



The Judicial Service Commission

People's Bridge to Justice



PRESENTATION AT THE 22ND ANNUAL JUDGES' CONFERENCE **ON** **THE JUDICIARY DISCIPLINARY MECHANISM: A CASE FOR AN** **EFFECTIVE JUDICIAL DISCIPLINARY REGIME**

1. Preamble and Context of the Judicial Disciplinary Regime

The Judicial Service Commission (the Commission) is an independent constitutional body established under Article 146(1) of the Constitution of the Republic of Uganda (the Constitution). The Commission, is one of the 19 MDAs that make up the Justice Law and Order Sector (JLOS). This is the sector that has the responsibility to promote and ensure the observance of the rule of law, public order, the proper administration of justice, good governance and the promotion, protection and observance of human rights in the country.

The Constitution of Uganda provides that judicial power is derived from the people of Uganda. Therefore, real effectiveness of judicial authority lies in the respect that the people accord to its execution. This is fully attained when all Judicial Officers (Justices, Judges, Registrars and Magistrates) properly exercise the judicial authority and power bestowed on you or entrusted to you by the people of Uganda.

Respect and acceptance from the people depends on the manner in which the judicial mandate is undertaken. In other words the judicial process is as important as the decision delivered. Where justice is administered properly – meaning that justice forums like courts of law are accessible; procedures are clear and adhered to by all judiciary staff members; the right to be heard is respected and upheld, the and the final decision (ruling or judgment) is delivered in a timely manner, then respect for the judicial mandate will be enhanced. However, where these key elements are lacking/compromised an erosion of that respect is

bound to happen. Hence the need for a disciplinary regime as a stop gap measure to ensure compliance.

One of the primary functions of the Commission is to receive and process people's recommendations and complaints concerning the Judiciary and the administration of justice in Uganda. Under this function the Commission acts as a link between the people and Judiciary.¹ In the last three years the 5th Commission has received numerous recommendations and complaints from different stakeholders intended to address some of the gaps in the justice system in Uganda. This presentation is focusing mainly on the complaints received and the mechanism for handling such complaints in a quick and fair manner without too much disruption to the work and life of a judicial officer.

By nature of the judicial office, contending parties and other interested parties may make accusations and counter accusations against a judicial officer or the processes or culture in a particular court. Some of these accusations are vexatious, unfounded or are due to ignorance of the law and court procedures. Consequently, there is need to have an effective complaints handling mechanism that follows due process to deter abuse of judicial authority while at the same time protecting the sacred image of the Judicial Office.

2.0 The Legal Framework:

2.1. The Legal regime governing the JSC Disciplinary Process

Upon appointment, Judicial Officers are subject to the following legal regime:

1. The Constitution
2. The Public Service Act Cap 282
3. Judicial Service Act (Chapter 14) and the Regulations formulated thereunder
4. The Public Service Standing Orders; and
5. Several Administrative instructions.

The Uganda Code of Judicial Conduct provides guidance for regulating judicial conduct together with other regional and international instruments that Uganda has subscribed to, for example the Bangalore Principles of Judicial Conduct of 2002.

¹ Article 147 (1) (d) of the Constitution

2.2. Judicial Office as a Public Trust

The Code states as follows:

“..in order to strengthen the rule of law, to protect human rights and freedoms and to properly administer justice, and in order to enhance and maintain public confidence in the Judiciary, it is imperative for it both at individual and at institutional level, to respect and honour the judicial office as a public trust and to strive to protect judicial independence...”

