



SPEECH OF THE HONOURABLE THE CHIEF JUSTICE ON THE OCCASION OF THE OPENING OF THE NEW LAW YEAR 2019, HELD AT THE HIGH COURT GROUNDS ON 1ST FEBRUARY, 2019

Your Excellency, The Vice President of the Republic of Uganda

The Rt. Hon. Speaker of Parliament

The Hon. The Deputy Chief Justice

The Hon. The Principal Judge

The Honorable Minister of Justice and Constitutional Affairs

The Hon. Attorney General

Hon. Justices and Judges of the Courts of Judicature

Your Excellences the Ambassadors

The Head Public Service and Secretary to the Cabinet

Heads of JLOS Institutions

The Permanent Secretary/Secretary to the Judiciary

The Chief Registrar

The President and Members of the Uganda Law Society

Your Worships

Ladies and Gentlemen.

I take this opportunity to welcome all of you to the official opening of the Law Year, 2019.

I wish to warmly welcome H.E Edward Kiwanuka Ssekandi, the Vice President of the Republic of Uganda who is our Guest of Honor on this occasion. Your Excellency, you are most welcome to the Judiciary Headquarters.

I equally welcome the Right Honorable Speaker of Parliament. Thank you for coming. Let me also welcome the Hon. Minister of Justice and Constitutional Affairs. Between you Rt. Hon. Speaker and the Hon. Minister, we hope that this year the **Administration of the Judiciary Bill** will leave the shelves of Parliament and be passed into law.

I thank the Development Partners for honoring our invitation to this function and for supporting us in the delivery of judicial services. Without your support, constructive engagement and partnership, the administration of justice in this country would be more challenging. We look forward to deepening our friendship in 2019 as we pursue the vision of achieving justice for all.

On this day, the Judiciary comes out to relay to the justice actors and the public its plans and business for the entire year and to make accountability to the public for the authority that is entrusted to us under Article 126 of the Constitution of Uganda. I therefore thank you all for coming to take part in this event.

Performance of the Judiciary in 2018

In 2018, the Judiciary completed 164,530 cases out of a total number of 314,868 cases in the Court system. This puts us at a disposal rate of 52%.

Below are the details of disposal by Court level and the total disposals.

Case workload and disposal rate in the Judiciary as at 31st December, 2018

Court Level	Brought Forward	Cases Registered	Cases Completed	Pending Cases
Supreme Court	51	153	112	84
Court of Appeal/ Constitutional Court	7,662	1,317	1,411	7,568
High Court	58,135	31,359	29,433	60,061
Chief Magistrates Courts	58,763	95,125	91,318	62,570
Magistrates Grade I	17,718	39,566	38,909	18,375
Magistrates Grade II	1,543	3,534	3,387	1,690
Total	143,928	170,940	164,530	150,382

Source: Judiciary Data Centre.

Given the circumstances in which we operate, a disposal rate of 52% is no mean achievement. Let me therefore thank all Judicial Officers at your various levels, the entire staff of the Judiciary, the Bar and Court Users for this good performance. It is however clear that we are just above the margin. We need to work harder and smarter to bring down the caseload generally and backlog in particular.

Judicial Staffing as at 31st December, 2018: Recruitment, Retirement and Deaths.

A total of **62 (sixty-two)** judicial officers were either appointed or promoted to various judicial offices ranging from the High Court to Magistrates Grade one, **8 (eight)** judicial officers retired and **1(one)** died while in service. Last year, 10 (ten) High Court Judges (mainly to replace those who had retired or moved), 01 (one) Chief Registrar, 04 (Four) Registrars, 07 (Seven) Deputy Registrars, 04 (Four) Assistant Registrars, 19 (Nineteen) Chief Magistrates, and 17 (Seventeen) Magistrates Grade 1 were appointed. We thank the President and the Judicial Service Commission for the timely appointments.

