



THE REPUBLIC OF UGANDA

ANNUAL JUDGES' CONFERENCE 2014

ANNUAL REPORT FOR NAKAWA HIGH COURT CIRCUIT.

1. INTRODUCTION:

The Report entails an overview of the circuit performance for 2013. It contains the background, Staffing composition, case Statistics, Disposal rates, Challenges and Recommendations.

2. BACKGROUND

Nakawa High Court Jurisdiction extends to Mpigi, Buwama, Kibibi, Maddu, Nkozi, Kakiri, Kabulasoke, Matugga, Bujuuko, Wakiso, Nsangi, Gombe, Mubende, Kasambya, Kasanda, Bukuya, Kiganda, Kiboga, Busunju, Bukomero, Mityana, Bisimbi, Bulera, Entebbe Municipality, Katabi Ssisa, Kajansi, Nakawuka, Nakawa, Kiira Town Council, Nabweru and Kasangati Court.

The Hon. Resident Judge therefore oversees 7 Chief Magisterial areas of Nakawa, Mubende, Nabweru, Kiboga, Mpigi, Mityana and Entebbe that comprises of about 6 Districts; Kampala, Wakiso, Mubende, Mityana, Mpigi and Kiboga.

3. STAFFING.

The above High Court staff list is as tabulated below

Table 1 The Nakawa High Court Staff Members

NO.	NAMES	POSTS
1.	Hon. Justice Mr. Wilson Masalu Musene	Resident Judge
2.	Hon. Lady Justice Elizabeth Ibanda Nahamya	Sitting Judge
3.	Her Worship Gladys Nakibuule Kisekka	Deputy Registrar
4.	Mr. Luswata Tonny	Systems Administrator
5.	Ms. Dushime Juliet	Research Assistant (Attached to Resident Judge)
6.	Ms. Bogere Phillipa	Research Assistant (Attached to Sitting Judge)
7.	Ms. Bogere Juliet	Personal Secretary
8.	Ms. Padere Oliver	Personal Secretary to the Sitting Judge.
9.	Ms. Nsita Margaret	Personal Secretary to the Resident Judge.
10.	Ms. Begombwe Hasifah	Transcriber
11.	Mr. Masongole Steven	Clerical Officer (Ag. O/S)
12.	Mr. Medo Stephen	Clerical Officer (In-charge Appeals)
13.	Ms. Aida Mayobo	Clerical Officer (Attached to Resident Judge)
14.	Ms. Nabasirye Rebecca	Clerical Officer (In-charge Criminal)
15.	Ms. Lunkuse Betty	Clerical Officer (Attached to Resident Judge)
16.	Mr. Ssetimba Twaibu	Clerical officer (In-charge Family/Admin Causes)
17.	Ms. Meresi Matsande	Clerical officer (In-charge Civil)
18.	Mr. Okwadi Michael	Clerical Officer (In-charge HCT Registry)
19.	Mr. Batwala Arthur Peter	Process Server (Ag. Clerk to D/R)
20.	Mr. Sakaari Samuel	Process Sever (In-charge Archives)
21.	Ms. Twesigye Margaret	Body Guard (Attached To Sitting Judge)
22.	Mr. Kamoti Michael	Body Guard (Attached To Resident Judge)
23.	Mr. Musinguzi Edward	Driver (Attached To Sitting Judge)
24.	Mr. Kisambira Stanley	Driver (Attached To Resident Judge)
25.	Mr. Bwire Moses	Driver (Attached To Deputy Registry)
26.	Ms. Macheme Doreen	Office Attendant
27.	Ms. Theresa	Cashier

4. CASE STATISTICAL OVERVIEW FOR NAKAWA HIGH COURT.

As of January 2013, Nakawa High Court had a total work load (Total of cases of all categories brought forward) of **4669** cases. By December 2013, the Court had totals of **4444** cases pending; **2547** cases registered; and **2772** completed.

