

JAMHUURIYADDA  SOMAALILAND

GUDDIGA CADAALADDA.

MS/GGC/G-3/ /2018.

15/10/2018.

UJEEDDO: Go'aan ku saabsan Ansixin Xeer Nidaamiyaha  
Anshaxa iyo anshax marinta Garsoorayaasha  
iyo Ku Xigeenada Xeer Ilaaliyaha Guud JSL.

Guddiga Cadaaladdu:

Wuxuu fadhigiisii 1aad ee qabsoomay maanta oo bishu tahay 15/10/2018 si  
waafaqsan Qod. 107 (3) iyo Qod. 108 ee dastuurka JSL.

Ka dib markii uu Qodobada Ajendaha si qoto dheer uga dooday, sida uu qeexayo  
qoraalkiisa ( Minutes Book).

MARKAY ARKEEN: Qod. 107 (3) 108 ee Dastuurka JSL.

MARKAY ARKEEN: Danta Guud ee Cadaaladda.

MARKAY: Dood Dheer iyo falan qayn ku sameeyeen  
Xeer Nidaamiyaha Anshaxa iyo Anshax marinta  
Garsoorayaasha iyo Ku Xigeenada Xeer Ilaaliyaha  
Guud JSL, oo ka dhashay kulan hawleedkii ay  
Yeesheen bahada Garsoorku diyaarintii Xeerkan.

SIDAAS DARTEED

WUXUU GO'AAMIYEY:

In la ansixiyay Xeer Nidaamiyaha Anshaxa iyo Anshax marinta Garsoorayaasha  
iyo Ku Xigeenada Xeer Ilaaliyaha Guud ee JSL.

Allaa Mahad Leh.

Aadam X. Cali Axmed

GUDDOOMIYAHA GUDDIGA CADAALADDA.



XEER ANSHAXEEDKA GARSOORKA

---

**HORDHAC ..... 11**

**QODOBO GUUD ..... 12**

Qodobka 1: Qeexidda Xeerka Anshaxeedka ----- 12

Qodobka 2: Xadka iyo dhaqangalka Xeer Anshaxeedka --- 13

Qodobka 3: Wax-ka-bedelka ama sixitaanka Xeer  
Anshaxeedka ----- 14

Gudida Caddaaladda ayaa awood u leh inay dib u eegis iyo  
wax-ka-bedel ku samayso Xeer Anshaxeedka. ----- 14

Qodobka 4: Sarraynta Xeer Anshaxeedka ----- 14

Qodobka 5: Dhaarta ----- 14

Qodobka 6: Fasiraadda ----- 15

Qodobka 7: Daabacaada Xeer Anshaxeedka ----- 15

**QAYBTA 2AAD ..... 16**

MABAADI GUUD ----- 16

Qodobka 8: Raacitaanka Dastuurka iyo Xeerarka  
Somaliland----- 16

Qodobka 9: Madax-banaanida iyo hufnaanta ----- 16

Qodobka 10: Kobicinta kalsoonida dadwaynuhu ku qabo  
garsoorka ----- 16

Qodobka 11: Ka feejignaanta ku tacadiga karaamada iyo  
awoodda garsoorka----- 17

Qodobka 12: Mudnaan siinta waajibaadka garsoorka ----- 17

XEER ANSHAXEEDKA GARSOORKA

---

Qodobka 13: Dhex-dhexaadnimada iyo caddaaladda -----	17
Qodobka 14: Nacaybka iyo kadeedka -----	18
Qodobka 15: Saamaynta debedeed ee garsoorka lagu yeesho -----	18
Qodobka 16: Karti iyo wada shaqayn -----	19
Qodobka 17: Xaqiijinta Xaqa in dhinacyada la dhegaysto -	19
Qodobka 18: Masuuliyadda go'aan gaadhista-----	20
Qodobka 19: Dhaqanka, akhlaaqda iyo xidhiidhka -----	20
Qodobka 20: Xidhiidhada debedda (External Communications)-----	20
Qodobka 21: Hadalada garsoorka ee ku saabsan dacwad aan weli go'aa laga gaadin oo socota-----	22
Qodobka 22: Waajibaadka korjoogtaynta -----	23
Qodobka 23: Shaqo curyaamin iyo hawl gudasho la'aan --	23
Qodobka 24: Ka fal-celinta anshax xumada garsoorka -----	24
Qodobka 25: La shaqaynta Gudida Caddaaladda -----	25
<b>QAYBTA 3AAD .....</b>	<b>26</b>
QODOBO KALA DUWAN-----	26
Qodob guud -----	26
Qodobka 26: Hawlaha ka baxsan garsoorka-----	26
Qodobka 27: ka marag furid akhlaaqda qof -----	27
Qodobka 28 Isticmaalidda xog aan la shaacin -----	27

XEER ANSHAXEEDKA GARSOORKA

---

Qodobka 29: Xidhiidh la yeelashada ururo wax takooro ---	27
Qodobka 30: ka qayb-galka ururo iyo hawlo wax-barasho, deeq-bixin, wax-istar ama madani -----	28
Qodobka 31: Jagooyinka leh masuuliyado maaliyadeed ---	29
Qodobka 32: Xeer-beegti (Arbitrator) ama dhex-dhexaadiye (Mediator) -----	30
Qodobka 33: Ku shaqaysig xirfadda sharciga-----	30
Qodobka 34: hawlaha ka baxsan garsoorka -----	30
Qodobka 35: qaadashada iyo ka warbixinta hadiyadaha, daynta, faa'iidooyinka iyo ashyaada kale ee qiimaha leh --	31
<b>QAYBTA 4AAD .....</b>	<b>31</b>
<b>GUDIDA KORMEERKA IYO BAADHITAANKA -----</b>	<b>31</b>
Qodobka 36: Dooraka iyo xilka Gudida Kormeerka iyo Baadhitaanka-----	31
Anshax Ciqaabeedka ka Dhanka Garsoorayaasha iyo Ku-igeenada Xeer Ilaaliyaha Guud-----	33
Anshax ciqaabeedka ka dhanka garsoorayaasha -----	33
Ujeedooyinka iyo Fulinta Anshax Ciqaabeedka -----	33
Noocyada Anshax Marinta-----	34
Qaybaha Anshax Marineed ee Garsooraha -----	35
B. Anshax xumada fudud ee Garsooraha -----	35
T. Anshax Xumada Culus ee Garsooraha-----	37

XEER ANSHAXEEDKA GARSOORKA

---

Tusaalayaasha hoos ku xusani waa anshax xumada culus ee garsooraha: -----	37
Tallaabooyinka laga qaadayo Anshax Xumoda Fudud: ----	39
Marxaladda koowaad -----	40
Anshax Ciqaabedka Gaarka ah-----	40
Maamul Xumada Garsoorayaasha -----	40
Anshax Ciqaabedka Maamul -----	41
Anshax ciqaabedka ka dhanka ah xeer ilaaliye ku xigeenada -----	42
Ujeedooyinka iyo fulinta Anshax Ciqaabedka-----	42
Noocyada Anshax Ciqaabedka-----	42
Noocyada Anshax Marinta Ka Dhanka ah Xeer -ilaalinta -	43
B. Anshax Xumada Fudud ee Ku-Xigeenka Xeer Ilaaliyaha Guud-----	43
T. Anshax Marinta Culus ee Ku-xigeenada Xeer-ilaaliyaha Guud-----	44
Tusaalayaasha hoos ku xusan ayaa ah anshax xumada culus: -----	44
Anshax Ciqaabedka ka Dhanka Ku-igeenka Xeer Ilaaliyaha Guud-----	47
B. Tallaabooyinka laga qaadayo anshax xumada fudud ----	47
Marxaladda koowaad: -----	47
Marxaladda labaad -----	47

XEER ANSHAXEEDKA GARSOORKA

---

Marxaladda sedexaad: -----	47
Intaa wixii ka danbeeya:-----	47
T. Tallaabooyinka laga qaadayo anshax xumada culus -----	47
Anshax Ciqaabedka Gaarka ah-----	49
Maamul Xumada Ku-xigeenka Xeer Ilaaliyaha Guud -----	49
Anshax Ciqaabedka Maamul -----	50
<b>English Version.....</b>	<b>51</b>
<b>PREAMBLE .....</b>	<b>52</b>
<b>PART 1 .....</b>	<b>53</b>
GENERAL PROVISIONS-----	53
Article 1: Definition of the Code of Conduct -----	53
Article 2: Scope and Implementation of the Code of Conduct -----	54
Article 3: Amendments to or Corrections of the Code of Conduct -----	54
Article 4: Basis of Supremacy of the Code of Conduct-----	54
Article 5: Oath -----	54
Article 6: Interpretation-----	55
Article 7: Publishing the Code of Conduct -----	55
<b>PART 2 .....</b>	<b>56</b>
GENERAL PRINCIPLES -----	56

XEER ANSHAXEEDKA GARSOORKA

---

Article 8: Compliance with the Constitution and Law of Somaliland-----	56
Article 9: Independence and Integrity -----	56
Article 10: Promoting Public Confidence in the Judiciary	56
Article 11: Avoiding Abuse of the Prestige and Power of the Judiciary -----	56
Article 12: Giving Precedence to the Duties of the Judiciary -----	57
Article 13: Impartiality and Fairness -----	57
Article 14: Prejudice and Harassment -----	57
Article 15: External Influences on the Judiciary -----	57
Article 16: Competence and Cooperation-----	58
Article 17: Ensuring the Right to Be Heard -----	58
Article 18: Responsibility to Decide -----	58
Article 19: Behaviour, Attitude, and Communication -----	58
Article 20: External Communications -----	59
Article 21: Judicial Statements on Unresolved and Current Cases -----	60
Article 22: Supervisory Duties -----	61
Article 23: Impairment and Disability-----	61
Article 24: Responding to Judicial Misconduct-----	62

XEER ANSHAXEEDKA GARSOORKA

---

Article 25: Cooperation with the High Judicial Commission	62
-----	-----
<b>PART 3 .....</b>	<b>63</b>
MISCELLANEOUS PROVISIONS	63
-----	-----
General Provisions	63
-----	-----
Article 26: Extrajudicial Activities in General	63
-----	-----
Article 27: Testifying as a Character Witness	64
-----	-----
Article 28 Use of Non public Information	64
-----	-----
Article 29: Connection with Discriminatory Organisations	64
-----	-----
Article 30: Participation in Educational, Charitable, Fraternal, or Civic Organisations and Activities	64
-----	-----
Article 31: Positions with Financial Responsibilities	65
-----	-----
Article 32: Service as Arbitrator or Mediator	66
-----	-----
Article 33: Practice of Law	66
-----	-----
Article 34: Compensation for Extrajudicial Activities	67
-----	-----
Article 35: Acceptance and Reporting of Gifts, Loans, Benefits or Other Things of Value	67
-----	-----
<b>PART 4 .....</b>	<b>67</b>
MONITORING AND INSPECTION COMMITTEE	67
-----	-----
Article 36: Roles and Functions of the Monitoring and Inspection Committee	67
-----	-----
<b>Disciplinary Sanctions for</b>	<b>69</b>



## **the Judiciary 69**

DISCIPLINARY SANCTIONS AGAINST	70
JUDGES	70
Objectives and Implementation of Disciplinary Sanctions:	70
Range of Disciplinary Sanctions	70
THE CATEGORIES OF DISCIPLINARY MISCONDUCT BY A JUDGE ARE:	72
SIMPLE MISCONDUCT BY A JUDGE	72
GRAVE MISCONDUCT BY A JUDGE	74
B. The Following are Examples of Grave Misconduct:	74
In Further Instances:	76
B. Sanctions for Grave Disciplinary Misconduct:	76
SPECIAL DISCIPLINARY SANCTIONS	77
MALADMINISTRATION BY JUDGES	78
ADMINISTRATIVE DISCIPLINARY SANCTIONS	78
DISCIPLINARY SANCTIONS AGAINST	80
DEPUTY ATTORNEY GENERALS	80
Objectives and Implementation of Disciplinary Sanctions:	80
Range of Disciplinary Sanctions	80
THE CATEGORIES OF DISCIPLINARY MISCONDUCT BY THE PROCURACY ARE:	82

XEER ANSHAXEEDKA GARSOORKA

---

SIMPLE MISCONDUCT BY A DEPUTY ATTORNEY	
GENERAL: -----	82
A. The following are examples of <i>Simple</i> Misconduct: ---	82
GRAVE MISCONDUCT BY A DEPUTY ATTORNEY	
GENERAL: -----	83
B. The following are examples of <i>Grave</i> Misconduct: ----	83
A. Sanctions for <i>Simple</i> Disciplinary Misconduct: -----	85
B. Sanctions for <i>Grave</i> Disciplinary Misconduct: -----	85
In the First Instance: -----	85
In the Second Instance: -----	85
In the Third Instance: -----	85
SPECIAL DISCIPLINARY SANCTIONS -----	86
MALADMINISTRATION BY A DEPUTY ATTORNEY	
GENERAL -----	86
ADMINISTRATIVE DISCIPLINARY SANCTIONS -----	87

## XEER ANSHAXEEDKA GARSOORKA

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### **HORDHAC**

Dastuurka Jamhuuriyadda Somaliland wuxuu abuuray garsoor madax-banaan oo ah waax u xilsaaran ilaalinta xuquuqaha iyo xoriyaadka aasaasiga ah ee muwaadiniinta Somaliland iyo bixinta adeeg garsoor oo dhex-dhexaad ah.

In la sameeyo hanaan iyo habraacyo maamul waxaay keenaysaa in la xoojiyo garsoorka lana xaqiijiyo kalsoonida dadwaynuhu ku qabo garsoorka iyo in:

- Garsoorayaasha iyo xeer-ilaaliyayaashu ay noqdaan kuwo u madax-banaan gudashada waajibaadkooda garsoor:
- Garsoorayaasha iyo xeer-ilaaliyayaashu lagula xisaabtamo falalka ay sameeyaan inta ay ku hawlan yihiin gudashada waajibaadkooda garsoor.

