

REMARKS OF THE HON. ATTORNEY GENERAL AT THE OPENING OF THE NEW LAW YEAR 28th JANUARY 2011

My Lord the Chief Justice

My Lord the Deputy Chief Justice

My Lord the Principal Judge

My Lords Justices and Judges of the Courts of Judicature,

The Chairperson Judicial Service Commission

The Secretary to Judiciary

Senior Administrators of the Judiciary

Your Worships Registrars and Magistrates

Religious Leaders

Law Officers

Members of the Bar

Distinguished Guests

Ladies and Gentlemen

As we celebrate the New Law Year 2011, I salute you all and thank the Almighty God for giving us life and yet another chance to come together to mark this important annual event. From the out set I would like to thank the Hon. The Chief Justice and the organizers of this event for inviting me to attend and address this distinguished gathering. I do not take these invitations for granted. I would also like to thank all the previous speakers for their thought provoking words.

It is evident that the year 2011 has started with a lot of excitement and expectation. But every year comes with changes so there will be some in 2011. As we reflect on the past year, we should remind ourselves of the noble goal to promote access to Justice as a foundation for sustainable development and

peaceful co-existence irrespective of ethnicity, faith and political affiliation. We should appreciate each other's values, efforts and identity and support each other as individuals and as a sector.

The constant pursuit by the different stakeholders for a transparent process of justice and the yearning among many Ugandans for speedy and efficient justice system at all levels, call for urgent interventions. This gathering presents us the opportunity to interact, share information and craft solutions that will meet the aspirations of the people of Uganda.

The challenges facing the Judiciary and the whole Justice sector have been well articulated over time. While a number of them have not been solved, like the failure to effect the proposed increase in salary of Magistrates Gr.2; we should take note of those that have been dealt with; for example, the appointment of Justices of the Supreme Court and other judicial officers. Challenges are part of life, they are meant to make us strong and give us the courage to work even harder in order to succeed. **“Those who tell you it cannot be done have always been around, but throughout history, progress has always come from those who said it could be done”**

We as Government wish to commend the Judiciary and the whole JLOS sector for the improvements made last year in the face of demanding circumstances. We pledge our continued support to the Judiciary to do all that is humanly

possible to assist you to do more meaningful work this year in order to improve access to justice for all people in Uganda.

We, as Government, value the independence of the Judiciary as a corner stone to the rule of law and I will do all that is necessary to respect, preserve and protect it.

Secondly we should also bear in mind that judicial officers by the reason of the very nature of their judicial office, must be protected from vexatious or unsubstantiated accusations, and be accorded due process of the law in the determination of complaints against them.

I welcome the positive steps the Judiciary has to respond to criticisms and to address some of its shortcomings. In this respect I salute the Judiciary for setting up the Judicial Integrity Committee and the Peer Committees enhance judicial integrity. In addition I am reliably informed that the Judiciary intends to put in place an internal mechanism to discipline errant judicial officers. This is a commendable move in the right direction.

In the recent past, the Judicial Service Commission has taken heightened interest in dealing with complaints against judicial officers. I am aware that the JSC is not

fully constituted at present; however I am working on this to ensure that new commissioners are put in place.

I wish to appeal to all lawyers to play their part in promoting expeditious and effective justice. The culture of applying for incessant adjournments and making unnecessary interim applications contributes to delay and the attendant backlog of cases. Your duty as officers of the court is to assist the courts to reach just decisions and not simply to win cases. The right to defending the rights of your clients must always be balanced with the right to speedy and sure justice. I wish to remind you of your obligation under the Advocates Act to provide pro bono services to the indigent and the vulnerable.

Let me also take this opportunity to comment about a matter that is of great concern to the public. There has been a marked decline in ethical standards of practicing lawyers as can be seen from the increased number of disciplinary cases before the Law Council. Currently there are more than 800 complaints against lawyers before the Law Council. In this New Law Year, I implore all lawyers to desist from misconduct which has put the name of the noble profession to shame. As I said during the 2010 New Law Year, and to reemphasize; **Do not just throw out the vices; replace them with virtue.**

With the support the from the Justice Law and Order Sector to the Law Council is now sitting more than once in a week but is yet to sit in multiple corams to deal with increasing complaints against lawyers. In this new law year we expect the multiple sitting to be implemented together with Alternate Disputes Resolution mechanism for faster disposal of complaints against lawyers.

Finally, I wish to state that the challenges of dispensing justice are numerous and supporting each other is our strength. Together we ought to stand up and make a difference. I reaffirm my support in the struggle to maintain judicial independence and to improve the administration of justice. In this regard, I shall prioritise the enactment of the Administration of Justice Bill and the recruitment of more judges to deepen access to justice.

It is now my singular honour and duty to kindly request the Chief Justice to deliver his address and open the New Law Year.

Thank you for your kind attention

Dr. E. Khiddu-Makubuya, MP

ATTORNEY GENERAL/MINISTER OF JUSTICE AND CONSTITUTIONAL AFFAIRS