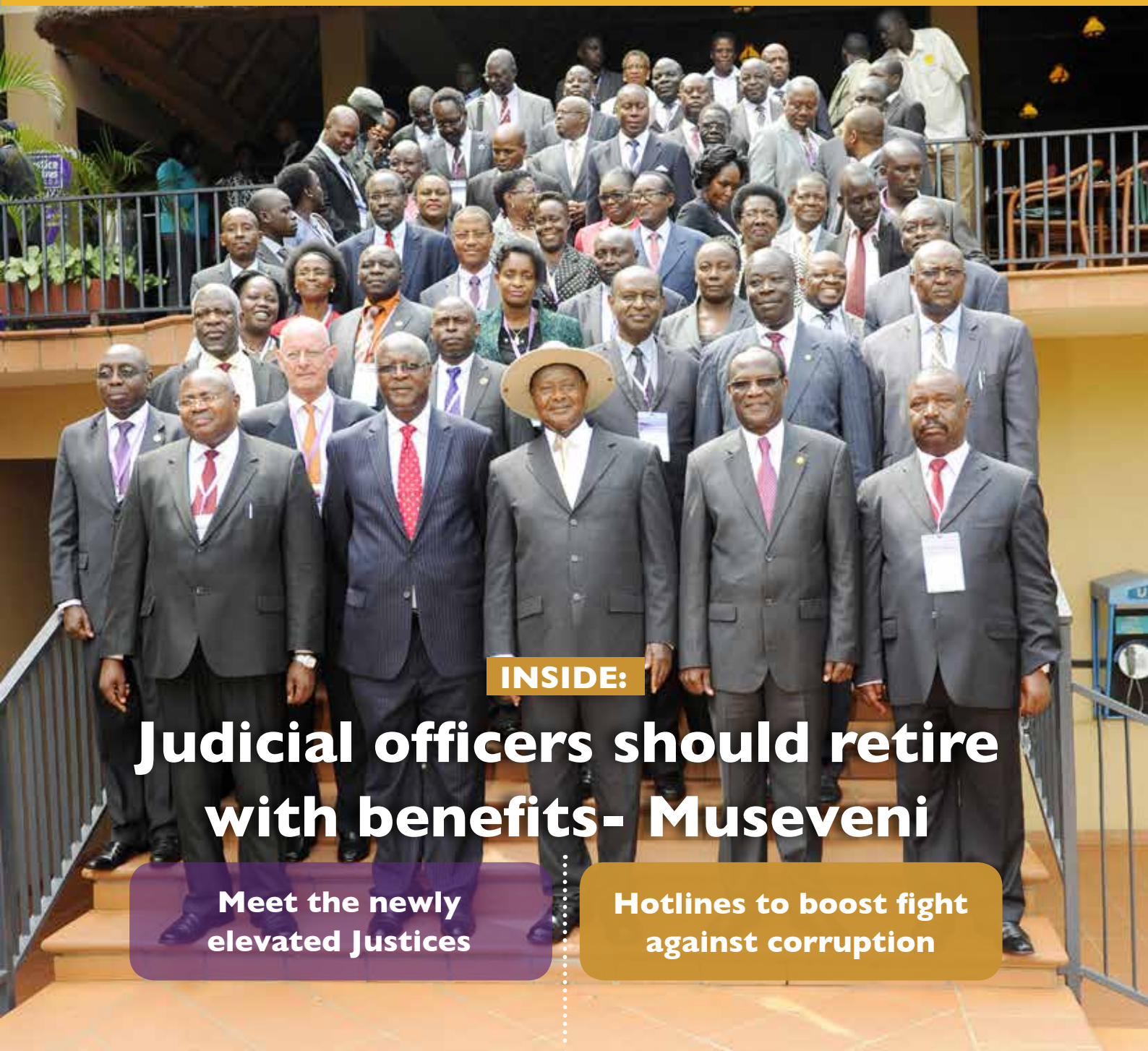




THE JUDICIARY

INSIDER

Magazine Issue 03 | April - October, 2015



INSIDE:

Judicial officers should retire with benefits- Museveni

Meet the newly elevated Justices

Hotlines to boost fight against corruption





Judges pose with President Yoweri Museveni after a meeting at State House, Entebbe on September 2.



Judiciary Editorial Board

What you need to know

Dear colleagues and friends of the Judiciary, on June 11, 2015, the Hon. Chief Justice, Mr Bart Katureebe, inaugurated the Judiciary Editorial Board Committee.

As chairperson thereof, I take this opportunity to introduce my team which includes Mr. Gadenya Paul Wolimbwa (Chief Registrar), Mrs. Dorcas Okalany (Secretary to the Judiciary), Mr. Eliasa Omar Kisawuzi (Registrar/PRO), Ms. Jessica Chemeri (Senior Law Reporting Officer) and Mr. Solomon Muyita (Senior Communications Officer).

Our mandate includes the enhancement of effective administration of justice by judicial officers and streamlining information flow from the Judiciary to the public that we serve. We strive to maximise modern methods of communication and social media to promote greater public understanding of the work of the Judiciary.

We also have the task of educating the public about the law and systems within the Judiciary so as to empower them to effectively take up their role in the administration of justice. We are also tasked with rebranding the image of the Judiciary so that we stave off internal and external frauds. This will ultimately improve the reputation and integrity of the Judiciary.

Our duties are to regularly plan, review and approve the content of official positions of the Judiciary which are intended for the public; enhance and sustain information sharing and communication within and outside the Judiciary with the view to improving public trust and confidence in the Judiciary; create general awareness about the courts in Uganda; oversee the branding of the Judiciary to improve its image and the production of *The Judiciary Insider* magazine and other publications from time to time.

In pursuing these duties, we have challenges of inadequate resources,

poor internal communication, a negative public mindset towards the Judiciary and many others. However; it is our hope that with your concerted effort, we can achieve what we have set out to do. We keep our communication lines open for ideas and means on how to take our Judiciary to greater heights and call on all of you not to take the back seat.

Together we can! 🇺🇬

Lady Justice Lydia Mugambe - Ssali
High Court Judge/
Chairperson, Judiciary Editorial Board



EDITORIAL BOARD (L-R): Solomon Muyita, Gadenya Paul Wolimbwa, Justice Lydia Mugambe CJ - Bart Katureebe, PJ - Dr Yorokamu Bamwine, Eliasa Omar Kisawuzi and Jessica Chemeri.



Besides the Editorial Board, the Chief Justice Hon. Bart Katureebe also inaugurated the following two Committees:

Bench Book Committee

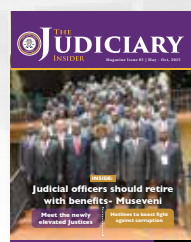
Name	Status
Justice John Wilson Tsekooko	Supreme Court/Chair-person
Justice Richard Buteera	Court of Appeal/member
Judge David Wangutusi	Head of Commercial Court/member
Frank Nigel Othembi	Director Law Development Centre
Ruth Sebatindira	President Uganda Law Society
Festo Nsenga	Assistant Registrar/ Committee Secretary.

Bench Book Committee: It is tasked to review the Draft Civil Justice Bench Book to make it conform to the laws of Uganda; make recommendations for improving the draft; present the Book in an easy-to-read language and style; and advise the Chief Justice on the most cost effective way of publishing and disseminating Bench Books, among other things.

Bar/Bench Committee Members

	Status
Justice Fredrick Egonda Ntende	Court of Appeal/Chair-person
Justice Esther Kisaakye	Supreme Court/Member
Justice Lawrence Gidudu	High Court/member
Mike Chibita	Director of Public Prosecutions/Member
Paul Gadenya	Chief Registrar/Member
Representative of the Attorney General	Member
Emmy Vincent Mugabo	President Uganda Judicial Officers Association/ Member
Ebert Byenkya	Uganda Law Society/ Member
Musa Kabega	Uganda Law Society/ Member
Lillian Drabo	Uganda Law Society/ Member
Soogi Katende	Uganda Law Society/ Member

The committee is mandated to foster a good working relationship between the lawyers and judicial officers in the delivery of justice.