The Code prescribes 6 core principles that all Judicial Officers are duty bound to respect and uphold at all times. These are:

- **Independence:** This requires all Judicial Officers to uphold and exemplify independence of the Judiciary in its individual and institutional aspects.
- **Impartiality:** A Judicial Officer is obliged to be impartial in making of a decision; and to exhibit impartiality in the process by which the decision is made.
- **Integrity:** This principle requires that a Judicial Officer behaves or conducts themselves in such a way that re-affirms the people’s faith in the integrity of the Judiciary. Therefore, the actions and omissions of one judicial officer has implications for how the people of Uganda experience and perceive the Judiciary.
- **Propriety:** A Judicial Officer is under duty to act with propriety and to ensure that the appearance of propriety in all judicial and personal activities – decency, politeness, and good manners is upheld.
- **Equality:** All Judicial Officers are obliged to avail equal treatment to all persons appearing in court, without distinction or discrimination based on the grounds of sex, colour, race, ethnicity, religion, age, social or economic status, political opinion, or disability. Issues of equity are equally important where one practices positive discrimination for example, which must be intended to secure the right of access to justice for the most vulnerable and disadvantaged court users.
- **Competence and Diligence:** This principle makes it a duty for a Judicial Officer to give judicial duty precedence over all other activities; to keep up-to-date with developments in the law; to develop the discipline of good time management; meeting set goals and targets; working smart; in charge of one’s court; and to lead by example.

The Uganda Code of Judicial Conduct, therefore, demands that the judicial office must be respected and honoured. It is the heart of judicial service. In the performance of the judicial functions, all Judicial Officers are expected to exhibit integrity and ethical conduct. Article

149 of the Constitution provides for the Judicial Oath, which establishes the ethical and integrity foundation for judicial service in the judiciary.

“Every judicial officer shall, before assuming the duties of his or her office take and subscribe the oath of allegiance and the judicial oath...”

The Uganda Code of Judicial Conduct recognises that integrity is at the core of proper discharge of judicial office. Without integrity, no good shall be done to those seeking justice through the courts of law. This is clearly captured in the judicial oath set out in the fourth schedule to the Constitution. It reads thus;

“I swear in the name of the Almighty God/Solemnly affirm, that I will well and truly, exercise the judicial functions entrusted to me and will do right to all manner of people in accordance with the Constitution of the Republic of Uganda as by law established and in accordance with the laws and usage of the Republic of Uganda without fear or favour, affection or ill will.

2.3 Induction of Judicial Officers:

The Commission in the last 3 years has prioritized the need for newly appointed Judicial Officers to attend an induction before or soon after deployment. The purpose is to ensure that as much as possible in a period of 2 weeks a Judicial Officer is able to address many of the knowledge and skills gaps. The expectations in terms of behaviour, conduct and competence are clarified. Supervisory responsibilities are flagged out as the Judicial Office is supported by other Judiciary staff members like the clerks, process servers, the registry team, transcribers, interpreters, archives managers, office supervisors among others. In addition one has to also manage other court officers like the legal practitioners and prosecutors by living up to the set standards and desired culture that uphold the integrity of the judicial process and its outcomes.

The intention of the induction and refresher trainings is to minimize guess work, mistakes and voidable omissions; to ensure that once the Judicial Officer is deployed she or he is able to hit the ground running with confidence. In the induction sessions the need for regular access to useful authorities, resourceful web-based materials and mentors is emphasized. All this is intended to make the delivery of judicial services seamless, an enjoyable

experience and to hone skills essential to operate with the highest level of integrity despite the imperfect setting. In a nutshell the whole process is to enhance judicial accountability. The case of **Attorney General Vs Gladys Kiseka Constitutional Appeal No. 2 of 2016** emphasised the need for judicial accountability.

The induction and recommended trainings aim at minimizing complaints as much as possible as the process of attending to them takes the attention of the Judicial Officer off the core business – which is consistent delivery of quality judicial services.

3.0 JSC's DISCIPLINARY MECHANISM

Where a Judicial Officer diverts from exhibiting integrity and ethical conduct, the Commission's disciplinary mechanism is employed to handle complaints or concerns that may arise therefrom. This includes judicial officers on the higher and lower bench. Complaints are brought to the attention of the Commission mainly through three channels:

1) Complaints received from the Judiciary through the Principle Judge, the Chief Registrar or any other responsible person. We are all aware that the Judiciary has an internal disciplinary mechanism intended to address many of the concerns that may arise administratively – intended to unlock the justice system for court users.

