

# ADDRESS OF HON. JUSTICE ALFONSE CHIGAMOY OWINY - DOLLO

**CHIEF JUSTICE OF UGANDA** 



DELIVERED AT THE NEW LAW YEAR, 2023 AT HIGH COURT GROUNDS, KAMPALA ON 3<sup>rd</sup> FEBRUARY 2023



**VISION:** Justice for All

**MISSION:** to efficiently and effectively administer justice

#### **CORE VALUES**

#### **INDEPENDENCE**

the Judiciary will ensure that it operates freely in its own best Judgement, without taking directives from, or being controlled by, any person or authority. We will uphold and exemplify the independence of the Judiciary in its individual and institutional aspects.

#### **IMPARTIALITY**

We uphold that justice must not merely be done but must also be seen to be done. Judicial Officers shall perform judicial duties without fear, favour, ill-will, bias, or prejudice.

#### **TRANSPARENCY**

The Judiciary will be open at all times in dealing with all partners in the administration of justice, documenting its operations and freely disseminating information. The Judiciary will endeavour to win the confidence and trust of all Ugandans and the international community through the quality of its services.

#### PROFESSIONALISM

The Judiciary will endeavour to have well-trained, professionally competent and self-confident staff that will administer justice to all.

#### INTEGRITY

the Judiciary will carry out its activities in an honest and truthful manner, and will take all reasonable measures to prevent wilful wrongdoing by its officials. Our behaviour and conduct will re-affirm the people's faith in the integrity of the Judiciary.

#### **ACCOUNTABILITY**

The Judiciary will take full responsibility for its actions, and will always be answerable to the people of Uganda and to its partners.

#### **EQUALITY**

the Judiciary will uphold the principles of equality, equal opportunities and affirmative action in respect to gender and other disadvantaged groups. We shall accord equal treatment to all persons who appear in court, without distinction on unjust discrimination based on the grounds of sex, colour, race, ethnicity, religion, age, social or economic status, political opinion, or disability.

#### TALK TO US:

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Hon. Justice Alfonse Chigamoy Owiny- Dollo **CHIEF JUSTICE** 



Hon. Justice Richard Buteera **DEPUTY CHIEF JUSTICE** 



Hon. Justice Dr. Flavian Zeija
PRINCIPAL JUDGE



Dr. Pius Bigirimana
PERMANENT SECRETARY/
SECRETARY TO JUDICIARY



HW Sarah Langa Siu CHIEF REGISTRAR



# ADDRESS OF THE HON. THE CHIEF JUSTICE OF UGANDA

HON. JUSTICE ALFONSE CHIGAMOY OWINY - DOLLO

Your Excellency the Vice President of the Republic of Uganda,

The Rt. Hon. Speaker of Parliament,

The Hon. The Deputy Chief Justice,

The Rt. Hon. Prime Minister,

The Honorable Ministers present,

The Learned Attorney General,

The Hon. The Principal Judge,

The Hon. Justices and Judges of Courts of Judicature,

Your Excellences, the Ambassadors and High Commissioners,

The Hon. Members of Parliament present,

The Religious Leaders, present,

The Inspector General of Government,

The Chairpersons of Constitutional Commissions,

The Head of the Civil Service,

The Members of the Judicial Service Commission,

The Heads of the Administration of Justice Programme Institutions

The Permanent Secretaries present,

Your Worship the Chief Registrar,

Your Worships, the Registrars and Magistrates,

The President Uganda Law Society and distinguished Members of the Bar,

The Inspector General of Police,

The Commissioner General, Uganda Prisons Services,

The Judiciary Administrators and Support Staff,

Distinguished Ladies and Gentlemen.

## A: WELCOME REMARKS

I have the honour to welcome Your Excellency, once again, to the launch of the Law Year, 2023. I also take the privilege to welcome all our distinguished guests who have devotedly made it to this auspicious ceremony. The Judiciary family is always delighted and indebted to you, for your benevolent support.

Your excellency, the Judiciary greatly appreciates the Government of Uganda for the discernible support which has enabled us to accomplish a number of milestones, some of which, I shall elaborate in this report. We thank you so much, Your Excellency, for supporting the Judiciary transformation agenda, and for your personal presence here today.

Allow me to congratulate all of us who successfully accomplished the difficult year, 2022 and to welcome you to celebrate the joys of the year 2023. As you all know, the Country went through a number of challenges, including the prolonged infiltration of Covid-19 and the influx of *Ebola virus*, among others. We thank the Good Lord who enabled us go through these tribulations, triumphantly.

On a sad note, the Judiciary family unfortunately lost Hon. Justice Rubby Opio Aweri, a Justice of the Supreme Court, on 7<sup>th</sup> December 2022 and Hon. Justice Elizabeth Ibanda Nahamya, a retired Judge of the High Court on 05/01/2023. Let us all observe a moment of silence in prayer for their Lordships..........

#### MAY THEIR SOULS REST IN ETERNAL GLORY.

I wish to specially thank the Government for the support they extended to the Judiciary and the Family of Hon. Justice Opio Aweri, during the funeral interlude. We are much humbled and deeply honoured, Your Excellency.

## **B: PROGRESS MADE ON OUR PROMISES**

Since we unveiled the Judiciary Transformation Agenda and developed the Judiciary Strategic Plan V to facilitate the realization of the said agenda, for the year 2022, we were able to register the following accomplishments in line with our core mission of *enhancing access to Justice for our people*.

#### 1. Publication of the Annual Performance Report

Section 39(1) of the Administration of the Judiciary Act, 2020 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 other key stakeholders. On 31st August 2022, the second *Annual Performance Report, for F/Y 2021/2022* was published and distributed to the stakeholders in fulfillment of the requirements of the law.





The Hon. Chief Justice launching the 2nd Annual Performance Report on 31.08.2022

#### 2. Improved Court Performance

The number of cases completed each year has been growing, from the **126,265** cases disposed of in 2020 to **158,423** cases disposed of in 2021 and **250,021** cases disposed of in 2022. This means that a total of **91,598** cases were disposed of in the year 2022 more than in 2021.

This substantial rise in case disposal was mainly attributed to the increase in the number Judicial Officers and the use of alternative dispute resolution mechanisms such as plea bargaining, mediation and Small Claims Procedure, among others.

