



**REPUBLIC OF UGANDA
COURTS OF JUDICATURE**

**REPORT OF THE
JUDICIAL MONITORING COMMITTEE**

ON THE

**REVIEW OF PROGRESS MADE IN IMPLEMENTING THE
RECOMMENDATIONS OF THE 13TH AND 14TH ANNUAL
JUDGES' CONFERENCES HELD IN 2011 AND 2012**

**PRESENTED BY:
JUSTICE DR. ESTHER KISAAKYE KITIMBO**

AT

HOTEL AFRICANA, KAMPALA

ON

15TH JANUARY, 2013

**THEMATIC REPORT ON ACTION TAKEN TO IMPLEMENT THE RESOLUTIONS
& RECOMMENDATIONS OF THE 13TH & 14TH ANNUAL JUDGES' CONFERENCES**

Resolution	Action Officer	What has been achieved	Comment
1 COURT FACILITIES			
<p>R2/2011: Management should first ensure that there are facilities like court accommodations in new districts before a Judicial officer is posted.</p> <p>R5/2012: It is recommended that Courts be built in all districts</p>	SJ	<ul style="list-style-type: none"> - 4 Grade 1 Courts have been constructed in Kalangala, Budaka, Butaleja and Manafwa. - 2 Courts have been renovated in Kasese (CM) and Fort Portal (HCT) - The preparatory processes of construction of the office block of the Registry of Planning has commenced. - TWED Towers was partitioned to house Court of Appeal, Land and Civil Divisions of the High Court. - Arua and Fort Portal High Courts were renovated. - Supreme Court relocated from Mengo to Kololo. - Construction of new building for Judicial Studies Institute in Nakawa commenced in 2012 - 64 buildings maintained 	-It would work in an ideal situation but practically impossible due to lack of funds
<p>R5/2011: Management should install generators and/or solar panels at courts to ensure that court business does not stall during load shedding.</p>	SJ	<ul style="list-style-type: none"> - Backup/solar has been installed in the following 10 Courts with support from JLOS; Kotido, Dokolo, Amolotar, Koboko, Amuru, Arua, Yumbe, Moyo, Masindi, Adjumani 	- 3 courts are projected to be provided with solar in 2013. It is being followed through Donors
2 ICT			
<p>R20/2011: It is recommended that the Judiciary operationalises CCAS in all courts to ensure efficiency in case management.</p>	SJ/I CT	<ul style="list-style-type: none"> • By 2011, <u>82</u> out of the 197 Court stations had CCAS running. <i>→ computerized courts</i> • In 2012 CCAS has been installed in <u>19</u> other Courts bringing the number to <u>101</u> Courts in which CCAS is operational. 	There is general lack of computers throughout the Court Stations. This makes it difficult to have CCAS operationalised in all the Courts. CCAS

SJ

Court Transcribers

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			should be updated or replaced soon as this one is out of date
<p>2 R21/2012: It is recommended that automation of courts be expedited and trained transcribers be employed to manage the production of proceedings.</p>	<p>SJ/I CT/ JSI</p>	<p>i. Installed Digital Court Recording and Transcription Equipment in the:-</p> <ul style="list-style-type: none"> • Supreme Court • Court of Appeal • High Court Kampala • High Court Nakawa • High Court Lira • High Court Arua • High Court Masindi • High Court FortPortal • High Court Mbale • High Court Jinja • High Court Gulu • High Court Divisions – Commercial Court, Lands and Family <p>ii. Some Trained Transcribers have been employed though more are required to cover all the Stations were the equipment has been installed but the position has not been established in the public service.</p>	<p>Procurement for a Digital CRTS (funded by JLOS) for:-</p> <ul style="list-style-type: none"> i. 1 Set for the Constitutional Court ii. 2No. Sets for the Civil Division <p>Planned for but Funds Not Yet Identified for procurements for:-</p> <ul style="list-style-type: none"> i. High Court Masaka ii. High Court Soroti iii. High Court Kabale <p>Planned for but funds have not yet been identified for procurement for:- 13 Chief Magistrates at the High Courts in the Circuit Headquarter.</p>
<p>3 R19/2011: It is recommended that the Judiciary protects and maintains the investment it has</p>	<p>SJ/I CT</p>	<p>i. An ICT Systems Administrator has been posted in each High Court Circuit to oversee ICT Services in the High Court Circuit</p>	<p>The ICT System Maintenance and service need to be</p>

