



**SPEECH OF THE HON. THE CHIEF JUSTICE AT THE OPENING OF
THE 22ND ANNUAL JUDGES CONFERENCE, 2020, HELD ON
JANUARY 27TH – 30TH 2020 AT MESTIL HOTEL, KAMPALA**

Your Excellency, the President of the Republic of Uganda,
The Hon. The Deputy Chief Justice,
The Honorable Minister of Justice and Constitutional Affairs,
The Hon. The Principal Judge,
My Lords the Justices and Judges,
The Head of the Public Service,
Your Excellences the Ambassadors and High Commissioners,
Heads of JLOS Institutions,
Permanent Secretaries,
The Ag. Chief Registrar,
Your Worships,
Invited Guests,
Ladies and Gentlemen.

I am greatly honoured and privileged to warmly welcome Your Excellency to this year's Annual Judges Conference. Your Excellency, I thank you for honoring our invitation to officially open the Judges Conference and for your usual support to the Judiciary. The Judges are keenly awaiting your address and interaction with you.

May I also take this opportunity to welcome and thank our partners in the administration of justice and all our invited guests for accepting our invitation to attend the opening ceremony of this Conference. I am grateful to our national partners from JLOS institutions and our international partners from the diplomatic world for the friendship, support and partnership that we have enjoyed over time. Last year, the JLOS Development Partners Group funded critical programmes that greatly enhanced access to justice. The United Nations through the UNFPA supported the courts in fighting sexual and gender based violence. The University of Pepperdine and the International Justice Mission (IJM) continued to play an active role in expanding plea bargaining, alternative dispute resolution as well as promoting the welfare of women and fighting human trafficking. To all of you who supported us, I say thank you so much! We value your friendship because the proper administration of justice depends on effective coordination, communication, cooperation and strong partnerships between all stakeholders in the system.

My Lords the Justices and Judges; thank you for the tremendous service you have offered throughout the year and for coming to this

Conference. This is the annual event when we take off time to review our performance in the previous year and plan for the year ahead. I am very optimistic that our performance will continue improving especially given that the terms of service have considerably improved. On this note I wish to thank you Your Excellency for honoring your promise to increase salaries of Judges and other Judicial officers. This gives a ray of hope as we look forward to further improvement in the budget and the conditions of service in the Judiciary.

The theme of the Conference

The theme of this year's Conference is, "***Discharging the Mandate of the Judiciary: Towards a Modern, Professional and Effective Judiciary***". Your Excellency, ladies and gentlemen, this theme is intended to examine the constitutional mandate of the Judiciary and the efforts made by the Judiciary towards improving performance through modernization and professionalization of the internal operational mechanisms with a view to achieving our Vision and Mission. The theme of the Conference is also meant to remind us of the physical and functional access to justice challenges facing the institution in the broad areas of human resource, infrastructure and finance. It calls for action to overcome those challenges.

Your Excellency, we recognize that the real effectiveness of judicial authority lies in the respect and acceptance that the public accords to our exercise of judicial duty, which in turn ultimately depends on the manner in which we administer justice. Equally, we recognize that in order to strengthen the rule of law, to protect human rights and

freedoms, and to enhance and maintain public confidence in the Judiciary, it is imperative for us, both at individual and at institutional level, to respect and honor the judicial office as per our mandate under article 126(1) of the Constitution of Uganda. Article 126(2) of the Constitution commands us to do justice to all manner of people without discrimination; to expeditiously dispense justice; to grant adequate remedies to victims of wrongs; to promote peaceful and just settlement of disputes through reconciliation; and to promote substantive justice. These, commands are universal and irrevocable and therefore, deserve our utmost compliance and support, if we are to build a trusted and respectable Judiciary.

Status of Business in the Judiciary

1. Staffing and Performance

At the top, the Supreme Court is fully constituted with 12 Justices. The Court of Appeal/ Constitutional Court has now 13 Justices out of the established structure of 15. The 13 Justices have to handle a workload of over 7000 cases.

At the High Court, we for the first time have 58 Judges from previous years when we have had a maximum of 52 Judges. These have to handle about 69,526 pending cases. This implies that the workload per judge on average stands at 1,199 cases. The current disposal rate at this court level stands at 29.4%. This is still below average and that is why we maintain our request for a minimum of 82 Judges of the High Court as per the resolution of Parliament.

