

**PRESENTATION ON PERFORMANCE OF THE  
SUPREME COURT MADE**

**TO THE**

**18<sup>TH</sup> ANNUAL JUDGES' CONFERENCE**

**AT THE SPEKE RESORT HOTEL,**

**19<sup>TH</sup> – 21<sup>ST</sup> JANUARY, 2016**

**BY**

**HON. JUSTICE JOTHAM TUMWESIGYE**

**JUSTICE OF THE SUPREME COURT**

The Hon. Chief Justice

The Hon. Deputy Chief Justice

The Hon. Principal Judge

The Hon. Justices of the Supreme Court

The Hon. Justices of the Court of Appeal

The Hon. Judges of the High Court

The Secretary to the Judiciary

The Chief Registrar

Distinguished guests,

Ladies and gentlemen.

### **Introduction.**

The Supreme Court of Uganda is a creature of the 1995 Constitution.

It is established under **Article 130** of the Constitution which provides:

The Supreme Court shall consist of –

- (a) The Chief Justice; and

- (b) Such number of justices of the Supreme Court not being less than six, as parliament may by law prescribe.

The Judicature (Amendment) Act No. 9 of 2011 provides that the Supreme Court shall consist of the Chief Justice and ten justices of the Supreme Court.

However, currently the Supreme Court consists of 9 members who are:

- (i) Hon. Justice Bart Katureebe, C.J,
- (ii) Hon. Justice Jotham Tumwesigye, JSC,
- (iii) Hon. Lady Justice Dr. E.K Kisaakye, JSC,
- (iv) Hon. Lady Justice Stella Arach-Amoko, JSC,
- (v) Hon. Justice Augustine Nshimye, JSC,
- (vi) Hon. Justice Eldad Mwangusya, JSC,
- (vii) Hon. Justice Rubby Opio Aweri, JSC
- (viii) Hon. Lady Justice Faith Mwendha, JSC,
- (ix) Hon. Lady Justice Tibatemwa Ekirikubinza, JSC.

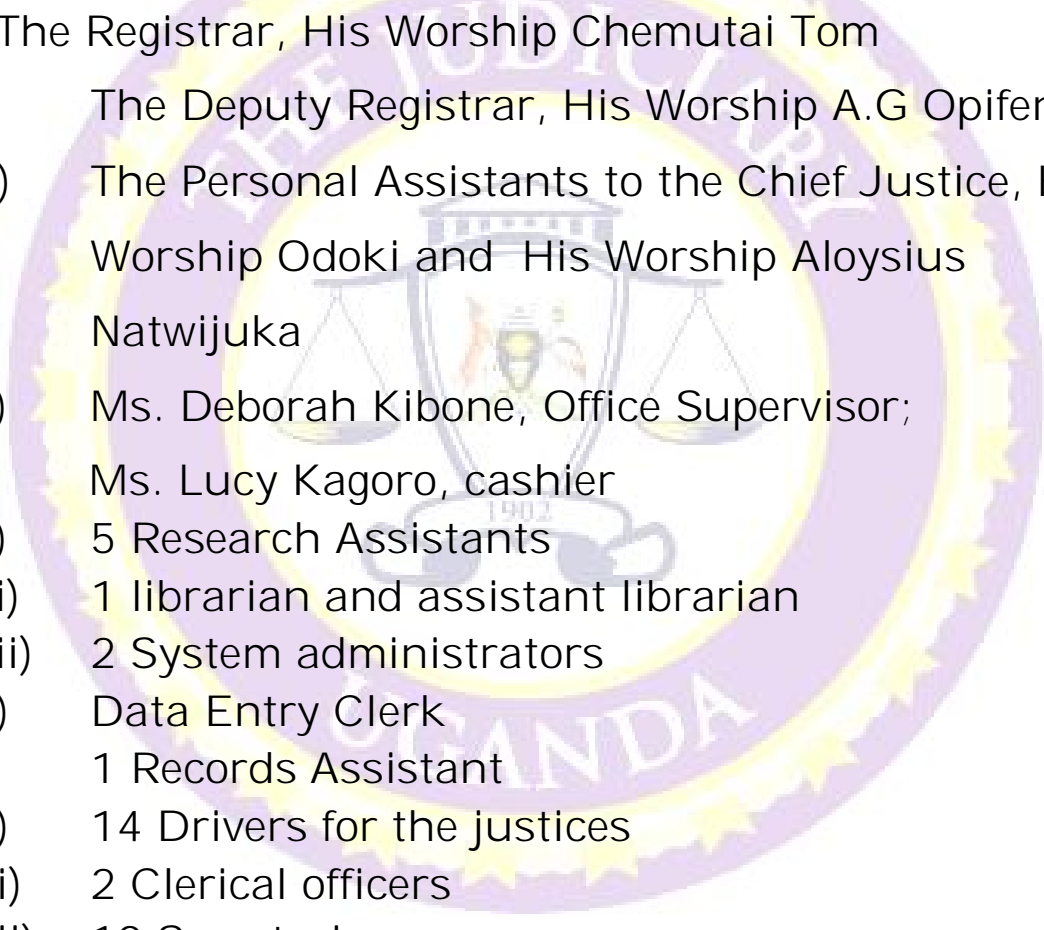
### **Commendation**

Five of the justices who were recently appointed replaced:

- ❖ Hon. Justice B.J Odoki, Chief Justice Emeritus
- ❖ Hon. Justice J.W.N Tsekooko
- ❖ Hon Justice G.M Okello
- ❖ Hon Lady Justice C.N.B Kitumba

I would like to take this opportunity to thank the recently retired justices of the Supreme Court for their dedicated and exemplary service to judiciary and the country as a whole.

