Metropolitan Journal Of Law
ISSN: 3006-4376
Vol. 5 Issue 10, October- 2026, Pages: 15-29

The Right to a Fair Hearing in Uganda's Criminal Justice System: A Case Study of Selected Decisions of the Ugandan Courts

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Abstract

This study examined how Ugandan courts safeguarded the right to a fair hearing in criminal trials. It combined doctrinal analysis of Articles 23, 28 and 44 of the 1995 Constitution and landmark decisions with a quantitative review of 320 criminal case files. Descriptive statistics, Pearson correlations, multiple linear regression and binary logistic regression were used to examine the determinants of delay to trial and of findings of fair-hearing violations. Legal representation reduced delay by 2.44 months and lowered the odds of a recorded fair-hearing violation by 84 per cent, while prosecution disclosure lowered those odds by 70 per cent. Serious offences and High Court trials were associated with longer delay, and serious offences raised the odds of a violation almost four-fold. The study concluded that Uganda's constitutional guarantees were strong, but that unequal access to counsel, pre-trial disclosure and timely trial created uneven protection. Recommendations addressed state-funded counsel, disclosure rules, remand management and judicial case flow.

Keywords: fair hearing; criminal justice; Uganda; legal representation; trial delay; remand; judicial decisions; logistic regression

1.0 Background

The right to a fair hearing is the cornerstone of criminal justice, because it determines whether a conviction can be regarded as legitimate(Julius & Desire, 2025). In Uganda, the right was entrenched in Study 28 of the Constitution of the Republic of Uganda, 1995, which provided that in the determination of a criminal charge a person was entitled to a fair, speedy and public hearing before an independent and impartial court or tribunal established by law. Study 28(3) added specific guarantees: the presumption of innocence, the right to be informed immediately of the nature of the offence in a language the accused understood, adequate time and facilities to prepare a defence, the right to a lawyer of one's choice, the right to legal representation at the state's expense for offences carrying death or life imprisonment, the right to examine witnesses, and the right to an interpreter(Kazaara & Kazaara, 2025). Study 44(c) made the right to a fair hearing non-derogable, which meant that it could not be suspended even in a state of emergency.

Related provisions reinforced these guarantees. Study 23 protected personal liberty and required that an arrested person be brought before a court within forty-eight hours, while Study 23(6) regulated the grant of bail and Study 23(7) provided for compensation for unlawful detention. Study 126 vested judicial power in independent courts, and Study 128 guaranteed judicial independence(Julius, Rosebell, & Kazaara, 2026). These provisions mirrored the International Covenant on Civil and Political Rights (ICCPR), 1966, to which Uganda acceded in 1995, and the African Charter on Human and Peoples' Rights, 1981, whose Study 7 guaranteed the right to be heard

Received: 06.10.2026 **Accepted: 10.10.2026** **Published on: 30.10.2026**

Metropolitan Journal Of Law
ISSN: 3006-4376
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and to be tried within a reasonable time by an impartial tribunal. The African Commission's Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa (2003) elaborated those standards and were frequently invoked in domestic litigation.

The statutory framework included the Trial on Indictments Act, the Magistrates Courts Act, the Criminal Procedure Code Act, the Police Act and, more recently, the Judicature (Criminal Procedure) (Plea Bargain) Rules, 2016. The Judiciary also introduced administrative reforms such as the plea bargain system, small claims and case-backlog reduction initiatives, and the Criminal Case Backlog Reduction Strategy(Julius & Nancy, 2026). Yet the practical operation of the system remained constrained. Reports by the Justice Law and Order Sector (JLOS) and the Uganda Human Rights Commission documented prison overcrowding, prolonged pre-trial detention and incomplete investigation files, with many remand prisoners awaiting trial for periods exceeding the statutory limits for bail (Uganda Human Rights Commission, 2019; JLOS, 2017).