However, let me take this opportunity to thank Your Excellency for the recent appointment of 12 Judges of the High Court, 3 Justices of Court appeal, 3 Justices of the Supreme Court and the Hon. The Principal Judge. As Judiciary, we commend your Excellency the President and the Government for those appointments which, we are sure, will have great impact on the provision of judicial services. I however need to point out that most of the appointments were on replacement basis. I also take this opportunity to thank you for posting Mr. Pius Bigirimana as Secretary to the Judiciary. In just a period of five months he has caused a lot of reforms at a high speed for the better. Judiciary is starting to be viewed positively in the public eye. This was confirmed by the Legal and Parliamentary Affairs Committee on 17th January 2020 while presenting the Budget Framework Paper for the Judiciary.

In the Magistrates' courts, we have only 44 Chief Magistrates out of the required 100 to serve all the gazetted Chief Magistrates Courts. This leaves a shortage of 56 Chief Magistrates. The number of pending cases at this level stands at 51,181 cases compared to 66,885 in the last financial year, implying that the workload per Chief Magistrate is on average 1, 164 cases per annum requiring a disposal of 97 cases per month per Chief Magistrate and 5 cases per day. The disposal rate at this court level stands at 66.2% which is above average. I accordingly commend the Chief Magistrates for the good work and encourage them to work harder.

We have 423 gazetted Magistrate Grade I Courts with only 108 of them that are operational; representing only about 26% of capacity at this

level. We currently have 193 Magistrates Grade 1 out of the required 432. The number of pending cases at this level stands at 17, 308 cases with a disposal rate of 73.4%. This is also above average and I commend these officers. If the disposal rates at the above two court levels rise higher, and the qualitative aspects are also handled, this may make a good case for expanding the jurisdiction of the lower courts so as to reduce the heavy work load at the High Court level.

Overall, all courts registered 197,067 cases in the year 2019 and disposed of 181,137 resulting in a disposal rate of 55.2%. The Chief Magistrate Courts posted the highest registration of 107,632 cases and disposed of 99,996 cases, the highest amongst all court levels. The Magistrate Grade 11 Courts, on the other hand, registered the lowest number of cases being 3,200 cases and disposed of 2,844 cases.

One of the main factors affecting judicial performance are the staffing gaps. I therefore appeal to Government to consider judicial officers as essential staff because of their role in maintaining peace and stability in society. Government should therefore lift the recruitment ban imposed on the Judiciary so that the Judicial Service Commission can fill the existing critical vacancies in the Judiciary. Your Excellency, we understand that resources are limited but I need to point out that overall dividends from timely and fair resolution of disputes by strengthened courts will, no doubt, be higher in terms of increased investment and unlocking of essential capital and resources thereby contributing to the country's economic growth and development.

According to the World Bank report: *The Uganda Judiciary Public Expenditure and Institutional Review (P170711) Preliminary Note*, globally, theory and evidence link improved justice institutions to development outcomes including investment, infrastructure, financial inclusion, entrepreneurship, innovation and human capital. The report further states that in low income countries, the cost of unresolved legal disputes can amount to 2% of GDP annually. This cost also triggers off other systemic bottle-necks.

Your Excellency, an expanding or growing economy means increased activity in business in terms of commerce, industry, agriculture, among others. This, in turn, means potential for a multiplicity of disputes; hence the need to have more judicial officers, well equipped courts, and an effective and efficient judicial system.

2. Technology and Automation of the Courts

The Judiciary is taking steps to simplify court processes, make them faster and more transparent through adoption of modern technology. Consequently, we have embarked on implementation of the Judiciary ICT Strategy under which, we expect to see a total transformation from the existing Court Case Administration System (CCAS) to an Electronic Court Case Management and Information System (ECCMIS). The new case management system will among other capabilities, provide for e filing, digitalized court recording, video conferencing, digital presentation of evidence, and e libraries. Automation of the courts will reduce the cost of access to justice, eliminate opportunistic corruption, reduce delays

and support mainstreaming of performance management. Ultimately, it will make the administration of justice more efficient and effective.

I am glad that Government has committed to providing a sum of UGX 6 Billion per year over the next four years. For the financial year 2019/2020, the Judiciary has received an allocation of UGX 6 billion towards implementation of the ICT strategy for which we are grateful. We have signed a Memorandum of Understanding (MoU) between the Judiciary and Synergy International Systems Inc., the company contracted to implement the digitization of the courts. The Electronic Court Case Management Information System (ECCMIS) will track the progress of all aspects of a case right from its filing to its conclusion.

I however need to point out that the earmarked resources are about 50% of the resources required to fund the Judiciary's ICT strategy, which is costed at UGX 60.2 billion shillings. I therefore, appeal to Government to provide the additional resources to fund the full implementation of the ICT Strategy within the next two years.

