

**ADDRESS BY JUSTICE BART M KATUREEBE
THE HON THE CHIEF JUSTICE OF UGANDA**

AT

THE OPENING OF THE NEW LAW YEAR

AT

**HIGH COURT GARDENS,
KAMPALA**

ON

22ND JANUARY, 2016

ADDRESS BY JUSTICE BART M KATUREEBE, THE HON THE CHIEF JUSTICE OF UGANDA, AT THE OPENING OF THE NEW LAW YEAR AT THE HIGH COURT GARDENS, ON 22ND JANUARY 2016

The Hon the Deputy Chief Justice

The Hon the Principal Judge

The Hon Minister of Justice and Constitutional Affairs

The Hon Attorney General

His Eminence The Most Reverend Stanley Ntagali, Archbishop of Church of Uganda

Your Lordships the Justices and Judges of the Courts of Judicature

The Director Public Prosecutions

Your Excellences, Members of Diplomatic Corps

Hon Members of Parliament Present

Members of Constitutional Commissions

The Head of Public Service/ Secretary to Cabinet

The Solicitor General

The Secretary to Judiciary

The Chief Registrar

The President of the Uganda Law Society

The President of the Uganda Judicial Officers' Association

Your Worships

Senior Administrators of the Judiciary

Members of the Bar

All invited Guests

Fellow Ugandans, Ladies and Gentlemen

The beginning of the New Year marks the end of the previous legal year and signals the beginning of another year for the wheels of justice to continue on their relentless journey of dispensing justice in fulfillment of the mission of the Judiciary, which is: ***to be an independent, competent, trusted and accountable Judiciary that administers justice to all.***

It is therefore with great joy that I join the previous speakers in wishing you a happy new year. It is my sincere wish that 2016 will be a great year for all of us in our personal and professional lives. For the courts, I hope it will be a year in which we shall see the fading back of case backlog.

This Law Year is a special year for me because it is my first, since being appointed as Chief Justice of Uganda. I would like to use this occasion to assure the people of Uganda that I shall work with you to improve administration of justice in Uganda through:

- Strengthening integrity in the Judiciary;
- Developing new products of justice to broaden and deepen access to justice especially for the vulnerable ;
- Institutionalizing a culture of performance and accountability amongst Judicial Officers;
- Improving the remuneration and working conditions of Judiciary staff ;
- Promoting public engagement in the administration of justice; and,

- Improving relations between the organs of the State while protecting the independence of the Judiciary.

I shall count on your support and team work to transform the Judiciary.

Last year was a remarkable year for the Judiciary in many respects. The Judiciary scored several milestones. First, H.E The President appointed a Chief Justice and Deputy Chief Justice after more than eighteen months of waiting.

Secondly, H.E the President appointed six Justices of the Supreme Court and six Justices of the Court of Appeal. I hope that H.E will soon appoint the remaining 2 Justices of the Supreme Court, 2 Justices of the Court of Appeal and 16 Judges of the High Court.

I commend the Judicial Service Commission for appointing 23 Deputy Registrars, 21 Chief Magistrates, 2 Senior Principal Magistrates Grade I , 4 Principal Magistrates Grade I, 1 Senior Magistrate Grade I and 56 Magistrates Grade 1.

Thirdly, the Judiciary had cordial relations with Parliament and the Executive. The Judiciary had a very useful meeting with Members of Parliament, when Parliament, for the first time in our history, sat in Court Room Number 1 to discuss the Budget of the Judiciary. This important meeting, was followed by a cordial meeting between H.E The President, and Judges, at State House, Entebbe. Our meeting with the President underscored the oneness of Government without diminishing

the trinity of separation of powers and the need for the three organs of the State to be adequately funded and facilitated so as to work for the common good of the Country. We considered the role of the Judiciary in national development and shared some of our challenges with the Executive, which culminated into promises for greater cooperation between the organs of the State, and better funding and facilitation of the Judiciary. It was agreed at this meeting that terms and conditions of service of judicial officers should be improved; that Judges should retire with their full salaries, and that a policy should be developed to retain retired Judges to assist the courts during emergencies. Government also, undertook in a phased manner, to construct staff houses for Judicial Officers at all the stations to ease their accommodation. Government also committed to finding resources to purchase suitable vehicles for Magistrates in a phased manner. This would go a long way in assisting Magistrates to visit locus in quo in land matters. The Executive committed to funding the computerization of the Judiciary spreading over a period of 5 years.

