



**STATEMENT OF THE HON. CHIEF JUSTICE  
AT THE LAUNCH OF THE JUDICIARY ANNUAL  
PERFORMANCE REPORT FOR THE F/Y 2020/2021**

**HELD AT**

**JUDICIARY HEADQUARTERS,  
HIGH COURT BUILDING, KAMPALA**

**ON 15<sup>th</sup> NOVEMBER, 2021**

On behalf of the Judiciary, I have the honour to present to you the Judiciary Annual Performance Report for the Financial Year 2020/21. As you recall, the Judiciary has customarily published its annual performance report at the launch of each New Law Year, during the month of January or early February each year.

With the enactment of the Administration of the Judiciary Act, 2020, it is now a requirement that the **Judiciary Annual Performance Report** be aligned to the Financial Year, rather than the calendar year. This inaugural report is therefore in fulfilment of Section 39(1) of the Administration of the Judiciary Act, 2020 that requires the Chief Justice to publish an Annual Performance Report for every concluded financial year, and distribute copies of the same to the President, the Speaker and any other stakeholder.

The report expounds the achievements of the Judiciary during the Financial year, as well as the challenges and impediments encountered in realising the achievements. It also highlights Judiciary's efforts towards strengthening the administration of justice in accordance with the theme of the Judiciary Strategic Plan V FY 2020/21 to 2024/25 (JSPV).

## **PERFORMANCE OF THE JUDICIARY DURING THE FY 2020/21**

### **A: Financial performance**

The Judiciary's approved budget for FY 2020/21 was **UGX 199,077,590,548** and a supplementary budget of **UGX 22,514,276,353** was further received during the Financial Year, leading to a revised budget of **UGX 221,591,866,901**. The supplementary budget was earmarked for retirement benefits of judicial officers in accordance with the Administration of the Judiciary Act, 2020, the domestic and utility arrears and the disposal of Presidential and Parliamentary Election Petitions. Out of the released budget of **UGX 215,502,421,726**, **UGX 208,780,683,306** was duly utilised, indicating an absorption rate of 96.6%.

### **B: Case management**

During the FY 2020/21, Courts disposed of **156,875** cases out of a caseload of **317,929**. This accounted for **49%** of all cases in the system. The **156,875** cases disposed of translated into a **20%** improvement in case disposal from **130,869** cases disposed of in the FY 2019/20. In addition, the Courts recorded a **4%** increase in case registration from **159,543** cases in FY 2019/20 to **165,347** cases in FY 2020/21.

The overall picture of how the Judiciary performed in the FY 2020/21 is summarised in the Table below.

**Table 1: Summary of Court Performance for FY 2020/21**

Summary of Court Performance for FY 2020/2021						
Court Level	Brought Forward	Registered	Completed	Pending	Disposal Rate (%)	Clearance Rate (%)
<b>Supreme Court</b>	507	209	102	614	14	49
<b>Court of Appeal/ Constitutional Court</b>	7,242	1,853	1,504	7,591	17	81
<b>High Courts</b>	60,911	32,400	35,350	57,961	38	109
<b>Chief Magistrates' Courts</b>	60,501	93,260	85,304	68,457	55	91
<b>Magistrate Grade One Courts</b>	22,769	35,651	32,574	25,846	56	91
<b>Magistrate Grade Two Courts</b>	652	1,974	2,041	585	78	103
<b>Grand Total</b>	<b>152,582</b>	<b>165,347</b>	<b>156,875</b>	<b>161,054</b>	<b>49</b>	<b>95</b>

*Source: Court Case Performance Report for FY2020/21*

The good performance of Courts in FY 2020/21 can be attributed to the following;

- i. Use of Alternative Dispute Resolution mechanisms such as the Plea-Bargaining Programme, Mediation and the Small Claims Procedure.
- ii. Weeding out of dormant cases in accordance with the law.
- iii. Use of video conferencing system to hear cases which reduces the delays of bringing prisoners and suspects to Courts.
- iv. Judicial Officers used the lock down period to write judgments and deliver them online via email.

