



Center for Policy Analysis
Peace, Democracy, Human rights

HABEENKA KASMO-WADAAG (HKW)

Report on Judicial Reform

January 10, 2015

Maansoor Hotel, Hargeisa, S\land



Funded by :  **FORUMSYD**

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JUDICIAL REFORM (REPORT)

On 10 January 2016, CPA hosted one of its series Kasmowadaag events, Named at *Judicial Reform* at Maansoor Hotel Hargeisa, Somaliland. Participants were 163 (122 Males and 41 Females) comprising of Media practitioners, Students, Judges, Attorney Generals, Lawyers, Civil Society Organizations, LNNGO's, INGO's, Human right Defenders, Public Figures, Business Sectors, and government institution representatives,

ABOUT HABEENKA KASMO-WADAAG (HKW)

HKW is a sequential and continual debate event with the purpose of giving space to the public to dialogue and discuss issues and matters affecting and impacting their lives such as Socio, Political and Economic Issues. It is open debate where panel chosen on government authorities, academicians, CSO's and expertise on the area of preselected topic or policy. The audiences are given opportunity to question and comment freely on the subject of the event. Ample time is dedicated to the spectators.

BACKGROUND

Over the last six months, Judge Adem H. Ali Ahmed, the chairman of supreme/constitutional court as well as the chief of justice has restored the reputation of the judiciary after he has created confidence among the Judiciary and the public where trust was lost for the last 20 yrs. He inspired confidence with the people after he has implemented a tangible judicial reform and vowed them that "no one will no longer be above the law whether the rich and powerful people having high positions in the government, but equality before justice" the chief of justice began by winning this confidence after he has made removal of the most corrupted judges from office, appointed new judges. And registrars mostly women. He stopped illegal monies taken from the people during their hearing cases.

Since the Judiciary is implementing an enormous judicial reform, and civil society is reliable with this new actions improving the judiciary, people need to get more information on this reform and contribute to their views. CPA organized its HKW to give space between the judiciary and people to exchange ideas, views, share experiences, discuss and ask questions on this issue, where the Chief of Justice \ chairman of supreme court who is leading this reform was invited to HKW with the financial help of ForumSyd Somalia Program.

The objective of this event was to create mutual understanding among the people and the Current Judicial Reform, and to give space among the judiciary and public to meet and academically and honestly examine practical solutions and consultations that contribute the judicial reform headed by Adem H. Ali Ahmed, Somaliland's chairman of Supreme Court as well as Chief of justice. It was hosted to inform the people on this new judicial reform.

At the event the Chief of Justice Mr. Adem presented to the participants on the current judicial reform, and challenges he handled.

METHODOLOGY

The methodology of this event was structured in discussions and conversations among the participants and the chief of Justice. The event gave space for the participants to express their opinions and recommendations on the new judicial reform.

OPENING REMARKS

CPA chairperson Mr. Mohamed Hussein Jama opened the event by welcoming all to the Judiciary reform at HKW organized by CPA. He gave information about HKW event on judicial reform as space to the public to dialogue and discuss issues and matters concerning to the current judicial reform. Prior to the welcoming he thanked to **FORUMSYD** for their financial support of this event. During welcoming with the audiences, CPA highlighted on the role of Judiciary in not only national but also the foreign policy.

SUMMARY OF PRESENTATION\DISCUSSION

The Chief of Justice In his presentation on judicial reform, outlined that the country took the presidential system containing tree branches which work together and if one of them is missed the nation can't work accurately. He shared the following two strategies with the people based on cooperation among all the judiciary stake holders.

Immediate strategy, the Chief of Justice told that this strategy was intended to work on the current necessary judicial loopholes, which was implemented for the following: improved the justice committee meetings; removal from office and appointing new judges; increased number of the judges; appointed new registrars, mostly women; appointed new Deputy Attorney Generals; issued administrative regulations improving the procedure of court's administration; improved and extended investigative and supervisory Committee for judges and Deputy Attorney Generals. Extended the mobile courts; prepared the data on the number of cases in the courts; built and strengthened the Supreme Court's relationship with the neighboring countries' supreme courts; reform was made to the constitutional court; Pending cases were decreased; inspired the judiciary staff; abolition of corruption; kept and fixed the hours of work; Judicial court working dress was implemented; empowered for women after they were all given the registrars positions; minority people were given a chance; And paid visit to all the regions to supervise all the courts in Somaliland.

