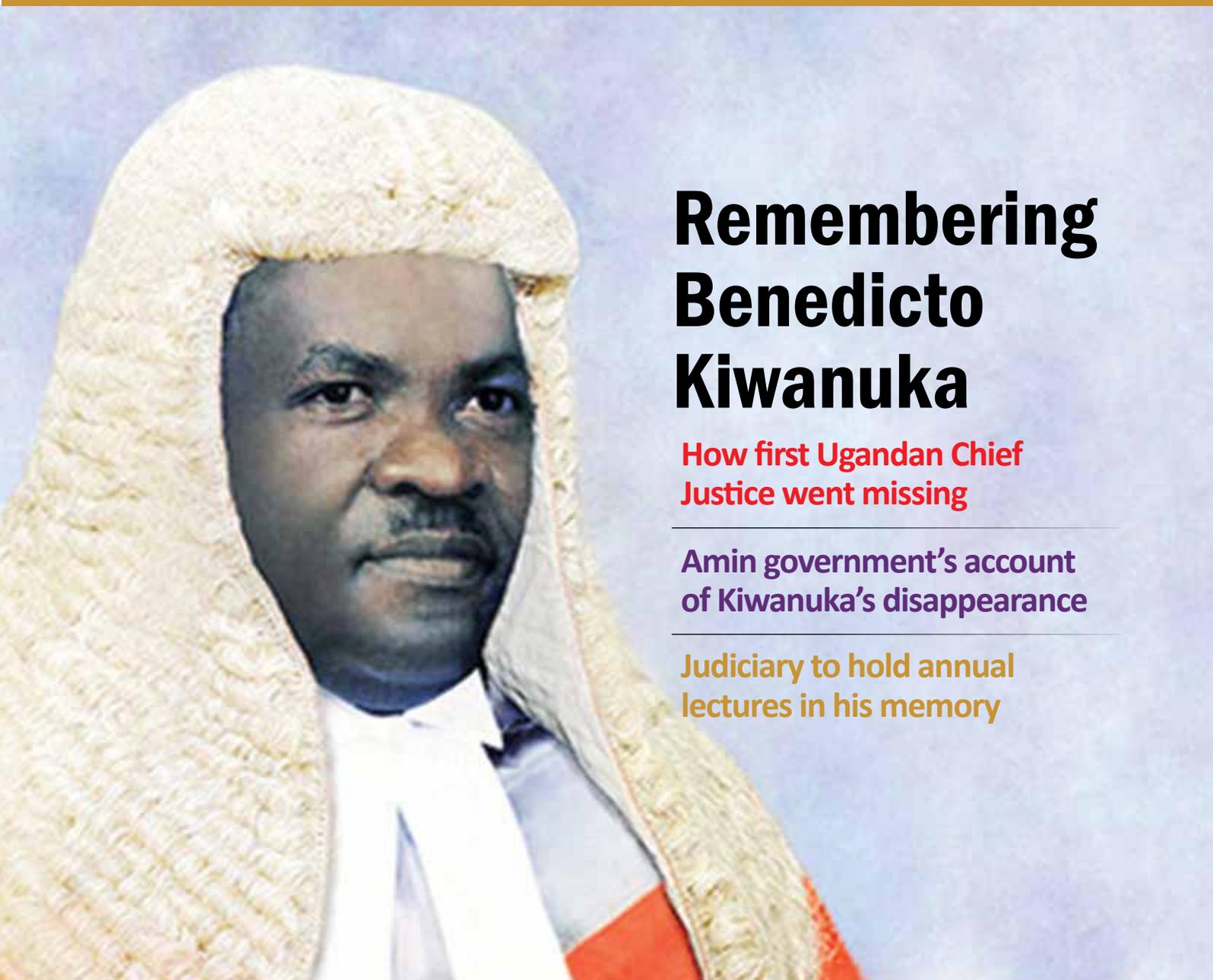




# THE JUDICIARY INSIDER

Issue 11 | September 2018



## Remembering Benedicto Kiwanuka

**How first Ugandan Chief  
Justice went missing**

**Amin government's account  
of Kiwanuka's disappearance**

**Judiciary to hold annual  
lectures in his memory**

**Chief Justice Katureebe's  
take on torture, rule of law**

**20th Annual Judges  
Conference resolutions**

**Meet Esta Nambayo,  
Judiciary's new Chief Registrar**



# Remembering Benedicto Kiwanuka



**Benedicto Kiwanuka inspects a Guard of Honour by the Uganda Police shortly after being sworn-in as Uganda's 1st Prime Minister, March 1, 1962.**



**Kiwanuka (L) signs documents shortly after being sworn-in as Prime Minister.**



**Kiwanuka with his wife, Maxencia Zalwango, at the swearing-in.**



**Kiwanuka (L) meeting Kenya's Jomo Kenyatta (2nd L) in Nairobi for a conference on Independence for all Africa.**



**Sir Fredrick Crawford, Governor of Uganda, congratulates Prime Minister-elect, Kiwanuka, at Government House in Entebbe.**



**Kiwanuka at one of his political rallies in the early 1960s.**



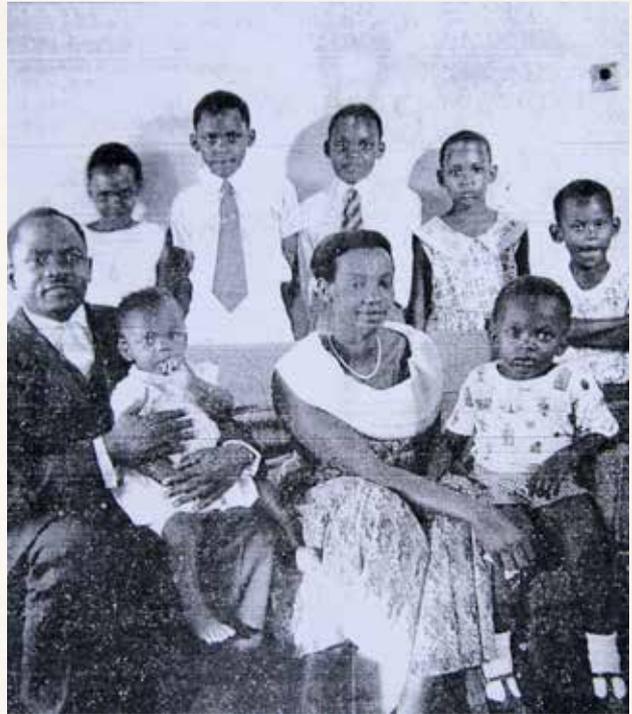
**The shell of the famous black Mercedes-Benz Ponton that Ben Kiwanuka drove.**



**Chief Minister Kiwanuka (L) with wife and son (back), together with Advocate Kulubya, at Entebbe Airport leaving for London, 1961.**



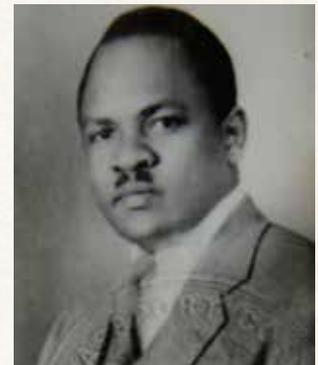
**Mrs. Mexencia Zalwango Kiwanuka.**



**The Benedicto Kiwanuka family photo.**



**Regina Kiwanuka, Ben Kiwanuka's daughter.**



**Benedicto Kiwanuka's Passport photo.**



**Some of Benedicto Kiwanuka's children: Maxencia Kiwanuka-Kigongo and Amb. Maurice Kagimu-Kiwanuka.**



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## Benedicto Kiwanuka's legacy lives on



It has been 46 years since Chief Justice Benedicto Kiwanuka was last seen alive. Since then, there have been different contradicting accounts have been made pointing to the possibility that Kiwanuka was killed shortly after his abduction. Some of these accounts are carried in this Edition of the Judiciary Insider paying tribute to the first Ugandan Chief Justice.

Kiwanuka's appointment in 1971 as first Ugandan Chief Justice was another landmark in his career and indeed in the history of Uganda. He had been the president general of the Democratic Party, Chief Minister of the Self Government and first Prime Minister of Uganda. Few men or women have been lucky enough to hold such positions of responsibility in their lifetime. Kiwanuka was a man of principles, integrity and justice.

Many scholars of the time believed that his appointment was a promising start for the Amin establishment in Uganda, however this was never the case. Kiwanuka's stay at the Judiciary was cut short when he was abducted from his chambers at the High Court in Kampala never to be seen again. In spite of this, Kiwanuka left an indelible mark in the legal fraternity and people across the political divide. His mastery of the law, impartiality and zeal for the rule of law have inspired many over the decades.

As a transforming public institution, the Judiciary cannot thank enough Hon. Justice Kiwanuka for an onerous job well done for defending the rule of law and defending the fundamental freedoms of the downtrodden. He fiercely and above self, protected the rights of all for which he paid the ultimate price with his life. These sentiments are amplified by various colleagues, stakeholders and partners whose testimonials appear in this special tribute.

We have come a long way, ladies and gentlemen. It's been a journey defined by challenges and good opportunities. Nonetheless, we are happy to be part of the transformation team and hope to scale up the reform tempo towards the grand vision of an independent institution of excellence in the delivery of justice to all.

From us at the Insider, Best Wishes and Long Live the Judiciary.

*Solomon Muyita*  
Senior Communications Officer /Editor



**President Yoweri Museveni (wearing hat) at the opening of the 20th Annual Judges Conference on January 21, 2018.**

## Judges Conference 2018 resolutions

**The 20th Annual Judges Conference was held at the Commonwealth Resort at Munyonyo, Kampala, between January 21 and 25, 2018.**

The Conference, under the theme: *“An Inclusive Judiciary for Sustainable Development”*, was officially opened by President Yoweri Kaguta Museveni. The Judges came up with the following 10 resolutions, in the quest to improve the administration of justice.

