

JUDGES'S CONFERENCE
A PAPER
BY
THE HONOURABLE THE PRINCIPAL JUDGE
JUSTICE JAMES OGOOLA
ON
"THE CURRENT STATE OF AFFAIRS IN THE HIGH COURT AND
THE ROLE OF DIVISION HEADS AND REGISTRARS".

SHERATON HOTEL, KAMPALA

6TH FEBRUARY, 2006

My Lord, the Chief Justice of Uganda,

My Lord, the Deputy Chief Justice,

My Lord, the Chairman of the Judicial Training Committee,

My Lords, the Justices of the Supreme Court and of the Court of Appeal,

My Lords, the Judges of the High Court,

Your Worships,

Distinguished Guests,

Ladies and Gentlemen:

1. I have the pleasure to welcome you all to the Judges Conference." **The beginning of a new year fills us with hope. On the one hand, it is a milestone; a birthday, so to speak, that reminds us that the world is really changing. Like a birthday, it invites us to reflect on our past, imagine a better future and rise to a new level of determination. As we enter the New Year, we also enter a new stage in our development – one in which it seems that almost anything has become possible".** It is with the above thoughts in mind that, I present to this Conference the end of the year report for the year 2005. The report covers the period from January 2004 to December 2005 - as we have not had a Judge's Conference since 2003. The report recounts the general overview of the workload and output in both the High Court and the Magistrates Courts. It also looks at the powers and the role of Division Heads, and the Registrars in the administration of justice.

The last two years have been very challenging ones, in which a number of activities were carried out and in which many new developments and events occurred that affected the performance of the court in different ways.

The year 2004 saw the retirement of the former Principal Judge Hon. J.H.Ntabgoba and my appointment to replace him. As the new Principal Judge, I have had occasion, in various smaller judicial fora, to articulate my vision of the future work and operations of the High Court and the Magistrates Courts of Uganda. In this connection, I have introduced a number of reforms in a bid to promote efficiency, effectiveness and specialization in the administration of justice. This Conference, however, offers the first opportunity for me to pronounce afresh my blueprint for the High Court in a gathering of all the Judges and Registrars of all the three Courts of Judicature.

The content and extent of the reforms are in accord with the overall strategy and vision that the Hon. the Chief Justice has for the entire Judiciary; and are also in conformity with the relevant laws applicable to the business of the High Court.

2 REFORMS:

▪ ESTABLISHMENT OF HIGH COURT DIVISIONS:

Through Administrative Circular No. 2 of 2004, two new Divisions were created in the High Court, namely: the Land Division and the Family Division; in addition to the Civil, Commercial and Criminal Divisions that were already in existence.

The work and operations of the High Court have been concentrated in the Division as the basic administrative and professional unit of the High Court. The divisions are to evolve overtime into fully-fledged specialized units, with clearly demarcated jurisdiction concerning the nature and kinds of cases handled in each division.

▪ AUTONOMY OF THE DIVISIONS

Each division has been given a substantial measure of autonomy- that is:

- (a) Each has its own registry, headed by a Registrar, with specially designated support staff. Each registry works independently of the others, but comes under the supervisory umbrella of the Registrar of the High Court.

- (b) Division Heads and their Deputies are to exercise a good measure of administrative powers and responsibilities that were previously the preserve of the Principal Judge. **What is remaining is to issue suitable instruments for the formal devolution of these functions.**
- (c) Each registry has established its own working space, filing and individual case numbering systems.

▪ **SPECIALIZATION OF THE DIVISIONS**

- (a) Specialized training of personnel in each Division is envisaged in order to equip them with skills to take charge of that Division's particular jurisdiction.
- (b) For better and more efficient delivery of services, the jurisdiction of the Civil Division was substantially altered. All cases concerning land disputes have been transferred to the Land Division.
- (c) The Land Division took charge of the working and operations of the Land tribunals which were transferred to the Judiciary from the Ministry responsible for Lands.
- To date, the concept of Divisions only operates at the High Court Headquarters in Kampala but not in upcountry High Court stations. The Divisions should be extended up country, with the Division Heads at Kampala becoming responsible for supervising the corresponding operations.