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	made in ICT throughout the country.		<p>ii. Engraving of ICT equipment is being done right away from newly acquired equipment before it is distributed including the already equipment in the field</p> <p>iii. Some Stations have acquired new power sources and providers that include; WENRECo. For Arua, solar panels for Masindi etc.</p>	carried out on a regular basis. However, the available funding allocated to the ICT Officers in the field (Systems Administrators) is insufficient to cover this required regular attention. For example a Systems Administrator for Arua High Court Circuit oversees the ICT Investment in 7 Districts i.e. Packwac, Nebbi, Arua, Moyo, Yumbe, Koboko and Adjuman.
4	<p>R18/2011: It is recommended that the ICT sector provides appropriate continuous training to all Judges, Judicial officers and Court staff to enhance their ICT skills.</p> <p>R28/2012: Training of staff on ICT and CCAS be enhanced.</p>	SJ/JSI/ICT	<p>i. A detailed ICT Training Program for the Financial Year 2012/2013 was drawn totaling to UShs. 549 million.</p> <p>ii. No training has been done in 2012 except piloting of ICT Curriculum under JSI/NUFFIC project for 15 Chief Magistrates in April. <i>-2012</i></p>	<ul style="list-style-type: none"> No funding for this ICT Training Program (2012) as yet.
5	R29/2012: It is recommended all court building should factor in ICT facilities.	SJ/ESTATES/ICT	- The ICT Division is coordinating with the Estates Department to ensure that all Judiciary owned Court buildings under construction have ICT provisions/installations.	Taken up by ICT Committee but Estates Department should also make this standard

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Desktops		<p>712 (38%) out of the required 1,892 Computers were available.</p> <p>36 computers were procured and distributed as follows;</p> <ul style="list-style-type: none"> • 16 – for Land Justice by JLOS. • 6 – for Networking Masindi Circuit (funded by UGOGO Project) • 6 – for Small Claims Procedure Pilot Courts i.e. Arua, Lira, Masaka, Mbale, Mengo and Kabale. (funded by UGOGO Project) • 8 – to various stations (funded by GoU) 	<ul style="list-style-type: none"> • A total of 1,144 Computers are required to equip each Court Station with at least 1 Computer and avail 1 Computer to each Senior Officer.
Laptops and Internet Modems		<p>Nil(2012)</p> <p>All Judges received Laptops and Modems in 2011 subscription is sent to Judges' accounts.</p> <p>It was planned to distribute 73 Laptops and Internet Modems were planned (29 Registrars and 44 Magistrates)</p> <p>4 (5%) out of the required 73 laptops were available.</p> <p>The Judiciary <u>LAN/WAN</u> infrastructure providing connectivity and internet extends to the following circuits; Kampala, Arua, Mbale, Fortportal, Soroti, Gulu, Lira, Masaka, Gulu, Mbarara, Masindi, Nakawa and Jinja</p>	<ul style="list-style-type: none"> • Funds were not available for the procurement of these ICT Equipment.
STAFFING			
1	R15/2012: It is recommended that the Judicial Service Commission expedites the	JSC - The Judicial Service Commission has already made recommendations and taken action on filling existing vacancies for DCJ, SC, COA and High Court	Presidential action awaited

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	appointment of Judicial Officers to fill vacant positions in order to enable the Courts to perform effectively.		<ul style="list-style-type: none"> - The exercise commenced for filling various levels in the Registrar cadre is ongoing - 40 Magistrates Grade 1 have also been recruited in the year 2012. 	
2	R3/2011: We recommend the rationalization of support staff to ensure they are evenly distributed throughout the country.	MoP S/PP O	<p>Responsible Ministries (MoPS & MoFPED) keep deploying staff.</p> <ul style="list-style-type: none"> - A report presented by MoPS to Judiciary was rejected for failure to meet Judiciary needs. The process is under review - Efforts to rationalize deployment has been ongoing but the process is constrained by lack of Judiciary control over its support staff 	This matter will be best addressed by the passing of the Judiciary Administration Bill. The Bill was submitted to the responsible Minister but has not yet presented to Parliament.
3	R21/2012: It is recommended that automation of courts be expedited and trained transcribers be employed to manage the production of proceedings.	SJ	Some Trained Transcribers (14) have been employed local service contracts. More transcribers are required to cover all the Stations where the equipment has been installed but the position has not been established in the public service.	<ul style="list-style-type: none"> - To be implemented by Information & Communication Technology (ICT) Section. - Appointments to be regularized after restructuring exercise. Public Service to establish the position of Transcriber in the Judiciary is the real solution
4	R23/2012: It is recommended that the employment status of research assistants in the Judiciary be regularized.	SJ	Some Research Assistants have been deployed under local contract terms but the position is yet to be established by the Ministry of Public Service	. Appointments will be regularized after restructuring exercise.