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EDITORIAL TEAM

Solomon Muyita	Snr Comms Officer/Editor
Sheila Wamboga	Communications Officer/writer
Peter Mugeni	Design/Layout
Deo Akugizibwe	Photography

Special Contributors

Paul Gadenya	Chief Registrar
Dorcas W. Okalany	Sec. to the Judiciary
Eliasa Omar Kisawuzi	Public Relations Officer
Jessica Chemeri	Senior Law Reporting Officer

Publisher



Share story ideas / contributions for the next issue to:
Email: Insider@judicature.go.ug
Tel: +256 772 200089



Newly elevated Justices of the Court of Appeal and Supreme Court after swearing-in at State House, Entebbe - October 23.

Retire with your benefits - Museveni

President Yoweri Museveni wants all judicial officers to retire with 100 per cent of their service benefits as a way of maintaining stability in their earnings in old age.

The president, who has tagged the Judiciary as the State's "special operations wing" in two engagements has affirmed that government has adequate resources to foot the bill. "Judges should retire at full pay and full facilities," said Mr Museveni.

He first made the remarks during his September 2 special meeting with more than 60 judges, and then on October 23 during the swearing-in ceremony of the newly appointed Court of Appeal and Supreme Court Justices.

"I know that lawyers in private

practice earn a lot, but all we need to do for the judicial officers is to maintain stability in their earnings until the end. Ideally, they should not regret why they joined the bench," the president added.

He decried the lack of continuous dialogue within the three arms of government; the Executive, the Legislature and the Judiciary.

"We only talk about sharing resources which is not enough. We must understand, what does the State want to do? There's a weakness of harmony and orientation of strategy," he said.

Responding to a presentation by the Chief Justice, Hon Bart M. Katureebe, on the transformation of the Judiciary for National Development, President Museveni cited Universal Primary Education and Universal Secondary Education that were initiated by government following a steady tax collection regime.

"We thought having these children in school was unavoidable. When tax collection improved from Shs2.8 billion in 1986 to Shs728 billion in 1997, we started UPE. The number of children in school jumped from the initial Shs2.5million to Shs8.8million.



The problem is that with policies and prioritization, the Judiciary is not involved and that is why they don't get the logic and factors taken into account," he said.

The President said with tax collection now at Shs12,000 billion annually, government has invested in infrastructure development in the education, health, roads and electricity sectors.

"Public service increased teachers from 80,000 to 160,000 with increased classrooms. There was load shedding which has stopped. We were spending very little of our money on infrastructure and depended on donors," he said.

The President said every year, government now spends Shs3,000 billion on roads, Shs1,700 billion on electricity and quite a bit on the army.

President Museveni added that government has put more effort on the construction of roads in all parts of the country using locally generated resources. He said roads would have a big impact on the national economy because they would serve for a long time and provide an opportunity to address other important sectors that need to be funded.

"We spend quite a bit on the army to be able to build a strong army although soldiers get low wages. Amin's soldiers were well paid but had no weapons. But we said weapons first. We brought peace cheaply with most of our soldiers sleeping in *Maama ingia pole*. If we did not do this, we would have our

country run by the United Nations," he said, adding that peace is enabling Uganda to get more money.

"I can speak authoritatively that we have one institution that has given you exemplary service cheaply. It's not a story, it's not something I read in a book, I have it here on good record," he said.

He urged the Judiciary to improvise in line with housing for the courts and proposed institutional housing for judicial service officers.


President Museveni said the Government was fully committed to providing vehicles for all judges and Magistrates in the country and proposed that they establish a SACCO that government could facilitate. He said that the government would soon fund medical check-up for them in health facilities of their choice within the country.

President Museveni said government

would support the Shs36 billion five-year ICT strategic plan to roll out a robust case management system providing for E-filing to reduce timelines and loss of files.

The Chief Justice Bart Katureebe, commended President Museveni for eliminating extra judicial killings in the country. He, however, pointed out that the Judiciary has rental arrears of Shs3 billion and that the Supreme Court may be up for eviction if nothing is done urgently.

Hon. Katureebe said with a 46 per cent growth in the budget from Shs63 billion in 2012/13 to Shs92 billion in 2014/15, performance also improved by 49 per cent from 102,000 cases in 2010/11 to 152,000 cases disposed of in 2014/15.

Editor's note: During the meeting, the Chief Justice unveiled his transformation plan for the Judiciary. Details of this will be contained in our next issue of the Judiciary Insider. 



A cross-section of Judges at the September 2 meeting with President Yoweri Museveni.



Justices Rubby Opio and Faith Mwendha were among the five justices elevated to Supreme Court.

Meet the newly elevated Justices

On September 8, President Yoweri Museveni elevated 11 judges to higher courts and appointed a senior lawyer to the Court of Appeal. The move effectively increased the number of Supreme Court Justices to nine and the Court of Appeal/Constitutional Court Justices to 14.

To the Supreme Court, the president appointed Justices: Augustine Nshimye, Faith Mwendha, Opio Aweri, Eldad Mwangusya and Prof. Lillian Tibatemwa-Ekirikubinza. All the five Justices were elevated from the Court of Appeal.


The president also appointed seven Justices to the Court of Appeal; six of them promoted from the High Court. These are: Alphonse Owiny-Dollo, Elizabeth Musoke, Paul Mugamba, Simon Byabakama, Catherine Bamugemereire and Hellen Obura.

The seventh appointee, Cheborion Barishaki, was previously the Director of Civil Litigation in the Attorney General's Chambers.

All the new appointees were successfully vetted by the Parliamentary Appointments Committee chaired by Speaker of Parliament Rebecca Kadaga on September 15. They are now set to take up their new tasks.

During their interface with the Appointments Committee, the

new appointees promised to focus on clearing the case backlog in the Supreme Court and the Court of Appeal/Constitutional Court.

Backlog in the Supreme Court stands at 70 cases; Court of Appeal 3,598 cases – 230 of which being matters pending hearing and resolution before the Constitutional Court. For the High Court, which is now left with only 43 judges from the original 55, has 8,000 criminal cases of a pending trial and 21,000 civil cases. 



Who is who: The Supreme Court

Hon. Justice Augustine Nshimye Ssebuturo (69)

He was appointed to the Court of Appeal/Constitutional Court in 2008. He previously served as a legislator and minister before joining the bench.



As an MP, he was a member of the Legal and Parliamentary Affairs Committee. Hon. Justice Nshimye began his legal career as senior clerical officer in 1967.

In 1986, he was appointed Deputy Chief Registrar, a post he held for two years before going into private practice.

In 2008, he was appointed a Justice of the Court of Appeal and in 2010, he had a brief sojourn as acting Justice of the Supreme Court. Justice Nshimye is the vice chairperson of the Judicial Integrity Committee and is also a member of the Judicial Performance Enhancement Committee. Previously, he served as vice chairperson of the Judicial Training Committee. He holds a degree in Law from Makerere University, a diploma in Project Planning and Management, among other qualifications.

Hon. Justice Rubby Opio Aweri (62)

He was appointed to the Court of Appeal/Constitutional Court in 2013. He started his career as a legal assistant in 1982, before joining the Judiciary

a year later as a Magistrate Grade One. He rose through the ranks to become a High Court Judge in 1998. He holds a Masters of Laws degree from Makerere University and a postgraduate diploma in Law from the Law Development Centre. Hon. Justice Aweri has also undertaken various international courses in democracy and good governance, negotiation and mediation skills, among others.

Hon. Lady Justice Faith Mwendha (63)

She was appointed to the Court of Appeal/Constitutional Court in 2013. She has served the Country in various capacities, but is better known for her role as Inspector General of Government from 2005 to 2013.

Justice Mwendha's tough stance against corruption saw her lock horns with a number of politicians whom she investigated and prosecuted. As such, the media branded her the "iron lady."

