

SPEECH BY

**JUSTICE STEVEN B.K KAVUMA
THE HON. AG. CHIEF JUSTICE OF UGANDA**

AT

THE OPENING OF THE NEW LAW YEAR

AT

**HIGH COURT OF UGANDA GROUNDS
KAMPALA**

ON

31ST JANUARY 2014

My Lord, The Hon Principal Judge,
Hon. Minister of Justice and Constitutional Affairs,
Hon. The Attorney General,
My Lords, Hon. Justices of the Supreme Court,
My Lords, Hon. Justices of the Court of Appeal,
My Lords, Hon Judges of the High Court,
Your Lordships, the Justices and Judges of the Courts of
Judicature,
Your Excellencies, the Ambassadors and High
Commissioners,
Hon. Members of Parliament Present,
The Head of Public Service/Secretary to Cabinet,
Members of Constitutional Commissions,
Senior Police and Prisons Officers,
The Secretary to Judiciary,
The Ag. Chief Registrar,
The President, Women Judges and Magistrate's
Association,
The President, Uganda Law Society,
The President, Uganda Judicial Officers Association,
Religious Leaders,
Your Worships, Registrars and Magistrates,

Senior Administrators of the Judiciary,
Members of the Bar,
All Distinguished Invited Guests,
Ladies and Gentlemen.

Introduction

I wish, to extend my warm welcome to each one of you to this auspicious occasion marking the opening of the New Law Year 2014/2015. I thank you sincerely for gracing this occasion with your presence. I also wish each and every one of you a Happy and prosperous New Year and a successful New Law Year 2014/2015.

The Judiciary suffered a very heavy loss in the year under review when the then head of the Court of Appeal/Constitutional Court, the late Hon. Ag. Deputy Chief Justice C.K Byamugisha passed on in March 2013 and when the late Hon. Justice Amos Twinomujuni JSC in November 2013. Several Other Judicial officers had also passed on before 2013 but the Judiciary has not

formally organized a function to remember them. We intend to formally and professionally remember them this coming year. Let us, for now, observe a moment of silence in their remembrance.

As we mark the occasion of opening the New Law Year 2014/2015, I wish to assure the country, that despite the challenges faced by the Judiciary, the institution continues to function normally and the Rule of Law continues to grow and prevail throughout the country. The Court system is fully functional. It is open to hear and determine all cases between all manner of persons.

This occasion reminds us of our responsibility of sitting in judgment over our fellow men and women and to dispense justice without fear or favour, ill will or affection.

On this occasion, we, in the Judiciary, re-new our commitment **“to render justice to all manner of people, through timely adjudication of disputes without discrimination”** as our vision states. We also

reflect on our mission which is ***"to establish and maintain an independent, competent, trusted and accountable Judiciary that administers Justice to All."***

We continue to cherish the values of independence, impartiality, transparency, professionalism, integrity, accountability, equality and respect, much as justice is a complex concept. Fortunately, the law guides the process of achieving justice. I must remind you that justice is not dispensed basing on popular expectations but according to the law.

Justice is also about the enforcement and protection of legal rights and the interests of the parties to a dispute vested in them by law. We, the Judges apply the law impartially in the judicial process and this underscores the expectation of court users each time they step into the courtroom; whether as counsel, litigants or as witnesses. They all expect a fair and impartial hearing.

Key achievements of the Judiciary in the year 2013.

I now turn to the practical side of the work of the courts in 2013. The 16th Annual Judges Conference ended yesterday under the theme ***"Enhancing Public Confidence in the Judiciary"***. We reviewed the work of all courts during the judicial year 2013, we identified constraints, challenges and achievements. We agreed to turn the challenges into opportunities which we will exploit with the objective of achieving even more success. We also set ourselves key priorities in our performance during this Law year, 2014.

The case load in our courts is increasing due to several internal and external factors including growth in the population, increase in crime rate, conflicts, and increased public awareness about basic rights. The Judiciary is however determined and ready to handle this increased workload.

SUMMARY OF PERFORMANCE FOR ALL COURTS FOR THE YEAR 2013.

