

# The Supreme Court of Uganda

---

Performance Report 2022

# PROTOCOL

---

# INTRODUCTION

---

- The Supreme Court is established under Article 129(a) of the Constitution of the Republic of Uganda 1995.
- The Supreme Court is the final Court of Appeal in Uganda.
- Its task, composition, and Jurisdiction are outlined under Articles 104 and 130 to 132 of the Constitution.

# JURISDICTION

---

- The Trial Court in Presidential Election matters.
- A first Appellate Court in Constitutional matters.
- A Second Appellate Court in Criminal and Civil matters
- A Third Appellate Court in Criminal and Civil matters: its role as a third appellate court is only when the intended appeal concerns a matter of law of great Public Importance or a matter of law of general importance.

# COMPOSITION OF THE SUPREME COURT

---

- The Supreme Court currently has 10 Justices and is headed by the Hon. The Chief Justice.
- Hon Lady Justice Dr. Esther. K. Kisaakye, JSC
- Hon Lady Justice Stella- Arach Amoko, JSC
- Hon Lady Justice Faith Mwendha, JSC
- Hon Lady Justice Prof Lillian Tibatemwa - Ekirikubinza, JSC
- Hon Lady Justice Percy Night Tuhaise, JSC
- Hon Mr. Justice Mike Chibita, JSC
- Hon Lady Justice Elizabeth Musoke, JSC
- Hon Mr. Justice Stephen Musota, JSC
- Hon Mr. Justice Christopher Madrama, JSC

- 
- I take this opportunity to welcome the new Justices to the Supreme Court.

# Hon. Justice Rubby Aweri-Opio

---

- On a sad note, I must mention the death of Hon. Justice Aweri-Opio who died in December 2022. Our learned brother was due to retire this year.
- We will continue to celebrate his contribution to Justice right from his appointment as a Grade 1 Magistrate up to joining the Supreme Court.

# Hon. Justice Ezekiel Muhanguzi

---

- We also remember Justice Ezekiel Muhanguzi who retired last year.
- We appreciate him for his contribution in dispensing Justice at the Supreme Court.



# OTHER STAFF

---

- The other staff are the Registrar, Her Worship Harriet N. Ssali, Deputy Registrar, Her Worship Babirye Mary.
- Attached to the Court are 9 Grade 1 Magistrates who serve as Research Officers. We warmly welcome them to the Bench.
- The Court is also served by non-judicial officers - the Office Supervisor, the Information Communication Technology Staff, Librarians, Accounts Staff, Clerical Officers, Secretaries, Process Servers, Office Attendants, Drivers, Guards and Bodyguards attached to the Justices.

## COMMITTEES

---

- The Court has a Finance Committee.
- The committee oversees the proper management of the monthly releases.

# THE COURT'S ACTIVITIES.

---

- The Court handles its activities following an Annual Calendar/Work Plan.
- The calendar serves as a guide to Court Sessions.
- Urgent matters may be disposed of by the Court outside its Calendar of activities.
- The calendar recognises two court vacations:
  - 1<sup>st</sup> August to 31<sup>st</sup> August of a particular year
  - 23<sup>rd</sup> December to 7<sup>th</sup> January of the following year.

# Fire in the Chambers of the Chief Justice.

---

- Last year (2022), the **Chambers of the Chief Justice** at Kololo were gutted by fire.
- The fire also affected some other offices.
- This led to closure of the (physical) premises, seriously affecting the court's operations.
- Nevertheless – and thanks to the Judiciary having embraced the use of technology in its processes, the court continued to operate - albeit at minimal level.

# ECCMIS

---

- The Electronic Court Case Management Information System (ECCMIS) enabled the continued E-filing of cases, virtual hearings and delivery of judgments.
- It must be noted that the Supreme Court was among the ECCMIS Cluster 1 stations.

# Mitigation

---

- In order to mitigate the negative impact of closure of the physical space, the Court acquired limited alternative space at the High Court to hold various sessions. It is this space that enabled matters to be handled by a single Justice.
- Pre-hearing conferencing for Criminal Cases also took place at the High Court.
- Duty schedules were adopted by the Justices. There was always a Judge on duty to handle the urgent matters.

# WORK HANDLED IN 2022

- The Court conducted the following activities in the year 2022:

SESSION	DATES HELD	NO. OF CASES HEARD
Criminal Appeals pre-hearing conference	July 2022	34
Criminal Appeals pre-hearing conference	May 2022	23
Criminal Appeals pre-hearing conference	June 2022	31
<b>TOTAL</b>		<b>88</b>

detailed status report as at 31<sup>st</sup> December,  
2022.

