



**BAR HUMAN RIGHTS
COMMITTEE
OF ENGLAND AND
WALES**

Library Resources for Lawyers - Malawi, Botswana, Uganda -

A Report to the Human Rights Policy Department
Foreign and Commonwealth Office

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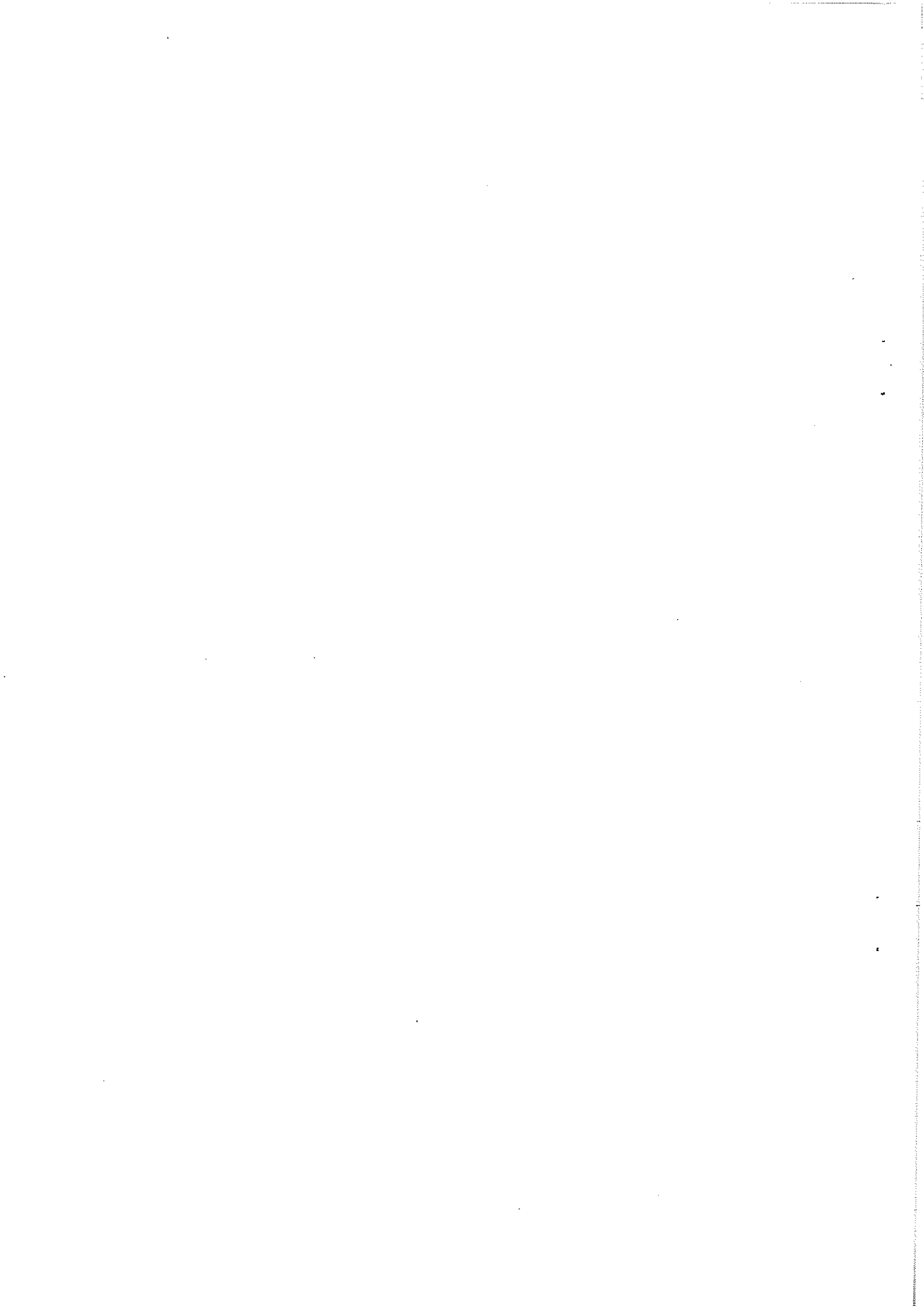
The Bar Human Rights Committee of England and Wales (BHRC) was founded by a group of barristers in 1991. It is an independent body primarily concerned with the support and protection of the rights of advocates and judges around the world where they are threatened or oppressed in their work. It is also concerned with defending the rule of law and internationally recognised legal standards concerning the right to a fair trial.

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Background

1. Following a successful pilot scheme conducted in 1999 in Tanzania on behalf of the Bar Human Rights Committee of England and Wales, I visited Malawi, Botswana and Uganda between 25th March and 9th April 2000 in order to prepare a feasibility report to the FCO on the extension of the scheme to those three jurisdictions.¹ The visit was sponsored by the Human Rights Policy Department and supported by the British Council who provided invaluable administrative and logistical support in each country. I would like to express my gratitude to both for their encouragement and assistance. It would also be appropriate at the outset to thank Sweet & Maxwell Ltd, Blackstone Press and Butterworths who made such an enormous contribution to the Tanzanian project and have agreed to give further support for this work.

2. The scheme itself is designed to achieve the following preliminary objectives:-

- the delivery of computer equipment designed for library research at strategic locations by lawyers, judges, human rights organisations and legal academics

¹ See Appendix 1, Report to the British Council 1999.

- the equipping of those work-stations with core British legal texts, statutes and law reports in digital format
- the donation of hard copy texts as a central resource for legal research
- provision of access skills for representatives of donee groups so that these can be cascaded through each organisation
- facilitation of basic computer literacy training where appropriate
- developing the use of Internet access by lawyers to enable networking across jurisdictions and access to international jurisprudence, in particular to human rights law

The programme involves exhibiting and demonstrating the texts to a wide audience together with small group training for nominated delegates. The consultants are British lawyers who present the course on a pro bono basis.

3. The programme also offers an opportunity to achieve a number of secondary benefits which include:-

- the establishment of cross-jurisdictional links between lawyers, judges and academics
- liaison with Circuit and Bar organisations in the UK who may offer placements, training courses, and twinning arrangements

- development of schemes to provide websites as vehicles for the publication, and dissemination of law and legal knowledge through the legal and civil communities.

Development Benefits.

4. A key objective for developing countries is the creation and maintenance of an effective legal infrastructure with adequately trained and independent judges, a vigorous and ethical legal profession, and the availability of legal advice and assistance through lawyers and helping agencies to secure rights for the client population. A comprehensive and effective framework for dispute resolution is a precondition for the development of trade, commerce and internal investment, together with the maintenance of civil peace and order.

Human Rights Outcomes.

5. The existence of a basic legal and jurisprudential framework is the starting point for the protection of basic rights and freedoms in any society. Access to justice, the provision of free legal advice and assistance, and the enforcement of international standards of human rights are all key objectives which inform the wider programme of Bar sponsored human rights activities of which this project is part. We hope that this scheme will make a contribution towards:-

- assisting the promulgation and publication of local law

- providing access to comparative jurisprudence, including human rights law
- encouraging international contact and support between lawyers and human rights organisations
- enhancing training opportunities for law students, the legal profession and judiciary
- utilising new technology to provide economic and efficient solutions to resource problems, particularly in country areas.

A key focus of the scheme is to ensure that the resources provided have an impact upon access to justice and the quality of legal and advice services provided to the wider community, including those unable to pay for legal services, rural communities and ethnic and other minority groups.

Objectives of Feasibility Visit.