It is mainly where a Judicial Officer is a repeat offender that the matter is brought to the attention of the Commission. Cases of corruption, sexual abuse or sexual harassment, absconding from duty without reasonable cause and outright incompetence are usually forwarded to the Commission immediately once internal investigations confirm the existence of a prima facie case.

2) Complaints registered directly with the Commission through the toll free lines, the JSC complaints boxes, by letter or email from other government bodies like the IGG.

3) Complaints received directly by the JSC through court inspections, anti-corruption campaign activities, interactions with inmates in prisons, and through public education sessions conducted by the team in the Public Affairs and Education Directorate. The Commission also undertakes regular media reports review and some concerns have

been identified which have resulted in the Commission initiating investigations into the reported misconduct involving a Judicial Officer.

3.1 Disciplinary Mechanism/Removal of Judicial Officers

Judges can be subjected to disciplinary processes. Article 144 (2) of the Constitution provides for the removal of Judge due to inability to perform the functions of his or her office arising from infirmity of body or mind;² misbehaviour or misconduct;³ or incompetence.⁴ Where such removal is due to misconduct, a two-step approach is followed by the Commission.

The first step requires the Commission to make a finding as to whether there is a prima facie case. If the finding is in the affirmative, the second step requires the Commission to make a referral of the matter to the President as the appointing authority, with a recommendation that a tribunal be set up to hear the matter evoked.⁵ The Judge shall be removed from office by the President if the tribunal makes a recommendation to that effect.⁶

This two-step approach was clearly laid out in *Honourable Justice Anup Singh Choudry Vs Attorney General*.⁷ In this case, the Court of Appeal emphasised that the complaint must be served on the subject of the complaint within 14 days; and that the Commission must then establish whether a prima facie case had been made out.⁸ The Court of Appeal also emphasised that upon making a finding of a prima facie case, the Commission then ceases to have jurisdiction to handle the matter. The Commission shall decide whether or not it should make a recommendation to the President to constitute a tribunal to consider the removal of a Judge.

However, where it is decided that a recommendation shall not be forwarded to the President, those aspects that may not warrant a removal but affect the image of the Judiciary are communicated to the Judge and the Chief Justice to address them administratively. The most common complaint has been delays in delivery of judgments. I

² Article 144(2) (a) of the Constitution

³ Article 144(2) (b) of the Constitution

⁴ Article 144(2) (c) of the Constitution

⁵ Article 144(4) of the Constitution

⁶ Article 144(3) of the Constitution

⁷ Honourable Justice Anup Singh Choudry versus Attorney General Civil Appeal No. 0091 Of 2012

⁸ Honourable Justice Anup Singh Choudry versus Attorney General Civil Appeal No. 0091 Of 2012

do not know how a judge accumulates 50 unwritten judgments/rulings. This means that performance monitoring mechanisms are not functional as well. Extended delays in delivering judgments is an unnecessary source of stress resulting in poor health on the part of the Judicial Officer that must be addressed quickly without waiting for it to accelerate into a protracted disciplinary process. This is the reason the induction has emphasized honing skills of case and time management for a Judicial Officer.

3.4 Disciplinary Mechanism - Other Disciplinary Penalties

The Judicial Service Commission, Regulations SI 87 of 2005, under Regulation 23, sets out examples of judicial misconduct. Fourteen (14) disciplinary offences are stipulated. The disciplinary offences provide an ethical and integrity check list for all judicial officers which they must strive to avoid by complying with the set standards highlighted herein above. As a quick reminder the disciplinary offences include:

- a) Conducting himself or herself in any manner prejudicial to the good image, honour, dignity and reputation of the service;
- b) Practicing favoritism, nepotism or corruption whether for personal advantage or gain or that of any other person;
- c) Practicing discrimination on the basis of sex or race, ethnic origin, tribe, birth, creed or religion, social or economic standing, political opinion and disability;
- d) Habitual late comer or absents or absconds from duty without reasonable excuse;
- e) Insubordination, rudeness, use of abusive language, and disrespect or uses vulgar language;
- f) Laziness or producing poor standard work;
- g) Untrustworthy or lacks integrity in public or private transactions;
- h) Engages in private interests at the expense of his or her official duties;
- i) Divulges official information to unauthorised persons;
- j) Acting in contravention of the Code of Judicial Conduct, the Judicial Oath or any other oath taken by the judicial officer – deliberate violation, intentional
- k) Is convicted of a criminal offence by a court of law – corruption is a criminal offence;
- l) Disregards the chain of command in his or her place of employment without reasonable excuse;
- m) Abusing judicial authority – intentional.
- n) In any way contravenes any provisions of the law, Uganda Government Standing Orders or any other instructions relating to the discipline of judicial officers.

The Judicial Service (Complaints and Disciplinary Proceedings) Regulations No. 88/2005, particular, under regulation 5 (3), sets out the grounds upon which complaints may be lodged against Judicial Officers. These include:

- a) Improper conduct
- b) Corruption and abuse of office
- c) Neglect of duty; or
- d) Maladministration of justice.

It should be observed that there are other disciplinary offences, not requiring removal, where sanctions, as provided for in the Judicial Service Commission Regulations SI 87 of 2005, may be applied.⁹

The sanctions that the Commission levies against judicial officers are provided for under Regulation 31(1) of the Judicial Service Commission Regulations and include:

- a) Suspension
- b) Order for a written undertaking from the officer not to repeat the offence
- c) Reduction in salary
- d) Stoppage of increments
- e) Deferment of increments
- f) Severe reprimand
- g) Order payment of compensation
- h) The recovery of the cost or part of the cost of any loss or damage caused by default or negligence whether by deduction from salary or gratuity or otherwise.

The 5th Commission has handled a total of 837 complaints from the time it took office in December 2016. About 10% of these have involved Judicial Officers on the higher bench. The 837 complainants were handled over the three years and majority were eventually concluded and disposed of for various reasons including:

- Complainants obtained a remedy they required e.g. obtaining a judgment after the intervention of the Commission or the case being fixed for hearing and the Commission monitoring progress by undertaking period checks;

⁹ Regulation 23 of the Judicial Service Commission Regulations SI 87 of 2005

- The complaints settled between parties and an administrative warning given to the Judicial Officer to avoid such actions or omissions;
- Administrative measures have been taken once a recommendation is rendered to the Judiciary including provision of additional training to address the knowledge and skills gaps;
- Some complaints lacked merit and parties have been duly informed to pursue the other appropriate judicial remedies where the cause of the complaint was not due to the misconduct of the Judicial Officer.
- A good number of complaints were overtaken by events where a complainant or respondent had passed on (died) or the Judicial Officer retired from Judicial service.

As at 1st of January 20120, there were 58 complaints pending consideration by the full Commission; 172 are pending consideration by the Disciplinary Committee; while 111 were still under investigations. Out of the 111 complaints undergoing investigations, 20 are backlog and shall be cleared by the end of this financial year.

10 matters involving judges are ready to be considered by the Commission and these will all be disposed of within this financial year.

TABLE 1: Complaints handled by the Commission

| Financial year | No. of complaints concluded |
|-----------------------|------------------------------------|
| 2016/2017 | 287 |
| 2017/2018 | 323 |
| 2018/2019 | 227 |
| TOTAL | 837 |

The Commission issued sanctions to some judicial officers that were found to have engaged in acts that amounted to judicial misconduct. All these affected judicial Officers on the lower bench.

