



Report on the Functional Review of the High Judicial Council

December 2015

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Introduction

The constitutionally mandated High Judicial Council (HJC) directs the administration of the Somaliland judiciary and is the most important organ in the administration of justice in Somaliland. Despite the HJC's vital role in the justice system of Somaliland, only recently has the HJC secretariat been established. Progress has been made in setting up the HJC secretariat, but there is substantial still work to be done. This review was carried out in close consultations with Somaliland's Chief Justice, who is the Chairman of the HJC. Horizon Institute (Horizon) undertook a functional review of Somaliland's HJC in October 2015 to:

- (i) Establish the existing technical and administrative gaps in the HJC and;
- (ii) To make concrete recommendations in response to these shortcomings so as to improve the administration of justice.

The Chief Justice required four key outputs from the functional review:

1. A proper structure fit for purpose to place the HJC in the strongest position to fulfil its role;
2. Policies appropriate for each function carried out by the secretariat;
3. A process for decision making by the HJC which is based on law, is clear and transparent;
4. Sub-committees of the HJC with well-defined terms of reference and roles.

Horizon contracted two consultants to carry out the functional review of the HJC: Keith Budgen CBE, a court administrator from the UK, and Hamse Khayre Yousuf, a Somaliland educated lawyer. Horizon's consultants conducted the functional review by interviewing members of the HJC—the Chief Justice, the Deputy Chief Justice, the Attorney General and the Director General of the Ministry of Justice (MoJ)—and interviewing all representatives within the HJC secretariat and Supreme Court, and all relevant stakeholders from the MoJ, judges of the Supreme Court, the Regional Court and the District Court, civil society, and defence lawyers' associations.

Executive Summary of Findings and Recommendations

- **General** – The newly appointed Chief Justice has shown a strong and tangible commitment to meaningful reform in the justice sector. In the short space of time he has been in office, he has made significant inroads into strengthening the HJC to perform its essential role in promoting a more efficient and robust justice system in Somaliland.
- **Composition of the High Judicial Council** – The HJC is not independent of the executive and a constitutional amendment is required to alter the balance of judicial and executive members. Amending the Constitution so as to reduce the presence of the executive is recommended.
- **Conflicting articles within the law on the organization of the judiciary** – The law governing the organization of the judiciary is contained in two articles that are

conflicting. It is recommended to hold a conference and workshops to harmonise the articles.

- ***HJC membership and the role of lay members*** – The role of lay members of the HJC is unclear. Producing job descriptions and providing training is recommended.
- ***Blurring of responsibilities between the HJC, the Supreme Court and the MoJ*** – There is overlap of responsibilities and a lack of clarity about the roles of the HJC and the MoJ and between the Supreme Court (SC) and the HJC. It is recommended to separate the budgets of the HJC and SC, to transfer all resources for lower courts from the MoJ and agree on a demarcation of responsibilities between the HJC and MoJ.
- ***Sub-committees of the HJC*** – The HJC is burdened with matters that should be delegated to sub committees. It is recommended to establish six sub-committees.
- ***Secretariat of the HJC*** – The HJC secretariat is under resourced, has no administrative leader and is not yet functioning as an effective body. It is recommended to appoint a senior leader as head of the HJC.
- ***Functions within the secretariat*** – Departments covering the essential functions of the secretariat are there in name only. Defining essential functions within “departments” and setting up office infrastructure is recommended.
- ***Finance*** – Although there is some funding from UNDP, there is no government funding or supporting structure to plan, monitor and control budgets. It is recommended to construct a bid for funding and establish a financial management system.
- ***Human resources*** – The human resources (HR) department is not yet in operation: there are no personal files, job descriptions, performance management systems or qualified staff. Appointing a qualified HR practitioner and setting up infrastructure for HR management is recommended.
- ***Hours of work*** – The working day is exceptionally short and timekeeping is poor. It is recommended to publish the hours and take action for non-compliance.
- ***Training*** – The infrastructure is not yet in place to build capacity. It is recommended to conduct a training needs assessment and set up a system for managing training.
- ***Judicial and prosecutors’ training*** – The benefits of training judges and prosecutors are being seen, but there is no structure in place for a programme of delivery. Appointing an administrator in the HJC to organize training for judges and prosecutors is recommended.
- ***Inspection and monitoring*** – The work done by the HJC so far has removed some incompetent or corrupt judges and prosecutors, and through publicity is building confidence in the justice system. It is recommended to maintain reliable records for receipts of complaints, outstanding complaints and the outcome when dealt with. It is further recommended to establish teams for each region so best use can be made of experienced investigators and to provide training into investigatory techniques and corruption. Working with the Ministry of the Interior to ensure police are also subject to enforcement of standards is also recommended.

- **IT** – Equipment is old and obsolete and computer systems are duplicated by a manual system because of unreliability. Replacing equipment and preparing user requirements is recommended. Approaching international help agencies for funds may be necessary.
- **Visibility of the HJC** – The role of the HJC and how it can be used to build confidence is not sufficiently visible, apart from the complaints system.
- **Public relations and communication** – There is a need for stronger internal and external communications. Appointing a person with media skills to recognize gaps in publicity and increase the visibility of the HJC is recommended.
- **Transportation** – The lack of funding means there are insufficient vehicles to perform essential functions, such as mobile courts and responding to judicial complaints. It is recommended to produce a business case for appropriate funding.
- **Policies** – Where policies exist they are long, complex and repetitive. Consequently, they are not understood and followed. Establishing a working group to draw attention to priority areas and produce clear-cut, short policies is essential.
- **Legal Aid** – Legal aid is not being administered in a satisfactory manner and there is confusion about what funds are available. Setting up a working group of service users to review the legal aid provision is recommended.
- **Co-ordination and oversight of international agencies** – Insufficient consultation and engagement of the end users is resulting in buildings and services that are not fit for purpose. It is recommended for the HJC to have oversight of all internationally funded work affecting the justice system.
- **Recording and publishing judgments and guidance to judges and prosecutors** – Systems for recognizing good and poor decisions in cases are developing so that learning is shared with judges and prosecutors. It is recommended to minute monthly conferences and circulate, and to set up a Law Report unit.
- **Data collection and analysis** – Some data is collected, but it is not being used to good effect in shaping the justice system or managing resources. It is recommended to review the data collected and determine what management information is required.
- **Allocation and management of resources** – There is no management information or system to link the allocation of resources to workload. It is recommended to assemble a working group to review the current resourcing model.
- **Use of resources at courts and court process** – Courts do not begin on time and there is no system for making sure cases go ahead on the date and time specified. It is recommended to consider adopting the Kenyan system.
- **Asset register** – There is no record of the assets in the courts or a strategy for replacing them. Producing and keeping an up-to-date asset register is recommended.

- **Identification of guilty pleas** – Guilt for those who accept culpability for a crime, and have admitted the charge, has to be proved in court through calling evidence, which is a waste of resources. Reviewing the law and practice regarding guilty pleas in minor cases is recommended.

