



**PRESENTATION ON THE PERFORMANCE OF THE  
SUPREME COURT OF UGANDA MADE**

**TO THE 23<sup>RD</sup> ANNUAL JUDGES CONFERENCE AT  
MESTIL HOTEL, KAMPALA**

**31<sup>ST</sup> JANUARY- 3<sup>RD</sup> FEBRUARY, 2022**

**BY**

**HON LADY JUSTICE STELLA ARACH-AMOKO  
JUSTICE OF THE SUPREME COURT**

## **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 established under Article 129(a) of the Constitution. Articles 130 to 132 of the Constitution define its task, composition and jurisdiction. As the final appellate court in Uganda, the Supreme Court has appellate jurisdiction to hear and determine appeals from the Court of Appeal and the Constitutional Court. Likewise, under Article 104 of the Constitution, it is clothed with exclusive original jurisdiction to hear and determine matters challenging a presidential election.

## **COMPOSITION OF THE SUPREME COURT**

The Supreme Court which is headed by the Hon. Chief Justice has only 9 Justices currently:

1. The Hon the Chief Justice, Hon. Justice Owiny Dollo
2. Hon Lady Justice Dr. Esther. K. Kisaakye, JSC
3. Hon Lady Justice Stella- Arach Amoko, JSC
4. Hon Mr. Justice Ruby Opio Aweri, JSC

5. Hon Lady Justice Faith Mwendha, JSC
  6. Hon Lady Justice Prof Lillian Tibatemwa - Ekirikubinza, JSC
  7. Hon Mr. Justice Ezekiel Muhanguzi, JSC
  8. Hon Lady. Justice Percy Night Tuhaise, JSC
  9. Hon Mr. Justice Mike Chibita, JSC
- Hon. Justice Paul Mugamba retired on 31<sup>st</sup> December, 2021.

### **OTHER STAFF**

The other members of staff are the Registrar, H/W Harriet N. Ssali, Deputy Registrar, H/W Babirye Mary, the Office Supervisor, the Information Communication Technology staff, the Librarians, Accounts staff, Clerical Officers, Secretaries, Research officers, Process Servers, Office Attendants, Drivers, Guards and Bodyguards attached to the Justices.

### **COMMITTEES**

The Court has a finance committee. The Finance Sub-Committee oversees the proper management of the monthly release and ensures that it is spent properly.

### **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 and Court vacation of 31<sup>st</sup> July to 1<sup>st</sup> September and 23<sup>rd</sup> December to 7<sup>th</sup> January of the following year. The calendar serves as a guide on the planned activities and the dates for court sessions. Certain ad hoc and urgent matters may be disposed of by the Court outside its Calendar of activities.

### **COVID-19 PANDEMIC**

The court activities were affected by the Covid-19 pandemic which scaled down the court operations and resulted in adopting a number of restrictions and modalities to curb the spread of the

virus for the safety of the public and staff but yet ensuring continued access to Justice.

These included among others:

- Testing and vaccination of all judicial officers and court staff at the Supreme Court.
- All Justices and staff were directed to work from home except for those on duty.
- Duty schedules were adopted by the Justices. There was always a Judge on duty to handle the urgent matters.
- Standard Operating Procedures such as masks, social distance in Court, sanitizers and sanitizing court documents.
- Use of non-contact media such as e-filing, emailing rulings/ Judgments to counsel and enhanced use of virtual court sessions especially criminal sessions.
- Some Court sessions such as the Presidential petition, constitutional and civil sessions were heard in the court compound under a tent and a limited number of people were allowed to attend the session thus minimizing close physical interactions.

## **COURT PERFORMANCE**

### **THE 2021 PRESIDENTIAL ELECTIONS PETITION:**

In December, 2020 JTI organised a judicial symposium for the Supreme Court Justices on Presidential election petitions in preparation for the Presidential election held last year in January.

Indeed on 1<sup>st</sup> February, 2021 petition No.1 of 2021 challenging the election of the incumbent was filed namely; Kyagulanyi Ssentamu Robert v Yoweri Kaguta Museveni & 2 Ors. Arising from the petition, a number of applications were filed namely; Misc Application No.1 of 2021 for leave to amend the petition; Misc Application No.2/21 for amicus curie but the same was withdrawn; Misc Application No.3/21 for recusal of the Chief Justice; Misc Application No.4/21 for extension of time to file additional evidence; Misc Application No. 5/21 for leave to withdraw the petition and Misc Application No.6/21 for stay of proceedings in the petition. Most of the applications were unsuccessful for the reasons given by Court on 18<sup>th</sup> March, 2021. However, the application for withdrawal of the petition was granted. The incumbent was declared dully elected as President and each party was to bear its own costs.

