



PRESENTATION

BY

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AT

THE 25TH ANNUAL JUDGES' CONFERENCE

ON

**“A PEOPLE CENTRED APPROACH TO JUSTICE:
ADMINISTRATION OF JUSTICE THROUGH THE
LENS OF STAKEHOLDERS”**

8th February, 2024

1.0. INTRODUCTION

I am profoundly honored to have been selected as a panelist for the 25th Annual Judges' Conference, 2024. It is indeed a privilege to me, to be here, this being an important event to discuss the advancement of administration of justice for the betterment of the people of Uganda.

I will be presenting on the "Administration of Justice Through the Lens of Stakeholders". This presentation aims to delve into the intricacies of the administration of justice in Uganda, providing insights from the perspective of the Director of Public Prosecutions. In this presentation I will highlight the role of the Office of the Director of Public Prosecutions in the administration of justice and also focus on the collaborative efforts of stakeholders in the administration of justice.

1.1. Administration of Justice

Administration of justice simply defined means the ways in which a government keeps things fair and right by enforcing the rules. It is the implementation of the principles of rule of law and the enjoyment by all persons within their jurisdiction, of human rights and fundamental freedoms¹. The administration of justice serves as the bedrock of any civilized society. It embodies the principles of fairness, equity and the rule of law while ensuring that individuals' rights are protected and disputes are resolved in an orderly manner.

Whether through the criminal justice system's pursuit of wrongdoers or the civil justice system's provision of remedies to the injured, administration of justice plays a pivotal role in maintaining social order and fostering trust in the legal framework². The foundation of administration of justice in Uganda lies in **Articles 126 and 127 of the 1995 Constitution of the Republic of Uganda**.

The administration of justice should clearly be reflected through the justice systems by ensuring equal access to justice for all and by meeting the legal and justice needs of society. Administration of justice should be built on the foundation of a people-centred culture, with respect for the rule of law, fair treatment, and the protection of fundamental rights.

To work towards a people-centred approach to justice, stakeholders in the justice system must be intentional about making efforts to focus on achieving that purpose. It is therefore essential to re-interrogate the administration of justice as this is a concept that involves all stake holders in the justice system.

¹ The Administration of Justice: the lawyer, the courts and the police, by Wojciech Hermeliński

² What is administration of justice? LawBhoomi at <https://lawbhoomi.com/administration-of-justice/>

1.2. Stakeholders in the administration of justice in Uganda

a) The Judiciary

As provided for under **Article 126** of the Constitution of the Republic of Uganda, the Judiciary emerges as the frontline of justice, tasked with administering justice for all. It is the custodian of justice, wielding the constitutional mandate to ensure equity and fairness.

b) The Police

Pursuant to **Article 212** of the Constitution, the Uganda Police force is the guardian of public order. The mandate bestowed upon the Uganda Police Force is ensuring the security, safety, and well-being of the nation which are all key factors in the administration of justice

c) The Uganda Law Society

The Uganda Law Society (ULS) stands as the vanguard, representing and nurturing the legal fraternity. It is not only an advocate for its members but also a steadfast defender for justice, ethics, and the rule of law. The Uganda Law Society navigates the complexities of the legal landscape, leaving a fixed mark on the pursuit of justice and the fortification of the legal profession in Uganda.

d) Uganda Prisons Service

The Uganda Prisons Service (UPS) represents the nation's commitment to justice, rehabilitation, and societal protection. Provided for under **Article 215** of the Constitution of the Republic of Uganda, the key objective of UPS is to contribute to the protection of all members of society by providing reasonable, safe, secure and humane custody and rehabilitation of offenders in accordance to universally accepted standards. The Uganda Prisons Service is therefore a pivotal institution in the landscape of justice.

e) Civil society organizations

Civil society organizations (CSOs) in Uganda play an instrumental role in shaping and reinforcing the administration of justice. In Uganda, CSOs emerge as dynamic agents of change, adding liveliness into the administration of justice. As advocates, educators, and watchdogs, these organizations symbolize the collective commitment to fostering a society where justice is not merely a concept but a lived reality for all.

f) Other Ministries, Departments and Agencies

Within Uganda's legal landscape, key government institutions stand as upholders of justice, accountability, and constitutional order. I cannot

overemphasis the enormous contribution played by entities such as the Ministry of Justice and Constitutional Affairs, the Inspectorate of Government, and the State House Anti-Corruption Unit, among others in upholding the administration of justice.

These government institutions' diverse roles, collaborative initiatives, and steadfast commitment to upholding the rule of law mark them as central players in the administration of justice in Uganda.

