the Federal Republic of Somalia both domestically and internationally.

(3) The President of the Federal Republic of Somalia shall discharge the duties of office in accordance with Islamic Sharia, the Constitution, and the other laws of the Federal Republic of Somalia.

Article 106: Eligibility Criteria for Election to the Office of President of the Federal Republic of Somalia

(1) Any person who satisfies the following requirements may be elected President of the Federal Republic of Somalia:

(a) Be a Muslim citizen of the Federal Republic of Somalia;

(b) Have two parents who are citizens of the Federal Republic of Somalia;

(c) Be at least forty (40) years of age on election day;

(d) Have attained a recognized university-level education and have at least fifteen (15) years of leadership experience;

(e) Be of sound mind and not have previously been formally certified by a physician as suffering from a mental illness;

(f) Not have been convicted of a serious criminal offense by a final judgment of a competent court;

(g) Have resided in the Federal Republic of Somalia for at least five (5) years;

(h) Not have a wife who is a foreign national;

(i) Be known within the community for good conduct;

(j) Not have previously been removed from the office of President through impeachment;

(k) If the candidate holds the nationality of another country, provide proof of renunciation of that nationality if elected President of the Federal Republic of Somalia; and

(l) Declare the assets owned by the candidate and submit the declaration in writing to the Office of the Auditor General of the Federal Republic of Somalia.

(2) A presidential candidate shall be nominated by a political party or an alliance of political parties.

Article 107: Election of the President of the Federal Republic of Somalia

(1) The President of the Federal Republic of Somalia shall be elected by the two Houses of the Federal Parliament sitting in joint session.

(2) At least two-thirds (2/3) of the total membership of each House of the Federal Parliament must be present for the vote to elect the President of the Federal Republic of Somalia.

(3) A candidate for President of the Federal Republic of Somalia may be nominated by the three national political parties that have obtained the greatest number of seats in the two Houses of the Federal Parliament. The candidate shall present the electoral program at a joint sitting of the two Houses of the Federal Parliament.

(4) In voting for the President of the Federal Republic of Somalia, each member of Parliament shall have one vote.

(5) The two Houses of the Federal Parliament shall elect the President of the Federal Republic of Somalia by secret ballot, in accordance with the following procedure:

(a) In the first round, a candidate who obtains a majority of fifty percent plus one (50% + 1) of the total membership of both Houses of the Federal Parliament of Somalia shall be elected President of the Federal Republic of Somalia. If no candidate is elected, a second round shall be held.

(b) The two candidates receiving the highest numbers of votes in the first round shall proceed to the second round. Where a third candidate has received an equal number of votes, that candidate shall also be entitled to participate in and advance to the second round. A candidate who obtains a majority of fifty percent plus one (50% + 1) of the total membership of both Houses shall be elected President of the Federal Republic of Somalia.

Article 108: Oath of the President

(1) The President-elect shall be sworn in by the Chief Justice of the Federal Supreme Court upon the announcement of the election results and shall take the following oath:

"I, [name], swear in the name of God that I will faithfully discharge the duties of my office in the interests of the country, its people, and the religion; that I will protect, uphold, and abide by Islamic Sharia, the Constitution, and the other laws of the country; that I will defend the independence, sovereignty, and unity of the country; and that I will lead the Somali people with equality, justice, and integrity."

(2) The President-elect shall assume office within fifteen (15) days after the announcement of the final results of the presidential election.

Article 109: Immunity of the President

(1) The President of the Federal Republic of Somalia shall enjoy immunity while in office and may not be tried during that period.

(2) After leaving office, the President shall not be tried in respect of the performance of constitutional duties, unless the President has committed a violation of human rights.

(3) Every President who peacefully and democratically leaves office shall be entitled to special honors as prescribed by a separate law enacted by the Federal Parliament, provided that the President did not leave office as a result of impeachment in accordance with the Constitution.

Article 110: Powers of the President of the Federal Republic of Somalia

The powers of the President of the Federal Republic of Somalia shall include the following:

(1) Appointing the Prime Minister of the Federal Government of Somalia.

(2) Serving as Commander-in-Chief of the Armed Forces.

(3) Appointing persons to, and removing persons from, the following offices, after completion of the other procedures required under the Constitution and the laws of the Federal Republic of Somalia:

(a) Ambassadors and Consuls General;

(b) The commanders of the Somali National Army, Police Force, and Custodial Corps, and the Director of the National Intelligence and Security Agency;

(c) Positions in independent commissions and institutions; and

(d) Other offices prescribed by the Constitution and the laws of the Federal Republic of Somalia.

(4) Appointing and removing from office the Chief Justice of the Supreme Court, the President of the Constitutional Court, and the Prosecutor General of the Nation, following a proposal by the Supreme Judicial Council, in accordance with Article 138(4)(a) of Chapter Nine of the Constitution and the laws of the Federal Government of Somalia.

(5) Receiving diplomats and representatives of foreign countries and accepting their credentials.

(6) Signing bills approved by the Federal Parliament or returning them in accordance with the procedure prescribed by the Constitution.

(7) Signing international agreements approved by the Federal Parliament of Somalia.

(8) Declaring a state of war or a state of emergency in accordance with Articles 187 and 188 of the Constitution and the other laws of the Federal Republic of Somalia.

(9) Calling the Houses of the Federal Parliament into extraordinary session whenever there are important reasons to do so.

(10) Conferring national honors.

(11) Granting pardons or reducing sentences for persons convicted of crimes on the referral of the Prosecutor General of the Nation, in accordance with the procedures prescribed by the Constitution and the other laws of the Federal Republic of Somalia.

(12) Exercising all other powers conferred upon the President by the Constitution and the laws of the country.

Article 111: Issuance of Decrees

(1) The President of the Federal Republic of Somalia shall issue decrees and orders concerning matters within the exclusive powers of the Federal Government.

(2) The decrees and orders of the President of the Federal Republic of Somalia shall take effect throughout the territory of the Federal Republic of Somalia.

(3) The decrees and orders of the President of the Federal Republic of Somalia shall not be contrary to the Constitution of the Federal Republic of Somalia or federal laws.

Article 112: Term of Office of the President of the Federal Republic of Somalia

(1) The President of the Federal Republic shall hold office for a term of five (5) years, commencing on the date on which the President takes the oath of office.

(2) No person may be elected to the office of President for more than two (2) consecutive terms.

Article 113: Impeachment and Removal of the President of the Federal Republic of Somalia

(1) The Federal Parliament of Somalia may initiate impeachment proceedings against the President of the Federal Republic of Somalia where the President is accused of any of the following:

(a) Treason;

(b) Violation of the Constitution or other laws of the Federal Republic of Somalia; or

(c) Permanent inability to discharge the duties of office for mental or physical reasons, as formally certified by a recognized medical practitioner.

(2) For the purposes of this Constitution, treason means:

(a) Any act intended to obstruct the implementation of, or undermine the supremacy of, the fundamental principles of the Constitution;

(b) Any act contrary to the sovereignty, independence, and national unity of Somalia; and

(c) Pledging allegiance to, assisting, or spying for foreign powers.

(3) A motion proposing the impeachment of the President under paragraph (1) of this Article may be brought before Parliament by at least one-third (1/3) of the total membership of each House of the Federal Parliament. The motion shall be submitted to the Speaker of the House of the People, who shall refer it to the Constitutional Court to determine whether the accusation is well-founded.

(4) If the Court determines that the accusation has a legal basis, the Federal Parliament of Somalia shall decide upon the accusation against the President within a period not exceeding thirty (30) days from the date of the Court's decision.

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(5) The President of the Federal Republic of Somalia shall continue to discharge official duties until the Federal Parliament makes a final decision on removal from office through impeachment.

(6) A decision to impeach and remove the President shall be adopted by secret ballot with the support of two-thirds (2/3) of the total membership of each House of the Federal Parliament of Somalia. The presiding officer at that sitting shall announce the decision to remove the President, which shall be final.

(7) If the Federal Parliament of Somalia approves the removal of the President through impeachment in accordance with paragraph (6) of this Article, the President shall cease to hold office. If the required two-thirds (2/3) majority of the total membership of each House is not obtained, the President shall continue to serve the term of office.

(8) The President may not decide to hold an election or a public referendum while impeachment proceedings are pending.

Article 114: Acting President of the Federal Republic of Somalia

(1) If the President is absent from the country or, owing to ill health or any other reason, is unable to discharge the duties of office, the Speaker of the House of the People of the Federal Parliament shall perform the President's duties until the President resumes office. If the Speaker is absent, the Speaker of the Upper House shall serve as Acting President.

(2) The First Deputy Speaker of the relevant House shall temporarily perform the duties of the Speaker while that Speaker is serving as Acting President.

Article 115: Vacancy in the Office of President of the Federal Republic of Somalia

(1) The office of President of the Federal Republic of Somalia may become vacant for any of the following reasons:

(a) Death;

(b) Written resignation submitted to the Speaker of the Upper House;

(c) Permanent inability to discharge the duties of office for mental or physical reasons, certified by a recognized medical practitioner and determined by a competent court; or

(d) Removal through impeachment in accordance with Article 113 of the Constitution.

(2) Upon confirming either of the circumstances specified in paragraph (1)(a) or (b) of this Article, the Speaker of the Upper House shall refer the matter to the Supreme Court so that it may declare the office of President vacant.

(3) If the President of the Federal Republic of Somalia vacates office in accordance with paragraph (1) of this Article, the Speaker of the House of the People shall perform the duties of President until a new President is elected.

(4) If the Speaker of the House of the People, while serving as Acting President, resigns or becomes permanently and completely unable to perform the duties of office, the Speaker of the Upper House shall become the person performing the duties of President.

(5) A person temporarily performing the duties of President or serving as Acting President shall not exercise the following powers:

(a) Appointing persons to governmental offices falling within the President's powers of appointment;

(b) Granting pardons or reducing criminal sentences;

(c) Proclaiming a public referendum; and

(d) Declaring a state of war or a state of emergency without the approval of Parliament.

(6) The Federal Parliament of Somalia shall elect a President of the Federal Republic of Somalia to fill a vacancy arising in accordance with paragraph (1) of this Article. The election shall be held within thirty

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(30) days from the date on which the office becomes vacant and shall follow the presidential election procedure prescribed by Article 107 of the Constitution.

