



**LAUNCHING OF THE EAST AFRICAN COURT OF JUSTICE SUB-
REGISTRY IN THE REPUBLIC OF UGANDA**

**REMARKS BY HON. Mr. JUSTICE HAROLD R. NSEKELA
PRESIDENT, EACJ**

Kampala, Uganda, 18 September 2012

Honourable Minister of EAC Affairs,

My Lord the Chief Justice of Republic of Uganda,

My Lords Justices here present,

Your Excellencies,

Invited guests,

Ladies and Gentlemen,

On behalf of the East African Court of Justice, I wish to welcome you all to this historical moment whereby the EACJ is, for the first time in its history, launching one of its sub-registries here in Kampala, Republic of Uganda. I take this opportunity to express to the Republic of Uganda through you the Hon. Minister for EAC Affairs and Your Lordship the Chief Justice, the EACJ's profound gratitude for all the efforts made to make it possible.

My Lord, your Excellencies, Ladies and Gentlemen,

Allow me before going into the topic of the day, to express my sincere condolences to the Republic of Uganda and its Judiciary for the demise of the late Right Honourable Mr. Justice Joseph Nyamihana Mulenga. As you all know, he was, together with Honourable Lady Justice Solomy Balungi Bossa and four other Justices from Kenya and Tanzania, the pioneers of the East African Court of Justice, at its inception in November 2001. Justice

Mulenga is rightly engraved in the EACJ's memory for he was the Vice-President and then President of this Court till his retirement from it. Justice Mulenga is also remembered as a true East African Judge who transcended his national allegiance and wanted an East African Court of Justice endowed with a jurisdiction similar to that of the former East African Court of Appeal.

Justice Mulenga was the epitome of a Judge; sharp, intellectual, humble and sober. He worked diligently; he listened patiently; and was a man of integrity and that is certainly why the Republic of Uganda had elevated him to various positions of leadership including political and judicial ones at national, regional and continental levels. As you all know, he was, after retiring from the EACJ, appointed Justice of the African Court on Human and Peoples' Rights which he served for four years till his demise. To day, we especially miss him as we launch this sub-registry of this Court that Joseph Mulenga loved and served so dearly. We regret that he did not live to share in our joy this afternoon.

MAY THE LORD THE ALMIGHTY GRANT HIS SOUL ETERNAL PEACE AND BLISS!

My Lord, your Excellencies, Ladies and Gentlemen,

With your permission, I now wish to congratulate the Republic of Uganda through my Lord the Right Honourable Chief Justice Benjamin Odoki, for ably and successfully hosting the just concluded Commonwealth Magistrates and Judges' Association

(CMJA) Conference at Munyonyo. I wish to acknowledge his personal involvement in the preparations of this event by travelling across East Africa and beyond to mobilise wide participation which those of us who participated in have witnessed. By bringing an event of this magnitude to East Africa, you have brought great honour not only to the Republic of Uganda but also to the whole East African Community. As most of us are aware, Uganda is the second Country in Africa, after Malawi (in 2006), to have ever hosted the Triennial Conference of the CMJA. On behalf of the EACJ Delegation to the CMJA Conference and on my own behalf, I also thank you very much for the warm hospitality which was extended to every participant in the CMJA Conference.

My Lord, your Excellencies, Ladies and Gentlemen,

After these few introductory words, I will now, with your permission go to the topic of the Day. The idea to establish sub-registries in the Partner States follows from the EACJ's deepest desire to bring justice as close as possible to the peoples of East Africa. This is the idea that dominated the Court from its inception such that a provision for sub-registries was made in the Court's Rules of Procedure. This is a clear sign that the Court has always had at the back of its mind that the then only Registry in Arusha was too far from its stakeholders.

Towards the end of the negotiations of the Common Market Protocol, the EACJ was already in the process of preparing its 5 –

year strategic plan. Among the main strategic issues identified is the need for improving its visibility in the Partner States.

Despite the increase in the volume of work in recent years (from 14 in 2010 to 92 to date), it's indisputable that the Court is relatively new and it is not well known by the ordinary citizens of the Partner States who are supposed to be the main users of the Court. We appreciate that the Court has a role to publicize its development within permissible limits such as the opening of sub-registries. This event is in effect a promotional programme of the Court.

The establishment of sub-registries was identified as one of the ways the existence and presence of the EACJ would be better felt at Partner States level.