2. HIGH COURT CIRCUITS:

More High Court circuits were created to make twelve circuits from the previous seven. Consequently, services have been taken nearer to the people. Resident Judges have been deployed to only 9 of the 12 High Court circuits.

4. REGISTRARS:

An Acting Chief Registrar was appointed following the elevation of his predecessor to the High Court Bench. Various registrars were deployed to the High Court Divisions and in the High Court circuits. The Chief Registrar is responsible for the day today management of the Judiciary. He is assisted by the Registrars.

Additionally, the Registrars are also responsible for the supervision of the magistrates and staff within the area of their respective jurisdiction. These responsibilities require developing a programme of activities and budget estimates, implementing policy decisions; coordinating the general functioning of the High Court and supervising the registries. It involves planning for court sessions in consultation with those responsible for providing the funding; preparing the cause lists, handling interlocutory matters; taxation of bills of costs as well as executing court orders. The Registrars have to review the performance of the High Court against agreed objectives in order to ensure effective and efficient delivery of services.

Registrars lack jurisdiction to handle criminal matters. Most notably, Registrars have no authority to entertain bail applications and defilement cases. If criminal jurisdiction in these and similar matters were vested in the Registrars, they would dispose of a great deal of these cases and, thereby, effectively reduce the burgeoning backlog.

A Deputy Registrar at a High Court Circuit also doubles as an accounting officer of the High Court Circuit. In this respect, the Registrar has a duty to requisition and disburse session funds for purposes of managing High Court sessions, as well as the operational funds given for the day today administration of the High Court and to account for those funds.

5. ALTERNATIVE DISPUTE RESOLUTION

All High Court Divisions and Circuits of the High Court have been implored to explore the use of alternative dispute resolution (ADR). And although the rules provide for the application of ADR in Magistrates Courts, many Magistrates do not apply it. It is high time all Magistrates Courts across the country began to use ADR more actively.

ADR has been applied extremely successfully in the Commercial Court for over 7 years now. It has been found to be an excellent and reliable tool for quick resolution of disputes. As will be demonstrated later in this paper, ADR has increased case disposal rates overall. It has drastically reduced litigation expenses, for both the litigants and the lawyers. It has tremendously increased the per capita volume of cases handled by the advocates. It has increased the litigants' level of satisfaction with the end results of their disputes.

Relying on the use of ADR and funding from CJRP, the Commercial Court has continued to work tirelessly on the reduction of its backlog of cases. It is in light of these achievements, that we decided to roll out the Commercial Court reforms, and innovations, and initiatives into all the other Divisions and Circuits of the High Court.

6. JUDGES MEETINGS:

In the course of last year, three Judges' Workshops were held at Jinja, Kampala and Seeta. At all these workshops, the problems afflicting the High Court and contributing to the chronic backlog were discussed and solutions proposed. The most recent workshop being the one held at the Grand Imperial Hotel for trial judges. The workshop dealt with effective case management and harmonization of sentencing for trial judges.

The following recommendations were made:

- (i) Undertake to manage the case load individually and not be over dependent on Registrars or Clerks to monitor the workload.
- (ii) Files should be put before a judge immediately after allocation, so that judges can directly be in control of the pace of the court.
- (iii) All Division heads should hold meetings to monitor backlog.
- (iv) Actions formulated in this workshop be circulated to all concerned and the Head of the Judiciary to follow up to ensure that other arms of government fulfil their part as agreed to do their best to manage the backlog.

- (v) A case Management Committee to monitor the backlog problem be established.
- (vi) Judges be represented on the Finance Committee
- (vii) Only sessions which are funded be planned, and when money is finished then no session be organised.
- (viii) It was agreed that issues of looking for special funds to handle special cases of interest to the executive be discouraged since everyone is equal before the law and no accused should be given special treatment.
- (ix) Participants agreed to be more actively involved in monitoring session funds.
- (x) Judgement writing template be formulated, and when approved, the secretaries be trained to ensure that judgments appear uniform.
- (xi) Participants undertook to conduct ADR and adopted the Justice Amoko Arach model with modifications to include a scheduling memorandum.
- (xii) Participants agreed to study other judgments to harmonise sentencing. It was agreed that the DPP forwards their sentencing surveys to judges to assist them know the trends in sentencing.
- (xiii) Participants also agreed to explore ADR in criminal cases such as plea bargaining in order to reduce backlog and concentrate resources on cases that are for full trial

7. MAGISTRATES:

Last year 3 Chief Magistrates and 9 Grade I Magistrates were appointed. This brought the number of Chief Magistrates to 27 and the number of Magistrates Grade I to 102.