Marka la eego muhiimdda ay leedahay in la helo hanaan anshaxmarineed oo uu yeesho garsoorku sida ku cad Xeerka Nidaamka Garsoorka (Xeer Lr. 24/2003), Gudida Caddaalada ee Jamhuuriyadda Somaliland waxa loo aasaasay inuu fuliyo waajibaadka dastuuriga ee saaran si waafaqsan qodobka 106 ee Dastuurka Somaliland.

Waxa daruuri ah in Gudida Caddaaladu yeesho hanaan iyo habraacyo uu kula xisaabtami karo garsoorka, kuna hubin karo madax-banaanida, isla-xisaabtanka iyo daah-furnaanta garsoorka.

Gudida Caddaaladu iyada oo fulinaysa awoodeeda sharci si waafaqsan qodobka 108 ee Dastuurka iyo qodobka 32 ee Xeerka

## XEER ANSHAXEEDKA GARSOORKA

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Nidaamka Garsoorka (Xeer Lr. 24/2003) waxaay ansixisay Xeer Anshaxeedka Garsoorka Jamhuuriyadda Somaliland, si uu u bedelo Xeer Anshaxeedkii hore ee la sameeyey 2011.

### QAYBT 1AAD

## QODOBO GUUD

Garsoorayaasha iyo ku-xigeenada xeer-ilaaliyaha guud waa inay ilaaliyaan oo kobciyaan madax-banaanida iyo dhex-dhexaadnimada garsoorka, islamarkaana waa inay ka fogaadaan dhamaan dhaqamada aan haboonayn ama dhaqamada u muuqda kuwo aan haboonayn.

### Qodobka 1: Qeexidda Xeerka Anshaxeedka

#### 1. Xeer anshaxeed:

- B) Xeer Anshaxeedka waxa looga gol leeyahay in lagu abuurro halbeegyada hab-dhaqanka anshaxa ku sallaysan ee saraakiisha garsoorka, iyo in loogu dhaqmo si waafaqsan dastuurka, xeerarka dalka, xukunada maxkamadda iyo masuuliyadaha sharci iyo dhamaan duruufaha la xidhiidha oo dhan.
- T) Xeer Anshaxeedkan waa in loo tafsiirtaa si aan waxyeelo u gaysanayn madax-banaanida aasaasiga ah ee saraakiisha garsoorka marka ay gaadhayaan go'aano garsoor ama si xadidaysa xuquuqohooda sharci.
- J) Xeer Anshaxeedkan waxa loogu yeedhayaa “Xeer Anshaxeedka Garsoorka Jamhuuriyada Somaliland.”

XEER ANSHAXEEDKA GARSOORKA

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**X) Garsoor:** Xeer Anshaxeedkan gudahiisa garsoor waxa looga jeedaa garsoorayaasha maxkamadaha rafcaanka, maxkamadaha gobolada iyo maxkamadaha degmooyinka, iyo sidoo kale ku-xigeenada Xeer-ilaaliyaha Guud ee Jamhuuriyadda Somaliland.

**KH) Gudida Kormeerka iyo Baadhitaanka:** waxa looga jeedaa xubno ay u magacwday Gudida Caddaaladdu ee Jamhuuriyadda Somaliland inay gutaan xilka ah kormeerista (monitor) iyo baadhista (inspect) dacwadaha iyo hawl gudashada (operations) garsoorka, iyo inay baadhitaan ku sameeyaan cabashooyinka ka dhanka ah falalka garsoorayaasha iyo ku-xigeenada Xeer-ilaaliyaha Guud.

**Qodobka 2: Xadka iyo dhaqangalka Xeer Anshaxeedka**

1. Xeer Anshaxeedkan waxa lagu dabaqayaa garsoorayaasha maxkamadaha hoose iyo ku-xigeenada xeer-ilaaliyaha guud ee Jamhuuriyadda Somaliland.
2. Xeer Anshaxeedkani wuxuu dhaqangelayaa 30 maalmood gudohood laga bilaabo taariikhda ay Gudida Caddaaladdu ansixiso.

XEER ANSHAXEEDKA GARSOORKA

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### **Qodobka 3: Wax-ka-bedelka ama sixitaanka Xeer Anshaxeedka**

Gudida Caddaaladda ayaa awood u leh inay dib u eegis iyo wax-ka-bedel ku samayso Xeer Anshaxeedka.

### **Qodobka 4: Sarraynta Xeer Anshaxeedka**

1. Waa waxba kama jiraan (null and void) siyaasadaha iyo hababka ay soo saarto Gudida Caddaaladu ee ka horimanaya Xeer Anshaxeedkan

### **Qodobka 5: Dhaarta**

1. Sida ku cad qodobka 19aad ee Xeerka Nidaamka Garsoorka (Xeer Lr. 24/2003), garsoorayaasha maxkamadaha hoose iyo ku-xigeenada Xeer-ilaaliyaha Guud waa inuu dhaariyaa Gudoomiyaha Maxkamadda Sare.
2. *WAXAAN ILAAHAY UGU DHAARTAY INAAN DAACAD U NOQONAYO DIINTA ISLAAMKA, DASTUURKA SOMALILAND IYO SHURUUCDA KALE EE DALKA JAMHUURIYADDA SOMALILAND, IYO INAAN U GUDANAYO WAAJIBAADKAYGA SI DAACADNIMO IYO DHEX-DHEXAADNIMO AH.*

XEER ANSHAXEEDKA GARSOORKA

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**Qodobka 6: Fasiraadda**

1. Xeer Anshaxeedkan waa in loo fasiraa si waafaqsan Dastuurka Somaliland, Shareecada Islaamka iyo mabaadida caalamiga ah ee garsoorka.
2. Dastuurka Somaliland iyo Xeerka Nidaamka Garsoorka ayaa ka sareeya Xeer Anshaxeedkan, waana in loo raaco si iyaga waafaqsan marka la fadirayo.
3. Gudida Caddaalada ayaa awood u leh inay fadirto Xeer Anshaxeedkan.

**Qodobka 7: Daabacaada Xeer Anshaxeedka**

1. Gudida Caddaaladu waxaay masuul ka tahay daabicista Xeer Anshaxeedka iyo inay barto garsoorayaasha maxkamadaha hoose iyo ku-xigeenada Xeer-ilaaliyaha Guud Xeer Anshaxeedka.

**XEER ANSHAXEEDKA GARSOORKA**

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## **QAYBTA 2AAD**

### **MABAADI GUUD**

#### **Qodobka 8: Raacitaanka Dastuurka iyo Xeerarka Somaliland**

1. Garsoorayaasha maxkamadaha hoose iyo ku-xigeenada Xeer-ilaaliyaha Guud waa inay mar walbaa raacaan xeerarka Somaliland iyo Xeer Anshaxeedka ay soo saartay Gudida Caddaaladdu.

#### **Qodobka 9: Madax-banaanida iyo hufnaanta**

1. Kakanaanta, xaasaasiyadda iyo muhiimadda ay leeyihiin dhamaan dacwadaha ay qaadaan maxkamaduhu darteed, iyo muhiimadda ay leeyihiin madax-banaanida iyo hufnaantu, waa inay garsoorayaasha iyo ku-xigeenada Xeer-ilaaliyaha Guud xor ka noqdaan, loona arkaa inay xor ka yihiin saamayn cid kale ku yeelato maadaama oo dhamaan dadku siman yihiin sharciga hortisa.

#### **Qodobka 10: Kobcinta kalsoonida dadwaynuhu ku qabo garsoorka**

1. Garsoorayaasha iyo ku-xigeenada Xeer-ilaaliyaha Guud waa inay mar walba u dhaqmaan qaab kobcinaysa kalsoonida ay dadwaynuhu ku qabaan madax-banaanida, daah-furnaanta, daacadnimada iyo dhex-dhexaadnimada



XEER ANSHAXEEDKA GARSOORKA

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garsoorka, waana inay ka feejignaadaa dhamaan dhaqamada aan haboonayn.

**Qodobka 11: Ka feejignaanta ku tacadiga karaamada iyo awoodda garsoorka**

1. Garsoorayaasha iyo ku-xigeenada Xeer-ilaaliyaha Guud waa inaanay si xun u isticmaalin oo ku tacadiyin karaamada iyo awoodda garsoorka iyaga oo uga dan leh inay ku horumariyaan danhooda shaqsi ama dhaqaale, ama inay u ogolaadan inay cid kale si xun u isticmaasho ama ku tacadido.

**Qodobka 12: Mudnaan siinta waajibaadka garsoorka**

1. Waajibaadka garsooraha ama ku-xigeenka Xeer-ilaaliyaha Guud, sida uu sharcigu dhigayo, ayaa ka leh mudnaanta dhamaan hawlaha shaqsi iyo kuwa ka baxsan garsoorka.

**Qodobka 13: Dhex-dhexaadnimada iyo caddaaladda**

1. Garsoorayaasha iyo ku-xigeenada Xeer-ilaaliyaha Guud waa inay ilaaliyaan oo dabaqaan sharciga, waana inay u gutaan dhamaan waajibaadkooda si caddaalad ah oo dhex-dhexaadnimo ah.

XEER ANSHAXEEDKA GARSOORKA

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**Qodobka 14: Nacaybka iyo kadeedka**

1. Garsoorayaasha iyo ku-xigeenada Xeer-ilaaliyaha Guud waa inay u gutaan waajibaadkooda oo ay ka mid tahay waajibaadka maamul si aanay ku jirin nacayb (prejudice).
2. Garsoorayaasha iyo ku-xigeenada Xeer-ilaaliyaha Guud intay gudanayaan waajibaadkooda waa inaanay hadal ama ficil ahaan toona ku muujin nacayb ama aanay samayn fal cid ay ku kadeedayaan (harassment), waana inaanay u ogolaan inay sidaas sameeyaan shaqaalaha maxkamadda, saraakiisha maxkamadda ama dadka kale ee hoos yimaadda awaamiirta iyo maamulka garsooraha ama ku-xigeenka Xeer-ilalaiye.
3. Garsooruhu waa inuu ku waajibiyaa ku-xigeenada Xeer-ilaaliyaha Guud iyo qareenada ku jira dacwadda uu hayo ee hortaal maxkamadda inay ka fogaadaan inay muujistaan nacayb (prejudice) ama inay sameeyaan wax kadeed ku ah dhinacyada, maragga ama qareenada.

**Qodobka 15: Saamaynta debedeed ee garsoorka lagu yeesho**

1. Garsoorayaasha iyo ku-xigeenada Xeer-ilaaliyaha Guud waa inaanay duwin oo saamayn ku yeelaan aragtida dadwaynaha (public opinion) ama cabsi ay ka qabaan dhaliisha.
2. Garsoorayaasha iyo ku-xigeenada Xeer-ilaaliyaha Guud waa inaanay ogolaan in dano ama xidhiidh qoys, bulsho, siyaasadeed, maaliyadeed ama dano iyo xidhiidh kale ay saamayn ku yeeshaan hawlohooda ama xukunada ay gaadhayaan.

XEER ANSHAXEEDKA GARSOORKA

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3. Garsoorayaasha iyo ku-xigeenada Xeer-ilaaliyaha Guud waa inaanay gudbin ama ogolaan in cid kale gudbiso dareen ah in qof ama urur uu awood u leeyahay inuu saamayn ku yeesho garsoore ama ku-xigeen Xeer-ilaaliye Guud.

**Qodobka 16: Karti iyo wada shaqayn**

1. Garsooraha ama ku-xigeenka Xeer-ilaaliyaha Guud waa inay waajibaadkooda garsoor iyo maamul u gutaan si karti leh oo waafaqsan Xeer Anshaxeedan.
2. Garsoorayaasha iyo ku-xigeenada Xeer-ilaaliyaha Guud waa inuu wada shaqayn kala yeesho garsoorayaasha iyo ku-xigeenada Xeer-ilaaliyaha Guud ee kale iyo saraakiisha maxkamadda marka la fulinayo hawlaha maamul ee maxkamadda.

**Qodobka 17: Xaqiijinta Xaqa in dhinacyada la dhegaysto**

1. Garsooruhu waa inuu xaqiijiyaa in qof kasta oo dan sharci ku leh dacwada ma qareenka qofka la siiyo xaqa in la dhegaysto si waafaqsan sharciga.
2. Garsooruhu wuu ku dhiirigelin karaa dhinacyada dacwada iyo qareenadooda inay uga heshiiyaan waxay isku khilaafsan yihiin si sharciga waafaqsan, balse waa inaanu u dhaqmin qaab ku qasbaya ama ku riixaya dhinac inuu heshiis aqbalo.

XEER ANSHAXEEDKA GARSOORKA

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**Qodobka 18: Masuuliyadda go'aan gaadhista**

1. Garsooruhu waa inuu dhegaysto oo ka go'aan gaadho arinka horyaal ee loo dhiibay, marka laga reebo xaaladaha durista ee sharciga ama Xeer Anshaxeedku dhigay.

**Qodobka 19: Dhaqanka, akhlaaqda iyo xidhiidhka**

1. Garsooruhu waa inuu u maamulo dacwadaha uu qaadayo hab wanaagsan oo ku dhisan akhlaaq fiican.
2. Garsoorayaasha iyo ku-xigeenada Xeer-ilaaliyaha Guud waa inay noqdaan kuwo dulqaad iyo karaamo leh islamarkaana si sharaf leh ula dhaqma dadka dacwadda dhinac ka ah, maragyada, qareenada, shaqaalaha maxkamada iyo dadka kale ee garsooraha ay ku kulmaan hawlihiisa garsooranimu, waana inuu ka fisho hab dhaqan sidaas la mid ah qareenada, shaqaalaha maxkamadda, iyo cidii kale ee hoos timaadda awaamiirta iyo maamulka garsooraha ama ku-xigeenka Xeer-ilaaliyaha Guud.