### Summary of Court performance for the calendar year 2022

Court Performance for the Year 2022							
Court Level	Bought- Forward	Registered	Completed	Pending	Backlog		
Supreme Court	571	148	53	666	312		
<b>Court of Appeal/Constitutional Court</b>	8,018	1,672	979	8,711	5,332		
High Court (Divisions and Circuits)	61,697	42,474	38,214	65,957	26,944		
Magistrates Courts	106,874	195,304	210,775	91,403	11,333		
Grand Total for all Court Levels	177,160	239,598	250,021	166,737	43,921		

- **a.** For the year 2022, the Courts Brought Forward **177,160 cases** from **2021**; Registered **239,598 cases**; Completed **250,021 cases** and concluded the year with **166,737 Pending cases**.
- **b.** The Total Case backlog was **43,921 Cases**, which translates into **26.57%** of the pending workload as at 31st December 2022.
- c. It can be noted that the Magistrates Courts completed the highest number of Cases (210,775 cases) followed by High Court (38,214 cases).

The performance is strongly correlated with the staffing levels at the respective Individual ranks, with Magistrates Grade I having the highest staffing of 292 Judicial Officers, followed by Chief Magistrates with 77 Judicial Officers and the High Court with 70 Judges as at 31st December 2022.

#### Comparison of Court performance for the year 2021 and 2022

Court Level	R	egistered	Co	ompleted		Pending		Backlog
	2021	2022	2021	2022	2021	2022	2021	2022
Supreme Court	225	148	82	53	683	666	319	312
Court of Appeal/ Constitutional Court	1,542	1,672	931	979	7,887	8,711	4,658	5,332
High Court (Divisions & Circuits)	35,946	42,474	27,558	38,214	60,713	65,957	29,118	26,944
<b>Magistrate Courts</b>	161,116	195,304	129,852	210,775	96,631	91,403	14,741	11,333
<b>Grand Total</b>	198,829	239,598	158,423	250,021	165,914	166,737	48,836	43,921

It can be deduced from the table above that, except the Supreme Court, and the Court of Appeal, the High Court and Magistrates Courts registered a significant increase in case disposal compared to the previous year. The High Court completed **10,656** more cases than it completed in 2021 while the Magistrates Courts completed **80,923** more cases than they completed in 2021.

Overall, the performance for 2022 exceeded that of 2021 by **91,598 cases** thereby reducing case backlog by **4,915 cases**, i.e. a reduction in backlog from **48,836** cases in 2021 to **43,921 cases** in 2022.

The exceptional performance of the High Court and the Magistrates Courts was mainly because of enhanced staffing following the recruitment and deployment of more Judicial Officers during the past year.

Your Excellency, from the above performance trends we have confirmed that with more manpower, our performance will greatly improve, and justice will be accessible to the common man.

It should be noted, however, that in addition to recruiting Judicial Officers, we need to match them with the necessary administrative staff including Court Clerks, Process Servers, Transcribers and Secretaries, among others. It is therefore pertinent that Cabinet approval of the structure and establishment of the non-judicial officers be expedited.

Your Excellency we request for expedience in the approval of the structure and establishment of the non-judicial officers so that they are recruited and deployed to allow the Courts to operate optimally.

#### 3. Promoting Alternative Dispute Resolution Interventions

We continue to promote ADR is case management with commendable results across the Courts such as Mediation, Plea Bargaining, Small Claims Procedure, child friendly procedures, diversion of children cases, community service, daily hearings of criminal cases in the High Court among others.

#### i. Advancing the Plea-Bargaining program

This innovation has played a commendable role in delivering quick and acceptable justice to the parties and has undoubtedly helped in reducing case backlog and decongestion of prisons. During the year 2022 Plea-bargaining sessions were conducted at Mbarara, Mukono, Masindi, Jinja, Mbale and Mubende High Court Circuits. The Criminal Division also conducted plea bargaining sessions at Rukungiri, Kabale, Entebbe, Mbarara and Luzira Magistrate courts.

#### Performance from Plea Bargaining Session held in the Year 2022

S/No.	Station	Period	Cases cause listed	Completed Cases	Percentage Completed
1	Masaka High Court	January 22	43	43	100
2	Criminal Division		6	6	100
3	Mukono High Court at Nakasongola Main prison	22nd- 23rd March 2022	46	29	63
4	Masindi High Court at Main Prison	March 2022	444	331	79
5	Soroti High Court	April 2022	63	63	100
6	Mbarara High Court	7th March-2022	230	230	100
7	Mbarara Chief Magistrate court		271	271	100
8	Kabale High Court and Magistrates Courts of Rukungiri and Kabale	5th April-13 May 2022	211	211	100
9	Arua High court		147	147	100
10	Mukono High Court at Kamuge Prison	25th July – 1st August 2022	64	34	53

S/No.	Station	Period	Cases cause listed	Completed Cases	Percentage Completed
11	Mbarara High Court	29th August 2022	220	84	38
12	Mbarara Chief Magistrate court	30th August 2022		121	55
13	Plea Bargaining Camps at Luzira	6th-7th Sept. 2022	442	359	81
	Prison, Murchison Bay	December 2022	975	901	92
	Total		3,162	2,830	90

During these sessions, out of **3,162** cases cause-listed for Plea-Bargaining Sessions, **2,830** cases were completed translating into **90%** completion rate. Out of the 2,830 completed cases, **2,254** cases were completed at High Court level while **576** cases were completed by Magistrates Courts. The High Court spent **676,200,000/=** to dispose of the 2,254 Cases, but if the cases went for full trial, the Government would have spent **2,254,000,000/=** to complete them; hence there was a saving of **1,577,800,000/=**. At the Magistrates Court Level, the Government spent **172,800,000/=** instead of **216,000,000/=** which would have been spent for full trials of the same cases, hence saving **43,200,000/=** 

Previously, during the initial 6 years of the advent of the Plea Bargaining program, between 2014 and 2020, a total of 35,000,000 cases were disposed of at a cost of 10 Billion shillings, hence saving 25 Billion shillings. In addition to saving money, the Program has also greatly reduced the ratio of convicts to remandees and has played a big role in prison decongestion. It guarantees speedy trials as it is not tied to the first-in first-out principle, but rather, welcomes all inmates who have chosen to own up to their crime. In this way it cuts down the cost of feeding remandees since convicts are usually transferred to prison farms hence making them producers rather than consumers. Through farming, carpentry and craft work, prisoners are able to save some money for future use in addition to gaining useful skills to rely on during and after the prison life.

Plea Bargaining has proved to be the best tool for promoting community reconciliation in line with Article 126(2) of the Constitution of Uganda. Reconciliation as a mode of dispute resolution has stood the test of time as the most acceptable indigenous African mode of dispute settlement across different ethnicities in Africa. Plea Bargaining also guarantees victim involvement and strives to balance the rights of the victims against those of the accused and the society at large.