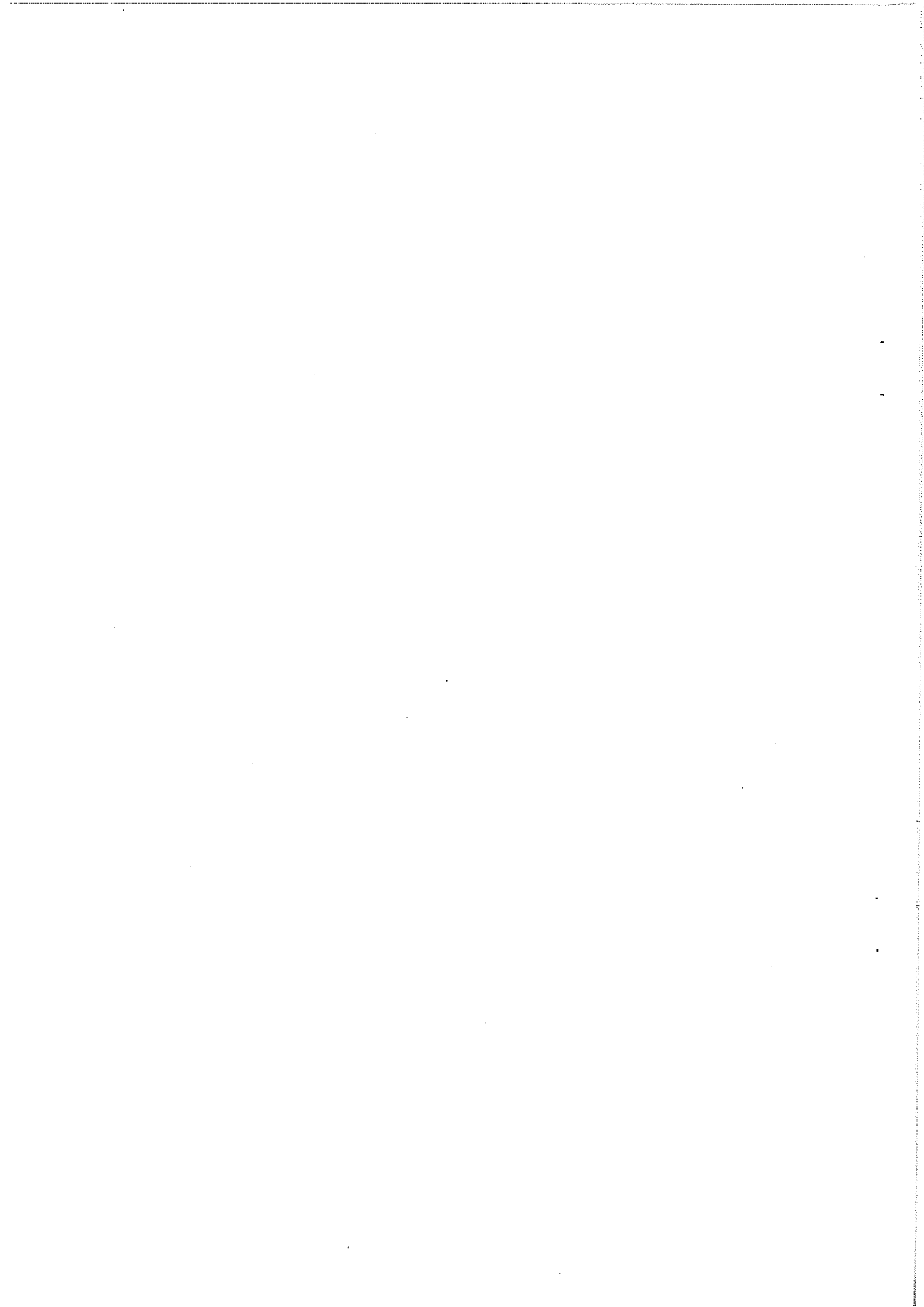
6. The main purposes of the visit were to:-

- ensure the the proposed programme would be geared to the particular needs of each country ,the requirements of stakeholders and local priorities
- assess the availability of existing resources, including assistance which might be available from the British Council and High Commission in each location
- determine the shape of each programme to meet local need
- prepare costings for submission to the funder

The details of the research carried out are reflected in the Briefing Document which was circulated to all interested parties prior to the visit.² Full details of all those who contributed to the exercise are appended to this Report.³ Particular thanks are due to the three British Council staff who facilitated the visits and worked so hard to ensure that the trip was a success - Faluma Wasaya in Botswana, Ethel Makumba in Malawi and Barbara Mukasa-Kisubi in Uganda. The number and breadth of contributors to this survey is a tribute to their industry and enthusiasm.

²See Appendix 2- "Briefing Document"

³See Appendix 3- "List of Contributors"



Country Reports.

Botswana

Botswana is a longstanding multiparty democracy. Constitutional power is shared between the President and a popularly elected National Assembly. The House of Chiefs, representing all of the country's major tribes and some smaller ones, has an advisory role but no legislative power. The Government respects the constitutional provisions for an independent judiciary and exercises effective control over the security forces and the Botswana National Police.

The economy of Botswana is market oriented and has achieved real per capita economic growth since independence, due largely to an increased world demand for diamonds of which the country is the second largest producer. There is a sophisticated and upmarket tourism industry. However, nearly half of the population is employed in the informal sector, largely subsistence farming and animal husbandry. Rural poverty remains a serious problem and also a widely skewed income distribution.

Human Rights.

The US Department of State 1999 Country Report on Human Rights Practices in Botswana reported that the Government generally respected the human rights of its citizens whilst noting that problems continued in some areas.⁴ The following issues were highlighted:-

⁴ Report. US Department of State. February 25. 2000

- credible reports of beatings and mistreatment of suspects to obtain confessions
- poor prison conditions with credible reports of torture and suspicious deaths in custody
- unacceptable delays in the trial system due to a serious backlog of criminal cases
- the continued use of corporal punishment by customary courts by means of lashing on the buttocks
- the absence of access to legal representation provided free save for capital cases
- the quality of justice available through the traditional courts
- violence against women, particularly in the domestic context.

In addition, it is worthy of note that the Penal Code maintains the imposition of minimum sentences of imprisonment for a variety of offences, and that capital punishment remains the mandatory sentence for murder and a discretionary disposal in other serious crimes. In the absence of a system of legal aid even for serious non-capital cases, these matters must remain of grave concern. Botswana is a signatory to the African Convention on Human Rights but no provision has been made for a Human Rights Commission in that country.

Structure of the Courts.

The Courts structure follows a familiar pattern to other African states with a network of traditional courts providing the first point of contact to the population. These courts determine minor civil disputes and criminal allegations and the Tribal Judges are appointed by the tribal leader or elected by the community. In such customary courts the parties are not legally represented and there are no fixed rules of evidence or procedure. It follows that the quality of justice dispensed is very variable. Decisions of the courts may, however, be appealed through the civil court system. (choice of jurisdiction/maximum penalties/check appeal to commissioner)

The bedrock of the civil court system is the Magistrates' Court which sits in 17 sites throughout the country and has legally qualified Magistrates to hear and determine cases. There are currently 38 Magistrates in post and a further 16 new posts have recently been created. Qualification as a Magistrate is a career path available to young lawyers who normally then remain in and progress through the Magistracy. In recent years the Constitution has been amended to permit the appointment of High Court Judges from the ranks of the Magistracy. Occasionally, a more experienced Magistrate may transfer to private practice although the contrary does not seem to apply. It is reported that there is currently considerable discontent among the Magistrates as a result of low salaries and inadequate resourcing of their courts. They have been included in a recent programme to provide computer skills to the judiciary although one receives the impression that access to library facilities, particularly in remote areas, is a great luxury and enjoyed by few if any. Although there is some provision for the training of Magistrates it is reported as being inadequate and ought to be a priority issue.

The High Court of Botswana sits in two centres- Francistown and Lobatse and comprises 13 permanent and 2 acting Judges. Lobatse is by far the biggest centre and is located approximately 70 kilometres outside the capital, Gaborone. The Lobatse centre is a modern and attractive new building with first class facilities, including a reasonable library for the use of judges and lawyers. There are currently plans to build a further centre in Gaborone itself and this is likely to be opened in the next two years. An architect's model was viewed in Lobatse and is extremely impressive.

The only specialist division of the High Court is the Industrial Court which has three assigned Judges dealing with employment and industrial/commercial cases.

The Court of Appeal of Botswana comprises 8 Judges, some or all of whom are external appointments, and sits in two sessions each year to determine appeals from the High Court.

The impression given is of a very high quality and independent judiciary overall, and a commitment on the part of the Government to provide continuing training and technical resources to them. There is, for example, an existing scheme for all Judges to be provided with laptop computers and to receive appropriate computer literacy training from external consultants. A Judicial Studies Scheme is also in existence. Senior positions in the government legal service are advertised and there is an open selection process. It is unclear whether the position is the same for judicial appointments.

Legal Profession.

There are approximately 300 qualified lawyers on role in Botswana, split roughly 1:2 in Government Service and the private sector respectively. Virtually all are called as

Attorneys and enjoy comprehensive rights of audience in all courts. Many of the senior figures were trained in the UK although the majority of what is a relatively young profession are locally qualified in Botswana. There is no post-graduate vocational training for qualification purposes and a formal system of internship has only recently been introduced. It is of interest that this development has the full support of the Law Society and the Judges but has been resisted somewhat by the law students. There are, as a result, considerable concerns about the quality and professional standards of newly qualified and junior counsel. These are reflected in a poor public image for the profession and considerable levels of complain from the judiciary. The Law Society has recognised this problem and is anxious to address it. The absence of any form of advocacy training, for example, is to be pursued with the Bar Overseas Advocacy Committee in the UK as a matter of urgency. The Law Society itself is of very recent origin and has only modest resources arising from subscriptions. There is, for example, no Law Society library although one is to be initiated. I was impressed by the concern of the officers to use the influence of the Society to improve training standards for students, continuing education for members, and generally to enhance the professionalism and ethical standing of lawyers.

Legal Aid and Access to Justice.

