Authoritarian Legalism in Somalia, Part IV: The First Thing We Do, Let's Kill All the Lawyers

By Isha Qarsoon
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"The first thing we do, let's kill all the lawyers."

The line comes from Henry VI, Part 2, a play by William Shakespeare, the English poet and playwright of the late 1500s. Somali readers can think of him as a writer of Hadraawi's stature who, like Sangub, used the theatre to comment on power and on those who abuse it. The line is often repeated as a joke about lawyers. In the play, it is serious. The rebels plotting to seize power understood that a profession capable of using the law against a ruler stood in their way. So the first thing they planned was to get rid of the lawyers.

More than four centuries later, the Somali government seems to be acting on the same idea. Earlier this month, President Hassan Sheikh Mohamud removed the Chief Justice of Somalia. On the morning of 25 November, security forces were at the Somali National University, where the Somali Bar Association (Ururka Qareennada Soomaaliyeed) was due to elect its interim leadership. The election did not take place.

The government removed the head of the judiciary first. It then moved against the lawyers, the profession that would normally defend the judiciary. Was that order deliberate?

The Lawyers Who Could Not Choose Their Own Leaders

The Association had spent weeks preparing to elect its leadership. On the evening before the election, the Minister of Justice and Constitutional Affairs, Hassan Moallin Mohamoud, signed Ministerial Decree WCAD/XW/3762/11/26. The decree said the Ministry had issued its own Guidelines for the Interim Election of the Somali Bar Association. It ordered that the election be held within two months and took effect on signature.

The Minister gave two reasons: complaints about how the Association was managing the election, and the views of lawyers on keeping the profession united. The decree did not say who had complained or what they had complained about. It was copied to, among others, the security agencies and the Somali National University.

The decree does not expressly ban the 25 November election. It presents itself as professional regulation. In practice, it was enforced as a ban.

The Minister Who Became Lawmaker, Judge and Enforcer

The decree cites two legal authorities. Article 122(1) of the 2026 Constitution makes each minister responsible for the work of his ministry. It confers no independent power to regulate the legal profession. Article 25(9) of the Council of Ministers' rules of procedure, issued by Prime Ministerial Decree No. 174 of February 2025, makes the Ministry responsible for regulating and strengthening the independent professions of lawyers and notaries and their associations by preparing policies and laws. The decree cites no statute that authorises the intervention.

Somalia once had a law that permitted executive direction of the legal profession. Law No. 85 of 1975, enacted under Siad Barre, organised lawyers as a cooperative and empowered the Secretary of State for Justice to issue directions concerning its work in the national interest. In 1986, while Barre was still in power, that provision was repealed. Forty years later, a minister serving under a constitution that professes democratic government appears to be reclaiming a power relinquished under military rule.

According to the decree, some lawyers had complained about how the election was organised. What they objected to remains unclear. The Association's rules may not have provided a way to resolve such disputes. Whatever their grievances, the Minister assumed responsibility for resolving them.

This is a familiar practice in Somalia. Land disputes, clan quarrels and contested appointments routinely find their way to the offices of political leaders. Where courts are weak, people take their disputes to whoever holds power.

The weakness of the judiciary is part of the larger design of ruling rather than governing. A functioning judiciary would resolve disputes independently of the executive, depriving political officeholders of opportunities to intervene in the affairs of others. Keeping the judiciary weak ensures that disputes continue to find their way to those in power. The government need not manufacture disputes. People bring them to its doorstep.

The Minister then performed three functions: he made the rules by issuing his own election guidelines, judged the dispute by setting aside the Association's electoral process and enforced his decision with security forces. He did all of this within a day. Who needs separation of powers when a single minister can do everything?

The Ministry's intervention is not unusual in Somalia. This year the Cabinet appointed an interim chairman of the Chamber of Commerce over the Chamber's objections. In 2023 the government stopped the football federation's election in the name of unity. Independent bodies across Somalia now face the same treatment. Officials who take control pay no price, and those below them learn the method from those at the top.

There is another troubling aspect to this election. The reported frontrunner represented former President Sharif Sheikh Ahmed before the Supreme Court. Among lawyers, there is a suggestion that his candidacy was unwelcome at the highest levels of government and that this helps explain the Minister's intervention.

In 1770, British soldiers fired into a crowd in Boston and killed five protesters. America was then a British colony, and the town was furious. Bostonians saw the soldiers as an occupying force, and few lawyers were willing to defend them. John Adams, who later became the second president of the United States, agreed to represent them. He knew it could ruin his reputation and his practice. He took the case anyway because he believed that every accused person, however hated, deserved a lawyer and a fair trial. Some of the soldiers were convicted. Some were acquitted.

In 1839, Africans who had been kidnapped and were being shipped into slavery revolted, took control of the Spanish ship carrying them, the Amistad, and killed its captain. The ship was seized off the American coast. Spain demanded the Africans back as property, and the American government supported Spain. Slavery was already dividing the country two decades before the Civil War, and many of the Supreme Court's justices came from slaveholding states. John Quincy Adams, a former president then in his seventies, argued for the Africans before that court in 1841. He helped them win their freedom.

Both men accepted the risk because the alternative was worse: a country where people cannot find a lawyer because they, or their cause, are hated by the public or opposed by the government.

If the Minister intervened because the frontrunner had represented Sharif, then a lawyer's choice of client can now cost him his professional future. The Adamses took those clients, and history honours them for it. In Somalia, a lawyer who represents the government's opponents may now find his career blocked, whether he seeks to lead his professional association, win a government appointment or simply keep his practice. The harm falls on clients too. A citizen who challenges the government has the right to a lawyer of his choice. That right means little if the lawyers he would choose are afraid to accept his case. Shakespeare's rebels wanted the lawyers dead. Frightened lawyers serve the same purpose.

