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Assessment of the Contribution of Local Council Courts in the Administration of Justice in Amuru District: A Case Study of Pabbo Sub-County

The research assessed Local Council (LC) courts' administration of justice and set out to answer three specific issues: LC courts' knowledge and understanding of roles and responsibilities, challenges faced by LC courts in administration of justice and barriers to access justice in the LC courts. The research was conducted in Pabbo sub-County found in Amuru district. The study used both qualitative and quantitative methods for data collection. Data was collected from 138 respondents through interviews by use of open ended questionnaires, focus group discussions and key informant interviews. Both manual and computer packages (SPSS) were used to analyse the data. The research findings revealed that access to justice in the LC courts is influenced by a number of factors and that LC courts face a number of hurdles in their attempts to dispense justice. One of the critical challenges to access to justice in the Local Council courts is the lack of funding for the courts that has exposed it to accusations of corruption and acceptance of gifts and facilitation that erode their impartiality. Most courts were using witnesses as a voting panel, and were awarding the case to the person who could bring the most witnesses or for whom the audience voted. It is not easy for a local court to judge against the powerful. Delaying tactics are also common and this, in essence, undermines expeditious decision-making. The possibility of winning in the LC courts means little, since the judgments of the sub-county court are just as easily ignored by the other party. Going to the Magistrate's Court also involves re-hearing the case, since LC courts have no known idea for applying to this court for enforcement of a judgment that was never appealed. Winning at the Magistrates' court has the possibility of getting enforcement, but court orders and bailiffs cost hundreds of thousands of shillings which must be paid up front by the winner and at the same time one has to know the procedure. The research offered some key recommendations: that the problems of access to justice in the LC courts are structural and far too widespread to be addressed through ad hoc response to symptoms or individual cases. The more important issues to address are the system problems of motivation, supervision and management, funding, and structural problems in the justice system itself, which allows forum shopping and makes enforcement almost impossible. A sense of justice, therefore, has to be present and is by and large achievable, provided the appropriate mechanisms are put in place.

Keywords: Local Council Courts, Administration of Justice, Amuru District