There is no State funded provision for free legal advice or representation save in capital criminal cases. Discussions between lawyers organisations and government have failed to resolve the issue. The Government appears to take the view that the profession should provide much more extensive pro bono services; the Law Society suggests that the funding should come from the state sector. I was unable to locate any NGO's providing legal advice or representation save for the Human Rights Resource Centre, which operates with extremely limited funding, and an Advice Clinic run by the U.B Department of Law. The latter deals solely with civil enquiries and is serviced

by students who must undertake a number of hours service as part of their degree vocational training. There is no equivalent of a Court or police station Duty Solicitor service and it seems that the vast majority of indigent detainees are processed, tried and sentenced without any assistance from lawyers. The Law Society has confirmed its commitment to drive forward a legal advice and assistance scheme, in partnership with the Rights NGO's. Such inter-agency co-operation is important if government assistance is to be obtained and for the general success of the programme. Whilst the Law Society itself has not been proactive in the human rights field there does appear to be a large measure of agreement on this issue and this accordingly should be supported and encouraged.

There is a need to explore a variety of models of legal provision including law clinics, advice centres, court duty solicitor schemes and free representation units. Proposals are being drawn up by the Human Rights Resource Centre (Ditshwanelo) in discussion with activists within the Law Society. Funding for a joint delegation to visit the UK to pursue these researches is a priority.

Advice and Human Rights NGO's

The sole agency I was able to identify in the human rights field was Ditshwanelo - The Botswana Centre for Human Rights. This organisation has received funding from a number of disparate sources during its history, all apparently of fairly short-term duration. Financial precariousness is something the staff have learned to cope with. My impressions were of a very organised, focussed and motivated organisation with a clear programme of activities based upon the human rights priorities identified earlier. They are active in a number of fields including campaign work, public education, the provision of advice services and providing representation in capital appeal and other test cases. An example of this is documented at Appendix 4 - the defence of two

Basarwa (Bushmen) who were convicted of murder and sentenced to death in 1995, and whose appeal against conviction was subsequently allowed, largely upon the basis of the inadequacy of representation by their court appointed attorneys. Having successfully argued the appeal, Ditshwanelo is now campaigning to raise the necessary legal fees for the re-trial which is to take place later this year. The organisation has not made itself popular with the authorities and the judiciary in campaigning against the death penalty and seeking to raise constitutional motions in respect of human rights issues. That position may be a comment on its effectiveness in pursuing human rights causes. Publications issued by the organisation were of a very high standard indeed. The Director of the Centre is active in Afronet - the Inter-African Network for Human Rights and Development- which has individual members and organisational links in 22 African countries.

The Centre is currently based in rented premises and has a well kept but inadequate library which needs considerable extension and replenishment in order to be a continuing resource for human rights lawyers. I would attach very high priority to the provision of resources to this group.

Law Reporting and Library Facilities.

The Statutes of Botswana are published in a Gazette and widely available through the Government Printing Office. They are bound into volumes on an annual basis and appear to be virtually current. Law reports are available from the High Court library but there is a backlog in the binding and publishing of these. The latest volumes are the 1992 cases. There have been discussions with Butterworths UK and a South African legal publisher regarding compiling these in digital format and dealing with the backlog. The publication of law remains, however, a recurrent difficulty for lawyers.

There is, as indicated earlier, a good law library at the High Court in Lobatse although it would benefit from an updated collection of texts and the introduction of computers. The Law Society does not presently have a library of its own and this is a priority for them in terms of providing access to its membership. The major problem is a severe lack of library resources to lawyers and Magistrates operating throughout the country outside of the two High Court seats. Lawyers are, however, keen to obtain computer skills and to access new technology in their practices. It is reported that most if not all attorneys have potential access to a computer.

The position in the not for profit sector is much less clear. There is no law section in the British Council Library to which general access might be obtained, although the University Library is apparently reasonably well stocked. Unfortunately, it is located at an inconvenient distance from the current High Court centre at Lobatse, and also from the other major centre at Francistown.

I held discussions with a number of interested parties with a view to recommending where new hardware and installed software ought to be located, and what basic training provision ought to be budgeted for. The Ministry of Justice is aware of the need to provide computer equipment throughout the courts service and progress is being made to this end.

British Council Assistance.

The British Council has a relatively small operation based in Gaborone, including a library - although this does not presently contain a law section. The premises do not include an Exhibition space or lecture room facilities. An indication was given that these might be available at the Law Department. Failing this commercial facilities will

have to be hired. I am told these are plentiful. Transport may also have to be hired in this location in order to transport the Exhibition to the relevant sites outside of Gaborone, and to assist with the installation of hardware. However, it would be of considerable assistance to draw upon the administrative and logistical support of the Council in organising and advertising the events and in arranging publicity in the media. An administrative charge will be payable to the British Council in respect of their assistance since staffing and other resources are not available for such programmes within their budget. This has been included in the attached financial proposal. The High Commission may also be able to offer assistance and their involvement would be most welcome especially in relation to liaison with the Ministry of Justice. In respect of the judiciary, I met with Mr Justice A.N.E Ammisah - Judge President of the Court of Appeal of Botswana - in London before my visit to Africa. He expressed interest in the programme and a wish to have a meeting to progress matters on my return. His support will be a valuable asset to the success of the programme.

Malawi.

Multi-party elections were held in Malawi in 1994, resulting in the first democratic government in that country for 30 years. The Constitution of the Republic of Malawi, which was formally adopted in 1995, contains provisions for the protection of human rights which are compatible with international treaties to which Malawi is a signatory.

Human Rights

The I.O.D report on Human Rights and Needs in Malawi (1998) reported that a primary concern for the government was to improve access to and knowledge of

human rights by the ordinary Malawian citizen. A number of Government bodies have been created to promote and protect human rights in the country, including the Human Rights Commission and the Inter-Ministerial Committee on Human Rights and Democracy. However, a recent report prepared by the Danish Centre for Human Rights⁵ concluded that international human rights standards play little part in the national courts. The judges and legal professionals interviewed for the preparation of the study identified lack of training materials and literature as one of the fundamental reasons for this.

The IOD report, a major legal infrastructure audit, highlighted the following key areas of concern within the criminal justice system:-

- Regular and credible claims of police mistreatment of detainees, and extremely poor conditions of detention in police custody
- Appalling prison conditions with a high mortality rate of prisoners related particularly to poor sanitation and lack of medical care.
- Lengthy delays before trial with a serious backlog of criminal cases, arising partly from a lack of case management and co-ordination in case listing
- Lack of adequate access to legal representation, with a chronic shortage of lawyers able or willing to represent indigent defendants
- Oppressive conditions at trial, and lack of awareness on the part of magistrates of the need for a proactive and inquisitorial approach.

⁵ The Implementation of International Human Rights Standards in the National Courts of Malawi

- A widespread negative public perception of criminal justice mechanisms and lack of confidence in the police and courts to deal with a continually rising crime rate.
- The continued use of capital punishment as a mandatory sentence for homicide and a discretionary disposal in a range of other serious offences.

The DFID Homicide Backlog Project initiated in 1997 attempted to deal with some of the worst cases of delay in capital cases. However, lawyers currently working in the legal aid office estimate that the average delay between charge and trial in homicide cases remains around 5 years, and in some cases a year may elapse between charge and the first court appearance. There is currently a further initiative underway to tackle this problem, supported by the British Council and in partnership with the judiciary, legal aid department and private practice lawyers.

Structure of the Courts.

The traditional courts of Malawi have been converted into 3rd and 4th Grade Magistrates Courts and continue to provide a first point of contact for the majority of people with the justice system. legal representation is permitted but rare, due to poverty and lack of access to legal aid. A study by CARER⁶ published in 1996 reported a public perception that there was more corruption in the new Magistrates' Courts than the old traditional courts, and less heed was paid to traditional aspects of culture. Some traditional avenues of dispute resolution remain, particularly in respect of family and inheritance matters where "marriage advocates" attempt informal means of achieving amicable arrangements. Matters can then be taken to the village headman, and then to the Traditional Authority. There does not seem to be any barrier, other

⁶ A human rights NGO based in Malawi

than financial, to complainants resorting to the civil justice system if complaints cannot be resolved through the traditional mechanisms.

There are four magistrates' court centres in Blantyre, Lilongwe, Mzuzu and Zomba with lower grade courts sitting in various other locations throughout the country. Magistrates are legally qualified although it is common practice for newly graduated young lawyers to be appointed to the magistracy. Transfers of experienced magistrates to private practice is not unusual, although the converse is rare indeed. The training of magistrates is variable although the Rule of Law Project is currently implementing a programme of in-service training and Malawi CARER has offered human rights courses. The courts themselves are badly resourced and access to legal texts poor.

The High Court of Malawi sits in three centres - Blantyre, Lilongwe and Mzuzu; the latter being a recently opened court facility. Currently there are 11 High Court judges in post divided between the three centres. Blantyre is also the location for the Supreme Court, which has six senior judges, and the Court Library which is the central resource for both the judges and the legal profession. The senior members of the judiciary have been provided with computers although access to computer literacy skills is variable. The Rule of Law Project aims to provide a networked computer system for the Supreme Court, High Court and the four central Magistrates' Court centres. This aims to provide administrative facilities for case and list management, as well as e-mail and Internet access. The Acting Registrar of the High Court indicated that the project is long overdue and was unable to indicate the likely timescale for implementation.

