

COMBATING REAL AND PERCEIVED CORRUPTION IN THE UGANDA JUDICIARY

By
Cissy Kagaba (ED)
Anti Corruption Coalition Uganda

Introduction

Corruption in Uganda is rife, whether real or perceived it does exist, and the Judiciary has been mentioned as one of the institutions prone to corruption related tendencies.

According to the Transparency International Report (2015) Uganda is ranked as the 139th corrupt country out of 168 countries reviewed. The IGG report for the period January-June (2015) referred to the judiciary and police among the most corrupt public institutions.

Corruption in the judiciary is real as evidenced by ACCU's investigative reports i.e. Temples of Injustice and Chasing the Wind. The findings revealed among others, issues relating to gross misconduct by court officials. These issues ranged from Court clerks at some courts, entering into written agreements with litigants-with the former conceding to bribe them, non-refund of bail money, bribing court officials in order to be granted bail, unclear circumstances of promotion etc

Further still, 31-45% of the correspondents in Uganda claimed to have paid a bribe in court, according to the Transparency International Report (2015). By implication, the poorest Ugandan who cannot afford bribing the judicial system can hardly be served justice.

The Afro barometer , dispatch 77, of 28th March 2016. “ public perceptions of corruption in the judiciary continue to worsen as 45% stated that most judges and magistrates were corrupt”

While the aforementioned statistical findings evidence real corruption in the judiciary, it also arouses peoples' perception that judicial officers are corrupt. Additionally, the attitude of some judges where they harshly treat some parties over others makes one think that the favoured one has given something to the magistrate or judge.

Public opinion or perception is largely influenced by media and public relations. The mass media uses various advertising techniques to convey their message and influence the thoughts of the people on important issues. People's opinions depend on various factors such as their immediate situations, their social factors, and their already existing knowledge and system of beliefs and values. Opinion leaders who voice their

opinions on popular issues have a major role in influencing **public perception** about them.

The social phenomenon known as *public perception* can be seen as the difference between an absolute truth based on facts and a virtual truth shaped by popular opinion, media coverage and/or reputation, having certain court orders being passed by a particular judge creates a trend in reputation and will unfortunately form public perception against the entire judiciary..quns like : why that judge, why do certain cases of a particular caliber end up before that judge, arent there any other judges that can handle such cases? (rebel MPs case, IGP, Mayor, Parliament etc)

If you are a member of the public and such a trend or reputation has been created how would you genuinely think??, we may need to put the legalese aside and fit in the shoes of the public to understand why certain perceptions are arrived at

However, fighting corruption in the judiciary doesn't rest in isolation. The Chief Justice in May 2015 pledged to strengthen the Inspectorate of Courts as a step towards fighting the vice.

Compelling statistics to form a crux of this discussion

The Auditor General's report for the year ending June 2015, highlighted a case backlog at the Judicial Service Commission (JSC), standing at 780 with only 106 cases concluded by the end of the financial year 2014/15. Intriguing to note, 2.78% were corruption related cases, ranking high after Delay of justice (5.56%) and Misconduct (59.26)¹.

Further, the IGG report for the period January-June (2015) registered 384 corruption cases against the judiciary.

Fighting Corruption in the Uganda Judiciary through a CSO perspective

The practise of transferring implicated judicial officers as a form of punishment while investigations are being conducted should be avoided. Transfers can never be used as a form of punishment since its the poor that are affected especially if the transferred officers are indeed corrupt, its merely transferring the vice from one area to another.

¹ Refer to ACCU Report (2016), A critical Look into Judicial Service Commission's Complaints Handling Mechanism, pg 13

1. Clerks should frequently be rotated because if they overstay in one place they become untouchable and ask for money freely. However, some judges don't want to move their clerks who they are used to.
2. Expeditious handling of corruption related cases before the JSC will go a long way in sending a message of zero tolerance to corruption in the judiciary, but also reducing the case backlog in the ordinary courts.
3. To instil credibility and integrity among the judges, promotions and/or appraisals should be based on merit and transparency.
4. Better remuneration of judicial officers may also help combat the corruption in Uganda's judiciary.
5. The godfather/mother syndrome in the judiciary should be avoided since it breeds corruption and unfairness in the administration of justice.
6. JSC ought to conduct more public events and outreaches so that people know where to report complaints.
7. Transfer of implicated judicial officers should not be used as a form of punishment
8. Need to be sensitive at times to certain issues in the public domain e.g it doesn't have to be this one judge that gets to hear matters that would form public perception, if some of these orders are given by different justices, maybe it would be a different story
9. Need for the judiciary to improve on its public relations

Conclusion

As of now, the operationalization of the judiciary is under wave currents, due to a number of issues the sector is grappling with. This has culminated into the impairment of efficient and timely delivery of justice.²

Corruption in the judiciary leads to loss of public trust and confidence in the judicial

² <http://allafrica.com/stories/201701110648.html>

system which is not healthy for any growing democracy for a country like Uganda.

As stakeholders we need to put up a spirited fight against corruption in the judiciary underpinned by commitment, partnerships and actions.

“Fighting corruption in the judiciary shouldn’t entirely be left to the institution but be resident in every individual judicial officer”