



BUILDING PUBLIC CONFIDENCE IN THE JUDICIARY

KEY NOTE

BY

PRINCIPAL JUDGE, HIGH COURT OF UGANDA

HON. JUSTICE DR. YOROKAMU BAMWINE

AT

MBARARA CIRCUIT COURT OPEN DAY

JUNE 22, 2017

Your Lordships
Your Worships
Heads and Members of JLOS INSTITUTIONS
Members of the Bar
Court Users
Fellow Ugandans

- 1- Our theme this year, **Building Public confidence in the Judiciary**, suggests that you do not trust us 100%, that we do not command as much respect as we should. From what we have heard already and what we are yet to hear perhaps, this may be so.
- 2- Friends, respect whether in a home or in an institution – must be earned. You cannot just say come and it comes. Call it Respect, Confidence, Trust (name it), it must be cultivated.
In the Judiciary we are using court open days to cultivate these attributes.
- 3- We use an opportunity such as this to interface with the public, to show that like yours our bodies are made up of blood and flesh. We are here to listen to you. Listen to us too.
- 4- Human nature is such that mistakes are made. To err is human. What matters is how those mistakes are remedied. For instance, it is not in dispute that:
 - We do not deliver justice in a speedy manner. It takes eternity for a court to start on a case and finish it.
 - We are not as friendly as we should be when dispensing justice. We do not take time to assess the unique circumstances of the individual litigants before us. So when we issue an interim order, we do not look back to assess its impact on the affected person.
 - When we finish a matter, after a long hassle, then providing a certified copy of the ruling, judgment or proceedings becomes another hurdle to jump.
 - Adjournments may be unavoidable. But we give long ones, between 4 to 5 months intervals, in cases already classified as backlog in our system. And what reason do we give? Too busy to hear cases on a day to day basis!
 - Matters are not helped by some law firms which, whenever cases are listed for hearing, don't turn up or if they do, it is to apply for adjournment.
- 5- These and many other challenges hamper access to justice, especially to the poor and the most vulnerable in society. An open day like this helps us to share concerns and to work out solutions together.
The end result will be confidence building in the institutions.

6- To you our staff, people run to us with challenges. We should never aggravate their situations. Whilst we are all equal before the law, we cannot run away from the reality that God makes us differently. We can therefore list cases for hearing with a purpose.

- Consider principle of "first in, first out".
- Fast track cases of people with disabilities.
- Fast track cases of public interest.
- Consider cases of breast feeding mothers both in terms of imprisonment and bail.
- Develop a strategy for old cases, and the many applications. After all, much as we are equal before God, the scriptures tell us He executes justice for orphans and widows, loves strangers, and provides them with food and clothing (Deut 10:12-18).
- When leaving a station on transfer, do not leave behind a case whose hearing is in its advanced stage. Urge the parties to finish it. Fast track its disposal.
Do not go with undelivered Judgments baggage.
Your legacy lies in every such case completed, every life you touch or have touched.

7- Say no to corruption.

- Serve the people with a smile.
- Address their concerns promptly.
- Do not serve them in anticipation of any reward, not even thank you.
- Even amidst temptation learn to say No.

8- As to the Court Users, do not lead our staff into temptation. At times you tempt hungry lions with meat, the hungry with food.

- For those with small claims, not exceeding shs. 10m, use our Small Claims Procedure. Within 30 days period, you will be assisted by a judicial officer to reach a just settlement, avoiding technical procedures, excluding lawyers (who at times delay matters on selfish grounds). Consequently shortening the usually lengthy and costly process. I commend Small Claims Procedure to you.
- For those with bigger claims, try out mediation. Friends, litigation is expensive, it is time consuming and its outcome is unpredictable. With mediation, parties to a dispute are able to find a quick solution with assistance of a neutral person (called mediator), without going through the costly and usually lengthy court process. Mediation is cheaper, time saving and the out-come negotiable. It rebuilds relationships, unlike litigation which breaks them down.
- And as for those who committed offences and they know in their hearts that they did so; way to go is Plea Bargaining. Here an accused is given a chance to agree with a prosecutor to plead guilty to an offence in exchange for a lesser sentence.

The process is cheap, helps to clear case backlog in criminal matters and promotes reconciliation amongst parties. It is a success story in other parts of the country and other jurisdictions. Plea bargaining and mediation were launched by Jesus Christ (Mathew 5:25-26). They are biblical and recommended by God.

- 9- We decentralized High Court to bring services close to you. Do not travel to Kampala for administrative interventions. Use the leaders provided to you: Chief Magistrates; Deputy Registrar; Resident Judges, most especially the one in charge of administration.
- 10- As to Civic leaders, the Judiciary is for us all. Point out our mistakes politely. We belong to an arm of State that cherishes its independence. Assist Courts to execute their own orders. A citizenry satisfied with judicial services is an obedient citizenry.
- 11- As for the lawyers in private practice, support the cause of justice. Uphold the truth. Justice is sweetest when the law blends with Truth.
- 12- Every morning we get a chance to be different. A chance to change, for the better. We cannot change the past. But we can change the present and shape the future.

Friends, building confidence in the judiciary requires change of attitude. And as the saying goes, ***bad attitude is like a flat tyre. You cannot go anywhere until you change it.*** May this open day motivate us to change for the better. And may God bless us all through it.

I take liberty to appreciate the Head of the High Court Circuit in Mbarara, his colleague and the entire judiciary staff for a job well done. Others may not appreciate your services. I do.

I also thank our key allies in the administration of justice, the JLOS family for making access to justice a priority. Thank you Lord for this day. Thank you people of God for listening to me. May God bless you and me too.