Legal Profession.

There are currently in the region of 200 lawyers in practice in Malawi, the vast majority in private practice. The profession is growing rapidly with the intake of

students graduating from the Law Faculty increasing on an annual basis. However, there exists a chronic shortage of lawyers entering the public service sector, largely due to low salaries. There is no formal system of postgraduate vocational training or internship and lawyers move into practice immediately on graduation. The Law Society is active and keen to develop schemes for continuing professional training and the development of best practice. Lawyers enjoy comprehensive rights of audience on qualification although no formal advocacy training is provided. There is considerable interest in pursuing training in this field through the Bar Overseas Advocacy Committee subject to the availability of expenses funding for the consultants. The Law Faculty itself has a small but dynamic teams of tutors and is seeking to expand the range of courses offered beyond the core subjects. This is considerably hampered by lack of funding and staff shortages. The Law Society, in partnership with the British Council, has recently established the Legal Resource Centre. This provides open access to library facilities for lawyers in public and private practice, law students, NGO's and other interested parties. The British Council has recently donated its law collection to the Resource Centre and the library has access to other donated texts.

Legal Aid and Access to Justice.

The Legal Aid Department provides limited advice and representation in both criminal and civil matters through two centres in Lilongwe and Blantyre. There are four lawyers employed in this work although the establishment is 20. Recruitment is an enormous problem. Apart from this programme, there is no other access to free legal assistance anywhere in the country and little pro-bono work is undertaken by the private sector profession. Apart from being seriously understaffed, the Legal Aid Department has extremely limited library resources and no computer equipment. Its lawyers have to rely on the facilities of the Legal Resource Centre and the High Court Law Library.

The Human Rights Commission is itself empowered to investigate and litigate cases with a human rights dimension. Although it became fully operational in 1999, the Commission has not litigated any cases to date. There are a number of NGOs offering legal advice in relation to specialist areas, no representation is provided. The only exception appears to be Malawi CARER which offers legal surgeries and representation in civil cases, and also acts in informal mediation of family disputes. Plainly, this is a resource which is considerably over-subscribed.

There is no equivalent of a court or police station duty solicitor service. No facilities exist for legal advice or representation of detainees, even in the most serious of cases. The overwhelming majority of defendants pass through the criminal justice system with no access to legal representation whatsoever.

Library Resources and Law Reporting.

Statutes are published in individual issues and annual bound format and appear to be largely up to date. Law reports of the superior courts have not been published in bound form since 1989 due to lack of funding. Current law reports are typed and circulated on a case by case basis and lawyers widely complained of difficulty in accessing recent decisions. Access to authorities from other jurisdictions is extremely patchy and out of date.

The High Court in both Lilongwe and Blantyre has a reasonable law library but would benefit substantially from updated texts and computerisation. The Legal Resource Centre in Blantyre is a new and important facility which should be encouraged and developed. Again, updated texts and computerised resources are much needed. Aside

from these two sources, there is a severe lack of access to law texts for lawyers and magistrates operating outside of the two major centres.

Computer literacy amongst lawyers in Malawi is variable, although interest in new technology and the benefits offered by computers, electronic texts and Internet access is widespread. Most High Court Judges have access to computers as do employees of some of the government departments concerned with the legal system. Lawyers in private practice are keen to expand their computer skills and access the new materials. They express a recognition that the profession must invest in such technology. Basic computer skills training is a priority in many areas in the public sector, such as the Legal Aid Department. Finding the funds for hardware, however, is not an easy matter.

British Council Assistance.

There is a strong recognition of the importance of law and governance issues in development terms, and in the promulgation of human rights in Malawi. The need to provide assistance to organisations and programmes which will enhance access to justice, and the quality of court processes and determinations, is acknowledged. A focused agenda is in existence with clearly established priorities and there is close collaboration with specialist DFID advisors and others in the field. The response to the proposed library resources programme was particularly enthusiastic and I am confident that the project will receive strong support from the Council in the event that core funding is provided.

Uganda

President Yoweri Museveni has ruled Uganda since 1986 and was re-elected for a five year further term of office in 1996. The 1995 Constitution provides for a one-party movement form of government although a national referendum on the role of multiple political parties is scheduled for 2000. The 1996 presidential and parliamentary elections were reported to be peaceful and orderly although Constitutional restrictions on party political activity detract from the election process. The President has extensive legal and extralegal powers although the judiciary generally is said to be independent. The judicial representatives and legal officers I met were extremely able and all anxious to develop and maintain high standards in the administration of justice. Nevertheless, the courts have previously been very under-resourced and with poor administration leading to substantial delays, backlogs and other serious weaknesses. The 1999 Country Report on Human Rights Practices⁷ is extremely critical of the Government's human rights record and notes that, whilst improvements have occurred in some areas, there remain issues of serious concern, in particular:-

- the use of excessive force, sometimes involving fatalities, by the security forces
- the failure of government forces to prevent the extrajudicial killings of suspected rebels and occasionally criminals
- police corruption of a very serious sort, including dishonesty by senior officers
- incommunicado and unauthorised detention by the security forces

⁷US Department of State, February 25, 2000

- harsh and sometimes life-threatening prison conditions
- prolonged pre-trial detention poor administration and an extensive case backlog.
- inadequate provision for free legal representation in criminal cases

The US State Department Country Report for 1999 contains a detailed analysis of these and other human rights complaints and is considered to be an accurate representation of the current situation by those working in the field. It is of note, however, that there is very considerable activity by funding agencies and NGO's from a number of countries to address these issues. This level of involvement appears to have been welcomed by the authorities who are co-operating closely with them to achieve improvements. Other initiatives are also apparent to deal with identified abuses of human rights. An example is the judicial enquiry into high level police corruption whose report is imminent and whose activities have led to criminal charges being brought against ranking officers. A Human Rights Commission has been established by Act of Parliament with apparently wide powers to cause the release of those detained unlawfully and to award compensation to the victims of unlawful treatment and human rights abuses. NGO's have been very active in monitoring prison conditions, with the compliance of the prison authorities, and engaging in human rights training of prison officers. An extensive programme has been established to modernise the courts administration and to provide computerised case-tracking systems to reduce delays and improve the backlog of cases awaiting trial. This and other initiatives arise from a major Legal Services Plan which I understand is largely funded by the Department of International Development, in co-operation with other major donors. These include Danida- the Danish aid organisation- which manages a major Judiciary Project and is developing human rights activities within the country. The sector wide approach adopted by the major funders is focussed on the criminal courts and

commercial law activity and involves an extensive programme of judicial training and support, together with a programme to equip the higher courts and law departments with computer systems. Unfortunately, the DFID Field Manager was unable to meet me to discuss the overall dimension and priorities of the programme. I was, however, able to determine a number of its features in discussions with DFID special advisers, Danida, members of the judiciary and the Law Officers. I was also able to have some input into a committee discussing the shape of IT systems which are being designed for the Courts and to discuss the system requirements for the digital resources donated through this programme. Providing research facilities for judges, rather than case-tracking and administrative systems, had not previously been considered in detail and the idea of a judicial intranet for publishing and disseminating legal information was received enthusiastically. The publishing of statutes, regulations and law reports is in an extremely poor state and must remain a priority concern. The Solicitor General and Chairman of the Judicial Service Commission were both strongly of this view and indicated, inter alia, that the Ugandan Law Reports had not properly been published for almost twenty years although there had been sporadic attempts to bring matters up to date. Discussion had taken place within the last year with Direct Law, a commercial organisation based in Canada, to enter into a publishing agreement using the Internet. Whilst this high technology solution is undoubtedly the right one in the long term, there is a considerable need to change the culture in which lawyers work so that they are comfortable with such technology. The Danida programme had provided computer skills training to the senior judiciary and a rolling programme of computerisation was taking place. The DPP's department had also received networked computers and training for lawyers in their use.

The proposed programme was seen, in that context, as potentially a very valuable contribution to the long term aim of using technology to improve court administration and the dissemination of law.

Overall, the impression gained in the legal and courts sectors is of much activity by funders and considerable effort being made to improve the situation by all concerned. There is undoubtedly a considerable way to go, particularly in the area of access to justice for those unable to afford lawyers; however, these initiatives are to be encouraged and supported.

Courts Structure.

The highest court is the Supreme Court, followed by the Court of Appeal, High Court, Chief Magistrate's Court and then a hierarchy of local council courts. The latter have authority to settle civil disputes, including land rights issues, and have jurisdiction in criminal cases involving children. It appears that such local courts frequently exceed their authority by trying more serious allegations, including murder and rape. These courts are frequently the only ones available to villagers and although appeal lies to the Magistrates' Courts, this is frequently a right which is unknown to the parties. In any event, no formal record of proceedings is available to form the basis of an appeal. Bribery of officials is said to be a frequent occurrence in such courts and there appears to be a total absence of representation by lawyers. As to the High Courts, there are 16 High Court Judges on circuit operating in 6 Court centres throughout the country. These courts are said to be considerably under-resourced and have in the past been managed very poorly with consequent severe delays and backlogs in litigation.

