



**SPEECH OF THE HONOURABLE THE CHIEF JUSTICE AT THE NEW YEAR LAW
2017, HELD AT THE HIGH COURT GROUNDS ON 30TH JANUARY 2017**

Your Excellency the Vice President and the Guest of Honour
The Rt. Honourable Speaker of Parliament
The Deputy Chief Justice
The Principal Judge
The Honourable Chancellor of the Judiciary of Guyana
The Honourable Minister of Justice and Constitutional Affairs
The Honourable Attorney General
His Grace the Archbishop
My Lords Justices and Judges
The Director of Public Prosecutions
The Head of the Public Service
The Chief Registrar
Your Excellencies, the Ambassadors and High Commissioners
The Inspector General of Police
The Commissioner General of Prisons
The President of the Uganda Law Society
The President of Uganda Judicial Officers Association
Your Worships
Members of the Bar
Invited Guests
Ladies and Gentlemen.

It is the public confidence in the independence of the courts, in the integrity and impartiality of judicial officers, and its processes that sustain the judicial system of a country. (Bangalore 29).

It is therefore a great honor and pleasure for me to welcome you all to this occasion marking the opening of the Law Year, 2017. This Law Year is a special occasion for the Judiciary. It is the first time that the Heads of the three branches of Government are here for this function. We have H.E The Vice President, who is representing H.E The President of Uganda, as the Chief Guest. We have the Rt. Hon. Speaker of Parliament. This is as it should be.

This is a departure from the previous occasions where, the Chief Justice has presided over the functions. Today and in the future, the Law Year will be celebrated as a State function, where the three arms of the State will be represented to mark the unity and diversity of the State.

I would like therefore on my own behalf and that of the Judiciary, to warmly welcome H.E the Vice President, and the Rt. Hon. Speaker to the Law Year and the Judiciary. Your Excellency, we value your support and contribution to the Judiciary and immense work you are doing, to transform Uganda into a modern and prosperous country.

Purpose of the Law Year

The Law Year is a statement of accountability by the Judiciary pursuant to Article 126 of the Constitution. At this function, the Judiciary accounts to the public for the authority and resources entrusted by the people in the Judiciary. Accountability enhances the independence of the Judiciary and people's faith in the rule of law, which, are fundamental to the sound administration of justice.

As the Head of the Judiciary, I want to reassure Ugandans that the Judiciary is committed to delivering justice efficiently and effectively in accordance with the norms values and aspirations of the people.

I will now present the performance of the Judiciary in 2016, the anticipated challenges and interventions to improve the administration of justice in 2017. I expect our stakeholders to give

us feedback on our services in a frank, candid and constructive manner, so that collectively, we can improve the administration of justice in Uganda.

Progress on the Commitments for 2016

In 2016, I committed to strengthen the Judiciary through a five point programme. I pledged to strengthen integrity; innovate the administration of justice; institutionalize a culture of accountability; improve remuneration and terms and conditions of Judiciary staff; promote public and stakeholder engagement as well as maintaining good relations between the arms of the state, to turn around the Judiciary.

At an operational level, we committed ourselves to reform the law; enhance the use of Alternative Dispute Resolution (ADR); introduce electronic filing; use mobile money to pay court fees; continuous professional training of Judiciary staff; strengthen the inspectorate; fight case backlog, by increasing access points for the administration of Justice; the number of court sessions; and have continuous sitting of the Court of Appeal. We also pledged to re-engineer business processes of the Judiciary and promote uniformity and consistency in sentencing.

I am happy to report, that we registered progress on many of the commitments that we set out following the introduction of many reforms, hard work and support we received from JLOS partners, Development partners; the public and Government.

- As a result of our interventions, Uganda's index of judicial independence improved from 2.8 to 3.41 on a scale of 5. Uganda was ranked 1st in accessibility to civil justice in East Africa and 9th in Africa. Uganda, was also ranked 12th in Africa in the effectiveness of criminal investigation, prosecution and correctional services.
- At the level of court performance, we reduced pending cases by 20% and increased the clearance rate for cases to 125%, all resulting into a significant drop in case backlog. The High Court disposed of 2010 cases through plea bargaining the period January to December 2016.

