

THE PROGRESS REPORT FOR THE 20TH ANNUAL JUDGES' CONFERENCE RESOLUTIONS, 2018

My Lord, The Hon. The Chief Justice, following the establishment of the Judiciary Monitoring Committee under Office Instrument No. 2 of 2018, whose composition is as follows;

1. Hon. Lady Justice Stella Arach Amoko, Representative of the Supreme Court
2. Hon. Mr. Justice Geoffrey Kiryabwire, Representative of the Court of Appeal
3. Hon. Mr. Justice John Eudes Keitirima, Representative of the High Court
4. Hon. Lady Justice Margaret Mutonyi, Representative of the High Court
5. H/W Isaac Muwata, Registrar, Judicial Training Institute (Secretary)
6. H/W Waninda Fred K. B, Registrar, Planning and Development
7. H/W Susan Abinyo, Representative of the Chief Registrar
8. Mr. Felix Okurut, Principal Economist

I hereby express my gratitude to you for entrusting me with the responsibility of chairperson for this committee. I now present to you, the Justices and Judges in this conference, the Progress Report of the 20th Annual Judges' Conference Resolutions, 2018.

ACTION	PROGRESS	REMARKS/ RECOMMENDATION
1. The judiciary should prioritise disposal of cases that destabilise societies such as Homicides, Sexual-Related cases,	❖ Commercial and Land cases have been prioritised under the JLOS Work Plan for the F/Y 2018/19. This is under output 3.3 Strengthening Commercial and Land disputes where, 143 Commercial and 391 Land cases were disposed under case backlog	The Judiciary has submitted a concept note titled: <u>Strengthening of the Land Adjudication Mechanism in judiciary</u> to the Ministry of Lands, Housing and Urban Development under the Competitiveness Enterprises Development Project funded by World Bank.

<p>Commercial cases and Land matters.</p>	<p>sessions in F/Y 2017/18. The Judiciary cause-listed 1000 cases under the SGBV Project funded by UNFPA and a total of 788 cases were disposed off.</p>	<p>This will help in the disposal of Land cases. The Judiciary did special sessions for SGBV cases at High court Criminal Division and High court circuits of Mbale, Masaka, Mukono, Soroti, Bushenyi and Chief Magistrates' courts of Nabweru, Mbale, Moroto, Kapchorwa, Lira, Iganga and Gulu.</p>
<p>2. The Sentencing Guidelines should be reviewed in order to address any gaps and inconsistencies with the Law, including Plea Bargaining Rules, the mandate and interests of the key stakeholders in the criminal justice system.</p>	<ul style="list-style-type: none"> ❖ Sentencing Guidelines for Magistrates' courts is before the Rules Committee. ❖ The Committee is yet to review Guidelines for Capital offences this year. ❖ The Rules Committee is yet to embark on the Plea Bargaining Rules this year. 	
<p>3. The Law Reporting function should be institutionalised in the judiciary through the issuance of a Practice Direction from the Chief Justice.</p>	<ul style="list-style-type: none"> ❖ The Practice Direction has not yet been issued. However, there is a draft being prepared by JTI for the process to kick start. ❖ Law Reporting is now under the ICT Committee chaired by Hon. Justice Kiryabwire. 	<p>The Judiciary Monitoring Committee (JMC) recommends that the ICT Committee/ Law Reporting Committee and the Chief Registrar initiate the draft Practice Direction for Law Reporting for the attention of the Hon. The Chief Justice. The Law Reporting Committee is discussing the possibility of turning ULII into a registry.</p>

<p>4. All newly appointed judges of the High court should be immediately inducted and duly employed to specific High court Divisions, such as the Criminal, Civil, Land and Commercial Divisions, to timely clear backlog particularly taking into account the courts/ circuits that have high case backlog.</p>	<ul style="list-style-type: none"> ❖ The then newly appointed judges were deployed accordingly and inducted thereafter. 	<p>The Judiciary Monitoring Committee (JMC) recommends that all judicial officers who are appointed and/ or promoted be inducted before deployment.</p>
<p>5. All newly appointed judicial officers should be inducted.</p>	<ul style="list-style-type: none"> ❖ Registrars, Chief Magistrates and Magistrates were inducted. 	<p>As in (4) above.</p>
<p>6. Courts should prepare and submit their costed work plans with specific time lines to the committee and copied to the Chairperson before 15th February 2018 in order to ably inform</p>	<ul style="list-style-type: none"> ❖ The Registry of Planning, JTI, JMC and MOF is working closely with the Registry for Magistrates Affairs and Data Management to hold Regional Planning Consultative Workshops for Eastern (Jinja) and Western (Mbarara) in phase 1, and phase 2 will include other regions. This will help the courts in preparing their costed work plans. 	