Whilst the civilian courts, including the Magistrates' Courts, operate under procedural safeguards including the granting of bail and a right of appeal to higher courts, a serious lack of resources and inadequate system of administration has resulted in a backlog of cases which has circumscribed the right to fair trial for many years. The backlog of serious criminal cases in the High Court remains a priority issue and it

remains to be seen what improvements will be achieved now resources are being made available from Government for the appointment of additional judges. Pressure upon the prosecuting authorities has led the funding agencies to focus resources on the Department of Public Prosecutions which has attached Advisers and a well advanced programme for IT support. This is in stark contrast to those endeavouring to provide advice and assistance to indigent litigants and defendants where provision is under-resourced and poor.

Legal Profession.

There are in the region of 480 qualified attorneys practising in Uganda and members of the Ugandan Law Society. In addition, the Law Development Centre currently has a large number of students on roll in the final vocation stages of their training as attorneys or para-legals. Most young Ugandan lawyers receive their university training at Makerere University where there is a Law Faculty. A further post-graduate course of one year provides the professional qualification to enter nine months of pupillage before petitioning the Chief Justice for call. Post graduate training at the Centre follows a well-established and comprehensive syllabus and has an emphasis on skills acquisition, ethics, and practice management as well as providing instruction in the law. Students are also required to participate in the Legal Advice Clinic which offers free advice and representation on less complex civil and criminal matters and is a significant component in the patchwork of free legal services which is beginning to emerge. The Centre also has a number of statutory responsibilities under the Act of Parliament which created it. These include the provision of continuing legal and judicial education programmes, publishing of texts, law reports and assistance in relation to statutory revision. Combined with the Faculty of Law, this facility contributes to an impressive programme of training for the profession which is

supplemented by the International Law Institute situated nearby in Kampala. The overall impression is of a well trained and motivated group of young practitioners who are anxious to develop and enhance the standing of their profession within the limits of the resources available to them. The Law Society is an active professional organisation which is supplemented by a vigorous Association of Women Lawyers set up under the umbrella of F.I.D.A.⁸ Both organisations provide pro-bono programmes of advice and representation through law clinics which were visited in Kampala.

Legal Aid and Access to Justice.

There is provision in law for a scheme of advice and representation to be provided free to those facing serious criminal charges⁹ where “it is desirable in the interests of justice” and “it is possible to procure an advocate”. The maximum payable under the Act is the equivalent of £500 for the case together with any necessary travel expenses. I was unable to clarify how the Court’s discretion was generally exercised or to what extent the remuneration available secured experienced and competent counsel. Aside from this provision, there is no general legal aid scheme and it is widely accepted that there are extremely large areas of unmet need throughout the country. Several organisations, including human rights NGO’s, the Law Society, FIDA, and the Law Development Centre have addressed this problem through the provision of advice clinics, but with severe resource problems.

The Law Society Legal Aid Project¹⁰, funded until 2002 by the Norwegian Bar Association, employs 17 staff, including 8 lawyers, to provide advice and assistance at four clinics in Kampala, Jinja, Kabarole and Gulu. A human rights programme worker

⁸ Federecion Internationale de Abogadas

⁹ The Poor Persons Defence Act 1998.

¹⁰ Registered as a Trust under the Trustees Incorporation Act of Uganda

has recently been added to the team with funding from Danida, and one additional advocate provided through a grant from the Uganda Land Alliance. The Clinics act in both criminal and civil matters although the staff are plainly over-stretched by demand¹¹. This office has to make use of the library resources at the High Court and the Law Development Centre but otherwise has no library of its own save for the most meagre collection of old texts. Lawyers of the Uganda Law Society who give their time on a pro bono basis are accordingly given little support in their efforts to provide a free legal service and are hampered by the lack of library facilities.

FIDA also provides a busy and active advice centre¹² through precarious funding which has been provided from time to time by Danida, USAid and others. The Centre's focus is on family and domestic matters, together with gender issues. Over 50% of the workload concerns maintenance and child care issues, together with inheritance and family land disputes. A considerable focus is placed on informal dispute resolution including the extensive use of conciliation sessions. A special Child Desk is available to address the needs of children, including those who are being abused or otherwise the victims of family disputes. The Centre, like the Legal Aid Project, is a vibrant place with evident activity and plainly well organised and managed. Once again, the staff have no library or research facilities of their own and must rely on accessing the resources of the Law Development Centre and other institutions.

Advice and Human Rights NGO's

¹¹ Since the Project's inception in 1992 more than 5,000 cases have been conducted at the Project and 10,000 people have benefitted from legal awareness programmes.

¹² In a 12 month period ending in December 1988 13,440 new cases were opened in the Kampala office alone.

Visits were made to the Human Rights Commission, the Human Rights Network [HURINET], and the Foundation for Human Rights Initiative, each of which provided considerable assistance and information, together with written materials and reports. HURINET is an umbrella organisation providing research facilities and information resources to a number of local organisations including FHRI and FIDA, together with publishing and campaigning on human rights issues. FHRI, which has been in existence for approximately 8 years, has a varied programme of activities including penal reform and monitoring prison conditions. Dialogue with government, and the prison authorities, appeared to have a high priority and seemed to be making real progress in dealing with some of the worst abuses and defects of a severely under-resourced and over-crowded facility. It was particularly impressive that agreement had been reached to undertake human rights training for prison managers and staff and that this had achieved positive results. Moreover, a new scheme was in operation to track the progress of prisoners through the courts and prison system, known as the "Chain Linked" Project. At present, there is simply no adequate information system to identify individual prisoners on remand in prison, how long they have been kept there and on what charges. Individuals frequently "slip through the net" and languish in prison for very long periods without intervention simply because their cases are lost in an inadequate administrative system. A pilot scheme has been developed to co-ordinate the various agencies within the criminal justice system to prevent these occurrences and FHRI has been active in progressing this initiative.

Publications were of a high standard from both organisations and there was an obvious atmosphere of commitment and determination to achieve change in both organisations. Predictably, both reported considerable fears about their continued funding and it was quite plain that each was operating under considerable pressure of work and with little in the way of resources. Whilst the information library at HURINET was well maintained and widely used as a resource by lawyers and advice groups, the facilities

were poor and there is considerable need for additional hardware and materials. FHRI reported that it had no library of its own but relied upon HURINET and access to collections at other institutions. This was not seen as a major problem since it was moving away from advice work in the small Citizens' Advice Bureau it had maintained and was to concentrate on more campaigning work.

Law reporting and Library Facilities.

Both the Law Faculty and the Legal Development Centre have libraries which are well organised and used as a resource by the whole profession. The acquisition of books is a constant difficulty, however. Neither library has the facility for computer based research or access to digital materials although staff at the Faculty of Law have started a pilot course to provide computer and access skills to students. The Legal Development Centre has a statutory responsibility for the compilation and publication of the law reports of Uganda¹³ but, until very recently, several attempts to revive law reporting in the country have failed to produce results due to a lack of resources. Funding was made available under a Capacity Building component of the World Bank programme to produce annotated law reports in hard copy format. The resultant reports will cover all precedents of the Ugandan Courts from 1958 to 1995 and the project is being conducted under an editorial board chaired by Justice Odoki, Chair of the Judicial Services Commission. However, this has not been an easy process and progress which was initially slow now appears to have stalled. Almost thirty years worth of Law Reports are currently being edited and prepared by a team of consultants although, to date, this work has not been completed and no reports have yet been printed. Further funding from the World bank is being sought for the second

¹³ Law Development Centre Act 1970

phase of the project, including printing and distribution. Meanwhile, the Law Development Centre continues to produce a High Court Bulletin containing a digest of recent decisions, although publication is reported to be irregular and further funds are needed to improve this.

Reference has earlier been made to the possibility of harnessing digital technology to facilitate the process although again little progress seems to have been made. An impressive study was produced at the University of Makerere Faculty of Law which dealt with this proposition, together with costing an ambitious scheme to computerise the library, to introduce digital and Internet research facilities, and to introduce computer literacy training for the 1000 law students who currently make up the Faculty of Law.¹⁴ It appears that resources have not been made available to date for this scheme although there is considerable interest in driving it forward. Both the University Law Faculty and the Law development Centre were enthusiastic in welcoming the proposed programme and saw it as an important step in developing the more ambitious and much needed library development scheme proposed in 1998 and for which USAID is being sought.

British Council Assistance.

The British Council provided enormous assistance and encouragement in the development of the proposed scheme and indicated that they saw no difficulty in providing technical, logistical and administrative support for the Exhibition and training programme. It would be appropriate, however, to budget for a contribution for the expense of these services. In other schemes this has been calculated at a percentage of the programme cost and would cover such incidentals as vehicle use,

¹⁴ Reengineering Plan - prepared by Michael Milira, 31, 12 1998

printing and administrative services and support staff costs. Unfortunately, the present British Council premises do not offer suitable exhibition space although both the Faculty of Law and the Law Development Centre have offered this facility which could no doubt be provided at cost rather than the alternative of a commercial venue.