Still last year, Hon. Justice Kasule Kyononeka Remigius, Justice of Appeal, retired. Hon. Justice Billy B. Kainamura, Judge of the High Court, retired. Her Worship Julia Acio, Assistant Registrar, retired. Two (02) Chief

Magistrates, namely, His Worship Mutazindwa Moses Katorogo and Sserubuga Charles, retired. Three (03) Magistrates Grade 2, namely, His Worship Sande Duncan Ndabamanya, His Worship Apedu John Michael, and His Worship Okoth Oloo Martin Richard, retired. On a sad note, Hon. Justice Jessica Naiga Ayebazibwe passed on. *(May Her Soul Rest in Eternal Peace)*.

Serving Judicial Officers

For the period under review, we have had 11 Justices of the Supreme Court, 12 Justices of the Court of Appeal/ Constitutional Court, 52 Judges of the High Court, 44 Chief Magistrates, 193 Magistrates Grade 1 and 33 Magistrates Grade II.

As I indicated at the Annual Judges Conference, these numbers have serious implications on the performance of the Judiciary particularly on adjudication of cases. In the High Court where we have 60,061 pending cases, the workload per judge stands at 1,155 cases requiring a disposal of close to 100 cases per month and about 5 cases per day for 22 working days. Your Excellency, Rt. Hon. Speaker, Ladies and Gentlemen, this is impracticable. We need more Judges and resources in order to enable our people greater access to justice. In order to take justice to the people, the Judiciary re-organized High Court Circuits from 13 to 20 but out of these,

only 14 are operational with only one Judge in most of them. The other 6 newly gazetted High Court Circuits such as Luwero, Hoima, Rukungiri, Iganga, Tororo and Moroto are not yet operational due to shortage of Judges. It is my humble appeal to Government to implement the resolution of Parliament and increase the numbers from 52 to 82. So, much as there is an identified need in those gazette circuits, we will not be in position to post Judges until they are recruited.

At the Chief Magistrates Court level, there are only 44 Chief Magistrates, out of an optimum of 100. The magisterial areas were increased from 39 to 82 but the challenge remains the inadequate number of Chief Magistrates. The number of pending cases at that level stands at 62,570 cases implying that the workload per Chief Magistrate is 1,526 cases per annum requiring a disposal of 127 cases per month and 6 cases per day. At the Magistrate Grade I Court level, and following the gradual phasing out of the Magistrates Grade IIs, 423 Courts are gazetted, of which 108 courts (representing 25.5%) are not operational due to lack of court facilities and judicial officers.

The desired optimum structure requires recruitment of 30 Judges of the High Court, 56 Chief Magistrates and 100 Magistrates G.1. We had proposed that the recruitment process could be done in a phased manner

starting with at least 10 High Court Judges, 20 Chief Magistrates and 50 Magistrates Grade I for every financial year. We do realize that it may not be possible to recruit all the Judges and other Judicial Officers we require at the same time, due to budgetary and physical constraints.

We thus reiterate our call to the Government to find the resources so that more Judicial officers are recruited to deliver justice to the people of Uganda. As we do our best to revolutionalise our methods of work, the basic fact remains that an expanding economy means more disputes which cannot be handled effectively and efficiently with the same number of judicial officers year after year.

Commitments in the 2018 Law Year

Last year the Judiciary committed to focus on implementation of two key strategies that had been launched the previous year 2017, namely;

- a) The Case Backlog Reduction strategy; and
- b) The Judiciary ICT strategy

a) The Case Backlog Reduction strategy

In the last year, the disposal of cases within the backlog category per court level was as follows:

NO.	COURT LEVEL	BACKLOG DISPOSED
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NO.	COURT LEVEL	BACKLOG DISPOSED
1	Supreme Court	41
2	Court of Appeal/Constitutional Court	786
3	High Court	5,142
4	Magistrates' Courts	35,163
TOTAL		41,132

Source: Judiciary Data Centre

Reduction in the number of delayed judgements has been achieved. There are now lesser judgements pending for more than 60days. Most of the judicial officers did adhere to the Chief Justice's directive of August 2017 requiring all judicial officers to deliver all judgments that were pending for more than 60 days from the date of the directive. The performance has now reduced the case backlog from 24% in 2017 to 21% in 2018 of the total pending cases. Clearly a lot still needs to be done.

