



THE JUDICIARY

INSIDER



The new Judiciary at a glance



» Ben Kiwanuka, a man whose time had not yet quite come

» A peep into Chief Justice Owiny – Dollo's transformation agenda

INTERVIEW

Performance of High Court Circuits, Divisions in Quarter 4 FY2022/23

PICTORIAL



A cross-section of Judges in a group photo with President Yoweri Kaguta Museveni at the opening of the 24th Annual Judges Conference at Mestil Hotel on January 30th, 2023.



Prime Minister Robinah Nabbanja being received by the Chief Justice, Deputy Chief Justice at the Judiciary Headquarters during the opening of the New Law Year on February 3rd 2023. She represented the President. Looking on is Mr Bernard Oundo, president Uganda Law Society, HW Sarah Langa Siu and Permanent Secretary/Secretary to the Judiciary, Dr Pius Bigirimana.



The Chief Justice receives an accolade that was given to him by the Judges of the East African Court of Justice for the hospitality accorded to the Court during their Conference and Session in Uganda last year. The award was presented to him by the Head of the Commercial Court, Justice Stephen Mubiru who was accompanied by his Deputy Lady Justice Anna Mugenyi (2L), Justice Richard Wabwire and HW Juliet Harty Hatanga.



The Chief Registrar HW Sarah Langa Siu planting a tree as part of the activities to commemorate Amuru Magistrates Court Open Day on August 22, 2023. Looking on is the Chief Justice and other justice actors.



Staff of the Judiciary taking part in the 132nd Health Aerobics at the Judiciary headquarters, Kampala.



A sacrifice is never in vain

A wise man once said, “Great achievement is usually born of great sacrifice, and is never the result of selfishness.” Truth be told, that is the story of Chief Justice Benedicto Kiwanuka, who was last seen alive 51 years ago. Behind the hallowed halls of courts, there exists a cadre of individuals who devote their lives to the pursuit of justice, often at great personal cost.

For Chief Justice Benedicto Kiwanuka, the ultimate price was his life. The pursuit of the rule of law put the late Chief Justice, who was at the forefront of upholding the rule of law, at great personal risk that led to his martyrdom.

His stance to safeguard the rule of law and stand by the judicial oath and administer justice will forever be embedded in the annals of judicial history. It is for these ideals that for the last six years, the Judiciary has commemorated the day that he last walked in the corridors of the Judiciary Headquarters, the High Court.

Justice Kiwanuka lived and worked under great difficulty but, guided by noble principles, he propelled by personal endeavor, to lead and serve. He rose to great heights, and eventually left his star shining brightly to all of us and that star has continued to shine on long after his awful extrajudicial execution orchestrated by fellow men, held captive by envy and personal insecurity.

But even with this grim picture, it cannot take our pride in serving humanity.

The Judiciary’s vital role in preserving the rule of law cannot be overstated. Behind this institution lies a group of dedicated individuals who make profound sacrifices in their pursuit for justice. Their tireless efforts, often undertaken quietly and without fanfare, are the bedrock upon which the pillars of justice stand.

It is important for us to take a moment and appreciate the sacrifices made by the defenders of our collective rights and liberties because surely, their contribution and decisions will outlive us all.

As you read through this edition, we highlight some of the milestones of the Judiciary and its Transformative Agenda.

A great read ahead!

Sarah Langa Siu
CHIEF REGISTRAR

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Performance of High Court Circuits, Divisions in Quarter 4 FY2022/23

For the last two years, heads of High Court Divisions and Circuits have been holding quarterly meetings with the Principal Judge, Dr Flavian Zeija and the Case Backlog Monitoring Committee, headed by the Deputy Chief Justice, Richard Buteera, to strategize on how to improve caseload management. The eighth quarterly meeting was held between August 31 – September 1 at Golf Course Hotel and below are the highlights of the reports made.

Criminal Division

The Division carried out a mini data cleaning exercise at the end of March 2023, where 40 cases were weeded out. This was contained in a report presented by the Division’s Deputy Registrar, His Worship Festo Nsenga.

In the course of the reporting period, a total of 2,024 cases were pending.

Projecting the future performance targets for FY 2023/24, the Criminal Division plans to complete 620 cases in first quarter of FY 2023/24 as follows;

- Daily cases- 100
- In-house plea bargaining- 100 cases
- Plea bargaining camps- 300 cases
- Out of station session in Entebbe and

- Wakiso- 100 cases
- Juvenile session at Naguru remand home- 20 cases

Civil Division

The head of the Division, Justice Musa Ssekaana in his presentation, said the case workload for the Division as at 30th June 2023 stood at 3,958 cases of which 33% (1,324 cases) was backlog and 67% (2,634 cases) of workload is not backlog.

The Division disposed of 407 cases and of these, 50% were backlog cases (202). The balanced disposal was attributed to a mixed-fixing strategy of new and old cases at the Division.

Anti-Corruption Division

In the report presented by the Head of the

Anti-Corruption Division, Justice Lawrence Gidudu, it was revealed that at the end of June 2023, the Court had since inception registered 4,211 cases. Out of these, 4013 had been completed, leaving 198 cases pending.

He attributed the success of the Court to the case management rules, and also called for training in digital forensics and money laundering mechanisms.

International Crimes Division

The court in quarter four, according to the statistics presented by Justice Richard Wabwire Wejuli, completed four trials and 15 miscellaneous causes. The Court’s current backlog is 20 cases, nine pre-trials, six trials, four miscellaneous causes and one judgement pending



the execution of a warrant of arrest. The Court intends to conclude the Thomas Kwoyelo trial by the end of FY 2023/2024.

Family Division

Lady Justice Ketrach Kitariisibwa Katunguka, the Deputy Head of the Family Division; broke down the statistics of the cases heard and those pending as at June 30th, 2023.

In Quarter Four, the Court completed 1,143 cases and has 1,009 cases categorized as backlog.

Land Division

In her presentation, Justice Alexandra Nkonge Rugadya, the Head of the Land Division reported that a total of 1,223 cases were disposed of in the quarter, compared to 891 cases completed in the third quarter, which calculates into an increase of 332 more cases disposed of. She attributed the increase in disposal to a weeding out session and data cleaning exercise that the Division undertook in months of May and June.

The Division had a total of 9,177 pending with a backlog of 4,139 cases.

Commercial Division

According to the Head of Division, Justice Stephen Mubiru, in the reporting period, the Division embarked on an exercise to verify the actual cash value of the cases completed.

- Trade- Shs8,775,703,031.38,

- Banking-Shs4,264,600,624,
- Universal- Shs76,965,082,328,
- Credit and loans-Shs571,994,512,
- Construction-Shs112,522,526,
- Corporation- Shs843,551,317.

This gave a total of Shs91,533,454,338.38

Going forward, Justice Mubiru said there was need for a study to analyze the impact of Commercial Justice on Economic Development to identify areas of reform.

For the period under review, it was reported that the Court had 5,153 pending cases.

Industrial Court

On behalf of the Court, Justice Lillian Tumusiime Mugisha said as at 28th August 2023, 222 more cases had been registered since the last quarterly review meeting which was at 5,563 cases, bringing the current number of registered cases, since inception, to 5,785.

She further shared that since inception, the Court has disposed of more than 3,063 cases. This implies that, over 53% of the cases filed since 2014, have been disposed of.

In the reporting period, Justice Mugisha said as an individual judge, she was able to dispose of a total of 87 cases (73 are in-station and 14 from Jinja Circuit-session) while Justice Anthony Wabwire Musana disposed of a total of 59 cases. The total number of cases disposed of by the two Judges in Quarter 4 is 146 cases.

Gulu High Court Circuit

The Head of Gulu High Court Circuit, Justice Phillip Odoki who presented the report on detailing the case statistics indicating that there were 3,228 pending cases with 1,330 categorized as backlog. There were 119 cases that had been disposed of.

Arua High Court Circuit

Justice Acellam Collins, the Resident Judge Arua reported that as at June 30, the Court had a caseload of 1,117 cases. The total number of cases disposed of that quarter was 62 cases.

Projecting the future, Justice Acellam said with adequate and timely funding of their work plan, they expect at the end of the 1st quarter in the new Financial Year to have completed the following;

- One criminal session in the following areas, Adjumani and Moyo and Nebbi and Arua
- One plea bargaining session in Arua
- Timely scheduling of locus visits and criminal sessions as soon as funds are made available.
- concurrent adjudication of both civil and criminal matters.

Mpigi High Court Circuit

Statistics of the court presented by the Mpigi High Court Assistant Registrar, Her Worship Justine Atukwasa showed that a total of 86 Plea Bargain files were cause-listed with 105 inmates participating. A total of 92 were convicted and sentenced to prison while 13 were adjourned to the next camp.





Further, the court statistics showed that in total, there were 1,344 pending cases in Civil and 629 in Criminal as at 21st August, 2023. Among the pending cases indicated, there was a backlog of 434 in Civil and 234 in Criminal matters.

Iganga High Court Circuit

The Resident Judge, David Batema’s presentation showed that there were 62 registered cases in the reporting period, 47 cases had been completed, 2,100 were still pending of which 783 were backlog.

Case Backlog Clearance Plan/ Strategies

- Fast tracking of cases using CCAS.
- Conducting internal and out of station sessions.
- Emphasis on the use of alternative dispute resolution mechanisms.
- Use of Plea Bargains.
- Day to day hearing of Civil cases by the Judge.
- Ensuring timely cause-listing of cases on the basis of first in and first out.
- Carrying out physical census of cases and weeding out of cases that have been in the system for a long time with no action taken.
- Timely writing and delivery of all pending judgments and rulings in old cases.
- Holding regular Bar-Bench meetings to discuss case management strategies.
- Avoiding unnecessary adjournments.

Fort Portal High Court Circuit

The performance report was presented by the Head of Circuit, Justice Vincent Emmy Mugabo.

The statistics showed that there were 1,661 cases pending hearing with a backlog 479 cases. The Court had completed 409 cases.

Some proposed measures to improve performance of the Circuit included holding three criminal sessions in Kyenjojo, Fort Portal and Kasese; hold two plea bargaining sessions in Fort Portal and Kasese. Other measures included having timely scheduling of locus visits and



The Deputy Chief Justice, Richard Buteera, urged the Judges to implement Judiciary’s paradigm shift from case backlog to caseload management with the objective of striking a balance in handling new cases alongside the backlog.

criminal sessions, as soon as funds are made available.

The other measure is to conduct concurrent adjudication of both civil and criminal matters.

Mukono High Court Circuit

In his summarized report, Justice David Matovu, the Head of Mukono High Court Circuit shared that the total caseload stood 4,738 with a backlog of 2,013 cases.

They had completed 741 cases in the period under review. The Court intends to have regular hearing of all cases, avoid unnecessary adjournments as well as conduct weed out sessions.

They also called for quick addressing of staffing gaps as well as expansion of the

Court premises.

Masaka High Court Circuit

Justice Victoria Katamba, the Head of Circuit, said the Court that covers 10 districts, had completed 261 cases leaving 2,845 cases pending.

Justice Katamba went ahead to highlight some of the achievements in the quarter like where she was able to dispose of 40 cases using plea bargaining, while her colleague Justice Lawrence Tweyanze concluded two criminal sessions with 34 cases disposed of under full trial and 24 cases being disposed of under plea bargain.

Some of the strategies that they used to reduce on the caseload such as discouragement of adjournment of cases, use of Mediation and reconciliation, use of electronic platforms to deliver services such as case hearings via video conferencing and delivery of decisions via email.

Others were red flagging of very old civil matters and fixing them for hearing with a very short adjournment where necessary and the scheduling of cases that can be appropriately handled per day.

Mbale High Court Circuit

The Head of Mbale High Court Circuit, Justice Godfrey Namundi, said 793 cases were completed leaving 2,607 cases pending.



Some of the mechanisms that Justice Namundi listed as being used to ensure case reduction in the Circuit include; use of Alternative Dispute Resolution, continuous weeding out sessions. He noted that since the Financial Year began, 68 plea bargains had been handled, 60 full hearing criminal cases were completed and seven civil sessions handled.

Another system was designed where files are allocated immediately to judges upon filing and given hearing dates, daily hearing of cases and promotion of pro-bono services among advocates.

The total statistical performance targets for next quarter according to Justice Namundi is 1,400 cases in the different case categories.

Masindi High Court Circuit

Justice Isah Serunkuma reported that there were 842 pending cases of which 466 were backlog.

Some of the strategies that the court is using to reduce of caseload include; daily hearings, continuous weeding out of cases that are non-starters, case census, regular meetings and improved remuneration of state brief lawyers.

Mbarara High Court Circuit

Lady Justice Joyce Kavuma, the head of Mbarara High Court Circuit, reported that they were able to dispose of 783 cases.

The caseload is at 4,824 cases, with backlog at 2,324.

Going forward, she outlined the following caseload management strategies; weeding out sessions, holding more Bar-Bench engagements, use of ICT infrastructure and keeping an eye on ageing cases.

Lira High Court Circuit

The report presented by Justice Duncan Gaswaga, the Lira Resident Judge indicated that the caseload stood at 2,280. In the same reporting period, the court completed 228 cases.

The Court looked forward to holding multiple sessions to clear at least 300 cases in the first quarter of the new Financial Year. Justice Gaswaga noted the need to hold full criminal sessions and decried delayed submission of records of appeal from magistrates' courts.



Soroti High Court Circuit

The Soroti Resident Judge, Dr Henry Peter Adonyo said there were 990 pending cases and 157 are backlog. The Court intends to handle 350 cases in the first quarter of FY2023/2024.

Some of the best practices the court implements include having a dedicated person assigned to the registry to receive documents to avoid disorganisation. This, he said, has helped with the challenge of documents disappearing or being misplaced.

The others included color coding of files to identify file categories to enhance the organisation of the registry and archives, weeding out non-starter cases and generating a monthly ageing-list. Justice Adonyo added that regular inspections, regular meetings with stakeholders and mentorship sessions of Judicial Officers have improved performance of the Court, among others.

Rukungiri High Court Circuit

Justice Tom Chemutai reported that the current caseload stood at 430 with 60 cases categorized as backlog.

During the reporting period, the Court held two sessions; both civil and criminal where 107 matters were handled. Of these, a total of 51 cases were disposed of in all categories.

Performance targets for 2023/24 are to; clear all the backlog, conduct continuous criminal sessions of 40 cases per quarter and dispose of at least 10 civil cases per month.

