

CHARTER OF THE JUDICIAL TRAINING INSTITUTE

*July 2021
Mogadishu, Somalia*

Preamble

Recognizing that judicial independence is underlined as one of the foundational constitutional principles under the terms of Articles 3, 105, 106 of the Provisional Constitution of the Federal Republic of Somalia;

Recalling that Article 10 of the Universal Declaration of Human Rights reiterates the right of every person to a fair and public hearing by an independent and impartial tribunal;

Bearing in mind the Commitment of the president of Federal Government of Somalia to improve the quality of access to justice to all people

Noting that Article 14 of the International Covenant on Civil and Political Rights guarantees the right of every person to a fair and public hearing by a competent, independent and impartial tribunal established by law;

Acknowledging that Article 7 of the African Charter of Human and Peoples' Rights guarantees the right of every person the right to be heard or tried within a reasonable time by an impartial court or tribunal;

Considering that Article 7 of the Arab Charter of Human Rights underlines the right of every person to appropriate guarantees before any lawful trial;

Affirming the United Nations Basic Principles on the Independence of the Judiciary which urges states to ensure that members of the judiciary shall be free to promote their professional training and to protect their judicial independence;

Recognizing the need expressed by judges, prosecutors and other judicial personnel for systematized judicial training, capacity building, collaboration, and exchange of information, practices, and experiences;

Now, therefore, the following Charter is hereby formulated as a common standard of achievement to guide action by members of the judiciary, members of the executive and legislature and other stakeholders towards securing and promoting transformative judicial training in Somalia.

Validation of the Charter of the Judicial Training Institute of Somalia

This Charter was signed and endorsed this day of July 8, 2021, at Mogadishu by the representatives of the Judiciary of the Federal Republic of Somalia and the Federal Member States whose names and the titles appears below:

Names:

1. Honourable Bashe Yusuf Ahmed, Chief Justice of FRS.

Signature:

Date: July 8, 2021

2. His Excellency Abdulkadir Mohamed Nur, Minister of Justice of FGS.

Signature:

Date: July 8, 2021

3. His Excellency Sulayman Mohamed Mohamud, Attorney General of FRS.

Signature:

Date: July 8, 2021

4. Ahmed Ali Muse, Chief Justice of South West State of Somalia.

Signature:

Date: July 8, 2021

5. Mohamed Sheikh Moalim Abdiyow, Attorney General of South West State of Somalia.

Signature:

Date: July 8, 2021

6. Abdullahi Mohamed Ga'al, Chief Justice of Galmudug State of Somalia

Signature:

Date: July 8, 2021

7. Abdulaziz Hussein Nur, Attorney General of Galmudug State of Somalia

Signature:

Date: July 8, 2021

8. Osman Ahmed Mohamed, Chief of Hiiran Court of Appeal representing on behalf of the judiciary of Hirshabelle State of Somalia

Signature:

Date: July 8, 2021

9. Nur Issa Mohamed, Chief Justice of Puntland State of Somalia

Signature:

Date: July 8, 2021

10. Mohamed Hared Farah, Deputy Attorney General of Puntland State of Somalia

Signature:

Date: July 8, 2021

11. Abdishakur Sheikh Mohamed Rashid, Chief Justice of Jubaland State of Somalia

Signature:

Date: July 8, 2021

12. Mohamed Sheikh Osman, Attorney General of Jubaland State of Somalia

Signature:

Date: July 8, 2021

Chapter One
General provisions
Article I:
Definitions

In this Charter,

“Judiciary” means judges and prosecutors as defined under the Organization of Judiciary Law of 1962.

“Lawyer” means an attorney licensed by the Somali Bar Association.

“Institute” means Somali Judicial Training Institute.

“Charter” means the Charter that established the Judicial Training Institute.

“Committee” means the governing body of the Judicial Training Institute.

“Trainer” means an instructor of the Judicial Training Institute.

“Administration” means the director and other personnel of the Judicial training Institute.

Article II:

Establishment of the Judiciary Training Institute.