Long term Strategy, he also stated that this plan is to get an independent judiciary; to create associations for the judges, and Attorney Generals, in order to defend their rights; to get a fund to renew the judiciary premises; to get opens and transparency; to change the public attitudes towards the judiciary.

Likewise he presented to the public for his 2016 judiciary work plan as following: increasing the knowledge of the judges, and the Attorney Generals; establishing the Judges, Attorney Generals and other Judiciary staff training sector; establishing court decision review committee; drafting judges rights act; establishing library, and research sector for the judiciary and lawyers. Recording the court trials in Maroodijeh regional courts; establishing database for judiciary sector; restructuring on the constitutional court with its special premise and staff.

He further mentioned that judicial reform is important in internal and foreign policy, peace, and security. For example, he said “security institutions are permitted to implement the operations by the judiciary, so the type of security depends on the type of the judiciary”. And this shows that judiciary worked more on security.

On the other hand, the chief of justice expressed his concern on the role of the judiciary in Foreign policy. He identified that the judiciary take a great role in foreign policy. and since Somaliland is searching for recognition, it will be assessed whether this new country deserve to be recognized or not by focusing on its internal policy whether there is a rule of law, justice, independence judiciary, and whether it tackles with the corruption. He emphasized that the internal factors determines the foreign policy.

He also suggested proper ways to correct and improve Somaliland’s Internal Policy, and proposed to concentrate on whether the judiciary allot a good services, people to be equal under the judiciary, judiciary to be free from corruption and rights of the people are being protected

The chief of justice highlighted that human rights are protected by the judiciary, and every day judiciary works on human rights, and if there is no country where its judiciary had that capacity no state will not make any relationship with that state.

Finally he praised to the previous judicial personnel on their role for the election disputes, and the protection of the security of the country.

QUESTION AND ANSWER SESSION

At the end of the Chief Justice’s presentation, following questions were asked: For the upcoming reform , is it possible for the women to be appointed as judges; for the last years, the law was favorable to the businessmen and the powerful people, when will it be favorable to the poverty and vulnerable groups; does it include your plans to give remedy for the people arrested unlawfully; what is your plan in the closed media houses of Haatuf and Hargeisa Star; what is your plan for publishing the laws, so people know the law applying in the court hearings if they commit crimes; do you have a full support from the government on this reform; people believe that the murders are given to financial support does that exist or not; the judiciary committee contains some officials from the executive, can it effect the independence of the judiciary; do you satisfy with this reform to be worked on when you leave from the office; who will be complained against the judicial committee if the person fired or stopped from the office doesn’t satisfy with their decision.



Participant asking question and giving comment to the chief of Justice

In the middle of this session the participants submitted the following recommendations to the Chief of Justice:-

1. To get an independent Judiciary from the executive branch.
2. Media cases to be decriminalized and solved through civil code in accordance with the media law.
3. To improve the constitutional court, to effectively adjudicate the election disputes.
4. To implement the annual judicial congress guaranteed by the constitution.
5. To make public hearings, so public authorities present their activities to the people
6. To give rehabilitation for the arrested people.
7. Judges leave from offices without allowances and rights, so judge's rights to be given when they leave from office.
8. To build an arbitration committee to adjudicate the cases whether they are ad judicable or not before the hearing stage.
9. To get responsible media.
10. To get awareness on the rights and responsibilities of the people and judiciary, so people know their rights.
11. To build new premises for the judiciary branches
12. To make a cooperation with the Ulema Shiekhs, to be free from corruption and injustice.



Right, Chief of justice answering the questions, and CPA Chairperson (left)

During this session, the chief of Justice answered all the questions raised by the participants in detail giving examples, and listed all the comments suggested to him.

CONCLUSION

This event was very imperative, people get a space to share information with their Chief of Justice, asked questions and given comments on his current judicial reform. The Chief of justice himself get a space to get consultations from the public, and inform the people on the current judicial reform he is working on. What went well was that the chief of Justice was listening carefully to

the Participant's questions and answers, putting down all comments and questions on paper, and promised he will take into consideration.

Though CPA intended two hours for the event but, it takes four hours and half to conclude the event due to the interest of both the Chief of Justice and the participants to continue their discussion.

Participants welcomed this event and requested to continue such event to get a chance and space to meet with their public authorities to ask questions and comments on the issues and matters that effect their lives.

At the end of the event. The Chief of Justice praised CPA and HKW event on the opportunity they offered him to meet with the civil society to get their concerns on the judicial reform. He promised that he will give into consideration to all the comments and include into his work plans.