COURT TYPE	REGISTERED	COMPLETED	DISPOSAL RATE
Supreme Court	61	33	54.1 %
Court of Appeal	1,030	330	32.0 %
Constitutional Court	154	51	33.1 %
High Courts	21747	14893	68.5 %
Chief Magistrate	63,604	63,892	100.5 %
Magistrate Grade I	45,441	43,741	96.3 %
Magistrate Grade II	10,984	9,509	86.6 %

These figures indicate a significantly high level of performance of the Courts, mainly because of the increased numbers of judicial officers at the higher bench.

Professionalization of the Lower Bench

As of to-day out of the original 417 Grade Two Magistrates in the Judiciary twelve years ago, we are now left with sixty few (65). It is projected that in the next five years the entire Magistrates' Bench will be composed of professionals only.

New Districts

The creation of new districts continues to be a challenge to us especially in terms of numbers of judicial officers. We are committed to ensuring that each district gets at least a Grade I Magistrate and where possible a Chief Magistrate. We thank the new districts that have offered us facilities for courts and I appeal to those who are yet to give us land for construction to do so.

Construction of Court Houses

During the year under review, the Judiciary was able to acquire 5 acres of land at Naguru for the construction of

the proposed JLOS House. The Judiciary also plans to construct premises to house the Supreme and the Court of Appeal courts and to expand the High Court at the High Court grounds. Steps are being taken to ensure early implementation of these plans. The architecture of the courts has also improved to cater for the needs of persons with disability. I must point out however that the main challenge in this area is funding the sources of which are yet to be brought on board.

We continue to construct court houses throughout the country with the support of DANIDA and the Government of Uganda through the Justice, Law and Order sector (JLOS). During the last Law Year, eight (8) court houses were constructed and completed. These included Isingiro, Kanungu, Kayunga, and Bundibugyo. The construction of five (5) is ongoing and that of five further (5) courts will start this year. Soon I will be travelling to Nakapiripit and Kalangala among other places to officially open new courts. Solar energy systems have also been installed in some courts and this year ten more are earmarked for the facility. Model

family courts are being constructed in Makindye and Fort Portal.

Due to the peculiar needs of some of the places where the courts are built in addition to building the court houses, we are building Magistrate's residences for their accommodation.

I extend our sincere thanks to the Government of Uganda, the Royal Kingdom of Denmark and the Government of the Netherlands and other JLOS development partners for their valuable assistance in this area. We will continue to lobby for and work on constructing more courts in different parts of the country as demanded by the need for effective access to justice by all as a way of enhancing public confidence in the Judiciary.

Capacity Building

We continue to take training seriously paying particular emphasis to on-the-job skill training that includes both

induction and continuous training courses, whenever funds permit. We have also exposed our officers to external training to improve their knowledge and skills for better performance at their stations.

The Judicial Studies Institute is planning to extend its services to include external stakeholders. The construction of a multipurpose training centre at Nakawa is ongoing with the help of JLOS and the Netherlands Government. This will enable the Institute to offer training programmes to other players involved in the administration of justice in an organized environment. It will also cut expenses of operating from rented premises.

Human Resource Development

The Judiciary continues to experience serious shortages in numbers of available judicial officers *vis-à-vis* the judicial workload. On a happier note, I wish to thank His Excellency the President of Uganda as the Appointing Authority, the Judicial Service Commission and Parliament for improving staffing in the Judiciary. In

the judicial year 2012/2013, the Judiciary upgraded to 8 Justices at the Supreme Court, 11 Justices of the Court of Appeal, and 56 Judges in the High Court. This year, we have just received nominations of 4 Judges of the High court and, 2 Judges of the Industrial Court including the Chief Judge thereof. My congratulations go to all the concerned Judicial Officers.

Currently the Judiciary has 5 Registrars 13 Deputy Registrars, 4 Assistant Registrars, 47 Chief Magistrates, 134 Magistrates Grade I and 65 Magistrates Grade II. I believe that with these numbers and hopefully more to come during the year 2014, we should be able to deliver Justice to all and we shall be in a better position to enhance public confidence in the Judiciary.

We shall, in the judicial year 2014/2015 continue to push for the appointment of more Judges at the higher bench and more Magistrates at the lower bench as we intend to create more magisterial areas.