**Qodobka 20: Xidhiidhada debedda (External Communications)**

1. Garsooruhu waa inaanu samayn, ogolaan ama isku dayin inuu la sameeyo xidhiidh cid kale iyada oo aanay joogin dhinacyada dacwadda ama qareenadooda, marka arimuhu yihiin kuwo khuseeya dacwad socota, marka laga reebo xaaladahan soo socda:
  - A. Hadii ay jiraan duruufu keenay in garsooruhu la sameeyo xidhiidh cid kale iyada oo ujeedadu tahay

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inuu dacwad mudeeyo, ama ujeeedo maamul ama mid degdeg ah (emergency) darteed oo aan xidhiidh la lahayn nuxurka sharci ama dhacdo (legal or factual) ee dacwadda socota, waa la ogol yahay inuu xidhiidhkaas sameeyo, waxaa se shardi ah:

1. In garsooruhu uu sabab caqligal ah darteed ku aaminay inaan dhinacna ka helayn xidhiidhkaas faa'iido habraac (procedural), nuxur (substantive) ama farsamo (tactical); iyo
2. In garsooruhu uu si dhaqso ah ugu ogaysiiyo xidhiidhka uu sameeyo dhinacyada kale ee uu khuseeyo arinku, islamarkaana uu siiyo dhinacyada fursad ay ku jawaabaan si waafaqsan xeerka.
2. Garsooruhu wuu ka heli karaa khabiir sharci oo aan dan ku lahayn dacwadda talo-sharci oo la xidhiidha sharciga lagu dabaqayo dacwadda hortaal garsooraha, hadii garsooruhu marka hore sii ogaysiiyo dhinacyada qofka uu la tashanayo iyo waxa uu kala tashanayo, islamarkaana uu siiyo dhinacyada fursad caqligal ah oo ay isku hortaagi karaan oo ay kaga jawaabi karaan ogaysiiska iyo talada garsooaha la siiyay.
3. Hadii garsooruhu uu si aan ku talo gal ahayn u helo xidhiidh cid kale la samaysay oo khuseeya nuxurka dacwadda, garsooruhu waa inuu sida ugu dhaqsaha badan u ogaysiiyaa dhinacyada waxa uu ku saabsanaa xidhiidhkaasi, waana inuu siiyaa dhinacyada fursad ay kaga jawaabaan si waafaqsan sharciga.
4. Garsooraha uma banaana inuu si iskii ah ugu sameeyo baadhitaan dhacdooyinka (facts), waana inuu tixgeliyaa

XEER ANSHAXEEDKA GARSOORKA

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keliya cadaymaha maxkamadda loo soo gudbiyay, haseyeeshee wuxuu codsan karaa in cadaymo dheeraad ah loo soo gudbiyo.

5. Gudoomiyaha maxkamadda iyo madaxa xafiiska xeer-ilaalinta ee gobolku waa inay sameeyaan dadaal caqligal ah oo ay ka mid tahay korjoogtaynta haboon, si ay u xaqiijiyaan in qodobkan aanay ku xadgudbin shaqaalaha maxkamadda, saraakiisha maxkamada iyo dadka kale ee hoos yimaadda awaamiirtooda iyo maamulkooda.

**Qodobka 21: Hadalada garsoorka ee ku saabsan dacwad aan weli go'aa laga gaadin oo socota**

1. Garsoorayaasha iyo ku-xigeenada Xeer-ilaaliyaha Guud looma ogola inay si furan u yidhaahdaan hadal (public statement) kaas oo ay suurtagal tahay inuu saamayn ku yeesho natiijada ama uu waxyeelo u gaysto cadaaladnimada dacwad aan go'aan laga gaadhin ama ka socota maxkamad, ama inay u yidhaahdaan si aan furnayn (non-public) hadal ay suurtagal tahay inuu faro-geliyo dacwad qaadis ama dhegayis xaq ah (fair trial or hearing).
2. Garsoorayaasha iyo ku-xigeenada Xeer-ilaaliyaha Guud waa inaanay samayn balan qaadyo lid ku ah inay si dhex-dhexaadnimo ah u gutaan waajibaadkooda ama xilka xirfadeed ee saaran.
3. Gudoomiyaha maxkamadda iyo madax xafiiska xeer-ilaalinta ee gobolku waa inuu ku waajibiyaa shaqaalaha maxkamadda, saraakiisha maxkamadda iyo dadka kale ee hoos yimaadda awaamiirtiisa iyo maamulkiisa inay ka fogaadaan inay ku hadlaan hadalada lagu mammnuucay farqadaha (1) iyo (2) ee qodobkan.

XEER ANSHAXEEDKA GARSOORKA

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4. Marka laga reebo xanibaadaha ku xusan farqadda (1) ee qodobkan, garsoore ama ku-xigeen Xeer-ilaaliye wuxuu odhan karaa hadal furan isaga oo gudanaya waajibaadkiis rasmiga ah, ama sharixi karaa habraacyada maxkamadda, ama ka hadli karaa dacwad uu garsooraha ama ku-xigeenka Xeer-ilaaliyaha Guud uu ka yahay dhinac shaqsi ahaantiisa (personal capacity), marka ay tahay daruuri keliya.

**Qodobka 22: Waajibaadka korjoogtaynta**

1. Gudoomiyaha maxkamadda ama madaxa xafiiska xeer-ilaalinta ee gobolku waa inuu ku waajibiyaa shaqaalaha maxkamadda, saraakiisha maxkamadda iyo dadka kale ee hoos yimaadda awaamiirtiisa iyo maamulkiisa inay u dhaqmaan hanaan waafaqsan waajibaadka ku dhigan Xeer Anshaxeedkan.
2. Gudoomiyaha maxkamadda ee ku leh awooda korjoogtaynta (supervisory) garsoorayasha kale waa inuu qaado talaabooyin macquul ah oo uu ku xaqiijinayo inay u gutaan si haboon garsoorayaashu masuuliyadooda garsoor oo ay ka mid tahay inay si dhaqso badan u dhameeyaan arimaha iyo dacwadaha ay hayaan.

**Qodobka 23: Shaqo curyaamin iyo hawl gudasho la'aan**

1. Garsooraha ama ku-xigeenka Xeer-ilaaliyaha Guud ee sabab macquul ah darteed ay la noqoto in garsoore kale ama ku-xigeen Xeer-ilaaliye Guud ay curyaamin shaqo u gaysatay daroogo (drugs) ama walax kale, ama xaalad maskaxeed, dareen (emotional) ama jidh ahaaneed waa

XEER ANSHAXEEDKA GARSOORKA

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inuu ogaysiiyaa gudoomiyaha maxkamadda ay khuseeyso ama madaxa xafiiska xeer-laalinta gobolka ee ay khuseeyso.

2. Gudoomiyaha maxkamadda ama madaxa xafiiska xeer-ilaalinta ee la ogaysiiyay in hawl-gudashada garsoore ama ku-xigeen xeer-ilaaliye oo hoos yimaadda ay curyaamin shaqo u gaysatay daroogo (drugs) ama walax kale, ama xaalad maskaxeed, dareen (emotional) ama jidh ahaaneed waa inuu ogaysiiyaa Gudida Caddaaladda.

**Qodobka 24: Ka fal-celinta anshax xumada garsoorka**

1. Garsooraha ama ku-xigeenka Xeer-ilaaliyaha Guud ee ogaada in garsoore ama ku-xigeen xeer-ilaaliye inuu galay jebin Xeer Anshaxeedkan taas oo gelinaysa su'aalo muhiim ah oo la xidhiidha dacadnimada, aaminaadda, ama ku haboonaanta garsooraha ama ku-xigeenka Xeer-ilaaliyaha Guud waa inuu ogaysiiyaa gudoomiya maxkamadda ay khuseeyso ama madaxa xafiiska xeer-ilaalinta gobolka ay khuseeyso.
2. Gudoomiyaha maxkamadda ama madaxa xafiiska xeer-ilaalinta ee gobolku marka uu helo ogaysiinta in garsoore ama ku-xigeen Xeer-ilaaliye Guud oo hoos yimaadda maamulkiisa uu galay jebin Xeer Anshaxeedkan taas oo gelinaysa suaalo muhiim oo la xidhiidha dacadnimada, aaminaadda, ama ku haboonaanta garsooraha ama ku-xigeenka Xeer-ilaaliyaha Guud waa inuu ogaysiiyaa Gudida Caddaaladda.



## **Qodobka 25: La shaqaynta Gudida Caddaaladda**

1. Garsoorayaasha iyo ku-xigeenada Xeer-ilaaliyaha Guud waa inay la shaqeeyaan oo ay daacadnimo ugula shaqeeyaan Gudida Caddaaladda.
2. Garsoore ama ku-xigeen Xeer-ilaaliyaha Guud waa inaanu si toos ah iyo si dadban toona uga aargoosan qof uu ku og yahay ama ku tuhunsan yahay inuu ka gacan siiyay ama kala shaqeeyey Gudida Caddaalada baadhitaan ay ku sameeyeen garsoore ama ku-xigeen Xeer-ilaaliye Guud.

XEER ANSHAXEEDKA GARSOORKA

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## **QAYBTA 3AAD**

### **QODOBO KALA DUWAN**

#### **Qodob guud**

Garsoorayaasha iyo ku-xigeenada Xeer-ilaaliyaha Guud waa inay u gutaan hawlohooda shaqsiyeed, kuwa debedda ka ah iyo kuwa ka baxsan garsoorka si ka hortegaysa inay gelaan khatarta ah inay ka horyimadaan waajibaadkooda xafiiseed ee garsoorenimo iyo xeer-ilaaliyenimo.

#### **Qodobka 26: Hawlaha ka baxsan garsoorka**

1. Garsoorayaasha iyo ku-xigeenada Xeer-ilaaliyaha Guud way geli karaan hawlo ka baxsan kuwa garsoorka marka laga reebo kuwa sharciga ama Xeer Anshaxeedku ay mamnuuceen. Marka ay gudanayaan hawlo ka baxsan kuwa garsoorka, garsoorayaasha iyo ku-xigeenada Xeer-ilaaliyaha Guud waa inaanay:
  - B) Ka qayb qaadan hawlo faro gelinaya inay si haboon u gutaan wajibaadka garsoorayaasha iyo ku-xigeenada Xeer-ilaaliyaha Guud;
  - T) Ka qaby qaadan hawlo keeni doona in si joogto ah loo duro garsooraha ama ku xigeenka Xeer-ilaaliye;
  - J) Ka qaby qaadan hawlo ugu muuqan kara qofka caadiga ah inay majo-xaabinayaan madax-banaanida, daacadnimada iyo dhex-dhexaadnimada garsooraha;
  - x) Samayn fal ugu muuqan kara qofka caadiga ah inay yihiin kuwo qasab ama cabsi gelin ah;

XEER ANSHAXEEDKA GARSOORKA

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Kh) U isticmaalin goobaha, shaqaalaha, alaabada xafiiska (stationary), qalabka ama khayraadka kale ee maxkamadda waxaan ahayn hawlaha khuseeya sharciga, hanaanka sharci, ama maamulka caddaaladda, hadii aan isticmaal dheeraad ah aanu u ogolaan sharcigu.

**Qodobka 27: ka marag furid akhlaaqda qof**

1. Garsoorayasha iyo ku-xigeenada Xeer-ilaaliyaha Guud looma ogola inay ka noqdaan dacwad hortaal garsoorka ama mid idaari ah marag wax ka fura akhlaaqda qof, ama inay si kale u xaqiijiyaan akhlaaqda qof dacwadi ku socoto, marka laga reebo xaaladaha si cad loogu soo gudbiyo yeedhmo.

**Qodobka 28 Isticmaalidda xog aan la shaacin**

1. Garsoorayaasha iyo ku-xigeenada Xeer-ilaaliyaha Guud si ku talo-gal ah uma sheegi karaan xog aan la shaacin (non-public information) oo ay ku heleen awoododa xafiiseed ujeedo ka baxsan wajiaabaadka rasmiga ah ee garsooraha ama ku-xigeenka Xeer-ilaaliyaha Guud.

**Qodobka 29: Xidhiidh la yeelashada ururo wax takoor**

1. Garsooryasha iyo ku-xigeenada Xeer-ilaaliyaha Guud xubin kama noqon karaan urur ku dhaqma takoor (discrimination).
2. Garsoorayaasha iyo ku-xigeenada Xeer-ilaaliyaha ma isticmaali karaan faa'iido ama tas-hiilaad uu leeyahay urur, hadii garsooraha ama ku-xigeenka Xeer-ilaaliye ogyahay ama uu ogaan karo in ururku uu ku dhaqmo takoor.