Moroto High Court Circuit

Lady Justice Mary Ikit, said the case work load stood at 485 cases with the bulk of the cases being criminal in nature. Of these, 110 are backlog.

Further in her presentation, Justice Ikit said the Court was able to dispose of 67 cases.

In the report, civil appeals recorded the highest disposal rate of 33%, followed by the civil applications at 30%.

Land cases recorded the lowest disposal rate of 0%, which was attributed to the security situation in the sub-region that resulted into the Chief Justice halting of locus in quo visits in March this year.

Statistics showed that they were 16 land cases pending locus visits/ judgments with some of these cases having transferred from Soroti High Court.

Mubende High Court Circuit

Justice Moses Kawumi Kazibwe reported that the caseload stands at 2,094 cases with 603 categorized as backlog. The Judge called for the construction of high court premises at Mubende, deployment of a Judge at the proposed Kiboga High Court Circuit (one has since been deployed).

Justice Kazibwe called for increased funding for Civil and Criminal sessions including hosting visiting Judges.



Kabale High Court Circuit

Justice Samuel Emokor in his report stated that 124 cases had been completed and there are 612 pending cases of which 171 are backlog.

To improve performance, the Judge said they intend to continue with more weed-out sessions, use of ADR and more out of station criminal sessions. The other strategies being fast-tracking of old cases and close supervision of staff.

Tororo High Court Circuit

A total of 131 cases were disposed of leaving 558, according to the report presented by HW Hellen Edimu, Assistant Registrar, Tororo High Court.

Some of the court’s best practices include daily hearings of both criminal and civil cases, weeding out, weekly cause-listing, using the session system for vulnerable groups, etc.

Jinja High Court Circuit

Lady Justice Dr Winifred Nabisinde, the Head of Jinja High Court Circuit reported that there were 3,161 cases that were brought forward from the previous quarter. The fourth quarter saw 204 cases being completed.

Further in her presentation, Dr Nabisinde listed some of the causes that contribute to the backlog at her court. Case backlog generated by Covid-19 lockdown, inadequate manpower with

the circuit judges and other officers being overwhelmed, transfer of judicial officers, delayed/insufficient funds to carry out sessions, a big number of unrepresented litigants and an overstretched Justice Centres team.

Hoima High Court Circuit

As at 30th June 2023, Hoima High Court had a workload of 1,200 cases with 286 categorized as backlog. During the same period, Justice Jesse Byaruhanga Rugyema reported that they were able to complete 221 cases.

The Court has a number of innovations geared at improving performance. These include; Regular bar bench meetings to discuss case management strategies; monthly staff meetings to discuss issues affecting performance, such as time management and records management.

Session Cause-lists are based on first in first out basis, improved remuneration for state brief lawyers, quarterly RCC meetings with stakeholders to discuss issues affecting administration of Justice in the circuit.

The others being timely preparation, display and distribution of weekly cause lists and use of social media to ease process service as well as information sharing, among others.

Luwero High Court Circuit

Lady Justice Henrietta Wolayo, the Resident Judge for Luwero High Court Circuit in her presentation stated that the Court had 1,462 pending cases with 357 as case backlog. for the quarter under review, 185 cases had been completed.

In order to improve performance, Lady Justice Wolayo asked for the provision of a standby generator or solar power to counter the irregular power supply. She equally called for provision of regular funds for both criminal and civil sessions and fencing off the court land pending the commencement of construction of the High Court. ■

The 11 common challenges facing High Courts

Some of the cross cutting challenges in the courts included; delay in getting operational funds, under funding, fewer staff compared to the workload, courts operating in rented premises, and intermittent electric power supply which sometimes goes for days on end.

Others are; non-provision of refresher courses for judicial officers and staff, limited number of State Attorneys, deployment of inappropriate staff at the station for example court clerks/ interpreters who are unable to speak the native language and hence cannot interpret perfectly for the natives to understand, and this has seen matters always being adjourned awaiting securing an appropriate interpreter, need for archive, library and exhibit stores to minimize on congestion.

The Deputy Chief Justice, Richard Buteera, urged the Judges to implement Judiciary’s paradigm shift from case backlog to caseload management with the objective of striking a balance in handling new cases alongside the backlog.

The Principal Judge, Dr Flavian Zeija reassured judicial officers that for challenges that had not yet been addressed, they had been factored in the planning process.

He further said he was alive to the financial shortfalls in the institution which had affected plans before quickly reassuring them that engagements are ongoing to ensure that the challenges are addressed so that they can easily execute their duties. ■



Highlights of the 5th Benedicto Kiwanuka Memorial Lecture

Last year, the fifth Chief Justice Benedicto Kiwanuka Memorial Lecture was held at the Judiciary headquarters in Kampala under the theme; Reflection on the independence of the Judiciary in modern times. Below are some of the highlights of the Day.

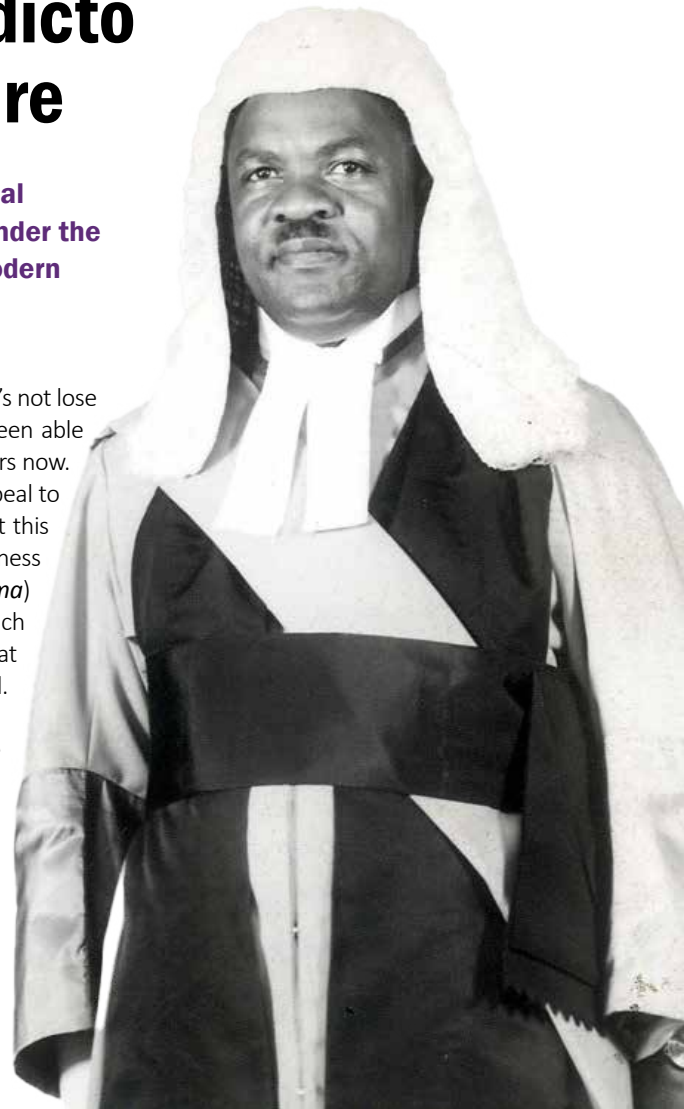
Remembering CJ Kiwanuka

President Yoweri Museveni, the guest of honor at the Lecture described as missed opportunities moments where the educated class in Uganda, because of their tribalistic mindset, failed to agree for a common cause like getting rid of former President Idi Amin who ordered for the abduction and killing of former Chief Justice Benedicto Kiwanuka, the whereabouts of his remains remain unknown.

He saluted Kiwanuka whom he described as a principled person, saying it was unfortunate that he ended up working for the wrong Government of Idi Amin. "We salute Ben Kiwanuka but please

Ugandans, the political class, let's not lose new opportunities. NRM has been able to keep you together for 35 years now. That's why we are moving. I appeal to you all, consolidate and support this unity and approach of togetherness (*Agali awamu gegaluma ennyama*) loosely translated as "Teeth which are together can chew the meat better," President Museveni said.

He hailed Chief Justice Kiwanuka for standing firm against the tribal chauvinism, saying no to pushing tribal agendas and advocating for a national position. "I worked with him in the





Democratic Party (DP) although DP still had its sectarian side being mainly a Catholic party but at least on the national unity, they took a correct position and we should salute him for that.

Highlights of the keynote speech

The keynote speech was delivered by Ghanaian Supreme Court Judge Emmanuel Nii Ashie who said that for the independence of the Judiciary to be safeguarded, promotions of judges should be based on merit. And that judicial officers must have security of tenure and shouldn't be dismissed unless they violate their oath.

Another requirement of Judiciary independence, Justice Ashie said, is financial autonomy. "Independence of the Judiciary requires that it's separate from the Executive and the Legislature. And that it's not influenced by any person in the performance of its judicial functions," he said.

That said, Justice Ashie pointed out it doesn't mean that the Judiciary doesn't

interface with any other institutions.

Judiciary acknowledges noble role of CJ Kiwanuka

The Chief Justice said that the Judiciary family acknowledges the noble role Kiwanuka played in the promotion of the observance of the rule of law and respect for human rights for which he paid the ultimate price. "...we are called upon to mirror the life of the indomitable Ben Kiwanuka and ask ourselves what we have so far done, and what else we can do, for our people," the Chief Justice said.

The martyrdom of Chief Justice Kiwanuka was, Justice Owiny - Dollo said, a consequence of his determination to assert judicial independence in the face of the Chief Executive who had no regard whatsoever for the rule of law. The Chief Justice said that it is clear that Judicial independence operates on a number of facets. Foremost, he said, is the exercise of obligation by the State. Second, is the availability of an enabling legal system, third, is the exclusive exercise of judicial authority by the Courts. Third, is the Courts' effort to ensure that the laws are

properly interpreted and appropriately applied; and lastly is the duty of the State to provide sufficient resources to the Judiciary to enable it to operate effectively. Judicial Independence will also be guaranteed, Justice Owiny - Dollo said, inter alia, through appointing suitable and qualified persons into judicial positions, ensuring judicial officers enjoy the security of tenure, willingness to respect and enforce court decisions, regardless of who is affected by the decisions; and making the Courts accessible to the common man seeking for justice.

As Uganda reflected on the independence of the Judiciary, the Chief Justice said that this theme resonates with the theme of the Commonwealth Magistrates and Judges Conference in Accra, Ghana; which was 'Access to justice in the modern times', that he was privileged to attend. "One of the highlights was the need to strengthen the financial and administrative independence of our Judiciaries. I must thank you Your Excellency [President Museveni] once again for the Administration of the



Judiciary Act, 2020 through which we have gained a lot,” the Chief Justice said.

Adding that administratively, the Judiciary still desires more involvement in the recruitment, promotion and discipline of its Staff.

Rule of law and the independence of the Judiciary

The Deputy Chief Justice, Richard Buteera said the rule of law and human rights observance are inseparable from the independence of the Judiciary. An Independent Judiciary, he said, benefits all of us. “We require strong and independent justice institutions to foster and enforce the law. An Independent Judiciary in modern times is essential if we are to achieve the purpose of the New Judiciary ushered in by the enactment of the Administration of Judiciary Act, 2020,” he said.

“As an independent Judiciary, we stand accountable to the law. We shall always promote and protect the principles of supremacy of the Constitution, fair and equal treatment of all people,” Justice Buteera said.

In the performance of their Judicial duties, Justice Buteera noted that judicial officers contribute to the national effort of transforming Uganda by ensuring that all citizens enjoy their rights as they conduct



President Museveni saluted Kiwanuka whom he described as a principled person.

their affairs in accordance with the law.

This celebration of life and achievements of Kiwanuka, he said, calls upon each judicial officer to reflect on what they have done, and what more they can do, in the quest for a stronger and

independent Judiciary and the delivery of Justice to the people in a fair, speedy and impartial manner as commanded by Article 28(1) of the Constitution.

Threats to Judicial Independence

Weighing into the debate the President of Uganda Law Society, Bernard Oundo said although positive steps have been taken in Uganda to ensure judicial independence there are a number of threats which in ULS’ view need to be addressed as Uganda progressively realizes the independence of the Judiciary.

Courts in Uganda, he explained, are clothed with constitutional powers to dispense justice to all persons. Justice is delivered and communicated through Court orders, which must be obeyed by all persons, institutions, and authorities in the land at all times.

That notwithstanding, Mr Oundo said that some government institutions treat Court orders as mere white papers with blank ink. “They are accorded no respect and in some cases no attention at all,” Oundo said.

Categorically pointing out security agencies as key contemnors. “In some cases, a court of law will issue orders maintaining the status quo, only for the police to go and alter it,” Oundo said. ■





Ben Kiwanuka, a man whose time had not yet quite come

On this occasion, the Judiciary marks the life and times of Ben Kiwanuka, the first Ugandan Chief Justice, the first Chief Minister and first Prime Minister who led Uganda into self-government in 1962.

Mr. Kiwanuka's life ended prematurely with his abduction from his chambers at the High Court. To this date, no one has been held responsible for his abduction and murder. The Judiciary under the leadership of Chief Justice Emeritus Bart Katureebe, inaugurated the first Ben Kiwanuka Day in 2018, 46 years after his disappearance.

The ceremony was a rich and befitting tribute to Ben Kiwanuka marking in detail never heard before in the public arena of the last days of the Chief Justice. Especially moving were the narrations by Chief Justice emeritus Samuel Wako Wambuzi, perhaps the only surviving Judge of the first four Ugandan Judges appointed to the High Court in 1969.

There was also a narration by Mr. Godfrey Serunkuma Lule, S.C. former Attorney General in the Idi Amin era, himself an institution of legal history in Uganda. In the audience were many people inspired by his fight for justice, the story of two clerks at the High Court inspired by him, one of whom rose to become a Justice of the Supreme Court, Augustine Nshiiemye Sebuturo, and another Mark Bwengye who still practices law to date.

In 2019, my father, now deceased, delivered remarks at the second Ben Kiwanuka Day. I approach this day from a point of gratitude for allowing Ugandans of Kiwanuka's time to appreciate him, remember Uganda's long and troubled history and the hope that lies in these promises of continuing to fight and safeguard Uganda's freedoms and constitutional order.