2. ADMINISTRATION OF JUSTICE THROUGH THE LENS OF THE OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS (ODPP)

The Office of the Director of Public Prosecutions (ODPP) is a focal institution entrusted with the responsibility of administering justice. The ODPP serves as a cornerstone in the nation's framework of law enforcement agencies.

As the custodian of prosecutorial authority, the Office of the Director of Public Prosecutions (ODPP) in Uganda wields a significant influence on the course of justice in the country.

2.1. The Mandate of the ODPP

The ODPP derives its mandate from **Article 120** of the Constitution of the Republic of Uganda which confers upon the Director of Public Prosecutions the responsibility to: -

- a) to direct the police to investigate any information of a criminal nature and to report to him or her expeditiously;
- b) to institute criminal proceedings against any person or authority in any court with competent jurisdiction other than a court martial;
- c) to take over and continue any criminal proceedings instituted by any other person or authority;
- d) to discontinue at any stage before judgment is delivered, any criminal proceedings to which this article relates, instituted by himself or herself or any other person or authority; except that the Director of Public Prosecutions shall not discontinue any proceedings commenced by another person or authority except with the consent of the court.

2.2. Holistic Mandate Under NDP III

The ODPP's mandate under NDP III inherently involves the promotion of human rights, emphasizing the significance of fairness, justice, and equity in legal proceedings. By aligning with this objective, the office has become an advocate for the protection of individual rights within the realm of criminal justice.

Positioned under the broader Administration of Justice Program, the ODPP actively contributes to strengthening access to justice for all citizens. The program's predominant goal guides the ODPP's efforts in facilitating a just and equitable legal system.

The ODPP's inclusion in the Governance and Security Program also necessitates a delicate balancing act, ensuring security while safeguarding individual rights. The ODPP falls under the Access to Justice sub-program within the broader Governance and Security Program. The sub-program has diverse responsibilities ranging from upholding the rule of law to promoting human rights, reflecting a holistic approach to justice administration.

As an integral component of Uganda's legal framework, the Office of the Director of Public Prosecutions thus stands at the intersection of justice, governance, and security. Its alignment with the NDP III and Administration of Justice Program underscores a commitment to national development objectives, making the ODPP not just a law enforcement agency but a catalyst for a fair, secure, and rights-centric legal system.

2.3. Role of the ODPP in the Administration of justice

Article 120 (5) explicitly provides that in exercising his or her powers under this article, the Director of Public Prosecutions shall have regard to the public interest, the interest of the administration of justice and the need to prevent abuse of legal process. Article 120 (5) serves as a guiding compass for the Director of Public Prosecutions, emphasizing public interest, the administration of justice, and the prevention of legal process abuse.

The ODPP, in the pursuit of its mandate, navigates a delicate balance, ensuring that the public interest is served, justice is administered equitably, and legal processes are safeguarded against abuse.

a) Mission

The mission of the ODPP is to manage and prosecute criminal cases in courts of judicature in order to reduce the rate of crime in the country. Our mission aims at contributing significantly to the reduction of crime and aligning the ODPP's efforts with broader societal safety objectives. This in itself is a vital component of administration of justice as we strive to prosecute cases on behalf of victims of crime and to also ensure that society is safe from crime.

In that regard, the ODPP has registered numerous achievements in the areas of directing and guiding criminal investigations, and prosecution of criminal

cases. In the FY2022/23, the ODPP prosecuted a total of 217,194 cases in all courts, with a conviction rate of 72%.

Still in the FY2022/2023, the ODPP undertook a study to assess public satisfaction towards its services. Results revealed that 79.4% of the public were satisfied with the ODPP prosecution services.

This is a reflection of our commitment in achieving our mission and contributing towards the administration of justice as a whole.

b) The Fifth Strategic Plan FY 2020/21-FY 2024/25

The Office of the Director of Public Prosecutions (ODPP) in Uganda is presently executing its fifth strategic plan, an initiative designed to enhance the efficiency of prosecutions, thereby fortifying the criminal justice system and contributing to the reduction of crime.

The primary objective of the fifth strategic plan is the optimization of prosecutorial processes, aiming for a seamless and effective delivery of criminal justice.

The strategic plan is in alignment with the provisions of the Constitution as it recognizes institutional independence, fair hearing and presumption of innocence, observance of human rights and gender equity and equality.

It also respects culture, norms, and values that characterize Uganda, as it places an emphasis on cultural sensitivity, acknowledging and integrating cultural nuances into the prosecutorial processes, fostering an environment of inclusivity. By aligning with cultural norms and values, the ODPP seeks to forge a more harmonious relationship with the communities it serves, recognizing the importance of cultural contexts in the administration of justice.