The Hon. Chief Justice sharing with participants at a plea bargaining camp at Gulu prison

#### ii. Promoting Small Claims Procedures

Under the Small Claims Procedure, the courts handle specified civil matters whose value does not exceed ten million shillings. The Court controls much of the processes (including availing case forms and serving of the summons) and excludes involvement of the advocates, thus affording quicker and cheaper justice. The

Small Claims procedure therefore quickly releases capital that would be otherwise locked up in unresolved commercial disputes.

During the year 2022, the Small Claims Procedure Courts registered **23,253** cases, completed **21,819** cases, and had **5,585** pending cases by 31<sup>st</sup> December 2022. Overall the Small Claims Procedure resolved **21,819** Commercial disputes from which a total of **Ushs 12,387,209,913/=** (*Twelve Billion, three hundred eighty-seven million, two hundred and nine thousand, nine hundred and thirteen shillings*) was unlocked and made available for reinvestment back into the economy.

#### Performance of Small Claims Procedure Courts for the Year 2022

Cour	Court Performance of Small Claims Procedure for the Year 2022					
S/N	Procedural Level	Brought Forward	Registered	Completed	Pending	Value of Claims Recovered
1	Small Claims	1,354	7,989	7,747	1,596	10,358,285,144
2	Demand Notices	2,797	15,264	14,072	3,989	2,028,924,769
Gran	nd Total	4,151	23,253	21,819	5,585	12,387,209,913

#### iii. Enhancing mediation of civil disputes

Mediation as an alternative to protracted and antagonistic litigation has also taken root across all court levels, with **1,780 cases** completed during the year 2022.

During the period under review, **1,780** Mediation causes were completed while 1,684 causes were freshly registered and **1,161** Mediation Causes remained pending as at 31<sup>st</sup> December 2022.

#### **Performance of Mediation Programme for the Year 2022**

S/N	COURT LEVEL	Mediation Category	Brought Forward	Registered	Completed	Pending
1	Court of Appeal	Civil Appeals	45	67	72	40
2	High Courts (Circuits	Commercial	15	69	62	22
	and Division)	Civil	379	230	338	271
		Family	170	128	284	14
		Land	417	736	582	571
3	Chief Magistrate Courts	Civil	59	178	186	51
		Family	0	25	13	12
		Land	19	54	34	39
4	Magistrate Grade 1	Civil	122	78	108	92
	Courts	Family	0	18	13	5
		Land	31	101	88	44
	Total		1,257	1,684	1,780	1,161





**Mediation Registry conducting mediation outreaches** 

#### 4. Fighting Case Backlog

Case backlog is an accumulation of cases before the Courts that remain unresolved for two years and beyond. It is a great relief to note that case backlog has reduced significantly in the year 2022.

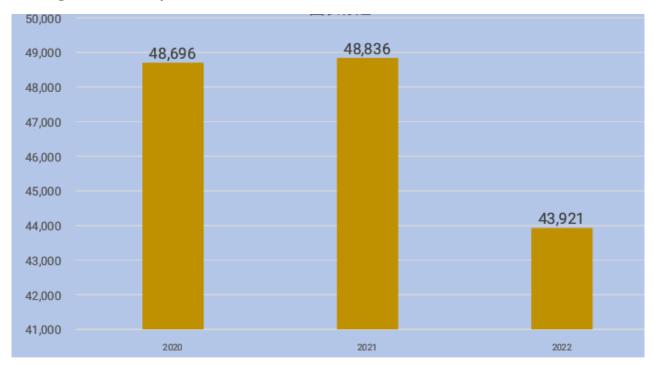
The table below is a representation of the backlog trends for the last 3 years.

#### **Backlog figures for the years 2020-2022**

Sno	Court Level	Calendar year		
		2020	2021	2022
1	Supreme Court	225	319	312
2	Court of Appeal/ Constitutional Court	4,926	4,658	5,332
3	High Court Divisions	11,685	11,584	9,562
4	High Court Circuits	19,595	17,534	17,382
5	Magistrates Courts	12,265	14,741	11,333

- The Supreme Court has for the year 2022 recorded a decrease in case backlog at a rate **2.2% (7 cases)** as compared to the year 2021 from **319** backlog cases recorded in 2021 to **312** cases recorded in the year 2022.
- The Court of Appeal/Constitutional Court recorded **14.47%** increase in case backlog as compared to the year 2021 from **4,658** backlog cases recorded in 2021 to **5,332** cases recorded in 2022.
- The High Court Divisions recorded a decrease in the backlog recording an **18.16%** reduction over the three years from **11,685** cases recorded in 2020 to **9,562** cases recorded in the year 2022.
- The High Court circuits have recorded a decrease in backlog of **11.29%** over the 3-year period. However, over the years, the court remains with the highest backlog across all the Court levels.
- The Magistrate Courts recorded a **23.11%** (**3,408 cases**) decrease in case backlog from **1,4741** cases recorded in the year 2021 to **11,333** cases recorded in the year 2022.

#### Backlog trends for the years 2021-2022



The Courts recorded an overall decrease in case backlog from 48,836 to **43,921** backlog cases as at 31<sup>st</sup> December 2022. This can be attributed to Increase in recruitment of Judges and Magistrates, operationalization of more High Court Circuits and Magisterial Areas, increase in the use of ICT in case management, application of Plea Bargaining and Mediation in fast-tracking case disposal and other initiatives under the Case Backlog Reduction Strategy.

#### 5. Enhancement of the use of ICT in Justice delivery

The Judiciary has made tremendous steps in advancing the use of ICT by the Courts and commendable results have been registered, as follows:

#### i. Rolling-out of the Electronic Court Case Management Information System (ECCMIS)

On 01.03.2022 we started implementing the Electronic Court Case Management and Information System (ECCMIS) in Cluster 1 which included 08 Courts: Supreme Court, Court of Appeal/Constitutional Court, Anti-Corruption Division, Commercial Court, Land Division, Civil Division, Luwero High Court and Mengo Chief Magistrates Court. These Courts are currently implementing ECCMIS since March 2022.

Cluster 2 will include a total of 7 Courts: Jinja High Court, Jinja CM Court, Kakira Grade One Court, Bugembe Grade One Court, Family Division, Luwero High Court and International Crimes Division, while Cluster 3 will comprise a total of 5 Courts: Criminal Division, Buganda Road CM Court, Nakawa CM Court, Makindye CM Court, and LDC Magistrate Grade One Court. By the end of this year, ECCMIS will be operational in a total of 18 Court Stations.





