ADR IN THE ADMINISTRATION OF CRIMINAL JUSTICE

1.0. INTRODUCTION

The administration of criminal justice in Uganda is at a critical stage. Over the past decade, the Judiciary has had to confront a variety of challenges that threaten the effectiveness, credibility, and sustainability of the formal criminal justice system. Among these challenges are chronic case backlog, prolonged pre-trial detention, overcrowded prisons, limited financial and human resources, and the physical and psychological strain placed on judicial officers, prosecutors, defence counsel, and other justice actors.

As of 31st December 2025, the High Court had a pending criminal caseload of **19,756** cases, while the Lower Bench had **28,934** pending criminal matters, amounting to a total of **48,690** unresolved criminal cases across the Judiciary. If these cases were to be processed exclusively through the traditional adversarial trial system, the Judiciary would require nearly 500 criminal sessions, at an estimated cost of UGX 30 billion, and approximately three years at the current pace of disposal. This reality exposes the structural limitations of an exclusively trial-based model of criminal justice.

Beyond statistics, delay in criminal justice has human consequences. Accused persons remain in remand for prolonged periods, sometimes longer than the sentences they might ultimately receive. Victims are forced to endure proceedings that prolong their trauma and deny them closure. Communities lose faith in the justice system, perceiving it as slow, inaccessible, and detached from their lived realities. Judicial officers, in turn, bear the burden of overwhelming caseloads, leading to burnout, health challenges, and diminished judicial wellness.

It is within this context that Alternative Dispute Resolution (ADR) has emerged not merely as a supplementary tool, but as a central pillar of criminal justice administration in Uganda. While ADR has traditionally been associated with civil disputes, its relevance to criminal justice has become undeniable. Criminal ADR represents a re-designing of justice delivery towards approaches that are more efficient, restorative, participatory, and aligned with constitutional values.

2.0. OVERVIEW OF ADR IN CRIMINAL JUSTICE

Alternative Dispute Resolution in criminal justice refers to processes through which criminal matters are resolved, wholly or partially, outside the conventional

adversarial trial, while remaining firmly anchored in constitutional and statutory frameworks and subject to judicial supervision.

In Uganda, ADR in criminal justice is deeply rooted in **Article 126** of the Constitution, which provides that;

(1) Judicial power is derived from the people and shall be exercised by the courts established under this Constitution in the name of the people and in conformity with law and with the values, norms and aspirations of the people.

(2) In adjudicating cases of **both a civil and criminal** nature, the courts shall, subject to the law, apply the following principles –

(a) justice shall be done to all irrespective of their social or economic status;

(b) justice shall not be delayed;

(c) adequate compensation shall be awarded to victims of wrongs;

(d) reconciliation between parties shall be promoted; and

(e) substantive justice shall be administered without undue regard to technicalities.

These imperative provisions call upon the Judiciary and the Courts to respect and enforce the values, norms and aspirations of the people of Uganda in the delivery of justice. Reconciliation, compensation and timely resolution of disputes are at the center of these aspirations. These constitutional imperatives naturally align with ADR, particularly restorative justice approaches that prioritise healing, accountability, and community restoration.

Historically, African societies resolved disputes through negotiation, mediation, reconciliation, and community participation. These mechanisms sought to restore social harmony rather than simply punish offenders.

Criminal ADR, therefore, represents a partial return to indigenous justice principles that colonial legal systems displaced. What we now call ADR is, in many respects, African Dispute Resolution, while the adversarial trial system is the true “alternative” imposed through colonial legal frameworks.

In Uganda's contemporary criminal justice system, ADR takes several forms, including:

a) compensation, in addition or as an alternative to imprisonment in criminal matters;
b) plea-bargaining and sentence bargaining for all categories of criminal cases;
c) involving victims and considering victim and society interests in determining appropriate sentences;
d) diversion especially in relation to juvenile offenders;
e) reconciliation especially in relation to domestic violence and personal offences;
f) community service in minor offences; and
g) Payment of fines especially in property related offences.

Among these mechanisms, plea bargaining has become the most structured, institutionalised, and impactful form of criminal ADR. It has significantly reduced case backlog, lowered the cost of criminal trials, decongested prisons, enhanced victim participation, and delivered finality in criminal cases.