TABLE 2: Disciplinary Penalties in FY 2018/19

| Disciplinary action | Number |
|-------------------------------|---------------|
| Retirement in public interest | 1 |
| Dismissal | 1 |

| | |
|------------------------|-----------|
| Severe reprimand | 2 |
| Reprimand | 1 |
| Order for compensation | 1 |
| Cautioned | 4 |
| Written undertaking | 2 |
| TOTAL | 12 |

2.1.5. Disciplinary Mechanism - Investigation

Regulation 12 (1) of the Judicial Service (Complaints and Disciplinary Proceedings) Regulations No. 88 of 2005 provides that on receipt of a complaint the Commission shall expeditiously conduct investigations into the allegations contained in a complaint.

Investigation is warranted in order to determine that the complaint does not cover any of the grounds or instances set out in Regulation 11¹⁰ which provides for the rejection of a complaint if:

- a) It has nothing to do with administration of justice or operations of the courts;
- b) It does not deal with the conduct of a judicial officer or any other persons performing judicial functions; or
- c) It is manifestly frivolous, vexatious, unwarranted or unfounded in law.

In terms of Regulation 10,¹¹ it is necessary that the investigation should lead to a determination as to whether there is a prima facie case made out to require the matter to be heard or handled as the case may require.

2.1.6. Nature of Judicial Office/Protection of Judicial Officers

In the investigation of complaints made against judicial officers, generally, the Commission, is acutely aware, of the legitimate need for a judicial officer, by reason of the nature of the Judicial office, to be afforded protection from frivolous, vexatious, or unsubstantiated accusations; and to be accorded due process of law in the resolution of complaints against him or her.

¹⁰ Judicial Service (Complaints and Disciplinary Proceedings) Regulations No. 88 of 2005

¹¹ Judicial Service (Complaints and Disciplinary Proceedings) Regulations No. 88 of 2005

Investigations are undertaken by the Directorate of Planning, Research and Inspections of the Commission which is headed by a Registrar and has a number of technical staff that have been duly trained. In a few cases the Commission has collaborated with other agencies to obtain support of specialized investigators. The investigation report is reviewed by the internal technical team of prosecutors who identify whether elements of misconduct are supported by evidence. The Prosecutors also identify the most probable disciplinary charge and these are presented to the Disciplinary Committee which handles the complaints and the hearing on behalf of the Commission.

In the case of a Judge the Disciplinary Committee compiles a report after the presentation by the lead prosecutor which is presented to the Commission for deliberation, consideration and final decision as to whether the Judge concerned should appear before the Commission to show cause why his or her name should not be forwarded to the President to removal or to take any other form of discipline. The outcome of this interaction is minuted, parties duly informed of the Commission's decision and this is forwarded to the President for establishment of a tribunal or to the Chief Justice to undertake administrative measures to address the gaps.

2.2. Instances of misconduct in judicial practice

Common complaints

Some of the common complaints that are received by the Commission include the following:

- ✓ Delayed delivery of judgments, rulings/extraction of consequential orders
- ✓ Loss of court files and proceedings and judgement of the court
- ✓ Judicial Officer borrowing money or a land title from a party with a case before his/her court
- ✓ Use of one party's vehicles and other facilities i.e, when undertaking locus visits.
- ✓ Meeting one party in an action alone in chambers in the absence of the other and with no court clerk.
- ✓ Failure to ensure release of certified copies of the court record of proceedings where an appeal is being pursued
- ✓ Bias/outright bias – giving one party the chance to be heard; or making utterances that indicate clear bias against one party.
- ✓ Corruption and abuse of office; this includes solicitation of payment of money through mobile money facilities; drawing fuel from fuel station on the account of a

party before your court; receiving unsolicited favours from parties or taking credit from a supermarket which is likely to have cases before your court.