The Judiciary launches ECCMIS Go-Live for the phase I Courts on 01.03.2022

Since the advent of ECCMIS there has been an increase in case filing at a rate of 2.7% in the implementing courts and Non Tax revenue collection has increased at an average of 2.8%. So far the Judiciary and the Court Users have experienced a number of benefits accruing from the use of ECCMIS, as illustrated in the graph below.



#### ii. Installation of Video Conferencing Systems

In the year 2022, the Judiciary continued to enhance its capacity to hold online Court hearings through the installation of 5 Video Conferencing System sets in 5 High Courts, namely; Fort Portal, Soroti, Lira, Kabale – under the Government of Uganda (GoU) support and 1 set at Mubende High Court under the support of the United Nations Development Programme (UNDP).

#### iii. Extension and Upgrade of the Judiciary ICT Backbone Infrastructure

The Judiciary has continued to extend its Local/Wide Area Network Infrastructure including Internet. For the year 2022, the infrastructure has been extended to 10 Court Stations, being: Ibanda, Kasese, Moyo, Koboko, Adjumani, Kiryandogo, Katakwi, Nebbi, Koboko and the Land Division.

#### iv. Subscription to the On-Line Legal Research Database (LEXISNEXIS)

As a source of reference materials in the execution of judicial work, the Judiciary has maintained its subscription to the on-line Legal Research Database (LEXISNEXIS).

#### 6. The Judiciary Anti-Corruption Strategy 2023-2030.

In line with the National Zero Tolerance to Corruption Policy, 2019, and the Judiciary Strategic Plan V, the Judiciary has developed the *Judiciary Anti-Corruption Strategy 2023-2030*. Through this Strategy, the Judiciary seeks to strengthen the Judiciary's capacity to combat corruption, enhance integrity, transparency and service delivery and resultantly enhance public trust in the institution. The Strategy also aims at achieving a Judicial system that adheres to high standards of impartiality, integrity, transparency and accountability.

#### 7. Reform of Laws and Procedural Rules

In order to demystify justice services and make Courts more accessible, we have enacted a number of Rules to streamline court procedures and processes. I am pleased to report that on 28<sup>th</sup> June 2022, the following Rules were successfully gazetted and are now operational:

- The Judicature (Court Bailiffs) Rules, S.I. 53/2022
- The Judicature (Amicus Curiae) Rules, S.I. 54/2022
- The Judicature (Legal Representation at the Expense of the State) Rules, S.I. 55/2022
- The Constitution (Bail Guidelines for Courts of Judicature) (Practice) Directions, L.N. No. 8/2022



Judiciary launching the new Court Rules and Practice Direction on 27/07/2022

The Judicature (Legal Representation at the Expense of the State) Rules, 2022 were passed, inter alia, to streamline the management of State funded legal representation by ensuring effective and efficient representation of accused persons entitled to legal representation at the expense of the State, ensuring expeditious and efficient trial process, establishing a clear criterion for the selection and remuneration of advocates and ensuring that the interests of justice are met in cases which carry a sentence of death or imprisonment for life.

**The Constitution (Bail Guidelines for Courts of Judicature) (Practice) Directions, 2022** provides for uniformity and consistency in bail decisions, safeguards the interests and concerns of society in bail decisions and promotes transparency and efficiency in the management of bail funds.

**The Judicature (Court Bailiffs) Rules, 2022** establish the Bailiffs' Licensing and Disciplinary Committee and expounds on the process of managing bailiffs' discipline, in addition to outlining the licensing process and the procedure for executing Court orders.

**The Judicature (Amicus Curiae) Rules, 2022** were enacted to provide the procedure, promote uniformity and transparency and operationalise article 126(1) of the Constitution by providing for justified interventions by persons seeking to protect the public interest, through *amicus curiae* applications.

The Law Reform Committee and other stakeholders are currently working on a number of other legislation that will help enhance access to justice by our people. These include, among others:

- **a.** The Judicature (Court Fees) Rules, 2023
- **b.** The Magistrates Courts (Amendment) Bill, 2023
- **c.** The Judicature (Management of Exhibits) Rules, 2023
- **d.** The Judicature (Court of Appeal) (Amendment) Rules, 2023
- e. The Judicature (Supreme Court) (Amendment) Rules, 2023
- f. The Judicature (High Court Circuits) (Amendment) Instrument, 2023
- g. The Judicature (Cases for Persons with Disabilities), Rules, 2023
- h. The Judicature (Electronic Filing, Service and Virtual Proceedings) Rules, 2023
- i. The Magistrates Courts (Magisterial Areas and Magistrates Courts) Instrument, 2023
- j. The Constitution (Establishment of Environment, Climate Change, Wildlife and Infrastructure Division) (Practice) Direction, 2023
- k. The Constitution (Establishment of Regional Courts of Appeal) (Practice) Direction, 2023

#### 8. Progress in the construction of Courts

The construction of Supreme Court building is at finishing stage (85%) completion with furnishing, plumbing, electrical installations, air conditioning and IT fittings ongoing while Court of Appeal building is at 75% completion with window fitting and tiling ongoing. The two buildings including two basement floors are expected to be occupied before the end of this year.

This will save the Judiciary approximately UGX 6 billion which is currently being spent annually on rent for the said Courts. I wish to commend the Government of Uganda for considering this vital infrastructure that will provide a home for the Supreme Court and Court of Appeal of Uganda, which had languished in exile for many years.





Current status of construction of the Supreme Court tower

The Judiciary has also renovated Mbale High Court, Makindye, Hoima, Luwero, Ntungamo, Masaka, Kisoro, Tororo and Masindi Chief Magistrates Court buildings. While the Court buildings housing Gulu High Court, Pader CM, Oyam CM, Katakwi CM are under renovation at finishing stages.

We were offered land at Gulu and Mbarara Cities for construction of Regional Court of Appeal. More land was donated by Nakasongola District Local Government for the construction of a commodious and modern Judicial Training Institute. We thank the respective Local Government Administrative Councils for providing us with land, free of charge.

#### 9. Operationalization of more High Court Circuits and Magisterial Areas

Following the increase in the number of High Court Judges from 56 to 72, we operationalized the High Court Circuits of Moroto, Tororo, Iganga, Luwero, Hoima and Rukungiri. During the coming Financial Year, we also plan to open up more High Court Circuits at Nebbi, Kitgum, Apac, Kumi, Kamuli, Bushenyi, Kasese and Kiboga or Lyantonde, to alleviate the severe inhibitions to access to justice in these areas. The existing Judges constitute only 46.6% percent of the approved structure of 150 Judges of the High Court.

