Judiciary recommends more powers for registrars

By Farooq Kasule

A committee set up by Chief Justice Bart Katureebe to suggest reforms in the civil justice system has recommended more powers for court registrars.

With more authority, the registrars would determine all preliminary matters and also close abandoned cases.

According to Principal Judge Yorokamu Bamwine, who chairs the committee, the move will free judges of the responsibility and concentrate on substance.

The committee was established recently to review the existing civil procedure rules to tackle the areas considered a problem in the current civil rules.

The team has also recommended automating some manual processes to speed up judicial work.

The other members on the committee are justices Frederick Egonda Ntende, Geoffrey Kiryabwire, David Wangutusi, Steven Musota, Flavia Senoga Anglin, Christopher Izama Madrama, Andrew Byabasaija and Patricia Basazza Wasswa.

Paul Gadenya, the chief registrar of courts of judicature, Uganda Law Society president Francis Gimara, court registrar Sarah Langa, technical advisor Andrew Khauka and city lawyer Musa Ssekaana are also part of the committee.



Bamwine (right) handing Katureebe a report on judicial reforms during a meeting at Kampala High Court. Photo by Abbey Ramadhan

The team has also suggested the use of a fully electronic case storage system. Here, all judicial officers and advocates would use electronic files to eliminate the possibility of losing files.

"Introduce an e-filing system of cases to save time for lawyers, who would no longer have to take documents to courts. Therefore, we expect a law firm of this era to at least have a laptop for this matter," Bamwine said.

Receiving a report from the committee at the High Court in Kampala yesterday, Katureebe lauded the team for the work well done.

He, however, cautioned judicial officers against abandoning their primary responsibility of dispensing justice to the public.

"If the rules become a problem, we cannot deliver justice because they help us in executing our duty. We should not abandon our primary duty or use the rules to hinder justice. We are the ones guiding courts," he cautioned.

The Chief Justice said he would submit the report to the judiciary rules committee and Parliament for further scrutiny and consideration.

"We decided to review the civil procedure rules because of a huge case backlog, which has hindered smooth delivery of justice," he said.

According to a Case Backlog Reduction Committee (CBRC) report released in March, more than 155,400 cases are pending at all levels of courts as of January 31, 2017. Of these, 7,837 have been in the court system for at least two years.

Meanwhile, the committee called for the introduction of a tracking system to facilitate the closure of old cases.

According to Bamwine, this would involve separation of cases or issues that could be resolved on the basis of affidavits and those that require full trials.

He said they want a robust case management with compulsory pre-trial hearings, aimed at identifying and narrowing issues, on top of encouraging settlements through alternate dispute resolution systems.

The committee also wants lawyers holding brief to be ready to proceed with the hearing of the cases even in the absence of the lead lawyer. This would help avoid unnecessary delays.

Lawyers often send their colleagues to 'hold brief' for them in court when they are unable to attend. Normally, the case at hand is always postponed until another date.

Under the proposed changes, a lawyer holding a brief for another will have to be ready to proceed with the case.

However, the committee noted that not all sluggishness in the judicial system requires amendment of the legislation.

"Some delays are occasioned by the chronic absenteeism of judicial officers, which should be cured through strict supervision and focused training of judicial and clerical officers," Bamwine noted.

He said they are looking to reform the criminal procedures to satisfy the public.

Scanned with CamScanner