



**FEDERAL REPUBLIC OF SOMALIA
OFFICE OF THE ATTORNEY GENERAL**



**The Code of Conduct for members of Office of Attorney General of the Federal
Government**

Part One: Standards of Professional Conduct for Public Prosecution Officials

Article 1 Application of the Rules

1. This Code of Conduct for members of Office of Attorney General of the Federal Government (the Code of Conduct) shall define good conduct and professionalism for deputies of attorney general of the Office of the Attorney General for the Federal Republic of Somalia (the Office) as well the relevant auxiliary staff of the Office in accordance with the procedure for the civil servants.
2. Without prejudice to the conducts and responsibilities of public prosecutors provided under these rules, the laws of Somalia, and international standards, any act contrary to the reputation, independence, or impartiality of prosecution services of the Office of Attorney General are a violation of this Code of Conduct and measures will be taken against the concerned persons in accordance with these rules.

Article 2. General principle

1. The Office is an independent judicial organ responsible for providing prosecution service to the public and ensuring access to justice for all citizens. To that effect, prosecution service officials are independent and must be able to perform prosecution services fairly and impartially without fear and without being subject to any external interferences.

2. Public prosecution officials must respect, preserve, and promote the dignity, reputation, and independence of the Office as well as enhance and contribute to public confidence in the prosecution service.

Article 3: Specific Principles

Notwithstanding the generality of principle provided in Article 2 above, in performing their duties relating to other bodies, parties, and citizens, and in their mutual relations, deputies of attorney general shall particularly comply with the specific principles provided in Article 4 to 7 of this Rules.

Article 4: Diligence and Professional Conduct

Deputies of Attorney General must:

- a. Be individuals of integrity whose conduct is objective, honest and sincere;
- b. In order to perform their duties properly, possess a high level of knowledge and be acquainted with the law and its application;
- c. Respect, protect, and uphold rule of law, justice, human dignity and fundamental rights as enshrined in the Constitution;
- d. Protect the public interest;
- e. Strive to be, and to be seen to be, consistent, independent and impartial;
- f. Conduct themselves in a professional manner, with courtesy and respect for all and in accordance with the law and the recognized standards and ethics of their profession;
- g. Strive to be well informed and to keep abreast of relevant developments;
- h. At all times maintain the honor and dignity of their profession and dress and act in a manner befitting their status and upholding the decorum of the court; and
- i. Perform their work in a diligent and timely manner.

Article 5: Independence

The prosecutorial discretion to institute and to stop criminal proceedings should be exercised independently, and be free from political, public, and judicial interference.

Article 6: Impartiality

Prosecutors should perform their duties without fear, favor, or prejudice. In particular, they should:

- a. Carry out their functions impartially and not become personally, as opposed to professionally , involved in any matter;
- b. Avoid taking decisions or involving themselves in matters where a conflict of interest exists or might possibly exist;
- c. Take into consideration the public interest as distinct from media or partisan interests and concerns, however vociferously those interests may be presented;
- d. Avoid participation in political or other activities which may prejudice or be perceived to prejudice their independence and impartiality;
- e. Not seek or receive gifts, donation, favours, or sponsorship that may compromise, or may be perceived to compromise , their professional integrity;
- f. Act objectively and pay due attention to the constitutional rights of equality and nondiscrimination.
- g. Take into account all relevant circumstances and ensure that reasonable inquiries are made about evidence, irrespective of whether these enquiries are to the advantage or disadvantage of the alleged offender;
- h. Be sensitive to the needs of victims and do justice between the victim, the accused and the community, according to the law and the dictates of fairness and equity; and
- i. Assist the court to arrive at a just verdict, and, in the event of a conviction, an appropriate sentence based on the evidence presented.

Article 7: Prosecutors' Role in the Administration of Justice

1. Prosecutors shall perform their duties fairly, consistently and expeditiously; and
 - a. Perform their duties fearlessly and vigorously in accordance with the law and highest standards of the legal profession;
 - b. Meet all applicable deadlines, while complying with the rules and priorities for resolving cases;
 - c. Endeavor to resolve cases of the same degree of urgency according to the order they have been received;

- d. Where legally authorized to participate or assist in the investigation of crime, they should do so objectively, impartially and professionally, and respect legal precepts and fundamental human rights;
 - e. Give due consideration to declining to prosecute, discontinuing criminal proceedings conditionally or unconditionally or diverting criminal cases from the formal justice system, particularly those cases involving young persons, with due respect for the rights of suspects and victims, where such action is appropriate;
 - f. In the institution of criminal proceedings, proceed when a case is well founded upon evidence reasonably believed to be reliable and admissible, and not continue a prosecution in the absence of such evidence; and
 - g. Throughout the course of the proceedings, the case should be firmly but fairly and objectively prosecuted.
2. Prosecutors should, furthermore:
- a. Preserve professional confidentiality;
 - b. Refrain from making media statements and other public communications or comments about criminal cases which are still pending or cases in which the time of appeal has not expired;
 - c. Consider the views, legitimate interests and possible concerns of victims and witnesses when their personal interests are, or might be, affected, and endeavour to ensure that victims and witnesses are informed of their rights, especially with reference to the possibility, if any, of victim compensation and witness protection;
 - d. If requested by interested parties, supply reasons for the exercise of prosecutorial discretion, unless the individual rights of person such as victims, witnesses, or accused persons might be prejudiced, or where it might not be in the public interest to do so;
 - e. In the case of child victims and child witnesses, always ensure that their best interests are taken into account;
 - f. Safeguard the rights of the accused, in line with the law and applicable international human rights standards as required in a fair trial;
 - g. As soon as is reasonably possible, disclose to the accused person relevant prejudicial and beneficial information, in accordance with the law or the requirements of a fair trial;
 - h. Examine proposed evidence to ascertain if it has been lawfully or constitutionally obtained;

- i. Refuse to use evidence which is believed to have been obtained through unlawful methods which constitute a grave violation of the accused person's human rights and particularly methods which constitute torture or cruel treatment;
- j. Take the necessary steps to ensure that appropriate action be taken against those responsible for using illegal methods in obtaining such evidence; and
- k. If, during the preparation for a trial or the conducting of criminal proceedings or functions incidental thereto, a prosecutor believes information has been disclosed of the commission of an offence which has not been investigated or prosecuted, he or she must without delay inform and disclose the particulars thereof in writing to the Police.