XEER ANSHAXEEDKA GARSOORKA

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**Qodobka 30: ka qayb-galka ururo iyo hawlo wax-barasho, deeq-bixin, wax-istar ama madani**

1. Garsoorayaasha iyo ku-xigeenada Xeer-ilaaliyaha Guud way ka qayb geli karaan hawlaha ay sameeyaan ururo la xidhiidha sharciga, hanaanka sharci (legal system), ama maaraynta caddaalada, iyo kuwa ay sameeyaan ama loo qabto ururo waxbarasho, kuwo samo-fal, bulsho ama madani oo aan ahayn kuwo faa'iido doon ah, waxaana ka mid ah, kuma koobnee, hawlahaan soo socda:
  - B) Ka caawinta ururka ama kooxda qorshayaasha la xidhiidha ururinta dhaqaale (fund-raising) iyo ka qaybgalka maaraynta iyo maalgelinta dhaqaalaha ururka ama kooxda;
  - T) Ka soo qayb-gelida ama ka hadlid, aqbalid abaal marin (award) ama aqoonsi kale oo qayb ka ah barnaamijka iyo sidoo kale inuu ogolaado in derejadiisa (title) loo isticmaalo kullaan (event) uu leeyahay ururkaas ama kooxdaasi;
  - J) Ka talo bixinta la xidhiidha dhaqaale ururin si gaar ah ama si guud loogu samaynayo barnamijyada ama hawlaha ururka ama kooxda;
2. Garsooruhu wuu ka noqon karaa sarkaal, agaasime ama la-taliye aan ahayn mid sharci (non-legal advisor) urur ama koox, hadii aanay suurtagal ahayn in ururka ama kooxdu:
  - B) Ay qayb ka noqon doonto dacwad caadiyan hor iman doonta garsooraha; ama
  - T) Ay si joogto ah qayb uga noqon karto dacwad hortimaadda maxkamadda uu ka tirsan yahay, ama maxkamad kasta oo hoos timaadda ikhtisaaska maxkamadda rafcaanka ee uu ka tirsan yahay;

### **Qodobka 31: Jagooyinka leh masuuliyado maaliyadeed**

1. Garsoorayaasha iyo ku-xigeenka Xeer-ilaaliyaha Guud ma qaban karaan jago leh masuuliyado maaliyadeed sida fuliye (executor), maamule, ilaaliye (guardian), ama inuu shaqsiyan wakiil noqdo, marka laga reebo xaaladaha khuseeya hanti uu leeyahay xubin qoyskiisa ka mid ah ama qof qoyska garsooraha ama ku-xigeenka Xeer-ilaaliyaha ka tirsan, wuxuuna tan danbe noqon karaa oo keliya hadii adeegaasi aanu faro-gelin doonin hawlgudashada haboon ee garsooraha ama ku-xigeenka Xeer-ilaaliyaha Guud.
2. Garsoore ma qaban karo jago leh masuuliyado maaliyadeed hadii ay suurtagal tahay in garsooruhu qayb ka noqon doono dacwad caadiyan hor iman lahayd garsooraha, ama hadii hantida ama qofka uu danihiisa maaliyadeed uu ilaalinayo garsooruhu uu qayb ka noqdo dacwad soo gasha maxkamadda uu ka tirsan yahay garsooruhu, ama maxkamad ka tirsan ikhtisaaska maxkamadda rafcaanka ee uu ka tirsan yahay.
3. Garsooraha ama ku-xigeenka Xeer-ilaaliyaha Guud ee sii haya (ku-sime) jago leh masuuliyado maaliyadeed oo uu u hayo qof kale waxa qabanaya isla xanibaadaha khuseeya gelitaanka hawlo maaliyadeed ee lagu dabaqayo shaqsi ahaanta garsooraha ama ku-xigeenka Xeer-ilaaliyaha Guud.
4. Qofka isaga oo haya jago leh masuuliyad maaliyadeed noqda garsoore ama ku-xigeenka Xeer-ilaaliyaha Guud waa inuu raaco oo wafaqo qodobkan sida ugu dhaqsaha badan ee macquulka ah, balse marna kama badan karto sanad laga bilaabo xiliga uu noqday garsooraha ama ku-xigeenka Xeer-ilaaliyaha Guud.

XEER ANSHAXEEDKA GARSOORKA

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**Qodobka 32: Xeer-beegti (Arbitrator) ama dhex-dhexaadiye (Mediator)**

1. Garsooruhu ma noqon karo xeer-beegti ama dhex-dhexaadiye, mana qaban karo hawlo kale oo garsoor oo aan ahayn waajibaadka rasmiga ah ee garsooraha, marka laga reebo xaaladaha uu sharcigu sida cad u sheegay.

**Qodobka 33: Ku shaqaysig xirfadda sharciga**

1. Garsooruhu kuma shaqaysan karo xirfadda sharciga. Garsoore waa meteli kara wuuna siin karaa talo sharci islamarkaan u qori kara ama dib-u-eegis ugu samayn karaa qoraalo xubin ka tirsan qoyskiisa isaga oo aan ka qaadan wax lacag ama magdhow kale ah, balse waa ka mamnuuc inuu u noqdo xubinta qoyskiisa ka tirsan qareen.

**Qodobka 34: hawlaha ka baxsan garsoorka**

1. Garsoore wuu qaadan karaa xaquuq (compensation) uu ku helay hawlo uu qabtay oo ka baxsan arimaha garsoorka, hawlahaas oo ah kuwo uu ogol yahay Xeer Anshaxeedkan ama xeer kale, hadii qaadashada xaqaasi aanay qofka caadiga ah ugu muuqan inay majaxaabin ku tahay madax-banaanida, daacadnimada iyo dhex-dhexaadnimada garsoorka.

XEER ANSHAXEEDKA GARSOORKA

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**Qodobka 35: qaadashada iyo ka warbixinta hadiyadaha, daynta, faa'iidooyinka iyo ashyaada kale ee qiimaha leh**

1. Garsoorayaasha iyo ku-xigeenada Xeer-ilaaliyaha Guud ma qaadan karaan hadiyad, faa'iido ama ashyaada kale oo qiime leh, hadii qaadashadooda uu mamnuucay xeer ama ay ugu muuqan karto qofka caadiga ah inay majaxaabinayso madax-banaanida, daacadnimada iyo dhex-dhexaadnimada garsooraha.

**QAYBTA 4AAD**

**GUDIDA KORMEERKA IYO BAADHITAANKA**

**Qodobka 36: Doorarka iyo xilka Gudida Kormeerka iyo Baadhitaanka**

1. In la ilaaliyo xidhiidhka ku sallaysan aaminadda iyo kalsoonida ee ka dhexeeya xubnaha garsoorka Somaliland iyo dadwaynuhu wuxuu daruuri u yahay in si waxtar leh loo bixiyo adeeg caddaaladeed, iyo ugu danbayta badqabka iyo wanaagga dadka reer Somaliland.
2. Gudida Kormeerka iyo Baadhitaanka ee Gudida Caddaaladu ayaa ah ta ka shaqaynaysa sidii loogu guulaysan lahaa ujeedadaas, waxaayna ka ciyaartaa door muhiim ah xaqiijinta in garsoorku u shaqeeyo si waxtar leh.
3. Gudida Kormeerka iyo Baadhitaanku waxaay awoodeheeda u isticmaalaysaa sidii ay kormeer iyo baadhitaan u samayn lahaayeen si loo xaqiijiyo in hawlaha garsoorku ay noqdaan kuwo lagu qanacsan yahay, in Xeerka Anshaxa la raacay iyo

XEER ANSHAXEEDKA GARSOORKA

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in habka maamul ee garsoorku uu yahay mid daah-furan oo ku dhisan cadaymo.

4. Gudida Kormeerka iyo Baadhitaanku waxaay kormeer ku samaynaysaa hawl gudashada iyo falalka garsoorka, waxaayna samaynaysaa baadhitaan buuxa oo dhex-dhexaad ah si loo xaqiijiyo in hawlgudashada garsoorka iyo falalkood ay yihiin kuwo lagu qanacsan yahay, iyo in tabo-barada iyo baahiyaha kale la tilmaamo oo wax laga qabto.
5. Gudida Kormeerka iyo Baadhitaanku waxaay qaadaysaa baadhitaan buuxa oo dhex-dhexaad ah oo ay ku samaynayso cabashooyinka dadwaynuhu ka keeno garsoorka, sidoo kale hadii ay daruuri tahay waxaay bilaabi kartaa baadhitan hadii ay ku ogaato hanaan kale sheegashooyin falal qaldan oo lagu kacay.
6. Gudida Kormeerka iyo Baadhitaanku waxaay haynaysaa diiwaanka cabashooyinka iyo qaybaha kale ee la xidhiidha hawl gudashada garsoorka, waxaayna masuul ka tahay maaraynta iyo haynta xog-kaydshaha (data base) baadhitaanada, cabashooyinka, iyo xogaha kale ee la xidhiidha, waxaayna xaqiijinaysaa in xogta hawlgudashada garsoorku ay tahay mid sax ah, si haboon loo diiwaangeliyay oo lagu kalsoonana karo, iyo in hawlaha hay'adeed iyo hawlgudashadiisa, sida ay u dhaqmaan iyo qaababka ay u badan tahay falalkoodu si haboon loo helo, qiimeeyo oo looga warbixiyo.
7. Gudida Caddaaladdu waxaay soo saari doontaa tilmaamo ay ku faah-faahinayso dooroka, xilka iyo hababka ay hawlaha u qabanayso Gudida Kormeerka iyo Baadhitaanka.



## **Anshax Ciqaabedka ka Dhanka Garsoorayaasha iyo Ku-igeenada Xeer Ilaaliyaha Guud**

### **Anshax ciqaabedka ka dhanka garsoorayaasha**

#### **Ujeedooyinka iyo Fulinta Anshax Ciqaabedka**

Ujeedada Guud ee laga leeyahay anshax marintan ka dhanka ah garsoorayaasha waa in la saxo falalka qaldan si cashar ay wax ka bartaan ay ugu noqoto garsoorayaasha kale, haday laga maarmaan noqotona shaqada looga eryo kuwa aanay suurto gal ahayn inay hagaagaan.

Garsooraha ku guuldaraysta ama ka gaabiya gudashada waajibaadkiisa mihiyadeed, ama baal mara Xeer anshaxeedka iyo waxyaabaha uu dhigayo waxa laga qaadayaa talaabooyinka iyo ciqaabaha ee ku dhigan xeer anshaxeedka.

Anshax Ciqaabedka loo maro si waafaqsan Xeer anshaxeedka kama hor istaagayo in lagu soo oogo dacwad madaniga ama mid ciqaaba garsooraha, ama ganaaxyo maaliyadeed iyo ciqaabaha kale ee sharcigu waajibiyay.

XEER ANSHAXEEDKA GARSOORKA

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**Noocyada Anshax Marinta**

Garsooraha lagu helo inuu galay fal anshax xumo waa in la baadhaa loogana go'aan gaadhaa si waafaqsan qodobada Xeer anshaxeedka.

Anshax marinta lagu qaadayo garsooraha lagu helo inuu sameeyay fal dhaqan xumo ah waa kuwan hoos ku xusan:

- Digniin afka ah;
- Digniin Qoraal ah;
- Ganaax mushahar oo aan bil ka badnayn;
- Ganaax mushahar oo ah sedex bilood ama laba bilood;
- Hal darajo oo hoos u dhigis ah; ama
- Shaqo ka joojin (Suspension), iyadoo lagu waajibanayo ama aan lagu waajibanayn tababar dheeraad ah inuu qaato;
- Shaqo ka eryid.

Lacag kasta oo ay Guddida Cadaaladu ka hesho ganaaxyada anshax xumada waa in lagu shubaa khasnada Dawlada.

XEER ANSHAXEEDKA GARSOORKA

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## **Qaybaha Anshax Marineed ee Garsooraha**

Qaybaha anshax marineed ee Garsooraha laga qaadayo waa:

**B. Anshax marinta dhaqan xumada fudud;**

**T. Anshax marinta dhaqan xumada culus.**

## **B. Anshax xumada fudud ee Garsooraha**

Tusaalayaashan hoos ku xusan ayaa ka mid anshax xumaanta fudud:

1. Garsooraha isaga oon wax cudur-daar ah haysan ama iyadoo aanay jirin sabab la aqbali ku guuldaraysta ama diida inuu ka qayb-galo tababaro, aqoon is waydaarsi ama dood-cilmiyeedyo loo abaabulay si kor loogu qaado aqoonta sharci iyo xirfada garsoorka.
2. Garsooraha isaga oon wax cudur-daar ah ama asbaab la aqbali karo haysan, dib-udhiga garmaqalka dacwad, ama sameeya xog qaldan oo ku saabsan dacwad maxakamada ku jirta.
3. Garsooraha isaga oo dacwad ku jira sameeya fal aan haboonayn oo wax u dhimaya sumcada garsoorka.
4. Garsooraha oo ku guuldaraysta inuu u digo, saxo ama qaado talaabo ka dhanka ah dhinaca sameeya waxyaabo aan sharci ahayn inta lagu guddo jiro garmaqalka.
5. Garsooraha oo ku guuldaraysta inuu digniin siiyo, saxo ama qaado talaabo ka dhanka ah dhinaca yimaada dacwada isaga oon diyaar ahayn.
6. Garsooraha oo ku guuldaraysta inuu digniin siiyo, saxo ama qaado talaabo ka dhan ah dhinaca isku daya inuu di u dhigo

XEER ANSHAXEEDKA GARSOORKA

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- in go'aan lag gaadho dacwada, ama isku daya inuu ku sababeeyo dib-udhigistaas sababo aan la aqbali karin.
7. Garsooraha oo diida inuu u dhegaysto dhinacyada dacwada si dulqaad leh isla markaana dhex-dhexaadnimo ah ama si badheedha ah ugu xad gudba sumcada iyo karaamada dhinacyada midkood.
  8. Garsooraha oo ka gaabiya inuu raaco sida ku xusan xeerarka iyo hab-raacyada garsoorka, ama u guta waajibaadkiisa hab mijaxaabinaya iskaashiga iyo wadashaqaynta xubnaha kale ee garsoorka.
  9. Garsooraha oo ka gaabiya inuu digniin siiyo, saxo ama talaabo ka qaado xubnaha kale ee garsoorka ee u dhaqma si aan haboonayn ama qaab dhaqan xumo ah inta garmaqalku socdo.
  10. Garsooraha oo ka gaabiya inuu digniin siiyo, saxo ama talaabo ka qaado xubnaha kale ee garsoorka ee u adeegsada mansabkooda dano shaqsiyadeed ama macaash, ama danaha ama macaash dad kale.
  11. Garsooraha oo layeesha xidhiidh shaqsi xubnaha kale ee garsoorka kaas oo wax yeelaynaya gudashada waajibaadkiisa dhex-dhexaadnimo isla markaana hoos u dhigaya sumacada iyo karaamada garsoorka.
  12. Garsooraha oo shaqada ka maqnaada iyadoo aanay jirin sabab ama cudur-daar macquul ah.
  13. Garsooraha oo diida inuu dhegaysto dacwad loo igmaday iyadoo aanay jirin sabab ama cudur-daar macquul ah.