8. LAW REPORTS:

The Commercial Law Reports which were conceived, gestated and born by the Commercial Court with assistance from CJRP were inaugurated by the Chief Justice on 26th November, 2005. The reports contain judgments of the Commercial Court and appeals there from to the Court of Appeal and Supreme Court, the Commercial Court concerning commercial disputes. The first volume of the reports, containing judgments from 1999 - 2001 is now on sale. Publication of the reports covering the subsequent years, will follow soon.

9. THE CHAINLINKED

The Chainlinked Programme has continued to operate in all districts. The Advisory Board of the Chainlinked meets once every three months to take stock of what is happening countrywide and to come up with the needed solutions for problems that cannot be solved at grassroots' level. The minimum standards in the administration of criminal justice and related guidelines that were developed by the programme have continued to be applied, especially in the Magistrates Courts. Where the guidelines have been applied consistently, there has been a noticeable reduction in the backlog with corresponding decongestion of the prisons. For example, in Mbale in 2004, through consistent use of the programme, the prison population in the Uganda Government Prison was lowered by one third – with the number of cases being reduced from 900 to 600.

10. BUSINESS OF THE COURTS:

The attached tables are a summary of the work handled by the High Courts and the Magistrates Courts. The detailed statistics for each Division and each Circuit will be presented by the Division Heads and the respective Circuit Judges.

ATTACHMENT – SUMMARY TABLES

1 CIVIL SUITS DATA FOR THE HIGH COURT 2004

TOTAL NUMBER OF CASES:

BRT FORWARD	4600
FILED	2364
DISPOSED OF	1386
PENDING	5578
TOTAL NO. OF CASES	6964

PERCENTAGE OF CASES

BROUGHT FORWARD	66%
FILED	34%
PENDING	80%
DISPOSED OF	20%
% DISPOSAL RATE FOR ONE YEAR CASES	59%
% DISPOSAL RATE FOR TOTAL NO. OF CASES	20%
% BACKLOG CLEARANCE RATE	-21%

Expected time in years to clear Backlog with the then backlog clearance rate: Backlog may never be cleared.

MEASURE OF EFFORT REQUIRED TO:

CLEAR CASES FILED WITHIN THE YEAR	1.7
CLEAR BACKLOG (BRT FORWARD + FILED) WITHIN 1 YR	5.0
CLEAR BACKLOG (BRT FORWARD + FILED) WITHIN 2 YRS	3.4
CLEAR BACKLOG (BRT FORWARD + FILED) WITHIN 3 YRS	2.8
CLEAR BACKLOG (BRT FORWARD + FILED) WITHIN 5 YRS	2.4

COMMENTS:

By the end of 2004, the civil suit backlog was growing at the rate of 21% per annum. To clear it within that year, it required that the effort be multiplied 5.024 times.

CIVIL SUIT DATA FOR HIGH COURT FOR THE YEAR 2005

TOTAL NUMBER OF CASES:

BRT FORWARD	5136
FILED	2251
DISPOSED OF	1390
PENDING	5997
TOTAL NUMBER OF CASES	7387

PERCENTAGE OF CASES

% BRT FORWARD	70%
% FILED	30%
% PENDING	81%
% DISPOSED OF	19%
% DISPOSAL RATE FOR 1 YR CASES	62%
% DIPOSAL RATE FOR TOTAL NO. OF CASES	19%
% BACKLOG CLEARANCE RATE	-17%

At this rate of clearance, backlog may never be cleared.