The strategic plan's foundations are also deeply rooted in the constitutional commitment to upholding fundamental rights and freedoms, ensuring that justice is dispensed within the framework of constitutional guarantees. It operates within the guardrails of constitutional safeguards, ensuring that the rights and freedoms enshrined in the Constitution remain consecrated throughout the prosecutorial journey.

The ODPP's fifth strategic plan for that reason stands as a testament to the symbiotic relationship between constitutional principles and the practical demands of justice administration. By embracing cultural respect, norms,

values, and a steadfast commitment to fundamental rights, the ODPP actively positions itself as a stakeholder in the administration of justice in Uganda.

c) The Launch of Guidelines

It is good practice for many prosecution authorities all over the world to set detailed and comprehensive procedures, standards, protocols and guidelines for Prosecutors. This is to give direction on the exercise of various powers under their ambit.

Accordingly, ODPP has launched the following Guidelines; Prosecution Guided Investigations Guidelines, 2023, Guidelines for Management of Investigations and Prosecution of Land Crimes in Uganda, Plea Bargain Guidelines, 2021, Trafficking in Persons Prosecutor Guidelines, 2021, Guidelines on Investigations and Prosecutions of Wildlife Crimes in Uganda, 2021, Cross-Sectoral Handbook for Victim Centred Investigation, Prosecution and Adjudication of Gender Based Violence (GBV) Cases, 2021, Multi-Disciplinary Training Curriculum on GBV and Violence Against Children (VAC), Guidelines for Coordination in Criminal Investigations and Prosecutions, 2020, and the Guidelines on the Decision to Charge.

These guidelines serve as a compass to investigations upon which prosecutorial decisions are made. Recognizing that investigations serve as the foundational cornerstone for prosecutorial decisions, these guidelines stress that the quality of investigations is pivotal in rendering justice.

This creates an irrepressible relationship between prosecutors and investigators that seeks to fortify the investigative process by inserting prosecutorial insight to enhance the overall efficacy and accuracy of the investigations, which in turn helps us to render better prosecutorial services.

These frameworks are envisioned not only to streamline prosecution services but, more crucially, to infuse transparency into the investigation process, striking at the roots of corruption. Through Prosecution-Led Investigations, we not only guide the investigative process but also uphold the tenet of principled prosecutions, leaving no room for corruption to fester.

The recent formulation and launch of guidelines for that reason attests to our unwavering commitment to precision, transparency, and integrity in the pursuit of justice. As custodians of justice, we therefore stand in our endeavor to fortify the criminal justice system.

d) Creating Awareness

In our steadfast commitment to demystifying the constitutional mandate of the Director of Public Prosecutions (DPP), we have embarked on an expansive series of radio programmes. This concerted effort, spanning across the entire nation, is designed not only to elucidate the public about their rights but to also enhance awareness regarding the accessibility of our services and the procedures for lodging complaints.

The primary objective of these radio programmes is to serve as educational platforms, empowering the public with a profound understanding of their legal rights. This is aimed at bridging the gap between the public and the avenues through which they can seek legal recourse.

Embracing the diversity of our nation, these radio initiatives go beyond geographical boundaries, ensuring that legal awareness is spread to every corner of the country. By leveraging the accessibility of radio broadcasts, we have strategically disseminated legal information, making it readily available to a broad spectrum of the population.

The initiative has resulted in heightened public engagement, as individuals become more informed about the avenues available for legal redress. As we continue to champion legal awareness, we envision a society where every individual is empowered, cognizant of their rights, and equipped to navigate the legal landscape in a bid to access justice, with confidence.

e) Citizen Participation

In executing our mandate, the ODPP depends on the active involvement of the citizens in cooperating with investigators as witnesses. This is in line with **Article 127** that provides for the participation of the people in the administration of justice.

Recognizing the mutual relationship between the justice system and the citizenry, Article 127 highlights the importance of citizens actively participating in the administration of justice. The constitutional provisions not only empower the ODPP but also foster a reciprocal relationship, creating trust between the justice system and the public.

In essence, the constitutional provisions captured in Article 120 and complemented by Article 127 form the bedrock of the ODPP's operations. The mandate bestowed on the ODPP emphasizes the imperativeness to align prosecutorial decisions with the broader interests of the public, the principles of justice, and the prevention of legal process abuse.

Simultaneously, citizen participation emerges as an indispensable element, breathing life into our mandate to actively contribute towards the administration of justice.

f) Structure of the ODPP

The ODPP is comprised of Directorates, Departments, Regional Offices, and Field Stations. Our organizational structure is crafted in a way that there is expertise applied in prosecuting different categories of crimes, and the ODPP presence is spread throughout the country.