Summary of Recommendations.

Botswana

1. The provision of desktop computer workstations at the following locations, equipped with CD-ROM drives and with operating and word-processing packages installed, at the following locations: -

High Court Library - Lobatse

High Court Library - Francistown

Attorney General's Chambers - Gaborone

Law Society - Gaborone

Department of Law - University of Botswana

Botswana Centre for Human Rights

2. The provision of a library of legal texts in digital format at each location.

3. An Exhibition and demonstration of the texts in Gaborone and Francistown with a presentation of the donated materials to the relevant organisations.

4. Provision of access training for nominated delegates from each organisation who possess basic computer literacy skills.

5. Separate on-site demonstrations for the judiciary as appropriate.

Uganda

1. The provision of desktop computer workstations at the following locations, equipped with Cd-rom drives and with operating and word-processing packages installed, at the following locations:-

High Court Library - Commercial Division. Kampala

Law Society - Legal Aid Project

Human Rights Network - HURINET

Uganda Association of Women Lawyers - FIDA

Law Development Centre

Faculty of Law, Makerere University

It is recommended that consideration be given to multiple user networked stations at the last two sites due to the substantial demand these will need to satisfy.

2. The provision of a library of legal texts in digital format at each location together with additional sets of relevant texts to be provided to the Department of Public Prosecutions, the Solicitor General and the Human Rights Commission.

3. An Exhibition and demonstration of the texts in Kampala and one regional court centre to be identified, together with a presentation of the donated materials to the relevant organisations.

4. Provision of access training for nominated delegates from each organisation who possess basic computer literacy skills.

5. Separate on-site demonstrations for the judiciary as appropriate.

Malawi.

1. The provision of desktop computer workstations, equipped with Cd-rom drives and with operating and word-processing packages installed, at the following locations:-

The Faculty of Law - Zomba

Legal Resource Centre - Blantyre

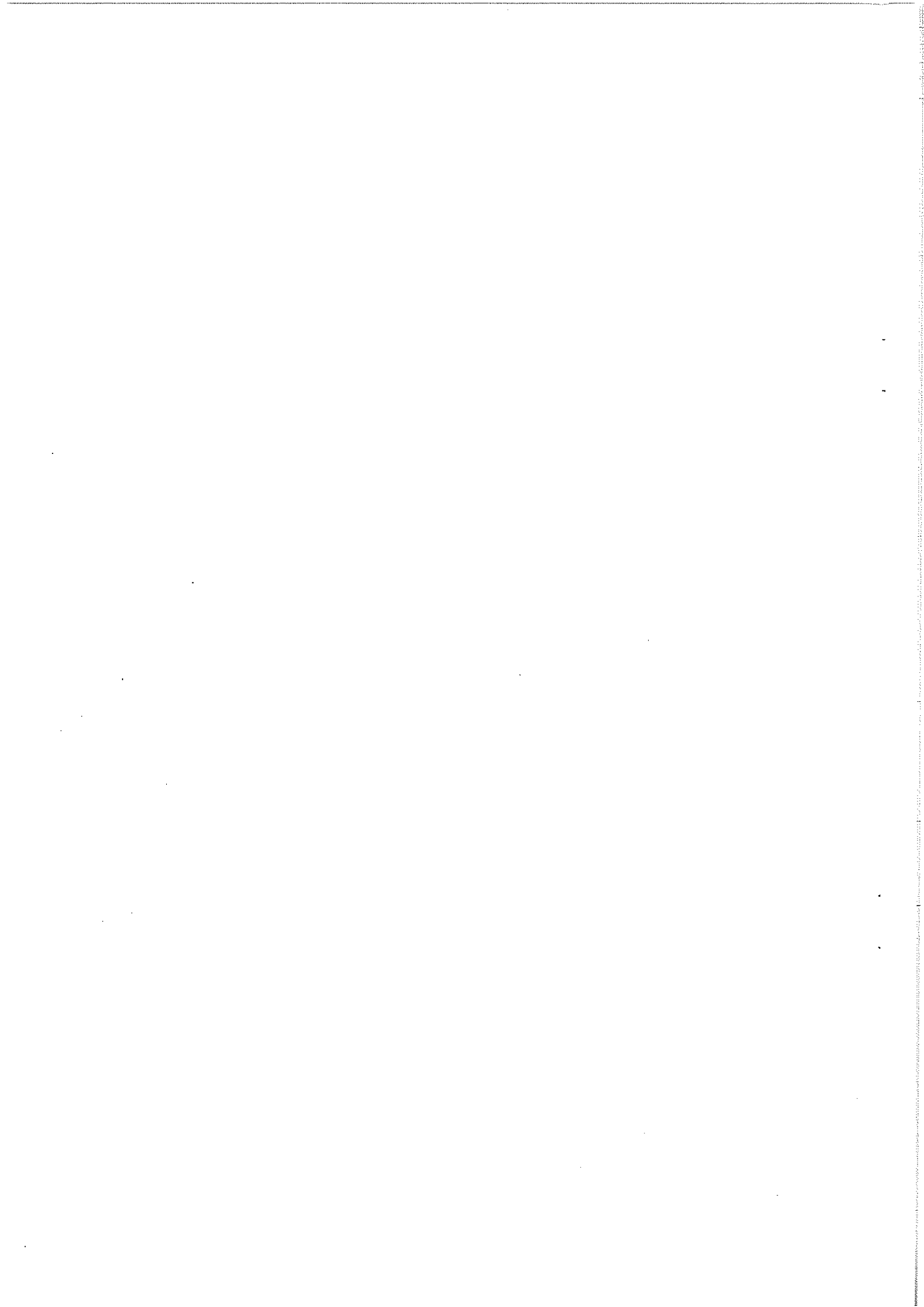
Danish Centre for Human Rights - Lilongwe

Legal Aid Department - Lilongwe and Blantyre

Centre for Human Rights and Resources - Lilongwe

Malawi CARER

2. The provision of a library of legal texts in digital format at each location
3. An Exhibition and demonstration of the texts in Lilongwe and Blantyre, together with a presentation of the donated materials to the relevant organisations.
4. Provision of access training for nominated delegates from each organisation who possess basic computer literacy skills.
5. Separate on-site demonstrations for the judiciary as appropriate.



APPENDIX 1

Library Resources for Lawyers in Tanzania

A Report to the British Council

Background

1. In the summer of 1998, the Bar Overseas Advocacy Committee presented an advocacy training course for lawyers in Tanzania which was well attended and very successful. A report was subsequently prepared for the British Council by Simon Carr on behalf of the four members of the Bar who presented the course. My own impressions were later expressed in an article written for Counsel Magazine in the following December, a copy of which is appended. In particular I was struck by the appalling lack of library resources available to lawyers in Tanzania and was determined that this should be addressed. I took the view then, as I do now, that the availability of an effective legal profession and infrastructure is a crucial development issue as well as the condition precedent for civil liberties and human rights. I was impressed by the determination of the profession, particularly the younger generation of lawyers, to grapple with these difficulties and confident that they would receive the support of the UK Bar in those efforts. The provision of second-hand books to our colleagues in developing countries - however well intentioned - is an inadequate response. The availability of new technologies permits immediate access to relevant and up to date source materials at a modest cost, either on shared computer library workstations or via the Internet. A generational leap is both possible and desirable.

2. The project described below arises from that background. It is a pilot scheme which the Bar Human Rights Committee hopes to extend to other jurisdictions in Africa and elsewhere. The tremendous success of this trial in Tanzania is a great encouragement to us in this important work.

The Course.

3. Between 27th September and 1st October 1999, I visited Dar es Salaam to present an Exhibition and Training Course for lawyers and members of the Judiciary on the use of IT resources for legal research. The Department for International Development provided financial support for the scheme by way of payment of travel expenses, shipping and accommodation costs and the programme was primarily run at the premises of the British Council in Dar. BC staff had, over previous months, offered considerable assistance in encouraging and supporting the idea and providing local liaison with the Tanganyika Law Society and the Courts and Law Officers. They also provided invaluable logistical and technical support during my visit and will continue to monitor the use of resources provided as a result of the project. I am particularly grateful to Sharon Crowther and Eke Mwaipopo for the enormous help they provided and continue to provide to this scheme.

4. The course also received very considerable support from organisations and individuals in the United Kingdom, including the Bar Human Rights Committee of England and Wales. Doughty Street Chambers provided three desktop computers for use in the Exhibition and a fourth was donated to the TLS by Stephen Hockman QC. Steffan Roberts, IT Manager at Doughty Street, provided enormous technical and practical assistance in relation to the equipment and software used. Crucially, three

major British legal publishers - Blackstone Press, Butterworths and Sweet & Maxwell - provided many thousands of pounds worth of core texts both in hard copy and on CD-rom. I would like to express my sincere thanks to each and to pass on the immense gratitude of the legal profession in Tanzania.

