



**A PRESENTATION ON “*CASE AND PERFORMANCE MANAGEMENT IN
THE UGANDAN JUDICIARY*”:**

**LESSONS LEARNT FROM THE BENCHMARKING TRIP TO THE
JUDICIARY OF TANZANIA**

PRESENTED BY

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AT

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AT MESTIL HOTEL, KAMPALA

ON 3rd FEBRUARY, 2025

My Lord, The Hon. The Chief Justice of Uganda
My Lords, the Justices and Judges of the Courts of Judicature
The Permanent Secretary/ Secretary to the Judiciary
Your Worship, The Chief Registrar
Your Worships the Registrars and Magistrates, present
Distinguished, Ladies and Gentlemen.

INTRODUCTION

Those of Your Lordships who attended the Annual Judges Conference (AJC) last year in February, will recall the presentation by Justice Dr. Angelo Rumisha, a Judge of the High Court of Tanzania, who is also the head of the Judiciary Delivery Unit. He presented a paper on: ***“Case Backlog Reduction Strategies and their Implementation: The Tanzania Judiciary Experience”***

In 2015, the Tanzania Judiciary, supported by the World Bank, conducted a Baseline Survey on the public perception of the Judiciary. The survey Report revealed a number of problem. These included: case backlog, complicated justice systems, and low public confidence, among others.

The Tanzania Judiciary designed and implemented Strategic and Systematic Case backlog clearing plans to tackle the challenges of Case backlog revealed by the said Baseline Survey Report. They carried out other baselines surveys in 2020 and 2023. The 2023 survey indicated that public transparency had increased to 94%, public trust, public confidence had increased to 88% and case backlog had dropped to 3% in June 2023. There was no backlog in the Tanzania Judiciary at the beginning of 2024.

You may recall my lords, that as a result of the presentation, at the end of the conference, The Chief Justice of Uganda requested the Chief Justice of Tanzania to allow a study visit by some members of the Uganda Case Management Committee to Tanzania to find out what was done to get rid of case backlog in the Tanzania Courts.

I was privileged to head the delegation from the Uganda Judiciary from 27th – 30th November, 2024, to Tanzania on the invitation of the Chief Justice of Tanzania. The delegation comprised of the Principal Judge, Members of the Case Management Committee, a number of Judicial Officers and a number of officials from our Information Communication Technology

Department. We went to the United Republic of Tanzania to benchmark on the Case Management Systems and Performance of the Judiciary of Tanzania, among others.

We discovered that from the 2015 Baseline Survey, the Tanzania Judiciary identified the following challenges: -

- i. Corruption allegations;
- ii. Limited access to Court information by the stake holders;
- iii. A complicated Justice System;
- iv. Low public trust in the justice system;
- v. Most justice service stakeholders acted unprofessionally;
- vi. Other underlying challenges included delayed case disposal (case backlog), limited and old court infrastructure, unclear court processes and limited use of technology, hence limited access to justice.

STEPS TAKEN TO OVERCOME THE CHALLENGES

The Judiciary took the following steps to overcome the challenges:

- (a) Conducting independent Court Users' Surveys, in 2015, 2020 and 2023 to establish public concerns about Judiciary Services and Performance; and to increase citizens' participation in Judiciary Service Delivery.
- (b) Developing Judiciary Strategic Plans, 2020/2021 to 2024/2025 based on 3 principles.
 - i.e. Prioritization, Discipline of Action and Accountability.

A "3-Feet Action Plan" refers to a strategic plan to manage and optimize a three distinct action steps within the organization to attain efficiency and effectiveness in the delivery of services. This model focuses on three (3) areas cost reduction, efficiency and improved performance was adopted for its enforcement where actual activities were calculated and costed based on actual and measureable inputs other than imaginary activities.

- (c) Establishing a Judiciary Delivery Unit (JDU) to facilitate the implementation of the Judiciary Strategic Plan, coordinate monitoring and evaluation of the strategic Plan and all aspects of the projects implementation.

Composition of the Judiciary Delivery Unit (JDU)

The Judiciary Delivery Unit (JDU) is headed by a Judge of the High Court supported by other Judicial Officers and Technical Staff from the ICT and Administrative Units.

