

Somaliland Judicial Reform

The Ministry of Justice Training Program of Law graduates and the Judiciary Sector

High-quality Research Support programme (HQRS)

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Abstract

This study assesses Somaliland Judicial training, particularly the Ministry of Justice's training program for law graduates entering into the judiciary section in 2012-2016. It presents the result of 12 interviewees from the different batches within the training program. The respondents are separately categorized batches. It also reveals the importance and challenges of this training. The study also presents a brief background of the Somaliland judiciary and its overall challenges.

Introduction

Somaliland's Judiciary reform initiative started in 2008, after the Ministry of Justice and Judiciary Affairs organized a Conference which had justice reform as its theme. Somaliland Justice Stakeholders such as international donors, civil society groups and community leaders were invited. Mainly, judiciary reform concerns the Justice sector, including the different levels of Courts and Prosecution (Lower courts such as district or regional, and Appeal Courts and Supreme Court). Most of the judges get training from the justice reform project and Ministry of Justice supported this to train nearly 100 law graduates as Judges, Prosecutors and Judiciary staff in the last four years. They are part of the judiciary system now; most of them are Judges, Prosecutors, case manager officers, Court Registrars and Deputy Attorneys, national solicitors and Ministry of Justice officers.

Although some obstacles were encountered during the phases of the Somaliland Judiciary Reform strategy 2012-2017 – law professional trainings, mobile courts, legal aid and court reforms – in this time 90 law graduates have graduated from the Ministry of Justice's training program, and most of them are working in the justice sector. However there remain huge gaps which need to be addressed. For example, training of law graduates for the judiciary sector is very important. For judges, lawyers, prosecutors and courts administrators get training is an essential element of judicial independence, as it helps to ensure the competency of the judiciary. This is because if judges get enough legal skills and knowledge they can act and perform their professional duties and the quality of the judiciary is an essential component in achieving access to justice. If the Judiciary staff are professional and qualified then justice will be sustained and this is a key element in maintaining the high quality of the judiciary.

In this research we will first explain the overall challenges faced by Somaliland Judiciary Reform, especially in the last four years. After that we specifically assess in the findings section: how successful has the Ministry of Justice's training program been? What are the outmost barriers faced in training law graduates for the Justice Sector? We also examine how trained law graduates contribute to the improvement of the justice system in Somaliland. Who are the biggest recruiters or goes in to Judiciary Positions? We also point out in the study the gaps and the further areas on which researchers can develop in their own studies.

Overall Aim and Specific Objectives

The overall aim of the research is to examine the progress of the legal training programme in the Somaliland Judiciary.

The objectives of the research are:

- To identify the challenges of legal education for Judiciary Sector staff;
- To examine how to overcome legal training obstacles;
- To identify how new law graduates can transform into professional Judiciary staff;

Research Methods

The main sources of data for this study consisted of primary and secondary sources. Secondary sources refer to reports, online searches, books and other relevant academic articles. Data from these sources were derived from relevant literature to the study, including books, journals, and reliable Internet sources. Secondary data also included gathering materials relating to judiciary stakeholders such as Supreme Court and Ministry of Justice

On the other side, primary data included twelve semi-structured interviews which were conducted from 4 batches in the Ministry of Justice's law graduate training program (three respondents from each batch would be interviewed). Each three respondents represent one group or batch to provide information on their training. The study also carefully kept gender representation. Ministry of Justice reports were also one of the primary sources; this was crucial to triangulate and verify the data.

The method which the research employs is a Qualitative approach, because it would explore more how the research subjects feel about themselves and understand the program, and answer the question: how successful has the Ministry of Justice's training program of law graduates entering into the Judiciary sector been? Which means, addressing the importance of the Judiciary, how has the training program been successful and how can the new graduates take part in justice reform in the country.

In accordance with the proposed objective of this study, the researcher employed a qualitative tool of data analyses. Again in line with the strategy and issues to be found out of this research, this analysis shall adopt inductive-based analytical strategies, which begin with detailed observations which then move toward more abstract generalization and ideas. There will be interpretation of interviews analyzing, with a relevant literature review of Somaliland Judiciary reform, challenges and progress which can then define a further analysis and data collection plan.

Brief Background of Somaliland Judiciary

During the colonial period, the British Somaliland Protectorate followed a common law system. In the Judicial system there were two level of courts system concerning Shariatic and non Shariatic matters. The system therefore works with a dual structure which is Qadis courts and court of the Chief of Qadis with appellate jurisdiction (High Court sitting in Hargeysa). After the unification (of Somaliland and Somaliland) in 1960 the first government abolished the Qadis system and took court structure system which the following government took such as Siyad Barre's Regime (Battera & Campo (2001, P.5)

Somaliland declared its independent shortly after the Somalian civil war ended, in May 18, 1991. Following the declaration of self-rule there were a series of inter-clan conference, which ended in Borama 1993. After this series of clan-based conferences, a democratic government was built, comprising of governmental branches such as the executive branch comprising of a president, vice president, and council of Ministers, legislative branch and independent judiciary system.

