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SCHOOL OF LAW

EXTERNSHIP REPORT

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Acronyms

1. FDRE- the federal democratic republic of Ethiopia
2. Cr.p.c- criminal procedure code
3. Civ.p.c- civil procedure code
4. HC – High court

Chapter one

The general structure and legal foundation of Ilu aba bore zone high court

1. Introduction

Based on Ethiopia law school practical skill oriented academic program, I have been went to court for practicing my theoretical knowledge of law and also to make complete and finalize my first degree program.

As per this program, I had been working at Ilu ababore zone high court. Within the time I spent on this court I had been trying to engage on different tasks of the office under the supervision of the registrar officer of The court.

The task had been distributed for same student who came from different universities for externship program through rotation which is made within 15 days. Those duties which had been given for externship trainee are on the first weeks to investigate dead file and to observe trials. Then the role of registrar officers thus are checking technical sufficiency of the application made to the court, working as a supportive judge for both criminal and civil bench in which the pleadings could be analyzed and solved.

In general the externship program has given me the opportunity to drive my theoretical knowledge of law in line with the practice, to evaluate my potential and build confidence for my future career.

Therefore this paper is meant to report the general working environment, the structure of the court on which I had been practiced, what I have done for around two month, observed, experienced, and the drawback which needs series measure as well as recommendations for those discrepancies

1. The structural and functional organization of the institution

1.1 The legal foundation of Ilu aba bore zone high court

As enshrined in the FDRE constitution art.78 states has got the power to establish independent three levels of courts including cassation bench to look into their own affairs. The Oromia state constitution under its art.74 and 75 confirmed such facts by providing the state supreme, high, and woreda courts. Furthermore to discharge its obligation the Oromia region enacted a law which least's the establishment of the needed courts in conformity with both FDRE and Oromia constitutions. The oromia court establishment proclamation number 68/96 deals with the structure, power and function of the court; this is the major subject matter of this part of the paper.

From this time onwards the Ilu ababore zone high court started to function by having great vision to make courts located in Mettu city independent and model courts in terms of bringing fair, impartial and speedy trial for all

To this effect the courts value among other things, are supremacy of the law, prioritizing the society, efficiency, freedom, courage and accountability, fairness, integrity, honesty and working in organized way

1. 2. Structural organization of Ilu aba bore zone high court

For the purpose of achieving its objective the Ilu aba bore zone high court is made to have the necessary structure and organization. Irrespective of the mandate given by the federal first instance court and fresh cases based on jurisdiction, the Ilu aba bore zone HC receives files in the form of appeal only from the woreda and city first instance courts. Cases from rural areas are lodged from zone woreda courts to zone high courts. Based on such structure it can be said the Ilu aba bore zone HC functions with a relative efficiency.

1.3. Internal structure

The Ilu aba bore zone high court made to have seven different administrative parts with different responsibility and mandate which are stated as follows:

1.3.1 Hearing and decision making process department

This department is in its former name the registrar, which has to do with the examination of technical sufficiency of suits and applications based on article 222 and 223 of civ.pr.c, And the technical sufficiency of the charge and the existence of cause of action which are requirements to give summon.

1.3.2. Human resource management department

This stuff in high court is mainly designed for organization and administration of human resource in the manner which can be utilize in most efficient way.

1.3.3. Marketing and financial department

It is a department established to purchase necessary equipments and the general financial matter of the institution.

1.3.4. Development plan, follow up and evaluation department

The department which is concerned with generation of different development plan follows up of it and evaluation of the action and the measures which have been taken for the same purpose under the institution.

1.3.5. Information and communication department

This is department which works on providing information for beneficiaries of the institution.

1. 3.6 the human resource, data and statistics department

This stuff work with the information and the data recording and processing system in the institution.

1.3.7 General Service department

The department which is concerned with the quality of the service that HC is providing to the public.

The high court also has its own president and vice president on its management stuff. All the departments are accountable to the president and on his absence to the vice president. The vice president is also accountable to the president which puts, the president at the apex the entire department or instructional structure.

2. The power and function of Ilu aba bore zone HC

According to article 3 of oromia court establishment proclamation, Ilu aba bore zone HC as one of the regional courts have a jurisdiction over regional matters except those expressly reserved to the federal courts, over matters

failing under federal courts jurisdiction up on delegation and it have a jurisdiction to rule out any administrative action, decision, or orders which contravenes with the regional constitution. The same proclamation on the above article provide the specific jurisdiction that the high court is endowed with. Thus high court has first instance jurisdiction over matters failing under jurisdiction of high court pursuant to civil and criminal procedure code and other laws. Secondly it has the mandate over the matter failing under the federal first instance court by delegation as enshrined under art 80[4] of the FDRE constitution.

