



HIGH COURT PERFORMANCE FOR THE CALENDAR YEAR 2017



**PRESENTATION OF THE PERFORMANCE OF THE HIGH COURT OF
UGANDA**

**BY
HON. DR. JUSTICE YOROKAMU BAMWINE
PRINCIPAL JUDGE**

**AT
THE 20TH ANNUAL JUDGES CONFERENCE AT SPEKE RESORT
CONFERENCE CENTRE, MUNYONYO**

**THEME: "AN INCLUSIVE JUDICIARY FOR SUSTAINABLE
DEVELOPMENT"**

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The Hon. The Chief Justice

The Hon. The Deputy Chief Justice

My Lords

Your Worships

Fellow Ugandans

1:0 I salute you all and welcome you to the New Year 2018.

I am happy to make this report at a time when public confidence in the JLOS institutions, including the Judiciary, increased remarkably in 2017 from the base line average of **26%** in **2012** to **48%**, according to the published JLOS midterm review report.

An independent study by LASPNET on the state of access to Justice¹ published in October 2017 put public confidence at **59%**.

You may also wish to know that according to the Annual Performance Report (2016/17) released in October 2017, the average number of cases disposed of grew by **64%** from **86,000** cases in **2011/12** to an average of **141,809** cases per year over a period of **5 years**. This peaked at **175,556** in **2016/2017** and this positive trend continues.

The increase boosted public confidence leading to an increase in new cases being filed.

¹ *State of Access to Justice Report, 2017 annual trend analysis LASPNET October, 2017*

The average length of stay on remand for persons charged with capital offences reduced to **10.4 months** from **15 months in 2010/11**. Case backlog reduced to **24%** in **2017** from **35%** in **2010/11** despite the increase in cases filed and the less than optimal number of judicial officers involved in the hearing of cases.

By October 2017 the projection was that if judicial officers employed the principle of first in first out by handling older cases, the case backlog would be cleared within a period of two years.

I have had to open with this rather bright side of things to send a message to judicial officers as well as all Ugandans that the situation in the Judiciary is after all not as bad as some people sometimes portray it. Despite challenges here and there, the judiciary is still on course.

1:1 The performance information in this report is generated from the analysis of the data statistics submitted monthly from the courts to my office. As usual there are margins of error. On the whole, however, data collection is getting better and accurate.

The report has annexes showing the total number of cases per circuit and Division per Judge. In the interest of time I shall not go into details of those figures. For comparison purposes the statistics of 2016 are also reflected alongside those of 2017.

1:2 BEHAVIOUR OF FILING

S/No.	Year	Brought Forward	Filed	Disposed of	Pending
1	2017	53,539	32,967	24,501	62,005
2	2016	39,961	34,876	21,298	53,539

- Overall, High Court registered **32,967** Cases during the Calendar year 2017 and disposed of **24,501** cases during the same period.
- This represents an increase in disposal from **21,298** cases in **2016** to **24,501** in **2017**, a difference of **3,203** for which I congratulate my colleagues.
- On the other hand, it represents a decline in Case filing from **34,876** cases registered in **2016** to **32,967** cases in **2017**, a difference of **1,909** cases, implying reduced workload that gives us time to fight backlog.

N.B: For the performance of the individual Divisions and Circuits please refer to the Annexures.

2:0 ON-GOING BEST PRACTICES / INNOVATIONS TO IMPROVE PERFORMANCE

The High Court has continued to apply various innovations aimed at improving performance.

2:1 Plea Bargaining

At the beginning of 2017 we had about **950** plea bargaining agreements awaiting funds. These have since been cleared, thanks to increased funding by JLOS and GOU, to give a total of over **6000** cases cleared since the inception of the program in 2014. If it were not for the industrial actions, the number would by now have hit the **10,000** mark since **2014**. We have some more **1000** cases pending clearance.

The rate at which plea bargaining is decongesting prisons makes it a clear game-changer.

2.2 Mediation

In 2017 the Commercial Court alone settled **130** cases through mediation. **21** cases were settled before mediation, mediation failed in **254** and **249** went back into the system on account of non-attendance by parties.

The major challenge is the mandatory requirement that stalls cases for those that are not interested in mediation. This is being addressed through the Civil Justice Reform Committee. With the more facilitation that has been extended to the mediation effort, we expect better performance in 2018.

We have also realized that statistics representing successes in mediation scored in other Divisions and Circuits are not being captured by the Data Centre. Henceforth my office will be capturing those figures as well.

2.3 The Industrial Court

We had experienced some challenges with regard to the status of the Industrial Court in the context of the mainstream Judiciary.

The official position now, at least as per the decision of the Constitutional Court in ***Constitutional Petition No. 33 of 2016 Justice Asaph Ruhinda Ntengye & Another vs Attorney General***, is that the Chief Justice and I are responsible for the administration and supervision of the Industrial Court. In view of that clarification, for which we are grateful to the Constitutional Court and the Judges who sought it, I will henceforth be covering its performance in Annual Reports. For this Conference, the Chief Judge will handle its performance – on my behalf.

Henceforth we also expect the two Judges of the Court to join hands with their colleagues in High Court to fight backlog through participation in Sessions.

2.4 Criminal Justice

Reading from the annexures, the performance of some Divisions and Circuits is higher in 2017 than in 2016 and before. This is attributed to embracing best practices like:

- Regular in house sessions
- Special Sessions – for children, the elderly, breastfeeding mothers, people with disability, etc.

- Special courts for SGBV (Sexual Gender Based Violence) cases (*still under consideration*).

Tracking people on bail

Some courts have introduced separate sessions for people on bail and this helps in fast tracking them. Previously, sessions would be organized for only inmates on remand, overlooking those on bail which would mean that bail was amounting to an acquittal and people on bail always missed out on cause listing as administrators were considering 1st in 1st out principle. However, with this new development, both categories are catered for.

3:0 General Challenges

- Shortage of Judges – this has continued to affect performance. Masaka, Mbale, Gulu and Fort Portal have one Judge each. The new circuits – Iganga, Tororo, Rukungiri, Luwero and Hoima are yet to be operationalized.
- Funding: Still low for sessions but marked improvement was noticed in 2017.
- Interim Orders – which paralyses the operations of High Court in 2017 are yet to be vacated by Court of Appeal/ Constitutional Court.

We hope the recently re-energized court will take care of them soonest.

- Complaints to Judicial Service Commission against Judges – intended to intimidate them or filed out of ignorance as to recusal procedure.

These complaints do not only demoralize judges but they also have effect of impeding Judges up-ward movements.

We are in the process of initiating dialogue with Judicial Service Commission so that they do not have to investigate every complaint made to them, including requests for administrative interventions in judicial matters.

4:0 Conclusion

Courts owe a duty to society to render services to them within the financial and human resources allotted to us by the State. In other words, we are accountable to the people we serve for the public funds and resources provided to us to discharge our mandate. I am grateful to their Lordships and Worships for a task well accomplished in 2017.

I am also grateful to Chief Justice and Permanent Secretary/Secretary to the Judiciary for making the core function of the Judiciary, hearing of cases, a priority but will pray ceaselessly until the knees hurt that the induction of new Judges be prioritized as well this year.

Lastly, I appeal to Divisions and Circuits to:

- Have case backlog elimination strategies specific to each station.

- Comply with the Chief Justice's circular on delivering of pending judgments.
- Appreciate that access to justice is not about clearance of cases alone but humane treatment of court users as a whole.

Thank you colleagues, make it even better in 2018 and be blessed.