- In terms of physical access, 53.7% of the population have access to a court within 5 Kms while 95% of the people can access court within a radius of 20KMs. 13% of Magistrates have access to official transport; 11% of the courts have access to court recording and transcription services; and we have 45% computer coverage across the Judiciary.
- With regard to reform of the law, I constituted a committee chaired by the Hon Justice JWN Tsekooko (Rtd JSC) to make proposals for reforming procedural and substantive laws. The Committee will soon submit its recommendations for consideration by the Rules Committee and responsible government agencies.
- Alternative Dispute Resolution (ADR) has been rolled out through countrywide sensitization and posting of mediators at the courts. The success rate for cases that go through ADR is 55%. I want to commend the Court of Appeal, for resolving 100 Appeals through appellate mediation. I must appreciate the support of our friends in the USA, particularly Pepperdine University and Justice Clifford Wallace, who have assisted us in mediation training. Judge Timothy Tower, Rtd Judge from San Diego California USA is training Judicial Officers and advocates on mediation at the level of a trial court and the appellate level, to institutionalize ADR.
- With financial and technical support from Strengthening Uganda's Anti- Corruption Response Technical Advisory Facility (SUGAR TAF) Programme, the Judiciary will in the course of this year understudy the existing case management system and pilot a new case management system in the Anti-Corruption Division of the High Court, the results will inform a roll out to other courts in the country.
- We have increased judicial access points to deepen access to justice and improve the administration of justice in Uganda. In this regard under **The Judicature (Designation of High Court Circuits) Instrument No. 55/2016**, we increased High Court circuits from 12 to 20 with the new ones being Mukono, Mpigi, Luwero, Iganga, Moroto, Tororo, Hoima and Rukungiri; Mubende, Mpigi and Mukono High Court circuits are now fully operational. Magisterial Areas were increased from 38 to 81 to bring services to the people.

- Today it is important to acknowledge that the advent of information technology is fundamentally changing the way people work and interact. ICT is being adopted in all aspects of society to facilitate online service delivery.
- In this regard, child witness and victim protection systems were installed at the main High Court and in its circuits in Mbale, Fort Portal, Mbarara, Arua and Gulu. The rest of the High Courts will be covered in the coming years. The Rules Committee issued the **Judicature (Visual-Audio Link) Rules SI No. 26/2016** to make provision for the taking of evidence by use of audio visual means.
- The Judiciary installed CCTV Cameras in the 7 registries of the High Court – Civil, Anti-Corruption, Criminal, Execution, Family and the Commercial Court, the Chief Magistrates Courts of Entebbe, Makindye, Nabweru, Nakawa, Buganda Road Mengo and LDC Courts to monitor court registries and operations with the view to improving service delivery and curtailing corruption.
- The mobile money interface for payment of court fees and deposits has been completed by URA and soon, will enable payment of court fees and bail deposits through mobile money platforms thus enhance value for money, save time and eliminate loss of funds.
- The Judiciary has 429 gazetted courts but only 200 of these are operational. With the support of development partners, the Judiciary constructed a Justice Centre at Kiruhura, the Family Division of the High Court at Makindye and a Magistrate Grade I Court at Bukwo.
- Contracts were awarded for the construction of Justice Centers at Buyende and Mitooma. The Justice Centers will be completed this year.
- Construction of Justice Centers at Nwoya and Limo is on course. The High Court in Masindi has just taken off. I actually visited the site last week and saw materials already on site.
- The Judiciary headquarters, the Supreme Court, Court of Appeal and the High Court are to be constructed through the Public Private Partnership model. We are almost reaching

financial closure before the government contracts the investor to start construction. Construction will take two years.

Statement on the Performance of the Judiciary in 2016

The principal business of the Judiciary is to administer justice through the timely, efficient, effective and fair disposal of cases. In 2016, the Judiciary entered the year with 115,809 cases. 137,814 cases were registered. The courts disposed of 121,820 cases and left 131,803 cases pending. Cases pending should not be confused with backlog cases. Backlog cases refer to cases that have stayed in the system for more than two years. Pending cases include all those in the system at the time of reporting.

Financial Performance for the Judiciary

In 2016/17, the Judiciary received 116.55 billion shillings for recurrent and capital expenditure. This compares favorably well to 93.2 billion shillings received in 2015/16; 83.06 billion for 2014/15; and 84.493 for 2013/14. However, the Judiciary's budget for 2017/2018 Financial Year, has been cut by 6.8 Billion shillings, despite expansion of the structure and commitments by Government to automate courts, construct more court houses and institutional houses, increase the operational expenses and pay emoluments to the increased number of Judicial Officers and staff. I am therefore calling upon government to restore and better still, increase the Judiciary budget to meet its needs. I call upon Government to weigh very carefully what such cuts mean for the administration of justice to the people of Uganda, and the impact this has on other aspects such as attraction of investment.

