

PERFORMANCE OF THE SUPREME COURT OF UGANDA (2023 Law Year)

BY
JUSTICE PROF. LILIAN TIBATEMWA- EKIRIKUBINZA (Ph.D) (LL.D (Honoris Causa))
JUSTICE OF THE SUPREME COURT

PROTOCOL

- ▶ The Hon. The Chief Justice
- ▶ The Hon. The Deputy 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 Chairperson Judicial Training Institute
- ▶ The Executive Director Judicial Training Institute
- ▶ The Hon. Director of Public Prosecutions
- ▶ Your Worship the Chief Registrar
- ▶ The Secretary to the Judiciary
- ▶ Your Worships the Registrars and Magistrates
- ▶ Distinguished invited Guests and Participants

I wish you all a Happy New Year 2024!

Introduction

- ▶ The Supreme Court is established under Article 129(a) of the 1995 Constitution of the Republic of Uganda.
- ▶ The composition of the Court is outlined under Articles 130 and 131 of the Constitution.
- ▶ The jurisdiction of the Court is provided for under Articles 132 and 104 and other related laws

Jurisdiction

- ▶ The court of first instance and indeed the final court in Presidential Election matters.
- ▶ A first appellate court in constitutional matters
- ▶ A second appellate court in criminal and civil matters,
- ▶ A third appellate court in criminal and civil matters: where the intended appeal concerns a matter of law of great public importance or a matter of law of general importance.
- ▶ The Supreme Court is the final Court of Appeal in Uganda.

CURRENT COMPOSITION OF THE SUPREME COURT

- i. The Hon the Chief Justice, Hon. Justice Alfonse C. Owiny-Dollo
- ii. Hon Lady Justice Dr. Esther. K. Kisaakye, JSC
- iii. Hon Lady Justice Faith Mwendha, JSC
- iv. Hon Lady Justice Prof. Dr. Lillian Tibatemwa - Ekirikubinza, JSC
- v. Hon Lady. Justice Percy Night Tuhaise, JSC
- vi. Hon Mr. Justice Mike Chibita, JSC
- vii. Hon Lady Justice Elizabeth Musoke, JSC
- viii. Hon Mr. Justice Stephen Musota, JSC
- ix. Hon Mr. Justice Christopher Madrama, JSC

CURRENT COMPOSITION OF THE SUPREME COURT...

- ▶ We eagerly await for two justices
- ▶ Hon. Lady Justice Catherine K. Bamugemereire and
- ▶ Hon. Lady Justice Monica Kalegyira Mugenyi.

We warmly welcome them!

THE DEMISE OF JUSTICE ARACH

- ▶ On a sad note, I must report the death of the Hon. Lady Justice Stella Arach Amoko who died in June 2023.
- ▶ Was due to retire this year (2024). We will continue to celebrate her contribution to Justice right from her appointment as a State Attorney in the Ministry of Justice.
 - ▶ *May we observe a moment of silence in remembrance of the late Hon. Lady Justice Stella Arach Amoko.*
 - ▶ *May her soul rest in eternal peace.*



OTHER STAFF

- ▶ The Registrar, Her Worship Harriet N. Ssali, Deputy Registrar, Her Worship Babirye Mary and 9 Grade 1 Magistrates who serve as Research Officers at the Court.
- ▶ The Court is also served by non-judicial officers - the Office Supervisor, the Information Communication Technology Staff, Librarians, Accounts Staff, Clerical Officers, Secretaries, Process Servers, Office Attendants, Drivers, Guards and Bodyguards attached to the Justices.

THE COURT'S ACTIVITIES.

- ▶ The Court calendar recognises two court vacations:
- ▶ 1st August to 31st August
- ▶ 23rd December to 7th January of the following year.

- ▶ But urgent matters may be disposed of by the Court outside its Calendar of activities.