Findings

1. General

- 1.1. The HJC is responsible for the administration and oversight of the judiciary under the Somaliland Constitution and also for the appointment, removal, promotion, transfer and discipline of the judges of the Appeal Courts, Regional Courts and District Courts, and Deputy Attorney Generals.
- 1.2. The new Chief Justice, Adam Haji-Ali Ahmed, Chairman of the HJC, appointed in May 2015, has articulated a clear desire for fundamental reform of the justice system and has to date provided strong leadership in making important reforms. His appointment provides a much-needed opportunity for change. For this to become a reality, he must be supported by a strong team and adequate resourcing. Meetings take place every Thursday lasting between one and three hours. A “Director of Finance and Administration” acts as secretary to the Chief Justice, organizes HJC meetings, sends out the agenda, takes minutes and circulates them. She has two other key responsibilities: planning and managing the budget of the Supreme Court (SC) and the HJC (although there is no actual allocation to the HJC), and acting as “Chief Clerk” for the administration of the SC, which has a staff of 21.
- 1.3. A co-ordinator of the HJC reports directly to the Chief Justice and is responsible for the management of the HJC secretariat. His duties involve management and supervision of staff, and supervising the administration of mobile courts and case management in the six regions. The mobile court initiative, funded by UNDP, has provided limited access, given funding constraints, to some rural areas where there are no functioning formal courts. For the future sustainability of mobile courts, the government must be responsible for providing adequate funding for vehicles, security and the expenses of the staff and judges who are required to travel.
- 1.4. A Technical Adviser (Dayib Nur), whose role is funded by the UNDP, assists the Chief Justice in a wide range of activities and facilitates meetings with all visitors, NGOs and organizations. He is responsible for overseeing UNDP funded projects, such as mobile courts, and the inspection and monitoring of judges and prosecutors. The fact that the Technical Adviser’s position is funded by the UNDP, while he is overseeing the work of the UNDP, can potentially create a conflict of interest, apart from making funding entirely dependent on an external organization. He also works on any assignment that the Chief Justice requires him to do.
- 1.5. Although an office structure for the secretariat is in place, it is in “name only” because there has been no government funding, and just one of the departments could be assessed as being fully functional, that of the Inspection and Monitoring department. There are twelve staff in post, four of whom are in the Inspection and Monitoring department, plus a cleaner and a driver. Although a Director of Human

Resources was appointed two years ago, this section is not yet active. It was also noted that a fully qualified accountant had not yet been offered any work relevant to his qualifications and skills in the three years since his appointment.

- 1.6. Taking account of the vitally important role that the HJC has in promoting a responsive justice system that enjoys the confidence of the citizens of Somaliland, resources are woefully inadequate and urgent attention is needed to rectify this.
- 1.7. A document prepared by the MoJ that lists the implemented activities from the Somaliland Justice Reform Strategy appeared to contain misleading information. According to this document, the HJC secretariat had been launched and a budget committee established. Horizon did not find evidence that those activities, along with several others, had been completed.
- 1.8. Moreover, several international agencies have developed policies, constructed buildings and produced guidelines, but this work has not been coordinated. Horizon found that international agencies often completed work without proper consultation, ignoring the views of those on the ground, and sometimes these efforts were inaccurate or did not meet the needs of the people it was meant to help.

2. Composition of the HJC

- 2.1. There is significant concern that the constitutional articles establishing the HJC do not create an institution independent of the executive. The number of judicial members within the HJC is only three out of the ten representatives. The executive members therefore dominate the HJC in decisions regarding the workings of the judicial system and the “hiring and firing” of judges, resulting in a lack of independence between the executive and the judiciary.
- 2.2. Article 107 (1) of the Constitution, which establishes the HJC, is inconsistent with Article 97 (2) which states that the judiciary should be independent. A solution needs to be found through a constitutional amendment so that the number of members of the executive is reduced and the judiciary is truly independent and seen to be independent.

3. The Conflicting Articles within The Law on the Organization of the Judiciary

- 3.1. The law covering the organization of the judiciary is contained in two conflicting articles: both passed by parliament in 2003 and 2008 and both technically enforced by a Presidential decree. The former version consists of 49 articles while the latter consists of 60 Articles. One example of the conflict is the minimum age of a person who can be appointed as a judge. In one version the age is 23 and in the other 30 years or older.
- 3.2. The need for harmonising the two versions is urgent. This will not be accomplished without the support and the commitment of the all the justice stakeholders.

4. HJC Membership and the Role of Lay Members

- 4.1. Under Article 107(1) of the Somaliland Constitution, the HJC is comprised of ten members: the Chief Justice as Chairman, two SC judges, the Attorney General, the Director General of the MoJ, the chairman of the Civil Service Commission, and four members of the public — an intellectual, a business person, a religious elder and a traditional elder.
- 4.2. The four lay members of the HJC, nominated by the House of Representatives and the House of Elders, are not always familiar with legal issues and are unlikely to be familiar with the work of judges and prosecutors. In addition, they are not clear about their role on the HJC because this has not been set out in a “job description.” As such, the lay members appear to take a passive role on the HJC. An additional problem is that some of the lay members are, at the same time, members of other government commissions or bodies. It is essential for them to understand their role so they can properly represent the interests of the citizens of Somaliland in shaping the decisions of the HJC. It is also critically important that they possess the required knowledge and skills at the time of their appointment, or that they gain the relevant knowledge soon afterwards through training because lay members are only appointed for a two-year term.

5. Blurring of Accountability Between the HJC, the SC and the MoJ

- 5.1. Article 97(2) of the Somaliland Constitution sets out the separation of powers and upholds the independence of the judiciary. Although the SC has a financial budget, the financial allocation for the lower courts (Appeal, Regional and District) comes under the MoJ. This is inconsistent with the requirement for independence from the executive. This problem will be remedied when budgets for the lower courts are transferred to the SC in 2016. However, there must be distinct lines of accountability over which elements of the justice system are the responsibility of the HJC and which fall to the MoJ.
- 5.2. It is not only the budgets for the courts that should be transferred from the MoJ. The organization and management responsibility, and related budgets, should also be transferred. The MoJ is currently funded for this activity. It is essential that the transfer includes all the associated headquarters costs that are held by the MoJ. There is a potentially heavy workload that will shift to the HJC, making the case for additional resources and appropriate governance in the HJC secretariat even stronger.
- 5.3. As the HJC is developed further, as intended by the Constitution, it is important to avoid duplication or overlap between a fully functioning HJC and the MoJ. The functions of the two bodies should be demarcated with no room for ambiguity. Ideally, this should be done by mutual agreement through discussion. But if that is not feasible, it must be done by law, as required by Article 106(2) of the Constitution.
- 5.4. Currently, there is not a clear line of accountability over responsibilities and budgets, largely because the HJC is not funded by the government and relies on funding from the UNDP and the use of some resources from the SC. To avoid confusion over who

is accountable for what, it would be desirable to have a separate budget for the HJC, leaving the SC to be run, as before, as a separate entity.

