



FORUM: Legal Committee (GA6)

TOPIC: Assessing Corruption in the Judiciary of Somalia

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POSITION: Co-Chair

PERSONAL INTRODUCTION

Dear Delegates,

My name is Nikolas Dovletis, I am a 10th grader at Pierce, the American College of Greece, and it is my utmost honor to serve as your Co-Chair in the Legal Committee. It is my pleasure to welcome you to the Legal Committee for this year's Anavryta Model United Nations Conference. I look forward to engaging in productive debate, and witnessing the innovative solutions that each of you will bring to the conference.

I joined the MUN club of my former school, Arsakeio Tositseio School of Ekali, in 2023, and since then, debating has become one of my greatest passions. Throughout my journey, I have discovered the magic in informative debate, proposing plausible solutions, talking about current issues, and the greatest pleasure of all, meeting all the wonderful people from different conferences. From the United States of America to Morocco, the people I have met from all over the world truly have a special place in my heart.

Throughout this committee, I encourage you to examine how the international community can support Somalia in strengthening judicial independence, combating corruption, and restoring public trust in the rule of law through realistic and sustainable solutions. I hope you will approach this debate with diplomacy, creativity, and mutual respect. I wish you the very best of luck and look forward to an engaging and successful conference. In case of any questions, feel free to contact me on my email (N.Dovletis@acg.edu).

Kind Regards,

Nikolas Dovletis

TOPIC INTRODUCTION

In today's world, courts are expected to treat everyone equally without discrimination, and ensure that justice is delivered, regardless of a person's background, wealth, or political influence. One of the foundations of any democratic society is an independent judiciary, as it protects human rights, upholds the rule of law, and ensures that laws are applied, not merely thought of. However, sometimes

corruption becomes part of the system and access to justice becomes increasingly difficult.

For many years, Somalia has faced significant challenges in rebuilding its judicial system due to decades of civil conflict, political instability, and weak state institutions. According to the Transparency International's Corruption Perceptions Index, Somalia has been ranked as one of the countries believed to have the highest levels of public sector corruption in the world.¹ Bribery, political interference, limited judicial independence, and a lack of constitutional oversight continue to affect the country's legal system, making it difficult for many citizens to receive fair and impartial trials.²

Judicial corruption does not only affect Somalia - it also has wider international consequences. A weak justice system makes combatting organised crime, corruption, terrorism, and human rights violations much more difficult, while discouraging economic development and foreign investment. Therefore, it is crucial that the international community examine a way to support judicial reform in Somalia, while simultaneously respecting the country's laws and sovereignty.

The problem of judicial corruption does not limit itself to Somalia but has implications for the international community at large. The weak judicial process hinders the efforts aimed at fighting organized crime, corruption, terrorism, human rights abuses, and discourages economic growth and foreign investments. This is directly linked to the theme of the conference, "Countdown to 2030: Measuring Progress, Holding Accountability and Finalizing Policies on SDGs," especially SDG 16, aimed at creating peaceful, just, and inclusive societies. For this reason, it is important that the international community find ways to help in the judicial reform process of Somalia without undermining the country's laws and sovereignty.

DEFINITION OF KEY TERMS

Judiciary

"The branch of government responsible for interpreting and applying the law through the courts."³

¹Transparency International. (2025). Corruption perceptions index 2024. In *Transparency.org*. Transparency International. <https://www.transparency.org/en/cpi/2024>

² *Rule of law*. (2026). UNDP. <https://www.undp.org/somalia/rule-law>

³ Definition of judiciary. (n.d.). In *www.merriam-webster.com*. Retrieved July 26, 2026, from <https://www.merriam-webster.com/dictionary/judiciary>



Judicial Corruption

“The misuse of judicial authority for private or personal benefit, including bribery, political interference, favoritism, or abuse of power.”⁴

Rule of Law

“The principle that all individuals and institutions are equally accountable under publicly established and fairly enforced laws.”⁵

Judicial Independence

“The ability of judges and courts to make decisions free from political influence, intimidation, or improper external pressure.”⁶

Bribery

“The act of offering, giving, receiving, or soliciting something of value in order to influence the actions of a public official.”⁷

Access to Justice

“The ability of individuals to seek and obtain fair remedies through legal institutions regardless of their financial or social circumstances.”⁸

