



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

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

**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 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**

Under the Judicature (Amendment) Act 2007, the Supreme Court is fully constituted by 11 Justices headed by the Hon the Chief Justice. Currently the full membership comprises the following Justices:

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 Mwondha, 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**

The other members of staff are the Deputy Registrar, H/W Godfrey Opifeni, 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.

### **JURISDICTION OF THE SUPREME COURT**

Article 132 of the Constitution provides for the jurisdiction of the Supreme Court. It enacts that:

*“(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)**

The composition of the Court for business is spelt out under Article 131 of the Constitution. The article provides that:

*“(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**

The Court has two committees, namely, the Finance and Peers Committees. The Finance sub-Committee oversees the proper management of the monthly release and ensures that it is spent properly. The Peers Committee ensures observance of ethical standards by members of the Court. It has been dormant of late.

## **THE COURT VACATION**

The court vacation for the Supreme Court 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**

At the end of each hearing of the Supreme Court, a decision is delivered in form of a Judgment or Ruling, depending on whether the matter heard was an appeal, petition or application. 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 by the Supreme Court in 2018**

The Court conducted the following sessions in the year 2018:

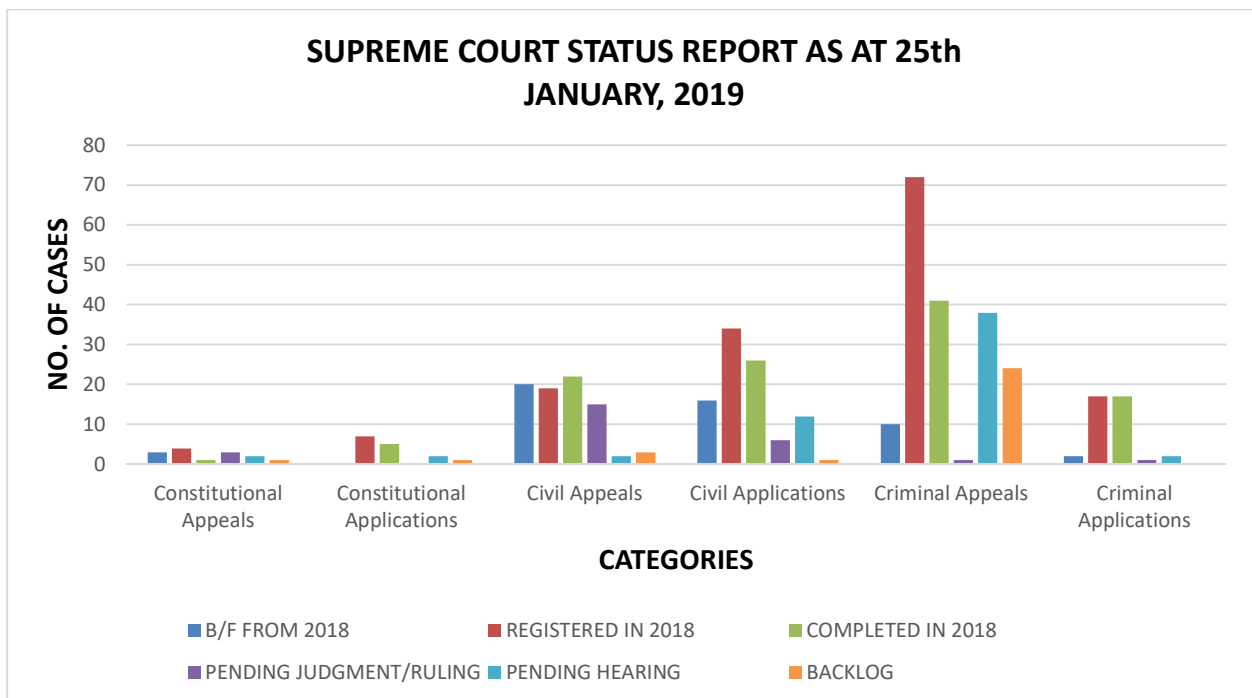
Session	Dates held	No. of cases heard
Criminal Appeals/Applications	6 <sup>th</sup> -22 <sup>nd</sup> Feb 2018	18
Constitutional/Civil Appeals/Applications	8 <sup>th</sup> -31 <sup>st</sup> May 2018	25
Criminal Appeals/Applications	17 <sup>th</sup> -31 July 2018	13
Civil Appeals/Applications	18 <sup>th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

The detailed status report as at 25<sup>th</sup> January, 2019 is as follows:

**SUPREME COURT OF UGANDA  
STATUS REPORT AS AT 25<sup>th</sup> 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>



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

By backlog is meant the number of matters pending in the system for over two years without being heard. As was reported to this conference last year, 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 East African Court of Justice.

### **Annual Calendar System**

The Registrar of the Supreme Court prepares an Annual Calendar of court activities in consultation with the Justices of the Supreme Court at the end of every preceding year. The calendar enables court to plan a year's work in advance and serves as a guide on the dates for court sessions.