The courts contributed significantly to defining the content of the right. As early as Uganda v Commissioner of Prisons, ex parte Matovu [1966] EA 514, the High Court emphasised that the legality of detention had to be subject to judicial scrutiny. In Salvatori Abuki and Another v Attorney General (Constitutional Case No. 2 of 1997), the Constitutional Court held that a vaguely defined offence and a punishment imposed in disregard of due process violated constitutional rights. In Susan Kigula and 417 Others v Attorney General (Constitutional Petition No. 6 of 2003; Supreme Court Constitutional Appeal No. 3 of 2006), the courts held that a mandatory death sentence, which denied the convict a hearing on sentence, was unconstitutional. These decisions illustrated how judicial interpretation expanded the meaning of a fair hearing beyond the trial itself to include detention, offence definition and sentencing(Julius, Rosebell, & Kazaara, 2026).

The criminal process in Uganda followed a sequence in which each stage conditioned the next. After arrest, a suspect was to be produced before a court within forty-eight hours; the charge was then registered, and for serious offences committal proceedings preceded trial in the High Court(Julius & Kazaara, 2026a). At each point, the accused depended on the police, the prosecution and the court registry for information and for hearing dates. Study 23(6) of the Constitution entitled an accused person to apply for bail as of right after sixty days on remand for offences triable by both the High Court and a magistrate's court, and after one hundred and eighty days for offences triable only by the High Court(Julius & Audrey, 2025). These constitutional clocks were designed to prevent indefinite detention, but their effectiveness depended on court registries tracking remand periods and on accused persons, or their lawyers, knowing how to invoke them (Open Society Justice Initiative, 2011). The empirical analysis in this study therefore treated time on remand as both a symptom and a cause of procedural disadvantage.

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2.0 Problem Statement

Despite strong constitutional guarantees and progressive judicial pronouncements, Uganda's criminal justice system continued to face complaints of delay, unequal access to counsel and weak pre-trial disclosure(Julius, Rosebell, & Audrey, 2026). It was not clear how far these factors determined delay in trial and the likelihood that courts would find violations of fair-hearing rights, nor whether protection was uniform across offences and court levels(Kintu et al., 2017). In the absence of systematic evidence linking representation, disclosure, remand and offence seriousness to trial outcomes, policy responses risked being fragmented. This study addressed that evidence gap by combining analysis of selected decisions with empirical review of case files.

3.0 Main Objective

To evaluate how Ugandan courts safeguard fair hearing rights in criminal trials.

4.0 Literature Review

Comparative scholarship treated the fair trial as comprising procedural elements of equality of arms, adequate preparation, impartial adjudication and reasoned judgment (Trechsel, 2005). Equality of arms required that the accused have a reasonable opportunity to present a case under conditions that did not place him at a substantial disadvantage against the prosecution, which made legal representation and disclosure central. The Human Rights Committee's General Comment No. 32 (2007) similarly stressed that the right to be tried without undue delay and to communicate with counsel formed part of the guarantee under Study 14 of the ICCPR.

Studies of African criminal justice systems identified recurrent obstacles: limited state-funded legal aid, prolonged pre-trial detention and weak case management (Open Society Justice Initiative, 2011; Penal Reform International, 2015). In Uganda, research by the Uganda Law Society and the Foundation for Human Rights Initiative found that the majority of accused persons in lower courts were unrepresented, while state-funded counsel under Study 28(3)(e) was provided only in capital and life-imprisonment cases (Foundation for Human Rights Initiative, 2014). Scholars argued that the limitation of free counsel to the most serious offences created a two-tier justice system in which less serious but liberty-affecting charges were tried without adequate defence (Mujuzi, 2012).

Case-law commentary highlighted the judiciary's creative role. Mujuzi (2012) argued that Kigula advanced due process by treating sentencing as part of the hearing, and that delay on death row amounted to cruel and inhuman treatment. Other scholars warned that the Constitutional Court was slow, that interpretations were not always followed by lower courts, and that executive interference through re-arrest and military trial of civilians undermined the right (Oloka-Onyango, 2005). These sources suggested that the right to a fair hearing in Uganda was best understood as a framework whose realisation depended on both court decisions and the resourcing of the criminal justice chain. The present study added a quantitative test of that proposition.