The Duties of the JDU

The primary duties of the Judiciary Delivery Unit of Tanzania are: -

- (a) Modernizing Court operations
- (b) Reducing Case Backlog
- (c) Enhancing access to justice for all, and Implementing reforms relating to Technology and Case Management.

The Judiciary came up with the following strategies to eliminate Case backlog after the 2015 Baseline Survey Report; Establish effective leadership and institutional management

- i) Strengthen performance and results – oriented management and accountability
- ii) Increase efficiency in judiciary business processes and enhance the use of ICT
- iii) Enhance financial management
- iv) Enhance jurisprudence and skills of judicial officers.
- v) Improve judiciary interaction with internal and external stakeholders
- vi) Strengthen stakeholder strategic partnerships and shared objectives
- vii) Enhance or develop processes and systems that accelerate case disposal and improve the timeliness and reliability of records and information in the judiciary
- viii) Improve capacity for inspection and supervision.

The Judiciary developed a score card for each Judicial Officer and Staff in time taken to achieve targets, they set key performance indicators, track discipline, rewards and sanctions.

They designed strategic and systematic backlog clearance sessions that included following; -

1. Designing a backlog clearance program by preparing the backlog inventory, estimating human and financial requirements for each session, and compiling and publishing cause lists- deploying ICT.
2. Conducting bench/ bar strategic meetings
3. Temporarily adjusting the jurisdiction of the court

4. Implementing a backlog clearance program by improving the communication systems with parties and stakeholders.
5. Delivering judgements immediately after the conclusion of the hearing
6. Increased reporting, monitoring & evaluation and disseminating the results
7. Strengthening backstopping strategies
8. Adopting Strategic training; conducting Training Needs Assessment and Training Impact Assessment, consistently providing training to staff.
9. Publication of court decisions to the public
10. Developing a scorecard for the Judiciary, courts and staff; time taken, clearance rate, disposal rate and backlog.
11. Integrating the scorecard with the appraisal system.
12. The Judiciary then embarked on a legal reform process and reviewed their rules of procedure and practice in order to reduce the time cases take in their Courts and the cost of litigation.
13. They re-engineered their case business processes. The time taken from filing a case in Court to delivery of judgment was reduced from 827 in 2020 to 84 in 2023.
14. Public trust in Judiciary services increased from 61% in 2015 to 88% in 2023.
15. After the 2023 Baseline Survey Report, Performance new targets were set for all Judicial Officers per year.

The targets for all Judges in the financial year 2023/2024 was set at 220 Cases per Judge, Registrars 250 Cases, Magistrates in District Courts 250 Cases and 260 cases for Primary Courts.

The definition of Case backlog in Tanzania before 2015 was 24 months for all Courts. This has been redefined based on each Court level. Cases are now backlog after 6 months for Primary Courts, 12 months for District Courts, and 24 months for High Court and Court of Appeal.

- (a) They Imposed strict rules against case adjournments. For example, the appearance of an Advocate in another Court (be it a Superior Court or any other Court) is not a ground for adjournment;

(b) They put in place Score Cards for each Judicial Officer aligned to the Judicial Officer's calendar, Promotion of Judicial officers is founded on their performance.

(c) Restrictions are imposed on Judicial Officers who have not meet their set targets. They may not take and not allowed to travel for conferences. They may also be transferred to less busy government departments. An example was given of one who was transferred to the National Museum.

(d) In order to enhance access to justice, the Judiciary established specialized Court Divisions E.g. Family, Economic Crimes, Commercial, Land, Labour; and established Justice Centres and Mobile Courts with fully fledged Mobile Vans that are equipped with the necessary ICT equipment, in order to bring justice services closer to the people.

