



**SPEECH OF THE HON. THE CHIEF JUSTICE AT THE OPENING OF  
THE 21<sup>ST</sup>**

**ANNUAL JUDGES CONFERENCE, 2019, HELD ON JANUARY 28<sup>TH</sup> –  
31<sup>ST</sup> 2019 AT SERENA HOTEL, KAMPALA**

Your Excellency, the President of the Republic of Uganda,  
The Hon. The Deputy Chief Justice,  
The Hon. The Principal Judge,  
The Honorable Minister of Justice and Constitutional Affairs,  
My Lords the Justices and Judges,  
The Head of the Public Service,  
Your Excellences the Ambassadors,  
Heads of JLOS Institutions  
The Chief Registrar,  
Permanent Secretaries,  
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 speech and interaction with you, if time allows.

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 and development partners for the friendship, support and partnership that we enjoyed in the previous year. The JLOS Development Group and the European Union, funded critical programmes that greatly enhanced access to justice. The United Nations through the UNFPA and UNICEF supported the courts in fighting sexual gender based violence and strengthening juvenile justice respectively. The University of Pepperdine 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 of all stakeholders in the system.

My Lords the Justices and Judges; thank you for coming to this Conference. This is the only annual event when we take off time to

review our performance in the previous year and plan for the year ahead. I thank you for the tremendous efforts you individually and collectively, rendered to dispense justice, in most cases, working in hostile environments with limited tools and non-competitive working conditions. Judges play a critical role in society and I have no doubt that the country will reciprocate your efforts with competitive terms of service and recognition. There are those who would wish to minimize the role and place of the Judiciary. Some even imagine that it can be done away with. Let me assure all that the Judiciary, despite difficulties and its own weaknesses, is alive and well and is here to stay, because it is a necessary component in the peace and development of our country.

### **The theme of the Conference**

The theme of this year's Conference is, "***Judicial Ethics, Integrity and Accountability: A precondition for Improved Access to Justice and sustainable Development***". Your Excellency, ladies and gentlemen, this theme is intended to strengthen compliance with judicial ethics and devise means of improving integrity and accountability for sustainable access to justice for all persons in Uganda, particularly the vulnerable and the less able segments of our society , who are in most cases unable to benefit from the justice system. The theme of the Conference is also meant to remind us of our responsibilities in enabling the country to create wealth, growth and employment through effective and efficient resolution of disputes in society.

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 proper 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 a public trust entrusted to us under article 126(1) of the Constitution of Uganda. Article 126(2) of the Constitution, commands 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**

At the top, the Supreme Court is fully constituted with 11 Justices. The Court of Appeal has 12 Justices of Appeal out of the established structure of 15. However, out of the available justices, several of them have been given international, regional and national responsibilities that are keeping them from active participation in court. The affected justice are: Hon. Justice Geoffrey Kiryabwire, who serves as a Justice at the East African Court of Justice. Hon. Justice Catherine Bamugemereire, who is chairing the Land Commission of Inquiry. Hon. Justice Byabakama, the Chairperson of the Electoral Commission. Hon. Justice Solomy Bbossa, who is serving as a judge at the International Criminal

Court. Recently, Justice Remmy Kasule, retired from the Court and is yet to be replaced. The gaps at the Court of Appeal has left the court with only 11 Justices to handle a workload of over 7000 cases.

At the High Court, we have 52 Judges to handle over 63,143 pending cases. This implies that the workload per judge stands at 1,214 cases, requiring a disposal of 101 cases per month and 5 cases per day for 22 working days in a month. This is humanly impossible. Your Excellency may wish to note that last year, following a decision of Cabinet, Parliament, passed a resolution to increase the number of High Court judges from 52 to 82. The resolution, has not been implemented due to lack of budgetary resources and yet the courts are saddled increased case load and backlog. I urge Government to provide the necessary resources to implement the Resolution.

At a magisterial level, 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 66,885, implying that the workload per Chief Magistrate is 1,520 cases per annum requiring a disposal of 127 cases per month per Chief Magistrate and 6 cases per day. We have 423 gazetted Magistrate Grade I Courts with only 108 operational courts; which is about 26% only. We currently have 193 Magistrates Grade 1 out of the required 432.