Due to her zeal and passion as Ombudsman, the Inspectorate of Government was feared by many politicians and public servants. Justice Mwendha stood out as an anti-corruption czar.

Before her appointment to the Inspectorate of Government, Justice Mwendha served in the High Court. She was also a member of the Uganda Human Rights Commission and a member of the National Resistance Council for Butembe County. She was also the Jinja Woman Representative in the Constituent Assembly in 1994-95.

She was confirmed a Chief Magistrate in 1990.

She holds a Bachelor of Laws degree from Makerere University (1977), a postgraduate Diploma in Legal Practice from the Law Development Centre, and a master's degree in Business Law from De Montfort University in Leicester (2006).

Hon. Justice Eldad Mwangusya (65)

He was appointed to the Court of Appeal/Constitutional Court in 2013. Before that, Hon. Justice Mwangusya



was the head of the High Court Civil Division. He began his career as a State Attorney in 1976 and rose through the ranks to become Principal State Attorney. In 1997, he went into private legal practice but was called back to the Judiciary and appointed a High Court Judge. He was named the Resident Judge of Fort Portal and Masaka circuits. He was appointed the Deputy Head of the International War Crimes Division and later head of Civil Division.

Hon. Justice Mwangusya also served in the Commission of Inquiry into the Escape of Prisoners from Murchison Bay Prison and the Commission of Inquiry into the Uganda Posts and Telecommunications Corporation. He was also a member of the Non-Governmental Organisations Board.



Hon. Lady Justice Prof. Lillian Tibatemwa Ekirikubinza (54)

She has been serving at the Court of Appeal/Constitutional Court since 2013. Hon. Tibatemwa was appointed to the bench from Makerere University where she was the Deputy Vice-Chancellor in charge of academics. She was the first woman to obtain a PhD in Law




in Uganda, the first woman to be appointed an associate professor and a full professor of law in East Africa.

Lady Justice Prof. Tibatemwa has special interest in women's right to education and has been recognised by the Forum for African Women Educationalists.

She has also done extensive research on quality assurance in institutions of higher learning. She holds a Masters in Commercial Law from the University of Bristol, UK, a Bachelors of Law

from Makerere University and a post graduate Diploma in Legal Practice from the Law Development Centre in Kampala.

She is also an author, with a number of publications to her name including: *Women's Violent Crime in Uganda; More Sinned against than Sinning* (1999); *Offenses Against the Person; Homicides and Non-fatal Assaults in Uganda; Criminal Law in Uganda and Sexual Assaults and Offenses Against Morality.* 

Who is who: Court of Appeal

Hon. Justice Owiny-Dollo (59)

He is a legal practitioner who has also had a stint in politics as a legislator. Hon. Justice Dollo also served a minister and private advocate before he was appointed a High Court Judge in 2008. While in private practice, he was one of the lawyers invited by Lord's Resistance Army rebel leader Joseph Kony to the jungles of Garamba in DR Congo to enlighten him (Kony) on the procedures of the International Criminal Court that had indicted him.



At the time of his elevation to the Court of Appeal/Constitutional Court, Hon. Justice Owiny-Dollo was hearing the highly billed trial of the 13 suspects accused of masterminding the July 2010 twin bombings in Kampala that left about 80 people dead.

Hon. Lady Justice Elizabeth Musoke (58)

She is currently attached to High Court as the Deputy Head of the Civil Division. Hon. Justice Musoke started her career in the Solicitor General's Department of Civil Affairs; first as a Pupil State Attorney and then rose through the ranks to become a Senior State Attorney.

She also served as Principal State Attorney. Previously, she was the Chief Legal Advisor to the Inspector General of Government.

Hon. Justice Musoke is a member of the Judicial Integrity Committee (JIC). Between 2011 and 2013, she headed the report writing teams.

She co-authored a draft abridged version of the East African Treaty. Hon. Justice Musoke was also part of the



ad hoc committee mandated by the United Nations to negotiate the UN Convention against Corruption, signed in December 2003 in Merida, Mexico.

Hon. Justice Paul Kahaibale Mugamba (64)



Hon. Justice Paul Mugamba has more than 39 years' professional experience. He began his career in 1976 as a State Attorney with

the Ministry of Justice. He later left the Ministry for a teaching sojourn in Zambia. He went into private practice in 1987 until 2000 when he was appointed High Court Judge.

Before his elevation to the Court of Appeal/Constitutional Court, he headed the High Court Anti-Corruption Division.

Before joining the bench, he was a member of various boards of governors



including Nyakasura School, Uganda Technical College Kichwamba, Ruteete Secondary School and Buhinga Hospital in Fort Portal.

Hon. Justice Simon Byabakama (58)

He worked with the Directorate of Public Prosecutions (DPP) as Deputy DPP for many years and prosecuted



many high-profile cases before his appointment as High Court Judge.

Hon. Justice Byabakama served as the pioneer State

Attorney in Masindi district and was promoted to Senior State Attorney. He was later transferred to the head office in Kampala where he was promoted to Principal State Attorney.

Justice Byabakama also served as acting Director of Civil Litigation in the Attorney General's chambers. He was also the lead prosecutor in rape case against opposition figure Dr. Kizza Besigye.

Hon. Lady Justice Catherine Bamugemereire (46)

She has been a High Court judge since 2010 and is currently chairing the Commission of Inquiry into the Uganda National Roads Authority. She also headed the Commission of Inquiry into the wrangles at Kampala Capital City Authority.

She previously worked as an associate lecturer at the University of Surrey in Guildford, UK and served as a State Attorney before joining the bench as Grade One Magistrate. Hon. Justice



Bamugemereire has written and presented extensively on corruption.

She was also the Deputy Head of the High Court Family Division.

She holds a Bachelors of Laws Degree from Makerere University, a Masters Degree in Comparative Laws from the Southern Methodist University in Dallas Texas, USA.

Hon. Justice Cheborion Barishaki

He is a senior lawyer who has worked with Ministry of Justice for more than 25 years, rising through the ranks to become the Director of Civil Litigation.

He has represented Government in a number of high-profile cases both local and in international jurisdictions, including the East African Court, the Common Market for Eastern and Southern Africa Court and the International Court of Justice.


He has also been on a number of Government teams that negotiated loans with World Bank, African Development Bank, the Inter Governmental Authority on Development (IGAD) and the Arab Islamic Bank.

Hon. Justice Hellen Abulu Obura (51)

She joined the Ministry of Justice as a State Attorney and rose through the ranks to become Principal State Attorney.



Hon. Lady Justice Obura served as Secretary to the Uganda Law Council as well as the Rules Committee in the Ministry of Justice and Constitutional Affairs, before her appointment to the High Court in 2010.

She holds a Bachelors degree in Law from the University of Dar-es-salaam, Tanzania, and a Masters degree in Business Administration from the Eastern and Southern Africa Management Institute. 



Hon Justice Cheborion Barishaki, the new member of the bench.



