



THE REPUBLIC OF UGANDA

**THE HIGH COURT
(ANTI-CORRUPTION DIVISION)
(CASE MANAGEMENT) RULES, 2021.**

Legal Notice No. 11 of 2021

LEGAL NOTICES SUPPLEMENT

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**THE HIGH COURT (ANTI-CORRUPTION DIVISION)
(CASE MANAGEMENT) RULES, 2021.**

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**The High Court (Anti-Corruption Division)
(Case Management) Rules, 2021**

(Under section 41(1) and 41 (2)(y) of the Judicature Act, Cap. 13)

IN EXERCISE of the powers conferred upon the Rules Committee by section 41(1) and 41(2)(y) of the Judicature Act, these Rules are made this 10th day of February, 2020.

1. Title.

These Rules may be cited as the High Court (Anti-Corruption Division) (Case Management) Rules, 2021.

2. Application.

These Rules apply to the High Court Anti-Corruption Division.

3. Objective of Rules.

The objective of these Rules is to establish and lay down principles for an orderly, expeditious, efficient and cost effective manner of handling cases before the Court.

4. Interpretation.

In these Rules, unless the context otherwise requires—

“address of service” means the address of service of the accused person or of his or her legal representative and includes a physical or electronic address;

“Court” means the Anti-Corruption Division of the High Court;

“document” includes an electronic document;

“magistrate” means a designated Chief Magistrate or Magistrate Grade 1 assigned to the Court;

“party” includes a public prosecutor and an accused person, or his or her legal representative;

“Registrar” means the Registrar of the Court;

“trial” includes a pre-trial conference, a plea, any hearing at which evidence is adduced, sentencing and any subsequent hearing.

5. Duty of parties in case before Court.

Each party shall conduct a case before the Court in a manner consistent with these Rules.

6. Mention of case by magistrate.

(1) A magistrate shall appoint the time and place for the hearing of a case within a period not exceeding three months from the date on which inquiries are completed.

(2) Where a case is not fixed for hearing within the three months referred to in subrule (1), the magistrate may, thereafter, appoint a time and place for the hearing of the case, and, if at the appointed time and place, the parties do not appear or the prosecution is unjustifiably unprepared to proceed, the magistrate may dismiss the case.

7. Sureties.

The Court shall, before considering any person to stand a surety for an accused person, determine that the person has the capacity—

- (a) to influence and compel the accused person to attend trial; and
- (b) to meet the terms of the bond.

8. Disclosure of documents, material statements, exhibits, etc.

(1) A prosecutor shall disclose to the accused person or to his or her legal representative, the documents, material statements, exhibits and any information that the prosecutor intends to rely on at the trial.

(2) Notwithstanding the general principle in subrule (1), a prosecutor may, with leave of Court, withhold disclosure on grounds of—

- (a) State secrets;
- (b) protection of witnesses from intimidation;
- (c) protection of the identity of informers;
- (d) disclosure, if not justified for purposes of trial; or
- (e) any other justifiable cause.

(3) In cases where the magistrates court does not have jurisdiction, disclosure shall be made at the time of committal to the High Court; while, in cases where the magistrates court has jurisdiction, disclosure shall be made at the time when inquiries into the case are complete.

(4) The prosecutor shall provide a list of documents, material statements or exhibits which he or she is aware may become available in the course of the trial, but which are not available at the time of initial disclosure.

(5) A document, material statement or exhibit that becomes available as the trial proceeds shall be disclosed to the accused person or to his or her legal representative; except that the prosecutor shall submit evidence to establish that the document, material statement or exhibit was not reasonably foreseeable or available at the initial disclosure.

(6) Where a document, material statement or exhibit is disclosed in the course of trial, the Court may adjourn the trial and accord the defence an opportunity to examine the document, material statement or exhibit.

(7) A list containing particulars of all documents, material statements or exhibits disclosed under this rule shall be filed with court.

(8) Any document, material statement or exhibit disclosed under this rule shall be served on the accused person or on his or her legal representative in person or electronically at the address of service furnished by the accused person or by his or her legal representative.

(9) Where an accused person changes his or her legal representative, the former legal representative shall immediately return all disclosed documents, material statements or exhibits to the accused person.

(10) Where an accused person fails to obtain any previously disclosed document, material statement or exhibit from his or her legal representative, the accused person may obtain, from the prosecutor, another set of documents at the accused person's cost.

(11) A party who, without leave of Court, fails to disclose evidence as provided for under subrule (1), shall not be allowed to adduce or tender that evidence in the course of the trial, unless the party proves to the satisfaction of the Court that the evidence was not available, or known to the party or in the possession of the party at the time of disclosure.

9. Preliminary hearing following plea of not guilty.

(1) The Court shall, following a plea of not guilty, conduct a preliminary meeting to consider matters that will promote a fair and expeditious hearing.

(2) In cases before a magistrates court, the preliminary hearing shall be conducted within a period not exceeding thirty days from the date on which the inquiries into the case were completed.

(3) In cases to be tried by the High Court, the preliminary hearing shall be conducted within a period not exceeding thirty days from the date on which the accused person is committed to the High Court.

(4) Any document, material statement or exhibit agreed to by the parties to be relied on at the trial during the preliminary hearing shall be admitted and marked as a court exhibit.

(5) The Court may allow parties reasonable time to peruse the documents.

(6) The Court shall, at the conclusion of a preliminary hearing, prepare a memorandum of agreed matters to be signed by the parties.

10. Court participation in plea bargain.

(1) The court shall after disclosure, inform the parties of the option of entering into a plea bargain agreement and explain to the parties the process of plea bargain as outlined in the Judicature (Plea Bargain) Rules, 2016.

(2) Where the parties agree, they may apply to the court to appoint a judicial officer to facilitate the plea bargain process.

(3) The existence of ongoing plea bargain negotiations between the parties shall not automatically stay a trial.

(4) The court may, on an oral application made by a party who wishes to enter into a plea bargain agreement, stay the proceedings for a period not exceeding thirty days.

11. Objections and interlocutory applications.

Objections or interlocutory applications during a trial shall, as far as practicable, be made at the beginning of the trial.

12. Adjournments.

(1) The court may, for good cause, adjourn the hearing of a case.

(2) Where the court is unable to sit on a particular day, it shall inform the parties in advance.

(3) Where a party may not be available on the day on which a case is fixed for hearing, the party shall inform the court and the other party in advance.

(4) Where the lead prosecutor or lead legal representative is not available on the day on which a case has been fixed for hearing.

the advocate holding brief for the lead prosecutor or lead legal representative shall proceed with the case, unless, owing to the complexity of the case or other circumstances brought to the attention of the court, it is fair and just to adjourn the hearing.

(5) Where, in a particular case, an accused person is required by law to be legally represented, but the accused person is unwilling or unable to instruct a legal representative; or where the legal representative is instructed and, he or she is behaving in a manner so as to frustrate the conduct of a case, the court shall, within a period not exceeding sixty days, appoint a legal representative on state brief to proceed with the case.

13. Time for delivery of judgment.

A judge or magistrate shall deliver judgment in a case within sixty days after completion of the trial.

14. Advocates' contacts.

Every advocate prosecuting or defending a case shall furnish the Registrar with his or her contact details; including phone number, e-mail address and physical address.

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BART.M. KATUREEBE
Chief Justice.

Cross Reference.

The Judicature (Plen Bargain) Rules, 2016, S.I. No. 43 of 2016.