

THE CONTRIBUTION OF RECORDS MANAGEMENT IN COMBATING CORRUPTION IN GOVERNMENT DEPARTMENTS IN UGANDA: A CASE STUDY OF THE JUDICIARY

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Abstract

The paper presents the contribution of records management in combating corruption in government departments in Uganda with a case study of the judiciary. The objectives of the study were: to establish the extent to which records management supports in combatting corruption in government departments, to examine the status quo of records management systems in the judiciary, to identify the challenges of records management and to find solutions and make recommendations. There was a review of related literature on the study as indicated. The study was conducted through a qualitative research and the respondents who included judicial officers, advocates of the High Court, records officers and court clerks were selected using purposive sampling technique. Data was collected using interview guide, self-administered questionnaires and observation guides. It was analyzed and interpreted. The findings revealed records management as an aspect of management plays a great role in combating corruption in the judiciary.

Introduction

Rapid growth in records and information management is gaining a lot of awareness in public and private organizations including NGO's. Organizations are increasingly acknowledging the fact that efficient control of recorded information leads to effective management which means that information is more easily retrievable, readily identifiable and economically managed. (Makura: 2005).

Records management is a fundamental activity of public administration. Without records, there can be no rule of law and no accountability. Public servants must have the right information to carry out their work, and records represent particular and crucial service of information. They provide reliable, legally verifiable source of evidence of decisions and actions. (IRMT: 2000).

Records management is a very important aspect of governance process. The effectiveness and efficiency of the public service depends upon the availability of and access to information held in records. Badly managed records adversely affect the broad scope of public service reforms and development projects are

often difficult to implement and sustain effectively in the absence of well managed records. (IRMT:2000).

Corruption in Uganda is a big threat to the country's economy and service delivery (Baku: 2008). Unfortunately, in Uganda, society has accepted corruption as a way of life. When we talk about corruption, we are looking at bribery, embezzlement, causing financial loss, false accounting, influence peddling, nepotism etc. the most common form of corruption in Uganda is bribery according to the 3rd National Integrity Survey carried out by the Inspectorate of Government in 2008. (Baku: 2008)

The public continue to admire and support those who accumulate wealth through corruption. People do not question the source of such wealth or the loss of public service that results. While the demand for accountability is increasing due to the work of civil society organizations and anti-corruption agencies, there is still a long way to go to bring about a situation where the public actively demand effective delivery and proper accountability. (Directorate of Ethics and Integrity report 2008 – 2013).

Records provide information for planning, decision making and acts as a foundation for government accountability. They are essential for effective and efficient administration but if poorly managed, they become a liability hampering business operations and draining resources. (Sherperd and Yeo 2003). A quick survey on the Internet revealed about 5 million listings on corruption globally with; 400,000 - Nigeria, 370,000 – Kenya, 268,000 – Zambia. (African Capacity Building, 2007) A Google search on 24th May 2012 gave 109 million hits on corruption alone and gave 175 million hits while “corruption and Uganda” gave 18 million hits. (Okello – Obura 2016).

The main causes of corruption in Uganda include: weak accounting systems, lack of effective monitoring and functioning Institutions, lack of human capacity, low remuneration and poverty (Royal Netherlands Embassy, 2003). This constitutes a major challenge for business operations or planning. The police, the Judiciary and procurements are areas where corruption risks are very high. (Uganda Corruption Report, 2016).

For the purpose of presenting this paper and sharing ideas, I have decided to look at the contribution of records management in combating corruption in the judiciary.

Objectives

1. To establish the extent to which records management supports to combat corruption in government departments in Uganda
2. To examine the status quo of records management systems in the judiciary.
3. To identify problems of records management in the judiciary.
4. To find out solutions and make recommendations for further improvement.

The methodology

The study was conducted through a qualitative research. This was preferred because the design used a small population to study in detail the contribution of records management in the fight against corruption in Uganda. The study population included: judicial officers, advocates of the High Court, and records officers. Judicial officers were included because they are the internal users of records and use them to get information to make court decisions. Advocates were included because they also use the records to defend the citizens in the courts of law; and records officers were also included because they are charged with the day to day management of records from the time of creation until their final deposition. The study area was the High Court Headquarters' and this was selected because it has the biggest number of judicial officers, records officers and a gathering center for advocates of the High Court. The biggest volume of records is also found at the headquarters. Purposive sampling was also used to sample the respondents and this was preferred because the system allowed the researcher to select respondents basing on his own judgment to seek information from the respondents. Self-administered questionnaires were used to gather the data and these were used because they allowed the researcher and respondents to have an interaction, and asking questions. He also reviewed a lot of literature related to the study and later presented the findings.