This inadequacy in staffing has greatly affected access to justice as the few judicial officers can only handle a small percentage of the workload

in the courts and cannot sufficiently meet the justice needs of majority Ugandans.

Your Excellency , **article 128 (3)** of the Constitution provides that: **“All organs and agencies of the State shall accord to the courts such assistance as may be required to ensure the effectiveness of the courts.”**

In this connection, therefore, I appeal to Government to fill the existing vacancies in the Court of Appeal, to appoint other justices in the court of appeal to temporarily replaces justices who are engaged and serving government in other areas. Government, should provide the resources to increase the number of High Court judges in accordance with the Parliamentary resolution. Implementation of this resolution could be done in a phased manner over three years, with ten judges recruited per annum.

Equally, I appeal to Government, to consider judicial officers as essential staff, because of their role in maintaining peace and stability in society and therefore lift the recruitment ban imposed on the Judiciary, so that the Judicial Service Commission can fill all the vacancies in the Judiciary. Resources may be limited but overall dividends from timely and fair resolution of cases by strengthened courts, will no doubt pay for the increased investments in the Judiciary and also support other critical areas instead of locking out resources and the country’s economic potential in unresolved criminal, land and commercial cases.

Your Excellency, an expanding or growing economy means increased activity in business in terms of commerce, industry, agriculture, etc. This, in turn, means potential for multiplicity of disputes. Hence the need to have more judicial officers and well equipped courts.

## **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 CCAS system 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, e libraries and enhance user interface between court staff and the public. Automation of the courts will reduce the cost of access to justice, eliminate opportunistic corruption, reduce delays and support mainstreaming of performance management, and ultimately, 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 2018/2019, the Judiciary has received an allocation of UGX 6 billion towards implementation of the ICT strategy for which we are grateful. We are now in the process of having the system set up and procurement is in advanced stages. However, 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 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 high degrees of ethics and integrity.

However, we continue to receive reports of real and perceived corruption in the Judiciary at various levels. Corruption takes different forms ranging from outright bribery, mismanagement of judicial time, interference in the judicial process and circumvention of the due process of law. What remains true is that corruption, in whatever form, undermines the efficient and effective administration of justice. Efforts must therefore be made by everyone to fight corruption in the Judiciary at all levels. We encourage members of the public to report cases of corruption to us or the Judicial Service Commission or the Inspectorate of Government, so that collectively, we can eliminate the vice. When incidents are reported, we urge the complainants to stand by their allegations so that they are thoroughly investigated and conclusively handled. We also urge the organs of Government handling such allegations to do so with all the independence, efficiency and



effectiveness required. We should however bear in mind that, sometimes, allegations against Judicial Officers are made recklessly and/or maliciously. This calls for caution and adherence to the principles of fair hearing when handling such cases.

We have strengthened the Inspectorate of Courts to investigate complaints of impropriety and corruption in the Judiciary. Culprits are either forwarded to the internal Disciplinary Committee or referred to the Judicial Service Commission for appropriate disciplinary action. We also have active participation with other justice stakeholders in the JLOS Integrity Committee which conduct annual surveys across the country to assess the level of judicial performance and integrity. We encourage the use of Peer Committees at all Court levels. We have intensified the use of Court open days, Court Users Committees, District Coordination Committees (DCCs) and Regional Coordination Committees (RCCs). The Public Relations Office has also been strengthened to effectively carry out public sensitization about the operations of the courts.

Meanwhile, the Judiciary continues to support national efforts to eradicate corruption through vibrant and timely disposal of cases by the Anti-Corruption Division, which is doing a tremendous job in tackling high corruption cases in the country. More resources are, however, needed to decentralize and fund the operations of the courts. I therefore reiterate the Judiciary commitment to provide a conducive adjudication framework to support economic development in Uganda as espoused under the National Development Plan II and Vision 2040 by working with other agencies of Government to tackle the constraint of corruption.

I urge all Judicial Officers to always be alive to the consequences of their decisions on the society as they administer justice. We all have to appreciate that poor or delayed resolution of disputes holds people's capital out of production and that protracted trials accelerate poverty levels. The Courts must also be alive to the duty to support other accountability institutions in order to attain the collective goal of fighting corruption and curtailing arbitrariness in the exercise of public power.