6. Sub-committees of the HJC

6.1. The HJC needs to have oversight over, and to set the strategic direction for, the justice system. At the moment, the HJC is involved in too much relatively minor work as there is no functioning body to which research or matters of detail can be delegated. The result is that either the HJC is encumbered with unnecessary detail or the work is not done. Whilst the HJC should always remain accountable, much of the detailed work could be carried out by a limited number of sub-committees which report to the HJC.

6.2. The sub-committees should cover the following areas:

Standards Committee – This will cover the findings from the Investigation and Monitoring team, make recommendations where judges or Deputy Attorney Generals are in breach of the code of conduct and deal with matters where standards could be reinforced.

Court Decisions Review Committee – To deal with information regarding unsatisfactory decisions and help to determine the training needs of judges and prosecutors, and to establish a compendium of Appeal Court and SC decisions (ultimately when sufficiently developed), and publish decisions on the Internet as a guide to other judges and practitioners.

Strategy and Planning – To be looking forward to what needs to be done and developing strategic and business plans to support justice reform.

Innovation and Reform – To classify good practices, ideas to accelerate efficiency and make recommendations on improving the quality of, and access to, justice.

Finance – Constructing evidence-based bids for adequate resourcing for the HJC and the judiciary. The Finance sub-committee could either be part of the Strategy and Planning sub-committee or be a separate entity.

Public Relations and Communications – Proactively to identify the content and media for internal and external communications to broaden and deepen public awareness, public confidence and access to justice.

6.3. It is essential that these sub committees operate without bureaucracy with their number controlled and kept under review so that only essential areas form their work. Ideally individual nominated members of the HJC should take “ownership” of a committee, exercise authority over it and speak to the particular topic when it is discussed at higher-level HJC meetings.

7. Secretariat of HJC

- 7.1. The HJC secretariat is seriously under resourced and will not be able to fulfil its functions without proper funding. Given the importance of the HJC in managing and overseeing a fair justice system, the HJC must be supported by a secretariat headed by a senior leader of sufficient standing and weight to have influence at a senior level across government.
- 7.2. There is an urgent need to appoint a senior manager with a sound track record of leadership, change management and delivery. A person of high standing would not only provide close day to day support to the Chief Justice as Chairman of the HJC, but would also be expected to build a strong support team in the secretariat with the appropriate expertise and skills to set up and run a support office.
- 7.3. Too much relatively trivial work (for example records of staff absences) is going before the Chief Justice that ought to be delegated to support staff in the secretariat. If this work were to be delegated, the Chief Justice's time can be spent at a strategic level on the important, weighty and wider matters needing his attention.

8. Functions Within the HJC Secretariat

- 8.1. The office of the secretariat is currently not fit for purpose, poorly equipped, under staffed and not able to fulfil its role. Although departments exist in name, most are not yet functioning in any meaningful sense, if at all. The HR, Communications, Training, and Finance departments are in need of the greatest attention.
- 8.2. Organization of the secretariat should be based on having staff with specific roles and responsibilities to cover all of the functions required of an efficient secretariat. At this stage, taking account of likely resources, it may not be necessary to have separate departments for each category of work. The key factor is having the right people with the right skills to do the work. Too often institutions get bogged down in structures which actually impede progress. What matters is that suitably qualified people undertake activities and are accountable to the administrative head of the secretariat for the effectiveness of their area of responsibility. In fact, there need not be departments at all as long as assigned people are responsible for the relevant functions.
- 8.3. The "departments" already in place in name are (i) Finance, (ii) Training, (iii) Inspection and Monitoring, (iv) IT and PR, and (v) Data Collection.
- 8.4. There should be an additional responsibility for Strategy and Planning. This could be a role carried out by the head of the secretariat personally, using the existing teams and working with the Chief Justice and relevant sub-committee.
- 8.5. The present accommodation for the secretariat is inadequate. Office furniture and equipment is broken, filing cabinets are insufficient and there are few functioning systems. Staff working in these conditions cannot be expected to provide a competent and professional service. A new office is currently being constructed and this will provide the perfect opportunity to start building a stronger secretariat. The

appointment of a senior manager to head the secretariat is urgent and he/she should be in place before improvements can be made.

9. Finance

- 9.1. As there is no government funding for the HJC secretariat, it has been operating with some funds from the UNDP (the Technical Adviser's salary and a contribution towards mobile courts and the Inspection and Monitoring team), but mainly through using part of the financial allocation to the SC. Six of the ten members of the HJC are from the judiciary and other government organs and they all receive a government salary. The lay members are remunerated through the SC budget. The SC funding also covers the salaries of the current staff in the secretariat with the exception of the Technical Adviser. The Chief Justice has made a bid for proper funding and the expectation is that it will be funded in 2016.
- 9.2. Although a qualified accountant was assigned to the HJC. He has been in post for three years, but he has not done any accounting work. Instead he has taken the initiative to undertake any work that needed doing in the HJC or at court level. He takes no part in the managing of budgets for the SC or the HJC. We were unable to find any reason why he has not been involved in the projects funded by the UNDP, which come under the HJC or why his skills have not been used generally. A finance department needs to be established and professional expertise applied to budgetary planning and monitoring. A suitably senior manager in the HJC secretariat should be accountable to the Chief Justice for the planning and management of all resources assisted by the accountant.
- 9.3. The Finance department has an important function in not only accounting for expenditure on what will be a large budget from 2016, but also planning for the future and building a robust, evidence-based case for adequate resources. Suitable IT support will be needed to enable the accountant to work efficiently and produce reliable data for analysis and presentation to the HJC.

10. Human Resources

- 10.1. A "Director of Human Resources" was appointed two years ago but the department has yet to be established. The director has spent her time compiling personal files for judges and she now receives attendance information for staff and judges which she passes to the Chief Justice for action with respect to those with a poor record. Her role appeared to consist of basic administrative functions.
- 10.2. There are insufficient systems in place for recording the personal details of prosecutors and staff in the HJC secretariat and the courts. There is no performance management system or a system for identifying development needs and meeting them. There are no job descriptions with the responsibilities succinctly defined, together with the skills required to perform the job. The lack of any systems, processes or policies is a serious weakness, which affects the whole justice system. A fully functioning HR role is needed urgently. Currently there is no HR department or any activity connected with it.