By Karoli Ssemogerere

Attorney-at-Law and an Advocate

What his abduction tells us

Mr. Kiwanuka's abduction and murder tell a lot about Africa's struggles to own

its future. In other countries, judicial officers have paid with their lives, abrupt dismissals. The rule of law, the safeguard of citizen's rights, has also withered under assaults by military rule, brutality of the state, collapse of law and order and abrogation of the citizen's democratic rights to express themselves, choose their leaders and other aspirations.

Mr. Kiwanuka was a complete individual, who used his talents for the benefit of others. In Government, the impact of his airlift brought the benefits of western education to hundreds of his countrymen. While Uganda's independence constitution was abrogated soon after 1962, Uganda soldiered on with two futile attempts



Former Chief Justice Benedicto Kiwanuka (C), his wife Maxencia Zalwango (L) and personal assistant Paul Ssemogerere.



Ben Kiwanuka at a rally in 1960s



Ben Kiwanuka, Uganda's then Chief Minister, has a chat with J.F. Kennedy on October 17, 1961.

to enforce a constitutional order, 1966 and 1967. Idi Amin brought another aspect to this order, military edicts, military council, rule by decree but also a chaotic national leadership where the rights of the citizen were subjected to impunity, draconian actions. While political changes in 1966 resulted in loss of life, in the Idi Amin era, the loss of life and armed conflict brought the state to its knees. The military culture entered Uganda's public life to this day.

Last year, marked yet another milestone, Ben Kiwanuka's 100th birthday. In 1972 when he was abducted; he had just celebrated 25 years in Holy Matrimony with his wife Maxensia Zalwango, who bore the burden of keeping his young family together and most importantly preserved the most publicly available portrait of her husband, Ben, robed as Chief Justice in her home. This too was a symbolism of peaceful resistance to the excesses our brothers and sisters loaded on their countrymen when they were in positions of power.

Maxensia, an orphan girl raised by Catholic nuns sadly did not live to see accountability for those responsible for her husband's fate.

The other side of the world

Across the world, and now also in

Uganda, a state party to the Treaty of Rome that established the International Criminal Court, many efforts to unseal the dark secrets of the past should inform Uganda's deeper understanding of our country's darkest days, as a tribute to Ben Kiwanuka.

In Chile and other countries in Latin America, these efforts continue today to remove the tag; disappeared to recovered and given a decent burial. In Vietnam, similar efforts to uncover the worst atrocities of the US-Vietnam War are ongoing. In South Africa, the Truth and Reconciliation Commission helped bring closure to the excesses of the apartheid era.

In Canada, the responsibility for the abuse through forced abductions of indigenous Canadians, or the statelessness of many former citizens of the British colonies including the Windrush generation in the United Kingdom inform these trends.

Fully aware that judicial power belongs to the people, a similar accounting for victims of the bygone era, would be a befitting tribute to Ben Kiwanuka. Unraveling the dimensions and commensurate redress for these Ugandans whose future was stolen from them should

be part of a national project to lead Uganda into the future.

Very often random stories appear in the media highlighting the aftermath of these disappearances, families torn apart, many of the lesser knowns living in abject poverty forgotten to history.

Food for thought...

Outside the political orbit, the Judiciary, can do more. We can borrow a leaf from Kenya. In the grounds of the Court of Appeal building, is a museum recording Kenya's judicial history and most importantly key events in the second liberation of Kenya. The recent enactment of the Museums and Monuments Act, 2023 also provides a fresh impetus to bring together our minds, abilities and skills to offer a narrative to the future generations.

Lastly, in the political arena, the moderation of the political rhetoric; from the politics of confrontation to the politics of persuasion is another legacy, the current generation of young political leaders should wholly embrace. We continue to remember him everyday in our lives and our works and within the walls of the Temples of Justice, the high price our forefathers paid to lay a foundation for the Uganda we live in today. ■



A glance at Chief Justice Owiny – Dollo’s transformation agenda

Ever since the Judiciary unveiled the Judiciary Transformation Agenda and developed the Judiciary Strategic Plan V to facilitate the realization of the said agenda, the number of cases completed by courts across the country steadily increases annually.

While opening the New Law Year in January, the Chief Justice Alfonso Chigamoy Owiny- Dollo took stock of how many cases have been determined since 2020 when he took over the mantle from Justice Bart Katureebe. “... from the 126,265 cases disposed of in 2020 to 158,423 cases disposed of in 2021 and 250,021 cases disposed of in 2022. This means that a total of 91,598 more cases were disposed of in the year 2022 more than in 2021,” the Chief Justice said.

Case disposal

Court records show that for the year 2022, the courts brought Forward 177,160 cases from 2021; registered 239,598 cases; Completed 250,021 cases and concluded the year with 166,737 Pending cases. The Total Case backlog, court records show, was 43,921 Cases, which translates into 26.57 per cent of the pending workload as at 31st December 2022 – with the Magistrates Courts completing the highest number of Cases (210,775 cases) followed by High Court (38,214 cases).

This substantial rise in case disposal, Justice Owiny- Dollo said, was mainly attributed to the increase in the number Judicial Officers and the use of Alternative Dispute Resolution mechanisms such as Plea Bargaining, Mediation and Small Claims Procedure, among others.

Impact of staffing levels

“The performance is strongly correlated with the staffing levels at the respective Individual ranks, with Magistrates Grade I having the highest staffing of 292 Judicial Officers, followed by Chief Magistrates with 77 Judicial Officers and the High Court with 70 Judges as at 31st December 2022,” the Chief Justice said. Currently,



“
The Judiciary has also continued with efforts to enhance the use of ICT in Justice delivery. First, through rolling-out of the Electronic Court Case Management Information System (ECCMIS whose implementation commenced last year.

there are 365 Magistrates Grade One and 91 Chief Magistrates. There are 81 Judges of the High Court.

Operationalisation of High Court Circuits in Hoima, Iganga, Luwero, Moroto, Tororo and Rukungiri; and Chief Magistrate Courts of Butambala, Kamwenge, Mayuge, Kalangala, Bundibugyo; and Magistrates Courts of Atiak, Omoro, Napak Courts,

among others are a result of the increased number of judicial officers.

This has seen the Judicial Officer to population ratio improve from 1 judicial for 108,808 people to 1 judicial officer for 86,785 people as a result of recruitment of new Judges, Registrars, Chief Magistrates and Magistrates Grade I.

The Chief Justice noted that with the exception of the Supreme Court and Court of Appeal, the High Court and Magistrates Courts registered a significant increase in case disposal compared to the previous year. This led to the High Court completing 10,656 more cases than it completed in 2021 while the Magistrates Courts completed 80,923 more cases than they completed in 2021.

Impact of ICT

The Judiciary has also continued with efforts to enhance the use of ICT in Justice delivery. First, through rolling-out of the Electronic Court Case Management Information System (ECCMIS whose implementation commenced last year. Cluster 1 which included 08 Courts: Supreme Court, Court of Appeal/ Constitutional Court, Anti- Corruption Division, Commercial Court, Land Division, Civil Division, Luwero High Court and Mengo Chief Magistrates Court. This information system has been in place since March 2022.

Going forward - the Chief Justice said Cluster 2 will have a total of seven Courts: Jinja High Court, Jinja CM Court, Kakira Grade One Court, Bugembe Grade One Court, Family Division, International Crimes Division. Cluster 3 will comprise of 5 Courts: Criminal Division, Buganda Road



The Hon Chief Justice Alfonse Chigamoy Owiny - Dollo at the commissioning of the Mukono High Court building on May 11, 2023.

CM Court, Nakawa CM Court, Makindye CM Court, and LDC Magistrate Grade One Court. “By the end of this year, ECCMIS will be operational in a total of 18 Court Stations,” Justice Owiny- Dollo said.

Since the advent of ECCMIS, the Chief Justice observed that there has been an increase in case filing at a rate of 2.7 per cent in the implementing courts and Non-Tax revenue collection has increased at an average of 2.8 per cent.

Construction projects

The construction of Supreme Court building, the Chief Justice said, is at finishing stage (85 per cent) completion with furnishing, plumbing, electrical installations, air conditioning and IT fittings ongoing while Court of Appeal building is at 75 per cent completion with window fitting and tiling ongoing.

“The two buildings consist of two basement floors and are expected to be occupied before the end of this year,” he said adding that it will save the Judiciary approximately Shs 6 billion which is currently being spent annually on rent for the said Courts. “I wish to commend the Government of Uganda for considering this vital infrastructure that will provide a home for the Supreme Court and Court of Appeal of Uganda, which had languished in exile for many years,” he said.

Operationalization of more Courts

Following the increase in the number of High Court Judges from 54 to 70, the Chief Justice said the Judiciary operationalized the High Court Circuits of Moroto, Tororo, Iganga, Luwero, Hoima and Rukungiri. During the coming Financial Year, he said, they have plans to open up more High Court Circuits at Nebbi, Kitgum, Apac, Kumi, Kamuli, Bushenyi, Kasese and Kiboga or Lyantonde, to alleviate the severe inhibitions to access to justice in these areas.

“The existing Judges constitute only 46.6% percent of the approved structure of 150 Judges of the High Court,” he said. The Judiciary has also operationalized more

Magisterial areas following the growth in the number of Chief Magistrates from 44 to 77 (which is 48 per cent of the approved structure). The Magisterial Areas opened after 2021 include: Amuru, Bubulo, Dokolo, Isingiro, Kajjansi, Kamuli, Kamwenge, Kasangati, Katakwi, Kira, Kiruhura, Kiryandongo, Kisoro, Kotido, Kumi, Kyenjojo, Lugazi, Mayuge, Oyam, Rakai and Sironko. Karamoja sub-region now has two Chief Magistrates, while Acholi Sub- region has four Chief Magistrates.

A number of Magistrate Grade One courts across the country have been opened following their increase from 186 to 298 Magistrates (which forms only 44% of the approved structure). These include: Amuria, Arua City Court, Atanga, Bujjuuko, Busunju, Buvuma, Goma, Kalongo, Kalungu, Kangulumira, Kibito, Kole, Kyanika, Kyazanga, Kyotera, Lamwo, Masaka City Court, Mbarara City Court, Nakisunga, Namungalwe, Nansana, Ntoroko, Nyarushanje, Rubindi, and Tororo Municipal Court. “These fundamental developments have undoubtedly brought justice nearer to the people, hence fulfilling our Vision 2040 and the United Nations Sustainable Development Goal No. 16 which calls upon all of us to promote peaceful and inclusive societies by providing access to justice for all and building effective, accountable and inclusive institutions at all level,” he said. ■



The Permanent Secretary/Secretary to the Judiciary, Dr Pius Bigirimana leads the visiting Zambian Judiciary delegation on a guided visit of the Appellate Courts on May 23, 2023.



Inside Judiciary’s plan for FY 2023/2024

In April, the Permanent Secretary/Secretary to the Judiciary, Dr Pius Bigirimana presented the Judiciary’s Policy Statement for the year 2023/ 2024 to the Parliamentary Committee on Legal and Parliamentary Affairs. Below are the highlights of his presentation

Physical Performance

- 137- Anti-corruption cases disposed of
- 1,919- Commercial cases disposed of
- 747-cases disposed of
- 3,214-Family cases disposed of
- 2,394- Land cases disposed of
- 11- Pre-trials conducted
- 17- trials including Kwoyelo vs Uganda
- 40-International Crimes Division cases disposed of

Physical infrastructure

- Supreme Court Building is at 92%
- Court of Appeal is at 85%
- Soroti is at first floor walling.
- Rukungiri is at roofing stage
- Tororo is at bid submission stage
- Alebtong is at roofing stage,
- Lyantonde is at plastering stage
- Budaka is at tiling stage.
- Abim and Karenga are at roofing stage
- Patongo is at tiling stage

- Nabilatuk is at painting stage

Retooling the Judiciary

- 42 vehicles procured for Judges of the High Court (31), Justice of Court of Appeal (1) and Magistrates (10).
- Furniture procured for 10 High Court Judges Commercial Division (4), Family (1), Land (1), Civil (1), Mukono (1), Tororo (1) and Arua (1)
- Furniture procured for 2 new Judges at Land Division, 1 Judge at Arua high Court and for Mbarara is at procurement process.
- Generator procured for Kabale HC, while 3 more are to be delivered to Arua HC, Masindi HC & JTI.
- Solar system procured and installed in 4 Courts of Kaberamaido CM, Bundibugyo CM, Nwoya CM & Kole G1
- Procurement of the 12 Air conditioners is as follows; 6 Air conditioners for Kampala HC, Arua HC & Arua CM were procured and





The Permanent Secretary/Secretary to the Judiciary, Dr Pius Bigirimana, the Permanent Secretary/Secretary to Treasury Mr Ramathan Ggobi during the latter's visit at the construction site of the Appellate Courts in Kampala on March 29, 2023.

installed and a Local Purchase Order was awarded and waiting for delivery of the 6 Air Conditioners for Gulu HC, Gulu CM & Masindi HC

- 190 desktop computers procured (72 computers for the 6 newly operationalized High Courts and 118 Computers for the 59 operational courts)
- 52 Laptops procured for 16 New Hon. Justices and their 16 Research Officers and for 20 new Magistrates for ECCMIS.

Planned outputs for 2023/2024

- Tororo High Court building constructed- Phase 1
- Payment of contractual obligations for construction of Mukono HC, 11 Justice Centres (Sembabule, Buhweju, Rubirizi, Buyende, Kole, Nwoya, Sheema, Maracha, Namayingo, Kibaale, Nakaseke) & 3 CMs (Kamwenge, Butambala and

Mayuge) formerly funded under JLOS.

- 8 Breastfeeding and children's playrooms established
- 12 Air Conditioners procured and installed in 4 Courts (Hoima, Tororo, Rukungiri and Soroti High Court Circuits)
- A luggage scanner for Supreme Court and Court of Appeal building procured
- 6 walk through machines procured for 6 High Court Circuits (Moroto, Hoima, Rukungiri, Tororo, Luwero & Iganga)
- 50 hand held metal detectors procured
- 50 under search mirrors procured
- 20 walk talkies procured
- A tent procured for the Judicial Training Institute
- 6 small tents procured for 6 walk through machines and installed at 6 High Court Circuits (Moroto, Hoima, Rukungiri, Tororo, Luwero & Iganga)
- 200 fire extinguishers procured for Courts
- 3 sets of still professional photo camera with lenses and a Speedlight procured
- 100 desk phones procured for 100 SCP Courts



65 vehicles procured for Judicial Officers and supervision (Justices of the Supreme Court (3), Justices of Court of Appeal (5), Judges of the High Court (20), Registrars (4), Chief Magistrates (16) and Magistrates Grade 1 (17)



The Principal Judge, Dr Flavian Zeija, representing the Chief Justice, at the commissioning of the Butambala Chief Magistrates Court building. His Worship Elias Omar Kisawuzi (R), who donated the land for the construction of the Court, looks on. Eng Dr Christopher Ebal (L) moderated the commissioning exercise on May 30, 2023.

