EFFECTIVE USE OF INFORMATION AND COMMUNICATION TECHNOLOGY IN JUDICIAL SYSTEMS: TANZANIA AND OTHER JURISDICTIONS IN COMPARATIVE PERSPECTIVES

Juma Ally Mshana *

ABSTRACT

The aim of this research was to explore the effective use of ICT in judicial systems. The research utilised both triangulation research methodology which employed both qualitative method and a morsel quantitative method to investigate the effective use of ICT in Judicial systems. A sample of 250 judicial staff including 15 judicial ICT staff was given questionnaires to fill and some of the staff were interviewed by face to face. Results of this study indicate that, the biggest advantages of using ICT in judicial systems are accessibility to justice, quality justice, transparency, cost effectiveness and carrying legal research. It is therefore concluded that the handling of court proceedings from the stage of filling to the deliverance of the decision has to be recorded and information about costs and delays made available. Indeed the availability of this information will increase the accountability of the judicial systems and would thereby increase its efficiency.

Keywords: Judicial systems, Case management system, and ICT

1. INTRODUCTION

Information Communication Technology (ICT) is an umbrella term that covers all technologies for the manipulation and communication of information. The use of ICT is considered one of the key elements to significantly improve the Judicial Administration. "Around the world, several statutory reforms have been introduced to allow the use of exchange of electronic data and documents within the national judicial systems but also between them and supranational courts"[2].

* MBA-ITM (COVENTRY UNIVERSITY-UK), ADIT (IAA-TANZANIA), Assistant Lecturer, Secretary-editorial board -IJA journal, Coordinator- Diploma programmes, Institute of Judicial Administration Lushoto, Reviewer- African Journal of Information Systems.

2 Marco, Velcogna "*The use of information and communication*

In Tanzania there is no any clear legal requirement that enforces the uses of ICT in judicial systems. It is only in 2017 that the government has come out with a draft proposal known as ***the Judicature and Application of Laws (Electronic Filing) Rules, 2017*** that seek to allow the uses of electronic documents in the court. Clause 10(3) of the proposed rules reads thus:

'Notwithstanding any provision under these Rules, the Registrar or the magistrate in-charge may allow a document, part of a document or any class of documents to be filed, served, delivered or otherwise conveyed other than by using the electronic filing system[3]'

The availability of web services, the possibility of consulting online court registers, legislation and case law, the use of electronic filing, the electronic exchange of legal documents, are only some examples that are spurring judicial administrations around the world to rethink their current functions and activities. ICT can be used to enhance efficiency, access, timeliness, transparency, accountability, thus helping judiciaries, to provide adequate services. Apart from that, the files and case management systems will be electronic ones. This will make sharing and retrieving of documents easier[4]. 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 by providing both general and specific information on its activities, thereby increasing the transparency in the dispensation of justice.

Reducing the length of judicial proceedings, improving efficiency and effectiveness, and the more general objective of promoting confidence in justice system through the use of technologies are laudable aims and are unlikely to generate much dissention.[5] However, given the nature and importance of the judiciary as one among the pillars 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 when structural and procedural changes such as the ones driven by the introduction of technology, take place.

The extent and success that the use of ICT have had in other areas, particularly the management of public services, has meant that during the last decade the judicial powers from the majority of developed countries have started to implement electronic solutions in the government and administration of its services. There is little doubt that the capacity, turnover and output of judicial system could be markedly improved and that ICTs could contribute to the most efficient way of achieving that improvement.

