



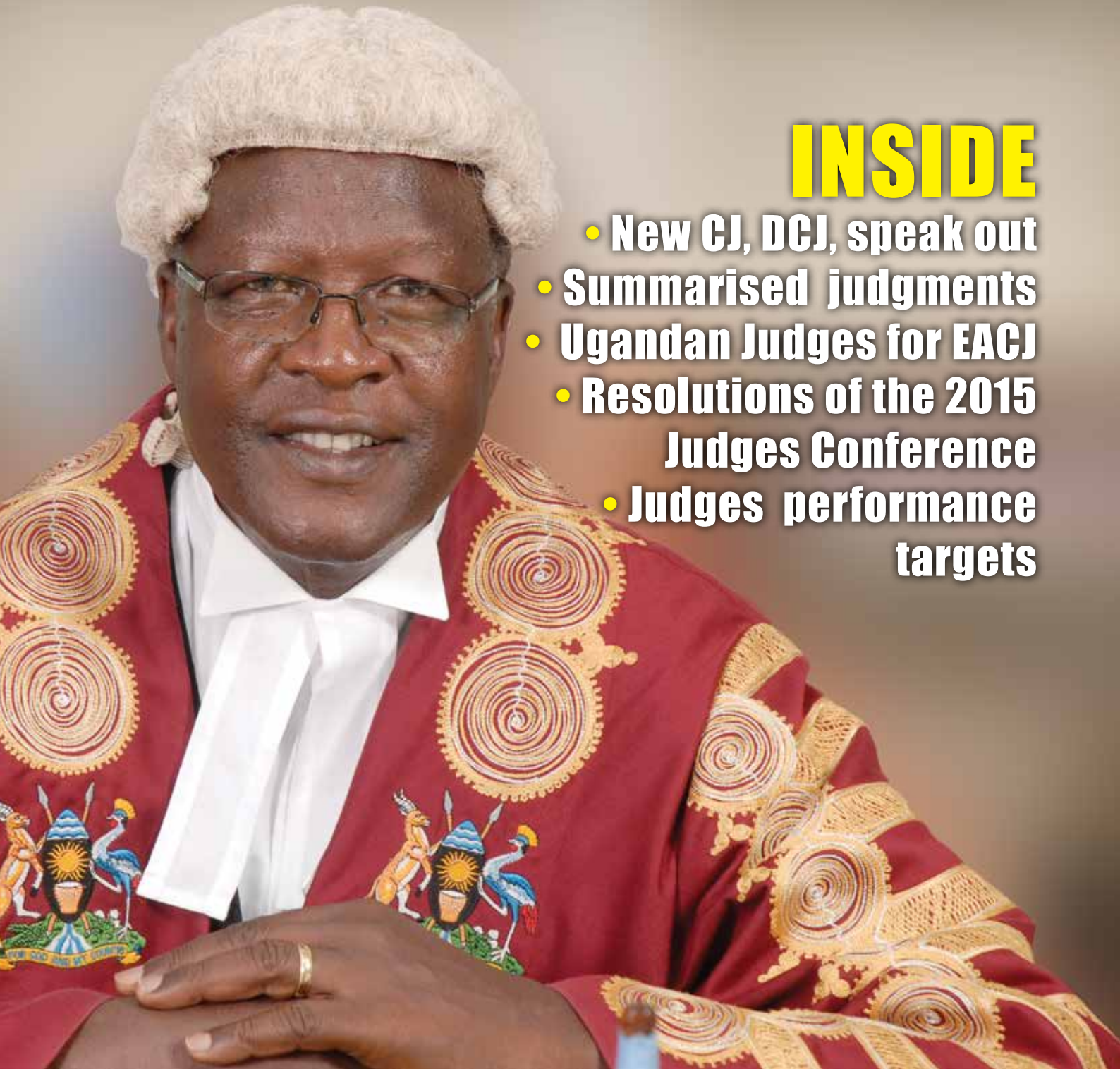
THE JUDICIARY

INSIDER

Magazine: Issue 2: March - April 2015

INSIDE

- New CJ, DCJ, speak out
- Summarised judgments
- Ugandan Judges for EACJ
- Resolutions of the 2015 Judges Conference
- Judges performance targets





President Museveni in a picture with Judges on the sidelines of the 17th Annual Judges Conference on February 23, 2015



We're getting bigger and better



Late February when we launched *The Judiciary Insider* magazine, many thought it was such a tall order for the team to deliver a monthly magazine. However, the utmost dedication and teamwork that delivered the first 24-page colourful and informative first Magazine Issue has delivered an even bigger and better 32-page second Magazine issue for March.

Issue II is even richer in terms of information and pictures. The quality delivered in Issue I luckily caused excitement within the institution that has ignited the spirit of information sharing from the many activities and events within March 2015.

Some of the big events featured in this issue include the outcomes of 2015 Judges Conference, activities that followed the appointment, vetting and the swearing-in of the new Chief Justice, Bart Katureebe, and the Deputy Chief Justice, Steven Kavuma.

Other happenings in the month included judges in Women's Day celebration activities, appointments of Ugandan judges to the East African legislative Assembly, transfers and the Judicial Studies Institute retreat. We also covered the setting of annual targets by High Court judges, the re-activation of the Chain-Linked programme, and the rollout of Alternative Dispute Resolution Mechanisms from the Commercial Court to other courts and tribunals.

Also worth mentioning is the 'From the Courtroom' section to keep you updated with developments in the legal domain like summarised recent court decisions and key government legislations.

We shall continue to supply a printed version of *The Judiciary Insider* to stakeholders within the Judiciary and the Justice, Law and Order Sector institutions. We shall also have it widely circulated in electronic form through the Judiciary websites: www.judicature.go.ug, www.ulii.org, as well as highlighting it on our blog: judiciaryuganda.blogspot.com, Facebook, Twitter pages.

Nice reading!

Solomon Muyita
Senior Communications Officer/
Editor, *Judiciary Insider*

CONTENTS

- 5 17th Annual Judges Conference Resolutions
- 6 Judges agree to annual targets
- 7 JSI to orient new Judiciary leadership
- 8 Tears of joy and sadness engulf the legal fraternity
- 10 Time to restore public confidence in Judiciary - new CJ
- 12 We'll make Judiciary people centred - DCJ
- 14 Profiles: Justices Katureebe and Kavuma
- 16 Pictorial
- 18 Justices Kiryabwire, Mugenyi for EACJ duties
- 19 Chain linked programme reactivated
- 20 Lady Justice Mugambe honoured
- 21 NAWJU tips on domestic violence
- 22 Judicial appointments and transfers
- 23 Mediation rolled out to other courts, tribunals
- 25 Fare thee well Joan Kagezi
- 26 From the Courtroom: Summarised judgements and legislations

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Mubatsi Habati Asinja	Writer

Coordination

Persis Babirye
Abubaker Kagulire
Timothy Kasoma

Publisher



Tel: +256 312 800 675
Email: wallmarktwo@gmail.com

Share story ideas / contributions for the next issue to:

Email: reports@judicature.go.ug
Tel: +256 772 200 089

17th Annual Judges Conference Resolutions

This was a four-day Conference of all Judges and Registrars of all the High Court Divisions and Circuits; Constitutional/Court of Appeal; and the Supreme Court, held between 22nd and 26th February 2015 at the Imperial Golf View Hotel, Entebbe.

The 2015 Conference was organized under the theme "The Role of the Judiciary in Accelerating the Transformation of Uganda's Economy". The theme put the Judiciary's role in accelerating the development of Uganda under the spotlight and challenged judges to examine their adjudicative role within the prism of supporting and enabling development in Uganda.

The 2015 Conference was a paperless event, thanks to the Judiciary ICT team who provided at least an internet enabled laptop or Ipad to every Judge/delegate in the retreat.

President Yoweri Museveni officially opened the meeting that

was among others attended by the then Acting Chief Justice, Hon. Steven B.K. Kavuma and the Principal Judge, Hon. Dr. Yorokamu Bamwine, Justices of Supreme Court Constitutional/Court of Appeal, High Court Heads of Divisions, resident Judges in different High Court Circuits and judges serving in Kampala.

Others were the Justice Asaph Ntegye (Industrial Court), Justice Mike Chibita (the DPP), the Head of the Civil Service, Court registrars, members of the Judicial Service Commission, Ruth Sebatindira (President, the Uganda Law Society), visiting judges from Tanzania, Kenya and India.

There were also retired Justices: Vincent Kagaba and Gideon Tinyinondi; members of the JLOS Development Partners Group, the legal fraternity and selected experts, among others, and it was officially closed by the Justice and Constitutional Affairs Minister, Maj. Gen. Kahinda Otaffice.

Session	Resolutions
1. The Role of ICT in Transforming the Judiciary into an Efficient, Effective and Competitive Institution	<ol style="list-style-type: none"> The Judiciary should adopt the use of information and communication technology in all judicial processes. The Draft ICT Strategic Plan for 2014-2018 should be refined and adopted, and funding secured for the purpose of setting the Judiciary on the right course towards the adoption of ICT in our courts. Training of personnel at all levels (including technical staff) should be undertaken so that the human resource is prepared to adopt the new technology.
2. Leadership and Change Management	<ol style="list-style-type: none"> Independent funding should be secured to increase budgetary allocation for the Judiciary. The Judiciary should adopt a comprehensive mechanism of measuring performance, against which parameters excellence should be rewarded, and failure addressed.
3. The Performance of the Supreme Court, Court of Appeal and High Court in Case Disposal	<ol style="list-style-type: none"> A Division for handling Civil Reviews should be established. Efficiency of courts should be improved especially in the recording of proceedings, by recruiting and training transcribers to enhance performance. Cases where Records of Appeal are missing should be sent back for retrial. All parties concerned must ensure that the resources available are adequately utilised.
4. Stakeholders Views on the Performance of the Judiciary	<ol style="list-style-type: none"> All Judicial Officers should ensure that the interests of stakeholders are not prejudiced in the administration of justice, especially where specific Constitutionally Mandated Institutions are concerned. There should be continuous sharing of information and standardisation of performance expectations in order to curb inefficiencies in the administration of Justice. The Judiciary should work hand in hand with other sector institutions to ensure transparency and efficiency in the administration of justice.

Session	Resolutions
5. Managing Judicial Training for Improved Judicial Performance	<ol style="list-style-type: none"> The Judicial Studies Institute should be provided with sufficient funds to ensure training for all judiciary staff. The JSI Strategic Roadmap 2015 should be adopted and implemented, and should be the basis for securing funding for the Institution's programs.
6. The Progress of the Performance Enhancement Tool	<ol style="list-style-type: none"> The Performance Enhancement Tool should be improved and adopted to accommodate transparency and fairness, and implemented according to the work plan.
7. Report of the JLOS Judicial Integrity Committee	<ol style="list-style-type: none"> The judiciary should allocate more funds to ensure holding of more sessions. Sensitisation on interventions such as plea bargain should be carried out. Steps should be taken to the adoption of more friendly court attire for judges, including reforms on the requirement to wear wigs and robes.
8. Judiciary Agenda to Improve Service Delivery in the Next Year	<ol style="list-style-type: none"> There should be a balance between investment in physical infrastructure and operations. The Judiciary should apply innovative methods to its work, including the adoption of technology, positive attitudes to work and team work. Corporate branding should be done to boost the public image of the Judiciary and to manage our stakeholder expectations. There should be deliberate construction, maintenance and preservation of customised court infrastructure. A reporting mechanism should be put in place to monitor the implementation of these resolutions.

Judges agree to annual targets

Judges and other judicial officers have finally agreed to be subjected to performance targets, just like other public officers.

The Judiciary will, beginning this July, roll out a performance management tool providing for a 360 degree assessment mechanism for judicial officers, bringing them under the spotlight of assessment.

The plan shall include the re-engagement of retired judges, on contract-basis, to assist with the case backlog.