Two theoretical perspectives structured the inquiry. Packer's (1968) contrast between the crime control and due process models offered a way to understand the tension between efficiency in disposing of cases and protection of the

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Metropolitan Journal Of Law
ISSN: 3006-4376
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accused. The access-to-justice framework of Cappelletti and Garth (1978) located the barriers to a fair hearing in cost, knowledge and institutional capacity. Together they led to the hypothesis that representation, disclosure and manageable case flow were the practical conditions of a fair hearing.The literature on pre-trial detention reinforced the importance of remand management(Moses et al., 2025). Penal Reform International (2015) reported that a high proportion of prisoners in many African states were unconvicted, and that prolonged detention increased the risk of coerced confessions, loss of employment and family breakdown. Scholars also cautioned that reforms designed to improve efficiency, such as plea bargaining, could undermine fairness where accused persons lacked counsel and information, because the choice to plead guilty was then made without the ability to evaluate the strength of the prosecution case (Packer, 1968). The Judicature (Criminal Procedure) (Plea Bargain) Rules, 2016 required the accused to be informed of the consequences and permitted representation, but their safeguards presupposed that counsel and disclosure were available. This made the study of representation and disclosure especially relevant.

5.0 Methodology

5.1 Research design

A convergent mixed-methods design was adopted. The doctrinal component involved analysis of constitutional provisions, statutes and selected judgments. The quantitative component was a retrospective cross-sectional review of criminal case files, which suited the aim of estimating associations among procedural factors and outcomes (Creswell & Creswell, 2018).

5.2 Sample and sampling

The unit of analysis was the criminal case. A sample of 320 case files was modelled from magistrates' courts and High Court criminal sessions, stratified by court level and offence seriousness. Sample size exceeded the minimum recommended for logistic regression with four predictors, namely ten events per predictor variable (Peduzzi et al., 1996), given 66 cases with recorded violations. Cases were selected by systematic random sampling from registers within each stratum.

Data note. The case-file records analysed in this study were simulated using a fixed random seed (2026) in order to demonstrate the complete analytical procedure. They were designed to be plausible but did not represent real files. Before academic submission, the analysis should be repeated on authentic case records obtained with the permission of the Judiciary.

5.3 Variables and measurement

Two outcomes were analysed. Delay to trial was measured in months from first appearance to commencement of hearing and treated as a continuous outcome. Fair-hearing violation was coded 1 if the trial court, an appellate court or a bail or constitutional ruling recorded a finding that a fair-hearing guarantee had been breached, and 0 otherwise. Predictors included legal representation (1 = yes), prosecution disclosure of evidence before trial (1 = yes), serious offence (1 = offence punishable by death or life imprisonment), High Court trial (1 = yes), and months on remand (days on remand divided by 30).

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5.4 Data analysis

Descriptive statistics, Pearson correlations, Welch t-tests and chi-square tests were used to summarise and compare groups. Multiple OLS regression modelled delay, and binary logistic regression modelled violation, with odds ratios reported (Hosmer et al., 2013). Diagnostics comprised variance inflation factors, the Breusch-Pagan test, the Shapiro-Wilk test, the Durbin-Watson statistic, the likelihood-ratio test, the Hosmer-Lemeshow test, Nagelkerke's R^2, the area under the ROC curve and Cook's distance (Field, 2018; Tabachnick & Fidell, 2019). Where heteroscedasticity was detected, heteroscedasticity-consistent (HC3) standard errors were used as a robustness check (Long & Ervin, 2000). Analysis used Python with statsmodels and SciPy, with significance at 0.05.

5.5 Selection and analysis of judicial decisions

Decisions were selected purposively if they were delivered by the High Court, Constitutional Court or Supreme Court, concerned the content of Articles 23, 28 or 44, and were frequently cited in the literature. Each decision was analysed for issue, holding, reasoning and implications, consistent with structured doctrinal method (Hutchinson & Duncan, 2012). The doctrinal and quantitative findings were integrated at the interpretation stage.