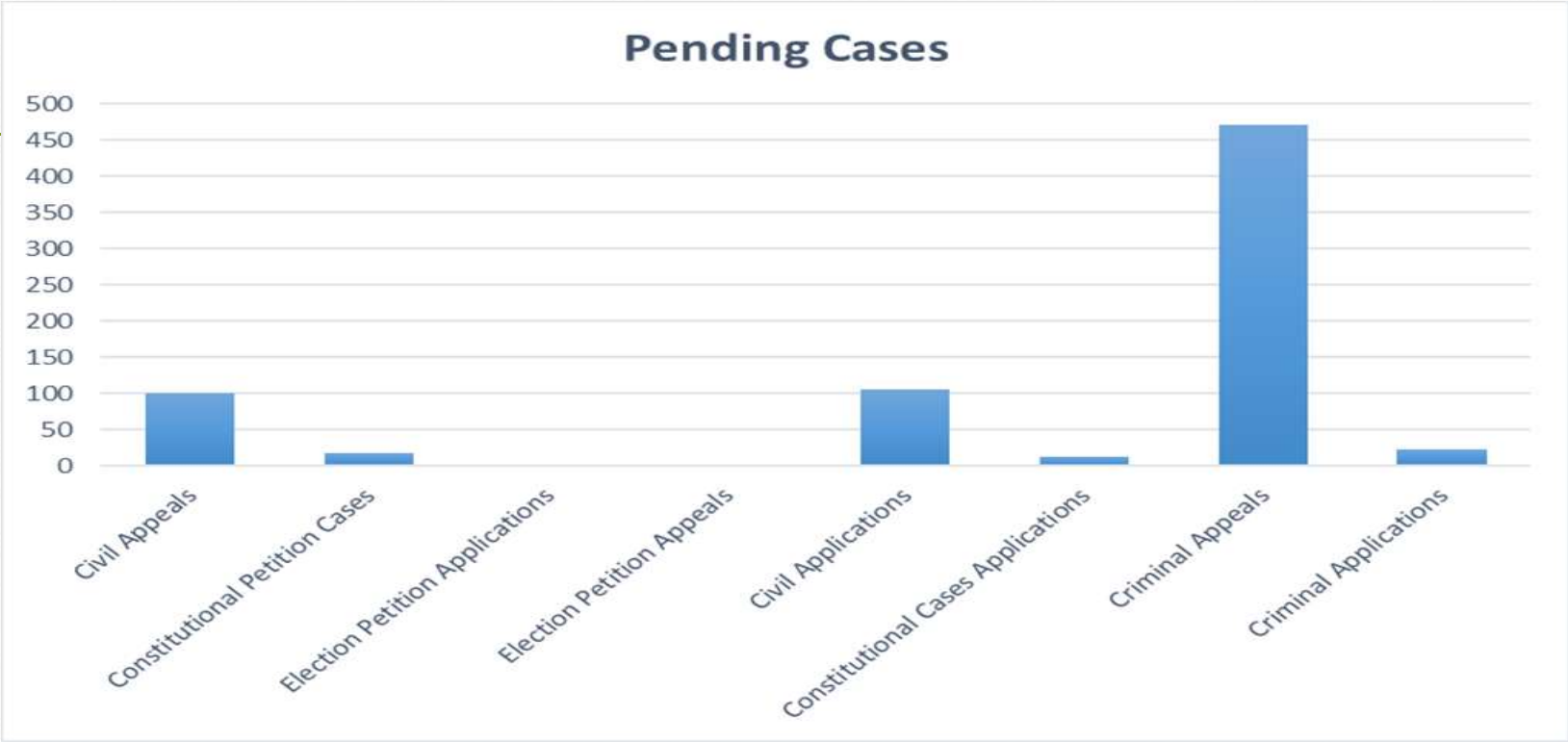
<b>Case Category</b>	<b>Brought Forward</b>	<b>Registered</b>	<b>Completed</b>	<b>Pending</b>
<b>Civil Appeals</b>	84	25	9	100
<b>Constitutional Petition Cases</b>	16	2	0	18
<b>Election Petition Applications</b>	0	0	0	0
<b>Election Petition Appeals</b>	0	0	0	0
<b>Civil Applications</b>	92	32	19	105
<b>Constitutional Cases Applications</b>	10	2	0	12
<b>Criminal Appeals</b>	452	28	8	472
<b>Criminal Applications</b>	17	11	5	23
<b>Total</b>	<b>671</b>	<b>100</b>	<b>41</b>	<b>730</b>



# COMPLETED CASES CHART



# PENDING CASES REPORT



# New Premises

---

- In December 2022 Court relocated to plot 5 Lourdel Road.
- There is an on-going session that started this month.