"They (retired judges) will get a salary, gratuity and other benefits that judges are entitled to, and they will be allocated a specific number of cases and targets," said Paul Gadenya, the chief registrar, Courts of Judicature.

High Court judges met late February with the Principal Judge, Yorokamu Bamwine and agreed to the performance targets. A bigger judges' meeting had earlier on approved the principal of performance targets.

Agreed targets

CATEGORY	ANNUAL TARGET (CASES)
Supreme Court (all)	80
Constitutional/Court of Appeal (all)	800
High Court judge (individual)	300
Registrar	400
Chief Magistrate	800
Magistrate Grade I with 2+ years	400
New Magistrate Grade I	300
Magistrate Grade II	300

Under the programme, to be supported by both the government, development Partners and the Justice Law and Order Sector; the courts are expected to complete at least 162,720 cases this year.

It was agreed that each judge would be assigned a qualified research assistant and adequate financial resources to support them hit the targets.

Justice Dr Bamwine announced that he was decentralising the High Court – a move that would see all resident Judges in the different regions of the country (High Court Circuits) take on the title of Assistant Principal Judge.

The PJ said the expanded structures would be complemented by the adoption of a results based culture centred on performance management which is designed to make judges deliver and be accountable to the people.

"This is a scientific criteria for assessing the performance of judicial officers in replacement of the traditional public service performance appraisal system which is, somewhat, inappropriate for judicial officers," he said.

Magisterial Areas are set to be increased from 39 to 89 to reach out to as many people as possible, and the number of Magistrate Grade one's is expected to be increased from 173 to 250, to take care of Magistrate Grade twos, who are currently being phased out.

High Court circuits are to be increased from the current 13 to 18, and the Court of Appeal would be decentralised to Gulu, Mbale, Fort Portal, Jinja and Mbarara to hear cases at these points.

There are other on-going reforms to simplify procedures for civil cases, reduced steps for processing cases, reduce cost and provide incentives for timely disposal of cases while at the same time discouraging delays in case disposal.

Furthermore, procedural rules will be simplified to enable all litigants, especially the unrepresented one to fully and actively participate in court proceedings. Alternative dispute resolution will be promoted to speed up resolution of cases and greatly curtail incidents of corruption, which are common in the adversarial system.

In the near future, civil cases should be ready for hearing within one month, committal proceedings in capital cases shall be removed, and adjournments and number of witnesses in cases would be limited. The reforms, which also include over reliance on ICT/courtroom technology, would also require a lot of cooperation from the members of the public and the Bar.

Despite the constraints and challenges encountered by the Judiciary over the years, it has continued to perform its core function of dispensing justice to all by disposing of more cases every year. In 2014, the Judiciary completed 101,990 cases against 108,584 that were registered in the same year. The courts, on average, completed 9.4 cases out of every 10 registered, which was 0.6 cases short of reaching the threshold for tackling case backlog.

JSI to orient new Judiciary leadership



DCJ Hon. Steven Kavuma planting a tree after the JSI team building retreat at Najjemba, Wakiso (Feb 26, 2015)

Members of the Judicial Studies Institute (JSI) and the Judicial Training Committee (JTC) were in Najjemba, Wakiso district, in a retreat ahead of planned inductions for the newly appointed top Judiciary officers.

A series of trainings and orientation sessions are planned for the new Chief Justice, Hon Justice Bart Katureebe, the Deputy Chief, Hon Justice Steven Kavuma, and many others judicial and technical staff who joined the Judiciary service in the past two years and were never inducted.

"There is need to return to the basics," said Supreme Court's Dr Lady Justice Esther Kisaakye Kitimbo, who also chairs JTC.

With assistance from external consultants, the retreat also reflected on the JSI Road-Map and Strategic Plan for the next five years and how to attract more resources to facilitate the upcoming training sessions. Members discussed possibilities of partnering with training institutions like UMI and Government Civil Service College in Jinja to effectively implement the training programmes.

"Funding won't be a problem because I am certain there are many willing partners out there once we demonstrate that we are organized with well-scheduled activities and well stipulated outcomes," said Justice Kisaakye.

She said JSI would soon decentralize some of the training sessions so that officers from Judiciary's upcountry stations do not travel to Kampala for training. "This will create a sense of ownership in the training, and you can't imagine the impact taking the training right there will have on the officers' self-esteem. It will make everyone take these training sessions more seriously," she said.

JSI's Executive Director, Hon Justice Jane Kiggundu, said the upcoming phased training sessions are meant to enhance the overall efficiency of the Judiciary staff as well as retool them to participate in the implementation of a range of reforms currently being implemented to serve the public better.

Harriet Lwabi, the head of the First Parliamentary Council, who represented Attorney

General Fredrick Ruhindi at the retreat, applauded JSI for promoting continuous training for all Judiciary officers-technical and administrative ones.

The retreat recognized the need to improve customer care and to regularly communicate to the public so that the Judiciary is appreciated as a brand. Members also discussed the need to create an organic link between the training program and the Annual Judges Conference and having in-house pool of trainers, among other things.

About JSI

Established in 2004, JSI is the training arm of the Judiciary, through development and delivery of educational programs to all staff in the Judiciary, and sometimes, members of the Justice, Law and Order Sector. JSI's detailed functions include: teaching, training and evaluation of courses; certification; faculty development; curriculum and program development; assembling and cataloging of teaching materials and tools; research, including the gathering of statistics; publications; fundraising for the Human Resource Development functions; creating partnerships and networking; and organizing the Annual Judges Conference. JSI made progress in the last ten years, establishing itself as a feasible institution, attracting internal and external resources; building a robust in-house faculty and delivering a series of trainings.



President Museveni urges Judiciary to create a strong judicial system

Tears of joy and sadness engulf the legal fraternity

By Solomon Muyita

March 2015 was a remarkable month in the Judiciary. It unfolded like an action movie – partly as a dream-come-true, and also as a horror flick – at least for folks in the Judiciary and the Justice, Law and Order Sector!

Like any other month since March 2013 when the Judiciary operated without substantive leadership, March 2015 started off on a slow note. Judges had just returned with all the fatigue from a rather busy but nearly frustrating 17th Annual Judges' Conference in Entebbe (between February 22 and 26).

The conference was frustrating in the

sense that it was the second in two consecutive years the institution ran without substantive leadership, and it ended without a clear indication on when the vacancies of Chief Justice (CJ) and Deputy Chief Justice (DCJ) would be filled.

Little did we know that the long-awaited good news was around the corner! In exactly seven days (on March 5) after the Judges Conference, the news media was awash with breaking news of President Museveni having appointed Uganda's Judiciary's top leaders.

And yes, it was Supreme Court's Head, Hon. Justice Bart Magunda Katureebe for the position of CJ, and Constitutional/

Court of Appeal's Head, Hon. Justice Steven B.K. Kavuma, for DCJ.

Justice Katureebe replaces Justice Benjamin Odoki, who retired in March 2013 after over 30 years in the Judiciary – 12 of which at the helm as CJ. Justice Kavuma, who before his appointment as DCJ was caretaker chief justice and deputy chief justice, replaced Lady Justice Alice Mpagi-Bahigeine who retired in October 2012.

Although the waiting was for over 24 months, events following the March 5, 2015 appointment of Justices Katureebe and Kavuma happened so fast! They were approved in the positions by the Appointments Committee of Parliament



on March 18, and sworn-in before the president at State House Entebbe on March 20 without much drama.

President Museveni said after the swearing-in that Uganda's top hierarchy, as outlined in the Constitution is now full. He said the top seven offices in the country: with President as first citizen, followed by the Vice President, Speaker of Parliament, Chief Justice, Deputy Speaker of Parliament, Deputy Chief Justice, and Prime Minister; were all occupied.

He urged Judiciary's top leaders to focus on ensuring that the courts "handle with a lot of sensitivity and urgency" the serious crimes of murder, rape, defilement, matters that destabilize people's freedoms and ownership of property, and bail to capital offenders.

News excites judges

A wave of excitement gripped members of the Judiciary and JLOS following the appointments.

At around 11:50am, Judge John Eudes Keitirima was the first to break the news of the appointments to fellow judges on a judges' internal forum, quoting the Uganda Media Centre as his source. His post was in quick succession followed by Justice Andrew Bashaija who further confirmed that he had heard breaking news about the appointments.

"Hallelujah...we praise God for the appointments. God has heard our prayers!" said Judge Margaret Mutonyi. "The Judiciary felt like abandoned children. Now that we have parents, we can barely contain the joy and happiness. May the new leadership be blessed from the beginning and forever!"

Judge Henry I. Kaweesa said the appointments came as a welcome relief to the long stalemate, adding that, "I congratulate the appointees, as I know and believe that all the authority comes from God. Congratulations my Lords and we hope for the best".

Judge Lawrence Gidudu who had a few days before the appointments said at the Judges Conference that the Judiciary was in dire need of a substantive chief justice to drive the vision of the institution, said: "my submission at the Conference was not in vain".

The Principal Judge, Hon. Dr Yorokamu Bamwine, commented: "I am with the new chief justice at an old boys function in Ntungamo and we are happy. I have already congratulated him on your behalf."

"We must celebrate the positive developments in the Judiciary. Congratulations," said Judge Jane Kiggundu, the executive director of the Judicial Studies Institute.

"The body (Judiciary) now has a head. It will resurrect!" said Hon. Judge Stephen Musota.

Judge Bashaija added "the Judiciary ship finally got a rudder. We can now set sail into new direction. Congratulations to

their Lordships and the entire institution". Judge Michael Elubu added: "A rudder and captain; full speed ahead...a heavy burden has been lifted off the Judiciary"

Judges Elizabeth Nahamya and Lydia Mugambe congratulated Justices Katureebe and Kavuma "upon reaching that milestone". Many more congratulatory messages continued flowing in – many more, directly to the new appointees.

Uganda Law Society President, Ruth Sebatindira, declared: "The fighting is over now. ULS welcomes the appointments and is ready to partner with the two Judiciary leaders as well as the entire institution to promote access to justice and rule of law in Uganda". She had earlier on led a lawyers' boycott of the January 16 Opening of the New Law Year at the High Court in Kampala over the delayed appointments of the CJ and DCJ.

Media blitz

Big achievements usually come with bigger responsibilities and sacrifices in various forms. Following the appointments, Justices Katureebe and Kavuma indeed suffered the unavoidable - attending to several media interviews as well as taking random media queries from other places, like churches. Besides, they there were many phone calls and visiting colleagues, friends and family to attend to both in office and at home.

In the various published media interviews, the two leaders have expressed optimism to build the right stakeholder networks to attract appropriate resources and goodwill to drive the Judiciary to greater heights.