- 50 desktop computers procured for 50 SCP Court
- 3 photocopiers procured for 3 Courts
- 2 sets of professional video cameras procured

Retooling the Judiciary

- 65 vehicles procured for Judicial Officers and supervision (Justices of the Supreme Court (3), Justices of Court of Appeal (5), Judges of the High Court (20), Registrars (4), Chief Magistrates (16) and Magistrates Grade 1 (17)
 - 5-vehicles procured for field supervision
 - 1 Minibuses (14-Seater) procured
- A boat procured for Courts in islands areas

- 85 motorcycles procured for Process Service for Courts
- Furniture for 12 new Justices
- Furniture procured for 27 Courts (Amuru, Bushenyi, Mbarara, Yumbe, Moyo, Adjumani, Aduku, Kanoni, Nyimbwa, Goma, Nyanga, Kalangala, Pader, Nwoya, Lamwo, Nakaloke, Nakisunga, Kalongo, Atanga,



The Judiciary Principal Information Management Officer, Mr Joseph Ssinabulya, training at group of advocates on the Electronic Court Case Management Information System.

Apac, Kagadi, Bukomero, Kibaale, Buseruka, Kyangwali and High Court Kampala)

Information Communication Technology

- 200 desktop computers procured for 200 Court stations
- 100 laptops procured for newly recruited staff and replacement of obsolete ones

- Court files for 2 ECCMIS Court Stations digitalized- Supreme Court and Constitutional Court/ Constitutional Court
- LAN/WAN infrastructure installed in 10 CM Court stations (Bugiri, Buliisa, Bundibugyo, Patongo, Kiruhura, Isingiro, Kamwenge, Kalangala, Kamuli and Kanungu) ■



Improving customer care in the courts

Favourable court-community relations cannot be accomplished without a vigorous and well-planned initiatives perceived favorable to the public. It is for this reason that the Judiciary has embarked on a deliberate effort to take its Staff through practical steps to improve the customer experience in the courts.

By Halimah Kaggwa & Rose Ampurira

With support from UNDP, the Registry of Communications and Public Relations Registry organized workshops in different High Court Circuits, where Staff of the Judiciary in those courts were taken through different aspects of customer care.

The participants of these trainings were taken through a wide range of topics which included, Public Relations in the Judiciary Service, Media, Public Relations and the Judiciary, Customer Care in the Judiciary service and the impact of Corruption on Customer Care and Service Delivery in the Judiciary.

The customer care trainings are important in the Judiciary's efforts to improve its services to the public. By providing staff with the skills and knowledge they need to provide excellent customer care, the Judiciary can build trust and confidence in the public.

Mbale

On 7 August, Staff of the Judiciary under Mbale High Court Circuit were trained on Customer care. This one-day training was opened by Justice Godfrey Namundi, the Head of Mbale High Court Circuit. Justice Namundi emphasized the need for addressing discipline, decorum and corruption issues. He noted that the training was long overdue given the diverse audiences they serve. Adding, that "it is important to show court users that we are there to serve them."

Justice Lawrence Gidudu, the Head of the Anti Corruption Division, who was one of the facilitators took participants through different forms corruption manifests. Justice Gidudu emphasized the need for integrity noting that it's the defense they (Judiciary staff) have in their absence. "People can make many allegations against Judicial Officers but integrity is what can stand surety for you," he said. He further urged participants to exhibit supervisory skills to improve customer

care around their courts.

"Without customers you don't have business, engage them and they return." They are the reason we exist," he stated, adding that corruption impacts on service delivery and that participants should desist from corrupt habits.

The Chief Registrar, HW Sarah Langa Siu, advised the participants to treat court users with respect and provide excellent customer care. "Once our customers are satisfied, our image will improve," she said. She took the participants through the differences between customer care and public relations, and the context of both in the Judiciary.

Ms. Annet Mpabulungi Wakabi, Team Leader, Governance and Peace, United Nations Development Programme (the UNDP representative), emphasized that UNDP is committed to aiding the Judiciary, particularly in the administration of justice.





Other presenters included HW Mukanza Robert, the Ag Deputy Registrar Mbale, explained who represented the Public Relations Officer. He stressed the need for improving the Judiciary’s visibility and transparency as well as the need to sensitize the public. He also added that it is important for the Judiciary to partner with the media.

During the training, participants were urged to treat court users with respect, dignity, and humility, deliver typed judgements to avoid delays, attempt to learn local languages to combat language barriers, and to improve their areas of weakness in order to serve better the public. They were also encouraged to improve their customer care and value feedback from court users and members of the public in order to improve performance.

Mbarara

A one-day Stakeholder workshop training in Communication for Judicial Officers under Mbarara High Court Circuit at Igongo Hotel and Cultural Centre. Participants included Lady Justice Joyce Kavuma, Justice Allan Paul Nshimye, the Mbarara Deputy Registrar, HW Zulaika Nanteza, the Private Legal Secretary to the Chief Registrar, HW Patricia Amoko, all the Chief Magistrates and Magistrates in the Circuit.

The Chief Registrar took the participants

through Public Relations in the Judiciary Service.

The former Judiciary Public Relations Officer, Justice Jamson Karemani laid emphasis on the fact that improved customer relations in the courts was the responsibility of everyone. Father Charles Mutabaruka, the Communications Director of the Mbarara Archdiocese shared the public perspective on courts in Uganda.

Gulu

Justice Philip Odoki, the Head of Circuit Gulu High Court, opened the one-day training on Customer Care for all Staff of the Judiciary under Gulu High Court at Bomah Hotel, Gulu City.

Justice Odoki urged the participants to shun poor customer care, corruption and poor communication tendencies. He further noted that since judicial power is derived from the people, accountability to them is key. HW Lamunu Pamela Ocaya, who represented the Chief Registrar took participants through public Relations in the Judiciary Service.

Justice Gidudu reiterated the need to treat court users with respect, dignity, and humility and to refrain from abusing the trust bestowed upon them by the virtue of the offices they hold.

The key messages delivered during the trainings were for the Judicial Officers to deliver typed judgements to avoid delays, attempt to learn local languages to combat language barriers, and to improve their areas of weakness in order to serve better the public. They were also encouraged to improve their customer care and value feedback from court users and members of the public in order to improve performance.

The Customer Care trainings were welcomed by the Judicial officers who said they were long overdue and they have been beneficial to them to have recurrent trainings each year. It was agreed that more public awareness campaigns such as Court Open Daya, Barazas and Court User Meetings be held improve stakeholder relations.

“

“People can make many allegations against Judicial Officers but integrity is what can stand surety for you,”

**Justice Lawrence Gidudu,
Head Anti Corruption
Division**



The impact of operationalizing Iganga High Court

From the time Jinja High Court became operational so many years ago, it has been serving justice to the entire Busoga subregion. Busoga is now comprised of 11 districts; Kamuli, Iganga, Bugiri, Mayuge, Jinja, Luuka, Bugweri, Buyende, Kaliro, Namayingo, and Bugweri. In the past, its Jurisdiction covered Mukono, Buikwe, Kayunga and surrounding areas.

This whole community was served by one or two Judges who were stationed in Jinja. Busoga sub-region shared the same fate with Bugisu-sub region which was serving greater Tororo, Mbale, Pallisa, Kapchorwa districts. The story was the same for greater Ankole region which only made the cost of justice even more exorbitant.

Fast forward

Last year in September, the Principal Judge, Dr Flavian Zeija in Circular No.01/2022 that took effect on September 18, 2022 deployed six High Court Judges to the Circuits of Tororo, Rukungiri, Hoima, Moroto, Luwero and Iganga. The Circuits had been gazetted in 2016 but had not been operationalized. For Busoga sub-region, the new Circuit at Iganga was an answered prayer. At the launch of the Court, the District Chairperson, Ezra Gabula, on behalf of the Council donated to the Court land for the construction of a High Court premises. Currently, the Court is housed in the Chief Magistrates Court premises.

“We want to thank the Judiciary for putting another High Court here Iganga. Our people have been walking long distances to go to Jinja,” Gabula said. The Iganga High Court lessened the burden of Jinja High Court since it’s taking cases from Iganga, Mayuge, Bugiri, Namayingo, Bugweri, Luuka, Namutumba, and Kaliro. This means that Jinja High Court will now handle cases from three Busoga districts: Jinja, Kamuli, and Buyende.

When Iganga High Court was officially launched by Principal Judge Flavian Zeija, in February, the leadership recalled the time people from the far-flung Sigulu islands, Namayingo District had trekked hundreds of miles to get justice in Jinja.

Sigulu Islands are an amalgamation of islands in Namayingo, which include Rabachi, Nampongwe, Haama, and Lolwe, among others. It’s designated as a hard to reach area but by introducing a High Court in Iganga the islanders will access justice more easily and cheaply. “Even here in Iganga people from Sigulu will find it hard to come but it’s

better than going to Jinja,” said Sadala Wandera, the Iganga Resident District Commissioner (RDC).

Caseload management

The introduction of Iganga High Court didn’t only bring a relief to the community but also to judicial officials. “We have already transferred 249 civil cases, 574, criminal cases to Iganga High Court,” Lady Justice Dr Winfred Nabisinde who heads the Jinja High Court Circuit said. “All the cases which belong here [Iganga High Court] we shall be looking for them and we will pass them over.”



The Principal Judge, Dr Flavian Zeija, hands over the instruments of power to Justice David Batema during the launch of Iganga High Court.



Case trends

On his part, Justice David Batema, who is the inaugural head of the Iganga High Court, said emphasis should be put on Sexual and Gender-based Violence (SGBV) cases. He noted that 80 per cent of the reported cases in Iganga High Court are SGBV-related a statistic he said this calls for some intervention. "This is where we have a real problem. The cases of SGBV in Iganga are among the highest in the country."

In recent years, the Judiciary has focused on SGBV culture with Justice Zeija noting that sex-related offenses were rampant in Uganda with an overall of 16,373 reported cases. "The lockdowns and quarantine policies meant to protect people from Covid-19 unintentionally brought out greater dangers and deadly

“Iganga High Court didn’t only bring a relief to the community but also to judicial officials. “We have already transferred 249 civil cases, 574, criminal cases to Iganga High Court,” Lady Justice Dr Winfred Nabisinde who heads the Jinja High Court Circuit said.

risks like an increase in Sexual Gender Based Violence and Domestic Violence.

For many girls and women, danger emerged in the place where many assume it would be safe- that is within the home and its environs,” Justice Zeija said.

He reiterated the Judiciary’s commitment of handling SGBV cases while calling for collaborative efforts of justice actors. “This situation requires drastic action by the various justice, law, and order actors to counter the continuous high trend of SGBV cases. As the Judiciary, we are committed to our determination to eliminate the menace of these SGBV offenses. I urge all participating Justice, Law, and Order institutions to ready themselves to render all the necessary support for the success of these sessions,” he said.

Despite those efforts, Justice Batema

Criminal Division clears nearly 2,000 cases in 18 months

There is no doubt, the daily hearings innovation is one of the best things to happen to the Criminal Division. Rolled out in January of 2022, as at July 31, 2023, 1,952 cases had been concluded by the five Judges at Court who were at the Court at the time. Currently, the Division has six Judges.

By Rose Namanya

The initiative was recommended by the Case Backlog Monitoring Committee, headed by the Deputy Chief Justice, Richard Buteera. The Committee in its Report noted the need to have daily hearings of cases instead of the session system. This was with a view to promote the efficiency and effectiveness of case disposal, given the backlog of cases that existed. Overcrowding of prisons kept rising and it reached a crisis, becoming a security concern and affecting criminal justice delivery.

The Court’s Deputy Registrar, His Worship Festo Nsenga said when they set out on the pilot programme, it was to increase the rate of disposal of criminal cases, reducing the length of the pre-trial period, increasing the



productivity within the Criminal Division, reduce the rate at which applications for bail are made and increase the convict to remand ratio within the prison population and contribute towards achieving the elimination of the case backlog at the Criminal Division. The purpose was to make sure that the delivery of justice obligations

under Article 28 of the Constitution required expeditious administering of justice and for that reason, the need to switch away from handling cases on a session basis to handling cases on a daily hearing basis came in.

Projections and goals

The Head of the Criminal Division, Justice Michael Elubu said it was projected that the output would foster a robust meaningful disposal rate that would eliminate backlog within the first 12 months of the program and the basis for cause listing of cases was to have 60% backlog and 40% fresh registrations. Priority would still be given to high-profile trials, cases involving the vulnerable, juveniles, and public interest prosecutions. The Success of the pilot was contingent on Communication,



The Principal Judge, Dr. Flavian Zeija, hands over the instruments of power to Justice David Batema during the launch of the Iganga High Court.

said more needs to be done in the Iganga jurisdiction because it's a beehive of long-distance truck drivers who normally attract sex workers. "We have these truck drivers and sex workers here in Iganga and

Naluwerere," Justice Batema said. Adding that there were cultural rigidities with men bullying women.

Justice Batema further pointed out that although Iganga High Court is taking most of the districts in Busoga sub-region, it has just one judge yet Jinja which takes three districts has two judges. "Iganga has more districts with a huge population. We need a lot of staff here because of the many people we are dealing with, I know the Judiciary will look into that," Justice Batema said.

The Principal Judge reassured the Judge and all stakeholders that plans are underway to put in place another High Court in Busoga sub-region. Noting, "it seems Iganga is taking care of many districts so the plan of opening

another High Court will be looked into. We shall then agree where we shall put it," Justice Zeija said.

Challenges

The Iganga High Court was operating months before it was officially launched however court users had already come across a number of people who had posed as lawyers or judicial officers. This was brought to the attention of the Principal Judge who said these masqueraders needed to be weeded out.

"The community should work together with judicial officers to see that such people are kicked out because we can't have proper administration of justice with such people who take advantage of the unsuspecting public," Justice Zeija said. ■

Coordination, and Cooperation amongst the key stakeholders that work closely with the Division in the Administration of Justice.

