



**THE ROLE OF ECCMIS IN A MODERN,
PROFESSIONAL AND EFFECTIVE
JUDICIARY**

**PAPER PRESENTED AT THE ANNUAL JUDGES
CONFERENCE; 27TH – 30TH JANUARY, 2020 AT
MESTIL HOTEL, KAMPALA**

**PRESENTED BY:
DAVID SUNDAY KIKABI
PRINCIPAL I.T OFFICER**

WEDNESDAY 29TH JANUARY, 2020

1. Introduction

Today, it is important to acknowledge that the advent of Information and Communications Technology (ICT) is fundamentally changing the way people work, learn and interact. ICT is being adopted in all aspects of society to facilitate online service delivery. Both Government and the Private Sector have to move in that direction and adopt the emerging new technologies if they are to cope with the current global world.

¹Reducing delay, improving economy, efficiency and effectiveness and the more general objective of promoting confidence in the justice system through the use of new technologies 'are laudable aims and are unlikely to generate much dissension.

²However, given the nature and importance of the judiciary as a pillar of the State authority, and compared to other public services, due process, impartiality and independence should also be carefully taken into account. This is especially so when structural and procedural changes, such as the ones driven by the introduction of the new technologies, take place. The use of ICT is considered one of the key elements to significantly improve the administration of justice.²The rapid development of technology opens up new opportunities that were unthinkable only a few years ago. Around the world, several statutory reforms have been introduced to allow the use and the exchange of electronic data and documents within national judicial systems.

The availability of web services, the possibility of consulting on-line legislation and case law, the use of electronic filing, the electronic exchange of legal documents, are only some examples that are spurring the judicial administrations

¹ Junior Researcher at the Research Institute on Judicial Systems (IRSIG), Italian National Research Council (Italy); PhD candidate at Utrecht University, School of Law (the Netherlands), (Marco.Velicogna@irsig.cnr.it).

² B. Loveday, 'Address to EGPA Conference, Cape Sounion, Greece', in M. Fabri et al. (eds.), *The Challenge of Change for Judicial Systems*, 2000 p. 23

around the world to rethink their current functions and activities. ICT can be used to enhance efficiency, access, timeliness, transparency and accountability, helping the judiciaries to provide adequate services. New possibilities are emerging for the integration and automation of court procedures and practices. In addition, the use of the internet, can offer the chance to open the judiciary to the public, providing both general and specific information on its activities, thereby also increasing legitimacy.

2. The Judiciary

In many jurisdictions, the **Judiciary** is defined as the branch of government which administers justice according to law. The term is used to refer broadly to the courts, the judges, magistrates, adjudicators and other support personnel who run the system. The courts apply the law, and settle disputes and punish law-breakers according to the law.

Guided by the 1995 Constitution, Uganda has provided for an independent, accountable and effective Judiciary and set minimum standards for the courts to observe in the administration of justice. **Article 126 (1) of the Constitution provides that:**

Judicial power is derived from the people and shall be exercised by the court established under this Constitution in the name of the people and in conformity with the law and with the values, norms, and aspirations of the people.

The import of this article is that the ultimate judicial authority, like all the state power, lies in the people and that the Judiciary is accountable to the people.

Article 126 (2) of the Constitution provides the foundational principles that courts must observe in administering justice:

In adjudicating cases of both civil and criminal nature, the courts shall, subject to the law, apply the following principles:-

- 1. Justice shall be done to all irrespective of their social or economic status;**
- 2. Justice shall not be delayed;**
- 3. Adequate compensation shall be awarded to victims of wrongs;**
- 4. Reconciliation between parties shall be promoted; and**
- 5. Substantive justice shall be administered without undue regard to technicalities.**

According to Hon. Justice Bart M. Katureebe, The Chief Justice of Uganda in his keynote address at the CMJA Conference, 2017 in Dar Es Salaam, observance of the above foundational principles of justice ensures that the justice system is not only capable of providing justice as a public good, but does so in a manner that caters for all segments of society, especially the vulnerable and the poor, who are either excluded or feel discriminated against by the mainstream judicial system.

3. Modern Judiciary

³Contends that there are essentials of modern judicial system and these include; a centralized administrative authority, an administrative office, the rule making power, regulation of bar admission and discipline, non-partisan selection and tenure of judges, adequate compensation and retirement and respectable courts of limited jurisdiction. The judicial roles in a modern judiciary include:

³ Laurance M. Hyde, *Essentials of a Modern State Judicial System*, 30 Notre Dame L. Rev. 227 (1955). Available at: <http://scholarship.law.nd.edu/ndlr/vol30/iss2/3>

The judge as **an umpire**, is a neutral arbiter, impartial and independent, swayed by neither personal predispositions nor external pressure. Most appropriate for a court of general jurisdiction. The judge is dispassionate and impersonal, communicating mainly through counsel and viewing litigants as “parties” in cases. Judges in trials in serious cases must listen intently to testimony and ensure procedures are fair and impartial, including deciding what evidence to admit.