### Conference resolutions

**1.** The Judiciary should prioritize disposal of cases that destabilize societies, such as: homicides, sexual related cases, commercial cases, and land matters.

**2.** The Sentencing Guidelines should be reviewed, in order to address any gaps and inconsistencies with the law, including Plea Bargaining Rules, the mandate and interests of the key stakeholders in the criminal justice system.

**3.** The law reporting function should be institutionalised in the Judiciary through the issuance of a Practice Direction from the Chief Justice.

**4.** All newly appointed judges of the High Court should be immediately inducted, and duly deployed to specific High Court Divisions, such as the criminal, civil, land and commercial divisions, to timely clear backlog, particularly taking into account the courts/ circuits that have high case backlog.

**5.** All newly appointed Judicial Officers should be inducted.

**6.** Courts should prepare and submit their costed work plans with specific timelines to the committee, and copied to the Chairperson before the 15th February 2018, in order to ably inform and allow proper planning

and allocation of human and financial resources in Judiciary’s financial year budget.

**7.** The Courts should agree on the standards to apply during court proceedings and devise a policy on appointment of advocates on state briefs.

**8.** Judicial Officers should fast track cases of the marginalized groups.

**9.** The Judiciary should prepare and avail court users’ guides that are specific for court divisions and levels, in simple English and local languages, including the signage to court users.

**10.** All Judiciary’s ICT reforms should include training and orientation of all the Human resource and other stake holders. ■



# Benedicto Kiwanuka: His life & times

**Benedicto Kiwanuka was born on May 8, 1922 in Kisaabwa village in present-day Bukomansimbi district. Following the death of his father in 1940, he dropped out of school and opted to join the King's African Rifles immediately and fought in World War II. At the end of the War, he returned and was employed as a court clerk and interpreter at the High Court in 1945.**

**H**e married Maxencia Zalwango in 1946. In 1949, riots erupted in Buganda which were sparked off by the Indian and Asian monopoly of coffee and cotton business. Kiwanuka became a keen participant in the riots and even participated in the organisation of some of the meetings, secretly launching his career into politics.

When he was appointed library assistant, he started reading law books and this interested him into studying the course. He sold his father's piece of land and paid for his enrollment for a Law course in Lesotho (1950-1952) and later did a bar course at the University College of London (1952-1956).

He Practiced law privately from 1956 to 1959 and became the Democratic Party (DP) President General in 1958. He served as Chief Minister in March 1961 when the DP won the majority seats in Parliament after the other political players boycotted them.

He became the Prime Minister in 1962 in the New National Assembly.

The alliance between Kabaka Yekka and Uganda People's Congress in 1962 led to the defeat of DP in the April 1962 polls. Even though the polls were not free and fair, Kiwanuka conceded defeat, congratulated Obote and tendered in his resignation.

He, however, remained critical of Obote's government. He fled the country when Obote's soldiers attacked the Kabaka's palace in 1966. Three years later, he returned and was arrested

on accusation that he was printing and publishing seditious and libelous material.

When Amin seized power in 1971, he freed Kiwanuka and other political detainees. Amin personally received them at the Kololo Airstrip.

Kiwanuka and the other detainees organised a huge rally at Nakivubo Stadium in support of Amin. When African countries refused to recognise Amin as President of Uganda, Kiwanuka contacted the Organisation of African Unity secretariat and lobbied for the military leader, saying he had the support of the people.

He became one of Amin's political advisors and was appointed the first Black Chief Justice of Uganda in 1971. However, Amin soon became wary of Kiwanuka's popularity and publicly accused him of being sectarian.

In May 1972, Kiwanuka celebrated his 50th birthday and silver jubilee marriage anniversary, but Amin did not attend, even though he had been invited. In August, Kiwanuka wrote a letter to Amin asking him to clarify on reports that the president was badmouthing him.

The arrest of a British businessman, Daniel Stewart, worsened the already sour relationship. Stewart had been detained in Luzira allegedly on orders of Amin.

According to Albert Bade, in his book '*Benedicto Kiwanuka: The Man & His politics*', no judge or lawyer





*Kiwanuka with Ugandan pilgrims to the Vatican City in Rome, for the Canonisation of Ugandan Martyrs by Pope Paul IV, October 1964.*



*Uganda's Chief Minister, Ben Kiwanuka's meeting with then US President, John F. Kennedy, October 17, 1961.*

was willing to handle the case. The British High Commissioner appealed to Kiwanuka as the chief Justice to intervene in Steward's case.

Kiwanuka agreed to take on the case though some of his friends advised him to drop it and flee the country. As the showdown between the judiciary and the executive loomed, Kiwanuka decided to take some time off to go hunting with his childhood friend Charles Nsubuga in Mawogola.

After the hunting expedition, the two returned to Nsubuga's home for the evening and according to Bade, "as soon as they reached home, Nsubuga said, I will plant a banana tree in your memory," he notes.

As the two chatted into the evening, Kiwanuka opened up to his friend and told him of the difficulties he was facing and mentioned the Steward case. According to Bade, who interviewed Nsubuga, he advised his friend to drop the case and flee the country, but Kiwanuka refused.

## September 21, 1972

**Day when Chief Justice  
Benedicto Kiwanuka  
was last seen alive.**

Before he could leave for Kampala, he went to his village and bid his mother and siblings farewell. On return Kiwanuka issued a "writ of Habeas Corpus" and warned the military against interfering with the works of the judiciary. He went ahead and released the detained businessman, stating that the army had no powers of detaining a civilian. "

The harassment started with phone calls. On two separate occasions, Kiwanuka received telephone calls deep in the night. He was already in bed. On the first occasion a certain Minister summoned the Chief Justice to immediately report to Parliament House and Kiwanuka was suspicious, why the urgency?

"And after all if you as a minister want

to see me, it's up to you to come to my office. A minister cannot summon the Chief Justice. I'll be in the office the whole day tomorrow," Kiwanuka reportedly told the minister.

But the following day nobody turned up at the office. A few days later another call came from State House and this time around, one of Kiwanuka's children picked it up and surprisingly it was President Amin on the line. When he called his father to receive it, the line went dead. "He then instructed his son to sit by it which the young man did for nearly half an hour," writes Bade.

When Amin called again, he never hung up and waited for Kiwanuka to be called to receive the phone call, "Who is greater, the Chief Justice or the President? Did you say we do not have authority to arrest the British?" Amin asked on phone as Kiwanuka and his wife and children sat the other side.

He laboured to explain that his judgment had been misrepresented and asked the President to first study the file. But Amin banged the receiver in a show of anger. ■



# When first Ugandan Chief Justice went missing

**It was on September 21, 1972 when Hon. Justice Benedicto Kagimu Mugumba Kiwanuka was kidnapped from his High Court chambers in Kampala. Forty six years down the road, the first Ugandan Chief Justice's whereabouts remain unknown.**

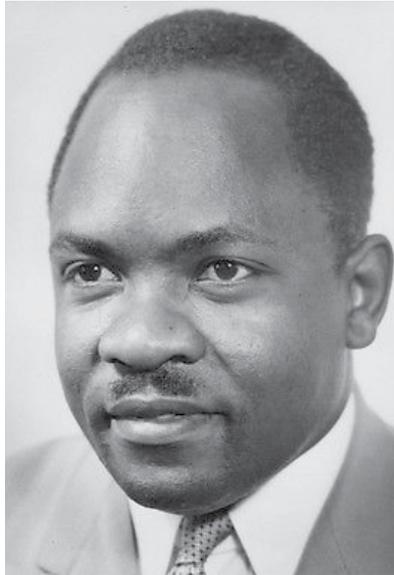
**D**ifferent contradicting accounts have been made pointing to the possibility that Kiwanuka was killed shortly after his abduction. Some of these accounts are carried in this special edition of the *Judiciary Insider* paying tribute to the first Ugandan Chief Justice.

In a revelation made by retired 71-year-old Superintendent of Police, Daniel Mulemezi, Kiwanuka was killed four days after his abduction. The retired police detective said this while appearing before the Commission of Inquiry into the Violation of Human Rights in Uganda from October 9, 1962 to January 25, 1986 sitting at the Nile Hotel (now Serena Hotel) in Kampala. The Commission which was chaired by the late Justice Arthur Oder was established by the NRM government.

Mulemezi, who was witness number 140, had volunteered to appear before the commission to debunk the mystery surrounding Kiwanuka's death since 1972.

On October 5, 1988, he revealed for the first time on record how Amin killed the former Chief Justice. Although Mulemezi had refused to reveal his source for fear of personal safety and that of his source, after receiving assurance from the Commission that his safety and that of his source was guaranteed, he allowed to testify but in camera – which was granted.

Mulemezi indicated that his impeccable source was a Uganda Army (UA) intelligence officer; Corporal Odwori Okoth attached to the Lubiri Barracks in Kampala but since joined the National Resistance Army and was currently based in Kampala.



**Kiwanuka was the 1st Ugandan Prime Minister & Chief Justice**

He also admitted that until 1973, he was the commander of the Uganda Police Flying Squad which was charged with investigating serious criminal cases in the country but resigned after Amin assigned him to spy on former President Milton Obote who was in exile in Tanzania. According to the Commission report which has since been made public, Mulemezi personally attempted to investigate the abduction and disappearance of Kiwanuka but was intimidated by some soldiers. He also revealed that when he heard that Kiwanuka had been arrested by soldiers, he tried to investigate the matter but was frustrated. He told the Commission how he went to Lubiri, Jinja and Mbuya barracks and

talked to the adjutants to allow him have an identification parade in order to identify the two said soldiers suspected to have been involved in the kidnapping – but was frustrated when the adjutants advised him not to conduct the exercise in the barracks for his own safety.