(7) The new President elected in accordance with paragraph (6) of this Article shall complete the remainder of the former President's term of office.

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CHAPTER EIGHT | THE FEDERAL GOVERNMENT OF SOMALIA

Article 116: The Council of Ministers

(1) The Council of Ministers shall consist of the Prime Minister, one or more Deputy Prime Ministers, Ministers, Ministers of State, and Deputy Ministers. The number and responsibilities of ministries shall be regulated by the Law on the Organization of the Government, as approved by the Federal Parliament of Somalia.

(2) The Council of Ministers, headed by the Prime Minister, shall be responsible for formulating and implementing government policy and administering national affairs. It shall act in accordance with the government program approved by the House of the People.

Article 117: Qualifications for Membership of the Council of Ministers

(1) Any citizen who meets the following requirements may be appointed Prime Minister of the Federal Government of Somalia:

(a) Be a Muslim citizen of the Federal Republic of Somalia;

(b) Be at least forty (40) years of age;

(c) Have at least a university-level education, possess knowledge of administration, and have no fewer than ten (10) years of leadership experience;

(d) Have two parents who are citizens of the Federal Republic of Somalia;

(e) Not have a wife who is a foreign national;

(f) Be known for good moral character within the community;

(g) Have resided continuously within the territory of the Federal Republic of Somalia for at least three (3) years;

(h) Be of sound mind and not have previously been formally certified by a physician as having a mental illness;

(i) Not hold citizenship of another country, or renounce such citizenship after appointment; and

(j) Declare his or her assets and submit a written declaration to the Office of the Auditor General of the Federal Republic of Somalia before receiving a vote of confidence from the House of the People.

(2) Other members of the Council of Ministers may be appointed from among citizens meeting the requirements set out in paragraph (1) of this Article, except that the minimum age under subparagraph (b) shall be thirty (30) years, the required period of experience under subparagraph (c) shall be five (5) years, and the requirements in subparagraphs (e) and (i) shall not apply.

(3) During their terms of office, members of the Council of Ministers shall be prohibited from:

(a) Holding another government office or other responsibility at any level of government;

(b) Practicing a private profession or engaging in private commercial, financial, or industrial activities; and

(c) Purchasing or renting government property, or selling or leasing their own property to the government.

Article 118: Cessation of Office of Members of the Council of Ministers

(1) A member of the Council of Ministers may cease to hold office on any of the following grounds:

(a) Death;

(b) Resignation in writing;

(c) Removal from office;

(d) Permanent inability to perform official duties for physical or mental reasons, as certified by a recognized specialist physician; or

(e) Commission of an act of treason, bribery, or a serious violation of the Constitution or other laws of the Federal Republic of Somalia.

(2) The Federal Government of Somalia shall be required to obtain a vote of confidence from the House of the People if more than half of the membership of the Council of Ministers changes.

Article 119: Duties of the Council of Ministers

The Council of Ministers shall have the following powers and responsibilities:

(1) Formulating and implementing the general policy of the Federal Government of Somalia in accordance with the vision and direction of the President;

(2) Preparing draft legislation, the annual budget, and the corresponding final accounts for submission to the Federal Parliament;

(3) Adopting and implementing regulations in accordance with the laws of the country;

(4) Appointing managers and directors-general upon the proposal of the minister concerned, in accordance with the procedures prescribed by law;

(5) Proposing appointments to, and removals from, the following offices and institutions, in accordance with the procedures laid down in the Constitution and the laws of the Federal Government of Somalia:

(a) Ambassadors and consuls-general;

(b) Commanders of the Somali National Armed Forces, the Police Force, and the Custodial Corps, and the Director of the National Intelligence and Security Agency;

(c) Independent commissions and institutions; and

(d) Other offices provided for by the Constitution and the laws of the country.

(6) Negotiating international agreements and submitting them to the Federal Parliament in accordance with the procedures prescribed by the Constitution;

(7) Implementing the laws of the Federal Government of Somalia;

(8) Proposing the declaration of a state of emergency or a state of war in accordance with the procedures prescribed by Articles 187 and 188 of the Constitution; and

(9) Performing such other functions as are assigned to it by the Constitution or other laws of the Federal Government.

Article 120: Powers of the Prime Minister

The Prime Minister, as Head of the Federal Government of Somalia, shall have the following powers:

(1) Representing the Council of Ministers and presiding over its meetings;

(2) Appointing, removing, and reshuffling Ministers, Ministers of State, and Deputy Ministers, following the approval of the President of the Republic;

(3) Directing members of the Council of Ministers and holding them accountable;

(4) Coordinating the work of ministries, institutions, and government offices;

(5) Signing decisions of the Council of Ministers;

(6) Strengthening relations and cooperation between the Federal Government and the governments of the Federal Member States;

(7) Promoting and enhancing good governance throughout the Federal Republic of Somalia; and

(8) Performing such other functions as the President may assign in accordance with the Constitution or the laws of the Federal Government.

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Article 121: The Deputy Prime Minister

The Deputy Prime Minister shall act as Prime Minister when the Prime Minister is absent from the country and shall perform such other functions as the Prime Minister may delegate.

Article 122: Duties of Ministers, Ministers of State, and Deputy Ministers

(1) Each Minister shall be responsible for the affairs of the ministry to which he or she has been appointed.

(2) Each Deputy Minister shall perform the duties delegated by the Minister responsible for the ministry and shall act as Minister when that Minister is absent from the country.

(3) A Minister of State may be appointed to the Office of the President, the Office of the Prime Minister, or the ministry responsible for foreign affairs, and shall perform the duties relating to the office to which he or she has been appointed.

(4) Where a Minister is removed from office or the office becomes vacant for any other reason, the Deputy Minister shall continue to discharge the duties of that office until a new Minister is appointed.

Article 123: Oath of the Council of Ministers

Members of the Council of Ministers shall be sworn in by the Chief Justice of the Federal Supreme Court or a judge designated by the Chief Justice, and shall take the following oath:

"I, _____, swear in the name of Allah that I shall be loyal to the Federal Republic of Somalia; uphold Islamic Sharia, the Constitution, and the laws of the country; and serve the people and the country in the office to which I have been appointed with responsibility, integrity, and accountability, while safeguarding the confidentiality of the duties entrusted to me."

Article 124: Removal of the Prime Minister and the Council of Ministers

(1) A motion for the removal of the Prime Minister may be proposed by at least one-fifth (1/5) of the total membership of the House of the People, whereas a motion for the removal of a member of the Council of Ministers may be proposed by ten (10) members of the House of the People, in accordance with Article 92(2) of the Constitution.

(2) The leadership of the House of the People shall present the motion for removal to a plenary sitting of the House within seven (7) working days.

(3) The House of the People shall decide on the motion for removal within a maximum of fifteen (15) days, and the person concerned shall be afforded an opportunity to defend himself or herself before the House of the People.

(4) If the House of the People votes by a show of hands, with a majority of fifty percent plus one (50% + 1) of its total membership, in favor of the removal of the Prime Minister, the Council of Ministers, or a member of the Council of Ministers:

(a) Where the removal concerns the Prime Minister, the President of the Republic shall appoint a new Prime Minister in accordance with Article 110(1) of the Constitution.

(b) Where the removal concerns a member of the Council of Ministers, the Prime Minister shall appoint a member to fill the vacant office in accordance with Article 120(2) of the Constitution.

Article 125: The Caretaker Government

(1) A caretaker government is a government serving during a transitional period following an election when a new government has not yet been formed, or a government from which confidence has been withdrawn in accordance with Article 124 of the Constitution. Such a government shall continue in a caretaker capacity and shall perform the ordinary functions of government.

(2) A caretaker government shall be prohibited from:

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(a) Entering into international agreements or long-term agreements that affect the policy of the incoming government;

(b) Proposing appointments to, or removals from, senior government offices;

(c) Initiating or submitting draft legislation;

(d) Making decisions that create unrest or political conflict;

(e) Setting prices for goods, wage levels, or charges for services in a manner that affects the national economy; and

(f) Proposing a referendum or declaring a state of emergency or a state of war.

CHAPTER NINE | THE JUDICIARY OF THE FEDERAL REPUBLIC OF SOMALIA

PART ONE: GENERAL PROVISIONS

Article 126: Principles of the Judiciary

(1) Apart from Allah, the Most Glorified and Exalted (SWT), judicial authority derives from the people. The exercise of judicial authority is entrusted to the courts and the Office of the National Prosecutor General, in accordance with Islamic Sharia, the Constitution, and other laws.

(2) In discharging their functions, judicial institutions shall be guided by the following principles:

(a) Upholding the objectives of Islamic Sharia and safeguarding the purposes and principles of the Constitution;

(b) Independence, impartiality, and integrity;

(c) Justice that is accessible and equal to all;

(d) Justice without delay; and

(e) Promoting transparent, law-based alternative dispute resolution mechanisms.

(3) Alternative dispute resolution mechanisms shall not contravene:

(a) Islamic Sharia;

(b) The Constitution and other laws of the Federal Republic of Somalia; or

(c) The fundamental rights and freedoms guaranteed by this Constitution.

Article 127: Independence of the Judiciary

(1) The Judiciary shall be independent of the executive and legislative branches of government and shall discharge its duties without interference.

(2) The Judiciary shall be subject only to Islamic Sharia, the Constitution, and the other laws of the Federal Republic of Somalia. It shall not be subject to the orders or directions of any other person or institution and shall perform its functions impartially, without fear, prejudice, or favoritism toward any person.

(3) No person or institution may interfere with the Judiciary or judicial officers in the discharge of their duties.

(4) The Judiciary shall enjoy administrative and financial independence.

(5) Judicial decisions shall be binding upon all parties to whom they apply, whether public institutions or private persons.

(6) No member of the Judiciary shall be subject to criminal or civil proceedings arising from acts connected with the performance of that member's judicial duties.

(7) No member of the Judiciary shall be arrested, subjected to a search of their person or residence, or placed under surveillance without the authorization of the Supreme Judicial Council, unless the member is apprehended in the commission of an offense for which arrest is mandatory.

(8) Judicial decisions may be challenged only in accordance with procedures prescribed by law.

(9) A judge shall not be removed from office, transferred, or retired except in the circumstances specified by the Constitution and the Law on the Organization of the Judiciary.