### **The Coram:**

The Coram comprised of: the Hon. Chief Justice, Hon. Justice Owiny Dollo; Hon. Justices; Dr. Esther. K. Kisaakye; Stella Arach-Amoko; Ruby Opio Aweri; Faith Mwondha; Paul Mugamba; Ezekiel Muhanguzi; Percy Night Tuhaise, and Mike Chibita; JSC





Despite the challenges faced such as Covid 19, limited equipment such as Photocopiers which could not be procured and disbursements of insufficient funds which affected court operations among others, the Petition was disposed of within 45 days as required under Article 104 of the Constitution.

### **WORK HANDLED BY THE SUPREME COURT IN 2021**

The Court conducted the following sessions in the year 2021:

SESSION	DATES HELD	NO. OF CASES HEARD
Criminal Appeals/Applications	Jan-March 2021	15
Constitutional/Civil Appeals/Applications	Jan-March 2021	5
Presidential Election Petition/Applications	Jan-March 2021	6
Criminal Appeals/Applications	April-June 2021	22
Civil Appeals/Applications	April-June 2021	12
Criminal Appeals/Applications	July-September 2021	19
Civil Appeals/Applications	July-September 2021	5
Criminal Appeals/Applications	Oct-December 2021	19
Civil Appeals/Applications	Oct-December 2021	23
<b>TOTAL</b>		<b>126</b>

- It should be noted that the Presidential Election Petition affected hearing of Civil Appeals between January and March 2021 at the Supreme Court.

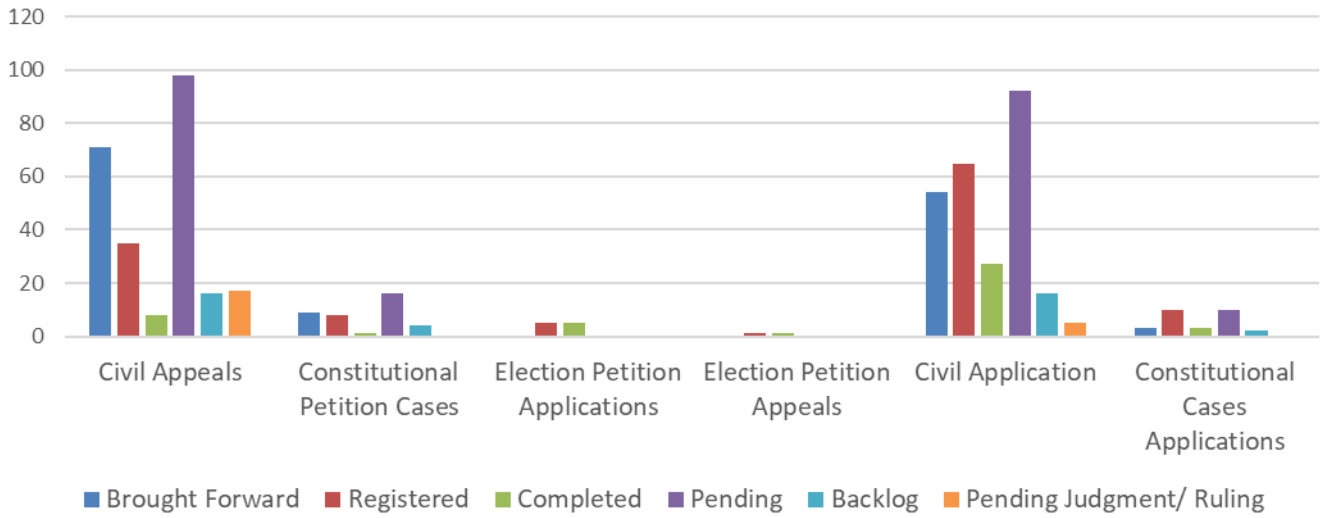
The detailed status report as at 31<sup>st</sup> December, 2021 is as follows:

**SUPREME COURT OF UGANDA  
STATUS REPORT AS AT 31<sup>ST</sup> DECEMBER, 2021**

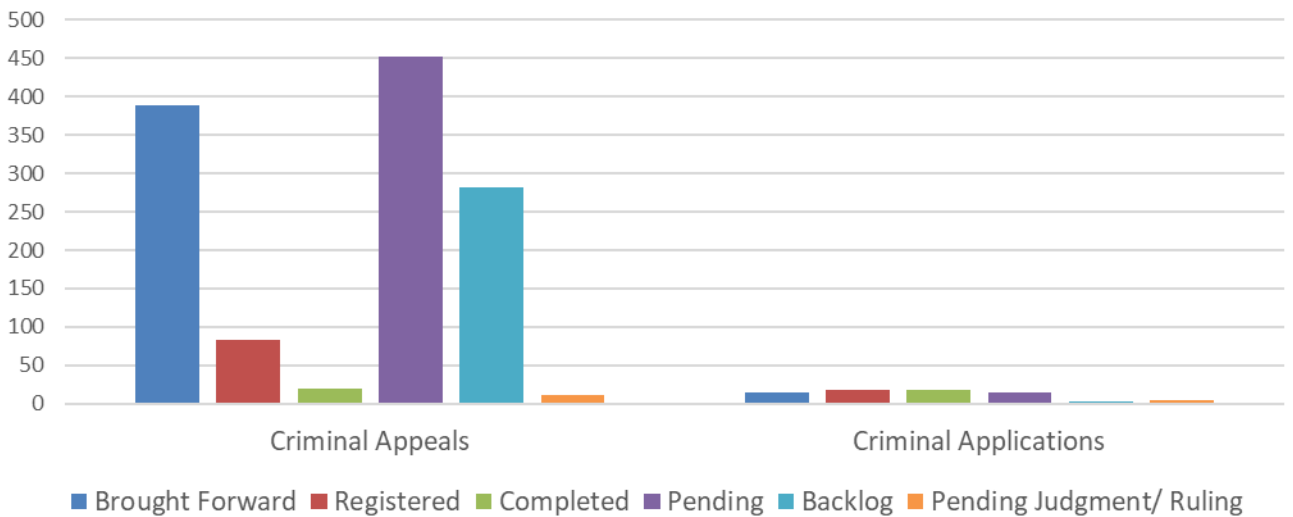
<b>Case Category</b>	<b>Brought Forward</b>	<b>Registered</b>	<b>Completed</b>	<b>Pending</b>	<b>Backlog</b>	<b>Pending Judgment/Ruling</b>
<b>Civil Appeals</b>	71	35	8	98	16	17
<b>Constitutional Petition Cases</b>	9	8	1	16	4	4
<b>Election Petition Applications</b>	0	5	5	0	0	0
<b>Election Petition Appeals</b>	0	1	1	0	0	0
<b>Civil Applications</b>	54	65	27	92	16	22
<b>Constitutional Cases Applications</b>	3	10	3	10	2	0
<b>Criminal Appeals</b>	388	83	19	452	281	23
<b>Criminal Applications</b>	15	18	18	15	3	5
<b>Total</b>	<b>540</b>	<b>225</b>	<b>82</b>	<b>683</b>	<b>322</b>	<b>71</b>