- 10.3. The HR code of conduct for civil servants and procedure is laid down in the Civil Service Act, Law 7. Although the law is documented, it does not appear to be understood or adhered to and some of the requirements in it are questionable. For example, if a member of staff is performing below standard and is assessed in *three* consecutive years as being a poor performer, they may be dismissed. This is far too long a period to accept poor performance. If any member of staff is not performing to the standard required, or is falling short on attendance or conduct, action must be taken *immediately* to tackle the particular concern with the aim of supporting the staff member to mend his/her ways. If they do not do so, then the appropriate steps should be taken to dismiss the employee. A good manager should have regular discussions with their staff and both should be clear about standards for attendance levels, what the job entails, what objectives need to be met and the quality and quantity of the work produced.
- 10.4. Law 7 makes no reference to staff development, which is essential in any institution. This aspect must be attended to as a priority. A performance management system is being developed by Horizon for the Attorney General's Office. There is no need for a different system to be devised for the HJC and it is recommended that the same system should be introduced to the HJC.
- 10.5. The performance management system is simple to operate and is not time consuming. It sets well-defined goals and requires managers and staff to talk to each other throughout the year, and give and receive feedback on performance. It will help the organization, the managers and members of staff to deliver the best possible performance by improving skills, developing staff and determining those who are below standard so their poor performance can be addressed.

11. Hours of Work

- 11.1. Although not mentioned in any interviews, we observed that working hours for government employees were excessively short. Not only was there a lax approach to punctuality and time keeping, there was also a culture of finishing work by lunchtime, and often by noon, and generally no sense of urgency in the approach to getting things done. It was not uncommon for staff to arrive for work well after the official starting time of 7:00 a.m. (in one case despite an appointment being made to see us at 8:00 a.m., the employee arrived for work at 9:20 a.m.) and for an inordinate amount of time to be spent on some tasks. If the justice system is to be properly resourced by the government, evidence of proper use of the existing resources is essential. All employees must be required to work the hours laid down by the government.

12. Training

- 12.1. This is a department which exists in name only. There is no member of staff in post, no systems, no processes, no policies or record keeping. An important element of building capacity and raising standards is training. This needs to be managed and coordinated so that all training needs are identified and met, whether that is by formal training courses or by other means. The department should be responsible for devising a formal induction and training programme and record keeping of individual

training needs and when they are met. The aim should be to have professionalism of staffing so they can operate efficient systems.

13. Judicial and Prosecutors' Training

13.1. Some training programmes have already been set up and run for judges and prosecutors. This is a positive development and should be supported; the benefits of this training are already being seen and should continue. A more structured approach to detect the special training needs of judges and prosecutors and delivering appropriate training is essential, ideally through the creation of a Judicial Training Institute.

14. Inspection and Monitoring

14.1. One of the key roles within the secretariat is that of the Monitoring and Inspection team. This currently comprises four members of staff, three of whom are SC judges with over 10 years' experience, to handle all complaints about judges and prosecutors across Somaliland and rigorously enforce the recent Code of Conduct. Before the team was established, the President of each court handled this function. Horizon was told that there were 10-15 complaints a day although many of these are not actually complaints and are redirected to the Appeal Court, the Chief Justice or the appropriate person for handling the particular issue. Horizon did not see registers or papers to support the numbers quoted. If the volume of work is of this magnitude, there is an acute need for some parts of the process to be delegated to free up the time of the most senior investigators.

14.2. The role of the Inspection and Monitoring team is vitally important if justice is to be administered fairly and if incompetent and corrupt prosecutors and judges are to be rooted out. The number of inspectors is being increased from four to 15, two based in each region, plus administrative support.

14.3. Moving forward there may be insufficient people with the necessary skills and experience to meet the demand. The posts may be filled with suitably qualified retired judges and lawyers or newly qualified lawyers. Consideration should be given to having an appropriately skilled support team, some not necessarily legally qualified, to which some aspects of the process could be delegated, freeing up the core of judges to deal with only that work which demands their attention. The inspection function would remain under their control and they would remain accountable for the work done. This structure would make it easier for standards to be enforced and the team would be able to broaden their capacity.

14.4. Some interviewees commented on the low standards of some police officers. This is important, as the police are the first point of contact for the public to the criminal justice system. If this interface is poor, so will be the perception of formal justice. Although not within the remit of the HJC, as the Ministry of the Interior is responsible for the police, this is an area where the HJC might want, through the Inspection and Monitoring team, to seek assurances about the conduct of the police.

14.5. A great deal of publicity has been given to the new complaints procedure, which has had coverage on the national media and in every court there are posters

setting out what to do when a judge or prosecutor is perceived to have acted corruptly or is thought to be incompetent. One of the inspection team investigates the concern by interviewing the complainant and then writing to the judge or prosecutor for his or her version of events. The investigator then assesses if the complaint is valid and submits it to the HJC for a decision, which can be a final warning, demotion or dismissal. The person making the complaint is informed of the outcome and where a judge or prosecutor is dismissed, the HJC provides information to the media for publication. In 2014 ten judges were dismissed and in 2015 one prosecutor and 16 judges were dismissed.

- 14.6. Transparency and effectiveness of the inspection and monitoring process empowers communities to demand high standards from the formal justice system, which in turn encourages citizens to have the confidence to use the formal system.
- 14.7. The investigators also monitor the standards of judges and prosecutors as well as their attendance levels—recently introduced fingerprint equipment for checking in and out assists in this. This again is an important function to single out judges who are performing badly, or whose attendance record is poor.
- 14.8. The President of the Appeal Court in Hargeisa described a good system that operates for judges and prosecutors to learn from mistakes and misinterpretation of articles. Each month a conference for prosecutors and judges from the region is held at which any challenging cases are discussed. Horizon was told that similar conferences take place in each region. This is to be commended. The quality of each conference will naturally depend on the personal input from the chairman.

15.IT

- 15.1. An IT expert, whose role currently is to help people with problems with their computers, also provides identity cards for judges and sends out forms, such as judgments. Data is distributed via a USB or flash data stick rather than the Internet which, although good in Hargeisa, may not be sufficiently strong in some of the regions, especially in the rural areas.
- 15.2. The IT expert trains staff in computer skills. But there is a need for a more structured approach to meeting training needs. Many of the staff working in the justice system are not familiar with the use of IT and lack basic skills. All equipment is old, out-dated and cannot be relied on. Horizon found that in all locations staff were keeping manual records and registers as well as computer-based systems. This duplication is a waste of resources. If IT was reliable and had suitable daily back-up, the manual records could be eliminated.
- 15.3. Ideally, and in the long-term, there should be a secure database system with all computers linked securely via the Internet. This would enable case details to be captured in courts and for the data to be transmitted for analysis by the centre, thus enhancing the ability of the HJC secretariat to manage the operations better. However, this is a long way off at the moment and any attempt to do this would be doomed to failure.

15.4. We were informed of an assessment that had been done by the UNDP for a sophisticated IT system that would have a database and link all courts together. Although a fully integrated database system is an ideal solution, the cost of development and training and the practicality at this stage is not realistic. Even if it were feasible to develop a sophisticated system, most staff do not yet have the necessary basic keyboard and computer skills to use it.