Article 128: Procedures for Court Proceedings

(1) Every person shall have access to the courts, irrespective of economic circumstances, physical condition, personal characteristics, sex, religion, status, or other individual circumstances.

(2) Court proceedings shall be open to the public. However, a court may order that proceedings be heard in camera on any of the following grounds:

(a) National security or the public interest;

(b) Public morality or safety;

(c) Protection of witnesses;

(d) Cases involving minors;

(e) Cases involving abuse against women; or

(f) Exceptional circumstances in which a public hearing would prejudice the administration of justice, as assessed by the judge hearing the case.

(3) No judicial decision may be rendered unless the parties have been afforded equal opportunities to present their arguments.

(4) A court shall deliver its decision without delay, unless reasonable grounds justify a delay.

(5) Every judicial decision shall be based on reasonable legal grounds and shall be issued in writing.

(6) A judicial decision shall be communicated to the parties, made public, and duly recorded.

(7) Every judicial decision shall indicate whether a right of appeal is available, except where the law provides otherwise.

PART TWO: COURTS OF THE FEDERAL REPUBLIC

Article 129: Structure of the Courts

(1) The courts of the Federal Republic of Somalia shall comprise:

(a) The Federal Supreme Court;

(b) The Constitutional Court;

(c) The High Courts of the Federal Member States and the Capital of the Republic;

(d) The Courts of Appeal of the Federal Member States and the Capital of the Republic; and

(e) The Courts of First Instance of the Federal Member States and the Capital of the Republic.

(2) Military justice shall be regulated by a law enacted by the Federal Parliament of Somalia defining its structure and jurisdiction.

(3) No judicial institution or special court may be established unless it is established by this Constitution or by a law enacted following a proposal by the Supreme Judicial Council based on an identified need.

Article 130: The Federal Supreme Court

(1) The Federal Supreme Court shall be the highest court in the country, and its jurisdiction shall extend throughout the territory of the Federal Republic of Somalia.

(2) The seat of the Federal Supreme Court shall be the capital of the country. The Court may, however, hold sittings anywhere in the country where the Chief Justice considers this to be in the interests of justice.

(3) The Federal Supreme Court shall ensure observance and enforcement of the laws and shall secure their uniform operation and application throughout the country.

(4) For the purpose of giving effect to paragraph (3), the Court shall issue guidelines, procedures, legal interpretations, and orders. It shall also issue procedures governing the assessment of the value of civil claims.

(5) Decisions of the Federal Supreme Court shall be final and shall be complied with by all parties to whom they apply.

(6) The Federal Supreme Court shall consist of the Chief Justice and ten judges.

(7) The Federal Supreme Court shall have the following original jurisdiction and powers:

(a) To hear and determine complaints concerning administrative proceedings against federal institutions;

(b) To hear and determine disputes concerning the jurisdiction of the various courts of the country in matters falling within federal jurisdiction;

(c) To hear and determine cases concerning the appointment to, and removal from, public offices at the federal level;

(d) To hear and determine electoral disputes;

(e) To administer oaths of office to federal-level leaders;

(f) To provide legal advice to the Federal Government upon request;

(g) To issue orders directing public institutions to perform duties imposed upon them by law or to refrain from acts for which they have no legal authority;

(h) To hear and determine applications seeking reconsideration or reversal of its own decisions;

(i) To determine applications concerning unlawful deprivation of liberty that are submitted to it and fall within its jurisdiction; and

(j) To exercise any other powers conferred by the Federal Constitution of Somalia and the other laws of the Federal Republic of Somalia.

(8) The Federal Supreme Court shall also have the following appellate jurisdiction:

(a) To hear and determine appeals against judgments and decisions of the High Courts of the Federal Member States and the Capital concerning federal cases;

(b) To hear and determine appeals against judgments and decisions of those High Courts concerning commercial cases of an international character and cases involving exceptionally high values;

(c) To determine appeals against death sentences imposed by the High Courts of the Federal Member States and the Capital; and

(d) To determine other matters specified by the laws of the country.

Article 131: The Constitutional Court

(1) This Constitution establishes a Constitutional Court, with its seat in the capital of the country, comprising a President and four (4) judges.

(2) The Constitutional Court shall be a separate and independent court with jurisdiction to:

(a) Interpret the Federal Constitution, the constitutions of the Federal Member States, and other laws of the Federal Republic of Somalia;

(b) Hear and determine disputes between federal institutions, between federal institutions and Federal Member State institutions, or between institutions of the Federal Member States, concerning their constitutional powers;

(c) Review and determine the constitutionality of proposed legislation;

(d) Determine violations of the constitutional rights and freedoms of citizens;

(e) Determine constitutional questions referred to it by other courts;

(f) Annul laws or decisions inconsistent with Islamic Sharia or the Constitution;

(g) Verify the validity of constitutional amendment procedures, public referendums, and declarations of referendum results; and

(h) Exercise such other powers as are provided by the Federal Constitution of Somalia and other laws of the Federal Republic of Somalia.

(3) When declaring a law null and void, the Constitutional Court shall have authority to determine the date on which the annulment is to take effect, taking into consideration:

(a) The date on which the law is to become null and void;

(b) Persons with an interest in the matter;

(c) The interests of society as a whole; and

(d) The interests of a person convicted under that law, where it is a criminal law.

Article 132: The High Courts

(1) Each Federal Member State shall have a High Court whose seat shall be in the capital of that State. It shall be the highest judicial institution operating within the boundaries of that State, and its jurisdiction shall extend throughout its territory.

(2) The High Court of a Federal Member State shall have jurisdiction to:

(a) Hear and determine complaints concerning administrative proceedings against institutions of that Federal Member State;

(b) Hear cases concerning disputes over the jurisdiction of courts within the Federal Member State that do not fall within federal jurisdiction;

(c) Hear and determine appeals against judgments and decisions of Courts of First Instance of the Federal Member State relating to federal cases;

(d) Hear and determine non-federal appeals from judgments and decisions of the courts of second instance of the Federal Member State;

(e) Determine cases concerning appointments to, and removal from, public offices at the Federal Member State level within the respective State; and

(f) Exercise any powers conferred upon it by the constitution or laws of the Federal Member State, provided that such powers do not conflict with the Federal Constitution or federal laws.

(3) The Capital shall have a High Court, a Court of Appeal, and Courts of First Instance.

Article 133: Court of Appeal of a Federal Member State

The Court of Appeal of a Federal Member State shall hear and determine all non-federal appeals from the Court of First Instance of that Federal Member State.

Article 134: Courts of First Instance

Courts of First Instance shall exercise both federal and Federal Member State jurisdiction and shall hear and determine all types of cases at both levels, except where this Constitution or another law provides otherwise.

Article 135: Procedures for the Appointment of Judges and Judicial Assistants

(1) The appointment of the Chief Justice of the Federal Supreme Court and the President of the Constitutional Court shall be governed by the following procedure:

(a) The Supreme Judicial Council shall nominate a person of integrity and good character who holds at least a postgraduate university degree in law and has no fewer than ten (10) years of professional experience as a judge, prosecutor, lawyer, or senior lecturer in law;

(b) Each House of the Federal Parliament of Somalia shall approve or reject the nominated candidate by a majority of fifty percent plus one (50%+1) of its total membership, following nomination by the Supreme Judicial Council; and

(c) Following the approval of the Federal Parliament, the President of the Federal Republic of Somalia shall give effect to the appointment of the Chief Justice of the Federal Supreme Court or the President of the Constitutional Court by presidential decree, which shall be published in the Official Bulletin of the Republic.

(2) Following nomination by the Supreme Judicial Council, the President of the Federal Republic of Somalia shall appoint the other judges of the Supreme Court and Constitutional Court from among persons of integrity and good character who hold at least an undergraduate degree in law and have no

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fewer than seven (7) years of professional experience as a judge, prosecutor, lawyer, or senior lecturer in law.

(3) The Presidents of the High Courts shall be appointed by the leader of the relevant Federal Member State, following nomination by the Supreme Judicial Council and approval by the House of Representatives of that Federal Member State.

(4) All other judges and judicial assistants shall be appointed by the Supreme Judicial Council, and their appointments shall be published in the Official Bulletin of the Republic.

Article 136: The Judicial Oath

(1) The Chief Justice of the Federal Supreme Court and the President of the Constitutional Court shall take the oath before the President of the Republic, in the presence of the Speakers of the House of the People and the Upper House of the Federal Parliament of Somalia.

(2) Judges of the Supreme Court, judges of the Constitutional Court, and all other judges shall take the oath before the Chairperson of the Supreme Judicial Council.

(3) The President and judges of the High Court of a Federal Member State shall take the oath before the leader of that Federal Member State, in the presence of the Speaker of its House of Representatives.

(4) Before assuming office, the court presidents and judges referred to in paragraphs (1), (2), and (3) of this Article shall take the following oath:

"I, _____, swear by the name of Allah that I will faithfully discharge my duties; uphold Islamic Sharia, the Constitution, and the other laws of the Federal Republic of Somalia; perform my office independently and impartially; make my decisions without fear, prejudice, political influence, favoritism, or any other influence; act solely in the interests of justice and the rule of law; and safeguard the dignity, integrity, and independence of the Judiciary of the country."

Article 137: Retirement Age and Tenure of Office

(1) Judges may voluntarily retire upon reaching sixty-five (65) years of age and shall be required to retire upon reaching seventy (70) years of age.

(2) The Chief Justice and judges of the Supreme Court, and the Presidents of the High Courts of the Federal Member States and the Capital, shall retire upon reaching seventy-five (75) years of age, unless they voluntarily retire in accordance with paragraph (1) of this Article.

(3) The term of office of the President and judges of the Constitutional Court shall be seven (7) years and may be renewed once.

Article 138: Cessation of a Judge's Office

(1) A judge may cease to hold office only on the following grounds:

(a) Death;

(b) Attainment of the mandatory retirement age;

(c) Permanent inability to perform judicial duties by reason of a physical or mental condition certified by a recognized specialist physician;

(d) Acceptance of another public office;

(e) Written resignation submitted to the Supreme Judicial Council;

(f) Misconduct warranting disciplinary action, as determined by the Supreme Judicial Council in accordance with the Constitution and the laws of the country; or

(g) Any other ground provided for in the Constitution or other laws of the Republic.

