



**ADDRESS BY HON. BENJAMIN J ODOKI
THE CHIEF JUSTICE OF UGANDA**

AT THE

**OPENING OF THE NEW LAW YEAR HELD
AT THE HIGH COURT GARDENS**

ON

28TH JANUARY 2011

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The Hon the Deputy Chief Justice

The Hon. the Principal Judge

The Hon. Attorney General

Your Lordships the Justices and Judges of the Courts of Judicature

Hon. Members of Parliament Present

Members of Constitutional Commissions

The Secretary to Cabinet

Senior Police and Prisons Officers

The President of Women Judges and Magistrate's Association

The President of the Law Society

The President of Uganda Judicial Officers Association

Your Worships Registrars and Magistrates

Senior Administrators of the Judiciary

Religious Leaders

Members of the Bar

All Invited Guests

Ladies and Gentlemen

The New Year is a wonderful time to reach out to our friends and colleagues and express our heartiest good wishes to them. It is the time to enfold new Horizons and realize new dreams, to rediscover the strength and faith within us, to rejoice in simple pleasures and gear up for new challenges. Wishing you a truly fulfilling 2011.

It is with the above thoughts in mind that I extend a warm welcome to you to this gathering marking the opening of the New Law Year 2011.

I thank you sincerely for your support by your presence. I also thank all the previous speakers for their remarks on issues and problems that beset the administration of justice last year.

May I take this opportunity to congratulate the Hon the Deputy Chief Justice, the Hon the Principal Judge and other Judges who have been recently appointed and to wish them every success in their new assignments. In the same token, I convey our appreciation to the retired Deputy Chief Justice and Principal Judge for their invaluable service. This year when the Presidential and Parliamentary elections are around the corner, our roles as partners in the administration of justice will not get any easier. We foresee many challenges ahead, but with your continued support our tasks in the days ahead will be easier to bear. We rely upon the Almighty God for guidance and sustenance of our efforts, hence the opening prayer.

After the coming elections, we can expect an increase in the number of court filings in the coming months by way of election petitions.

This has become the norm rather than the exception, because losing parties do not readily concede defeat. We saw a taste of things to come after the primaries and mayoral nominations. We wish to assure you that the courts are ready to deal with all matters and causes. And as always, we expect the Bar and the entire Legal Fraternity to play their part, and to give us the necessary support to manage our work in a timely and effective manner.

On this annual occasion, we, the Judiciary re-new our pledge ***“to render justice to all manner of people, through timely adjudication of disputes without discrimination”***. However, we would like to remind the public that, justice can only be administered according to the law and not to popular expectations. Justice is about

the enforcement and protection of legal rights and the interests of the parties vested in them by law. That we, the Judges and all Judicial Officers apply the law impartially in the judicial process need not be underscored. Every time people step into the courtroom, whether as Counsel, as litigants or as witnesses, they expect a fair and impartial hearing. A fair hearing means allowing both sides the right to speak and be heard. Justice is in the process as much as in the decision of the judicial officer. And I appeal to all judicial officers to bear in mind that every time they step in the courtroom, they are there to render justice and for no other reason.

The mandate of the Judiciary requires that its authority be respected by all. This is so vital and essential to the rule of law, and the just and proper governance of a state, that the law itself does not tolerate any attempt by any person to undermine public confidence in the courts by making false and outrageous allegations. The Courts are protected in that regard by the Constitution. The law has provided a remedy to whoever is not satisfied with the decision of a court that is to appeal. In this regard, I would like to thank all our partners in the administration of Justice who have continually made all effort in upholding the authority of the courts in face of the various attacks against the Judiciary.

Let us now turn to the practical side of the work of the courts in 2010. I will give some brief statistics where necessary. As has been pointed out by some eminent jurist, ***“Monitoring performance by numbers is essential to maintain the health of the Justice system, as it among other things, alerts us to emergent trends or problems in increased caseloads, case disposal rates, and other productivity measures”***. However, this is not to say that the pursuit of justice is measured by counting numbers alone. As has always been the case, we are very much interested and concerned about the qualitative and quantitative aspects of our work.

The Annual Judges Conference ended last week. For a much needed change, it was held in Mbale. The theme of the Conference was ***“Consolidating the achievements of the Justice Law and Order Sector (JLOS) Quick Wins Backlog Reduction Strategy”***. Through presentations and discussions we reviewed the work of all courts of last year; identified constraints and challenges and agreed

to turn them into opportunities which we should exploit with the objective of achieving even more success. We also set ourselves key priorities for achievement this year.

We take this opportune moment to share with you some of our achievements of the year 2010.

