"STATEMENT"

On the Situation of the Supreme Court of Somalia and the Importance of Safeguarding Judicial Independence

The Conference of Constitutional Jurisdictions of Africa (CJCA) has received concerning and disturbing developments happening in the Federal Republic of Somalia arising from the decision of the Supreme Court of Somalia on the constitutionality of the amendments relating to the extension of the presidential mandate.

The Conference has received reports that, following the Court's decision, armed federal military personnel were deployed within and around the premises of the Supreme Court in Mogadishu, and that access to or control of the Court's facilities may have been affected. The Conference is also concerned by reports of threats directed at members of the Supreme Court, including reports of possible arrest. While recognising the importance of establishing the full facts, the Conference considers that any circumstances which may place judicial officers, their families or court personnel at risk, or impede the Court's ability to function, require urgent and careful attention.

As a member of the CJCA, Somalia forms an important part of our continental judicial community. The Conference therefore regards the protection of Somalia's constitutional institutions, and the preservation of the independence and proper functioning of its Judiciary, as matters of common institutional concern and solidarity.

In this regard, the Conference of Constitutional Jurisdictions of Africa:

- Reiterates its firm opposition to any form of intimidation, threat or undue pressure directed at judges, and to any security-related intervention that may compromise the

independence of the Judiciary or impede the exercise of its constitutional responsibilities;

- Emphasises that judicial independence is an essential foundation of the rule of law and constitutional governance. All public institutions and authorities have a responsibility to respect the constitutional role of the courts and to refrain from actions that may interfere with the independent discharge of judicial functions.
- Expresses its solidarity with the Supreme Court of Somalia and its Justices, and conveys its institutional support in the face of challenges currently confronting the Court;
- Calls upon the relevant authorities to take all the necessary and effective measures to safeguard the lives, safety and physical integrity of the Justices of the Supreme Court, their families and court personnel, and to ensure that they are able to perform their duties free from intimidation, retaliation, arbitrary arrest or coercion;
- Encourages the Somali authorities to ensure that the Supreme Court's premises remain secure and accessible to the Justices and authorised court personnel, and that no military presence or other intervention compromises the Court's institutional autonomy or its ability to carry out its constitutional mandate independently;
- Calls upon all Somali institutions and political stakeholders to exercise restraint, engage constructively in dialogue and make use of the applicable constitutional and legal processes to resolve any differences, in a manner consistent with the separation of powers and the rule of law.

The Conference of Constitutional Jurisdictions of Africa reaffirms its commitment to the independence of the Judiciary, the supremacy of the Constitution and the protection of constitutional institutions throughout the African continent. It remains hopeful that the prevailing concerns will be addressed promptly and through appropriate constitutional and institutional processes.

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