



**SOUTHERN AFRICAN CHIEF JUSTICES' FORUM**

**COORDINATOR'S REPORT**

**1<sup>ST</sup> SEPTEMBER, 2016 TO 30<sup>TH</sup> SEPTEMBER, 2017**

**17<sup>TH</sup> OCTOBER, 2017**

**SWAKOPMUND, NAMIBIA**

## **1.0 INTRODUCTION**

The Southern Africa Chief Justices' Forum (SACJF) Secretariat continued to coordinate the implementation of various programmes during the year under review in accordance with the SACJF Strategic Plan 2016-2019 and the SACJF Constitution. In particular, the Secretariat continued to implement the decisions made at the 2016 Annual General Meeting and the Management Committee Meeting of 12<sup>th</sup> December, 2016. The Secretariat also continued to coordinate the implementation of the Courses offered under the Judicial Institute for Africa (JIFA).

## **2.0 IMPLEMENTATION OF RESOLUTIONS OF THE MANAGEMENT COMMITTEE MEETING HELD ON 12 DECEMBER 2017**

### **2.1 Resolution on arrears of Annual Subscription**

During the Annual General Meeting on 25<sup>th</sup> September, 2016, some Members expressed the view that arrears of annual subscription owed to the Forum should be written off so that Members could start on a fresh note. The AGM referred this issue to the Management Committee. At its Meeting, held on 12<sup>th</sup> December, 2016, the Management Committee decided as follows:

**“... jurisdictions that owed the Forum arrears of annual subscription fees should instead approach the Management Committee and propose a payment plan which would enable them to settle the arrears over some period of time.”**

Following this resolution, I wrote letters to all Members to communicate the decision of the Committee. The resolution has been well received by most Members of the Forum. I am happy to report that, pursuant to that resolution, on 25<sup>th</sup> July, 2017, Malawi made a payment of **US\$11,585.00** towards the settlement of subscription arrears.

Further, pursuant to the same resolution, Kenya approached the Management Committee, through the Secretariat and requested for detailed information relating to the arrears owed by that Country. They also asked for a historical background to the membership of Kenya to SACJF. I wrote a letter to the Judiciary of Kenya where I gave a historical background to the introduction of the annual subscription and informed them about when Kenya became a Member of the Forum. I am glad to report that on 6<sup>th</sup> October, 2017, the Judiciary of Kenya paid all its arrears of annual subscription and also paid the subscription for the year 2017. Kenya paid a total of **US\$49,985.00**.

It is hoped that more Member Countries will continue to approach the Management Committee with proposals for settling their subscription arrears.

## **2.2 Resolution on the request by Judicial Administrators to form an Association**

At its meeting of 12<sup>th</sup> December, 2017, the Management Committee considered a request moved by the Permanent Secretary of the Office of the Judiciary of Namibia, to consider inclusion of judicial administrators under a parallel programme during the SACJF Conferences and Annual General Meetings. The idea behind the proposal was that the administrators should also be brought together whenever the Forum had its Annual Conferences and Annual General Meetings.

The Management Committee approved the proposal. Following the said approval, judicial administrators of the Republic of Namibia, the Republic of South Africa, the Republic of Zambia and the Republic of Zimbabwe met on 29<sup>th</sup> and 30<sup>th</sup> June, 2017 in Windhoek, Namibia, with a view to establish an Association for Judicial Administrators in the region. The Secretariat was invited to be part of the deliberations and I presented a paper on the operations and strategic objectives of SACJF. The meeting culminated into the formation of the Southern African Judicial Administrators Association (SAJAA). The

delegates also considered and adopted a Constitution for SAJAA. The objective of the Association is to, among other things, collaborate and exchange best practices amongst members with a view to strengthen institutions tasked with judicial administration. SAJAA is scheduled to hold its inaugural meeting of the Association on 16 and 17 October, 2017 in Swakopmund.

### **3.0 TRAININGS UNDER THE JUDICIAL INSTITUTE FOR AFRICA (JIFA)**

The Judicial Institute for Africa (JIFA), which is an Institute established by the Forum, in partnership with the DGRU and ICJ, continued to offer short Courses to Judges. The Institute was established pursuant to the SACJF Strategic Plan, Strategic Objective Number 8, which provides for '**Judicial Education and Training**'. The following programmes were undertaken under JIFA during the period under review:

#### **3.1 Human Rights Law and Practice: An Introductory Course for Judges in Africa: 10 – 14 October, 2016**

The Course covered the following topics:

- (a) Legal Structure: International Human Rights Instruments and Relevant Bodies;
- (b) Legal Structure: Regional and National Human Rights Instruments and Relevant Bodies;
- (c) Theory into Practice: Fair Trial Issues; and
- (d) Consideration of Specific Human Rights.

#### **3.2 Core Skills for Judges: 24 – 28 April 2017**

This course covered the following topics:

- (a) The Rule of Law, Separation of Powers and Judicial Independence;
- (b) Judicial Ethics (including recusal), Modern Approaches to Interpretation;
- (c) Judgment Writing;

- (d) Judgment Writing, Motions/Applications; and
- (e) Case and Trial Management.

### **3.3 Judicial Leaders Retreat : 24 – 28 July 2017**

The retreat was aimed at providing a forum for judicial leaders to reflect and share their experiences on core issues of leading and managing judiciaries. The programme included two days on “Depth Leadership” which offered an overview of global leadership trends and the current approaches to leadership development internationally.

The retreat also covered other topics like corruption, creating an office of the judiciary, internal relationships, external relationships etc.

The retreat was facilitated by the Vice Chairperson of SACJF, Honourable Chief Justice Nyirenda, and retired Deputy Chief Justice Dikgang Moseneke (South Africa) and retired Chief Justice Willy Mutunga (Kenya).

### **3.4 Human Rights Law and Practice: An Introductory Course for Judges in Africa: 4 – 8 September 2017**

The Course covered the following topics:

- (a) Are Judges responsible for human rights?;
- (b) Applying human rights norms (International, regional and national) in human rights decision making; and
- (c) Fair trial issues.

### **4.0 REVAMPING OF THE SACJF WEBSITE**

During the course of the year under review, the Secretariat engaged the Democratic Governance and Rights Unit (DGRU) of Cape Town University and the International Commission of Jurists (ICJ) to help revamp the SACJF Website. This was done in view of Article 4.1.4 of the SACJF Constitution which states that one of the objectives of SACJF is **“to establish a website at which judgments of the highest courts in the region can be collected”**.

Sometime in August, 2017, the DGRU informed the Secretariat that they were ready to help in revamping the Website and that they had asked Africalii to host the SACJF Website. Africalii has negotiated free hosting with Amazon for all the Liis in Africa. This means that if the SACJF is hosted by Africalii SACJF will not be paying any hosting costs. Further, any updates to the software will also be free because the software updates will be done by Africalii across all sites including the SACJF Website.

In addition, DGRU has identified a Masters Student of Cape Town University to work with the SACJF Secretariat in revamping the Website and uploading content.

I am glad to report that the first version of the Website is ready and while in Swakopmund, the Secretariat will have a meeting with Ms. Vanja Karth of DGRU to go through it and propose any necessary improvements.

It is hoped that during the course of the year 2018 we can start uploading selected judgments from superior Courts of Member Countries.

## **5.0 CONCLUSION**

The year under review was a comparatively active year for the Forum. There was active participation and commitment by Member Countries. As Secretariat, we received a lot of support from judicial administrators of Member Countries in the coordination of the various programmes undertaken during the year under consideration.

**Evaristo Pengele**  
**Coordinator- SACJF**