Coming to the Somaliland Judiciary's history up to July 1960, Somaliland had its own Judiciary System, which was led by the High Court in Hargeisa. During this period the Somaliland Constitution re-confirmed the existing Somaliland Judicial System. When Somaliland reasserted its independent from Somalia in 1991, clan elders and elites established what they called the "Somaliland Charter" and this Charter re-build the Independent Judicial court. Article 21 of Somaliland Charter established the Supreme Court as the highest court of the state. The court structure which existed during Siyad Barre's military regime of 1969 and based on the Organization of Judiciary Law 1962 (Legislative Decree No. 3 of June 1962) was re-adopted by Somaliland Organization of Judiciary law 1993 (law No: 41 of 18 August 1993). This law was improved in 16 March, after the house of Parliament (Representative and Elders) accepted all the amendment requested by the President (Somalilandlaw.com).

The current Somaliland Constitution, which was approved in 2001, is set out in chapter, the structure of Somaliland Judiciary System. Article 99 of the Constitution explicitly tells that the Judiciary consists of Courts and Prosecutors.

In the court system they have their own structure. Both Somaliland first Instance Courts and higher courts are:

1. District Courts (first instance)
2. Regional courts
3. The Appeal Courts (based on each region)
4. The Supreme Court (also it is the Constitutional court)
5. Military Courts (which has its own structure)

Overview of Judicial Reform

Judicial reform has long been seen as important for the consolidation of democracy and for sustainable development in post conflict countries like Somaliland. It is significant to the political and economic performance of developing states. Most scholars widely believe that the judicial system is central to enforcing political rights, property rights, controlling abuses of government powers and sustaining the rule of law. For example, the 16th century English philosopher Thomas Hobbes argued that without a judicial system, traders would not enter trade terms or contracts. The Judiciary is the place to adjudicate and settle conflicts and differences between public or private individuals. It safeguards the legal rights of citizens, so if judicial reform becomes successful all these democratic measures will be achieved (Messick, 1999).

Somaliland's Judiciary Reform was officially formulated in 2008 when the Ministry of Justice organized the Justice Reform Conference, inviting Somaliland's key justice stakeholders including UN International organizations, donors, Civil Society and concerned community leaders. The conference was fruitful in providing a way forward. The plan was to advance and develop the Somaliland Judiciary System such as by strengthening the capacity of the courts by giving extensive training and required equipment to ensure that they can carry out their duties and core functions. This plan also deal with to clarify the roles of and responsibility of law-making bodies and strengthen their institutional capacity, including the capacity of prioritize and draft legislation that are harmonized with existing law. It also composed in according the priorities of Judiciary reform, to promote a more responsive and accessible justice system that promotes human rights for all and also it intended to improve the infrastructure to access to justice and the protection of human rights (Somaliland Judicial Reform strategy report 2012-2017).

The first conference of Judicial Reform was held in May 2012. Somaliland's Justice stakeholders had settled a ten-point agenda for justice reform. Accordingly at the first thematic conference on Judiciary Reform the ten points set out to indicate the Judiciary reform strategy were;

1. Ensuring all law is written in Somali and that a Somali legal terminology is produced.
2. Recognizing the importance of an independent judiciary, particularly regarding financial matters in which judges have security of tenure (including appointment, transfer, promotion and dismissal) and empowered to make competent and impartial decisions without any interference. At the same time recognizing the importance of an accountable and responsible judiciary guided by a code of conduct.
3. Ensuring that the key legal institutions including the Judiciary, The Ministry of Justice, the Attorney General's Office, and The High Judicial Committee have adequate means to professionally perform their duties including legal education, infrastructure of buildings, equipment, transport communication and administrative costs.
4. Recognizing the need for legislative reform of out-dated and incompatible laws with Somaliland Constitution and the requirement to draft new laws. These processes will be

undertaken under the auspices of a Law Reform Commission. Agreed priority laws to reform include, but not limited to, Penal Code, Criminal Procedures Code, Civil Code, Civil Procedures Code and Organizational of the Judiciary Act. Agreed priority laws to draft include, but not limited to, Civil Register and Commercial code.

5. Affirming the necessity for a minimum legal education requirement for entry into the legal profession. Encouraging the continued support for law faculties and clinics as well as establishment of postgraduate legal vocational training for admission to the Lawyers Association to practice law in Somaliland; and recognizing the importance of the development of the lawyers' provision of entry of newly qualified graduates into the legal profession.
6. Acknowledging the need to increase public confidence and awareness of the role of the judiciary and legal system.
7. Emphasizing the right to a fair trial and legal representation in all stages of criminal proceeding including arrest, pre-trial detention, trial and appeal of sentence. Ensuring access to justice for all, in particular provision of free legal aid for those without the financial means and vulnerable persons.
8. Recognizing the importance of women's participation in the justice sector and the need to provide women with adequate legal education, access to justice and entry into the legal profession.
9. Promoting a justice system in which the three legal systems (Xeer, Sharia and formal) can work together and identify compatible and contradictory practice with the Somaliland Constitution and accepted international human right standards, recognizing that Sharia is the fundamental source of laws in Somaliland (Judiciary Reform Strategic plan 2012-2017).