Literature review

The fields of records management has traditionally been viewed with little or any significance. Records management in developing countries is yet to attain the level of attention and support like countries of the developed world. Court records are given much attention in the developed world and in the developing countries, it is the opposite. (Setareki 2005). Records are not provided at the right time and cases of missing files are rampant. Decisions are not made at the right time and cases are adjourned due to lack of information (Alividza 2004). Cases of documents missing from files or complete files disappearing are very common in the Judiciary and retrieval of files and documents is a problem. Cases are duplicated and sometimes documents are filed on files where they become redundant and cannot be shared with others (Alividza 2009). Loss of control of court records results in delays in processing cases; provides scope for

corruption and undermines the rule of law (IRMI 2008). Cases of missing files have been reported in the press and has contributed to delays in the administration of justice. Citizens have lost confidence in the judicial system and sometimes resort to mob-justice.

In the New Vision of (22nd July 2009), Moro reports “Loss of files irks Judge.” The issue of missing case files and documents is a matter of great concern and if not stopped, may lead to dismissal of some judicial staff. “Recently, a file which I had first handled got lost from my desk. I later learnt that it was picked by Clerk.” Some of these court clerks are compromised or bribed with about UGX.50,000 to hide files. The Judiciary is one of the institutions with pillars of integrity in the fight against corruption and called for a solution to promote Integrity and accountability (Musene 2009). He cites poor remuneration as the major motivating factor of corruption. For records to be valuable in combating corruption, they must be accurate, complete, timely, relevant and credible. (Mnjama, 2005). Efficient records management is the greatest enemy to corruption and any government that wishes to be accountable to its citizens must demand for efficient record keeping in public offices (Mnjama 2005). Nsambu (in the New Vision of 24th April 2008) reports” corruption has not only invaded Judicial seats but has also found a fertile ground in court registries. Without a tip, a file may get lost and will never make its way to a hearing.”

Mukisa (in the New Vision of 17th July 2009) reports “a grade two magistrate was accused of corruption and was charged with four counts of soliciting a gratification and abuse of office by receiving a bribe”. Chibita wa Duallo (in the New Vision of 18th April 2002) reports “every once in a while, work will be on a standstill because a file is lost, stolen, or disappeared and the disappearance is more in the courts of law.”

Information is one of the major indices that judge the development of any judicial institution. Where information is not provided to the right officer at the right time, decision making becomes a problem. Court registries is one of the areas where such information is found to support in the decision making process. To speed up the retrieval of court records, court case records information systems have been established as a way of improving the effectiveness and efficiency in storing and retrieving court records. For example, in North Dakota, Walle (2005) states ‘a court records management system was established and serves as a basis for storing all district case documents electronically to increase efficiency and effectiveness in the processing and sharing of case related documents’. However, much as the developed world has initiated such programs; access to court records in the developing world Uganda inclusive is a bit different although they have started giving it some attention.

Sekareki (2005) observes that the field of records management has traditionally been viewed with little if any significance. He adds that records management in developing countries is yet to attain the level of attention and support in countries of the developed world. He notes that though court registries are given much attention in the developed world, in developing countries it is the opposite. Records are not provided at the right time and cases of missing court files are rampant. Decisions are not made at the right time and sometimes cases are adjourned due to lack of information. Alividza (2009:84) reports that cases of documents missing from files or complete files disappearing totally are common in the judiciary and retrieval of files and documents is a problem. Case files are duplicated and documents are filed on files where they become redundant and cannot be shared with other users. She asserts that the quality of justice is improved through the protection of evidence, proper archiving and retrieval of files. International Records Management Trust (2008) observes that loss of control of court records results in delays in processing cases, provides scope for corruption and undermines the rule of law.

Decisions are made without full details of the cases; and judicial officers and the public are unable to obtain information about cases and their progress. Case management systems cannot make their potential contribution to improving the efficiency of the courts and the delivery of justice unless the records are complete and reliable.