3.0. EARLY DIVERSION OF CASES TO ADR: PRE-CHARGE, PRE-TRIAL AND TRIAL STAGES

For ADR to achieve its full potential in criminal justice, it must be integrated into the system at the earliest possible stage. Treating ADR as a last resort after years of litigation defeats its purpose and undermines its efficiency.

At the **pre-charge stage**, diversion can occur before formal prosecution is initiated. Police-led cautioning, community mediation, and referrals to probation or local council structures can resolve minor disputes without criminalisation. This is appropriate for juveniles, first-time offenders, and minor offences where public interest does not demand formal prosecution.

At the **pre-trial stage**, ADR can also be effective. Once investigations are complete and evidence is available, parties can meaningfully engage in plea negotiations, reconciliation discussions, or compensation arrangements. Victims' views can be considered, and realistic outcomes can be crafted. The Judicature (Plea Bargain) Rules, 2016 explicitly permit initiation of plea bargaining at any stage before sentencing, thereby encouraging flexibility.

At the **trial stage**, ADR also remains possible even after proceedings have commenced, provided no sentence has been passed. Courts may actively encourage

parties to consider plea bargaining or reconciliation where appropriate, particularly in long-running trials where negotiated resolution better serves justice.

Police, prosecutors and Judicial officers play a proactive role in identifying ADR opportunities early, managing cases actively, and guiding parties toward lawful and constructive resolutions where feasible.

4.0. IDENTIFICATION OF CASE CATEGORIES MOST SUITABLE FOR ADR

Not all criminal cases are appropriate for ADR. There is need for careful identification of cases where alternative resolution best serves justice, public interest, and societal welfare.

Generally, cases most suitable for ADR include:

4.1. Personal or private offences

These include assault, criminal trespass, threatening violence, and certain domestic disputes where reconciliation is possible and safe.

4.2. Property-related offences

ADR is suitable where restitution or compensation can meaningfully repair harm.

4.3. Juvenile offences.

ADR is most efficient because for such offences, rehabilitation and reintegration are primary objectives.

4.4. Certain capital offences through plea bargaining

This is preferable where evidence is strong, the accused accepts responsibility, and negotiated sentencing serves justice.

4.5. Community-based disputes

ADR is effective where restorative engagement can prevent future conflict and restore relationships; also where they are cultural acts that advocate for reconciliation, such as the *matoput*.

4.6. Reconcilable offences under the law

The Constitution of Uganda enjoins Courts to promote reconciliation in criminal matters and encourage and facilitate the settlement in an amicable way. Under the Judicature (Reconciliation) Rules, SI. No. 41/2011, the following offences may be settled through reconciliation: adulteration of food or drink, adultery, assault, criminal trespass, desertion of a child, elopement, child neglect, pretending to tell fortunes, simple theft, threatening violence and writing or uttering words with intent to wound religious feelings.

Uganda's experience demonstrates that even serious offences, including murder, can be resolved through plea bargaining in appropriate circumstances. This does not trivialise such crimes, but reflects a pragmatic balance between justice, efficiency, and societal interests.

5.0. EXCLUSION OF SERIOUS CRIMES WHERE PUBLIC SAFETY, DETERRENCE AND MANDATORY PUNISHMENT ARE PARAMOUNT

While ADR has wide applicability, there are clear limits where public safety, deterrence, and societal condemnation outweigh restorative or negotiated approaches.

Even within plea bargaining, courts retain the power and duty to reject agreements that undermine justice, public policy, or the gravity of the offence.

ADR must never be used to shield serious offenders from accountability or to erode public confidence in the justice system.

6.0. PLEA BARGAINING AS THE MOST COMMON FORM OF CRIMINAL ADR IN UGANDA

Plea bargaining is the most impactful form of ADR in Uganda's criminal justice system.

It is an agreement between the prosecution and the accused where the accused agrees to plead guilty to the charges against him/her, in consideration of the promise of a lenient sentence or a reduced charge.

Plea bargaining involves pre-trial negotiations between prosecutors and defence counsel, with judicial oversight to ensure that the position was reached voluntarily and that the sentence proposed is appropriate.