15.5. Before embarking on the development of any system, a robust user requirement would be needed and this would involve first having manual processes in place. As described elsewhere in this report, there are no proper systems and to embark on a project of this magnitude would be misguided. It is a common mistake to think that by computerising, all the problems will disappear. The reality is that they will get worse. What needs to be done as a first step is for systems to be set up, either paper-based systems or computer assisted, and used by staff. Once the systems are known to work and to be reliable, then and only then should a more ambitious IT programme be developed, resources permitting.

16. Visibility of the HJC

16.1. The progress on reform of the justice sector and function of the HJC is said not to be visible to the community and they still prefer the customary system, which they know, to the formal system, which may not meet their needs. In order to build public confidence in the judicial system, the functions of the HJC should be more transparent. The MoJ and HJC have done work already in the media to increase awareness. A programme called “Know Your Rights,” broadcast on television, provided exposure of the workings of the HJC and provided advice on how to complain. Leaflets and notices have also been produced covering aspects of the justice system and access to justice.

16.2. As with any awareness campaign, there has to be a regular and continuous feed of information rather than a one-off event. Communication needs to be strengthened and a continuous flow of information delivered to the public through different media. This is especially important as the HJC is strengthened and the justice reform programme seeks to make headway.

17. Public Relations and Communication

17.1. Although there is no staff member assigned to this critical role, the effect of good communications has already been seen in the publicising of the complaints system regarding the conduct of judges and prosecutors. Nevertheless, there is still a long way to go. There needs to be greater awareness of the HJC and its role, as well as basic signs at courts covering the type of court and where to go on arrival. This will help to build confidence and encourage more reliance on the formal system. The organizational changes should include an internal communications programme so that all staff and judges know what is happening across the country, what plans there are for reform and the progress being made against plans.

18. Transportation

18.1. Transportation is insufficient resulting in, for example, choices having to be made by the Inspection and Monitoring team as to which complaint should be

investigated first. When the number of staff increases, the infrastructure must also increase so there are enough desks, offices, computers and vehicles for the work to be done. As much of the work being taken forward is through UNDP funding, the government must ensure sustainability through funding key activities.

- 18.2. The lack of suitable vehicles is also inhibiting the administration of justice in a number of areas, not least mobile courts. The provision of suitable transportation is urgently needed.

19. Policies

- 19.1. There are few written policies and those that are in place are unnecessarily complex and lack clarity. Instead of policy statements which are easily understandable, they contain superfluous words and irrelevant matters. The problem with these documents is that nobody reads them and, if they do, they probably do not apply them because they are not understood. One good example is the code of conduct for civil servants. We were informed that a member of staff had taken no annual leave for many years as neither he nor his line manager knew of an annual leave provision.
- 19.2. As this is potentially a huge task, policies can be drafted alongside processes as they are devised covering all sectors of the HJC. They need to be written in consultation with those directly concerned and involving experts in the field. It is essential that these policies are not overly long or complex and that they support positive activities to drive forward the cultural change needed.

20. Legal Aid

- 20.1. The area of legal aid is confusing and needs to be reviewed because there is a mis-match in perception about the success and impact of legal aid between the MoJ, who are responsible for it, and the defence lawyers who are supposed to receive it. Defence lawyers to whom Horizon spoke were acting for clients as volunteers, they said, because no new money had been received from the UNDP for some time. This was disputed by the MoJ. The MoJ has a small budget, but most of the funding comes from the UNDP, which means that the constitutionally required legal aid system is not sustainable.
- 20.2. As a priority, all parties should meet and discuss the difference in understanding so that the true position is known and legal aid can be put on a viable footing. For example, Horizon was told that the Somaliland Women's lawyers Association (SWLA) was meeting the costs of running their office by charging members of the public for photocopying services.
- 20.3. From data provided by the MoJ, at the time of this report, 993 people received legal aid: 80 through SWLA, 821 through legal clinics, 92 through the public defender and none through SOLLA.
- 20.4. The position regarding the public defender service, which appeared to be a loosely collected group of lawyers who have attached themselves to legal aid, is unclear. It is not an organized and regulated body that represents accused persons in

a systematic way. There was also concern expressed by some over its independence because it was felt that lawyers cannot serve the accused in just manner while they are on the payroll of the MoJ and may be influenced by their paymasters. It is a constitutional right for legal representation to be provided for certain cases and that provision should be independently handled in a transparent manner, not managed directly by government.

21. Co-ordination and Oversight of International Agencies

21.1. There were complaints that various international agencies are coming into the justice system and “dumping” on it unsuitable documents, systems, and infrastructure. Some guidance provided was, we were informed, actually wrong in law, which Horizon has found to be the case through its own work in Somaliland. A number of interviewees commented that some agencies are more concerned about ticking a box that a product has been delivered rather than actually meeting the needs of the recipients. The cause was a failure to adequately consult and work with people on the ground. But equally, it reflects the lack of oversight and coordination by the justice sector in Somaliland of the activities of external actors. There is a role for the HJC in this important area, in close consultation with the MoJ.

22. Recording and Publishing Judgments and Guidance to Judges and Prosecutors

22.1. As previously mentioned, monthly conferences are held with prosecutors and judges at which the decisions in cases that are a cause for concern are discussed. This system provides an excellent opportunity for judges and prosecutors to learn from mistakes and provide a better quality of justice. By developing this further, a monthly digest could be compiled and made available to judges and prosecutors. At some future stage the information could be published on an HJC website.

22.2. The Chief Justice would like to see the establishment of a Law Report Unit within the HJC to publish the decisions of the SC and Appeal Courts. This would be available to law faculties and universities. Horizon agrees that this would be a positive development in building the quality of justice.

23. Data Collection and Analysis

23.1. At present, data is collected but it is not being analysed or used so as to better manage the justice system or to inform the HJC on action it needs to take. Standards for data collection and analysis need to be laid down and staff trained in this function supported by suitable computer systems. It is only by making comparisons between the performance across different locations that good and poor practices can be highlighted and action taken. As a first step an audit should be carried out to see what data is already collected, what use is being made of it and what other information is needed for the HJC to have the knowledge and understanding to make a difference.

24. Allocation and Management of Resources

24.1. It is quite evident that there is no systematic process for allocating judges, staff and other resources to courts and regions. At one location we observed there were seven judges and eight staff members for two courtrooms and there was no

backlog of work. Furthermore, courts were unable to sit before 10:00 a.m. despite being ready from 8:00 a.m. due to the culture in that area where those required at court attended to their other duties first. The late start coupled with an early finish in the day means that there is potentially a significant waste of resources.

24.2. When the responsibility for the management of the lower courts transfers to the HJC from the MoJ, it is essential that resources also transfer and are allocated fairly across the regions, taking account of the volume of work, the weight of the work, the performance at the location in terms of speed and outcomes, the length of the courtroom sitting day and any other relevant data. Unless there is a fair and transparent process, those in poorly performing courts will blame a lack of resources for the failure.