As **an adjudicator** the judge achieves finality through expeditious case resolution. Multitasking to the extreme, making rapid decisions, and keeping the cases flowing. Judges do not have much time to spend reflecting and contemplating before making decisions and are impersonal because there is not much time for communication with litigants, even those who are not represented by counsel.

As a **problem solver**, the judge often has a lot of information about the people who appear before them. These people, who are often called clients also have a chance to talk directly to the judges, rather than communicating through lawyers. The judge is interested in the litigant’s welfare. Decisions are made in language understood by the parties, and there is open communication because litigants can tell their stories.

4. Professional Judiciary

Justice depends on the competence and quality of judges and court employees. These professionals handle complex legal issues and court procedures, address difficult legal and ethical issues, and face increased expectations from court users. Providing advanced levels of education and development will enable those who work within the courts system to effectively perform the challenging work of the courts and meet the needs of those whom they serve.

To meet the demands of justice in the twenty-first century, judicial officers and court staff must have the knowledge, skills, and abilities to serve and perform at the highest professional levels. Recognizing this imperative, the long-range plan recommends that the branch “provide timely education and training to judges and court employees to ensure high-level performance.”

As Max Weber correctly pointed out, judges who work in bureaucratic settings benefit from a very particular type of guarantee, such as their independence and their professional status. Each judge is expected to behave in way that is respectful of several different rules and standards. His or her behavior should be lawful, should respect the organizational values that constitute and shape the identity of the judicial system in which he/she works, should respect the professional ethics of the legal professions, should respect a standard of effectiveness and efficiency in the use of the organizational resources, and should respect the rights of the citizens, ultimate holders of the democratic sovereignty. “This complex picture figures out a situation where judges expect costs and negative rewards if their behavior does not respect a set of several different standards.

5. Effective Judiciary

Every citizen of a country has the right to an effective remedy by the competent national tribunals for acts violating the fundamental or non- fundamental legal rights available by the constitution or by general laws. An effective judiciary or right to fair trial is a right of citizens or human beings (**Universal Declaration of Human Rights, Article 8**). There is no alternative for an effective judiciary to ensure and protect citizen rights. The right to an effective judiciary is enshrined in Article 14 of the International Covenant on Civil and Political Rights. Some of the provisions therein are:-

- i. To be informed promptly and in detail in a language they understand of the nature and cause of the charge against them;**

- ii. **To have adequate time and facilities for the preparation of their defense and to communicate with counsel of their own choosing;**
- iii. **To be tried without undue delay;**
- iv. **Everyone convicted of a crime shall have the right to their conviction and sentence being reviewed by a higher tribunal according to law.**
- v. **No one shall be liable to be tried or punished again for an offence for which he or she has already been finally convicted or acquitted in accordance with the law and penal procedure of the State concerned.**

6. The Electronic Court Case Management Information System (ECCMIS)

The Judiciary currently uses the Court Case Administration System (CCAS) – a key application that is used for managing case records and has been in usage for the last twenty Years. Over the years, the CCAS has evolved into different version as a means of its reviews, user needs have increased and technologies have changed. This has therefore necessitated the development of a Robust Court Case Management System that addresses the user needs including e-Filing referred to as the **Electronic Court Case Management Information System (ECCMIS)**. The ECCMIS will be:-

- a. A fully-featured system which automates and tracks all aspects of a case life cycle from initial filing through disposition and appeal as to each individual party for any case type.
- b. Founded on the Judiciary existing and optimized business rules and processes, requiring minimal human intervention.
- c. Able to facilitate the efficient and reliable collection, organization, distribution and retrieval of significant amounts of case specific data as well as the processing of payment of relevant court fees and fines by the Citizens.
- d. A able to generate reports from system for decision making; and