The common types of plea bargain are: (1) charge bargain (pleading to lesser offences), (2) sentence recommendations (bargains) (lenient penalties), and (3) Charge /count bargains (dropping select charges), in exchange for a guilty plea to another charge.

These bargains inform two categories of plea agreements namely (1) Sentence agreements, which include a recommendation by the prosecutor to the judge for a lenient sentence; and (2) Charge agreements, which include pleading guilty to a lesser offence such as manslaughter instead of murder, and dismissal of additional charges in exchange for a guilty plea to one of many charges brought against the accused. A plea bargain may be initiated orally or in writing by the accused or prosecution at any stage before sentencing.[1]

6.1. Background to plea bargaining

The Uganda judiciary adopted the plea bargain approach in the courts through a judiciary-led initiative to address case backlogs and prison overcrowding. The process began with a committee formed under the then Chief Justice Benjamin Odoki, leading to a pilot program in 2014.

The pilot targeted capital offences and involved 261 inmates from Nakawa High Court circuit then, with personnel from the Judiciary, the Office of the Director of Public Prosecutions (ODPP), the Uganda Law Society, and the Ministry of Gender. It disposed of cases efficiently, saving costs estimated at half of full trials (which are around Shs1 million per case).

Furthermore, Statutory Regulations formulated in 2016 operationalized the Judicature Act.

6.2. Situational Analysis of Criminal Justice in Uganda as at 31 December 2025

[1] Rule 5 of the Judicature (Plea Bargain) Rules, S.I No. 43 of 2016.

The pending Criminal Caseload for the High Court of Uganda as at 31st December, 2025 captured by the Electronic Court Case Management Information System (ECCMIS) was 19,756 cases.

The Lower Bench had a pending caseload of 28,934 criminal cases. This is a total of 48,690 criminal cases as per 31st December 2025.

Assuming that the High Court criminal caseload was handled through the normal adversarial system, with the general rule that each criminal session has an average of 40 cases cause-listed, this would mean that we need 494 sessions to clear the current caseload. At a cost of UGX 60 million on average per session, this translates into UGX 30 billion. Considering that the Judiciary organize about 150 sessions per year, this would mean we need about 3 years, at the current pace to clear 19,756 cases.

Plea Bargaining, as per the Annual ADR Performance Review Report of 2025, helped the Judiciary conclude approximately 3,000 cases in 12 sessions and 14 camps!

The 3,000 cases cleared by Plea Bargain cost the Judiciary an estimated UGX 1.560 billion, which translates into an average of UGX 500,000 per case completed.

On the other hand, the Judiciary ordinarily allocates UGX 6 billion per year for clearance of Criminal Cases vide the Session system. This funding is enough for about 150 sessions, which ideally should clear about 6,000 cases, but ideally translates into 4,200 cases completed per year.

It is worth noting that the cost per case under plea bargain is not simply a stripped-down administrative figure. The UGX 500,000 reflects a people-centred model of justice, which deliberately includes participation of victims, community-based supervision of sentences, legal representation for the accused, welfare and probation inquiries, and logistical support to judicial officers and the security of all participants at the various camps.

The Plea bargain mechanism, therefore, contributes an additional 3,000 completed cases to the pool of criminal cases fully resolved.

Beyond cost efficiency and disposal numbers and percentages, Plea Bargaining offers another major advantage; that is finality. For instance, there were no cases that progressed to appeal in the whole of 2025. If we compare this with the number of appeals that arose out of the 4,200 cases completed vide the adversarial system, we would appreciate the impact of the program.

In fact, since 2022, the period when ECCMIS captures data only (**about 50 cases** – *actual figures to be given*) have arisen out of Plea Bargains and ever been adjudicated in the Court of Appeal. This is compared to, at least, 10,000 cases completed under the program in the same period, a 0.5% rate.

Pertaining to cost, the plea bargain program offers affordability in the delivery of justice by orders of magnitude compared to other justice delivery models. Assuming, the government spends UGX 6 billion on criminal sessions per year; in 4 years, the total cost of criminal sessions would be UGX 24 billion, which delivers 24,000 cases handled using that system. Approximately 80% of these will go on Appeal and yet in the same period, the appeal rate is 0.5% from matters handled under the plea bargain program.