<p>and allow proper planning and allocation of human and financial resources in the judiciary' s financial year budget.</p>	<ul style="list-style-type: none"> ❖ The Case Backlog Monitoring Committee chaired by Hon. Justice Buteera has been conducting nation-wide visits in circuits and magisterial areas. Judicial officers submit costed clearance work plans to the Committee. 	
<p>7. The courts should agree on the standards to apply during court proceedings and devise a policy on appointment of advocates on state briefs.</p>	<ul style="list-style-type: none"> ❖ There are ongoing reforms of the Civil Procedure Rules to introduce the following; <ul style="list-style-type: none"> I. New Case Management rules on closure of pleadings, summons for directions, scheduling, mediation (optional) and lastly hearing. In essence the new Rules amend O.XII. II. The Rules also introduce use of witness statements by amending O.XVII, III. Proposals are also made to amend O.VIII to clearly define Representative actions and who is eligible to file such actions , IV. Amendment of the Judicial Review Rules to regulate the proper handling of judicial Review matters to guard against the flood gates of 	<p>The Civil Justice Review Committee chaired by the Hon. The Principal Judge is working on these reforms.</p> <p>On appointment of advocates on state briefs, we recommend the Bar – Bench Committee to follow- up.</p>

	<p>judicial Review applications currently overwhelming.</p> <p>V. Public Interest Litigation as well has been legislated by amending the current Rules on Enforcement of fundamental Rights and Freedoms</p> <p>VI. The Rules Committee has embarked on guidelines on eviction and grant of bail. A draft should be ready before AJC.</p> <p>VII. The Rules Committee has made proposals for practice directions to regulate the following;</p> <ul style="list-style-type: none"> • Grant of adjournments • Use of ICT in the 13 pilot courts on ECMIS ie e- filing, service of process electronically, use of computers at the Bar during court proceedings etc. • Recusal • Amicus Curiae <p>No progress on a policy for the appointment of</p>	
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	advocates on state briefs.	
8. Judicial officers should fast track cases of the marginalised groups.	<ul style="list-style-type: none"> ❖ Child related matters have been handled specifically in Criminal Division and Fort portal. ❖ Special sessions for SGBV Cases were handled at High court Criminal Division and High court circuits of Mbale, Masaka, Mukono, Soroti, Bushenyi and Chief Magistrates' courts of Nabweru, Mbale, Moroto, Kapchorwa, Lira, Iganga and Gulu. ❖ Refugee sessions in Mbarara 	
9. Prepare and avail Court Users' Guides that are specific for court divisions and levels, in simple English and local languages, including the signage to court users.	<ul style="list-style-type: none"> ❖ No progress, however the Commercial Court had a court users' manual which requires update as some of the information therein has been overtaken by events. ❖ Unrepresented Court Users' Manual needs to be updated, published and uploaded on the judiciary website. 	The JMC recommends that the Registry of Planning and Development should spearhead the preparation of Court Users' Guides for consistency save where deviation from the standard may be inevitable in lieu of the uniqueness of activities in some courts and information desks. This should be done in conjunction with the Permanent Secretary/ Secretary to Judiciary to mobilise resources to cater for this as a project.
10. All the Judiciary's ICT Reforms should include training and	<ul style="list-style-type: none"> ❖ The Hon. Chief Justice established an ECMIS task force to spear head the automation of courts. 	We recommend that the Chairperson of Change Management Taskforce in conjunction with JTI conduct training of all

orientation of all the Human Resource and other Stakeholders.	❖ A change management task force has been established to spear head ICT training for mind-set change in the judiciary.	judicial and non- judicial staff in phases.
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 Hon. Lady Justice Stella Arach Amoko
 Chairperson, Judiciary Monitoring Committee