

**PERFORMANCE REPORT OF THE COURT
OF APPEAL**

**FOR THE YEAR
2022**

PRESENTED BY

**RICHARD BUTEERA
DEPUTY CHIEF JUSTICE**

Introduction

The Court of Appeal of Uganda was established under Article 134 of the 1995 Constitution. It is also constituted as a Constitutional Court under Article 137. The Court is the 2nd highest judicial organ in Uganda. The court handles appeals from high court circuits and divisions from all over the country. The Justices constitute a Constitutional Court when cases of Constitutional interpretation arise. It is composed of Justices headed by the Deputy Chief Justice and assisted by a team of Registrars, Research-Magistrates and other non-judicial officers.

Human Resource

a) Justices;

At the end of the year 2022, the Court had fifteen (15) Justices. Three (3) of the fifteen (15) have since been appointed Supreme Court Justices. One (1) Justice was appointed to the Court of Appeal/Constitutional Court making the current number of the Justices of Appeal/Constitutional Court thirteen (13).

Hon. Justices of the Court of Appeal at the end of the year, 2022

1	Hon. Justice Richard Buteera	DCJ
2	Hon. Justice Kenneth Kakuru	JA
3.	Hon. Justice Geoffrey Kiryabwire	JA
4.	Hon. Justice Fredrick Egonda- Ntende	JA
5.	Hon. Lady Justice Elizabeth Musoke	JA
6.	Hon. Justice Cheborion Barishaki	JA
7.	Hon. Lady Justice Hellen Abalu Obura	JA
8.	Hon. Justice Catherine Bamugemereire	JA

9.	Hon. Justice Stephen Musota	JA
10.	Hon. Justice Christopher Madrama	JA
11.	Hon. Justice Muzamiru Kibeedi Mutangula	JA
12.	Hon. Lady Justice Irene Mulyagonja	JA
13.	Hon. Lady Justice Monica Mugenyi	JA
14.	Hon. Justice Christopher Gashirabake	JA
15.	Hon. Lady Justice Eva Kawuma Luswata	JA

b) Registrars and Magistrates.

1.	H/W Lillian Bucyana	Ag. Registrar Court of Appeal
2.	H/W Dr. Alex Mushabe Karocho	Deputy Registrar, In-charge, Appellate Mediation and Private Legal Secretary to the Hon. DCJ.
3.	H/W Henry Twinomuhwezi	Assistant Registrar, In-charge, Constitutional Registry.
4.	H/W Allan Gakyaro Mpirwe	Personal Assistant to Hon. DCJ.
5.	H/W Christine Turibamwe	Researcher to Hon. DCJ.
6.	H/W Teddy Nakawuki	Researcher to Justice Kenneth Kakuru, JA
7.	H/W Edgar Karakire	Researcher to Justice Geoffrey Kiryabwire, JA
8.	H/W Angella Ayola	Researcher to Justice Fredrick Egonda-Ntende, JA
9.	H/W Betty Lunkuse	Researcher to Justice Cheborion Barishaki, JA
10.	H/W Isaac Abilu	Researcher to Lady Justice Hellen Abalu Obura, JA

11.	H/W Caroline Wemesa	Researcher to Lady Justice Catherine Bamugemereire, JA
12.	H/W Catherine Nankanja	Researcher to Justice Steven Musota, JA
13.	H/W Carol Clinah Bamukunda	Researcher to Justice Christopher Madrama, JA
14.	H/W Moreen Nyakato	Researcher to Justice Muzamiru Mutangula Kibedi, JA
15.	H/W Rachael Musinguzi	Researcher to Lady Justice Irene Mulyagonja, JA
16.	H/W Proscovia Nabayego	Researcher to Lady Justice Monica Mugenyi, JA
17.	H/W Stella Ritah Kagwa	Researcher to Justice Christopher Gashirabake, JA
18.	H/W Stella Mary Namukobe	Researcher to Lady Justice Eva Kawuma Luswata, JA

c) Non Judicial Officers.

The Court of Appeal / Constitutional Court has 121 support staff

a.	Senior Systems Administrator	01
b.	Systems Administrators	02
c.	Office Supervisor	01
d.	Communications Officer	01
e.	Librarian	01
f.	Transcribers	03
g.	Assistant Records officer	01
h.	Secretaries	14

i.	Cashier	01
j.	Court Clerks	08
k.	Records Assistant	01
l.	Security team	41
m.	Process Servers	06
n.	Office Attendants	19
o.	Drivers	21
TOTAL		121

REGISTRIES OF THE COURT AND THEIR PERFORMANCE

There are four Registries namely; Civil, Constitutional, Criminal and Appellate Mediation.