6.3. Legal framework

It was as a result of the above criminal justice synopsis; one characterized by a lot of backlog, lack of enough human and financial capital, poor access to justice, and an extreme strain on the public purse, that in 2016, the Judiciary came up with the Judicature (Plea Bargaining) Rules to adopt a justice delivery model that was not only effective, but gave justice to the people.

Uganda's legal framework for plea bargaining is governed by the Constitution of the Republic of Uganda 1995 (as amended),[2] the Trial on Indictment Act, the Criminal Procedure Code Act, the Penal Code Act, the Magistrates' Courts Act, the Evidence Act, and the Judicature (Plea Bargain) Rules, 2016 and the Constitution (Sentencing Guidelines for Courts of Judicature) (Practice) Directions, 2013.

[2] Art 126(2) of The Constitution of the Republic of Uganda

The Judicature (Plea Bargain) Rules, 2016[3] operationalize the Judicature Act and apply across all courts, allowing prosecutors to offer concessions, such as reduced charges or sentence recommendations, in exchange for guilty pleas, subject to court approval.

Before the 2016 rules were formulated, the practices were done informally under common law influences but lacked statutory backing, leading in some cases to inconsistent application. However, the regulations have provided the necessary guidance to judicial officers, prosecutors and accused's lawyer shedding a ray of hope.

6.4. The Process of Plea Bargaining under the Plea Bargaining (The Judicature (Plea Bargain) Rules

a) Initiation of Plea Bargaining

A plea bargain may be initiated orally or in writing by the accused or the prosecution at any stage of the proceedings, before sentence is passed.

b) Consultation of Court

The parties inform Court of the ongoing plea bargain negotiations and consult the court on its recommendations with regard to possible sentence before the agreement is brought to court for approval and recording. A Judicial Officer who has participated in a failed plea bargain negotiation may not preside over a trial in relation to the same case.

c) Executing a Plea Bargain Agreement

Where the parties are voluntarily in agreement, a Plea Bargain Agreement is executed and filed in Court.

d) Confirmation of a plea bargain agreement by the Court

[3] Rule 6(c) of the Judicature (Plea Bargain) Rules, S.I No. 43 of 2016.

After the Plea Bargain Agreement is signed, the accused is presented before the Court. The Court informs the accused person of his or her rights, and must satisfy itself that the accused person understands their rights as set out in the agreement.

e) Recording the Plea of Guilty

The charge is then read and explained to the accused person in a language that he or she understands. The accused is invited to take plea. A Plea of guilty is accordingly recorded.

The prosecution lays before the court the factual basis contained in the plea bargain agreement and the court determines whether there exists a basis for the Agreement. The accused person is asked whether he/she freely and voluntarily, without threat or use of force, executed the agreement with full understanding of all matters.

A Plea Bargain Confirmation is signed by the parties before the presiding judicial officer in the Form set out in the Rules and then it becomes part of the Court record; and is binding on the prosecution and the accused, in the terms spelt out.

f) Rejection of the Plea Bargain Agreement

The court is not allowed to impose a sentence more severe than the maximum sentence recommended in the plea bargain agreement, but where the court is of the opinion that a particular case is deserving of a more severe sentence than that recommended in a plea bargain agreement, the court is free to reject the Plea Bargain Agreement.

Where the court rejects a plea bargain agreement it shall record the reasons for the rejection, inform the parties and refer the matter for trial. The agreement becomes void and is inadmissible in subsequent trial proceedings or in any trial relating to the same facts.

Either party may, at any stage of the proceedings before the court passes sentence, withdraw a plea bargain agreement, by informing Court of his/her intention to withdraw from the bargain or by pleading not guilty upon reading the charges to the accused.

Any statement made by an accused person or his or her advocate during plea bargain discussions is not admissible for any other purpose beyond the resolution of the case through a plea bargain.

g) Ethical Considerations

A plea bargain agreement, before being signed, must be explained to the accused person by his or her advocate or a justice of the peace in a language that the accused understands and if the accused person has negotiated with the prosecution through an interpreter, the interpreter must certify to the effect that the interpretation was accurately done during the negotiations and execution in respect of the contents of the agreement.