The ECCMIS will be an IT- based System with the following Key features

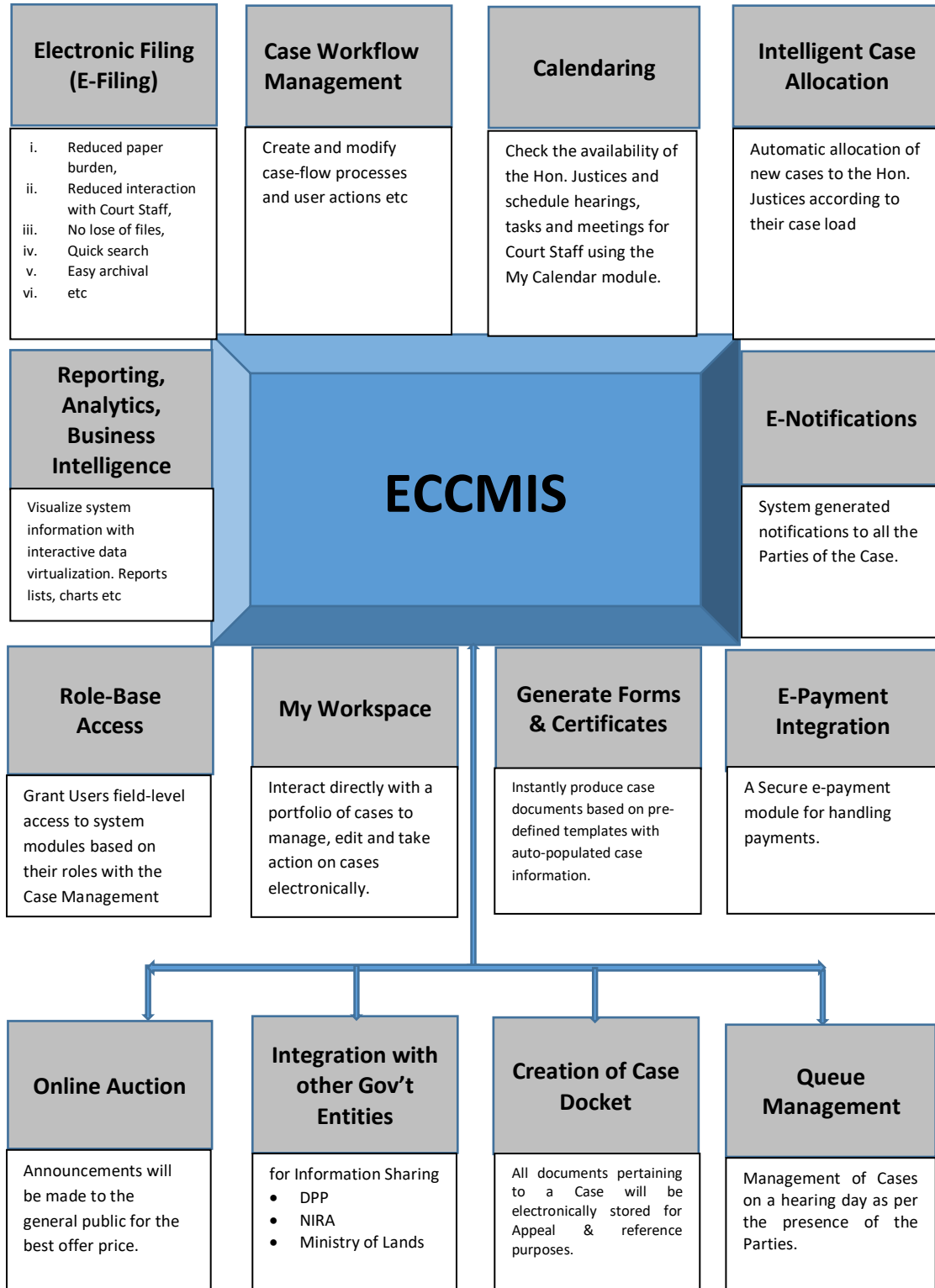


Figure 1: Key Features of the ECCMIS

Summary of a Case Flow in the ECCMIS

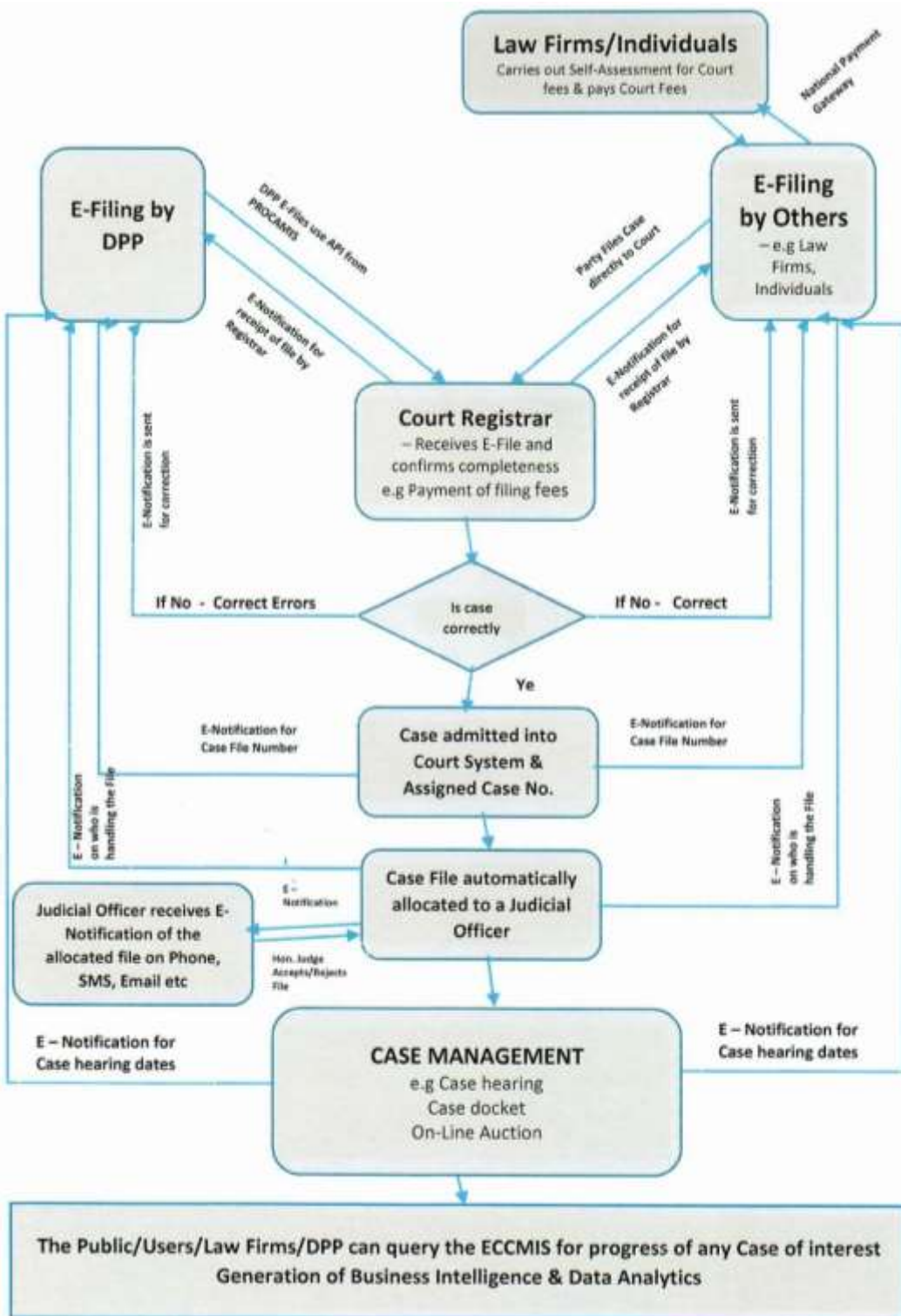


Figure 2: Summary of Case Flow in the ECCMIS

7. Implementation Plan

An agile development methodology for the ECCMIS was adopted. This involves a lot of Consultant-User involvement at every stage of the development till the final product satisfies the User requirements. The figure below summaries the ECCMIS Implementation plan.

