



Chambers of the Principal Judge

HIGH COURT OF UGANDA

Plot 2, The Square High Court Building
P. O. Box 7085, Kampala Uganda

IN ANY CORRESPONDENCE ON
THIS SUBJECT PLEASE QUOTE NO.

ADMINISTRATIVE CIRCULAR NO. 2 OF 2024

12th December 2024

All Judges of the High Court
All Registrars
All Deputy Registrars
All Assistant Registrars
All Chief Magistrates
All Magistrates Grade I
All Magistrates Grade II

GUIDANCE ON RELEASE ON BAIL OF ACCUSED PERSONS CHARGED WITH CAPITAL OFFENCES

This circular serves to inform you as follows:

- 1.0 Following the gazettment of the Judicature (Bail Guidelines for Courts of Judicature) (Practice) Directions, 2022, bail for accused persons (other than juveniles) charged with capital offences before their committal can ONLY be granted by the High Court, after a formal application has been filed.
- 2.0 The previously known practice where Magistrates Courts before which capital cases were mentioned released accused persons who had spent over 180 days on remand should not be happening.
- 3.0 While formal applications have been filed by some accused persons, challenges have arisen for those yet to obtain legal representation, with the cumulative effect of overstay on pre-trial remand and overcrowding of prisons.
- 4.0 This therefore necessitated the development of a template to facilitate formal applications by accused persons. These forms, attached hereto shall form the basis of the application for bail in the High Court.

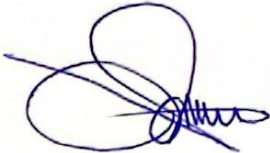
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"Justice for All"

T: 0256 414 241257 E: info@judiciary.go.ug W: www.judiciary.go.ug

- 5.0 You are instructed to circulate the forms widely within your jurisdictions, through your Court User Committees, Circuit Coordination Committees and District Coordination Committees to make accused persons charged with capital offences aware of their rights and obligations before the High Court. The forms should be made available to Prison authorities to enable unrepresented accused persons fill them and forward them to the relevant Courts.
- 6.0 By this circular, Registrars are instructed to forward files with bail applications to the Judges for immediate consideration, and these applications shall be heard on a day-to-day basis as and when they arise.
- 7.0 By this circular, Magistrates are reminded of the provisions of Section 135 of the Children Act Cap. 62 and Paragraph 17 of the Judicature (Bail Guidelines for Courts of Judicature) (Practice) Directions, 2022, which mandate the Court before which a child appears charged with **any** offence to uphold the right of the child to apply for bail. This means that a Magistrates Court can hear and determine a bail application for a child charged with a capital offence.
- 8.0 This also serves to direct all Judicial Officers of the lower bench that are still releasing accused persons charged with capital offences, who are not juveniles to desist from doing so.

Please ensure immediate compliance.



Flavian Zeija (PhD)
PRINCIPAL JUDGE

Copy to:

- The Hon. The Chief Justice
- The Hon. The Deputy Chief Justice
- The Chief Inspector of Courts
- The Executive Director, Judicial Training institute
- The Permanent Secretary/Secretary to the Judiciary
- The Chief Registrar
- The Public Relations Officer-The Judiciary

THE REPUBLIC OF UGANDA

IN THE HIGH COURT OF UGANDA AT _____

CRIMINAL MISCELLANEOUS APPLICATION NO. _____ OF 202____
(ARISING FROM CRIMINAL CASE NO. _____ of 20____)

_____ ::::::::::::::::::::::::::::::::::::::: APPLICANT

VERSUS

UGANDA::: RESPONDENT

NOTICE OF MOTION

(Under Article 23(6)(c) and 28(3)(a) of the Constitution of the Republic of Uganda, 1995; Sections 14 and 15 of the Trial on Indictments Act, Cap. 25; Rules 2 and 4 of the Judicature (Criminal Procedure) (Applications) Rules S.I 13-8 and Paragraphs 10 and 11 of the Judicature (Bail Guidelines for Courts of Judicature) (Practice) Directions, 2022)

TAKE NOTICE THAT this Honorable court shall be moved on the _____ day of _____, 20____ at _____ O'clock in the fore/afternoon or soon thereafter as the Applicant can be heard on an application for orders that;

1. The Applicant who is remanded at _____ Prison be released on bail pending his trial.
2. Consequential directions be made to regulate the bail

TAKE FURTHER NOTICE that the grounds of this application are contained in the affidavit of _____, the Applicant herein, which shall be read and relied upon at the hearing of this Application but briefly they are;

1. That the Applicant has a constitutional right to apply for bail.
2. That the applicant was arrested and charged with the offence of _____ contrary _____

to Section _____ of _____ Act which is triable and bailable by this Honorable Court.

3. That the applicant has spent _____ days on remand and is entitled to release on bail.
4. That the applicant has a fixed and/or permanent place of abode in _____ within the jurisdiction of this Honorable Court.
5. That the applicant shall not abscond if released on bail and is willing to abide by the bail conditions imposed by this Honorable Court.
6. That it is in the interest of justice that this application be granted.

Dated at _____ this _____ day of _____ 202 ____

THE APPLICANT

LODGED in this Honorable Court this _____ day of _____ 202 ____

DEPUTY REGISTRAR

FILED BY:
The Applicant

6. That I have been in custody for over 180 days but have not yet been committed to High Court for trial.
7. That when released on bail, I will not abscond or violate any other bail terms set by this Honorable Court.
8. That I depone this affidavit in support of the application for release on bail, pending my trial conscientiously knowing and believing the contents thereof to be true and correct to the best of my knowledge and belief.

By the said _____ (name)

..... (signature)

DEPONENT

Sworn/Affirmed before me, _____, this
 _____ day of _____ 202____,
 at _____

BEFORE ME:

.....
JUSTICE OF PEACE/COMMISSIONER FOR OATHS

Certificate of Translation

I _____ (name)
 of _____ (address) being conversant in both
 English and _____ languages have ably
 translated the contents of this affidavit to _____ (name of
 deponent) this _____ day of _____ 202____.

Signature:

Name:

TRANSLATOR

FILED BY:
The Applicant