Other members of staff are:-

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- (i) The Registrar, His Worship Chemutai Tom
  - (ii) The Deputy Registrar, His Worship A.G Opifeni
  - (iii) The Personal Assistants to the Chief Justice, His Worship Odoki and His Worship Aloysius Natwijuka
  - (iv) Ms. Deborah Kibone, Office Supervisor;
  - (v) Ms. Lucy Kagoro, cashier
  - (vi) 5 Research Assistants
  - (vii) 1 librarian and assistant librarian
  - (viii) 2 System administrators
  - (ix) Data Entry Clerk
  - (x) 1 Records Assistant
  - (xi) 14 Drivers for the justices
  - (xii) 2 Clerical officers
  - (xiii) 10 Secretaries
  - (xiv) 1 Process servers
  - (xv) 10 Office attendants

## Coram

### **Article 131 of the Constitution provides that**

- (1) The Supreme Court shall be duly constituted at any sitting if it consists of an uneven number not being less than five members of the court.
- (2) When hearing appeals from decisions of the Court of Appeal sitting as a Constitutional Court, the Supreme Court shall consist of a full bench of all members of the Supreme Court; and where any of them is not able to attend, the president shall, for that purpose appoint an acting justice under article 142(2) of the Constitution.
- (3) The Chief Justice shall preside at each sitting of the Supreme Court, and in the absence of the Chief Justice, the most senior member of the court as constituted shall preside.

## The status of business at the Supreme Court.

CASE TYPE	B/F FROM 2014	REGISTERED	COMPLETED	PENDING JUDGMENTS OR RULINGS	PENDING
Criminal Appeals	12	34	9	Nil	37
Criminal Applications	Nil	4	2	Nil	2
Civil Appeals	20	19	7	Nil	32
Civil Applications	14	28	30	Nil	12
Constitutional Appeals	13	1	6	Nil	8
Constitutional Applications	11	8	11	Nil	8
Election Petition Appeals					
References	2	1	2	Nil	1

### Failure to realize Coram:

The contracts for the four Justices who recently retired came to an end in July, 2015. Between that time and the reporting to Office of the newly appointed Justices, the Court was not able to raise coram and so did not hold any sessions.

In terms of time lost, this process has cost the Court about 6 months. This has had an impact of creating backlog in the Court.

We are, however, confident that we shall expedite the work before us in 2016, given the appointment of the new Supreme Court Justices.

### **Challenges**

The Court continues to meet challenges which include the following:

- **Limited funding**

The inadequate funding to the Supreme Court has affected its performance. Sometimes the court does not even have stationery to do its work. Therefore funds allocated to the Supreme Court should be increased if the court is to do its work effectively.

- **The inadequacy of the Supreme Court premises.**

The premises which house the Supreme Court are rented from private landlords and were accordingly not

constructed to handle court business. For example they lack prisoner holding cells, and have no provision for the elderly or persons with disabilities.

- **Frequent power failures.**

The frequent power failures interrupt court business and put a strain on the already small budget of the Supreme Court. Sometimes there is no money to purchase fuel for the standby generator.

- **Lack of transport for the Supreme Court staff.**

The Supreme Court is located far from public transport routes which affects the mobility of junior staff and slows down court work.

- **Poor internet network.**

The internet is not only slow but it is also on and off. This affects the pace at which research and the exchange of information can be done.



- **Lack of adequate equipment for court work.**

There is a general lack of computers and the court needs modern court recording equipment. There is also need for trained transcribers.

- **Lack of adequate reference books.**

The library at the court lacks up to date reference books. Up to date reference material should be procured to foster research for the justices. Justices of the Supreme Court still keep outdated reference books for use such as Halsbury's Laws of England Third Edition 1963 in their chambers.

- **Welfare of the staff.**

The staff complain about the poor working conditions and inadequate salaries and allowances they get, among other things. Terms and conditions of the staff especially the junior staff need to be given urgent attention.

## Way forward

With the Appointment of the new Justices we believe that the Court will be able to dispose of the court workload expeditiously.

Accordingly we have planned tail to tail sessions in the Months of February/March, 2016 involving 15 Constitutional and 18 criminal matters. With all factors remaining favourable, we intend to maintain this tempo in disposing of our work.

I thank you for listening to me.