Deployments at High Court divisions and circuits

No.	Name	Current Station	New Station	Status
1.	Hon. Justice Albert F. Rugadya Atwoki	Criminal Division	Masindi	
2.	Hon. Justice Ezekiel Muhanguzi	ICD /ACD	Execution & Bailiffs Division	Head
3.	Hon. Lady Justice Margaret O. Oguli	Masaka	Civil Division	Deputy Head
4.	Hon. Lady Justice Jane F.B. Kiggundu	ED/ JSI	Family Division	
5.	Hon. Justice Wilson Masalu Musene	Central Circuit – Nakawa	Criminal Division	Head
6.	Hon. Justice Henry P. Adonyo	Commercial	Executive Director/JSI	
7.	Hon. Lady Justice Flavia S. Anglin	Commercial	Execution & Bailiffs Division	Deputy Head
8.	Hon. Lady Justice E.K. Kabanda	Land Division	Criminal Division	
9.	Hon. Lady Justice Jessica N. Ayebazibwe	Mbale	Land Division	
10.	Hon. Lady Justice Damalie N. Lwanga.	Land	Central Circuit- Nakawa	

No.	Division	Status
A	Criminal Division	
1.	Hon. Justice Wilson Masalu Musene	Head (in-coming)
2.	Hon. Justice Joseph Murangira	Deputy Head
3.	Hon. Lady Justice E.K. Kabanda	(In-coming)
B	Civil Division	
1.	Hon. Justice Stephen Musota	Head
2.	Hon. Lady Justice Margaret Oguli	Deputy Head
3.	Hon. Justice Benjamin Kabiito	
4.	Hon. Justice Nyanzi Yasin	
5.	Hon. Lady Justice Lydia Mugambe Ssali	
C	Family Division	
1.	Hon. Lady Justice Percy Night Tuhaise	Head
2.	Hon. Lady Justice Alexandra Nkongge Rugadya	Deputy Head
3.	Hon. Lady Justice J.F. B. Kiggundu	(In-coming)
D	Commercial Division	
1.	Hon. Justice D.K. Wangutusi	Head
2.	Hon. Justice B. Kainamura	Deputy Head
3.	Hon. Justice Madrama Izama C.	
E	Land Division	
1.	Hon. Justice Wilson Kwesiga	Head
2.	Hon. Justice Dr. Andrew Bashaija	Deputy Head
3.	Hon. Lady Justice E.K. Luswata	
4.	Hon. Lady Justice Naiga Ayebazibwe	(In-coming)
F	Anti -Corruption	
1.	Hon. Justice Lawrence Gidudu	Head
2.	Hon. Lady Justice Margaret Tibulya	Deputy Head
G	International Crimes Division (ICD)	
1.	Hon. Justice Moses Mukiibi	Head / attached to Family Division
2.	Hon. Justice Ezekiel Muhanguzi	Deputy Head

3.	Hon. Lady Justice E.I. Nahamya	Also attached: Central Circuit - Mubende
H	EXECUTION & BAILIFFS DIVISION	
1.	Hon. Justice Ezekiel Muhanguzi	Head
2.	Hon. Justice Flavia S. Anglin	Deputy Head

No.	Circuit	Status
	Central Circuit- Nakawa	
1.	Hon. Lady Justice Damalie N. Lwanga	Head (incoming)
	Jinja	
1.	Hon. Justice Godfrey Namundi	Head
2.	Hon. Lady Justice Basaza Wasswa P.	Deputy Head
	Mbarara	
1.	Hon. Justice Duncan Gaswaga	Head
2.	Hon. Justice David Matovu	Deputy Head
	Kabale	
1.	Hon. Justice Michael Elubu	
	Fort Portal	
1.	Hon. Justice D.N.A Batema	
	Masindi	
1.	Hon. Justice A.F. Rugadya Atwoki	
	Gulu	
1.	Hon. Lady Justice Margaret Mutonyi	
	Lira	
1.	Hon. Lady Justice D.W. Nabisinde	
	Soroti	
1.	Hon. Lady Justice Henrietta Wolayo	
	Mbale	
1.	Hon. Justice Henry Isabirye Kawesa	
	Masaka	
1.	Hon. Justice John Eudes Keitirima	
	Arua	
1.	Hon. Justice Vincent Okwanga	



Retirements (Winding-Up)		
1.	Hon. Justice L.N. Mukasa	
2.	Hon. Justice PKK Onega	
3.	Hon. Justice Aikiiki-Kiiza	
Special Assignments		
1.	Hon. Justice Henry P. Adonyo	ED/JSI
2.	Hon. Lady Justice Monica Mugenyi	PJ/EACJ
3.	Hon. Lady Justice Elizabeth J. Alividza	Study Leave

Elevated – Court of Appeal		
1.	Hon. Justice Paul K. Mugamba	
2.	Hon. Justice Simon Mugenyi Byabakama	
3.	Hon. Lady Justice Elizabeth Musoke	
4.	Hon. Justice A. Owiny-Dollo	
5.	Hon. Lady Justice Hellen A. Obura	
6.	Hon. Lady Justice C.K. Bamugemereire	

Magistrates and registrars deployments and transfers

Name	Designation	Date	Old Station	New Station
Charles Emuria	Deputy Registrar	6 May	Research & Training	Family Division
Muse Musimbi	Assistant Registrar	6 May	Family Division	Executions/ Bailiffs Division
Kaweesa Godfrey	Chief Magistrate	18 Jun	Kabale	Moyo
Praff Rutakirwa	Chief Magistrate	18 Jun	Pallisa	Rukungiri
Agatonica Mbabazi Ahimbisibwe	Chief Magistrate	18 Jun	Nebbi/Moyo	Kabale
Nabakooza Flavia Karungi	Chief Magistrate	3 Sept	Iganga	Buganda Road
Komakech Robbs William	Chief Magistrate	1 Sept	Kapchorwa	Iganga & Kapchorwa
Ereemye Jumire Mawanda	Principal Magistrate Grade I	1 Sept	Mengo	Buganda Rd (In-charge Utilities)
Emmanuel Baguma	Principal Magistrate Grade I	6 May	Nakawa	Ass. Reg. Executions & Bailiffs
Barore Julius Kyaka	Snr. Mag. Grade I	6 May	Kasangati	Anti-Corruption Court
Juliet H. Hatanga	Senior Magistrate Grade I	10 Sept	Study Leave	Mengo
Aanyu Margaret	Magistrate Grade I	3 Aug	Kiira	Nakawa
Phionah Birungi	Magistrate Grade I	3 Aug	Nakawa	Kiira
Nakirya Esther	Magistrate Grade I	24 Jul	New	Buganda Road
Akena Geoffrey	Magistrate Grade I	24 Jul	New	Mbale
Nambozo Sanula	Magistrate Grade I	24 Jul	New	Mbarara
Nakato Josephine	Magistrate Grade I	24 Jul	New	Rukungiri
Asiimwe Albert	Magistrate Grade I	24 Jul	New	Abim
Magomu Nasuru	Magistrate Grade I	6 May	New	Katikamu/ Nakaseke-Luwero
Kasule Sumaya	Magistrate Grade I	6 May	New	Luwero
Bbosa Michael	Magistrate Grade I	6 May	Fort Portal	Bushenyi-Rubirizi
Longili Matthew	Magistrate Grade I	6 May	Bwera	Adjumani
Nyadoi Esther	Magistrate Grade I	6 May	Kabale	Mwanga II, Kampala
Nsoby Ronald Kamya	Magistrate Grade I	6 May	Rukungiri	Kabale
Adong Molly Alice	Magistrate Grade I	11 Jun	Mbale	Kiruhura
Doreen Karungi	Magistrate Grade I	3 Sept	Mbale	Namayingo
Odoi Moses Tabu	Magistrate Grade II	27 Jul	Mbale	Kakiri
Hasahya Noah Wizo	Magistrate Grade II	27 Jul	Bushenyi	Sironko
Nkurunziza Francis	Magistrate Grade II	30 Jun	Kabarama	Mbarara



RETIRED JUDICIAL OFFICER:

Araali Muhiirwa Kagoro, former Magistrate GI (Special Cases)/ Assistant Public Relations - now aspiring MP for Gomba West Constituency.



A cross-section of judges during the validation workshop at Kabira Country Club on August 31.

Updating procedural laws takes shape

The government is in the process of reforming laws governing the conduct of civil and criminal matters so as to modernise the justice system and make the legal system competitive, affordable and result oriented.

Recently, the Uganda Law Reform Commission organised a judges' meeting to discuss various proposed amendments in the current justice system aimed at removing bottlenecks. Some of the laws to be amended include the Magistrates Court Act (MCA) and the Trial On Indictment Act (TIA).

The MCA are the laws that govern proceedings in the magistrates court while TIA covers criminal proceedings in High Court. All these laws have been in existence for more than 50 years and need to be tailored to suit the prevailing social economic circumstances.

What has been done?

