



**A REPORT OF THE COURT OF
APPEAL/CONSTITUTIONAL COURT**

FOR THE YEAR

2021

BY THE HON. DEPUTY CHIEF JUSTICE

COURT OF APPEAL ANNUAL REPORT

The Court of Appeal / Constitutional Court was established under Article 134 of the Constitution of 1995. The Court of Appeal also operates as a Constitutional Court under Article 137 of the Constitution of 1995.

Human Resource

The Court consists of 15 Justices

HON. JUSTICES OF COURT OF APPEAL

1. Hon. Justice Richard Buteera, DCJ
2. Hon. Justice Kenneth Kakuru, JA
3. Hon. Justice Geoffrey Kiryabwire, JA
4. Hon. Justice Fredrick Egonda- Ntende, JA
5. Hon. Lady Justice Elizabeth Musoke, JA
6. Hon. Justice Cheborion Barishaki, JA
7. Hon. Lady Justice Hellen Obura, JA
8. Hon. Justice Catherine Bamugemereire, JA
9. Hon. Justice Stephen Musota, JA
10. Hon. Justice Christopher Madrama, JA
11. Hon. Justice Kibeedi Muzamiru Mutangula, JA
12. Hon. Lady Justice Irene Mulyagonja, JA
13. Hon. Lady Justice Monica Mugenyi, JA
14. Hon. Justice Christopher Gashirabake, JA
15. Hon. Lady Justice Eva Kawuma Luswata, JA

The Justices are assisted by four (4) Registrars.

Registrars

1. H/W Susan Kanyange - Registrar In-charge
Administration and Civil Registry.

2. H/W Dr. Alex Mushabe Karocho - Deputy Registrar , In-charge Appellate Mediation and Private Legal Secretary to the DCJ.
3. H/W Lillian Bucyana - Deputy Registrar, In-charge Criminal Registry.
4. H/W Henry Twinomuhwezi - Assistant Registrar, In-charge Constitutional Registry.

Support staff

The Court of Appeal / Constitutional Court has one hundred thirtynine (139) support staff.

- a. Office Supervisor - 01
- b. Research Assistants - 15
- c. Drivers - 20
- d. Librarian - 01
- e. Secretaries - 13
- f. Transcribers - 03
- g. Court Clerks - 09
- h. Security team - 41
- i. Process Servers - 07
- j. Records Assistants - 07
- k. Office Attendants - 18

l. Systems Administrators	-	02
m. Communications Officer	-	01
n. Cashier	-	01
TOTAL		139

Registries of the Court and their performance

The Court has four Registries namely;

Civil Registry

There is a Civil Registry headed by the Registrar of the Court H/W Susan Kanyange. It has 16 support staff.

Civil matters

Five Civil sessions were held in March, April, September and two in November, 2021. Two hundred eighty four (284) Civil matters were disposed of during the year 2021. Single Justice hearings were also held throughout the year. The Civil Registry also handles election matters. Seventy five (75) case disposals arose from written and delivered judgments that had been carried forward from the year 2020.

TABLE 1

CATEGORY	BROUGHT FORWARD	REGISTERED	COMPLETED	PENDING
Civil Appeals	1,921	408	173	2,156
Civil Applications	1,377	407	186	1,598
TOTAL	3,298	815	359	3,754

TABLE 2

CATEGORY	BROUGHT FORWARD	REGISTERED	COMPLETED	PENDING
Taxation Applications	63	78	35	106

TOTAL	63	78	35	106
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Election Petition Appeals

Nine (9) Election Petition appeals and Applications were brought forward. The Court disposed of seven (7) Election Petition Appeals and two (2) Election Petitions Applications, matters arising from the 2016 Election year. Most of the matters had been disposed of in Court of Appeal but retrials were ordered and they appealed again after the retrials in the High Court.

TABLE 3

CATEGORY	BROUGHT FORWARD FROM 2016	COMPLETED	PENDING
Election Petitions Appeals	07	07	-
Election Petitions Applications	02	02	-
TOTAL	09	09	-

The Court has now registered one hundred five (105) matters for the Election year 2021 that are going to be heard this year 2022. Eighty three (83) are Election Petition Appeals. Twenty two (22) are Election Petition Applications. We are planning to hear and conclude Election Petition matters with in six (6) months after getting funding.

TABLE 4

CATEGORY	REGISTERED	COMPLETED	PENDING
Election Petition Appeals	83	-	83
Election Petition Applications	22	-	22

TOTAL	105	-	105
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Constitutional Registry

The Constitutional Registry is headed by the Assistant Registrar H/W Henry Twinomuhwezi. Two (2) clerical officers and two (2) process servers from the Civil Registry manage the Constitutional Registry. Due to shortage of space the Constitutional Registry is housed in same room with Civil Registry.

Constitutional matters

In the calendar year 2021 three (3) Constitutional sessions were held in February, May and August where one hundred seven (107) matters were disposed of. There has been a high disposal of Constitutional matters including those carried forward. A total of two hundred four (204) matters were completed.