5. The course opened with an Exhibition and presentation on 27th September, attended by over one hundred legal professionals. On display were a very large quantity of books donated to the British Council Library by the publishers, together with the four machines loaded with software and texts. During the course of the day, delegates were addressed as to the use of such technology in modern legal practice - in particular upon the use of legal information available on the Internet - and had an opportunity to try out the donated software. At the conclusion of the session, the donated disks were formally presented to a representative of the Chief Justice, with duplicate copies being provided to the Law Society, Faculty of Law, Tanzanian Women Lawyers' Association, Law Reform Commission and Attorney General's Chambers. A further copy was made available for use in the library of the British Council.

6. Over the next two days, twelve representatives from the donee organisations attended for training in the use of the machines and software in order to permit them to "cascade" the knowledge throughout their own institutions. At the conclusion, one machine was formally transferred to the TLS to be a dedicated library resource for the Association's members.

7. On the fourth day, discussions were held with the Registrar of the Court of Appeal of Tanzania in relation to Judicial training, and with the Director of Public Prosecutions about future training of prosecutors.

8. On Friday 1st October, the Chief Justice assembled Judges of the Court of Appeal, the High Court and the Magistracy in Court No. 1 for a further exhibition, presentation and demonstration. Over twenty members of the Judiciary attended and the event received coverage in the national press and television.

Future Developments in Tanzania.

9. The presentations and training were received with tremendous enthusiasm by lawyers and Judges alike. It was especially encouraging that many, including the older generation of lawyers, were stimulated into considering acquiring or developing their computer literacy skills. There is plainly a need for widespread computer literacy amongst lawyers if the best use is to be made of the resources donated. The original bid proposed an element of basic training to be provided locally, although this fell outside the small budget which was available. It may be that courses are available locally at a small commercial cost. It is important that every encouragement is given to the acquiring of these skills as part of the training of every lawyer, and that the Tanganyika Law Society takes a leading role in this.

10. There are still considerable problems in relation to the publication of new legislation and case precedents locally. I understand that the historical Tanzanian Law Reports may be available on disk but this does not include reports from recent years. Moreover, it is clear from talking to individual lawyers that access to up to date legislative material is difficult.

11. In addition, whilst the donated materials will be a considerable resource to those practising in Dar es Salaam, lawyers in Arusha and other provincial centres will continue to suffer from a lack of resources as before. The High Court, for

example, sits in eleven regional zones. If the lack of adequate resources is a serious problem in Dar, it is likely to be acute elsewhere.

12. Moreover, Judges and lawyers in Tanzania need to be able to access the wealth of jurisprudence, particularly human rights law, which is available from other jurisdictions and international tribunals and agencies throughout the world.

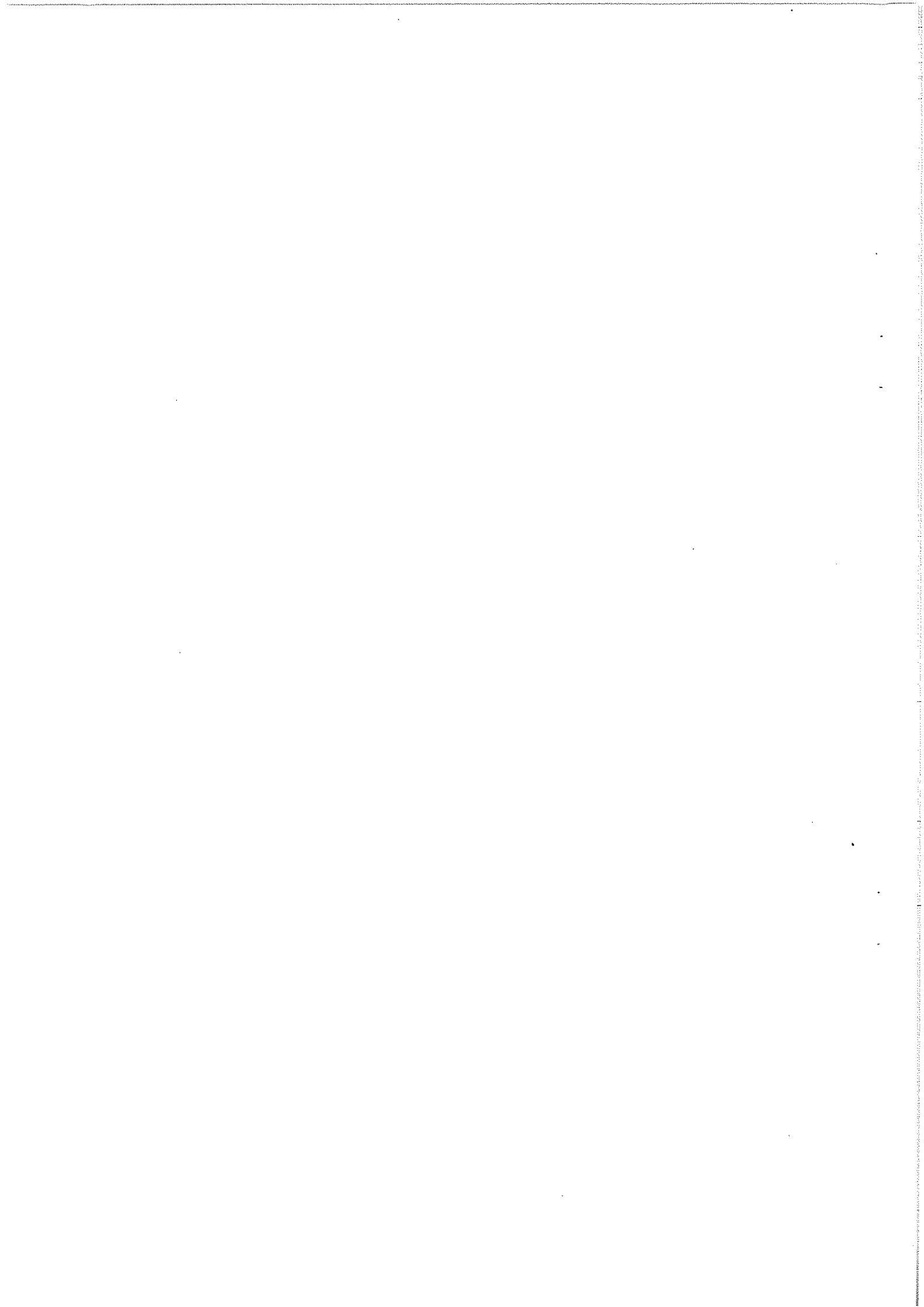
13. What is required is the regular publication and widespread distribution of legal materials to lawyers throughout the country, together with a portal for entry into the international community of lawyers and legal information. The natural and obvious next step is the establishment of a website for lawyers in Tanzania which will provide the means to achieve these aims. This is an idea which has been greeted enthusiastically by the Chief Justice and by the Law Society. I very much hope that the British Council will support this proposed development and will again feel free to draw upon the experience and expertise of the Bar in the UK, and upon the British legal publishers, in this regard.

Extending the Library Resources Scheme.

14. It is very important that this pilot scheme is now followed up in other jurisdictions, particularly in East and Southern Africa. The BHRC has approached the Foreign and Commonwealth Office in London direct to discuss the funding of such schemes, and will be meeting with the sponsoring publishers again in the autumn. It may be that the value and success of the programme in Tanzania will elicit enthusiasm, for example, in Uganda, Malawi and Botswana.

**Andrew Hall
Doughty Street Chambers.**

11th October 1999



APPENDIX 2

Briefing Document

Background.

1. In March/April 2000 a small delegation of UK lawyers representing the Bar Human Rights Committee of England and Wales will visit the three jurisdictions with the assistance of the British Council. Arrangements have been made for meetings with the professional bodies representing lawyers, the judiciary, Ministry of Justice representatives, academics, NGOs and other stakeholders involved in the legal system. The purpose is to prepare a feasibility report for funding to the Foreign and Commonwealth Office who are anxious to facilitate the provision of enhanced library resources for lawyers, particularly computer based texts and research facilities. This proposed project follows a successful scheme in Tanzania in 1999 which received substantial support from the main British publishers of legal text and materials. The report prepared for the British Council in respect of that scheme provides additional background information and is available from relevant local offices.

2. It is of great importance that the project is geared to the particular needs of each country and is designed with local stakeholders to meet their particular requirements and local conditions. The programme will need to be carefully costed to satisfy the funders and will require logistical and administrative support from the relevant British Council offices.

3. With those needs in mind, it was thought helpful to provide interested parties with a summary of the information which will be sought in order to prepare our report and funding application.

Logistics and British Council Involvement.

4. BC staff have already provided valuable support in relation to the practicalities of the feasibility visit. We seek further assistance in relation to the following matters:-

[a] The programme envisages an Exhibition of books, computers and software, coupled with a presentation of equipment to nominated organisations. This would occupy one day and require an exhibition space and seating for perhaps 100 delegates, together with appropriate catering facilities for their reception. Exhibition shelving and display boards, amplification equipment and perhaps an OHP would be required. Some technical assistance would be needed to set up the computer equipment for demonstrations.