We have in place a Case Backlog Monitoring Committee, headed by Hon. Justice Richard Buteera of the Supreme Court, which is implementing the Case Backlog Reduction Strategy. In the year 2018, the Committee has conducted nationwide case backlog monitoring exercises in the courts throughout the country. The Committee has agreed with the courts to set up case backlog clearance plans for each court with specific timelines for

case backlog clearance. The strategy is that allocation of resources to courts for backlog clearance will be informed by case clearance plans so that we are able to measure the output – input ratio. Further, the Committee has made recommendations towards the improvement of court registries in terms of proper filing and retrieval of court documents.

The ultimate goal of the Judiciary is to have a case backlog free Judiciary. In line with this goal, the Case Backlog Monitoring Committee has embarked on tracking the work of Divisions and Circuits with the view of monitoring and reporting backlog free courts. According to the case clearance plans, Soroti High Court is expected to be backlog free by end of April 2019 and the Criminal Division is expected to be backlog free by end of August 2019. I salute those Judges and their staffs. All of us should try to emulate their example.

b) Judiciary ICT Strategy

As regards the implementation of the Judiciary ICT Strategy and following the release of 6 billion shillings towards ICT, the Judiciary is in the process

of procuring the design, development and deployment of an Electronic Court Case Management Information System (ECMIS) that will be:-

- (i) A fully-featured system which automates and tracks all aspects of a case life cycle from initial filing through disposition and appeal;
- (ii) Founded on the Judiciary existing and reformed procedure rules and processes but requiring minimal human intervention; and
- (iii) Able to facilitate the efficient and reliable collection, organization, distribution and retrieval of significant amounts of case specific data as well as the processing of payment of relevant court fees and fines by the Citizens.

The evaluation of Proposals is on-going and it is expected that by April, 2019 a Contract will be signed and implementation will commence. A Phased Implementation is planned with an 18 months Phase 1, covering the Supreme Court, Court of Appeal/Constitutional Court, Jinja High Court, Anti-Corruption Division, the Chief Magistrates Courts of Mengo, Jinja, and Buganda Road and the Magistrates Grade 1 Courts of Bugembe, Butagaya, Kakira and Jinja Municipality. The ECMIS will thereafter be rolled-out to other Court Stations across the Country.

Innovations in the administration of Justice during the year under review

In the year 2018, the Judiciary completed the following activities that are in line with its vision of ensuring improved access to justice for all the people of Uganda:-

a) The Judiciary Performance Enhancement Tool

In a bid to enhance performance and accountability, the Judiciary has developed a computerised Judiciary Performance Enhancement Tool (PET). The PET is premised on a 360 degree appraisal system where a Judicial Officer will be appraised by a number of stakeholders including the Supervisor, peers, subordinates, members of the public and the appraisee himself/herself.

Evaluation will focus on agreed performance indicators and targets on the one hand, and behavioural competencies on the other. The appraisee and the supervisor's evaluation will focus on both the performance targets and behavioural competencies while the peers, subordinates and the public will focus only on the behavioural competencies. The evaluation from the public will be analysed from the responses gathered from surveys across the country in the respective court stations where the judicial officers operate.

A report on a judicial officer's performance will be provided from the Tool summarising the judicial officer's performance and, most importantly, the

focus areas like training, mentoring, coaching, etc. that are required to improve the Officer's performance. Development of the tool has been completed and we are looking forward to its successful implementation. It is proposed to set up a Secretariat that operationalize this activity.

For the Judicial Officers, the Performance Tool is expected to ensure merit based promotions; where hard work will be rewarded with appropriate promotion. For the public, the tool will enhance accountability and transparency in the Judiciary that are critical to securing integrity, which is the bedrock of a sound system of justice.

b) Judiciary Toll-Free Customer Feedback Hotlines

[0800-111-900 / 0417-892-900]

With support from the United Nations Development Fund (UNDP), the Judiciary has acquired a Customer Feedback Telephone with a Toll-Free facility at its headquarters in Kampala. The facility is intended to enhance the Judiciary's public accountability processes through the consistent provision of accurate information about court services. It will specifically act as a reliable real-life public complaints mechanism where our customers

(court users/the public) can address their concerns promptly and accurately. It will also boost efforts by the Inspectorate of Courts in its mandate to receive and investigate complaints of maladministration of justice against any judicial officer or other staff.