CHAPTER TWO

externship program and the working condition within the court

1. The working environment in general

Ilu aba bore zone high court is a court which has got years of experience in receiving students who came for externship program up on fulfilling the requirement. As usual the court was ready well come such students even though it didn't tolerate simple irregularities. The head of registrar was our organizer who is optimist and diligent to arrange us in most practical way. The devotion and effort to learn, which had been seen in most student was worth mentioning. We were exactly obsessed to know what the practical situation outside class room looks like.

We have also got the chance to do deal and share ideas on pending cases in group by helping each other within competitive and energetic spirit. In general I can mouth fully say the environment was interesting.

2. Works I have done in externship program

Our coordinator, had been consulting us and gave duties based on fixed plan. That for the first time of our stance, what he had done was grouping us in different tasks of registrar officer, which is checking the technical formalities of the pleadings which applied to the court, working as a supportive judge in civil bench one, civil bench two and criminal bench in five members of group which could rotate up on 15 days.

Based on the duty allocated for us, on the first week of my term I have spent by reading dead files which help me to imitate the judge of high court and evaluate accordingly. And also I have been given the chance to attend many civil and criminal trials in the morning time where no official duty is there, this opportunity has given me a knowledge on how the HC practice the trial proceeding, then I had been working as a register officer with my fellow to know how the register is doing its task, within the time I have spent inside this office I have tried to know what is the specific role of the registrar, I have got the chance great experience from my friends on how investigate files to identify suits which didn't fulfill technical sufficiency. Also to identify cause of action and technical sufficiency of charges in criminal cases.That task had been given a good chance to catch up what I expected to learn.

Then the next term 15 days was dedicated for our group to work as support judges in civil bench 2, at this time they have given a pending cases for our group in discussion room so us to see whether the case is appealable or not, whether the lower court has decided the case based on the law and the fact brought in front of it or not. we were also wrote judgments on few cases in line with the form prepared for such purpose, up on reading the judgment for presiding judges thy will approve it up on signing on it. I have attached a sample of these form on labor case file number 17685 at of the back of my paper, honestly speaking this shift has given me a great chance to communicate honorable high court judges and to share their long years'

experience and also it has given me the opportunity to build my confidence so us to express myself in front of such judges.

The point that I should not pass without reporting is, in whole time of my practice, the task given for all students are appeal cases. The justification according to our supervisor is “the system of the work doesn’t allow us to do that, because it needs to go through different steps with great caution because of complexity of the matters, which makes the work difficult. [1]

To conclude the task we had given was not strictly followed y chronological order. Rather based the time we spent in the court and commitment of each group to end up their tasks officially given.

I am happy not to let go the chance I had, my commitment to the official duty gave me a trust to hold a responsibility and for me it was great pleasure.

CHAPTER 3

Case analysis

1.Strong side of the court

The point I want to explain here is the strong side I observed in my stay at Ilu aba bore zone high court, among the merit worth to appreciate is the judge’s approach towards the externship trainees including me. The way they treat us makes things easier, which shows us how they are diligent and careful on their job that they even read additional material to upgrade themselves which intern helps them to give quality service and maintain the justice system

Another point I have observed is the trail system. Even though, the building is not suitable for trial process and most civil cases conducted in the office

[1] coordinator of externee.

due to renewal process, but still the judges are careful and wise in terms of serving clients and justice. This increases public trust of the society at large. Particularly the civil bench two follows more of paternal approach which is convenient for parties to explain their point contention which helps to find the truth. They sometimes go out of strict ways and become flexible to help the parties on dispute which I think helpful to serve justice. The judge's discipline on their dressing style and the manner communication and their thoroughness is even beyond ethical requirement as such worthy to be thanked. They also work in cooperation with each other and have a good approach towards advocate's interns of arranging time for next trial appointment, which show their commitment to create conducive legal environment and to serve justice in line the law.

The 3rd point I would like to introduce as a trainee is the general system of the court to serve clients. It has got organized structure so that any client could accesses the service more easily. Anyone who went there to file his/her claims, there are some simple procedure needs to be followed. The registrar office is there to give a kind service for customers, based on their claim and interest there are forms needed to be filled for instance anyone who went there to accuse his opponent required to register his pleading to the registrar officers and after checking the technical sufficiency standards the registrar officers give a summon to be issued for the defendant with statement of claim by the plaintiff. Such summon samples is always available in order to serve who are in need.