It is often expounded that since the domains of Law and Justice are bound by a superfluity of procedures, the resistance to change is strong. Certainly, there is a lot of reason in this analysis. However, it is also possible that the slow uptake and problems encountered in the introduction of ICTs into the world of Justice not taking into account the peculiarities and specific problems of each country could also lie with the need of judges and lawyers to minimise the risks implied by the implementation of new methods of courts management where the consequences on the global system have not yet been fully evaluated. In a very uncertain territory, there is nothing lawyers fear more than uncertainty. If you ask the real actors such as judges, lawyers, prosecutors, and other legal practitioners their opinions, the answer is always the same: technologies YES, but they have to guarantee the basic principles of legal certainty, integrity and authenticity of documents, data privacy and an independent judiciary. Ubena writes,

> *'It has been noted that automated systems are often collecting, and processing data. However, if such data is not well secured it may illegally be shared or sold to marketing companies which may amount to infringement of person's privacy. The risk here is not that the judicial officials may leak such data but rather the information system itself may be designed is such a way that it collects, stores or shares personal data'*[6]

The study was therefore, carried out to explore the current situation on the uses of ICT in judicial system in Tanzania, other parts of the world (few countries were taken as an example), and the way it can be implemented in Tanzania for the better performance of the judicial systems. There were questions which guided the researcher such as the necessary technologies for implementing ICT in judicial systems, advantages and challenges of implementing ICT in judicial systems. The research utilised triangulation research methodology which employed both qualitative and morsel quantitative methods to investigate the effective use of ICT in Judicial systems to ensure the issues of validity and reliability. Also through the process of triangulation of data sources, that is, data gathered from a range of different participants, and use of different methods of data collection, a broad range of data were gathered. The triangulation of data, according to Pitman and Maxwell, is "an essential validation technique for conclusions and recommendations"[7]. With this in mind, the use of multiple data collection methods served as a verification check. The face to face interview method was used to get information from the staff of the judiciary of Tanzania to know the challenges of implementing ICT in judicial systems and knowing the basic technology that are needed. But also some questionnaires were given to some staff to obtain information that was needed where the interview method was not easy to be used. Researcher also used internet to collect some of the information in order to understand the uses of ICT in judicial systems in foreign jurisdictions.

2. ICT IN TANZANIA JUDICIAL SYSTEMS

Enhancing unrestricted access to justice and dispensing quality and speedy justice through accountability, transparency and fairness is the main and the core objectives of the judiciary. To accomplish the vision of the Judiciary of Tanzania "***Timely and Accessible Justice for All***"[8], there must be an establishment and implementation of good ICT systems. ICT is a remarkable tool for providing comprehensive, current and timely legal services to the public.

The judicial system for it to accomplish its vision, it must implement Case Management System (CMS) in which all courts will be connected to the centralised database from the highest court to the lowest courts whereby all information regarding the case can be accessed. Electronic solution to case system is managed through the use of CMS. The CMS generates database and overall information related to cases, and the overall case information case by case and court by court. The case information includes the details of the petitioners, defendants, types of cases, number of the hearings and the rulings of the courts with the quoted section(s) of the laws. Through the submission of the overall case information to the High Court by individual courts – one can get information as to the number of pending cases, number of new registered and completed cases within a specified period.

technology in European Judicial Systems" (2007) [Online] available at www.coe.int/t/dghl/cooperation/cepej/series/Etudes-7TIC_en.pdf [June 26, 2017]

3 the Judicature and Application of Laws (Electronic Filing) Rules, 2017 [CAP. 442] (10)(3)

4 Ubena John, *ICT as a solution to delay of cases in the administration of justice in Tanzania*, The Tanzania Lawyer (JTLS), vol. 2, 2008, pp.116-130. ISBN 1821-5564

5 Loveday, B. " *Address to EGPA conference, Cape Sounion, Greece, in M. Fabri and Ph. M. Langbroek (eds.)"*The challenge of change for Judicial Systems," (2000) IOS Press, p.23

6 Ubena John, *Automation of Law and Decision-making*, The Tanzania Lawyer, JTLS, vol. 1, 2015, pp.158-176. ISBN 821-5564

7 Ashleigh, D, "A study of successful implementation and management of educational technology I three New South Wales primary school" (2005) [Online] available from < http://dlibrary.acu.edu.au/digitaltheses/public/adt-acuvp71.25092005/02whole.pdf> [June 30, 2017]

