

Pros and cons of mobile courts/community trials

BY ELIZABETH KAMURUNGI

On April 4, President Museveni directed the Judiciary to conduct the trial of the suspect in the killing of four toddlers at a Ggaba Early Childhood Development Programme, in the community where the crime was committed, so that residents can witness justice being dispensed.

The killing of the children on April 2 elicited intense grief and anger, with residents baying for the blood of the suspect, Christopher Okello Onyiah.

If President Museveni's directive is implemented, the case will be handled through a mobile court.

A mobile court conducts proceedings in a location or facility other than court premises, for a specified period of time. The framework, while not new, was only formalised by Chief Justice Flavio Zekeria last month through the Constitution (Operation of Mobile Courts) (Practice) Directions, 2026.

"Court is really not a building per se. It is the setup that comprises of a judicial officer, the lawyers, the DPP, the police, the witnesses, and whoever must be in attendance. It can be set up anywhere as long as it is safe, secure, and people can easily access it," Mr Anthony Asiimwe, the vice president of the Uganda Law Society, said.

Under the directions, only the Judiciary can determine when a mobile court or community trial is conducted. A mobile court is presided over by a judge or magistrate assigned by the Chief Justice, and can handle both civil and criminal matters.

In the case of the Ggaba killings, the capital offence must be handled by a High Court, and it fits within the terms of procedure of a mobile court. Ms Jacquelynne Okui, the Spokesperson of the Directorate of Public Prosecutions (DPP), yesterday said the Directorate will handle the case as directed by the Judiciary, be it in the established courts or otherwise.

"He only appeared today [Tuesday] in the magistrate's court for the charges to be read out and explained to him. When investigations are complete and we have all the evidence, he will be committed to the High Court for trial. It is most likely that the trial will be held by the mobile court. It is not for us to determine. That's a Judiciary matter," She said.

Mobile courts, according to paragraph five of the Directions, are aimed at improving access to justice by taking judicial services to every part of Uganda, even to refugee camps and refugee host communities, and strengthening the existing processes of administra-

Processes.

Court is really not a building per se. It is the setup that comprises of a judicial officer, the lawyers, the DPP, the police,

the witnesses, and whoever must be in attendance. It can be set up anywhere as long as it is safe, secure, and people can easily access it," - Anthony Asiimwe, the Vice President of Uganda Law Society

tion of justice to facilitate speedy delivery of justice.

While Ggaba suburb is in proximity to multiple established courts, President Museveni argued that a community trial would be ideal for the residents to witness justice being dispensed. In the early days of the NRM, community trials were common for army personnel who committed crimes against civilians as a means to institute discipline in the forces and create confidence in the citizens. In recent years, prominent community trials include the trial of Thomas Kwoyelo, a former commander in the Lord's Resistance Army, who was tried and sentenced by the International Crimes Division of the High Court sitting in Gulu.

In the Kwoyelo Trial, Human Rights Watch highlighted several pros and cons of community trials, with benefits like increasing visibility and resonance with the communities that were most affected by the crimes. The organisation, however, warned that locating the

trial in the community would increase security risks for judges, division and the accused, along with heightening challenges to protect witnesses.

Mr Asiimwe of ULS says the advantages of mobile courts and community trials far outweigh the negatives.

"It will reduce the cost of people moving miles to look for courts and judicial officers. It also gives a chance to some witnesses who are hard to transport. Therefore, it would reduce the backlog and solve so many challenges, especially the cost involved in accessing justice."

Mr Asiimwe, however, says there are loopholes to be addressed and calls for clear procedures.

"The challenge is that they are not giving it a holistic approach. Areas, like islands and other hard-to-reach areas, have a challenge of most people appearing in those courts not being legally represented." He tasked the government to fast-track the National Legal Aid Bill to cure this loophole.

Constitutional lawyer, Wandera Ogalo says that while mobile courts come with multiple advantages, they should be used according to established procedure, and not at the directive of the President.

"I think it is very dangerous for the President to be seen as directing how a person should be tried. That really undermines the independence of the Judiciary. We should leave the judicial officers to make their decisions. That's how somebody comes up to think that yes, we really have an independent Judiciary. If it comes up with the same conclusion as his, so be it," he said.