XEER ANSHAXEEDKA GARSOORKA

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14. Garsooraha oo diida inuu dhegaysto dacwad isla markaana si ula kac ah u sameeya sababo been abuur ah si aanu u dhegaysan dacwadaas loo igmaday.
15. Garsooraha oo diida inuu guto waajibaadka kale ee ay u igmadaan madaxdiisu.
16. Garsooraha oo diida inuu fadhi furan ku dhegaysto dacwad iyadoo aanay jiriin sabab macquul ah ama la aqbali karo oo uu cuskaday.
17. Garsooraha oo u qabta shaqooyin kale dano shaqsi ah oo ka hor imanaya waajibaadkiisa, masuuliyadkiisa iyo sharafta garsoorka.

### **T. Anshax Xumada Culus ee Garsooraha**

#### **Tusaalayaasha hoos ku xusani waa anshax xumada culus ee garsooraha:**

1. Garsooraha oo si badheedh ah u xagliya dacwad isaga oo ku xadgubaya dabaqaada qodobada sharci ee ku haboon ama xeerka si uu uga dheefo ama u dhibo labada dhinac midkood.
2. Garsooraha oo u xagliya dhinacada dacwadu ka dhexayso midkood sababo qabiilnimo, xigtanimo, dhalasho, sinji, Xidhiidh siyaasadeed, meeqaam bulsho ama sababo kale.
3. Garsooraha oo inta garmaqalku socdo ku hanjaba gacan ka hadal ama isku daya ama kula kaca gacan ka hadal garsoore kale, hawl-wadeenada garsoorka, ama dhinacyada dacwada midkood ama qareenkooda.

XEER ANSHAXEEDKA GARSOORKA

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4. Garsooraha oo inta garmaqalka lagu jiro ku qayliya, ama u hanjaba ama aflagaado ugaysta garsoore kale, hawl-wadeenada garsoorka, ama labada dhinac midkood ama qaareenkooda.
5. Garsooraha oo iyadoo aanay jirin sabab macquul ah ama la aqbali karo u curyaamiya awoodihiisa uu ku gudan lahaa masuuliyadiisa garsoornimo.
6. Garsooraha oo soo saara xukun dacwada ka hor intaan xukunkaasi si sharci ah loogu dhawaaqin iyadoo ay joogaan dhinacyadii dacwadu ka dhexaysay.
7. Garsooraha oo ka garnaqa dacwad uu ogyahay inaanu sharcigu awood u siinin dhegaysigeeda.
8. Garsooraha oo ka qaata ama isku daya inuu ka qaato laaluush, hadiyad ama deeqo kale qof dhinac ka ah dacwad ama qof dan ku leh dacwada.
9. Garsooraha oo si badheedha ah ugu adeegsada masuuliyadiisa ama awoodiisa dano shaqsiyadeed ama danaha labada dhinac ee dacwada midkood, ama danaha qof kale.
10. Garsooraha oo xubin ka noqda xisbi siyaasadeed ama urur.
11. Garsooraha oo isaga oo aan awood ma aqoon u lahayn caqabad ku noqda shaqada maxakamada, iyo awooda ay ku hubinayso Go'aano cadaalada.
12. Garsooraha oo u bandhiga ama daaha-uga-roga warbaahinta xog ku saabsan dacwad maxakamada ku jirta.
13. Garsooraha oo ka gaabiya inuu la shaqeeyo ama daacad u noqdo Guddida Cadaalada.

XEER ANSHAXEEDKA GARSOORKA

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**Tallaabooyinka laga qaadayo Anshax Xumoda Fudud:**

Garsooraha lagu helo inuu sameeyayay falal baal marsan qodobada xeer anshaxeedka iyo dhamaan waxyaabaha uu dhigayo, isla markaana ku kacay fal ah anshax xumo fudud, waxa laga qaadayaa talaabooyinka anshax marineed ee hoos ku xusan:

**Marxaladda koowaad:**

- Digniin affka ah; ama
- Digniin qoraal ah.

**Marxaladda labaad:**

- Ganaax hal bil oo mushar ah.

**Marxaladda Sedexaad:**

- Ganaax laba bilood musharkood iyo inaan laba sano la dalacsiinin.

**Wixii intaa ka sii danbeeya:**

- Ganaax mushahar oo sedex bilood ah iyo hoos u dhigis hal darajo ah ama
- Shaqo ka eryid.

XEER ANSHAXEEDKA GARSOORKA

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## **Tallaabooyinka laga qaadayo anshax xumada culus**

Garsooraha lagu helo inuu sameeyayay falal baal marsan Qodobada xeer anshaxeedka iyo dhamaan waxyaabaha uu dhigayo, isla markaana ku kacay fal ah anshax xumo culus waxa laga qaadayaa talaabooyinka anshax marineed ee hoos ku xusan.

### **Marxaladda koowaad**

- Digniin qoraal ah; ama
- Ganaax mushahar laba bilood ah iyo inaan la dalacsiin laba sano.

### **Marxaladda labaad**

- Ganaax sedex bilood oo mushar ah iyo hoos u dhigis hal darajo.

### **Marxaladda sedexaad**

- Shaqo ka eryid.

## **Anshax Ciqaabeedka Gaarka ah**

Iyada oon waxba loo dhimayn qodobada iyo wax yaalaha uu dhigayo Xeer anshaxeedka, Guddida Cadaaladu way ka eryi karaan shaqada garsoore haday u arkaan in anshax xumadiisa ay muujinayso inaanu u qalmin ama ku haboonayn garsooranimu.

## **Maamul Xumada Garsoorayaasha**

Sababa hoos ku xusan waxa loo tixgelinayaa sababo maamul xumo oo keeni kara talaabo anshax oo laga qaado guddoomiyayaasha maxakamadaha Racfaanka, Gobolka iyo Degmada;

- Hadii uu muujiyo inuu u xagliyo garsoore iyadoo aanu haysan asbaab cad oo la aqbali karo.



## XEER ANSHAXEEDKA GARSOORKA

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- Haddii uu ka gaabiyo ama uu u hago shaqada garsoore si uu u dhibaateeyo danaha labada dhinacba iyo adeega dadwaynaha.
- Haddii uu ka gaabiyo ka warbixinta dhaqan xumada garsoore uu ka warhayay, si waafaqsan qodobada xeer anshaxa, isla markaana uu ku guuldaraysto inuu dabagal ku sameeyo si looga qaado talaabada sharci ee ku haboon.
- Haddii uu ku guuldaraysto awaamiirta sharci ee ay siiyaan gudoomiyayaasha  
Maxkamadaha racfaanka, gobolka iyo degmadu ee darajo ahaan ka sareeya.

### **Anshax Ciqaabedka Maamul**

1. Guddida Caddaaladu waxay ka eryi kartaa garsoore maxkamadaha racfaanka, gobolka iyo degmada falalka maamul xumo darteed sida ku xusan Xeer Anshaxeedka.
2. Gudoomiyaha Maxkamada Sare waxa uu mushaharka ka hakin karaa garsooraha shaqada ka maqnaada isagoon haysan ogolaansho ama cudur-daar la aqbali karo.
3. Gudoomiyaha Maxkamada Sare waa inuu ogaysiiyaa isagoo sababaynaya Guddida Cadaalada talaabooyinka anshax marineed ee uu qaaday.
4. Gudoomiyaha Maxkamada Sare shaqo joojin kuma samayn karo garsoore muddo ka badan 30 maalmood sida uu dhigayo anshax ciqaabeekani
5. Guddida cadaaladu waxay awood u leedahay inay kordhiso shaqo joojinta haday lagama maarmaan u aragto.
6. Go'aanka shaqada lagaga joojinayo garsooraha waa inaanay saamayn ku yeelan mushaharkiisa.

## XEER ANSHAXEEDKA GARSOORKA

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### **Anshax ciqaabeedka ka dhanka ah xeer ilaaliye ku xigeenada**

#### **Ujeedooyinka iyo fulinta Anshax Ciqaabeedka**

Ujeedada Guud ee laga leeyahay anshax marintan ka dhanka ah ku-xigeenada Xeer-ilaaliyaha Guud waa in la saxo falalka qaldan si ay cashar ay wax ka bartaan ugu noqoto ku xigeenada xeer ilaaliyaha guud, haday laga maarmaan noqotona shaqada looga eryo kuwa aanay suurto gal ka ahayn inay hagaagaan.

Ku xigeenka xeer ilaaliya guud ee ku guuldaraysta ama ka gaabiya gudashada waajibaadkiisa mihnadeed, ama baal mara xeer anshaxeerka iyo waxyaabaha uu dhigayo waxa laga qaadayaa talaabooyinka iyo ciqaabaha ku dhigan xeer anshaxeedka.

Talaabooyinka anshax marineed ee loo qaaday si waafaqsan xeer anshaxeedka kama hor istaagayaan dacwad madaniya ama mid ciqaabeed in lagu soo oogo Xeer-ilaaliye ku xigeenka.

#### **Noocyada Anshax Ciqaabeedka**

Dacwada xeer ilaaliye ku xigeenka guud ee lagu helo inuu galay fal anshax xumo waxa looga go'aan gaadhayaa si waafaqsan qodobada xeer anshaxeedka.

Talaabooyinka anshax marineed ee laga qaadayo ku-xigeenada Xeer-ilaaliyaha Guud ee lagu helo falalka anshax xumo waxay noqonayaan kuwan hoos xusan:

- Digniin afka ah;
- Digniin qoraal ah;
- Ganaax aan ka badnayn bil mushaharkeed;
- Ganaax laba bilood ilaa sedex bilood oo mushahar ah;
- Hoos u dhigid hal darajo;
- Shaqo ka eryid.

XEER ANSHAXEEDKA GARSOORKA

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Lacag kasta oo Guddida Cadaaladu ka hesho ganaaxyada falalka aan haboonayn waxa lagu shubayaa khasnada dawlada.

**Noocyada Anshax Marinta Ka Dhanka ah Xeer -ilaalinta**

Noocyada anshax marinta ah ee laga qaadayo ku-xigeenada Xeer-ilaaliyaha Guud waa:

- B. Anshax xumada fudud;
- T. Anshax xumada culus.

**B. Anshax Xumada Fudud ee Ku-Xigeenka Xeer Ilaaliyaha Guud**

Tusaalayaasha hoos ku xusan ayaa ah anshax xumada fudud:

1. Ku-xigeenka Xeer-ilaaliyaha Guud oo ka gaabiya inuu shaqadiisa u guto si xilkasnimo leh isla markaana masuuliyadi ku jirto.
2. Ku-xigeenka Xeer-ilaaliyaha Guud oo caqabad ku noqda dacwad socota, ama ka gaabiya inuu gacan siiyo shaqada hawl-wadeenada kale ee garsoorka ama qareenka dhinacyada dacwada.
3. Ku-xigeenka Xeer-ilaaliyaha Guud oo lacag ka amaahda qof dano gaar ah ama dano dadban ku leh dacwad uu gacanta ku hayo xeer ilaaliye ku xigeenku.
4. Ku-xigeenka Xeer-ilaaliyaha Guud ee soo bandhiga ama la wadaaga xog la xidhiidha dacwad ama xog kasta oo kale oo la dhawray, dad aanu sharcigu u ogolayn inay xogtaas helaan, iyadoo aanu jirin amar uga yimid madaxda ka saraysa.

XEER ANSHAXEEDKA GARSOORKA

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5. Ku-xigeenka Xeer-ilaaliyaha Guud oo ku kaca fal kasta oo kale oo loo turjuman karo inuu keensanayo anshax xumo fudud.

**T. Anshax Marinta Culus ee Ku-xigeenada Xeer-ilaaliyaha Guud**

**Tusaalayaasha hoos ku xusan ayaa ah anshax xumada culus:**

1. Ku-xigeenka Xeer-ilaaliyaha Guud oo codsada ama qaata laaluush.
2. Ku-xigeenka Xeer-ilaaliyaha Guud oo muujiya eex dhinac dacwad ka mid ah sababo la xidhiidha dano shaqsiyadeed iyo dheef, ama danaha iyo dheefta dad kale.
3. Ku-xigeenka Xeer-ilaaliyaha Guud oo sameeya qoraalo been abuur ah sababo la xidhiidha danaha qofeed iyo dheef, ama danaha iyo dheefaha dad kale.
4. Ku-xigeenka Xeer-ilaaliyaha Guud ee lacag ka amaahda qof xidhiidh la leh dacwad, taasoo wax yeelayn karta awoodiisa ah inuu shaqadiisa u guto si dhex-dhexaadnimo ah.
5. Ku-xigeenka Xeer-ilaaliyaha Guud oo si badheedha ama xil kasnimo la'aan ah u qariya ama ka gaabiya inuu keeno ama soo bandhigo xog dacwadeed, taasoo keeni karta in xukun qaldan ka soo baxo dacwada.
6. Ku-xigeenka Xeer-ilaaliyaha Guud oo iyadoo aanay jirin sabab macquul ah ama la aqbali karo curyaamiya awooda uu ku gudanayo waajibaadkiisa.
7. Ku-xigeenka Xeer-ilaaliyaha Guud oo shaqada ka maqnaada iyado aanay jirin ogolaanshiiyo iyo cudur-daar macquul ah ama la aqbali.