MEASURE OF EFFORT REQUIRED TO:

CLEAR ONLY THOSE CASES FILED WITHIN THE YEAR	1.6
CLEAR BACKLOG (BRTFORWARD +FILED) WITHIN ONE YEAR	5.3
CLEAR BACKLOG (BRT FORWARD +FILED) WITHIN 2 YRS	3.5
CLEAR BACKLOG (BRT FORWARD + FILED) WITHIN 3 YRS	2.9
CLEAR BACKLOG (BRT FORWARD + FILED) WITHIN 5 YRS	2.4

COMMENTS

The backlog is growing at the rate of 17% per annum. To clear it in one year the current effort needs to be multiplied by 5.314 times

CRIMINAL OFFENCES DATA FOR HIGH COURT FOR 2004

TOTAL NUMBER OF CASES

BRT. FORWARD	1457
FILED	698
DISPOSED OF	728
PENDING	1427
TOTAL NO OF CASES	2155

PERCENTAGE OF CRIMINAL CASES

BRT FORWARD	68%
FILED	32%
PENDING	66%
DISPOSED OF	34%
DIPOSAL RATE FOR 1 YR CASES	104%
DISPOSAL RATE FOR TOTAL NO. OF CASES	34%
BACKLOG CLEARANCE RATE	2%

By the end of 2004, the expected time in years to clear the backlog at that rate was 50 years.

MEASURE OF EFFORT REQUIRED TO CLEAR:

ONLY CASES FILED WITHIN THE YEAR	1.0
BACKLOG (BRT FORWARD + FILED) WITHIN 1 YR	3.0
BACKLOG (BRT FORWARD + FILED) WITHIN 2 YRS	2.0
BACKLOG (BRT FORWARD + FILED) WITHIN 3 YRS	1.6
BACKLOG (BRT FORWARD + FILED) WITHIN 5 YRS	1.4

COMMENTS

The backlog was reducing at the rate of 2% per annum. To tackle the backlog within 1 year required to multiply effort by **2.960** times.

CRIMINAL OFFENCES DATA FOR HIGH COURT FOR THE YEAR 2005

TOTAL NUMBER OF CASES

BRT FORWARD	2122
FILED	1091
DISPOSED OF	918
PENDING	2295
TOTAL NO. OF CASES	3213

PERCENTAGE OF CASES

BROUGHT FORWARD	66%
FILED	34%
PENDING	71%
DISPOSED OF	29%
% DISPOSAL RATE FOR ONE YEAR CASES	84%
% DISPOSAL RATE FOR TOTAL NUMBER OF CASES	29%
% BACKLOG CLEARANCE RATE	-8%

At the current rate of clearance, the backlog may never be cleared.

EFFORT REQUIRED TO CLEAR:

ONLY THOSE CASES FILED WITHIN THE YEAR	1.2
BACKLOG (BRT FORWARD + FILED) WITHIN 1 YR	3.5
BACKLOG (BRT FORWARD + FILED) WITHIN 2 YRS	2.3
BACKLOG (BRT FORWARD + FILED) WITHIN 3 YRS	2.0
BACKLOG(BRT FORWARD + FILED) WITHIN 5 YRS	1.7

COMMENT

The backlog is growing at the rate of 8% per annum. To clear the backlog within one year requires that the current effort be increased by 3.5 times.

It is important to note that there is an increasing case backlog at the High court, more especially in the circuit stations. By 31 December, 2005, the state of business at the High Court headquarters was, out of 971 civil cases, 400 had been completed, of these 352 by judges and 148 by registrars.

On the criminal side, about 1443 cases were completed in the 50 sessions held in the various parts of the country. As indicated elsewhere in this paper, detailed and up-to-date statistics will be presented by the respective Divisions and Circuits. It is dismaying, however, to note that some sessions lasted more than 5 months and to date some reports have never been made! And as you will realize during this conference a number of courts did not perform as expected. There is great room for improvement.

13. MAGISTRATES COURTS

CHIEF MAGISTRATES COURTS:

Civil suits: In the year 2004 a total of 20364 civil suits were handled in the Chief Magistrates Courts. Of these, 12742 cases were brought forward, 7622 were filed; 7740 were disposed of and 12624 were pending.

Percentage backlog clearance rate was 1%, meaning that expected time in years to clear the backlog was 100 years.

The backlog was reducing at the rate of 1% per annum. To clear the backlog within one year required effort to be multiplied by 2.631 times.

In 2005, a total of 16854 civil cases were handled. Out of these, 11916 were brought forward, 4938 were filed; 4010 were disposed of; and 12844 were pending.