Miscarriage of Justice

“The failure of a legal system to achieve a just outcome, which may include the wrongful conviction of an innocent person or the failure to hold an offender accountable.”⁹

Judicial Accountability

“The principle that judges and judicial institutions must be answerable for their conduct and decisions while maintaining their independence from improper influence.”¹⁰

⁴ Glossary. (n.d.). In *Transparency.org*. Retrieved July 26, 2026, from <https://www.transparency.org/en/glossary>

⁵ United Nations. (2015). What is the rule of Law? In the *United Nations and the Rule of Law*. <https://www.un.org/ruleoflaw/what-is-the-rule-of-law/>

⁶ United Nations Office on Drugs and Crime. *Commentary on the Bangalore Principles of Judicial Conduct*. UNODC, <https://www.unodc.org>

⁷ Definition of bribery. (n.d.-a). In *www.merriam-webster.com*. Retrieved July 20, 2026, from <https://www.merriam-webster.com/dictionary/bribery>

⁸ United Nations Development Programme. *Access to Justice*. UNDP, <https://www.undp.org/justice>

⁹ *Miscarriage of justice noun - definition, pictures, pronunciation and usage notes | oxford advanced learner's dictionary at OxfordLearnersDictionaries.Com*. (2026). *Oxfordlearnersdictionaries.Com*. <https://www.oxfordlearnersdictionaries.com/definition/english/miscarriage-of-justice>

¹⁰ University of Minnesota Human Rights Library. (2023b). Umn.Edu. https://hrlibrary.umn.edu/instree/bangalore_principles2003.html

BACKGROUND INFORMATION

Historical Background

After the fall of the Siad Barre administration in 1991, Somalia experienced a civil war in which different clan warlords and militias were struggling to acquire control over the territory. The collapse of the state authority resulted in a dramatic deterioration of state structures, including the formal judicial system: the courts ceased to operate, the professional lawyers quit their job, and the state's ability to implement court decisions was greatly reduced. Consequently, the authority of the formal judicial system decreased because the citizens resorted to other ways of dispute settlement.¹¹ The creation of the Transitional Federal Government marked an important step towards rebuilding Somalia's public institutions. However, limited financial resources, ongoing security, and political instability prevented significant judicial reform during this period.¹² In 2012, Somalia adopted a new Provisional Constitution, recognising judicial independence, separation of powers, and the rule of law as fundamental constitutional principles. Although this represented considerable legal progress, implementation has remained inconsistent across different regions of the country.¹³ Over the past decade, Somalia has introduced several anti-corruption initiatives with support from the UN, the African Union, and the World Bank. Despite these efforts, corruption within public institutions, including parts of the judiciary, continues to undermine public confidence and effective governance.¹⁴

Causes of Judicial Corruption

There are several causes of judicial corruption in Somalia. Despite the international aid from such institutions as the United Nations that have offered financial support, training, and institutional assistance, these measures are often restricted because of Somalia's poor state capacity, security challenges, and difficulties in implementing the reforms throughout the country.¹⁵ Even though international aid might help improve institution building, it is not able to compensate for lack of domestic resources, oversight mechanisms, and political influence. Insufficient salaries, poor professional training, political interference, security issues, and poor institutional oversight consequently foster an environment for bribery and

¹¹ Lewis, I. M. (2019). Somalia | history, geography, culture, & facts. In Encyclopedia Britannica. <https://www.britannica.com/place/Somalia>

¹² Unsom | department of Political and peacebuilding affairs. (2013). In *Un.org*. <https://dppa.un.org/en/mission/unsom>

¹³ *The federal republic of Somalia provisional constitution mogadishu, somalia*. (2012). <https://hrlibrary.umn.edu/research/Somalia-Constitution2012.pdf>

¹⁴ Somalia. (n.d.-c). In *World Bank*. Retrieved July 22, 2026, from <https://www.worldbank.org/en/country/somalia>

¹⁵ *Joint Justice and Corrections Programme (JJCP)*. (2023). UNDP. <https://www.undp.org/somalia/projects/joint-justice-and-corrections-programme-jjcp>

external influence.¹⁶ Furthermore, there is an overlap between the legal system and other forms of justice in Somalia. In particular, traditional forms of dispute resolution based on clan practices, such as the Xeer, involve community elders who settle disputes using customary methods, while the Sharia law is also very common. These systems provide for quicker dispute resolution where courts are either absent or ineffective, but their overlap with the official court can be a problem as regards overlapping jurisdictions and the question whether certain disputes should be handled by customary law or by courts.¹⁷