Civil Registry

a) Civil matters

Cases handled in the Civil Registry include: civil appeals, civil applications, taxation references, taxation applications, execution applications, and election petition appeals. The cases are handled on a session basis, save for single justice applications which are heard on a day to day basis. Taxation Applications are heard and determined by Registrars. The clearance rate for civil appeals and applications is 26% and 43% respectively. The table below reflect the court's performance for the year 2022 in respect to civil cases.

Table 1: Civil Appeals and Applications

CATEGORY	BROUGHT FORWARD	REGISTERED	COMPLETED	PENDING
Civil Appeals	2,162	549	143	2,568
Civil Applications	1,582	524	229	1,877
TOTAL	3,744	1,073	372	4,445

b) Taxation Applications.

These arise from all case categories except criminal matters. Clearance rate for taxation applications stood at 54% for the year under review. The target for the year 2023 is to clear all pending taxation applications. The table below shows Court's performance in Taxation applications for the year,2022.

TABLE 2—Taxation Applications

CATEGORY	BROUGHT FORWARD	REGISTERED	COMPLETED	PENDING
Taxation Applications	105	61	33	133
TOTAL	105	61	33	133

c) Election Petition Appeals and Applications.

Under section 66 (3) of the Parliamentary Election Act, the Court of Appeal is the final court in election petitions. The court is obliged to hear and determine election petitions within six months from the date of filing.

We reported in the last Judges Conference (2022) that four (04) election petition appeals arising from the 2016 election cycle were still pending. We disposed of these at the beginning of 2022.

We made an undertaking to conclude election petition appeals and applications within six (6) months of securing funding for the purpose.

The court fulfilled the promise made in last year's annual judges Conference.

One hundred and Sixty-Two (162) Election Petition Appeals and Applications were filed and disposed of between March and July 2022. The performance represented 100% clearance rate for Election Petition Appeals and applications.

The Court of Appeal was able to hear and dispose of Election Petition Appeals within a span of five (5) months. By the 31st July, 2022 no Election

Petition Appeal or Application was pending in the Court of Appeal. The expeditious handling of Election Petition Appeals and applications was a result of teamwork at the court;

- The petitions were scheduled and given time lines for filing written submissions which was complied with.
- The justices agreed on postponing their leave in the period of hearing the election petitions appeals.
- The court held pre-session planning meetings.
- Election petition files were distributed to the justices and pleadings were served on the respective parties on time and so was the cause list.
- There were no unnecessary adjournments; Only two (2) adjournments were allowed in the whole session.
- Justices held meetings to discuss legal points and operational matters during the period of hearing.
- The court constituted four (4) panels and each panel had a registrar for coordination purposes throughout the session.

The table below shows the performance of the court in respect to election petition appeals and applications.

TABLE 3—Election Petition Appeals and Election Petition Applications.

CATEGORY	BROUGHT FORWARD	REGISTERED	COMPLETED	PENDING
Election Petition Appeals	84	4	88	02
Election Petition Applications	74	00	74	00
TOTAL	158	04	162	02

The two (2) pending election petition appeals arise from retrials by the High Court. We plan to dispose of these in the first quarter of this year.

Constitutional Registry

The Registry handles constitutional petitions, applications and references.

Constitutional Cases

The table below reflects the performance of the registry. The general trend shows a high performance resulting into a significant reduction of pending cases. Forty-five (45) Constitutional petitions and fifteen (15) Constitutional applications were registered in the year under review. Forty (40) Constitutional petitions and Twenty-three (23) Constitutional applications were heard and disposed of in the calendar year. This represents a clearance rate of 88%.

TABLE 4: Constitutional Petition cases and Applications.

CATEGORY	BROUGHT FORWARD	REGISTERED	COMPLETED	PENDING
Constitutional Petitions	165	45	40	170
Constitutional Applications	114	15	23	106
TOTAL	279	60	63	276

Criminal Registry

The registry deals with criminal appeals and applications from all over the country.

Criminal cases

For the period under review, the court completed Two Hundred Thirty-Seven (237) Criminal appeals and Twelve (12) Criminal applications. This represents a clearance rate of 62% for criminal appeals.

For quarter 2 of financial year 2022/23, funding for criminal sessions at the court was increased. This has had the impact of increasing the number of in-house and upcountry sessions with a result of an improved disposal rate. The table below reflects the performance of the court in respect to criminal cases.

TABLE 5 criminal Appeals and applications

CATEGORY	BROUGHT FORWARD	REGISTERED	COMPLETED	PENDING
Criminal Appeals	3,373	318	237	3,357
Criminal Applications	221	91	12	300
TOTAL	3,594	409	249	3,657

Appellate Mediation Registry

The implementation of the Appellate Mediation for the court of appeal is over seen by the Hon. Justice Geoffrey Kiryabwire, JA/JCC

Appellate Mediation Cases

Appellate mediation is a case management initiative aimed at resolving appeals by way of facilitated mediation. The table below reflects the performance of the mediation registry.