## What caused him trouble

Mulemezi said this was after he had received intelligence information from his reliable source that Amin had personally shot Kiwanuka dead. His source had confided to him that Kiwanuka would have survived death if he had conditionally accepted to make a statement before Amin and aired on Radio Uganda claiming that he had been kidnapped by the guerrillas – which Kiwanuka adamantly refused.

And the furious Amin pulled out a pistol from his waist and said: “Don’t you think I can kill you?” To which the intrepid Kiwanuka responded: “You can do so, but I am not going to say anything at all. I will die with the truth”. The infuriated Amin pulled the trigger, shot and killed Kiwanuka. Mulemezi stated. The report, however, does not reveal how many bullets were shot into Kiwanuka’s body.

The former policeman also narrated that shortly after the abduction, he had approached Lt Colonel Obitre-Gama, minister for Internal Affairs to see if they could rescue Kiwanuka and the minister told him that he was going to follow up the matter. When he seemed unbothered, he went to the minister for Foreign Affairs Wanume Kibedi who promised to take up the matter.



Mulemezi also revealed that he saw the first arrest of Kiwanuka conducted by the PSU commander Ali Toweli and his deputy Kassim Obura who bundled Kiwanuka into the car and whisked him away – but was later released; and Radio Uganda announced that he had not been arrested as rumoured but had been at State Lodge meeting with the president. Mulemezi also told the Commission that Kiwanuka’s body was dipped into an acid solution before it was buried at Luzira cemetery – which was done to kill evidence or identification in future. Also, before the burial, Commissioner of the Uganda Prisons, Kigonya and other Baganda prison officers were detained so that they could not know about the burial and grave location. When Kigonya testified, he admitted that he was in prison when Kiwanuka was taken from Luzira prison and knew nothing about his death or burial.

### Kiwanuka refuses exile

The former detective narrated that he had visited the former Chief Justice at his office before he was kidnapped. This was after Amin had made a denunciation of a big man from Masaka whom the government had withdrawn confidence.

While discussing the matter, Mulemezi said Kiwanuka told him how he had written to Amin about the killings happening in the country. And also Kiwanuka confided in Mulemezi how he had also told Amin that the expulsion of the Indians from Uganda was wrong and against the international law. For fear of the Chief Justice’s life, the police detective advised him to go to exile.

But Kiwanuka’s response was that he would never go to exile because he stood for the truth. Mulemezi also agreed that there were rumours of Kiwanuka’s body seen floating on Lake Victoria but that was an intelligence ploy to divert the public attention from the actual burial

site in Luzira cemetery – in case of any information leaks.

### Ssemwogerere recounts

According to Paul Kawanga Ssemwogerere, Kiwanuka’s close friend and then publicity assistant at the Democratic Party, President Amin was incensed by the Chief Justice’s handling of a controversial *habeus corpus* application.

“He handled an application by a detained British national that all judges feared, and granted the application. Amin called Ben about the matter and was very furious. That was the last conversation between the two principals,” says Dr. Ssemwogerere.

“The following morning (September 20, 1972) Ben called me to his chambers. I found him clearing his desk and he told me that he was no longer Chief Justice.

He said he had sensed from his last talk with Amin that something was about to happen. From my last conversation with him, it was clear he was ready for anything. He handed me a brief case containing his land titles, and said I should keep them in a safe place or hand them over to his wife if the worst happens.

On the September 21st, Ben’s wife

invited me to her residence and she told me her husband had been taken from his chambers by soldiers. There was no official statement issued,” he said.

### Abductors named

Former Police detective, Mulemezi also for the first time, revealed to the world the names of the security men who on September 21, 1972 kidnapped Kiwanuka from his court chambers as: Hussein Ali, Andrew Andama and a one Moi. He said all were personally known to him. He told the Commission that his source was Odwori Okoth who was among the soldiers that escorted Kiwanuka from Luzira to Nakasero State Lodge where he was murdered.

Mulemezi said Moi was President Idi Amin’s cousin and was in 1969 a police constable and one of his staff. But after the 1971 coup, he resigned from the police to join the army and was soon promoted to the rank of Captain by Amin.

Andrew Andama was a driver attached to the President’s office who before the 1971 coup had worked with the flying squad. Mulemezi revealed to the Commission that he had known Hussein Ali since 1963; and added that Ali was a Sudanese but disguised himself as a Ugandan Nubian. ■

**Additional information: Daily Monitor**



CJ Kiwanuka, his wife Maxencia Zalwango and friend Paul Kawanga Ssemwogerere.



# Ben grudgingly accepted Chief Justice appointment, wife Maxencia

In September 1980, South African-based Drum magazine published an interview of Mrs Maxencia Kiwanuka, eight years after the kidnap of her husband Ben Kiwanuka. She spoke to correspondent Vincent Kirega-Gava, and below the excerpts:

### Did you like your husband being appointed Chief Justice by Amin?

No, nor did my husband aspire to that high office. He grudgingly accepted only after being persuaded by his close friends and fellow lawyers that he was probably the best qualified at that time to fill the post.

### And then?

It became increasingly clear that Amin was no friend of ours – only an enemy waiting for the first excuse to pounce on us. The popularity of my husband at public gatherings also increased the problems in every attempt on our part to develop a workable relationship with Amin.

My husband attracted greater and greater attention as well as more admiration from the public than Amin did and Amin did not like the idea. So Amin used every opportunity to frustrate, downgrade and humiliate my husband. I remember an official occasion during the January 25 celebrations in 1972 when we were deliberately made to wait for almost five hours before Amin and his ministers

were due to arrive. On others occasions we were accused of attending official functions to which we had not obtained official invitation.

### When did real trouble with Amin come?

This was in 1972 after High Court presided over by my husband had passed judgement to the effect that the army personnel had no power to arrest and detain somebody without an arrest warrant. This judgment brought the fateful events to a tragic climax.

### Why didn't your husband try to run away when he saw danger?

He was the type that could not run away. He was a man of exceptional courage and he was immune to any threat. You could say he was a kind of Spartan when it came to anybody trying to challenge or deflect him from what he considered to be a moral duty. He would rather die. "Sooner or later somebody has to die for a noble cause in this wicked world. If Amin kills me, somebody will take my place. But nobody will do unless someone sets an example first. We can't afford other



The Kiwanuka family.

people to undertake a moral challenge when we can ourselves. If I die I will have played my moral part," he told me.

### What exactly happened?

The story is long but briefly, this is what happened. Before that controversial High Court judgment by my husband, intelligence reports from friends kept reaching us touching on Amin's anxiety about my husband's mounting popularity and the respect accorded to him wherever he went. Reports indicated that my husband had as a result become a top item on the agenda for discussion at every

## Timeline: The life of Ben Kiwanuka

Following the death of his father, Ben Kiwanuka drops out of school, joins the King's African Rifles and fights in World War II

1940

In February, Ben Kiwanuka is admitted to the Bar at Gray's Inn, London. He sets up his law firm

1956



Elected President General of Democratic Party

1958

July 1: He is appointed Chief Minister of Uganda's Self Government

1961



**Sooner or later  
somebody has to die  
for a noble cause. .  
. If I die I will have  
played my moral part  
- Ben Kiwanuka**

Amin's fear of him as a potential political opponent and as somebody popular who commanded wider popularity and greater respect.

Then one day around 7:30pm, Amin telephoned my husband at home and in an angry voice demanded to know why my husband had stated in his judgment speech that "the army had no power to arrest a civilian without an arrest warrant." As my husband was trying to explain that was not exactly what he meant, that he had been misinterpreted and that Amin should first read the file, Amin blasted away and replaced the receiver with a bang! Amin was so furious and noisy; I could hear his voice over the receiver roaring. I knew hell had been let loose. But my husband never showed any sign of fear, timidity whatsoever. He remained composed and determined as ever.

Then the following morning; to be exact it was September 21, 1972, at about 8:15am, my husband was forcefully dragged from his High Court office by a mysterious gang who dumped him in a car and drove away at top speed. This was a Thursday and in fact we had

known of the arrest in advance and knew the excuse that was to be given – to the effect that my husband had run away to Tanzania. Rumour has it that after the forced arrest of my husband he was first taken to Makindye Military Police station to be tortured from where he was taken the next day to Malire Barracks at Mengo for interrogation by Amin himself.

It is said that it was at Malire that important people were slaughtered. The day of interrogation by Amin and death was Friday, September 22, 1972, that was probably at night and it is rumoured that Amin himself did the deed by chopping off the head of my husband with a dagger. Before the execution we heard something that sounded like a canon or a gun salute. I do not know what that meant exactly.

**How did you know about the manner of his death?**

Intelligence people working with Amin's security forces always fed us with information either out of charity or for money. That is how we came to know that my husband did not last more than two days after his arrest. To prevent any information from reaching us, some Banyankole who were present as my husband was being butchered by Amin were killed under mysterious circumstances. But all the same we knew. ■

Source: Drum Magazine, South Africa

cabinet meeting. Just before the arrest, we noticed that there was a deliberate lapse in security provided for us. On many occasions, my husband's bodyguards just absented themselves without excuse and this clearly pointed to a dangerous situation as far as my husband's security was concerned. This was the state of affairs before that fateful High Court judgment by my husband in 1972.

But even in the absence of that judgment, which I am sure Amin must have used as an excuse to kill him, my husband was already on the list of victims because of



1962

**March 1: He is appointed Uganda's first Prime Minister in the New National Assembly**

**December: He is imprisoned in Luzira Prison without trial by President Milton Obote**

1969



1971

**January 27: He is among 55 political prisoners released by President Idi Amin  
March: He is appointed Chief Justice of Uganda.**

**September 21: The Chief Justice is kidnapped by soldiers from his chambers at the High Court in Kampala**

1972



# How Idi Amin explained Kiwanuka's disappearance

Following the kidnap of the Chief Justice, Benedicto Kiwanuka, from his chambers at the Kampala High Court on September 21, 1972, the Idi Amin regime, in a rather shabby manner, issued a statement the following day, basically denying having a hand in his disappearance.