Quick Wins Backlog Reduction: In March last year, we were able to inaugurate and implement the “**Quick Wins Backlog Reduction Strategy**”. Accordingly, much of our work last year was focused on the reduction of case backlog. This work was done in the context of the Justice Law and Order Sector (JLOS) which consists of all stakeholders in the Administration of Justice.

Under JLOS, all the constituent stakeholders have been able to achieve a greater degree of cooperation, communication and coordination. This is evident from the significant strides made with regard to the case backlog Quick Wins Strategy where criminal cases that had overstayed in the court system were disposed of. The stakeholders in the Justice system took a uniform, coordinated and cooperative approach in dealing with matters relating to case backlog reduction. We are pleased to report that, the first phase of the project was completed with a great measure of success. Over 40,000 cases were disposed of in both the High Court and the Magistrates Courts.

The statistics so far received reveal that in the Supreme Court 61 cases were cause listed and 19 were completed. In the Court of Appeal out of the 151 cases cause listed 144 cases were completed. While in the High Court out of 1,447 cases cause listed 879 cases were completed. At the Registrar level out of 822 cases cause listed 311 were completed. Cause listed cases for Chief Magistrates were 692 of which 418 were completed. Magistrate Grade one cases were cause listed at 1,126 out of which 548 were completed.

Way Forward: A review workshop will be held to assess the impact of the Pilot Project and determine whether the project should be rolled over. This will be done in the period between January – March 2011.

Court Of Appeal Sessions: August 2010 will always be remembered in the history of the Judiciary, as on this date the first Court of Appeal session was held outside Kampala. The session was held in Gulu and a total of 52 cases were disposed of. This was followed by a session in Mbarara where 79 cases were disposed of. I express my gratitude to the former Deputy Chief Justice and all Justices of the Court of Appeal for having inaugurated the session. I am made to understand that there was overwhelming support from the lawyers and the litigants and we thank them for that.

We are indebted to our Partners in Development, the Government of Uganda and to all people and Institutions who in one way or the other contributed to the success of the quick wins project.

Reports indicate that in the year 2010, the Judiciary also made considerable progress in other activities: Some of the achievements to build on include: Increasing the strength of judicial officers; Construction of more courts; Gazetting of New Chief Magisterial Areas and Magistrates Gr.1 Courts; Presenting the draft Administration of Justice Bill to the Minister of Justice; Plans to set up Small Claims Courts on Pilot basis; Launching of Justice Centres;

Conducting Civil sessions both in the High Court and lower Courts, Providing more vehicles for use in the field; Training Judicial and non judicial staff and Creating awareness in the Public; increasing pay of Magistrates Gr.11 and submitting proposals for improving retirement benefits of Judicial officers; Continued Computerization and networking. As observed at the Judges conference, these achievements also set the stage for future challenges and opportunities.

The State of the Bar: I am pleased to note that, last year, the Law Society made a considerable effort to improve the workings of the lawyers with the courts and to try and ensure that fraudulent transactions in the registration and licensing of lawyers are prevented and that errant lawyers are disciplined. In the meeting that we had yesterday with the members of the Law society, we left no stone unturned in trying to find the solutions to the problems that impede the administration of justice. I would like to thank the President of the

Law Society, his executive and the Law Council for their untiring efforts to improve the profession.

Reaching out to the Community: As we all know, open court hearings are a basic feature of our legal system. The public is free to observe all court trials except where prudence requires that hearings be made in camera. The Court rooms are neither forbidden nor should be forbidding places. We have for a number of years now tried to interest the public in the work of the courts by holding call-in radio programmes through our Public Relations Officer and court open days. We shall continue with these outreach events in the year 2011 to enable lay people become more familiar with court proceedings, without the attendant fear of being sued, summoned, or arrested.

Links with other Judiciaries: I also wish to mention that in the past few years, the Judiciary has increased links with judiciaries and judicial institutions from many jurisdictions all over the world. For example, the Commonwealth Magistrates and Judges Association, the East African Magistrates and Judges Association, and the Southern African Chief Justices Forum. This policy will continue as it has opened doors to discussions of issues pertaining to judicial administration, access to justice and case management among others. Visits and students have been exchanged and many good practices have been picked up as a result. We continue to apply these good practices in our courts.

Conclusion: In conclusion, I once again wish to thank each and every one of you for joining us to celebrate this important day in our calendar. ***“As we leave behind last year, we must enter the New Year with optimism and fortitude, believing that the best is always in front of us, and not behind us. As far as the administration of justice is concerned, you can rely on us to do our best, and we want to rely on each of you to do your best for those who rely on our services. Allow me, on behalf of the Judiciary and on my own behalf; to conclude by wishing all of you the best of health and success in your endeavours in the year 2011.”***

It is now my pleasure to declare the New Law Year 2011 Open.