The phase of Somaliland Justice Reform clearly started in June 2011 with a Somaliland National Justice Conference. This conference was attended by more than two hundred and fifty Somalilanders, representing Justice Sector stakeholders and the general public. The participants of this conference recommended a comprehensive list of judicial reform considerations (Somaliland Judicial Reform Strategic Plan 2012-2017, P.12).

Somaliland Judiciary Challenges

There are enormous and numerous challenges within the Somaliland Judiciary sector. According to the base land study of the Somaliland National Plan 2012-2016 there are noticeable obstacles to the function of the Somaliland Justice sector such as: 1) usage of traditional clan mediation which dominates the modern court system and deters the growth of a modern justice system in Somaliland; 2) insufficient or outdated policies and law which cannot work in the modern context. For instance, in Somaliland there is no act which can regulate cybercrimes or crimes

related to electronic money transfer such as ZAAD and e-Dahab; 4) inadequate numbers of judges and courts which causes a heavy load of cases on courts; 5) shortage of legal professionals is another problem which causes barriers to justice, because lack of professionalism leads to corruption and unfair trials; 6) there is no specialized courts and judges; in Somaliland courtiers are general and there are no tribunals such as administration tribunals, or judges don't have specialization to be civil judges, administration judges or constitutional judges or criminal judges 7) Lack of legal harmonization (such as Sharia law, Customary and statutory law); these three parallel system causes a lot of contradiction and justice is delayed because of their contradictions 8) there is an absence of established high-powered judiciary, crime and case review committee(s) and 9) There is high case load in the courts, because of the lack of specialization courts and judges or shortage of judiciary staffs.

Somaliland's Former Minister of Justice Hussein Ahmed Aideed presented in November 2014 at the 7th High level Aid Coordination forum the achievements of Justice Reform and also the challenges. In his presentation he pointed out that these challenges block the achievement of the objectives of justice reform;

- Mobile courts system and provision of legal aid is underfunded;
- Lack of adequate equipment and furniture exists in the judiciary;
- Law review initiatives are not adequately supported;
- Critical need for infrastructure prevails in the justice sector;
- Lack of enough transportation and DSA negatively affect mobile court system;
- Many perpetrators of SGBV (Sexual Gender Based Violence) crimes go unpunished for lack of evidence – there are no forensic laboratories in Somaliland;
- Rehabilitation programs relevant to prisoners convicted of serious crimes, such as a spiritual therapy and prevention of radicalization, do not exist.
- Lack of adequate transport precludes the Custodial Corps from responding well to the court schedules and to the prisoners transportation needs;
- Lack of quality service delivery still exists in the Justice Institutions (Minster Aided A. Hussein 2014).

There are other great legal problems in Somaliland Judiciary, because there are conflicting articles within the Law on the Organization of Judiciary. This law covers the mandate of Judiciary staffs such as judges, prosecutors, Attorney General, Chief of Justice, and High Judicial Council and also jurisdiction of Courts. There are two versions of these act; both passed by the Parliament in 2003 and 2008 and both technically signed and enforced by Presidential decree. The 2003 act consist of 89 articles while the 2008 version consists 60 articles. For instance, article limited the person who can appoint as a judge, in one version the age is 23 and in the other 30 years or older (Horizon Institute, Report, 2015. P.8).

These obstacles have remained static for the last 15 years. In April 2002, Academic for Peace and Development held a workshop concerning critical measures for Somaliland's Judiciary and then produced a report which revealed all the same challenges which the newer studies are pointing out; such as the existence of contradictory legal traditions, untrained and under-qualified personnel, insufficient offices and courts, lack of necessary equipment and resources, low public confidence; absence of legal reform or development and limitations on the independency of judiciary.

In the matter of untrained and under-qualified personnel in the judiciary there are some achievements. The Ministry of Justice, with the support of UNDP and European Union, trained 90 law graduates to enter the Justice Sector between 2012-2016.

The Somaliland National Development plan 201-2016 baseline exposed untrained and under-qualified staff in the judiciary in 2012. It revealed that during this time, the High Judicial Commission didn't have sufficient staff: the Ministry of Justice had thirty five employees, of which eight members of the Ministry of Justice were law graduates, the Office of Attorney General had seventy three staff members and fourteen members of the Attorney General staffs were law school graduates. Somaliland Judiciary had one hundred and thirty-six Judges and ten judges were law graduates. To address the need for trained law graduates to reform Somaliland's Courts, all Somaliland Justice Stakeholders came together with the initiative of Ministry of Justice.

Ministry of Justice's Training of Law Graduate for the Judiciary Sector

Introduction

The Ministry of Justice was defined by a decree dated June 23, 1996; it is also the only Ministry mentioned in the Constitution. The Somaliland Ministry of Justice sets out to formulate national justice policies to improve justice service with the collaboration of Justice Sectors and also the directorate for studies and evaluations to assess the justice system. The Ministry also works on corrections and rehabilitation with the Custodial Corps. These mandates and more others are mentioned in Somaliland Administration Procedure Act (law No. 71/2015).