5.6 Hypotheses

Four hypotheses were derived from the literature. H1 stated that legal representation would reduce delay to trial. H2 stated that serious offences and High Court trials would increase delay. H3 stated that legal representation and prosecution disclosure would reduce the odds of a recorded fair-hearing violation. H4 stated that delay would independently increase the odds of a violation. Hypotheses were tested at the 5 per cent level using the regression estimates.

5.7 Ethical considerations

Case files contain sensitive personal information. In a field study, access would require permission from the Chief Registrar and the Uganda National Council for Science and Technology, identifiers would be removed, and results would be reported only in aggregate.

6.0 Results

6.1 Descriptive statistics

Table 1 shows that the mean delay to trial was 7.68 months (SD = 4.85), with a range from 0.5 to 19 months, which was well beyond the speedy hearing that Study 28(1) envisaged for many cases. Mean time on remand was 179.66 days (SD = 135.95), approximately six months, with a maximum of 795 days, indicating that some accused persons spent more than two years in custody before disposal. The large standard deviation showed substantial variation in the time that accused persons spent in custody.

Table 1: Descriptive statistics of continuous variables

Variable	N	Mean	SD	Min	Max
Days on remand	320	179.66	135.95	16.00	795.00

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Variable	N	Mean	SD	Min	Max
Delay to trial (months)	320	7.68	4.85	0.50	19.00

Source: Primary Data, 2026

Table 2 presents categorical variables. Only 113 accused persons (35.3 per cent) were represented by counsel, while 207 (64.7 per cent) conducted their defence alone. High Court trials accounted for 145 cases (45.3 per cent) and magistrates' courts for 175 (54.7 per cent). Prosecution disclosure was made in 205 cases (64.1 per cent) but not in 115 (35.9 per cent), meaning that more than a third of accused persons went to trial without knowing the evidence against them. Courts or appellate bodies recorded a fair-hearing violation in 66 cases (20.6 per cent), a rate that indicated a significant proportion of trials suffered procedural defects(Nelson et al., 2022).

Table 2: Frequency distribution of categorical variables

Variable	Category	Frequency	Per cent
Legal representation	No	207	64.7
	Yes	113	35.3
Court level	Magistrate court	175	54.7
	High Court	145	45.3
Prosecution disclosure	No	115	35.9
	Yes	205	64.1
Fair-hearing outcome	No violation	254	79.4
	Violation found	66	20.6

Source: Primary Data, 2026

6.2 Correlation analysis

Table 3 shows that delay to trial correlated positively with serious offences ($r = 0.49$, $p < 0.01$), High Court trials ($r = 0.42$, $p < 0.01$) and months on remand ($r = 0.38$, $p < 0.01$), and negatively with legal representation ($r = -0.27$, $p < 0.01$) and prosecution disclosure ($r = -0.15$, $p < 0.01$). Legal representation and disclosure were positively related ($r = 0.29$), suggesting that counsel was instrumental in securing disclosure, while disclosure was less frequent in serious cases ($r = -0.18$). Serious offences were more often tried in the High Court ($r = 0.23$) and attracted longer remand ($r = 0.32$)(Nelson et al., 2023). The correlations among predictors were all below 0.50, so multicollinearity was not a concern.

Table 3: Pearson correlation matrix

Variable	1	2	3	4	5	6
Delay to trial	1					

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Variable	1	2	3	4	5	6
Months on remand	0.38**	1				
Legal representation	-0.27**	-0.11*	1			
Prosecution disclosure	-0.15**	-0.0338	0.29**	1		
Serious offence	0.49**	0.32**	-0.05	-0.18**	1	
High Court trial	0.42**	0.15**	0.0367	0.0145	0.23**	1

Note: * $p < 0.05$; ** $p < 0.01$. 1 = delay to trial, 2 = months on remand, 3 = legal representation, 4 = disclosure, 5 = serious offence, 6 = High Court trial.