Impact on Human Rights

When judicial corruption becomes widespread, citizens often lose confidence in legal institutions and may be unwilling to report crimes or seek legal protection. Misjustice can also be the outcome of corruption since bribery, political influence, and favoritism can cause the conviction of innocent people while the criminals go scot-free. This is an infringement of the right to a fair trial and also contributes to human rights violations such as equality under the law. With the decline in confidence in the judicial system, the population becomes convinced of its inequity and lack of accessibility. This disproportionately affects women, internally displaced persons, minority communities, and economically disadvantaged individuals, who may encounter more difficulties accessing justice and who may be especially susceptible to discrimination, exploitation, and abuse if the judicial system fails to safeguard their rights.¹⁸

Economic Consequences

A reliable judicial system is essential for attracting both domestic and foreign investment. Businesses are generally less willing to invest where contracts cannot be forced fairly or legal disputes are common and the nation is vulnerable and prone to corruption. Consequently, judicial corruption can stall economic growth, discourage entrepreneurship and reduce international confidence in national institutions.¹⁹

Challenges to Reform

Judicial reform remains a national priority, progress has been entered by continuing security concerns, limited financial resources, shortages of qualified legal professionals, and the complexity of rebuilding institutions after decades of conflict.

¹⁶ Zacchia, Paolo B., Harborne, Bernard, Sims, Jeff. (2025). *Somalia - Security and justice sector public expenditure review*. World Bank. <https://documents.worldbank.org/en/publication/documents-reports/documentdetail/644671486531571103>

¹⁷ UNDP Somalia: 2017 Quarter 1 reports. (2017). UNDP. <https://www.undp.org/somalia/publications/undp-somalia-quarter-1-reports-2017>

¹⁸ Somalia | United Nations Development Programme. (n.d.-d). In UNDP. Retrieved July 17, 2026, from <https://www.undp.org/somalia>

¹⁹ (2023). In *Oecd.org*. <https://www.oecd.org/corruption/>

While the international committee is making efforts to help, political interference, favoritism and legal confusion undermine these efforts, leading them to a dead end. Judges and court officials are often influenced by the executive branch or political actors, people report paying to access justice and courts lack enough judges, prosecutors, staff, training, equipment, and infrastructure. Lastly, Somalia's formal courts operate alongside customary law (Xeer) and religious courts, whose boundaries are often unclear. A case in point are the courts implemented by "Al-Shabaab", a group of militants, affiliated with Al-Qaeda, aiming to overthrow the federal government and establish a strict fundamentalist Islamic state. Unlike Somalia's federal courts, where cases can languish for years and outcomes often depend on elite connections or bribes, al-Shabab's judges operate under strict rotation schedules, with their clan identities kept secret to ensure impartiality. This situation ultimately distances the people from the country's judicial system and is the root of other problems to come. Long-term reform therefore requires both domestic political commitment and sustained international cooperation.

MAJOR COUNTRIES AND ORGANIZATIONS INVOLVED

China

In this regard, China has been increasingly involved with Somalia in development aid, infrastructure cooperation, and diplomatic engagement. In China's view, the issue of state sovereignty, economic development, and capacity building within the government becomes a higher priority compared to intervention and reform of the judiciary. Thus, the point of view held by China may be considered useful for discussion of the issues related to international assistance and institutional development in Somalia.

France

France has assisted Somalia mostly in the realms of security cooperation, development aid, and activities in the European Union. This assistance from France is very pertinent to the efforts being made by Somalia to develop its state institutions and the rule of law because France assists in EU programs aimed at improving governance and stability.

Germany

Germany has been assisting Somalia through development programs and governance projects such as those that target the improvement of the institutions in Somalia, governance and access to justice. Germany also provides its assistance to the EU development programs in Somalia. Germany provides assistance in building the



capacity of the Somali institutions. The German strategy focuses on long-term development of the institutions and good governance.