8 Judicial Website, (2017) Vision [Online] available at http://www.judiciary.go.tz/background-history [June 29, 2017]

Meanwhile in Tanzania judicial system, there is Judiciary Knowledgebase System which is online from which a person can access judgements, ruling and orders from the Commercial Court, Court of Appeal, High Court and Labour Court. Therefore, the judiciary need to computerise its courts and establish a good CMS to make sure that all information about pending cases, new registered cases and decision passed in a month are available. Somehow the Commercial Court has advanced and it has been using voice recorder and a partial CMS which can assist the administrators to know the information about cases quickly and allocation of judges to cases. This system is capable of notifying the judges and advocates concerning the date of the cases seven days before the date of hearing. The Court of Appeal on the other hand is recently said to employ ICT tools to record court proceedings and three cases have already been heard using such tools.[9]

3. PRACTICE IN OTHER PARTS OF THE WORLD

The Royal Court of Justice in Bhutan (South Asia) with the support from UNDP has formulated the Royal Court of Justice Strategic IT Plan[10]. The plan envisaged the development of communication infrastructure and website development and the development of an integrated web-based judicial management system as the way forward. Amongst others, it included the establishment of Local Area Network (LAN) in the courts, website for the judiciary, e-mail and Internet access in district courts, enhance data collection and reporting of case flow and fully automating the judiciary's procedures using web-based technologies and the internet architecture.

The computerization of the courts and the dissemination of information about judicial and legal reforms have been given paramount importance. An effective and efficient legal system with public confidence is essentially valuable and promotes development by protecting persons and their properties, allowing peaceful resolution of disputes, facilitating economic exchange, and letting citizens know their rights and obligations.

In Kenya also the judicial systems are using ICT for the purpose of case management[11]. The efficiency of judicial functions is being enhanced with the use of ICT for case management. Until now, the allocation of matters before different judges and the preparation of cause-lists is a time-consuming process. However, computerization of the higher courts has led to tremendous improvements.

The widespread use of ICT in Brazil courts has provoked a whole set of questions that vary from the originality of a judicial decision to the parties protection of privacy[12]. Furthermore, it has redefined the boundaries of lawyers and judges' works as it enables anyone to track and question the professional decisions they make. This has a significant impact on the courts' effectiveness as it reduces time and increases participation. As a consequence, what used to be a ciphered knowledge becomes then available to the parties who no longer feel the necessity to go through a professional's mediation in order to know what is happening and anticipate what may happen.

In Singapore, a well-kept case tracking system databases are implemented which contains virtually all the important information concerning every action , cause or matter filed in the court, including parties particulars, the nature and quantum of the claim, the document filed and the outcome of the proceedings. Having all these data in electronic format open up number of options to further enhance the efficiency of the court. In this respect, Sze writes:

> *"Office automation functionalities have been developed to allow the user to automatically fill standard documents, (e.g. notification tickets), extracting data directly from the database, (e.g. the date of the event that is notified, name and addresses of lawyers and parties)"*[13].

This not only reduces the workload of personnel but also probability of making mistakes. In most cases, once generated, these documents are printed, signed and sent by mail or by other means of transmission. In Finland, where no signature is required, the documents are sent electronically to the post office in the area where the addressee lives, then printed and delivered physically[14].

In 2008, the incoming Chief Justice of the Malaysian judiciary began a program to reduce backlog and delay, and increase judicial productivity. The program began with a stocktaking exercise in the six (6) largest court complexes in which cases were counted, organized into three categories – closed hibernating and active – and targets were set for eliminating all backlog, first dating to pre-2005, and then to cases over a year old. Civil High Courts (with original jurisdiction for high value cases and appellate jurisdiction for cases coming from the subordinate courts) were reorganized to facilitate the process and judges were given targets for case disposition. Within two years the stock of pending cases had been reduced by half, and an automation program was underway featuring audio-video recording of hearings, an automated case management system, scheduled to introduce electronic filing in March 2011, and an automated system for lawyers awaiting hearings. Linn observes:

"*Although paper files will soon disappear a new filing system was also introduced to control the location of physical files. The program is expensive, (US$40million over three years) but this is partly because of the desire to resolve the problems of congestion and delay rapidly. Automation has been an important element but the Chief Justice notes that only 50 percent of the results can be attributed to it"*[15]

The rest depended on taking stock of the number and status of pending cases, setting targets for their elimination, setting and enforcing quotas for judges, targeted procedural reforms, and reorganizing the courts to allow a quicker attack on the problems.