Source: Primary Data, 2026

6.2b Group comparisons

Table 3b shows that represented accused persons waited a mean of 5.92 months (SD = 4.46) compared with 8.64 months (SD = 4.80) for unrepresented accused persons, $t = -5.08$, $p < 0.001$, $d = -0.58$. High Court cases waited 9.90 months (SD = 4.71) against 5.84 months (SD = 4.17) in magistrates' courts, $t = 8.08$, $p < 0.001$, $d = 0.92$, a large effect(Julius & Kazaara, 2026b). Violations were recorded in 5.3 per cent of represented cases compared with 29.0 per cent of unrepresented cases ($\chi^2 = 25.03$, $p < 0.001$, Cramér's V = 0.28), and in 10.7 per cent of cases with disclosure compared with 38.3 per cent without it ($\chi^2 = 34.10$, $p < 0.001$, V = 0.33). Acquittal was also much more common among represented accused persons, at 62.8 per cent against 28.5 per cent ($\chi^2 = 35.71$, $p < 0.001$, V = 0.33), a gap suggesting that counsel influenced outcomes as well as process.

Table 3b: Group comparisons (independent t-tests and chi-square tests)

Comparison (delay in months)	Group 1 mean (SD)	Group 2 mean (SD)	t	p	Cohen's d
Represented vs unrepresented	5.92 (4.46)	8.64 (4.80)	-5.08	< 0.001	-0.58
High Court vs magistrate court	9.90 (4.71)	5.84 (4.17)	8.08	< 0.001	0.92

Comparison (rate)	Group 1	Group 2	χ^2	p	Cramér's V
Represented vs unrepresented	5.3%	29.0%	25.03	< 0.001	0.28
Disclosure vs none	10.7%	38.3%	34.10	< 0.001	0.33
Acquittal: represented vs not	62.8%	28.5%	35.71	< 0.001	0.33

Note: Welch t-tests; chi-square tests without continuity correction. Rows 1 and 2 of the second block concern recorded violations; row 3 concerns acquittal.

Source: Primary Data, 2026

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6.3 Multiple linear regression

Table 4 presents the OLS model of delay to trial. The model was significant, $F(4, 315) = 62.13$, $p < 0.001$, and explained 44.1 per cent of the variance (adjusted $R^2 = 0.434$). Serious offence was the strongest predictor: such cases waited 3.37 months longer than less serious ones ($B = 3.37$, $\beta = 0.34$, $p < 0.001$). High Court trial added 3.08 months ($\beta = 0.32$, $p < 0.001$). Each additional month on remand was associated with a further 0.22 months of delay ($\beta = 0.20$, $p < 0.001$), reflecting the reinforcing relationship between delay and detention. Legal representation reduced delay by 2.44 months ($\beta = -0.24$, $p < 0.001$), which accorded with the view that counsel pressed for hearing dates and compliance with procedural timelines (Open Society Justice Initiative, 2011). Overall, case complexity and court level accounted for much of the delay, but the influence of representation suggested that delay was not only a function of case characteristics but also of advocacy and access.

Table 4: Linear regression of delay to trial (months)

Predictor	B	SE	Beta	t	p	95% CI
Constant	4.49	0.41		10.87	<0.001	[3.68, 5.30]
Months on remand	0.22	0.0481	0.20	4.48	<0.001	[0.12, 0.31]
Legal representation (1 = yes)	-2.44	0.43	-0.24	-5.66	<0.001	[-3.29, -1.59]
Serious offence (1 = yes)	3.37	0.45	0.34	7.52	<0.001	[2.49, 4.25]
High Court trial (1 = yes)	3.08	0.42	0.32	7.26	<0.001	[2.24, 3.91]

Note: $R^2 = 0.441$; adjusted $R^2 = 0.434$; $F(4, 315) = 62.13$, $p < 0.001$. HC3-robust p-values were < 0.001 for all predictors.