In the case of Godfrey Kisasa versus David Nkata Kanyerezi T/a D.K. Educational Hill Schools Ltd, Civil Suit No.278/2008, a case before the Grade I Magistrate at Mwanga II Court; the Plaintiff's Counsel filed an affidavit of Service of Court Summons. However, when the magistrate was perusing files, he found no copy of the affidavit of service and the case was dismissed. The Magistrate acted properly; within the law. The advocate whom the plaintiff subsequently engaged applied for reinstatement of the suit in the course of her work, she found that the advocate whom the plaintiff engaged in the first place had dully filed an affidavit of summons as is required under order 0.5 of the Civil Procedure rules. He had copies of the affidavit of service, bearing the court stamp and obviously indicating that court had received the affidavit of service. So how did the court file copy go missing?

Alividza (2009:83), (in the Journal of Uganda Judicial Officers' association,') advises all players in the justice system to access the right information about judicial functions in order to make correct decisions. Without the right information at the right time in the right place and right format, the users' reaction to the justice system will be prejudiced. Cases of missing files are always reported in the press and this has contributed to corruption and delay in the administration of justice. Citizens have lost confidence in the judicial system and sometimes resulting into mob justice.

Findings

Current State of records

- a) Registries have limited storage facilities and space making records storage and retrieval difficult.
- b) File retrieval is sometimes difficult and thus delaying the hearings.
- c) The staffs have limited skills in managing judicial records.
- d) Sometimes staff are not willing to look for case files unless a tip (kintukidogo) is provided.
- e) Sometimes files are hidden or mutilated to destroy evidence.

Role of records management in the fight against corruption

The first objective of the study was to establish the extent to which records management supports in the fight against corruption in the judiciary in Uganda. Under this objective, the writer looked at the following indicators: case delays, current records management systems, backlog of cases, limited access to justice, and limited confidence in the judicial system. Specifically he looked at how access to timely, complete, accurate, reliable and authentic records contributes in the fight against corruption in public offices Uganda. The above indicators were used to examine whether effective and efficient records management system plays a big role to combat corruption in the public service.

The findings revealed that the rate at which effective records management contribute to combat corruption the judiciary in Uganda is very high. Most respondents agreed (i.e. judicial officers 8(100%) and 34(97%) advocates.) that in order make fair and timely court decisions, records need to be accessed in time and when they are complete and reliable. The findings also revealed that when records are not provided at the right time, cases are delayed contributing to inefficiency in the administration of justice. The study also revealed that badly managed records lead to backlog of cases, limited access to justice and limited confidence in the judicial system by the public.

How corruption affects administration of Justice in Uganda

The study aimed at establishing the degree at which the above indicators affect administration of justice in Uganda. The purpose was to find out the role efficient records management system in the fight against corruption in public offices and administration of justice in general.

Case delays

According to the findings, case delays results into many prisoners to be forgotten in prisons making the general public to lose confidence in the judicial system. The responses further revealed that cases fail to take off without files from which records and proceedings are obtained. It also contributes to corruption and backlog of cases. The responses also revealed that records are

not provided at the right time required for court proceedings and making courts not to take off. While reviewing documents of the judiciary, Alividza (in the journal of Uganda Judicial Officers Association volume 15 April 2009) observed that cases of documents missing from the file or files disappearing completely are very common in registries and retrieval of files and documents is a problem that contributes to case delays.

Back log of cases

The findings also revealed that back log of cases is caused by lack of enough judicial officers and inadequate access to timely, complete, relevant and reliable records. The responses further revealed that records officers, court clerks and some judicial officers in lower courts frustrate the entire judicial process by misplacing, altering and mutilating case files. It also causes a low quality and depth of analysis in decisions delivered by courts due lack of access to timely and reliable records

Limited access to justice

The responses also revealed that limited access to justice is also contributed by lack of access to timely, complete, reliable and accurate records. According to the Value for Money Audit report on disposal of cases in the High Court, delays in disposing of cases in the judiciary is attributed to poor filing systems, frequent adjournments, limited application of alternative dispute resolution mechanism, inadequate staff and poor monitoring. The general public has lost confidence in the judicial system and has resorted to mob justice as a way of exposing their dissatisfaction.

Limited public confidence in the judicial system

The findings also revealed that the above is also contributed by inadequate access to complete, accurate and reliable records. Courts fail to sit because records that are produced are either incomplete or unreliable. While reviewing minutes of a meeting that was held on 27th January/2011, between judges, advocates and the Justice Law and Order Sector institutions (JLOS), the chief justice informed members that the Uganda judicial and legal system has suffered a crisis of confidence because of corruption and unethical conduct of all officers of the court including those outside the parameter and appealed to members to desist from such to promote the integrity of the judiciary.