4. FINDINGS

To explore the main objective of the study, (the way ICT can be implemented for the better performance of the judicial systems) the researcher interviewed 15 ICT judiciary staff if they were aware on the necessary technology to be used for the implementation of ICT in judicial systems. 80% (12 ICT staff) were aware on the necessary technologies for the implementation and 20% (3 ICT staff) were not aware.

9 Ubena John, *ICT as a solution to delay of cases in the administration of justice in Tanzania*, The Tanzania Lawyer (JTLS), vol. 2, 2008, pp.116-130. ISBN 1821-5564

10 UNDP "Strengthening Judicial Integrity through Enhanced Access to Justice" (2013) [Online] available at < http://www.undp.org/content/dam/rbec/docs/Access%20to%20justice.pdf > [July 13, 2017]

11 J.E. GICHERU (2009) Paper presentation in Southern African Chief Justices' Forum [Online] available from < http://www.venice.coe.int/SACJF/2009_08_BTW_Kasane/speeches/Gicheru_Judicial_Reforms.pdf > accessed on July 13, 2017

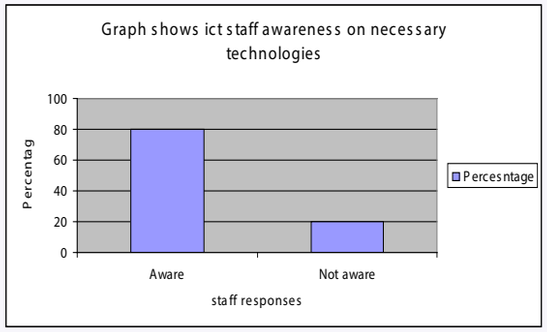
12 Roberto Fragale Filho (2009) The use of ICT in Brazilian Courts [Online] available from < https://www.google.co.tz/search?sclient=psy-ab&site=&source=hp&q=The+widespread+use+of+ICT+in+Brazil&oq=The+widespread+use+of+ICT+in+Brazil&gs_l=hp.3...6018.10734.1.11626.21.13.0.0.0.0.0..0.0....0...1.1.64.psy-ab..21.0.0.zBu1LLQsAmQ&pbx=1&bav=on.2,or.r_cp.&biw=1366&bih=609&dpr=1&ech=1&psi=UQNnWZ3VHob5UujspJgM.1499923284491.7& ei= UQNnWZ3VHob5UujspJgM&emsg=NCSR&noj=1 > Accessed on July 10, 2017

13 T.Y Sze, 'Singapore', in A. Oskamp et al (eds.), "*IT Support for the Judiciary"*, (2004), p.48. [Online] available at http://lml.bas.bg/iccs2002/acs/breuker.pdf [July 13, 2017]

14 K. Kujanen, "E-services in the courts in Finland, Presentation at the Seminar on Law and Informatics", Bern, 26 October 2004, p. 4; see also http://www.oikeus.fi/15955.htm and http://www.oikeus.fi/15956.htm

15 Linn Hammergren, "JUDICIAL GOVERNANCE AND THE USE OF ICT" (2012) [Online] available at http://www.iijusticia.org/docs/Linn.pdf [July 11, 2017]

Figure 1 represents ICT staff awareness on necessary technologies



Results from graph 1 above show that majority of respondents (80%) from the department of ICT are aware on the necessary technology for the implementation of ICT in judicial systems.

The necessary technologies for implementing ICT in judicial systems are found to be:-

- Basic technologies such as desktop computers, word processing programs, spreadsheets and both internal and external e-mail for judges as well as administrative personnel.
- Applications to support the administrative personnel which include automated registries and CMS
- Technologies to support the activities of the judges such as law and case law, electronic libraries, and sentencing support systems.