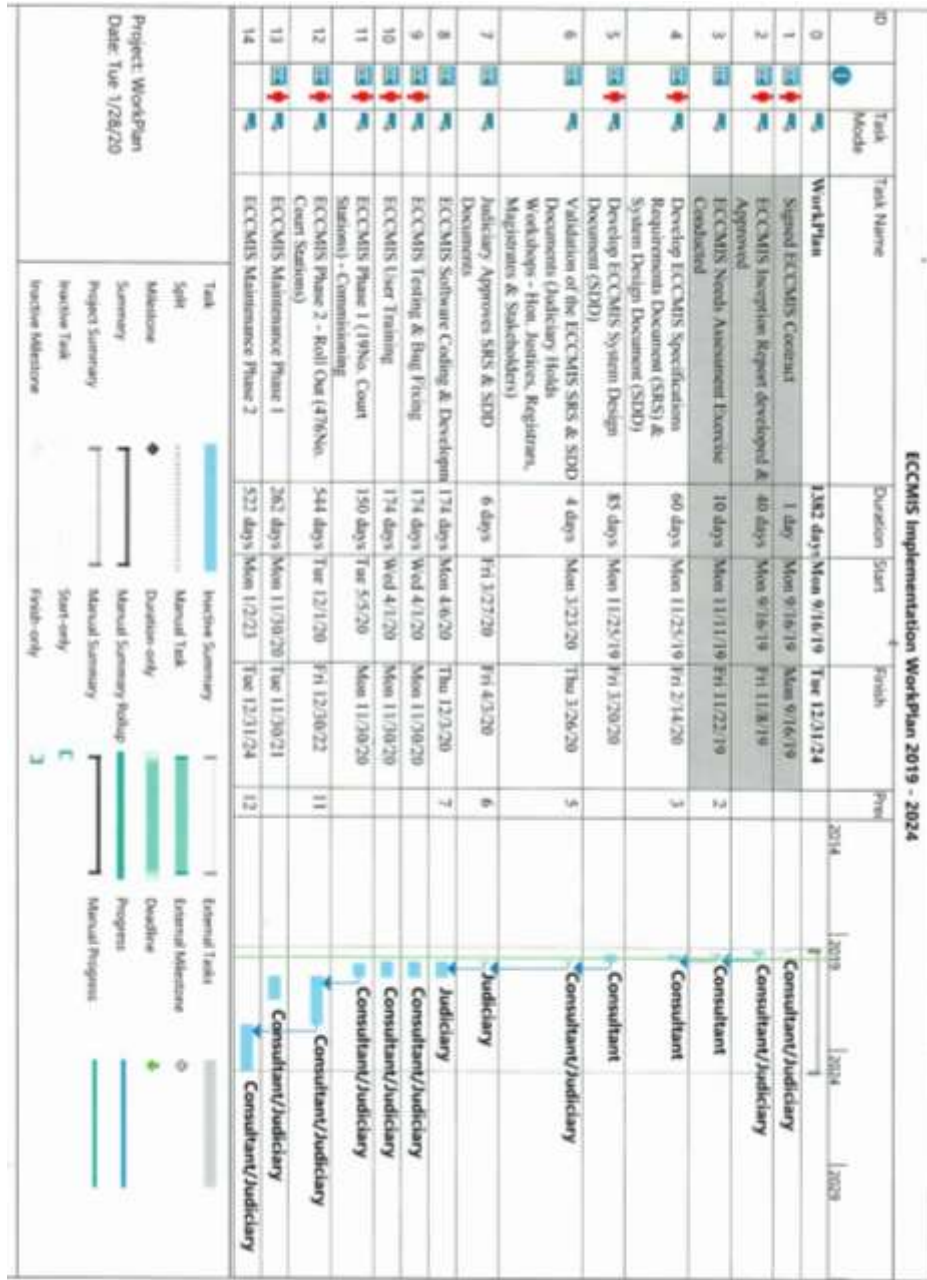


Figure 3: ECCMIS Implementation Plan

8. ECCMIS deployment Plan

A Phased approach will be adopted with an aim of addressing any bugs that may exist in the system before they are wide spread.

1. Phase 1 (Pilot Phase) will cover the following Court Stations.

The 19No. Phase 1 Pilot Court Stations

S/No.	Court Name	Location	S/No.	Court Name	Location
1.	Supreme Court	Kampala	2.	Chief Magistrates Court Buganda Road	Kampala
3.	Court of Appeal/ Constitutional Court	Kampala	4.	Chief Magistrates Court Mengo	Kampala
5.	Anti-Corruption Division of the High Court	Kampala	6.	Chief Magistrates Court Nakawa	Kampala
7.	Family Division of the High Court	Kampala	8.	Chief Magistrates Court Makidye	Kampala
9.	Land Division of the High Court	Kampala	10.	Jinja High Court	Jinja
11.	Civil Division of the High Court	Kampala	12.	Jinja Chief Magistrates Court	Jinja
13.	Criminal Division of High Court	Kampala	14.	Bugembe Grade.1 Magistrates Court	Jinja
15.	Commercial Courts Division of High Court	Kampala	16.	Kakira Grade.1 Magistrates Court	Jinja
17.	International Crimes Division of High Court	Kampala	18.	LDC Grade.1 Magistrates Court	Kampala
19.	Execution and Bailiffs Division of High Court	Kampala			

2. Phase 2 (Roll-Out Phase) will cover the following number of Court Stations.

S/No.	Courts	Total No.
1.	High Courts at Circuits	19
2.	Chief Magistrates Court	81
3.	Magistrates Grade One Courts	345

S/No.	Courts	Total No.
4.	Magistrates Grade Two Courts (Now gazette as Magistrates Grade 1 Courts)	31
	GRAND TOTAL	476

9. The ECCMIS Benefits

ECCMIS comes with a number of benefits for the; Litigants/Citizens, Court Staff, administration of justice and to the Country as summarized below.