Kenya

Kenya has been quite instrumental in assisting the government of Somalia in developing the capacity of its judicial system as well as its cooperation mechanisms with regards to cross-border judicial assistance. In 2014, IDLO worked with the Chief Justices of Kenya and Somalia to assist the latter develop the capacity of its Judicial Service Commission, and organized a study visit by the Somali judges to Nairobi, where they were able to learn from the experiences of Kenya in the judicial reforms and training. In the recent past, the International Institute for Justice and the Rule of Law, in collaboration with the government of Kenya, has organized various training sessions that have seen Somali and Kenyan judges, prosecutors, defense counsel, and officials from the justice institutions come together to improve mutual legal assistance and extradition proceedings. Through this collaboration, the Somali officials in the justice sector have developed practical skills in managing cross-border cases like terrorism, organized crimes, and financial crimes. This collaboration has also seen Somalia develop its draft law on international judicial cooperation, which has been approved by the Somali Cabinet and presented to the parliament in 2024.

Russian Federation

The Russian involvement in Somalia has been more concentrated on diplomacy and security partnership with Somalia via its participation in the African countries' association, but not directly through any judicial reforms. In general, Russia promotes the sovereignty of states and no interference in internal matters of other countries, which gives Russia's point of view a place in this discussion.

United Arab Emirates (UAE)

The UAE has been one of the most prominent bilateral partners to Somalia that has offered humanitarian, developmental, financial, and security assistance to the country, but not judicial reform. In 2011-2015, the UAE has been offering Somalia humanitarian and developmental assistance in such spheres as infrastructure, institution-building, and political institutions. The UAE has also launched its military training program in Somalia in 2014 which included both training of Somali security personnel and institutional building of security institutions in the country. While the abovementioned assistance was aimed more at security than the judicial sector of the country, it could help the country strengthen its state and security institutions which in turn may lead to strengthening of the rule of law. Nevertheless, in 2018 the relations between two countries worsened as Somalia confiscated UAE funding earmarked for training of Somali soldiers, and the UAE has suspended its military training program.



Thus, the UAE is still one of the prominent partners in the region, but the contribution to the judicial sector of Somalia has been mostly indirect.²⁰

United Kingdom (UK)

The United Kingdom is another important player in the field of justice and governance in Somalia. Various initiatives under the funding of the erstwhile Department for International Development and the Foreign, Commonwealth & Development Office of the United Kingdom have made contributions towards judicial capacity building, legal aid, mobile courts, and establishment of justice institutions. This means that the perspective of the UK is based on institutional development and access to justice, along with anti-corruption.

United States of America (USA)

The US has provided aid to Somalia through funding and training for building its state structures, security, and judiciary institutions. The Department of State and the United States Agency for International Development (USAID) have supported programs designed to build the capacity of Somali justice institutions. In addition, their strategy usually involves a combination of security and governance, which makes the US an essential partner for building accountability in Somalia.

African Union (AU)

The African Union has been actively involved in providing assistance in regard to security, state-building, and institutional developments of Somalia. African Union Transition Mission in Somalia (ATMIS) finished its work and disbanded in December 2024, having progressively transferred its security responsibilities to Somali authorities. In January 2025, it was substituted with African Union Support and Stabilization Mission in Somalia (AUSSOM), continuing to provide assistance in regard to security transition and stabilization and development of state institutions of Somalia. Financial and institutional assistance was rendered through the Peace Fund of African Union, which has provided up to US\$20 million in 2025 for AUSSOM, while collaborating with UN, EU and other partners in order to find additional funds.²¹ Moreover, the African Union has offered assistance in capacity building and peace-building programmes in Somalia, including institutional reconstruction, reconciliation and re-integration of displaced population programmes. However, these efforts concern security and state-building issues and not judicial corruption. However,

²⁰ Somalia Ends All Agreements with the United Arab Emirates – MFA – the Ministry of Foreign Affairs and International Cooperation. web.mfa.gov.so/somalia-ends-all-agreements-with-the-united-arab-emirates.

²¹ “AU’s Somalia Peace Mission Cannot Deliver On Funding Pledges Alone | ISS Africa.” ISS Africa, issafrica.org/iss-today/au-s-somalia-peace-mission-cannot-deliver-on-funding-pledges-alone.



through strengthening institutions of government and the rule of law environment, it will be possible to create prerequisites for the improvement of the judiciary of Somalia.