Table 1: Staff response to necessary technologies for implementing ICT

Necessary technologies	Response	Level of Agreement		
		Agree	Undefined	Disagree
Basic technologies	N	200	20	30
	%	(80)	(8)	(12)
Applications to support the administrative personnel	N	225	0	25
	%	(90)	(0)	(10)
Technologies to support the activities of the judges	N	175	25	50
	%	(70)	(10)	(20)

Results from **table 1** shows that, 80% of respondents agreed that the judicial systems need basic technology for the implementation of ICT. These include basic computer hardware and basic computer software. Sufficient percentages of the respondents (90%) opined that administrative personnel need applications to support their daily activities. Similarly, a sufficient number of respondents (70%) agreed that judiciary needs technologies to support the activities of judges.

Table 2: Opinions about the advantages of implementing ICT in judicial systems

Advantages of ICT in judicial systems	Response	Level of Agreement		
		Agree	Undefined	Dis-agree
Accessibility to justice	N	180	40	30
	%	(72)	(16)	(12)
Transparency	N	220	10	20
	%	(88)	(4)	(8)
Cost effectiveness	N	175	25	50
	%	(70)	(10)	(20)
Efficiency	N	190	30	30
	%	(76)	(12)	(12)
Research tools	N	200	20	30
	%	(80)	(8)	(12)

It is evident from **table 2** that, sufficient number of respondents (72%) agreed that when implemented, ICT will increase accessibility to justice in judicial systems and 88% of respondents supported that ICT will cause transparency.

Similarly, a sufficient number of respondents (70%) supported the statement that the vision for cost effectiveness will be met when the implementation of ICT in judicial systems will take place. Efficiency is another aspect which was supported by the majority of respondents (76%) when ICT is implemented in judicial systems. A prominent majority of 80% respondents also supported that ICT simplifies research activities when used.

Table 3: Challenges of implementing

ICT in judicial systems

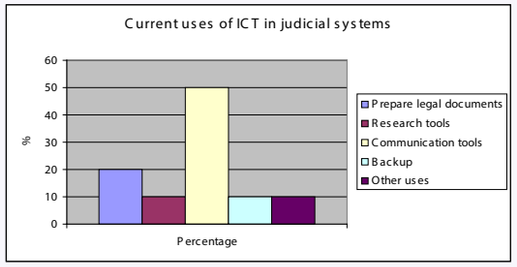
Challenges	Response	Level of Agreement		
		Agree	Undefined	Disagree
Lack of awareness of the technology	N	180	30	40
	%	(72)	(12)	(16)
Technical difficulties	N	220	10	20
	%	(88)	(4)	(8)
Computer illiteracy	N	180	40	30
	%	(72)	(16)	(12)
Unreliable internet connectivity	N	175	25	50
	%	(70)	(10)	(20)
Lack of electricity	N	225	15	10
	%	(90)	(6)	(4)

Results from **table 3** reveal that, one among the challenges of implementing ICT in judicial systems is lack of awareness of the technology. This is agreed by 72% of the respondents. Similarly, 88% of respondents said that technical difficult is another challenge and 72% said that computer illiteracy is also a great challenge. In our country electricity and internet connectivity are the major problems in most of the areas. The results also depict that 70% and 90% of the respondents declared that unreliable internet connectivity and lack electricity were respectively challenges to the implementation of ICT in judicial systems.

Table 4: Current uses of ICT in judicial systems

S/N	Uses of ICT	No. of Staff	Percentage
1	Prepare legal documents	50	20
2	Research tools	25	10
3	Communication tools	125	50
4	Backup	25	10
5	Other uses	25	10

Figure 2: Current uses of ICT in judicial systems



It is obvious from figure 2 that a sufficient majority of the respondents (50%) said they normally use ICT in judiciary for communication purpose. A few staff also confirmed that they use ICT as a research tool (10%), backup purposes (10%) and other uses (10%). The remaining percentage (20%) of the respondent said that they use it for preparing legal documents.