SESSIONS HANDLED-HEARINGS

SESSION	DATES HELD	NO. OF CASES HEARD
Civil Appeals session	January 2023	13
Civil Appeals session	March 2023	17
Criminal Appeals Session	April 2023	28
Civil Appeals session	May 2023	19
Criminal Appeals session	May 2023	28
Criminal Appeals session	November 2023	19
Civil Appeals session	September 2023	28
TOTAL		152

SESSIONS HANDLED-PRE-HEARINGS

As part of case management we also hold pre hearings

SESSION	DATES HELD	NO. OF CASES HANDLED
Criminal Appeals pre-hearing	June 2023	50
Criminal Appeals pre-hearing	June 2023	50
Criminal Appeals pre-hearing	September 2023	25
Criminal Appeals pre-hearing	September 2023	28
Civil Appeals pre-hearing	December 2023	20
Criminal Appeals pre-hearing	December 2023	25
TOTAL		198

Status of 2023 Law Year

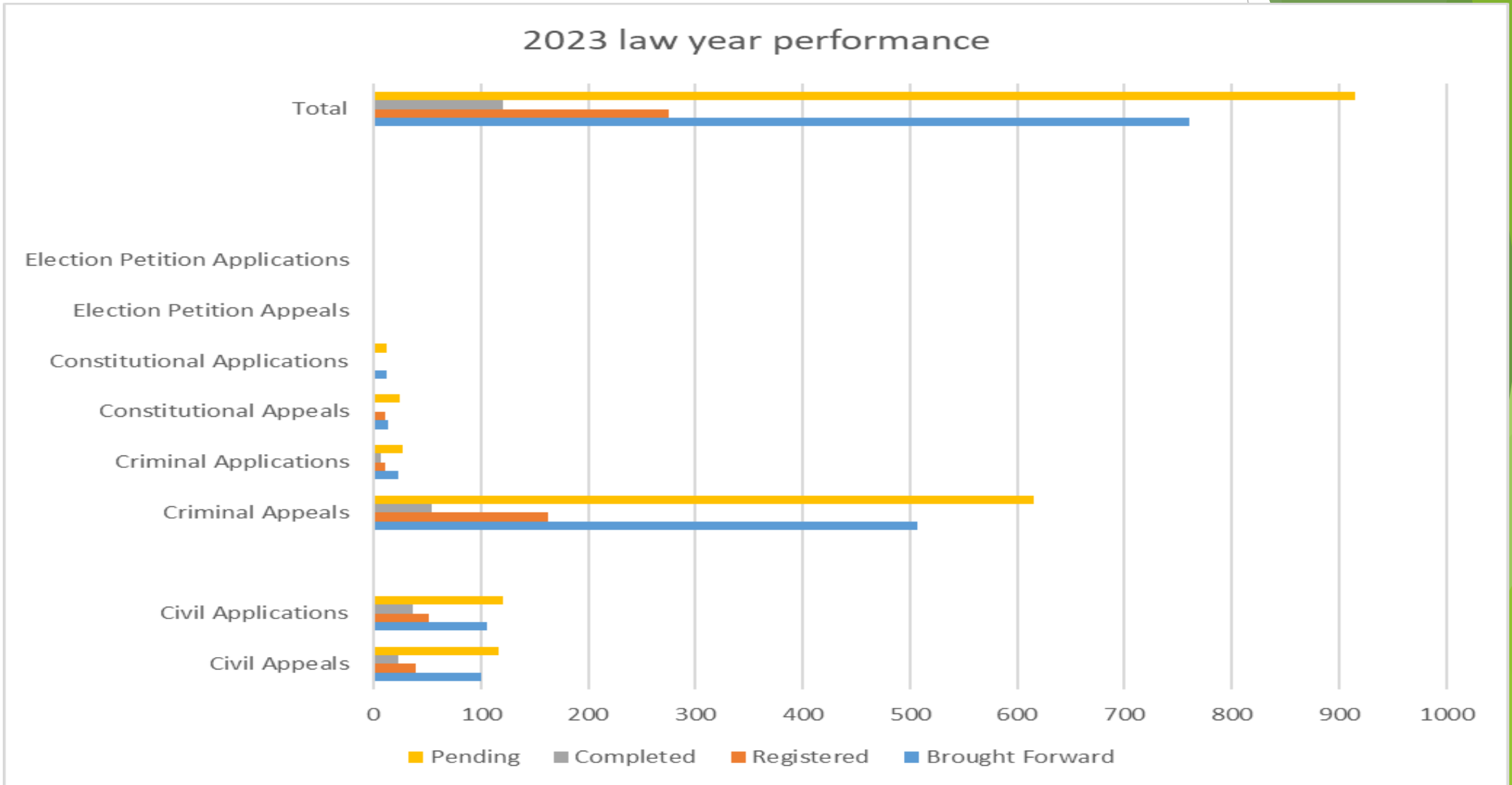
Detailed status of 2023 law year

Case Category	Brought Forward	Registered	Completed	Pending
Civil Appeals	100	39	23	116
Civil Applications	105	52	36	121
Criminal Appeals	507	162	54	615
Criminal Applications	23	11	7	27
Constitutional Appeals	13	11	0	24
Constitutional Applications	12	0	0	12
Election Petition Appeals	0	0	0	0
Election Petition Applications	0	0	0	0
Total	760	275	120	915

5-Feb-24

12

Performance summary



NOTE

- ▶ The biggest number of appeals are criminal matters
- ▶ The Court was not able to deal with Constitutional Appeals because of the lack of Coram.
- ▶ With the expected coming on board of the two newly “appointed” Justices we will have the ability to handle 18 out of the 24 pending Constitutional Appeals.