Percentage of backlog clearance rate was -8% meaning that backlog will never be cleared at that rate. The backlog growth rate was 8% per annum. To clear the backlog in one year the current effort has to be multiplied 4.202 times.

Criminal cases: a total of 39154 cases were handled in 2004. Of these 17941 were brought forward, 21213 were filed; 20055 were disposed of, and 19099 were pending.

Percentage backlog clearance rate was -6% making it unlikely that the backlog would ever be cleared. With the backlog growing at the rate of 6% per annum, to clear it in one year required effort to be multiplied by 1.952 times.

In the year 2005, a total of 37039 cases were handled. Of these, 19037 were brought forward, 17732 were filed, 14966 were disposed of and 22073 were pending.

Percentage backlog clearance rate was -14%. At this rate, the effort needed to clear the cases within one year must be multiplied by 2.474 times.

Note: Only the following Chief Magistrates Courts fully submitted their returns from January 2005 – December 2005: Moyo, Arua, Fort Portal, Fort Portal High Court circuits, Kasese and Bushenyi.

MAGISTRATE GRADE I COURTS:

Civil suits:

A total of 4044 civil cases went through the grade one courts in 2004. Of these, 1707 were brought forward; 2337 were filed; 1906 were disposed of and 2138 were pending at the end of the year. Percentage backlog clearance rate was -25%. The effort needed to clear the backlog had to be increased 2.21 times.

In 2005, 4414 cases were handled. Of these, 2092 were brought forward, 2322 were filed, 1881 were disposed of and 2533 were pending at the end of the year. Percentage clearance rate was -21%. To clear the backlog in one year requires that effort be multiplied 2.346 times.

Criminal cases:

A total of 25629 criminal cases were dealt with in 2004. A total of 7063 having been brought forward; 18566 were filed; 17140 were disposed of and 8489 were pending. Percentage backlog clearance rate was -20%. At that rate, to clear the backlog in one year effort had to be multiplied 1.495 times.

During the year 2005 a total of 8273 cases were brought forward; 17092 were filed; 16209 were disposed of; while 9156 remained pending. The total number of cases handled was **25365**.

The percentage backlog clearance rate remained the same as in 2004. However, to clear the backlog in one year, effort has to be multiplied 1.564 times.

Note: Only the following Grade 1 Courts fully submitted their returns from January 2005 to December 2005: Katakwi, Kayunga, Pallisa, Kagadi, Kibaale, Kamwenge, Kalangala, Kisoro, Sembabule, Busia, Mityana and Sironko.

It is apparent that, obtaining returns from High Court Circuits and Magistrates Courts continues to be a big problem. Courts have to be literally pushed to forward returns of both civil and criminal cases. This makes it difficult to plan. The data sent to Data Centre is not in the form of reports and is very difficult for a lay person to interpret .

The state of business in all courts as indicated above raises a number of questions:

1. Is the Judiciary fulfilling its mandate?
2. Are Judges, Registrars and Magistrates optimally utilized?
3. How much funding is required to enable the Judiciary to expeditiously dispose of its cases and carry out other necessary activities?
4. What other steps should be taken to enable the Judiciary clear its backlog?

The above questions, and many others will enable us to deliberate on the various internal and external problems that prevent the expeditious disposal of cases in the courts and to find solutions. It may be a good starting point to openly admit our limitations or failures and then address them in a forum of this nature. It is also a good opportunity to share experiences and formulate strategies and techniques that can be used to manage the increasing volume of work in the shortest time possible.

13 PROBLEMS THAT PREVENT THE EXPEDITIOUS DISPOSAL OF CASES

i. inadequate staff:

The increase in the number of High Court circuit stations was intended to take services nearer to the people and bring relief to upcountry court users. At the moment however, all these circuits save for Mbale are manned by only one judge, yet they are geographically too big to even be manned by only two judges. As the situation is not likely to improve in the near future, it calls for concerted effort to manage the increasing volume of work using the available physical, human and financial resources.

ii. Inadequate Financial resources:

Courts are not sufficiently financed. As a result service cannot be promptly effected, witnesses cannot be summoned, and criminal sessions cannot be held frequently. Civil sessions are not held at all, while judges are unable to return to stations to dispose of part heard cases.