5. DISCUSSIONS

Judicial work is not what it used to be. In fact, in a time not so long ago, decisions used to be written as if they were one of a kind even for cases related to mass litigation. In order to get its contents, even if one could anticipate them, one would have to physically go to Court. A daily follow-up of every case is required in order to avoid surprises such as the missing of a deadline. Briefly, the everyday judicial work is then a very time consuming task. But, one must recognize, the effective uses of ICT in the Courts will completely reshape judicial work

As it has been found in findings **(figure 2)**; the use of ICT in judicial systems is not much as expected. Although there is a minimal use of ICT, there is quite a few judicial staff who uses. This is particularly so because most of the workers are computer illiterate. This fact is consistent with the finding obtaining from 72% of the respondents shown in **table 3.** Indeed, computer illiteracy is among the challenges for implementing ICT in judicial systems. Regardless the challenges which are

depicted in **table 3** for implementing ICT in judicial systems, there are many advantages of using ICT in judiciary as revealed by a few staff in **table 2**. Therefore, the judicial systems must find away on how to implement technology to enjoy its benefits.

The effective use of technology improves working practices and provides better court services. At this level, justice can be conceived as a product of combined efforts of plurality of actors. Some of these actors, such as administrative personnel and judges, operate within the court organisation, while others, such as lawyers, litigants and witnesses, but also the community and public institutions, constitute the environment within which the court traditionally operates. The results from **table 1** depict the necessary technology which can be adopted within the court for the implementation of ICT in judicial systems and are divided into three categories. The first category consists of basic technologies such as desktop computers, word processing, spreadsheets and both internal and external e-mail for both judges and administrative personnel. The second category consists of applications used to support the administrative personnel of the court, which include automated registers and case management systems. Finally, the third category consists of technologies used to support the activities of the judges, such as law and case law electronic libraries, and sentencing support systems. Velcogna writes:

> *"Basic technologies are standard products that can be easily acquired on the market. They mainly consist of hardware and software used to create, collect, store, manipulate, and relay digital information needed for accomplishing basic office tasks"*[16].

Unfortunately, the dissemination of such technologies, when not followed by other actions, such as training and redesign of working practices, will often result in a very limited impact on efficiency. The use of basic technologies allows people working within the courts to discover what ICT is and to start experimenting with it. This is particularly important as courts have often been characterized by a very low level of technological competence. The mere fact that some courts are starting to use computers for drafting and printing simple documents, using e-mail for informal communication and surfing the internet, helps with the sharing of a basic computer knowledge much needed for the adoption of further systems. This is supported from the finding in **table 4** which shows the current uses of ICT in judicial systems. So this basic technology is needed because it is fundamental for the

implementation of other technologies.[17] For example, without a computer and an internet connection, a judge cannot access on-line legal information services and also cannot use it as a research tool.

The role of the administrative component of the court is to perform a number of tasks that range from case-tracking and keeping official records of all court matters to official court notifications. Furthermore, court personnel carry out an important role as an interface, and at the same time a buffer between the judge and the other actors that participate in the judicial process. Legal practitioners very well know the judicial proceeding starts long before a case reaches the courtroom. The administrative personnel of the courts file and keep registers and documents in compliance with codes of procedure, laws and regulations. Under Order IX of the Tanzania Civil Procedure Code Act of 1966 the parties are bound to appear before the court for purpose of hearing during the trial or for the purpose of receiving orders. The same may be dispensed with when employing ICT and when court deems it fit. For instance in a situation where a party is unable to appear physically before the court to prosecute his or her case and the case may thus be adjourned, hence delay. In this situation, the party may file relevant documents online. The documents like pleadings may be filed online.[18] One of the clauses in the proposed rules for electronic filing provides:

> *'Any requirement for filing, service, delivery or otherwise conveyance of a document shall be satisfied by the filing, service, delivery or otherwise conveyance of a single copy using the electronic filing system in accordance with these Rules*[19]*'.*