25. Use of Resources at Courts and Court Process

25.1. The aim of any successful justice system is for every case to commence on the day and time specified and proceed to conclusion. Of course this does not happen in all cases in any jurisdiction across the globe. However, this remains the goal and every effort needs to be made to see that it happens. As mentioned above, Horizon observed at one location that courts were ready to start at 8:00 am but were unable to hear any cases before 10:00 am, which represents a loss of about 30% of the allocated resources.

25.2. A tested method of ensuring an efficient flow of business through the courts is by setting out a procedure in practice, with directions specifying what each of the justice players is required to do in the process and when. This, coupled with a mandate for judges to take an active case management role in ensuring the directions are complied with, can help enormously.

25.3. In the UK, this system works well in the hands of a competent judge, but it is too detailed and complicated to be of use elsewhere. However, the Kenyan judiciary have recently developed their own simplified system, based on the UK version, with assistance from the British High Commission and UNODC. The system, approved by the Chief Justice and being taken forward by the Director of the Judicial Training Institute, is currently being piloted at three locations at Mombasa, Naivasha and Machakos. Training of all judges, prosecutors and defence lawyers from these pilot areas has taken place. The learning from these pilot sites will be used to refine the system and if successful will be implemented across Kenya.

26. Asset Register and Procurement

26.1. There is no central record being kept of all the assets across the HJC and the courts, making it difficult to know what assets are owned and where priorities should be focused on refurbishing buildings, replacing office furniture and equipment. There is no way of knowing if one station is enjoying good facilities while another is not, or whether allocated assets are actually still held by the person or office to whom they were originally allocated. This needs to be addressed.

27. Identification of Guilty Pleas

- 27.1. At present, if an accused person admits his/her guilt to a minor crime, the confession system in the Criminal Procedure Code requires the judge to read the charge against him/her and for the accused person to sign a written confession statement in court. Judgment is issued based on that confession. If the crime is one where the maximum penalty is punishment of ten years' imprisonment or more or the death penalty, the court is required to hear the evidence of witnesses. This system is designed to prevent an innocent person from being punished for a crime he/she did not commit and to prevent a person taking money to accept culpability on behalf of another.
- 27.2. In an effort to make better use of limited resources and to occupy the time of judges and lawyers with matters requiring their attention, it would be advisable to reserve the system for the most serious cases only. For minor crimes the process appears to be a resource intensive way of making sure the person understands the charge, accepts his/her culpability and has not been coerced into the confession. In these cases, the judge should be able to make an assessment based on the papers and to exercise judgement and accept a guilty plea without calling evidence. This would speed up the delivery of justice and make sure that as the workload increases, courts are better able to cope with the demand on their time.

Recommendations

1. Composition of the HJC

- 1.1. Amend the Constitution so that Article 107(1), which establishes the HJC, is consistent with Article 97(2), which refers to judicial independence. The number of members from the executive of the HJC should be reduced so that the judicial members are in the majority if the HJC is to independently administer the justice system.

2. Conflicting Articles within the Law on Organization of the Judiciary

- 2.1. Harmonise the two versions of the Judiciary Act by holding a national conference and supporting workshops to define the law governing judicial organization. This should be led by the Chief Justice and other leading members of the HJC to demonstrate solidarity by supporting the changes.

3. HJC Membership and the Role of Lay Members

- 3.1. Prepare and publish job descriptions setting out the functions of the lay members and the skills needed to perform the role in an appropriate manner. Provide induction training to cover the functions and importance of the HJC and subsequently meet any identified training needs.

4. Blurring of Accountability Between HJC, the SC and the MoJ

4.1. The HJC should be administered as a separate entity from the SC, to make certain the HJC has its own budget and management structure and lines of accountability. When responsibility for the administration of the lower courts transfers from the MoJ to the HJC in 2016, the HJC should make sure that the MoJ transfers all budget heads associated with the organization and management of the lower courts to the HJC. As there is a danger of duplication and overlap, it will be essential for there to be absolute clarity about where responsibilities lie. Ideally, this can be achieved through a meeting between relevant representatives, and approved by the HJC, or a law should be adopted that spells out the relationship between the MoJ and judicial organs.

5. Sub-committees of the HJC

5.1. Six formal sub-committees should be established with a precise mandate as to their purpose and role. The chairman of each should be accountable to a member of the HJC. They should undertake all necessary research and analysis for presentation to the HJC for decisions to be made on each of the specialist areas. These are: (i) Standards Committee, (ii) Courts Decisions Review Committee, (iii) Strategy and Planning Committee, (iv) Innovation and Reform Committee, (v) Finance Committee, and (vi) Communications Committee.

5.2. Each sub-committee should either be chaired by a member of the HJC or delegated to a responsible person of sufficient standing to report to the HJC.

6. Secretariat of the HJC

6.1. Select and appoint a senior leader, with appropriate experience and standing, of the status equivalent to Director General level in the civil service, to be the head of the HJC secretariat. This new post holder will not only support the Chief Justice as chairman of the HJC, but also build a strong support team within the secretariat.

6.2. The skills required are leadership, change management, developing systems and processes, and the authority to influence others. A job description setting out the purpose of the job, the main duties and key skills required should be drafted and agreed before selection.

7. Functions Within the HJC Secretariat

7.1. Although referred to as “departments” for Finance, HR, Training, Inspection and Monitoring, IT, PR and Communication and Data Analysis, it would be better to look at these titles as being functions that have to be carried out by people with the necessary skills. In this way, especially in the early stages, members of staff can undertake several roles rather than have dedicated staff in separate departments. Maybe “section” would be a better title.

7.2. The first step is to spell out exactly what support needs to be provided by the secretariat under each of these headings so the HJC can achieve its stated objectives. Simple office systems and processes should be set up so that each activity can be

carried out in an appropriate fashion and can be properly managed through, for example, basic information about volumes and outcomes.

7.3. Staff must also have desk space with a suitable chair, secure filing cabinets, a phone and the other necessary equipment and supplies to do the job.

8. Finance

8.1. The secretariat must be properly funded to enable it to discharge its important duty of administering justice across Somaliland. The accountant already employed in the secretariat should immediately be made responsible for planning and managing the budgets of the HJC, accountable to and under the direction of the Chief Justice (initially through the Technical Adviser and when appointed through the head of the secretariat). A robust business case for adequate resourcing of the HJC should be developed and submitted to the Minister of Finance to facilitate the necessary funding from the government.

8.2. A sound financial management system for tracking resource utilisation should be set up to make good use of resources. The goals of such a system would be:

- Using resources in a responsible manner;
- Making sound business decisions;
- Demonstrating accountability;
- Taking remedial action where needed;
- Allocating money for key areas of activity for the full year and profiling for the year to date;
- Tracking actual expenditure to date and projecting outturn for the year estimated;
- Analysing and explaining positive or negative variances when comparing expenditure and forecast outturn to budget;
- Preparing an action plan to respond to adverse variances.

