



## THE JUDICIARY OF UGANDA

PRESENTATION OF THE PERFORMANCE OF THE HIGH COURT OF UGANDA

BY

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AT THE 21<sup>ST</sup> ANNUAL JUDGES CONFERENCE AT SERENA HOTEL, KAMPALA

**THEME:** “ *Judicial Ethics, Integrity and Accountability; A Pre – condition for Improved Access to Justice and Sustainable Development*”

- The Hon. The Chief Justice
- The Hon. The Deputy Chief Justice
- My Lords
- Your Worships
- Fellow Conference Participants



# Introduction

Warm welcome to this 21<sup>st</sup> Annual Judges Conference under the theme:

**“Judicial Ethics, Integrity and Accountability: A pre-condition for Improved Access to Justice and Sustainable Development”.**

- What the Judiciary does or is expected to do informs the observations on issues of accountability. We settle disputes thereby contributing to peace, stability and development. For effectiveness in this role, the values of independence, integrity, accessibility and accountability are necessary. Hence the theme of the conference
- I have compiled a report that has annexures showing High Court performance of Divisions and Circuits, case backlog status in Divisions and Circuits, performance of courts through use of ADR and total case disposals through Plea Bargaining. In the interest of time I shall not go into the detailed analysis details of those figures, pie charts and graphs.



# Staffing

- Colleagues will appreciate that due to the freeze on new recruitments, 30 vacancies still exist at High Court level. We ended 2018 with **54** Judges of the High Court (the Industrial Court inclusive), **31** male and **23** female. We lost a colleague, the late Lady Justice Jessica Naiga Ayebazibwe. May her soul rest in peace.
- Colleagues will also appreciate that 8 Divisions and 19 Circuits now constitute the High Court. Only 14 of the circuits are operational. The other circuits at Luwero, Rukungiri, Iganga, Tororo and Moroto are not operational. The Divisions and Circuits are grossly understaffed, as almost each circuit has one Resident Judge, despite the recommended number of a minimum of two (2) Judges per circuit.
- Our performance must therefore be assessed within the four corners of this challenge.



## Performance Trends

No.	YEAR	BROUGHT FORWARD	FILED	DISPOSED OF	PENDING
1.	2018	35,245	31,490	25,486	41,249
2.	2017	26,779	32,967	24,501	35,245
3.	2016	39,961	34,876	21,298	53,539



## Performance Trends ... cont'd

The Following picture emerges from the statistics:

- **31,490** Fresh filings in **2018** as against **25,486** disposals in the same year, implying a disposal rate struggling to catch up with fresh registrations, thanks to the perennial shortage of Judges.
- An increase, even then, in disposals from **24,501** in **2017** to **25,486** in **2018**, a difference of **985** cases against all odds, for which I say thank you to my colleagues.
- A drop in case filing from **32,967** registered in 2017 to **31,490** registered in 2018, a difference of **1,477** cases, implying reduced workload for us that gives us opportunity to concentrate on fighting backlog.
- The increase in case disposal can be attributed to innovations, reforms and policy interventions which the Judiciary has put in place since 2011 to provide efficient services to the population, notwithstanding the perpetual inadequate funding and other systemic challenges that face us.



# Performance Trends- Division Level

## At Division Level:

- The Criminal Division registered the highest number of disposals from **4,149** cases in 2017 to **6,704** cases in 2018, an increase of 2,555 cases; followed by the Civil Division with **7,922** cases in 2018 as opposed to **7,440** cases in 2017, an increase of **482** cases.
- Land Division had the highest increase in the number of pending cases from **8,402** cases in 2017 to **10,414** cases in 2018. They cleared 4,070 cases (as against 4,735 in 2017)
- Anti-Corruption posted **317** cases in 2018 (**202** in 2017); Commercial Division **1,671** (**2,739** in 2017); Execution Division **2,103** (**2,341** in 2017); Family Division **2,697** ( **2,583** in 2017); and International Crimes Division **2** (**9** in 2017).