The government statement that was published in the *People* newspaper edition of September 23, 1972 (Pages 1,16) reads:

"The government last night directed the Armed Forces units and members of the public to make a thorough search for the whereabouts of the Chief Justice Benedicto Kiwanuka. This directive follows Thursday's report on BBC to the effect that Justice Kiwanuka had been arrested by the Armed Forces.

Justice Kiwanuka's alleged arrest has been categorically denied by the government. According to a government spokesman, it has been proved that Justice Kiwanuka was never arrested by any member of the security forces. If Justice Kiwanuka was arrested, the spokesman said, he would have definitely been kept in one of the government custodies...the public is being informed that yesterday information was received to the effect that some guerrillas were seen around Kampala area. The presence of these guerrillas might have some connections with the disappearance of the Chief Justice," the publication read, in part.

Later, the government intelligence agency, the State Research Centre (more commonly known as the State Research Bureau), later issued the following report: "Ben Kiwanuka: Former Prime Minister in the Democratic Party government and Obote detainee at Luzira released by the government and made Chief Justice was arrested by three unknown persons on September 21, 1972 at about 8:30 am from the High Court.

These three unknown persons were travelling in a saloon car Peugeot 504 light



**President Idi Amin (2nd L) and CJ Kiwanuka at Bukalasa with Catholic leaders, 1972.**

blue, bearing registration number UUU 171, came to the High Court Chambers where Ben Kiwanuka was working, identified themselves as security officers and said that he was required at their office.

They were armed with pistol[s]. They handcuffed the Chief Justice and took him with them in their car driving at a very high speed in the direction of the Kampala International Hotel. The men were all dressed in plain clothes and when they took him away most people working in the High Court witnessed the incident.

When some of these bystanders tried to follow, the unknown men threatened to shoot them. On investigation, the government discovered that the people who posed as security men were not in fact, members of the Security Forces and the number of the Peugeot 5-4 car which they were using belongs to a Volkswagen saloon car of the Uganda Armed Forces, P. O. Box 7069, Kampala.

It is therefore clear that the planners of this plot wanted to make the country believe that the people who arrested Ben Kiwanuka were members of the Security and said that he was required at their office.

A Kenyan newspaper, *The Sunday Post*, on December 31, 1972 published a report that Kiwanuka was tied to an army jeep and set ablaze by Amin's intelligence claiming agents along the Entebbe-Kampala highway.

In a statement on January 9, 1973, the Uganda military spokesman responded by saying that "The country will realize that Entebbe/Kampala Road is an international route where people always pass up and down, night and day but no-one has ever seen the alleged car burning on that road at any time since Kiwanuka disappeared."

Clearly, Kiwanuka's death will remain one of the unresolved mysteries of our time, even though most fingers will point at Idi Amin as the chief suspect. ■



# Judiciary to celebrate Ben Kiwanuka annually

**This Judiciary will on September 21 this year hold an inaugural lecture for former Chief Justice, Benedicto Kagimu Mugumba Kiwanuka.**

The head of the Judiciary was on the same date in 1972 brutally kidnapped from his High Court chambers in Kampala by agents of the Idi Amin regime and has never been seen again.

Present day Chief Justice, Bart M. Katureebe, announced during this year's New Law Year event in January 2018 that the Judiciary will, starting September this year, hold a public lecture in memory of Benedicto Kiwanuka. He said the Lecture and other related activities will be conducted annually to keep Kiwanuka's legacy alive and also to act as a reference point for judicial officers and other human rights defenders.

According to Justice Katureebe, Kiwanuka's life was taken away because of convictions in defending the rule of law and defending the fundamental freedoms of the downtrodden.

"The late Benedicto Kiwanuka's life is worth commemorating, especially as the Judiciary assumes a heightened and pivotal role in nurturing and protecting the rule of law and the truth. He fiercely and above self, protected the rights of all for which he paid the ultimate price with his life," said Justice Katureebe.

Deputy Chief Justice, Alfonse Chigamoy Owiny-Dollo, who is chairing the coordinating committee for the maiden Judiciary public lecture, says the day is a commemoration of monumental tragedy in the history of Uganda. "The day is not just about Kiwanuka, but rather the rule of law which will continue to triumph over evil," he said.



## What, Where & How?

The Judiciary, hired the Makerere University's Department of Fine Art to produce Ben Kiwanuka's bust, which will be permanently installed at the stairs of the High Court building, facing the grounds.

It is planned as a high profile half-day event to take place at the Kampala High Court grounds on.

The day will start with a procession from the chambers of the Chief Justice, where Kiwanuka was dragged, led by

the Uganda Prisons Services Brass Band and will walk around the High Court and return to the venue for the Lecture.

Speeches are going to be limited to the representatives of the family, Uganda Law Society, the Justice and Constitutional Affairs, the keynote speaker, the chief justice and the guest of honour. Three-time Chief Justice Emeritus, Samuel W. Waako Wambuzi (1972-75, 1979-80, 1986-2001), will make the keynote address for his departed predecessor.

The Judiciary has invited a cross-section of stakeholders, over 600, to take part in this year's public lecture. These include the president, speaker of Parliament, government ministers, members of Parliament, representatives of religious, cultural and higher institutions of learning, members of the diplomatic corps, heads of political parties, representatives of the 18 Justice Law and Order Sector institutions, and selected members of the public, among others. ■

## Who is Benedicto Kiwanuka?

He is remembered for having been a selfless defender of human rights and rule of law; for which he paid the ultimate price. Prior to his Judiciary assignment, Hon. Justice Ben Kiwanuka was an eminent Ugandan politician, who was instrumental in the processes leading to Uganda's attainment of its independence from colonialists in October 1962. Born in 1922, he was an accomplished advocate of the High Court, head of the Democratic Party, chief minister of Uganda's Self Government (1961-62) and Uganda's

first Prime Minister (March-April 1962). In December 1969, he was one of the political prisoners taken to Luzira Prison by the Milton Obote government. He was in late January 1971 released by Idi Amin, following a coup. President Amin then named him Ag. Chief Justice in March 1971, confirmed him to the position in June. Benedicto Kiwanuka was on September 21, 1971 kidnapped from his Chief Justice Chambers at the High Court in Kampala by state agents of the Idi Amin regime; and was never seen again. ■

# Memories of Benedicto Kiwanuka?



His life was taken away because of convictions in defending the rule of law and defending the fundamental freedoms of the downtrodden. He fiercely and above self, protected the rights of all for which he paid the ultimate price with his life. Benedicto Kiwanuka's life is, therefore, worth commemorating especially, as the Judiciary assumes a heightened and pivotal role in nurturing and protecting the rule of law and the truth.

**Bart M. Katureebe, Chief Justice.**

I was Solicitor General. I remember I was in office at around 10.30am when I got a call from then Chief Registrar, Mr. Sendegeya. He said that the Chief Justice's chambers had been invaded by army men and that he had seen vehicles outside. Shortly after, he called me again saying the Chief Justice had been abducted. At that time I was holding fort as Attorney General so I called President Idi Amin and told him what had happened. He simply told me "I know" when I asked him what we do he said he would let me know. The people of Uganda should take what happened as a serious matter that does not need to be repeated.

**Godfrey Lule, Former Solicitor General**



I grew up knowing him, because a very great friend to my parents. When I completed my studies at Law School, I joined his law firm, Kiwanuka and Co. Advocates, at Nkrumah Road. When he was appointed Chief Justice, he left me as a pupil attorney. He was very kind and would never let anyone suffer.

**Justice Remmy Kasule, Court of Appeal.**

September 21, 1972 will always remain the darkest day in the annals of our Judiciary. It commemorates a day of monumental tragedy in the history of Uganda – the day when the first Ugandan national to become Chief Justice was brutally dragged out of his official chambers at the High Court of Uganda in broad day light and forcibly taken away never to be seen again. I believe and hope Uganda does not see the like of what happened to Benedicto Kiwanuka 46 years ago again. We must remember his memory annually and it is not just about him, it is about the rule of law which will continue to triumph over evil.

**Deputy Chief Justice, Alfonse Chigamoy Owiny-Dollo**



I was five-years-old when he was taken. I remember I did not go to school and I asked him when I was going to school. He then took me to school and then he was taken the following day. I remember he used to wear on suspenders

**Maxensia Kiwanuka Kigongo, Ben Kiwanuka's daughter**

He was popularly known as *puliida* (advocate) and people used to follow him to court to listen to his arguments. He used to wear a black hat, striped trousers, walking stick, and drove a sleek black "*kajjambiya*" Mercedes Benz. I was chief interpreter at the High Court and I worked with him the morning he was taken – we handled about 10 cases before taking a break. A few minutes later, I heard that Amin soldiers had picked him from his chambers.

**Justice Augustine Nshimye, Supreme Court.**





I was in Senior Two in 1972 and we were told that the Chief Justice was picked from his chambers by the state research boys. He had ideals was a human rights defender and thus deserves remembrance every year. He was a great man and great people should be remembered alive or dead. It would be cheating the legal profession and the family if we did not hold a memorial lecture .

**Dr. Yorokamu Bamwine, Principal Judge.**

He stood for a number of values, which included the respect for the rule of law and independence of the Judiciary. He was able to stand up to the establishment of the day. His deeds will forever inspire all judicial officers and lawyers in the country

**Godfrey Kaweesa, Uganda Judicial Officers Association president.**



On September 20, 1972, Ben called me to his chambers and told me that President Amin called him and was furious that he had granted a habeus corpus application of a British national. I found him clearing his desk and he told me from the phone conversation he had with Amin, it was clear that he was no longer the Chief Justice. He handed me a brief case containing his land titles for safe custody and said I should hand them over to his wife if the worst happens to him. The following day, I learned from his wife that Ben had been taken from his chambers by soldiers.

