

But how fast is the Fast-Track Commercial Court?

By Augustine Sorie-Sengbe Marrah—24/12/2016

About half a decade ago, the Fast-Track Commercial Court (“FTCC”) was hatched in revolution of the commercial and admiralty division of the High Court of Sierra Leone. Many believe that the creation of this commercial court was in compliance with some dictates of Bretton Woods to provide an enabling environment for commerce and business so as to bolster the confidence of investors. But this piece would not attempt to conduct an academic post mortem into that decision in view of the plausible notion that justice is being merchandised. Irrefutably however, the commercial division of the High Court was never the slowest spoke in the wheels of justice; if anything, it has always had the lion share of attention and resources much to the neglect and abandonment of the other divisions of the High Court namely, the Land and Property Division; Family and Probate; and the General Civil Division. There’s a legion of instances of unending litigations at the Land and Property division which have sent many to premature eternity and left many others disillusioned with everything judicial in Sierra Leone. If anything was desperate for or beckoning fast-track, it was those other divisions where justice was and is still often obstructed and contorted by many and various agencies and interests. But this piece certainly is not for this purpose; it is to examine whether the fast-track commercial court has lived up to its name or whether it has become a pale shadow of its former persona, if indeed it ever had a previous self.

The FTCC appears to be a shining model of a judicial institution in our country un-associated with allegations of corruption and bribery which are commonplace in other divisions of the High Court. This is certainly very commendable since corruption and bribery have for far too long hamstrung the dispensation of justice in Sierra Leone. Till date of writing, the judicial personnel at the FTCC seem to be people of moral character and integrity and it seems they are beyond the reach of the invisible and ubiquitous hands of bribery in our nation. (This assertion however is not based on any empirical data nor is it a conclusion reached based on any survey conducted and is solely based on the author’s perception garnered from his numerous appearances at the said court and interactions with the said judicial personnel.)

The FTCC however grapples with many deficits as if they were consequences of the still-birth of the institution. Apart from the giant print of its name etched on a building sans architectural finesse, the FTCC is increasingly viewed by many as no more than an effigy of indolence and a caricature of its vision. The edifice apart from

being unsuitably gargantuan shows no readiness for efficient juridical work. The characteristic delays sustained by avoidably longish procedures for filing of and payment for court processes and assignment of cases have rendered the institution incapable of making it beyond adolescence. The frequent power-cuts and in some cases the long wait for the NPA/EDSA metre to be credited leaves one wondering whether the institution was foisted on an unready or unable or unwilling judiciary. Sometimes, minutes would run into hours and hours into endless wait before the frequently broken-down generator would be revived to life by some technicians with visible mechanical incompetence. The natural effect of the recurrent black-outs and brown-outs is that aside the fact that some judges would adjourn cases, payment-slips would be pending for days hence protracting the time within which motions/applications or orders of court are heard and lodged respectively.

It's been more than five years in existence yet the FTCC has no NRA point of payment so solicitor's clerks would have to pick up slips (for which no one can conjecture a timeframe) and walk all the way to the Law Court Building, Siaka Stevens Street to effect payment. If the FTCC still cannot see why this practice does not expedite justice then what else will it see? As a frequent practitioner before the FTCC I make bold to say that it is now more tedious to file court processes at the FTCC than at the main Law Court Building. But yet the FTCC still bears the name fast-track!

On some occasions, matters would have to be adjourned because of mechanical issues with some judge's vehicle. What is holding back the FTCC from having a stand-by vehicle to pick up judges whose assigned vehicles would refuse to serve them on a particular day ... only God in His infinite wisdom knows!

In recent times, matters had to be adjourned for several weeks if not over a month for some judges who were attending some conferences overseas. The author is not against continuing legal education and the need for regular refreshers for benchers that would impact on the quality of their work. However, the author thinks structures should be introduced so that a judge's attendance at a conference/training would not result in prolonging litigations at the FTCC. On most occasions, solicitors would show up at the FTCC to conduct their case only to be told that the judge has travelled and is not coming back until a certain date. Certainly, the long vacation is a good time to get the benchers into useful refresher programs with minimal interruption to their caseload.

The FTCC as it is belies both its name and mission and has hurriedly joined the unhurried, unrushed, slow-going, relaxed and leisurely attitude of the other

divisions of the High Court. It seems the FTCC's name can no longer cover up for its institutional weaknesses and multitudinous problems since birth. Perhaps only a re-incarnation can save it from the association from which it was brought out, to stand out and to serve as the beacon of hope for the other divisions of the High Court to emulate and to aspire to.

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