We have also operationalized more Magisterial areas following the growth in the number of Chief Magistrates from 44 to 77 (which is 48% of the approved structure). The Magisterial Areas opened after 2021 include: Amuru, Bubulo, Dokolo, Isingiro, Kajjansi, Kamuli, Kamwenge, Kasangati, Katakwi, Kira, Kiruhura, Kiryandongo, Kisoro, Kotido, Kumi, Kyenjojo, Lugazi, Mayuge, Oyam, Rakai and Sironko. Karamoja sub-region now has 2 Chief Magistrates, while Acholi Sub- region has 4 Chief Magistrates.

We have opened up a number of Magistrate Grade One courts across the country, following their increase from **186** to **298** Magistrates (which forms only 44% of the approved structure). These include: Amuria, Arua City Court, Atanga, Bujuuko, Busunju, Buvuma, Goma, Kalongo, Kalungu, Kangulumira, Kibito, Kole, Kyanika, Kyazanga, Kyotera, Lamwo, Masaka City Court, Mbarara City Court, Nakisunga, Namungalwe, Nansana, Ntoroko, Nyarushanje, Rubindi, and Tororo Municipal Court.

These fundamental developments have undoubtedly brought justice nearer to the people, hence fulfilling our Vision 2040 and the United Nations Sustainable Development Goal No. 16 which calls upon all of us to promote peaceful and inclusive societies by providing access to justice for all and building effective, accountable and inclusive institutions at all levels.

#### 10. Enhancing Human Capital Development

At the close of the year 2022, the Judiciary successfully conducted two-week intensive induction trainings of the newly appointed Justices, Judges, Registrars and Magistrates. The Judiciary also launched a number of programs, health awareness camps and trainings aimed at improving the human capital.

A series of trainings were conducted by the Judicial Training Institute geared towards improving case management. These included: training of 13 Magistrates in urban refugee rights and protection; 20 Judicial officers on human and land rights of the minority indigenous people of Uganda; 108 Magistrates in management of SGBV cases; 15 Commercial and Civil Division's Judges on the new procurement laws; 22 High Court Judges in recent developments in revenue law; 111 Magistrates on administration of juvenile justice; 16 Magistrates in management of wild life crime and 41 Magistrates in climate justice.





Newly appointed Judges attending a two-weeks induction at Entebbe (14-25 Nov. 2022)





Newly promoted Chief Magistrates attending a two-weeks induction at Collin Hotel, Mukono

As you all know, the Top Management which I head, did promise to look into the welfare of the Judicial Officers and Administrative and support staff. I am pleased to report that with Government support, we have successfully achieved commendable results in this line, including: payment of enhanced salaries, subscription to health insurance schemes, timely payment of enhanced retirement benefits and pension, acquisition of more new vehicles and motor cycles and ICT equipment, to mention but a few.

We appeal to the Government to consider improving the salaries of non-judicial staff, as well, to give them ability to live a meaningful life during these economic challenges.

#### 11. Bridging manpower gaps

In August 2021, Cabinet approved an expanded structure for Judicial Officers from the Magistrates Court level to the Supreme Court. This included improved remuneration for members of the lower bench. The enhanced budget has enabled the Judiciary to commence on the task of bridging the manpower gaps. We have achieved remarkable milestones with regard to staff establishment and terms of employment.

#### i. Staffing position of Judicial Officers as at 31st December 2022

S/N	Category	Approved Structure	Filled	Percentage filled	Vacant
	Supreme Court				
(i)	Chief Justice	1	1		0
(ii)	Justices of the Supreme Court	20	9		11
	Subtotal	21	10	47%	11
	Court of Appeal				
(i)	Deputy Chief Justice	1	1		0
(ii)	Justices of Court of Appeal/ Constitutional Court	55	12		43
	Subtotal	56	13	23%	43
	High Court				
(i)	Principal Judge	1	1		0
(ii)	High Court Judge	150	69		81
	Subtotal	151	70	47.6%	81
	Total	228	93	40.7%	135

#### **Lower Bench**

S/N	Category	Approved Structure	Filled	Percentage filled	Vacant
1	Chief Registrar	1	1	100%	0
2	Registrar	12	6	50%	6
3	Deputy Registrar	80	30	37%	50
4	Assistant Registrar	40	16	40%	24
5	Chief Magistrate	160	77	48%	83
6	Senior Pr. Magistrate Grade I	40	10	25%	30
7	Principal Magistrate Grade I	50	21	42%	29
8	Senior Magistrate Grade I	70	34	48%	36
9	Magistrate Grade I	514	233	45%	281
10	Magistrate Grade Two	0	21	-	0
	SUB TOTAL	967	449	46.4%	539
	TOTAL (Lower Bench plus Upper Bench)	1,195	542	45.3%	674

#### **Appointments and promotions in the year 2022**

Between July and December, 2022 the Judiciary received **212** new appointments and promotions of staff as follows:

S/N	Court Level	New appointments
1	Justices of Supreme Court	03
2	Justices of Court of Appeal	01
3	16 Judges of High Court	16
5	1 Magistrate Grade One	01
6	Non-Judicial Staff	191
	Total	212

The recently elevated 03 Justices of the Supreme Court and two Justices of Court of Appeal were inaugurated by H.E the President on 26<sup>th</sup> January 2023. We thank His Excellency, the President and the Judicial Service Commission for filling up these vacancies.



#### ii. Summary of ongoing recruitments in the year 2023

The Judicial Service Commission has commenced the process of recruiting and filling up of the following positions that fell vacant in the course of last year.

S/N	Court Level	Pending recruitments
2	Justices of Court of Appeal	02
3	Judges of High Court	11
4	Registrars	06
5	Deputy Registrars	14
6	Assistant Registrars	08
7	Chief Magistrates	13
8	Magistrate Grade One	71
	Total	127

We thank your Excellency, the Judicial Service Commission, the Parliament of Uganda and all the other stakeholders for your various roles in timely up these very important offices. We look forward to Cabinet approval of the proposed structure of the administrative staff in order to match the needs of the expanded Judiciary and offer meaningful access to justice.