Some work has been done on implementing the directives of the meeting. Suffice to mention that funds have been released to double the housing and medical allowances of Judges. A resolution to amend Schedule 'A' of the Salaries Allowances of Specified Officers Act will soon be processed to effect the changes. Here, I hope the Ministry of Public Service will move swiftly on this. Allowances of the Lower Bench were increased by 10% of their salaries. However, the increase is inadequate. We need to lobby Government for more resources to inter alia:

- Increase salaries of the Chief Registrar, Registrars, Chief Magistrates, Magistrates Grade I and Magistrates Grade II that have remained static for more than 5 years;
- Increase funds to cater for court operations to pay for sessions considering the high rate of crime and litigation.

STATEMENT ON THE PERFORMANCE OF THE JUDICIARY IN 2014/15:

The mandate of the Judiciary is to administer justice through interpretation of the law and adjudication of cases. In the Financial Year 2014/15, the the Courts completed 150,052 cases in comparison to 128,000 cases completed in 2013/14 and 109,000 cases completed in 2012/13 Financial Years.

I attribute this impressive performance to the hard work of Judicial Officers and reforms we are implementing to improve the face, soul and body of Justice. I would like therefore, to thank Magistrates Grades II, Magistrates Grade I, Chief Magistrates, Registrars, Judges of the High Court, Justices of the Court of Appeal and Justices of the Supreme Court together with the administration and the entire staff of the Judiciary, Members of the Uganda Law Society, the Directorate of Public Prosecutions, the Attorney General's Chambers, the Police and the Public, for exercising your mandates that enabled this excellent performance. Thank you all for a job well done. We shall not ask for national medals but we only have to re-double our efforts so that the

public get quick and effective justice. The satisfaction of the Public with our services is the ultimate medal we should seek to achieve.

As we celebrate the huge increase in case disposal, we should not lose sight of 114,512 pending cases in the courts as well as the thousands, of unresolved disputes or unmet legal needs that never reached the courts. Some of these cases are more than ten years old and represent what others have called the dilemma of access to justice.

The presence of too many pending cases is an embarrassment to the Judiciary, and a serious affront on the rule of law. I therefore, call upon the JLOS stakeholders especially the Judicial Officers, Members of the Bar – public and private, the Directorate of Public Prosecutions, the Police and members of the public to join hands with the Judiciary to clear the backlog.

I am aware that besides the human resource constraint, the current Civil and Criminal laws, are inadequate. The law must therefore, be reformed to expand Alternative Dispute Resolution, electronic filing, discourage unnecessary adjournments, introduce filing of Skelton arguments, allow payment of court fees using mobile money platforms, among others. I have, therefore, set up a committee chaired by Justice Tsekooko to, among others, study the proposals made by the Uganda Law Reform Commission to reform civil and criminal laws impacting on the administration of justice. I wish to thank the Chairperson of the Uganda Law Reform Commission and her team for having undertaken a study on these laws.

The Resource envelope for the Judiciary comes from both Government of Uganda and Donors (bilateral and the Sector basket funding from JLOS).

BUDGET PERFORMANCE IN THE MEDIUM TERM 2013/14-2016/17

Item	Approved Budget 2013/14 Shs'bn	Approved Budget 2014/15 Shs'bn	Approved Budget 2015/16 Shs'bn	Released to date 2015/16 Shs 'bn	Expected Release for Qtr 3&4 2015/16 Shs'bn	Projected Budget 2016/17 Shs'bn
Wage	23.3	24.876	25.876	12.9	12.976	25.876
Non-Wage	50.9	50.984	60.731	32.44	28.291	59.265
Development	10.8	8.801	5.949	3.3	2.649	5.189
Arrears		0	3.76	3.76	0	3.76
Taxes		0.045	0.761	0.57	0.191	0.76
Total	85	84.706	97.077	52.97	44.107	94.85