### **C: The State of the Judiciary physical infrastructure**

The Judiciary has 105 Courts in own premises, 56 in rented premises, while 77 are in district and sub-county buildings. Many of these structures were constructed decades ago and their designs are old and outdated. With emerging issues such as population growth, use of modern Court equipment which need customised spaces, accommodation of special needs groups such as persons with disabilities (PWDs) who need ramps – these new demands have rendered these structures less suitable as Courthouses. For FY2020/21 expenditure on rent was **UGX 12.4 billion** which was **6.2%** of the Judiciary budget.

By the end of the FY 2020/21, the Supreme Court structure reached the roofing level while the Court of Appeal reached the fifth floor. The works remained on schedule despite the delays caused by the general restrictions in respect of the COVID-19 pandemic. Construction works are expected to be completed by April 2022 and this will reduce the rent expenditure by over **UGX. 6 billion**, in addition to offering decent and tailor-made accommodation to the Courts, the Justices and the staff.

Other ongoing construction projects at various stages included: Mukono High Court at the first-floor level; Justice Centres at Kole, Sembabule, Sheema, Buhweju; and Chief Magistrates Courts of Butambala, Kamwenge and Mayuge at finishing stage. Construction works for Justice Centres were expected to commence at Kibaale, Maracha and Namayingo. The contract for construction of Mpigi High Court was awarded but works did not commence because of lack of funding.

It is important to note that as we speak today, work in most of the aforementioned Courts has progressed very well.

#### **D: Automation of Court processes**

##### **(a) Electronic Court Case Management Information System (ECCMIS)**

The Judiciary designed and developed the Electronic Court Case Management Information System (ECCMIS) which is IT-based and automates the entire process of a Court case life cycle right from filing (e-filing) to archival (e-archival). A phased approach for implementation of ECCMIS was adopted and the 1<sup>st</sup> Phase is planned to cover 18 Court Stations that include: The Supreme Court, the Court of Appeal/Constitutional Court, the 7 High Court Divisions, 1 High Court at the Circuit, 5 Chief Magistrates Courts and 3 Magistrates Grade One Courts.

The ECCMIS was commissioned in the current FY 2021/2022 and mandatory training of the end-users is ongoing.

##### **(b) Video conferencing system**

In a bid to embrace online hearing of cases, the Judiciary installed video conferencing systems at the Commercial Division, Mbarara High Court, Arua High Court, Masindi High Court and Masaka High Court. The video

conferencing system enables Court cases to be handled remotely with Court and parties submitting online. The video conferencing system was very vital in the handling of cases during the COVID-19 pandemic lockdown and the strict enforcement of social distancing. The video conferencing system enabled the Judiciary to handle cases online hence reducing on case backlog.

### **(c) Digital Court Recording and Transcription**

To speed up the effort of case hearing and production of the Court transcripts, the Judiciary rolled out five (5) sets of Digital Court Recording and Transcription Systems in the High Court Land and Civil Divisions

## **E: Human resource capacity development**

### **a) Appointments and promotions**

During the FY 2020/21, the Judiciary received a new Chief Justice, a Deputy Chief Justice (Hon. Justice Richard Buteera) and a Chief Registrar (HW Sarah Langa Siu). In addition, six registrars and two deputy registrars among other staff were appointed in the Judiciary Service. Thirty (30) Judicial Officers were promoted (9 promoted to Deputy Registrars, 5 to Assistant Registrars, 14 to Chief Magistrates, 1 to Principal Magistrate Grade One and 1 to Senior Magistrate Grade One). The staffing levels remained at **37%** of the approved structure by close of the FY.

This FY2021/22, the new structure of Judicial Officers has been approved and plans are under way to fill the gaps at the different Court levels.

## **F: General Challenges**

### **1. Manpower Gaps**

The Judiciary requires adequate manpower and tools to effectively deliver meaningful justice. Articles 28(1) and 126(2)(b) of the Constitution provides for delivery of justice without delay. The available manpower in the period was not commensurate with the volume of cases filed; consequently, the Judiciary struggled with delays and case backlog of **152,582** cases brought forward from FY 2019/20. This was exacerbated by the **165,347** cases registered in the FY under review which were more than the cases brought forward from the previous year.