(2) Proceedings for the removal of a judge may be initiated by the Supreme Judicial Council or by a complaint submitted to the Council by another person.

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(3) A complaint against a judge submitted to the Supreme Judicial Council shall be made in writing and shall specify the legal grounds and factual basis of the complaint.

(4) Where, following an assessment, the Supreme Judicial Council is satisfied that the grounds of a complaint may warrant removal from office, the following procedure shall apply:

(a) If the complaint concerns the Chief Justice of the Supreme Court or the President of the Constitutional Court:

(i) The Council must accept and approve the complaint by a two-thirds (2/3) majority of its total membership;

(ii) The Council must transmit the complaint and its decision to the Speaker of the House of the People and the Speaker of the Upper House within fifteen (15) days; and

(iii) The Federal Parliament of Somalia may remove the Chief Justice of the Supreme Court or the President of the Constitutional Court from office by secret ballot, requiring a majority of fifty percent plus one (50%+1) of the total membership of each House.

(b) If the complaint concerns a judge other than the court presidents referred to in subparagraph (a) of paragraph (4), the Supreme Judicial Council shall:

(i) Suspend the judge from the performance of duties; and

(ii) Appoint a committee comprising four (4) judges holding at least the rank of judge of a Court of Appeal, one lawyer with not fewer than ten (10) years of experience, and two members with substantial expertise in administration and a good reputation within the community.

(5) A judge suspended from duties shall continue to enjoy the rights and entitlements due to that judge until a final decision is reached.

(6) The committee shall reach a decision as expeditiously as reasonably possible, in accordance with its established procedures and the laws applicable to the matter.

(7) The Council shall make and implement its decision on the basis of the recommendation of the committee or Parliament, as applicable.

(8) A judge affected by the committee's decision may lodge an appeal before the Supreme Court of the country within fifteen (15) days.

(9) If the judge does not appeal, the committee's decision shall take effect upon expiry of the period for appeal. If an appeal is lodged, the final decision shall be given by the Supreme Court.

PART THREE: THE PUBLIC PROSECUTION SERVICE

Article 139: Establishment of the Office of the National Prosecutor General

(1) There shall be established the Office of the National Prosecutor General.

(2) The Office of the National Prosecutor General shall comprise:

(a) The National Prosecutor General, as head of the Office, and the Deputy National Prosecutors General; and

(b) The Prosecutors of the Federal Member States and the Deputy Prosecutors of the Federal Member States and the Capital of the Republic.

(3) The headquarters of the Office of the National Prosecutor General shall be in the Capital of the Federal Republic of Somalia. The Office may establish other operational offices wherever the National Prosecutor General considers them necessary for the performance of its functions.

Article 140: Appointment and Removal of Members of the Prosecution Service

(1) The procedures for the appointment, cessation of office, and oath of the National Prosecutor General shall be the same as those applicable to the Chief Justice of the Federal Supreme Court and the President of the Constitutional Court, save that removal by Parliament shall require a majority of fifty percent plus one (50%+1) of the total membership of each House.

(2) Prosecutors within the Office of the National Prosecutor General shall be appointed, removed, and sworn in under procedures equivalent to those applicable to the senior judges of the Constitutional Court and the Federal Supreme Court.

(3) Prosecutors of the Federal Member States shall be appointed, removed, and sworn in under procedures equivalent to those applicable to judges of the High Courts of the Federal Member States.

Article 141: Independence of the Prosecution Service

(1) The Office of the National Prosecutor General, as part of the Judiciary of the Federal Republic of Somalia, shall be administratively and financially independent in the performance of its functions.

(2) In discharging their duties, prosecutors shall be subject only to Islamic Sharia, the Constitution, and the other laws of the Federal Republic of Somalia. Neither the Office of the Prosecutor General nor its officers may be interfered with in the performance of their duties.

Article 142: Functions and Powers of the Office of the National Prosecutor General

(1) The Office of the National Prosecutor General shall be responsible for safeguarding justice, securing compliance with the laws, and protecting the interests of the people and the State.

(2) The powers of the Office of the National Prosecutor General shall include:

(a) Combating and preventing federal offenses;

(b) Initiating and conducting federal criminal prosecutions;

(c) Directing investigations into federal offenses;

(d) Instituting or commencing proceedings to bring accused persons before the courts;

(e) Appealing judgments where the interests of justice so require;

(f) Representing vulnerable persons and orphaned children before the courts;

(g) Supervising investigative bodies and federal police officers in their investigative functions;

(h) Directing or taking over investigative measures in the public interest;

(i) Directing and coordinating prosecution offices at the different levels of government; and

(j) Performing any other functions assigned by the Constitution and the other laws of the country.

(3) The National Prosecutor General shall bear particular responsibility for:

(a) Orphans and persons unable to defend themselves before the law;

(b) Ensuring that charges are filed within the period prescribed by law; and

(c) Inspecting federal prisons and places where persons may lawfully be imprisoned or detained.

(4) The National Prosecutor General may issue procedures and guidelines to facilitate the work of the Office.

Article 143: Powers of the Prosecution Offices of Federal Member States

(1) A prosecution office of a Federal Member State shall have authority to prosecute all cases arising solely under the laws of that Federal Member State. Its powers shall include:

(a) Prosecuting criminal cases at the Federal Member State level;

(b) Initiating proceedings to bring accused persons before the courts;

(c) Appealing judgments where the interests of justice so require;

(d) Representing vulnerable persons and orphaned children before the courts in matters governed by Federal Member State law;

(e) Supervising the investigative functions of Federal Member State investigative bodies and police officers in relation to offenses under Federal Member State law;

(f) Directing or taking over investigative measures relating to Federal Member State law in the public interest; and

(g) Performing any other functions assigned by the Federal Constitution and federal laws or by the constitution and laws of the Federal Member State.

(2) The National Prosecutor General may authorize a prosecutor of a Federal Member State, or any member of that State's prosecution service, to prosecute federal criminal cases.

PART FOUR: JUDICIAL ADMINISTRATION

Article 144: Establishment of the Supreme Judicial Council

(1) There shall be established a Supreme Judicial Council responsible for ensuring the independence of the Judiciary.

(2) The Supreme Judicial Council shall be administratively and financially independent.

Article 145: Membership of the Supreme Judicial Council

(1) The Supreme Judicial Council shall comprise the following members:

(a) The Chief Justice of the Supreme Court;

(b) The President of the Constitutional Court;

(c) The National Prosecutor General;

(d) The Presidents of the High Courts of the Federal Member States and the Administration of the Capital of the Republic;

(e) The Chairperson of the Independent Human Rights Commission;

(f) Two (2) senior lawyers drawn from the Somali Bar Association, who shall serve terms of five (5) years, upon nomination by the competent ministry and approval by the Council of Ministers; and

(g) Two (2) legal experts holding university degrees in law and having not fewer than ten (10) years of experience, who shall serve terms of five (5) years, upon nomination by the competent ministry and approval by the Council of Ministers.

(2) The appointments of the members referred to in subparagraphs (f) and (g) of paragraph (1) shall be formalized by the President of the Federal Republic of Somalia following the approval of both Houses of Parliament.

(3) The Chief Justice of the Federal Supreme Court shall be Chairperson of the Supreme Judicial Council, and the President of the Constitutional Court shall be its Deputy Chairperson. In the absence of the Deputy Chairperson, the National Prosecutor General shall act as Deputy Chairperson.

(4) In accordance with the Federal Constitution and the laws, the Supreme Judicial Council shall adopt its own rules of procedure.

Article 146: Qualifications and Powers of the Chairperson of the Supreme Judicial Council

(1) The Chairperson of the Supreme Judicial Council, who is also the Chief Justice of the Supreme Court, shall meet the following qualifications:

(a) Be a Muslim citizen of the Federal Republic of Somalia;

(b) Have two parents who are citizens of the Federal Republic of Somalia;

(c) Be at least forty (40) years of age;

(d) Not have a wife who is a foreign national;

(e) Hold a postgraduate university degree in law and have at least ten (10) years of leadership experience;

(f) Be known in the community for good character;

(g) Be of sound mental health and not previously have been formally diagnosed with a mental illness by a recognized medical practitioner; and

(h) Not have been finally convicted of a serious criminal offense by an independent court.

(2) The Chairperson of the Supreme Judicial Council shall be the highest-ranking official of the Judiciary of the Federal Republic and shall exercise administrative and supervisory authority over all courts and prosecution offices in the country. The Chairperson may issue orders and procedures necessary for judicial administration and the proper functioning of justice.

Article 147: Functions of the Supreme Judicial Council

The Supreme Judicial Council shall perform the following functions:

(1) Safeguarding the independence, impartiality, integrity, and development of the Judiciary.

(2) Proposing the appointment, removal, transfer, and promotion of judicial members and personnel at the various levels of government; determining disciplinary measures, rights, and retirement matters; and promoting their training, knowledge, and professional development.

(3) Considering public complaints and taking appropriate measures to strengthen public confidence in the Judiciary.

(4) Regulating the effective functioning of judicial activities, improving working conditions, and safeguarding the welfare of judicial personnel.

(5) Managing the administration and finances of the Judiciary.

(6) Modernizing the administration of judicial institutions.

(7) Ensuring accountability, evaluation, and supervision of the performance of judicial institutions at every level of government.

(8) Performing any other functions specified by the Constitution, other laws of the Republic, and the rules of procedure of the Supreme Judicial Council.

Article 148: The Judiciary Fund

(1) To secure the independence of judicial institutions, this Constitution establishes a Judiciary Fund within the framework of the Government's Treasury Single Account system.

(2) In each financial year, the Secretary-General of the Judiciary shall prepare the judicial budget as part of the national budget formulation process.

(3) Once the Judiciary's budgetary allocation has been deposited into the Fund, it shall be used for the administrative expenses of the Judiciary and other matters essential to the performance of judicial functions.

(4) The administration of the Judiciary Fund shall be further regulated by the Law on the Organization of the Judiciary.

Article 149: Meetings of the Supreme Judicial Council

(1) Members of the Supreme Judicial Council shall meet at least once every three months.

(2) Meetings of the Council may be convened only by the Chairperson or, in the Chairperson's absence, by the Deputy Chairperson.

(3) The quorum for meetings of the Council shall be at least fifty percent plus one (50%+1) of the total membership of the Council.