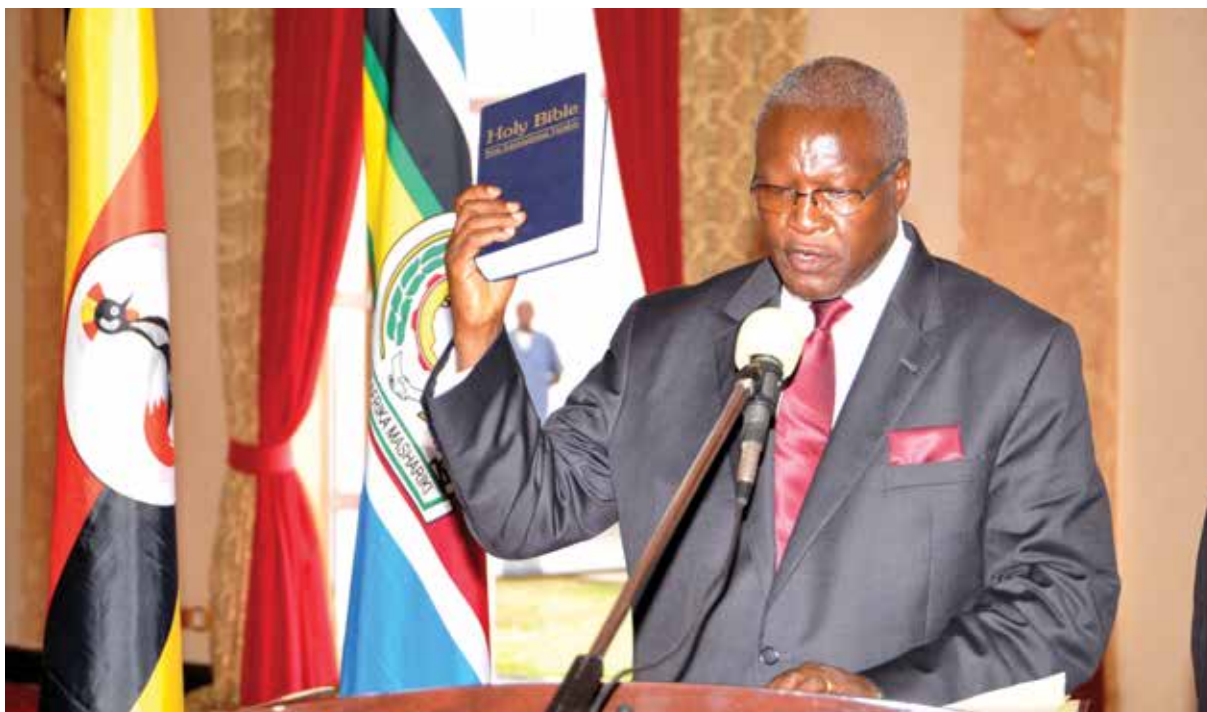
The month however, ended on a sad note. The joy of a new CJ and DCJ was quickly whitewashed by the news of the gruesome murder of one of the gallant members of the criminal justice system on March 30. **Story on page 25**

Editor's note

We take this opportunity to congratulate the Hon. Justices Katureebe and Kavuma upon their successful appointments to the offices of CJ and DCJ respectively, and wish them the best of luck!

Time to restore public confidence in Judiciary

Supreme Court Justice, Hon. Justice Bart Magunda Katureebe, was on 5 March 2015 appointed Chief Justice of Uganda. In his own words, he outlines his plans



The new Chief Justice, Hon. Justice Bart Katureebe during his swearing in ceremony at State House Entebbe on March 20, 2015

News about his appointment

We were attending the Golden Jubilee of Muntuyera High School, Kitunga in Ntungamo as old boys. I felt uneasy as I received many messages and calls so I decided to switch off my phone. But at that time, I treated the rumour as a hoax.

But the Principal Judge Hon. Justice Yorokamu Bamwine felt confident enough to announce it publicly at the function. But we confirmed it when the Prime Minister Hon. Ruhakana Rugunda made reference to the appointment in his speech, and people started referring to me as chief justice designate.

I am humbled but gratified to hear of the massive support from the people of this country for a job that is both stressing and challenging. It is stressing in the sense that there is so much to be done and a

challenge because I must try to live up to their expectations.

The chief justice by himself cannot satisfy all the challenges that the Judiciary as the third branch of State faces. But as the Chief Administrator should open up lines of communication with other branches of government to ensure they too give support to the Judiciary in administering justice to the people of this country.

Under this administration of justice, there are so many things like the Judiciary getting the necessary tools, funds, and personnel in terms of numbers and quality to do the job. If I had all the powers, for example, I would appoint judges that the courts need tomorrow. But I know I wouldn't appoint the judges without consulting the Executive arm of government to see how much funds are available in the National Budget to do that.

Now that I have this support and the country expects me to do something about the Judiciary, I believe I will succeed in convincing the other arms to prioritize the needs of the Judiciary alongside other priorities in the context of administration of justice and good governance of the country.

If I can get more resources allocated to the Judiciary in terms of more finances, personnel and recruitment of Judges for example, I would be on the right path in answering some of the expectations the people have in me.

I would strengthen the inspection arm in the Judiciary so that some of the malpractices that are reported in the Judiciary especially in the lower Bench can be checked.

Sometimes you have people working but if they are not properly supervised, it is why you have some magistrates reporting to work at 11am or midday yet courts are supposed to be opening for people at 9am. I believe with a strong administration and supervision we can check that.

Working relations

But to achieve that, it's not just a matter of opening the lines of communication with the other branches of government, but also with internal cohesion to discuss with other leaders of the court.

An open channel of communication between the CJ and the judges that assist him to run the other courts makes them feel free to come to CJ so that matters of court administration can be smoothed out and create an internal cohesion.

There must be that linkage right from the Supreme Court down to the lowest magistrate court so that the CJ knows everything that is going on. Once we can sort this out and people get to appreciate their roles, and are motivated, I think we can get back on the right path and with that, I hope I will get support from the other two arms of government.

Political disputes

The primary thing to look at is not what may be at the back of your mind. First and foremost, two people have come before you and one says he/she stood and was cheated of victory and produce evidence to prove it. The other party insists they won fair and square, his evidence is false. As the Judge, without even thinking about what will happen, I have a duty to do justice between these two people based on their evidence, I look at both the law and the evidence. What should basically guide the court is whether the petitioner has proved his case or not.

Harmonising the team

I first heard about talk of intrigue in the Judiciary at this year's the Judges' Conference but we were not told exactly who was fighting who and for what reason. But as the head of the Judiciary, I am going to find out who is specifically fighting who and why, so that we may counsel them.

Various people may have misgivings or misunderstandings about what the court decided but it is simple, there is an avenue, all matters decided upon are appealable up to the Supreme Court. It's not enough to say oh, this Judge I think is NRM and so on. If you are dissatisfied with the decision of that court and you have a legal case and grounds for appeal then you can do so.

A case may have been heard in Court of Appeal by five Judges but when it comes to the Supreme Court, it will be heard by seven Judges, surely if you have something of substance, you can't say all these seven Judges would have been on one side. Some of these allegations are due to lack of trust in the system and part of my challenges is to restore that trust if it has been lessened in any way.

Restoring public trust

This country has been talking about corruption, even before I got to the Judiciary. The first anti-corruption law was passed in the 1970s and the latest was passed few years ago. The anti-corruption legislation is obviously not there solely because there is corruption in the Judiciary. It must be because there is corruption in the society. And where do we get people who become judicial officers, certainly from the same society.

I want people to look at the problem from the societal point of view. When someone gets arrested by police for an offence even for viral offences like rape, defilement, who are the people who go and bribe police, state attorneys and magistrates to free their person, members of the society even some times parents of the victim, want to settle the matter out of court. All that goes to show you the problem of tackling corruption does not just lie in the Judiciary. If it's for example bribery; there is the one who bribes, the one bribed and the beneficiary of the decision.

All these are parties to corruption but when the society talks about corruption in the Judiciary, they only look at that one angle, the Judge or magistrate as the corrupt one and do not consider the person who took him a bribe.

By the way, corruption is not only about money, even phone calls. Because if a case is before a Judge who is your brother, friend, political friend and you call them and tell them of an upcoming matter in which you have interest, that is corruption.

As judicial officers, we are going to try to clean up our own house. If we catch you accepting a bribe, or being influenced in this type of manner, there are avenues for dealing with it. We have the Judicial Service Commission (JSC) and if you are a magistrate or registrar, you can be handled there decisively.

I think you have heard that some have been reprimanded and some prosecuted, and demoted by the Judiciary. If you are a Judge, and JSC is satisfied that the evidence against you in this matter of misconduct is sufficient, they will establish a tribunal to investigate you. And the Constitution says you must be suspended when you are being investigated. So come with that evidence and lodge that complaint and let the people who are supposed to handle it, do so.

I intend to follow up every single complaint that will be made against a Judicial officer, take an interest in it. I can't say I am the one who will be doing the investigations, but I will cause proper investigations to be done so that a remedial action is taken but we shall do this as a team. I would however urge the public to help us solve the bigger problem. Stop trying to influence our judicial officers, stop calling them on phones.

We are also investigating cases of lawyers who are asking for so much money from clients reasoning that part of it is for a Judge and in most cases, the Judges in question are not aware of such an arrangement. As leaders, we shall try to clean our house of all cases of corruption.

Other priorities

I will also lobby for increased budgetary allocation to the Judiciary so that we can have a pay rise for judicial officers and also ensure that judicial officers meet the agreed work targets.

We'll make Judiciary people-centred

Justice Steven B.K. Kavuma acted both as Chief Justice and Deputy Chief Justice for close to two years. He was on March 5 appointed substantive Deputy Chief Justice, and shares his thoughts for the new office.

I bring to the office of the Deputy Chief Justice the value of a person who has served in various capacities as a servant of the people. I have served in the position of a civil servant, a humble political leader and a judicial officer. I really find it useful as I go about dispensing justice in the over 10 years I have been in the Judiciary because we sort of share the experiences with our colleagues who are career judicial officers (who started as magistrates and climbed the ladder). When the two groups meet, there is value from each side shared in order to come up with a decision that is all encompassing and rich in all aspects.

With the ability of prayers to my God, we managed the Judiciary for the last two years without a substantive chief justice and deputy chief justice. You know nature hates a vacuum, so by circumstances we had to fill the vacuum and because of that belief, the institution kept going.

Key priorities as DCJ

- First of all I will continue focusing on eliminating case backlog within the Court of Appeal. It does not make sense to fight elimination of backlog when new backlog is being created.
- I am thinking of introducing mediation because it will help us come up with decisions that are completely owned by the people who participate in it.
- I will continue with the crusade of making Uganda's Judiciary a people-based institution both in words and actions so as to serve the interest of the people as directed by the Constitution. The Judiciary of today must not remain the colonial type with a colonial structure, but an institution deriving its power and authority from the people and serving in the interest of the population.
- I will also continue to demand that we are provided with sufficient human resources to take on the responsibilities that we have, and adequate funding.



Hon. Justice Steven B.K. Kavuma steers in as substantive Deputy Chief Justice (March 20, 2015)

His Court decisions

As a judicial officer I am not bothered by what the public thinks as long as I do my job in accordance with the judicial oath I took without fear or favour. I get the facts of the case, look at the evidence the parties bring before me, then I look at the laws applicable to the situation and make my decision.

The beauty of our system is that we agree to disagree, and there are corrective mechanisms in case of any mistakes that allow parties to appeal to any of the courts in case one is not satisfied with the decision.

Judges' retirement age

For the time I have served in the Judiciary, I have seen many judges seek employment outside other jurisdictions because their retirement age is at the corner. That is unfortunate because we cry of inadequate human resource in the Judiciary and at 65 people are going and getting employed in other jurisdictions by the Commonwealth. It is like we are donating our young and vibrant judicial officers to the Commonwealth. At 65 is when the judges can act as good mentors to those joining the career and have maximum output. I would prefer if the retirement age is increased to 70 for High Court judges, Court of Appeal 75 and the Supreme Court should be left open.

Achievements as acting CJ

Suffice to say that I never even applied to become the Chief Justice. I only attended interviews for the position of deputy chief justice, and I was luckily nominated (by the president), confirmed (by Parliament) and eventually sworn-in. Now it is time to work hand-in-hand with all stakeholders to dispense justice and resolve disputes in a timely manner.

There were many prophets of doom that prophesied that without a substantive Chief Justice, the institution would collapse. But we have continued dispensing justice and statistics show we have greatly improved and recorded many positive outputs.

- We have introduced mediation in the lower courts to reduce on the case backlog.
- We have embraced plea bargaining where the accused and complainant sit and find an amicable solution.
- We have embraced small claim procedures where someone with a claim of up to sh10m does not go into the formal court system.
- We have improved on our technology. We now have audio recordings in our High Courts and all the upcountry circuits.

We are now moving to improve the technology in the Magistrates' Courts.

We have also embarked on the process of demystifying the institution and passed a resolution agreeing that wearing of wigs is voluntary because they are expensive to buy and very intimidating to the public.

We have also stepped up our struggle against corruption in the Judiciary.