The Judiciary was inadequately staffed at **37%** of the Approved Staff Structure of 2009. The total number of **378** judicial officers in the FY was expected to serve a population projected at **45 million** people. Out of the **386** Magistrates Grade One Courts, only **126** had Magistrates. A total of 27 Chief Magistrates were caretaking between 2 to 6 Chief Magistrates Courts, with the Fort Portal Chief Magistrate caretaking 6 magisterial areas while the ones of Soroti and Lira were each running 5 Chief Magisterial Areas.

For instance, the Ankole sub-region which suffers some of the worst case-backlog situations would have been better served by 3 High Court Circuits to be able to meaningfully deliver justice to the population. Busoga sub-Region with its huge population equally needed a minimum of 3 High Court Circuits. The Acholi sub-Region, which is a huge geographical area where some litigants have to travel as far as 200 kilometres to reach the High Court in Gulu in search of justice, would be better served by 3 High Court Circuits. The litigants from Kaabong in the Karamoja sub-region must travel to Soroti to access the High Court. Such glaring manpower gaps were bound to adversely affect people's access to the justice.

Considering that there were **161,054** cases pending in the courts in addition to an average of **165,347** cases registered each year, the judicial officers were overstretched and could not dispose of the cases in time. The ratio of judicial officers to the population stood as follows:

<b>Supreme Court</b>	1:5,111,111
<b>Court of Appeal</b>	1:3,538,461
<b>High Court</b>	1:793,103
<b>Magistrates' Courts</b>	1:158,075

According to Court Case Performance Reports analysed by the Judiciary Data Management Committee, the average period a case takes in Court was at 3 years. A case is considered as a backlog when it takes more than two years without disposal. As such, eliminating case backlog is a tall order in a situation where 6 out of the 20 High Court Circuits are without judges, and 57 of the 100 Chief Magistrates' Courts in the establishment are without Chief Magistrates to run them.

## **2. Inadequate Funding**

Budgetary limitations have compounded the Judiciary's perennial challenges with case disposal due to the inadequate number of judicial officers.

In the Commercial Court alone, over **UGX 5 trillion** was locked up in the **6,094** unresolved cases. The volume of pending land cases as of 30<sup>th</sup> June 2021, stood at 32,413 broken down as follows: 15,966 at the High Court, 10,944 at the Chief Magistrates Court 5,419 at the Magistrate Grade One Court. This means that a vast amount of land and resources is locked up and not contributing to the economic development of the country.

The volume of pending land cases as at 30<sup>th</sup> June 2021, stood at **32,413** including **15,966** cases with a minimum value of **UGX 51,000,000** at High Court level. This is without considering the value of money locked up in unresolved land disputes at the lower Courts.

This means that a vast amount of land and resources worth trillions of Uganda shillings is locked up and not contributing to the economic development of the country. A spike in land disputes stemming from development projects has several negative impacts. A large percentage of criminal cases have origins in unresolved land disputes. Apart from impeding development projects, incurring significant costs to the Government and disrupting social order; slow resolution of land disputes has a negative impact on agricultural productivity. **Deininger and Castagnini (2006, Incidence and Impact of land conflict in Uganda)** estimate that land related disputes in Uganda resulted in a loss of agricultural productivity of 5 to 11 percent of the total value of agricultural output in Uganda.

## **3. Escalating case backlog**

The inadequate funding and staffing of the Judiciary inevitably resulted in escalating case backlog at all Court levels. The backlog level as of 30<sup>th</sup> June 2021 stood at 51,748, broken down as follows:

- i) In the Supreme Court, 286 of the pending 614 cases, which constitute 47% of the cases, were backlog.
- ii) At the Court of Appeal, 4,888 cases of the pending 7,591 which constitute 64% of the cases were backlog.

