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THE REPUBLIC OF UGANDA

ADDRESS BY

HON BENJAMIN J ODOKI

CHIEF JUSTICE OF THE REPUBLIC OF UGANDA

AT THE

15TH ANNUAL JUDGES CONFERENCE

AT HOTEL AFRICANA KAMPALA

**ADDRESS BY HON BENJAMIN J ODOKI CHIEF JUSTICE OF THE
REPUBLIC OF UGANDA AT THE 15TH ANNUAL JUDGES
CONFERENCE ON 14TH JANUARY 2013 AT HOTEL AFRICANA
KAMPALA**

Your Excellency the Vice President of the Republic of Uganda

My Lord Hon Deputy Chief Justice

My Lord Hon. Principal Judge

My Lords Hon. Justices of the Supreme Court

My Lords Hon. Justices of the Court of Appeal

My Lords Hon. Judges of the High Court

Your Worships the Registrars and other Judicial Officers present

Members of the JLOS Development partners group

All the distinguished invited guests present

Ladies and Gentlemen

Background

I have the pleasure and honor to welcome all of you at the 15th Annual Judges' Conference whose theme is ***Managing a Modern and Responsive Judiciary***. I particularly welcome our Guest of Honor His Excellency the Vice President of Uganda and thank him for once more honoring our invitation and gracing this Conference with his presence. I congratulate each and every one of you upon successfully completing the year 2012. I wish you a happy and prosperous 2013.

As has been the practice, the Annual Judges' Conference ushers us into a new year with a lot of ambition and prospects which enables us to set both personal and institutional targets. As we enter the year 2013 therefore, it is

prudent to remind ourselves of the Mission of the Judiciary so that our plans and targets are aligned together with this Mission. I take the liberty re-echo this Mission which is,

“An Independent, Competent, Trusted and Accountable Judiciary that Administers Justice for All.”

This statement is inspiring as it is premised on our core values which include impartiality, transparency, professionalism, integrity, accountability, equality, and respect.

It is important to remind ourselves of our institutional Mission because as we begin this year and as we gather together to assess our annual performance, it is necessary to reflect on our core values because they are key mile-stones in the Management of a Modern and Responsive Judiciary.

The message for the year 2013 as espoused by the theme of this Conference is that our values must explicitly inform our organizational culture so as to be seen to be delivering justice to all and improve public trust.

I am glad that the Conference organizers aligned well the Conference theme to the Judiciary Vision and Mission. This therefore, provides an opportunity for us and our stakeholders in the justice system to assess the quality of service we can render to this country in a manner that is satisfactory. This quality of judicial service is definitely defined by the above cherished values.

During the conference, we shall also be availed the opportunity to get an update on the implementation of our new Strategic Plan. The Third since I launched strategic planning process in the Judiciary in 2001. The importance of Strategic Planning is to enable us set a roadmap for success. This Strategic Plan highlights our key priority and result areas as enshrined in the National Development Plan which is in line with our Constitutional Mandate. The Secretary to the Judiciary and the Chief Registrar will provide us with the necessary updates. Please feel free to give your views and observations on how we can modernize the Judiciary and be more responsive to the aspirations and expectations of the people we serve.

I would also like to ask you to look back during this conference, and make an internal assessment of our image so as to design strategies of changing the public perception in our favour. You are aware that in August, 2012, Uganda once again emerged the country with the highest levels of bribery in East Africa, according to the East African Bribery Index 2012, in a survey by Transparency International, where the Judiciary ranked the second most corrupt institution in the region. The report indicated that the level of corruption was higher than for the previous year.

I challenge each of you to get interested in this report because it does not reflect well on the Judiciary. The Conference Programme has provided for a panel of speakers to address you on this important aspect.

Achievements

During the year 2012, the Judiciary made some remarkable achievements in spite of several challenges. These are mentioned below;

a. Case Management

During the year 2012, **265,205** cases were handled by the Judiciary (Excludes the Supreme Court and Court of Appeal). Out of these cases, **136,280** were brought forward from the year 2011 and **128,925** were registered during 2012. Of these **113,539** cases were concluded and **151,666** are pending at the end of the year.