President Museveni congratulates Hon. Justice Kavuma after his swearing in (March 20, 2015)

Hon. Justice Katureebe's biography



He was appointed Justice of the Supreme Court, Uganda's highest appellate court in August 2005. He brings to Judiciary's top seat a long-standing career in the legal profession and in the government – including service as state attorney, private legal practitioner, government minister and Attorney General – spreading over 40 years.

Born in Bunyarugru, in the western Uganda district of Bushenyi on 20 June 1950, Hon. Justice Katureebe went through the Makerere University (1971–74) and the Law Development Centre in Kampala (1974–75) for his legal education, among others.

He started his professional career as a State Attorney in the Attorney

General's Chambers in 1975, rising to the rank of Principal State Attorney. In 1983, he left the Ministry of Justice for private legal practice.

Hon. Justice Katureebe later served as Deputy Minister, Foreign Affairs in charge of Regional Cooperation (1988–91); Deputy Minister of Industry and Technology (1991–92); Minister of State for Health (1992–96); and Minister of Justice and Attorney General (1996–2001).

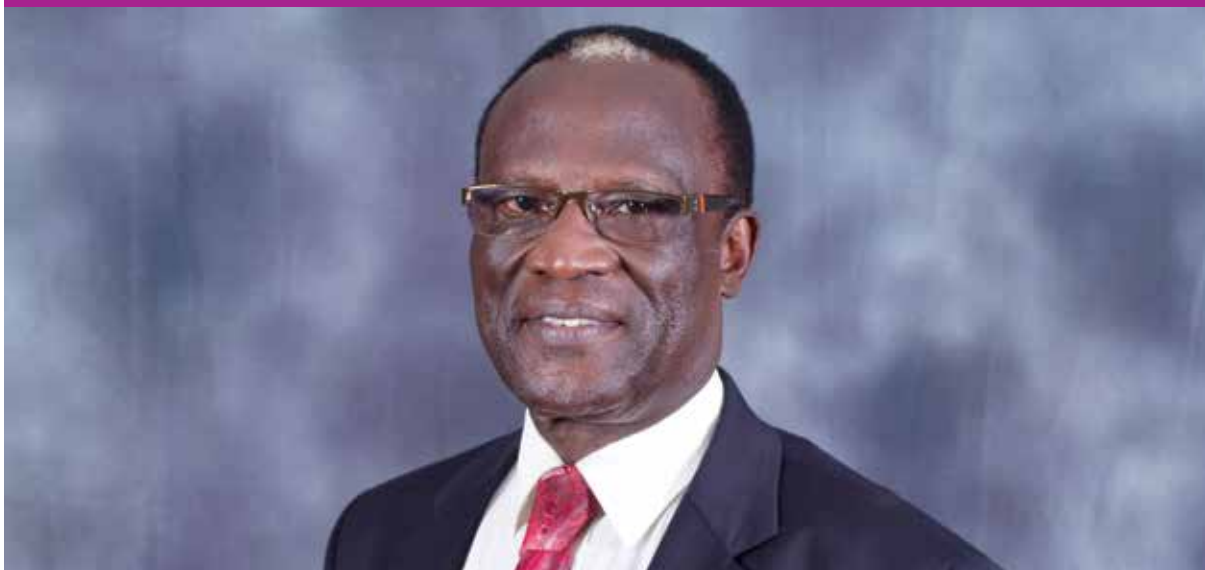
He represented the people of Bunyaruguru County, Bushenyi in the same constituency in the Constituent Assembly that debated and passed the 1995 Constitution of the Republic of Uganda – also serving as a member of the Legal and Drafting Committee

(1993–95). He was also elected representative of Bunyaruguru as legislator in the 6th Parliament (1996–2001).

Hon. Justice Katureebe went back to private legal practice between 2001 and 2005, becoming one of the founding partners of a renowned Kampala Associated Advocates, and was at the time named in Chambers Global, 2004 as one of Uganda's leading lawyers. He also served on the Boards of Standard Chartered Bank Ltd (director) and New Vision Printing & Publishing Company Ltd (chairman).

He has since 2007 also served as Judiciary's representative on the Judicial Service Commission, as well as chairman of the Management Committee of the Law Development Centre.

Hon. Justice Kavuma's biography



Hon. Justice Steven B. K. Kavuma was appointed Justice of the Court of Appeal/Constitutional Court on 29 October 2004.

He has since March 2013 served as Acting Deputy Chief Justice, following the demise of then Acting Deputy Chief Justice, Hon. Justice Constance Byamugisha, and subsequently as Acting Chief Justice, following the retirement of the former Chief Justice, Hon. Justice Benjamin Odoki, mid-2013.

Hon. Justice Kavuma was born on 29 September 1948, and attended Kamanya (now Bunamwaya) Primary School in Wakiso District (1960); Mengo Junior School; Mengo Senior Secondary School; Nyakasura School (1969). He then joined Makerere University, Kampala from where he graduated with a Bachelor of Laws with Honors in 1974, and attained a Post-Graduate Diploma in Legal Practice from the Law Development Center in 1975. He is also a holder of a certificate in Project Planning and Management (1997), a certificate Computer Applications (2002), and is currently pursuing a masters' degree in International Relations and Diplomatic Studies from Makerere University.

His professional career began in 1975 as a State Attorney in the Attorney General's Chambers (Solicitor General's Department), from where he was seconded to head the Legal Department of the National Insurance Corporation, rising into the position of Corporation Secretary.

In 1981, Hon. Justice Kavuma left Government service and went into Private Practice under the firm name of Kavuma & Company Advocates, which firm later became Kavuma, Katureebe & Company Advocates.

He served in the Resistance Councils of Mpigi District (1986-88), was appointed Deputy Minister of Finance in charge of Custodian Board (1988). He represented Kyadondo County both in the National Resistance Council (then Interim Parliament) and the National Executive Committee of the Movement.

Hon. Justice Kavuma served as a Deputy Director (Legal) at the NRM secretariat. He was later elected to represent Kyadondo South in the Constituent Assembly in 1994, and Chairman of the Rules Committee which developed the Rules of Procedure of Parliament thereafter.

He was appointed Minister of State for Justice and Constitutional Affairs, was in 1996 elected to the 6th Parliament as Member of Parliament for Kyadondo County South Constituency, and was appointed Minister of State for Defence in 1998.

Hon. Justice Kavuma has attended a number of important conferences and missions, including: the Lusaka Cease-fire Agreement negotiations for the DR Congo; the Joint Uganda/Rwanda Committee on DRC; the Joint Uganda/Sudan Committee; the Darker Inaugural Seminar the African Centre for Strategic Studies, 1999 on the subjects of Civil Military relations and collective security; and was member of the Uganda delegation, the political committee/UN Security Council session on DRC in New York USA, 2000.

He is a member of the University Council, Makerere University Council, and is the current Chairman of the African Center for Strategic Studies (ACSS) Uganda Chapter.

Hon. Justice Kavuma is a sportsman who enjoys playing lawn tennis, table tennis and badminton.



Justice Bart Katureebe signing his instrument as new Chief Justice of Uganda



President Museveni in a photo session with Justices Katureebe & Kavuma with their spouses



Judiciary Asst. PRO Araali Mubirwa in a light moment with Minister Otafiire



PR team: Persis, Solomon and Deo in a photo with Asst. Registrar Joyce Kavuma



Judicial Training Committee members in a team building retreat-Wakiso



Secretary to the Judiciary, Dorcas W. Okalany with Min. Otafiire at Entebbe



DCJ Hon. Kavuma in a traditional dance after the Judges Conference



Judges get a presidential handsbake alongside the 2015 Judges Conference



Dr Katja, the DANIDA-Judiciary project Technical Advisor with Presd. Museveni



Justice Steven Kavuma signs his instrument as Deputy Chief Justice-March 20

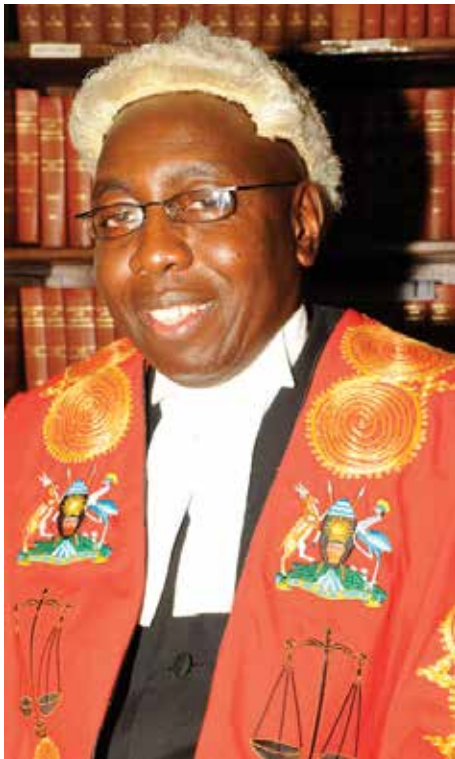


President Museveni in a pose with Court of Appeal Justices



A jovial Chief Registrar Paul Gadenya in a handsbake with Presd. Museveni

Justices Kiryabwire, Mugenyi for EACJ duties



Top: Justice Geoffrey Kiryabwire member EACJ's Appellate Division.
Bottom: Lady Justice Mugenyi, new EACJ principal judge

Two Ugandan judges were recently named to the Arusha-based East African Court of Justice EACJ by the EAC Heads of State.

The 16th Ordinary Summit of the EAC presidents sitting in Nairobi, Kenya, appointed Constitutional/Court of Appeal's Hon. Justice Geoffrey Kiryabwire member of EACJ's Appellate Division on August 16.

Also appointed was Uganda High Court's Judge, Hon. Lady Justice Monica K. Mugenyi, to the position of principal judge at EACJ's First Instance Division. Justice Mugenyi was already a member of the court since September 2013 when she replaced fellow Ugandan judge and Supreme Court's Justice Stella Arach-Amoko, will this time around replace Burundian judge, Jean Bosco Butasi, who is due for retirement at the end of June.

Hon. Lady Justice Mugenyi told *The Judiciary Insider* that she did not want to speculate about her upcoming role at the regional court. "I know I shall establish what that job entails after I report and have a look at my terms of reference," she said.

Justice Kiryabwire is set to replace Hon. Justice James Munange Ogoola, who retires on August 15. Justice Ogoola, the chairperson of the Uganda's Judicial Service Commission and ex-principal judge, has been a judge of EACJ's appellate court for two consecutive seven-year terms.

Justice Kiryabwire told *The Judiciary Insider* that his appointment was a great honour:

"I think my great expectation is to see how we can build EACJ to have a central role in the jurisprudence of the region...it would be interesting to fuse in Rwanda and Burundi into the Common Law jurisprudence for East Africa," he said. "Harmonisation of jurisprudence of the EAC, regardless of the historical backgrounds of the different member-states and type of people would be a good thing."

About EACJ

EACJ is one of the organs of the East African Community established under Article 9 of the Treaty for the Establishment of the East African Community, replacing the defunct East African Court of Appeal that handled appeals from decisions of the National Courts. It was inaugurated in November 2001, and its major responsibility is to ensure the adherence to law in the interpretation and application of and compliance with the Treaty.

The EACJ's First Instance Division is composed of 10 judges – at least two from each of the EAC member states of Kenya, Tanzania, Uganda, Rwanda and Burundi, whereas the Court's Appellate Division is composed of five justices – one from each EAC countries.

Its operations have remained ad hoc during the transitional period until the Council of Ministers determine that there is enough business to make it fully operational. This means that judges are not required to permanently reside in Arusha where the temporary seat of the Court is located but they only convene to conduct the business of the Court when the need to do so arises.

Chain-linked Program re-activated



The Principal Judge Yorokamu Bamwine (centre) with members of the Chain-linked advisory board after a meeting at Kabira Club in Kampala (Feb 19, 2015)

The Justice Law and Order Sector (JLOS) recently inaugurated a Chain-linked Advisory Board.

