

Raise age limit of judges—Kavuma

Justice Steven Kavuma has been acting Chief Justice for over two years. He was recently named Deputy Chief Justice. Our reporters, **Alfred Wandera** and **Betty Amamukiror** interviewed him.

Below are the excerpts.

What value do you bring to the Judiciary as the Deputy Chief Justice?

I bring 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 now a judicial officer. I really find it to be 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.

What challenges lie ahead?

Definitely life is about challenges. I used to tell my constituents when I was a politician and I repeat it. The day you wake up and there is no challenge to face then know you are about to meet your creator. It means you have outlived your usefulness on the planet.

Challenges are normal and part of any human being's calling in terms of profession. The important thing is to be able to resolve those challenges. Some of them maybe so challenging that you get frightened but I am a positivist. I always look around for a silver lining in every challenge that comes my way and I get it.

With the ability of prayers to my God, eventually things keep moving and we have managed the Judiciary for the last two years without a substantive Chief Justice and Deputy Chief Justice but you know, nature hates a vacuum so by circumstances we had to fill the vacuum and because of that belief, the institution has kept going.

What are your priorities?

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. We must continue to dispense justice and resolve disputes in a timely manner.

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.

So 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



The newly appointed Deputy Chief Justice, Steven Kavuma, addressing the press regarding his appointment at the Court of Appeal in Kampala on Saturday. Photo by Wilfred Sanya

"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," Kavuma

human resources to take on the responsibilities that we have, and adequate funding.

Do you still stand by your opinion that judges should not have a retirement age?

Yes. For the time I have served in the Judiciary, I have seen many judges seek employment outside in 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 judiciary 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.

What did you achieve as acting Chief Justice?

First of all 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.

After acting as Chief Justice for about two years, you were dropped to the position of the Deputy Chief Justice. Do you think the appointing authority saw something lacking in you?

I cannot talk for the appointing authority because I only wait and attend the interviews. I have not been dropped. I have been nominated as the substantive Deputy Chief Justice. I have never even applied to be the Chief Justice.

What are some of the most difficult cases that you have handled in your career as a Justice?

They are many but out of the many, I will not talk about some because they are still in court. My first involvement as a baby judge in court was in a petition filed by Hon. Miria Matembe and others. It was very controversial and I was asked to draft a judgment but with other judges assistance I was able to come up with a great judgment. The others are the late Kazini's case; I handled it in very tight circumstances.

How do you feel when your judgments are perceived as pro-government?

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.

You could rant or go to radios and talk, but I will be guided by that oath. 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. That is why you find there may be three of you but two say we should go this way but one says no, leading to a dissenting judgment and I have written quite a few of them.

Our system has corrective mechanisms in case of any mistakes. You can appeal to any of the courts in case you are not satisfied with the decision.

Those who think I have been making decisions favoring government are absolutely wrong.

What is your take on President Yoweri Museveni's call for judges to deny bail to capital offenders?

I know the President has been addressing the issue of bail generally. My understanding is he is appealing to the judges that when you are exercising your discretion, when faced with an application for bail, you be mindful of the outcome of your decision. So he is calling for caution when judicial officers are considering bail application.

Will you re-join politics after retirement?

No. At that time I will be a senior citizen and would want to enjoy the rest of my years. Maybe I will go into consultancy in order not to be stale.

Who is Justice Kavuma?

I was born on September 29, 1948 to a humble family of the late Mzee Ivan Senti Bugingo and his wife Leah Bugingo both residents of Makindye Sub-County by then. I am the third of the seven children; six boys and one girl.

I went to Kamanya Primary School in Wankulukuku and after P6 I scored a first grade, then I joined Mengo Junior School for Junior One and Two and then joined Mengo Senior Secondary School for S1-S4 and then went to Nyakasura the School for A' level.

I went to Makerere University graduating with a Second Class Honors Bachelors degree in Law. I then went to the Law Development Center to pursue a post-graduate diploma in legal practice.

I started working as a lawyer originally in private practice with Businge & Company Advocates but my stay there was very brief because there was a decree that certain graduates from certain professions should be bounded to serve government for at least five years.

I then joined civil service as a state attorney at the Ministry of Justice. From there I joined National Insurance Corporation as a legal secretary and later became a corporation secretary. From there, I decided to go into private practice and started a law firm called Kavuma & Company Advocates.

In 1983, I was joined by Bart Katureebe, now the newly appointed Chief Justice and we formed Kavuma & Katureebe Company Advocates. We worked together until we ventured into politics.

I went back to my village and I was elected the RC1 (Resistance Council) then RC2 and RC3. Later I was elected Mpigi district chairperson and while serving there, I was elected the deputy finance minister in charge of Custodian Boal and by virtue of that appointment; I joined the National Resistance Council (the Interim Parliament)

When the policy of expanding the council was passed, I was elected NRC member for Kyandondo County. While serving as member of the council, time came for electing the delegates who were going to write the Constitution. I contested in Kyandondo South and I was elected its Constituent Assembly delegate and participated in the 1995 Constitution writing.

While there, I was appointed minister of state for Constitutional Affairs and oversaw the exercise of completing the Constitution. I went ahead and contested for an MP seat which I won and I was appointed the minister of state for Defence, after which I went back into private practice and re-formed Kavuma & Company Advocates. I was then appointed to the Court of Appeal in 2004 and I have been serving in Judiciary since then.