- iii) Among the High Court Divisions, 10,926 cases (38%) out of the 28,873 pending cases were backlog. The highest percentage of backlog cases were in the Family Division totalling 2,079 (46%) out of the total pending 4,518 cases.
- iv) In the High Court Circuits, 15,028 cases constituting 52% of the 29,088 pending cases were backlog. Jinja High Court registered the highest backlog of 3,148 cases, followed by Gulu with 1,458 cases and Fort portal High Court with 1,430 cases.
- v) The Chief Magistrates' Courts had 15,604 backlog cases, Magistrate Grade One Courts had 4,896 backlog cases while Magistrates Grade Two Courts had 120 backlog cases

#### **4. Limited jurisdiction of Magistrates Courts**

The escalating inflation levels and the current market values of products was impacting adversely on the pecuniary jurisdiction of Magistrates Courts. An average *used* motor vehicle goes for about UGX 50million while a 50 X 100 feet plot of land in the suburbs of any city costs about UGX 50 million shillings; yet the bulk of judicial officers who are Magistrates Grade One can only handle disputes up to UGX 20 million shillings. An amendment to the Magistrates Courts Act to enhance jurisdiction of Magistrates Courts is therefore called for.

#### **5. Inadequate Court Infrastructure**

Most of the court buildings are old but also small and inadequate to match the staff and court user space needs. Very crucial Courts were operating from rented premises, while other gazetted courts, including some High Court Circuits, could not start operations because of lack of premises. Rented premises cost the Judiciary approximately **UGX 11.15bn** per annum.

There were challenges of dilapidated structures, absence of toilet facilities at a number of courts, lack of archives /exhibit stores while other Court premises were not customised with specific facilities for PWDs, the elderly, pregnant and lactating mothers which hindered access to judicial services. There were challenges of lack of budget support for institutional houses to cater for accommodation in hard-to-reach/stay areas of Kalangala, Buvuma Island, Buliisa, Buyende, Abim, Karenga, Napak and Bukwo, among others.



## **6. Lack of Transport**

The Judiciary still faces a big challenge of a limited number of vehicles to facilitate the work of judicial officers especially those at the lower bench and in hard-to-reach areas like the islands of Koome, Buvuma and Kalangala. There is urgent need for a water vessel to traverse the islands.

## **7. Limited Automation of Court Processes**

This was especially vital in the handling of cases during the situation of the COVID-19 pandemic where physical interaction was limited. The Judiciary was still validating the business process of the Electronic Court Case Management Information System (ECCMIS), which would among other services, provide for e-filing and video conferencing.

## **8. The COVID-19 Challenge**

The deadly COVID-19 pandemic that the nation and indeed the whole world was confronting grossly affected lives and the mode of operations. The performance of the Judiciary was greatly frustrated and affected by the COVID-19 pandemic which, apart from causing a national lockdown, also directly devastated court attendance, some Courts closed completely, case registration reduced and some court processes were not served. As a result, the Judiciary has embraced the use of technology such as the video conferencing facilities to dispose of cases, hold online meetings and online delivery of judgments among others which are cost effective.

## **9. Staff Insecurity**

Security threats to judicial officer have been a long standing challenge for the Judiciary. Some judicial officers have received personal threats relating to their management of cases while at the same time some cases of vandalism of Court infrastructure have been reported in some areas.

## **10. Weaknesses and Inadequacies among the Key Sister Agencies**

Justice services are not exclusive to the Judiciary. Therefore, the performance of the other JLOS institutions greatly impacts on the performance of the Judiciary. The quality of police investigations has been challenging, while in many cases the human resource capacity of the ODPP to adequately staff all the Courts remained inadequate. Reports of corruption amongst the sister agencies would be linked to the Judiciary which is the ultimate decision maker in every case that reaches the Courts.

### **G: Recommendations**

In view of the challenges experienced above, the following recommendations were suggested:

#### **1. Adequate Funding for the Judiciary**

- (a) A paradigm shift is needed so that appropriate focus and attention are accorded to the Judiciary as an arm of Government (just like Parliament) considering its Constitutional mandate and the peculiar challenges it faces. This would ensure that it gets the necessary funding that is adequate for effective delivery of judicial services.
- (b) There is need for enhancement of human and material resources to tackle the challenge of case backlog, which stands at 32%.
- (c) More vehicles should be procured for Judicial Officers across the Courts and especially in hard-to reach-areas, to facilitate locus visits and other adjudication functions of the Courts. More vehicles are needed to facilitate locus in-quo visits while marine vessels are also needed for courts on Islands of Koome, Buvuma and Kalangala.