This development is in addition to the Anti-corruption SMS Hotlines I introduced in 2015 that are intended to enable members of the public to report incidents of unprofessional conduct against court staff. The Judiciary plans to upgrade this facility into a fully-fledged Customer Care Centre with a back-end office to handle a large number of calls on general inquiries, complaints, comments and feedback on court services, capable of processing the information and giving appropriate feedback to the callers.

c) Lexis-Nexis Legal Research Solution

The Judiciary has procured access to the Lexis-Nexis On-Line Legal Research Solution. This facility will provide on-line access to both primary legal materials as well as secondary materials in form of legal journals, commentary works, encyclopaedias and bulletins. In order to maintain continued access to the portal, an annual subscriptions fee will be budgeted for and paid. The facility is expected to greatly ease legal research at all levels in the Judiciary and the court users.

d) Electronic Payment of Court Fees

The Judiciary together with the Uganda Revenue Authority (URA) and the Commercial Banks have completed the requirements for Court Users to pay Court Fees using E-Payment methods. Payments can be made using mobile-money at the Supreme Court, Court of Appeal/Constitutional Court and all the High Court Divisions and circuits at Luwero, Masaka, Mbarara, Kabale, Fort Portal, Masindi, Gulu, Lira, Arua, Jinja, Iganga, Mbale and Soroti. Points-of-Sale (PoS) have already been installed at our High Court Criminal and Commercial Divisions. More Points of Sale will gradually be installed across the Country by the relevant Commercial Banks and PayWay.

On-Going Activities Expected to be completed by End of 2019

- 1. Installation of a Video Conferencing Facility** between Buganda Road Court and Luzira Maximum Prison – **Male Wing**. This is aimed at handling cases at mention stages especially in very sensitive cases that require a high level of security where transporting the accused persons to Court from Luzira may cause security threats to the entire public or unnecessary cost. A Contract has been signed and installation works are on-going. The system is expected to be completed by March, 2019.

2. Installation of a Video Conferencing Facility between Buganda Road Court and Luzira Maximum Prison – **Female Wing**. The procurement process is ongoing for this activity as well. The expected completion date is June 2019.

3. Biometric Time-Attendance System

The Judiciary is in the process of procuring a Biometric Time-Attendance System to record staff attendance at their Work Stations as required by the Public Service Standing Orders. Staff will use their finger prints to record their time of arrival and departure from their Work Stations. The System will be centralized that a Log-on from any Court Station is registered and accessed at any given Station including Kampala where the data will be analyzed and reported. The procurement process for this will be completed by end of May 2019.

4. Court Recording and Transcription

In addition to the already connected courts, two sets of Court Recording Equipment have been procured and installed in the New High Court Buildings at Kabale and Masindi High Courts. The Judiciary has also signed a Contract for the procurement and installation of 8 (eight) sets of Court Recording and Transcription equipment. This will be deployed in

the Execution and Bailiffs Division, Land Division, and in the High Courts at Mpigi and Mukono and the Chief Magistrates Courts at Iganga and Luwero. The expected completion date is April, 2019.

5. Upgrade of the Judiciary ICT Backbone Infrastructure

The Judiciary is upgrading its ICT Backbone infrastructure to support the current user requirements. This will permit services like synchronizing of judicature mail on mobile devices, increased Local/Wide Area Network (LAN/WAN) including internet speed and enhanced cyber security. The expected completion date is March, 2019.