As reflected in the table above, the wage (Salaries) provision has grown from 23.3 billion in Financial Year 2013/14, to 24.876 billion in FY 2014/15 and to 25.876 billion for FY 2015/16. This projection has been maintained in FY 2016/17. The Non -wage Component which caters for the day to day running of the Courts stagnated at 50.9 billion in FY 2013/15 and FY 2014/15. There was a slight increase in FY 2015/16 to cater for Exgratia payments for retired Justices and Pensions. The stagnation of this very important budget component has led to slow implementation of activities. The Government made a supplementary provision of 5 billion in FY 2015/16 which we hope will alongside 3.76 billion for arrears, form part of the Medium Term Expenditure

Framework (MTEF) allocation for the FY 2016/17. On the contrary however, the Development component which caters for among others, provision of vehicles, ICT and constructions; has been on a decline from 10.8 billion in FY 2013/14 then to 8.801 billion and to 5.949 billion in FY 2015/16 and the projection for FY 2016/17 is 5.189 billion.

There has been targeted one off funding from UNICEF while support from DANIDA is winding up in June 2016. This may leave the Judiciary with only one source of Funding.

There is need to provide more resources to cater for the non wage requirements such as reduction of case backlog of the Judiciary and the Development Component to provide a robust ICT infrastructure, transport for Supervision and visiting locus in quo and court infrastructure which, has hitherto been a preserve of donor funding.

SUPPORT SERVICES TO THE JUDICIARY

1. ESTATES DEPARTMENT OF THE JUDICIARY

In 2015, the Judiciary completed construction of Justice Centers at Ibanda, Mityana, Kiboga, Kibuku, Bulambuli and Judicial Studies Institute. Construction of the High Court at Kabale is almost complete except for installation of electricity and construction of an access road. Construction of the Family Court at Makindye, is almost complete. This year, we shall complete the construction of Justice Centers at Kiruhura, Nwoya, Buyende, and Mitooma. We shall also construct a High Court at Masindi and ten ramps to make our courts accessible to the disabled. The current High Court Building will get a facelift this year with a new

roof. Tendering for re-roofing of the High Court Building is underway. The Justice Law and Order Sector is finalizing negotiations with the preferred bidder under JLOS House Project to construct the Supreme Court, Court of Appeal , Headquarters of the Judiciary and the High Court in Kampala, under the public private partnership framework. I urge the Solicitor General and the Ministry of Finance to expedite the negotiations so that we can have these buildings.

2. INFORMATION, COMMUNICATIONS AND TECHNOLOGY (ICT)

ICT holds the key for unlocking potential to increase performance and eliminate opportunistic corruption in the Judiciary. The Judiciary, therefore, is in the final stages of developing a 5-Year ICT Strategy estimated to cost UGX. 36 billion with an annual requirement of US\$7.2 billion shillings. This strategy will position the Judiciary to 77% automation from the current 41%. H.E. the President promised to fund the ICT Strategy over a five years period. We shall follow up Government on this promise.

In 2015, the Judiciary installed Information Communication Technology systems to expedite court processes and ease court public access to the court. The Rules Committee has approved a Practice Direction on Audio Visual Evidence to provide for taking of evidence by audio and video link which we shall issue soon. This intervention will make it possible for courts to receive evidence by audio video link from witnesses who cannot physically appear in court due to infancy, old age, distance and cost among others. In the case of children, the Judiciary, with support

from UNICEF, has commenced installation of closed circuit cameras that are connected to TV Monitors in the High Court - Kampala, Gulu, Mbale and Fort Portal to receive evidence from children. Children who are victims of sexual gender based violence shall appear in court by video link to save them secondary victimization which they suffer when they physically appear in court to testify in full view of their alleged molesters. I would like to thank UNICEF for this timely offer, which, again is going to improve access to justice for children in Uganda.

2.1 WI-FI System

The Judiciary has installed WI-FI Systems in the Supreme Court and Court of Appeal/Constitutional Court. Configuration of the System is on-going in order to provide the infrastructure to support a paperless Court Room.