2. Weakness of the court

High court involves different judges with many years' experience and some youth who are not that far from education. They all could be categorized as diligent and very good at work but that doesn't mean they are perfect and free from error.

Among the defect I observed high court was its deviation from civil procedure code, article 222 of civil procedure code and art 223 criminal procedure code. Basically registrar office is required to see technical sufficiency's and existence of cause of action on each pleading but the practice in Ilu ababore zone high court Is different, that they mostly looking the legal sufficiency's which typical works judges and sometimes in charge of writing judgment, this would undermine the performance of judges to search the legal ground as per the law and open the door for error. As far as this point concerned

I personally asked the civil bench two judges and respond me "*because of case load and commitment of registrar officers to investigate the case from legal point of view they are forced to accept such practice as custom since it helps them to reduce job load*"[2]

Noise at court room is also another problem. Most of the time cell phone is ringing while the trial is at work. The misconduct among attorneys also shares its contribution for such disturbance.

The judges also have no security to protect themselves in work place and outside the court since they have no secured transport service, they are exposed to danger because of the nature of their job.

In addition to the above point, the criminal bench has its own contribution for violation of constitutional rights of the accused. When I was attending in many criminal trial a suspects are not informed the statement they made are used against themselves as provided in art 20[2] of constitution, sometimes they don't bother whether the police has got the evidence forcefully or as per law.

[2] Ato megersa tadese civil bench judje

3.Legal and factual analysis

The points I must not pass without report regarding criminal cases are, the role of elder. They have a power which is beyond necessary and sometimes defeat the purpose of criminal law. Even though found it difficult to bring the cases as a sample because of inconvenience disorganization the store due to renewal, there are a number of criminal cases which is closed by arbitration. For instance file number 09524 a crime against art 692 fraudulent misrepresentation, file number 08393 a violation against art 670 robbery and art 32 [1] [a]. [Such file numbers are found on recording of registrar].[3]This and other similar cases are transferred to elders and reached to agreements up on the application made by the parties. Among its objective one of the major purposes of criminal law is show its deterrence value in particular and protecting the public at large because crime seen as an offence committed against the public not an individual 1. Such act of the court could be taken as a violation of the purpose of criminal code.

Conclusion

The Ilu aba bore zone HC is generally a court which is established in accordance with the article 78 of the FDRE constitution and article 74 and 75 of the regional constitution. Its specific things are provided vision, mission, and values which help it to discharge the purpose which brought it to existence.

Based on those goals it already started to function and grow with many good qualities.

But the court is not also free of problems rather as I stated under chapter three of my report paper three is problems which pull the court back as a result which needs a quicker solution. Thus are one thing is the drawback of the curt itself or instant trying to solve criminal cases in ADR system,

[3] FDRE Criminal code of Ethiopia, 2004

which against the rule of criminal law as well as against the will of the public.

The other thing is the gap of the law itself which might bring decisional difference among courts, which need an attention to solve such problem.

So, here in below I have tried to remind the problem and recommend the possible that I thought are very helpful in reducing and curbing the problem.

Recommendation

The problem which I indicated needs serious measures. Even though there are steps which are taken by high court to solve the problems it had. For instance building problems are already started to e solved because they are constructing inside the compound which satisfies the need of such court. Whereas there are still some problems which are considered as a drawbacks. For this I recommend even if there exist a work load judge should be always work according to the law particularly as per art-222 and 223 of civil procedure code by denying the registrar office to entertain legal sufficiency and working with judgment which would create loophole for complex cases that undermine public trust. Rather than giving such job the concerned organ must appoint some other judges and expand the structure of the court.

In addition the order and silence inside the court room is very crucial for the proper serving of justice. most of the time cell phone are ringing on trial proceeding, unnecessary noises are also there, attorneys ethical problems is also one of the challenge, especially in relation with appointment for next trial some lawyers uses such opportunity to delay justice, I recommended

the enactment of directives which provides series measure to create smooth environment and so us to bring the charisma of the court. Or, at least a proper implementation of the already existed laws for some time, and for sure, it will be a lesson for others and the court will have silence and order back.

Finally, the court should strive to keep the already existing qualities and work on increment of many other qualities by achieving its vision, mission and the great goal.

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