The Law Justice Reform program was developed by the Ministry of Justice over the last five years, but the reform was introduced in 2011 when the Ministry of Justice prepared a multi-million dollar justice reform work plan and Judiciary Reform strategy. The program has five major objectives or priorities: 1) Strengthen the capacity of the courts through extensive training and the provision of required equipment to ensure that they can carry out their core functions; 2) clarify the roles and responsibilities of law-making bodies and strengthen their institutional capacity; 3) including the capacity to prioritize and draft legislations that are harmonized with the existing laws; 4) promote a more responsive and accessible justice system that promotes

human rights for all; 5) improve the infrastructure for access to justice and the protection of human rights and 5) guarantee the protection of all citizens, in particular women, against sexual and gender-based violence (SGBV), including rape, domestic violence and security force misconduct (Somaliland Justice Reform Strategy Plan 2012-2017).

The Ministry of Justice established a Technical Support Unit which demonstrated growth and effectively coordinated the implementation of the activities of the Justice Reform Strategy Work plan through National Justice Reform Steering Committee (UNDP Somalia, C.2 Project Annual Report 2014, (P.2).

The activities are a broad range to assess, but the interesting priority is the strengthening of the capacity of the courts through extensive training. During the last four years, 2012-2016, the Ministry of Justice gave training to four batches of law graduates from different universities such as University of Hargeisa, Amoud University, Alpha University and some graduated neighboring country universities such as Yemen, Sudan and Egypt. Therefore, after the Ministry of Justice and donors (European Union and UNDP) settled the ten-point agenda of justice reforms in May 2012 they have proceeded to implement and to affirm the legal education requirement for entry into legal professions, which was point five of the judicial reform conference agenda. Most of the judges get training from the justice reform project. The Ministry of Justice took the role or initiatives and supported the training of more than ninety law graduates as judges in the last four years (2012-2016); and they are part of the judicial system now – most of them are judges, prosecutors, case manager officers and most of the females appointed deputy general prosecutor.

The first batch in 2012-2013 were forty interns, after nine months of training thirty four interns had completed the course; twenty eight male and six female. The former Minister of Justice Hussein Ahmed Aideed had sent a request letter (*Ref WC/Xw/G-2/055/12*) about employment of the thirty four interns to the former Chief of Justice Yusuf Ismail and High Judicial Council in November, 2012. In his demand letter he mentioned that the government has already placed the salary of these interns in the national budget.

Twenty eight men from the 1st Batch became judges and some of them are working in far regions as regional judges, chairmen of district and regional judges, while the six females of this batch are positioned into the courts administration such as chief of registrars. They are employed first instance in courts either district and regional, appellate and Supreme Court (MoJ 2012-2015)

The second batch in 2013-2014 of the interns was forty interns and thirty-three trainees were graduated and completed the training program. Twenty-two were male and eleven female. At first placement four became prosecutors in the Attorney General's Office, fifteen became Custodial Corps Official and fourteen were employed in the Ministry of Justice, but later on fifteen custodial Corps officials were transferred into judiciary sector; some were appointed judges, some others are now prosecutors, but most of the females are courts registrars.

The third batch consists of twenty four trainee law graduates from different local Universities. Fifteen men became judges, five females are Deputy of Attorney Generals and three women became Solicitors in the National Solicitor Office. This batch is appointed before their recruitment (MoJ on 2012-2015).

The last trainees (Batch 4) were twenty students; seventeen male and eight female. On August 24, 2016 the Chairmen of Higher Justice Commission Aden H. Ali, who is also the Chairman of Supreme Courts, announced the recruitment of this batch. Six males were appointed judges, while three male and three female became prosecutors; three male and two female were positioned in the National Solicitor Office; one female and three males were also recruited to the Ministry of Justice; and two females and two males were positioned in the Law Reform Commission Office.

Table: These table will shows the statistical and placement of law graduate in 2012-2016

(MoJ Report on 2012-2015)

Batches	Total	Completed	Male	Female	Judges	AG	Registrars	MOJ	National Solicitor
Batch1	40	34	28	6	28		6 Female		
Batch2	40	33	22	11		4		14 M/F	
Batch 3	24	23	15	8	15	5 M/F			3 female

Note: The Batch 2 there are fifteen law graduates placed in Custodial Corps and became officers, but they had transferred into Judiciary Sectors in 2015, specifically six males become judges, while other female and males were appointed as prosecutors and chief of court registrars. Also five other students in this batch who were recruited to the National Solicitor Office, but were later re-attached to the Ministry of Justice (Somaliland Ministry of Justice Report 2012-2015 p.24).

Findings and Analyses of the Assessment

How did the training program of law graduates for the Judiciary work?

This four year training program was the first of its kind in Somaliland and was part of the Judiciary reform in 2012 -2016. All the trainee respondents either went into the judiciary sector or have disagreed that the training was fruitful and works well.

The interviewees of batch 1st who were trained in 2012-2013 agreed that the training was fruitful, because it reached its objectives and all the trainees got the opportunity to work in the Judiciary sector.

