

**PERFORMANCE OF THE SUPREME  
COURT OF UGANDA MADE  
TO THE 21<sup>ST</sup> ANNUAL JUDGES  
CONFERENCE AT THE SERENA  
HOTEL, KAMPALA**

**BY**

**HON LADY JUSTICE STELLA ARACH-AMOKO**

**JUSTICE OF THE SUPREME COURT**

**28<sup>TH</sup>-31<sup>ST</sup> JANUARY, 2019**

# PROTOCOL

- ▶ • The Hon. The Chief Justice
- ▶ • The Hon. Principal Judge
- ▶ • The Hon. Justices of the Supreme Court
- ▶ • The Hon. Justices of the Court of Appeal
- ▶ • The Hon. Judges of the High Court
- ▶ • The Executive Director Judicial Training Institute
- ▶ • The Hon. Director of the public Prosecutions
- ▶ • Your Worship the Chief Registrar
- ▶ • The Secretary to the Judiciary
- ▶ • Your Worships the Registrars and Magistrates
- ▶ • Distinguished invited Guests and Participants

# INTRODUCTION

- ▶ The Supreme Court of Uganda is the highest appellate court in Uganda and under Article 132 of the Constitution it is the final court of appeal.
- ▶ It is currently housed in rented premises at Plot 10 Upper Kololo on Kololo hill, Kampala. Under section 59 of the Presidential Elections Act, it has original jurisdiction in matters of Presidential Election Petitions.

# COMPOSITION OF THE SUPREME COURT

- ▶ 1. The Hon the Chief Justice, Hon. Justice Bart Katureebe
- ▶ 2. Hon Lady Justice Dr. Esther. K. Kisaakye, JSC
- ▶ 3. Hon Lady Justice Stella- Arach Amoko, JSC
- ▶ 4. Hon Mr. Justice Eldad Mwangusya, JSC
- ▶ 5. Hon Mr. Justice Ruby Opio Aweri, JSC
- ▶ 6. Hon Lady Justice Faith Mwendha, JSC
- ▶ 7. Hon Lady Justice Prof Lillian Tibatemwa - Ekirikubinza, JSC
- ▶ 8. Hon Mr. Justice Paul Mugamba, JSC
- ▶ 9. Hon Mr. Justice Richard Buteera, JSC
- ▶ 10. Hon Mr. Justice Augustine Nshimye, Ag. JSC
- ▶ 11. Hon Mr. Justice Jotham Tumwesigye, Ag. JSC

# OTHER STAFF

- ▶ Deputy Registrar, H/W Godfrey Opifeni
- ▶ Office Supervisor
- ▶ Information Communication Technology staff
- ▶ Librarians
- ▶ Accounts staff
- ▶ Clerical Officers
- ▶ Secretaries
- ▶ Research officers
- ▶ Process Servers
- ▶ Office Attendants
- ▶ Drivers, Guards and Bodyguards attached to the Justices.

# JURISDICTION OF THE SUPREME COURT

- ▶ *“(1) The Supreme Court shall be the final court of appeal.*
- ▶ *(2) An appeal shall lie to the Supreme Court from such decisions of the Court of Appeal as may be prescribed by law.*
- ▶ *(3) Any party aggrieved by a decision of the Court of Appeal sitting as a Constitutional Court is entitled to appeal to the Supreme Court against the decision; and accordingly, an appeal shall lie to the Supreme Court under clause (2) of this article.*
- ▶ *(4) The Supreme Court may, while treating its own previous decisions as normally binding, depart from a previous decision when it appears to it right to do so; and all other courts shall be bound to follow the decision of the Supreme Court on questions of law.”*

# SITTING OF THE COURT (CORAM)

under Article 131 of the Constitution.