We have established 4 directorates, 14 departments, 19 Regional Offices, 95 Resident State Attorney stations and 27 Resident State Prosecutor stations. Our department heads and regional officers are very experienced individuals who are able to draw exemplary administration of justice to the respective places in which they are attached. They ensure accountability by reviewing decisions of staff at field stations and as such bring in prosecutorial accountability in decision making.

The field stations also contribute to access to justice as we have been able to increase the ODPP presence nationwide. Out of the 135 districts in Uganda, 95 districts have ODPP presence which makes our presence rate 79%.

Most Ugandans in different parts of the country are now able to effortlessly access our services and have their complaints attended to in a timely manner. In so doing, we are able to transmit justice to the real victims of crime.

3. COLLABORATION OF THE ODPP WITH OTHER STAKEHOLDERS IN THE ADMINISTRATION OF JUSTICE

The criminal justice system consists of three major arms that work together to take criminal cases from investigation to final punishment and rehabilitation efforts. Cases begin with police, who investigate criminal activity while accumulating evidence to identify likely perpetrators and then the prosecution begins building a case against them.

When this process is reasonably complete, the case enters the court system, which has the job of assessing all evidence to ultimately determine the guilt or innocence of the accused perpetrator.

If prosecutors succeed in proving guilt “beyond a reasonable doubt,” the accused will be convicted and thereby enter the prisons system that is tasked

with delivering appropriate punishment and, ideally, correcting criminal behavior.

Throughout this entire process, there is an element of collaboration between the ODPP and other key players, aimed at achieving justice for all parties involved.

a) Police

Collaboration between the police and prosecution is essential for the effective functioning of the criminal justice system. This collaboration is crucial at various stages of the legal process, from the initial investigation through to the prosecution of cases in court.

Police officers and prosecutors mainly operate through sharing information. This includes evidence gathered during investigations, witness statements, and other relevant details. Timely and accurate information exchange ensures that prosecutors have the necessary evidence to charge and proceed with cases in court.

Prosecutors also provide legal guidance to the police during investigations. This involves advising on legal procedures, search and seizure protocols, and the admissibility of evidence in court. Consultation between police and prosecutors helps to ensure that investigations are conducted in a manner that adheres to legal standards while upholding human rights.

b) Judiciary

The Judiciary of Uganda has and continues to enjoy a prolific relationship with The ODPP. This relationship has shown tremendous results that have rightly and visibly impacted the administration of Justice in Uganda.

Through the Judiciary's initiative of plea bargaining, the ODPP has been able to promote expeditious handling of cases leading to remarkable reduction in case backlog and contributing greatly to the high conviction rate of the institution. In FY 2022/2023, the ODPP handled 99 plea bargain sessions in which 7,081 cases were concluded with 100 percent conviction rate. This coordination with the Judiciary through plea bargain camps and sessions has facilitated us to serve justice to victims and also contributed to speedy hearings for accused persons.

Similarly, through sessions organized by the Judiciary such as the criminal high court circuit sessions, SGBV sessions, and juvenile sessions, the ODPP has been able to participate in the administration of justice. This has been in form of securing witnesses, and having prosecutors fully participate in these

sessions. It has assisted in fast-tracking cases and contributed to case backlog reduction. Between 2020–2023, the ODPP has prosecuted cases in five Special SGBV Sessions using victim–centered approaches such as the use of child–friendly spaces that put children at ease enabling them to freely testify in court and use of anatomical dolls that enable victims of sexual abuse to demonstrate their ordeals simply. This has seen the rise of the conviction rate in these cases from 60% to 80%.

Daily hearings as a case backlog reduction strategy of the Judiciary have also enhanced the collaboration between the ODPP and the Judiciary. This is an initiative that upholds **Article 28** of our Constitution providing for the right to a fair and speedy in the determination of a person’s civil rights and obligations or any criminal charge. We have assigned prosecutors to handle daily hearings and have registered abundant success.

The establishment of field stations also illustrates our concerted efforts of working with the Judiciary in the administration of justice. Though we are still understaffed, we are undertaking all possible measures to ensure that there is at least one prosecutor in every magisterial area to ensure that the ends of justice are not defeated.

c) The defence

As prosecutors, we endeavor to work closely with the defence in all cases we handle by ensuring that all reasonable inquiries are made and the results disclosed in accordance with law, whether that points towards the guilt or the innocence of the accused.