Completed matters

- ▶ The table shows that the court heard 152 matters in total and delivered 120 decisions - approximately 78.9% of the heard cases were completed.

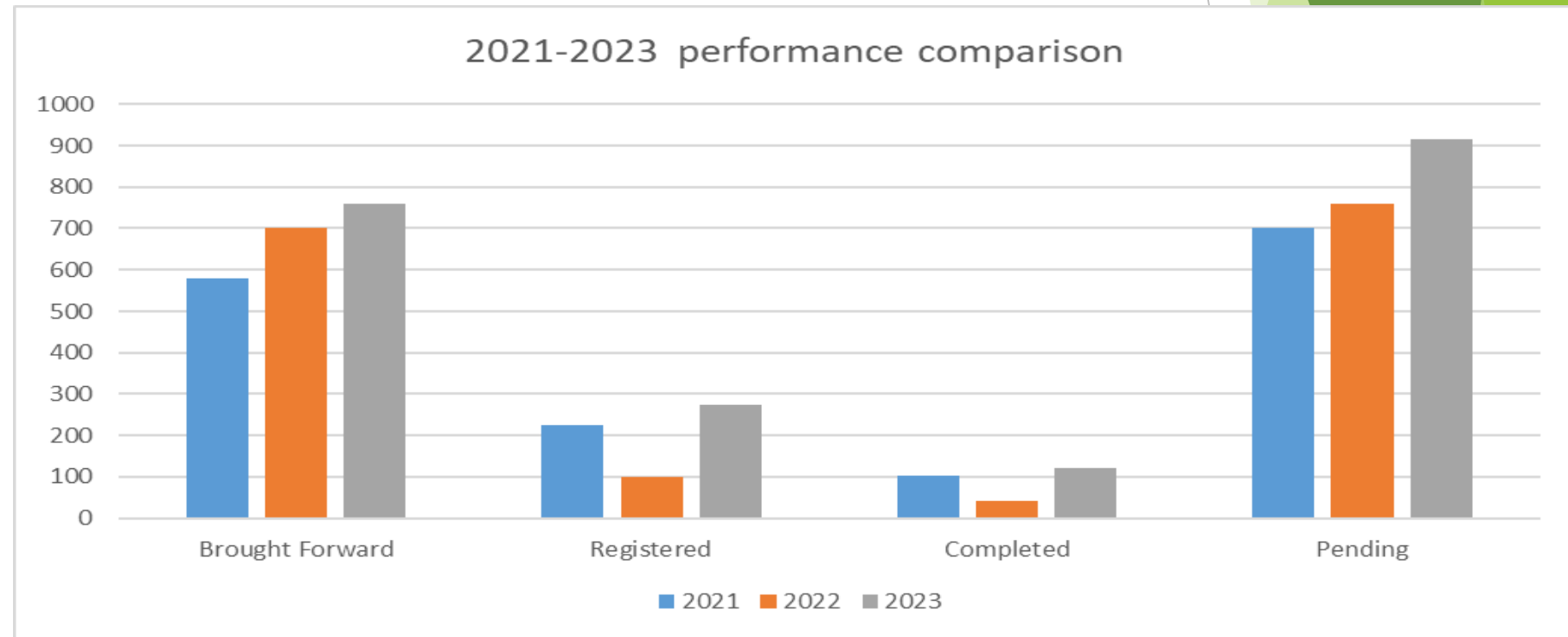
Case Category	Completed
Civil	59
Criminal	61
Total	120

2021 - 2023 performance comparison

Year	Brought Forward	Registered	Completed	Pending
2021	580	225	104	701
2022	701	100	41	760
2023	760	275	120	915

The graph shows an increase in brought forward and pending matters year by year.

More cases were completed in 2023 than in any of the 2 previous years.