2.2 Closed Circuit Television (CCTV) System

The Judiciary is installing CCTV Systems in seven High Court Registries: - Civil, Anti-Corruption, Criminal, Execution and Bailiffs, Land, Family and Commercial and seven Chief Magistrates Court Registries at Entebbe, Makindye, Nabweru, Nakawa, Buganda Road, Mengo, and Law Development Centre Court. The System will be used to monitor our Court Registry procedures with a view of identifying areas for improvement.

2.3 Payments of Court Fees like Bail Fees using Mobile Money

In December 2015, the URA implemented the Mobile Money facility for payment of taxes in Uganda. The Judiciary is in consultation with URA to implement this service for payment of Court fees like Bail deposits.

2.4 On-Line Filing System

The Judiciary has initiated the analysis and design of an on-line filing system (e-filing) of court documents and cases. When this is finally implemented, advocates will file cases from their chambers without coming to the Court. This intervention will save time and eliminate unnecessary human contact that may result into unprofessional conduct from the involved parties.

2.5 E-Judgment Tools Development

Software is being developed to assist in writing Judgments. The template will have fields where evidence is inserted and the system generates related selected authorities via internet facility to analyze and evaluate evidence in accordance with the applicable legal principles. Our IT team and the developer have done about 30% of the work on the software.

2.6 Real-Time Court Recording and Transcription

The Judiciary plans to introduce and convert the current Digital Court Recording and Transcription System to a Real-Time System to facilitate real time production of transcripts required for tasks like judgment writing. Real-Time Court Recording ensures a shorter case processing cycle throughout the court system thereby fighting case backlog. It is proposed to start with the Commercial Court and Appellate Courts before extending it to other Courts.

3 THE LAW REPORTING FUNCTION

3.1 Uganda Legal Information Institute (ULII) Website

The Judiciary has continued to maintain an online web portal where it provides free legal information to the public. The information provided on this web portal includes inter alia, judgments/rulings from all courts of record of Uganda, Acts of Parliament, Statutory Instruments and bills. The website also provides decisions from CADER, the Tax Appeals Tribunal and the Industrial Court. I note that not many Judicial Officers and legal practitioners are using the website. I, therefore, urge you to actively use the site to enhance the quality of legal representation and judgments.

3.2 Uganda Legal Information Institute (ULII) Samsung App

The Judiciary has developed a ULII App accessible by using Samsung phones and tablets. With the help of this facility appearing as an icon on ones' Samsung mobile devices (phone, tablets), one can quickly access all judgments passed in the Uganda' Courts of Record (Supreme Court, Court of Appeal and the High Court).

3.3 Uganda Legal Information Institute (ULII)Website e-News Letter

Soon we shall be launching an online newsletter where we shall be highlighting precedential court decisions. This will be emailed to subscribing members free of charge.

4 NATIONAL COURT CASE CENSUS 2015

In December 2015, I commissioned a taskforce to carry out a National Court Case Count to establish the number of cases in the Judiciary.

The preliminary report of the case census shows that there are 114,512 cases pending in all the courts. As of December, there were 97 cases in the Supreme Court; 5,844 cases in the Court of Appeal; 35,548 cases in the High Court and 68,115 cases in the Magistrates Courts. We now know the exact number of cases in the courts and where most of the cases are located. With this information, we shall review our case backlog reduction programme focusing more on stemming the growth of case backlog as well as clearing the existing old cases.

In the interim, I propose to issue a Practice Direction targeting the eradication of cases which are more than 2 years old.

5 SETTING OF PERFORMANCE TARGETS

The Judiciary has set targets for all Judicial Officers as part of an elaborate Performance Enhancement System to evaluate judicial officers including Judges by introducing modern methods of management. This system increases level of performance, monitors performance, and informs Best Performers' Reward Committee for Meritocracy. The targets are:

- Supreme Court 80 cases
- Court of Appeal/Constitutional Court 600 cases
- High Court Judge 300 cases
- Registrars 400 cases
- Chief Magistrate 600 cases
- Magistrate Grade 1 of more than 3 years' standing 400 cases
- New Magistrates Grade I of less than 3 years standing 300 cases
- Magistrate Grade II 300 cases

Judicial officers are hitting their targets except in appellate courts that did not have adequate Justices.