Transparency International (TI)

Transparency International publishes the annual Corruption Perception Index, providing one of the most widely recognized global measurements of perceived public sector corruption and helping monitor governance reforms worldwide.²² Beyond measuring corruption, Transparency International works to reduce it through policy advocacy, research, public-awareness initiatives, and cooperation with governments, civil society organisations and international institutions. It has contributed to major international anti-corruption frameworks, including the UN Convention against Corruption and the OECD Anti-Bribery Convention, while its Anti-Corruption Agencies Strengthening Initiative works with governments to improve the effectiveness, independence, oversight, and enforcement capacity of anti-corruption bodies. In Somalia specifically, Transparency International operates its Anti-Corruption Knowledge Hub in cooperation with the U4 Anti-Corruption Resource Centre, producing research on corruption risks, anti-corruption reforms, aid diversion, and institutional weaknesses. The organisation also uses research and advocacy to recommend policy changes, strengthen transparency and accountability mechanisms, and encourage governments and international organisations to adopt stronger anti-corruption standards. In the 2024 CPI, Somalia ranked 179th out of 180 countries, receiving a score of 8/100.²³ For example, its Anti-Corruption Agency Strengthening Initiative assesses the effectiveness and independence of anti-corruption agencies and provides recommendations for improving their oversight, resources, and enforcement powers. TI has also worked to strengthen the implementation of international frameworks such as the UN Convention against Corruption (UNCAC), producing guidance that helps civil society organisations monitor governments' commitments and advocate for policy reforms. In Somalia, TI's Anti-Corruption Knowledge Hub, operated in cooperation with the U4 Anti-Corruption Resource Centre, produces research on corruption risks, aid diversion, public-sector weaknesses, and possible mitigation measures. This research can inform policymakers, donors, and international organisations when designing anti-corruption programmes and reforms in Somalia.

²²Corruption perceptions index 2025. (2026a, February 10). Transparency.Org. <https://www.transparency.org/en/cpi/2025>

²³ Corruption perceptions index 2025. (2026a, February 10). Transparency.Org. <https://www.transparency.org/en/cpi/2025>

TIMELINE OF EVENTS

DATE	EVENT
26 th of January 1991	Collapse of Siad Barre's government and breakdown of Somalia's central institutions.
14 th of October 2004	Establishment of the Transitional Federal Government.
1 st of August 2012	Somalia adopts its Provisional Constitution, recognising judicial independence.
3 rd of June 2013	UN launches the United Nations Assistance Mission in Somalia (UNSOM)
May 2017	Somalia strengthens national anti-corruption reform initiatives.
21 st of September 2019	Anti-Corruption Law adopted by the Federal Parliament of Somalia.
February 2025	Transparency International continues to rank Somalia among the countries perceived to have the highest levels of public sector corruption worldwide.

RELEVANT UN TREATIES, CONVENTIONS AND RESOLUTIONS

United Nations Convention against Corruption (UNCAC) (A/RES/58/4, 2003)

Adopted by the UN GA on 31 October 2003 and put into force on 14 December 2005, the UNCAC is the first and the only legally binding international treaty dedicated to preventing and combating corruption.²⁴ It serves as a comprehensive global instrument to combat corruption through a multi-layered and binding approach. It emphasizes preventive measures, meaning the promotion of integrity and transparency in the public and private sectors, the establishment of anticorruption bodies, codes of conduct, financial disclosure, safeguards in the public service, transparency in political financing, and public participation in anti-corruption measures. It also draws attention to law enforcement, as in the definition of corruption-related offences such as bribery, embezzlement, abuse of office, illicit enrichment, money laundering, and obstruction of justice, along with enforcement

²⁴ LEARN ABOUT UNCAC. (n.d.). United Nations: Office on Drugs and Crime. Retrieved 11 August 2026, from <https://www.unodc.org/corruption/en/uncac/learn-about-uncac.html>

tools for prosecution such as freezing and confiscation of illicit assets, witness protection, and cooperation between law enforcement agencies.

United Nations Basic Principles on the Independence of the Judiciary (1985)

Adopted by the Seventh United Nations Congress on the Prevention of Crime and endorsed by the General Assembly through Resolutions 40/32²⁵ and 40/146,²⁶ these principles establish international standards for judicial independence.²⁷ More specifically, the principles focus on guaranteeing judicial independence and enshrining it in the nation's constitution or domestic law, while ensuring jurisdictional control and the elimination of outside interference. Moreover, they promote freedom of expression amongst the judiciary and merit-based selection, as the judges ought to be chosen based on integrity, ability, and appropriate legal training, preventing appointment methods based on improper motives. Lastly, judges are provided with civil immunity to ensure objective decision-making and that they can only be suspended or removed for certified reasons of physical/mental incapacity or conduct that renders them entirely unfit to complete their duties.