When Did Professional Unity Become a Government Responsibility?

Members of professional associations dispute election rules, challenge candidates, contest results and question their leaders. An election is one way to settle some of those disagreements. The Minister's intervention takes that job from the lawyers and gives it to the executive.

Under the decree's reasoning, any future disagreement among lawyers could justify another intervention. Unity is a convenient word. The government used it to stop the football federation's election, and it now uses it against the lawyers. The word lets the government restrict the independence of a professional association while presenting itself as its protector.

If the aim was to keep the profession united, how were soldiers supposed to help settle disagreements among lawyers?

Consultation or Coercion?

On 24 November, the Association's electoral committee called the decree illegal and said it had received no formal complaint about the election. Then, on 25 November, the Ministry published a statement and photographs of a meeting with the Association's interim executive committee, its electoral committee and the candidates for its leadership. Some of Somalia's most prominent lawyers took part. The Ministry's Director of Judiciary Affairs was also present.

According to the Ministry, the parties agreed that the election would go ahead, with the Ministry and the Association each assuming its respective role and responsibility. They also agreed to settle the technical arrangements and the timetable as soon as possible. By the time the lawyers met the Minister, their original election had already been prevented. They were negotiating for permission to do what they had been free to do the day before.

The Ministry has published its description of the meeting. The lawyers who attended should now tell the members of the Association what they said and what they agreed to. Did they challenge the Minister’s authority to intervene? Did they demand that the decree be withdrawn? Did they reserve the right to run their own election? If the lawyers have accepted the Ministry’s claimed authority over their election, the Association’s independence has already been compromised.

For the candidates, the question is particularly pressing. What is the point of becoming president of a professional association if you give up its independence to get the job? Their first test as leaders has come before a single vote has been cast.

The Dilemma of the Somali Professional

Many Somali professionals work for the government or hope to. Where public service careers depend more on relationships with those in power than on competence and performance, challenging the government can be costly. A lawyer seeking a government job has reason to stay quiet. A lawyer who has one has reason to protect it. Even lawyers outside government may not want to risk future opportunities.

What makes sense for each professional can be disastrous for the profession as a whole. The government benefits from their silence without having to threaten anyone.

This is why independent professional associations are necessary. They let members speak together when speaking alone could cost them their jobs or their income. Once those associations depend on the government, their members lose an important way to protect their independence.

The Lawyers Are Still Alive

In Shakespeare's sense, the Minister has not yet killed the lawyers. He has shown them that he can.

Suppose the Association now elects its leaders under the Ministry's guidelines and on the Minister's timetable. The winners would acquire their mandate under conditions imposed by the government, setting a precedent for their successors.

The next minister could change the guidelines, intervene in another election or cite new complaints. The lawyers would already have conceded the principle behind those interventions. Every future leadership would know that its election depended on the permission of the same government its members might have to challenge. That is how a professional association loses its independence while keeping its offices, its members, its elected leaders and its name.

In Shakespeare's play, the rebels proposed killing the lawyers. In Somalia, the lawyers can finish the job themselves. All they have to do is comply.

One More Step Toward Authoritarian Legalism

Part I of the *Authoritarian Legalism in Somalia* series examined the government's push for an election in 2027 under the 2026 Constitution. Part II examined the removal of the Chief Justice. Part III examined the conduct of the State Attorney General's office.

The intervention extends the same method from institutions of government to an independent professional association, whose members might otherwise challenge the exercise of public power. This is authoritarian legalism in miniature: a decree that cites the law, decides who has broken it and is enforced by security forces. The meeting that followed adds a further step. If those affected accept the conditions imposed on them, the government can present its intervention as their consent.

What the Lawyers Can Still Do

The lawyers can issue a joint statement rejecting the decree and the Minister's claimed authority over their election. They can hold their election under their own rules, at a time and place the Association chooses. They can challenge the decree and create a legal record of the government's intervention, even before a judiciary whose own independence has just been undermined. Somalia's membership of the East African Community opens a route to regional support. The lawyers can take their case to the East Africa Law Society and ask for the support of the Pan African Lawyers Union.

None of these steps requires the lawyers to settle every disagreement among themselves. They only need to agree that the power to settle those disagreements belongs to the profession, within the law. The best show of professional unity would be for rival candidates to defend the independence of the institution they all want to lead.

Will the Owners of the Government Please Stand Up?

In a video circulated among lawyers this week, an ordinary Somali citizen explained the relationship between Somalis and their government. He compared the government to a company, public officials to its employees and the Somali people to its owners. If the employees act against the owners' interests, the owners can remove them.

He made a second point: "Beni'aadam wax fiican ma sameeyo ilaa uu jiro wax ama qof uu ka baqaato." Human beings do the right thing only when there is something or someone they fear.

In these two points, an ordinary citizen captured the core of accountable government. Officials must know whom they serve, and they must know that abusing their power has consequences. A government official should have reason to fear a court that can overturn his decisions, a lawyer who can challenge his actions and a public that can remove him from office. Remove those checks and the public must rely on the personal virtue of those who govern.

Take his analogy one step further. Imagine the company's employees start writing the rules under which the owners choose their representatives. When the owners meet to conduct their business, the employees send security guards to stop the meeting. The owners' representatives then meet the employees to discuss the conditions under which they may hold their election.

The Somali people own the Somali state. The President, the ministers and the security agencies exercise authority on their behalf. Lawyers should be the first to speak for the owners when the employees overstep. On 25 November, those lawyers could not even speak for themselves.

The citizen whose property is taken unlawfully, the journalist detained for criticising the government and the family seeking justice against a powerful official all have a stake in what the Bar Association does next. The lawyers must now show that they can speak for themselves.

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