During the consultation, Plea Bargaining, appeals, re-engineering of court processes in civil justice, reconsidering the role of assessors and committal proceedings in criminal sessions were pin-pointed for the efficient justice system. To effectively address these gaps, a six member committee was set up by the Hon. Chief Justice, Bart Katureebe. The task force is comprised Hon. Justice JWN Tsekooko, an acting justice of the Supreme Court as chairperson with Hon. Justice FMS Engonda-Ntende, Hon. Justice David K Wangutusi, Hon. Justice Stephen Musota, Hon. Justice Eva Luswata

and Andrew Khaukha from Uganda Law Reform Commission (ULRC) as members. The team was given two months to make additional proposals on reforms to streamline the administration of justice. Thereafter, the task force will submit a report to the chief justice. These are the reforms being reviewed;

Children's testimony in court
Amendment to section 103 of MCA: The testimony of children (below 12 years) in the current situation and under section 101(3) of the (MCA) provides that where in any proceedings, any child of tender years called as a witness does not, in



the opinion of the court, understand the nature of an oath, the child's evidence may be received, though not given upon oath if, in the opinion of the court the child is possessed of sufficient intelligence.

Subsection(4) of the TIA provides that where evidence admitted is given on behalf of the prosecution, the accused shall not be liable to be convicted unless that evidence is corroborated by some other material evidence in support of it implicating him or her.

Justification to amend this section

During the discussion, Mr Andrew Khaukha, the senior legal officer; ULRC, explained that the demand to have the children's evidence corroborated discriminates children which is unconstitutional.

"The current provision creates a situation of giving less weight to the evidence of the child unless corroborated and yet chances are that the child would be more truthful. The current position affirms the popular yet unsubstantiated notion that children are prone to lying, suggestibility, fantasy and exaggeration" said Mr Khaukha.

What the meeting proposed

The meeting agreed to amend the Act by inserting new section providing that where in the opinion of the court a child of tender years understands the nature of an oath, or has sufficient intelligence to understand the duty of speaking the truth, that evidence does not need corroboration.

Local jurisdiction

The other provision proposed to be amended was section 105 of MCA to provide that whenever in the course of proceedings under this Act, a Chief Magistrate is satisfied that examination of a witness is necessary for the ends of justice and the attendance of that witness cannot be procured, the magistrate may issue an order to any magistrate within the local limits of whose jurisdiction the witness resides to take the evidence of the witness.

Cross examination

The other proposed amendment was section 128 of MCA that bars cross examining a witness who has not given evidence on oath. It was proposed to amend the section by repealing the words "or to make a statement not on oath from the dock" to provide for cross examination. Mr Khaukha in his presentation reasoned that cross examination is one of the ways of testing the credibility of both the witness and the evidence and if such evidence is not subjected to cross examination it may form part of the court record and yet it could be full of falsehoods, which could occasion to miscarriage of justice.

Not guilty by reason of insanity


Section 48 of the TIA provides that when someone is charged with a criminal offense but court finds out that accused was insane at the time of committing the offense, the court shall pass not guilty verdict. *Subsection (2)* provides that when such a finding of a suspect being a insane at the time committing the offense, the court shall make

a report to the minister to take a decision. The consultative meeting suggested that the section be amended to strip the minister of those powers to empower courts. The suggestion followed the landmark ruling of Justice David Batema in a case filed by Eric Bushoborozi, who was facing murder charges after he cut off his child's head in 2002, claiming that he was killing a snake. Court in its ruling to strip the minister of these powers reasoned that the courts were giving away their judicial independence given to them by the Constitution by awaiting the ministers orders on criminal lunatics.

Plea bargaining

Under plea bargaining, parties are encouraged to own up to the wrongs committed. Punishments are then negotiated with the participation of the accused, prosecution and the community. The court is consulted on whether the sentence agreed upon is not a miscarriage of justice. The initiative is being piloted in the high court. At the end of the roll-out, a report will be made with a proposal to amend the MCA and TIA to incorporate it.

Canceling of bail

Section 168 (4) of the MCA provides that when someone, who is accused of a capital offence, is committed to the high court, the bail issued by the high court elapses. In the Sam Kateesa vs Attorney General ruling in the Constitutional Court, it was observed that this provision of the MCA is contrary to Article 23 of the Constitution. So the reforms are intended to sync the two. 



THE JUDICIARY INSIDER

THROUGH THE L



▲ President Yoweri Museveni speaking during a meeting with all judges at State House Entebbe on September 2.

▼ The Principal Judge poses with some of the inmates during a plea bargaining launch at Ndorwa Prison, Kabale.



▲ Lady Justice C. Bamugemereire at her swearing-in as chairperson of the UNRA Commission of Inquiry, June 22.





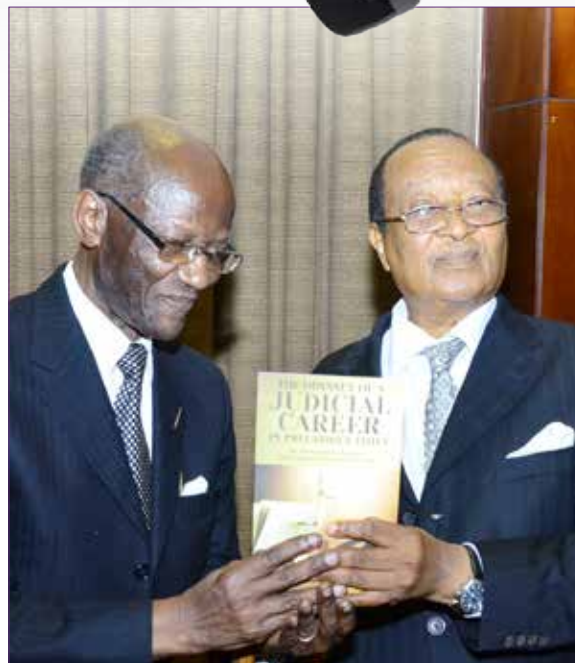
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▲ The Chief Justice (2nd L) joined by other stakeholders during a tour of Jinja Prisons.



▲ Senior Judiciary management, led by the Chief Justice during an interface with members of the parliamentary legal affairs committee in April 2015.



▲ Chief Justice Emeritus, Samuel Wako Wambuzi (R) launching his new book with former Prime Minister Prof. Apolo Nsibambi at Serena Hotel, Kampala on April 24.



▲ Principal Judge Dr Yorokamu Bamwine at a Court Open Day at Golf Course, Mbarara.

▲ Members of the Danida-UGOGO Steering Committee at their June 2015 meeting at Serena Hotel, Kampala.



How the bomb trial has changed the face of Kampala High Court

To many, the trial of the suspects of the 2010 twin bomb attacks in Kampala is a mixed bag - evoking memories of grief but also bringing some sort of relief. But this high profile trial before Hon. Justice Alphonse Owiny-Dollo has also changed the way court business is run.

It is one of those trials where witnesses have been allowed to dress in a manner they feel will not compromise their security - for instance by putting on head gear.

It is also the first case where defence lawyers and prosecutors have been accorded bodyguards both in and outside court. Even the suspects are brought from Luzira Prisons amid heavy security escorts.

Background

Hearing of the 2010 bomb case began in March 2015. The late Joan Kagezi, Senior Principal State Attorney then, was the lead prosecutor of the case. But when Kagezi was shot dead in Kiwatule, a Kampala suburb, as she returned home on the evening of March 30, a lot changed.

Her murder was linked to terrorism since some of the suspects are said to be associated with the Somalia-based radical militants, the Al-Shabaab that claimed responsibility for the July 2010 Kampala twin bombings. Following her murder, it took another 70 days for the hearing to resume. This was to allow prosecution reorganise its team.

The prosecution

It is not usual for the Director of Prosecutions (DPP) to personally appear in court and help in handling a case but that is what happened in this matter:

On June 8, DPP Justice Mike Chibita clad in his lawyers' professional gown took the front seat in court on the prosecution side.

"My Lord, we deemed it necessary to come to court because the last

time this matter came up, it was being prosecuted by Joan Kagezi and we all know what happened to her," Justice Chibita said in his opening remarks.

"The purpose of my coming here is to see that justice is done."