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REMUNERATION, BENEFITS AND TERMS & CONDITIONS				
1	R8/2012: It is recommended that as a matter of urgency, salaries of <u>Judicial Officers</u> and <u>Common Cadre staff</u> in the Judiciary be reviewed up-wards to meet the current economic conditions.	SJ,CJ ,JSC	- A draft cabinet memo was presented and forwarded to the Minister of Justice.	- Outcome awaited
2	R6/2011: It is recommended, retiring Judges should retire with full benefits to minimize hardships during retirement. In this regard, it is important to enact a separate law governing pension terms for Judges.	MoP s	- Proposals to have Judges retire with full benefits were submitted to cabinet for consideration. - Implementation of presidential directive has not been operationalised by MoPS	The Judiciary Administration bill will go a long way in resolving the problem
3	R1/2011: It is recommended that the Judiciary should acquire vehicles for official use by <u>Registrars</u> and <u>Administrative officers</u> .	SJ	A limited number of Registrars and Administrative staff have been availed vehicles through administrative arrangements but the majority of officers have not been provided with vehicles.	
HEALTH AND WELFARE				
	R5/2011: It was resolved that effective next financial year, the Secretary to Judiciary in consultation with the Hon. Chief Justice should operationalise the medical insurance scheme for Judges.	CJ,SJ	- The scheme has not yet been operationalised. - Two Service providers, AAR and IHK have been sourced by the Judiciary to provide medical insurance. However, Judicial Officers will still have to pay for their medical insurance using their medical allowance.	Providers asked to set up Registration desks at the Judges' Conference

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	R25/2012: It is recommended that the Judiciary establishes recreational facilities to enable judges exercise to improve their health and collegiality	SJ	- No recreation facilities have been established to date - Preferential rates have not been secured as providers expected Judiciary to pay as opposed to individual officers	
	R22/2011: All staff and officers in the Judiciary should plan and prepare for retirement.	All	Sensitization were made through presentations conducted during Conferences like the Annual Judges' Conference, Magistrates Conference and the Induction of new Judicial Officers	
LEGISLATION				
1	R7/2011: The Judiciary Administration Bill should be expedited.	CJ	-The Judiciary Administration Bill was sent to the relevant authorities but it has not been presented to parliament.	- The Solicitor General is supposed to pursue and obtain a certificate of financial implication from Ministry of Finance.
2	R17/2011: It is recommended that a law on plea bargaining be enacted to harmonize and standardize procedures for its application. R2/2012: It is recommended that there is a follow up on process of enacting a legal frame work on plea bargaining to enable Courts apply plea bargaining in criminal cases to expedite trials. (action by Chief registrar)	CR	-The Law Reform Commission has drafted a bill on Plea bargaining which is to be presented to the relevant offices for further action. Plea bargaining has started at the Criminal Division during Juvenile sessions.	-The Judiciary has encouraged quick disposal of cases through mini sessions where accused people are encouraged to disclose and plead guilty Prof Jim Gash of Pepperdine University Law School has presented a new project to the Judiciary called JFaster which incorporates plea bargaining

Judges' Health

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3	R9/2012: It is recommended that mediation rules for all Courts be developed in order to promote ADR and expedite the disposal of civil matters.	P&D	- Mediation Rules for all courts have been developed and approved by the Rules Committee.	It has been decided to set up a mediation division at the high Court but modalities have not yet completed
	R10/2012: It is recommended that the Rules Committee and Parliament (where applicable) should review laws which currently permit a party to appeal against Interlocutory matters in order to avoid delaying the main suits.	Rules Committee	- No action has been taken as yet.	
	R17/2012: It is recommended that a Law on guardianship be enacted to guide the Courts in the management of applications for guardianship.	Min. of Gender	- Proposals to amend the Children's Act have been made which will address guardianship among other issues. The Ministry of Gender has asked the Parliamentary Counsel/to draft the relevant Bill.	- Awaiting outcome.
	R11/2011: All new legislation and rules should be circulated to Judicial Officers as a matter of urgency to update them.	CR	- New legislation and Rules are regularly supplied as and when they are available. - CD with all Laws and The Grey book are expected to be circulated during Judges Conference courtesy of Law Reporting Office /ULII - The Judiciary Website and ULII Website has been uploaded with recent legislations.	On track
JUDICIAL PRODUCTIVITY				
1	R19/2012: It is recommended that bench marks for judicial performance be developed in	P&D	- This has not yet been established.	