According to the Division's Court Case Administration System (CCAS) as of 31st July, a total of 1952 cases had been handled by five Judges under the daily hearing initiative. This implies that a total number of 20 cases per judge, totaling 100 per month for the five judges of the Division target has been met, in addition to various plea bargaining sessions in different prisons the division works with. He is grateful to the Principal Judge who recently deployed another Judge, Justice Rosette Comfort Kania, and believes this will result in more case disposal.

Justice Elubu pointed out that as a result of the hearings, the Division has improved access to justice by the registered case backlog reduction, decongestion in prison and reduced congestion at Court.

That, however does not mean the daily hearings has been a smooth sail. The Head of Division said there are human resource constraints, funding gaps. For example, the proposal to have plea day hearings, where

the trial of the accused person commences at committal has not been funded. Other activities like the supervision of lower courts and routine scheduled prison visits remain unfunded.

The other partners in the delivery of criminal justice like The Office of the Director of Public Prosecution, Uganda Police Force and Uganda Prisons Services are also largely resource constrained resulting in challenges like transport shortcomings and inability to properly effect process service.

The other challenge is the question of funding. "The funding is not sufficient, not all parts of daily hearing have been funded, for example, we are not doing inspections both for Magistrates courts and prisons. Sometimes, juveniles are held in adult prisons, people who should be on bail are still held in prisons and very old cases are missed out on cause lists," he said.

Adding that hiccups in process service is also still a big challenge since criminal cases only proceed when there are witnesses and due to a limited number of process servers at the Division, police officers usually substitute yet they are constrained

by inadequate funding by their agencies.

As a tool to enhance performance, Justice Elubu outlines strategies that have been put in place to implement the daily hearings initiative. These include aspects of the weekly scrutiny of division statistics to monitor performance and ensure the division data is always accurate, the use of case clearance teams as a performance tool, joint cause listing where all key stakeholders are involved in making cause lists, the introduction of a Uganda Prisons Services Liaison Officer who ensures coordination between the Uganda Prisons and the Division runs efficiently.

On every case clearance team, that is headed by a Division Judge, there are state attorneys, defense counsel, prison officers, process servers, police officers, clerks, and assessors.

While the pilot project was supposed to be only for a limited 24-month period, Justice Elubu says it is too soon to close the curtains on daily hearings lest the gains made are lost. He also believes that the initiative needs to be rolled out in the Circuits as a cog for improved case management. ■



System Administrator, Mr Frank Byamukama, demonstrates how the video conferencing equipment works during the launch of the system at Gulu High Court.

Highlights of CJ's public awareness engagements in Acholi sub-region

The week of August 21, was a week of firsts for the Chief Justice. It was the week that he launched the Gulu High Court Video Conferencing facility - which enables the Court to hear cases without parties not being physically present in court.

By Halimah Kaggwa & Rose Namanya

The facility provides transmission of full-motion video images and high-quality audio between multiple locations. He went on to preside over three court open days, the first he has done since becoming Chief Justice.

He also had day-long interactions with members of the public, a testament of the Open Days' theme; Demystifying Court Processes. Below are the highlights of the week-long activities.

August 21: Launch of the Video Conferencing Facility

Judicial Officers, development partners, representatives of frontline justice institutions as well as members of the public gathered at Gulu High Court to witness the formal launch of the video conferencing facility by the Chief Justice.

As a way to show how video conferencing works, the head of Gulu High Court Circuit, Justice Phillip Odoki presided over a live court session where an

accused person who had undergone a successful plea bargain was sentenced via the online platform.

This was followed by the launch of the facility by the Chief Justice applauded the innovation and said that such a facility enables court to hear testimonies of witnesses and allows the accused person to participate in the court process without physically being present in court. Adding that the Judiciary will continue to develop, design, deploy and maintain many ICT Systems that will enable it reduce case



The Chief Justice Alfonso Chigamoy Owinj - Dollo appending his digital signature during the launch of the Video Conferencing facility at Gulu High Court while UDNP Resident Representative in Uganda, Ms. Elsie G. Attafua (L), Justice Geoffrey Kiryabwire and Justice Phillip Odoki look on, on August 21, 2023.

backlog and delays in the administration of justice.

Mr Sunday Kikabi David the Head of ICT in the Judiciary made a presentation on the technical description of the system components. In addition, the Chairperson of the Judiciary Technology/ Law Reporting Committee, Justice Geoffrey Kiryabwire, made a presentation on the Digital Transformation in the Administration of Justice-A case for Video Conferencing.

The United Nations Development Program [UDNP] Resident Representative in Uganda, Ms. Elsie G. Attafua expressed optimism that the project will help to extend justice to the most vulnerable people in the community.

Mr Milton Tiyo, the director of correctional services at Uganda Prisons Services, noted that these facilities will help the prisons save resources and time incurred in transporting inmates to court.

August 22: Amuru Magistrates Court Open Day

Here, the Chief Justice presided over his first Court Open Day.

He reassured the court users and members of the public that the Judiciary

was relentlessly pursuing a transformation agenda where every district will have a Chief Magistrates court and a Magistrate Grade I in every constituency. He further urged justice actors not to adulterate the cause of justice.

Justice Odoki appealed to court users to embrace Alternative Dispute Resolution mechanisms put in place by the Judiciary to resolve disputes to avoid the unnecessary clogging of court with cases that sometimes lack merit.

The Chief Registrar, Her Worship Sarah



The Chief Justice Alfonso Chigamoy Owinj - Dollo inspecting exhibition stalls during the Amuru Magistrates Court Open Day on August 22, 2023.

Langa Siu, cautioned court users to desist from paying production warrant fees, facilitating Judicial Officers to conduct locus visits, as well as extending tokens of appreciation for favorable court decisions. She further advised them to pay only prescribed court fees and endeavor to get proof of payments.

The Court's Chief Magistrate, His Worship Adoko Joe Fay, in his brief noted that the court is filled with many land matters (almost half of the total case workload with over 10 billion value), which greatly impacts the economic development of the District and country at large.

The Amuru Resident District Commissioner applauded the good working relationship with the judicial officers deployed at the Court.

The UNDP Representative described the engagement as an initiative to take justice services closer to the community where no one is left behind in the administration of justice.

She commended the Judiciary for the trusted partnership and for the partners whose investment has an invaluable impact on access to justice in Uganda.



August 23: Kitgum Chief Magistrates Court Open Day

On Day III, the Chief Justice camped at Kitgum Chief Magistrates Court to get feedback from the court users on the court services there.

He said, the Day was an opportunity for the Justice Service Providers – the Courts, the Police, the State Attorneys, the Prisons, the Advocates and the Legal Aid service providers – to freely interact with the consumers of the justice services and together be able to identify the bottlenecks to justice delivery and agree on tailor-made solutions to these challenges. “Our grand aim is to enhance access to justice services to our clients across the divide in order to foster peaceful societies and nurture socio-economic development in the country,” he said.

Acting Chief Magistrate, HW Nashiero Mwandha Robert Ekirita, said as a Court they are committed to simplifying court processes in line with the theme of the Day.

The Resident District Commissioner Kitgum, Mr Ssegawa Jimmy Ebil, noted that demystifying court processes will help the public to know how the court operates and bring services closer to the people.

The Head of the circuit, Justice Phillip Odoki noted that promoting the rule of law and rendering justice requires concerted efforts of all justice actors.

Issues raised by the litigants

Among the challenges raised by litigants were rampant land wrangles in the area, charging of production warrants by prisons, and delay in court processes, paying for locus visits, among others.

The Chief Registrar enlightened people about several issues such as bail money refund, court bailiffs,



The Chief Justice responding to the public's concerns from members of the public during the UNDP funded Kitgum Chief Magistrates Court Open Day on August 23 2023.

court fees payment, production warrants, and visiting locus focus as well as “appreciation fees” an illegal payment made by court users to thank court staff or Judicial Officers for a favourable court decision.

The Chief Registrar emphasized that the so-called ‘appreciation’ is a form of corruption.

August 24: Patongo Magistrates Court Open Day

The climax of the Chief Justice’s engagements was the Patongo Magistrates Court Open Day.

Here, the Chief Justice noted that the Courts had found it cheaper and expedient to recognize and support alternative justice systems, especially Mediation, Small Claims Procedure and Plea Bargaining.

The Plea-Bargaining process involves the prisoner accepting to admit his guilt in exchange for a fairer sentence. “The advantage of this system is that it saves state resources and the limited judicial time that would otherwise be spent in hearing witnesses and proving cases,” he said.

The Chief Justice further observed, “During the year 2022, out of **3,162** cases cause listed for Plea-Bargaining Sessions, **2,830** cases were completed translating into **90%** completion rate. I call upon all the stakeholders to further the sensitization on this initiative so that our people can benefit from its ready benefits.”

He added that under the Small Claims Procedure, the Court handles specified civil matters whose value does not exceed **ten million shillings**. “The Small Claims procedure therefore quickly releases capital that would be otherwise locked up in unresolved commercial disputes and greatly cuts down on the time, cost and expense of accessing justice services,” the Chief Justice said.

In the year 2022, the Small Claims Procedure Courts registered **23,253** cases, completed **21,819** cases, and had **5,585** pending cases by 31st December 2022. Overall the Small Claims Procedure Courts resolved **21,819** commercial disputes from which a total of **Ushs 12,387,209,913/=** (*Twelve Billion, three hundred eighty-seven million, two hundred and nine thousand, nine hundred and thirteen*



Traditional dancers welcome the Hon Chief Justice Alfonse Chigamoy Owiny - Dollo for the Patongo Magistrates Court Open Day on August 24, 2023.



The Hon Chief Justice Alfonse Chigamoy Owiny - Dollo inspecting the different exhibition stalls during the Patongo Magistrates Court Open Day on August 24, 2023.

shillings) was unlocked and made available for reinvestment back into the economy.

The Chief Justice noted that the Judiciary is in the process of re-engineering Mediation in courts as an alternative to protracted and antagonistic litigation.

Using the same forum, Justice Odoki requested Judiciary management to extend video conferencing facilities to other parts of the Circuit. He said this will save litigants who have to physically travel to court. He emphasized that traditional leaders help the court in handling some cases, to relieve court stress. Furthermore, he encouraged them to embrace Alternative Dispute Resolution mechanisms.

The Chief Registrar cautioned judicial officers against careless handling of court cases so as to avoid allegations of mishandling matters.

During the day's activities, the court users appreciated the services rendered by the court through various positive feedback such as the availability of judicial officers at court as well as good customer care.

Hon. Beatrice Akello Okori, the Woman



The climax of the engagements was the Patongo Magistrates Court Open Day where the Chief Justice noted that the Courts had found it cheaper and expedient to recognize and support alternative justice systems, especially Mediation, Small Claims Procedure and Plea Bargaining.

MP of Agago District and Minister of State for Economic Monitoring, Office of the President, thanked the Chief Justice for taking an open day to Patongo. She also thanked the Judiciary for the new court buildings.

The Agago LCV, Mr Leonard Ojok noted Kalongo Town Council had given the Judiciary 10 acres of land for the construction of court premises. He further appreciated the strong and visionary leadership the Chief Justice

offers to the nation.

Feedback

Complaints about the arrest of charcoal traders dominated the feedback session. In response, the Chief justice ordered that local and political leaders should exercise their authority and mandate to stop the habit.

The other concerns raised were the need for speedy completion of Abim court and the urgent need to reorganize Magisterial areas.

The Member of Parliament Agago County Hon. Lagen David Atuka congratulated the CJ for his high level of integrity.

He reiterated the need to completely disarm the Karamajongs. Hon Lagen appreciated the transformation in the Judiciary especially massive appointments and recruitment of judicial officers, saying that as a result, services are closer to the local people.

Members of the public thanked the Chief Justice for freely interacting with them and responding to their questions on different challenges in the justice system. ■



My experience as the first High Court Judge to serve Karamoja

What does it mean to be the first Judge to handle Karamoja sub-region? Lady Justice Mary Ikit shares her experience this far and how she earned herself the name Nakiru (Rain).

Extending judicial services nearer to the people has seen the opening up of new High Court circuits with the most prominent among those recently opened being Moroto High Court Circuit. The first resident judge of Moroto High Court Circuit, Lady Justice Mary Ikit shares her experience of taking services to Karamoja sub-region.

Having taken the Judicial Oath upon appointment as Judge of the High Court, I was confronted with a test to subscribe to the Constitutional mandate of dispensing justice to all manner of people. My posting to Moroto High Court Circuit in August 2022 as a pioneer Resident Judge created in me an environment of fear, tension and anxiety.

On the date of assumption of duty, the Chief Magistrate Moroto convened a momentous meeting comprising of the Moroto District leadership, but also the leadership of the entire Karamoja Sub-Region's key justice actors. Speaker after speaker expressed appreciation to the



By Hon. Lady Justice Ikit Mary

Resident Judge, Moroto

Judiciary for creating Moroto High Court Circuit, and thanked me for accepting to work in Moroto. They pledged to support my work, and their assurance eased my anxiety thus creating confidence in me to operate from Moroto, rather than Soroti High court circuit as had been advised by the Judiciary Top Management.

Karamoja Sub-Region is characterised by dry spells and high temperatures. On the day I assumed work, Moroto town received some considerable amount of rain earning me the name *Nakiru*-meaning rain. In a way, it meant I had come with blessings to Moroto.

The High Court Circuit is vast, comprising nine districts. This meant that physical access to the services of the High Court was strenuous and difficult for the population. For instance, Karenga, a district in Karamoja is astronomically more than 300 kilometres from Soroti High Court, a Circuit from which Moroto High Court Circuit was carved in 2016.

To ably settle in, I took time off to interact with court users such as litigants, prisoners and other justice actors. What could be gathered from their responses is that the operationalisation of the Circuit was a great sigh of relief, timely and welcome, only to be equated to the Biblical arrival to the Promised Land. It was a demonstration that the people of Uganda, from whom the Judiciary derives its mandate, yearn for justice and physical access to it is a prerequisite.

In spite of the existing extraneous pitfalls and challenges, notably the volatile security situation in Karamoja which poses difficulties in legal processes such as visiting Locus in Quo in land related cases, I am confident that with the support of the Judiciary Management and other justice actors in the sub-region, I am up to the task to administer justice to all manner of people.

I take the honour to thank the Resident Judge, Soroti High Court and his Assistant Registrar who swiftly transferred Court Files whose causes of action arose from Moroto High Court to the new circuit. I also thank the Chief Magistrate Moroto for offering to the High Court office space and the attendant facilities. In the same vein, I thank the Judiciary management for ensuring that I comfortably settle in Moroto to serve the people of Uganda from that sub-region.