6 CONTINUOUS PROFESSIONAL TRAINING FOR JUDICIAL OFFICERS

The Judiciary is promoting continuous training for judicial officers with mandatory Continuous legal education hours at the Judicial Studies Institute on areas that will better the administration of Justice.

The Judicial Studies Institute will be strengthened to provide continuous professional training to Judicial Officers to sharpen their skills and keep them abreast with new developments in the law. Each Judicial Officer will be required to attend a minimum number of hours of training in a year to keep them competitive, informed and well disposed to deliver first class justice.

7 STRENGTHENING OF THE INSPECTORATE

On the 24th December 2015, I issued a Practice Direction (Inspectorate of Courts) (Practice) Direction, 2015 to reorganize and strengthen the Inspectorate of Courts to promote good governance in the administration of justice. I have appointed Hon Justice Augustine Nshimye, JSC as Chief Inspector of Courts, to demonstrate the Judiciary's seriousness to clean up all Courts and deal with complaints of misconduct or incompetency in a timely manner.

The revamped Inspectorate of Courts will be responsible for promoting good governance, accountability and quality assurance in the Judiciary.

It shall carry out its mandate mainly through inspections, investigations and outreach programmes. The new Inspectorate of Courts will inspect all Courts unlike in the past where only Magistrates were inspected.

8 MEMORANDUM OF UNDERSTANDING BETWEEN PEPPERDINE UNIVERSITY AND JUSTICE LAW AND ORDER SECTOR (JLOS)

As the Chair of the Leadership Committee of the Justice Law and Order Sector, I led a delegation last year in October to the USA to strengthen our relationships with Pepperdine University that will see JLOS institutions build capacity in various areas that will aid administration of Justice in Uganda. This relationship dates back from 2008 and provides for capacity building and information sharing in the areas of Plea Bargaining, Sentencing, mediation, short exchange programs and projects with prisons to support rehabilitation and reform of offenders.

THE NOTABLE CHALLENGES

Case backlog and allegation of corruption are our two most notable challenges that must be addressed urgently.

1. CASE BACKLOG

Huge backlogs continued to dent the image of the Courts despite remarkable efforts by the Judges to clear many cases. This was caused by shortage of funds and systematic failures in the courts. Funding to the Judiciary was inadequate to pay for court room technology and sessions for the High Court, Court of Appeal and Chief Magistrates. The presence of an average of 40,000 prisoners per day in prisons and the

long pretrial remand for capital offenders was very challenging considering that we could only afford to hold sessions for 1,800 prisoners out of 8,500 capital offenders waiting for trial in the High Court.

The World Bank notes that:

"When Judiciaries carry a large backlog of cases (they) erode (e) individual property rights, stifle private sector growth, and, in some cases, even violate human rights. Delays affect both the fairness and efficiency of the judicial system; they impede the public's access to the courts, which, in effect, weakens democracy, the rule of law and ability to enforce human rights."

Back home, I want to share with you the experience of one Nigerian litigant, who would be in the same position like a typical litigant in Uganda (**emphasize**). He had this to say about the courts:

A common complaint against the Nigerian law courts is that justice is invariably expensive and tardy. Judges would be mistaken if they thought that this state of affairs was a good reflection of their work. The fault may not be theirs, but when the litigants see some judges and magistrates sit for very brief sessions before retiring It is difficult to blame them if they say that such judges and magistrates do not work hard enough.

He goes on to say that:

"If justice delayed is justice denied, all judges must show visible concern at the agony of litigants and in particular the inhuman treatment meted out to persons who are compelled to stay in prison for months on end even at time when the law presumes them to be innocent."

We recognize that delay of cases hurt everybody and the country at large. As Chief Justice, I will prioritize elimination of case backlog during my tenure.

We shall fight case backlog using a multi-disciplinary approach. It will involve change of attitude, reform of the law, greater use of technology, better training of Judges, Alternative Dispute Resolution and a paradigm change from the current system of justice steeped in bureaucracy, to a business oriented approach to resolving cases. Consequently, the Judiciary will adopt the following initiatives and reforms to improve the administration of justice in Uganda.

