

**ASSESSMENT OF THE CONTRIBUTION OF RECORDS MANAGEMENT IN
ADMINISTRATION OF JUSTICE IN UGANDA**

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**A proposed research proposal submitted to ARMA as a requirement for
a Graduate scholarship for a Master of Science in Information Science
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1.0 Background

The Uganda Public Service Reform Programme was introduced in 1992 to address the problems of oversized, inefficient, ill-equipped, grossly under paid, demoralized, un-motivated, uncommitted and unresponsive public service that mere products of the Civil wars, state terror, lawlessness, corruption and mismanagement that the Country under went during the 1970s and early 1980s (Public Service Review and Re-organization Report ; 1990). The Ministry of public service adds that the above situation undermined the capacity of the public service to develop policies, draft and implement laws, manage the systems defined by laws, provide services and manage expenditure.

Batala (1990) adds that the mismanagement of the public service in the 1970s and 1980s affected records management in the public service. He argues that there was neglect of training, rapid torn over of records staff, absence of appropriate legal framework for the destruction of records, outdated procedures, inadequate physical facilities and low status and attention paid to the records management task. He adds that vital correspondences got lost, Senior Officers spent excessive time storing their own records or searching for documents which in turn lowered their efficiency and credibility. Management of legal records is primarily concerned with the operational records of three specific aspects of the legal service i.e. the courts of law, police force and the Directorate of Public Prosecutions (IRMT, 1999:1).

The government of Uganda and its development partners initiated programs to improve records management in the public service. However, management of legal records is still in a pathetic state leading to a delay in administering justice or justice not to be prevailed at all. Corruption among some judicial officers, and the police, poor remuneration of judicial and police officers, lack of enough knowledge in

records automation, are some of the challenges affecting Records management.

Tumusiime (2003) reports that “Hoima Police probe missing court files”, and that the staffs of Hoima court including the Grade one Magistrate were arrested due to missing files. Ssemujju (2002) adds that “police keeps vital records in sacks” and is due to inadequate accommodation facilities. Musoke (2002) asserts that a Don pinned court clerks of being corrupt. It is urged that the absence of a computerised filing system in most courts had given corrupt clerks an opportunity to play around with the filing systems. Olupot (2003) adds that the Uganda lawyers appealed to the government of Uganda to upgrade registries by computerizing them to save them from collapsing. They singled out the Land registry that operates on paper based records. It asserts that milo land documents in Kampala registry were in a tattered condition which causes disappearance of land information.

The New vision of (18/4/2002) reports that “every once in a while, work will be brought to a stand still because a file is lost or missing. It adds that sometimes files are misplaced or at times stolen, or vanish and the disappearance is usually more dramatic in the courts of law and the police department. The New vision of (1st May 2001 :1) reports the disappearance of a helicopter file from the company's registry of the ministry of justice and constitutional affairs. The file was concerning an investigation into the purchase of junk helicopters by the ministry of defence.

This situation lead to a delay in administering justice since there is no provision of records that would provide evidence. As a result, justice is either delayed or denied violating the rights of the people.

Article 28(1) of the 1995 Constitution of the Republic of Uganda states that “in the determination of Civil Rights and obligations or any criminal charges, a person shall be entitled to a fair, speedy and public hearing

before an independent and impartial court or tribunal established by law". The International Records Management Trust (IRMT) adds that when records are not produced at the right time, a fair judgment is denied on both the side of the offender and the government. It asserts that it becomes very difficult for the court to make a judgment or a decision, making the public to lose faith in its government if reliable records are not maintained (IRMT, 1999:8).

Since 1988, the Government of Uganda has in collaboration with the World Bank and the British Council, been trying to improve records management in the Uganda public service. The registries have been refurbished and equipped, records staff have been trained and records users sensitized, records management manuals have been prepared and a records consultancy unit was established in the ministry of public service to provide consultancy services to all government departments. Above all the Government enacted the National Records and Archives Act in 2001, as a law to enforce and government records management practices in Uganda.