At the same time, the EACJ had already envisaged a possible increase in cases following the entry into force of the Protocol and prepared a concept note on the establishment of sub-registries in Partner States for presentation before the 18th Meeting of the Council of Ministers that was held in September 2009. The Council of Ministers directed the Secretariat to develop further the note by making exhaustive consultations to determine the cost implications, operational modalities and relationships between the sub-registries and the Partner States Courts.

Following this Council Directive, the EACJ organised a meeting of Registrars and Court Administrators of Partner States to discuss

the issues raised by the Council. The meeting was held from 1st to 4th September 2010 in Nairobi, Kenya. All the 5 Partner States were duly represented during that meeting and the following major recommendations were adopted:

- (a) Partner States should temporarily host sub-registries by providing office space with the premises of their respective judiciaries until the EACJ gets premises of its own.
- (b) A person performing similar functions as those of Deputy-Registrar of the EACJ from each Partner-State Judiciary should be designated to supervise the activities and staff of a sub-registry.
- (c) Considering the current workload of the EACJ and the financial constraints, the EACJ should recruit and deploy the appropriate staff in the sub-registries.
- (d) The EACJ should be responsible for all the expenses of the sub-registry.

The matter was referred back to the Council following the conclusion of the exhaustive consultations. It was considered by the Council during its 21st Meeting held in Arusha from 22nd November to 1st December 2010. During that Meeting, the Council approved the establishment of the sub-registries and made corresponding decisions mandating each Partner State to designate an appropriate officer to supervise the activities and staff of the sub-registry and the EACJ to recruit and deploy the proposed staff among others.

My Lord

Following the above decisions, the EACJ did not take time without undertaking their implementation. It immediately embarked on consultations with Partner States Judiciaries with a view to working out operation modalities. Top on the agenda of the consultations was the identification of office space to be used as sub-registry; equipping the same; designating by the Partner States Judiciaries, of an officer to supervise the activities and staff of the sub-registry; and the working modalities and relationship between the supervising officer in the Partner States and EACJ in Arusha. The next step was the organisation of the recruitment process as well as the procurement of the requisite equipment and furniture for the sub-registries. I wish to inform this honourable gathering that as I speak, the relevant staff of sub-registries in the five EAC Partner States have been recruited and that they formally reported on duty on 1st April 2012.

My Lord,

This afternoon we are here to officially launch the EACJ sub-registry in the Republic of Uganda. Two sub-registries have been so far opened in Kigali, Rwanda and Dar es Salaam, Tanzania and before the end of this month, we plan to open one at Nairobi, Kenya. Certainly by the end of the year all Partner States will have a functional sub-registry. We therefore invite all stakeholders to use our sub-registries. This is our main purpose to get the Court better

known in the Region so that those who want to bring their cases should easily do so.

We have come with this good news to the Uganda Legal Fraternity including Bar Associations, Business Communities, Academic Institutions and any interested person that the EACJ Registry is now in Kampala. For any communication to the EACJ, for any filing of documents, for any request for information, you need not travel all the way to Arusha but contact the EACJ sub-registry which is located at the Sixth floor of the Supreme Court Building here in Kampala. However, the Court would like to remind natural and legal persons who come to court under Article 30 of the Treaty to respect the time limitation of two months imposed by Article 30 (2).

The EACJ is in the process of procuring a Case Management System which will electronically connect the Registry in Arusha with the sub-registries established in Partner States. We are also exploring the possibility of introducing electronic filing of cases. It is our sincere hope that this new technological tool will facilitate interactions between the EACJ and all its stakeholders.

My Lord,

Allow me once again to express the EACJ's our gratitude for the smooth, candid and laudable cooperation that we have been receiving from Uganda Judiciary in the whole process. This is a strong indication of the Republic of Uganda's commitment to the EAC integration agenda. I have no doubt that the Republic of

Uganda and its Judiciary will continue to extend its continued support to the new sub-registry and to the EACJ in general as has always been the case.

My Lord,

As you are aware, the services of the Judges of all divisions are still *ad hoc* in nature. This mode of operation is posing a very big challenge to the effective performance of the Court and to the timely dispensation of justice. The increase in the number of cases demands full time presence of the judges especially those of the First Instance Division to start with and the rest can follow. In an attempt to address this challenge, we introduced a one-week Court session per month for each division but the results were not encouraging as the workload kept growing. Even a two-week session per month does not seem to address this challenge such that the Court is seriously considering introduction of one month quarter sessions. While we are grateful that the President and Principal Judge are now working on full-time basis to direct the work of the Court on a permanent basis, we also count on your continued support in addressing the challenge caused by the *ad hoc* services of the rest of the EACJ Judges.

I thank you.