The average disposal rate for the year 2012 of all cases brought forward and registered was **42.8%** while the disposal as against registered cases was **88.1%**. This is a commendable performance in spite of the challenges which we continue to meet in the administration of justice. We indeed acknowledge and appreciate the efforts and support of our development partners and all JLOS institutions who in one way or another contributed to our successes in 2012.

b. Sentencing Guidelines

During the year 2012, the Taskforce which was chaired by the Hon. Principal Judge, handed over to me the Sentencing Guidelines which is intended to streamline the sentencing regime in the Judiciary and bring confidence in the administration of justice. I have since directed the same team to steer the process of implementing the same. I urge each one of you to secure a copy of the same as it is of value.

c. Legal Aid

JLOS carried out with a draft Legal Aid policy and a legal regime to bring into focus the need to provide legal aid in a coherent manner. It

is my hope that the necessary actions will be taken to ensure that those who need legal aid have proper institutions to go to as a result.

d. Staffing

Parliament did increase the number of Justices of the Supreme Court from 7 to 11 and of the Court of Appeal Judges from 8 to 15, respectively. These increases are yet to be achieved. The Judicial Service Commission, I am informed, has already forwarded selected candidates' names to the Appointing Authority for its action. I appeal to the Vice President, who is here, to remind the Appointing Authority to make the final appointments so that we have the judges in place to deal with the huge number of cases pending as I have already indicated above. The situation is really appalling at the Court of Appeal and Supreme Court. Indeed we are not able to handle Constitutional appeals because of shortage of human resource. This matter should be solved during 2013.

On a happier note, I wish to thank the Judicial Service Commission for improving staffing at the lower bench tremendously. We have during the year 2012 received 39 new Magistrates Grade One, who have been fully deployed. We now have Magistrates in every district of Uganda. I believe that with these numbers and more to come during the year 2013, we should be able to deliver Justice to all.

e. Infrastructure

During 2011/2012, we have been able to construct a number of Courts under the great support of JLOS. These include Mini JLOS complexes (includes court houses, police stations, DPP offices plus

accommodation for staff) at Kayunga, Isingiro, Kanungu, Bundibugyo and Lamwo. I am advised that most of them are now at completion levels. The construction of Magistrates Grade I Courts at Budaka, Kalangala and Butaleja was completed 2011. Solar systems have also been installed in ten Courts and plans are underway to have the same in 10 more Courts during 2013. Model family Courts are soon to be constructed at Makindye and Fort Portal, funds having been received from JLOS. The Courts of Jinja, Kabale, Kasese, and Fort Portal have been or are being rehabilitated and or renovated.

We have also, with the support of NUFFIC and JLOS, started building a home for the Judicial Studies Institute at Nakawa which will be completed by June 2013.

The Court of Appeal, Land and Civil Divisions of the High Court have been able to relocate to a more spacious premise, i.e. Twed Plaza. These premises will be in position to house a bigger number of judges as we anticipate getting more in 2013. However, this being a stop gap temporary measure, we are struggling to get resources to put in place permanent homes for these Courts and even the Supreme Court. Discussions have been made with relevant authorities and JLOS for getting the necessary support for the construction of the Appellate Court building. Hopefully this might be realized during 2013.

f. **The Judiciary Administration Bill:**

We as the Judiciary made proposals and forwarded a draft Bill for processing to the Ministry of Justice and Constitutional Affairs. The

Bill finally needs to be translated into an Act of Parliament to enable critical issues relating to the independence and operation of the Judiciary to be brought in line with the Judiciary mandate. On this note, we shall continue to count on the support our Guest of Honor and the Hon. Minister of Justice and Constitutional Affairs to give us support so that we can have this bill passed into law at the earliest.

g. Small Claims Courts:

I am glad to report that the small claims procedures have now commenced operations in the Chief Magistrates of Lira, Arua, Masaka, Kabale, Mengo and Mbale. Plans to roll out the programme to Mbarara and Jinja have also been finalized. These courts will provide the scheme which is an effective tool for enhancing justice delivery at a micro level. They are ideally meant to function on the basis of speed, simplicity and cost effectiveness (for example, Judgments are expected to be delivered in 14 days while cases will be concluded 21 days after registration). As the implementation process continues, I am directing the Small Claims Implementation Committee to work with the Judicial Studies Institute and the Secretary to the Judiciary and carry out massive training and sensitization activities during 2013 so as to enhance the capacity of staff in this direction and also appropriately inform the public.