The Court's total disposal rate (total number of cases completed/total number of cases registered + total number of cases brought forward*100) = **(2772/(2547+4444)*100=(2772/6991)*100=40%**

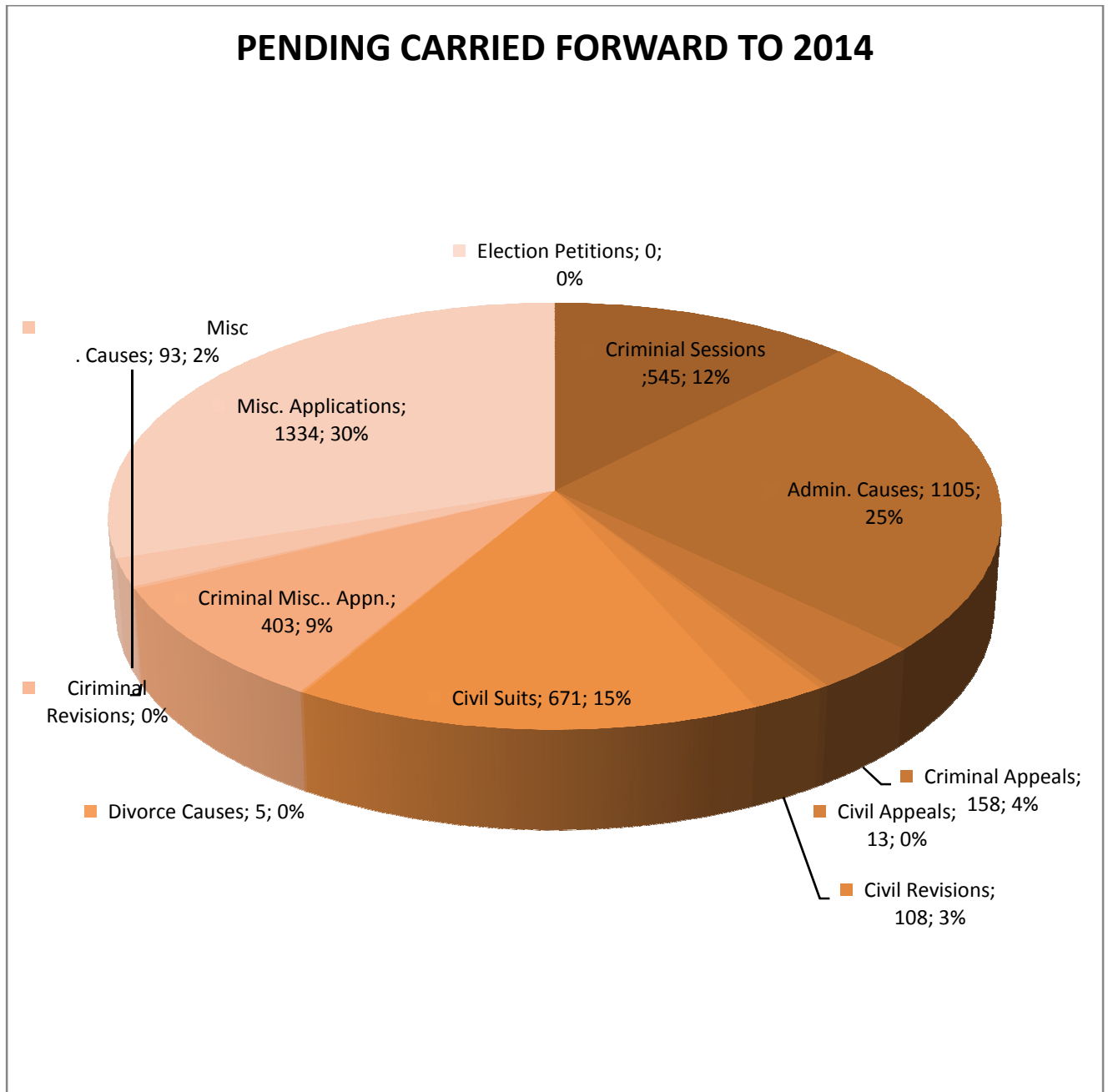
The Court's disposal mean annual rate stands at **34%**. The annual dissect is as tabulated below.