We also work tirelessly to ensure that evidence which is favorable to the defendant or which undermines the prosecution case is disclosed as soon as reasonably practicable in accordance with the law, and the requirements of a fair trial.

This helps us to both assist the court in the administration of justice without any malice, and to also ensure that the criminal justice process operates as expeditiously as possible, being consistent with the interests of justice.

d) Prisons

Prisons are one of our crucial partners in the criminal justice system. This is because as we keep prosecuting cases, the number of inmates correspondingly increases. In 2022 for instance, there were 231,653 crimes reported; and the

majority of these suspects persons are eventually sent to prisons on remand thereby leading to prison congestion.

The ODPP takes prison decongestion earnestly because it is associated with human rights violations and that is why during plea bargains camps, we are sometimes inclined to settle for other sentences other than custodial sentences in non-capital cases.

The ODPP also continuously work with prisons to secure information about the status of prisoners so that they are made available in court as and when they are required to appear.

5.0. STRENGTHENING ADMINISTRATION OF JUSTICE

A people-centered approach to justice in Uganda, focusing on the administration of justice through the lens of stakeholders, requires a comprehensive set of critical recommendations to strengthen the administration of justice so as to ensure fairness, accessibility, and effectiveness in the justice system. Some of the key recommendations include:

- a) Strengthening Community Engagement:** There is a need to encourage active participation of communities in the justice process, including mechanisms for community policing, dispute resolution, and feedback mechanisms to address community concerns.

- b) Enhancing Access to Justice:** We have to strive to improve access to legal services, including legal aid, information, and education, particularly for marginalized and vulnerable populations. This can involve the establishment of legal aid clinics, mobile legal services, and community outreach programs.

- c) Promoting Transparency and Accountability:** Fostering transparency in the justice system by ensuring clear and accessible information on legal rights, procedures, and outcomes, can also enhance the administration of justice. Mechanisms for accountability, such as oversight bodies and reporting systems, should be strengthened to address misconduct and corruption.

- d) Strengthening Legal and Procedural Knowledge:** Together, we need to arrange for training and capacity building for justice sector stakeholders, including police investigators, prosecutors, and judicial officers, to ensure a strong understanding of legal procedures, human rights standards, and best practices in investigations and adjudication.

- e) **Empowering Victims and Witnesses:** There is a need to develop support mechanisms for victims and witnesses, including protection measures, counseling services, and legal assistance, to ensure their safety, well-being, and meaningful participation in the justice process.
- f) **Leveraging Technology:** Stakeholders should integrate technology into the justice system to improve efficiency, transparency, and access. This can include electronic case management systems, online legal resources, and digital platforms for reporting and tracking cases.
- g) **Strengthening Alternative Dispute Resolution Mechanisms:** It is imperative to support the development and utilization of alternative dispute resolution mechanisms, including mediation and arbitration, to provide timely and cost-effective resolution of disputes, particularly in civil and family matters.
- h) **Upholding Human Rights and Rule of Law:** It is our obligation to ensure that justice processes are conducted in accordance with human rights standards, due process, and the rule of law. This includes safeguarding against arbitrary detention, torture, and ensuring fair trials for all individuals.
- i) **Engaging in Public Awareness Campaigns:** We should conduct more public awareness campaigns and open days to educate the public about their legal rights, responsibilities, and the functioning of the justice system. This can help build trust, promote compliance with the law, and encourage active engagement with justice institutions.

Implementing these critical recommendations requires a concerted effort from all stakeholders, including all government institutions, civil society organizations, legal professionals from all divide, and the broader community, to create a justice system that is responsive, inclusive, and effective in addressing the needs of the people.

6.0. CONCLUSION

The ODPP's is committed to justice delivery that is not only legally sound but also considerate of the broader ethical and constitutional imperatives. The criminal justice system in particular stands at the intersection of the preservation of public safety and the protection of liberty. For this reason, the ODPP will

always strive to ensure that these valued conceptions are properly balanced every day, in every case.

For this reason, I call upon all stakeholders in the administration of justices to deliver services as a cornerstone of an open and fair justice system through abiding steadfastly on integrity.

As stakeholders in the administration of justice, we must maintain the highest standards of fairness at all times. In particular, we must uphold the presumption of innocence and the right to a fair hearing as enshrined in the Constitution.

It is essential to promote respect for the rule of law, while at the same time ensuring that the powers of the state do not crush the citizens' rights and liberties. The right of all people to be held equal before the law must be upheld in our decisions. Let us make decisions uprightly and justly without fear, favour, malice, affection, or ill-will.

Above all, we must serve with the utmost humility, transparency, integrity and patriotism and be guided largely by good practices, in the implementation of our mandates.