With everyone's support, I am confident that myself and the team of other judicial officers plus the support staff, are ready and determined to deliver the judicial service to the people of Karamoja! ■



Lady Justice Mary Ikit the first Resident Judge of Moroto receives instruments of power from the Principal Judge, Dr Flavian Zeija, during the launch of Moroto High Court Circuit on May 08, 2023.



The blues of working as the first Chief Magistrate in the Rift Valley area

I joined the Judiciary in the year 2012 as a Magistrate Grade I from private practice, by May 2023 I was to clock 11 years at the same level as I had joined.

On the morning of May 13, congratulatory calls started trickling in informing me of being promoted to the position of Chief Magistrate. By evening, the long awaited press release was published with my name as number one on the list of appointees.

I was so excited despite the agony I had gone through the previous year. I received many congratulatory calls. And it was a nice feeling. As the evening beckoned, I started to think about my next deployment. I was certain that my time in Mityana was done. I just did not know my next destination.

I looked at the map of Uganda and started wondering where would I be posted. The following day a Judge friend called me and as we chatted he said, "I hope they won't take you to Karamoja..." then followed by another call from a Chief Magistrate who said "... Pray they don't take you to Moyo..."

Time trolled very fast and on June 5, the press release for deployment finally came through, on the list I was number two and was deployed to Bundibugyo/Ntoroko Chief Magistrates courts. Shortly after, I received a call from my friend HW Nakibinge Latif who had worked in Bundibugyo before as a Magistrate Grade I.

He told me that save for insecurity and distance, it was not such a bad place to work. Of course the areas; Bundibugyo and Ntoroko where not new in my ears since I had gone to Bundibugyo at least once in 2018 to check on my friend while he was serving there.

In the same deployment press release, I realised that my brother HW Moses Nabende who we studied together at



By Matovu Hood
Acting Chief Magistrate
Bundibugyo/Ntoroko Courts

LDC and joined as Magistrates Grade I in the same cohort had been posted to Fort Portal Chief Magistrates Court, I called him and we arranged to travel together to Fort Portal for assumption of duty.

On June 6, we set off on a chilly rainy morning and drove over 300kms to Fort Portal where we were warmly received by our fellow 2012 cohort, HW Angura Fiona, who organised for our assumption of duty letters. We returned to Kampala the same day since we wanted to file the assumption of duty letters at headquarters the following day.

On June 21, Moses and I drove back to Fort Portal for a handover which was well organised by HW Fiona who was Chief Magistrate Fort Portal and also caretaking Bundibugyo and Ntoroko. She gave us an elaborate brief of of working in the area.

Ntoroko here we come

On June 26, the real work experience of the mountainous rift valley area set in, I arranged to move with HW Byekitinisa Franklin, the Magistrate Grade I Ntoroko to Ntoroko and Bundibugyo to commence

work. We revved through endless S or U shaped corners downhill at least I counted 41 corners and bends. By 9:30am we had reached Karugutu/Ntoroko Court and I was welcomed by the magistrate and a handful of court staff there, the Mayor of the Town Council Mr Maate, Speaker and the Town Clerk were also in attendance. They expressed their excitement to have got a Chief Magistrate in the area which they said would reduce the burdens of moving to Fort Portal or Bundibugyo for judicial services requiring attention of a Chief Magistrate. The mayor also informed me of the challenge of office space and he warned me that himself, the Magistrate Grade I and myself had to use the same office space where we would sit in turns. The court hall which also served as registry and office for court staff was also their Lukiiko Hall which meant that sometimes court we would not sit when they have meetings!

He was optimistic though that things would change since they had allocated land for construction of a proper court. He took me on a guided tour of the land which was allocated to the Judiciary for the construction of court premises.

The Bundibugyo experience

Thereafter, we proceeded to Bundibugyo. In the in the middle of the journey as we approached Semuliki game reserve, the mobile phone networks welcomed us to the DRC. We nevertheless continued on the journey and upon reaching court, we were welcomed by the beaming faces of the court staff who were happy to receive their first substantive Chief Magistrate. After the exchange of pleasantries, I was taken on a guided tour of court premises and the Office of the Director of Public Prosecutions.



I later received the district OC CID who was on a courtesy call, I received the MP of Bwamba County, Hon. Gafabusa Richard Muhumuza among other dignitaries. There was also Counsel Kitembo David who told me they had written several letters to the Judiciary requesting for a substantive Chief Magistrate and that finally their prayers had been answered.

Inspections

On July 4, I embarked on an inspection of all courts under Ntoroko and Bundibugyo Chief Magisterial areas. I started from Ntoroko/Kanara at the shores of lake Semuliki which is about 54kms off the tarmac through Tooro Semuliki Game Reserve with the scariest bridge I ever crossed in my life (which made me close my eyes and pray when we returned to cross).

We reached Kanara and I was welcomed by the Mayor/LCIII chairperson of the area and the Town Clerk they took me around. The chambers of the magistrate and court hall were infested with bats. I was overwhelmed by the sight. The explanation I got was that all efforts to fight bats have failed since on one side they have a lake and on another a game reserve! They then took me to the new premises under construction where they said they intend to provide court with a dedicated office for a magistrate, a registry and still court hall/ lukiiko hall. I also inspected the police station at Kanara.

From Kanara we proceeded through the game reserve to Lwebisengo court which is about 30kms off Fort Portal-Bundibugyo Road which is mainly a cattle corridor. We were welcomed by the LC3 Chairperson and a handful of sub-county staff. The Mayor informed me that I was the first Chief Magistrate to visit Lwebisengo court. He was happy that at least they were now going to have a functional court.

He decried the lack of a state attorney/prosecutor in the area, lack of prison facilities and court staff which he said had hindered judicial service in his area. We then proceeded to Bundibugyo and visited Bubandi Magistrates Court.

Whereas people were excited and optimistic about my being there as a Chief Magistrate in their area, I noticed several challenges which affect the delivery of justice in the area;

- There are some security threats in the area and by the time I reported, there were threats of attacks from ADF and all boarding schools had to be guarded by the Army. There are also several tribal conflicts since the area is cosmopolitan with Congolese, Bamba/Babwiisi, Batwa, Bakonzo, Batuku, Batooro and Basongora, where the dominant tribes fight for dominance.
- The two Districts/Chief Magisterial areas have only one state attorney/prosecutor, Mr. Kashaija Andrew, the Resident State Attorney, Bundibugyo can't reach all the five courts. Which means that for people/police of Kanara/Ntoroko to have their files sanctioned they have to travel at least 110kms to Bundibugyo.
- In Kanara, Lwebisengo and Bubandi Magistrates courts, there is no single court staff to man the courts or keep the registries at least open and attend to litigants.
- The two districts have one prison at Bubukwanga in Bundibugyo which itself has no capacity and facilities to keep capital offenders and has limited means of transport. The prison can't deliver suspects to Kanara and Lwebisengo courts (which are approximately 70 & 110kms away

respectively) when they are needed.

- There is not enough furniture and office supplies for judicial officers and staff. When I reported, the two Chief Magistrates courts lacked even a court seal, I had to make some trips to the headquarters in Kampala to secure the two seals.

I also found out that people of Bundibugyo are very litigious especially on criminal cases and cases of theft are taken to be more serious than murder and defilement.

It is worth noting that at least Bundibugyo has a well-built, ceramic tiled court house, with enough space to house the judicial officers and justice centres as well. There is a Judiciary vehicle which eases the movement of judicial officers and locus visits. And the presence of justice centres at court is commendable as they help a great deal in offering legal services to the indigent and also in arbitration and ADR.

What is needed

- Posting at least another state attorney to Ntoroko will help alleviate the suffering of people who seek the services of the ODP.
- Recruitment of support staff to work in courts of Kanara, Lwebisengo and Bubandi will go a long way in realising the goal of Judiciary taking judicial service closer to the people.
- Provision of basic office supply such as furniture will make the courts habitable.
- Due to the nature of the landscape and the vastness of the area, the two chief magistrates courts should be provided with operational funds such that they can be up and running.

In a nutshell being the first chief magistrate of Ntoroko and Bundibugyo is exciting though not a bed of roses! In spite of this, I have remained astute and with the Help of Allah I reaffirmed my judicial oath to do justice to all manner of people without fear or favour affection or ill will and I look forward to giving quality justice to the people of Bundibugyo and Ntoroko with optimism. ■

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It is worth noting that at least Bundibugyo has a well-built, ceramic tiled court house, with enough space to house the judicial officers and justice centres as well.



Communications & PR Registry bids farewell to Justice Karemani, welcomes new PRO

The venue was Karveli Restaurant and it was a double celebration; the elevation of Justice Jamson Karemani and also a welcome do for the new Public Relations Officer of the Judiciary, HW James Ereemye Jumire Mawanda.

By Ritah Mukundane & Danielle Nalukenge

The Chief Registrar, HW Sarah Langa Siu and staff of the Communications and Public Relations Registry on September 6 gathered to celebrate the four years of service of Justice Karemani as PRO of the Judiciary and to also congratulate the in-coming on his new assignment.

It was an evening of reminiscing about the four years of service for the outgoing spokesperson and listen to the strategies of the new PRO.

Justice Karemani thanked the Communications team for the excellent work over the years and assured HW Ereemye that he will manage the Registry well. "I came to the Public Relations Registry in 2019 and the team has been so instrumental in my journey and mentored me. I appreciate each one of you and I believe they will work well with you. I am very certain you will work well with them," he said.

He extended gratitude to the Chief Registrar for her leadership, guidance and support to the Registry over the years.

The Chief Registrar commended Justice Karemani for his excellent work as PRO and wished him the best in his new journey. "Congratulations upon your promotion My Lord. We are here to celebrate God's goodness and faithfulness. We have journeyed together since 2005 and you for been consistent in character. The PRO assignment is a heavy assignment but you have put up one constant face. God has rewarded you for your faithfulness.



The Chief Registrar HW Sarah Langa Siu together with the team from the Communications and Public Relations Registry during the farewell dinner of Justice Jamson Karemani Karemera on September 06, 2023.

Go with our blessings, go and shine go and make us proud. The ball is in your court to maintain your brand or spoil it," she said.

Adding that it was God who enabled him to serve as the Judiciary PRO during the Covid season and enabled him to sail through to the normal Judiciary a feat which he had successfully done.

To the new PRO, she reassured him that he would perform well. "The same God who was with Moses was also with Joshua. God has been with him (Justice Karemani) and will also be with you. Run your race with endurance and passion. I know you will perform well and we are here to support you," she said.

HW Langa also commended the Principal Communications Officer, Sheila Wamboga and the team of communicators in the Registry for the great work.

The new spokesperson of the Judiciary thanked the Chief Registrar for the support and pledged his commitment to the Registry and promised to ensure that it grows to greater heights.

He thanked the Chief Justice for the assignment given and said he would serve to the best of his abilities.

The Private Legal Secretary to the Chief Registrar, HW Patricia Amoko, thanked the outgoing PRO for being handy in all seasons and for being her to go to person during crises. She wished the new PRO the very best in his tour of duty.

Each of the members of the Registry thanked the outgoing PRO for being a great team leader who stood by them and committed to work well with the new one.

The dinner was concluded with cake cutting and handover of gifts. ■



Lessons from the Malawian Judges visit to ACD

A five-member delegation from the Malawi Judiciary in the month of August, had a two-day bench-marking session at the Anti-Corruption Division of the High Court.

By Ritah Mukundane

The team was part of the newly established Finance Crimes Division of the High Court of Malawi, which is the equivalent of Uganda’s Anti-Corruption Division of the High Court.

The visiting delegation comprised of three judges; Mr Redson Kapindu, Ms Violet Chipao, Ms Anneline Kanthambi, an Assistant Registrar, Ms Joan Kwatiwani and a Principal Court Administrator, Mr Phunziro Kwisongole.

The delegation were taken through how best to manage corruption cases, best practices and also learn about adjudication of corruption and related cases.

Challenges in prosecuting corruption-related offences

The head of the Anti-Corruption Division, Justice Lawrence Gidudu, outlined the challenges that the court faces in prosecuting graft cases. These included;

Long protracted trials due to over loaded charge sheets/ indictments, late discovery of crimes-investigating backwards, sophisticated nature of cyber-crime as corruption is committed across digital platforms were some of the challenges that Justice Gidudu pointed out.

Others were investigative capacity to unravel layers of hidden digital evidence, syndicated corruption, and finding evidence is like walking on a rough terrain.

Mr Amos Ngolobe, a Legal Consultant at the State House Anti-Corruption Unit, outlined several challenges that the Unit faces as they prosecute corruption cases.

Interference with investigations, which he said happens when those being investigated appeal to higher authorities, delays in obtaining expert reports, and most government systems now being ICT based, which means that a chain of evidence is only completed



The Principal Judge Dr Flavian Zeija together with the Malawi Judiciary delegation and Judicial Officers from the Anti-Corruption Division.

with ICT forensic expertise reports.

Ms Brenda Kimbugwe Mawanda, the Manager of Prosecutions, at the Inspector General of Government (IGG) noted that there is apathy and limited trust from members of the public to participate in the fight against corruption.



The Head of the Anti-Corruption Division, Justice Lawrence Gidudu took the Malawi Judiciary Delegation through the workings of the Division.



Mr Redson Kapindu, the Head of Finance Crimes Division of the High Court of Malawi interacts with the Ugandan Principal Judge Dr Flavian Zeija during a meeting.



to convict. Witnesses sometimes turn hostile due to existing loyalties and intimidation.”

She further said the nature of corruption keeps on changing its manifestation, a scenario which makes them to consistently update their skills. “Initially we were dealing with paperwork now one needs to be IT savvy. Nowadays corruption is committed in a syndicated manner and it crosses country borders.”

Under staffing, limited technology, IG mandate overlapping with other Anti-Corruption agencies resulting into duplication of work, wastage of resources, not having a corporate status

were the other challenges that Ms Kimbugwe pointed out.

Justice Kapindu, who spoke on behalf of the Malawian team, thanked the ACD and other anti-corruption agencies for their candid discussions in the fight against corruption.

They committed to replicate the lessons learnt in the Finance Crimes Division.

On the sidelines of their visit, the Malawian delegation met the Principal Judge, Dr Flavian Zeija and were taken on a guided tour of the Judiciary headquarters. ■

“Corruption takes place among the citizens and they witness it directly but people tend to only care about corruption that affects them directly and some are afraid of the corrupt,” she said.