(e) Enhanced use of ICT Systems

They also introduced use of e-Systems in Case Management and generally in other Judiciary Services. The systems relieved Judges from long hand writing, increased quality of judicial decisions and reduced time and cost of adjudication. The following e-Systems were developed for delivery of Judiciary services:

i) They adopted the use of e-CAS, a Case Management System, that automated case stages from filing to disposal similar to our Electronic Court Case Management Information Systems (ECCMIS).

ii) They established a Situation Room in Dodoma which enhanced security systems, and visibility of all Judiciary Service Centers. The Room is fitted with high end computers and screens which display performance data from all courts and all judicial officers instantaneously. It instantly updates data upon being uploaded by the respective Courts. It helps the Judiciary to control, manage and plan for resource optimization, aimed at improving efficiency in Court Operations.

iii) They launched the e-Judicial Officers Open Performance Review Appraisal System (e-JOPRAS) for monitoring performance of Judicial Officers on day-to-day basis. This can be viewed by the Chief Justice, Principal Judge or any

other Judicial Officer as may be assigned by the Chief Justice at their office dashboards.

- iv) They also adopted use of audio-visual and virtual courts to ameliorate challenges of distance to the Courts and to create convenience for parties and witnesses who are out of jurisdiction, at the scheduled hearing dates.
 - v) They use virtual hearings for witnesses and prisoners in distant areas.
 - vi) They have developed an automatic transcription and translation system of Court proceedings with enabled use of artificial intelligence co-developed by the Tanzanian Judiciary ICT team with the Italian contractor.
 - vii) An e-library was created where all Court decisions (including those of Magistrates Courts) are published for public access and scrutiny. TanzLII was employed to report decisions issued by Courts of Record (High Court and Court of Appeal of Tanzania) for reference and precedent development.
 - viii) They developed a Geographic Information System (GIS/ JMAP) that analyzes and displays geographically referenced information about a particular Court Station. It provides a Map of all Tanzania Court Stations and their locations.
- (d) They reformed legal processes and reviewed Rules of Procedure and practices in order to reduce the time and cost of litigation. In 2015, there were 703 processes involved in a case from the primary court to the court of appeal. These have been reviewed and reduced to only 383. The process is continuous.
- The time taken from filing to delivery of judgment reduced from 827 days in 2020 to 231 days in 2023. Public trust increased from 61% in 2015 to 88% in 2023. The quality of Judiciary Services rose from 36% to 62% respectively as per the Baseline Survey Report of 2015 earlier talked about in this presentation.
- (e) They purposefully invested in vigorous stakeholder engagements through sensitization and training on new innovations in order to reduce resistance to change. They also conducted regular strategic trainings, reviews and studies on key areas.

Alternative Dispute Resolution (ADR) and Court Annexed Mediation in Tanzania. The experience got at the Dar-es-Salaam Mediation Centre.

- a. The Judiciary of Tanzania designated a Judge in Charge Mediation assisted by two Judges, a Registrar, a Court Administrator and Law Assistants;
- b. ADR was already enshrined in their Laws since 1994 and currently they are doing reforms through rules and guidelines that are issued by the Hon. The Chief Justice;
- c. Whereas Tanzania recognizes other forms of ADR, their emphasis is on mediation;
- d. The Judiciary of Tanzania does not have Appellate mediation at the moment. They are looking forward to learning from us.
- e. Tanzania established an ADR Centre for Dar-es-Salaam, in 2015 to conduct mediations;
- f. ADR Rules allow the use of Judicial Officers, Court Accredited and Private Mediators;
- g. All Civil cases are mediated except Probate Cases and Appeals;
- h. They offer online mediation services for parties that cannot attend physically;
- i. Party-chosen (Private Mediators) have to seek accreditation before they are allowed to do mediation;
- j. ADR Recognition Awards are given to the best performing Mediators including Local Mediators;
- k. They conduct regular public awareness on ADR different media as well as training and sensitizations;
- l. They also work with collaborators in the mediation aspect e.g Tribunals, Local Leaders and Mediation Firms;
- m. The Private Mediators are accredited by the Ministry of Constitutional and Legal Affairs and the Court Annexed Mediators are accredited by the Chief Justice;
- n. Pre-Trial mediation is done by Private Mediators accredited by the Ministry of Constitutional and Legal Affairs whereas Court Annexed mediators is carried out by Mediators accredited by the Hon. The Chief Justice including Judicial Officers (who undergo continuous training);
- o. There is a Code of Conduct for Mediators under the Rules;
- p. Mediators are not paid by the Parties but by Court;
- q. Mediation files do not have separate case numbers
- r. There is no official ADR Policy in Tanzania;
- s. The Advocates are not awarded costs in mediation;

- t. Mediators have access to the Case Management System;
- u. The Case Management System locks out mediators after 30 days (time set by law for completion of a mediation case);

Generally, the use of ADR in dispute resolution processes with particular emphasis on mediation in Tanzania was reaffirmed by establishment of Mediation Centre at Dar es Salaam. Uganda needs to also establish a Mediation Centre in furtherance of cascading Mediation and Alternative Dispute Resolution (ADR) generally.