- ▶ *“(1) The Supreme Court shall be duly constituted at any sitting if it consists of an uneven number not being less than five members of the Court.*
- ▶ *(2) When hearing appeals from the decisions of the Court of Appeal sitting as a Constitutional Court, the Supreme Court shall consist of seven members of the Supreme Court.*
- ▶ *(3) The Chief Justice shall preside at each sitting of the Supreme Court, and in the absence of the Chief Justice, the most senior member of the Court as constituted shall preside.”*

# COMMITTEES & VACATION

## COMMITTEES

### ▶ Finance

- ▶ The Finance Committee oversees the proper management of the monthly release and ensures that it is spent properly

### ▶ Peers

- ▶ The Peers Committee ensures observance of ethical standards by members of the Court. It has been dormant of late.

## VACATION

- ▶ runs from 31<sup>st</sup> July to 1<sup>st</sup> September of each year in addition to the Annual Christmas Vacation that runs from 23<sup>rd</sup> December of the current year to 7<sup>th</sup> January of the following year.



## THE COURT'S ACTIVITIES.

- ▶ The Court handles its activities following its Annual Calendar of Activities which is drawn in accordance with the Justices' Leave Roster.
- ▶ Certain ad hoc and urgent matters may be disposed of by the Court outside its Calendar of activities such as the just-concluded Consolidated Constitutional Petition Appeal, commonly referred to as the Age Limit case.

## Publication and Circulation of Court Judgments and Rulings

- ▶ These judgments and rulings are circulated freely online by the ICT staff onto ULII, by the Law Reporting Officer, to reach all Justices, Judges and other judicial officers registered on the E-mail address [judgments@judicature.go.ug](mailto:judgments@judicature.go.ug).

# Work handled in 2018

- ▶ The Court conducted the following sessions in the year 2018:

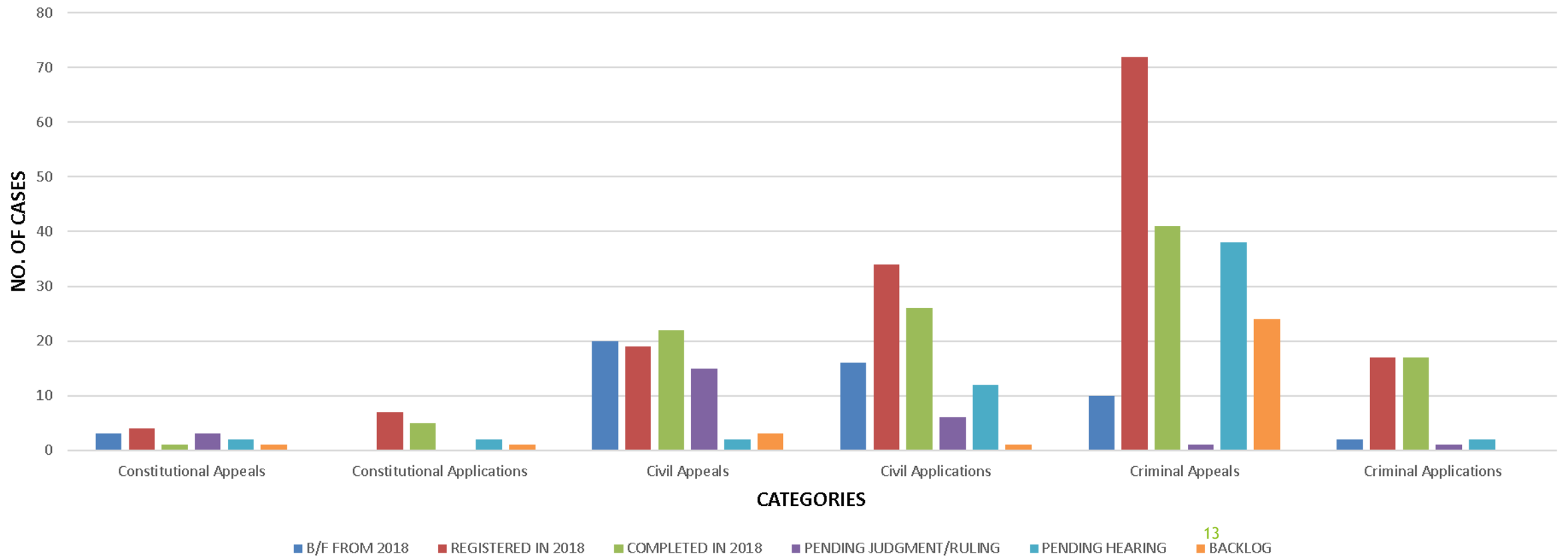
Session	Dates held	No of cases heard
Criminal Appeals/Applications	6 <sup>th</sup> -22 <sup>nd</sup> Feb 2018	18
Constitutional/Civil Appeals/Applications	8 <sup>th</sup> -31 <sup>st</sup> May 2018	25
Criminal Appeals/Applications	17 <sup>th</sup> -31 July 2018	13
Civil Appeals/Applications	18 <sup>th</sup> -Sept 2018	14

