

Speech by the Chair, JLOS Development Partners Group during the Case Backlog Review Conference

Imperial Royale Hotel, March 7, 2011

The Honourable Chief Justice

The Honourable Deputy Chief Justice

The Third Deputy Prime Minister

The Attorney General /Minister of Justice and Constitutional
Affairs

Justices and Judges of the Courts of Judicature

Heads of JLOS Institutions

Members of the Steering and Technical Committee

Development Partners

Invited Guests

Ladies and Gentlemen

On behalf of all Development Partners involved in the JLOS sector I address you, dear friends from the JLOS institutions, as fellow combatants. Because last year, at the launch of the quick win strategy, the then Principal Judge, declared the war against the monster of case backlog.

Why a war? Case backlog has been a priority of the sector for some years now, it was a project under the “SWAP development fund”, it was a “special strategy” and it has been a “quick win programme”. A programme that was launched last year and that is currently reviewed.

Whatever name we have given it, so far, we have not been able to reduce the case backlog in a sustainable way, we have not been able to capture the monster of the case backlog, and decapitate it

That does not mean that we do not appreciate the results achieved. During the current financial year, special sessions were organised, and a lot of old cases were weeded out. JLOS

even performed above target. We congratulate the sector for the achieved results.

However, because of the population growth, and the increased presence of JLOS facilities, the number of new cases exceeds the number of cases resolved.

Case backlog may to some extent reflect success of JLOS in that many people are increasingly becoming civically conscious and seeking to resolve disputes in courts rather than keeping quiet or using other uncivil options. However, the ratio of judge to disputants is not reducing quickly even with new appointments. We see that the number of newly appointed judges is almost equal to that of those retiring.

The case count exercise helped us to see where the bottlenecks are. It shouldn't then be too difficult to analyse what the exact problems are: is there a shortage of staff? No state attorneys present for example. Is there a lack of expertise: CID without the necessary forensic knowledge or equipment, so the DPP cannot accept the file? Or is there a lack of efficiency? Do JLOS institutions not meet and discuss pending cases? Or is it an attitude problem: is the magistrate not present, or is he or she off for the weekend from Thursday to Tuesday?

The introduction of performance targets per court and service delivery chain will contribute to cases being seamlessly addressed right from CID, DPP through the judiciary within targeted framework and timelines.

Is the Uganda Law Society also on board on this agenda? Sometimes defence lawyers have been cited as an impediment to efficient justice delivery, because allegedly they hide behind technicalities to drag cases. If this is the case and mindset, then clearly there is need to get them on board. We cannot enhance the efficiency in adjudication and clearing the backlog without these stakeholders being part of the solution.

We welcome the announcement by the Chief Justice towards the rolling out of the case backlog quick win strategy and simplification of the procedures such as the proposed introduction of plea bargaining.

We also agree with the Chief Justice's emphasis to manage cases better, but beyond that we want to emphasize the need for development of an integrated data management system. This will not only help to manage the flow of cases, but also help in linking institutions.

We are also urging the introduction of a performance based management system that will give the Judiciary an honest insight into who is performing beneath and who is performing above target. This, together with an inspection and audit system that is further strengthened, should have a positive impact on the case disposal rate.

We encourage the JLOS secretariat that is taking the lead in formulation of the SIP III to include these new approaches and realistic budgetary and human resource requirements in this SIP III, to continue the efficiency registered with this project.

Apart from working to address the systemic deficits stated above, it is important to also work towards more sustainable solutions, towards newer approaches, away from traditional litigation, intensifying alternative ways of dispute resolution which are already taking root in Uganda, especially under the commercial justice component. In this area, the involvement of the Uganda Law Society is vital as well.

Ladies and gentlemen, let me conclude by saying that I am confident that JLOS will be able to move from the quick wins achieved last year to sustainable wins in the coming years. Let us win this war!

I thank you.