General Performance

In 2013, the Judiciary made considerable progress in many areas: Some of the achievements to build on include: Construction of more courts; completion of consultations and lobbying over the draft Administration of Judiciary Bill; conducting civil and criminal sessions both in our Courts providing more vehicles for use in the field and in Kampala, training judicial and non judicial staff and creating awareness in the public; improving retirement benefits of Judicial officers; continued computerization, installation of court recording systems and networking. I would however like to say a little more about a few the documents registered.

Small Claims Courts

During the year under review, our justifiably acclaimed small claims settlement procedures were rolled out to cover a wider section of our jurisdiction. These courts are a powerful mechanism to provide access to justice public especially to the indigent and in the process

increase confidence in the Judiciary. They also help to avoid escalation of case backlog in our system. Small claim courts are meant to function on the basis of speed, simplicity, and cost effectiveness. They provide fora for resolution of civil claims to up to shs 10,000,000/-. The training of our staff will continue in order to improve the quality of services rendered by these courts. Efforts to create awareness of the population about this scheme will also continue in the coming judicial year.

I am pleased to note and report that the scheme of small claims procedures earned us a reward of best initiative and Hon. Justice Peter Henry Adonyo picked the prize on behalf of the Judiciary. We shall continue to expand the small claims procedures to a larger Magistracy so that eventually all courts adopt this expeditious method of resolving matters involving such claims.

Justice Centers

Justice centers were first launched in Northern and Eastern Uganda in the year 2010 so as to promote the

rights of the vulnerable communities by providing legal aid, referrals and sensitizing them on their rights and on the judicial processes. The Justice Centers are currently based at the Chief Magistrates' Courts of Lira, Hoima, Mengo and Tororo and at Kampala High Court. We plan to roll it out in all parts of the Country. A major challenge in this area however is that many judicial officers are yet to appreciate that justice centers are part and parcel of the Judiciary strategy to ensure access to justice by all especially the poor. In order to deal with this challenge, I have directed the Registrar High Court, who is responsible for the justice centers, to work with the Justice Centres Steering Committee to carry out carefully designed sensitization activities for both the Judiciary staff and the public, funds permitting.

Sentencing Guidelines

The long awaited Sentencing Guidelines were completed and inaugurated. Sensitization programs over the same are under way. I thank the Hon the Principal Judge and his taskforce for doing a good job in developing these

guidelines. The same team has been asked to steer and oversee the implementation process. The Sentencing Guidelines will be of great assistance in ensuring consistence, uniformity and transparency in sentencing.

The State of the Bar

I am pleased to note that last year, the Law Society made a considerable effort to improve the working relationship of the lawyers with the courts and to try and ensure that fraudulent transactions in the registration and licensing of lawyers are avoided. The Law Society is commended for its commitment to ensuring that errant lawyers are disciplined. The Bar - Bench Committee is commended for further entrenching dialogue between the Judiciary and the other players in the legal profession in the administration of justice in our justice system. I would like to thank the President of the Uganda Law Society, her Executive and the Law Council for their untiring efforts to improve the profession and the Bar-Bench relationship. This effort must be encouraged to continue. It should be extended

to all the other players in the administration of justice in our country. This is the way to go.

Public and Stakeholder Outreach

The JLOS Baseline Survey recently released shows that nearly 50% of Ugandans do not know about the Judiciary. This is a sad story about the conduct of our public relations. The problem has, however, been identified and we shall do all that it takes to interest the public in the work of the courts by holding, *inter alia*, call in radio programmes and court open days to enable our stakeholders to be more familiar with our role in society. I must be emphasized however, that all this must be done in strict compliance with the law.

Links with other Judiciaries

I wish to report that in the past few years, the Judiciary has increased links with judiciaries and judicial institutions from many jurisdictions all over the world.

This policy will continue as it facilitates interactions and information sharing about our work.

Independence of the Judiciary

The constitution provides for an independent Judiciary. This is because the framers of our Constitution recognized the independence of the Judiciary as an important cornerstone in the existence of a free and democratic society governed in accordance with constitutionalism and the Rule of Law. We shall, in the new judicial year we are opening today, continue to jealously guard the independence of our country's Judiciary for the benefit of all.