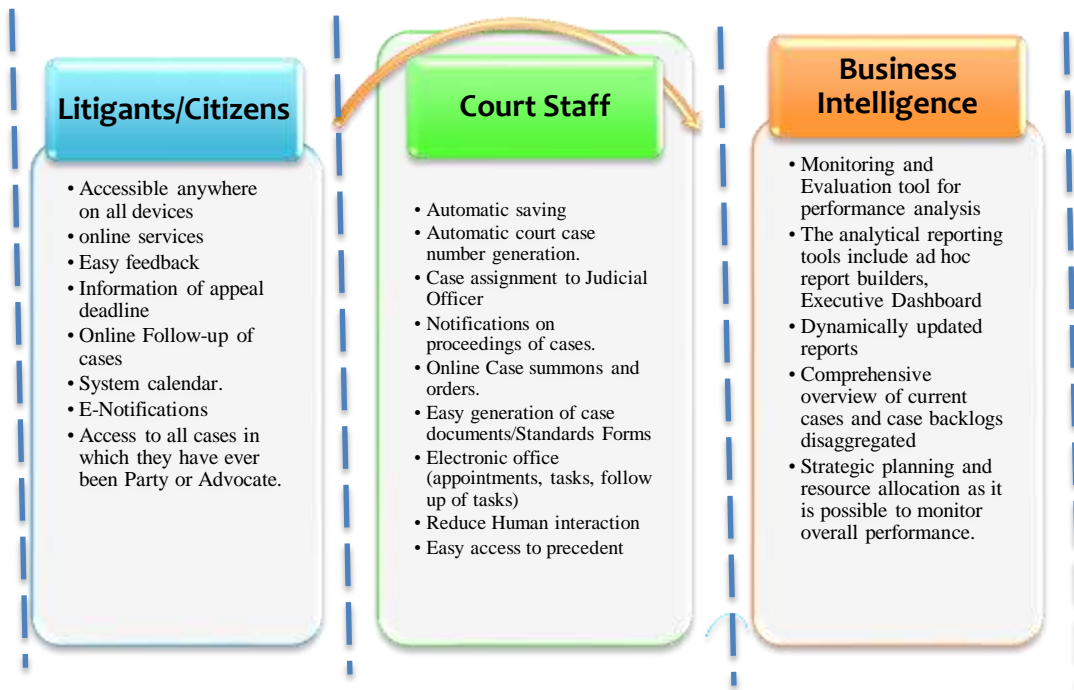


Figure 4: Benefits of ECCMIS – Litigants, Court Staff & Bus

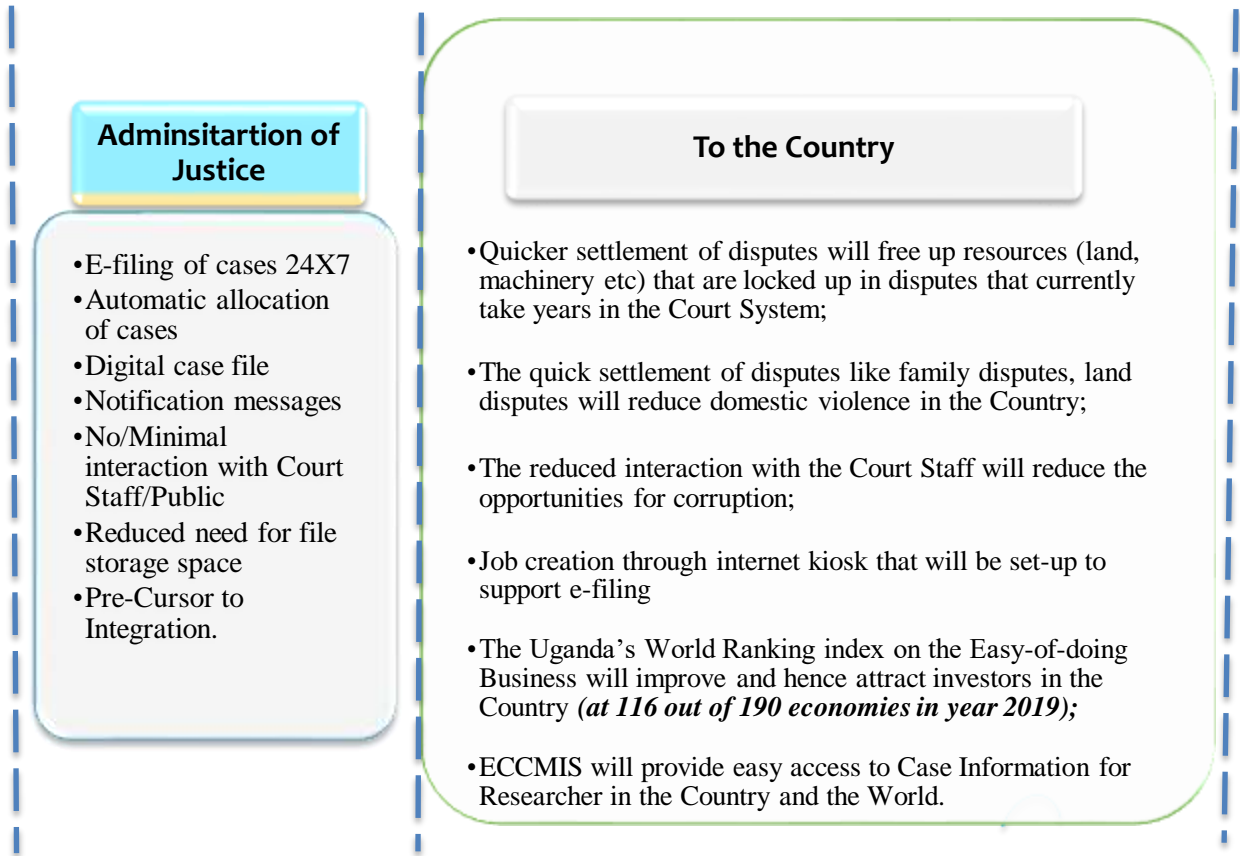


Figure 5: Benefits of ECCMIS – Administration of Justice & The Country

10. On-going Activities to support the ECCMIS

The on-going activities to support the operations of the ECCMIS are geared to address the four components of an Information System, that is to say; technology, process, people and the structure (*summarized in figure 6 below*). For the effective operations of the ECCMIS, all the four components must be improved simultaneously.

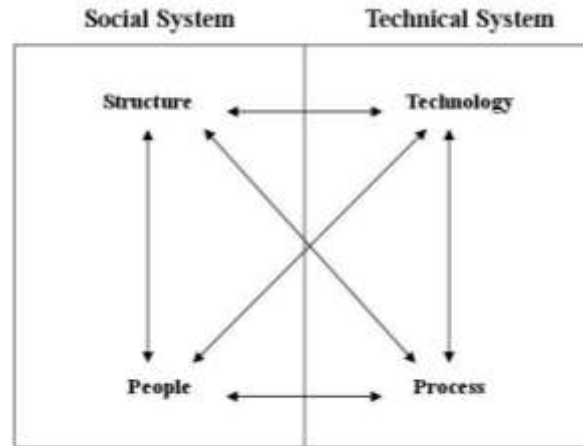


Figure 6: Components of an Information System

- i. **Technology**:- comprising of hardware, software, telecommunications equipment that is used to capture, process, store and distribute information.
- ii. **A process**:- This is a process maps that sets out actions that an individual, a group or an organization must enact in order to complete an activity.
- iii. **The people**:- Encompasses all those individuals who are directly involved with the system e.g managers, users
- iv. **The structure**:- Refers to the relationship among the individuals in the people component, hence encompasses hierarchical and reporting structures, and reward systems.

10.1 Change Management

The implementation of the ECCMIS for the Judiciary of Uganda represents a significant change - technological adoption and digital transformation - which requires the Judiciary to move from its current state through a transition state to a new, future state. This means that the entire organizational staff need to move from their own current to future states. The paragraphs below describe the main challenges related to change management that the Judiciary may encounter as well as the solutions for how the identified challenges can be overcome.

Addressing Capacity Constraints: Training the Judiciary staff before, during, and after the ECCMIS launch will be the first step in addressing capacity constraints as users who do not know how to use the system are less coupled with the system than the ones who know how to use it. To overcome this challenge, the Judiciary will set up a 24X7 Help Desk with attendants trained and well versed in using the system to answer questions and offer solutions. Super-Users will also be trained to offer first hand support to fellow staff in their respective Courts.

Confronting Institutional Resistance to Change: It is anticipated that the court staff and judicial officers will naturally be resistant to change. ECCMIS trainings (lasting one hour) on specific days will be made compulsory at all the Courts and these will be conducted by the ECCMIS Technical Committee members as well as the ECCMIS Super-Users who can present the many benefits of using the system and encourage judges, registrars and judiciary staff to extensively use it to perform tasks.

Promoting Public Awareness: Considering potential resistance from litigants and advocates to start using the electronic system, the Judiciary will organize public awareness campaign using local radio stations, national television networks, local newspapers, and social media channels to educate public users about the benefits of using the ECCMIS. Such campaigns will be planned before and during the ECCMIS launch to build public recognition of the capabilities that the system offers and to effectively educate the community about the resources available to support them.