6. Special Court Sessions for Sexual and Gender Based Violence Cases (SGBV)

According to the Police Report of 2017, there was an increase in gender based violence cases from 13,132 in 2016 to 15,325 in 2017. This required a drastic action by the various justice actors. The Judiciary organized court sessions to specifically handle sexual and gender based violence cases. This intervention was made possible by the United Nations population Fund (UNPF) which funded all the preparation and execution of the sessions including training of all the stake holders that participated in the sessions. 13 special criminal sessions were held

across the country at High Court Criminal Division in Kampala, High Court Circuits at Soroti, Bushenyi, Mukono, Gulu, Mbale, Masaka, and at the Chief Magistrates Courts at Nabweru, Moroto, Iganga, Lira, Kapchorwa and Sironko. The goal was to clear not less than 1000 SGBV cases by the end of 2018. All the sessions went on well as planned and we realised a total disposal of 788 cases.

Preliminary findings from the session support the strong view to establish specialized courts to handle SGBV cases. This year, we are going to work with Government and Development Partners led by UNFPA to set up the specialized courts for SGBV. This will address rampant cases of SGBV and protect the girl child. By taking decisive actions against perpetrators of SGBV, our girls will be enabled to complete their education and, as the saying goes, train a girl and you have trained a nation. This will result into better outcomes for the nation.

We thank the United Nations Population Fund for this kind gesture. We look forward to more support in this area so that we completely eliminate backlog in this category of cases. The ultimate goal, resources permitting, is to have a special Court for Gender Based Violence Cases.

7. Legal Reforms in the Judiciary

One of the major causes of delayed disposal of cases or protracted litigation is our current rules of procedure. The rules allow for litigants to file application after application, apply for unnecessary adjournments, and make numerous judicial review applications. We also still rely on a manual/ paper-based system which slows down adjudication of disputes and makes the courts ineffective and inefficient.

Against this background, I constituted the Civil Justice Reform Committee on the 31st July 2017. The mandate of the committee is to make proposals for reform of the law on civil procedure.

In the course of the year 2018, the Committee forwarded some of its recommendations to the Rules Committee which has approved the following reforms:

- a) **Amendments to the Civil Procedure Rules** introducing changes in case management.
- b) **Use of ICT in the Court Room:** In order to implement the Judiciary ICT strategy, the Rules Committee has issued ICT Pilot Guidelines that will operate within the pilot courts to promote the use of ICT in the court

room. This will encourage use of e-filing, electronic tendering of documents and electronic delivery of judgments and rulings.

c) Development of Rules to guide applications for recusal, judicial review, public interest litigation.

The Committee is still working on practice guidelines concerning the grant of bail and land evictions, and sentencing guide lines in petty offences.

Other Issues of Concern

1. Court infrastructure Development

Only 79 out of 154 Courts across the Country are housed in Judiciary-owned buildings. This comes to a percentage of about 51%. The rest of the Court premises including the Supreme Court and Court of Appeal are in rented premises. There is, therefore, need to urgently construct premises for the Supreme Court and Court of Appeal so as to save the already scarce resources. The Judiciary administration has so far engaged the President, the Ministry of Finance and the Budget Committee of Parliament and we hope for positive results. It is apparent to all concerned that it is not sustainable to continue paying so much money in rent for buildings that were never meant to be Court houses in the first place.

During the year under review, a number of construction activities were completed, namely, High Court Masindi, and Justice Centres at Mitooma, Buyende and Nwoya. There is on-going construction of a Justice Centre at Rubirizi.

In 2019, there is planned construction of Justice Centres at Sheema, Kira in Wakiso District, Serere and Buliisa Districts.

2. Land Justice

The Judiciary continues to be challenged in the area of land adjudication. Statistics from the Land Division show that there are over 9,010 cases awaiting trial in the Land Division alone. This means that each of the 5 Judges in the Land Division has about 1,802 cases on average. Of serious concern is the fact that out of the 9,010 cases, 4,651 are more than two years in the system and are therefore backlog. Worse still, 530 of the cases have been in the system for over 6 years. This means that 52% of the cases in the Land Division are backlog, compared to 21% backlog cases in the entire Judiciary. The situation is not any different in other courts handling land matters across the country.

We are fully aware that land is treasured as a major factor of production and a delay in resolving land disputes hinders economic growth. There is, therefore, need for the Government to facilitate the Judiciary to more effectively handle land matters. Judicial Officers need to be provided with motor vehicles to visit places of land disputes. So far the Government of Uganda has availed 10 Double Cabin pickups for land justice which were given to the courts at Masaka, Busia, Mubende, Iganga, Hoima, Jinja, Wakiso, Kabale and Tororo. Much as we are appreciative of that provision, the need is far too high and, like Oliver Twist, we request for more.