All these actions require time and resources. In supporting the clerks' activities, ICT can play an important role in saving much needed resources at the earliest stage of the trial. It guarantees that the formal procedure has been respected, e.g. for computing any period of time prescribed or allowed by regulation[20]. Furthermore, it allows a quick review of the status of a case without having to physically access and read the case file. For these reasons, one of the first applications that need to be developed in the courts is the automated register. When this is done, it will increase accessibility to justice, transparency, efficiency and cost effectiveness as reflected in findings that are consistent with **table 2**. ICT helps to make court system more accessible to the court users, litigants and the general public by making the judgments, hearing calendar, court procedures and case information available over the internet. Lungten supports the findings that ICT enables the judiciary to execute the court functions in much faster and in efficient ways.[21] For example, the recording and the entry of the case information by the bench clerks and the writing of judicial orders and judgments becomes much faster with improved efficiency and effectiveness.

If automated registers are well kept, the clerk can now provide the information with a few taps of the keyboard. He or she does not need to go searching through the pages of the court docket books. Effective case flow management makes justice possible both in individual cases and across judicial systems and courts, both trial and appellate. It helps ensure that every litigant receives procedural due process and equal protection. Case management involves the monitoring and managing of cases in the court docket from the time the action is filed to the moment it is finally disposed of by way of trial, settlement or otherwise. It ensures that all cases progress swiftly without unnecessary delay[22]. ICT when used properly will help the judicial systems to develop a very good CMS that used to perform different courts functions.

Some of the functions performed by the CMS are strictly related to the management of the single case. These functions include the support and automation of the back-office and the administrative work of court staff, case tracking, case planning, document management, scheduling of hearings and support of judicial activities. For example, after the receipt of a pleading the event needs to be registered, the case needs to be allocated to a judge, notices need to be sent, a hearing must to be set, as well as time allocated for the judge to review the pleading before the hearing. Clause 4 sub 2 of the proposed eFiling Rules, 2017, says:

16 Marco Velcogna, "*The use of information and communication technology in European Judicial Systems"* (2007) [Online] available at www.coe.int/t/dghl/cooperation/cepej/series/Etudes7TIC_en.pdf [June 26, 2017]

17 CEPEJ, "European Judicial System" (2006) [Online] available from http://www.google.co.tz/url?url=http://www.coe.int/t/dghl/cooperation/cepej/evaluation/2006/CEPEJ_2006_eng.pdf&rct=-j&frm=1&q=&esrc=s&sa=U&ei=piBnVNebDpPtaMLXgL-gH&ved=0CBgQFjAB&usg=AFQjCNHgh-ZNeOge-sg-ON-sWXbqsiuCILw [February 15, 2017]

18 Ubena John, *ICT as a solution to delay of cases in the administration of justice in Tanzania,* The Tanzania Lawyer (JTLS), vol. 2, 2008, pp.116-130. ISBN 1821-5564

19 the Judicature and Application of Laws (Electronic Filing) Rules, 2017 [CAP. 442] (10)(1)

20 Marco Velcogna, "ICT within the Court in the E-justice Era" (2010) [Online] available at < www.effectius.com/.../**ICT within the court in the e-Justice Era** by Marco Velicogna.207234735.pdf [September 5, 2016]

21 Lungten Dubgyur, "JUDICIAL REFORMS AND ACCESS TO JUSTICE THROUGH THE USE OF INFORMATION AND COMMUNICATION TECHNOLOGY (ICT) IN BHUTAN" (2010)[Online] available at < www.**judiciary**.gov.bt/html/education/.../IT%20Paper-Lungten.pdf

o

o > [November 15, 2016]

22 Marco Velcogna "ICT within the Court in the E-justice Era" (2010) [Online] available at <www.effectius.com/.../**ICT within the court in the e-Justice Era** by Marco Velicogna.207234735.pdf [June 5, 2017]