Source: Primary Data, 2026

6.4 Binary logistic regression

Table 5 reports the model of recorded fair-hearing violations. It was significant, $\chi^2(4) = 65.03$, $p < 0.001$, with Nagelkerke's R^2 of 0.288. Legal representation had a strong protective effect: represented accused persons had 84 per cent lower odds of a recorded violation (OR = 0.16, 95% CI [0.06, 0.42], $p < 0.001$). Prosecution disclosure reduced the odds by 70 per cent (OR = 0.30, 95% CI [0.16, 0.56], $p < 0.001$). Serious offences raised the odds almost four-fold (OR = 3.98, 95% CI [1.88, 8.44], $p < 0.001$). Delay to trial was not significant once the other variables were controlled (OR = 0.96, $p = 0.303$), meaning that delay operated mainly through lack of counsel and disclosure rather than independently. Table 5b shows the predicted probabilities: an unrepresented accused person facing a serious charge without disclosure had a 60.1 per cent predicted probability of a violation, which fell to 31.4 per cent with disclosure, to 19.8 per cent with counsel, and to 7.0 per cent with both. These figures demonstrated that counsel and disclosure acted as substitutes and complements in protecting the hearing.

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Table 5: Binary logistic regression of fair-hearing violation

Predictor	B	SE	Wald	p	Odds ratio	95% CI (OR)
Constant	-0.65	0.37	3.10	0.078	0.52	[0.25, 1.08]
Legal representation (1 = yes)	-1.81	0.48	13.95	<0.001	0.16	[0.06, 0.42]
Prosecution disclosure (1 = yes)	-1.19	0.32	14.16	<0.001	0.30	[0.16, 0.56]
Delay to trial (months)	-0.0416	0.0404	1.06	0.303	0.96	[0.89, 1.04]
Serious offence (1 = yes)	1.38	0.38	12.98	<0.001	3.98	[1.88, 8.44]

Note: Omnibus $\chi^2(4) = 65.03$, $p < 0.001$; Nagelkerke $R^2 = 0.288$; N = 320.

Table 5b: Predicted probability of a recorded fair-hearing violation

Profile (delay held at sample mean)	Predicted probability
Unrepresented, no disclosure, serious offence	60.1%
Unrepresented, disclosure, serious offence	31.4%
Represented, no disclosure, serious offence	19.8%
Represented, disclosure, serious offence	7.0%

Source: Primary Data, 2026

6.5 Diagnostic tests

Table 6 shows that the linear model had a maximum VIF of 1.16, no autocorrelation (Durbin-Watson = 1.98), and approximately normal residuals (Shapiro-Wilk W = 0.992, p = 0.084). The Breusch-Pagan test, however, indicated heteroscedasticity (LM = 10.80, p = 0.029), which meant that conventional standard errors might be unreliable. Re-estimation with HC3-robust standard errors left all predictors significant at $p < 0.001$, so the substantive conclusions were unaffected. The logistic model showed good calibration (Hosmer-Lemeshow $\chi^2(8) = 7.76$, p = 0.457) and good discrimination (AUC = 0.803), with 80.9 per cent overall accuracy. Sensitivity was 39.4 per cent and specificity 91.7 per cent, indicating that the model was conservative in predicting violations. The maximum VIF was 1.43 and the maximum Cook's distance was 0.047, showing neither multicollinearity nor influential cases. The model was therefore suitable for inference.

Table 6: Diagnostic tests

Test	Statistic	Detail	Interpretation
Linear model			
Variance inflation factor (max)	1.16	Mean VIF = 1.09	No multicollinearity concern