#### 12. Retirement from the service

During the year 2022, a cross section of staff numbering 46 retired from the Service. These included Justices, Judges, Registrars, Magistrates and a number of administrative and support staff. The cruel hand of death also snatched five of our good staff, being Hon. Justice Rubby Opio Aweri, a Justice of the Supreme Court, Ms. Kisaakye Recho, a Court Clerk, Mr. Ojara Kilama, a Stenographer Secretary, Ms. Ajok Christine, a Records

Assistant, and Ms. Nafuna Wamboga Kasifa, a Personal Secretary. We commend their souls to the Good Lord and pray for his mercy upon each one of them.

The Justices, Judges, Deputy Registrars and Magistrates who retired during the year 2022 are the following:

#### **Justices and Judges**

i. Justice Ezekiel Muhanguzi, JSC

ii. Justice Ruhinda Asaph Ntengye, CJIC

iii. Justice Kigundu Jane FB, JHC

iv. Justice Okwanga Vincent Tonny, JHC

#### **Deputy Registrars**

i. Hw Ayo Miriam Eddy Okello

ii. Hw Mponye Kolya Sarah

#### **Magistrates**

i. Hw Baligeya Moses Mufumbiro, CM

ii. Hw Oji Phillips, GI

iii. Hw Gidudu Fred, GII

iv. Hw Rutagyengwa Edephonse, GII

v. Hw Tuiime Anania, GII

The Following *administrative and support staff* retired form Service, during the year 2022: Adude Amos, Akello Esther Ruth, Akullu Rose Obote, Aluku Isaac Abraham, Baluku Godfrey, Kalisa Sarah, Kasirye Emmanuel, Kemigisa Joy, Kyaligonza Darlison, Lubuto Joseph, Mania Mary, Mbaziira Levicato, Mugenyi Patrick, Mugisha Aloysius, Mukaaga Lunyoro Patrick, Mukembo Harriet, Murangira Joseph, Musamali Emmanuel, Muwando Fatima, Nabbona Teddy, Nagawa Salima Sarah, Naikoba Rosemary Mwanja, Nalubega Harriet, Ntaganya Peter, Odong Simon, Odongo John Bosco, Ojikhan Francis, Okello Nixon, Okim Lawrence Opolot, Omaruk Mudodo Charles, Opung Apulet Jacinta, Opwa Anthony, Turyamubona Milton, Wakooli Namarome Jennifer and Zawedde Sarah.

Allow me to thank all the above staff for the dedicated service they rendered to the Judiciary. May the Good Lord continue to protect them during their retirement.

#### 13. Stakeholder engagements and Court Open Days

During the year, 2022 the Judiciary took a deliberate effort to scale up stakeholder engagements and court user sensitizations across the country. As a result, a number of Court Open Days were organized in various High Court Circuits and Magisterial Areas across the country. The court users and the public used this forum to understand the processes of Court and to seek for answers to their justice challenges.





Principal Judge and Chief Registrar attend a Court Open day in Adjumani Refugee Camp

#### 14. International Conferences and engagements

The Judiciary successfully hosted two international conferences running concurrently, being the 2<sup>nd</sup> Annual East African Judicial Conference that ran from 25<sup>th</sup> to 28<sup>th</sup> of October 2022 and the 17<sup>th</sup> International Association of Women Judges Conference from 26<sup>th</sup> to 29<sup>th</sup> of October 2022. We were honoured, during these conferences to host the Honourable Chief Justices of Kenya, South Sudan, Burundi and Somalia, as well as the President of the East African Court of Justice, among others.





Women Judges from various jurisdictions attends IAWJ Conference in Kampala





H.E. President Museveni opens IAWJ Conference in Kampala on 26.10.2022

During September 2022, I led a Ugandan delegation to Accra Ghana where we participated, together with 24 Chief Justices and several country representatives, in the Commonwealth Magistrates and Judges Association Conference where I presented a Paper on the theme: 'Access to Justice in Modern Times'.

I also represented the Judiciary at the *High Level Meeting of Chief Justices and Heads of Constitutional Courts and Councils* in Cairo, Egypt from 12<sup>th</sup> to 16<sup>th</sup> September, where I presented another paper on *Constitutional Protection of the Principle of Citizenship and Rights of Refugees and Migrants in Uganda.* 

The Judiciary delegates also fruitfully attended the *East African Magistrates and Judges Conference* in Kigali Rwanda from the 7<sup>th</sup> to 11<sup>th</sup> November 2022 at which, our own, Hon. Justice John Eudes Keitirima was voted the new President of EAMJA and Uganda was selected to host the next Annual Conference in September 2023. I congratulate our team for this great milestone.

It was a great experience sharing with colleagues on different aspects of justice service delivery across continents. I am grateful to all those who participated in these conferences.



The Hon. Chief Justice hosts the visiting Chief Justices to a Dinner after the EACJ Conference

#### 15. Provision of official transport

By the end of FY 2021/22, Justices and Judges were provided with new motor vehicles totaling to **30** vehicles. In addition, more vehicles were acquired for Registrars and Magistrates across the Courts and especially in hard to reach places, to facilitate locus visits and other adjudication functions of the Judiciary totaling to **48**. A total of **14** vehicles were acquired to enhance inspection and monitoring. The Process Servers were provided with Motorcycles to ease the service of Court process. In total, **50** Motorcycles were procured and allocated to Courts.

In addition, a total of 46 vehicles and 52 motorcycles have been procured and most of them have been delivered. The vehicles procured are for Justices and Judges, Magistrates, and field supervision.

#### 16. Establishment of Committees under the Administration of the Judiciary Act, 2020

The Judiciary Council, at its meeting of 1<sup>st</sup> December 2022 approved the establishment and composition of the Judiciary Committees, which will be inaugurated this Month.

The Judiciary Council further approved the *Administration of the Judiciary (Establishment of Committees) Regulations, 2023* which are intended to establish committees necessary for the effective administration of the Judiciary in accordance with sections 6 and 7 of the Act, and to provide for their powers, functions and procedures.

The Council also approved the *Administration of the Judiciary (Inspectorate of Courts) Regulations, 2023* to operationalise Part III of the Administration of the Judiciary Act, 2020 by detailing the functions, powers and procedures of the Inspectorate. These Regulations are now pending gazetting.

This year, the Judiciary Council will further consider the Judicial Training Institute Regulations and the Judiciary Service Regulations.





The Judiciary Council Members attending a Council session on 29th September 2022

#### 17. State Burial for Justice Rubby Opio Aweri

I am also pleased to report that in line with section 23 of the Administration of the Judiciary Act, Hon. Justice Rubby Opio Aweri, who died in the Service as a Justice of the Supreme Court of Uganda, was accorded a State Burial on 16<sup>th</sup> December 2022. I thank your Excellency and the Government for recognizing Justice Aweri's great sacrifice and impeccable service to our people.