Statement on relations between the Judiciary and the Executive and Legislature in 2016

The Judiciary has enjoyed a cordial and constructive working relationship with the Legislature and Executive. We are grateful for the resources and facilities that Government and Parliament is so far providing to the Judiciary. I am particularly grateful to the Executive and Parliament for giving the Judiciary an additional 20 billion shillings this financial year for court operations and enhancement of the allowances for Judiciary staff. I thank the Chairperson and members of the Parliamentary Budget Committee for saving this 20 billion shillings, which had been cut during the rationalization of the budget.

I am confident that the three arms of the State shall continue to work well through dialogue and engagement. We shall continue to strengthen our relations through collective identification of solutions to the challenges facing Uganda. At an institutional level, we shall ensure value for money for public resources because good budget outcomes occur when the other branches of government and public have confidence and trust in the judicial branch. But we must always bear in mind that this dialogue and engagement must never result in the undue interference in the work of each branch – particularly the Judiciary. This must be and must remain principled engagement on issues.

Statement on relations with the Bar

Lord Alexander of the Weedons' Bar Standards says: **“the touchstone for the survival and success of the bar will be its excellence”**. This statement applies equally to the Uganda Law Society, which recently celebrated 60 years of faithful service to Uganda under the theme "Rekindling ethical legal practice", I am told that the members of the bar committed themselves to ethical legal practice and I congratulate them for that step because the Bar like the courts, is under pressure to rein in on its errant members.

I encourage the Bar to intensify efforts to raise professional standards and integrity of its members, through training, mentoring, discipline and peer review mechanisms. I invite members of the Bar, to join the Judiciary in eradicating case backlog through rigorous preparation and presentation of cases in court. The Court is short on time and the Bar should take center stage in saving judicial time and resources to maximize efficiency. As advised by Lord Bingham, **“a good advocate should not ask a question too many. Not a question too few. Every question pertinent well thought out, and clear. Questions firmly and politely put, with no hint of intimidation or condescension. Argument succinctly and cogently put”**. I should also hasten to add, that a good advocate should put justice first before others. Courts are better advised not to grant unnecessary adjournments. Where a lawyer holds a brief for another, the brief must include readiness to proceed. Too many cases are adjourned because either the lawyer or the parties have not turned up. This will not be tolerated.

Cooperation with Development Partners

We have enjoyed two decades of cooperation and support with Denmark through Danida. Denmark has built most of the courts in Uganda, trained hundreds of judicial officers, and supported capacity building of the Judiciary including ICT and the Inspectorate of Court. Denmark has also provided transport and resources to introduce performance management and case backlog reduction activities, which has left a conspicuous footprint of the rule of law in Uganda.

Denmark is however, leaving us, to go into other areas that need more urgent support. I would like on behalf of the Judiciary, and my own behalf, to thank Denmark for the support it extended to Uganda and the many achievements we registered. As your partners, we shall continue to value the ideals of creating a fair and egalitarian society that Denmark values so dearly.

Secondly, I would like to acknowledge JLOS Development Partners for their continued support to the Judiciary. We appreciate your support and look forward to deepening our relationship with results and compliance with the law.

I am grateful to UNICEF for promoting child justice, which had taken a back seat. Children and the youth constitute about 62% of the country and it is important that the administration of justice is tailored to meet their needs. With UNICEF support we have capacitated magistrates and High Court to handle child justice cases

I am equally grateful to DFID, through the Strengthening Uganda's Anti- Corruption Response (SUGAR) Project for the support it has given the Anti-Corruption Division of the High Court and for the earmarked support towards building an e justice system and strengthening the Inspectorate of Courts.

International collaboration

In 2016, we continued to work closely with the University of Pepperdine to extend the plea bargaining programme, strength the research capacity of the courts through externship, strengthen ADR through deployment of Norte bar fellows at the Family Division for a period of one year. 12 students were attached to Judges in Kampala and one in Mbale. In June 2016, a

series of trainings were conducted by trainers from the Pepperdine Straus Institute of Dispute Resolution. 140 participants were trained, including Justices of the Supreme Court and Court of Appeal, Judges of the High Court, Magistrates and advocates. Justice Timothy Tower, who came under this arrangement, is actively working with the Head of the Commercial Court, Judiciary Technical Advisor and the Judicial Studies Institute to develop training in ADR and appellate mediation. The trainings are scheduled to commence in February to end of March this year and will cover both the bar and the bench.