TABLE 6 mediation causes

CATEGORY	BROUGHT FORWARD	REGISTERED	SUCCESSFUL	FAILED	COMPLETED	PENDING
Mediation causes	27	101	62	34	96	32
TOTAL	27	101	62	34	96	32

CASE LOAD TRENDS FOR THE COURT OF APPEAL

The trends show that case registration is steadily increasing. One thousand five hundred seventy-five (1,575) appeals were registered in 2019. From 2019 the number of registered appeals has grown to one thousand seven hundred eighty-eight (1,788) by the year 2022. But disposals fluctuate. For the period under review, the court registered a higher disposal than 2021. The graph below illustrates the trends.

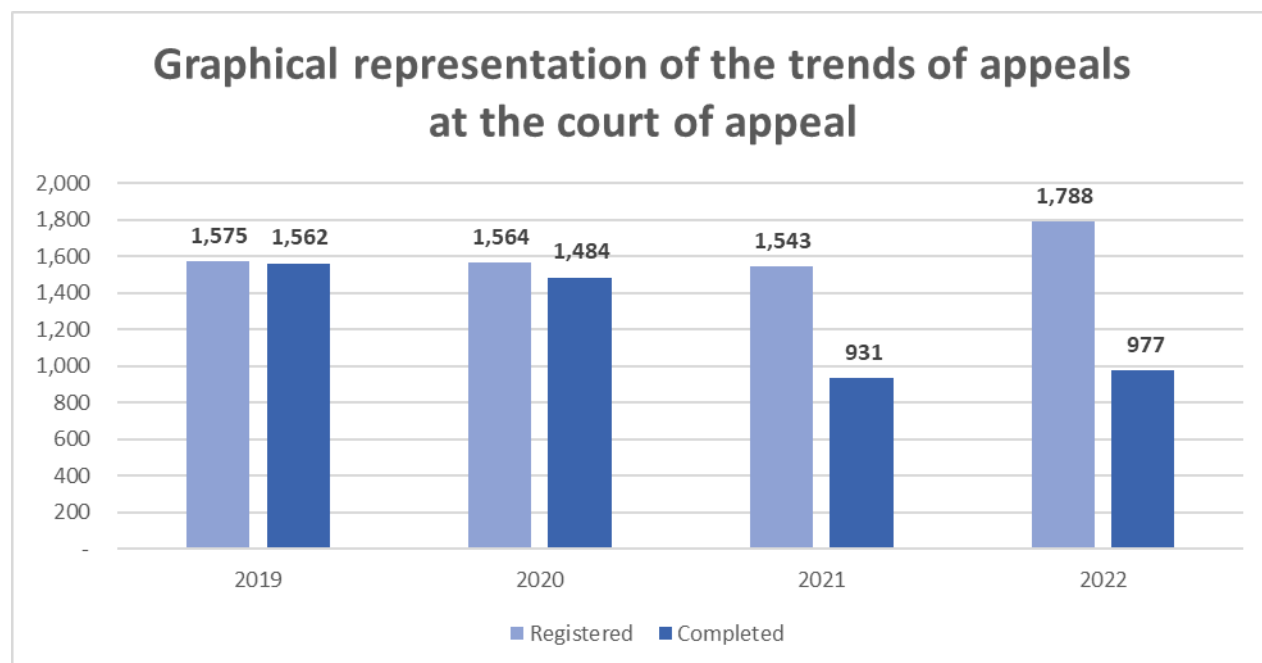


Figure 1: Graph showing the trends in the cases at the court of Appeal.

There is a steady increase in case registration of appeals. This may be attributed to the growing number of high court judges. The number of High Court Judges has grown from fifty (50) to seventy-two (72) while Court of Appeal / Constitutional Court has had a maximum of fifteen (15) Justices during the same period. The increase in the number of High Court Judges has led to increased output by the High Court. This results into increased appeals to the Court of Appeal. It will be difficult for the Court

of Appeal to handle the appeals until the number of Justices in the Court has increased.

The trends show that despite the increased disposal rate, the backlog continues to grow as shown by the table below.

BACKLOG

Despite the significant output, the Court has backlog. Here below are the details of the backlog matters.

TABLE 10: Backlog against the pending per case category

Category	Backlog	Pending cases
Criminal Cases	2,140	3,802
Civil Cases	3,012	4,658
Constitutional Petitions and applications	158	276
Election Cases	0	2
Taxation Applications	0	133
Total	5,310	8,871

Reference is made to the table 10

- i. Sixty (60%) of the Eight thousand eight hundred seventy-one (8,871) cases are backlog (5,310)
- ii. The highest backlog at the Court is of Civil case type at 3,012 cases.