I am also pleased to report that I have appointed Hon. Justice Stephen Musota, Justice of the Supreme Court, as the new Chief Inspector of Courts.





Hon Justice Opio being laid to rest at his ancestral home at Kachung Village in Dokolo

## C: CHALLENGES

#### 1. Closure of premises housing the Supreme Court

Due to a series of occurrences that threatened both life and property, the Chief Justice took drastic measures, on 30<sup>th</sup> May 2022, and advised the Supreme Court to migrate from the rented premises at Kololo that had been classified as not fit for human habitation until repairs could be made. Unfortunately for more than half a year, the landlord has not been able to correct the wrongs and as a result the Supreme Court has relocated to Lourdel Road, Wandegeya, pending completion of the Supreme Court house. We regret any inconveniences caused by this decision.

#### 2. Inadequate manpower

Whereas we have recruited a number of staff during the past two years, the process of recruitment is rather slow and the numbers are still insufficient to match the justice demands. The number of administrative and support staff has also not been increased to match the judicial offices, which has negatively affected justice delivery.

#### 3. Limited Budgetary provision

While we strongly appreciate the Government promise to progressively adjust the budget for the Judiciary upwards to 800 Billion shillings during the medium term, at the moment the Judiciary has not yet received even half of the budgetary promise which has slowed down the process of realizing the transformation agenda. We appeal to the Government to continue to live up to its promise so that the Ugandan *Mwananchi* can fruitfully benefit from our efforts.

#### 4. Increasing caseload

Whereas commendable effort has been made in dealing with case backlog, the number of newly registered cases have consistently increased every passing year. For the year 2022 the newly registered cases across the Courts increased from **198,829** recorded in the year 2021 to **239,598** in the year 2022 hence an increase by **40,769** cases.

This implies that the Judiciary must devise contemporary means of dealing with the increased demand for Judiciary services and the sophistication in crime execution, compounded by the effects of globalization and the Fourth Industrial Revolution (4IR).

#### 15. nadequacies amongst some of the key justice Agencies

The other justice service agencies such as the ODPP, the Uganda Police Force, the Judicial Service Commission and the Office of the Attorney General, among others, have not taken sufficient steps in terms of stepping up their human resources, increasing their presence across the country, and providing sufficient tools for their workforce. This has inevitably frustrated justice service delivery and made it difficult to banish case backlog from our Courts.

## **D: PRIORITIES FOR THE YEAR 2023**

Our priorities for this year, are by and large the same as those of the previous year. We remain steadfast to implement our Judiciary Transformation Agenda guided by our Judiciary Strategic Plan V, 2020-2025, with the sole purpose of enhancing access to justice for all our people.

In order to realise this goal, we have embarked on a number of priorities to be achieved during the forthcoming year, including the following:

- **a.** Lobby for more funding to enable us recruit and establish more court houses and justice centers up to constituency level across the Country; including establishing Chief Magistrates Courts at each District level, Magistrates Grade I Courts at each constituency level, and more High Courts circuits.
- **b.** Amend the Magistrates Courts Act to enhance the civil jurisdiction of the Magistrates Courts so that they are empowered to handle disputes of an enhanced value consistent with the current economic trends and inflationary levels in the country.
- **c.** Revise the Magisterial Areas Instrument of 2017 to establish Chief Magistrates Courts at every district in Uganda and Magistrate Grade One Courts at every county/constituency in Uganda.
- **d.** Review the High Court Circuits Instrument 2016 to increase the number of High Court Circuits across the regions. This will give rise to the creation of new High Court Circuits at Nebbi, Kitgum, Apac, Kumi, Kamuli, Lyantonde, Bushenyi, Kasese and other deserving places as the Taskforce shall advise, in order to alleviate the severe inhibitions to access to High Court Services in those areas.
- **e.** Launch the Constitution (Regional Courts of Appeal) (Practice) Directions, 2023 to provide for the creation of Regional Courts of Appeal in the various regions of Uganda, in order to bring Court of Appeal services nearer to the people.
- **f.** Expand the structure and establishment of non-judicial staff and recruit more Justices to the Court of Appeal and Supreme Court. Under the new Judiciary Structure, we plan to enhance the numbers of Judicial and non-Judicial staff commensurate with our Vision and Strategic Plan V; and to enhance the remuneration of non-judicial staff to keep them motivated in order to meaningfully deliver on our grand plan.
- g. Strengthen the Judicial Training Institute to offer up-to-date capacity building and refresher training to the judicial and non-judicial staff, including seeking for funds to enable us construct a robust Institute of international standing.
- **h.** Reinforce and decentralise the Inspectorate of Courts to effectively supervise court operations, promote judicial accountability and fight corruption.