3. Judiciary Anti- Corruption Strategy

The Judiciary is making all possible efforts to develop a strong, independent, accountable and impartial adjudicatory organ through the implementation of the Judiciary Anti-Corruption Action Plan. We fully realize that for the Judiciary to be relevant to the needs of the people in Uganda and to contribute to national development, it must be trustworthy and has to maintain a high degree of ethics and integrity. Complaints have continued coming in indicating questionable integrity both at

individual and institutional levels. We are firm, as before, in ensuring good conduct on the part of all persons serving in the Judiciary.

Last year, following allegations of corruption in the Judiciary, I set up an Anti-Corruption ad-hoc Taskforce to investigate the allegations. The Taskforce was chaired by the then Registrar/Inspector of Courts, now Justice Busingye Immaculate Byaruhanga. The team conducted its investigations in accordance with the stipulated terms of reference and produced a report. The report was presented to and was discussed by the Judiciary Top Management which recommended that the officers found culpable be referred for appropriate disciplinary action. We are awaiting firm action on those allegations. We shall continue in our efforts to enforce a zero tolerance policy to corruption in the Judiciary.

4. Case backlog Strategy

Your Excellency, as I informed you last year, the Judiciary instituted a case backlog reduction strategy through which it intends to reduce and eventually eliminate case backlog in the Judiciary. A Committee, headed by Hon. Justice Richard Buteera of the Supreme Court, is overseeing the implementation of the strategy. Under the strategy, we adopted a principle of 4:6; whereby affirmative action is given to backlogged cases when cause listing. That is, for every 10 cases handled by Judicial Officers, four have to be backlogged.

Relatedly all JLOs institutions during the year worked to address delays in disposal of cases through collective cause listing and special sessions in the areas of plea bargaining, mediation, Sexual and Gender Violence

cases, among others. Procedural laws have continued causing delays and we are working on legal reforms to counter this challenge. We are strengthening the use of tele-conferencing and audio visual link technology, scientific evidence gathering and presentation in court, among other methods, geared at realization of faster dispute resolution.

According to The Hague Institute for Innovation of Law (HiiL) Report-Family Justice in Uganda 2017, 56,922 backlog cases were disposed of. Courts with no criminal cases backlog include Arua, Soroti and Mpigi High Court Circuits. The Chief Magistrates Courts include Gulu, Ibanda, Kiruhura, Busia, Apac, Kasese, Kitgum, Moroto, Mityana, Lira, Jinja, Tororo, Hoima, Nakasongola, Wakiso and Luwero Chief Magistrate's Courts. The high performance courts in clearance of case backlog include Kampala, Mbarara, Gulu and Masindi High Courts. The courts that recorded the highest clearance rates above 75% in terms of case backlog include the Supreme Court and Chief Magistrates' Courts.

Implementation of the case backlog reduction strategy also led to reduction in pre-trial detainees from 51.4% in financial year 2017/18 to 47.7% in 2018/19. For the first time, convicts in prison out-numbered the inmates on remand. The average stay on remand reduced by 7.7% from 19.5 months in the last financial year to 18 months. The strategy further resulted in a reduction of the average time taken to clear cases from 1,090 days to 969 days.

I need to point out however that a number of the components of the strategy remain unimplemented due to budgetary constraints. Full and

effective implementation of the strategy therefore require further budget support upon which we rely on the continuous support of Government.

5. Adjudication of Land Disputes

The Judiciary is particularly challenged in the area of land adjudication especially in the areas of delay of cases, failure to visit locus in quo, mishandling of cases involving the poor, ethical and integrity issues. The policy and legal framework still have gaps that make adjudication of land disputes harder and longer for judicial officers. As before, we call upon the government to come in and make the necessary laws and policies on critical aspects regarding land matters like evictions. As the Rules Committee, which I head, we have come up with Rules guiding on land evictions. They are still undergoing polishing by the First Parliamentary Counsel where after they will be gazetted. I believe these rules will reduce on the outcry over illegal and wrongful evictions. We are also waiting for the report of the Commission of Inquiry into Land matters which we hope will come up with ideas to improve the legal landscape for land adjudication.

We call upon the Government to support the Judiciary in our efforts towards better adjudication of land disputes. I wish to reiterate the need for more support in this area by way of provision of motor vehicles to transport especially Magistrates to visit locus in quo before making decisions in land matters. Additional Judges and Magistrates, need to be recruited to fill the expanded structure of the Judiciary, to deal with the existing case backlog and expeditiously handle new cases as

experience has shown that land disputes tend to be more controversial where courts are either absent or less effective.