# STATUS REPORT AS AT 25th JANUARY, 2019

CATEGORY	B/F FROM 2018	REGISTERED IN 2018	COMPLETED IN 2018	PENDING JUDGMENT/ RULING	PENDING HEARING	BACKLOG
Constitutional Appeals	3	4	1	3	2	1
Constitutional Applications	Nil	7	5	Nil	2	1
Civil Appeals	20	19	22	15	2	3
Civil Applications	16	34	26	6	12	1
Criminal Appeals	10	72	41	1	38	24
Criminal Applications	2	17	17	1	2	0
<b>Total</b>	<b>51</b>	<b>153</b>	<b>112</b>	<b>26</b>	<b>58</b>	<b>30</b>

# STATUS REPORT AS AT 25th JANUARY, 2019...

**SUPREME COURT STATUS REPORT AS AT 25th  
JANUARY, 2019**



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# CRIMINAL APPEALS PENDING RECORDS OF APPEAL AS AT 31st DECEMBER, 2018

<b>NOTICES OF APPEAL FILED AND PENDING RECORDS OF APPEAL; B/F FROM 2018</b>	<b>NUMBER</b>
2010	13
2011	19
2012	6
2013	1
2014	9
2015	33
2016	36
2017	45
2018	102
<b>TOTAL</b>	<b>264</b>

## Backlog Status

- ▶ The Supreme Court has no serious backlog of cases in its system.
  - ▶ This is because the Justices of the Supreme Court put in a deliberate effort to dispose of as many pending matters as possible during the course of the year under review.

# CASE MANAGEMENT

## ▶ Registries

- ▶ This court has both the Criminal and Civil Registry in addition to the Uganda sub-registry of the E.A. Court of Justice

## ▶ Annual Calendar System

- ▶ The Registrar of the Supreme Court prepares an annual calendar of court activities in consultation with the Justices

## ▶ Sessions

- ▶ The court handles its work in sessions that are planned before hand

## ▶ Pre-Hearing Conferences

- ▶ Pre-hearing conferences are conducted before single Justices. The exercise is similar to a scheduling conference. Parties and their Advocates are summoned to agree on hearing dates, the schedules of submitting written submissions and allocation of Counsel.



# CASE MANAGEMENT...

## ▶ Prompt availability of Session files to Justices

The registry is under instruction to avail Files/records for appeal to Justices at least two weeks to commencement of every session to enable their Lordships read the records and prepare adequately.

## ▶ Assignment of drafting cases by the Justices

Prior to hearing of the cases, each Justice is assigned the responsibility of drafting a Judgment (s). which is then circulated and discussed among the other Justices on a particular Coram and non- Coram members for their input..

## ▶ Written Submissions

To save time Advocates or parties are encouraged to file written submissions that are then highlighted on the hearing date.  
(See: Rules 64(3) and 94(3) of the Supreme Court Rules.)

# CASE MANAGEMENT...

## ▶ Facilitation of Advocates to visit Appellants

In criminal matters, Advocates assigned state briefs are paid allowances between 150,000/= to 500,000/= by the court to visit appellants in prison for briefing and prepare their appeals before the session date and represent them in Court.

## ▶ Monthly Status Reports

Monthly status reports are akin to case load returns. They reflect the status of appeals in court concerning matters handled by court in respective registries. This also reflects an overall picture of pending cases.