From the beginning of the Financial Year 2005/2006 there were drastic cuts in the in the Judiciary's budget. As a result session funds became inadequate to support both civil and criminal sessions in the country. The increased allowance rates for public servants, without an increase in the monthly release of funds to the Judiciary did not help matters. More money is needed to hold one session than was the case before. It now costs shs. 5,700,000/- to maintain a judge, driver and body guard at a non resident station; for a month of 22 working days. This does not include fuel, stationery and other facilities. This increase is up from the previous figure of shs.3, 510,000/-, which was the cost of maintaining the team for one month.

A number of sessions earlier planned, had to be indefinitely postponed; while others have had to be terminated before the expected period; and cases referred to the next convenient session. Needless to state, this has reduced the output and frustrated all stakeholders within the system.

The backlog funding is released on a quarterly basis, only upon satisfactory accountability and submission of accurate case returns. This necessitates keeping track of all cases cause- listed before the High Court and Chief Magistrates Courts to which backlog funds are committed, and to ensure that the results of completed cases are captured in the data.

Unfortunately, returns are often handed in late or not at all and are often times inaccurate.

iii. Delays in delivering judgments:

To the chagrin of stakeholders, judgments in many instances have been inordinately delayed - resulting in embarrassing situations for the Judiciary. As long as the judgments are pending, the cases remain in our statistics as uncompleted and help to swell up the real backlog.

iv. The adversarial method of resolving disputes:

Continued reliance on this brand of dispute resolution, bogs down court business.

It results in excessive delay; increased litigation expenses, over-reliance on formalities and technicalities at the expense of substantive justice, and the dissatisfaction with the winner- take -all result of this method.

v. Poor Case Flow Management:

Poor case management is the leading cause of backlog. Case flow management is the process through which a case passes from the time of its filing, up until the time of its disposal. In the High Courts, case flow management has not been very successful because of the following reasons:

(a). Failure of the Court to take an active part in the management of cases until at the time of hearing.

(b). Granting of unnecessary adjournments.

(c). Failure to apply rules of procedure consistently and to take note of new changes in the law.

The Civil Procedure Rules set out rules that should be applied by courts. The Rules have provisions which, if applied consistently would contribute to quick disposal of cases. For example, Order 9 r.r 14 and 19, Order 15 r.r 1(i) (b) and 16 Civil Procedure Rules:

The Orders cited above as well as others such as Order 10 and Order 10B - give the courts sufficient powers to manage civil cases, to prevent delays and to avoid clogging the system. However, courts have been reluctant to apply these rules, resulting in chronic backlog.

(d). Failure to balance work schedules between civil and criminal work. More time is spent on criminal cases, to the detriment of civil cases. This results in a big backlog of civil matters.

vi. Assignments outside the Judiciary

A number of Judges have taken on international assignments; one has gone for further studies; while another has been appointed to a national office of substantial significance. A number of others have had to take off long periods from work to chair commissions of inquiry. Many of these inquiries involve controversial and even political issues. For the first time a Principal Judge has been appointed to chair a Commission of Inquiry. No doubt judicial officers are the most suitable persons to head these inquiries - given their integrity, impartiality, judicial skills of inquiry, not to mention that decision making by judges enhances public confidence and credibility in the inquiry and its outcome. Nevertheless, their continued absence from judicial temporarily duties deprives the Judiciary of its very scarce personnel.

vii. Transfer of the Land Tribunals to the Judiciary

Land Tribunals were transferred from the Ministry of Lands to the Judiciary, without the financial resources necessary for their efficient operation. The Head of the Land Division, into whose jurisdiction all land matters fall, is scheduled to give a detailed presentation on this topic at this Conference. Suffice to say that, the unrealistic composition of the Tribunals, where a chairperson is responsible for several districts and other members are only part time, has led to inordinate delays and irrational inefficiencies in the handling of land matters.

viii. Delayed Amendments of the Law:

Failure by Parliament to pass into law, the proposed amendments to increase the monetary and criminal jurisdiction of the Magistrates Courts ; has caused concentration of cases in the High Court thereby contributing to the build up of backlog.