JLOS brings together 17 institutions involved in the administration of justice, maintenance of law and order as well as human rights. Collectively JLOS institutions strive to deliver justice to all. The Chain Linked Advisory Board will be the apex body for the sector's sub national structures, providing oversight and overall guidance to the chain linked committees.

Speaking at the inaugural meeting of the JLOS Chain-linked Advisory Board in Kampala, the Principal Judge, Yorokamu Bamwine, "As a person who witnessed the birth of the Chain-linked Initiative in mid-1990s, I am happy to chair the Advisory Board," said Justice Bamwine, adding that the public expectations in the 21st Century are high that the public is no longer satisfied with a justice system that is process driven.

"They (public) want a justice system that is not only capable of delivering justice in every case as effectively and efficiently as possible, but that system also underpinned by core values of quality

and transparency," he said.

The Advisory Board is part of the JLOS Structures, and reports directly to the JLOS Leadership Committee through the principal judge. Below the Board, is the Regional Chain linked Committee (RCC) and the District Chain linked Committees (DCC).

The role of the Board is to offer policy guidance or advice; mentor DCCs through the RCC, address issues raised by District Chain linked committees; provide guidance on addressing impediments to the administration of justice and maintenance of law and order; hold meetings at national levels to address pending issues arising out of identified impediments.

The Board is composed of the principal judge (chairperson), the commissioner general of Prisons, inspector general of Police, director of public prosecutions, senior judges in charge of High Court circuits, chairperson of the National Community Service Program, chief registrar of Courts of Judicature, chairperson of Uganda Human Rights Commission and head of Probation and Juvenile Services MoGLSD.

The Board shall meet at least twice in a year or at such times as may be determined from time to time. Justice Bamwine said that gone are the days when a capital and petty cases stayed in the court system for an average of five years and two years, respectively.

He spoke of a period before 1999 when "litigants could be forced to bring their own writing paper to court, the prisons were over congested, police cells were clogged with suspects awaiting trial, the courts were suffering under heavy backlogs, and public confidence in the Judiciary was at its lowest".

He said the criminal justice institutions have since made a significant turnaround in Uganda and set up the Justice Law and Order Sector with the sole aim of initiating and implementing justice sector reforms to remove impediments to the delivery of justice.

The benefits of sector-wide initiatives are immense. In a world of scarce resources, the sector wide approach helps institutions to prioritize resources for the common good of all.

It ensures equitable growth of justice institutions by using affirmative action for the most disadvantaged institutions, which is not possible when institutions are left to grow on their own. It empowers institutions to find solutions to common problems instead of resorting to finger pointing or the blame game.

The initiative worked so well in Masaka that within one year of its operation, justice institutions had at low cost or even a budget neutral mode solved most of their problems through communication, cooperation and coordination. Motivated by the lessons learned in the chain linked program, Government decided to set up the Justice Law and Order Sector to address the challenges of justice delivery.

Lady Justice Mugambe honoured



Lady Justice Lydia Mugambe Ssali honoured

High Court Judge Lydia Mugambe-Ssali was in early March 2015 honoured alongside three exemplary Ugandan women for their significant contributions in different realms of human endeavour.

The US Embassy in Kampala in partnership with Isis-Women's International Cross-Cultural Exchange (Isis-WICCE) recognised Hon. Justice Mugambe of the High Court Civil Division for her "courageous, fair, timely and just rulings, ignoring outside powers".

She won the Governance and Human Rights category in the event organised at the Sheraton Kampala Hotel as part of the activities to commemorate the International Women's Day. The other winners included Winnie

Nakalema, a nurse from Kitovu Hospital (Health category), Colonel Rebecca Mpagi, the director of women affairs in UPDF (Peace and Security), and Donata Kamuhangi (Economic opportunities), beating 55 contenders that had been nominated by 365 people.

Ms Nakalema was honoured for standing up for women suffering from fistula; Col. Mpagi for identifying the needs and concerns of female soldiers and providing leadership in addressing such concerns; whereas Kamuhangi was recognised for empowering fellow HIV-positive women to make handcrafts on a commercial scale for economic sustenance.

While accepting the award, Hon. Justice Mugambe said that by her nomination and award "was a tacit expression that the Judiciary in Uganda does some good work despite the numerous challenges".

US ambassador to Uganda, Scott DeLisi, hailed the winners as extra-ordinary women that have worked courageously for the good of their communities and Uganda – urging more women to believe in their strength, intelligence and capacity to achieve. "Do not let others define you by your gender. Instead define yourself by

your dreams and your accomplishments," he said on March 5 at a glamorous at the US Embassy in Kampala.

Formed in 1974 in Geneva, Isis-WICCE is a women's human rights organisation aiming to strengthen women's leadership in conflict and post conflict settings – emulating Isis, an ancient Egyptian goddess of wisdom, creativity and knowledge.

Justice Mugambe's bio

She is an accomplished and distinguished Ugandan lawyer who was appointed Judge of the High Court in Uganda in July 2013. Prior to that, she had worked with at the United Nations International Criminal Tribunal for Rwanda (UNICTR), first as a Legal Officer in Chambers and later as an Appeals Counsel under the Appeals Division in the Office of the Prosecutor (2005-2013). At UNICTR, she handled the Butare trial – one of the biggest cases in the history of genocide trials in the world, involving six master minds of the 1994 Rwanda genocide, among others. She also contributed to the writing of the Genocide Story project by the Office of the Prosecutor. She also worked as a Legal researcher at the International Bar Association under the Human Rights Institute and also volunteered at the Human Rights NGO-INTERIGHTS in London (2005-2006).

Justice Mugambe is has vast experience in fields of democratization, rule of law, genocide prevention, international law, humanitarian law, good governance and accountability, human rights best practices in the work place, administration of justice, CSR, effective use of courts, mediation and other forms of Alternative Dispute Resolution, mergers and acquisitions, commercial transactions, arbitration, corporate law and governance, oil and gas, trade and investment law.

NAWJU tips women on domestic violence law



Lady Justice Dr. Esther Kisaakye (front row C) with members of National Association of Women Uganda (NAWJU) and Nabweru residents at Nabweru Magistrates Court

Women judges are out on a campaign to ensure that victims of domestic violence are properly charged under the Domestic Violence Act 2010 and not the Penal Code Act.

Supreme Court's Lady Justice Dr. Esther Kisaakye Kitimbo is leading a National Association of Women Judges Uganda (NAWJU) countrywide sensitization drive to ensure the right thing is done in respect to cases of domestic violence.

Speaking during a community outreach campaign organized at the Chief Magistrate's Court at Nabweru, Kampala, Justice Dr. Kisaakye said it is unfortunate that the Directorate of Public Prosecutions (DPP) still sanctions Police files with cases of assault originating from domestic violence.

"NAWJU is here to offer you free legal services as we celebrate Women's Day," she said on March 4. "This is because women are to a greater extent the biggest victims of domestic violence. You should know that there is the Domestic Violence Act that was enacted in 2010 aimed at protecting families from violence." "Making the Courts Work for Victims of Domestic Violence", NAWJU used the occasion to highlight

key sections of the Domestic Violence Act 2010. The law provides for the protection of victims of domestic violence and seeks to punish perpetrators.

The law commands every Magistrate's Court to put in place a registrar to document domestic violence cases, but the practice is not happening yet, according to NAWJU. "This means even the Judiciary is also breaking the law," said the Judge.

Jane Kajuga-Okuo, DPP's spokesperson, however, blames the mismatch on lack of public awareness of the law. "This is a good law but we need a study to understand why the public does not report cases of domestic violence and those that are reported are settled out of court."

Domestic violence is very prevalent in our communities, even with the passing of laws to curb the vice, the prevalence is still high, and women are, to a greater extent, the biggest victims of domestic violence.

This violence can be economic, physical, verbal, emotional, and psychological. The Act provides for different places that a victim of violence can seek help from, like the police, local council courts, medical

practitioners and the magistrate's court.

The Judiciary has embarked on a study to establish why the law against domestic violence has not made any impact five years after it was passed. NAWJU has asked the chief registrar of Courts of Judicature to direct magistrates countrywide establish why the implementation of the Domestic Violence Act has failed in their areas.

"We are calling on these courts to help us find out why the Domestic Violence Act is not being implemented. You find that the police still prefer to charge suspects of domestic violence with assault yet the act provides other preventive measures," said Justice Dr. Kisaakye.

Domestic violence is prohibited by the Act and a person who engages in it is liable on conviction to a fine not exceeding Shs960,000 or imprisonment not exceeding 2 years or to both. Court may also additionally order the offender to pay compensation to the victim. In the recent outreach campaigns in Kampala and Iganga district, NAWJU has been tipping women on how they can report domestic violence cases in the magistrates' courts.

NAWJU is a membership non-profit organisation that brings together Women Judges and Magistrates who are committed to addressing injustice occurring in communities. It works at all levels of the Judiciary to eliminate gender bias and discrimination in the justice system and community at large and make courts accessible to all. It also engages in judicial educational programmes for both female and male judicial officers.

NAWJU works in partnership with all other organizations that provide services for victims of Domestic Violence, it also has a special desk that provides support for victims of violence in terms of advice. It prides herself with having a membership of judicial officers that hear and determine these matters.

NAWJU Contacts: +256 (0)757 831 200 / +256 (0)786 603 666 Email: nawjuganda@gmail.com

Judicial appointments and transfers



Justice John Eudes Keitirima, transferred from Gulu to Masaka High Court

The Judiciary has announced a number of transfers of Judicial officers in a bid to strengthen some offices as well as fill vacancies. The transfer announcement came shortly after the Judicial Service Commission had announced appointments and promotions of 10 new magistrates. Promoted were His



Issah Sserunkuuma, promoted to Chief Magistrate

Worship Issah Sserunkuuma from the level of Principal Grade One Magistrate to Chief Magistrate and Her Worship Janeva Natukunda from the level of Grade One Magistrate to Principal Grade One Magistrate.

Those appointed as Grade One Magistrate include; Happy Anne Kyomuhangi, Hillary Kiwanuka, Sumaya Kasule, Nasuru Magomu, Catherine Kuluo Elayu, Selsa Biwaga, Catherine Nabushawo, and Justine Odokonyero.

His Worship Paul W. Gadenya, the Chief Registrar of Courts of Judicature told The Judiciary Insider that the new appointees will be deployed as soon as they accept their appointments and are sworn-in.

Mr Sserunkuma, an Assistant Registrar at the Judicial Studies Institute, now has additional responsibilities as a second Chief Magistrate at the Nakawa Magistrates Court in charge of Land matters. He is to work hand-in-hand with the Nakawa head Chief Magistrate, Flavia Matovu.

Others re-deployed include Phillip Odoki, who has been an Ag. Assistant Registrar in Jinja, now transferred to the Office of the new Chief Justice, Bart Katureebe as his private legal secretary. Also transferred to the CJ's office is Aloysius Baryeza Natwijuka, a Grade One Magistrate who has been transferred from Kyegegwa to become a personal assistant to the chief justice.

The Principal Judge, Hon. Dr. Yorokamu Bamwine, also has a new personal assistant – Samuel Twakyire, who has been a Grade One Magistrate in Kalangala district.

The PJ's former personal assistant, Dr Douglas Singiza, has been posted to the Registry of Planning and Development to strengthen the research function.



Dr Douglas Singiza, now in-charge of Research in the Registry of Planning and Development

Dr Douglas Singiza Judiciary's latest recipient of a Doctorate – having successfully graduated last month in Public Law from the University of the Western Cape, South Africa. Dr Singiza's thesis was entitled Decentralisation in Uganda: a critical review of its role in deepening democracy, facilitating development and accommodating diversity. He is one of the longest-serving Magistrate Grade One in Uganda.

Earlier in March, High Court Judge, Hon. Justice John Eudes Keitirima, was transferred from the High Court Circuit in Gulu to the Masaka High Court. Lady Justice Margaret Mutonyi is now the head of the Gulu High Court Circuit.