PART TWO: Disciplinary measures

Article 8. Objectives and Enforcement of disciplinary measures

1. A prosecutor who neglects or fails to perform his/her duties, or commits any other prosecutorial misconduct shall be liable to disciplinary measures in accordance with the Code of Conduct.
2. The objective of the disciplinary measures is to provide prosecutors accused of misconduct a fair hearing at which they can rebut the accusations; rehabilitate prosecutors who have been found to have committed misconduct; educate them to perform their duties in accordance with the Code of Conduct; and to dismiss those that cannot be rehabilitated.

Article 9. Grounds for Disciplinary Measure

Grounds for disciplinary measures on a public prosecution official may be :

- a. A Serious misconduct; and
- b. A Simple misconduct.

Article 9.1. Serious misconduct

The following violations of the Code of Conduct are considered serious misconduct:

- a) Taking or soliciting bribes, or taking or receiving gifts from a person involved with or that may be concerned with a prosecution case;
- b) Acting for personal benefits or for the interests of others;

- c) Doing favor or falsifying of written documents with intent to obtain unlawful benefit for him/herself or for another person;
- d) Creating a situation which leads to an improper decision through negligently or intentionally failing to inform or concealing relevant information;
- e) Creating inconvenience to the public by a delay of service without good cause;
- f) Initiating a quarrel or committing any act against moral and good behavior at the workplace,
- g) Damaging office property intentionally or with gross negligence;
- h) Rejecting or refusing to execute a clear and lawful order given orally or in writing by the Attorney General;
- i) Assuming a leadership role in a political party or organization, or campaigning publicly for supporting a political party;
- j) Prosecuting a criminal case while knowing that there is insufficient evidence to support prosecution;
- k) Knowingly misapplying the relevant laws, and
- l) Any other misconduct which is deemed to be of equal level of the above.

Article 9.2. Simple prosecutorial misconduct

The following violations of the Code of Conduct are considered simple misconduct:

- a) Failure to perform his/her work diligently and in a responsible manner. Failure to show effort and diligence at work;
- b) Regularly being absent from work without good cause and without obtaining leave;
- c) Obstructing the smooth execution of work by not cooperating with colleagues and stakeholders;
- d) Borrowing money from a person who has direct or indirect interests with the case at his hand;
- e) Disclosure or sharing information related to prosecution proceeding processes or any confidential information to others than those authorized by the law; and
- f) Committing such other misconduct which is deemed to be of equal level of the above.

Article 10. Disciplinary Measures

1. A prosecution officer who is found committed a violation to Ethics and code of conduct shall be held liable and be the following disciplinary measures according to the gravity of the offense:

- a. An oral warning;
 - b. a written warning
 - c. a fine not exceeding one (1) month's salary;
 - d. disallowing of the next increment of pay;
 - e. one grade down-grading; or
 - f. dismissal.
2. The public prosecution official may be imposed
 - a. The disciplinary measures enumerated under (a), (b) and (c) of Sub Article 1 of this Article, if found committed a simple disciplinary conduct provided in Article 9.1. of this Rules; or
 - b. The disciplinary measures enumerated under (c) to (f) in sub-Article (2) of this Article, if found committed serious disciplinary conduct provided in Article 9.1 of this Rules.

Article 11: Disciplinary Procedure

1. Any disciplinary case must be in writing clearly stating its essence and facts and must be genuine.
2. When a disciplinary case against a deputy attorney General is submitted in writing to the Attorney General, the matter shall be referred to a panel consisting of the Attorney General and two deputies appointed by him.
3. The panel shall gather all the evidence relating to the disciplinary case and deputy attorney against whom a case has been brought must be given an opportunity to defend him/herself.
4. The Panel shall ascertain the nature of the disciplinary case and determine whether the act allegedly committed is serious or simple misconduct as stated under Articles 9.1 and 9.2 of this Rules.
5. If the Panel determines that the act committed is simple misconduct, the Panel can impose on the deputy attorney general measures stated under Article 10 (a), (b) and (c) of this Rules.
6. If on the other hand the Panel determines that the act allegedly committed is serious misconduct, the Panel shall refer the matter together with the details of the case to the Judicial Service Commission to impose appropriate measures prescribed by law.
7. The Panel may propose that the deputy attorney general be suspended from work if he/she allegedly committed a serious misconduct stated under Article 9.2 of this Rules for a period not more than three months or until the Judicial Service Commission renders its decision.

Article 12: Disciplinary Procedure of other officials of Attorney General Office

Disciplinary procedure stated under Article 11 shall be followed for all disciplinary cases against other officials of the Office of the Attorney who are not deputies. However, the decision of the Panel consisting of the Attorney General and the two deputies appointed by him shall be final regardless of whether the alleged act is simple or serious misconduct.

Article 12: Effective Date

The Code of Conduct shall be effective one month from the date that the Minister for Justice and Judicial Affairs of the Federal Government of Somalia signs it into Decree.