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	order to measure and improve judicial productivity			
2	R20/2012: It is also recommended that a reward system be established to motivate judicial officers that excel and encourage others to emulate them.	CJ,D CJ,PJ ,SJ,C R	-Appointment of the <u>Employees Award Committee</u> to receive, evaluate, nominate and Approve awards to well performing staff is in process.	
	R16/2012: A mentoring system for new Judicial Officers be established to groom new officers on the bench.	CJ,D CJ,PJ	- As much as it is possible, new Magistrates are placed in Chief Magistrates' Courts for some time before they are deployed to manage their own outstations. - Induction Courses are organized for new Judicial officers.	The mentoring system is yet to be developed though informal mentoring has been taking place
	R3/2012: It is recommended that all Judicial Officers should attend continuous Judicial education programs to enhance their knowledge and skills in order to increase their Judicial productivity provided the training schedule is harmonized with court calendars. R12/2012: It is recommended that training be organized for Judicial officers in new legislation in order to prepare courts to handle resultant disputes competently.	JSI	- In 2012, Training was conducted in areas of gender based violence, land justice, judgment writing, environment, criminal procedure, sentencing, cyber crime laws e.t.c. (Details are in the JSI Report on Training)	
	R4/2012: That Judicial Studies		The curriculum has not been developed yet.	

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<p>Institute should, in addition to other curricula, develop a curriculum on Human Rights which is the bedrock of all Court decisions.</p>			
<p>R9/2011: Judicial officers should ensure that judgments are delivered within 60 days as provided for in the judicial code of conduct.</p> <p>R14/2012: : Judicial Officers expedite writing and delivering of judgments and those with big numbers yet to be delivered be granted leave to write and deliver them before embarking on fresh cases.</p> <p>R13/2011: Constitutional references be expeditiously disposed off.</p>	<p>CJ/P J</p>	<p>- The Chief Justice and the Principal Judge have taken the appropriate action by directing those with pending judgments to deliver them before doing any other work or be subjected to disciplinary processes.</p> <p>The Court of Appeal will report on this Resolution</p>	
<p>R7/2012: Legal materials for all courts be identified to ensure their procurement and distribution.</p>	<p>CR</p>	<p>- There has been a donation of assorted Law Reports and other materials from JLOS for supply to the Supreme Court, Court of Appeal and High Court libraries.</p> <p>- Computers and photocopiers were procured for the Supreme Court, the Court of Appeal and the High Court.</p> <p>- Furniture i.e. shelves and reading tables were supplied to the Supreme Court, Court of Appeal and High Court libraries.</p> <p>-15 sets of Laws of Uganda (Blue volume) were supplied to new magistrates.</p> <p>- Uganda gazettes supplied to the library.</p> <p>- Assorted legal materials procured by the Ugogo Project for</p>	

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			War Crimes Division are awaiting delivery. Procurement of furniture in process.	
3	R26/2012: It is recommended that big Circuits be split into suitable circuits.	CJ/P J	- This has not yet been done due to among other reasons, <u>shortage of High Court Judges and Court facilities.</u>	- Awaiting appointment of Judges
	R21/2011: Land cases should be given special attention akin to the "quick win" approach availing separate and necessary logistics for visiting locus in quo.	CR/S J	- Land case Registries have been piloted in some Chief Magistrates Courts - Some Grade Ones have been allocated to G1 Courts in pilot districts to specifically handle land cases. - Special land sessions have been organized at Chief Magistrates and G1 Courts to handle land case backlog. - Magistrates have been extended funds for locus quo visits	
	R18/2012: Resident Judges and Division Heads be availed case returns from Magistrates' courts regularly in order to effectively supervise the legality and correctness of court sentences/orders, among others.	CR/ CMs	- Chief Magistrates' Courts have been directed by the Chief Registrar to give copies of their returns to their Circuit Judges.	- The committee could not establish if the Chief Magistrates are complying
	R13/2011: It is recommended that civil case sessions be organized across the Country to reduce case backlogs.	PJ/C R	-Civil case sessions have been organized in some Courts.	-This is affecting the handling of criminal cases especially at the High Court level where backlog is building up for criminal cases.
4	R11/2012: it is recommended that Division heads be empowered to take effective leadership and	CJ/P J	- Resident Judges are now facilitated monthly to carry out inspection and supervision in their Circuits.	

