



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. 3 OF 2022

September 22, 2022

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

**SUBJECT: ADMINISTRATIVE DIRECTIVES TO GUIDE COURTS ON HANDLING
CASES INVOLVING ACCUSED PERSONS PENDING MINISTER'S
ORDERS**

Whereas the Minister's orders under section 113 (5) of the Magistrates Courts Act, Cap. 16 and section 48 (2) of the Trial on Indictment Act, Cap. 23 are aimed at ensuring proper medical and other treatment of mentally-disabled accused persons;

Noting that there is no procedure provided for returning a prisoner to court for appropriate orders where the Minister has failed or ignored to issue the necessary orders under the Act;

Recognizing that section 39(2) of the Judicature Act, Cap. 13 provides that where no procedure is laid down for the High Court by any written law or by practice, the court may, in its discretion, adopt a procedure justifiable by the circumstances of the case;

Noting that the Minister's orders under section 113(5) of the Magistrates Courts Act, Cap. 16 and section 48(2) of the Trial on Indictment Act, Cap. 23 are to be construed with modifications and adaptations to conform with the right to a speedy trial guaranteed under Article 28(1) of the Constitution;

And aware that there are accused persons who are mentally disabled and have been in prisons for several years without resolution of their cases;

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Therefore, I issue the following administrative directives-

- (a) The Registrar-High Court for cases in the High Court and the Registrar-Magistrates' Affairs & Data Management for the case in Magistrates Court, shall cause certified copies of proceedings of all files in which the Minister's orders are pending to be forwarded to their respective offices within thirty days effective from September 26, 2022.
- (b) With effect from the date of issuing this Circular, whenever a Court makes an order remanding an accused person pending Minister's orders, the Registrar or Magistrate in charge of the Court making the order shall within thirty days from the date of the order, cause certified copies of the file to be forwarded to the Registrar High Court for an order made by the High Court or the Registrar, Magistrates' Affairs & Data Management for an order made by a Magistrate's Court.
- (c) The Registrar-High Court and the Registrar-Magistrates' Affairs & Data Management shall transmit all certified copies of the files received from the Courts to the Chief Registrar, within seven days from the date of receipt.
- (d) The Chief Registrar shall immediately transmit to the Minister of Justice and Constitutional Affairs, all certified copies of the court orders received in (c) above notifying the Minister of the existence of the cases.

These directives take immediate effect and shall be adopted in the interim as Practice Directions are formulated to guide the Courts on how to handle cases involving accused persons pending Minister's orders.



Flavian Zeija (PhD)
PRINCIPAL JUDGE

Copy to: The Hon. The Chief Justice
The Hon. The Deputy Chief Justice
The Permanent Secretary/Secretary to the Judiciary
The Chief Registrar
The Registrar, High Court
The Registrar, Magistrates' Affairs & Data Management
The Public Relations Officer-The Judiciary