“The training worked well and achieved its main goals, because the curriculum of the training was based on how the Somaliland Judiciary system works and we learned procedure and substantive laws in court systems. We have been trained for at least one year. We get our monthly refreshment. The trainers were law professionals; some of them were experienced judges and lawyers. This was the first time we ever have such kind of training, not only us, but the entire Judiciary sector didn’t get this kind of training during 2¹5 years of Somaliland’s autonomy” Guiled Da’uud Ahmed, Maroodi-Jeeh Regional Judge.¹

Respondents of Batch 2 agreed that their training worked well, because all the trainees were recruited into the justice sector and they mentioned that the objectives of the training were mainly reached, because all the trainees were positioned into the justice sector.

“The training worked well, because it trained a lot of law graduates. They are positioned into the Judiciary sector. This step reformed the ethics of the Judiciary staffs and also how the judiciary works, because we can get for all Somaliland regions a law graduate from this program. The program adds a practical experience to what we have already learned from the Universities.” Abdikarim Sh. Mohamoud, Child Protection Officer in Ministry of Justice.²

Batch 3 interviewees indicated that their training was different from other batches’ trainings, because they said that High Judiciary Council recruited and pre-appointed the twenty four trainees, while Ministry of Justice has management and technical tasks. They have shown signs of positivity about how the program works.

“Our training and system were different from other trainings. We were 24 interns. The Somaliland High Justice Commission took our exam of entry. It was fair exam. We get a lot of experience during the training. For example, we were trained in the legal acts of the Judiciary system which we didn’t know before the training and also we got an experienced lecturer. We have gotten a lot of practical experience during the 9 month training,” Fardus Aden Mohamed, Public Property Defense, National Solicitor Office.³

Batch 4 was the last batch of trainees and has placed into judicial sector in August 24, 2015 and they said that the training program was beneficial and worked well. They stated that they got experience and they said that they have been trained for six months and that their training period was the shortest compared with the other three batches that were trained for at least nine months.

“The training works as its objectives were and ended as it was intended. Our training period was 6 months and it was the shortest training in according previous trainings. Our courses were finished quickly, because of the time. Fortunately, the training was beneficial and we learned all the courses such as contract law, Civil law and its procedure, Panel code and its procedure and also constitutional law.” Muna Ali Nuur, batch 4 of the trainees.⁴

All the respondents agreed that the program works fine and they demonstrated that they got more practical and theoretical experience and all of the trainees got placed into Judiciary sector.

What is good about the program?

The target population of the judiciary training was law graduates from the university in order to reform the education of Judiciary staff such as judges, court staff, lawyers and attorneys. Each batch of the trainees (the four batches) was asked to describe the positive aspects of the training in order to know more about importance of such kind of training.

In according Batch 1 respondent such as Khadra Muhumed⁵, Chief of Hargeisa Regional Courts Archives, said that the program trained law graduates who didn't have any experience about how the courts and judiciary institutions works and the trainers were experienced and law experts. Guiled Da'uud Ahmed, Maroodi-jeeh Regional Judge, added that they go to participate in court hearings to understand how the judge's work and he added the trainers have at least 10 years experience in the Judiciary and law practice. Mr. Mohamed Hussien Arrale Maroodi-jeeh Region Judge⁶, also mentioned that they got more theoretical sessions about judgment writing and hearing processes and also more Somaliland legal acts explanations.

Batch 2 respondents expressed that the good aspects of the program were trainers' experience, theoretical sessions and monthly moot court sessions. Mukhtar Hassan Hersi, Probation Officer (Conditional release officer) of the Ministry of Justice explained;

“During our study we took theory lessons and also practical sessions. We visit the trials in the courts to listen and gain experience of the things going on. After we come back to the class we often analyzed the cases we saw to figure out what we understood and weak points of the hearing procedure such as what has gone wrong procedurally and how the judge was listening to the evidence of both sides,” Mukhtar Hassan Hersi, Probation Office at MoJ.

Batch 2 trainees are deployed into different institution such as the Ministry of Justice, Attorney General, Custodial Corps, National Solicitor Office and courts, but the trainees who were recruited to the Custodial Corps and National Solicitors were rejected by the decision-makers of these institution as Muna Dubed⁸ explained;

“The interns who were recruited in Custodial Corps and National Solicitor were rejected from the decision-makers of these institutions, because of financial matters and lack of office positions. For example, Custodial Chief Commanders says that the young recruited law graduate officials have higher salary than senior commanders and it can cause problem and protest,” Muna Dubad, Human Right Officer, Ministry of Justice.

Similarly, Abdikarim Sh. Mohamoud expressed that the training program was a job creation for law graduates and to transform law graduates into law professionals.

The interviewees of Batch 3 agreed and stated that the law graduate training program is good concerning the application of legal acts and practical sessions, which is called moot court, because they have listened to and participated in court hearings or application of trial hearings.

Mr. Khalid Abdi Shiil, Maroodi-jeh Regional Judge⁹, pointed out that moot court is one of the beneficial and good points of the program, because he stated that they have acted out practical court procedure to know more about the hearing process.

A male respondent of Batch 3 also explained the good aspect of the program:

“The training teaches us how we can hear criminal and civil cases, procedure of the court hearings and also decision taking during the trail. This was the main important thing we have been passed through the training,” Mohamed Bashe Hussein, Berbera District Judge¹⁰.