**Dr. Paul Kawanga Semwogerere, Kiwanuka's close friend and ex-President General, Democratic Party**

I was 11 years old when he was taken. He was a good but very strict man and a great disciplinarian. He was a very busy person who spent most of his time either meeting his visitors or attending to his cases in the study room to study.

**Amb. Kagimu Kiwanuka, former Ugandan envoy to Nigeria and Ben Kiwanuka's son.**



When we look into our dark history, it is evident that the life of Benedicto Kiwanuka was very short but impactful. He fought for the rule of law and the independence of the Judiciary.

**Simon Peter Kinobe, Uganda Law Society President.**

He had a vision for truth and justice and we thank the Judiciary for recognising that. Our mother inculcated in us a culture of always remembering the 21st day of September. Whenever the day came, we had to observe it and pray in memory of our father and what he stood for.

**Regina Kiwanuka, Ben Kiwanuka's daughter**



## Benedicto Kiwanuka's children

1. Musoke Fulgensio (Born: 1947) - Makindye
2. Emmanuel Mugumba (Born: 1948) - Deceased
3. Imelda S. Kiwanuka (Born: 1950) - Rubaga
4. Josephine N. Kiwanuka (Born: 1953) - London
5. Benedicto Musajaakawa (Born: 1954) - Deceased
6. Stephen Mukasa (Born: 1957) - Deceased
7. Regina M. N. Kiwanuka (Born: 1960) - Germany

8. Maurice Kagimu Kiwanuka (Born: 1961) - Rubaga
9. Peter Ben. Kiwanuka (Born: 1964) - Deceased
10. Maxencia N. Kiwanuka (Born: 1967) - Kisubi
11. Sarah N. Kiwanuka (Born: 1971) - Makindye

Mrs. Mexencia Zalwango Kiwanuka. (Ben Kiwanuka's wife) died in 1992



## JLOS institutions making good progress - Chief Justice

**On September 4, the Chief Justice, Bart M. Katureebe, and also chairperson of the Justice, Law and Order Sector (JLOS) Leadership Committee, hosted development partners and representatives of JLOS institutions for a brainstorming dinner on key access to justice issues at his official residence.**

The dinner which was attended by Development Partners is one of the annual activities for JLOS to review and follow up on the Sector's activities throughout the year. In his address, the Chief Justice reiterated the Sector's stand against torture and all forms of cruel, inhuman and degrading treatment or punishment. Below is his speech;

### Reduced case backlog

The sector is implementing the case backlog reduction strategy which is already beginning to yield fruit. We have registered a total reduction in backlog of 12.5% in one year and overall 70% reduction since 2015 taking into consideration the growth in case disposal. We have now arrested the growth in backlog and are now managing the existing load. Without the strategy, the backlog would have been at 38%.

This has been the result of concerted efforts across all the frontline institutions, improved coordination and communication and increased use of innovative means to address backlog, including mediation, plea bargaining, small claims procedures. We are also focusing on specialized measures for some categories of cases including cases involving children and sexual and gender based crime.

*(Key institutions: Judiciary, ODPP, Uganda Police Force)*

### Current events

As a sector, we reiterate our stand against torture and all forms of cruel, inhuman and degrading treatment or punishment and emphasize that individuals should be held accountable for any acts of torture that they perpetuate. We firmly believe that

the Anti torture law should be enforced.

The sector has planned through the Law Development Centre to carry out specialized training in Human Rights to improve the knowledge, conduct and performance of our staff and to eliminate excuses for non-compliance with the law. We are also due to commence specialized training in law and prosecution for CID officers at Diploma level.

### Access to services

I take this opportunity to thank you as Development Partners for the contribution to our construction programmes and the extension of JLOS services around the country. Just last week, we commissioned three new justice centres and broke ground for a new one. We have plans to commission a few more facilities in eastern and



**Justice David k. Wangutusi, the head of the Commercial Court facilitates at a training for court accredited mediators.**

central Uganda and to flag off about four more facilities.

With these investments, we have now covered 61.5% of the districts thereby reducing the distance people travel to access JLOS services. We have also seen an increase in the case filing, case disposal and more coordination between institutions. We have seen a decrease in complaints about lost files and overstay in police cells. Although this does still occur, it is for reasons other than inability to travel to Court and we are tackling these situations when they occur.

JLOS agencies such as Ministry of Justice and constitutional affairs, ODPP, UHRC, USB, DCIC (Passport and Immigration services), Government Analytical laboratory and Law Development Centre have also de-concentrated their services and are now available around the country.

*(Key Institutions: Judiciary, Ministry of Justice, Ministry of Internal Affairs, ODPP, Uganda Police Force, Uganda Prisons Service)*

## Enhancing competitiveness

The sector strategy SDPIV is aimed at creating a conducive environment for economic growth. The sector has focused



**One of the suspects in the Arua election fracas being supported by other inmates at Gulu high Court.**

on improved disposal of commercial and land disputes to promote the free flow of capital and has also focused on improving the lead time for provision of key services. These are primarily from USB and DCIC as well as the reform of key laws by the Law Reform Commission and training of legal professionals by the Law Development Centre and Uganda Law society.

We have seen significant innovations from these institutions resulting in a reduction in lead times for registering a business and obtaining work permits. There have also been reforms to the Trade Licensing laws to reduce the number of permits required to start a business. These innovations are all being bolstered by increased use of technology and e-based services that are

expected to culminate in integration of JLOS services.

*(Key Institutions: Ministry of Justice and Constitutional Affairs, Ministry of Internal Affairs, DCIC, ULS, ULRC, Judiciary)*

## Alternative Dispute Resolution

Over the years, the Sector has increased the use of Alternative Dispute Resolution mechanisms and these have now become firmly grounded in our practice. Court annexed Mediation is now an integral part of the dispute resolution mechanisms and other legal professionals are now firmly on board with this. We have over 100 trained and accredited advocates as well as other trained officers in JLOS institutions and in the community. The Judiciary is also building on the training conducted with support from the Austrian Government and specialized training for judicial officers and other core JLOS personnel is being conducted with support from Pepperdine University in the United States.

The Uganda Law society has also taken on ADR as a critical aspect of legal practice. Together with the Uganda Banker's Association, they are in the process of establishing a specialized Mediation centre to grow the profession and services in Uganda. This will create a stronger environment for alternative dispute resolution in Uganda.

*(Key Institutions: Ministry of Justice and Constitutional Affairs, Judiciary, Uganda Law Society)*

## Refugees

As a sector, we have stepped up efforts to improve the presence of key JLOS actors in refugee hosting communities to bring services closer to the refugee



communities and their neighboring host communities.

We have primarily focused on policing services and legal aid services. We are also working on the use of mobile courts in refugee communities and other hard to reach areas.

These efforts are in addition to other programmes to support birth registration and other critical services.

*(Key Institutions: Judiciary, Uganda Police Force, Ministry of Internal Affairs, NIRA)*

### Informal justice systems

I am glad to report that the village and Parish Local Council elections have taken place and we are on track to have the full structure for Local Council Courts in operation. With your support, through the Democratic Governance Facility we have been able to prepare for their capacity building in preparation for their roles. We have fully prepared trainers in place and training materials are available. The Ministry of Local Government has also put in place desk officers in all Districts to oversee the establishment of the Local Council Courts at all levels. The Judiciary in turn is building the capacity of the magistrates to perform the supervisory role over the Local Council Courts.

The LCC are part of our overall efforts to build up the informal justice structures to complement the work of the courts. We are also working with our civil society partners such as LASPNET, to build structures for community based dispute resolution primarily in family matters to decongest the courts.

*(Key Institutions: Judiciary, Ministry of Local Government)*



**LC1 polls. Vote counting process on July 10, 2018.**

### Anti-Corruption strategies

We are implementing our anti-corruption strategy. This has been strengthened by the growing partnership and joint efforts with the accountability sector through the Joint Sector Reform Contract and the Joint Anti-Corruption Taskforce.

These efforts are geared at streamlining governance processes and minimizing opportunities for corruption. DFID-SUGAR continue to support all the sector institutions in these initiatives.

*(Key Institutions: Judiciary, ODDP, Uganda Police Force)*

### Children

The Sector’s Justice for Children programme has grown in strength. The coordinators located around the country are well integrated into the District Chain-Linked Committees and are working closely with the institutions to ensure that child friendly processes and diversion programmes are implemented.

The different institutions have instituted other measures to support the child-friendly environment. Ministry of Gender Labour and Social Development has completed the Kabale Regional Remand Home and commenced on the construction of the Moroto Regional Home

to provide appropriate accommodation for children in conflict with the law. The ODPP with support from Crane and UKAID has created a child-friendly space in its facilities as part of its efforts to improve the response to the needs of children who are witnesses or victims of crime and reduce the trauma of the judicial processes. It is expected that these facilities will be created throughout the country.

The Law Development Centre and Justice Centres Uganda continue to emphasize diversion of children from the Justice system, whenever possible. With the reinstatement of the local councils at the village and parish levels, this will be further strengthened.

*(Key Institutions: Judiciary, ODPP, Ministry of Gender Labour and Social Development, Law Development Centre)*

### Legal Aid

Legal aid programmes are being implemented by several institutions. The Pro bono programme has been fully embraced by members of the Law Society and will be implemented country-wide.

The Paralegal Advisory Services is in the process of being fully integrated into the sector, and will be housed by the Uganda Prisons Services. This will strengthen



the paralegal services in the prisons and support the plea bargaining efforts.

Justice Centres Uganda, Law Society and the Law Development Centre are engaged in coordinated efforts to ensure full coverage of the country by the SDPIV period.

*(Key Institutions: Judiciary, Uganda Prisons, Law Society, Law Development Centre)*

## Congestion

The prison population is currently about 52,000, while the holding capacity is 18,000. The population is therefore about three times the capacity and therefore congestion remains an outstanding challenge for the sector.