9. Human Resources

9.1. A competent HR manager needs to be appointed urgently, and then systems and processes can be set up for the management of all employees in the judicial sector. This should cover the personal files containing confidential details of prosecutors and staff, their job descriptions, and terms and conditions of employment. HR policies should be developed covering attendance, conduct, grievance, appraisal, dismissal etc. which although set out in law (Civil Service Act, Law 7) are not generally understood, observed or helpful. The Performance Management System being introduced to the Attorney General's Office by Horizon Institute can be adopted and supported with training.

9.2. Suggested key headings for setting up the HR section are:

- *Recruitment* – job descriptions, application form, appointment, interview guides, evaluation form, letter of offer;
- *Training and Development* – induction, employee development, appraisal and performance management, setting objectives;

- *Conduct and Benefits* – code of conduct, pay structure, attendance, working hours, sick absence, annual leave, compassionate leave, resignation, dismissal;
- *Communications* – staff meetings, handbook, newsletters;
- *Employee Relations* – discipline process, grievance, culture, retention, employee handbook;
- *Recordkeeping* – employee files, reporting;
- *Health, Safety, and Security*;
- *Legal Compliance* – relevant laws.

10. Hours of Work

- 10.1. Changing the culture of poor attendance and short working hours will take time. Every person and all managers should know the hours that every person is expected to work. Progress should be closely monitored and warnings issued to those who are falling short. If breaches continue, disciplinary action should be taken and ultimately staff dismissed.

11. Training

- 11.1. Appoint a person with suitable skills to set up a facility for managing training. For a training strategy to be in place, and for the capacity of the workforce to be developed, the following steps are necessary:
- Clarify the quality of the justice system required and outline the key outcomes expected from training;
 - Conduct a training needs assessment for all to assess gaps between the skills needed for job performance and the skills currently held. It is also important to specify who needs training;
 - Decide what is best carried out in-house and what needs to be provided by external means, taking account of cost and expertise required;
 - Confirm the existence of appropriate resources to facilitate training and development—including materials, tools, infrastructure, trainers and external expertise;
 - Determine process for calling up people for training events and prioritise training needs;
 - Use results of the training needs analysis to outline and shape training programmes;
 - Plan trainings so that busy periods are avoided and schedule training as early as possible to avoid problems;
 - Devise feedback sheet and collect feedback on every training event. Check that the learning is embedded so that what was learned is applied in the workplace;
 - Evaluate the results in terms of knowledge and skills obtained by participants, behaviour change, better performance and productivity.

12. Judicial and Prosecutors' Training

12.1. The same principles apply to the training of judges and prosecutors, but recognising that resources are limited, it is unlikely to be possible to create a formal Judicial Training Institute with its own dedicated building and team of trainers. At this stage it could be a virtual body with one member of staff acting as an administrator within the HJC, probably as part of the section covering staff training. The role would work under the direction of the HJC through the relevant sub-committee to organize suitable trainers and venues, keep records of events and attendees on courses and carry out relevant administrative matters.

13. Inspection and Monitoring

13.1. This function is already well developed, but the record keeping needs to be tighter and accurate data provided. Reliable management information should be collected and analysed for internal and external use.

13.2. As the number of inspectors increases, so too will the need to manage the inspectors so that consistently high standards are maintained. This should be the role of the appropriate sub-committee. Consideration will have to be given to structuring the team so that work can be delegated to less qualified or less experienced inspectors and overseen by the small number of those with expertise.

13.3. To increase public confidence, regular information should not only be published on actions taken against those who are corrupt or incompetent, but also the actions should be linked to the justice reform programme of increasing standards. To make sure the highest standards of competence are maintained, all investigators should have training on specialist areas such as handling corruption and how to investigate appropriately in this highly sensitive area. The Ministry of the Interior should be encouraged to have a similar process in place to deal with corrupt or incompetent officers.

14. IT

14.1. As a first step, processes should be mapped out on paper to confirm that they deliver all that is required of the function and that data can be collected as management information. It is evident that the existing equipment needs to be replaced with more modern computers and printers and a technical IT expert work with the operational staff to develop stand-alone systems that fully meet their needs. This may be an area where an international agency may be able to provide funding. Once staff are confident in the use of computers and have the basic or higher skills required, steps could then be taken to introduce the more sophisticated integrated system, along the lines of that proposed by the UNDP.

14.2. The principles of designing an appropriate IT system are as follows. While the principles should be followed, the process should be kept simple and relevant:

- *Business and Functional Requirements* – The first step is for IT and the end users to work together to define and document all of the business and functional requirements. This sums up “what” is needed;

- *Design Requirements* – Next, IT and users specify the design requirements and add them to the requirements document. The design requirements describe "how" to build the solution(s). All must fully understand all requirements before moving forward;
- *Project Phases* – The next step is to outline the phases of the project based on the requirements. The end of each phase should have measurable deliverables so that it will be self-evident when a phase has been completed;
- *Project Schedule* – A project schedule is produced from the determined phases;
- *Test Plans* – Write and carry out test plans during each phase so that every requirement is tested for success;
- *Completion* – The project is complete and successful when the project has met each documented requirement within the budgeted time and cost.

14.3. By following this procedure, both the IT expert and the end users understand and feel ownership of each documented requirement because they were both involved in defining requirements. As project phases are completed, project testing validates that all IT project requirements are met, and therefore the end product meets the requirements set at the beginning.

15. Public Relations and Communication

15.1. A Communications department reporting to the Communications sub-committee should be established. One of the first tasks should be to carry out an audit to pinpoint gaps.

15.2. Ideally the person appointed to head this department would have professional media skills and know how to get messages across in an appealing way through a variety of media. An appropriate budget will be needed.

15.3. There are three broad areas that need to be covered:

Media Relations – Writing and distributing news releases, responding to media inquiries, overseeing all planning for news conferences, arranging for banners and other graphics to be displayed at events, preparing information to distribute to the media and briefing the Chief Justice and members of the HJC to speak at news conferences, television and radio programs. Also to monitor newspapers, television news broadcasts and other outlets to see what the media is saying about the justice system and to devise strategies to respond to misinformation.

Public Relations – Building relationships with court users and representatives of interested organizations, and responding to inquiries from the public. This should include producing newsletters and other printed materials designed for the general public, managing any website and social media presence, which includes monitoring what customers and clients are saying about the justice system on social networking websites and responding to inaccurate posts or requests for information.

Employee Communications – In addition to conveying messages to external audiences, the section should manage employee communications. This includes designing publications and writing emails or newsletters to announce relevant news. In time, focus groups could be held to learn what issues matter

most to front-line employees and to advise on how to improve relationships and gain support for new initiatives.

16. Transportation

- 16.1. A business case should be prepared setting out where the absence of vehicles is inhibiting the impact of the justice system and proposals made for budgets to pay for the hire of transportation. The case should state the benefits, in concrete terms, as to what will actually be delivered and on how the public perception of a justice system will be boosted if, for example, the Inspection and Monitoring team and mobile courts can be present and work in all remote locations.