XEER ANSHAXEEDKA GARSOORKA

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8. Ku-xigeenka Xeer-ilaaliyaha Guud oo u dhaqma qaab ku lid ah sharafta maxkamada inta garmaqalku socdo.
9. Ku-xigeenka Xeer-ilaaliyaha Guud oo si badheedh ah ama xilkasnimo la'aan ah u wax yeeleeya hantida xafiiska.
10. Ku-xigeenka Xeer-ilaaliyaha Guud oo diida inuu raaco tilmaamo af ahaan ama qoraal ahaan uga yimid madaxda ka saraysa si waafaqsan sharciga, isaga oon uhaysan sabab macquula ah ama la aqbali karo diidmadiisa.
11. Ku-xigeenka Xeer-ilaaliyaha Guud oo maxakamada usoo gudbiya cadayn aan sharciyan la aqbali karin (not admissible by law), isla markaana oгаа ama ogaan karayay in cadayntaasi lagu helay hab sharci darro ah, gaar ahaan haddii lagu helay jidh dil, isla markaana ka gaabiya inuu ka warbixiyo ama talaabada sharci ee ku haboon ka qaado cida leh masuuliyada cadayntaasi sharci darrada ah.
12. Ku-xigeenka Xeer-ilaaliyaha Guud oo xubin ka noqda xisbi siyaasadeed ama urur, ama u ololeeya si toos ah isagoo taageeraya xisbi siyaasadeed ama urur.
13. Ku-xigeenka Xeer-ilaaliyaha Guud oo si badheedha ah oo cadaalad darro ah u saamaya dacwad isaga oon aan adeegsanin qodobada sharci ee ku haboon dacwadaas, halkii uu si xilkasnimo leh u soo oogi lahaa dacwada isagoo adeegsanaya cadaymo.
14. Ku-xigeenka Xeer-ilaaliyaha Guud oo muujiya inuu la safan yahay dhinacyada dacwada midkood arimo la xidhiidha qabiilnimo, dhalasho, sinji, xidhiidh siyaasadeed, meeqaam bulsheed ama sababo kale.
15. Ku-xigeenka Xeer-ilaaliyaha Guud oo garmaqalka dhexdiisa ku hanjaba ama isku daya inuu gacan ka hadal ugaysto ama u

XEER ANSHAXEEDKA GARSOORKA

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gaysta garsoore hawl-wadeenada garsoorka, saraakiisha booliiska, ama dhinacyada dacwada midkood ama qareenadooda.

16. Ku-xigeenka Xeer-ilaaliyaha Guud oo marka laga reebo xaaladaha sharcigu ogol yahay u bandhiga ama u gudbiya xog dacwadeed warbaahinta.
17. Ku-xigeenka Xeer-ilaaliyaha Guud oo ka gaabiya inuu iskaashi la sameeyo ama daacad u noqdo Gudida Cadaalada.

XEER ANSHAXEEDKA GARSOORKA

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## **Anshax Ciqaabedka ka Dhanka Ku-igeenka Xeer Ilaaliyaha Guud**

### **B. Tallaabooyinka laga qaadayo anshax xumada fudud**

Ku-xigeenka Xeer-ilaaliyaha Guud ee lagu helo inuu sameeyay fal lid ah qodobada xeer anshaxeedka iyo dhamaan wax yaalaha uu dhigayo, isla markaana sameeyay fal anshax xumo oo fudud, waxa laga qaadayaa talaabooyinka anshax ciqaabedka ee hoos ku xusan:

#### **Marxaladda koowaad:**

- Digniin afka ama qoraal ah.

#### **Marxaladda labaad**

- Ganaax hal bil oo mushahar ah.

#### **Marxaladda sedexaad:**

- Ganaax laba bilood oo mushahar ah iyo hoos udhigid hal darajo ah.

#### **Intaa wixii ka danbeeya:**

- Shaqo ka eryid.

### **T. Tallaabooyinka laga qaadayo anshax xumada culus**

Xeer ilaaliyaha xigeenka lagu helo inuu sameeyay fal lid ku ah qodobada xeer anshaxeedka iyo dhamaan wax yaalaha uu dhigayo, isla markaana sameeyay fal anshax xumo oo culus, waxa laga qaadayaa talaabooyinka anshax ciqaabedka ee hoos ku xusan:

**XEER ANSHAXEEDKA GARSOORKA**

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**Marxaladda koowaad:**

- Ganaax laba ilaa sedex bilood oo mushahar ah.

**Marxaladda labaad:**

- Ganaax laba bilood oo mushahar ah iyo hoos u dhigid hal darajo.

**Marxaladda sedexaad:**

- Shaqo ka eryid.



## XEER ANSHAXEEDKA GARSOORKA

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### **Anshax Ciqaabedka Gaarka ah**

Iyada oo aan waxba loo dhimayn qodobada xeer anshaxeedka iyo wax yaabaha uu dhigayo, Guddida Cadaaladu way ka eryi karaan shaqada ku-xigeenka Xeer ilaaliye Guud hadii ay jirto cadayn in nooca anshax xumada uu sameeyay ay tahay mid keensanaysa inaanu u qalmin ama ku haboonahayn inuu ku-xigeen Xeer-ilaaliye Guud sii ahaado.

### **Maamul Xumada Ku-xigeenka Xeer Ilaaliyaha Guud**

Waxyaabaha hoos ku xusan waxa loo tixgelinayaa falal maamul xumo kuwaas oo ay ka dhalan karaan anshax ciqaabeedyo ka dhan ah ku xigeenka Xeer-ilaaliyaha Guud:

- Ku xigeenka Xeer ilaaliyaha Guud oo u muujiya xaglin cida ka hoosaysa iyadoo aanay jirin sabab ama la aqbali karo.
- Ku xigeenka Xeer ilaaliyaha Guud oo ku guuldaraysta inuu ku hago ama ku tilmaamo shaqada qof ka hooseeya taasoo keentay khasaare soo gaadha dhinacyada dacwada ama waxyeelo ugaysta sumcada garsoorka.
- Ku xigeenka Xeer ilaaliyaha Guud oo ka gaabiya inuu dabagal ku sameeyo marka uu ogaado garsoore ama xeer ilaaliye kale oo sameeyay fal ka dhan ah xeer anshaxeedka ama ku guuldaraysta inuu raaco amar lagu siiyay inuu ka qaado tallaabo ku haboon garsooraha ama ku-xigeen Xeer ilaaliye Guud.
- Ku xigeenka Xeer ilaaliyaha Guud oo ka gaabiya inuu fuliyo awaamiirta sharci ama tilmaamaha uu siiyo qofka darajo ahaan ka sareeyaa.

XEER ANSHAXEEDKA GARSOORKA

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**Anshax Ciqaabeedka Maamul**

1. Gudida Cadaaladu waxay shaqada kaga eryi karaan ku-xigeenka Xeer-ilaaliyaha Guud falalka maamul xumo sida uu dhigayo xeer anshaxeedkani.
2. Xeer-ilaaliyaha Guud wuxuu mushaharka ka joojin karaa ku-xigeenka Xeer-ilaaliyaha Guud ee shaqada ka maqnaada ogolaanshiiyo la'aan ama iyada oo aanay jirin sababo la aqbali karo.
3. Xeer-ilaaliyaha Guud waa inuu ogaysiiyaa isagoo sababaynaya Guddida Cadaalada sababaha keenay talaabooyinka anshax marineed ee uu qaaday.
4. Xeer-ilaaliyaha Guud kama joojin karo shaqada ku xigeenka xeer-ilaaliyaha Guud muddo ka badan (30) maalmood.
5. Gudida Cadaaladu waxay awood u leeyihiin kordhinta shaqo joojinta haday lagama maarmaan u arkaan.

**XEER ANSHAXEEDKA GARSOORKA**

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**English Version**

## **PREAMBLE**

The Constitution of the Republic of Somaliland establishes an independent judiciary as the branch of government responsible for the protection of the rights and fundamental freedoms of the citizens of Somaliland and for providing an impartial judicial service.

Building governance systems and processes serves to strengthen the judiciary and ensures public confidence in the judiciary and that:

- Judges and prosecutors should be independent in the performance of their judicial duties;
- Judges and prosecutors should be held accountable for their conduct in the performance of their judicial duties.

Having seen the importance of the disciplinary process for the judiciary as stated in the Law of the Organization of the Judiciary (24/2003), the High Judicial Commission of the Republic of Somaliland was established to execute its constitutional obligations in accordance with Article 106 of the Somaliland Constitution.

The High Judicial Commission requires systems and processes to hold the judiciary to account and to ensure the independence, accountability and transparency of the judiciary.

The High Judicial Commission, in implementing its constitutional mandate in accordance with Article 108 of the

XEER ANSHAXEEDKA GARSOORKA

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Constitution, as well as Article 32 of the Law of the Organization of the Judiciary (24/2003), adopts the following Code of Conduct for the Judiciary of the Republic of Somaliland, to replace the previous Code of Conduct for Judges and Deputy Attorney Generals (2011).

## **PART 1**

### **GENERAL PROVISIONS**

*A judge, or a Deputy Attorney General, must uphold and promote the independence, honesty, and impartiality of the judiciary, and must avoid all improper behaviour and appearance of improper behaviour.*

#### **Article 1: Definition of the Code of Conduct**

##### **1. Code of Conduct:**

- A. The Code of Conduct (hereinafter referred to as the Code) is intended to establish standards of ethical conduct of judicial officers and to be applied consistently with constitutional requirements, statutes, court rules and legal authorities and in the context of all relevant circumstances.
- B. The Code is to be construed so as not to impinge on the essential independence of judicial officers in the making of judicial decisions or to limit their legal rights.
- C. This Code is called “Code of Conduct of the Judiciary of the Republic of Somaliland”.

XEER ANSHAXEEDKA GARSOORKA

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2. **Judiciary:** For the purposes of the Code judiciary refers to judges of the appeals, regional and district courts, and to Deputy Attorney Generals of the Republic of Somaliland.
3. **Monitoring and Inspection Committee:** Members appointed by the High Judicial Commission of the Republic of Somaliland who are tasked to monitor and inspect cases and operations of the judiciary and investigate complaints about the conduct of judges and Deputy Attorney Generals.

### **Article 2: Scope and Implementation of the Code of Conduct**

1. The Code is binding to lower court judges and Deputy Attorney Generals of the Republic of Somaliland.
2. The Code comes into force 30 days after the High Judicial Commission approves.

### **Article 3: Amendments to or Corrections of the Code of Conduct**

1. The High Judicial Commission has the authority to review and amend the Code.

### **Article 4: Basis of Supremacy of the Code of Conduct**

1. Policies and procedures by the High Judicial Commission violating the Code are deemed null and void.

### **Article 5: Oath**

1. As per Article 19 of the Law of the Organisation of the Judiciary (LW 24/2003), lower court judges and Deputy Attorney Generals will be sworn in by the Chief Justice.
2. *I SWEAR TO ALLAH THAT I SHALL BE HONEST TO THE ISLAMIC RELIGION, THE CONSTITUTION OF SOMALILAND AND OTHER LAWS OF THE REPUBLIC*

XEER ANSHAXEEDKA GARSOORKA

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*OF SOMALILAND COUNTRY, AND SHALL CONDUCT MY DUTIES IN AN HONEST AND IMPARTIAL MANNER.*

**Article 6: Interpretation**

1. The Code will be interpreted in line with the Somaliland Constitution, Islamic Sharia, and international judiciary principles.
2. The Somaliland Constitution and the Organisation of the Judiciary Act are supreme legislation for the Code and should be referred to for interpretation.
3. The High Judicial Commission has the mandate to interpret the Code.

**Article 7: Publishing the Code of Conduct**

1. The High Judicial Commission is responsible for publishing, and educating lower court judges and Deputy Attorney Generals about the Code.

## **PART 2**

### **GENERAL PRINCIPLES**

#### **Article 8: Compliance with the Constitution and Law of Somaliland**

1. Lower court judges and Deputy Attorney Generals must always comply with Somaliland law and with the High Judicial Commission Code of Conduct of the Judiciary.

#### **Article 9: Independence and Integrity**

1. Due to the complexity, sensitivity and vitality of the courts' jurisdiction in all cases, and the importance of judicial independence and integrity, judges and Deputy Attorney Generals shall be free and seen to be free from external influence as everyone is equal before the law.

#### **Article 10: Promoting Public Confidence in the Judiciary**

1. A judge, or a Deputy Attorney General, must act at all times in a manner that promotes public confidence in the independence, transparency, honesty and impartiality of the judiciary, and must avoid all improper behaviour.

#### **Article 11: Avoiding Abuse of the Prestige and Power of the Judiciary**

1. A judge, or a Deputy Attorney General, must not abuse the prestige and power of the judiciary to advance their personal or economic interests, or allow others to do so.



### **Article 12: Giving Precedence to the Duties of the Judiciary**

1. The duties of a judge, or a Deputy Attorney General, as prescribed by law, must take precedence over all of their personal and extrajudicial activities.

### **Article 13: Impartiality and Fairness**

1. A judge, or a Deputy Attorney General, must uphold and apply the law, and must perform all of their duties fairly and impartially.

### **Article 14: Prejudice and Harassment**

1. A judge, or a Deputy Attorney General, must perform their duties, including administrative duties, without prejudice.
2. A judge, or a Deputy Attorney General, must not, in the performance of their duties, by words or conduct, manifest prejudice or engage in harassment, and must not permit court staff, court officials, or others subject to the judge's or Deputy Attorney General's direction and control to do so.
3. A judge must require Deputy Attorney Generals and lawyers in proceedings before the court to refrain from manifesting prejudice, or engaging in harassment, against parties, witnesses or lawyers.