(4) Meetings of the Council may be held at its headquarters or at any other location the Chairperson considers appropriate.

(5) Unless otherwise provided in this Chapter or in the laws of the country, decisions of the Council shall be adopted by a simple majority of votes. In the event of a tie, the Chairperson shall have a casting vote.

CHAPTER FIFTEEN | FINAL AND TRANSITIONAL PROVISIONS

Article 189: Procedure for Amending the Constitution

(1) This Constitution may be amended only in accordance with the procedures set out in this Chapter.

(2) An amendment to an article or any part of this Constitution may be proposed by:

(a) One-third (1/3) of the total membership of either the House of the People or the Upper House;

(b) The Council of Ministers;

(c) At least one Federal Member State;

(d) The executive leadership at the federal and Federal Member State levels, where they agree to amend an article or a matter specified in the Second Schedule; or

(e) A petition signed by at least fifteen thousand (15,000) registered voters of the Federal Republic of Somalia.

(3) A proposal to amend the Constitution shall be accompanied by a statement of reasons and shall be signed by the parties submitting it.

(4) Where an amendment to an article or articles of the Constitution is proposed by a Federal Member State under paragraph (2)(c) of this Article, the proposal shall, before being submitted to the Federal Parliament, first be referred to the legislative assembly of the proposing Federal Member State and approved by a majority of fifty percent plus one (50% + 1).

(5) Where an amendment arises from a political agreement between the executive leadership at the federal and Federal Member State levels under paragraph (2)(d) of this Article, that agreement shall be signed jointly by all executive leaders of the Federal Member States and the executive leadership at the federal level. If the agreement concerns the allocation of powers under the Second Schedule, it shall be approved by a majority of fifty percent plus one (50% + 1) in both Houses of the Federal Parliament. If, however, it concerns an article of this Constitution, the procedure prescribed in paragraph (9) of this Article shall apply.

(6) No proposal for an amendment shall be permitted if it affects the objectives or essential substance of the founding principles of the Federal Republic of Somalia as set out in Articles 1, 2, 3, and 4 of the Constitution of the Federal Republic of Somalia.

(7) Before debate on a proposed constitutional amendment may commence, each House of the Federal Parliament of Somalia shall approve the proposal by a majority of fifty percent plus one (50% + 1) of that House.

(8) The Federal Parliament of Somalia shall ensure that consultations have been conducted in the preparation of the proposal, in accordance with this Chapter.

(9) An amendment to an article or articles of the Constitution shall be adopted when each House of the Federal Parliament approves it by a two-thirds (2/3) majority of the total membership of that House.

(10) If the Federal Parliament rejects a proposed constitutional amendment, the same proposal may not be resubmitted until one year and six months have elapsed.

(11) Once both Houses of the Federal Parliament have approved a proposed constitutional amendment and the Constitutional Court has confirmed the validity of the amendment, the President of the Federal Republic of Somalia shall promulgate it by presidential decree.

Article 190: Entry Into Force of the Constitution

(1) When both Houses of the Federal Parliament approve a constitutional amendment by a two-thirds (2/3) majority of the total membership of each House, the President of the Federal Republic of Somalia shall promulgate it by presidential decree, and it shall enter into force thirty (30) days after the date of its publication in the Official Bulletin.

(2) This Constitution shall remain in continuous force and shall be supplemented by the outcomes of discussions between Somalia and the Somali regions of Somaliland before a public referendum is held.

Article 191: Continuity and Review of Existing Laws

(1) All laws that entered into force before the adoption of this Constitution shall remain applicable pending completion, as expeditiously as possible, of their review to bring them into conformity with this Constitution.

(2) All administrative measures that are inconsistent with this adopted Constitution shall be brought into conformity with the Federal Constitution within six (6) months.

(3) Until the Constitutional Court is established, the Federal Supreme Court shall continue to exercise the functions and powers of the Constitutional Court specified in Article 131.

(4) The Federal Parliament of Somalia shall review all pre-existing laws and adopt the necessary amendments within five (5) years from the date on which this Constitution enters into force.

(5) The Independent Constitutional Review and Implementation Commission established under this Chapter shall assist with the review of laws and prepare reports for submission to the Constitutional Review and Implementation Oversight Committee, for onward transmission to both Houses of Parliament.

Article 192: Constitutional Review and Implementation Oversight Committee

(1) The Oversight Committee shall consist of:

(a) Five (5) members elected by the House of the People;

(b) Five (5) members elected by the Upper House;

(c) One (1) delegate elected by each Federal Member State; and

(d) One (1) delegate elected by the Council of the Capital of the Republic.

(2) Members of the Oversight Committee shall elect their leadership from among themselves.

(3) The Oversight Committee shall oversee and direct the implementation of the Constitution, with technical assistance from the Independent Constitutional Review and Implementation Commission on matters concerning the harmonization of Federal Member State constitutions with the Federal Constitution.

(4) The Oversight Committee shall, where necessary, task the Independent Constitutional Review and Implementation Commission with preparing proposals to amend the Constitution in accordance with Article 189, before the constitutional referendum.

(5) The Oversight Committee may transmit to the Independent Constitutional Review and Implementation Commission research studies and reports relating to the harmonization of Federal Member State constitutions with the Federal Constitution.

(6) The Oversight Committee shall report to both Houses of the Federal Parliament and to the legislative assemblies on progress made in harmonizing Federal Member State constitutions with the Federal Constitution.

(7) The Oversight Committee shall oversee the preparation of proposals to harmonize the constitution of each Federal Member State within five (5) years from the date on which this Constitution enters into force.

(8) Federal Member State constitutions revised in accordance with this Article shall be submitted to the Constitutional Court for confirmation of their conformity with the Federal Constitution before they enter into force.

(9) Any dispute arising from the harmonization procedure shall be finally determined by the Constitutional Court.

Article 193: Independent Constitutional Review and Implementation Commission

(1) The Independent Constitutional Review and Implementation Commission shall consist of five (5) members, together with one (1) delegate appointed by each Federal Member State and by the Capital of the Republic.

(2) Members of the Commission shall satisfy the qualifications specified in Article 58(1) of the Constitution.

(3) The five (5) members, including the Chairperson of the Commission, shall be nominated by the Council of Ministers and appointed by presidential decree by the President of the Republic following approval by the Federal Parliament.

(4) The Independent Constitutional Review and Implementation Commission shall perform the following functions:

(a) Prepare proposals for constitutional amendments, where necessary, before the constitutional referendum;

(b) Coordinate the implementation of this Constitution;

(c) Support the reform of the laws referred to in this Constitution;

(d) Support the harmonization of the constitutions of the Federal Member States with the Federal Constitution;

(e) Prepare quarterly public reports on implementation progress; and

(f) Perform such other functions as are assigned to it by the Constitution and the laws of the country.

Article 194: International Obligations

(1) International agreements approved by the Federal Parliament shall form part of the laws of the Federal Republic of Somalia.

(2) If an approved agreement conflicts with this Constitution, the Constitutional Court shall determine the existence and extent of that conflict.

(3) The Federal Parliament shall enact a law governing the ratification of international agreements, their incorporation into domestic law, and withdrawal from such agreements.

(4) Existing international obligations shall remain binding upon the Federal Republic of Somalia unless and until the Constitutional Court determines that they are contrary to this Constitution.

Article 195: Referendum

(1) The final Constitution shall be approved by public referendum. All citizens registered as voters shall have an opportunity to express their choice freely, directly, and by secret ballot, in accordance with a law adopted by the Federal Parliament prescribing the referendum procedure.

(2) A referendum shall be held once it has been verified that the following conditions have been met:

(a) A functioning governmental administration exists throughout the country;

(b) The national voter register has been completed and verified; and

(c) The Independent National Electoral and Boundaries Commission is fully operational.

(3) The Independent National Electoral and Boundaries Commission shall assess the state of preparedness and submit a report to the Federal Parliament of Somalia.

(4) The Constitutional Court may review and confirm the decision concerning preparedness.

(5) The Independent National Electoral and Boundaries Commission shall determine the date of the referendum within sixty (60) days after preparedness has been confirmed.

(6) The final Constitution shall be approved if it receives a majority of all valid votes cast.

(7) A public referendum on an amendment to the Constitution is prohibited pending the achievement of the territorial unity and unity of the people of the Federal Republic of Somalia.

Article 196: Transparency and Public Participation

(1) All draft laws, proposals for harmonization, and constitutional amendments prepared in accordance with this Chapter shall be subject to public consultation to enable the public to express its views.

(2) The Oversight Committee shall verify that the Independent Constitutional Review and Implementation Commission has conducted public consultations and awareness-raising activities to ensure transparency.

(3) The views and proposals of the public shall be collected and submitted to the Federal Parliament of Somalia, together with the principal recommendations.

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Constitutional Bursa

Jamhuuriyadda Federaalka Soomaaliya

Maxkamadda Sare Ee Dalka

Qeybta Dastuurka

Sum:MS/DST/1/2026
Sum:MS/QDST/ /2026

Tr.

Go'aan

Maxkamadda Sare Ee Dalka qeybteeda dastuurka oo ka kooban 5 garsoore, ayaa fadhi ay qolka tashiga ku yeelatay 05/11/2026 waxa ay uga go'aangaartay dacwad dastuur oo ku saabsan duridda waxkabeddelka lagu sameeyay dastuurka kumeelgaarka ah ee 2012, go'aaminta in waxkabeddelkaasi yahay mid dastuurka khilaafsan, iyo burinta dhammaan raadadka dastuur iyo sharci ee ka dhashay waxkabeddelkaas. Dacwadaas oo laga keenay is-hortaag lid ku ah, una dhexeysay dhinacyada kala ah:

1. Shariif Shiikh Axmed_____Dacwoode.
   Qareen: Zakariye Ismaaciil Nuur.

LID

1. Dowladda Federaalka Soomaaliya (Madaxweynaha, Baarlamaanka iyo Xukuumadda Federaalka)_____ Dacweysane.
   Qareen: Xafiiska Garyaqaanka Guud ee Dowladda.