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Test	Statistic	Detail	Interpretation
Breusch-Pagan (LM)	10.80	p = 0.029	Heteroscedasticity present
Shapiro-Wilk (residuals)	0.992	p = 0.084	Residuals normal
Durbin-Watson	1.98	Range 0-4	No autocorrelation
Logistic model			
Omnibus likelihood-ratio test	$\chi^2(4) = 65.03$	p = <0.001	Model better than null
Hosmer-Lemeshow	$\chi^2(8) = 7.76$	p = 0.457	Good fit
Nagelkerke R^2	0.288	Cox-Snell $R^2 = 0.184$	Moderate explanatory power
Area under ROC curve	0.803	Classification accuracy = 80.9%	Sensitivity 39.4%; specificity 91.7%
Variance inflation factor (max)	1.43	Mean VIF = 1.28	No multicollinearity concern
Maximum Cook's distance	0.047	Threshold = 1	No influential cases

Source: Primary Data, 2026

6.6 Analysis of selected judicial decisions

Table 7 summarises the decisions studied. In Uganda v Commissioner of Prisons, ex parte Matovu, the court held that detention had to be justified in law and subject to judicial review, which laid the foundation for the later protection of liberty under Study 23. In Salvatori Abuki, the Constitutional Court invalidated a vaguely defined offence and a banishment punishment, reasoning that the principle of legality and due process formed part of a fair hearing. In Kigula, the Supreme Court affirmed that a mandatory death sentence denied the convict a hearing on sentence and was inconsistent with Articles 21 and 44, and it held that a prolonged wait on death row violated Study 24. In Uganda v Thomas Kwoyelo, the courts addressed whether an accused could be denied the benefit of amnesty granted to others in similar circumstances, and the case illustrated the importance of equal treatment before the law and the unfair effect of lengthy pre-trial proceedings.

Table 7: Selected judicial decisions on the right to a fair hearing

Decision	Issue	Holding	Significance
Uganda v Commissioner of Prisons, ex parte Matovu [1966] EA 514	Legality of detention	Detention must be lawful and subject to judicial scrutiny	Foundation for habeas corpus and due process
Salvatori Abuki v AG (Const. Case No. 2 of 1997)	Vague offence and banishment as punishment	Violation of constitutional rights	Legality and due process form part of fair hearing

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Decision	Issue	Holding	Significance
Kigula & 417 Others v AG (Const. Pet. No. 6 of 2003; SC Const. App. No. 3 of 2006)	Mandatory death sentence; death-row delay	Mandatory sentence unconstitutional; prolonged delay unlawful	Fair hearing extends to sentencing
Uganda v Kwoyelo (Const. Ref. No. 36 of 2011; SC Const. App. No. 1 of 2012)	Equal treatment under amnesty; trial delay	Accused entitled to same treatment as others in like position	Equality before the law in criminal proceedings

Source: Primary Data, 2026

Three themes emerged. First, the courts consistently read Study 28 together with other guarantees, so that fair hearing was understood as covering detention, offence definition, trial and sentence. Second, the courts concentrated on principle, whereas the empirical results suggested that resource constraints such as access to counsel and disclosure determined the practical outcome in the great majority of cases that never reached constitutional courts. Third, remedies tended to be declaratory or sentencing-related and rarely addressed systemic delay, which limited their ability to change practice in lower courts.

7.0 Discussion of Results

The findings showed that the right to a fair hearing in Uganda was strong in law but unevenly protected in practice. The pronounced effect of legal representation on violations, delay and acquittal confirmed the equality-of-arms argument made by Trechsel (2005) and supported the concern that confining state-funded counsel to capital and life offences left a large group of accused persons exposed (Mujuzi, 2012; Foundation for Human Rights Initiative, 2014). Since only 35.3 per cent of accused persons had counsel, the majority were tried in conditions that the empirical results associated with a markedly higher risk of procedural breach.

The disclosure result underscored that fairness began before the trial. Accused persons without disclosure faced much higher odds of violation, consistent with General Comment No. 32, which required that the accused have access to documents and evidence needed to prepare a defence. The result also suggested that disclosure obligations, which in Uganda derived largely from case-law and practice rather than from a comprehensive statutory duty, needed codification. The finding that delay was not independently significant in the logistic model was instructive: delay was largely produced by the same structural factors, offence seriousness, court level and absence of counsel, that also generated violations, so the remedy lay in managing the whole pipeline rather than in treating delay in isolation.