### **Article 15: External Influences on the Judiciary**

1. A judge, or a Deputy Attorney General, must not be swayed by public opinion or fear of criticism.
2. A judge, or a Deputy Attorney General, must not permit family, social, political, financial, or other interests or relationships to influence their conduct or judgment.

XEER ANSHAXEEDKA GARSOORKA

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3. A judge, or a Deputy Attorney General, must not convey or permit others to convey the impression that any person or organisation is in a position to influence the judge or Deputy Attorney General.

**Article 16: Competence and Cooperation**

1. A judge, or a Deputy Attorney General, must perform their judicial and administrative duties, competently and in accordance with this Code.
2. A judge, or a Deputy Attorney General, must cooperate with other judges, other Deputy Attorney Generals, and court officials in the administration of court business (etiquette).

**Article 17: Ensuring the Right to Be Heard**

1. A judge must give to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law.
2. A judge may encourage parties to a proceeding and their lawyers to settle matters in dispute, in accordance with the law, but must not act in a manner which forces or compels any party into settlement.

**Article 18: Responsibility to Decide**

1. A judge must hear and decide matters allocated to him, except when disqualification is required by law or by the Code.

**Article 19: Behaviour, Attitude, and Communication**

1. A judge must require order and good behaviour in proceedings before the court.

XEER ANSHAXEEDKA GARSOORKA

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2. A judge, or a Deputy Attorney General, must be patient, dignified and courteous to litigants, jurors, witnesses, lawyers, court staff, court officials and others with whom the judge deals in an official capacity, and must require similar conduct of lawyers, court staff, court officials, and others subject to the judge's or Deputy Attorney General's direction and control.

**Article 20: External Communications**

1. A judge must not initiate, permit or consider external (to the case) communications, or consider other communications made to the judge outside the presence of the parties or their lawyers, concerning a 'live' case, except as follows:
  - A. When circumstances require it, external communication for scheduling, administrative, or emergency purposes, which does not address substantive legal or factual matters relating to the 'live' case, is permitted, provided:
    1. The judge reasonably believes that no party will gain a procedural, substantive, or tactical advantage as a result of the external communication; and
    2. The judge promptly makes arrangements to notify all other parties of the substance of the external communication, and gives the parties an opportunity to respond, in accordance with the law.
2. A judge may obtain the written advice of a disinterested expert on the law applicable to a proceeding before the judge, if the judge gives advance notice to the parties of the person to be consulted and the subject matter of the advice to be obtained, and

XEER ANSHAXEEDKA GARSOORKA

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gives the parties a reasonable opportunity to object and respond to the notice and to the advice received.

3. If a judge inadvertently receives an unauthorised external communication that is relevant to the substance of a case, the judge must quickly arrange to notify the parties of the contents of the communication and provide the parties with an opportunity to respond, in accordance with the law.
4. A judge must not investigate facts in a case independently, and must consider only the evidence presented in court, however a judge may request further evidence be presented.
5. The president of a court, or the head of a regional procuracy office, must make reasonable efforts, including providing appropriate supervision, to ensure that this provision is not violated by court staff, court officials and others subject to their direction and control.

**Article 21: Judicial Statements on Unresolved and Current Cases**

1. A judge, or a Deputy Attorney General, must not make any public statement that might reasonably be expected to affect the outcome or impair the fairness of an unresolved or current case in any court, or make any non-public statement that might substantially interfere with a fair trial or hearing.
2. A judge, or a Deputy Attorney General, must not, make pledges, promises, or commitments that are inconsistent with the impartial performance of their duties or their professional obligations.
3. The president of a court, or the head of a regional procuracy office, must require court staff, court officials

XEER ANSHAXEEDKA GARSOORKA

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and others subject to their direction and control, to avoid making statements that would be prohibited by paragraphs (1) and (2).

4. Apart from the restrictions in paragraph (1), a judge, or a Deputy Attorney General, may make public statements in the course of official duties, may explain court procedures, and may comment on any proceeding in which the judge or Deputy Attorney General is a litigant in a personal capacity, and only when it is necessary.

**Article 22: Supervisory Duties**

1. The president of a court, or the head of a regional procuracy office, must require court staff, court officials, and others subject to their direction and control to act in a manner consistent with the obligations under this Code.
2. The president of a court with supervisory authority for the performance of other judges must take reasonable measures to ensure that those judges properly discharge their judicial responsibilities, including the prompt conclusion of matters and cases before them.

**Article 23: Impairment and Disability**

1. A judge, or a Deputy Attorney General, having a reasonable belief that the performance of another judge or Deputy Attorney General is impaired by drugs or another substance, or by a mental, emotional, or physical condition must inform the president of the relevant court or the head of the relevant regional procuracy office.
2. The president of a court, or the head of a regional procuracy office, having been informed that the performance of a judge or Deputy Attorney General under their control is impaired by drugs or another substance, or

XEER ANSHAXEEDKA GARSOORKA

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by a mental, emotional, or physical condition, must inform the High Judicial Commission.

**Article 24: Responding to Judicial Misconduct**

1. A judge, or a Deputy Attorney General, having knowledge that another judge or Deputy Attorney General has committed a violation of the Code that raises a substantial question regarding the judge's or Deputy Attorney General's honesty, trustworthiness, or fitness, must inform the president of the relevant court or the head of the relevant regional procuracy office.
2. The president of a court, or the head of a regional procuracy office, having been informed that a judge or Deputy Attorney General under their control has committed a violation of the Code that raises a substantial question regarding the judge's or Deputy Attorney General's honesty, trustworthiness, or fitness, must inform the High Judicial Commission.

**Article 25: Cooperation with the High Judicial Commission**

1. A judge, or a Deputy Attorney General, must cooperate and be honest with the High Judicial Commission.
2. A judge, or a Deputy Attorney General, must not retaliate, directly or indirectly, against a person known or suspected to have assisted or cooperated with an investigation of a judge or Deputy Attorney General by the High Judicial Commission.

## **PART 3**

### **MISCELLANEOUS PROVISIONS**

#### **General Provisions**

*A judge, or a Deputy Attorney General, must conduct his personal, external and extrajudicial activities to minimise the risk of conflict with the obligations of the office of judge or Deputy Attorney General.*

#### **Article 26: Extrajudicial Activities in General**

2. A judge, or a Deputy Attorney General, may engage in extrajudicial activities, except as prohibited by law or the Code. However, when engaging in extrajudicial activities, a judge, or a Deputy Attorney General, must not:
  - A. Participate in activities that will interfere with the proper performance of the judge's or the Deputy Attorney General's duties;
  - B. Participate in activities that will lead to frequent disqualification of the judge or Deputy Attorney General;
  - C. Participate in activities that would appear to a reasonable person to undermine the judge's independence, honesty, or impartiality;
  - D. Engage in conduct that would appear to a reasonable person to be coercive or intimidating; or
  - E. Make use of court premises, staff, stationery, equipment, or other resources, except for incidental use for activities that concern the law, the legal system, or the

XEER ANSHAXEEDKA GARSOORKA

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administration of justice, or unless such additional use is permitted by law.

**Article 27: Testifying as a Character Witness**

1. A judge, or a Deputy Attorney General, must not testify as a character witness in a judicial or administrative proceeding, or otherwise give assurance for the character of a person in a legal case, except when duly summoned.

**Article 28 Use of Non public Information**

1. A judge, or a Deputy Attorney General, must not intentionally disclose or use non public information acquired in an official capacity for any purpose unrelated to the judge's or Deputy Attorney General's official duties.

**Article 29: Connection with Discriminatory Organisations**

1. A judge, or a Deputy Attorney General, must not hold membership in any organisation that practices unfair discrimination.
2. A judge, or a Deputy Attorney General, must not use the benefits or facilities of an organisation if the judge knows or should know that the organisation practices unfair discrimination.

**Article 30: Participation in Educational, Charitable, Fraternal, or Civic Organisations and Activities**

1. A judge, or a Deputy Attorney General, may participate in activities sponsored by organisations concerned with the law, the legal system, or the administration of justice, and those sponsored by or on behalf of educational, religious,



XEER ANSHAXEEDKA GARSOORKA

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charitable, communal, or civic organisations not conducted for profit, including but not limited to the following activities:

- A. Assisting such an organisation or group in planning related to fund-raising, and participating in the management and investment of the organisations' or groups' funds;
- B. Appearing or speaking at, receiving an award or other recognition at, being featured on the program of, and permitting his title to be used in connection with an event of such an organisation or group;
- C. Making recommendations to such a public or private fund-granting organisation or group in connection with its programs and activities;

2.A judge may serve as an officer, director, or non-legal advisor of such an organisation or group, unless it is likely that the organisation or group:

- A. Will be engaged in proceedings that would ordinarily come before him; or
- B. Will frequently be engaged in proceedings in the court of which he is a member, or in any court subject to the appellate jurisdiction of the court of which he is a member.

### **Article 31: Positions with Financial Responsibilities**

1. A judge, or a Deputy Attorney General, must not accept appointment to serve in a position with financial responsibilities, such as executor, administrator, guardian, or other personal representative, except for the estate, or person who is a member of the judge's or Deputy Attorney General's family, and then only if such service will not interfere with the proper performance of the judge's or Deputy Attorney General's duties.

XEER ANSHAXEEDKA GARSOORKA

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2. A judge must not serve in a position with financial responsibilities if the judge would thereby likely be engaged in proceedings that would ordinarily come before the judge, or if the estate, or person whose financial interests are being looked after by the judge, becomes involved in proceedings in the court in which the judge serves, or one under its appellate jurisdiction.
3. A judge, or a Deputy Attorney General, acting in a position of financial responsibility for another person must be subject to the same restrictions on engaging in financial activities that apply to a judge, or a Deputy Attorney General, personally.
4. If a person who is serving in a position with financial responsibilities becomes a judge, or a Deputy Attorney General, he or she must comply with this provision as soon as reasonably practicable, but in no event later than one year after becoming a judge or a Deputy Attorney General.

**Article 32: Service as Arbitrator or Mediator**

1. A judge must not act as an arbitrator or a mediator or perform other judicial functions apart from the judge's official duties, unless expressly authorised by law.

**Article 33: Practice of Law**

1. A judge must not practice law. A judge may act on behalf of and may, without compensation, give legal advice to and draft or review documents for a member of the judge's family, but is prohibited from serving as the family member's lawyer in any forum.

XEER ANSHAXEEDKA GARSOORKA

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**Article 34: Compensation for Extrajudicial Activities**

1. A judge may accept reasonable compensation for extrajudicial or external activities permitted by the Code or other law, unless such acceptance would appear to a reasonable person to undermine the judge's independence, honesty, or impartiality.

**Article 35: Acceptance and Reporting of Gifts, Loans, Benefits or Other Things of Value**

1. A judge, or a Deputy Attorney General, must not accept any gifts, benefits, or other things of value, if acceptance is prohibited by law or would appear to a reasonable person to undermine the judge's independence, honesty, or impartiality.

**PART 4**

**MONITORING AND INSPECTION COMMITTEE**

**Article 36: Roles and Functions of the Monitoring and Inspection Committee**

1. Maintaining a relationship of trust and confidence between members of the Somaliland judiciary and the public is essential to the effective delivery of justice, and ultimately to the safety and wellbeing of Somalilanders.
2. The Monitoring and Inspection Committee (MIC) of the High Judicial Commission is the body that helps to achieve these objectives, and plays a critical role in ensuring that the judiciary can operate effectively.

XEER ANSHAXEEDKA GARSOORKA

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3. The MIC uses its power to monitor, inspect and investigate to ensure that judicial performance is satisfactory, that the Code of Conduct is observed, and that the judicial governance process is transparent and evidence-based.
4. The MIC monitors the performance and conduct of the judiciary, and carries out thorough and impartial inspections to ensure that judicial performance and conduct are satisfactory, and that training and other needs are identified and addressed.
5. The MIC also carries out thorough and impartial investigations into public complaints against the judiciary, and if necessary can initiate investigations if it becomes aware of allegations of misconduct by other means.
6. The MIC keeps records of complaints and other aspects of judicial performance, and is responsible for managing and maintaining the database of inspections, complaints, investigations and other related information, and ensures that judicial performance data are valid, consistently recorded and reliable, and that organisational and performance activities, trends and patterns are effectively captured, assessed and reported.
7. The High Judicial Commission will issue and communicate a directive that provides further details on the role, functions and processes of the MIC.

XEER ANSHAXEEDKA GARSOORKA

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**Disciplinary Sanctions for  
the Judiciary**

## **DISCIPLINARY SANCTIONS AGAINST JUDGES**

### **Objectives and Implementation of Disciplinary Sanctions:**

The overall objective of disciplinary sanctions against a judge is to correct wrongful acts, and to provide lessons for others to learn from, and if necessary, to dismiss those who are incapable of correction.

A judge who fails to or refrains from performing the obligations of his professional function, or who contravenes the Code of Conduct and its prescriptions, is subject to the disciplinary measures and sanctions as set out in the Code of Conduct.

Disciplinary sanctions given in accordance with this Code of Conduct do not prevent applicable civil or criminal proceedings being commenced against the judge, or the imposition of further financial or other penalties as set out in law.

### **Range of Disciplinary Sanctions**

The case of a judge who is found to have committed an act of misconduct shall be investigated and decided in accordance with the rules provided in the Code of Conduct.

The disciplinary sanctions that can be given to a judge found to have committed an act of misconduct are as follows:

- Oral warning;
- Written warning;
- Fine of not more than one months' salary;
- Fine of two to three months' salary;
- One step demotion; or,

XEER ANSHAXEEDKA GARSOORKA

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- Suspension<sup>1</sup>, with or without the obligation to undertake further training;
- Dismissal.

Any moneys received by the High Judicial Commission in the form of fines following an act of misconduct shall be liquidated in the accounts of the State.

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<sup>1</sup> With or without the payment of salary, for the duration of the suspension.