According to a transfer letter dated March 13, Justice Keitirima's move is intended to beef up Hon. Lady Justice Margaret Oumo-Oguli in Masaka following the retirement of Hon. Justice Musoke-Kibuuka late last year. Dr Justice Bamwine thanked Justice Keitirima for his "illustrious service" to the Gulu Circuit and wished him well at the new station.

Mediation rolled out to all courts, tribunals



Principal Judge, Hon. Dr. Yorokamu Bamwine receives an ADR training manual at the launch of mediation rollout (March 18, 2015)

All civil matters filed in courts and other dispute resolution bodies have to first go through a mediated (out of court) settlement process before being put before a judge.

This follows the recent launch of the rollout of Alternative Dispute Resolution (ADR) from the Commercial Court of the High Court, where it was piloted a few years ago, to other courts and dispute resolution bodies within the JLOS sector.

"Mediation is now a permanent feature in all our court processes," declared the

Principal Judge, Dr. Yorokamu Bamwine, at the launch of the ADR rollout on March 18.

What is ADR?

ADR 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.

ADR is now a must in all cases filed in the High Court's Commercial, Civil, Family and Land Divisions, as well as all Magistrate Courts. ADR services will also be available in the other JLOS dispute

resolution bodies like the Industrial Court, Judicial Service Commission, Uganda Human Rights Commission, the Law Council, the Directorate of Civil Litigation, Uganda Law Society and the Office of the Administrator General.

The Project is expected to contribute to the implementation of the JLOS 3rd Strategic Investment Plan, particularly with regard to increasing the use of ADR in dispute resolution.

The Project will also focus on training a pool of professional mediators across the country, strengthening of court registries

for mediation in the Judiciary, conducting sensitization and community outreach programmes. The plan further includes the establishment of a fully-fledged High Court Division for Mediation in the Judiciary and harmonizing structures across JLOS institutions.

Supported by the Austrian Development Agency, the ADR Project provides the JLOS Sector with an opportunity to implement the Judicature (Mediation) Rules of 2013, which makes mediation mandatory in all civil matters including land, family and main civil law.

"Through mediation, the Project provides access to justice for vulnerable and marginalized people whose cases take long to be concluded in the formal justice system," said Justice David Wangutusi, the chairperson, ADR Project Advisory Board.

"Investors and local businessmen would like to do business in a country where disputes would be easily resolved. Much of the money used by these businesses is borrowed from banks at high interest rates. Such money tied up in disputes that stretch over a long time only leads to multiplication of bank interest, and therefore cost of operation, which directly impacts on the profits which the businessman makes, at times leading to

collapse of big business ventures."

The judge says ADR principles shall apply equally to claims in family, civil and land matters. "It is therefore with mediation that the ever-growing backlog can be checked and access to justice enhanced," added Justice Wangutusi.

Mediation was piloted in the Commercial Court in the early 2000 as an alternative to litigation, and many cases were successfully mediated. Judicial officers were left with time to try cases, which are ordinarily not amenable to mediation – substantially increasing the productivity of the courts, satisfaction, and confidence of court users in the justice system.

Mediation and arbitration have been on the increase since the creation of the Centre for Arbitration and Dispute Resolution (CADER) in 2000. Between 2003 and 2005 the Commercial Court Division implemented the mediation Pilot Project whereby cases were referred to CADER for mediation.

Mediation became a permanent feature at the Commercial Court with the passing of the Judicature (Mediation) Rules 2013. Following the success story at the Commercial Court, it was decided to rollout mediation to all the courts with the gazettement of the Mediation Rules 2013.

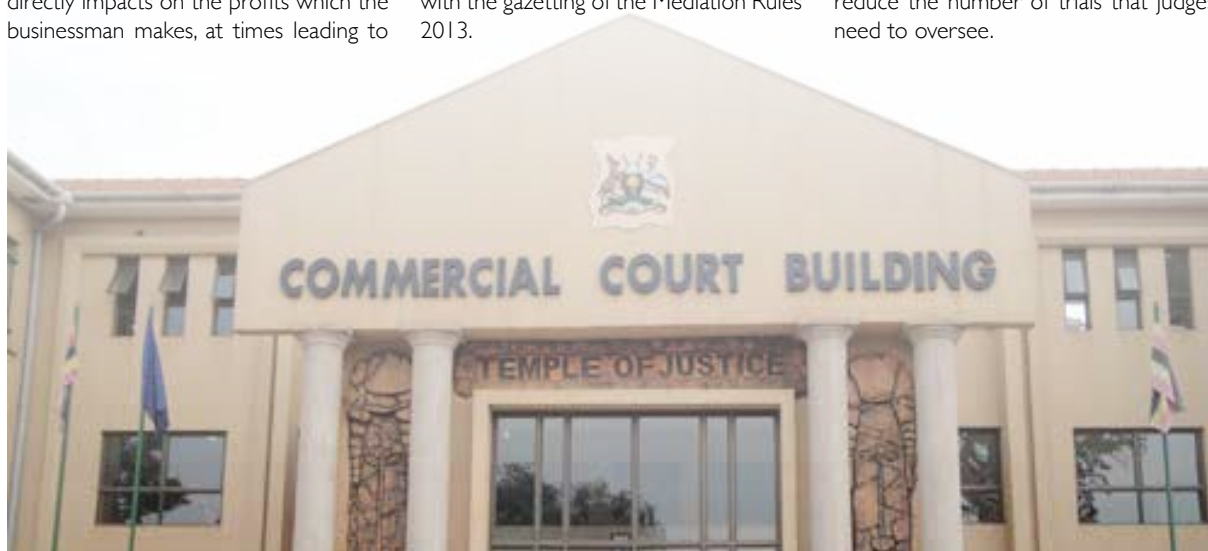
The Judiciary has also implemented the initiatives below promote win-win situation in the war on backlog and increase access to justice.

Small Claim Procedure

This is another form of mediation in matters arising out of the supply of goods, debts and rent – not exceeding Shs10 million. The parties to a claim are mediated by a judicial officer to reach a quick agreement, without involving lawyers, and not going through the usually lengthy and costly court process. Agreements from SCP settlements are executed like any other court order; except that there is no chance for appeal.

Plea Bargain

This is an innovative mechanism designed for the criminal justice system. A plea bargain is an agreement in a criminal case between the prosecutor and the accused person whereby the latter agrees to plead guilty to a particular charge in return for some concession from the prosecutor. A voluntary plea of guilt under this mechanism may see the number or severity of the charges against an accused person or their punishment reduced. Prosecutors encourage pleas of guilty under this programme to save time and resources for other cases and reduce the number of trials that judges need to oversee.



Alternative Dispute Resolution (Mediation) was successfully piloted at the Commercial Court in Kampala

Fare thee well Joan Kagezi



Joan Namazzi Kagezi, the Ag. Assistant Director of Public Prosecutions, was shot dead at 7:15pm near her residence in Kiwatule, a Kampala City suburb, as she drove herself home.

She made a stop at a fruit stall by the roadside when a gunman emerged on a motorcycle and shot her twice in the neck and shoulder, through the window on the driver's side. Her life was suddenly ended in full view of three of her children who luckily escaped unhurt.

Joan Kagezi was in charge of the International Crime Division handling crimes such as terrorism, war crimes, and trafficking in persons, and she had previously successfully prosecuted some of the high profile cases involving notorious criminals in this country.

At the time of her tragic death she was the lead prosecutor in the case of the 2010 terror suspects now before the High Court in Kampala. She was also working with the Police in the prosecution of the suspects in the recent spate of murders, robberies and terrorism in Busoga region and Kampala.

News about Joan Kagezi's death sent shockwaves across the legal fraternity and justice sector. Work in various Courts of Judicature nearly came to a complete halt as many judicial officers confessed having had a personal connection with Joan. Her dedicated professional service as state prosecutor touched the hearts of many.

Security, especially around most court houses in Kampala was heightened, and there were more meetings to discuss security measures around parties involved in cases and court

premises than normal court business. Many judges who had personal attachments to Joan kept away from court business – they were mourning for most of the week!

Her death is a big loss to the country – it left a big dent on many people in private and government service that connected with her. Manhunt for the assailants and discussions for tougher security measures continued in the security circles.

Joan Kagezi, 48, a mother of four, was a widow, following the death of her husband, Henry Morton Kinyowa Kagezi almost a decade ago. She was finally laid to rest on 2 April 2015 at Bukesa-Buloba on Mityana Road in presence of throngs of heartbroken family, friends and professional colleagues.

Editor's note

The Judiciary expresses its deepest condolences to Joan Kagezi's family as well as legal fraternity and the staff of both the Judiciary and the Office of the DPP who interacted with her professionally on a daily basis. May her Soul Rest in Eternal Peace!

Biography

She was born on 14 July 1967 at Luteete in Rakai District to Hipolitus Sserwadda and Carol Namayanja. She attended Buloba COU Primary School and Stella Maris Nsube where she attained her PLE Certificate in 1980. Joan then went to Mt. St. Marys College Namagunga for her O' and A' Level studies (1981-87) before obtaining a Bachelors in Law (LLB) at Makerere University in 1990 and a Diploma in Legal Practice from the Law Development Centre (1992). She was pursuing her Master's in Business Administration at ESAMI/MSM at the time of her death.

She worked as Land officer in the Ministry of Lands and Housing (August 1992), State Attorney in the Ministry of Justice and Constitutional Affairs (May 1994), Principal State Attorney (February 2002), Senior Principal State Attorney (August 2007) and finally Assistant DPP in the Department of International Crimes (January 2015).

She is survived by four children: John Harvey Ssenkubuge Kagezi (11), Pearl Priscilla Nampiima Kagezi (16), Carol Milcar Namugambe Kagezi (21), and George Phillip Kulubya Kagezi (22).