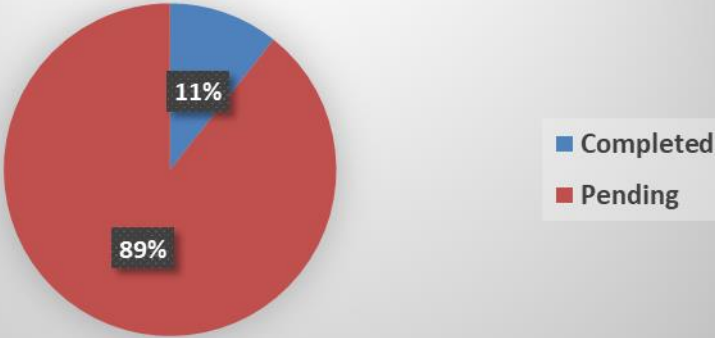
### Civil/ Constitutional



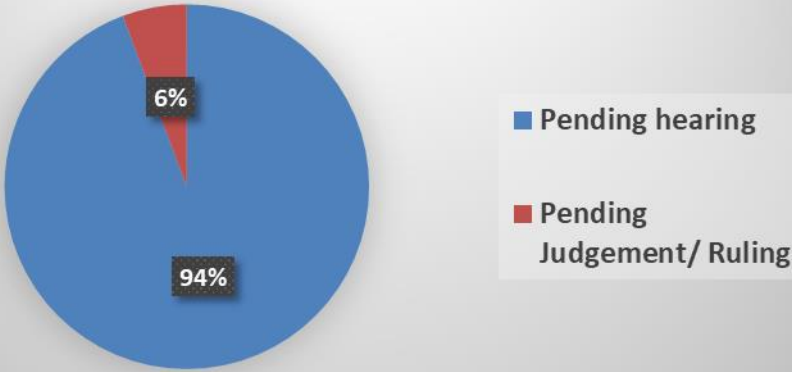
### Criminal Appeals/ Applications



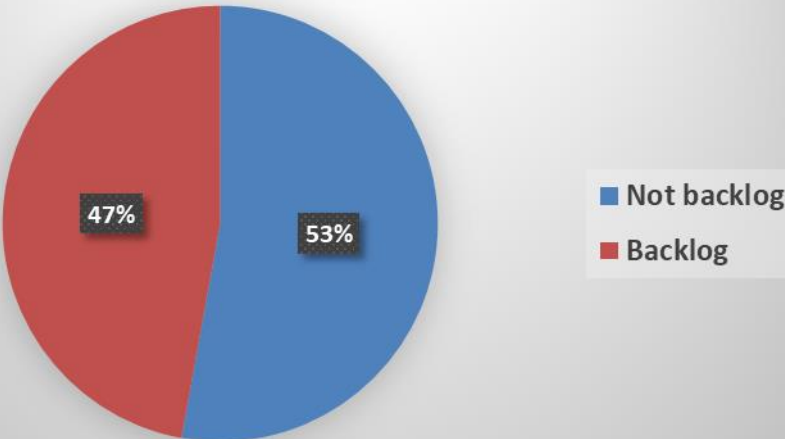
### Total no. of cases vs Completed cases-2021



### Pending hearing vs Pending Judgement/ Ruling-2021



### Pending vs backlog cases-2021



**CRIMINAL APPEALS PENDING RECORDS OF APPEAL AS AT 31<sup>st</sup>  
DECEMBER, 2021**

<b>NOTICES OF APPEAL FILED AND PENDING RECORDS OF APPEAL; B/F FROM 2010</b>	<b>NUMBER</b>
2010	13
2011	10
2012	03
2013	00
2014	07
2015	09
2016	11
2017	19
2018	47
2019	48
2020	51
2021	49
<b>TOTAL</b>	<b>267</b>

**Backlog Status**

The backlog of cases was mainly caused by the Covid 19 pandemic, retirement of Justices and lack of Coram since some of the Justices had handled some of the matters in the lower court. Nevertheless, 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**

### **Conduct of court matters**

The court has both the civil and criminal registry. The cases are handled in sessions as planned in the annual calendar except for matters of urgency and interim applications heard by a single judge. The files are availed to the Justices a week before the start of each session to enable them peruse the files. The parties must have filed written submissions before the hearing in accordance with the schedule given at the pre-hearing conference. Failure to adhere to the court directives may lead to dismissal in the absence of a plausible explanation. An example is the recent case of Ssemakula Grace v Uganda. No.74 of 2019 where court dismissed his case for failure to follow the court directive.

At the hearing, counsel may make highlights and/or rectify some documents and then judgment is reserved on notice. Justices have the responsibility of drafting Judgments/Rulings and a monthly status report is circulated to monitor the progress of the cases pending Judgment/Ruling. After the delivery of a Judgment/Ruling, it is uploaded online by the ICT department.

### **Facilitation of Advocates to visit Appellants**

In criminal matters, Advocates assigned state briefs are paid allowances of 1,000,000/= per litigant by the court to visit appellants in prison for briefing and prepare their appeals before the session date and represent them in Court.

## **COURT ACTIVITIES**

### **Court Registry and Archives**

#### **Evolve**

Evolve Foundation for International Legal Assistance is a UK non-Government Organisation that has been assisting the Supreme Court with organizing the Registry and Archives.

Last year, with the help of the Evolve team, case file management in our registry was improved. The court registry is now better organised. Files have been organised from the stage of filing to the level of completion and archiving of a file. This has enabled easy retrieval and progress of cases. But we still lack shelves in the archive. We have requested for a long time without success.

### **Weekly Meetings**

The Court meets weekly every Tuesdays to review our case status and discuss matters to do with the administration of the court generally.

### **Training (ECMIS)**

As part of case management, in August last year, the Justices, Registrars, clerks and research officers were trained on the use of Electronic Case Management Information System (ECMIS) as a means of easy handling of a case. The system will enable analysis of data from the case tracking system and increase the speed of case resolution and reduce case backlog. It is yet to be implemented.