1.1 Increasing access points

From the available resources, the Judiciary will establish a High Court circuit at Mukono, Iganga, Mpigi, Rukungiri and Mubende to bring services to the people that have hitherto, endured long distances to access the High Court. The High Court circuit at Nakawa will be

restructured and if need be, merged into existing Divisions of the High Court.

1.2 Increase of Magisterial Areas

Magisterial Areas are to be increased from 39 to 81 in a phased manner after the Minister of Justice and Constitutional Affairs gazettes new magisterial areas. Pending the gazzeting, Magisterial Areas with a high case load such as Mengo, Nakawa, Lira, Gulu and Mpigi, will get a second Chief Magistrate. More Magistrates Grade I are to be recruited so that each County has a Magistrate. This intervention will address the phasing out of Magistrate Grade IIs, whose numbers have fallen from 403 to 49 as at 2015 and left most of the Sub County Courts and the countryside without justice services. The law should be amended to give Local Council Courts power to handle most of the cases that were handled by Magistrates Grade II Courts. In this regard, Local Council Courts should be given power to handle land cases, civil cases of less than one million shillings and all matters of a customary nature. Criminal jurisdiction should, however, remain vested in the formal courts.

1.3 Court of Appeal to hold up country sessions

The Court of Appeal will hold sessions in Mbarara, Mbale, Gulu and Fort Portal to ease pressure on the court at Kampala. Resources, will be found to send Justices on regular upcountry sessions as the country moots the idea of building permanent premises for the Court of Appeal upcountry. I urge Government to increase Justices of Appeal from 15 to at least 32, to support the decentralization and circuiting of the Court of Appeal.

FUNCTIONAL ACCESS TO JUSTICE TO BE PRIORITIZED

We recognize that resources are inelastic and that courts may have to innovate to provide more judicial services with available limited number of financial, human and other resources. In this regards, the Judiciary shall invest resources and time in developing judicial products that deliver justice at the most competitive rates and stem the growth of case backlog. Some of these interventions will include the following:

1. Continuous sitting of the Supreme Court and Court of Appeal

The Supreme Court and Court of Appeal that have hitherto sat using the session systems are considering changing the system in favour of continuous hearing of cases now that we have more Justices in the Supreme Court and the Court of Appeal. Civil cases, which do not require funds for state brief and elaborate service of court process, are to be benefit from the new changes.

2. Limiting Oral Arguments in Appellate Courts

The Supreme Court and Court of Appeal is considering a proposal to limit oral arguments in Court to save time and resources of the Court. If the proposal is implemented, counsel will be required to file appeals with written submissions including responses. Counsel will be given limited time to provide clarifications to Court during hearing of appeals. A remedy will be found for unrepresented litigants to present their appeals within the constrained timelines.

3. Elimination of Delivering Judgments on Notice

Delivery of judgments on notice encourages a culture of delayed judgments in the Courts. Consequently, the Judiciary is considering a proposal to severely curtail the practice. Court shall now be required to notify the date of the judgment to the parties immediately after the end of hearing a case. Delivery of judgment on notice should only be reserved in exceptional circumstances.

4. Summary determination of applications

From the recent national court case census, we established that about 60% of the civil cases are applications. Most applications can be decided based on the evidence in the accompanying affidavits and skeleton legal arguments without hearing oral arguments from counsel. For example in Hong Kong, where Courts have been given power to hear applications in a summary manner a Judge, can dispose of hundreds of applications in a single day. We can also use this method to clear applications which are causing backlog. Consequently, the Civil Procedure Rules are to be amended to give courts power to expeditiously decide applications without oral arguments except if the Justice of the case so requires.

5. Alternative Dispute Resolution

The Judiciary shall continue to roll out Alternative Dispute Resolution to expedite the resolution of cases. We amended the Rules to make Alternative Dispute Resolution mandatory in civil cases. Plans are underway to extend Alternative Dispute Resolution to the Court of Appeal, where it has the potential of assisting the Court to reduce the

huge number of pending cases. In this regard, I call upon advocates who are not very receptive to Alternative Dispute Resolution to embrace it because of the immense advantages it offers over the adversarial system of justice and its ability to shift the decisional power from the Judge to the parties and their counsel. The rules of procedure are to be amended to provide for payment of costs in the most deserving cases of Alternative Dispute Resolution to fill an existing lacuna in the law.

