

**Integrity and Crime Prevention in the
Justice System: The Role of the various
Justice Duty Bearers**



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Welcome Remarks



- I bring you greetings from the Uganda Law Society (ULS)
- I am honored and humbled to have been invited to attend as well as to be a panelist at this prestigious conference.

One of the truest tests of integrity is its blunt refusal to be compromised.

- Chinua Achebe



- I thank you for discussing and including this topic because for us as the Uganda Law Society it is no longer in doubt that the judicial system has cases within it that are a reflection of the lack of integrity and criminality by both Judicial Officers and non-Judicial Officers.
- These incidents are both real and conceived and are mostly perpetrated by acts of corruption, chronic incompetence and laziness.



- One of the substantial challenges we have had with solving the lack of integrity and crime prevention in the judicial system is complacency from the legal fraternity, the lack of courage from both members of the Bar and the public to expose those culpable of the same. However, this shall not persist for long as people are increasingly becoming weary of corruption and its effects.
- Prevention of crime and integrity go hand in hand.



- The **Bangalore Principles** state that a judge should ensure that his or her conduct is above reproach in the view of a reasonable observer. Going by this principle, we realize that there are many incidents of lack of integrity bordering crime within the Judiciary.
- Some of these include;-

A) Outright procrastination and relegation of duty. This is reflected in;



- Unnecessary adjournments. While you have placed blame on the advocates (which is considerably unfortunate) the grant of adjournments is a preserve of the Judicial Officer, many of you as a result of laziness are quick to grant adjournments to avoid the rigor of actual work.
- Poor time keeping. It has now become a culture as a result of unethical conduct not to keep time with some courts starting as late as 11:00 am and ending proceedings at 2:00pm. A Judicial Officer being a lawyer should be ardent at keeping time.

Procrastination cont'd



- Chronic absenteeism without reasonable excuse. Especially those in upcountry courts.
- Failure to deliver judgements in time. Some of you have a record of delivering no judgements at all or agreeing at all times with no sensible reason.

B) Poor quality of judgements.



- Some of these judgments don't resonate with the facts, the law and the set procedures. Even when not corrupt, because of the glaring errors in these judgements, this is perceived to be corruption. For example,
- An eviction order issued on mistaken facts without visiting locus to verify the land affected by the said order, have innocent people(not part of the trial) evicted and have their property destroyed, only to apologize! What reparation can the victims of your impugn act have?



Poor quality of judgements cont'd

- Issuing a restitution order instead of a Temporary Injunction
- Writing a judgment that does not resonate with precedent without justification, just because you can e.t.c



C) Conduct unbecoming and abuse of power. For instance;-

- Granting bail without a file and or jurisdiction just because a politician makes a complaint to you. This is without regard to the fact that a magistrate had already declined bail committed the suspect to prison well within her jurisdiction.
- Imprisoning an innocent woman because she declined your sexual advances in a bar, as a means of showing her your authority as a judge.
- Perpetual drunkenness

Conduct unbecoming and abuse of power cont'd



- Lack of courtesy with fellow members of the Bench and members of the Bar e.g referring to members of the bar with derogatory terms like, idiot, incompetent, wanting, shut up, e.t.c to failing to communicate your inability to preside over court to Advocates.
- Refusing to record council's submissions on the record of court with an aim of defeating any potential appeal against your decision from a disgruntled litigant. This record is not yours but court's.
- Solicitation of bribes and extortion of money and property from litigants. This is made worse by the rampant backlog
- Solicitation of kick back on bail money refunds or money meant for duty council.

D) Intentional Sabotage



- There have been several instances in which Judicial Officers have used their positions to destroy an ongoing case to their own benefits of particular note is the refusal by some judicial officers to recuse themselves from cases in the event of conflict of interest. Some hold on to and personalize case files.

Way forward and recommendations.



a) Accountability

- A judge is by law accountable to the public through the disciplinary process.
- Judicial Officers have been known to favorably cite judicial independence as enshrined in **Article 128** to justify criminality and the lack of integrity. It is imperative to note that judicial immunity and independence does not cover and or shield Judicial Officers from criminality, incompetence and the disregard of the Law, and the inappropriate use and or arbitrary use of discretion. They are accountable.

Way forward and recommendations cont'd



b) The Judicial Service Commission.

- Expeditiously disciplining of errant Judicial Officers. The Judicial Service Commission needs to become more serious by expeditiously handling complaints against errant judicial officers.
- We thank the Supreme Court for highlighting the roles of the Judicial Service Commission as enshrined in **Article 147 and 148** of the Constitution in **Constitutional Appeal No. 2 of 2016**. This authority buttressed the powers to discipline errant judicial officers
- Transparency in the appointment of judges

Way forward and recommendations cont'd



c) Strengthen Law Council to better handle corrupt Advocates

- The reform of Law Council has become more imperative and critical now. While it was set up to handle 60 Advocates the number has since increased to 3000 and there is need to change the way the same does business.

d) Self-leadership development by judicial officers.

e) Enhancing the Inspectorate of Court and the Disciplinary Committee set up by the CJ.

f) Judges should embrace the Judicial Measurement Tool as a means of weeding out the lazy Judicial Officers.

Way forward and recommendations cont'd



- g) Report Advocates and members of the public that aid criminality in courts.**
- h) Increased training of judicial officers on integrity and ethical conduct. (strangely some of you feel entitled to be corrupt).**
- i) The toll-free line set up by the Chief Justice should be used as a tool to expeditiously gather evidence and take action against corrupt Judicial Officers.**
- j) More pay for judicial officers.** This plays a huge role in curbing judicial corruption. In addition, the inadequate salaries for Judicial Officers discourage capable people from joining the judiciary and this negatively affects the performance of the judiciary.



- **Remember that, the public is watching you. Those that indulge you in corrupt practice are your current and future doom. This affects your carrier growth, international and national reputation, and above all respect for your person. Remembering that we are all a click away from scandal.**

“If you value your integrity, then be prepared to take a beating from those who have none...”

-Lars Lau Thygesen

“A comfort zone is a beautiful place, but nothing ever grows there.”

For God and My Country. I thank you