## ▶ Weekly Meetings

We meet weekly every Tuesdays to review our case status and discuss matters to do with the administration of the court generally.

# CHALLENGES FACED

- ▶ **Rented Premises**
- ▶ **Delay in Receiving Lower Court Records**
- ▶ **Absence of Holding Cell for Prisoners**
- ▶ **Unprepared Advocates**
- ▶ **Inadequate Funding**
- ▶ **Inadequate State brief fees**
  - ▶ between 150,000/= and 500,000/= depending on the number of the appellants and the complexity of the case.
- ▶ **Lack of Reference Materials**
- ▶ **Inefficient (slow & old) Computers**

## CHALLENGES FACED...

- ▶ Frequent Power outages
- ▶ Inadequate staffing
- ▶ Untrained and demotivated staff
- ▶ Poor remuneration
- ▶ Incomplete furnishing of chambers
- ▶ Airtime on phones not deposited
- ▶ Lack of Public transport for support staff
- ▶ Slow and Intermittent internet network

# STRATEGIES FOR TACKLING BACKLOG

- ▶ The court plans to organize sessions for weeding out cases where notices of appeal have been filed without memoranda of appeal
- ▶ By identifying such cases, cause listing them for pre-hearing where lawyers will be assigned on state brief (in case of criminal matters of capital nature) and the court will then proceed to dispose of them. We shall also focus on those cases that have been identified as backlog. (See table above).

## WAY FORWARD

- ▶ This year the court plans to **deliver all pending judgments latest by May, 2019**
  - ▶ after disposing of the Age Limit Case. We Plan to conduct at least 2 criminal sessions, 1 Constitutional and Civil sessions each before the end of the year.
- ▶ The Registrars of the Supreme Court and the Court of Appeal together with the Commissioner General of Prisons should liase on criminal appeals where Notices of Appeal have been filed and **ensure that the court records are updated.**

## WAY FORWARD...

- ▶ Both the Registrars of the Supreme Court and the Court of Appeal should ensure that the records of appeal are availed as soon as possible. Preferably within one month.
- ▶ The Supreme Court needs a standby vehicle for Justices in case their vehicles breakdown and another pool vehicle to transport the support staff should is also required. We need a motorcycle for process servers and communication with the High Court.

## WAY FORWARD...

- ▶ **More staff should be deployed to the Supreme Court.** We need a Registrar urgently. The Deputy Registrar is overworked. We need transcribers urgently. Our transcripts still take long. We had to borrow from the Court of Appeal recently during the Age Limit Case hearing!
- ▶ **Staff must be trained periodically** to enhance their skills and for effective service delivery. We have new staff at the Registry who have not undergone any training at all especially in Court procedures, matter concerning integrity issues, code of conduct and ethics for Uganda public servants as well as customer care.



# WAY FORWARD...

- ▶ The latest group of Justices also need induction here locally and outside the country.
- ▶ If we are to continue renting the present building, prisoners holding cell should be constructed.
- ▶ Funding to the Supreme Court should be increased in view of the court's operations and the welfare of both the Justices and the staff. It is usually too little, too late.
- ▶ The Data centre should rectify and service inefficient computers.
- ▶ The data centre should consider increasing the bandwidth of internet.
- ▶ Intercom system should be installed.
- ▶ Chambers should be furnished and equipped

# CONCLUSION

- ▶ I wish to conclude by **thanking the Hon. the Chief Justice** for ably steering the Court's business during the year under review.
- ▶ I thank the **Secretary to the Judiciary** for his efforts at ensuring that even the little funding reaches the Court, albeit sometimes late.
- ▶ I thank my **colleagues** for the extreme cooperation existing in our Court.
- ▶ I thank **His Worship Opifeni** our Deputy Registrar, for his dedication and commitment to his office.
- ▶ I thank **all other staff of the Court** without whose contribution we could not have registered the success during the past year.

## CONCLUSION...

- ▶ I look forward to even improved cooperation this year so that we post even better results than the previous year.

## CONCLUSION...

I thank you for listening to me.

**M.S Arach-Amoko, JSC/  
CORDINATOR /SECRETARY**