Wangutusi (2004, unpublished) adds that the concern of quick disposal of disputes is a matter that has raised international recognition. The concern was clearly exhibited in the "Resolution on speedy justice" approved by the meeting of the council of the International Bar Association in Montreal, Canada of June 1991, where it was clearly spelt out that, "the right to speedy resolution of disputes is a fundamental aspect of justice itself" delayed litigation may itself contribute to denial of justice. This means that when records are not produced at the right time, justice is either delayed or denied. Effective management of records contributes to quick administration of justice since records provide information through which evidence is derived and decisions made.

Statement of the problem

The government of Uganda established a partnership with the World Bank and the British government to improve records management in the public service including the Judiciary and the police. Records staffs have been trained, registries are equipped with facilities, many records management manuals have been published and distributed to various departments including the police and judiciary.

Although the above facilities and services have been put in place by the government of Uganda, records management in legal related institutions is still in a pathetic state. Files are misplaced, mutilated and stolen. Records are not produced at the right time when required in the courts of law for justice to prevail leading justice either to be denied or delayed and violating article 28 of the Constitution of Uganda which states that “in the determination of Civil Rights and obligations or any Criminal charges, a person shall be entitled to a fair, speedy and public hearing before an independent and impartial court or tribunal established by law”.

objectives of the study

1.3.1 General objective

To assess the contribution of Records management in the administration of justice in Uganda

1.3.2 Specific objectives

1. To establish factors affecting the effective management of legal records.
2. To identify problems associated with records and information management in these institutions.
3. To establish the types of records; their creation, distributions, maintenance and disposition.
4. To make recommendations on how best judicial officers can have easy access to legal records.

Scope of the study.

The research will be conducted in legal related institutions. These include: the Police, High Court, Magistrates Courts and the Directorate of Public Prosecutions (DPP) in a few selected districts. It will be limited to the Criminal Investigation Department within the police force and High Court and Magistrates Courts in the districts of Kampala, Jinja and Mbale.

Significancy of the study

The research is vital as there is limited information about the contribution of records management in administration of justice in Uganda. It will also assist the stake holders and policy makers identify the possible maleness, strength and opportunities of improving records management in these institution.

Methodology

Research design

The study will employ qualitative research design. It will involve carrying out in depth interviews with action officers, court clerks and records staff. Self administered questionnaires will also be used to collect data. The study will also involve an observation of the physical set up of registries where possible. It will also involve reviewing literature related to the subject. Some of the variables that will be considered include: the state of registries, the skills of the records staff, remuneration of the records staff and records users, integrity, completeness and reliability of the records, policies and procedures and the records management systems.

Study population

The population will comprise of internal records users and established records officers in the departments of Police, Directorate of Public Prosecution and the High court and the general public.

Sample size

The sample size will have the categories mentioned above and will comprise 100 respondents. It will include: 30 internal users, 40 records staff selected from the above departments, 20 respondents from the general public and 10 respondents will be selected as key informants

Sampling procedure

Purposive sampling will be used to select the 30 respondents (i.e. 10 from the police department (CID), 10 from the Directorate of Public Prosecution, 5 judicial officers from the High Court of Uganda and 5 from the Magistrates courts. On the other hand, simple random sampling will be undertaken to select 10 records staff from the police department, 10 from the directorate of public prosecution, 10 from the High Court, and 10 from the magistrate's courts. These will be selected since they are the key players in managing and maintaining records.

Data collection methods and tools.

Both secondary and primary data collection methods will be used during the research. Secondary data sources will be accessed and review where possible and will involve but not limited to publication such as Newspapers, journals (both local and International) and text books on the subject. Under primary data collection method, both quantitative (survey structured questionnaire) and qualitative methods (focus group discussion, in-depth interviews and participant observation) will be used.

Data analysis

Qualitative data analysis – in depth interview from key informants will be transcribed after the field and respondents will be listed and assigned codes before analyzing them for the report. On the other hand, focus group discussion's data will involve reviewing the statements made on each of the general and specific topics and determine if there is a consensus or disagreement on issues. Findings will be arranged by topic.

Quantitative data analysis- The questionnaires will be numbered and sorted first before performing quality control checks on the data. It will involve looking at sheets for completeness and consistency. The data will then be processed using Epi-info statistical package and later analyzed using the statistical package for social scientists (SPSS) programme.

Limitations of the study

Given that this is a new area, there is limited literature making it difficult to learn from past experiences.

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