Maxkamaddu:

Markii ay aragtay: Dacwadda kor ku xusan ee ay sumaddeedu tahay E-Som.21/2026, kuna taariikheysan 11/10/2026, ee uu maxkamadda u soo gudbiyay qareenka dacwoodaha ee kor ku xusan, kaalinta maxkamadduna ay qabatay 12/10/2026. dacwaddaas oo uu nuxurkeedu yahay:

1. In habraaca loo maray waxkabeddelka dastuurka kumeelgaarka ah ee 2012 aanu waafaqsanayn habraaca uu jideeyay isla dastuurkaas, gaar ahaan qodobbadiisa 132^{aad}, 133^{aad} iyo 136^{aad}.
2. In raadadka dastuur iyo sharci ee ka dhashay waxkabeddelkaasi aysan ahayn kuwa waafaqsan sharciga. Raadadkaas oo ay ka mid yihiin kordhinta muddada xilhaynta dastuuriga ah ee hey'adaha la doorto ee kala ah; labada gole ee baarlamaanka federaalka, madaxweynaha jamhuuriyadda iyo xukuumadda federaalka oo ka dhexdhalato labadoodaas.

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Markii ay aragtay: Nuxurka codsiga dacwoodaha oo ah:

1. In ay aqbasho dacwadda uu soo gudbiyay habraac ahaan iyo nuxur ahaanba.
2. In ay laasho isla markaana buriso dhammaan habraacyada iyo tallaabooyinka loo maray waxkabeddelka dastuurka kumeelgaarka ah ee 2012.
3. In ay baabi'iso raadadka dastuur iyo sharci ee ka dhashay waxkabeddelkaas.
4. In ay go'aamiso in dastuurka dhaqangalka ka ah dalka uu yahay dastuurka kumeelgaarka ah ee la ansixiyay 2012.
5. In maxkamaddu ku xukunto xukuumadda federaalka, kharashka dacwadda iyo xushmadda qareenka oo gaaraysa $15,000 (Shan iyo toban kun oo doollarka Mareykanka ah).

Markii ay aragtay: Is-hortaagga kor ku xusan ee ay sumaddiisu tahay XGG/XG/371/2026, kuna taariikheysan 22/10/2026, ee uu maxkamadda u soo gudbiyay qareenka dacweysanaha kor ku xusan. Is-hortaaggaas oo uu nuxurkiisu yahay:

1. In dacwooduhu aanu lahayn sifo sharci oo uu dacwaddan ku furan karo.
2. In xeerka uu dacwooduhu cuskaday aanu ahayn dhaqangal marka laga fiiriyo awoodda maxkamadda.
3. In dastuurka aanu ka mid ahayn sharciyada ay maxkamadda dastuurku burin karto.

Markii ay aragtay : Nuxurka codsiga dacweysanaha oo ah:

1. In ay aqbasho is-hortaagga lidka ku ah dacwadda kor ku xusan.
2. In ay diiddo ka garnaqidda dacwadda kor ku xusan.

Waxaa u caddaatay:

1. In nuxurka dacwadda uu soo gudbiyay dacwoodūhu ay ka kooban tahay labo qeybood oo kala ah:
   1.1. In habraaca loo maray waxkabeddelka dastuurka kumeelgaarka ah ee 2012 aanu waafaqsanayn habraaca uu jideeyay isla dastuurkaas, gaar ahaan qodobbadiisa 132^{aad}, 133^{aad} iyo 136^{aad}.
   1.2. In raadadka dastuur iyo sharci ee ka dhashay waxkabeddelkaas aanay waafaqsanay sharciga. Raadadkaas oo ay ka mid yihiin kordhinta muddada xilhaynta dastuuriga ah ee hay'adaha la doorto ee kala ah labada gole ee baarlamaanka federaalka, madaxweynaha jamhuuriyadda iyo xukuumadda federaalka oo ka dhexdhalato labadoodaas.
2. In labada qeybood ee ay ku saabsan tahay nuxurka dacwaddu ay kala madaxbannaan yihiin oo mid walba ay ka dhalanayso natiijadiisa gaarka ah.

3. In ka go'aangaaridda dacwadda qeybteeda lidka ku ah dastuurnimada habraaca waxkabeddelka dastuurka kumeelgaarka ah ee 2012 loo raacayo si waafaqsan isla dastuurkaasi mandaamuu uu yahay dastuurku jideeyay habraaca waxkabeddelkiisa si waafiqsan qodobbadiisa 132[aad], 133[aad] iyo 136[aad],
4. In ka sokow Shareecada Islaamka, dastuurku uu yahay sharciga ugu sarreeyo sharciyada dalka.
5. In dastuurka kumeelgaarka ah ee 2012 qodobkiisa 86[aad] uu xadiday cidda xaqa u leh durid lid ku ah sharci uu meelmariyay baarlamaanka federaalka.
6. In dacwooduhu uusan lahayn sifada sharci ee uu ku soo gudbin karo dacwad waafaqsan qodobka 86[aad] ee dastuurka kumeelgaarka ah maadaama aanu ka mid ahayn jihooyinka ku xusan qodobkaasi.
7. In sifo la'aanta dacwoodaha ee qeybtaasi aanay ka dhignayn in aan dacwad laga keeni karin habraaca wax ka beddelkaas haddii la helo dacwad waafaqsan habraaca ku xusan dastuurkaas.
8. In nuxurka dacwadda qeybteeda ku saabsan sharcidarranimada tallaabooyinka ka dhashay waxkabeddelkaasi ay tahay mid waafaqsan sharciga oo uu dacwooduhu xaq u leeyahay in uu ka dacwoodo isaga oo ku durayo in aanay waafaqsanayn dastuurka kumeelgaarka ah ee 2012 iyo kan ka dhashay waxkabeddelka ee 2026 labaduba.
9. In maxkamaddan ay awood u leedahay ka go'aangaaridda dacwaddan dastuurka ah si waafaqsan qodobka 191[aad], faqraddiisa 3[aad] ee dastuurka 2026, maxkamadduna ay u cuskatay dastuurkan maadaama dacwadda qeybteeda lidka ku ah dastuurnimada waxkabeddelkaasi aanay ahayn mid uu dacwooduhu leeyahay sifadeedii sharci, sidaas darteedna mar haddii aysan hadda taagnayn dacwad waafaqsan habraaca lagu durayo waxkabeddelkaas, maxkamaddu waxa ay u cuskatay in uu yahay kan hadda shaqeynayo, maxkamaddana awood u siinaya in ay ku shaqeyso waajibaadka maxkamadda dastuurka ee ku xusan qodobka 191[aad], faqraddiisa 3[aad] ee dastuurka 2026.
10. In si waafaqsan fasiraadda dastuuriga ah ee fiqiga dastuurka ay tahay in haddii uu dhaco waxkabeddel dastuur, kaas oo ay qodobbadiisu waxkabeddeleen muddada xilhaynta hay'daha la doorto iyo kuwa ka dhexdhasho, uu yahay dhaqanka fiqiga dastuuriga ah in waxkabeddelkaas saddex midkood un uu raaco:
    10.1. In si cad loogu sheego in muddada ku xusan waxkabeddelka cusub ay ku dabaqmayaan hay'adaha la doorto iyo kuwa ka dhexdhasho ee markaasi xilka haya, tusaale haddii muddada cusub ee waxkabeddelku ay tahay 5 sano halka tii hore ay ahayd 4 sano, in si cad loogu sheego in muddada xilhaynta hay'adaha markaasi joogo ay isu beddelayso 5 sano.
    10.2. In si cad loogu sheego in muddada ku xusan waxkabeddelka cusub aanay ku dabaqmaynin hay'adaha la doorto iyo kuwa ka dhexdhasho ee markaasi xilka haya, tusaale haddii muddada cusub ee waxkabeddelku ay tahay 5 sano halka tii hore ay ahayd 4 sano, in si cad loogu sheego in muddada xilhaynta hay'adaha markaasi joogo aanay waxba iska beddelaynin oo ay sii ahaanayso sidii lagu doortay oo ah 4 sano.

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10.3. In aan lagu caddeynin oo laga aamuso ku dabaqmidda ama ku dabaqmid la'aanta muddada ku xusan waxkabeddelka cusub, hay'adaha la doorto iyo kuwa ka dhexdhasho ee markaasi xilka haya, tusaale haddii muddada cusub ee waxkabeddelku ay tahay 5 sano halka tii hore ay ahayd 4 sano, in waxkabeddelka cusub uu ka aamuso ku dabaqmidda muddada cusub ee ah 5 sano xilhaynta hay'adaha markaasi joogo. Xaaladdan u dambeyso waxa uu fiqiga dastuurku qabaa in aanay muddada cusub ku dabaqmaynin hay'adaha la doorto iyo kuwa ka dhexdhasho ee markaasi xilka haya, muddada xilhayntooda dastuuriga ahna ay ahaanayso sidii lagu doortay oo ah 4 sano maadaama aan si cad loo siinin muddada cusub, fiqiga maamulkafidaariguna uu qabo in awooddu ay ahaato mid ku qotonto sharci ee aysan ahayn mid la abuurto ama loo cuskado maxaa ii diidaya ama iga reebaya ee su'aashu ay tahay maxaa saldhig sharci ah oo ku siiyay awooddaas.

11. In muddada dastuuriga ah ee xilhaynta hay'adaha la doorto ee heer federaal ee kala ah labada gole ee baarlamaanka federaalka, madaxweynaha jamhuuriyadda iyo xukuumadda federaalka oo ka dhexdhalato labadoodaas, ay tahay 4 sano marka loo fiiriyo dastuurka kumeelgaarka ah ee 2012 iyo kan waxkabeddelka ee 2026, maadaama daskuurka lagu doortay uu ka dhigayay muddada dastuuriga ah ee xilhayntooda 4 sano, dastuurka 2026 na uu ka aamusay, sidaas darteedna ay ku dabaqmayaan arrimaha ku faahfaahsan tirsiga 10.3 ee hore ku xusan.