In addition Pepperdine University conducted hands on training for judicial officers, prisons warders, paralegals, probation officers, prosecutors and Advocates on plea bargaining in Fort portal, Mbarara and Bushenyi. The University of Pepperdine has also this year offered to conduct a monitoring and evaluation of the exercise in the same places in June 2017 and also conduct conferences on plea bargaining, women in leadership, anti-human trafficking and sending more interns to be attached to our courts for 10 weeks.

Challenges the Judiciary faced in 2016

Despite the successes we registered in 2016, the Judiciary faced the following challenges in administering justice expeditiously.

Delay of cases:

The rate of Case disposal in 2016 was slightly below last year. Notable delays were registered in land and civil cases which had a lead time of four years. In the Court of Appeal, more than 2,000 criminal appeals could not be heard due to lack of records from the High Court. All efforts are being made to trace these files and I am told a good number have already been traced. Constitutional Petitions, took a nose dive as the Court concentrated on Election Appeals and reorganization of its business process and registry. In Magistrates courts, there were remarkable delays in the adjudication of land cases, with only less than 10% of the cases disposed of. Magistrates did not have transport facilities to visit locus in quo and poor case management.

Limited Infrastructure

Only 202 of the 310 courts in Uganda are housed in either Judiciary owned building or rented premises, leaving one third of the courts as squatters in Local Administration Buildings, which

are also used by the authorities for their meetings. The Court of Appeal for most of the year was not able to find suitable office accommodation for two justices and sufficient space for registries. New High Court circuits of Iganga, Tororo, Rukungiri, Moroto and Luwero could not take off due to absence of suitable court premises to house the courts. The same fate is expected to confront the expanded Magisterial Areas, in 2017, if new courts are not built or rented. This is where the Executive and Legislature must come in. Demands are made for Magistrates. They are appointed, only to be told there are no funds to facilitate them do their work.

Limited access to justice

The Hiil report and JLOS reports indicted the Judiciary for not being accessible to the majority of the public due to physical and functional constraints. The poor and vulnerable especially those with land and family cases, were unable to access courts due to absence of a credible legal aid regime, unfair procedural process, poor case management, corruption and inefficiencies that resulted in protracted trials and high cost of litigation. According to the Hiil report, the Judiciary remained marginal to the administration of justice with only 5% of people with a justice need are able to access the courts. We should, therefore, simplify the legal system and establish a legal aid regime for the indigent to absorb 95% of Ugandans, who use the informal sector. In the alternative, we should streamline the informal justice system by recognizing their decisions and infusing human rights standards in them to ease the pressure on the courts. This is where the Local Council Courts should be strengthened to support the formal judicial system.

High pretrial remand and congestion in the Prison

The prison population has increased from 30,000 three years ago to 52,000 inmates per day and congestion has increased from 192% to 269%. The ratio of convicts to remands remains high at 51:49 below the international best practice of 55:45. The need for more court sessions, Plea bargains, cannot be overemphasized. We simply must have more Judges of the High Court appointed.

Corruption

The presence of real and perceived corruption in the administration of justice at various court levels continued to undermine the due process and equal protection of the law. According to the Inspectorate of Courts most of the complaints against judicial officers related to corruption, bias,

improper conduct of court proceedings, loss of judicial records and delays to dispose of cases, which are indicative of underhand methods in the administration of justice and corruption. As an institution, we have taken a zero tolerance policy towards corruption through the robust application of the Judiciary's Anti-Corruption Strategy, which emphasizes early detection of corruption, investigation, prosecution and punishment of the corrupt.

Interference in the administration of justice

Over the last year, we had increased cases of interference in the administration of justice. The Uganda Police Force continued to vet court orders for execution and in most cases acting as an appellate court and adding to the cost of litigation through charging illegal fees and administrative costs of clearing warrants. The actions of the Uganda Police Force are an unwarranted direct affront on the independence of the Judiciary, which is protected under Article 128 of the Constitution. Furthermore, the recent rearrests of suspects in the precincts of the court, yet again by the Uganda Police Force, under the pretext of charging suspects with additional cases is a sad reminder that more still needs to be done to instill the rule of law in the institution charged with keeping law and order. I call upon the Uganda Police Force to refrain from flagrant abuse of the law. As observed by H.E The President last week at the opening of the Annual Judges Conference, there is more need for training of the Police in these matters. We hope this will be followed up and there must be no repeat of such incidents.

