

Juvenile Courts and Reformatories

Law no. 13 of 8 March 1970

1. Definitions. - *In this Law, unless the context otherwise requires;*

“child” means a person under the age of fourteen years;

“guardian” in relation to a child or young person includes any person who has for the time being or should have the charge or control over the child or young person;

“Juvenile Court” means a Reformatory established under Article 2;

“Young person” means a person who has attained the age of fourteen years and is under the age of eighteen years;

“Secretary” means the Secretary of State for Justice Religion and Labour.

2. Reformatories.

1. *The Secretary may, by decree, establish one or more Reformatories or may declare any place or institution to be a Reformatory for the purposes of this Law.*

2. *Until other provisions are made, an officer of the Custodial Corps nominated by the Commandant of the Custodial Corps shall be the Director of a Reformatory established under this Article.*

3. *The procedure for the admission, care, training, transfer and release of children or young persons in a Reformatory shall be prescribed by regulations made hereunder.*

3. Juvenile Courts, their jurisdiction and procedure.

1. *The President of a Regional Court shall sit as a Juvenile Court in his Region.*

2. *Notwithstanding the provisions of any other law to the contrary, a Juvenile Court shall have exclusive jurisdiction to hear and determine cases relating to children and young persons of any offence except murder.*

3. *The procedure for the hearing and determination of cases by a Juvenile Court shall be as follows: -*

a) *where a child or young person is charged with any offence, the Court may in its discretion require the attendance, of his parent or guardian and may like such orders as are necessary for the purpose:*

b) *the Court shall explain to the child or young person in simple language the substance of the alleged offence;*

c) after explaining the substance of the alleged offence, the Court shall ask the child or young person what he has to say in explanation thereof and whether he has any cause to show why he should not be convicted;

d) if the statement made by the child or young person amounts to a plea of guilty, the Court may convict him;

e) if the child or young person does not admit the offence Or if the Court does not accept the accused's statement as a plea of guilty, the Court shall then hear the evidence of the witnesses for the prosecution;

f) at the close of the evidence of each witness, the Court shall put to the witness such questions as appear to be necessary or desirable either for the purpose of establishing the truth or otherwise of the facts alleged or to test the credibility of the witness;

g) if after the prosecution witnesses have given their evidence the Court is satisfied that the facts properly before it establish a prima facie case against the accused which, if unanswered, would leave no reasonable doubt as to his guilt, the Court shall hear the witnesses for the defence and any further statement which the accused may wish to make in his defence;

h) if the child or young person admits the offence and the Court accepts his plea or if after hearing the witnesses the Court is satisfied that the offence is proved the Court shall convict him and shall then obtain such information as to his character, antecedents, home life, occupation and health as may enable it to deal with the case in the best interests of the child or young person, and may put to him any question arising out of such information, For the purpose of obtaining such information or for special medical examination or observation the Court may from time to time remand the child or young person or may release him on bail.

4. Bail of children and young persons. - Where a child or young person is apprehended with or without a warrant and cannot be brought forthwith before a Juvenile Court, the officer in charge of the police station to which such child or young person is brought shall:-

a) Unless the charge is one of murder or relates to any offence punishable with imprisonment for a term exceeding seven years; or

b) unless the officer has reason to believe that the release of such child or young person would defeat the ends of justice, release him on a recognizance being entered into by him or by his parent or guardian or other responsible person, with or without sureties, for such amount, as well, in the opinion of the officer secure the attendance of such child or young person upon the hearing of the charge, •

5. Imprisonment. –

1. No child shall be sentenced to imprisonment.

2. No young person shall be sentenced to imprisonment unless a Juvenile Court considers that none of the other methods in which the case may be legally dealt with by the provisions of this or any other law is suitable.

3. A young person sentenced to imprisonment shall, so far as circumstance permit, not be allowed to associate with adult prisoners.

6. Powers of Juvenile Courts –

1. Where a child or young person is convicted of an offence other than murder or is brought before a Juvenile Court by a police officer and is found to be destitute and exposed to moral danger. the Court may:-

a) Discharge him unconditionally; or

b) Discharge him conditionally on his entering into a recognizance, with or without sureties, to be of good behaviour and to appear for sentence when called upon at any time during such period, not exceeding three years, as may be specified in the order;

c) Commit him to a Reformatory until he attains the age of eighteen years or for any shorter period.

7. Appeal. - Any person aggrieved by the decision of a Juvenile Court may within seven days appeal to the competent Court of Appeal whose decision shall be final (214 C.P.)

8. Regulations. - The Secretary may, by decree, make regulations for the proper implementation of this Law.

9. Repeal. –

1. The following laws and provisions are hereby repealed;-

a) Children and Young Persons Ordinance (Cap. 7, Volume I of Laws of Somaliland 1950) as subsequently amended;

b) Article 177 of the Penal Code.

2. Any other law or provision contrary to, or inconsistent with, this Law is also hereby repealed.

10. Coming into force. - This Law shall come into force forthwith and shall be published in the Official Bulletin.