We are indeed grateful to Small Claims Implementation Committee chaired by Hon Justice Kiryabwire, JLOS, DANIDA Judiciary Support programme and all other individuals and institutions that supported this programme to reach this level.

h. Justice Centers

These were first launched in Northern and Eastern Uganda in the year 2010 so as to promote the rights of the vulnerable communities by providing legal aid, referrals and sensitizing them on their rights including the judicial processes. The Justice Centers are currently based at Chief Magistrates' Courts of Lira and Tororo and Kampala High Court, and a new centre in Hoima Chief Magistrates Court will become operational as of 2nd March 2013. The bigger plan is to have Justice Centres rolled out to all parts of the country. The major challenge is that many judicial officers are yet to appreciate that Justice Centers are part and parcel of the Judiciary strategy to ensure access to justice by all especially the poor. In order to deal with this seemingly glaring lacuna, I have directed the Registrar High Court, who is responsible for the Justice Centers, to work with the Justice Centres Steering Committee to mount carefully designed sensitization activities for both the judicial staff and the public. I therefore, urge you to support the Justice Centers to ensure success of the program.

i. Commonwealth Magistrates and Judges Conference 2012

We very successfully hosted 16th Commonwealth Magistrates and Judges Association (CMJA) Triennial Conference during September 2012. This was an honour to not only Uganda Judiciary, but also to the country at large. We hosted delegates from all member countries of the Commonwealth. I thank H.E. the President for his support towards the hosting of the conference. I would like to thank the Guest of Honour for being present at the conference when representing the President at the opening and all of you who graced

the occasion. Special thanks go to the Chief Registrar and the Secretary to the Judiciary for steering and supporting the Local Organizing Committee to a successful hosting of the conference.

j. Other Achievements

With support from Government and development partners, the Judiciary during 2012, achieved the following; Court recording equipments installed in the appellate Courts including High Court Circuits, Local Council Courts were trained on their judicial powers, the Bench Book has finally been prepared, the Inspectorate of Courts was strengthened by resources being provided sufficiently to carry out its duties, the process of rolling out ADR continued with Land and Family Divisions, the Consultancy to come up with Judicial Performance System started and is now at advanced stages, and we continued to receive funding from JLOS for case backlog reduction programme.

Challenges

In spite of the above enumerated achievements, we are still faced with a lot of challenges which include:

a. JLOS Baseline Survey

A recently released Baseline Survey Report by the Justice Law and Order Sector indicate that only 50% of the population of Uganda know about the Judiciary and that some 16.4% of the respondents (Total respondents were 5,376 households from all regions of Uganda and of all status) said that they had been asked by officials of the Judiciary for bribes. In the Judiciary, the biggest culprits were

found to be magistrates and clerks. The corruption is said to be manifested in outright request for bribes, outright denial of service or unfair treatment of the public rendering some of them to not seek any of the services at all.

b. Poor Housing for the Courts

It is of great concern to us and by even our stakeholders that most Courts are operating in unworthy buildings. This has indeed dented our image and affected our performance.

The Government of Uganda should take a purposeful action to provide sufficient funding so that judicial service is carried out in buildings which do not compromise its independence and role in society as an arbiter. We appeal to all to give us support so that we at least can build for Supreme Court and Court of Appeal during the Financial Year 2013/14.

c. Terms and Conditions of Service

The terms and conditions of service for judicial officers have comparatively remained too uncompetitive to attract and retain quality judicial officers. Yet the public perception of the standing of the judicial officers is very high. In addition, the cost of living is so high that the little the judicial officers get is easily eroded by inflation such that they are not able to meet their basic requirements yet they are restricted from carrying out any other business. It is my appeal to all those who are concerned that these salaries be revised to meet the rising cost of living and inflation in Uganda and more so place the judicial officer to the level where they belong.

a. Poor Image of the Judiciary

As already mentioned above, our image has continued to decline. This is partly because of limited resources such as human and financial resources to effectively respond to public demand for judicial services. On our side, we shall do all that is possible to carry out such activities which will enable us improve our image but we will need supporting hands from all stakeholders. We need adequate human and financial resources that are necessary for implementing our programmes.

The rest of the challenges to handle are elaborated in our Strategic Plan which is to be presented to you shortly by the Chief Registrar and Secretary to the Judiciary. It is my hope that during this Conference, we should be able to lay strategies of facing these challenges and turn them into opportunities.

Our strategic focus during this year is to ensure that we have a modern and responsive Judiciary with a changed mind frame. This can be partly through strengthening and modernizing our Public Relations Function, Enhancing Staff Welfare, Effective Supervision and Management. I invite my Management Team and all my supervisors to give me support.

With those few remarks, it is now my pleasure and honour to invite His Excellency the Vice President to officially open this 15th Annual Judges Conference.