



**REPORT OF THE COURT OF APPEAL TO THE 20TH ANNUAL JUDGES
CONFERENCE 2018**

The Hon. The Chief Justice,

The Hon. The Principal Judge,

The Hon. Justices of the Supreme Court,

The Hon. Justices of the Court of Appeal,

The Hon. the Judges of the High Court,

The Chief Registrar,

The Permanent Secretary/Secretary to the Judiciary,

Your Worships the Registrars

Distinguished guests,

Ladies and Gentlemen

1.0 Introduction

This is the report of the Court of Appeal to the 20th Annual Judges conference. The first part of the report deals with the laws establishing the Court, its jurisdiction and its composition.

The second part deals with the Court performance for the year 2017, the challenges met and the way forward.

2.0 Establishment of the Court

The Court of Appeal is established by **Article 134** of the **1995 Constitution of Uganda** which provides as follows;

“(1). The Court of Appeal of Uganda shall consist of-

(a). The Deputy Chief Justice; and

(b). Such number of Justices of Appeal not being less than seven as Parliament may by law prescribe.

(2). An appeal shall lie to the Court of Appeal from such decisions of the High Court as may be prescribed by law.”

Article 135 provides that;

“(1). The Court of Appeal shall be duly constituted at any sitting if it consists of an uneven number not being less than three members of the court.

(2). The Deputy Chief Justice shall preside at each sitting of the court and in the absence of the Deputy Chief Justice, the most senior member of the court as constituted shall preside.”

2.1 Court of Appeal doubles as a Constitutional Court

Article 137 provides-

“(1). Any question as to the interpretation of this Constitution shall be determined by the Court of Appeal sitting as the Constitutional Court.

(2). When sitting as a Constitutional Court, the court of Appeal shall consist of a bench of five members of that court.”

The Court of appeal also handles Election Petition Appeals and is the last appellate court as provided for under **Section 66(3) of the Parliamentary Elections Act, No 17/2005** it provides:

“Notwithstanding Section 6 of the Judicature Act, the decisions of the Court of Appeal pertaining to Parliamentary Elections Petitions shall be final.”

3.0 Mandate of the Court

From the above provisions of the law, the mandate of the Court of Appeal in administration of justice is:

- To hear civil appeals, criminal appeals and Election petition appeals.

- While sitting as a constitutional Court it hears and determines Constitutional Petitions, References and matters related thereto.

4.0 Composition of the Court as at 31st Dec 2017.

4.1 Justices

1. Hon. Justice Alfonse Chigamoy Owiny-Dollo, DCJ
2. Hon. Justice Remmy Kasule, JA
3. Hon. Justice Solomy Balungi Bossa, JA
4. Hon. Justice Kenneth Kakuru, JA
5. Hon. Justice Geoffrey Kiryabwire, JA
6. Hon. Justice Fredrick Egonda-Ntende, JA
7. Hon. Justice Elizabeth Musoke, JA
8. Hon Justice Cheborion Barishaki, JA
9. Hon. Justice Hellen Obura, JA
10. Hon. Justice Catherine Bamugemereire, JA

4.2 Registrars

1. H/W Asiimwe Tadeo Ag. Registrar

2.	H/W Esta Nambayo	Deputy Registrar
3	H/W Philip Odoki	Deputy Registry/Private legal secretary to DCJ,
4	H/W Ayebare Tumwebaze,	Asst. Registrar and
5	H/W Lubowa Daniel	Ag. Asst. Registrar/Mediation.

4.3 Support Staff

There are 135 support staff in the following categories

Systems Administrators	02
Office Supervisor	01
Communication Officer	01
Research Assistants	14
Transcribers	03
Clerical Officers	05
Record Officers	06
Cashier	01
Secretaries	16
Librarian	01
Process Servers	09
Office Attendants	19
Body Guards	39
Drivers	18

5.0 Registries of the Court

The Court has three (3) Registries namely; the Civil Registry, the Criminal Registry and the Constitutional Registry.

The Court is also in the process of establishing the Mediation Registry. So far the Justices of the Court have been trained in appellate mediation by a team from Strouss Institute of Dispute Resolution in partnership with Pepperdine University and the Judicial Training Institute.

6.0 Court performance

Appeals and Petitions completed

Criminal Appeals	230
Criminal Applications	160
Civil Appeals	112
Civil Applications	354
Constitutional Petitions	7
Constitutional Applications	9
Election Petition Appeals	90
Election Petition Application	91
TOTAL	1037

The total number of appeals and petitions disposed of were **1,037** and those registered were **1,376**. The target set by the Registry of planning and performance management for the Court for the year under review was a total of **620** Appeals and petitions to be completed. Under the mediation scheme a total number of **276** cases were completed.

This means that the Court surpassed the target that was set for it

7.0 Challenges

During the year under review, the court encountered various challenges particularly:

7.1 Lack of Justices

There is a reduced number of Justices. Hon. Justice Catherine Bamugemereire was assigned other duties outside Court; Hon. Justice Simon Byabakama was also moved to the electoral commission while Hon. Justice Solomy Balungi Bossa is moving to the International Criminal Court.

7.2 Finances

The Court of Appeal has three Registries as already shown herein above with another registry for Mediation currently being established. When at its full composition the number of Justices at the Court is 15. Unfortunately when it comes to funding the Court is funded like a Division of the High

Court where only Shs.30 million shillings is allocated for in-house sessions and Shs. 170 million for external sessions.

7.3 Transport

There is lack of transport for service of Court process. This has made the work of process servers a nightmare. There are so many law firms and so many cases in which Court process must be served that it is no longer humanly possible for the few process servers attached to the Court to move around on foot and/or hired motor bikes to effect service. Sometime back two motorcycles were allocated to the Court but have never been delivered to date. There is also need for a stand by vehicle for transportation of session materials for up country sessions. Getting transport for movement of sessions materials in case of up country sessions has always been a night mare. Due to the location of the Court staff without private transport find it very difficult to access the Court. There is need to get a van to help transport them so that they get to office in time.

7.4 Staffing

There is inadequate staffing. There is need for more process servers and secretaries for the registries.

7.5 Facilitation

There is a shortage of computers at the Court. All Research Assistants have no computers.

No single training has been conducted for support staff in a long time and yet most of the staff at the Court have come from outside the Judiciary.

7.6 Congestion in the Registry

All registries at the Court are so congested. Files are littered all over. There are no shelves and no funds to put up the shelves. The situation is simply embarrassing.

8.0 Strategies for Improving Performance

Given the courts current workload and the backlog,

- The number of Justices should be restored to 15 Justices.

- More funds should be availed to the Court for better operation. There is need to hold more up-country sessions, at least two up country sessions in every quarter. Proposed amounts are Shs. 60m monthly for in house sessions and Shs. 250m for external sessions.
- We intend to use more appellate mediation now that the pilot use of the same at the Court of Appeal has been a success. This calls for proper facilitation to establish the mediation registry.
- More sessions for Constitutional petitions will be held.
- The Court intends to implement recommendations of the case backlog committee.
- Need for procurement of standby van to transport the bulky Court records to upcountry Court sessions and for Court work.
- Need for two motorcycles for process service

9.0 Conclusion

It is imperative that the Court is given adequate funds and facilities in a timely manner to enable their Lordships to fulfill their Constitutional mandates.

My best wishes to the Judiciary and to all of you here during the new Judicial year we are about to enter.

FOR GOD AND MY COUNTRY

Alfonse Chigamoy Owiny-Dollo

DEPUTY CHIEF JUSTICE