TABLE 5

CATEGORY	BROUGHT FORWARD	REGISTERED	COMPLETED	PENDING
Constitutional Petitions	248	35	116	167
Constitutional Applications	167	36	88	115
TOTAL	415	71	204	282

Criminal Registry

The Criminal Registry at the Court of Appeal is headed by the Deputy Registrar H/W Bucyana Lillian. There are 12 staff in the registry. It has a challenge of inadequate space. The Registry has no archive with some of the completed files placed on the floor.

Criminal cases

During the calendar year 2021 the Court conducted three (3) out of station criminal sessions and four (4) in-house sessions at Kampala. The three (3) out of station sessions were conducted at Masaka, Jinja and

Mbarara. More than one hundred eighteen (118) criminal appeals were cause listed and the majority were completed. These sessions have greatly reduced criminal case backlog.

The previous year 2020, the Court only managed to go to Fort Portal and Lira for out of station sessions. We did not go to Mbale for a session due to resource constraints.

Conducting only three (3) Criminal sessions outside Kampala is a disservice to the people. As noted, the Court could not go to Mbale because of lack of funds. There is need to increase the funding so that more sessions are held in the regions outside Kampala.

TABLE 6

CATEGORY	BROUGHT FORWARD	REGISTERED	COMPLETED	PENDING
Criminal Appeals	3,328	307	254	3,381
Criminal Applications	142	112	33	221
TOTAL	3,470	419	287	3,602

Appellate Mediation Registry

The Appellate Mediation Registry at the Court of Appeal is headed by a Deputy Registrar H/W Dr. Alex Mushabe Karocho who is also the Private Legal Secretary to the Hon. The Deputy Chief Justice.

Hon. Justice Geoffrey Kiryabwire, JA/JCC is responsible for the implementation of the Appellate Mediation of the Court. The Registry has two (2) Clerical Officers who are assisted by the Process Servers from the Civil Registry.

Appellate Mediation

This is a case management initiative at Court of Appeal. The Registry in 2021 handled sixtytwo (62) Appellate Mediation cases and completed thirty three (33) matters. Of these mediations, twenty three (23) were

successful and ten (10) were not successful. This has helped to reduce on the Courts workload. Appellate mediation has also helped us to dispose of cases expeditiously.

TABLE 7

CATEGORY	BROUGHT FORWARD	REGISTERED	COMPLETED	PENDING
Appellate Mediations	19	43	33	29
TOTAL	19	43	33	29

PERFORMANCE OF THE COURT IN ALL CASE CATEGORIES FROM 01ST JANUARY 2021 TO 31ST DECEMBER 2021 IS AS FOLLOWS:

TABLE 8

CATEGORY	BROUGHT FORWARD	REGISTERED	COMPLETED	PENDING
Criminal Appeals	3,328	307	254	3,381
Criminal Applications	142	112	33	221
Election Petition Appeals	07	83	07	84
Constitutional Applications	167	36	88	115
Civil Appeals	1,921	417	173	2,164
Taxation Applications	63	78	35	106
Election Petition Applications	02	22	02	22
Civil Applications	1,372	408	186	1,593
Appellate Mediations	19	43	33	29
Constitutional Petition cases	248	35	117	166
Sub-total	7,269	1,541	928	7,882
Total	7,269	1,541	928	7,882

The Court had a significant case disposal for the year under review with an output of 928 matters despite the Covid-19 pandemic. A total of Seven thousand, eight hundred eighty two (7,882) cases were brought forward to 2022. Below is the performance of the Court in the previous two years.

**COURT OF APPEAL PERFORMANCE BY CASE CATEGORY
FROM 01ST JANUARY 2019 TO 31ST DECEMBER 2019**

TABLE 9

CATEGORY	BROUGHT FORWARD	REGISTERED	COMPLETED	PENDING
Criminal Appeals	3,630	406	623	3,413
Criminal Applications	69	239	186	122
Election Petition Appeals	10	02	04	08
Constitutional cases Applications	241	25	28	238
Civil Appeals	1,561	353	183	1,731
Taxation Applications	06	00	00	06
Election Petition Applications	05	06	04	07
Civil Applications	1,285	421	383	1,323
Appellate Mediations	62	86	75	73
Constitutional Petitions	319	37	76	280
Sub-total	7,188	1,575	1,562	7,201
Total	7,188	1,575	1,562	7,201

**COURT OF APPEAL PERFORMANCE BY CASE CATEGORY
FROM 01ST JANUARY 2020 TO 31ST DECEMBER 2020**

TABLE 10

CATEGORY	BROUGHT FORWARD	REGISTERED	COMPLETED	PENDING
Criminal Appeals	3,413	474	559	3,328
Criminal Applications	122	181	161	142
Election Petition Appeals	08	07	08	07
Constitutional cases Applications	238	22	93	167
Civil Appeals	1,731	358	168	1,921
Taxation Applications	06	66	09	63
Election Petition Applications	07	04	09	02
Civil Applications	1,323	365	311	1,377
Appellate Mediations	73	55	102	26
Constitutional Petitions	280	32	64	248
Sub-total	7,201	1,564	1,484	7,281
Total	7,201	1,564	1,484	7,281

The performance of the years 2019 and 2020 is higher than that of 2021. This is due to the fact that there was a lock-down in June and two Civil sessions and one Constitutional session were not done plus other applications.