#### **2. Recruitment of Sufficient Staff**

- a) A sufficient number of judicial officers and support staff should be progressively recruited for effective delivery of judicial services.
- b) The recruitment plan for the financial year 2021/2022 which provides for 697 Judicial Officers and 958 Support Staff should be effectively and timely implemented.

- c) The Judiciary should be accorded the necessary resources to establish more justice centres to bring services nearer to the people and afford them effective access to justice.
- (i) Each district should have at least one Chief Magisterial Area, with a Chief Magistrate to run it. Therefore, there is need for recruitment of 146 Chief Magistrates to match the number of districts in Uganda.
- (ii) There is also need to have at least one Magistrate Grade One in each of the 353 constituencies in Uganda.
- (iii) The High Court establishment must be commensurate with the area population and the unique geographical challenges. There is a need to enhance the size of the Court of Appeal by establishing it at the various Regions at Mbale, Mbarara, Arua, Gulu, and Fort Portal.

### 3. Implementation of the Administration of the Judiciary Act, 2020

In order to implement the Administration of the Judiciary Act, the Judiciary should ensure that during the FY 2021/22, the following is achieved:

- a) Establish the Judiciary Service, delinked from the traditional Public Service.
- b) Expand the Judiciary Service Structure to enhance the numbers of judicial officers in accordance with the 2021 approved structure.
- c) Expand the Judiciary Service Structure to enhance the numbers of non-judicial officers in accordance with the 2009 approved structure.
- d) Expand the structure of the non-judicial administrative and staff commensurate with our vision and the JSP V.

Following the approval of the new Judiciary structure in 2021, the structure of the Upper Bench and the Lower Bench would therefore be enhanced as shown in Table below respectively:

**Table 2: New Structure for the Upper Bench**

S/n	Category	Filled positions	2009 Approved structure	2021 approved structure
	<b>Supreme Court</b>			
1.	Justices of the Supreme Court	9	10	20
2.	Justices of Court of Appeal/Constitutional Court	13	14	55
3.	High Court Judge	55	82	150

**Table 3: Proposed Structure for the Lower Bench**

<b>S/n</b>	<b>Category</b>	<b>Filled positions</b>	<b>2009 Approved structure</b>	<b>2021 approved structure</b>
1.	Registrar	7	9	12
2.	Deputy Registrar	27	47	80
3.	Assistant Registrar	11	32	40
4.	Chief Magistrate	54	100	160
5.	Senior Principal Mag. Grade I	-	10	40
6.	Principal Magistrate Grade I	1	20	50
7.	Senior Magistrate Grade I	1	30	70
8.	Magistrate Grade I	163	386	514

#### **4. Effective implementation of the case management reforms**

- (a) The Judiciary should continue to support and implement existing case management reforms such as Mediation, Plea Bargain, Small Claims Procedure, Case Backlog Reduction Strategy, Child Friendly Courts, automation of Courts.
- (b) The Judiciary should champion more reforms in procedural laws and Court processes, targeting the following and other areas:
- (i) the Court Fees
  - (ii) the Court Bailiffs Rules
  - (iii) the Court of Appeal Rules
  - (iv) the Court Bail Guidelines
  - (v) the State Brief Scheme
  - (vi) the Appellate Mediation
  - (vii) the management of exhibits
  - (viii) the *Amicus Curiae*
- e) The Judiciary should continue advocating for the amendment of the law to enhance the Jurisdiction of Magistrates Courts. Given the escalating inflation levels and the current market values of products, it would appear that very soon Magistrates Courts may have no work. An amendment to the Magistrates Courts Act to enhance jurisdiction of Magistrates Courts will inevitably enhance access to justice and reduce case backlog.