Additionally, before entering into a Plea Bargain Agreement, the Prosecution must take into consideration the interests of the victim, the complainant and the community. These interests include loss or damage suffered, criminal record of the accused, the nature of and circumstances relating to the commission of the offence, among others.

The Court must also guard against bargains that are reached corruptly or by misrepresentation. Bargains that do not match the gravity of the offence and the circumstances of the offence may be rejected.

In **Uganda (DPP) Vs Ongoriya Moses & Wanamama Mics Isaiah, C.R.A. No. 44/2024**, it was established after the Plea Bargaining process was completed that the Prosecutor, had for personal reasons, amended the charge of murder without instructions and substituted it with that of manslaughter, and accordingly proceeded to sign a bargain for six years' imprisonment. The former Principal Judge set aside the Plea Bargain Agreement having established collusion, misrepresentation, illegality and exclusion of the complainant in the execution of the agreement. He observed that:

"*Prosecutorial discretion and amendments must be based on the facts of the case and only intended to foster justice not to curtail it. Since there was no new evidence to amend the existing summary of the case on the Court Record, I find that it was irrational on the part of the 2nd Respondent to amend the charge from Murder to*

Manslaughter. The consequence is that the 1st Respondent in furtherance of fraud pleaded to nonexistent facts. There is nothing on Court Record to suggest that there was new evidence pointing otherwise that would in law justify an amendment from murder to manslaughter.

"The amendment … was not only irrational but was also against public policy to let alleged offenders of serious crimes escape responsibility. …. Plea Bargaining was never intended to be a handshake for alleged criminals. It is a method intended to ensure that accused persons who committed offences and are willing to take responsibility for their actions do not spend a long time on remand awaiting trial. It is intended to promote timely delivery of justice while promoting forgiveness, reconciliation and healing of the victims or their families. It shouldn't be used as a handshake for those running away from criminal responsibility in connivance with those supposed to prosecute them."

This case is a demonstration of one of the major challenges associated with plea bargaining. The plea bargain process can be prone to abuse through corruption and misrepresentation of facts, at the expense of the victim.

It is also important to note that Uganda doesn't have mandatory sentencing legislation. Mandatory sentences in Uganda were declared unconstitutional in the case of **Attorney General v Susan Kigula & 417 Ors [2009] UGSC 6 (21 January 2009** in which the Supreme Court held;

"*Furthermore, the administration of justice is a function of the Judiciary under Article 126 of the Constitution. The entire process of trial from the arraignment of an accused person to his/her sentencing is, in our view, what constitutes administration of justice. By fixing a mandatory death penalty Parliament removed the power to determine sentence from the Courts and that, in our view, is inconsistent with article 126 of the Constitution.*
We do not agree with learned counsel for the Attorney General that because Parliament has the powers to pass laws for the good governance of Uganda, it can pass such laws as those providing for a mandatory death sentence. In any case, the

Laws passed by Parliament must be consistent with the Constitution as provided for in article 2(2) of the Constitution.
Furthermore, the Constitution provides for the separation of powers between the Executive, the Legislature and the Judiciary. Any law passed by Parliament which has the effect of tying the hands of the judiciary in executing its function to administer justice is inconsistent with the Constitution."

This therefore widens judicial discretion, but we must be cautious to wisely use thie discretion, especially in plea bargains.

6.5. Grounds for appeal in plea bargain cases

i) Not following the procedure stipulated for plea bargain. This has led to appeals and the cases are remitted for re-trial hence defeating the purpose of plea bargain reducing on case backlog.
ii) Not deducting the period spent on remand, which makes the sentence illegal, where courts have gone ahead and done the deductions and in some instances sent the file back to court for renegotiation.
iii) Interfering with agreed upon sentence in the plea bargain agreement. This is by enhancing the sentence to the detriment of accused which appellate courts have nullified such proceedings.
iv) Harsh and excessive sentence. Appellate courts have however been reluctant to interfere with sentence on this ground arguing that plea bargain is a contract between the parties and therefore court should not interfere with the contractual terms of the agreement.

6.6. Successes and challenges

Plea Bargaining in Criminal Justice delivery has had very many advantages, successes, while facing many challenges.