Adding: “Consequently, getting intelligence, collecting admissible evidence is normally a challenge and the courts only want sufficient evidence



The Principal Judge Dr Flavian Zeija (R) presents gifts to Mr Redson Kapindu, the Head of Finance Crimes Division of the High Court of Malawi during a dinner at the Lawns Restaurant, Kampala.





Use available resources to ensure Justice, President Museveni implores Judges

President Yoweri Museveni has requested Judges to use the available resources accorded to the Judiciary to ensure justice for all Ugandans. The President said this while officiating at the opening of the 24th Annual Judges' Conference held at Mestil Hotel, Kampala, today.

The four-day event is running under the theme: "The Judiciary Transformation Agenda: Enhanced Access to Justice."

"What if the money is not enough, what do we do? Should we say that a country without money will have no justice? Is that what you are saying?"



Me, my answer is when we were in the bush, controlling the Luweero Triangle, we were having serious justice without money. I have proof for that because in Luweero I was the Chief Justice and the President. I was combining both. We had justice but no money. I have told these people that it is not acceptable to say that a country cannot defend itself if it has no money. We shall defend ourselves with or without money," President Museveni said.

The President made the remarks in response to Chief Justice Alfonse Owiny-Dollo's request to have the Judiciary's budget enhanced so that they can be able to improve the arm's infrastructural setup and recruit more judicial officers to deal with the judicial challenges they face.

"Your Excellency, when these reforms are funded and implemented, we hope to have a robust Judiciary that is accountable and capable of delivering quality and timely justice in accordance with our Vision, Mission and Strategic Plan," Justice Alfonse Owiny-Dollo told Gen. Museveni.

However, according to President Museveni, currently, the Judiciary needs to plan well for the funds allocated to them to execute their mandate as Government comes up with other means of increasing their budget in the near future.

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The President also urged the Judges to adopt and share with colleagues the National Resistance Movement Government's core principles of Patriotism, Pan-Africanism, Socio-economic Transformation and Democracy if they want to be part and parcel of the system's development agenda.

"In this particular case, I want to separate the strategy and the ideology from the actual decision because when I met the Chief Justice the other year, we set a target of Shs800billion for the Judiciary because by that time the Judiciary was getting around Shs190billion in a budget of Shs45Trillion. So, the Shs800billion budget target, in my view, is achievable if we plan better," he assured.

"For us, we believe that we can have the army even without money; we can have justice even when we don't have money or don't have enough money but the way we stand now, we actually got some money. It is just a question of planning, not the ideology because if the ideology is 'no money no justice' then I don't agree because some of the countries don't have money at all."



The President also urged the Judges to adopt and share with colleagues the National Resistance Movement Government's core principles of Patriotism, Pan-Africanism, Socio-economic Transformation and Democracy if they want to be part and parcel of the system's development agenda.

"So, these are the principles we pushed. Some of our colleagues used to say that we are wrong, but history has proved us correct.

Because of those principles, when we came into power we were able to build a national political force, and a strong army and that is why Uganda has been peaceful all these years," he added.

Chief Justice Alfonse Owiny-Dollo thanked President Museveni for understanding the critical role the Judiciary plays in the development of Uganda.

He explained that the conference is a forum where judicial officers of the Upper Bench of Uganda meet once a year to confer, share experience, audit their performance in the immediate previous year and to chat the way forward for the current calendar year.

"Your Excellency, we thank you for supporting the Judiciary agenda. We look forward to your continued support in enhancing our budget in order to enable us to achieve these milestones," the Chief Justice said.

The Minister of Justice and Constitutional Affairs, Hon. Norbert Mao, informed the President that the Administration of the Judiciary Act which he supported throughout its process of enactment until he signed it into law is an important piece of legislation in governing the Judiciary.

"Your Excellency, once the Act is fully

operationalised, I am very certain the Judiciary will be sustainably transformed into a new Judiciary that will see a tremendous reduction in and elimination of case backlog, timely delivery of justice, increased investment and economic growth as a result of investor confidence in the justice system of Uganda, taking judicial services nearer to the people, promoting peace, the rule of law and constitutionalism in the country," Hon. Mao said in a statement read for him by the Attorney General, Hon. Kiryowa Kiwanuka.

The event was also attended by the Chief Justice of South Africa, His Lordship Hon. Justice Raymond M.M. Zondo, Hon. Justice Angelina Mensah-Homiah of the Court of Appeal of Ghana, Hon. Justice Afiya Serwah Asare-Botwe of the High Court of Ghana, Ambassadors and Ugandan judicial officers among others. ■



The Perilous Battle: Court users social media outbursts on Court decisions

Social media streets are the literal wild-wild west. Lawlessness found solace here and chose to make it home. Tweeps (for citizens of the world wide web are not your regular John Doe) strut their mid-calf boots, complete with metallic spur, like a legendary cowboy, hands rested on the holster, ready to shoot whatever is in sight like a reality rendition of the crackhead animation Rango.

Unlike traditional media, which is institutionalized, accounts on social media platforms such as Facebook, Whatsapp, Snapchat, Twitter (now X), Zoom and Instagram are individualized entities unanchored in journalistic ethics and professionalism as we know it. Account owners communicate the way they wish regardless of whether what is being communicated is knowledge-based or not, truthful or not, fact or opinion and speculation; the impact is felt, especially by the parties against whom or in whose favour such communication is made.

Consider the online commentary that emerged in relation to the Ham Kiggundu vs Diamond Trust Bank case, where the decorum associated with the grown-up conversations that have long defined discussions of a legal matter were thrown out of the window and swapped with bastardized *malwa-joint* standard operating procedures where the only regulation on speech is the lack of regulation itself.

Yes, it is said to be a free world where freedom of expression is a universal ideal and one of the hallmarks of a free and democratic society. This ideal, however, is not an unlimited *carte blanche*; there are exceptions to it. Under no circumstances should one realize their desired sense of expression at the expense of another person or institution's rights.

To nip abuse of freedom of expression in the bud, our ancestors in the law wisely framed the tortuous offences



By Joel Wegoye
Acting Senior Magistrate
Grade One

of defamation, slander and libel. This explains why traditional media such as newspapers, television, radio, and publishing houses have over the years built robust in-house editorial policies and professionally guided editing and news approval mechanisms to stay clean of the pecuniary consequences of doing otherwise.

Subsequently in Uganda and globally, the rise of social media has undeniably transformed how people communicate. This digital revolution has equally sipped into the legal landscape and has had its acknowledgeable benefits, for example, instant communication to as many people as possible. Some court users on the other hand have increasingly taken it up their sleeves as a tool of criticism, advocacy by advocates for their clients and ridicule of court decisions, judicial officers and the entirety of the judiciary.

Courts derive their mandate from the

people, for whom they exist to serve; in exercise of such mandate, courts should be independent without any undue influence. The current social media courtroom battles, which seem to be overflowing their brim considering that they have now surpassed lower courts to superior courts, if the Ham Kiggundu and Diamond Trust Bank case is to be taken into consideration, portend perilous implications for court decisions.

Presumption of Impartiality

Presumption of impartiality is the foundation of any fair and just legal system. For that reason, court does not move itself, but free from external influences, acts on the merits or demerits of the arguments parties to a suit present before it to dispense justice. That notwithstanding, court users, including some advocates, deliberately misconstrue justice from or by court to mean a decision in their favour.

Arguably, justice cannot be picked at the end of the process, but it manifests in the process that leads to the decision of court. For example, that a murder suspect such as Ssebuwufu Mohammed in Uganda vs Ssebuwufu Mohammed and 7 Others Criminal Session Case No.0493/2015 is convicted of murder and two other offences and sentenced to 40 years, but later reduced to 18 years by the Court of Appeal, and upheld by the Supreme Court does not matter. What matters is whether the prosecution proved the ingredients of the offences, especially participation of the accused, whether the accused were granted the opportunity to defend



themselves, whether in making the judgment and sentencing the trial judge put into consideration all the necessary factors, and whether the appellate court reevaluated the evidence before it having cautioned itself on the fact of having not benefited from observing the demeanor of the accused during trial.

Analogously, courts are kitchens that act on the merits of what is provided or brought before a seasoned impartial chef (judicial officer) to be cooked (evidence) and served (judgment) on the all-inclusive dining table of justice (open court). In other words, the quality and quantity of food (evidence) has a bearing on the quality/quantity of what is served (judgment).

Prejudicing Public Opinion

Notably, deliberate failure by advocates to educate their clients on the basic that justice before and from court is anchored in the strength of evidence adduced and respect for rules of procedure, and not based on feelings, seniority of advocate, sum of instruction fees or nature of influence peddling and connections, has resulted in uncalled for prejudiced social media outbursts aimed at shaping public opinion and mounting wanton pressure on judicial officers handling ongoing court cases. Certainly, such pressure ferments the risk of compromising judicial officers' ability to render fair and unbiased decisions.

Erosion of Confidence in the Judiciary

When judicial officers become compromised or are seen to be compromised, public confidence in the judiciary wanes out. A society that has no confidence in its courts is a dangerous one; for it is likely to seek refuge under mob justice, thereby threatening the rule of law which is one of the most important pillars of a democratic society. It is instructive to note that the consequences of breakdown in the

rule of law are non discriminatory; for they affect us all directly and indirectly living in a walled-gated compound notwithstanding.

Confidence in the integrity of courts results from the conduct of its users, especially the advocates who are officers of court. By being officers of court, they professionally have a duty to enable court exercise its cardinal work of dispensing justice; they are part of the process that leads to the outcome and so are expected to own and defend that outcome before the public.



This is not to say judicial officers are infallible; they are not. They are humans susceptible to making mistakes some of which are absurd and costly on the litigants. But, where such absurdity arises, it is professionally important that disagreement to the same is respectfully expressed through the various prejudgment and post judgment vehicles of redress the law has been kind to give us such as application for recusal of a judicial officer, interlocutory applications, appeal, judicial review, review and revision, among others.

Therefore, that an advocate or litigant throws these vehicles into an abysmal

metal grinder or furnace and opt for the court of public opinion is professional betrayal and an exercise in legal futility, respectively. What this, therefore, calls for is responsible advocacy characterized by a balanced nexus between freedom of expression and the ethical obligations associated with the legal profession.

Regulating Social Media Conduct

To arrest the perilous implications of unregulated court users' social media outbursts such as denting the integrity of courts, and eroding public confidence in the justice system and the legal profession, clear guidelines and regulations governing the conduct of court users on social media platforms out to be formulated. It is now more important than ever before that the Uganda Law Council, which is the watch dog over advocates' professional conduct, commences the tailoring of the current advocates act and related regulations to suit this challenge.

Similarly, where the law council seems slow-paced, the courts as have done before in response to other challenges can come up with punitive guidelines or practice directions on how parties to a matter can best communicate on social media, emphasizing the importance of maintaining decorum, promoting respectful dialogue, and refraining from actions that could compromise the administration of justice.

By practicing responsible advocacy and adhering to clear guidelines, legal professionals can leverage social media positively without compromising the integrity of the judiciary. The integrity of the judiciary is the springboard of justice; for a judiciary innocent of integrity cannot be a dispenser of justice; it is the non-substitutable duty of judges to act without fear or favour. This to a large extent is realizable with the professional court users. ■



Are the values of CJ Ben Kiwanuka being upheld?

September 21, 2023 marks (51) years since the former Chief Justice Benedicto Kagimu Mugumba Kiwanuka was abducted by President Idi Amin’s regime in 1972, never to be seen alive again.

He was a great man, no doubt. And the tales from members of his family, peers, advocates, former clerk, all reiterate all that is said of him in the history books. He was principled, independent which cost him his life.

Retired Justice of the Supreme Court, Augustine Nshimye, said the former Chief Justice was a time keeper and would dispose of all his cases without fail. These are the same values that the Judiciary seeks to uphold as its mandate is to adjudicate cases in a timely manner.

Access to justice should be for all as stated in **Article 126(2) of the 1995 Constitution** when exercising judicial power. **Article 128 of the 1995 Constitution** provides for independence of the Judiciary without control or direction of any person hence the Judiciary has the obligation of dispensing justice effectively and independently. The Judiciary obtained autonomy when Parliament passed the Administration of Judiciary Act, 2020 which provides for an efficient and effective administration of the Judiciary.

The question then is, as we commemorate his memorial is are the values of Benedicto Kiwanuka being upheld?

This year’s Benedicto Kiwanuka Day comes at a time when the Judiciary is implementing what was set out in the Administration of Judiciary Act. The administration and delivery of justice over the years has evolved and today



Halimah Kaggwa
Advocate and a Senior
Communications Officer at
the Judiciary

we are gradually implementing the Electronic Court Case Management System which is seeing us gradually migrate to online filing of cases.

This System aims at solving the recurrent issues in the Judiciary such as corruption and case backlog. Equally saving a lot of time and saving transport costs. This will go a long way in enhancing access to justice as envisioned by the Late Benedicto Kiwanuka.

The Judiciary has indeed taken strides since 1972 with the adoption of other ICT innovations such as use of video conferencing facilities in court hearings, delivery of judgements by email and the use of Zoom technology. Alternative Dispute Resolution Mechanisms such as Mediation, Plea Bargaining and Small Claims Procedure continue to improve the adjudication process and enhance access to justice.

The Judiciary has increased its workforce, there has been increased recruitment of Judicial Officers at all court levels. The number of High Court Judges has risen from 70 to 81, Registrars are now 80 and the Magistrates Courts now have 456 officers comprising of 91 Chief Magistrates and 365 Magistrates Grade ones. Additionally, there are seven High Court Divisions and 20 High Court Circuits spread across the country.

In terms of infrastructure, two superstructures that will house the Supreme Court and Court of Appeal are nearing completion which will save the Judiciary Shs6bn in annual rent.

The various developments under the New Judiciary portray that we are indeed on course as all innovations are geared towards delivery of justice to all people in a timely manner. It is therefore the Judiciary’s duty to continuously implement what was set out in the Administration of the Judiciary Act and the Constitution.

As we celebrate the sixth Ben Kiwanuka Day, may we never forget that this great man fought for the independence of this great institution.

May we remember the legal needs of the indigent, vulnerable and marginalized groups and dispense justice to all as envisaged under the Constitution. ■



Court Fees: What you need to know

Court Fees are prescribed and mandatory non-refundable sums of money payable at the filing stage of any civil case. The legal regime governing payment of court fees is the Judicature (Court Fees Rules) Rules S.I 13-1, with the schedule thereof prescribing the amount of fees payable for any prescribed court activity.