6. Plea Bargaining

In the last year , the Judiciary with support from Development Partners and the University of Pepperdine piloted plea bargaining in 11 Circuits of the High Court as a cost effective measure to reduce case backlog of capital cases in the High Court. In the pilot period, the High Court disposed of 1,500 cases in a very short time. Users and beneficiaries of plea bargaining hailed it for being cheap with a high clearance rate of 95% per session.

In 2016, the Judiciary shall continue to expand plea bargaining to all the circuits of the High Court and Magistrates Court to provide timely justice to offenders and reduce on pretrial remand for capital offenders, who do not have adequate protection like suspects whose cases are not yet scheduled for hearing. The Rules Committee has approved a Practice Direction on Plea Bargaining, that I shall issue soon.

7. Expansion of Small Claims Procedure

The Small claims procedure courts will be rolled out to all Magisterial Areas in 2016. The Small Claims Procedure is an innovation adopted by

the Ugandan Judiciary to handle Civil Claims below ten million shillings. It was initially piloted in six Chief Magistrates' Courts and has meanwhile been rolled out to twenty six Chief Magistrates' Courts namely; Mengo, Makindye, Nabweru, Nakawa, Mbarara, Mbale, Masaka, Jinja, Lira, Kabale, Arua, Mukono, Nakasongola, Bushenyi, Entebbe, Luwero, Kitgum, Iganga, Fort Portal, Soroti, Masindi, Mpigi, Gulu, Busia, Kasese and Hoima.

CORRUPTION IN THE JUDICIAL PROCESS

I am concerned about the persistent complaints of both real and perceived corruption in the courts. Complaints of corruption are rife in the lower courts. The High Court and appellate courts feature but with low frequencies. While most cases of corruption are unsubstantiated, I have said before that corruption has no place in the Judiciary because it short changes the vulnerable, perverts the cause of justice, perpetuates conflicts in society undermines civilized ways of resolving disputes and increases transaction costs for business.

We in the Judiciary are determined to eradicate corruption in the chain of justice by opening up the judicial process and taking a zero tolerance policy towards the corrupt. I have since assuming office established hotlines on which the public can report cases of mal administration of justice. I have taken up complaints of corruption leveled against judges by investigating such complaints and taking action where necessary. I welcome any person who has a complaint of corruption against any judicial officer or court staff to report to me in confidence and investigations will start, first internally, and where necessary by the JSC.

But at all times the officer accused must be given an opportunity to respond to allegations against him/her. Even in the pursuit of the corrupt, we must never lose sight of the basic principles of fairness.

We shall continue to work with the Judicial Service Commission and the Inspectorate of Government with the active support of the public to rid the Judiciary of both perceived and real corruption. I encourage members of the public to cut off the supply side of corruption by stopping or rejecting giving bribes for services. Likewise, judicial officers and staff, who provide the demand side of corruption, are warned and informed that stern action will be taken against them.

Before I take leave of this matter, I wish to appeal to litigants, advocates and the public to refrain from making unsubstantiated and malicious complaints against judicial officers. Unfair complaints against judicial officers are a threat to judicial independence because some judicial officers may fear to make decisions against certain litigants or lawyers for fear of enlisting malicious complaints. Aggrieved parties should only make complaints where judicial officers have violated the Judicial Code of Conduct or abused office. Other complaints going to the merit of the decision, should be dealt with through appeals.

Appeal to Government

I urge the Minister of Justice and Constitutional affairs and the Attorney General to fast track the tabling of the Administration of Justice Bill, which seeks to provide for the administration of the Judiciary, and the Legal Aid Bill, that makes provision for legal representation of the

indigent. These two Bills should be fast tracked to improve efficiency in adjudication.

Conclusion

In conclusion, 2016, will be a great year for the Judiciary as it endeavors to deliver justice to all. It is a year that the Judiciary should apply:

"Business concepts of efficiency and project management to case processing," be reinforced by change of attitude and work methods for increased productivity in the Judiciary.

I thank you for listening to me.

It is now my pleasure to declare the New Law Year officially open.

For God and My Country!

Bart M Katureebe

CHIEF JUSTICE