Delays to recruit Judicial Officers

The delay to increase and recruit additional judicial officers impacted on the performance of the Judiciary. The Supreme Court had two vacancies, the Court of Appeal one vacancy, and the High Court two vacancies. On the lower bench, there are 6 vacancies for Registrars, and **fifteen** vacancies for the other judicial officers. The delay by Parliament to pass a resolution increasing High Court Judges from 51 to 82, hampered the Judiciary's efforts to deal with case backlog.

Underfunding

The Judiciary had a budget deficit of one hundred six two billion shillings to finance recurrent and capital items to run the courts. Court operations where the Judiciary pays for criminal sessions in the Chief Magistrates, High Court, Court of Appeal and the Supreme Court were most affected. For example the High Court had planned to hold 104 criminal sessions but due to

limited funds, they held 60 sessions. The Court of Appeal which had planned to hold four sessions upcountry to decongest prisons could only hold two sessions. Chief Magistrates, could barely hold criminal sessions for life imprisonment cases, with 1,000,000 /= per month to pay witnesses, service of court processes and state brief. Lands cases suffered severely, because Magistrates could not visit locus in quo.

PLANNED INTERVENTIONS IN 2017

Implementation of the 4TH Strategic Investment Plan

The Judiciary will soon launch its fourth strategic investment plan whose overall goal is to have an excellent Judiciary that delivers justice for all. Our mission is to administer justice to all people in Uganda in an independent, impartial, accountable, efficient and effective manner.

The transformation of the Judiciary will be guided by four strategic objectives namely: Rehabilitation of judicial infrastructure, strengthening information communication technology; strengthening the legal and regulatory process for the Judiciary and building the institutional and human resource capacity of the Judiciary. At the end of the plan, we hope to increase public confidence in the Judiciary from 45% to 65% and to enhance the adjudication of cases. This plan is to be incorporated into the National Development Plan.

The plan is ambitious both in commitments and cost. The plan will cost 920 billion shillings over the next four years with annual requirements of 230 billion shillings, which is less than 50% of the current budget of the Judiciary. Our immediate challenge is to mobilise resources from Government and Development Partners to fund the ambitious plan.

Today it is accepted that Courts play an active role in governing a nation, beyond resolving disputes. It is submitted that justice is the purpose of government and that therefore funding the administration of justice is the obligation of a state. I therefore urge and request the Government to fund the 4th Strategic Investment Plan of the Judiciary, which has an impact on the achievement of the National Development Plan II.

Increasing the efficiency of the courts

There is no doubt that the rate of litigation and enforcement of the law is increasing faster than the courts can process the cases. The increase in the workload of the court and our urgent desire to clear for case backlog calls for interventions to speed up disposal of cases in a just and fair manner. To achieve this objectives, we shall implement the following measures to increase the throughput of the courts.

Appointment of acting Justices and Judges

We shall prioritize recruitment of 100 Magistrates Grade I, 10 Senior Magistrates Grade I, 10 Principal Magistrates Grade I, 32 Chief Magistrates, 10 Assistant Registrars, 14 Deputy Registrars, 6 Registrars, 14 High Court Judges, and have full complement for the Court of Appeal and the Supreme Court.

Even if appointed, these justices and judges are going to be a drop in the ocean in view of the high case load and backlog. I will therefore petition H.E The President and the Judicial Service Commission to appoint acting judges under article 142(2)(c) of the Constitution, on short term contracts to help us clear backlog. For emphasis,

Article 142(2) (c) provides that**Where the Chief Justice advises the Judicial Service Commission that the state of business in the Supreme Court, Court of Appeal or the High Court so requires the President may, acting on the advice of the Judicial Service Commission , appoint a person qualified for appointment as a justice of the Supreme Court or a justice of Appeal or a judge of the High Court to act as such justice or judge even though that person has attained the age prescribed for retirement in respect of that office.**

I shall also propose that whenever judges are given other assignments that take them away from the bench, suitable replacement should be appointed in an acting capacity so that the work of the court does not stall. I do not expect to be told that there is no money for them.

Elimination of Case Backlog

Upon my appointment, I committed to finding a solution to the problem of case backlog. But it was necessary to establish the extent of the problem. We had a Committee headed by Justice Dr.