ix. ABSENCE OF PERFORMANCE EVALUATION FOR JUDGES

While judicial officers must be independent in performance of their duties, they hold the office as a public trust and they must therefore be accountable in order to enhance and maintain public confidence in the judiciary. Evaluation of judicial performance is essential for promotion of accountability

X. LACK OF MOTIVATION:

Motivation of judicial staff is at its lowest due to poor remuneration; poor facilitation of courts and the repeated attacks of the public and the executive on the judiciary; not forgetting the recent infamous siege of the High Court by the black mambas. This has led to substantial decrease in productivity and job satisfaction and substantial increase in tardiness, grievances, absenteeism, and so forth; contributing to chronic backlog of cases. We commit ourselves to working energetically towards the Judiciary's attainment of a realistic motivation strategy to energize its vision. Motivation should aim at stimulating judicial staff to zealously achieve the mission of the Judiciary.

XI. LACK OF EQUIPMENT AND OTHER TOOLS OF TRADE:

It's in the Strategic Plan of the Judiciary to computerize all courts and install the Computerized Case Administration System. The information provided by the system is meant to facilitate allocation of cases and distribution of resources, movement of court files, thereby limiting the loss of files. The system should also expedite retrieval, tracking, and access to court files. Computerization process has been slow and it's only the High Court at Kampala, Jinja and Masaka that have been computerized. Regular update of the system has also been a problem. The rest of the upcountry High courts lack computers save for a few used for typing. Hand written records are still solely relied upon to keep track of their cases and retrieval and access of files is not easy.

XII. THE INDEPENDENCE OF THE JUDICIARY

The courts have repeatedly come under attack both from the public and the Executive. We have been criticized for being inefficient, too slow, too costly, conservative, applying outdated laws and procedures, elitist and quite out of touch with ordinary people, not being user friendly, gender insensitive, corrupt and lacking integrity, being Executive minded and partisan or anti-government, and not being adequately competent in various emerging fields of law and jurisprudence, among others. The ugliest and most lethal of these attacks was the infamous "Siege of the High Court" by the Black Mambas brigade – a band of an elite detachment of military men camouflaged in an innocuous military uniform, and armed with Uzi and AK 47

guns which they wielded with reckless abandon on the Court's premises during the hearing of a live case by a High Court Judge. All this happened on that fateful 16th day of November, 2005. The siege constituted a very grave and heinous violation of the twin principles of the Rule of Law and Judicial Independence. It sent a chilling feeling down the spine of the Judiciary, and left the legal fraternity and the general public agape with disbelief and wonderment.

History will always recall the "Battle of the High Court", fought on the hallowed grounds of our Court House. In that battle, the Judiciary – armed only with devastating eloquence, witty poetry and sublime oratory – left the heavy handed, heavy-duty, gun totting mambarish assailants floundering, out-foxed, and totally vanquished by their own overbearing and grossly wayward effrontery. History will leave the mambas wallowing in their own disgraceful mud. The mambas and their siege are destined to be dumped on the dust heap of history –there to slowly rot and decay; while the Independence of the Judiciary, the Rule of Law, and the Due Process of Law will for ever grow and glow as a beacon in the eternal Temple of Justice.

CONCLUSION

"The right to a speedy resolution of disputes is a fundamental aspect of justice itself" and "delayed litigation itself may constitute a denial of justice". However, merely talking about the problem cannot reduce the backlog. It therefore becomes necessary to apply more and better methods of work to deal with the increased caseload. This calls for substantive reform of the existing systems; and for restructuring, innovation and new initiatives in the delivery of judicial services.

Courts as dispensers of justice therefore have a duty to explore new ways and means to manage the increasing volume of work. Changes have to be made in the way cases are managed and new case management procedures established.

Courts must take the responsibility of ensuring that cases are disposed of as quickly as possible. Special attention must be given to old pending cases.

By applying proper management principles in the day-to-day disposal of cases, delay in disposal of cases can be overcome. This calls for discipline and commitment on the part of the judicial officers managing the court and the support staff. It is therefore imperative that we fundamentally change the way courts are managed in order to improve services to the public and ensure effective and speedy justice.

They old order must give way to a new order, yielding to a new judicial culture.

Thank you for your kind attention.

James Ogoola

PRINCIPAL JUDGE

6th February, 2006