- i. Launch and implement the Communications Strategy and the Registry Manual and revamp the Call Centre to promote transparency and guide the Court Users by creating awareness of Court processes and procedures and giving timely responses to people's inquiries and complaints.
- **j.** Renovate the current Court buildings which are dilapidated and customise Court premises with facilities for persons with disabilities, the elderly and the pregnant and lactating mothers in order to enhance access to judicial services by these groups.
- **k.** Complete the construction of the following Court buildings, Supreme Court and Court of Appeal buildings; Soroti, Rukungiri and Tororo High Court buildings; Alebtong, Lyantonde and Budaka Chief Magistrates Courts; and Abim, Patongo and Karenga Magistrate Grade One Courts.
- **I.** Start the construction of:
  - 02 Regional Courts of Appeal buildings in Gulu and Mbarara;
  - 06 High Court Circuits buildings in Moroto, Mpigi, Iganga, Mubende, Luwero and Kitgum;
  - Chief Magistrates Courts of Kira, Dokolo and Sironko; and
  - Magistrate Grade I Courts of Omoro, Kaliro, Bududa and Kyazanga;
  - 04 Institutional houses in hard to reach and stay areas at Nakapiripirit, Moyo, Bukwo and Buhweju.
- **m.** Meet payment of contractual obligations for construction under the formerly JLOS funded projects being: Mukono High Court, Kamwenge CM, Butambala CM, Mayuge CM and 11 Justice Centres at Sembabule, Buhweju, Buyende, Rubirizi, Kole, Nwoya, Sheema, Maracha, Namayingo, Kibaale and Nakaseke.
- **n.** Procure more vehicles for new Judicial Officers and the Inspectorate of Courts, replace old motor vehicles of judges and Justices, acquire a 14 seater Mini-bus, a specialized van for the Registry of Public Relations and a van for the Mobile Courts in Refugee camps. These Vehicles will facilitate Judicial Officers across the Courts especially in hard to reach areas, handle locus visits and other adjudication functions of Courts.
- o. Promote the Alternative Dispute Resolution Mechanisms, by Rolling out Small Claims Procedure to 36 Magistrates Courts, holding Plea-bargaining sessions at the Criminal Division, 20 High Court Circuits and at selected Chief Magistrate Courts, promoting appellate mediation, training and accrediting 160 mediators to support the application of mediation in dispute resolution.
- p. Champion and oversee more reforms in case management practices and use of ICT in managing court sessions; and further roll-out ECCMIS to another 08 Courts in Cluster 2 which will include: Criminal Division, Family Division, International Crimes Division, Nakawa CM Court, Buganda Road CM Court, Makindye CM Court, Luwero CM Court and LDC G1 Court. The Judiciary will also intensify ECCMIS Training both physical and online including public awareness sessions in both the TV/Radio and the Print Media.
- **q.** Procure and install a total of 5 sets of Video Conferencing Systems at the High Courts of Mbale, Gulu, Jinja, Criminal Division and Court of Appeal, including their Main Prisons. With this Video Conferencing System, the Judiciary will enhance its capacity to handle cases online, hence reducing case backlog and delays.
- **r.** Purchase 6 sets of Court Recording and Transcription. These will be installed in the newly operationalized High Courts of; Luwero, Moroto, Iganga, Hoima, Rukungiri and Tororo. This will reduce the time taken to produce a Court Transcript and hence minimize delays in judgement writing and improve the health conditions of the Hon. Judicial Officers.
- **s.** Extend Judiciary's Local/Wide Area Network infrastructure including Internet to a total of 14 Court Stations namely; Mukono High Court, Sembabule CM, Kiboga CM, Kayunga CM, Lugazi CM, Sironko

CM, Apac CM Kotido G1 Court, Nsangi G1 Court, Mayuge G1 Court, Kasangati G1 Court, City Hall Court and the new locations of the Anti-Corruption and International Crimes Divisions.

- **t.** The Judiciary will continue to subscribe to the On-Line Legal Research Database, LEXISNEXIS, for all its Judicial Officers including the Libraries.
- **u.** Acquire a Judgement Writing Tool for the Judicial Officers to ease the process of judgement writing and hence reduce on the number of undelivered judgements that lead to the growing case backlog.
- v. Install solar systems at 17 Magistrate Courts at Ibanda, Kiryandongo, Kiruhura, Kasangati, Butambala, Budaka, Patongo, Pader, Wakiso, Mayuge, Nakapiripit, Moroto, Karenga, Butaleja, Manafwa, Nabilatuk and Napak. These will boost the process of automation Courts that require uninterrupted power supply and pave way for efficient use of ICT initiatives in Courts.

Your Excellency, the administration of justice contributes directly to structural transformation of the economy by promoting the rule of law through effective regulation of economic activity, clarification and affirmation of rights, and strengthening of laws, regulations and institutional frameworks.

The National Planning Framework (NDP III) recognizes the Judiciary as a key player in ensuring the Rule of Law for socio-economic development of the country through providing an enabling environment to foster economic growth, promote wealth and job creation, investment and competitiveness in the region. Therefore, an efficient and effective justice delivery system is fundamental for poverty reduction and inclusive growth.

When this work plan is funded and implemented we look forward to a robust Judiciary that is accountable and capable of delivering justice in accordance with our vision, mission and Strategic Plan.

## **D: CONCLUSION**

Let me take this opportunity, once again, to appreciate all of you for your cooperation and support as we steer the Judiciary together for the good of our people. I particularly thank the President of Uganda for sanctioning resources necessary for the execution of our mandate. I thank the Top Management, the Judicial Officers, the Administrative and the support staff of the Judiciary for your dedication and industry in running the affairs of the Judiciary.

I also pay special tribute to our development partners and friends, especially the UNDP, UNFPA, UN Women, UNICEF, HiiL, LASPNET, the International Development Law Organisation (IDLO), the Pepperdine University, the Human Trafficking Institute, Evolve, International Justice Mission (IJM), Austrian Development Cooperation, European Union and all you who have contributed to our success in one way or the other; we heartily thank you for your kindness to the people of Uganda.

I call upon all of you to continue supporting our cause in your different capacities and callings.

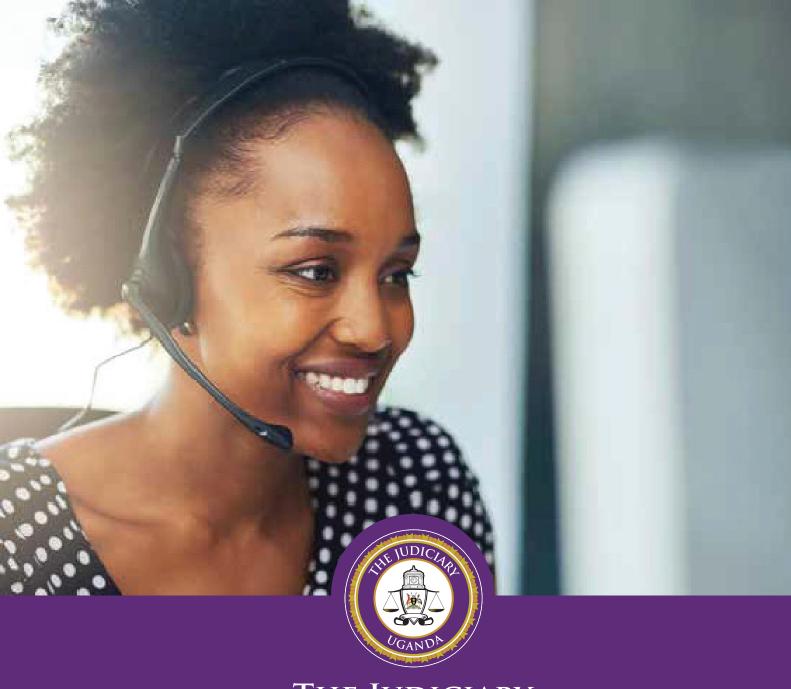
It is now my singular honour to officially launch the New Law Year, 2023.

FOR GOD AND MY COUNTRY.

Alfonse Chigamoy Owiny – Dollo

la Qui

**CHIEF JUSTICE** 



# THE JUDICIARY

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