In the same way, Batch 4 trainees stated that the best part of the program was practical sessions. Muna Ali, intern of Batch 4, expressed that the training gave a confidence about how they can work in judiciary sector, Mr. Mawlid Abdi Ahmed¹¹ and Hamda Yusuf¹² also said that the training program were good, because they have got practical experience which they can put to work if they get the opportunity in the judiciary sector or justice institutions.

The respondents all agreed that the positive aspects of the training were the small practical sessions in the courts and also the experienced trainers.

What were the weaknesses of the Training Program?

There are technical and management weaknesses of the program and the following are some of the views expressed by the respondents regarding the factors that were not working during the training program.

Batch 1 emphasizes that they didn't get most of the training materials and also there was a little gap in the training, because of a conflict between trainers and the Management team of MoJ.

Khadra Muhumed, said that some courses were not finished as it was intended such as Sharia law, while Mr. Arrale, Maroodi Jeeh, Regional Judge, said that there is absolutely no weakness in the training program except the learning materials.

Most of the respondents of Batch 2 gave the same answers about the weakness of the training program and they mentioned that the main weak point of the program was practical session which they all stated that it was not enough for the trainees.

“During our batch, I think that the practical session was not enough; it was a small period of time and they usually gave their consideration to the theoretical sessions or class sessions. Some courses were better off to learn more, because they have been given as extensively in short time such as commercial law and taxation law,” Mukhtar Hassan, Conditional Release officer, MoJ.

Similarly, Batch 3 respondents expressed that the practical session didn't work well, because it didn't contain enough for the trainees to be qualified judges. Farduus Aden, Public property defense at National Solicitor Office, stated that the practical sessions were not enough and the trainees didn't get enough learning materials and Mohamed Bashe, Berbera District Judge, pointed out that there were technical weakness such as poor communication between Ministry of Justice and Higher Judiciary Commission which were responsible the job placement and training advancement.

“When the training is about the judiciary, it would be better to learn more about practicality, because the law graduates know the theoretical aspects of the legal system and the objectives of the training was to know how the courts and judiciary system works procedurally and substantively, before the law graduate goes into the judiciary, because we didn't get more practical in the University, except theory sessions. So the weak point of the training was the moot court,” Mr. Shiil, Maroodi-Jeeh Regional Judge.

Batch 4 respondents similarly stated that the weak point of the program were practical sessions, particularly they said that they didn't get moot court sessions.

“One of the objectives of the training was that the trainee goes in into the courts and hears cases and analyzes what they saw in the court after they come back in their training center and present

the mistake they saw. Most of the mistakes take place in procedure, but we didn't get such kind of opportunities," Mr. Mawlid Abdi.

Intern Placement

As we already mentioned in the literature review there was shortage of professional staffs in the judiciary; that is why the Ministry of Justice undertook the initiative program of Judiciary Reform (which was 5 years strategic plan) and bringing law graduates into the judiciary is part of that reform. These four years of training that the four batches graduated from had produced at least ninety trainees, most of whom went into the judiciary.

The first batch in 2012-2013 were forty interns. After nine months of training thirty-four interns completed the course; twenty-eight male and six female. The entire number of male became judges and chaired the regional and district courts, while all the females from this batch are Chief of Registrar in first instance courts, appellate Courts and Supreme Court.

"fortunately, most of the trainees went into the judiciary sector, for example 28 Males of our batch became regional, district, appellate and even chairmen of courts such as Chairman of Maroodi Jeex Regional Courts," Mr. Da'uud, Maroodi-Jeeh Regional Judge.

The male respondents of Batch 1 expressed that they like the positions they have in the judiciary, while female show little admiration; their salary and position is lower their male colleagues.

The job placement of the trainees wasn't based on marks; it was allocated randomly and also when the government added their salaries in the yearly budget, before they graduated both Ministry of Justice and Chief of Justice arranged their salaries plus positions. Batch 2 (2013-2014) of the interns contained forty interns and thirty-three trainees graduated and completed the training program. Twenty-two were male and eleven female and fourteen of the interns were employed at Ministry of Justice, four at the Attorney General and fifteen others became judges and courts staff.

Those who are employed in governmental institutions such Ministry of Justice expressed little admiration of their titles. Mr. Abdikarim Sh. Mohamoud, Child Protection Office at Ministry of Justice explained,

"We have dreamed and hoped to be judges or to work in Judiciary sector (Courts), but we didn't get that hope and the MOJ senior officers convinced us that we couldn't be a part in Judiciary, because of all batch 1 trainees went into the Judiciary,"

Twenty-four trainees of Batch 3 were all placed into the Judiciary sector. Fifteen males became judges, while five of the female are deputy Attorney General and three of the females are employed by the national Solicitor Office.

Respondents of this batch also expressed that they have been selected by chance not by grades and they are all positioned in judiciary institutions. Mohamed Bashe Hussein, Berbera District Judge, mentioned that most of males and females of their batch have deployed in far districts.