Through construction and renovation

programmes, the holding capacity has increased from 11,000 to 18,000 over 10 years. Congestion is still high due to other efforts to improve investigations, strengthen prosecution and enhance case disposal. The remand/convict ratio, stands at 51/49 and conviction rates stand at 62%. The prison population is therefore likely to remain high and therefore efforts need to continue to renovate and provide more appropriate facilities to ensure that human rights standards are met.

*(Key Institutions: Judiciary, Uganda Prisons Service, ODPP)*

## Sexual and gender based violence

The efforts to respond to sexual and Gender Based crime are multi-faceted. These include amendments of the law that have taken place and strengthening

of the measures to ensure the implementation of the law. Specialised training is planned for CID officers on the law aimed at improving their investigation skills, particularly in SGBV cases. The ODPP has prepared a prosecutors manual to guide State attorneys in the handling of SGBV cases and the Judiciary is in advance stages of planning special sessions of court to specifically address SGBV cases.

There are still challenges with the Forensic examinations, particularly DNA examinations that are critical to SGBV cases. Regional Laboratories have been constructed however they lack critical equipment, particularly the genetic analyser. The acquisition of these items will be one of the areas of focus in the SGBV efforts.

*(Key Institutions: Judiciary, Uganda Police Force, ODPP, Ministry of Internal Affairs) ■*

# Justice Katureebe cautions security agencies

**The Chief Justice, Bart M. Katureebe, has lashed out at security agencies for abusing their power and authority when arresting suspects.**

**F**lanked by the Minister of Justice and Constitutional Affairs, Rtd. Gen. Kahinda Otafiire, the Chief Justice, while commissioning of the Justice Centres of Rubirizi, Ibanda and Kiruhura between August 30 and 31, 2018, warned security agencies on torture.

“Security forces, when you are arresting Ugandans, arrest them like human beings not animals. We do not want you to bring people in court while bleeding, failing to walk and sick because such people belong to the hospital, not court,” Justice Katureebe said.

Justice Katureebe made the statements at Rubirizi and repeated them at both Ibanda and Kiruhura.

The statements are in reference to the brutal arrest and torture of more than 30 people, including Members of Parliament on August 13, 2018 ahead of the Arua Municipality by-election.

The Chief Justice added, “Article 44 of the Constitution of Uganda sets out rights that cannot be derogated in any circumstances one of which is freedom from torture, cruel and inhumane treatment.”

“Even the Baganda say you cannot wrestle someone down and then bite them.” The Chief Justice said he, on August 17, 2018, had written to the Minister of Justice and Constitutional Affairs, copying in the Prime Minister, in the aftermath of the Arua skirmishes.

“We know that sometimes the situation is fluid and some people may overreact but when someone is subservient there is no need for torture,” he advised.

The number four citizen said such acts affects court processes. “For us as court, when a suspect says they were tortured, that evidence is not admissible. If you get a confession due to torture, you mess up the case.”

The head of the Judiciary said accused persons who are victims of torture when they are produced in court they will be given bail and sent to hospitals. ■



## Meet Esta Nambayo, Judiciary's new Chief Registrar

**On August 7, the President appointed Her Worship Esta Nambayo (50) the Chief Registrar of the Judiciary, replacing Gadenya Paul Wolimbwa, who was earlier elevated to the position of High Court judge.**

She is just the second female to be appointed to the office, after Hon. Lady Justice Flavia Senoga Anglin, who is now a High Court judge.

The office was officially handed to her on September 5 by Registrar, Isaac Muwata, who was the caretaker of the office following Gadenya's promotion.

Speaking to the Judiciary Insider, Ms. Nambayo, said it is an honour for her to be appointed to the position of leadership.

"The office will continue to address issues of integrity, accountability, discipline and teamwork. We shall follow the roadmap set by the Judiciary Strategic Investment Plan and also carry on the programmes started by my predecessor," she said.

She also said she intends to join the lobby of key stakeholders for better resourcing of the Judiciary. "I know that most courts operate in rented premises and buildings that are unsuitable for court work. The judicial remuneration is still low, although I am aware of some efforts to raise the salaries of the lower bench.

She is also looking towards having in place a comprehensive transfer policy for judicial officers, re-energising the fight against corruption in the institution, promoting the performance and discipline of judicial officers, as well as the initiatives to increase access to justice.

The position of CR is provided for under article 145 of the Constitution – to assist the Chief Justice administer the Courts of Judicature/Judiciary. The other functions of the Chief Registrar, are enrolling advocates, licensing bailiffs and assisting



**Her Worship Esta Nambayo.**

the Chief Justice to conduct swearing in of the President and other persons who take oath before they assume office.

### Profile

She is a holder of two Masters Degrees: one is law (LLM) from Makerere University and another in Management from the Uganda Management Institute. She also has a Certificate in Anti-Corruption, a Diploma in Managerial Problems and the Courts all from Denmark and a Certificate in Gender from University of Wales. Prior to joining the Judiciary, she worked for three years as a Legal Officer at FIDA (U). In 2000, she joined the Judiciary as Magistrate Grade One. She served in the Magistrates Courts of Luwero, Nakasongola and City Hall. Between 2008 and 2009, she was assigned to the High

Court Family Division as an Ag. Assistant Registrar. She was in 2009 promoted to the position of Chief Magistrate and served at Mbarara, Mengo, Nakawa and Makindye Chief Magistrates Courts. In August 2014, she was again assigned as Ag. Assistant Registrar and posted to the High Court Land Division. In 2015, she was promoted to the position of Deputy Registrar and was posted to the High Court's Commercial Division, Land Division and later to the Court of Appeal. She was in June 2018 among the five judicial officers who were elevated to the rank of Registrar. The August 17, 2018 transfers of judicial officers had posted her to the Judicial Training Institute at Nakawa, where she was expected to report at the beginning of September 2018. ■



# NEWS BRIEFS



## Makerere School of Law plans 50-year celebrations

The Hon. Chief Justice, Hon. Justice Bart M. Katureebe, accepted to be the patron of Makerere University's School of Law Alumni Association as well as taking a centre stage in the School's planned 50-year celebrations.

The CJ, who will also be the Chief Guest at the Anniversary celebrations, made the revelation on Tuesday August 7, 2018 while meeting the SOL@50 Anniversary Organizing Committee at his Chambers at the High Court in Kampala. The School of Law will, on October 12, 2018, celebrate

50 years of existence as the premier Law School in Uganda. The planned events will be used to officially launch the School's Alumni Association (SOLAA), as well as the commissioning of a mega fundraising drive for an endowment fund.

## Execution and Bailiffs Division relocates to Crusader House

The High Court Execution and Bailiffs Division (EBD) moved to Crusader House in Kampala. It was formerly housed at the Judiciary headquarters in Kampala since its inception in 2012. Crusader House is located at Plot 3 Portal Avenue in Kampala, between Shumuk House (former Blacklines House) and Workers House.

"We wish to inform court users and the general public that the Execution and Bailiffs Division is now located at Crusader House. We moved and have fully set up the court and ready to serve the public," said HW Elias Omar Kisawuzi, the Court's registrar.

EBD now occupies the 3rd and 4th Floor of the building, which HW Kisawuzi says is more spacious than the offices at the headquarters. "Our intention is to improve the efficiency and management of the Division," he said.



## High Court Judges inducted

The Chief Justice, Hon. Justice Bart M. Katureebe, on April 23, 2018, flagged off a two-week orientation programme for 23 High Court judges. The training which was organised by the Judicial Training Institute (JTI) in conjunction with the Judicial Service Commission is taking place at the Institute's home at Nakawa. The induction course is designed to usher Judges into the realm of dispensing Justice. It involves the enhancement of basic knowledge, skills and attitudes among the newly appointed Judicial Officer. The Chief Justice said he was happy to finally do the induction which includes 13 High Court Judges who had never been inducted and the 10 newly appointed Judges.



## Inspectorate team Visits Mbarara High Court

A team from the Inspectorate of Courts, led by the Ag. Inspector of Courts, Dr. Immaculate Busingye in May conducted an inspection at Mbarara High Court. The team held meetings with Mbarara Senior Resident Judge, Dr Flavian Zeija and other court officials. The inspectors also went to Kakyika and Mbarara Main prisons to identify bottlenecks that impede effective delivery of justice. The mandate of the Inspectorate is to monitor and evaluate the performance of Judicial Officers and other staff and court facilities.

*Reported by Ruth Ashaba*

## Justice Baguma in fact finding exercise

Mpigi Resident Judge, Hon. Justice Emmanuel Baguma, embarked on a fact finding exercise at Kigo Prison. Accompanied by Mpigi Deputy Registrar, HW Cissy Mudhasi and Deputy Regional State Attorney, Ms Lucy Kabahuma, Hon. Justice Baguma visited the inmates to assess their challenges as well as living conditions.

The inmates in their memorandum presented by Mr Mukisa Ronald Kiwuka; pledged to be law abiding citizens upon release.



## 64 lawyers signed on the roll

A total of 64 lawyers were on May 23 signed on the roll in an exercise presided over by the Registrar High Court, Tom Chemutai. HW Chemutai represented the Ag. Chief Registrar, Isaac Muwata. In his remarks, HW Chemutai called on the new advocates to be honest and have integrity.

He urged the new officers of court to

protect human rights. The ceremony was attended by HW Susan Abinyo, the Deputy Registrar in charge of Special Projects, Karungi Anne on behalf of the President Uganda Law Society and Aaron Motooka for the Law Council. Ms Karungi called upon the enrolled lawyers to be ethical while executing their duties.

*Reported by: Abubaker Kagulire*

## DCJ opens Masaka Court of Appeals session



The Deputy Chief Justice, Alfonse Owiny-Dollo, opened a Court of Appeal criminal session at Masaka High Court on June 5, 2018,

A panel of three justices comprising Hon. Justice Egonda Ntende, Hon. Lady Justice Hellen Obura and Hon. Justice Stephen Musota will hear and deliver judgments in 56 appeals in a period of two weeks.