- ✓ Grant of illegal adoption orders
- ✓ Deliberate circumventing of the law or failure to ensure that all parties were duly informed
- ✓ Failure to issue receipt for bail money and non-refund of bail deposits upon conclusion of the matter
- ✓ Sexual harassment/ improper sexual relations
- ✓ Frequent adjournments that are not justifiable and a clear demonstration that the judicial officer is not in charge of his/ her court.
- ✓ Poor standard work; which is basically misinterpretation and misapplication of the law
- ✓ Late coming/absenteeism.
- ✓ Rudeness, use of demeaning language etc

Effect and consequence of any form of Judicial Misconduct

Any form of judicial misconduct will have the following effect:

- a) Gross erosion of judicial independence
 - b) Breeds anarchy and disaffection against the government
 - c) Decrease of public trust in the justice system
 - d) Judicial Officers are compromised from observing and guaranteeing human rights, freedoms and other protection.
 - e) Public resorting to mob justice due to loss trust in the justice system
- a) Abuse of judicial discretion and the consequential levy of sanctions that are not commensurate to the case e.g. liberal bail terms and light fines.
 - b) It prolongs unresolved conflicts since justice is not served thus misusing state resources which would be channelled to meet other essential needs of the people like quality education and health services.

Where there are concerns of unethical conduct raised against judicial officers, compliance with ethical obligations becomes a concern for all stakeholders including other judicial officers. The conduct of one Judicial Officers on the image of the Judiciary. If we fail to reign in errant judicial officers it affects all of us the stakeholders.

5.1 STRATEGIES UNDERTAKEN TO IMPROVE EFFECTIVENESS

The Commission has adopted a multi-faceted approach to strengthen its disciplinary mechanism and improve its effectiveness. The measures undertaken include:

A. Citizens empowerment

Citizens' empowerment to know the law, judicial processes, court procedures and proper judicial conduct so that they are in position to report, confront and deal with instances of mal-administration/misconduct by judicial officers and other actors in the court system. This flows from Article 126 (1) of the Constitution which recognises the need for the people to appreciate that judicial power is derived from the people and it is exercised by the courts in the name of the people and in conformity with the values, norms and aspirations of the people. They are a critical stakeholder in the manner in which justice is rendered and should be served.

2. Awareness raising

This is through anti-corruption crusades, court open days, seminars, workshops and other citizen engagement for a so that they are aware of the various judicial remedies that can pursue in different instances and where they can invoke the disciplinary process appropriately.

3. Profiling of all judicial and non-judicial officers

The profiling of judicial and non-judicial officers is in respect to their track record in terms of conduct, performance, initiatives and tenure of service. This information is critical when making decisions about the conduct of a Judicial Officer.

4. Reducing the time taken to handle a case of indiscipline filed

The Commission have enhanced capacity to handle complaints, investigations and disciplinary hearings – increased the number of staff by filling the vacant position in its approved establishment, training staff and Commissioners, improving work processes, securing better office facilities and equipment; automating the complaints handling system for improved tracking and improving conditions of service for the Commissioner and staff of the Commission to commit sufficient time to the work of the Commission. We are leading by example.

5. Naming and shaming judicial officers and non-judicial officers

The naming and shaming judicial officers and non-judicial officers who commit disciplinary offences.

B. Strengthening stakeholder engagements

The Commission has endeavoured to strengthen strategic engagements with key stakeholders including: the Uganda Police Force, Inspectorate of Government, Uganda Law Society, the Law Council, URSB, Uganda Revenue Authority, Uganda Bankers Association, Court Users Groups, Local Governments through the chain link mechanism and the Annual Stakeholders Meeting.

C. Institutional Reorganisation

a) Recruitment of legal officers

The Commission recruited and deployed a total of 17 technical officers. These include 3 senior Legal officers and 14 Legal officers. The officers were deployed in the technical Directorates to assist the Commission with its investigative, prosecution and civic and Judicial education mandate.

b) Automation of the JSC Complaints System

With support from Strengthening Uganda's Anti-Corruption Response (SUGAR), the Commission developed and installed an automated public complaints handling system. The system enables to record and keep track of complaints that have been made against Judicial Officers and progress made in the process of disposal.

c) Development of internal policies

The Commission has developed investigation, prosecution and sanctioning guidelines to ensure standard setting in the work of investigators and prosecutors and achieve consistency in the sanctions regime.

d) Training of officers

The Commission has trained its officers to conduct effective investigations and prosecution of complaints of alleged judicial misconduct. The trainings have been conducted with support from the Justice Law and Order Sector and SUGAR Project.

e) Enhancement of performance of Judicial Officers

The Commission has contributed to the enhancement of performance of Judicial Officers by providing information, strengthening induction and quality of induction; and ensuring conditions of service continue to improve.

f) Conduct of Judicial Education

The Commission has carried out judicial education to ensure that Judicial Officers are conscious of the standards to adhere to.