# Backlog Status

---

<b>Case Category</b>	<b>Backlog</b>
<b>Civil Appeals</b>	40
<b>Constitutional Petition Cases</b>	0
<b>Election Petition Applications</b>	0
<b>Election Petition Appeals</b>	0
<b>Civil Applications</b>	26
<b>Constitutional Cases Applications</b>	0
<b>Criminal Appeals</b>	355
<b>Criminal Applications</b>	5
<b>Total</b>	<b>426</b>

# Note

---

- The backlog of cases was mainly caused by the retirement of Justices which sometimes led to lack of Coram especially in regard to Constitutional Appeals.
- And the lack of physical premises already alluded to also slowed/stalled the work of the Court.

# CASE MANAGEMENT

---

- **Conduct of court matters**
- The court has both the civil and criminal registry.
- The cases are handled in sessions as planned in the annual calendar. However urgent matters can be accommodated outside the planned sessions.
- With the introduction of the ECCMIS which facilitates online filing of cases, the Justices are able to access the relevant court records in real time and appraise themselves of the subject matter.

## continued

---

- As part of case management, the Justices, Registrars, Magistrates, and Clerks are continuously being trained on the use of Electronic Court Case Management Information System (ECCMIS) as a means of efficient handling of matters.

# CHALLENGES FACED

---

- The Supreme Court like any other court, does face challenges in the course of its operations.
- The challenges are not new but ought to be addressed. Below are some of the salient challenges faced.



## Lack of Coram.

---

- In the year of review there was retirement of Justices and the Court could not form panels for Constitutional Appeals.
- Furthermore, some Justices had handled some of the matters in the lower court which posed a challenge to the court sessions.
- The appointment of the 3 justices will go a long way in solving this issue.

## Nature of Court premises.

---

- The Kololo premises posed hardship and were a hindrance to smooth running of court operations.
- For instance, the Registries had limited space and there was hardly room reserved to serve as Archives for completed files.
- The building did not cater for persons with physical disability.
- The lawyers had no common room or robing room.
- The current premises have similar limitations.

# Delay in Receiving Lower Court Records.

---

- The Judicature (Supreme Court Rules Directions) SI 13-11 provide that a Notice of Appeal is to be filed at the Court of Appeal. The COA would then prepare the Court Record and forward it to the SC together with the Notice of Appeal.
- However, it has been a practice of prison authorities, on behalf of prisoners, to file Notices of Appeal at Supreme Court and this, without the requisite court record.
- It is this has resulted into the increase of files without record at supreme court.
- This challenge affects the disposal of cases and leads to backlog.
- In 2022, 475 cases could not proceed due to the absence of files expected from the Court of Appeal
- The Court of Appeal has been engaged on this.

# Inadequate Funding.

---

- The funds provided for running the operations of the court are still inadequate.

# Office equipment

---

- The Registry has only one old photocopy machine.
- This lead to delay of work especially when preparing for sessions and during sessions.
- Full operations of ECCMIS will certainly lead to a reduction of the need to reproduce printed materials. However, we know this will not be immediate, for a variety of reasons.

# Lack of transport for staff

---

- The court being located far from town centre, staff find it difficult to move from town centre to office and vice versa.
- This has affected the efficiency of the Registry and the Court at large.

# WAY FORWARD - 1

---

- The Court is keenly aware of the negative impact that the lack of premises had on the dispensation of Justice.
- This year, we plan to conduct more sessions than usual to alleviate the suffering of stakeholders.
- As already mentioned, the Court started hearing matters in January 2023 - a period normally regarded as part of Court Vacation.

## WAY FORWARD - 2

---

- The Registrars of the Supreme Court and the Court of Appeal together with the Commissioner General of Prisons will continue to liaise on criminal appeals where Notices of Appeal have been filed to ensure that the court records are updated and the records of appeal are brought to the Supreme Court without delay.



## Way Forward continued

---

- There is need to continually enhance the competence of Staff through periodic skills training.
- It is imperative that the Court and other staff are annually skilled in new and emerging **areas which impact the dispensation of justice.**

# vehicles

---

- The Supreme Court needs a standby vehicle for Justices in case their vehicles breakdown.
- There is need for a van for the support staff

## continued

---

- There is need to provide adequate and modern equipment to facilitate and speed up court operations.
- This would enhance the efficiency which comes with adaptation of technology

## Way forward

---

- The Registrars of the Supreme Court and the Court of Appeal together with the Commissioner General of Prisons will continue to liaise on criminal appeals where Notices of Appeal have been filed to ensure that the court records are updated and the records of appeal are brought to the Supreme Court without delay.

- 
- Funding of the Supreme Court should be increased to meet Court operations.

# CONCLUSION

---

- I conclude by thanking the Hon. the Chief Justice for steering the Court's business.
- I thank my colleagues the Justices, the Registrars, the Research Officers and indeed all staff attached to the Court for their extreme cooperation and commitment towards achieving our goals.
- I look forward to high level of cooperation and efficiency in achieving better results this year.
- Thank you for listening.