He then introduced the strengthened five-member prosecution team brought on board to take over from the late Kagezi. The team is led by Susan Okalany, Principal State Attorney.



Some of the 2010 Bomb suspects follow court proceedings at the High court in Kampala



Security

Whenever the trial is in session, there is heavy police deployment of Counter Terrorism police personnel at the High Court buildings.

Police dogs are strategically stationed within the court premises. Entrance to the Court house and the courtroom is restricted. Security also closely monitors the surrounding environs. According to Jamson Karemani, the Registrar of the High Court Criminal Division, those involved in the case – the state attorneys and defence lawyers – have been assigned guards at the State's expense. The security of the presiding judge has also been enhanced.

Some of the key witnesses have been put under a special witness protection programme because of the sensitivity of the matter at hand.

The witnesses

His Worship Karemani said the case has been investigated by different international security agencies. As such, witnesses are expected to come from as far as the United States. This will also be at taxpayers' expense.

"The prosecution has listed 28 witnesses from Kenyan, eight from Tanzania and another eight from the US," he said.

"But in total, the prosecution has lined up more than 100 witnesses. This number is rare but because of the complexity of the case, it was allowed because the suspects are alleged to have been operating across the borders," he added.

The State is expected to meet all their travel expenses - inland and abroad as well as pay for accommodation and meals.

"The judge has had to adjust court rules to allow witnesses wear head-gear and other camouflage to disguise their identities, for their safety," H/W Karemani adds.

Interpreters

There are 13 accused persons in this case from Uganda, Kenya, Tanzania, Rwanda and Somalia. There are Swahili and Rwandese speakers. The State had to bear the cost of hiring interpreters. The in-house Swahili interpreters could not be used because of the difference in dialect. As such, the services of a Kenyan interpreter were sought.

This person has to be in court whenever the case is being heard. The Rwandan interpreter's services were

terminated after the testimony of the Rwandan witness.

Assessors

In normal court sessions, there are usually two assessors per sitting but not for this case.

"We had to employ more assessors so that in case one is unable to attend, there is quorum and proceedings do not stall," His Worship Karemani told the *The Judiciary Insider*.

Restrictions

On days when the case is being heard, there are several checkpoints at the High Court premises and security officers have different lists of individuals accredited to attend the trial, including journalists.

Each of the accused is only allowed one relative in the courtroom. This relative has to be clearly identified by the suspect before they are brought in. The defence lawyers and the five state prosecutors are also allowed free access into the court premises. Similarly, during trial, vehicles are not allowed to park within the court premises or outside for security reasons. Those who insist on parking at the court premises, have had their vehicles towed away at their expense.

Transportation

In other trials, all accused persons on remand are brought together to attend court. But in this unique trial, the suspects are a "special case" who are exclusively chauffeured with heavy escort provided by the counter terrorism police.

The bus that transports the 13





suspects accused of involvement in the twin Kampala bombings, is escorted by several security cars. The convoy moves at breakneck speed with full headlamps from Luzira Prisons to the High Court and back. Traffic on the roads near the court premises is temporarily blocked when the prisons bus, carrying the suspects, is entering or exiting the premises.

The evidence supporting the case is carried in a big metallic box by police in a separate vehicle. The documents have to be secured since the case depends on this evidence.

Cost

To ensure all the loose ends are tied, this has come at a cost. Ideally, Shs1m is allocated to hear an ordinary case but not for this matter. The projected

13

Suspects accused of playing a role in the twin bombing at Kyadondo Rugby Club and Ethiopian Village Restaurant in Kampala.

expenditure for the case is Shs300m. An exorbitant amount that is justified due to the sensitivity of the case.


Why all the fuss?

Many people have wondered why the case has been given all this prominence and has taken nearly five years to be heard. Well, before the trial resumed, top officials from the Police, Prisons, the DPP and the Judiciary met to discuss the security modalities to ensure that the judicial

officers and lawyers both from the prosecution and defence involved in this matter are given adequate security to avert any setbacks.

The suspects

The 13 suspects are accused of playing a role in the twin bombing of football fans watching the 2010 World Cup final between The Netherlands and Spain at Kyadondo Rugby Club and Ethiopian Village Restaurant in Kabalagala, Kampala killing more than 76 people and leaving scores injured. The suspects face charges ranging from; terrorism, murder, attempted murder and being accessories to terrorism.

There is no doubt, this is a case where many people have vested interests and as such its conclusion is eagerly awaited. 



The 2010 bomb trial suspects are exclusively chauffeured with heavy escort.



Legal Aid Scheme in the offing

Uganda, like many African countries, has been developing a policy document for legal aid. Legal aid is the provision of free or subsidised legal services to poor and vulnerable people who cannot afford to hire lawyers.

At the third National Legal Aid Conference in August, President Yoweri Museveni emphasised that the line Ministry of Justice and Constitutional Affairs would table a Bill for the provision of free legal services to Ugandans.

"In 2014, I made a commitment that government would enact a law on Legal Aid and I would like to assure Ugandans that in due course, a Legal Aid Bill will be introduced in Parliament," he said.

"The proposal for a National Legal Aid Scheme is very welcome and is part of the NRM Government's cherished desires to restore the rule of law in Uganda...the scheme will buttress our efforts to promote sustainable development, prosperity and enduring peace."

The President commended the Justice Law and Order Sector for its efforts in ensuring that ordinary and vulnerable people who go to the courts in search of justice indeed get justice.

He, however, said it would be futile if the delivery of justice remains slow, urban-based and limited to court rooms.

"Cases take too long to resolve, resulting in poor administration of justice...the common person needs empowerment to benefit from the



L-R: Christine Birabwa, the National Coordinator Justice Centres Uganda with President Yoweri Museveni and the Chief Justice during the National Legal Aid Conference, on August 10.

justice system," he said.

The President said, the establishment of a holistic legal aid system in Uganda is long overdue and must be supported by government.


Deputy Attorney General Hon. Mwesigwa Rukutana said the conference created awareness about ongoing efforts to write a policy, law and create a national legal aid institution.

Underscoring the essence of legal aid, he said: "Article 21 of the Constitution of the Republic of Uganda provides for equality before the law. To ensure equality of all persons before the law and to enhance access to justice, the provision of legal aid is critical."

As it is now, the provision of legal aid has been left to civil society organisations that do it out of their goodwill, with funding mainly from foreign donors.

Steps taken

With support from the Democratic Governance Facility (DGF) in consultation with other state and non-state actors, the Justice Law and Order Sector developed the National Legal Aid Policy which is now before cabinet for consideration.

After that process, the National Legal Aid Bill will be tabled in Parliament. When passed, this law will create a national body mandated to provide legal aid services across all areas of the law. 



New Judiciary hotlines to boost the fight against corruption

The Judiciary has introduced telephone hotlines to enable its clients give feedback on issues in the courts of law and matters concerning judicial officers. This is one of the several initiatives of Chief Justice Bart Katureebe to strengthen public confidence in the Judiciary.

One can now send a text message to mobile phone hotlines – **0776-709-100, 0703-707-085 and 0794-702-085** to raise a complaint or compliment any judicial officers and/or support staff. Please note that these are not call numbers; they are strictly for Short Message Service (SMS).

Justice Katureebe announced the SMS hotlines in May in his continued effort to fight corruption in the Judiciary. It's expected that the three SMS hotlines will enable the public report any misconduct in the courts.

Over the years, several transparency reports, including those done by the Inspectorate of Government (IGG), the Uganda Human Rights Commission and non-state actors, have ranked the Judiciary among the most corrupt institutions in the country.

"We are determined more than ever before, to fight corruption and malpractices in the courts. We are tired of the Judiciary always appearing on the list of the most corrupt institutions in Uganda," Chief Justice said in a press

statement.

Gadenya Paul Wolimbwa, the Chief Registrar of the Courts of Judicature said the hotlines are the first step in a continuous process to open up communication between the Judiciary and the public. This will also strengthen the complaints handling mechanism in the institution.