[b] It is envisaged that the hardware, books and software would be shipped in advance of the Exhibition and received and stored by the British Council. Any shipping and import duty costs would be met from project funds but will need to be calculated and included in the budget. Where computer equipment is available locally at competitive rates, local purchasing through the BC may be preferable and involve reduced costs.

[c] The hard copy texts have previously been donated to the BC library following the exhibition so as to ensure the widest possible access by lawyers and others. This may not be appropriate in all cases and comments are invited.

[d] The arrangement over electronic texts with the publishers has previously been an informal one. It may be preferable for the BC to be the licence holder for the software in each case. It will certainly be necessary for some technical support to be given to donee organisations so that the materials are properly installed on the relevant equipment. It may be better for the BC to provide one point of contact with the publishers in this regard. One set of the CD -roms has previously been donated to the BC library.

[e] The nomination of organisations to receive equipment and texts is an important exercise to ensure the widest possible access to lawyers. The role of the BC in this exercise, together with the lawyers themselves, is an important one and the organisers would look to local officers for guidance.

[f] A further element of the project is meeting training needs for those organisations and individuals who will be able to cascade knowledge through their respective organisations. The approach previously adopted, once donee organisations have been identified, is to provide demonstrations of the equipment and software to small groups of representatives who already have basic computer skills. They in turn can provide guidance to their colleagues in accessing materials. We do not anticipate being able to provide basic computer skills training as part of the course. However, if basic training of any particular group is a local need, we would prefer this to be obtained from local providers prior to the start of the project. Where funding is required for this we can make the necessary additions to our budget.

[g] The further demonstrations to nominated delegates would require (for ease) the exhibition space - though not the seating - to be available for a further two days, say. Again, if this cannot be accommodated by the British Council, we would be looking for suitable rooms either provided by the institutions or groups themselves, or at the best commercial rate available. This again will need to be costed.

[h] We envisage dealing with the judiciary, where appropriate, by providing an on-site Exhibition and demonstrations on, say, day 4 or 5 of the programme. It may be that, where there are significant regional centres to be accommodated, the Exhibition to both lawyers and judges will need to transfer from one location to another. The need for this will need to be assessed during the April visit and necessary arrangements, including both time and costs, included in the assessment and budget.

[i] In Tanzania, the event produced considerable local interest and publicity. We would be grateful for the assistance of the BC in this regard, together with the practical arrangements for advertising the event and circulating invitations to the relevant groups and organisations.

[j] The consultants will be British lawyers who have volunteered their time without payment to run the courses. They will need some administrative support and assistance also in relation to their accommodation and transport arrangements.

Identification of Strategic Locations.

5. We hope to identify, say, six locations at which computers may be provided to supplement those already available to individuals and organisations. These

will be loaded with the appropriate software and provide access to a bank of legal texts on CD-rom which are to be donated by the publishers. The key is to enable the widest possible access to lawyers and others working in the field of law and human rights. Nomination of those locations is an important exercise and local guidance is sought.

6. Where networked systems are available, multiple users can have access to the same texts through a server. In addition, some of the texts can be freely loaded onto more than one machine. These are matters which can be borne in mind when discussing locating the donated equipment and deciding upon specifications.

7. The organisers would wish to ensure that the texts are available to a wide field of users including:-

- the judiciary
- prosecuting authorities
- defence lawyers
- academic institutions
- human rights organisations

Existing Facilities.

8. We are anxious to make the best possible use of existing hardware. The specifications for use of these texts are broadly:-

- 486 machine or Pentium

availability of CD-rom drive or DVD

- 16Mb of RAM
- Modem card or external modem (ideally) for Internet access

It would be helpful to identify what organisations and individuals have machines and where the need is greatest for supplementary hardware.

9. Technical difficulties -for example, in relation to power surging- need to be identified and appropriate additional equipment included in the budget.

10. The need for basic computer literacy training ought to be quantified in the various sectors and, where appropriate, essential training for delegates included in the funding application.

Regional Issues.

11. We are anxious to ensure, so far as possible, a geographical spread of access to the texts. An important component of the programme will be the identification of need in regional centres which will have to be identified and incorporated in the itinerary and programme.

12. The long term aim being pursued in Tanzania is the establishment of a web site for lawyers throughout the jurisdiction. By this means access could be obtained to a central bank of disks held on a server. Part of the course to be provided to delegates will relate to use of the Internet as a research tool and to facilitate

networking and communication. We are anxious to establish the existing familiarity with this technology amongst lawyers, the resources available locally, and the feasibility of extending the programme in a similar direction during a second phase of funding.

Organisational Support.

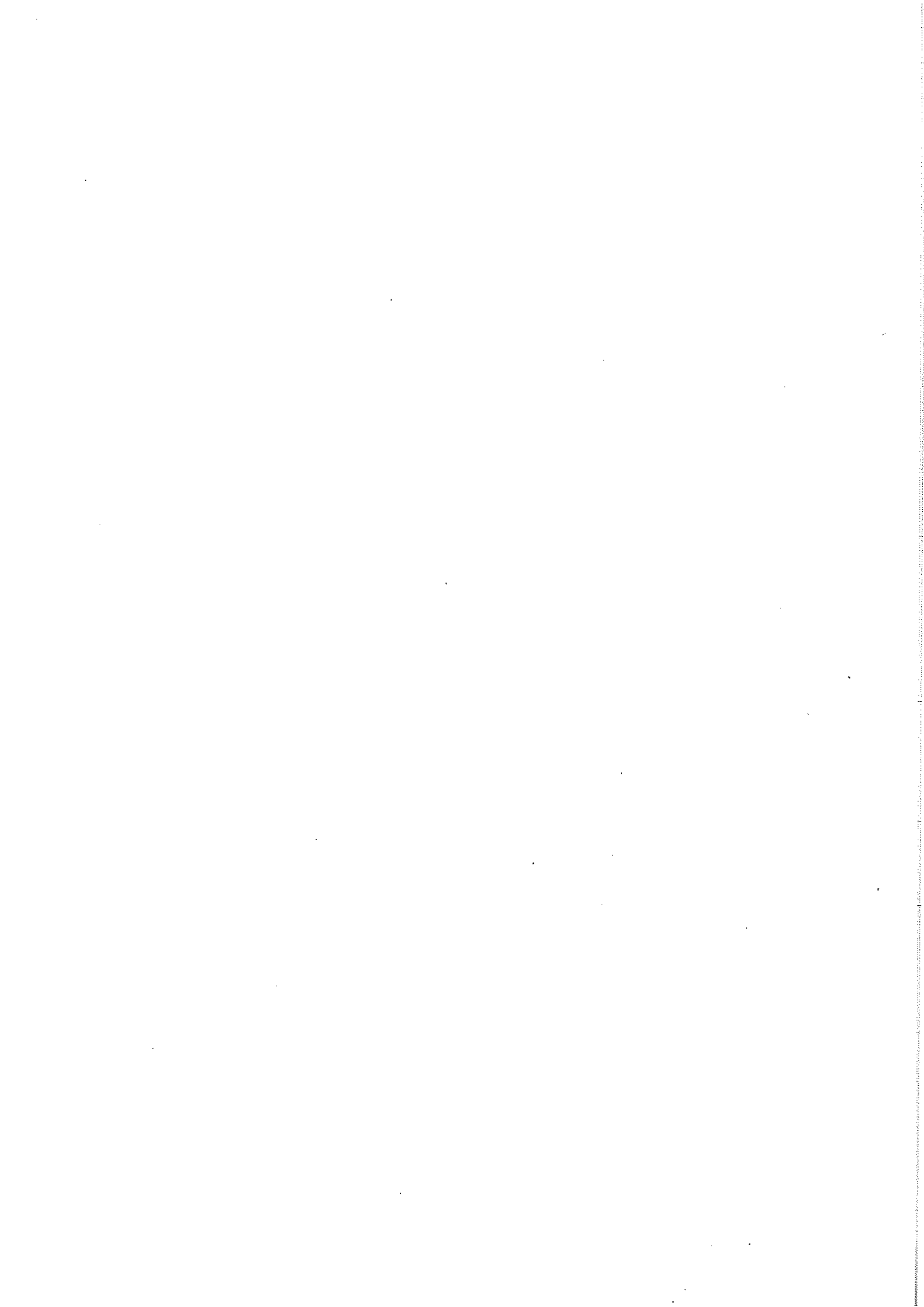
13. It would be helpful if organisations could nominate a contact for planning purposes - ideally, someone with an e-mail address for ease of contact and circulation of future correspondence.

14. Where organisations are able to assist with accommodation for the Exhibition and training sessions, this would considerably help with keeping the costs of the scheme down and allowing a larger bid for equipment and training. The British Council will be asked to liaise in relation to this.

Andrew Hall

Doughty Street Chambers. London

8th March 2000



APPENDIX 3

List of Contributors

Malawi

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Justice Tabarro	High Court
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Edith Kibalama	Programme Officer. FIDA
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