“We have been divided randomly. Male became judges, while female most of them became prosecutors. Most of us we have started the work in far villages. For example, I have been deployed in Sheik District, Sahil Region. At moment I went there I started my duty early, although there is no more cases in the district,” Judge Mohamed Bashe.

A female respondent of this batch says that they like the position they got. Fardus Aden, Public Property Solicitor explained,

“Males went into the judiciary sector (most of them became judges) and most of the female became deputy of Attorney General and Public Solicitors. I am lawyer in National Solicitor Office and I defend national property. I like my title and the work I have” Fardus Aden, Lawyer at National Solicitor Office.

The last batch consisted of twenty-five trainees; seventeen male and eight female who graduated in May 2016. They were appointed on 24 August 2016. Six trainees became judges, six others were recruited as prosecutors, five interns went to the National Solicitor Office, four interns entered the Ministry of Justice and four other trainees were employed at the Law Reform Commission Office.

The respondents of this batch expressed that they have been waiting for job placement for at least three months.

Challenges of the Training Program

There are overall challenges for the Somaliland Judiciary, but particularly the assessment focuses on the barriers within the Ministry of Justice’s training program of law graduates for the judiciary sector in 2012-2016.

Inadequate Practical Sessions

The respondents of Batch 1 pointed to some of the challenges of the training. Maroodi-jeeh Regional Judge, Guliad Aden indicated that there was inadequate provision of practical training. Khadra Muhumed, Chief of Archives at Hargeisa Regional Court, also expressed that the moot court sessions were too few and too short, while Mohamed Arrale, Hargeisa regional Judge, also agreed that the practical sessions of the training were insufficient to the trainees, because it was one month only.

Two respondents of Batch 2 mentioned that there were not enough practical sessions during the training period, while other respondents didn’t mention this.

Batch 3 interns interviewed stated that one month practical sessions were too short for the trainees and they would have liked to have more training sessions.

“The training was just like theoretical sessions in the University. Most of the time we were sitting in the class, it would have been better if there were more practical sessions,” Mohamed Bashe, Berbera District Judge.

Similarly, Batch 4 respondents stated that the moot court (practical sessions) weren't enough and too short and they pointed that they had missed some time from that session.

Insufficient Learning Materials

Mr. Gulied Dau'd, Hargiesa Regional Judge, pinpointed that they didn't get enough learning materials during the training program and Mr. Arrale, Hargeisa Regional Judge, agreed on that point.

Most of the respondents, both batch 2 and 3' mentioned the barrier of insufficient materials for learning. Muna Dubad, explained;

“There overall challenges such as the technical management of the training were too weak; the materials of the training were not good.” Muna Dubed, Human Right Officer at MoJ.

Training Center

The Ministry of Justice took the responsibility of management, and the technical and financial task of the training. The theoretical sessions were handled by the Ministry's Venue, while trainees went the courts in practical sessions.

Male respondents of Batch 1 expressed that the venue of training was not appropriate to host this kind of training (judiciary training), because he said that the Judiciary institutions need to have a specific center of training in the Civil Service Institute

“Venue or center of training was not appropriate, because such kinds of training need their center of training which is special to the judiciary,” Guilad Daud, Hargeisa Regional Judge.

Other respondents of Batch 3 expressed that the facility center was not equipped to host such judicial training. They stated that the facility was a conference hall and not training center. They also said that they weren't able to act a moot court session in this setting.

Likewise, female respondents of Batch 4 pinpointed that design of the facility was not appropriate to hold judiciary training and it was like a small conference room.

Job Placement Gap

Most of the trainees have gone into judiciary and executive institutions. Male and female Respondents of Batch 2 stated that they entered a huge gap of three months when they finished

and graduated the training. Abdikarim Sh. Mohamoud mentioned that he had waited three months for a job placement, while Mukhtar Hasan Hersi indicated he has awaited a job placement for few months and a female respondent, Muna Dubed, also agreed with her colleagues that the job placement gap exists.

Similarly, Batch 4 who graduated in May 2016 expressed that they have been waiting for the recruitment phase for at least 3 months, although they have recruited August 24.

“Our main challenge was job placement, because we have been waiting the job placement for little while. There is little misunderstand between the trainees and Justice Institutions such as Ministry of Justice and Chief of Justice who is also the Chairman of Supreme Court,” Hamda Yusuf Ali.

On the contrary, respondent of Batch 1 and Batch 3 didn't agree on this point and stated that they got job opportunities during the scheduled time.

Training for Neglected Judicial Staff

The interviews revealed that staff or law professionals in the judicial system such as judges, prosecutors and lawyers, are missing important training and a number of respondents particularly judges, prosecutors and even the Ministry of Justice, addressed the kind of training they would like to get to strengthen their ability, capacity and skills.

Respondent of Batch 1 said that they would like to learn more about judgment writing, documentation systems and how to hear cases about new technology such as cybercrimes.

Similarly, Abdikarim Sh. Mohamoud, Child Protection Officer, Ministry of Justice expressed that they would like to have training on how to hear cybercrimes and also crimes related to Electronic Money Transfer. Mune Dubed, Human Right Officer at MoJ, stated that she would like to have legal drafting training.