The Judiciary will soon establish a Customer Service Centre at the High Court in Kampala to aggressively reach members of the public who use the Internet, including social media.

According to the Chief Justice, with the SMS hotlines, anyone can send precise feedback, reporting incidents of unprofessional conduct against judicial officers and court support staff.

Provide evidence

To that effect, the Chief Justice urged court users who have evidence of any wrongdoing in the courts to text the information on the SMS hotlines so that the reports are investigated and forwarded for disciplinary action.

"Give us the facts on any form of malpractices by our staff and we shall follow up and take appropriate action," said the Hon. Chief Justice.

With this measure and many more to be announced, it is hoped that corruption and other malpractices will be gradually eliminated in the Judiciary.

"In the near future, we shall have a revamped and well-resourced Inspectorate of Courts; we will provide Information, Education and Communication materials to empower the people to use the courts, even without a lawyer," said Hon. Justice Katureebe.





He promised that the SMS feedback messages will be confidential and safely stored.

In April, Hon. Justice Katureebe announced plans to strengthen the Inspectorate of Courts to conduct more adhoc court inspections, under the leadership of a Supreme Court justice.


The institution is also conducting continuous public engagement programmes with civic leaders and court users in different parts of the country, to explain the functions of the Judiciary and the courts at different levels.

His Worship Gadenya said it's important for a highly centralized institution like the Judiciary to use a multiplicity of communication channels because most people do not come to court.

"We will receive the complaints and deal with them promptly. We request the complainants to give us a little more information for proper follow-up purposes," he said.

To bolster the fight against corruption in the third arm of government, the Chief Justice recently wrote to individuals who have publicly claimed to have

evidence of corruption against some judicial officers to present it to him.

He said his administration would not defend or protect corrupt staff or judicial officers. "...furnish me with the evidence in your possession so that the necessary course of action is taken in accordance with the law and the Constitution...Let us work together to improve and strengthen the administration of Justice in our country," Hon. Justice Katureebe's letters to the different individuals read in part. The individuals have responded and their information is being studied. 

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First 100 days as CJ

Chief Justice Bart Katureebe has made his first 100 days in office. *The Inside Judiciary Magazine* now looks back at Justice Katureebe's news-packed engagements in the last three months.

On **March 20**, Chief Justice Bart Katureebe was sworn in by President Museveni at Entebbe State House, concluding a long recruitment and appointment process. Justice Katureebe officially took on the Judiciary's highest office on **April 9** and started on his journey to steer the institution that had run without a substantive Chief Justice for more than two years.

Immediately he assumed office, as Justice Katureebe made promises to the people of Uganda. After spending more 100 days in office, we assess the promises.

"I cannot make it without the efforts of the other organs of government. I am now going to dig up the contacts of some members of the Legislature and Executive and I will be knocking at their doors for help," said Hon. Justice Katureebe.

He was speaking in reference to his predecessor Justice Benjamin Odoki who had urged the new CJ to interact with the Executive arm of the State, saying the independence of the Judiciary was very sensitive, and that the Judiciary would remain "irrelevant" if it does not engage the other arms of government.

Another promise

"I will strengthen the inspection arm of the Judiciary so that some of the malpractices that are reported in the institution, especially in the lower Bench, can be checked." The Chief Justice was also concerned that sometimes people could be working but if they are not properly supervised, they will not deliver. He said there were cases of some magistrates reporting to work at 11am or midday and yet courts are supposed to be open for people by 9am.

"I believe with a strong administration and supervision we can check that. But to achieve that, it's not a matter of opening the lines of communication with the other branches of government but also improving internal cohesion to discuss with other leaders of the court. For example, the Constitution says the Deputy Chief Justice administers the Court of Appeal and the Constitutional Court on behalf of the Chief Justice."

This means there must be an open channel of communication between the CJ and the DCJ to run that court so that the justices there feel free to come to the CJ in the event that there is a matter that can't be resolved by the Deputy Chief Justice. This will call for regular meetings with the Deputy Chief Justice so that matters of administration can be smoothed out and internal cohesion enhanced."

In his first interaction with Members of the Parliamentary Committee on



Legal Affairs, Justice Katureebe asked Parliament to allocate more funds for the under-funded priorities over the medium term to enable the Judiciary effectively discharge its mandate.

Targets

The Judiciary previously worked without clear targets but the institution has now adopted targets for judicial



Justice Bart Katureebe has pledged to open up lines of communication with other stakeholders in government.

officers and the courts at all levels. The annual target for each Supreme Court justice is 80 cases; Court of Appeal justices 800 cases; High Court Judge 300 cases; Chief Magistrate 800 cases; Magistrate Grade One 400 cases; a new Magistrate Grade One 300 cases and a Magistrate Grade Two 300 cases. The targets are part of an elaborate Performance Enhancement

System the Judiciary has developed to evaluate all judicial offices including judges.

The Magisterial Areas have also been increased from 39 to 82, and this is expected to significantly improve access to justice and enable the courts to serve Ugandans better. A magisterial area is headed by a Chief Magistrate.

"We, therefore, plan to increase the number of Magistrate G.I from the current 148 to 250. The recruitment of an additional 82 Magistrates should be done in [the next] one year for the impact to be felt. This will require 10 billion shillings," Hon. Justice Katureebe told MPs.

He added that in a bid to actualize the professionalisation of the bench, the Judiciary was phasing out the lay Magistrate G.II cadre.

"The current 13 High Court Circuits mean that people have to travel very long distances in search of Justice. A case in point is that one has to travel from Kotido to Soroti to access the services of the High Court or from Busia to Mbale, said Hon. Justice Katureebe.

"The current caseload for every High Court judge is 1,229 and the judge to population ratio currently stands at one Judge for every 715,000 Ugandans."

He said the plan is to increase the High Court Circuits from 13 to 18 and also raise the number of High Court Judges from 50 to 82 with a phased appointment of 10 Judges per year.

"This will cost Shs23.3billion over the medium term but we require 7.8 Billion in 2015/16 for this phased approach."

Justice Katureebe's appointment as the head of the third arm of the state was widely welcomed by people across the board.

Soon after his appointment in March, Justice Katureebe announced that fighting corruption in the Judiciary would be one of his top priorities. He has since sent an appeal to all citizens, not only to speak out against corruption in the Judiciary, but come out and help him find a solution to the vice.

Indeed, the Judiciary has already released three SMS hotlines for the public to report any errant and corrupt judicial officers. In recent years, various anti-corruption agencies have consistently ranked the Judiciary among the most corrupt government institutions.

In one of his first media interviews with the *Daily Monitor* newspaper, Justice Katureebe said:

"The Chief Justice by himself cannot solve all the challenges that the Judiciary as the third branch of the State faces. But the Chief Justice as the chief administrator and head of that department should open up lines of communication with other branches of government to ensure that they too give support to the Judiciary in administering justice to the people of this country."

He added: "Under this administration of justice, there are so many things like

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US Judge tips the Judiciary on appellate mediation

Revered as one of the world's leading experts on judicial administration, Justice Clifford Wallace was in Uganda to guide the Judiciary on appellate mediation. In Thailand, Justice Wallace is fondly referred to as "father of the courts." Therefore, his presence in the country, to come up with best practices, was a blessing.

Justice Wallace has held a series of meetings with senior judicial officers, including the Deputy Chief Justice, Principal Judge, Chief Registrar as well as other stakeholders in the Justice Law and Order Sector:

During the visiting justice's meeting with the justices of the Court of Appeal, Deputy Chief Justice Steven Kavuma, who also heads the appellate court, said it was an honour that Justice Wallace had accepted to be the resource person in the development of appellate mediation in Uganda's jurisdiction.

"Last year in July, one of our Justices, with the help of two externs from the Pepperdine University School of Law, presented a proposal to the Court of Appeal suggesting appellate mediation as a means of backlog management," said Hon. Justice Kavuma.

Although the concept of appellate mediation does not exist

yet in Ugandan courts, it's practiced in other jurisdictions like the US.