### **Sessions**

The court handles its work in sessions that are planned before hand at the beginning of the year according to the Calendar of Activities drawn by the Registrar at the beginning of each year.

### **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 in criminal appeals.

### **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). After the hearing the Justice drafts the Judgment 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.)

### **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. They are generated from the registry data base and contain information on the various categories of appeals and applications such as the current appeals, number of appeals and applications disposed of, those pending judgment and rulings and whether these are before a single Justice or full bench. They serve as case management and appeal tracking tools and are useful for planning.



## **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**

The Supreme Court like any other court, does face challenges in the course of its operations. Below are some of the salient challenges faced.

### **Rented Premises**

The court is housed in rented premises and as such, its tailored structures 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.

### **Delay in Receiving Lower Court Records**

As at 31<sup>st</sup> December 2018, there were 264 Notices of Appeal filed at the Supreme Court in criminal appeals. Out of these notices, only 32 records of appeal have been submitted to the Supreme Court from the Court of Appeal leaving 232 notices without records of appeal. Records show that the Deputy Registrar has written to the Registrar of the Court of Appeal several times requesting for the records but no action has been taken yet.

The Deputy Registrar has also written to the Commissioner of Prisons following up on the released inmates whose cases are pending hearing before court in order to update the records.

### **Absence of Holding Cell for Prisoners**

The Supreme Court has no cells for holding prisoners who are brought to court. During sessions, they sit with members of the

public and this poses security threats to Justices, court staff, court users and Prison personnel.

### **Unprepared Advocates**

Many Advocates especially the fresh graduates are not familiar with Supreme Court practice. They often come to court without adequate preparation and as a result they do not present their clients' cases satisfactorily.

### **Inadequate Funding**

The Supreme Court is the Highest Court in the land. The funding for the Court's operation is inadequate. The funding for imprest and refreshment to the Justices keeps fluctuating yet the volume of work keeps increasing.

Due to lack of funds, decisions/judgments of the Supreme Court are not adequately disseminated to lower courts, Judges, Chief magistrates and Magistrates grade one, Judiciary law reporting officer, LDC, Advocates and other interested persons. The Court used to bind its decisions yearly and distribute copies to Judges during the Annual Judges Conference and other courts and stakeholders. But that stopped long ago.

### **Inadequate State brief fees**

The amount of state brief fees paid to Lawyers is discouragingly inadequate, ranging between 150,000/= and 500,000/= depending on the number of the appellants and the complexity of the case. This amount does not attract experienced Advocates to take on state briefs and as a result the legal representation is ineffective in most cases.

### **Lack of Reference Materials**

The Court does not have up-to-date reference materials. The majority of materials used for reference are outdated and are not commensurate with the status of the Supreme Court. I do not recall

when the library was stocked with new texts and reference materials.

### **Inefficient Computers**

Most of the computers are old and very slow and do not match the workload we have at Supreme Court. This reduces the progress of Court work.

### **Frequent Power outages**

The Court experiences frequent power outages, both from the Umeme grid when power surges and because the standby generator consumes a lot of diesel which is not always readily available due to inadequate funding of the Supreme Court.

### **Inadequate Staffing**

This Court lacks enough support staff such as one substantive Registrar, three Secretaries (For Hon. Justice Arach-Amoko, Registrar and Deputy Registrar), three Office Attendants (For Hon. Justice Tibatemwa, the Registrar and Deputy Registrar)

### **Untrained and demotivated staff**

Yields below optimum productivity. The Supreme Court is described as a “dry Court” by support staff who always dodge any deployment to this Court. A case in point is my secretary who found her way to Nakawa High Court through the officers responsible for deployment. The absence of a Registrar at the Court also speaks volumes of the integrity of staff we have in the Judiciary.

### **Poor remuneration**

The remuneration of the support staff such as the Research Assistants is low. This impacts on the quality of human resource and productivity.

### **Incomplete Furnishing of chambers**

Furnishing in certain chambers such as the chambers of the newly appointed Justices is still incomplete to date.

### **Funds on phones not deposited**

The purported funds which are supposed to be deposited on the learned Justices phones for communication are not actually deposited.

### **Lack of Public transport for support staff**

This court has no public transport for the support staff and this leads to late coming, slowdown in court work and frequent absenteeism by staff.

### **Slow and Intermittent internet network**

The innovation of internet has come with its benefits such as access to information. For these gains to be optimally reaped, the services have to run without too much interruption and delay. The internet service to the court is not only slow but also intermittent/unstable and as a result, exchange of information and legal research is hampered in the face of insufficient funds.

## **STRATEGIES FOR TACKLING BACKLOG**

The court plans to organise 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 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 for further action.
- 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 upon delivery of Judgments.
- The Supreme Court needs a standby vehicle for Justices in case their vehicles breakdown and another pool vehicle to transport the support staff. We need a motorcycle for process servers and communication with the High Court.
- 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, matters concerning integrity issues, code of conduct and ethics for Uganda public servants as well as customer care.
- 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. 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 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.

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

I thank you for listening to me.

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

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