2.3. Other interventions

The Commission is in the process of pursuing other interventions for further improvement of its disciplinary mechanism. These include:

a) The transformation of the Commission to full time membership

Currently, it is only the Chairperson of the Commission who is employed on a full time basis.¹² Having a full-time membership would empower the Commission to offer more than one disciplinary committee panel to expedite disciplinary proceedings and to consider the use of boards to deal with some complaints from the lower bench.

b) Setting up of a Forensic Investigation Unit

The Commission plans to set-up a dedicated investigation unit with some forensic capability to investigate complex cases of corruption, deal with emerging trends, and sophistication in the conduct of some errant judicial officers.

c) Strengthening linkages

The Commission is also in the process of strengthening further the linkages with the internal disciplinary mechanism of the Judiciary.

d) Establishment of regional offices

¹² Article 146 (6) of the Constitution

The Commission is in the process of setting up regional offices. A regional office was set up in Moroto district and others shall follow. This will enable the Commission to immediately and expeditiously handle complaints pertaining to administration of justice at the region.

e) Strengthening the Vetting of applicants for appointment to judicial office

Pre-vetting of applicants for appointment to judicial office so that their suitability for office is addressed at the very beginning during search and recruitment.

The judicial disciplinary regime must work. If not, public trust and confidence will be eroded. Once it is eroded, the rule of law shall be under threat; human rights shall not be protected; administration of justice shall be in jeopardy; and consequently, anarchy.

4. Lessons Learnt from the Commission’s Benchmarking Experience

The Commission undertook benchmarking visits to the United Kingdom, Ghana and Singapore in the financial year 2018/2019. This was after two years of intensive work and members were looking for best practises in other jurisdiction that would further strengthen its work in its oversight role. These provided an opportunity for the Commission to draw from these experiences as it seeks to further improve on its effectiveness in the discharge of its mandate. The following were some of the ley lessons identified:

- The need to have performance indicators set regarding the number of days any case should remain in the complaints handling system once the assessment of its merit is done. Though timelines were set in the clients charter of the Commission it has been a challenge to meet them partly due to the very tight schedules we have maintained throughout the three years and the time taken to complete investigations. The hearing of a complaint is also sometimes delayed when Judicial Officers make it difficult for the process to proceed and be concluded in a timely manner.
- The use of a template to communicate with the parties to a complaint, on any updates and any other decisions made or actions taken.
- There should be provision for online submission of complaints with an inbuilt sieving mechanism.
- The Commission should consider publication of the decisions made where penalties are given out to judicial officers on its website.

- The need to introduce the use of investigations, sanctioning and prosecutorial guidelines in the JSC disciplinary processes.
- The use of an Investigation Judge and Panels to aid the disciplinary process.
- The institution of a mentorship programme in which newly recruited judicial officers are assigned a Judge mentor.
- There is need to put in place measures that minimise contact between judicial officers and litigants. This would reduce on opportunities for corruption.

5. **WAYFORWARD**

By the end of its tenure of the 5th Commission in December 2020, no complaint that is one year old shall be in the complaints system. The Commission is determined to handle all the complaints expeditiously own that we have gained experience in handling such matters. We seek and pray for your full cooperation as in most cases we are not bent on finding fault but making the judicial process better for all of us the court users. The paramount aim of the Commission is to build confidence in the Judiciary and Judicial services.

For God and My Country

NORAH MATOVU WINYI
MEMBER
JUDICIAL SERVICE COMMISSION