General Assembly Resolution 75/176 of the United Nations (2020) – Human Rights in the Administration of Justice

Resolution 75/176 of the UN General Assembly adopted on 16 December 2020 is concerned with the reinforcement of human rights in the context of justice administration and with making sure that the judicial system operates in compliance with international human rights standards. The resolution emphasizes the importance of protecting the independence and impartiality of judges and lawyers, ensuring equal access to justice, and recognizing the right to a fair and public hearing before an independent and impartial tribunal. The document further suggests reinforcing the institutions of law and providing sufficient training and resources for justice sector personnel. The resolution also stresses the need to protect judges, lawyers, and other officials of the judicial system from any sort of threats, intimidation, or pressure. Such provisions may prove useful in the case of Somalia where limited institutional capacity, insecurity, and political interference may undermine judicial independence and trust of the public. Through encouraging States to reinforce their independently operated

²⁵ UN. General Assembly (40th sess.: 1985-1986. (1985, December 4). *Seventh United Nations Congress on the prevention of crime and the treatment of offenders: Resolution / adopted by the General Assembly*. UN, United Nations Digital Library System. <https://digitallibrary.un.org/record/107307?ln=en&v=pdf>

²⁶ *Basic principles on the independence of the judiciary*. (2025, February 5). UN Congress on the Prevention of Crime and the Treatment of Offenders (7Th: 1985: Milan, Italy). <https://digitallibrary.un.org/record/161765>

²⁷ Nations, U. (1985, September 6). Basic principles on the independence of the judiciary. Ohchr. <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-independence-judiciary>



and properly resourced justice institutions, this resolution may be used as a guide for enhancing the accountability of judges in Somalia without undermining their independence.

PREVIOUS ATTEMPTS TO SOLVE THE ISSUE

Somalia's National Anti-Corruption Strategy (2011)

The Federal Government of Somalia introduced a National Anti-Corruption Strategy to improve transparency, strengthen public institutions, and reduce corruption across government bodies. The strategy recognized the importance of judicial reform and called for stronger accountability mechanisms. However, its effectiveness was limited by Somalia's weak institutional capacity, insecurity, political instability, and insufficient resources for implementation. The strategy established useful goals but lacked sufficiently strong enforcement and monitoring mechanisms to ensure that reforms were consistently implemented. It could have been improved through clearer implementation deadlines, measurable targets, independent monitoring, and dedicated funding for judicial and anti-corruption institutions.

Establishment of the Anti-Corruption Commission (2021)

In 2021, Somalia established the Independent Anti-Corruption Commission to investigate corruption, improve public sector accountability, and strengthen integrity within government institutions. The Commission represented an important step towards institutional reform and demonstrated Somalia's willingness to address corruption. However, its impact has been constrained by limited resources, difficulties in ensuring institutional independence, and the broader weakness of Somalia's justice and governance systems. The creation of an anti-corruption body alone cannot eliminate corruption if investigations cannot be conducted independently or if prosecutions are not followed through by the courts. Its effectiveness could therefore be improved by providing stable and transparent funding, merit-based appointments, independent oversight, protection for investigators and whistleblowers, and clear cooperation mechanisms between the Commission, prosecutors, and the judiciary.

Somalia's Anti-Corruption Law (2019)

In September 2019, Somalia adopted its Anti-Corruption Law, creating a legal framework for preventing and investigating corruption and providing for an Independent Anti-Corruption Commission. The law represented progress because it established formal legal mechanisms for addressing corruption and strengthened the basis for institutional accountability. However, implementation remained difficult because of limited institutional capacity, political interference, and the challenges of establishing genuinely independent oversight bodies. The law could have been more effective if Somalia had ensured adequate funding and staffing for enforcement institutions, established stronger safeguards protecting investigators from political

interference, and introduced transparent procedures for investigating and prosecuting corruption cases.