This year the Judiciary, with support from the World Bank and the Ministry of Lands, Housing and Urban Development, plans to hold special land justice sessions at the High Court and Chief Magistrates Courts levels.

Preparations are underway targeting the following case categories:

- a) Cases that affect infrastructural developments such as those related to the Uganda National Roads Authority (UNRA), Standard Gauge Railway and National Forest Authority;
- b) Mortgages in commercial transactions;
- c) Cases involving the vulnerable categories of persons; and
- d) Backlog cases of more than 6 years in the system.

Equally, we plan to establish mobile courts to expedite trial of land cases and bring courts closer to the people, especially the vulnerable.

3. Terms and Conditions of Service

Courts are not sufficiently facilitated in terms of financial and other resources which curtails the functionality of the institution. The Constitution of the Republic of Uganda in Chapter 8 envisages the kind of Judiciary that is capable of executing its mandate. The provisions in Chapter 8 are supposed to be operationalized by an Act of Parliament. For the last over 15 years, we have been waiting for the passage of the Administration of the Judiciary bill into an Act of Parliament. We are still waiting.

The remuneration of Judicial Officers and staff in the Judiciary is still a concern. A minimal increment was given to lower cadre judicial officers in the course of 2018. The Judiciary Administration and the Judicial Service Commission made recommendations of what would constitute reasonable remuneration of Judicial Officers at all levels but the same have not seen the light of day. Judicial Officers offer dedicated service in very difficult circumstances and there is need to adequately compensate them with commensurate terms and conditions of service.

4. Financial Performance for the Judiciary

In the Financial Year 2017/18, the Judiciary received UGX 134,964,744,000/= billion for recurrent and capital expenditure. However, the Judiciary's budget for 2018/2019 Financial Year was cut by UGX 6,869,411,000/= billion. This was despite the expansion of the Judiciary structure and commitments by Government to automate courts, construct court houses and increase the operational expenses targeting improvement in the administration of land justice. Such cuts have negative implications to the administration of justice. The Government should consider strengthening budget support to the Judiciary to match the structural growth and needs of the institution on the one hand and the growing national population and business investment on the other hand which means more court disputes and justice needs.

5. The Inspectorate of Courts and Improving Quality Assurance in the Administration of Justice

The mandate of the Inspectorate is to monitor and evaluate the performance of Judicial Officers, other staff and court facilities. In the

performance of the above mandate, the Inspectorate performs the following functions:-

- a) Investigating and evaluating complaints from the public.
- b) Conducting regular court inspections and on-spot visits.
- c) Evaluating the performance of Magistrates and other judicial staff for quality assurance.
- d) Producing and disseminating information to the public about the operations of the courts, among others.

The Inspectorate of Courts has been strengthened by deployment of a Chief Inspector of Courts who is a Supreme Court Judge, a Registrar, a Deputy Registrar and an Assistant Registrar; to carry out supervision and monitoring. The three Registrars are now able to conduct country wide inspections and routine visits to all Courts in the country. A number of general surveys in different Regions have been carried out aimed at establishing the levels of administration of Justice. Routine and on-spot inspections continue to be done throughout the country. However, due to insufficient funding, the inspectorate function is not yet satisfactorily carried out despite the increased number of Inspectors.

Conclusion

In conclusion, I would like to thank Your Excellency the Vice President for accepting to grace this occasion once again on behalf of His Excellency the President of the Republic of Uganda. In the same vein, I would also like to thank the Rt. Hon. Speaker for honoring us with your presence. I look forward to more interactions of this nature. I thank the President of Uganda Law Society and all his members. I thank all of you for turning up in big numbers to mark the New Law Year. Let us all work with one purpose: **to improve the administration of justice in our Country**. I wish you all a prosperous year 2019.

For God and My Country

Bart M. Katureebe
CHIEF JUSTICE