

OPENING REMARKS BY OMAR O. MAKUNGU, CHIEF JUSTICE OF ZANZIBAR DURING THE TRAINING ON JUDICIAL SKILLS AND PRACTICE FOR JUDGES AND MAGISTRATES OF ZANZIBAR ON THE 27TH MARCH, 2014 AT ZANZIBAR OCEAN VIEW

- Your Lordships, the Honourable Judges of the High Court of Zanzibar;
- Your Worships, the Registrar and Deputy Registrars of the High Court.
- Honourable Magistrates of Different ranks.
- Hon. Resource persons.
- Distinguished, invited guests, Ladies and Gentlemen,

Good Morning.

First of all, praised be to Allah, who gives us this opportunity to be together in this special occasion.

Secondly it is indeed a great honour to me to be accorded this special opportunity by the organizers to officiate this training. I am delighted to welcome you to this training which is an important event for our judiciary. On your behalf I wish to congratulate the coordinator of **UNDP** for the tireless efforts put into organizing this training for the highest cadre of the judiciary, with particular emphasis on Judicial skills and practice.

Distinguished participants.

I would like to say how particularly pleased we are to have this opportunity as Judicial Officers to have this training. This is a golden opportunity for us. As you know that the opportunity never come twice but we hope that we will always have the chance of getting another training such as this. I am sure that I speak for us all and that we are all grateful to be given time on this training to focus our thoughts together on the difficult and sensitive topics chosen for us. May I respectfully suggest too that we are all as informal as possible in our discussions. Many us of are friends already, I hope that by Sunday we may all be friends; but from the outset we can be confident of the mutual respect that we hold for one another and Brother and Sister Judicial Officers, whatever our Judicial rank or title.

The four-day training thus provides a perfect opportunity to learn from and to share the different legal and judicial experiences from our respective stations. It is also my earnest hope that your deliberation in the coming days will be enriching and reading and will be essential in strengthening our performance so as to be more responsive to the needs of the people we serve.

Distinguished participants:

Looking at the programme, I have noted that the training will focus on the key aspects of legal and judicial skills and practices such as :

- (a) The Court system in Zanzibar; Their powers, jurisdiction and performance;
- (b) Professional Ethics for judicial officers;

- (c) Preliminary proceedings (***Pleas, Bail and preliminary hearing***);
- (d) Taking and recording of evidence;
- (e) Bridging together of the Bench and the Bar;
- (f) The Role of Assessors in the trial process in Zanzibar;
- (g) The Role of Practice Advocates in Criminal Litigation in Zanzibar;
- (h) Judgments and orders: Basic Considerations;
- (i) Sentencing process-Basic Considerations;
- (j) Appeals, Revisions, Review and Supervision of Subordinate Courts ; and
- (k) Handling of cases of Juveniles in conflict with the Law.

I am happy to note that the organizers have carefully selected relevant topics that are vital to achieving the objectives of this training. I am happy that this training will deal mainly with the criminal cases which are now taking the lead of the complaint in our society. I am confident that the training will not only equip participants with the necessary skills but also give them an opportunity to interact, share experiences and identify challenges and ways to enhance the best practices for a modern judiciary in all our courts. I also encourage you to use this forum to identify the modern innovations to promote efficiency and effectiveness in the judicial system of our country.

Distinguished participants:

As judicial officers you have a very important role to play in the economic, political and social development of Tanzania as a whole and of Zanzibar in particular. Your contribution as Hon. Judges and Magistrates can only be realized if you hold on to your mandate which is the effective and timely delivery of justice to people.

It is inconceivable to imagine that you can effectively deliver justice if you are not acquainted with modern legal skills and are unaware or not complaint to the current management challenges in the judiciary. It is evident therefore that courts do play a significant role in the attainment of social, economic, cultural and political development in the country.

One of the major challenges faced by the judiciary is the increasing rate of case backlog. This has been caused by the various bottlenecks in the administration of Justice. This Training has been identified as one of the remedies to the challenges of case backlog. It is hoped that collectively, we shall arrive on the best way forward on the matter.

Another problem faced by the judiciary is the allegation of corruption has grown in complexity because in recent times several new sources of attacks upon judicial integrity have emerged. The problem is one which lies at the very foundation of the judicial process and therefore at the very foundation of the rule of law I am sure our deliberations will not touch this problem but we can make a significant contribution towards the solution of this crucial problem if it exists.

Distinguished participants:

It is an accepted fact that the Judiciary is responsible for delivering a public good called justice. In many cases, Judiciaries have failed to deliver timely and efficient justice resulting in loss of public confidence in the Judiciary. The existence of delay, case backlogs and unpredictability of the judicial system are glaring signs of an inefficient Judiciary.

Lord Denning warned that inefficiencies in the administration of justice can turn justice sour while Charles Dickens warned that inefficiencies in the administration of justice can exhaust finances, patience and hope-and we could add, loss of faith in judiciary as an independent arbiter of disputes. Loss of public confidence in the Judiciary often provides the moral justification for the state to intervene and interfere in the Judiciary under the guise of sorting out the Judiciary. As we all know, this can only result into interference with the independence of the Judiciary.

Therefore, we must focus on creating a vibrant and respectable Judiciary, which is efficient, effective and responsive in addressing the needs of the public.

Distinguish participants:

Technology has bestowed upon man innumerable benefits of speeding up production and lowering transaction costs. Yet despite the conspicuous benefits of technology, Judges, Magistrate and Judiciary still continue to rely on mainly human energy in processing cases. Judiciary can invest in court room technology to speed up processes and deliver timely justice. As observed by the former Chief Justice of England Lord Phillips:

“ We must train ourselves to take advantage of Technological developments so that our systems are improved by it, so that Judges are its masters and not its slaves. ”

Judiciary is part and parcel of a dynamic society which is changing at a pace equal to forces of innovation caused by advancement in knowledge, technology and obligation to constantly update their knowledge of the law and their environment if they are to be part of the human revolution. Consequently, Judges and Magistrates should maintain their knowledge of the law and keep up to development in the law-attend to new emerging challenges created by technology, endlessness of information; length of judgments etc.

Judiciary should prioritise on training of Judicial officers and other staff to keep them ahead of the private bar and abreast with developments at a national, regional and international level.

Distinguished participants:

Allow me to end my remarks by thanking you all for finding time to attend this important Training. Once again, I thank the **UNDP** for organizing and financing the Training. Last but not least, I thank the resource persons for accepting to train us in the various aspects of legal and judicial skills.

I now have the singular honour and pleasure to declare this Training officially open and to wish you all fruitful deliberations.

I Thank you all for your attention.