- This system has worked in Uganda and substantially reduced the cost of criminal trials. The cost of each trial in Uganda is estimated to be Ug. Shs1 million an equivalence of 300 USD. This amount covers a number of costs including legal representation for an accused because our Constitution provides for legal representation at the expense of the state, for anyone who has been charged with a capital offence. However, with plea bargaining, the

costs are cut by more than half. Since 2014, we have concluded over 50,000 capital cases at the high court.

- In terms of prison administration, the number of convicts has increased compared to the remand prisoners and this has helped management of prisoners by involving the convicts in prison rehabilitation programs.

- It has also played a commendable role in delivering quick and acceptable justice to the parties and has undoubtedly helped in decongesting prisons. With Plea Bargaining we are able to handle cases that may not necessarily be backlog, as long as they are ready for trial.

- Additionally, the accused is able to avoid a lengthy trial and the risk of a harsher punishment. It helps in avoiding the stigma of a public trial and the attendant media attention, avoiding undue anxiety by resolving the issue as quickly as possible and moving on; avoiding expense and exposure that can be exceptionally draining on an accused since the longer a trial takes, the more expensive it tends to be.

- On the side of the State, the prosecution saves the time and cost of going into full trial, the time and cost of summoning and examining witnesses, the stress of having to deal with emotionally traumatized witnesses and the risk of failing to prove the offence leading to acquittal. Sometimes, the prosecution may require the accused to testify against other offender(s) as a condition for plea bargaining. Still in respect to cost saving, plea bargaining ensures that the matter is resolved once and for all as appeals arise only in rare circumstances.

- The Court too is a beneficiary. It saves Court's time and resources. If the defendant pleads guilty, the Court prepares for the sentencing hearing without a trial. We do not have to facilitate witnesses; we do not have to spend hours and days in court hearing matters; we do not require forensic support and

exhibits. The saved time and resources can be used to deal with other cases hence reducing case backlog.

- Sitting in Court for long hours and writing proceedings have also adversely affected the health of the Judicial Officers over the years. Back pain, hand disability and loss of eyesight are the common health hazards suffered. Plea Bargaining will certainly ameliorate on this burden.

- On the side of the community, the offer to plead guilty and the acceptance of the offer is a form of reconciliation and forgiveness and the leniency in sentencing seals the deal. The convict serves a fairly short sentence and is more likely to be readmitted into the community. The victims are happy because they chose the kind of punishment that satisfies the injury suffered – unlike a sentence imposed by the Court without considering its desirability or impact.

- Furthermore, plea bargaining promotes restorative justice which offers an avenue for healing and resolution. It allows victims to express how the crime has affected them and give offenders the opportunity to make reparations directly. In Uganda, this approach has been particularly effective in addressing crimes that affect tight-knit communities, where reconciliation and peace-building are paramount. Restorative justice also fosters a sense of accountability within the offender, as they are required to face the impact of their actions on their victims and the broader community. This engagement creates a more meaningful understanding of justice.

However, the following disadvantages are associated with plea bargain;

- Inconsistency in sentencing. Plea bargain may lead to awarding different sentences for similar crimes.

- Risk of innocent accused persons pleading guilty. Some innocent accused because they want to be certain of their situation may plead guilty even if they are innocent.

Challenges

i) Lack of police files

For inmates who register for plea bargain, there is a challenge of tracing police files. About 20 to 30% of inmates who register for plea bargain don't have their matters concluded for lack of police files.

ii) Disparity in sentencing

There is lack of uniformity in sentencing amongst the judicial officers. This makes the accused persons to lean towards the more lenient judicial officer thus rendering the "harsh" judicial officer redundant.

iii) Abscondment by Judicial Officers

During camps there are judicial officers appointed to preside over the plea bargain sessions for specified period of time when the camp is running. However, some judicial officers abandon the camp before concluding the work assigned to them.

iv) Victim expectations vis a viz the law

On many occasions, victims when contacted are more interested in monetary compensation for offences that do not even provide the same. For example, a victim of rape when contacted for their views and wishes for compensation rather than custodial sentence.