Providing Access to e-Justice: Promoting an electronic case management system in a country where large groups of population do not have access to the Internet and digital devices (e.g. computer, smartphones, etc.) will be a tedious task and a cause for resistance. Training activities and events will be organized for the court personnel to reduce this resistance. The broader public can be engaged through other means like training of youth “**facilitators,**” who can more easily adopt the

new technology and who can offer their services in support of new users. Such facilitators can be trained along with workers in cyber cafés. Another solution can be mobilizing the private sector to provide services throughout the country so that citizens can get the help they need.

Adapting to Scale: A frequent concern with projects of such scale (after phase 2 roll out) is that it can bring a need from end users for support and lack of support can create resistance. Partially, it can be covered by experience gained from the Phase 1 roll out where the support team can apply best practices from one phase to the next. The process of bringing the application to scale can be made possible through focused leadership and ensuring enough support is available to guide the users when the nationwide rollout is in place.

Adapting Procedural Law: To reduce resistance, ECCMIS should become official through updates in the procedural law as automation can result in procedures being modified or outdated. For example, since all litigants can get summons directly from the system, it should no longer be obligatory to service summons manually. This way it will show users, both citizens and court staff, that paperwork is reduced, and the adjudication process is facilitated, thus, bringing about acceptance of and willingness to actively support ECCMIS.

10.2 Infrastructure

Infrastructure here consists of; computer hardware (desktops & laptops), telecommunication systems (e.g internet), power/electricity. Costings and sourcing for funds for improvement of the required infrastructure to support the ECCMIS is on-going. This will be installed in all our 495No. gazette Court Stations in the 20No. High Court Circuits spread across the country



Figure 7: Map of Uganda showing the High Court Circuits

10.3 CCAS Data Cleaning

Before data migration to ECCMIS, there is great need to clean our existing CCAS records. This will start with the 19No. Phase 1 Court Stations in the Pilot Phase.

10.4 Legal and Regulatory Framework to support ECCMIS

The Judiciary has sought and has been provided with a resource personnel (Mr. Nancy Awori – Senior State Attorney) from the First Parliamentary Counsel to analyze our existing Laws and recommend for review where necessary.

11. Summary of the Role of ECCMIS in a Modern Professional and Effective Judiciary

The table below summarizes characteristics of the a Modern, Professional and Effective Judiciary and provides the ECCMIS feature that addresses it.

S/No.	Judiciary	Elements	Role of ECCMIS
1.	Modern Judiciary	<ul style="list-style-type: none"> i. Structure of the Judiciary ii. Open communication – telephone, computer, internet etc 	<ul style="list-style-type: none"> i. Role-based Access ii. E-Notifications iii. E-Payment
2.	Professional Judiciary	<ul style="list-style-type: none"> i. Timely training to staff ii. Respect to set standards 	<ul style="list-style-type: none"> i. Change management Training ii. BI on staff performance
3.	Effective Judiciary	<ul style="list-style-type: none"> i. Prompt access to information ii. To be tried without undue delay iii. Revision of any unfair sentence iv. Appeal of sentence v. Not subject to a double trial/sentence for the same offence vi. Right to a fair trial vii. Easy archival 	<ul style="list-style-type: none"> i. E-Notifications ii. Queue management iii. Readily available Case docket iv. Automatic allocation of cases v. Generation of Forms & Certificates vi. Reporting, Analytics and BI vii. E-Filing

12. Conclusion

There is need to acknowledge a successful implementation of the Electronic Court Case Management Information System (ECCMIS) will be a very big game changer in the efficiency and effectiveness of the Judiciary of Uganda operations. It should also be noted that;

- i. The Judiciary of Uganda is steadily moving towards an e-Court infrastructure;
- ii. Implementing the ECCMIS will open the Judiciary doors to e-government;
- iii. For the effective implementation of the ECCMIS, there is need to address both the technical (technology and processes) and social (people and structure) systems;
- iv. The successful implementation of the ECCMIS opens up new opportunities for an Integrated Justice Management Information System (IJMIS) in the Justice, Law and Order Sector (JLOS); and
- v. Development and installation of ICT systems has a higher initial development cost but with a higher return on investment in the long run.

13. Recommendation

The Theme of this Conference which is **”Discharging the Mandate of the Judiciary: Towards a Modern, Professional and Effective Judiciary”** presupposes the existence of a modern, professional and effective Judiciary that we all look forward for during the discharge of our mandate.

The extent at which our Judiciary is modern, professional and effective is a grey area for research that needs an answer.

The findings of this research will provide the baselines against which the impact of the Electronic Court Case Management Information System (ECCMIS) will be evaluated.

END OF PAPER