## Performance Trends – Circuit Level.

At Circuit Level:

- **Jinja** Circuit posted the highest number of completed cases, Civil **1,183** and Criminal **346**, total: **1,529**.
- **Mpigi** Circuit came second, with **1,353** (Criminal **360**, Civil **639**, Land **343** and Family **11**);
- **Mbarara** Circuit came third with **1,325** (Criminal **638**, Civil **660** and Land **27**); and
- **Mubende** Circuit came 4<sup>th</sup> with **1,307** (Criminal **294**, Civil **269** and Land **744**).





## Plea Bargaining:

Plea bargaining was introduced in courts to ease prison congestion and improve justice outcomes for all, especially the inmates, who risk staying on pre-trial remand for long periods on account of lack of resources to hold regular sessions. Last year, the courts disposed off **1,878** cases through plea bargaining alone.

I have conducted a number of plea bargaining sensitization programmes across the country and registered views of stake holders including inmates on how to perfect the initiative. These include:

1. The need for consistency in sentencing in respect of accused persons charged with similar offences committed in similar circumstances.
2. Need for victim participation.
3. Sensitization and training of all judicial officers on plea bargaining procedures.



## Plea **Bargaining:**

4. Inadequate funding for plea bargaining sessions and sensitization programmes. It should be noted here that most of the funding for this program comes from our Development Partners through the Justice Law and Order Sector.

These and many others will be considered by the task force on sentencing guidelines and the Judiciary Top Management.

These challenges notwithstanding, I reiterate the optimism I expressed at a similar function last year that **the rate at which plea bargaining is decongesting prison makes it a clear game changer** in our criminal justice system.



# Mediation

The courts have embraced ADR to expedite the disposal of civil cases to complement the adversarial route, which is ill-suited for the increasing number of cases, many of which are complex.

In 2018 the courts successfully disposed off, 456 cases, a clear realization of my expectation at our last conference for a better performance in 2018.



# Case Backlog

Despite the above interventions, the High Court still faces the challenge of case backlog.

The estimated case backlog for both High Court Divisions and Circuits is **19,987** as of 31st December, 2018.



# Case Backlog Clearance Plans

There are a number of clearance plans suggested to my colleagues with a view of clearing the pending case backlog in both Circuits and Divisions:

1. Devising work plan of hearing cases by way of first in first out, as we tackle the new ones as well to avoid creating more backlog.
2. Handling interlocutory reliefs by Registrars quickly but within the law, so that Judges are freed to concentrate on main suits.
3. Embracing reforms such as plea bargaining, mediation ( and small claims procedure in the lower courts)
4. Active weeding out of the inactive cases.



# Criminal Justice

The Judiciary and JLOS in partnership with United Nations Population Fund (UNPF) have held sessions in High Court and Chief Magistrates Courts as a precursor to the establishment of special courts to try SGBV offences. It is a pilot project testing for the suitability and viability of establishing a special court for SGBV cases. The project has been placed under the Criminal Division to oversee the implementation of the work plan of the special sessions for SGBV cases.

In the just concluded sessions we cleared **788** SGBV Cases from the system. We hope to perform even better in the forthcoming session(s).



## Criminal Justice ... cont'd

There are also concerns from the inmates against our courts, including:

1. Delays in processing of appeals, at High Court Level.
2. Failure to forward lower court records for purposes of prosecuting appeals at Court of Appeal.
3. Delayed judgments and rulings
4. Failure to furnish copies of records of proceedings and judgments whether there is an intended appeal or not.



## Conclusion

We made effective use of the session system in 2018. We hope to make it even better in 2019. Even then the clear slow rate of disposal in the face of an increased filing rate that leads to growth in case backlog is a big challenge we invite the government of the day to face squarely through appointment of new Judges.

As we meet, some Judges have just retired and others will soon follow suit.

As a Nation time to stop burying our proverbial heads in the sand and pretending that all is fine is now. Time to give the people of Uganda the justice they deserve is now.

Time to call for a well facilitated infrastructure for ADR, so that we do not leave more than 90% of cases to be resolved through the adversarial system, which is characteristically slow, protracted and costly, is also now.





## Conclusion ... cont'd

Finally, Colleagues are informed that we are in the process of reviewing the existing laws, rules and procedures as well as re-engineering the court's business processes to make access to justice a reality.

May we embrace those reforms.

Happy New Year and thank you for listening to me.



END