## **CHALLENGES FACED**

The Supreme Court like any other court, does face challenges in the course of its operations. These challenges are not new but ought to be addressed. Below are some of the salient challenges faced.

**Shortage of judges.** Court is not operating at 100% due to shortage of judges. A number of Justices have since retired which reduces the number of justices. In addition, considering that some of the justices were on Coram in the lower court, it poses an issue of lack of coram and this hinders performance. Presently we have a Justice on sick leave, one already retired in December last year and another Justice is about to retire in February this year.

**Rented Premises.** The premises pose hardships to smooth running of court operations. For instance, the Registries have limited spaces, there is hardly room reserved to serve as Archive for completed files. There are no ramps and lifts for physically challenged and disabled persons. The premises undergo frequent renovations and this inconveniences Justices and court operations. The lawyers have no common room or robing room.

**Delay in Receiving Lower Court Records** affects the disposal of cases and leads to backlog. The Court of Appeal has been engaged on this. A total of 267 criminal appeals are pending for lack of the record of appeals.

**Unprepared Advocates** who often come to court without adequate preparation and as a result they do not present their clients' cases satisfactorily and do not follow the courts' practice directions on format of submissions.

**Inadequate Funding.** The funds provided for running the operations of the court are still inadequate which leads to failure to complete given tasks.

**Office equipment and requirements** such as old and slow computers, limited photocopying machines with insufficient toner yet a lot of work requires such services, poor recording and transcription facilities among others results in slow completion of work which affects the effective performance of court. Lack of furniture caused by very slow procurement process at the High Court.

**Lack of transport for staff and process services.** This has affected the efficiency of the Registry as the court is out of town and transportation is expensive. On average a member of staff needs 20,000/= a day for transportation which is 100,000/= a week. This is without lunch.

The van shared with the Anti-Corruption Division is not efficient and sufficient for the Supreme Court staff.

**Archives.** The registry lacks shelves for archived files. They are in boxes.

## **STATUS FROM PREVIOUS AJCs**

Despite the above challenges and more, there has been some positive intervention. These include:

- Staffing. Registrars, Secretaries, court clerks and office attendants have been recruited.
- Reference materials. The library has been stocked with new texts and reference materials although this is not yet sufficient.
- Power outages are now minimal.
- Most of the Justices chambers have been moderately furnished.
- Intercom has been installed.

## **WAY FORWARD**

- This year the court plans to deliver all pending judgments as soon as possible. We Plan to conduct at least one criminal session, 1 Constitutional and Civil sessions each quarter, before the end of the year.
- The vacancies should be filled and the number of Justices of the Supreme Court should be increased for quick disposal of cases.
- The Registrars of the Supreme Court and the Court of Appeal together with the Commissioner General of Prisons will continue to liaise on criminal appeals where Notices of Appeal have been filed to ensure that the court records are updated and the records of appeal are brought to the Supreme Court without delay.

- Registrars should be given more powers to assist in expeditious disposal of cases under the case management practices. They should be able to dispose of all preliminary steps.
- The Supreme Court needs a standby vehicle for Justices in case their vehicles breakdown.
- There is need to provide adequate and modern equipment to facilitate and speed up court operations.
- There is need to motivate and increase the competence of Staff through promotions and periodic skills training.
- Funding of the Supreme Court should be increased to meet the Court operations and welfare of both the Justices and staff.
- The Data centre should rectify and service inefficient printers and computers and increase the internet bandwidth.
- A performance management committee should be set up to monitor and enhance court performance.
- Lastly and most importantly, JTI should organise an induction for the Justices of the Supreme Court. None of us has been inducted. This will address issues such as collegiality and dissenting Judgments among others.

## **CONCLUSION**

I wish to conclude by thanking the Hon. the Chief Justice for ably steering the Court's business during the year under review. This is over and above his other extremely demanding administrative responsibilities in the Judiciary as a whole.

I thank the Secretary to the Judiciary for his administrative support.

I thank my colleagues for their continued cooperation.



I also thank the registrars and other staff of the Court for their tireless contribution to the achievement of the court success during 2021.

Lastly, I look forward to high level of cooperation and efficiency in achieving better results this year.

I thank the organisers of the Conference for organising the Conference and for giving me the opportunity to present this Report.

Hon. Justice M.S Arach-Amoko, JSC