We note with satisfaction that Government is in advanced stages of introducing to Parliament the long awaited Administration of the Judiciary Bill which is now being considered by Cabinet. It is our hope that that Bill will soon be enacted into law by Parliament and in a form that befits the status of the Judiciary as provided for in the Constitution. The enactment of the Bill into law should go a long way, in not only ensuring and

strengthening the independence of the Judiciary, but also in placing the Judiciary in its proper position as envisaged by the Constitution.

Challenges

Poor Housing for the Courts

The Judiciary continues to face the challenges of court premises at all levels. This is despite the fact that a lot has been achieved in the past, thanks to the support by Government and the Development Partners to the Judiciary in the area of infrastructural development.

Terms and Conditions of Service

Government intervention during the just ended Law year 2013/2014 which saw improvements in the remuneration of Judicial officers is highly appreciated.

At the 16th Annual Judges meeting we concluded yesterday, we were happy to note that Government was considering further improvements in vital aspects of the

welfare and the terms and conditions of service of Judicial officers. For this, we are eternally grateful to Government. It is evidence of Government's commitment to progressively effect improvements in the Judiciary. We are confident that this positive trend will continue as the national economy continues to improve and develop given the sound economic policies and priorities the government has set itself out to follow and implement. His Excellency the President's address to the just concluded Annual Judges Conference on the 27th January 2014 was greatly informative and reassuring in this regard.

The Poor image of the Judiciary

The judiciary is alive to the continued adverse publicity about the institution resulting from allegations of corruption, whether real or perceived. The Judiciary has, unfortunately, continued to be ranked high among corrupt institutions in this country, Region and the world. This vice must be relentlessly fought by all of us. As an institution, we must, seriously engage in self

cleansing of all forms of corruption whenever detected. In that regard, the Judiciary is determined to implement its zero tolerance to corruption policy. Mechanisms that will continue to be employed in this regard include, but are not limited to;

- The ruthless implementation of our comprehensive Judiciary Anti Corruption Strategy and its Anti Corruption Action plan already in place.
- The annual conduct of nationwide tours throughout Uganda by the JLOs Integrity Committee which the Judiciary leads, to assess the magnitude of the problem with a view to working out additional strategies and mechanisms to deal with that problem. The first of this kind of joint tour took place in November 2013 and a report is due for consideration with a view to being implemented.

- The extension of the Anti Corruption Strategy and Anti Corruption Plan of Action to cover all JLOS institutions.
- Suspected errant judicial officers have continued to be placed and shall continue to be so placed before the Judicial Service Commission for investigation and possible disciplinary action whenever they are identified.
- Where sufficient evidence has been obtained to warrant prosecution of judicial officers suspected to be involved in corruption, such officers have been taken to court and many have been convicted. We shall follow this trend whenever circumstances warrant.
- The judiciary will continue to handle corruption and corruption related cases as provided for by law and within the country's court system.

- The judiciary will continue to co-operate with all the other anti-graft institutions in the country with a view to curbing the cancerous vice of corruption from the Judiciary for the overall good and benefit of our society.
- The peer committees in our courts shall continue to be strengthened with a view to enabling them to work effectively.

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. We are grateful to all Government Ministries, JLOS Institutions and all our Development Partners including, the European Union, the Governments of the Netherlands, Denmark, Ireland and Austria, among others, for their valuable assistance to the courts which enables them to function. We look forward to further cooperation throughout this new Law Year.

We thank the Government of Uganda for its support to the Judiciary and hope for more of it in the year 2014/2015.

May I appeal to all stakeholders in the legal fraternity whether in the public or private sector to realize that we all serve the same masters, the people of Uganda from whom judicial power is derived. The challenge we all have is for each of us in our respective areas of operation and performance to realize the value in working together in a spirit of harmony, though without derogating from each other's core values and roles as we serve the people. If we do this, no doubt, the public confidence in what we do will not only be enhanced but will also be appreciated. Let us all strive to achieve this as we begin the New Law year 2014/2015 and let that spirit see all of us through the said year.

I thank you for your kind attention, God bless Uganda and God bless the entire legal fraternity as we all endeavor to serve mother Uganda in accordance with our national Moto ***"For God and My Country"***.

I now have the honour and pleasure to declare the New Law Year 2014/2015 opened.

Steven B.K Kavuma
AG. CHIEF JUSTICE