Go'aanka Maxkamadda

Iyada oo cuskatay asbaabta kor ku xusan, maxkamaddu waxa ay:

1. Diiday dacwadda dacwoodaha ku xusan bogga 1[aad] ee go'aankan, qeybteeda ku saabsan duridda dastuurnimada waxkabeddelka lagu sameeyay dastuurka kumeelgaarka ah ee 2012.
2. Ogolaatay dacwadda dacwoodaha ku xusan bogga 1[aad] ee go'aankan, qeybteeda ku saabsan duridda raadadka dastuur iyo sharci ee ka dhashay waxkabeddelkaas, gaar ahaan kordhinta muddada dastuuriga ah ee xilhaynta hay'adaha la doorto ee heer federaal ee kala ah labada gole ee baarlamaanka federaalka, madaxweynaha jamhuuriyadda iyo xukuumadda federaalka oo ka dhexdhalatay labadoodaas.
3. Go'aamisay in muddada dastuuriga ah ee xilhaynta hay'adaha la doorto ee heer federaal ee kala ah labada gole ee baarlamaanka federaalka, madaxweynaha jamhuuriyadda iyo xukuumadda federaalka oo ka dhexdhalatay labadoodaas, ay ahayd 4 sano oo ku kala ekeyd; labada gole ee baarlamaanka federaalka oo ay ku ekeyd xilhayntooda dastuuriga ah 14[ka] Abriil 2026, madaxweynaha jamhuuriyadda oo ay ku ekeyd xilhayntiisa dastuuriga ah 15[aad] Maajo 2026, iyo xukumaadda federaalka oo ka dhexdhalatay labadoodaas oo ay ku ekeyd xilhaynteeda dastuuriga ah 14[ka] Abriil 2026 maadaama kalsoonisiinteeda iyo korjoogtaynteedaba uu leeyahay baarlamaanka oo ay xilhayntiisu ku ekeyd xilligaas hore ku xusan.

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4. Go'aamisay in hay'adahaasi dhammaantood aysan qaadikarin wax tallaabo ah oo ku dhisan awooddooda dastuur iyo sharci lagu soo billaabo xilligii ay ku kala ekaayeen muddooyinka xilhayntooda dastuuriga ah.
5. Go'aamisay in aanay ahayn dastuuri iyo sharci midkoodna dhammaan tallaabooyinkii ku dhisnaa awooddooda dastuur iyo sharci ee ay hay'adahaasi qaadeen waxii ka dambeeyay xilligii ay ku kala ekaayeen muddooyinka xilhayntooda dastuuriga ah, dhammaan tallaabooyinkaasina ay yihiin kuwa baalmarsan dastuurka iyo sharciga oo waxba kamajiraan ah.
6. Go'aamisay in xukuumadda federaalka ah ay tahay cidda keli ah ee leh awood xilgaarsiin oo ku koobnan shaqooyinka maalinlaha, iyada oo aan qaadi Karin wax tallaabo ah oo ka baxsan shaqooyinkaas.
7. Faraysaa dhammaan dhinacyada ay khuseyso doorashadu in ay uga heshiiyaan muddo 30 maalin gudahood ah, hannaan doorasho oo wadar ogol ah oo la hirgelin karo, laguna qabto 90 maalin gudahood.

Go'aankan waxaa lagu soo saaray Muqdisho 05/11/2026.

Garsooreyaasha Maxkamadda Sare Ee Dalka:

1. Saalax Sh. Ibraahim Dhiblaawe_____ Guddoomiye.
2. Dr. Abuubakar Axmed Cali_____ Xubin.
3. Cabdulqaadir Idiris Ciise_____ Xubin.
4. Cabdulcasiis Maxamed Yuusuf_____ Xubin.
5. Dr. Cabdulqafaar Xuseen Isaaq_____ Xubin.

JAMHUURIYADDA FEDERAALKA SOOMAALIYA
FEDERAL REPUBLIC OF SOMALIA
MAXKAMADDA SARE EE DALKA
SUPREME COURT

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PART II

CONSTITUTIONAL DIVISION RULING ON THE TERMS OF FEDERAL INSTITUTIONS

Separate adjudication of the Supreme Court Constitutional Division | 5 November 2026

Editorial note: References in the ruling to its own page numbers refer to the original standalone ruling, not to the pagination of this compilation.

FEDERAL REPUBLIC OF SOMALIA

SUPREME COURT OF THE FEDERAL REPUBLIC OF SOMALIA

CONSTITUTIONAL DIVISION

Ref.: MS/DST/1/2026

Ref.: MS/QDST/ /2026

RULING

The Constitutional Division of the Supreme Court of the Federal Republic of Somalia, composed of five judges, at its deliberative session held on 5 November 2026, determined a constitutional case challenging the amendments made to the Provisional Constitution of 2012, seeking a determination that those amendments were unconstitutional and the annulment of all constitutional and legal consequences arising from them. A preliminary objection was filed in opposition to the case, which was between the following parties:

1. Shariif Sheikh Ahmed — Claimant

Represented by Zakariye Ismail Nuur

2. Federal Government of Somalia (the President, the Federal Parliament and the Federal Government) — Respondent

Represented by Office of the State Attorney General of the Government

THE COURT

Having examined the above-mentioned claim, bearing reference E-Som.21/2026 and dated 11 October 2026, submitted to the Court by counsel for the Claimant identified above and received by the Court on 12 October 2026, the substance of which was as follows:

1. That the procedure followed in amending the Provisional Constitution of 2012 did not conform to the amendment procedure prescribed by that Constitution, in particular Articles 132, 133 and 136.

2. That the constitutional and legal consequences arising from those amendments were not in accordance with the law. Those consequences included the extension of the constitutional terms of office of the elected federal institutions, namely the two Houses of the Federal Parliament, the President of the Republic, and the Federal Government constituted through those institutions.

Having examined the relief sought by the Claimant, namely:

1. That the Court admit the claim, both procedurally and on its merits.

2. That the Court set aside and annul all procedures and measures undertaken in amending the Provisional Constitution of 2012.

3. That the Court invalidate the constitutional and legal consequences arising from those amendments.

4. That the Court declare the Constitution in force in the country to be the Provisional Constitution adopted in 2012.

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5. That the Court order the Federal Government to pay the costs of the proceedings and legal fees in the amount of US$15,000 (fifteen thousand United States dollars).

Having examined the above-mentioned preliminary objection, bearing reference XGG/XG/371/2026 and dated 22 October 2026, submitted to the Court by counsel for the Respondent identified above, the substance of which was as follows:

1. That the Claimant lacked the requisite legal standing to institute the proceedings.

2. That the law relied upon by the Claimant was not in force insofar as the jurisdiction of the Court was concerned.

3. That the Constitution was not among the laws that the Constitutional Court was empowered to annul.

Having examined the relief sought by the Respondent, namely:

1. That the Court uphold the preliminary objection raised against the above-mentioned claim.

2. That the Court decline to adjudicate the above-mentioned claim.

THE COURT FINDS

1. That the claim submitted by the Claimant comprises two distinct parts:

1.1. That the procedure followed in amending the Provisional Constitution of 2012 did not comply with the procedure prescribed by that Constitution, particularly Articles 132, 133 and 136.

1.2. That the constitutional and legal consequences arising from those amendments were unlawful. Those consequences included the extension of the constitutional terms of office of the elected federal institutions, namely the two Houses of the Federal Parliament, the President of the Republic, and the Federal Government constituted through those institutions.

2. That the two parts of the claim are independent of one another and that each may give rise to its own distinct legal outcome.

3. That determination of the part of the claim challenging the constitutionality of the procedure followed in amending the Provisional Constitution of 2012 must be governed by that Constitution itself, since it is the Constitution which prescribed the procedure for its amendment under Articles 132, 133 and 136.

4. That, subject to Islamic Sharia, the Constitution is the supreme law of the country.

5. That Article 86 of the Provisional Constitution of 2012 restricts the persons or bodies entitled to challenge a law enacted by the Federal Parliament.

6. That the Claimant lacks the requisite legal standing to institute proceedings under Article 86 of the Provisional Constitution, because he is not among the persons or bodies identified in that Article.

7. That the Claimant's lack of standing in respect of that part of the case does not preclude a challenge to the constitutional amendment procedure if proceedings satisfying the requirements of the Constitution are instituted.

8. That the part of the claim concerning the unlawfulness of measures resulting from those amendments is legally admissible, and that the Claimant is entitled to challenge those measures on the ground that they are incompatible with both the Provisional Constitution of 2012 and the Constitution resulting from the amendments of 2026.

9. That this Court has jurisdiction to determine the present constitutional case pursuant to Article 191(3) of the Constitution of 2026. The Court relies upon that Constitution because the Claimant lacks the requisite legal standing in respect of the part of the case challenging the constitutionality of the amendments themselves. Accordingly, as no properly instituted proceedings challenging the amendment procedure are presently before the Court, the Court regards the 2026 Constitution as the constitutional text currently in operation and as conferring upon it the power to discharge the functions of the Constitutional Court specified in Article 191(3) thereof.

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10. That, according to constitutional interpretation and the principles of constitutional jurisprudence, where a constitutional amendment changes the terms of office of elected institutions and institutions derived from them, the amendment may address the incumbents' terms in one of the following three ways:

10.1. It may expressly provide that the new term prescribed by the amendment applies to the elected institutions, and institutions derived from them, that are already in office. For example, if an amendment increases a term from four to five years, it may expressly provide that the term of the incumbent institutions is extended to five years.

10.2. It may expressly provide that the new term prescribed by the amendment does not apply to the elected institutions, and institutions derived from them, that are already in office. For example, if an amendment increases a term from four to five years, it may expressly provide that the incumbent institutions' terms remain unchanged at four years, being the terms for which they were elected.

10.3. It may be silent as to whether the new term applies to the elected institutions, and institutions derived from them, that are already in office. For example, if an amendment increases a term from four to five years but makes no provision as to whether the five-year term applies to the incumbent institutions, constitutional jurisprudence holds that the new term does not apply to those institutions. Their constitutional terms remain the four-year terms for which they were elected, since no express extension was conferred upon them. Likewise, the principles of administrative law require that public authority be grounded in law and not created or asserted merely on the basis that nothing expressly prohibits its exercise. The relevant question is not, "What prevents or prohibits me from exercising this power?" but rather, "What legal basis confers this power upon me?"

11. That the constitutional terms of office of the elected federal institutions, namely the two Houses of the Federal Parliament, the President of the Republic, and the Federal Government constituted through those institutions, are four years when considered in light of the Provisional Constitution of 2012 and the amended Constitution of 2026. This is because the Constitution under which those institutions assumed office prescribed four-year terms, while the Constitution of 2026 was silent on the extension of the terms of incumbents. Accordingly, the principle explained in paragraph 10.3 above applies.