I continue to urge all Judicial Officers to exercise maximum propriety and integrity when handling land disputes, just like it should be with all cases. In matters involving eviction from land, the existing guidelines on visiting locus should be adhered to and ex parte proceedings should be avoided. When the rules guiding on evictions from land are finally out, please comply and adhere to them.

6. Improving terms and conditions of service of judicial officers

Your Excellency, I wish to once again thank you and the Government for fulfilling the promise of increasing salaries of Judicial Officers across the board this financial year starting July 2019. We look forward to respective improvement in the remuneration of other cadres of staff working in the Judiciary. Huge disparities in pay amongst persons working in the same institution are not healthy and they impede overall effectiveness and professionalism. Furthermore, we have perennially appealed to Government to pass the Administration of the Judiciary Bill, the absence of which law is blocking our access towards effective transformation of the Judiciary.

7. Recent Developments in the Administration of Justice

The Judiciary has in 2019 effected a number of developments in our quest for improved administration of justice. These include:

a) Appellate Courts Construction Project

Your Excellency, the Judiciary is currently spending about 10bn per year in renting court premises. With the support of the Government of Uganda, a project to construct the Supreme Court and Court of Appeal at the Judiciary Headquarters on Plot 2, The Square in Kampala, commenced in November 2019 when ground breaking was commissioned. The seven storied twin tower building will cost UGX 63.9bn and is expected to be completed in two years' time. It is anticipated to adequately cater for the official accommodation needs of the Justices and Staff at the Courts. I wish to commend the Government for finally committing funds to have this project implemented.

b) Implementation of innovations launched at the beginning of 2019

At the beginning of last year, we launched a number of innovations namely, the Judiciary Performance Enhancement Tool, the Judiciary Toll-Free Customer Feedback Hotlines, the Lexis-Nexis Legal Research Solution, and the Electronic Payment of Court Fees. I am happy to report that these innovations have taken root in the Uganda Judiciary and are greatly improving to the overall effectiveness and efficiency of the judicial system.

c) Implementation of the Electronic Court Case Management information System (ECCMIS)

The Judiciary signed a Memorandum of Understanding (MoU) with Synergy International Systems Inc., the company contracted to implement the digitization of the courts. I am confident that the

process leading to the selection of this firm was appropriately conducted and I believe the firm is going to do a great job. Once the system is successfully piloted and rolled out, the administration of justice in Uganda will be greatly transformed.

d) Public Awareness Campaigns

The Judiciary Communications Unit has in the recent past been under-going phases of upgrade into a robust professional Unit to effectively coordinate enhanced information sharing and communication to improve public trust and confidence in the courts. In the year 2019, the communication unit has undertaken a number of activities in line with the Judiciary Communication Strategy. These include court open days, community outreach campaigns, stakeholder engagements, radio/TV talk shows, running information desks, production of Information, Education and Communication (IEC) materials as well as programmed media field visits. I wish to commend the Communications Unit headed by the Judiciary PRO for those efforts aimed at improving public knowledge on service delivery in the Judiciary.

e) The Judiciary Health Run

On August 6, 2019 the Judiciary started off a stay-fit campaign with the inaugural Judiciary Health Run. In support of the initiative by the Judiciary Permanent Secretary, Mr Pius Bigirimana, the Judiciary Top Management in its meeting of August 7, 2019 resolved that physical fitness exercises be put in place and all Judiciary staff were urged to free up their Fridays at 4pm to take part in the health run. I wish to

commend Mr. Pius Bigirimana for that initiative that will keep our staff healthy and I urge everyone to consistently participate in the same.

Conclusion

I wish to restate to all Judicial Officers and staff that we hold our offices in trust for the people of Uganda and, in the administration of justice, we must bear in mind the norms, values and aspirations of the people. As Judges, we are accountable to the Constitution and to the law which we must apply honestly, independently and with integrity. It must be part of our daily practice to find and work out means of offering our services in a modern, professional, efficient and effective way. We must constantly adjust our methods of work to suit the legitimate needs of the people we serve. If we do not do this, we stand to remain detached from the public, in which state we cannot effectively discharge our mandate.

Let me therefore call upon all of you to execute your duties diligently and impartially in line with our mandate. We should all refrain from acts that lead to public mistrust of our institution as we strive to deliver justice for all.

It is now my honor and pleasure to invite H.E the President to address this gathering and officially open the Conference.

I thank you.

Bart M. Katureebe

CHIEF JUSTICE

28th January, 2020.