> '*Where a document is required to be filed with, served on, delivered or otherwise conveyed to the court under any other provision of these Rules, it shall be so filed, served, delivered or otherwise conveyed using the electronic filing service in accordance with these Rules and any practice directions for the time being issued by the Chief Justice[23]'*

If a response is not received from the opposing party, a reminder may be sent by the clerk. In the paper based system, the flow of cases is carried around in the heads of court personnel, or is ingrained in procedures and material artefacts such as to-do lists. Correa writes:

> '*The CMS embeds such knowledge and automatically performs most of these tasks, providing support to others (e.g. tracking events and generating reminders of deadlines) and thus helping to improve the service[24]'.*

It is not only the issues of CMS, but also ICT is used to design applications to support and to automate judges' activities. ICT supports the work of the judges in several areas, including the organization of the activity, the information management and retrial, document production and the decision-making. One of the aspects of the judge's activity that has been probably most affected by the use of ICT is that of legal research. From the findings in **table 3 &4**, when used, ICT facilitates legal researches which judges must do.

Various technological support tools ranging from cds to local intranets, to the internet provide access to constitutional material, laws, appellate decisions, rules, statutes, local ordinances and much more. Conducting on-line legal research and surfing the growing number of websites has become more and more a part of a judge's daily activity. The use of search engines and text mining techniques has highly increased both quality and efficiency of legal research.

Forums and discussion groups in which judges can 'virtually' meet and discuss legislation, procedures and cases, have been an important development. In some cases, with the reduction of opportunities for judges to work in panels, electronic forums and discussion groups are thought to be a tool providing an opportunity for judges to share information and receive support[25].

Another direction that ICT investments have taken is the development of sentencing support and automated judgment systems. These systems should help improving the quality and timeliness of judgements, and leading judges to impose sentences which are more consistent over time. "One of the most successful examples is the Sentencing Information System for the High Court of Judiciary of Scotland. The system 'uses computer technology to allow sentence quick, easy access to relevant information about past sentencing of the court in 'similar' cases, without placing any formal restrictions on the exercise of judicial discretion[26]". In general, however, the development of such systems seems to pose serious problems. This is probably related to the nature and complexity of the tasks compared to the present state of technologies.

6. CONCLUSION

Despite the challenges which might face the judicial systems on implementing ICT as found in **table 3**, the benefits the judicial systems and all other parties will get are much more. It is therefore concluded that fully endorsement of the implementation of ICT solutions right from the Court of Appeal to the subordinate courts will enable Judges to assume far greater responsibility in tracking and managing cases. A national level tracking mechanism can therefore enable the monitoring of the progress of cases, the scheduling of Judges' workloads and the listing of cases among other parameters. The progress of a case right from the stage of first instance to its conclusion can be recorded and information about costs and delays made available. Indeed the availability of this information increases the accountability of the judicial systems and would thereby increase its efficiency.

7. RECOMMENDATIONS

Through the findings accrued in this study for better automating the judiciary systems in Tanzania, two recommendations are made:-

7.1 Judiciary must develop the fully CMS which is currently used by the commercial court and the same system should be implemented to other courts

7.2 Since the automation is necessary, the judiciary must prepare its staff by training them on ICT matters just basic computer courses which will enable them to work in the new environments of automation starting from court clerks to Judges.

23 the Judicature and Application of Laws (Electronic Filing) Rules, 2017 [CAP. 442] (4)(2)

24 Jorge Correa, "Access to justice and judicial reforms in Latin America any hope of equality?" (2010) [Online] available at < www.law.yale.edu/documents/pdf/Sutil_**Access_to_Justice**.pdf> [November 15, 2016]

25 UNDP, "Strengthening Judicial Integrity through Enhanced Access to Justice" (2013) [Online] available at < www.undp.org/content/dam/rbec/docs/**Access**%20to%20**justice**.pdf > [November 15, 2016]

26 Scottish Summary Justice Review Committee, "The Summary Justice Review Committee: Report to Ministers",(2004), pp. 208-211, available at <http://www.scotland.gov.uk/Resource/Doc/47171/0031637.pdf> [November 14, 2016]