CRIMINAL APPEALS WITHOUT RECORDS

YEAR	NUMBER
2023	475

The Judicature (Supreme Court Rules Directions) provide that a person desirous of appealing against a decision of the Court of Appeal files a Notice of Appeal at Court of Appeal.

However, appellants in prison continue to file the said notices at at the Supreme Court and with no accompanying court record. This irregularity has resulted into the increase of “files” without the necessary records being registered at the Supreme Court. In such circumstances, the Court is not in position to handle the intended appeals.

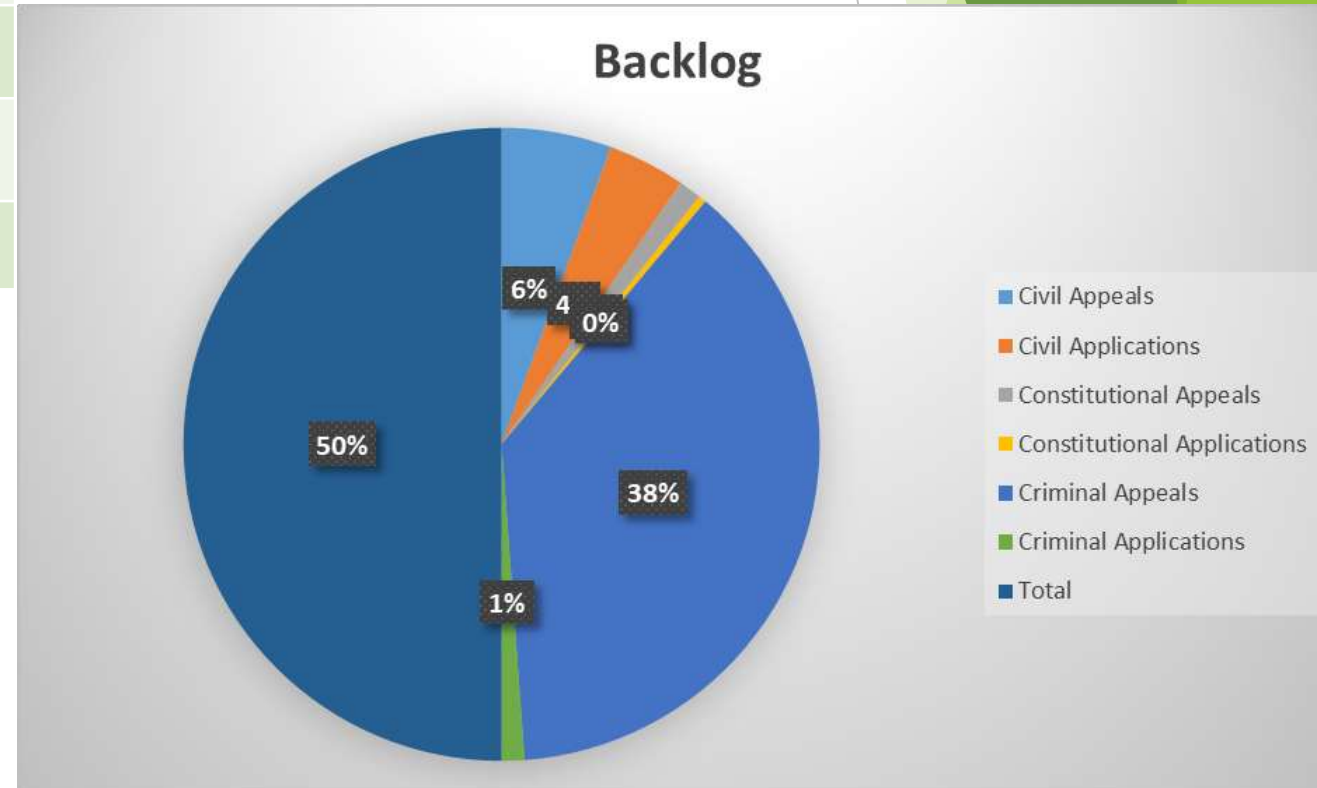
CRIMINAL APPEALS WITHOUT RECORDS

To overcome this challenge, 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.

Liasing with prison authorities is to also ensure that no such notices are registered with the Supreme Court.

Backlog Status

Case Category	Backlog
Civil Appeals	58
Civil Applications	41
Constitutional Appeals	12
Constitutional Applications	4
Criminal Appeals	392
Criminal Applications	12
Total	519



CASE MANAGEMENT

- ▶ Conduct of court matters

Cases are handled in sessions and as much as possible, according to an Annual Work Plan.