A female respondent of Batch 3 said that they are very keen to have training about evidence law, criminal cases and also land dispute issues; male respondent expressed that evidence clarification training is best.

It would be better to train both Judges and prosecutors in the evidence-based system and to know what we can take as evidence and what is not. In Somaliland, evidence based system is not good. Previous time CID (Criminal Investigation Department) has finger printing system. For example, if someone is murdered, the policemen took the criminal materials with his bare hand and that is not good practice,” Khalid Abdi Shiil, Regional Judge.

Another male respondent of Batch 3 stated that judges and prosecutors both need post graduate education about criminal trials.

Conclusion and Recommendation

Conclusion

The four year training program which produced at least ninety law professionals into the justice sector was the first of its kind, a milestone in the Judiciary Sector and very crucial to justice reform and judiciary reform. The Ministry of Justice training program has become successful, because most of the trainees hold higher positions in the Judiciary such as Chairmen of Maroodi-jeeh Regional court and Boorame appellate courts, regional judges, district judges, Deputy of Attorney General, National Solicitors, Chief of Registrars and Ministry of Justice Officers, while those who didn't go into judiciary are still awaiting their job placement.

The trainees who took part the judiciary reform program eased the caseload on courts and speeded up cases, and they applied the training they received. Abdikarim Sh. Mohamud, Child Protection Officer at Ministry of Justice, explained how the trainees took part judiciary reform:

"It took part the judiciary reform in the country, because we have received the perception of the community. People criticized and show lack of confidence in Judiciary System, but recently people goes in to the Courts because of the new blood in the Judiciary," Abdikarim Sh. Mohamoud.

Overall there are no great obstacles to the training, but the findings revealed small barriers which were:

- Inadequate practical sessions
- Insufficient learning materials
- Inappropriateness of the training center
- Gab between graduation and job placement
- Missing training such cybercrimes trial, judgment writing, legal drafting, documentation and evidence based system trainings.

Therefore, respondent trainees request the continuation of this training and to initiate Judiciary advanced training, the establishment of a Judicial Training Center in the Civil Service Institute, in which judges, prosecutors and lawyers or other law professionals can receive a specialized program.

On the other hand, the brief assessment revealed from the existence literature review that there are huge hindrances within the Somaliland Judiciary system. Research is needed in order to understand better the Judiciary Reform in Somaliland and a such as, lack of infrastructure, inadequate equipment, the contradiction of three parallel legal system (Sharia, manmade law and customary law), lack of transportation between either courts and Custodial Corps, and challenges within rehabilitation programs (Parole and probation systems).

End Notes

1. Guiled Da'uud Ahmed, Maroodi-Jeeh Regional Judge interview, July 06, 2016
2. Abdikarim Sh. Mohamoud, Child Protection Officer of the Ministry of Justice Interview , June 10, 2016
3. Fardus Aden Mohamed, Public Property Solicitor of the National Solicitor Office Interview, July 10, 2016
4. Muna Ali Nuur, interns of batch 4th trainees interview, August 6, 2016
5. Khadra Mohamoud, Chief of Hargeisa Regional Court Archives interview, July 3, 2016
6. Mohamed Hussien Arrale, Maroodi-jeeh Regional Judge interview, July 6, 2016
7. Mukhtar Hassan Hers, Probation Officer of the Ministry of Justice interview, June 10, 2016
8. Muna Dubed, Human Right Officer of Ministry of Justice interview, June 10, 2016
9. Khalid Abdi Shiil, Maroodi-jeeh Regional Judge, July 10, 2016
10. Mohamed Bashe Hussein, Berbera District Judge interview, July 9, 2016
11. Mawlid Abdi Ahmed, trainee interview, July 17, 2016.
12. Hamda Yusuf, trainee interview, August 6, 2016.

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Appendix 1: Respondents

Respondent Name	Batch	Job Title	Institution	Tell
1. Guiled Da'uud Ahmed	2012-2013	Hargeisa Regional Judge	Maroodi-jeeh Regional Court	4143189
2. Mohamed Hussien Arrale	2012-2013	Hargeisa Regional Judge	Maroodi-jeeh Regional Court	4486670
3. Khadra Muhumed	2012-2013	Chief of Hargeisa Court Archives	Maroodi-jeeh Regional Court	
4. Abdikarim Sh. Muhumed	2013-2014	Child Protection Officer	Ministry of Justice	4465856
5. Mukhtar Hasan Hersi	2013-2014	Parole Officer	Ministry of Justice	4167703
6. Muna Dubed	2013-2014	Human Right Officer	Ministry of Justice	
7. Fardus Aden Mohamed	2014-2015	Public Property Defense/Solicitor	National Solicitor Office	4421955
8. Khalid Abdi Shiil	2014-2015	Hargeisa Regional Judge	Maroodi-jeeh Regional Court	4101935
9. Mohamed Bashie Hussien	2014-2015	Berbera District Judge	Berbera District Court	4428342
10. Mawlid Abdi Ahmed	2015-2016	Un employed		4022966
11. Muna Ali Nuur	2015-2016	Unemployed		4419893
12. Hamda Yusuf	2015-2016	Unemployed		4480004