Time taken to access accurate, complete and reliable records

The paper aimed at establishing the degree to which respondents have access to complete, accurate and reliable records. Specifically, the writer aimed at finding out the time taken to access case files by judicial officers and advocates respectively. The responses revealed that the time taken for judicial officers to have access to case files ranges between 20 – 40 minutes for judicial officers and 60-80 minutes for advocates. Sometimes they fail to access case files. During the observation process, the writer observed that most of the files are piled on top of the cabinets and others stored on the floor making retrieval difficult. When a Judge requests for a case file, it takes the registry between 20 – 40 minutes to retrieve and forward the file to the judge. However, the researcher also noted that the procedures for advocates to case files does not favour them and those who have access do it after bribing a records officer or court clerk to look for the file either in the registry or records centre and this benefits advocates who have influence with the registry personnel. The researcher also observed that sometimes files are misplaced in the registry by records staff having interest in particular case files after collaborating with some advocates on the same matter. They either hide or misplace a file limiting other parties from having the case file.

The Effects of inefficient records management system on combating corruption and administration of Justice in Uganda

The study also aimed at finding the degree at which inadequate access to timely, complete, accurate and reliable records affect in the fight against corruption and the administration of justice in Uganda and it targeted judicial officers and advocates; and the following responses were given.

Judicial officers	Advocates
<ul style="list-style-type: none">• 8(100%) revealed that cases are not heard on time leading to case delay and backlog• 6(75%) revealed that prisoners are sometimes forgotten in prisons.• 8(100%) revealed that the situation leads to corruption• The date of hearing the case may not be fixed• Cases' may not be heard• Cases' are dismissed due to	<ul style="list-style-type: none">• 30(86%) revealed that the situation leads to adjournment of cases.• 20(57%) revealed that clients lose interest in their cases• 20(57%) revealed that the situation leads to limited public confidence in the judicial system• The situation affects the speed at which cases are handled.

Judicial officers	Advocates
<p>lack of prosecution especially if the case file is traced later and the information is not brought to the attention of the litigant or his advocate.</p>	<ul style="list-style-type: none"> • Sometimes evidence is lost, increases operational costs and tarnishes the advocate-client relationship.

Source: field survey

Remedies to the problem of corruption in the Judiciary

Court Case Administration System (CCAS)

The judiciary is implementing a web based case management system called Court Case Administration System (CCAS). It is in the Court of Appeal and other High Court circuits divisions and some magisterial courts. It is an integrated system designed to automate the case management work flow. It has been implemented in 50% of the High Court circuits namely: Jinja, Masaka, Lira, Arua, Gulu, Soroti and all the High Court divisions (Civil, Criminal, Family, Commercial, Land, Anti-Corruption and War crimes). Others divisions implementing the CCAS include the Chief magistrates' courts and the planning registry since they are linked to the Kampala Data centre via the internet. Other courts uses stand a lone computer to record transactions in CCAS and send copies of data manually to the Kampala Data Centre. The CCAS program has improved the movement of files. Alividza (2009:90) states that the introduction of the Court Case Administration System (CCAS) has decreased the loss of case files; improved on the retrieval of files and general improvement of the movement of files. Management is able to monitor the performance of its employees and allocate resources accordingly. she concludes that the introduction of a CCAS system as a computerized record keeping system maintains all relevant data and makes it available to all users to share information and protects the unauthorized access. The software registers claims, locates the movement of files, trace case files being handled by judicial officers. It also has provisions for case allocation and hearing date and informs a user on the status of case whether it is on-going or completed.

Benefits of the CCAS

- a) Tracking records is easy and is cost effective in terms of stationery.
- b) The system is networked and information sharing is easy.
- c) Helps records office to identify whether a file was registered or any updates made.
- d) Saves space and reduces on the misplacement of files and data.
- e) Enable records officers to trace the person handling a case.
- f) Allocates case numbers/ references automatically.

Conclusion

Records management is the process of controlling records from the time of creation until their final disposition. For records to be in position to combat corruption, they must be accurate, reliable and authentic. Efficient records management is the greatest enemy for corruption and loss of control of Judicial records creates opportunities of fraud, leads to loss of revenue, loss and misplacement of case files and provides a fertile ground for corruption. The rule of law is undermined since the files that provide information cannot be availed on time. In order for records management to support in the fight against corruption records should be accurate, complete, reliable and authentic.

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