Of the 56, two convicts are seeking to overturn a death sentence. The other appeals are for murder, robbery, rape and defilement convictions.

The Court of Appeal held a criminal session in Mbarara as part of the efforts to bring The Court of Appeal closer to people.

*Reported by Ritah Mukundane*



## UN appoints Ugandan Judge

United Nations Secretary General, António Guterres, appointed Justice Elizabeth Ibanda-Nahamya as Judge of the Mechanism for International Criminal Tribunals (MICT).

According to the press statement from the court dated March 27, 2018, the appointment was effective March 22. Guterres made the appointment following the resignation of Judge Solomy Balungi Bossa, who was elected to the International Criminal Court.

Hon. Ibanda-Nahamya was a Judge of the High Court, with her last posting being at the International Crimes Division.



## SCO tips journalists on court reporting

Judiciary's Senior Communications Officer, Mr. Solomon Muyita, in late May was the lead facilitator at a capacity building workshop for court reporters.

The workshop which took place at African Village Hotel, Mukono, was funded by the International Women's Media Foundation. More than 15 reporters from

both print and broadcast houses took part.

Mr. Muyita took the reporters through court decorum and explained to them the different court processes. The organisers expressed their gratitude to the SCO for sharing his knowledge and experience.

*Reported by Halimah Kaggwa*

## Kabale High Court gets new furniture

The Judiciary management has procured furniture worth over Shs.100 million for the newly built Kabale High Court.

The assorted furniture was received by Kabale Deputy Registrar, Didas Muhumuza, who thanked the Judiciary administration for equipping the facility.

The Kabale High Court has been occupying the Chief Magistrate's court since its inception.

*Reported by Halimah Kaggwa*



## New furniture for Mitooma CM Court

A wave of excitement gripped the Mitooma Chief Magistrates Court in July when as trucks full of assorted Court furniture arrived to make the delivery. The Judiciary Senior Office Supervisor, Lameck Were, handed over the furniture to the station in-charge, HW Muhangi Severino Gibson, a Magistrate Grade One. The furniture was purchased with funds from the Uganda Government is now being set up in the court halls and offices. The Court is a section of the newly built Mitooma Justice Centres funded by the Justice, Law and Order Sector.

*Reported by Halimah Kaggwa*



# New Chief Registrar assumes office

The Chief Justice, Hon. Justice Bart M. Katureebe, on Wednesday 05 September, 2018 witnessed the handover of office of the Chief Registrar to the second female judicial officer.

HW Esta Nambayo replaces Hon. Justice Gadenya Paul Wolimbwa, who was appointed High Court Judge.

HW Nambayo, formerly Court of Appeal registrar, received the instruments of office from Registrar, HW Isaac Muwata, who has been care-taking the CR office since May this year.



She will be tracing the footsteps of Hon.

Lady Justice Flavia Senoga Anglin, the first-ever female Chief Registrar, who was

elevated to High Court judge status some years back.

## Principal Judge named to HiIL SDG Committee



The Principal Judge, Hon. Justice Dr. Yorokamu Bamwine, has been named as a member of the Hague Institute for Innovation of Law (HiIL).

The Committee's role is to make recommendations on how to achieve Goal 16 of the Sustainable Development Goals; which relates to peace, justice and strong institutions.

HiIL purposes is to help 150 million

people prevent or resolve their most pressing justice needs by 2030 through a needs transition such as new ways of working, new types of partnerships and new forms of funding.

HiIL works in partnership with the Dutch Ministry of Foreign Affairs.

The Committee has been tasked to come up with a report on how HiIL can achieve this goal.

## Court of Appeal's revamped registry commissioned

The Deputy Chief Justice on July 23, 2018 commissioned the newly revamped Court of Appeal Registry.

Formerly likened to "a grave yard" or "a village rubbish pit", the now reorganized Registry is open for public use.

Presiding over the event, Deputy Chief Justice, Hon. Justice Alfonse Owiny-Dollo, assured Court Users that service delivery at the Court of Appeal is going to be a lot quicker and timely.

He hailed International Justice Mission (IJM) for the job well-executed.





# Regional Chief Justices forum revived

**Chief Justices in the East African Community (EAC) have agreed to establish a forum a framework for enhancing the contribution of the Judiciaries to regional and national development, protecting the rule of law and promoting the well-being of the citizens in the region.**

**C**hief Justices from East African states have agreed to revive the East African Community Chief Justices Forum (EACJF) to promote administration of justice.

## Regional integration

They want EACJF engagements be made part of the calendar of EAC activities, and provide for regular and structured direct consultations between the Forum and the Summit on matters relating to the Judiciaries.

“That the Judiciary is an important player in the process of deepening and widening regional integration in East Africa. It is expected to provide legal solutions to the controversies that arise in the integration process. To continue playing this role, we resolve to enhance the collaboration among the Chief Justices and the Judiciaries of East Africa, share judicial experiences, expertise and jurisprudence,” said the Chief Justices in a communique signed on May 11 at the closure of a two days meeting hosted by Justice David Kenani Maraga, the Chief Justice and President of the Supreme Court of Kenya.

Other Chief Justices are Sam Rugege of Rwanda, Bart Katureebe (Uganda), Ibrahim Hamis Juma, (Tanzania), Chan Reec Madut (South Sudan), Omar Othman Makungu (Zanzibar) and Dr Emmanuel Ugirashebuja, the President of the East African Court of Justice while Chief Justice of Somalia, Ibrahim Eidle Sulaiman was an observer at the meeting.

## Strategies

According to the communique, the regional chief justices agreed to enhance consultations and engagements with



**The Regional Chief Justices meeting in Nairobi, Kenya.**

the other arms of government and with the organs of the EAC to deepen judicial independence and expand inter – branch interdependence as exploring modalities for regular and continuous engagement with the executive and Legislative Arms of government.

“We recognize the existence of case backlog and its negative impacts on delivery of justice and commit to upscale initiatives to clear case backlog in all the Judiciaries of East Africa. That as part of strengthening judicial integrity and independence, we commit to strengthen mechanisms for accountability of judicial officers and staff and communication to the public on our work,” reads the communique.

The chief justices agreed to continue engaging the Legislative and Executive Arms of Government to improve financial allocations and security for the Judiciary, and to support the establishment and operationalization of a Judiciary Fund or other mechanisms of ensuring financial autonomy of the judiciary.

“That while judicial independence and access to justice are enshrined and protected in our Constitutions and national laws, in reality, several barriers

hinder the full realization of these ideals. We commit to collaboratively continue to address the challenges and engage with other stakeholders in the process. We acknowledge the importance of alternative dispute resolution and informal justice systems as critical and complementary strategies to enhancing access to justice and resolve to improve the practical application of these strategies in our judiciaries,” they resolved before directing the Registrar of the East African Court of Justice to transmit the Communique to the Secretary General of EAC for the attention of the Summit of the Heads of States and to other organs of the Community.

## Linkages

The Chief Justices’ sought to explore mechanisms of reviving and strengthening the East African Chief Justices’ Forum; share experiences on the strategies adopted by respective judiciaries within East Africa to address barriers to and improve access to justice; explore modalities of enhanced collaboration in the administration of justice and delivery of judicial services to the citizens of East Africa as well as discussing options for structured linkages between national Judiciaries in East Africa and the East African Court of Justice. ■



**The Chief Justice presiding over the launch of the Judiciary five-year ICT Strategy.**



**The Principal Judge, Dr Yorokamu Bamwine, during a practical demonstration of how Audio Visual Link works.**

## How taxes have improved Judiciary's access to justice terrain

**The Judiciary has a heightened and pivotal role in nurturing and protecting the rule of law and the truth. To achieve this, it has, with support from government, embarked on a number of reforms aimed at enhancing access to justice.**

### Automation of courts

In 2017, the Judiciary launched a five-year ICT Strategy – aimed at turnaround the administration of justice through automation of the courts. The Uganda Government provided US\$8 billion (66.7 per cent) towards the required US\$12.5 billion to set the project rolling in the 2017/18 FY. ICT will enhance Judiciary's efficiency, access, timeliness, transparency and accountability thus helping it to provide adequate services. The following is being implemented in this regard:

#### Laptops for Judicial Officers

The Judiciary has procured more than 300 laptop computers for all judges, registrars and up to the rank of Magistrates Grade One. Heavy duty printers/copiers, scanning option, were equally procured for all stations, to facilitate the quick processing of typed court proceedings and judgments.

#### Court Recording Facilities

Court recording facilities have been installed in all Courts of Record (Supreme Court, Court of Appeal and High Courts),

as well as selected Chief Magistrates Courts. The facilities are intended to save the judicial officers the burden of having to handwrite court proceedings, a move that has led to drastic improvement on the efficiency of courts and timely handling of cases. The Judiciary has subsequently hired and trained a pool of subscribers of the recorded court proceedings.

#### ECMIS

This is the Electronic Case Management and Information System, designed to enable the courts to reap the dividends of automation. Once made operational, ECMIS will enable online consulting on court cases through e-court registries, e-filing, online exchange of legal documents, and the increased provision of information about the Judiciary programmes via the internet.

#### ICT System Integration

With the support from the National Information Technology Authority Uganda (NITA-U), the Judiciary will carry out ICT System Integration onto

the National E-Government Services Infrastructure. This will guarantee citizens access to court services and ensure cost reduction in form of hardware and software purchases through the use of the facilities in the Government National Data Centre.

#### Audio-visual links

The Judiciary has installed the audio-video link technology in various courts to facilitate the handling of cases involving vulnerable witnesses. These include protected witnesses like children, women, whistleblowers and victims of sexual violence. The facility is also being installed between the Luzira Prison Complex and Buganda Road Chief Magistrate's Court, to facilitate the periodic mentioning of cases for remand prisoners. This is intended to save prison authorities the rather costly, risky and continuous ferrying of remand prisoners to courts just for the mentioning of cases whose investigations are still ongoing.

