

Important Highlights on Federal Courts Civil Case Flow Management

Description

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Introduction

The Federal Supreme Court has issued Federal Courts Civil Case Flow Management Directive No.008/2013 in accordance with powers vested in it by Proclamation No 1234/2021. The main objective of this Directive is to ensure citizens' right to a fair trial within a reasonable period of time, equal access to justice and increase their assurance in the judiciary. And also in order to ensure accountability by creating efficient practice and effective judicial service by avoiding delay of justice. Scope of application of this Directive will be federal Supreme, High and First Instance Courts.

Public Hearing

According to Article 6 of the Directive, hearing should be public except in situations provided by law. This is in order to make the judicial system accountable and citizens will gain confidence in the courts by seeing judicial work in action.

Court Working Hours

Working hours for hearing will start 3:30 in the morning and 8:00 in the afternoon at local time. President of the court has the discretion to make working hours other than this taking into consideration the climate of the specific area as it is stipulated under Article 6(3).

Hearing Priority

Priority should be given to a case remanded for a review by appellate court or by cassation. Priority should also be given to elders, children, persons with disability, pregnant women and taking into consideration the public interest nature of the case.

Court Appointment Policy Procedure

In principle courts should make appointments in accordance with Civil Procedure Code and other relevant laws.

The sequence of making an appointment should take into consideration complexity of issues, time frame and the stage the case reached in accordance with Article 8 of the Directive. The court will give an appointment only where it is necessary to take some action. In determining length of the time the judge may take into consideration the specific nature of the case.

The date and time for appointment should be clearly specified to the parties. The date for court appointment should be respected. Alternative appointments may also be ordered upon fulfillment of conditions specified under Article 13 of the Directive.

Powers and Functions of Different Organs Regarding Case Flow Management

In order to secure efficient and effective judicial service without delay, follow up of cases will be made by the pertinent organs until a decision is made. The Directive provides for powers and function of different organs in order to make case flow management effective.

Powers and Functions of the Court President

The President follows up on enforcement of case flow management. The president will also conduct a research and verify the reasons for delay of justice and provide a solution. Generally, the President will organize to make convenient hearing organization and effective case flow management.

Powers and Functions of the Presiding Judge

The presiding judge will make administrative functions to make the judicial service accessible and convenient. The presiding judge will also make a follow up whether cases are being settled within the allotted time. Overall, the presiding judge will make an administrative function in order to serve justice without delay.

Powers and Functions of Judges

Judges have a mandate to ensure citizens' right to a fair trial within a reasonable period of time. Specifically they will follow up on cases and work to settle cases within the allotted time. They may also take measures on cases that need correction. Judges have also the mandate to report about works of enforcement of this Directive. Thus judges have a mandate to provide effective and efficient court proceedings and judgment without delay.

Powers and Functions of Parties to a Proceeding

In order to enforce the Directive effectively, the powers and functions of parties to a proceeding are also specified under Article 18 of the Directive. Among the powers and functions of parties at issue are providing necessary documents, to refrain from intentionally causing delay by making unnecessary applications and to respect orders of the court.

Powers and Functions of the Court Registrar

Powers and functions of court registrar include opening files according to the Civil Procedure Code and submitting them to the court. Inform the parties of the time table of the case. Generally the Court Registrar has the mandate to facilitate the enforcement of the Directive.

Powers and Functions of Case Flow Management Director

The Directorate of case flow management has the mandate to follow up and take administrative measures on cases from the date of opening of that case until judgment is rendered. The Directorate also has a mandate to report enforcement to the concerned organ and facilitate implementation of the Directive.

Accountability and Responsibility of the Courts as an Institution

In general the courts have the mandate to take the necessary measures to settle cases within the time table provided by this Directive and to make the case flow management Directive accessible through publication and social media. To inform the society about cases which are settled and which are on progress. Generally to make the implementation of case flow management Directive efficient and effective. When necessary they will prepare manuals. The judicial organ will be held accountable if they fail to perform these functions according to Article 21 (2) of the Directive.

Conclusion

To sum up, the Case Flow Management Directive will have an important role in giving citizens due process of law. Citizens are complaining about the delay in the judicial system. So proper implementation of this Directive will ensure citizens' right to a speedy and fair trial by avoiding delay of justice.

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