17. Policies

- 17.1. Starting from a low base, the development of all policies will take time. At this stage it is essential that every policy is simple to understand and is kept as short as possible. Policies can be amended and added to later if necessary. But experience shows that if they are too long or complicated they will be ignored, so it is better just to capture the most important features.
- 17.2. The head of the secretariat should appoint a small working group comprising people with excellent drafting skills to systematically work through the key areas where no policy exists. The first areas to tackle are Human Resources and Finance. A good starting point is to understand what outcomes the policy is intended to achieve and then draft the policy using straightforward words and concepts. They should speak directly to the people who will be reading, enforcing, and living by the policy.
- 17.3. They should ask “what if” questions to make certain the policy is covering the basics and the normal exceptions and questions, but not become preoccupied over it as no policy ever covers every possible contingency.
- 17.4. Next, the policy should be reviewed by asking relevant people to read the policy and ask any questions they might have about it. This review provides feedback on whether employees will be able to understand and follow the policy. Sections can be rewritten, if necessary, based on the feedback.
- 17.5. Once the HJC, or the person with delegated authority to approve the policies, is satisfied, the policy can be implemented. Every person who is affected by it should know about it, understand what it means, and adopt it.

18. Legal Aid

- 18.1. Horizon recommends that a working group be set up with representatives from the judiciary, prosecutors, defence lawyers, MoJ officials and others with an interest in the provision of a meaningful system of legal aid to review the service. The working group should have precise objectives and report to the HJC/MoJ with recommendations.

19. Co-ordination and Oversight of International Agencies

- 19.1. The HJC should take on the role of coordinating and supervising all activity internally and from abroad affecting the justice system to make sure that advice and work done is relevant, timely and meets the needs of the recipient.

20. Recording and Publishing Judgments and Guidance to Judges and Prosecutors

- 20.1. Formalise the monthly conferences held in some of the regions by the chairman of the Court of Appeal with judges and prosecutors. The meetings should be formally minuted and any learning distributed to all judges and prosecutors in all regions as a monthly digest. At some future stage the information should be published on a HJC website.
- 20.2. The Chief Justice should appoint legal academics and suitably qualified people from the justice system to advise on the establishment of a Law Report Unit within the HJC to publish the decisions of the SC and Appeal Courts.

21. Data Analysis and Collection

- 21.1. Carry out a review of data already collected, what use is being made of this data, and what other information is needed for the HCJ to have the knowledge and understanding to make a difference.
- 21.2. As valid and reliable as data analysis is, five key points are the backbone of managing a successful organization:
- Distinguishing what outcomes are the goals in each area of business and developing relevant performance measures;
 - Creating and implementing a data collection plan which is understood and applied by all;
 - Analysing the data and identifying the key messages from the analysis;
 - Communicating the results to the HJC and to judges, prosecutors, staff and other relevant people;
 - Reflecting, learning, and repeating.

22. Allocation and Management of Resources

- 22.1. A working group comprised of people with the necessary technical skills, understanding of the business and of the current financial allocation should review the approach and recommend a resourcing model which should be fully tested and then applied.
- 22.2. The model should look at the volume of work, the weight of the work, the performance at the location in terms of speed and outcomes, the length of the courtroom sitting day and any other relevant data.

23. Use of Resources at Courts and Court Process

23.1. Representatives of the judges, prosecutors and defence lawyers should look at the Practice Direction and Active Case Management system being piloted at the moment in Kenya to see what lessons could be learned and how systems and processes could be adapted to enhance the delivery of criminal justice in Somaliland.

24. Asset Register and Procurement

24.1. A central record should be kept of all assets across the HJC and the courts. An asset register will take time to compile but it should not be too onerous. A simple form should be designed which provides details of the asset (i.e. building, office equipment, furniture, computers, printers etc.), the date that it was purchased or built, if known, and the current state of repair. This information is then used to make decisions about what needs to be repaired or replaced in order of priority. It would help to avoid a situation where one station is not well catered for whilst another is enjoying good facilities.

24.2. There must be an explicit policy about the disposal of assets so that offices are not cluttered with obsolete or broken items and assets of value are properly accounted for.

24.3. Key points to note are:

- The cost of each asset should be stated in the asset register;
- For buildings, the date of construction, state of repair and any noticeable remedial works needing attention should be noted;
- The date of purchase—this is essential for decision making in replacing assets after a certain age. This is so information can easily be found when needed;
- If known, the make, model, serial number and the suppliers name and contact details;
- The location of the asset for monitoring purposes. An asset should not be removed from the premises without properly recording the move in the asset register;
- Who uses the asset may help in understanding costs and managing budgets from the centre;
- The date of disposal of any asset, the method of disposal and price obtained or cost of disposal.

24.4. Checks of the physical evidence of an asset against the register must be done periodically. This is an important internal control that should be in place to make sure the asset exists, that it is in a usable condition, that it has not been stolen and that the register is reliable.

25. Identify Guilty Pleas at an Early Stage

- 25.1. Review the current practice of dealing with accused persons who do not contest the criminal charge against them so these cases can be disposed of quickly, leaving time and other resources to be better utilised in dealing with contentious cases. The model used in the UK should be considered by a working group to establish any good practices that could be used.

26. Programme Manager

- 26.1. Because the secretariat starts from such a low baseline, and there are so many separate strands of work, Horizon highly recommends the preparation of a delivery plan and the appointment of a Programme Manager so that plans are translated into reality on the ground. This need not be a professional Project Manager, but an energetic person who understands what needs to be done and drives change working to remove blockages and assist people who put obstacles in the way of progress. The emphasis must be on the delivery of an efficient secretariat to the HJC.
- 26.2. If resources are not available for this, the responsibility for delivery should rest with the head of the secretariat, delegating subordinate tasks as appropriate. Progress against the plan should be monitored by the HJC.

Action Plan: The Way Forward

This is a large-scale change programme covering all aspects of the HJC, the secretariat that supports it and parts of the justice system. At this stage it is not practical to produce a meaningful action plan covering all areas that would be of any use in managing the change. Horizon recommends that first the infrastructure should be put in place before tackling the wider issues affecting the delivery of a robust and efficient justice system.

In broad terms the priorities are to:

- Appoint a senior leader as head of secretariat (and programme manager);
- Prepare and submit bids for adequate resources;
- Appoint people with relevant skills to key posts;
- Establish the office infrastructure for the secretariat – general systems and office furniture and equipment;
- Address the constitutional conflicts, in particular the harmonisation of the conflicting laws of the judiciary, and clarify roles of the HJC and MoJ;
- Set up sub-committees of the HJC.

Once this has been done, the practical arrangements for improvements can be put in place, overseen and managed, to achieve the required outcomes in all areas where change is agreed.