Henry Adonyo which dug into the problem and gave us a report detailing exactly how many cases were in the backlog category and in which court they are. That formed the basis for planning on how to solve the problem. I then appointed another Committee headed by Justice Richard Butera to study the earlier report and recommend solutions to the problem. This Committee is due to present its report next month. Armed with these two carefully compiled reports, we shall then embark on the journey to look for resources, human and financial, to deal with case backlog. The target is not to reduce it but to eliminate it altogether.

Piloting Performance Management

Last year, I informed the country that we were developing a tool to institutionalize performance management in the Judiciary. The tool is ready for piloting in the Supreme Court, Court of Appeal, the High Court and selected Magistrates Courts.

The performance tool that we are going to implement will assist us in sound planning, monitoring of the performance of the judiciary, increasing the capacity of the courts and ensuring that we meet the needs of the people. Our ultimate objective is establishing a world class Judiciary that is accessible, efficient, transparent, independent and professional in discharging its functions.

The performance enhancement system is IT based and therefore, requires a robust case management system to work effectively. Your Excellency, the Judiciary last year launched its ICT strategy for the next five years to automate the Judiciary. The ICT strategy requires 42 billion shillings over five years. Government has been supportive (albeit in words) in encouraging the Judiciary to automate. However, no budgetary provision has been made for implementing the Strategy. I call upon the Government to fund the Judiciary's ICT strategy not for the sake of having ICT systems in the Judiciary, but to improve Uganda's competitiveness to do business, which is critical to the transformation of Uganda into a middle income and even a first class country. The Doing Business Index rated Uganda poorly in attracting foreign and domestic investment among others for lacking a robust case management system and delays in adjudication and enforcement of decisions. We therefore have an opportunity to hit two birds with one stone. Namely that ICT will improve the efficiency of the courts and that for the country at large, ICT in the Judiciary, will boost Uganda's business competitive to attract FDI,

which is critical to the transformation of Uganda. Things like lost files, paper files on the floor because of lack of funds to buy cabinets, should be a thing of the past.

I want to acknowledge so far the support that UNDP and SUGAR has promised to give the Judiciary to automate. The UNDP has earmarked one million dollars towards automating the courts and DFID, through the SUGAR project, has earmarked five hundred thousand dollars to develop a case management system for the Anti-Corruption Court among others.

Fighting Corruption

An efficient and corruption free Judiciary is fundamental to the sound administration of justice and enjoyment of the rule of law in an open and democratic society like ours in Uganda, where each Ugandan has equal access and opportunity to participate in the governance of society and enjoy the equal application of the law. In 2017, we shall continue to enforce a zero tolerance campaign against corruption, though I must emphasize that fighting corruption needs the commitment and willingness of every one to report cases of corruption.

We shall therefore, work with the people, civil society organizations and the government at large as our touch light for flashing out this cancer of corruption are the people. I want to encourage and assure victims of corruption, that we shall protect and assist them to report cases against Judiciary staff at the various points in the country and that no stone, however, high or low, will be spared until the Judiciary is free from this cancer.

I appeal to members of the Uganda Law Society as well as members of the Public to desist from offering bribes to judicial officers and staff. Bribes undermine the administration of justice, as decisions arrived at through corrupt methods erode legitimacy of the courts and lawyers and instead perpetuate conflicts in society. It is therefore in the interest of justice that the Bar must take center stage in fighting corruption and holding the Bench to the highest professional standards of propriety and integrity. Campaigns such as Bell the Cat must be carried out with vigor. Recognition of the best performing judicial officers should be rolled out to inspire and retain judicial officers of integrity on the bench while at the same time, kicking out the rotten apples.

Internally, I have established the Inspectorate of Courts primarily to deal with corruption. We shall continue to strengthen the Inspectorate to have a deeper reach, visibility and access to the most vulnerable who are affected most by corruption. The Inspectorate, must get out of the comfort of their offices to confront corruption in its various forms through on spot visits, open meetings (*Barazas*), thorough evaluation of judicial records, visits to prisons and engagements with JLOS institutions and Local Authorities. Resources permitting, we shall establish Inspectorate Offices and Public Relations Offices at Regional levels with fulltime officers to ease reporting and solving of corruption cases.

I have further instructed the Secretary to the Judiciary to introduce and provide a name and title tag for every staff of the Judiciary for identification purposes. This will help in complaints handling by identifying personnel involved in particular misconduct on the one hand and verifying which complaints are malicious or baseless on the other.