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<p>coordination of cases across the country.</p> <p>R14/2011: It was emphasized that Resident Judges being the more Senior Judicial officers in the Circuit should take full charge and provide leadership to the Judicial and non Judicial staff in the Circuit.</p>		- Proposals were made by the Principal Judge on enhancing effectiveness of Division Heads and consultations are ongoing	
<p>R10/2011: There should be constant information and communication between the headquarters and the circuits.</p>	SJ	- The ICT department regularly posts information on the intranet and the <u>Judiciary Website</u> for access by all.	- All Judiciary staff are encouraged to make use of the Judiciary website and the intranet.
DISCIPLINE			
<p>R8/2011: The Judiciary should take firm steps to discipline errant officers among its fold.</p>		<p>- The Judiciary Disciplinary Committee was setup by the Hon. The Chief Justice.</p> <p>- 2 cases have been completed and 3 are pending.</p> <p>- Some cases have been referred to the Judicial Service Commission which has disciplined some officers and many other cases are pending.</p> <p>-Judicial Officers facing criminal charges have been interdicted in line with Public Service Regulations</p>	
<p>R15/2011: It is recommended that officers at all levels should write handover reports upon being transferred as required by public service regulations.</p>	CJ/P J/CR /SJ	- The Chief Registrar and the Secretary to the Judiciary issued circulars in that respect.	
<p>R32/2012: It is Recommended that JIC report be circulated to all judicial officers, and stakeholders.</p>	JIC	<p>- The Report for 2011 was produced and disseminated.</p> <p>- The committee carried out a country wide JIC exercise.</p>	

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9. RELATIONSHIP WITH STAKEHOLDERS			
<p>R24/2012: It is recommended that the Public Relations function be strengthened to educate and respond to issues raised by the Public.</p>	PRO	<ul style="list-style-type: none"> - A Judiciary Communication Strategy was approved by the Senior Management Committee - The Public relations office has been strengthened with the appointment of an additional two Judicial officers (1 Deputy PRO assigned and 1 Assistant PRO) 	-There is need to set up a fully fledged PRO Registry
<p>R31/2012: It is recommended that JLOS institutions put in place clear procedures for handling complaints to address problems of multiple reporting centers and duplication of interventions.</p>		<ul style="list-style-type: none"> - A JLOS Inspectors Forum was set up - Inspection Guidelines were developed, printed and disseminated (funded by Danida/UGOGO). - Development of the Anti Corruption Strategy for the Judiciary is ongoing (funded by Danida/UGOGO), to fit into the overall JLOS Workplan on corruption. 	
<p>R16/2011: It is recommended that inter agency interactions continue in order to weed out non-starter criminal cases in the system.</p>		Action was taken in 2011 at the Chief Magistrates' level in conjunction with DPP for Criminal cases and using civil procedure rules for civil cases	
<p>R12/2011: It is recommended that there be regular Bar-Bench forums harmonize delivery of Justice.</p> <p>R22/2012: It was resolved that the Bar/Bench committee urgently advises on the suitability of Counsel to appear before the Appellate Courts.</p>	Bar Bench Committee	<ul style="list-style-type: none"> - A Bar-Bench Committee was set up. - Several Meetings of the Committee have taken place. The output of the Committee's work will be reported on by the Chairperson of the Committee. 	

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OTHERS			
<p>R6/2012: It is recommended that the Judiciary Strategic Plan be availed and all Judiciary staff be sensitized about it to enable its effective implementation.</p>	<p>P&D</p>	<p>- The JSIP III was launched in the last Annual Judges' Conference. JSIP III sensitization workshops were conducted for Judiciary staff except Judges and Justices.</p> <p>-The development of the JSIP III monitoring and Evaluation Framework is complete.</p>	<p>- Arrangements between the Registry for planning with the Judicial Studies Institute to have Judges and Justices sensitized about the JSIP III are ongoing</p>
<p>R27/2012: It is recommended that a fully fledged Uganda Legal Information Institute be developed and operationalised to enhance legal research.</p>	<p>Tech. Committee</p>	<p>- The Technology and Law Reporting Committees are responsible for this resolution, which would best be implemented if the Judiciary Administration Bill becomes law. This would enable the setting up of structures enabling operationalisation of the said recommendation.</p> <p>- The Law Reporting officer went for training in South Africa with IT personnel on how to set up the ULII Institute.</p>	
<p>R30/2012: It is recommended that JLOS Institutions take up the responsibility of addressing the negative phenomenon of 'mob justice'.</p>		<p>- No specific action has been taken to specifically address mob justice</p> <p>- The Public Relations Department has carried out media programmes to sensitize the public on legal procedures.</p>	