Tanzania and Uganda population vis-à-vis judicial officers compared

Tanzania has a total of 1,286 Judicial Officers serving a population of 70,545,865 people. On the other hand, Uganda has 689 Judicial Officers serving a population of 49.9 Million people.

Population of Tanzania and Uganda compared

S/N	Variable	Tanzania	Uganda
1.	Country Land size	945,203 km ²	241,038 km ² .
2.	Total Population	70,545,865	49,900,000
3.	Population density	206 people per square/ km ²	257 people per square/ km ² .

Judicial Officers of Uganda and Tanzania compared

S/N	Court Level	Tanzania	Uganda Structure Structure	Planned Existing
1.	Supreme Court	-	10	11
2.	Court of Appeal	35	13	35
3.	High Court	105	82	151
4.	Registrars	49	78	133
5.	Chief Magistrate		91	160
6.	Magistrates Grade One	1,146	368	674
7.	Magistrates Grade Two	-	18	phased out
	TOTAL	1,286	689	1164

The ratio of the Judicial officers to the Population compared

The Judicial officer-to-Population ratio in both Tanzania and Uganda is as follows:

S/N	Country	Population	Judicial officers	Ratio of Judicial officers to Population
1.	Tanzania	70,545,865	1,286	1: 54,857
2.	Uganda	49,900,000	1164	1: 42,8695

Jurisdiction and structure of the Tanzanian Courts

Sn	Court Level	Tanzania	Uganda
1.	Supreme Court	-	Hears Appeals from Court of Appeal/Constitutional Court. -It is the final Appellate Court. -It is the first Court of instant and final Court for presidential Election Petitions.
2.	Court of Appeal	It hears appeals from high courts and is the final appellate court in Tanzania It is also the final appellate court for constitutional matters	-Hears appeal from high courts -First court of instance for matters of constitutional nature - Final appellate court for parliamentary and local governments election petitions.

3.	High Court	-Unlimited Jurisdiction in matters of Civil & Criminal Nature. -Court of instance for Constitutional matters in Tanzania.	-Unlimited Jurisdiction in matters of Civil & Criminal Nature. -Hears Appeals in form of Judicial Review from Constitutional bodies and Tribunals.
4.	Resident Magistrate Courts	Handles Civil Cases worth TZShs.300 million (about UGX 450 million)	-
5.	Chief Magistrates Courts	-	Handles Civil Cases not above 50 million shillings.
6.	District Magistrate	Handles Civil Cases worth TZShs.70 million (about UGX 300 million)	
7.	Magistrate Grade One Court	-	Handles matters whose subject matter does not exceed 20 million.
8.	Primary Courts	Handle matters of non-capital and semi capital nature, family cases, customary and Islamic.	-
9.	Magistrate Grade Two Court	-	Handles matters related to family and children.

We need to expedite the amendment of the Magistrates Courts Act to enhance monetary jurisdiction of Chief Magistrates and Magistrates Grade One. We would recommend to at least **200 million shillings for Chief Magistrates** and **100 million shillings** for Magistrates Grade One.

This will leave the High Court Judges to concentrate cases of High monetary value and on Appeals and or Revisions. This will improve case disposal and performance of individual Judges and Magistrates.