- ▶ However, urgent matters can be accommodated outside the planned sessions.

ECCMIS

- ▶ With the introduction of the Electronic Court Case Management Information System (ECCMIS) which facilitates online filing of cases, the Justices are able to access the relevant court records in real time and appraise themselves of the subject matter.
- ▶ As part of case management, the Justices, Registrars, Magistrates, and Clerks are continuously being trained on the use of Electronic Court Case Management Information System (ECCMIS) as a means of efficient handling of matters.

CONDUCT OF COURT MATTERS

► Pre-hearing conferences

Pre-hearing conferences are conducted before single Justices. The exercise is similar to a schedule conference. Parties and their Advocates are summoned to be given directions regarding hearing dates, the schedules of submitting written arguments and allocation of Counsel in criminal appeals where Appellants do not have Counsel on Private Brief.

► Written Submissions

To save time, Advocates or parties are encouraged to file written submissions. (See Rules 64 for Criminal Appeals and 94 for Civil Appeals) of the Judicature (Supreme Court Rules) Directions

► Weekly Meetings

The Court meets on Tuesdays to review case status and matters to do with the administration of the court.

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.

► Lack of Coram.

In the year of review there was passing-on of a Justice of the Court (Justice Arach Amoko).

Furthermore, some Justices had handled some of the matters in the Court of Appeal and this posed a challenge to the court sessions. More specifically, the Court could not form Coram for Constitutional Appeals. Minimum panel members - 07

► Nature of Court premises.

The Nakasero premises pose several challenges to the working of the court:

- The Civil and Criminal registries were combined due to lack of space. This made it hard to retrieve files.
- The Registries have limited space, there was hardly room reserved to serve as Archives for completed files.
- The building does not cater for persons with physical disability
- The lawyers have no common room or robing room

CHALLENGES FACED...

- ▶ **Delays in Receiving Lower Court Records regarding criminal appeals**

This challenge affects the disposal of cases and leads to backlog.

- ▶ **Inadequate Funding.**

The funds provided for running the operations of the court are still inadequate and this leads to failure to complete given tasks.

- ▶ **State Briefs**

- ▶ Each Counsel on average receives Ugsh 200,000/= per each appellant defended. This covers transport costs to visit appellants in prison for briefing, preparation of appeals before the session date and representation in court.

The meagre funds are likely to discourage senior and experienced counsel to take up defence of the indigent.

- Process Service not adequately funded.
- Computer consumables
- Stationery
- For a panel court, funds given for (c) and (d) are inadequate.

CHALLENGES FACED...

- ▶ **Office equipment.**

The registry has old photocopy machines and computers. This lead to delay of work especially when preparing for sessions and during the session.

- ▶ **Lack of transport for staff and a standby vehicle for the Justices.**

The court being located far from town centre, staff find it difficult to move from town centre to office and vice versa. This has affected the efficiency of the Registry and the court at large.

WAY FORWARD

- ▶ The Court is keenly aware of the negative impact that the lack of premises and Coram had on the dispensation of Justice. This year, we plan to conduct more sessions than usual to alleviate the suffering of stakeholders.
- ▶ 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.
- ▶ There is need to enhance the competence of Staff through periodic skills training. It is imperative that the Court and personnel offering support services are exposed to new and emerging areas which impact the dispensation of justice.

WAY FORWARD...

- ▶ The Supreme Court needs a standby vehicle for Justices in case their vehicles breakdown.
- ▶ There is need of a motor vehicle for process service to avoid carrying court documents using public transport.
- ▶ There is need to provide adequate and modern equipment to facilitate and speed up court operations.
- ▶ Funding of the Supreme Court should be increased to meet Court operations.
- ▶ New Premises: We are looking forward to shifting to the newly constructed Supreme Court premises.

CONCLUSION

- ▶ I conclude by thanking the Hon. the Chief Justice for steering the Court's business.
- ▶ I thank my colleagues the Justices, the Registrars, the Research Officers and indeed all staff attached to the Court for their extreme cooperation and commitment towards achieving our goals.
- ▶ I look forward to high level of cooperation and efficiency in achieving better results this year.
- ▶ Thank you for listening.

- ▶ Hon. Lady Justice Prof. Lillian Tibatemwa Ekirikubinza (PhD) (LL. D (Honoris Causa)) JSC.

Thank you for listening