Section 1: This Charter shall be cited as Judiciary Training Institute Establishment Charter and establish the Judiciary Training Institute.

Section 2: The principal office of the Institute shall be in Mogadishu. The Institute may have subordinate offices within the federal member states. The Committee shall make a decision of the implementation order.

Section 3: The Chief Justice may at any time establish branch or subordinate offices at any place or places within the federal member states.

Section 4: The Institute shall have a seal and logo approved by the Committee.

Article III:

Mission and Vision Statement.

Section 1: The mission of the Institute is to support the effectiveness and efficiency of the judiciary by strengthening its capacity to play its role in the administration of justice and promotion of the rule of law.

Section 2: The Institute has the vision to be a training and legal education hub for the Judiciary of the country and create well trained Judges, prosecutors and other Judicial personnel who can provide fair justice to the nation.

**Article IV:
Mandate of the Judiciary Training Institute.**

The mandate of the Judiciary Training Institute shall be to operate as a training and educational institution serving the judiciary at federal and state levels and particularly responsible for:

- (i) Providing entry level education and training for new judges, prosecutors and other judicial personnel to enhance their suitability for appointment to judicial office;
- (ii) Provide with continues legal education training programs for the existing judges, prosecutors and other judicial staff;
- (iii) Provide with specialized trainings for the judges and the prosecutors to enhance their knowledge and capacity;
- (iv) Designing and implementing initial and continuing judicial training and education programs relevant to the needs of the judges, prosecutors and other judicial personnel;
- (v) Providing comprehensive management and leadership programs for current and future judicial leaders;
- (vi) Coordinating training needs assessments, curriculum development, program development, faculty selection, training delivery, and the training programs;
- (vii) Enforcing and monitoring the quality of educational programs, effecting or recommending changes in policies and standards established within or by appropriate oversight, advisory or regulatory entities;
- (viii) Implement educational policy changes of the Institute;
- (ix) Conducting research and publishing relevant materials related to access to justice to support members of the judiciary and the justice sector generally;
- (x) Developing partnerships and liaising with federal member state judiciaries and other judicial education and professional training institutions, persons and organizations in connection with the performance of its functions; and
- (xi) Sponsoring and conducting meetings and conferences of judges, prosecutors, lawyers and other justice sector stakeholder for discussions of current and emerging legal issues.

Chapter Two
Governing Body of the judiciary Training Institute
Article V:
Governing Body

Section 1: The Institute shall have a Committee on Judicial Education and Training hereinafter referred as "the committee" responsible for the governance and policy direction over the Institute.

Section 2: The Committee shall consist of 18 members and consisting of the Chief Justice as chairperson, the Attorney General as his deputy and the following members:

- (i) the Director of the Judicial Training Institute;
- (ii) the Chief Justices of the Federal Member States;
- (iii) the Attorney Generals of the Federal Member States;
- (iv) the secretary of the Judicial Service Commission;
- (v) one lawyer designated by the Somali Bar Association;
- (vi) one university professor of law designated by the Chief Justice; and

Section 3: the secretary of the Committee is the Director of the Judicial Training.

Section 4: The Chief Justice may replace or initiate the replacement of any of the appointed members absent from five consecutive meetings or who fails to meet the responsibilities of membership.

Section 5: The Chief Justice may create standing or ad hoc subcommittee or working groups on need basis to help the Committee carry out its responsibilities. The Committee shall approve the members of a standing or ad hoc subcommittee or working group and its mandates.

Section 6: The Chief Justice may appoint an alternative Chair and Vice Chair to the Committee, as needed to organize Committee affairs.

Article VI
Roles and Responsibilities of the Committee

Section 1: Members of the Committee shall participate in the development of judicial training and educational and research programs of the Judiciary Training Institute and evaluation of the effectiveness of the programs.

Section 2: The Committee shall meet once a year. The Chief Justice, or two third of the Committee, may call additional or emergency meetings.

Section 3: The Committee shall adopt its rules of procedure for conducting its business.

Section 4: The Committee shall prepare and adopt and may, from time to time, amend the Bylaws regulating the conduct of business at the Institute, consistent with the provisions of this Charter.