Achievements

1. Increased trends in disposal of cases.

Nine hundred seventy-seven (977) cases were completed in 2022 as compared to nine hundred thirty-one (931) completed in 2021. This was for reason that more sessions were held in Kampala and upcountry.

2. Implementation of ECCMIS.

Court of Appeal embraced the implementation of the Electronic Court Case Management Information System (ECCMIS). As such there is improvement in the management of records cases.

3. Online handling of matters.

The Court conducted hearings and delivered judgements using zoom.

This minimized on the delays, reduced costs and increased Court's efficiency.

4. Weekly and quarterly justices meeting.

The Court continued to hold its weekly meetings on zoom. This had two advantages; improved attendance of the meetings and better time management. The Court holds one physical meeting quarterly. The meetings have improved teamwork among the Justices. The physical meeting has been utilized as a mentorship platform for Registrars and Magistrates as Justices share experiences that are educative to the lower bench Judicial Officers.

5. Holding regional Upcountry Court Sessions.

The Sessions have become more regular. They are held in every region of the country. This has helped in taking judicial services nearer to the Court users and reduced costs incurred in handling appeals.

6. Appellate Mediation.

The Registry for Appellate mediation has been strengthened. In addition to the sensitization of stakeholders, printing and display of posters and distribution of fliers; three (3) appellate mediation sessions have been held. Ninety-six (96) mediations were conducted and completed, sixty-two (62) were successful. This accounted for sixty-five percent (65%) success of the mediated cases.

7. Upload of court decisions on ULII.

The Court has continued to upload its decisions on ULII for the benefit of Court users who may need these authorities as reference materials.

CHALLENGES

The Court encountered various challenges during the year 2022.

1. Incomplete lower court records

Records from the Lower Court and especially criminal records still pose a challenge. At times they are never provided in time. This hinders proceeding in the cases where records are missing thus causing case backlog and injustice.

2. Inadequate office space

The court has continued to grapple with the challenge of inadequate office space. The Court is renting 3 floors at Twed Towers. This is insufficient space especially for the archives and the mediation registry. We hope to surpass this challenge once we occupy the new premises for the Court of Appeal that are under construction.

3. Inadequate office equipment

The court has old recording equipment supplied in 2010 and installed in 2011. Only one court hall has video conferencing equipment and in the event of multiple sessions requiring the facility, only one Court can proceed. Other Courts have to wait. Some computers are obsolete and need replacement.

4. Library

There is need to digitize the court library and acquire new books.

5. Transport

The Court is faced with a challenge of transport to facilitate service of Court process. There is need to have a staff van for transporting staff, reference materials, ICT equipments and records while moving to different regions for out of Court Sessions.

6. Need for on job training

There is need to carryout continuous training of both judicial and non-judicial staff especially in the management of ECCMIS, customer care and data management to make them more efficient.

7. Amendment of the court of appeal rules and Legal framework of Appellate Mediation

The process for amendment of the court of appeal rules is in progress by the law reform committee chaired by the Principal Judge. The court is represented on this committee. We propose that the amendment of the court rules also provides for an update on the taxation schedules as well as catering for appellate mediation rules.

PRIORITY AREAS FOR THE COURT

1. Prioritization of Appeals

i) Anti-corruption.

Appeals from the Anti-Corruption Division of the High Court were given priority. Our projection this year is to complete all backlog in respect of corruption related cases in the first quarter of this year and handle all anticorruption cases as they arise.

ii) Constitutional Petitions.

Under Article 137(7), the constitutional court has an obligation to hear constitutional cases as soon as they are filed. We are giving them priority in compliance with this provision of the constitution. We plan to have four (4) constitutional petition sessions for this calendar year. In the first two (2) sessions we shall finish backlog constitutional petitions and start on workload in the following two (2) sessions.

iii) Proceedings arising from supreme court orders for retrial.

Some of these cases may have taken a number of years in our court system before they reach the supreme court on appeal. They appear to be fresh cases having acquired new numbers upon fresh registration. We shall continue to ensure that this category of cases is prioritized while cause listing matters for planned sessions so that such cases are expeditiously disposed of.

2. Plan for Judgement disposal

We have held a number of Court Sessions during the year 2022. Some were back to back. We did not have sufficient time to write judgments. We have set aside the months of January and February to write and deliver any pending Judgements. As a result of this,

forty-five (45) judgements have been delivered through out January. We shall commence hearings in the month of March, 2023.

3. Giving priority to the elderly, children, disabled and the sick

The Court has continued to give priority to the disposal of cases involving litigants, complainants, accused persons and witnesses that maybe elderly, sickly or disabled. This intended to make justice accessible to all.

CONCLUSION

The Court of Appeal / Constitutional Court is doing its best to be more efficient and effective in the delivery of justice to the people of Uganda We hope to do better in the year 2023.

I wish you a fruitful year 2023.

Richard Buteera
DEPUTY CHIEF JUSTICE