I however need to point out that the effectiveness of the Judiciary in executing its mandate largely depends on the support of the other arms of the State. The Executive and the Legislature have to foster an enabling environment to the Judiciary through provision of necessary budget and legislative support. When the Judiciary lacks the essential human and financial resources, the Judicial Officers can do so much. When Parliament does not pass the necessary laws in time, our work gets severely constrained.

Poor remuneration of judicial officers has, for example, been cited as one of the drivers of corruption in the Judiciary. In the last financial year, we witnessed the first ever Industrial action in the Judiciary. Fortunately, the situation was addressed and we hope that Government will honour its undertaking to the Judiciary. Otherwise the poor pay of judicial officers, poor facilitation and incessant budget cuts risk undermining the Judiciary and National efforts towards the fight against corruption.

#### **4. Case backlog Strategy**

The Judiciary has instituted a case backlog reduction strategy through which it intends to reduce and eventually eliminate case backlog in the Judiciary. We have in place a Case Backlog Reduction Committee, headed by Hon. Justice Richard Buteera of the Supreme Court. The Committee is overseeing the implementation of the Case Backlog Reduction Strategy. Your Excellency, permit me to inform you that we started this fight from the statistical point of view through conducting a court case census. The strategy now calls for proper tracking of existing workload and proper reporting and supervisory mechanism.

The Judiciary's goal is to use the case backlog reduction strategy to improve the face of justice through ensuring:

- i. Delivery of all overdue pending judgments;
- ii. Clearance of all cases that are more than 2 years old in the system after filing;
- iii. Developing and implementing a case backlog clearance plan which is tailored and specific to each court;
- iv. Strengthening existing Initiatives such as plea bargaining, mediation, and small claims;
- v. Developing and implementing a Judiciary specific anti-corruption strategy;
- vi. Lobbying to increase the number of judicial Officers and administrative staff at all levels of the courts;
- vii. Reviewing of procedures that cause delays and advocate for reform of laws;
- viii. Reviewing of business processes in the Judiciary and computerizing filing and storage of documents; and

- ix. Introducing critical indicators that could be flagged once deadlines have not been complied with.

Some of the components of the strategy are already being implemented. A number of them however remain unimplemented due to lack of funds. Effective implementation of the strategy therefore requires 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, and issues of integrity. The policy and legal framework still have gaps that cannot be easily filled by Judicial Officers in the course of handling land disputes. The government has to come in and make the necessary laws and policies on critical aspects regarding land matters like evictions. I have already forwarded recommendations to the Attorney General in that regard and gave a copy to Your Excellency. I am confident that these recommendations and those of the Commission of Inquiry into Land matters will be taken up and implemented by Government to holistically address the land question in Uganda.

At a court level, we critically need the support of Government 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 pronounced where courts are less effective and present.

Your Excellency, we are in the process of setting up Mobile Courts, to handle cases at source especially those cases that involve large numbers of litigants. Courts will seat within the vicinity of the dispute and have the advantage of hearing the dispute from source. We believe that taking courts to the people will facilitate timely settlement of disputes and restore public trust and eliminate cases of illegal evictions. We shall however, need additional resources to purchase vehicles, mobile court recording systems and fund court operations in terms of allowances and security.

I urge all Judicial Officers to handle land disputes with precision and impartiality as it is the only thing that will defend us when complaints come up. In matters involving eviction from land, the existing guidelines on visiting locus should be adhered to and exparte proceedings should be avoided. For emphasis, even where a matter has proceeded exparte, locus visit should still be conducted.