Table 2 Nakawa High Court Case Statistics as by end December 2013

CASE CATEGORY	BROUGHT FORWARD FROM 2012	CASES REGISTERED	TOTAL CASES COMPLETED	PENDING CARRIED FORWARD TO 2014	DISPOSAL RATE - % (COMP/BF +REG)
Criminal Sessions	609	96	160	545	25%
Admin. Causes	1504	966	1365	1105	65%
Criminal Appeals	228	81	151	158	58.30%
Civil Appeals	272	141	400	13	39%
Civil Revisions	117	27	36	108	27%
Civil Suits	479	364	172	671	17%
Divorce Causes	4	5	4	5	40%
Criminal Misc.Appn.	295	162	54	403	10%
Criminal Revisions	10	2	3	9	27.2%
Misc. Causes	105	63	75	93	48.07%
Misc. Applications	1046	640	352	1334	18%
Election Petition	0	0	0	0	0%
TOTAL	4669	2547	2772	4444	34%

- Copies of case returns for the year ending 2013 have already been submitted to the Data Centre.

Figure I; The Workload as of December 2013 by way of Pictorial Presentation



5. A DISSECT SNAPSHOT OF SOME OF THE WORKLOAD DISPOSAL BY SESSIONS.

Without prejudice to the day to day workload of the Hon. Judges, this dissect overlaps the monthly sessions disposal and the traditional Judge's sessions. All reports of these sessions' results were singularly made to the Hon. the Principal Judge.

CRIMINAL MATTERS:

- I. Justice Faith Mwendha** held a criminal session in Kiboga from 19th March to 24th April, 2013 that comprised of 37 cases and registered 100% disposal rate.
- II. Justice Elizabeth I. Nahamya** held a criminal session in Mubende combined with Mityana from 28th August to 25th October 2013 with listed 40 cases. 30 cases out of the 40 cause listed were completed and 10 adjourned registering a disposal rate of 90%.

The same Judge still handled a mini session for Prisoners ready to Plead Guilty in the same period with 54 case files and was able to complete 52 and adjourned 2 cases to the next convenient session; thus registering a disposal rate of 98%.
- III. Justice Wilson Masalu Musene** held a mini criminal session at Nakawa that started on the 10th day of September 2013 which comprised of 19 cases and registered 100% disposal rate.
- IV. Justice Elizabeth I. Nahamya** also held a mini criminal session at Nakawa High Court that kicked off on 18th November 2013. This session had 10 cases for Nakawa and 5 cases adjourned from the Mubende Session totaling to 15 cases. The Session was frustrated by lack of witnesses and the uncompleted cases were carried to the next convenient Session in 2014.
- V. Justice Wilson Masalu Musene** then travelled to Entebbe Chief Magistrate's Court for a criminal session that started on the 19th day of December 2013. He has been able to complete 47 cases out of the 53 cause listed case files, registering a disposal rate of 89%.
- VI. Justice Elizabeth I Nahamya** also held a session handling 144 criminal appeals registering 100% disposal rate in the weeding exercise.

ADMINISTRATIVE CAUSES FOR 2013;

- VII. Justice Faith Mwendha** handled an Admin. Causes session with 94 files and granted letters of administration to all of them registering a disposal of 94% in April- March 2013.
- VIII. Justice Wilson Masalu Musene** held a civil session at Nakawa Court handling 541 Administration Causes and was able to complete all of them registering a disposal of 100%, as part of the weeding process in December 2013.
- IX. Justice Elizabeth I Nahamya** handled too 100 Administration causes in the weeding process in December 2013 in swap for her uncompleted criminal session that was partially done in November 2013. She registered 100% disposal.
- **The above completions are without prejudice to their routine consideration and sealing of the causes as they flow in daily.**

CIVIL MATTERS

- X. Justice Faith Mwendha** held a civil session from 23rd January to 28th March 2013 where she was able to complete 33 cases, registering a disposal rate of 87%.
- XI. Justice Elizabeth I Nahamya** also handled a civil session for Nakawa holden at International Crimes Division with 30 case files and was able to complete 15 cases registering a disposal rate of 50%.
- XII.** She also handled 451 civil appeals registering a disposal rate of 100% disposal rate in the December weeding process.