Reform of the Law and business processes

As I informed you, I appointed a Committee chaired by Justice Tsekooko (JSC retired) to make proposals for reforming laws that were impacting negatively on the administration of justice causing unnecessary delay. The objective of the Civil Justice Reforms are among others, to maximize cost effectiveness, expeditious disposal of cases, reasonable proportionality between economy, fairness between the parties, facilitation of settlement of disputes and proper use of scarce resources for the courts (human and financial and otherwise).

The Committee has made wide ranging proposals to reform the Trial on Indictment Act, the Magistrates Courts Act, the Civil Procedure Act and Rules to introduce Skelton arguments, limit interim applications, limit interlocutory appeals, and concentrate on hearing of the main cases. I am also considering a proposal to limit influx of appeals to maximize judges' time and resources of the court.

We shall simplify the current system of pleadings which is too technical and adopt the common sense approach where pleadings are a short and plain statement of the claim showing that the plaintiff is entitled to the relief sought. The Supreme Court of California says that **the plaintiff**

should only set forth the essential facts of his case with reasonable precision and with particularity sufficient to acquaint a defendant with the nature, source and extent of the cause of action. It is argued that drafting pleadings in this way helps the defendant to know the potential exposure in the litigation and prepares him for settlement negotiations.

Increased use of Alternative Dispute Resolution (ADR)

ADR will continue to play an increasing role in the settlement of civil disputes. The mediation registry has over the last few years trained and sensitized judicial officers and members of the legal fraternity on how to use ADR. The University of Pepperdine through the Strauss Institute in the USA, has also trained judicial officers in ADR. To move ADR, forward, we need to build a professional cadre of mediators and house and pay them in the courts to handle mediation on a fulltime basis. Judges and Registrars will only supplement mediators. Our goal is to have ADR in the Court of Appeal, High Court and Magistrates Court to help these courts deal with matters.

Institutionalization of targets

Last year, we introduced targets for judicial officers to improve the performance of the Judiciary. Targets are beginning to take root and inspiring competitiveness among judicial officers. Many judicial officers are keen to achieve their monthly and annual targets. In this coming year, we shall establish an information management system to collect real time statistics on the performance of judicial officers. This will help us to measure compliance with targets and most importantly, take corrective measures, to improve compliance and raise productivity. We shall put in place a good quality assurance programme to ensure that judicial officers do not simply dismiss or rush through cases to meet targets. Additionally, we shall continue to support Judicial Officers to do their work with ease by providing tools, equipment and favorable working environment for them to work. The recent launch and publication of the Criminal Bench book and the Civil Bench book are among the many interventions, we intend to put in place to boost judicial performance.

Checking absenteeism

Absenteeism costs the Judiciary one day per week. Losing one fifth of the working time not only escalates case backlog but it is moral corruption, where officers earn a salary without working. I have, therefore, introduced attendance registers to ensure regularity of attendance at the courts.

This year, I intend to intensify adhoc visits to courts, to ensure that judicial officers are at their stations. Judicial officers must be away from the stations after getting permission from their superiors. And where any Judicial Officer intends to be away from the Station and has had cases fixed, that Officer must ensure that the parties and/ or their Counsel are informed in advance of the intended absence. That saves everybody's time and resources.

Tailored Training for Judiciary Staff

Tailored training to enhance adjudication skills and conflict resolution abilities of judicial officers will be prioritized by the Judicial Studies Institute. Trainings must however be done in an organized manner so that they do not interfere with the day to day running of the courts. JSI should explore options of training staff after work and using electronic / web based training of judicial staff to reduce unnecessary movement, expenditure on training and disruption of the court calendar. Much as we must have the training, we must endeavor to spend more time on our core activity i.e. adjudication of cases.

Strict application to justice standards

Through the Justice Law and Order Sector, we have developed and agreed on justice standards with other JLOS stakeholders. These standards are extracts from the law and the Bill of Rights and are intended to ensure that courts observe the right to fair trial. For example, the standards provide that:

- Cases shall be heard on day to day basis
- Courts shall ensure that the entire criminal proceedings of a non-capital nature take less than four months.
- Courts shall priorities cases of children.
- After committal, a capital case shall take a maximum of 12 months.
- The court shall minimize frequent adjournments of the cases.
- The court shall ensure that hearing of minor offences commence on the day of plea and police shall summon witnesses promptly.

I am directing Magistrates, to whom these standards apply to religiously enforce them to eliminate opportunist case backlog, which is created by inefficiencies in the arrest and prosecution of cases.