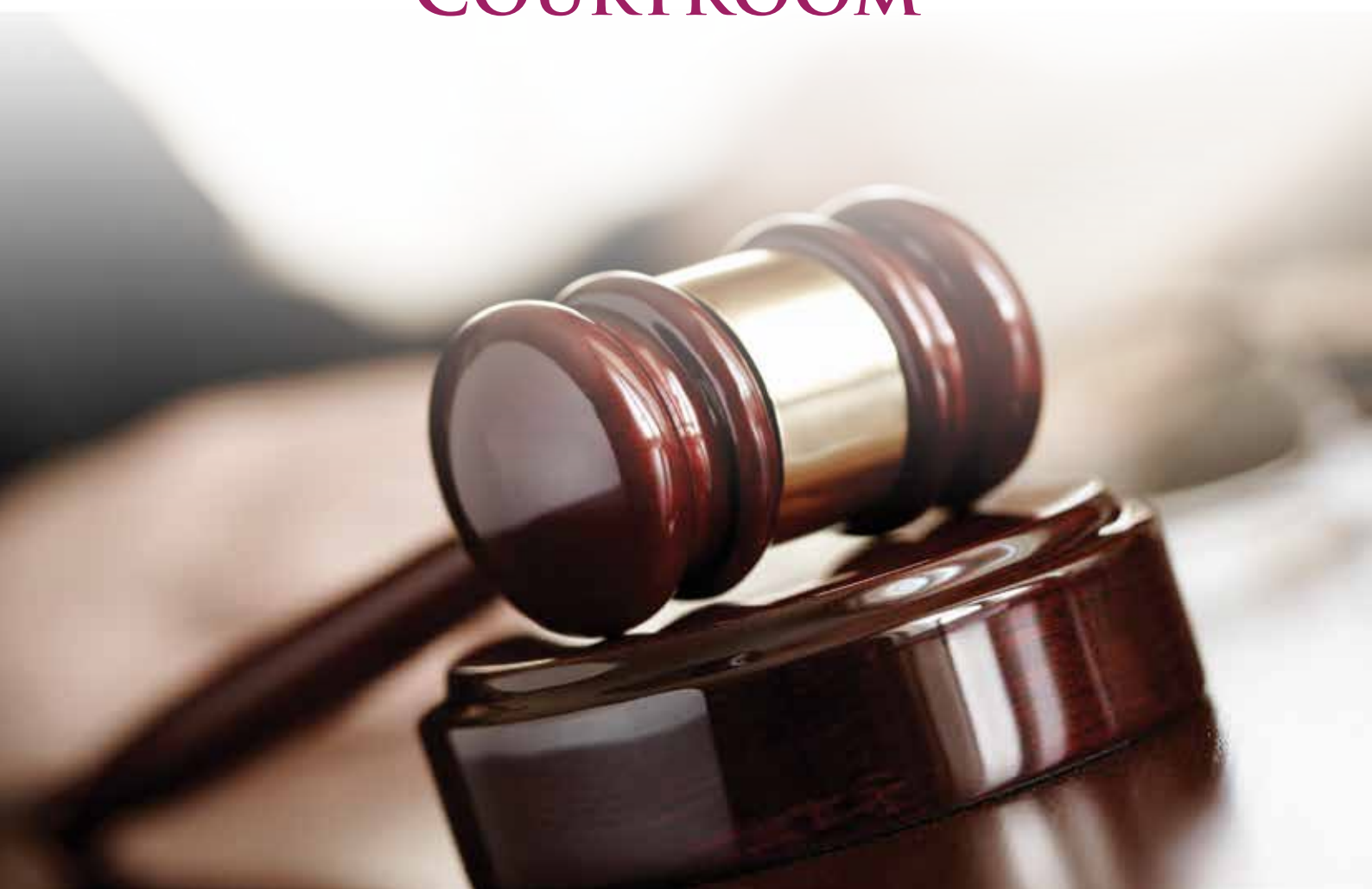


The late Joan Kagezi's children laying a wreath during the service at St. Luke's church, Ninda



COURTS OF JUDICATURE

FROM THE COURTROOM



Availing you case summaries, legislations



Jessica Chemeri - Law Reporting

In this issue of *The Judiciary Insider*, we are pleased to introduce the From the Courtroom section through which we will be bringing you news, updates, important statistics and the performance of the Courts of Record of Uganda.

We will keep you up-to-date on all important developments in the legal domain like recent decisions raising matters of public interest, those interpreting the language of legislation as well as appeals or reviews of previously reported decisions; professionally digested and summarised for you.

The courts in focus include the Supreme Court, Court of Appeal, Constitutional Court, and the High Court Divisions of Civil, Commercial, Criminal, Family, Land, Anti-Corruption and the International Crimes; plus highlights from the High Court Circuits of Nakawa, Jinja, Mbarara, Masaka, Masindi, Gulu, Soroti, Mbale, Arua, Lira, Kabale and Fort Portal.

In this issue, we have, in a summary form, highlighted some of the court decisions (judgments/rulings) delivered by the courts above between January and March 2015.

Our team will be liaising with registrars and judges in all divisions and circuits and appellate courts to provide us with this information on a regular basis so we can keep you posted with relevant information from their respective courts.



Jane Mugala - Law Reporting

We manage the Uganda Legal Information Institute (ULII), a Judiciary online tool used to enhance free access to legal information from Uganda in line with the Free Legal Information Movement. We believe in demystifying the myth that law is a preserve of only the lawyers and so access is exclusive to those in the legal profession.

ULII publishes legally significant information like decisions of courts, legislations, treaties and some publicly available secondary legal material created by public bodies in the Justice Law and Order Sector institutions and the Uganda Law Reform Commission. Through the ULII page you can also access other websites that provide free judgments.

Africa's 3rd most visited legal website

Started in 2007, the ULII website is manned by Ugandan judicial officers who ensure authenticity of the content received directly from courts before it is uploaded online in a timely manner.

Latest statistics indicate that ULII is steadily growing and getting popular across the African continent and the world. The website now sits in position number three as one of the most visited LIs in Africa, trailing South Africa's SAFLII and the Kenya Law. Experts believe its current usage at 30 per cent could double easily once Uganda enacts appropriate legislation on the use of ULII.

Our special thanks go out to Court of Appeal Justices Fredrick Egonda Ntende and Geoffrey

Kiryabwire (head of Technology Committee), as well as Mariya Badeva Bright, a South African lawyer and project coordinator at African Legal Information Institute (AFRICANLII). They have together played a pivotal in the setting up and development of ULII.

Mariya provides the technical support and monitoring of the performance of the ULII website from the University of Cape Town in South Africa, and has trained a number of Uganda Judiciary's technical staff in managing the legal website.

We are happy to report that most individual judges now send us their decisions as soon as they are delivered in court, and wish to commend those who religiously share with us their decisions soon after they are delivered in the courtrooms.

Again, we wish to implore the honourable judges to help us by reminding their secretaries, clerks, systems administrators and registrars to ensure that these judgments are sent to us soon after they are delivered on judgements@judicature.go.ug, preferably in soft copy.

As we may all be aware, the doctrine of precedent dictates that the lower courts should not deviate from an earlier set legal principle while deciding a matter with similar facts. Therefore, it is only prudent that the lower judicial cadres are availed copies of the higher courts' decisions such that we minimize the risk of the lower judicial officers making blind, scandalous and ridiculous decisions based on an uninformed legal basis.

We also wish to remind our readers, particularly judicial officers and legal practitioners that the bulk of our court's decisions from the Courts of Record are available on ULII in full, and access is free to all. We also post there legislation and supplements from the Uganda Gazette in addition to the judgments and rulings.

The printed copy of *The Judiciary Insider* is circulated to various internal and external stakeholders, and a soft version of the magazine is also posted on the Judiciary websites: www.judicature.go.ug and www.ulii.org for full court judgments and easy access by stakeholders with internet.

SUPREME COURT DECISIONS

Attorney General vs. Goodman Agencies Ltd – SC CA No. 05 of 2010 (24/3/2015); *Coram: Bart Katureebe; Jotham Tumwesigye; Dr Esther Kisaakye; Dr Benjamin Odoki; John Wilson Tsekooko; Galdino M. Okello & Christine Kitumba – reported by Jane Mugala*

This is a Cross-Appeal from the decision of the Constitutional Court allowing a petition by the respondent, challenging the alteration of a consent judgment which was originally entered into between the respondent and others and the appellant. The Constitutional Court upheld the petition by Goodman Agencies Ltd and awarded interest at 24 per cent per annum on the decretal amount. The issue for the Supreme Court's determination was whether the respondents were entitled to any interest on the decretal amount. The second was if the answer was yes, what rate would be applicable. By a majority decision of six to one, court held that the respondents were entitled to interest but that 24 per cent was rather on the higher side, and it was reduced to 6 per cent per annum.

Munyangondo vs. Uganda – SCCr. A No. 05 of 2011 (13/2/2015); *Coram: Jotham Tumwesigye; Dr Esther Kisaakye; Arach-Amoko; John Wilson Tsekooko and Galdino M. Okello – reported by Jane Mugala*

The appellant had been convicted of simple robbery and sentenced to 10 years imprisonment. The Court of Appeal dismissed the appeal against conviction but reduced the sentence to eight years imprisonment and maintained the compensation order worth Shs5.1 million to Century Bottling Company. In addition, the Court ordered the appellant to be subjected to Police supervision for three years after release from prison. The appellant being dissatisfied with this decision made a second appeal to the Supreme Court hence this appeal. In a unanimous decision, the court held inter alia that the learned trial judge was under a duty, at the time of passing sentence, to order that the appellant be subject to Police supervision for a period not exceeding five years. Secondly, the award of compensation by a court is mandatory where the offender is convicted of robbery and is not sentenced to death.

CONSTITUTIONAL/COURT OF APPEAL DECISIONS

Chelbei & Another vs. Masai – CAMA No. 140 of 2010 (16/2/2015); *Coram: Faith Mwendha; Solomy Balungi Bossa & Kenneth Kakuru – reported by Jane Mugala*

Singili Cheminy and Saisi Cheposhak brought an action claiming ownership of a piece of land occupied by the respondent. The suit was dismissed. The duo unsuccessfully appealed to the

High Court. The two then appealed against the decision of the High Court to the Court of Appeal. The appellants' then advocates later wrote a letter to the Registrar withdrawing the appeal. In 2007 the same persons filed a Miscellaneous Application seeking to set aside the dismissal order. In 2010, the applicants filed this application, seeking to reinstate Civil Appeal No. 7 of 2003 which had been withdrawn. They did so as legal representatives of the appellants who it is contended were deceased by then. While striking out the application, court found that the applicants had no locus standi to institute the action given the fact that the grant of letters of administration upon which they were relying was a nullity.

Naturinda vs Uganda [CACr. A No.13 of 2011] (3/2/2015)
Coram: Remmy Kasule, Kenneth Kakuru & Fredrick Egonda-Ntende – reported by Jane Mugala

The appellant together with another co accused were convicted of rape, defilement and robbery. They were both were sentenced to 18 years imprisonment for both rape and robbery. The appellant was also separately sentenced to 18 year imprisonment for defilement. The appellant appealed only against the sentences on the ground that they were harsh and excessive. The court, among other things, held that the learned trial judge did not comply with Article 23(8) of the Constitution of Uganda, and did not take into account the period spent on remand by the appellant – erroneously leaving this obligation to the Prison Authorities. Failure to comply with the foregoing constitutional provision renders the subsequent sentence a nullity. See Kwamusi Jacob v Uganda COA Criminal Appeal No. 203 of 2009[unreported].

Baryayanga vs. Attorney General – CCC APPL.No.2 of 2013 (29/11/2015); *Coram: Steven B.K. Kavuma; Augustine Nshimye & Remmy Kasule – reported by Jane Mugala*

This was an application for a temporary injunction – seeking orders to restrain the Uganda Government from implementing the recommendations of the IGG'S Report in relation to the procurement of a contractor for the Karuma Hydro Power project. While dismissing the application, the Court unanimously held that functions alien to the Judiciary cannot validly be vested in court unless they are merely ancillary to judicial functions. Cabinet, of which the Attorney General is a member, took a decision and directed the Ministry of Energy and Mineral Development to cancel all the bids. The said directive of cabinet was implemented and the process the applicant is seeking to protect ceased to exist. It was thus impossible for the Court to grant the orders sought as to do so would not only be in vain, but would also amount to questioning a legitimate decision of Cabinet.

COMMERCIAL COURT DECISIONS

CMA CGM Uganda Ltd vs. H. Ssekatawa International Ltd – H CCA No. 27 of 2013 (26/3/2015); Before Lady Justice Flavia Senoga Anglin – reported by Jane Mugala

The shipper for the respondent was contracted with the appellant to transport goods from Tokyo-Japan to Kampala where payment would be effected upon delivery. During the transit of the goods, extra costs were incurred which gave rise to a dispute as to the amount payable by the respondent. The respondent sued and the trial Chief Magistrate dismissed the matter with costs on grounds that Ugandan Courts had no territorial jurisdiction to determine the matter. The Commercial Court however, held that the courts in Uganda had jurisdiction and the carrier exercised its discretion to bring such a suit in Uganda by virtue of the fact that the contract was partly performed in Uganda. In those circumstances, the question was "what the most convenient forum for the trial of the matters in issue?"

Sebagala vs. MTN Uganda Ltd & Another [HCCS NO. 283 of 2012] (6/3/2015); Before Justice Christopher Madrama – reported by Jane Mugala

The plaintiff filed this action for declaration that the defendant's use and/or sale of his speeches/addresses as ring tones/caller tunes constitute an infringement of his copyright. The plaintiff in addition sought for an order of audit of all the proceeds received by the Defendant from the use of the said copyright and delivery up of the same to him. While dismissing the suit, the judge held, among other things, that the Plaintiffs answers to different people and to different questions could not qualify him as an author of works to be copyrightable. That since the copyright in a sound recording is vested in the producer, the plaintiff could not enjoy any copyright protection under the law.