## **6. Improving terms and conditions of service of judicial officers**

Your Excellency, two years ago, the salary for the Chief Justice and Deputy Chief Justice were raised together with that of Permanent Secretaries. I raised the issue of enhancing the salaries of judges and other judicial officers. You acknowledged the need to enhance the salaries of judicial officers but recommended that the issue be attended to holistically and in the case of the Judiciary, use the revised salaries of

the CJ and DCJ as an anchor to determine the salaries of the other staff in the judiciary. Government, shortly afterwards commissioned the Ministry of Public Service to make recommendations on salaries which resulted into recommendations for enhancement of pay for the entire service in a phased manner. Last year, salaries of the lower bench were marginally enhanced. Salaries for the judges were not enhanced. As you may recall judges' salaries were last revised more than five years ago. The revised salaries, have been affected by the high cost of living, inflation and are inadequate for judges to secure decent accommodation and enjoy a reasonable standard of living commensurate with the responsibilities they render and are expected of in society. As you have always advised judicial officers are not many and can therefore, be supported by a growing economy. I am, therefore, appealing to Government to enhance the salaries of judicial officers as recommended by the Judicial Service Commission.

## **7. Recent Innovations in the Administration of Justice**

The year 2018 has seen the following innovations completed in the Uganda Judiciary, all geared towards improved administration of justice. These are:

### **a) The Judiciary Performance Enhancement Tool**

In a bid to enhance judicial performance and accountability, the Judiciary has developed a computerised Judiciary Performance Enhancement Tool (PET). The PET is premised on a 360 degree appraisal system where a Judicial Officer will be appraised by a number of stakeholders including a Supervisor, peers, subordinates, the public and the

appraisee himself/herself. Development of this tool has been completed and the same was pre-tested this January 2019.

**b) Judiciary Toll-Free Customer Feedback Hotlines  
[0800-111-900 / 0417-892-900]**

With support from the United Nations Development Fund (UNDP), the Judiciary has acquired Customer Feedback Telephone with a Toll-Free facility at its headquarters in Kampala. The facility is intended to enhance Judiciary's public accountability processes through the consistent provision of accurate information about Judiciary/court services. It will specifically act as a reliable real-life public complaints mechanism where our customers (court users/the public) can address their concerns promptly and accurately. We plan to upgrade this facility into a fully-fledged Customer Care Centre with a back-end office to handle a large number of calls on general inquiries, complaints, comments and feedback on court services, process the information and give appropriate feedback to the callers.

**c) Lexis-Nexis Legal Research Solution**

The Judiciary has procured access to the Lexis-Nexis On-Line Legal Research Solution. It will provide on-line access to both primary legal materials as well as secondary materials in form of legal journals, commentary works, encyclopaedias and bulletins. In order to maintain continued access to the portal, an annual subscription fee will be

budgeted for and paid. This is expected to greatly ease legal research at all levels in the Judiciary.

#### **d) Electronic Payment of Court Fees**

The Judiciary together with the Uganda Revenue Authority (URA) and the Commercial Banks have completed the requirements for Court Users to pay Court Fees using E-Payment methods. Payments can be made using mobile-money at the Supreme Court, Court of Appeal/Constitutional Court and all the High Court Divisions and circuits at Luwero, Masaka, Mbarara, Kabale, Fort Portal, Masindi, Gulu, Lira, Arua, Jinja, Iganga, Mbale and Soroti. Points-of-Sale (PoS) have already been installed at our High Court Criminal and Commercial Divisions. More PoS will gradually be installed across the Country by the relevant Commercial Banks and by PayWay.

**All the above mentioned innovations are due to be launched today. These are milestones that should be celebrated.**

#### **Conclusion**

In conclusion, I wish to remind all the judiciary 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. According to the Commonwealth (Latimer House) Principles, Judges are accountable to the Constitution and to the law which they must apply honestly, independently and with integrity. Judges are appointed to administer justice under the article 128 of the Constitution; independently and freely, without favour and without fear. This provision



of the law is not for the protection or benefit of a malicious or corrupt judge, but for the benefit of the public, whose interest it is that the judges should be at liberty to exercise their functions with independence and without fear of consequences of their decision.

Any judges who are corrupt can never administer the law or render justice to all impartially or without fear or favour of anyone. Any Judiciary which has been consistently undermined by members of other organs of the state or of the public with general accusations which are unsubstantiated, will lack the courage and the credibility to do justice and a judiciary which is conceived as tainted by corruption, abuse of office or incompetence is not a judiciary that is likely to perform its duties happily or efficiently.

Let us therefore execute our duties diligently and efficiently and refrain from acts that lead to public mistrust in the 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**

**28<sup>th</sup> January, 2019.**