## **5. Improvement of Court infrastructure**

- a) The commencement of construction of court infrastructure should be implemented as planned. This includes:
  - (i) the construction of the Judiciary Archive
  - (ii) the expansion of the Judicial Training Institute (JTI),
  - (iii) construction of Court of Appeal buildings at Gulu and Mbarara,
  - (iv) construction of High Court Circuits at Soroti, Hoima, Rukungiri and Mpigi,
  - (v) establishment of Magistrate's Courts at Karenga, Patongo, Abim, Alebtong, Budaka and,
  
- a) construction of Justice Centres under JLOS at Bunyagabu, Omoro, Lwengo, Kibaale, Kyegegwa and Rakai.
- b) The ongoing construction of Justice Centres under JLOS at Buhweju, Sheema, Sembabule, Kole, Kyegegwa, Rakai and Serere should be completed.
- c) The planned renovation works at the Courts of Moyo, Adjumani, Masindi, Ntungamo, Mbale, Hoima, Yumbe, Masaka, Soroti and Tororo; and maintenance works for 12 Courts of Aduku, Butaleja, Commercial Court, Nabweru, Rukungiri, Luwero, Moroto, Pader, Oyam, and Gulu should be commenced and completed.
- d) There should be deliberate budget support to the Judiciary for institutional houses to cater for accommodation in hard-to-reach/stay areas such as Kalangala, Buvuma Island, Buliisa, Buyende, Abim, Karenga, Napak and Bukwo.
- e) The planned supply of power backup systems to at least 10 Courts, assorted furniture to at least 20 Courts, assorted equipment such as photocopiers to priority Courts and installation of fire extinguishers in all courts as an emergency response tool should be done expeditiously paying attention to environment issues of greening of the court premises.

## **6. Strengthening automation of Court processes**

The plans for strengthening the ICT function in the Judiciary to acquire more tools for e-justice should be effectively and expeditiously implemented through:

- a) Operationalising the 1<sup>st</sup> Phase of the Electronic Court Case Management Information System (ECCMIS) at 18 Court Stations, including the Supreme Court, Court of Appeal/Constitution Court, the 7 Divisions of the High Court, 1 High Court at the Circuit, 5 Chief Magistrates Courts and 3 Magistrates Grade 1 Courts.
- b) Rolling out the Video Conferencing System to 7 Court Stations and prison facilities.
- c) Rolling out the Digital Court Recording and Transcription to 4 court stations.
- d) Extending and upgrading the Judiciary Local/Wide Area Network (LAN/WAN) Infrastructure to 10 and 13 court stations respectively; and
- e) Maintaining the Judiciary ICT System and Services in serviceable condition.

## **H: Conclusion**

The Judiciary is committed and ready to do whatever it takes to ensure that justice reaches every man and woman in this Country – so much that it is as accessible to them as water is. The Government has already demonstrated to us their inalienable support towards realising these milestones, for which we are infinitely grateful. The ball is in our Court –we must champion the cause and walk the talk. We undertake to do that; and we have already embarked on the journey. May the Good Lord be on our side to witness these cherished transformations.

## **I: Appreciation**

I take this opportunity to hail H.E. the President of Uganda for his full support to the Judiciary. The President understands that justice should be as accessible to the communities, as should schools, roads, electricity and health centres. We thank you and look forward to realising this dream.

I would like to also thank the Deputy Chief Justice, the Principal Judge, the Justices and Judges of the Supreme Court, Court of Appeal and High Court, the Chief Registrar, Secretary to the Judiciary, the Registrars and Magistrates; Heads of Departments and Units; and all the staff of the Judiciary for their efforts that account for this commendable performance.

I also extend our profound appreciation to the Executive and the Legislative Arms of Government; the Justice Law and Order Institutions, the Administration of Justice Programme institutions, the Development Partners (especially, the UNDP, UN Women, UNFPA, UNICEF, World Bank, among others) for the financial and technical support; the Civil Society Organisations and the media fraternity; for your inalienable contribution and excellent partnership during the period under consideration.

Last but not least, I commend the Chief Registrar and your team who developed this maiden Judiciary Annual Performance Report; being the first of its kind, you surely invested in impressive effort, time and resources. May this spirit continue during the years to come.

I am grateful to all of you who have managed to personally attend this maiden launch. Your presence cannot be taken for granted – it points to your commitment to the cause of Justice. May the Good Lord Bless you and keep you safe and sound.

Alfonse Chigamoy Owiny – Dollo

**CHIEF JUSTICE**