The Tanzania Mobile Court Facility

The Tanzanian Mobile Court Facility is in form of a truck vehicle that is tailor-made following specifications set by the Judiciary. We made the following observations in regard to the Mobile Court Facility:

The Mobile Court is fitted with the following functionalities: -

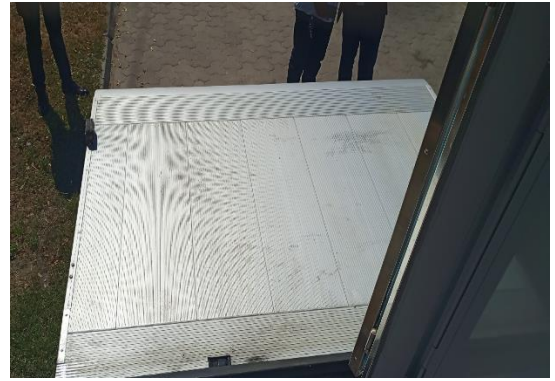
- (a) Two Entry Points; one at the front (for the Court Staff) and the other at the back (for the Court Users) used to enter and exit from the Mobile Court facility.
- (b) It has windows fitted with transparent glass pane.
- (c) At the back entry/exit, it has an elevator that aids the physically disabled Court Users to access the Court.
- (d) It is fitted with a computer (and printer) for access to the Case Management System.
- (e) It also has a conference table and chairs for the public, the Judicial Officer and other court Users (such as the accused, the litigants, the witnesses and the prosecutor).
- (f) It has a Fridge and a photocopying machine.
- (g) It has a Toilet facility and a waiting shade for court users.
- (h) It has a Cabin for the Court Staff.
- (i) The particular one we visited at Kisitu Judicial Training Centre has sitting capacity of 20 people.



The Fabricated Truck Housing the Mobile Court



The Inside Facility of the Mobile Court with Furniture and Fittings



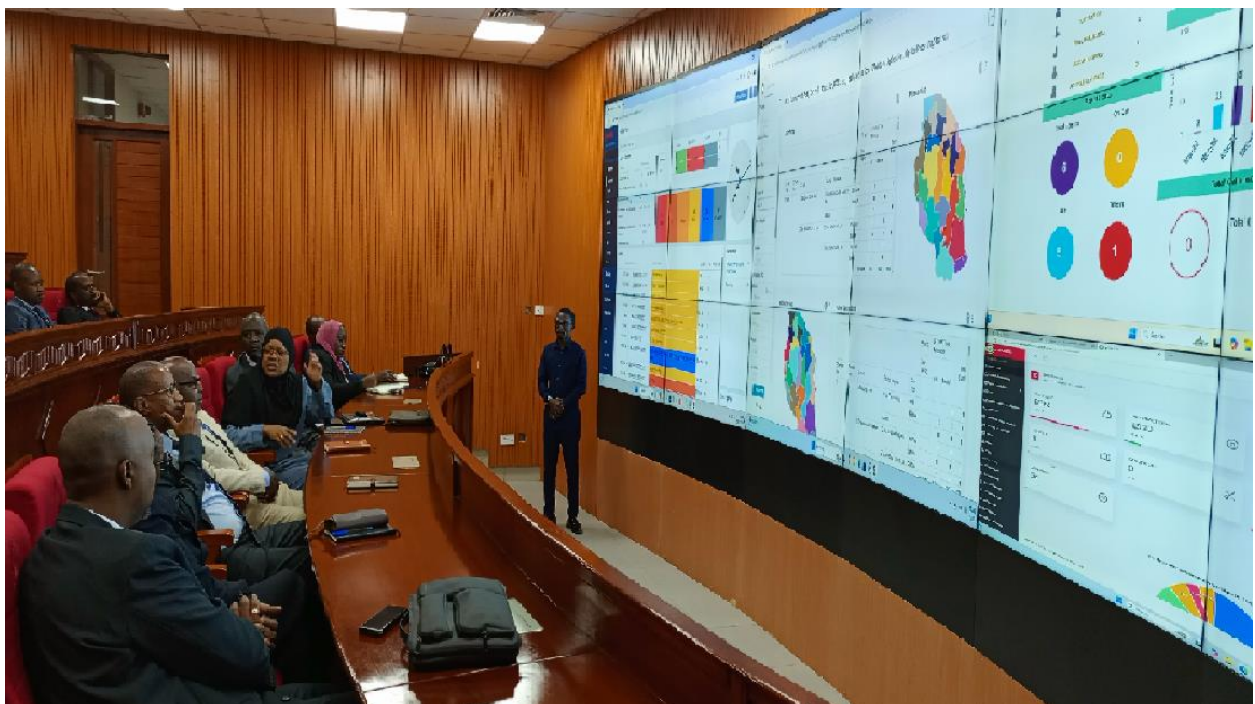
The Mobile Court Facility (LEFT): (RIGHT) The Elevator Panel at the back of the Mobile Court to serve the Physically disadvantaged to get up the Court Hall in the Mobile Court

The Situation Room

The **Situation Room** is a specially designed and highly secured room fitted with high-end computers and a wide screen that displays instant data on performance of Courts, individual Judicial Officers and the ICT infrastructure.