v) Premediated withdraw by the accused

Some accused have found ways of gaming the system by enrolling for the Plea Bargain program and then withdrawing midway. This stems from the abuse of the Judicature (Plea Bargain) Rules which provides that a Judicial Officer shall not participate in the trial of an accused when that Judicial Officer was involved in their plea bargain process. This prolongs the trial and may create unnecessary backlog as a result of the program.

vi) Data integrity

Some courts may use results from plea bargain and capture them as pleas of guilt.

vii) Forum shopping

The accused may refuse to participate in particular sessions as a result of preference for particular Judicial Officers. This may be as a result of lack of uniformity in sentencing.

viii) Limited support from legal practitioners

Successful ADR requires understanding and support by all justice service stakeholders. In Uganda, some lawyers took long to support these initiatives as they thought the interventions would rob them of their lawyers' fees. We have had a lot of sensitizations and engagements with the Uganda Law Society to bring them on board and the response is now positive.

ix) Limited understanding of ADR and conflict with existing laws

The other challenge is mindset change. The Court Users, and even some Judges, have taken long to appreciate that the law is not static and must be applied progressively in answer to the needs of the people. ADR sensitization campaigns must continue. Let's reform our laws and practices to enable ADR to thrive.

6.7. Solutions, best practices and recommendations

From the above challenges, we propose a raft of solutions

a) Use of the Plea Bargain Reporting Tool

This will help reinforce the integrity of the data and improve analytics of the key performance indicators of the program

b) Enhance trainings

Carrying out more training of Judicial Officers and other justice actors, including adoption of cost neutral trainings such as online meetings.

c) Leadership and mindset change

A lot of the places that had massive success in the program had proactive Judicial led leaderships that found solutions that were cost effective and or even not costly at all.

d) Enhanced funding

The ADR Registry's support supervision function needs more funding provided to plea bargain camps. With the current funding, the ADR Registry is supporting the completion of 3,000 cases with finality, with no appeals going to the Court of Appeal. We would imagine that with a doubling or tripling of resources the Registry would more than triple the returns using their innovations.

e) Plea Bargain Days

We would recommend that the ADR Registry pilots the use of Plea Bargain days at every court in Uganda by all Judicial Officers in adjudication roles. The proposal is to start with the Kampala remand and Luzira Prisons Complex having Plea Bargain Sessions every week with a Magistrate from every Magisterial court in the Kampala Metropolitan area sending a Magistrate per week, and the Criminal Division and other courts having a Judge or Judges dedicating time to solving cases using the mechanism. If there was a minimum of 1 day per Judicial Officer, we would, at a success rate of 80% have, at least 480 cases solved through Plea Bargaining per week.

This translates into 21,600 criminal cases solved through Plea Bargaining in a year, assuming that each Judicial Officer worked for only 48 weeks out of 52. This clearance of cases would constitute 44% of the 48,690 pending criminal cases across the whole Judiciary as at 31st December 2025. The foregoing clearance rate is on the assumption that each Judicial Officer completed only 1 case per week using Plea Bargain.

f) Building Leadership Support and Seamless Linkage Between ADR and Court Processes

Successful criminal ADR requires strong judicial leadership. ADR cannot thrive if treated as an optional. Leadership support entails clear policy direction from the Judiciary top management and Heads of Court, continuous training and sensitisation of judicial officers, and close collaboration with the DPP, Police, Prisons, and Probation services.

g) Setting realistic timelines for ADR/plea bargain completion to avoid backlog

ADR is intended to reduce delay, not create parallel backlogs. Clear timelines must govern plea bargains, reconciliation processes, and plea bargain camps.

Judicial officers should actively manage these timelines, and ensure continuity in case handling. This preserves confidence in ADR and enhances judicial wellness by preventing case stagnation.

7.0. CONCLUSION

ADR has become an indispensable pillar of criminal justice in Uganda. Plea bargaining, in particular, has transformed case management, reduced backlog, decongested prisons, and promoted restorative justice.

It is a necessary mechanism for managing an overburdened criminal justice system, but one that requires careful monitoring and reform to ensure fairness, consistency, and the protection of all parties' rights. Ongoing efforts focus on improving stakeholder training and ensuring that the process remains transparent and voluntary.