BACKLOG

Despite the significant output the Court has backlog. Here below are the details of the backlog matters.

TABLE 11

CATEGORY	BACKLOG
Civil Appeals	1,417
Civil Applications	1,000
Constitutional Petitions	111
Constitutional Applications	67
Election Petition Applications	1
Election Petition Appeals	-
Criminal Appeals	2,613
Criminal Applications	3
Total	5,212

There are 5212 cases categorized as backlog in 2021.

Achievements

1. Significant Case disposal

Despite the huge workload, a significant number of cases, that is nine hundred twenty cases (920) were completed.

2. Online handling of Cases

The Court was able to handle many hearings online using zoom. In the upcountry criminal sessions the Hon. The Deputy Chief Justice and Justices would visit prison to explain to the stakeholders how the Court was going to operate. The justices would then go to Court.

The prisoners would stay in prison. Matters would then be heard virtually using zoom technology. Judgments were also delivered on line using zoom.

3. Justices Weekly Meetings

The Court has continued to hold its weekly meetings virtually on zoom. The on line meetings take lesser time as compared to physical meetings. There is improved attendance of these meetings as the Justices do not need to be physically at the Court so as to attend.

4. Strengthening of the Appellate Mediation Registry

Appellate Mediation Registry has been strengthened. Posters have been printed, displayed and distributed to court users. During conferencing the advocates and litigants are sensitized about appellate mediation and some opt for mediation at that stage.

5. Prioritising Anti-corruption and Constitutional cases

Hearing of these cases has been given priority. They have drastically reduced in numbers. The Court now has thirty five (35) Anti-corruption Criminal Appeals pending and Seven (7) Constitutional references pending.

Constitutional matters were all scheduled before the Justices and parties withdrew those that were no-longer interested in. This drastically reduced the workload.

6. Uploading and Printing Court Judgements

The Court in addition to posting all its decisions on ULII printed its own Election Petition Judgements and availed two volumes of the books containing the Judgements to Justices of the Court of Appeal and Judges of the High Court. We need to keep on printing materials on

decided cases in Court of Appeal. This will help those who have no access to the internet to get these Judgements in printed form.

CHALLENGES

The Court encountered various challenges, these were:-

1. COVID – 19 lockdown

Three (3) planned sessions, one (1) for Constitutional Petitions and two (2) for Civil matters scheduled for June, 2021 did not take off. One (1) Criminal session was not completed.

2. Missing records from the lower Courts

Criminal records from some of the Divisions and Circuits have not been provided. This has also led to the huge backlog in Criminal Appeals.

3. Infrastructure

The Court is renting three (3) floors at Twed Towers. The space is insufficient for court halls and archives. We await the new home for the Court that is being constructed.

The premises and lifts are also shared with businessmen and women renting the same premises and their clients. Convicted criminals pursuing their appeals use the same lifts. This compromises the safety of Justices and Court users.

4. Funding

Despite the good performance of the Court and the huge staff the Court is underfunded. More funds need to be provided for in-house sessions and external sessions.

5. Transport

The Court has one van and motorcycle. The Court is faced with a challenge of lack of transport especially motorcycles for service of Court process and staff vans. This has made service of Court process difficult. We need a motorcycle per registry. Staff without private transport also find it difficult to access the Court.

6. Staffing

There is a policy to increase Justices and also set-up Regional Courts. We are waiting for its implementation so that the volume of work is ably handled.

7. Lack of staff training

The staff were trained once in ECCMIS. There is need to carry out more training of support staff especially in customer care and data management to make them more efficient.

8. Congestion of the Criminal Registry and Civil Registry

These registries are congested. Reorganization has taken place and boxes purchased to put in files but we need more shelves.

9. Need for Legal framework on Appellate Mediation

There is need for rules specifically for Appellate Mediation to guide the process and enhance output. There is also need to sensitize the stakeholders especially advocates to embrace Appellate Mediation.

RECOMMENDATIONS

1. The policy to increase Justices and start regional Courts of Appeal needs to be implemented soon. This will enhance the disposal of cases and reduce on backlog.

2. **Funding;** More funds should be availed for in-house and up-country sessions. This will increase output. The Court's in-house and outside sessions require adequate funding.
3. **Appellate Mediation;** The Court intends to use more Appellate Mediation to increase performance. This calls for more resource allocation.

CONCLUSION

It is imperative that the Court should be sufficiently and effectively funded to enable it fulfil its mandate.

Best wishes to all of you during this new year.

Richard Buteera
DEPUTY CHIEF JUSTICE