

Striking out idle court cases offers new hope

The directive by Chief Justice Flavio Zeyya that courts will dismiss cases not prosecuted within 28 days after the close of pleadings is not only timely, but very necessary if the monster of case backlog is to be tackled head-on. For decades, Uganda's civil justice system has been weighed down by delays, with cases dragging on for years, sometimes decades, to the frustration of litigants and the erosion of public trust.

The latest figures in the Case File Census Report indicated that there are more than 167,000 pending cases, with nearly 28 percent classified as backlog, painting a stark picture of a system in urgent need of reform.

The enforcement of the Civil Procedure (Amendment) Rules, 2019, marks a decisive shift from a passive, litigant-driven process to a more proactive, court-managed system.

Placing the burden squarely on plaintiffs to move their cases within a strict 28-day timeline, the Judiciary is sending a clear message that justice will no longer be held hostage by indolence or tactical delay.

The issue:

Idle cases.

Our view:

If implemented with discipline and integrity, the 28-day rule could mark the beginning of the end of judicial delay in Uganda.

This is a welcome departure from the past, where cases could sit idle on court shelves for two years, waiting for one party to act or be dismissed due to want of prosecution.

Such delays have not only clogged the system but also denied justice to countless Ugandans, contrary to the spirit of speedy trials/ justice as mandated by the Constitution.

However, while the new rules are commendable, their success will depend heavily on implementation. Judicial officers must apply them consistently and without fear or favour.

The temptation to grant unnecessary adjournments or entertain flimsy excuses must be firmly resisted.

Equally important is the enhanced role of registrars, now described as "pre-trial commanders".

If effectively empowered, they could become the engine that drives efficiency in the system, streamlining cases, narrowing issues, and ensuring that only trial-ready matters reach judges. This structural shift has the potential to significantly reduce congestion in courtrooms.

That said, safeguards must remain in place to ensure that justice is not sacrificed at the altar of speed. The provision allowing reinstatement of cases dismissed due to genuine reasons, such as illness, is therefore critical.

Courts must strike a careful balance between efficiency and fairness.

There is also a broader lesson for litigants and legal practitioners. The era of complacency is over. Lawyers must advise their clients accordingly and be prepared to act promptly, including embracing mediation.

The culture of delay, which has long plagued the legal profession, must give way to one of diligence and accountability.

If implemented with discipline and integrity, the 28-day rule could mark the beginning of the end of judicial delay in Uganda. That would indeed be a victory not just for the courts, but for every citizen who seeks justice.

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