- i) It is located at the Judiciary Headquarters in Dodoma, but monitors the whole Judiciary ICT infrastructure and Court performance throughout Tanzania.
- ii) The Situation room provides an on-screen display of real time (instant) Court performance statistics and other activities taking place at all the different Courts in the country.
- iii) There are **Four Sections** that simultaneously display different information that includes the following: Current year (2024) Court performance figures that are active and instantaneously increasing with time.
- iv) It captures Information (live data) on individual Court Stations and the entire Judiciary on Case management (registered cases, delivered judgments, rejected cases, etc). We observed the instate nous registration and completion of cases.

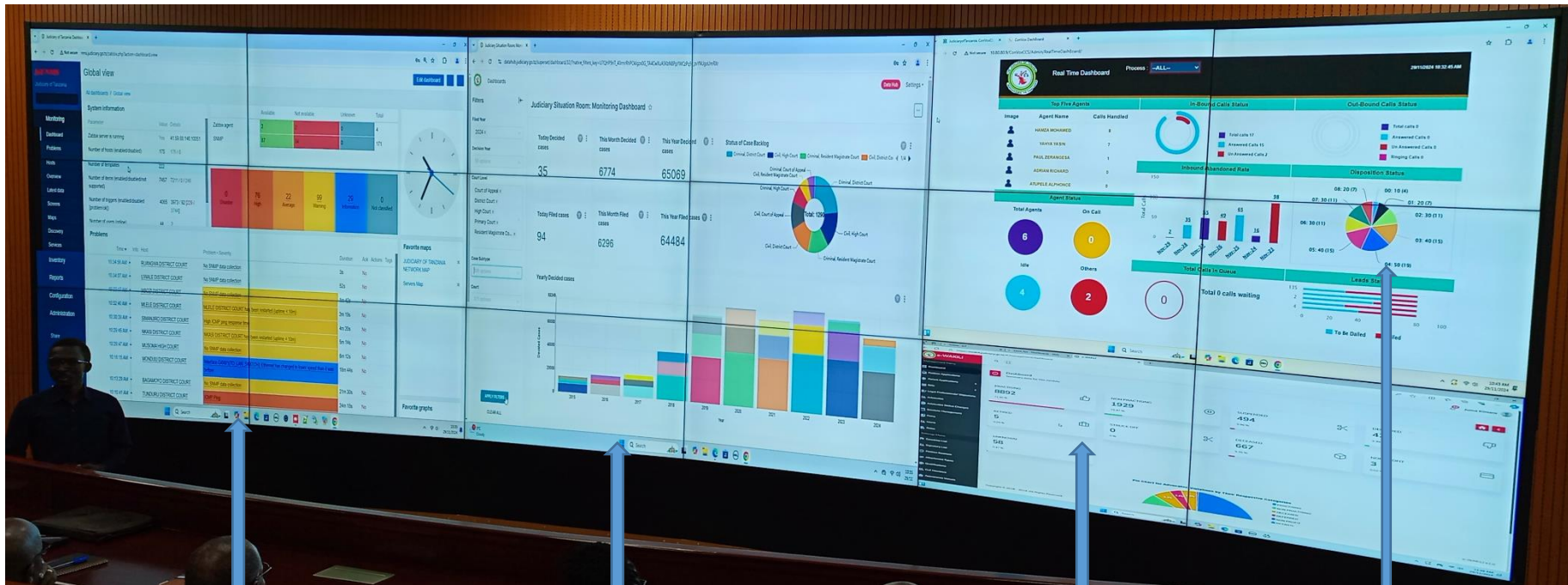
- v) It has a Network Operation Center (NOC) that monitors the status of connectivity of the links that connect the Local and Wide Area Network (LAN/WAN) Infrastructure.
- vi) The Judiciary Call Centre activity logs show active Call Attendants, calls attended to, waiting calls, unattended to calls and customer feedback, to confirm that the customer was attended to.
- vii) The System Resource Utilization information is also displayed.
- viii) More information would be displayed on request. For example, Live Sessions on online hearing were also displayed upon our request.
- ix) The *Situation Room* was managed by 18 ICT Staff, assisted by other ICT staff spread in other stations countrywide, totaling 102 and included: System Developers, Systems Analysts, Programmers, Data Engineers and Scientists.
- x) The Systems was developed In-House.