Plea bargaining in criminal cases

Plea bargaining has been instrumental in reducing case backlog in the High Court. Last year, the High Court completed 2,010 capital cases through plea bargaining within a short time and at less than one third of the cost of trying cases through the normal system, and 1124 inmates have registered to plea bargain. In 2017, the Judiciary, will commit considerable resources to sensitize the public and the inmates about the benefits of plea bargaining and carry out more sessions in the High Court.

Magistrates, who handle more than 70% of the criminal cases, but hardly use plea bargaining will benefit from customized training by the Judicial Studies Institute , Pepperdine University and International Justice Mission of Uganda.

Let me take this opportunity to thank the Hon the Principal Judge Hon Dr Justice Yorokamu Bamwine for a job well done in having plea bargaining take root in our criminal Justice system.

Improving Governance in the Judiciary

Governance in the Judiciaries world over has not been a major preoccupation of Judiciaries. However, with the demands for improved service delivery, accountability and heightened customer demands against reducing budgets for Judiciaries, improving governance is taking center stage in the administration of justice, where more is being demanded of courts.

Good governance is celebrated for improved transparency resulting in higher value for money; accountability resulting respect for and meeting customer needs; fairness; probity or ethical conduct of court business; corporate social responsibility and improved performance of the Judiciary.

I note that the Judiciary has not performed optimally due to inadequacies in managing our human resources, unclear reporting lines, poor accounting, uncompetitive employee remuneration, poor communication and corruption.

Therefore, in 2017, the Judiciary will focus on strengthening governance by running the administration of justice with integrity, transparency, accountability and respect for the law,

procedures and policies governing the management of public institutions. The Judiciary will commit to open government (transparent government), consultative leadership, and stakeholder engagement; zero tolerance to corruption and gender mainstreaming to ensure that the courts meet their objectives. Judicial officers and Judiciary staff, who fail to meet the values of the institutions will be helped to change or punished if their conduct violates the law. Courts will have more Open Days and closer interaction with the public. I have encouraged the public to directly contact my office and I have learned a lot about the problems people face with our justice system.

Innovations in the administration of Justice

In the last year we experimented innovations, more specifically plea bargaining, appellate mediation and small claims procedure to deal with the most pressing problems of delay. These innovations will continue to be rolled out in new areas and act as a source of catalyst for new innovation to address the challenges of uncertainty, cost and inequality common in the administration of justice today.

We shall not innovate for the sake of innovation but we shall be guided by innovations that will help our users to deal with their problems. We shall also use innovations to solve problems that have formerly had only inadequate solutions or no solution at all, particularly as we transit into a middle income country that calls for efficiency and effectiveness in the way the State conducts its business including the administration of justice. In this regard, we shall borrow a leaf from the broad appeal of smart phones.

The Harvard Business Review says that the broad appeal of smart phones **stems from how they deliver multiple elements , including reducing effort, saves time, connects, integrates, variety , fun , entertainment, provides access and organizes.** We too, should develop products that can address our litigants' needs from a multiple perspective.

The utility of the Law Year lies in our commitment to implement and carry out the commitments that we have made to the public, our stakeholders and the country at large. I therefore appeal to judicial officers and staff to approach the administration of justice with patriotism- the love for our country; professionalism – doing our work to meet the highest standard in the administration

of justice; impartiality – to give each litigant their day in court protected by equal application of the law; integrity – to banish the ghost of corruption and impropriety in the administration of justice; efficiency – to deliver justice at the least cost and inconvenience to the public and effectiveness – to meet and be prepared to meet the changing needs our customers with anticipation and readiness. In the sum total, I want each judicial officer to commit themselves to clearing case backlog through enhanced efficiency, integrity and professionalism.

Conclusion

In conclusion, I would like to once again to thank Your Excellency the Vice President for accepting to grace the occasion on behalf of His Excellency the President. In the same vein, I would like to thank the Rt. Hon. Speaker for honoring us with your presence. But I must also note that both of you are Officers of Court as very senior members of the Bar. So you are at home. Your presence here today is yet another step in realizing the democratic ideals in the Constitution of having an effective State that is capable of serving people living in Uganda. I look forward to more dialogues of this kind and the inclusion of the Law Year celebrations as a State function.

I thank all of you for turning up in big numbers to mark the Law Year. I wish you a prosperous 2017.

For God and My Country.

Bart M. Katureebe

CHIEF JUSTICE