#### ADR Mechanisms

The government has also supported the



**Iganga Chief Magistrate, Jessica Chemeri, receives car keys to her new car. Many Judicial Officers have received tools of trade to ease their work.**



**Inmates at Nakasongola Government Prison entertain the Principal Judge during the launch of Plea Bargaining at the facility**

strengthening of the Alternative Dispute Resolution (ADR) whose use has led to timely settlement of disputes, reduction of costs and facilitation of inclusive justice. The Judiciary is currently promoting the following flagship ADR initiatives:

### Mediation

This allows parties to a dispute find a quick solution with the assistance of a neutral third party, without going through the costly and lengthy court process. It is now mandatory for all civil cases to first undergo a mediation process within 60 days, and cases are only forwarded to go through a normal court process only after Mediation fails. Statistics indicate that out of 1,226 Mediation causes handled between January and July 2018, 594 were successfully disposed of, showing a disposal rate of 48.5%.

### Small Claims Procedure

This is another form of ADR in civil debts arising out of supply of goods, debts, rent and related transactions – not exceeding Shs.10 million. Within a 30 days period, the parties to a Small Claim are mediated by a judicial officer to reach a quick agreement, avoiding technical procedures, excluding lawyers, consequently shortening the usually lengthy and costly court process. In 2017 alone, the procedure helped litigants recover up to Shs.9.3 billion of their claims.

### Plea Bargain

The initiative affords accused persons a chance to agree with a prosecutor to plead guilty to an offense in exchange for a lesser sentence. The procedure is cheap, helps to clear case backlog in criminal matters, decongest prisons and promotes reconciliation amongst the parties and it is 70 percent cheaper than the adversarial trials. Plea bargain agreements are reviewed and approved by a judge or magistrate. Launched mid-2014, the procedure has been rolled out in all the High Court Divisions and Circuits and Magistrates Courts. In 2017 alone, the High Court disposed of 1,350 criminal cases.

### New Court Structures

In August, the Chief Justice, Bart M. Katureebe, commissioned three newly constructed Justice Centres. Financed under the Justice Law and Order Sector, the facilities comprise of a courthouse, a district police station and offices for the Resident State Attorney, intended to be in one place so as to bring services closer to the people.

The Centres were opened in Mitooma, Ibanda and Kiruhura. More Centres are to be opened in Nwoya, Mityana, Kalangala districts, and new construction projects have commenced in Nwoya and Rubirizi districts.

### Furnishing of the courts

With support from Government, at least 10 new courts received an assortment of furniture worth hundreds of millions. The procured furniture included court benches with backrests, office tables, judicial chairs, advocate chairs and tables plus waiting chairs. The courts included Kabale and Masindi High Courts; and the Magistrates Courts of Mitooma, Ibanda, LDC Court, Kanungu and Kiruhura, among others.

### Vehicles for Judicial Officers

Since the year began, nearly 30 cars have been procured for judicial officers of both the higher and lower bench. The beneficiaries include some justices of the Court of Appeal, newly appointed judges of the High Court and a number of Chief Magistrates. The cars include brand new Pajero Station Wagons, Nissan Patrol Station Wagons and Toyota Hilux Pick-up Trucks.

### Public Awareness Campaigns

The Judiciary, through its Communications Unit, conducts regular public awareness campaigns to sensitise the public about court processes and procedures as well as various Judiciary programmes. The awareness programmes, which are funded by the Government, are conducted through Outreach Campaigns in rural communities, Court Open Days and Media talk shows. ■



# Judiciary trains 500 mediators

**At least 500 individuals have been accredited as Court Mediators this year. This number is as a result of a series of trainings in different districts, all aimed at settling disputes without going through the costly and lengthy court processes. Mediation is now a permanent feature in all out of court processes. The process was launched by the Principal Judge, Dr. Yorokamu Bamwine, in 2015.**

**A**DR is a mediation process that allows parties to a dispute find a quick solution with the assistance of a neutral third party, without going through the costly and lengthy court process.

Originally piloted in the Commercial Court, ADR is now being rolled out to the other High Court Divisions of Civil, Family, Land and Magistrate Courts.

The programme is meant to enhance delivery of service in the Judiciary. It will enhance access to justice for all, ensure speedy resolution of disputes and reduce the cost of resolving disputes.

According to Hon. Justice David K.

**Mediation offers an alternative way of managing family disputes that will help restore relationships.**

Wangutusi, the head of the Commercial Court and lead facilitator in the enrolment exercise of court accredited mediators, Alternative Dispute Resolution is one way of reducing backlog.

He adds that adoption of a quicker and less contentious dispute resolution method would have an effect on the country's economy and greatly improve the country's ranking on ease of doing business.

Justice Wangutusi says Mediation offers an alternative way of managing family disputes that will help restore relationships. Between January and March, the Judiciary trained about 500 mediators in the districts of Kabale, Mbale, Jinja and Fort Portal. The group comprised religious, opinion and civic leaders as well as different actors in the Justice, Law and Order sector. ■





# Michigan University organises Judiciary archives

**A team from the University of Michigan was in the country to help with the reorganisation of the Judiciary archives.**

The archives comprising millions of paper files of both court and administrative records, have been continuously stored in the five basement store-rooms of the Kampala High Court building since the late 1940s. They were largely inaccessible to researchers and citizens because they were not catalogued.

The Michigan team is spearheaded the clean-up, sorting and cataloguing exercise, thanks to a Memorandum of Understanding signed between the Judiciary and the University earlier in the year. They will work hand-in-hand with a team of six students from Makerere University as well as four Judiciary records assistants in the project that commenced late May 2018.

In 2017, there was an attempt to organise the bulk of the files that were formerly scattered on the floor into about 200 boxes full of files in the basement repository—but they were still uncatalogued. Both Justice Gadenya Paul Wolimbwa, who heads Judiciary's Projects and the Secretary to the Judiciary, Mr. Kagole E. Kivumbi, were enthusiastic about working with the University of Michigan to reorganise the Judiciary archives. Mr. Kagole said the Judiciary is still assessing the cost of the project.

The National Archivist of Uganda, Ms. Justine Nalwoga, has equally expressed interest in taking custody of the Judiciary archive for storage at the new National Archive and Record Centre at Wandegaya (NARC) for the benefit of researchers. The records from the High Court repository have been relocated to the Judiciary offices at Naguru in



Kampala where the exercise is taking place.

Focus was on organising files pertaining to the period before 1988 because they are legally open for research under Ugandan law. The files that pertain to the period after 1988 shall be returned to the High Court's repository.

"After being sorted into deposits they will be placed in acid-free boxes, the team catalogued each box, creating a list of file numbers, covering dates and titles," explained Ms. Riley Linebaugh, a lead archivist.

She said the properly catalogued records were transferred to the NARC in Wandegaya, where they will be open for access by researchers.

"The accessibility of the Judiciary archive will be of great benefit: it will allow graduate students and undergraduates working on Uganda's history access to an extraordinarily rich, utterly unique resource for research," said Dr. Derek R. Peterson, the team leader.

## The team

The University of Michigan team includes: Dr. Peterson (professor of History, University of Michigan); Riley Linebaugh (PhD student in History Graduate Centre for Cultural Studies in Giessen, Germany; and Sauda Nabukenya, PhD student in Legal History). Others are: Hunter Zhao (MA student at Columbia University; Kate Bruce-Lockhart (PhD in History from the University of Cambridge). Those from Makerere University are: Ikaliit Daniel and Balonde John (BA Records and Archives Management) and Tumwine Brian (BA Archaeology and History). Others are Mwine Martin (BA Ethics and Human Rights); Kisongoch Elvis (BSc. Political Science and Sociology); and Muhindo Jesse (BA Public Administration and Management). Judiciary's team has Egetu John Maurice, Kirunze Moses, Buhwaddi Abdalla and Mariam Nassuna.

Ms. Nabukenya is currently conducting her Ph.D research on Uganda's legal history, while Ms. Linebaugh has been centrally involved in the cataloguing of several archives in Uganda and in Europe. ■



**Chief Justice, Bart M. Katureebe at the commissioning of Bishop Stuart University's Faculty of Law in Mbarara, May 25, 2018.**



**A group of Pepperdine University interns make courtesy call on Justice Dr. Henry Peter Adonyo, ED Judicial Training Institute, May 29, 2018.**



**Principal Judge, Dr. Yorokamu Bamwine, at Bugiri Chief Magistrates Court Open Day.**



**Justice Stella Arach-Amoko at the opening of the East African Judicial Education Committee meeting in Kigali-Rwanda, May 16, 2018**



**Justice Stella Arach-Amoko receives the ULS award for distinguished service in the Administration of Justice, March 29, 2018.**



**JLOS Publicity Committee on a Monitoring and Evaluation mission in Sironko District, May 24, 2018.**



*The Chief Justice and his team during a bench-marking tour in Malaysia on case backlog reduction in early March.*



*Top Judiciary administrators pose shortly after New Chief Registrar, Esta Nambayo, had assumed office on September 5.*



*Mr Francis Gimara (L) and Justices: Stella Arach-Amoko, Alfonse Owiny-Dollo, Bart M. Katureebe and Dr Yorokamu Bamwine at the ULS Awards Gala in March 2018.*



*CJ Katureebe and Secretary to Judiciary, Kagole Kivumbi, meeting with officials from the World Bank, March 12, 2018.*



*Newly elected Chairperson of National Association of Women Judges in Uganda, Justice Henrietta Wolayo, with her Executive early this year.*



*DCJ Owiny-Dollo at the first Luzira Prison Law graduation ceremony at Luzira Prison, March 22, 2018.*



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