DECISION OF THE COURT

For the reasons set out above, the Court hereby:

1. Rejects the part of the Claimant's claim, identified on page 1 of this Decision, challenging the constitutionality of the amendments made to the Provisional Constitution of 2012.

2. Allows the part of the Claimant's claim, identified on page 1 of this Decision, challenging the constitutional and legal consequences arising from those amendments, particularly the extension of the constitutional terms of office of the elected federal institutions, namely the two Houses of the Federal Parliament, the President of the Republic, and the Federal Government constituted through those institutions.

3. Determines that the constitutional terms of office of those elected federal institutions, namely the two Houses of the Federal Parliament, the President of the Republic, and the Federal Government constituted through those institutions, were four years and expired on the following dates: the terms of both Houses of the Federal Parliament expired on 14 April 2026; the constitutional term of the President of the Republic expired on 15 May 2026; and the constitutional term of the Federal Government constituted through those institutions expired on 14 April 2026, because the Federal Government derives its confidence and is subject to the oversight of the Parliament, whose term expired on the date stated above.

4. Determines that none of those institutions may, from the date on which its respective constitutional term expired, undertake any measure in reliance upon its constitutional or legal powers.

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5. Determines that all measures taken by those institutions after the expiry of their respective constitutional terms, in purported exercise of their constitutional or legal powers, are neither constitutional nor lawful, are contrary to the Constitution and the law, and are null and void.

6. Determines that the Federal Government is the only institution authorized to act in a caretaker capacity, and that such authority is limited to the conduct of day-to-day governmental business; it may not undertake measures extending beyond those functions.

7. Directs all stakeholders concerned with the elections to reach agreement within thirty (30) days on a consensual and practicable electoral framework, and to conduct the elections within ninety (90) days.

This Decision was issued in Mogadishu on 5 November 2026.

JUDICIAL PANEL

Judges of the Supreme Court of the Federal Republic of Somalia:

1. Justice Saalax Sh. Ibraahim Dhiblaawe — Presiding Judge
2. Justice Dr. Abubakar Axmed Cali — Member
3. Justice Cabdulqaadir Idriis Ciise — Member
4. Justice Cabdulcasiis Maxamed Yuusuf — Member
5. Justice Dr. Cabdulqafaar Xuseen Isaaq — Member

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Villa Somalia
Nov 4 ·

XIL-KA QAADIS IYO MAGACAABIS GUDDOOMIYAHA MAXKAMADDA SARE EE DALKA

Muqdisho, Nofeembar 04, 2026: Madaxweynaha Jamhuuriyadda Federaalka Soomaaliya, Mudane Xasan Sheekh Maxamuud ayaa xilka ka qaaday Guddoomiyihii Maxkamadda Sare ee dalka, Dr. Baashe Yuusuf Axmed, isaga oo xilkaas u magacaabay Garyaqaan Ibraahim Iidle Suleymaan.

Madaxweynaha oo tix galiyay cabasho ka timid Garsoorayaasha dalka, hawl-wadeennada garsoorka iyo xirfadleyaasha sharciga ee la xiriira in la helo garsoor hufan oo caddaalad ah, ayaa go'aansaday in dib u habeyn ballaaran lagu sameeyo hay'adaha garsoorka si muwaadiniinta Soomaaliyeed ay u helaan garsoor hufan oo la isku halleyn karo.

Madaxweyne Xasan Sheekh ayaa Guddoomiyaha cusub u rajeeyay in uu ku guuleysto gudashada waajibaadka culus ee loo igmaday, isaga oo ku adkeeyay muhiimadda ay leedahay ilaalinta madax-bannaanida garsoorka, ku dhaqanka sharciga iyo xaqiijinta caddaaladda loo siman yahay.

DHAMMAAD

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JUST LEGAL SERVICES

CERTIFICATE OF TRANSLATION

SOMALI TO ENGLISH

CERTIFICATION BY THE SIGNATORY

I, Fahad Arteh, Managing Partner of Just Legal Services (JLS), declare that I am competent to read and understand both Somali and English and to evaluate the terminology and linguistic phrases used in the documents below.

Having personally compared the identified English text with the corresponding original Somali text. I certify that the translation is, to the best of my knowledge, a true, faithful, and complete.

This certificate relates only to the document below. The English text is an unofficial professional translation, not an English text promulgated or authenticated by the State. If any inconsistency arises, the authoritative Somali text prevails.

EXECUTION

Fahad Arteh
Managing Partner | Just Legal Services

Signature:

Date: **12th of November, 2026**

Place of execution: **Mogadishu, Federal**

JUST LEGAL SERVICES
OFFICIAL SEAL

UNOFFICIAL ENGLISH TRANSLATION

VILLA SOMALIA | Facebook announcement dated November 4, 2026

REMOVAL AND APPOINTMENT OF THE CHIEF JUSTICE OF THE SUPREME COURT

Mogadishu, November 4, 2026. The President of the Federal Republic of Somalia, Hassan Sheikh Mohamud, has removed Dr. Baashe Yusuf Ahmed from office as Chief Justice of the Supreme Court and appointed lawyer Ibrahim Iidle Suleiman to that position.

The President has taken into account complaints from judges across the country, judicial personnel, and legal professionals concerning the need for a transparent and fair judiciary, the President decided that extensive reforms should be carried out within judicial institutions so that Somali citizens may have access to a transparent and reliable judiciary.

President Hassan Sheikh wished the newly appointed Chief Justice success in discharging the significant responsibilities entrusted to him. He stressed the importance of safeguarding the independence of the judiciary, observing the law, and ensuring equal justice for all.

END

TRANSLATION NOTE

This document is an unofficial English translation of the Somali-language announcement shown in the supplied screenshot of a November 4, 2026 post from the verified Villa Somalia Facebook page. It reproduces the Presidency's statements and does not independently authenticate the post or establish the legal validity of the dismissal or appointment described. Personal names are rendered in English-language spelling variants; the Somali source preserves their original spellings. The Somali text shown in the source screenshot remains controlling in the event of a discrepancy.

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Response of the Government of the Federal Republic of Somalia to the Statement of United Nations Human Rights Experts of 12 November 2026

Ministry of Justice and Constitutional Affairs

1. The Ministry of Justice and Constitutional Affairs acknowledges the statement issued on 12 November 2026 by United Nations human rights experts concerning the judiciary in Somalia.
2. The Government values its engagement with the United Nations human rights mechanisms and the constructive role of independent experts, and it takes the concerns raised seriously. It reaffirms its commitment to the independence of the judiciary, the rule of law and constitutional supremacy, which it regards as fundamental pillars of a constitutional State.
3. **Regrettably**, the experts did not seek clarification from the State before issuing their statement, as the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council requires. Articles 6(a), (b) and 13(a) of the Code call for an impartial assessment of the facts based on reliable information, which presupposes that the State concerned is first heard.
4. The Permanent Mission of Somalia in Geneva received an email from the experts requesting an emergency meeting. The Mission asked for an official letter setting out the key issues for discussion, so that it could inform the capital. No letter or list of issues was received. Instead, the experts shared their press release by email after it had already been published.
5. Somalia is undergoing a transition from the previous constitutional order to the system established under the 2026 Constitution, and not all of the institutions it contemplates have yet been established, including the High Council of the Judiciary. The Government does not regard the matters raised as a confrontation between the executive and the judiciary, or as a dispute between individuals. It regards them as a constitutional and institutional question in which judicial independence, constitutional supremacy, proper jurisdiction, procedural fairness and the continuity of the State must be protected together.
6. The former Chief Justice was removed from office on 4 November 2026 through the transitional process by which he was first nominated. That process applied the same procedure as at his original appointment, when the High Council of the Judiciary had likewise not been fully constituted. The decision was taken within the transitional framework and is unconnected to the deliberations of the Supreme Court in the constitutional proceedings.

"SIA-5"

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7. **Subsequently**, the former Chief Justice announced, in the name of the Supreme Court, pronouncements presented as a ruling. By then his removal had taken effect, and he no longer held the mandate of Chief Justice. A ruling of the Court can be issued only by a lawfully constituted bench presided over by a Chief Justice who holds that mandate. The Government therefore does not recognise the pronouncements as a ruling of the Court. They have no legal basis and were made after his removal from office.
8. The State was represented in the constitutional proceedings before the Supreme Court (case no. MS/DST/1/2026) by the Office of the State Attorney General (the Office). Before the merits were addressed, the Office raised objections concerning the jurisdiction of the Court and the claimant's standing to bring the claim.
9. In its statement of 6 November 2026, the Office set out its position on the pronouncements. It noted that (a) the preliminary objections were not answered before the merits were addressed; (b) the parties were not heard in adversarial proceedings at a public hearing, as the Somali Civil Procedure Code (Articles 69 and 98), read with Article 24 of Law No. 23 of 27 June 2016, requires; (c) the composition of the bench did not comply with Article 24(5) of that Law, under which the case must be presided over by the Chief Justice; and (d) the Court created a new claim that had not been brought before it, contrary to Article 77 of the Code.
10. These objections do not reject judicial review. They reflect the principle that a court must establish its jurisdiction, its lawful composition and the admissibility of a claim before determining the substance of a dispute, and that these safeguards apply equally to all parties.
11. Without prejudice to that position, the Office also noted that the pronouncements dismissed the challenge to the constitutional amendments on the ground that the claimant lacked standing yet went on to determine the consequences of those amendments for the terms of office and powers of existing constitutional institutions. This raises a legal question about the relationship between standing, the scope of the proceedings and the relief granted. The Government regards it as a question of law, not a political objection to the outcome.
12. For these reasons, the Office concluded that the pronouncements do not comply with the law, and the Government considers them null and void and without legal effect. The Office has stated that it will take the appropriate legal steps. The Government notes that the pronouncements did not invalidate the 2026 Constitution. It will pursue its position through lawful and institutional means, without pressure on any judge or interference with the performance of judicial functions.

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12 The Government remains open to dialogue with the United Nations experts and is ready to provide further information, including the statement of the Office of 6 September 2020. It also encourages dialogue among all political and institutional actors, in accordance with the Constitution and in the interest of stability, the rule of law and the continued strengthening of Somalia's institutions.

Ministry of Justice and Constitutional Affairs
Federal Republic of Somalia

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