The outlook of the Situation Room in form of a Lecture Theatre



Laptop Computers at the Back of the Situation Room that project the Information that is seen at the Display Screens



Section 1:
Network Connectivity
Operation View

Section 2:
Court Performance -
Instant/Simultaneous &
Historical Data

Section 3:
System Resources e.g
RAM, Memory
Performance Section

Section 4:
Call Centre Records

The Situation Room View Panel made of 18 Screens of 65 Inches (03 Rows X 03 Columns)

RECOMMENDATIONS FOR THE JUDICIARY OF UGANDA

As the Case Management Team of the Judiciary of Uganda, we have picked lessons on the reforms carried out by the Judiciary of Tanzania to enhance our performance. We recommend that our Judiciary should also adopt the following interventions in order to achieve what our Tanzanian counterparts have attained, or even more. These include:

- (a) Conduct an independent assessment of Judiciary services to ascertain public satisfaction and identify areas for improvement.
- (b) Improve performance management processes to ensure sound performance supported by an efficient and effective Performance Management System.
- (c) Reward excellent performance, encourage innovation and creativity.
- (d) Staff supervision and performance inspections should be improved. The Judiciary administration should be very strict on staff performance and should impose and enforce sanctions for under performance and indiscipline.
- (e) Discourage unscheduled activities, such as impromptu inspections, conferences, trainings and meetings which have robbed Judicial Officers of their quality working time. Schedule activities in good time so that Judicial Officers and other Court Users plan their activities to minimize disruption of work.
- (f) Introduce further legal reforms to enhance efficiency. Outdated Rules of procedures and practices which contribute to delays should be reviewed and modified.
- (g) Develop and implement in-house ICT systems and software with rights to control the Source Codes and to modify them at will.

- (h) Extensively use ICT systems and tools to enhance efficiency and output. e.g Implement real-time transcription, establish a Judiciary Situation Room and provide monitoring dashboards to members of the Top Management and the Inspectorate of Courts.
- (i) Improve Case Management techniques and consequently reduce case processing timelines and delayed hearings and judgments.
- (j) Establish a case sieving system at the level of case registration to eliminate cases which are not fit to be in the Court system.
- (k) Outdated Rules of procedure and case management practices which contribute to case processing delays should be reviewed and modified.
- (l) Enhance jurisdiction of Magistrates and Registrars to reduce case backlog at the High Court and Appellate Courts.
- (m) Enhance the use Alternative Dispute Resolution (ADR) in dispute settlement at all Courts levels, including the Supreme Court.
- (n) Monthly performance reports should be used to inform disciplinary action and resource allocation. Promotions should be based on continuous assessment of performance. Non performers should be sanctioned.

CONCLUSION

Performance Management is an ongoing process of communicating and clarifying job responsibilities, priorities and performance expectations. The Judiciary leadership should finalise and rollout the Performance Enhancement Tool and put in place a mechanism of implementing it. Once the software has been enhanced, we should make all necessary adjustments to enhance the hardware (the Judicial Officers and support staff).

Individual Judicial Officers should plan their work and align it with the Institutional goals, annual work plans and the Strategic Plan in order to have harmonized work plans. This will ensure effective delivery of justice.

Proposed case management reforms should be accepted, implemented and evaluated periodically. ICT should be embraced in all spheres of Judiciary work – both in Court work and administrative work – in order to enhance efficiency and timely delivery of services.

It is important to leverage extensive use of ICT, as our Tanzanian counterparts, for the Judiciary to be more efficient and effective in the services we offer to the people.

For God and my Country

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Richard Buteera

DEPUTY CHIEF JUSTICE