## **THE CATEGORIES OF DISCIPLINARY MISCONDUCT BY A JUDGE ARE:**

- A. Simple disciplinary misconduct*
- B. Grave disciplinary misconduct*

### **SIMPLE MISCONDUCT BY A JUDGE**

#### **A. The Following are Examples of Simple Misconduct:**

1. A judge who without reasonable or acceptable grounds fails or refuses to participate in training, seminars or workshops organised for the judiciary in order to upgrade legal knowledge and skills.
2. A judge who without reasonable or acceptable grounds, delays hearing a case, or who provides inaccurate information on case schedules to the court.
3. A judge who during a trial commits an act of misconduct which brings the dignity and reputation of the judiciary into disrepute.
4. A judge who fails to warn, correct or take action against a party to a case that takes unjustifiable legal actions during a trial.
5. A judge who fails to warn, correct or take action against a party to a case that appears before the court without sufficient preparation.
6. A judge who fails to warn, correct or take action against a party to a case that attempts to delay a decision on the case, or who attempts to justify a delay for unacceptable reasons.



XEER ANSHAXEEDKA GARSOORKA

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7. A judge who refuses to hear both sides of a case with patience and impartiality, or who intentionally violates the reputation or dignity of a party to a case.
8. A judge who fails to act in accordance with the rules and procedural regulations of the judiciary, or who performs his duties in a manner that undermines collaboration and team work with other members of the judiciary.
9. A judge who fails to warn, correct or take action against other members of the judiciary who act inappropriately or in a rude manner during a trial.
10. A judge who fails to warn, correct or take action against other members of the judiciary who use their positions for personal interest or gain, or for the interest or gain of others.
11. A judge who establishes personal relations with other judicial members who might affect his ability to carry out his duties impartially, and thereby brings the dignity and reputation of the judiciary into disrepute.
12. A judge who is absent from work without reasonable or acceptable grounds.
13. A judge who refuses to hear a case which has been assigned to him without reasonable or acceptable grounds.
14. A judge who refuses to hear a case and who intentionally provides false reasons for not continuing to hear a case that has been assigned to him.
15. A judge who refuses to perform other duties that are assigned to him by his superiors.
16. A judge who refuses to hear a case in open session without reasonable or acceptable grounds.

XEER ANSHAXEEDKA GARSOORKA

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17. A judge who is engaged in other work for personal interests contrary to his duties, responsibilities and dignity as a judge.

## **GRAVE MISCONDUCT BY A JUDGE**

### **B. The Following are Examples of Grave Misconduct:**

1. A judge who intentionally biases a case by violating the application of relevant legal provisions or order, to benefit or hurt either party to a case.
2. A judge who shows partiality towards either party to a case on the basis of tribal or family affiliation, nationality, gender, political affiliation, social status or other reasons.
3. A judge who during a trial threatens violence or attempts to beat or beats another judge, staff of the judiciary, or either party to a case or their legal representatives.
4. A judge who during a trial shouts at, attempts to threaten or verbally abuses another judge, staff of the judiciary, or either party to a case or their legal representatives.
5. A judge who without reasonable or acceptable grounds impairs his ability to perform his official responsibilities.
6. A judge who releases a judgment in a case before the judgment is read out officially and in the presence of both parties to a case.
7. A judge who adjudicates a case which he knows or should have known he does not have the legal authority to hear.

XEER ANSHAXEEDKA GARSOORKA

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8. A judge who takes or attempts to take a bribe, gift or other donation from a person who is a party to a case or from a person who has an interest in the case.
9. A judge who intentionally uses his official responsibilities or authority for personal interest or for the interests of either party to a case, or for the interests of another person.
10. A judge who becomes a member of a political party or organisation.
11. A judge who through a lack of capacity or knowledge becomes an obstacle to the functions of the court, and to its ability to ensure a fair decision.
12. A judge who discusses or discloses information on a case to the media.
13. A judge who fails to cooperate or be honest with the High Judicial Commission.

**A. Sanctions for Simple Disciplinary Misconduct:**

A judge who has been found to have acted contrary to the provisions of the Code of Conduct and all its prescriptions, and has committed an act of *simple* misconduct, shall be given the following disciplinary sanction:

**In the First Instance:**

- *An oral warning; or*
- *A written warning;*

**In the Second Instance:**

- *A fine of one month's salary;*

XEER ANSHAXEEDKA GARSOORKA

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**In the Third Instance:**

- *A fine of two month's salary and loss of promotion for two years;*

**In Further Instances:**

- *A fine of three month's salary and demotion by one level;*  
*or,*
- *Dismissal.*

**B. Sanctions for Grave Disciplinary Misconduct:**

A judge who has been found to have acted contrary to the provisions of the Code of Conduct and all of its prescriptions, and has committed an act of *grave* misconduct, shall be given the following disciplinary sanction:

**In the First Instance:**

- *A written warning; or*
- *A fine of two month's salary and a loss a promotion for two years;*

**In the Second Instance:**

- *A fine of three month's salary and demotion by one level;*

**In the Third Instance:**

- *Dismissal.*

## **SPECIAL DISCIPLINARY SANCTIONS**

Without prejudice to the provisions and prescriptions of the Code of Conduct, the High Judicial Commission may dismiss a judge if it believes that the nature of the misconduct indicates he is not worthy of or fit for his role as a judge.

## **MALADMINISTRATION BY JUDGES**

The following reasons shall be considered as reasons for acts of maladministration which may cause disciplinary measures against presidents of appellate courts, regional and district courts:

- If he shows partiality towards a judge without clear or acceptable reasons.
- If he fails to guide or direct the work of a judge so as to cause damage to the interests of both sides and public services.
- If he fails to report the misconduct of a judge, about whom he was informed had committed an act of misconduct, in accordance with this Code of Conduct, and fails to follow up in order to take the appropriate lawful action.
- If he fails to implement the legal orders given by the president of the appellate court, regional and district court who is superior in rank.

## **ADMINISTRATIVE DISCIPLINARY SANCTIONS**

1. The High Judicial Commission may remove the appellate courts, regional and district courts for acts of maladministration as provided for in the Code of Conduct.
2. The Chief Justice may suspend the salary of a judge who is absent from work without authorisation or without acceptable reasons.
3. The Chief Justice should notify and provide reasons to the High Judicial Commission for the disciplinary measure being taken.

XEER ANSHAXEEDKA GARSOORKA

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4. The Chief Justice may not suspend a judge from work for more than thirty (30) days under this regulation.
5. The High Judicial Commission may authorise the extension of a suspension from work if it considers this to be necessary.
6. A decision to suspend a judge from work need not affect his salary.

## **DISCIPLINARY SANCTIONS AGAINST DEPUTY ATTORNEY GENERALS**

### **Objectives and Implementation of Disciplinary Sanctions:**

The overall objective of disciplinary sanctions against Deputy Attorney Generals is to correct wrongful acts, and to provide lessons for Deputy Attorney Generals to learn from, and if necessary, to dismiss those who are incapable of correction.

A Deputy Attorney General who fails to or refrains from performing the obligations of his or her work, or who contravenes the Code of Conduct and its prescriptions, is subject to the disciplinary measures and sanctions as provided in the Code of Conduct.

Disciplinary sanctions given in accordance with this Code of Conduct do not prevent applicable civil or criminal proceedings being commenced against a Deputy Attorney General.

### **Range of Disciplinary Sanctions**

The case of a Deputy Attorney General who is found to have committed an act of misconduct shall be decided in accordance with the rules provided in the Code of Conduct.

The disciplinary sanctions that can be given to a Deputy Attorney General found to have committed an act of misconduct shall be as follows:

- Oral warning;
- Written warning;
- Fine of not more than one month's salary;
- Fine of two to three months' salary;
- One step demotion; or,
- Dismissal.



XEER ANSHAXEEDKA GARSOORKA

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Any moneys received by the High Judicial Commission in the form of fines following an act of misconduct shall be liquidated in the accounts of the state.

## **THE CATEGORIES OF DISCIPLINARY MISCONDUCT BY THE PROCURACY ARE:**

- A. Simple disciplinary misconduct*
- B. Grave disciplinary misconduct*

### **SIMPLE MISCONDUCT BY A DEPUTY ATTORNEY GENERAL:**

#### **A. The following are examples of Simple Misconduct:**

1. A Deputy Attorney General who fails to perform their work diligently and in a responsible manner.
2. A Deputy Attorney General who becomes an obstacle to a case proceeding, or who fails to support the work of other judiciary staff or of the representatives of parties to a case.
3. A Deputy Attorney General who borrows money from a person who has a direct or indirect interest in a case involving the Deputy Attorney General.
4. A Deputy Attorney General who discloses or shares information related to a case or any other confidential information, to persons not authorised by law to receive this information, in the absence of a lawful order from his or her superior.
5. A Deputy Attorney General who commits any other act that can be construed as constituting simple disciplinary misconduct.

## **GRAVE MISCONDUCT BY A DEPUTY ATTORNEY GENERAL:**

### **B. The following are examples of Grave Misconduct:**

1. A Deputy Attorney General who requests or takes a bribe.
2. A Deputy Attorney General who shows bias in a case for personal interest and benefit, or for the interest and benefit of others.
2. A Deputy Attorney General who creates false documents for personal interest and benefit, or for the interest and benefit of others.
3. A Deputy Attorney General who borrows money from a person connected with a case, and which may affect his or her ability to perform his or her work impartially.
4. A Deputy Attorney General who intentionally or negligently conceals or fails to inform or present information in a case, which leads to a wrongful judgment in the case.
5. A Deputy Attorney General who without reasonable or acceptable grounds impairs his or her ability to perform his or her official responsibilities.
6. A Deputy Attorney General who is absent from work without formal authorisation and without reasonable or acceptable grounds.
7. A Deputy Attorney General who acts in a manner which is contrary to the dignity of the court during a trial.
8. A Deputy Attorney General who intentionally or negligently damages office property.
9. A Deputy Attorney General who refuses to carry out written or oral instructions by a superior in rank in accordance with the law, and without reasonable or acceptable grounds.

XEER ANSHAXEEDKA GARSOORKA

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10. A Deputy Attorney General who presents evidence to the court which is not admissible by law, and who knows or should have known that the evidence was obtained illegally, particularly if obtained under torture, and who fails to report or take legal action where appropriate against those responsible for obtaining the illegal evidence.
11. A Deputy Attorney General who becomes a member of a political party or organisation, or who campaigns publicly in support of a political party or organisation.
12. A Deputy Attorney General who intentionally and unfairly influences a case by not applying the relevant legal provisions, rather than diligently prosecuting the case as supported by the evidence.
13. A Deputy Attorney General who shows partiality towards either party to a case on the basis of tribal affiliation, nationality, gender, political affiliation, social status or other reasons.
14. A Deputy Attorney General who during a trial threatens or attempts to beat or beats a judge, staff of the judiciary, police officer, or either party to a case or their legal representative.
15. A Deputy Attorney General who, except for in accordance with the law, discusses or discloses information on a case to the media.
16. A Deputy Attorney General who fails to cooperate or be honest with the High Judicial Commission.

## **DISCIPLINARY SANCTIONS AGAINST A DEPUTY ATTORNEY GENERAL:**

### **A. Sanctions for Simple Disciplinary Misconduct:**

A Deputy Attorney General who has been found to have acted contrary to the provision of the Code of Conduct and all its prescriptions, and has committed an act of *simple* misconduct, shall be given the following disciplinary sanction:

#### **In the First Instance:**

- *An oral or written warning;*

#### **In the Second Instance:**

- *A fine of one month's salary;*

#### **In the Third Instance:**

- *A fine of two month's salary and demotion by one level;*

#### **In Further Instances:**

- *Dismissal.*

### **B. Sanctions for Grave Disciplinary Misconduct:**

A Deputy Attorney General who has been found to have acted contrary to the provisions of the Code of Conduct and all of its prescriptions, and has committed an act of *grave* misconduct, shall be given the following disciplinary sanction:

#### **In the First Instance:**

- *A fine of two to three month's salary;*

#### **In the Second Instance:**

- *A fine of two month's salary and demotion by one level;*

#### **In the Third Instance:**

- *Dismissal*

## **SPECIAL DISCIPLINARY SANCTIONS**

Without prejudice to the provisions and prescriptions of the Code of Conduct, the High Judicial Commission may dismiss a Deputy Attorney General if there is evidence that the nature of the misconduct is such that he or she is not worthy of or fit for his or her role as a Deputy Attorney General.

## **MALADMINISTRATION BY A DEPUTY ATTORNEY GENERAL**

The following shall be considered acts of maladministration which can result in disciplinary sanctions against a Deputy Attorney General:

- A Deputy Attorney General who shows partiality towards a subordinate without a clear or acceptable reason;
- A Deputy Attorney General who fails to guide or direct the work of a subordinate and thereby causes damage to the interests of the parties to a case, or harm to the reputation of the judiciary;
- A Deputy Attorney General who fails to follow up when he or she is made aware of a judge or other Deputy Attorney General who has acted contrary to the Code of Conduct, or who fails to follow up an order to take appropriate action against the judge or other Deputy Attorney General concerned;
- A Deputy Attorney General who fails to implement the legal order or direction given by a person who is superior in rank.

## **ADMINISTRATIVE DISCIPLINARY SANCTIONS**

1. The High Judicial Commission may remove a Deputy Attorney General for acts of maladministration as provided for in the Code of Conduct.
2. The Attorney General may suspend the salary of a Deputy Attorney General who is absent from work without authorisation or without acceptable reasons.
3. The Attorney General should notify and provide reasons to the High Judicial Commission as to the reasons for the disciplinary sanction being given.
4. The Attorney General may not suspend a Deputy Attorney General from work for more than thirty (30) days.
5. The High Judicial Commission may authorise the extension of a suspension from work if it considers this to be necessary.