Jaffery Forex Bureau (U) Ltd vs. Abdul Karim Ali & 2 Others – CCCS No. 348 OF 2012 (22/1/2015); Before Justice Henry Peter Adonyo – reported by Jane Mugala

The plaintiff and defendants had a long business relationship where among others; the plaintiff could help the defendants send money to various destinations. The plaintiff further used to sell forex to the defendant. The plaintiff used to hold cheques for funds advanced to the defendant. The plaintiff took as further security a certificate of title in the names of the first defendant. Upon presentation of the said cheques by the plaintiff, the same

were returned unpaid with the words "refer to the drawer". The plaintiff therefore instituted this suit demanding payment of the face value of the cheques. In allowing the claim, the judge held, among other things that "the fact of presentation of the cheques and their returning unsettled by themselves ordinarily would give the plaintiff a cause of action against the defendants since cheques by their very nature are unconditional..."

ANTI-CORRUPTION COURT DECISIONS

Uganda vs. Gurindwa & another [HCT-00-AC-CM-0005-2015] (27/3/2015); Before Justice David Wangutusi – reported by Jane Mugala

The DPP filed this application against Gulindwa Paul seeking orders that the hearing and delivery of judgment in HC-00-ACD-CSC-070/2012, in which the respondent is an accused, proceeds in his absence.

The respondent is said to have attended trial until the prosecutions closed her case. When the matter was adjourned for defence he disappeared. At the hearing of this application a lawyer appeared allegedly representing the respondent but stated that she did not know the whereabouts of the respondent. While granting the application the judge, among other things, held that it is also important to consider the extent of fairness in a trial. The trial is not only for the accused person. The effect of a trial exceeds the accused and engulfs the complainants, victims and the public. That the respondent can be regarded as "latitante".

Uganda vs. Kulumba & 2 Others [HCT-00-AC-CC – 0008-2014] (15/1/2015); Before Justice John Eudes Keitirima – reported by Jane Mugala

The accused persons were jointly and severally charged with two counts of causing financial loss, theft and conspiracy to defraud. While convicting the trio, the judge held that "it is my considered view that to prove the ingredients of this offence, it is not necessary to prove an agreement between the accused persons in the strict sense required by the law of contract. Even a fool involved in such a conspiracy would not do that. What purpose would it serve since such an agreement can never be enforced in any court of law? It is only important for the prosecution to prove that the accused persons must have reached a decision to perpetrate their unlawful object. In my considered opinion it may not even be necessary to show that the accused persons were in direct communication with one another (though this may be desirable evidence)."

HIGH COURT'S CIVIL DECISIONS

Nyende vs. Institute of Certified Public Accountants of Uganda – HCM 033 of 2014 (19/11/2015); Before Lady Justice Elizabeth Musoke – reported by Jane Mugala

The applicant, a practicing accountant, brought this application, among other things, seeking a declaration that the respondent's refusal to renew his practicing certificate under the name of his choice is illegal. The judge held that where anybody, including the respondent, wishes to pass binding provisions, they need to indicate in the body of the Statutory Instrument (because it should be a Statutory Instrument which is the subsidiary legislation) the provision in any law, from which they derive their regulations or byelaws. The judge further held that the application of the Audit Practice Guidelines to reject the applicant's application is unlawful because the guidelines themselves have no legal force, and that the refusal to renew the applicant's practicing certificate because of use of a generic name infringed on his constitutional right to practice his profession. The application was allowed with costs. The respondent was ordered to pay the applicant compensation of Shs30 million.

El Termewy v Awdi & 3 Others – UGHCCD 4 (30/11/2015); Before Lady Justice Elizabeth Musoke – reported by Jessica Chemeri

The plaintiff, a Lebanese national, was engaged by the 4th defendant as a manager following an employment contract. He was hired from Beirut to work in Uganda. However upon arriving in Uganda, he was instead assigned different duties, amidst appalling and inhumane working conditions and his passport confiscated to deter him from travelling back. He was also denied his emoluments. The matter preceded *ex parte* because the defendants who could not be found by any reasonable means in Uganda and even after substituted service never entered appearance. Court held that the service partnership contract entered with the 4th defendant was never fulfilled and the defendant was therefore in breach of the contract of employment. Secondly, Court declared the plaintiff was a trafficked person within the meaning of 'trafficking in persons' under Sec. 2 of the Trafficking in Persons Act 7/2009.

Kivumbi vs. Kampala City Council – HCCS No. 1471 OF 2014 (30/11/2015); Before Lady Justice Monica K. Mugenyi – reported by Jane Mugala

Using a World Bank loan, the plaintiff constructed a storeyed shop at St Balikuddembe Market with an understanding that upon completion the vendors who were originally occupying

that places would be given the first priority to occupy the shops. However, the defendant allegedly took over the ground floor of the shop and let it out to other vendors without any compensation to the plaintiff. Among the questions that court had to address in this matter was whether the suit was res-judicata. It was held, among other things, that the doctrine of res-judicata is premised on two maxims of Common Law: first, interest reipublicae est ut sit finis litium – it is in the public interest that there be end to litigation, and secondly, nemo debet bis vexari pro eadem causa – no one should be in jeopardy twice on the same ground.

IGG & Another vs. Attorney General & 2 Others – HCMC No. 744 of 2014 (9/11/2015); Before Justice Masalu Musene (NAKAWA) – reported by Jane Mugala

The applicants sought to be substituted for the Attorney General or in the alternative be joined as parties. One of the grounds of this application was that Misc. Cause No. 63 of 2014 was brought against the wrong person. The respondents raised three preliminary objections to the application. The first was that the applicants lacked locus standi to bring the application, secondly that the applicants were estopped from prosecuting this application and thirdly that the interim order was illegal the same having been issued without notice. While overruling all the preliminary objections, the judge held; the duty of the court in judicial review is to confine itself to the question of legality. The doctrine of estoppel cannot arise as the set of facts and parties are not the same as the facts of UVETISO case. The interim order was null and void the same having been issued without notice.

Ocen Patrick vs. Edatu [HCCA No. 30 OF 2014]; Before Lady Justice Henrietta Wolayo (SOROTI) – reported by Jane Mugala

This appeal is against the order of the chief magistrate dismissing an application to distress for rent. At the hearing of the application on 8/10/2014, six of the respondents were present while three were absent, and the appellant was present. During the proceedings, one Okanyi appeared for his uncle Peter Asamo Itoot Otai the registered proprietor. The chief magistrate then made an order that the appellant had no locus standi and he proceeded to dismiss the application. It was held that before the distress order is issued, the applicant must show that a landlord/tenant relationship exists and that the tenant has been in breach of that agreement by failing to pay rent agreed upon. The appellant demonstrated that such a relationship existed between him and the nine respondents. Broadly, locus standi means the right to be heard or to present a claim before court.

CRIMINAL DECISIONS

Zahida Mumtaz Ahamed & Another vs. Uganda – UGHCCRD 1 2014 (13/11/2015); Before Justice Henry I. Kawesa – reported by Jessica Chemeri

The appellants were jointly charged and convicted on four counts of forgery, uttering a false document, conspiracy to commit a felony, uttering a false document. A2 was also charged with unlawful presence in Uganda. The grounds of appeal were that the trial magistrate's decision was tainted with fundamental misdirection in law and fact, did not evaluate the evidence properly or at all, resulting into an erroneous decision. They also claimed prosecution did not prove their case beyond reasonable doubt, and that the sentence was excessive. Court held that the power to prosecute cases and to advise on investigations was vested with the DPP. Secondly that the trial court's resort to circumstantial evidence in the absence of direct evidence was not fatal and there was enough circumstantial evidence on record to create the inference of guilt on the accused persons generally. Court upheld the conviction and sentence in counts 2, 4 and 5.

LAND DECISIONS:

Park Royal Ltd v Uganda Land Commission & 3 Others – UGHCLD 2 2014 (20/3/2015); Before Lady Justice Monica K. Mugenyi – reported by Jessica Chemeri

The applicant filed the case seeking cancellation of the 4th respondent's certificate of title to property it claimed to be registered to, following a consent judgment in Civil Suit No. 1589/2000 of 25/4/2004 in which it was recognized as the rightful owner. The applicant was issued a certificate for a 13-year lease over the suit property commencing 1/6/1996, while the 4th respondent was registered on the 6/6/2012 pursuant to the sale of pool houses to civil servant. While dismissing the application the trial judge held that there was no case made for the recovery of land by the applicant as against the 4th respondent and the consent judgment in civil suit No. 1589/2000 was not applicable to her because she was not party to that case. Secondly a matter involving two certificates of title in respect of the same land raised serious questions of law that had to be determined in a formal trial prior to the cancellation of any certificate.

Lasto Mayanja v Lugya (2014) UGHCLD 1 (10/3/2015); Before Lady Justice Monica K. Mugenyi – reported by Jessica Chemeri

The applicant sought the issuance of a 3rd party notice to the respondent in respect of civil suit No. 543/ 2014. He wanted indemnification from the respondent for representing himself as the owner of Kibanja in dispute between him and plaintiff. While dismissing the application the trial judge held that for a 3rd party to be legally joined to suit, the subject matter between the defendant and the 3rd party must be the same as that between the defendant and the plaintiff and the cause

of action between the defendant and the 3rd party must be the same as that in the main suit. The claim in the main suit was rooted in trespass, while the defendants claim was premised on misrepresentation in the sale transaction in respect of the Suit land. Misrepresentation per se could not entitle the applicant to a right to indemnification against the 3rd party but rather establish a claim for damage against him.

Saana v Matono [HCT-04-CV-CA-0085-2011] (13/11/2015) Before Justice Henry Kawesa (MBALE); – reported by Jane Mugala

The appellant sued the respondent for recovery of a piece of land which had been mortgaged to the respondent's father by the late Gemugemu Munyolo who she claimed was her nephew. The respondent objected to the suit on ground that the appellant had no locus standi since she was not a dependant relative so as to fall within the ambit of section 27 of the Succession Act. While dismissing the appeal, the judge held that the question is what relationship did the appellant have with the deceased so as to obtain locus standi to sue on his behalf? It was held that the appellant did not offer any plausible explanation or evidence in the lower court to prove that fact. Court held that the evidence did not clearly show how the appellant's title to the land was related to the late in the entire mortgage transaction if at all. While dismissing the application the trial judge held that for a 3rd party to be legally joined to suit, the subject matter between the defendant and the 3rd party must be the same as that between the defendant and the plaintiff and the cause of action between the defendant and the 3rd party must be the same as that in the main suit. The claim in the main suit was rooted in trespass, while the defendants claim was premised on misrepresentation in the sale transaction in respect of the Suit land. Misrepresentation per se could not entitle the applicant to a right to indemnification against the 3rd party but rather establish a claim for damage against him.

HIGH COURT FAMILY DIVISION

In Re Nassozi Immaculate (Child) – UGHCFD 1 2015 (12/11/2015); Before Lady Justice Percy Ntuhaise – reported by Jessica Chemeri

This court earlier granted a guardianship order to the applicants regarding the child in Family Cause No. 37/14. The order was granted based on false evidence adduced in court that the child had lost both her parents and was in the care of an orphanage. This application was later filed by the applicants seeking to review the earlier order granted and the information provided where court had been lied to and misled about the parentage of the child. While granting the application the trial judge condemned the lies told to court about the status of the child's biological parents. However after establishing that the biological parents were alive but unable to look after her and that both consented to guardianship voluntarily and willingly minus any incentive given and based on the welfare principle, the legal guardianship was granted to the applicants and all the orders in the earlier Family Cause incorporated in the application based on the freshly adduced evidence.



COURTS OF JUDICATURE

THE JUDICIARY HEADQUARTERS

High Court Complex

Plot 2 The Square, Kampala
P.O. Box 7085 Kampala, Uganda

Tel: +256 41 4233 420/2

Fax: +256 41 4344 116

Email: info@judicature.go.ug

www.judicature.go.ug