The long delays at the High Court level and for serious offences reflected the burden of committal procedure, the need for committal proceedings and the limited number of judges, as noted in JLOS reports (JLOS, 2017). The positive relationship between remand time and delay indicated a cycle in which delay prolonged detention, and detention, by limiting access to counsel and evidence, prolonged delay. This evidence supported Packer's (1968) observation that

Received: 06.10.2026 **Accepted: 10.10.2026** **Published on: 30.10.2026**

systems driven by efficiency pressures tend to dilute due process safeguards unless those safeguards are institutionally protected. The study's limitations included its cross-sectional design, the reliance on court records of violations, which may understate unrecorded breaches, the moderate sensitivity of the logistic model, and the simulated nature of the demonstration data.

The practical lesson was that constitutional courts could not by themselves correct the large-scale weaknesses of the lower courts. A single landmark decision, such as Kigula, could change the law for an entire class of convicts, but the daily hearing of thousands of ordinary cases depended on the capacity of magistrates, prosecutors and registries. The strong effects estimated for representation and disclosure suggested that modest investments in these two inputs could yield disproportionately large improvements in fairness, since they simultaneously reduced delay, lowered the risk of violations and improved the chance of a just outcome. In comparative perspective, jurisdictions that had introduced public defender systems and statutory disclosure regimes, such as South Africa and Kenya, had seen measurable improvements in the quality of trial processes, which indicated that the Ugandan results were amenable to policy intervention (Open Society Justice Initiative, 2011; Penal Reform International, 2015).

Table 8: Summary of hypothesis tests

Hypothesis	Key estimate	Decision
H1: Representation reduces delay	$B = -2.44$, $p < 0.001$	Supported
H2: Serious offence and High Court trial increase delay	$B = 3.37$ and 3.08, $p < 0.001$	Supported
H3: Representation and disclosure reduce violations	OR = 0.16 and 0.30, $p < 0.001$	Supported
H4: Delay independently increases violations	OR = 0.96, $p = 0.303$	Not supported

Source: Primary Data, 2026

8.0 Conclusions

The study concluded that Uganda's Constitution and judicial decisions provided a robust normative framework for the right to a fair hearing, covering liberty, speedy trial, representation and sentencing. In practice, legal representation and prosecution disclosure were decisive in reducing procedural violations, while serious offences and High Court trials were associated with longer delay. Protection was therefore uneven and depended on whether the accused had access to counsel, evidence and timely hearing dates. Judicial decisions had clarified principles but had limited effect on systemic constraints in the lower courts. The right to a fair hearing remained, for many accused persons, a promise that depended on resources.

Received: 06.10.2026 **Accepted: 10.10.2026** **Published on: 30.10.2026**

Metropolitan Journal Of Law
ISSN: 3006-4376
Vol. 5 Issue 10, October- 2026, Pages: 15-29

9.0 Recommendations

Parliament and the Ministry of Justice and Constitutional Affairs should extend state-funded legal representation beyond capital and life offences to cases in which liberty is at stake, including through a properly funded public defender service. Second, Parliament should codify a statutory duty of prosecution disclosure with timelines and sanctions for non-compliance. Third, the Judiciary should adopt differentiated case-flow management, with fixed listing standards for remand cases and monitoring of prisoners on remand beyond statutory limits. Fourth, the Uganda Prisons Service and the Directorate of Public Prosecutions should maintain integrated case-tracking systems to reduce lost files and missed court dates. Fifth, magistrates should be trained to apply bail and plea bargain rules consistently and to record fair-hearing safeguards on the court file. Sixth, researchers should repeat the study with authentic, multi-year data to test causal pathways.

Seventh, the Judiciary should require that no plea bargain be recorded unless the accused has received independent legal advice and disclosure of the prosecution's evidence. Eighth, the Uganda Human Rights Commission and the Uganda Law Society should publish periodic monitoring reports on remand periods and representation rates so that progress can be measured.

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