NOTE: On the whole an effort to weeding out the entire old back log was carried and the following cases were also completed in the process prior this conference.

- 645 Administration Causes
- 112 Civil Suits
- 98 Miscellaneous Applications
- 3 Criminal Revisions
- 28 Civil Revisions
- 144 Criminal Appeals
- 451 Civil Appeals

All these are captured in the dissect already shown above that also includes the justices' output daily as a whole.



Inset: High Court Staff helping in the backlog weeding process.

6. CHALLENGES

- I. The furniture particularly filing cabinets, cupboards and tables are needed. At times files are kept on the floor and this is not healthy at all.
- II. Staff level is fine but there is lack of adequate motivation.
- III. Office space and accommodation is acute. Whereas the Resident Judge has small chambers, the second Judge has literally no chambers. She is squeezed in a tiny room where she sits with her personal assistant and clerk.
- IV. The High Court circuit does not have enough transcribers.
- V. Nakawa Court is hooked on the card system for UMEME. At times the card runs out and it becomes a hustle to get the system functional again.
- VI. The curtains comprise of nets and the sun streams directly into the office hence providing no shade.
- VII. Another problem we have faced in Nakawa is that Lawyers file fictitious Court documents. For instance, one who filed an affidavit allegedly

commissioned by a commissioner for oaths with a stamp yet the person who deponed it did not appear in person before the commissioner. There is also the tendency of smuggling in documents after the deadlines have passed. In order to solve this problem, we intend to streamline the system of filing documents and proper recording of all filed documents.

7. RECOMMENDATIONS

- I. Motivation of staff be improved.
- II. Urgent measures be taken to acquire the proposed rented premises for High Court to create more space and a conducive working environment.
- III. Court recording system be provided to the 2nd Judge. Even the existing one does not have enough transcribers.
- IV. There is need for regular session funds for the outlying Courts of Entebbe, Mpigi, Kiboga and Mubende. This will greatly reduce the back log of committed criminal or accused persons and reduce prison congestion particularly in Kigo. And one or two visiting Judges should be sent also on a regular basis to hold sessions in the affected areas above.
- V. In view of the application of sentencing guidelines which increases on session time, allowances per session be increased from 40 to 50 days.
- VI. Judiciary being an institution, it should not be using a card system to acquire electricity.
- VII. There might be a need to get a 2nd Registrar to expedite matters. There are numerous applications for Letters of Administration for the entire Nakawa Circuit to be attended to by one Registrar yet the Registrar has to handle all civil, interim applications. The Lawyers and other Court Users demanded for this during the opening meeting before the Session in Mubende in August 2013.
- VIII. We propose that an additional Judge be assigned to handle Mubende, Mityana and Kiboga cases.
- IX. Relating to the issue of numerous Letters of Administration, we propose that the Principal Judge and Principal Personnel Officer consider setting up a Probate Unit (Court) within Nakawa Court which will deal with only Administration of Estate and similar Cases. It could be started as a pilot Project to offer better serves to the Community in this Area.

- X. The cleaning services need to be improved. Perhaps the responsible persons can look into this matter.
- XI. We need proper curtains for High Court offices especially the Sitting Judge's Chambers.
- XII. For errant lawyers, we shall be blacklisting them and inform Law Society. Perhaps we should generally discuss the issue with the President of the Uganda Law Society.
- XIII. There is need for a bigger stand by Generator or Inverter Systems to address the power load shedding because it's becoming a very serious problem at the station.

CONCLUSION:

We strive hard for the future. For God and my Country. Remain blessed.

Thank You.

.....
WILSON MASALU MUSENE
RESIDENT JUDGE NAKAWA