Section 5: The Committee may, by a two-thirds majority vote, propose amendments to this Charter.

**Article VII:
Administration of the Judicial Training Institute.**

Section 1: There shall be appointed to the Institute a Director as the head of the Institute and such other suitably qualified staff as may be necessary.

Section 2: The Committee shall select the suitable candidate for the post of the Director of the Judicial Training Institute and at the same time can dismiss him or her from the job. The Chief Justice shall issue an appointment letter nominating the Director of the Judicial Training Institute.

Section 3: The Director as the head of the Institute, shall be responsible for the financial and the administration of the Institute, and shall:

- a) manage and direct the activities of the Institute as per the direction of the Committee;
- b) recruit the JTI support staff in accordance with the Civil Servant Laws and supervise the staff of the Institute;
- c) prepare the organizational chart and procedures of the Institute;
- d) prepare annual fiscal budget of the Institute;
- e) provide bi-annual management reports to the Committee; and
- f) perform other work-related duties as required by this Charter or other laws for the time being in force.

Section 4: The Chief Justice, after consultation with the Minister of Finance, determine the Director's and staff's remuneration, allowances, benefits and other terms and conditions of employment.

Chapter Three Special Provisions

Article VII: General Requirements for Compliance.

Section 1: Judges and prosecutors should take annual continuous legal education programs to enhance their knowledge and skills.

Section 2: The Committee shall put in place procedures to administer the judicial trainings.

Section 3: judges, prosecutors and other judicial supporting staff should complete at least twelve (12) credit hours of continuous legal education programs each year.

Section 4: Judges and prosecutors shall file individual compliance reports in accordance with established procedures. The Director of the Institute shall maintain records of compliance.

Section 5: A judge or a prosecutor may request an exemption from compliance when unable to complete required training due to one of the following temporary circumstances: medical, physical conditions preventing active participation in education programs, extended and approved leave of absence; and if the judge has made a good faith effort to obtain training prior to the request.

Section 6: Judges and other judicial personnel not meeting requirements established hereunder and without an exemption may be subject to disciplinary action in accordance with the Constitution, the Judicial Service Commission Act and the Code of Judicial Conduct.

Article VIII: selection of Trainers and training delivery.

Section 1: The Institute shall ensure that the trainers are selected based on subject matter expertise, faculty training, and creditability. the trainers shall be primarily judges, prosecutors, University lecturers and court personnel who have expertise in the curriculum, knowledge of adult education principles, and the ability to prepare and present educational material effectively provided that authorities from other disciplines may be used when their expertise aligns with specific program goals.

Section 2: Judicial education and training programs shall emphasize the use of best practices, up-to-date methodologies in modern adult education principles that focus on practical, participative learning.

Chapter Four
Miscellaneous Provisions
Article IX:
Partnerships.

Section 1: The Institute may collaborate with international, regional, national, subnational governmental and non-governmental organizations and legal professional bodies to establish initiatives and develop programs for work that further its mission and objectives.

Section 2: The Committee shall establish guidelines for sustainable and mutual partnerships.

Article X:
Finances and accountability

Section 1: The expenditure in connection with the administration and functioning of the Institute shall be defrayed from budget allocated by the federal government for this purpose.

Section 2: The Institute may accept grants, gifts, donations or bequests towards the achievement of its objectives.

Section 3: The Director shall prepare and submit the annual budget of the Institute before or on October 30 of each year to the Minister of Finance indicating all the expenditures of the Institute.

Section 4: The Director shall prepare and submit to the Committee an annual report that includes the following:

- (i) financial statements prepared in terms of laws and regulations relating to public financial management and reporting;
- (ii) report of the activities undertaken pursuant to the Institute's functions; and
- (iii) a statement of the progress made during the preceding year towards achieving the objects of this Charter.

Article XII:
Effective Date of this Charter

This Charter shall be effective upon being endorsed and signed by the Chief justice and the Attorney General of the Federal Republic of Somalia and the Chief Justices and Attorney Generals of the Federal Member States.