Court fees are a form of collection of non-tax revenue accruing to the Government. Fees go to the consolidated fund and not to Court accounts.

At every Court Registry/Cash Office/ Notice Board/ Information Desk, there is a Court Fees Schedule provided for the Court Users to confirm exactly what they are required to pay, depending on the nature of the case or value of the claim.

Payment of Court Fees

- All court fees are paid to an approved bank as directed by the cashier, but where banks are inaccessible, fees can be paid to an authorised court cashier. Upon payment of the relevant fee, a receipt has to be issued to the payee by the cashier.
- After payment of court fees, a copy of the receipt or bank slip has to be placed on the court file. Every document in respect of which court fees has been paid must be endorsed by the stamp of the cashier who shall indicate thereon the receipt or bank slip number.

It should be noted that every matter of a civil nature filed in the courts attracts payment of court fees unless a party so filing applies to court for a waiver or variation under the provisions of Order 33 of the Civil Procedure Rules. Order 33 of the Civil Procedure Rules relates to suits by paupers (persons not possessed with sufficient means to pay the fees prescribed by law).

Please note;

- Matters/Documents that are



The Chief Registrar, HW Sarah Langa Siu, during the briefing on court fees at the Judiciary Headquarters on 8th September, 2023

administrative in nature for example correspondences/letters do not attract payment of fees.

- Unlike bail, court fees cannot be reclaimed from government but can be recovered by a successful party from the losing party in their bill of costs.
- In criminal matters the fees payable are generally minimal and relate to filing of appeals and revisions. Filing of criminal cases does not at the first instance attract payment of fees.

Court services that are for free for users/funded by Judiciary

- Request for production warrants and handling of administrative matters in criminal matters- is free.
- Visits to locus in quo- are funded by the Judiciary and are not conducted at the cost of litigants.
- Service of court process – such as summons, hearing notices etc. The Judiciary provides funds for Court process servers and service, and motor bikes have been availed in some stations to facilitate this process.

Where one can make inquiries in regard to payment of court fees?

- If anyone has any inquiry or complaint about the payment of court fees he/she may approach the following individuals or offices.
- The Trial Magistrate of the particular case from which the query is arising or the Magistrate in-charge of a Court;
- The supervisor of the Trial Magistrate, i.e the Chief Magistrate in the case of a Magistrate Grade One and an Assistant or Deputy Registrar in case of a Chief Magistrate where a High Court Circuit is found;
- The Deputy Registrar or Assistant Registrar in a High Court Division or Circuit if the issue relates to a case in the High Court;
- The Inspectorate of Courts- is a registry situate at the High Court Kampala headed by the Chief Inspector of Courts; or
- The Chief Registrar whose chambers is at the High Court

Note: Appreciation/“kasimo” is illegal. It is a form of corruption. The salaries paid to the Judicial and non-judicial officers is their appreciation by the public. There is, therefore, no need to appreciate any officer for any work delivered.

Bail refund claims

As a result of enhanced sensitization, there has been a steady improvement in claims made as shown in the table.

BAIL REFUND PAYMENTS	
FINANCIAL YEAR	EXPENDITURE(000')
2019-2020	1365250
2020-2021	1317020
2021-2022	1753980
2022-2023	1680811



Justice Kakuru, a resilient and towering icon of justice to be missed dearly on the Bench!

A humorous and resilient legal mind, Justice Kenneth Kakuru’s adventure in the Judiciary ended on March 7, 2023 when he breathed his last, ending a 10 years’ service on the bench as a Justice of the Court of Appeal/Constitutional court.

Before joining the Bench, Justice Kakuru had cut a niche as a human rights and environmentalist practitioner, areas of the law he continued to advocate for even after being appointed a judge in 2013. A cursory read of his decisions is all telling that the daring judge never moved away from his arena of practice as issues of human rights were evident in his judgments. In the famous **Constitutional Court Petition No.56 of 2013, Human Rights Network Uganda & 6 Others versus Attorney General**, Justice Kakuru’s human rights stance was evident in addressing Section 8 of the Public Order Management Act (POMA). He observed thus;

“Clearly its principle purpose, as is discernible from Section 8, is to enable the police to suppress enjoyment of a constitutionally guaranteed freedom of assembly using very arbitrary measures...In my view, law enforcers, particularly the police force, believe that the POMA empowers them to ban or violently disperse public meetings of a political nature or even social gatherings organized by certain categories of individuals. This is most unfortunate... it is for that reason that this court must express itself unequivocally that the police have absolutely no legal authority to stop the holding of public gatherings on grounds of alleged possible breach of peace if such gatherings are allowed to proceed.”

His human rights defence record was also seen in determination of the



Constitutional Petition filed by former Nakawa Member of Parliament (MP) Michael Kabaziguruka. In that petition, the learned Judge observed that the General Court Martial is a specialised court set up by Parliament and is not part of the Judiciary. He went on to say that the Court Martial is part of the Executive arm of government established under Chapter 12 of the Constitution which provides for the country’s defence and national security. Justice Kakuru further observed, “Several attempts by the Executive to place the General Court Martial on the same footing with the Courts of Judicature has in my view originated confusion and discord among jurists, legal practitioners and scholars. It’s simply trying to fit a square peg in a round hole.” The Kabaziguruka decision triggered wild celebrations from Opposition politicians who had initially been charged before the military court. Legal

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The sleeping icon of justice went on to observe that the court was obliged to pursue an interpretation that permits the development of the law and contributes to good governance.

experts sounded cautious, insisting that the decision might be a one-off!

In what would be called one of his last lead Constitutional Judgements that dealt with Section 25 of the Computer Misuse Act, Justice Kakuru pointed to the ambiguity created under that Section when he observed that the court is obliged to not only avoid an interpretation that clashes with the constitutional values, purposes and principles but also to seek a meaning of the provisions that promote constitutional purpose, values, principles and which also advance the rule of law, human rights and fundamental freedoms enshrined in the Bill of Rights.

The sleeping icon of justice went on to observe that the Court was obliged to pursue an interpretation that permits the development of the law



and contributes to good governance. He thus agreed with the petitioners, Robert Shaka and Andrew Karamagi that Section 25 of the Computer Misuse Act was too vague to pass the constitutional benchmark. With specific emphasis, Justice Kakuru ruled that the ingredients of the offence established under Section 25 of the Act cannot be properly determined because the act of ‘disturbing the peace, quiet and privacy of anyone’ and ‘with no purpose of legitimate communication’ are not clear, and without knowing the ingredients of an offence, one cannot meaningfully prepare his [or] her defence. He thus concluded that laws which do not state explicitly and definitely what conduct is punishable are void for vagueness.

Besides his reasoned judgements, Justice Kakuru’s frank character will be remembered for years to come, and this was stressed by the Hon. the Chief Justice Alfonse Chigamoy Owiny-Dollo while eulogizing him when he observed;


“Justice Kakuru will forever be remembered for a number of things,

most especially his tough character. Kakuru called a spoon a spoon, not a small spade. He was an exemplary leader and a resilient manager who moved things and produced results before demanding the same from other members of the team. He was fearless and incorruptible and spoke his mind loud and clear. He was also social, kind-hearted, loving and humorous”.

Justice Kakuru’s forthright character was equally noticed by the Deputy Chief (DCJ), Justice Richard Buteera in a message he delivered to the mourners when he observed that as the Bench, they respected Justice Kakuru views and opinions. The learned DCJ noted that the late’s views were always his honest opinions. The DCJ concluded thus, “When you disagreed with him in the morning, by afternoon you were smiling with him. He had no ill will or malice towards anyone”.

Justice Kakuru passed on at the age of 65 leaving behind a legacy that everyone in the legal fraternity will remember.

May the good Lord rest the soul of the learned Judge in everlasting Peace! ■



IN LOVING MEMORY
Justice Wilson Masalu Musene
 March 6, 1956 - April 16, 2023

We say remember one of the longest serving presidents of the Uganda Judicial Officers Association. His contribution to the current Judiciary is well articulated. He will be remembered as the UJOA President who filed the Constitutional Petition which saw salaries of Judicial Officers ring-fenced from taxation. His hearty laughter and sense of humour was contagious.





Fare thee well Justice Stella Arach-Amoko

Justice Stella Arach-Amoko died on June 16, 2023, one year before she clocked 70 years, the mandatory retirement age for Supreme Court Justices. We write about a Judge who shone wherever she served.

When she was appointed to the Supreme Court in 2013, a lot was expected from her including probably serving as Chief Justice. Whilst at the Supreme Court, she had twice given a shot at filling the vacancy of the Deputy Chief Justice, in 2015 and 2017.

The expectations of Justice Arach-Amoko becoming one of the leaders weren't that far-fetched. She had risen from being a State Attorney in the Attorney General's Chambers to being a High Court Judge, a Court of Appeal Justice, served as the Deputy Principal Judge of the East African Court of Justice (EACJ) and ultimately Uganda's highest court with no scandal attached to her name. "There are a few non-corrupt justices I know. Many have died and she was among the few who weren't corrupt," said retired Supreme Court Judge George Wilson Kanyeihamba who supervised Arach-Amoko when he was the Attorney General in the late 80s.

If there was some anticipation that Justice Arach-Amoko would lead the Judiciary then there were a lot of expectations of her judgments from the moment she arrived at the Supreme Court 10 years ago. At the time, Justices – Benjamin Odoki, John Wilson Nattubu Tsekooko, Galdino Okello, and Christine Kitumba were about to retire and the belief was that Justice Arach-Amoko could be the breath of fresh air that the Supreme Court needed. "Her records from the lower courts were impeccable. That's why many lawyers expected a lot of her in terms of expanding Uganda's jurisprudence," Constitutional law expert Peter Walubiri said.

In 1997, she was appointed as a High Court Judge, having been tapped from the Attorney General's Chambers where she rose to the position of Commissioner of Civil Litigation, Justice Arach-Amoko made



her mark while at the Commercial Division where she served as deputy head and later head of Division.

It was during her tenure as the head of the Commercial Court, that Alternative Dispute Resolution (ADR) strategies – such as Mediation and Arbitration- which are deployed as tools for reducing case backlog that has bedevilled Uganda's Judiciary for long time were introduced. The ADR mechanisms were ultimately rolled out to other High Court Divisions and the entire Judiciary and it's now a key cog in the dispensation of justice in Uganda.

Eulogies

"She has served Uganda loyally and diligently for a long time. Condolences to her family, the Judiciary and to all Ugandans," **President Yoweri Kaguta Museveni.**

"Lady Justice Stella was a most dependable person, an Administrator of the Supreme Court who promoted harmony and collegiality. She exuded an admirable

judicial temperament. Her death is a big blow to the Judiciary family and to me personally," **Chief Justice Alfonse Chigamoy Owiny - Dollo.**

"...she was distinctively dedicated, poised and an iconic leader who served Uganda devotion. Her steadfast commitment to the oath greatly contributed to the strengthening of judicial independence and adherence to norms, values and aspirations of the people of Uganda," **Prime Minister, Robinah Nabbanja**

"In the passing on of Justice Arach, the region has lost an honourable member of the bench who greatly contributed to the jurisprudence of the EACJ and served with dedication, humility, efficiency and integrity. The Judiciary of Uganda and the region have indeed lost a great legal mind," **Justice Nestor Kayobera, President of the East African Court of Justice.**

"...in the training of Judges, there are characteristics that are outlined befitting a member of the bench. A Judge should be studious, courteous, conscientious, patient, punctual, just, impartial, fearless of public plays, praise, clamor and indifferent to private political or partisan influences...Justice Stella Arach-Amoko exemplified all these attributes," **Minister of Justice and Constitutional Affairs, Nobert Mao.**

"She would put her point across without raising her voice. She had a very good grasp of the law and the rules, having risen in the ranks from being a State Attorney to the Supreme Court. She was always motherly and guided me politely," **Kiryowa Kiwanuka, Attorney General.**

"The story of Justice Stella Arach-Amoko is the story of a woman rising...a story of success," **MP Abdul Katuntu. ■**

PICTORIAL



A photo moment to commemorate the launch of Moroto High Court on May 08, 2023.



The Judiciary Council during their quarterly meeting at Mestil Hotel, Kampala on March 30, 2023.



New advocates in a group photo with the Chief Registrar, Her Worship Sarah Langa Siu, shortly after their enrollment on June 14, 2023.



Prime Minister Robinah Nabbanja inspecting the Judiciary stall during the Africa Public Service Day at Kololo Ceremonial Grounds on June 23, 2023.



Justice Margaret Mutonyi, a Judge of the High Court with pupils of Alpha and Omega Nursery and Primary School during the children's visit at the Judiciary Headquarters on July 28, 2023.



The Principal Judge Dr Flavian Zeija inspecting different exhibition stalls while Justice Godfrey Namundi looks on during the Mbale High Court Open Day on August 09, 2023



THE JUDICIARY

VISION: Justice for All
MISSION: to efficiently and effectively administer justice

CORE VALUES

INDEPENDENCE

the Judiciary will ensure that it operates freely in its own best Judgement, without taking directives from, or being controlled by, any person or authority. We will uphold and exemplify the independence of the Judiciary in its individual and institutional aspects.

IMPARTIALITY

We uphold that justice must not merely be done but must also be seen to be done. Judicial Officers shall perform judicial duties without fear, favour, ill-will, bias, or prejudice.

TRANSPARENCY

The Judiciary will be open at all times in dealing with all partners in the administration of justice, documenting its operations and freely disseminating information. The Judiciary will endeavour to win the confidence and trust of all Ugandans and the international community through the quality of its services.

PROFESSIONALISM

The Judiciary will endeavour to have well-trained, professionally competent and self-confident staff that will administer justice to all.

INTEGRITY

the Judiciary will carry out its activities in an honest and truthful manner, and will take all reasonable measures to prevent wilful wrongdoing by its officials. Our behaviour and conduct will re-affirm the people's faith in the integrity of the Judiciary.

ACCOUNTABILITY

The Judiciary will take full responsibility for its actions, and will always be answerable to the people of Uganda and to its partners.

EQUALITY

The Judiciary will uphold the principles of equality, equal opportunities and affirmative action in respect to gender and other disadvantaged groups. We shall accord equal treatment to all persons who appear in court, without distinction on unjust discrimination based on the grounds of sex, colour, race, ethnicity, religion, age, social or economic status, political opinion, or disability.

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