POSSIBLE SOLUTIONS

Strengthening Judicial Independence

Member States should support Somalia in strengthening judicial independence by introducing transparent appointment procedures for judges, guaranteeing security of tenure, and protecting courts from political interference. Independent judicial councils could oversee appointments, promotions and disciplinary procedures to ensure impartiality and accountability. The Federal Government of Somalia, in consultation with the Federal Judicial Service Commission, Parliament, state-level judicial authorities, and representatives of the legal profession, should lead the drafting of proposed legislative amendments establishing these safeguards. Somali authorities should remain responsible for approving and implementing the reforms, ensuring that external assistance does not undermine national sovereignty or judicial independence. International partners such as the African Union, World Bank, and International Development Law Organization could provide technical expertise, comparative legal research, and training when requested by Somali authorities, rather than imposing external models. An independent Somali monitoring mechanism could then publish periodic assessments of judicial appointments, disciplinary proceedings, and reported cases of political interference, while international organisations could support monitoring and capacity-building upon Somalia's request.

Improving Transparency and Accountability

The UN should establish stronger oversight mechanisms for judges and court officials, which will gradually become independent for Somalia, through independent anti-corruption bodies, financial disclosure requirements, anonymous reporting systems, and regular judicial audits. That means that the judges will have straightforward access to relevant information, laws, cases, and court procedures, while those involved in court proceedings will be informed about the due process, their rights and the specifics of said rights during and following legal proceedings. Other than that, transparency initiatives may necessitate that judges make their rulings public and that courts enhance the availability of information regarding their operations and the status of particular cases. All in all, increasing transparency would improve public confidence while reducing opportunities for bribery or abuse of power.

Expanding Judicial Training and Capacity-Building

The UN, regional organisations, and Member States should continue supporting specialised training programmes for judges, prosecutors, lawyers, and court personnel. Training initiatives can address ethical matters, including approaches to resolving ethical dilemmas. In general, empirical research has demonstrated that ethics training programs can produce a number of positive effects that can help lead



to the prevention of corruption.²⁸ Training should focus on judicial ethics, anti-corruption measures, human rights law, and international legal standards to strengthen professional competence throughout Somalia's judiciary. For instance, an effective training approach could involve encouraging peer-to-peer mentoring and sharing experiences and best practices among judges from various countries, as they might feel more comfortable discussing ethical topics with their counterparts from other nations. However, safeguards should be introduced to ensure that corrupt practices are not passed from senior judges or trainers to newly appointed officials. Training should be delivered by independently vetted professionals and should be based on internationally recognised standards, such as the Bangalore Principles of Judicial Conduct and the United Nations Convention against Corruption. Trainers and participants should also be required to disclose conflicts of interest, while training programmes should be regularly evaluated by independent bodies to identify whether ethical standards are actually being applied in practice. Peer mentoring should therefore emphasise transparent decision-making, proper reporting of suspected corruption, and respect for judicial independence rather than simply transferring existing institutional practices. Confidential mechanisms should also allow judges to seek advice about ethical dilemmas or report improper conduct without fear of retaliation.

Penalties and Punishments

Punishments and penalties play a crucial role in reducing judicial corruption by changing the cost-benefit analysis for individuals contemplating corrupt behaviour. Severe penalties - such as heavy fines, or imprisonment, and disqualification from public office - increase the personal and professional costs of corruption and make it less attractive. For penalties to be an effective deterrent, they must be proportionate to the offender's income and the illegal profits realised. They must also be severe enough to deter corrupt behaviour and not simply be reduced or ignored. Clear standards should determine how penalties are imposed, ensuring that similar offences receive comparable punishments regardless of the offender's position or political connections. Investigations should be conducted by independent and adequately supervised bodies, with decisions based on documented evidence and established legal procedures rather than political influence. Individuals accused of corruption should also have the right to due process, including the opportunity to defend themselves and appeal decisions. Furthermore, investigators and disciplinary bodies should be subject to transparency requirements, conflict-of-interest rules, regular audits, and independent oversight to reduce the risk of bribery or abuse of authority within the anti-corruption system itself. Disqualification from public office prevents corrupt judges or officials from further abusing their positions and helps to prevent

²⁸ melissaann.evans. (2026). *Self-directed course*. Unodc.Org.
<https://www.unodc.org/ji/en/selfdirected.html>

repeat offences by sending a clear signal of accountability. These disciplinary measures, combined with ethical codes, transparent procedures, and regular evaluations, foster an environment in which corruption is not tolerated while preserving the independence of the judiciary.

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