



COURTS OF JUDICATURE

# **CONSENSUS BUILDING WORKSHOP ON DRAFT PLEA BARGAIN GUIDELINES**

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**REMARKS BY THE HON. THE PRINCIPAL JUDGE,  
HON. JUSTICE DR. YOROKAMU BAMWINE,  
AT KABIRA COUNTRY CLUB  
FRIDAY 29<sup>TH</sup> AUGUST 2014**

Your Lordships

Your Worships

Distinguished Participants

Ladies and Gentlemen

1. We last had a sensitisation meeting on our draft plea bargain guidelines on May 13, 2014. At that meeting it was agreed that pilot plea bargain sessions be held in Nakawa High court Circuit and thereafter hold a consensus building workshop to discuss the reports arising out of the pilot sessions with a view to determining the way forward.
2. I am happy to report that plea bargain sessions were indeed held in the Nakawa High Court Circuit. – Andrew will give us major highlights of that exercise. Even then I am sure each Judge who participated in the exercise has a story to tell. I congratulate their Lordships upon successful completion of those sessions.
3. In the course of time a team drawn from the membership of this Committee travelled to

California, USA, on a field study tour. Before the team wound up its tour, we sat down with our hosts and looked at our draft guidelines, paragraph by paragraph. We shall forever be eternally grateful to Pepperdine University courtesy of Jim Gash for their hospitality and useful guidance in shaping our Draft. Our task now is to polish it up in readiness for submission to the Rules Committee for their appropriate action.

4. My Lords, the situation on the ground as regards workload is alarming. By the beginning of this month Jinja area alone boasted of over 800 committed cases and Mbarara Circuit too. Other circuits are not any better. Something must be done and we are the people to do it.
5. Plea bargain is one of our reform strategies to improve performance in our sector. The beauty of it is that even the prosecution has embraced it. We are yet to get words of discouragement from the Executive or public. Transformation of our justice system must be through judicial reform. We are the people to champion that transformation.

6. In-mates in prisons are yearning for justice and so are their relatives and friends. We must approach reforms with a purpose. The current initiative is mainly to de-congest prisons and make it possible for suspects who what to plead guilty do so at the earliest opportunity. We should of course not lose sight of the fact that even those who do not plead guilty deserve justice being administered to them also at the earliest opportunity. Otherwise we shall be accused of selective application of the law.

7. Together we can enable the accused and the prosecution in consultation with the victim to reach an amicable agreement on an appropriate sentence; facilitate reduction in case backlog and prison congestion and enhance public confidence in the administration of justice.

On this note, I extend to you my best wishes for a fruitful half-day workshop and declare it open.