The aim of appellate mediation to amicably resolve appeals early in the appellate process and thereby save the parties time, expense, and uncertainty.

"We were impressed to learn that the US 9th Circuit Appellate Mediation Report of May 2014 had at one stage achieved a success rate of 64.55% using nine mediators, thus resolving hundreds of appeals," said Hon. Justice Kavuma.

It is against this background that the Court of Appeal, agreed in principle, to explore the possibility of introducing appellate mediation in Uganda.

As of December 31, 2014, the Court of Appeal had approximately 2,174 civil and 1,533 criminal appeal cases designated as backlog. As such, this prompted the Court to adopt innovative methods of work. This initiative is expected to ease this huge backlog.

Justice Wallace said as the number of cases filed each year surged, the US federal appellate courts evolved in order to fulfill their core function of deciding appeals and setting guiding



precedent.

“Appellate level mediation has been a feature of the US federal court system since the 1970s when the Federal Rules of Appellate Procedure first sanctioned the practice. The United States Court of Appeals for the Seventh Circuit inaugurated a pre-argument conference programme in 1972,” he said.

“Although modest in scope, the programme’s governing concept was case management: to reduce the submissions to the court and abbreviate the time a case stayed pending an appeal.”

About Judge Clifford Wallace

He is a senior Judge on the Ninth US Circuit Court of Appeals, and has been serving on the bench since President Richard Nixon appointed him in 1972.

A devout Mormon, Justice Wallace has been active in the Church of Jesus Christ of Latter-day Saints, serving in local and regional governing posts. Justice Wallace has supported the Boy Scouts of America for a long time, serving on the local chapter’s board of directors and executive committee from 1977 to 1993.

Justice Wallace served as Chief Judge of the Ninth Circuit from 1991 to 1996. He assumed senior status on April 8, 1996. As a senior judge, Wallace has a reduced caseload, but he continues to hear cases in the Ninth Circuit, and he sits by designation from time to time as a visiting judge on other federal appellate courts.

Throughout his career as an appellate judge, Wallace has been deeply interested in developing strong judicial systems around the world. His support for the “rule of law” movement, which seeks to impart the concepts and ideals of an independent Judiciary and impartial judicial system, dates back to 1972, when he began using personal vacation time to visit judiciaries overseas.

After assuming senior status, he began to spend about half his time on the effort. In all, he has directly worked with judiciaries in more than 50 countries on all the six continents. Justice Wallace also serves on the Asia Council of the American Bar Association Rule of Law Initiative.

His pioneering work in the international rule of law movement predates the American Bar Association’s initiative in Eastern Europe by 20 years.

The silver-haired judge, who turned 86 last December, is revered as one of the world’s leading experts on judicial administration.

A frequent speaker for chapters of the Federalist Society and the American Enterprise Institute. In 2005 he received the Edward J. Devitt Distinguished Service to Justice Award—the most prestigious honour in the US federal Judiciary.

The award recognises “significant contributions to the administration of justice, the advancement of the rule of law, and the improvement of society as a whole.”

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First 100 days as CJ

the Judiciary getting the necessary tools, funds, and personnel in terms of numbers and quality to do the job. Now that I have this support and the country expects me to do something about the Judiciary, I believe I will succeed in convincing the other arms [of the State] to prioritise the needs of the Judiciary in the context of the administration of justice and good governance of the country.”

He pledged to lobby for the allocation of more resources to the Judiciary in terms of more finances, personnel and the recruitment of judges, for example, to help in answering some of the expectations the people. During his interaction with MPs on the Legal Affairs Committee, Justice Katureebe appealed to the lawmakers to help in approving a bigger budget for the Judiciary to enable it work more effectively.

Hon. Justice Katureebe and Hon. Justice Kavuma were appointed CJ and DCJ on March 5 and were confirmed in the positions by the Parliamentary Appointments Committee on March 18.

Hon. Justice Katureebe, a member of the Supreme Court, replaced Hon. Justice Benjamin Odoki, who retired in March 2013, whereas Hon. Justice Kavuma replaced Hon. Lady Justice Alice Mpagi-Bahigeine who retired in October 2012.



Administration of the Judiciary law

Draft Bill proposes Judiciary's financial and administrative independence

The Judiciary was established under Chapter 8 of the 1995 Constitution for the administration of Justice in Uganda. Article 128 thereof advocates for the independence of the Judiciary in its exercise of its judicial function.

To realise effective administration of justice, Parliament is mandated to make laws providing for the participation of people therein.

Following wide consultations, especially within the Justice, Law and Order Sector, came the draft Administration of the Judiciary Bill (AJB) for purposes of operationalising Chapter 8 of the Constitution.

The Bill is intended to provide for efficient and effective administration of the Judiciary so as to establish structures of administration, to provide for employment and disciplinary control of employees, the funds of the courts, training, and inspection, rationalisation of its judicial independence, and for other related matters.

Drafted in 2012, the Bill was originally tabled in Parliament through a private Member's Bill. However, the Executive also tabled a similar Bill shortly after, which prompted Parliament to send both Bills back to Cabinet for consolidation in December 2013.

Once passed into law, the Administration of the Judiciary Act is expected to provide for the structures,



processes and regulations for the effective administration of justice and strengthening independence of the Judiciary. It will also delink administrative staff from the Ministry of Public Service for their discipline and put them under the effective control of the Judiciary.

The challenges in the Judiciary today could be addressed quickly by fast tracking of the draft Bill – this may lead to increased funding to the institution that would translate into construction of more court houses throughout the country and appointment of more staff (judicial and non-judicial cadre) for the Judiciary to serve the people effectively.

In the September 2, 2015 interface between President Yoweri Museveni and judges, the Chief Justice Bart Katureebe said 74 per cent of the courts countrywide operate in rented premises – some are in structures meant for shops which gives litigants the impression that justice is for sale just like commodities in the shop next door.

In an earlier interaction with the Committee on Legal and Parliamentary Affairs, the Chief Justice said the Judiciary required at least Shs6 billion to construct five customised court houses per year – Shs1.2b per court. This would save billions of shillings spent on renting from private individuals.

The Judiciary is also grappling with poor working conditions. Key among these is the cases of magistrates not having vehicles to enable them visit locus especially in land matters as demanded by law. Court registries are also in a sorry state, resulting in loss or misplacement of files which promotes petty corruption. The problem of case backlog has persisted with more than 160,000 cases still pending; some as old as 20 years.

The Administration of the Judiciary Act intends to have continuous improvement by revamping the infrastructure for court registries, provision of transport for all magistrates, accommodation for judicial officers and having more criminal sessions to deal with the backlog.

The Chief Justice contends that government can only function effectively if its three arms – the Executive, the Legislature and Judiciary are strong and effective. He also noted that the Judiciary needs institutional and financial autonomy to play its rightful role.



He believes that the Administration of the Judiciary Bill would make the Judiciary autonomous and turn around the administration of justice in Uganda.

As mandated by the Constitution, the Judiciary is supposed to be a self-accounting institution and may deal directly with the Ministry of Finance in regard to its finances; salaries, allowances, privileges and retirement benefits and other conditions of service for its staff.

This constitutional mandate is, however, not being applied since the Judiciary currently depends on allocations from the government and development partners.

While addressing judges during the 2015 Annual Judges' Conference in February, the Justice and Constitutional Affairs Minister, Maj. Gen. Kahinda Otafiire, said the Bill had been reviewed, consolidated and ready for re-tableting in Parliament. He said the re-tableting had only been deferred pending the amendment of some Constitutional provisions.

Luckily, the said amendment process was successfully concluded in July 2015.

Constitutional provisions amended

The Constitutional (Amendments) Bill, 2015 was read for the first time to the 9th Parliament on April 30, 2015. It was subsequently scrutinised by the Committee on Legal and Parliamentary Affairs for scrutiny before its second reading to the House in July 2015. Below are the highlights of the Judiciary-related Constitutional amendments:

Key priorities under AJB


- To facilitate improvement of the efficiency and effectiveness of Courts of Judicature;
- To establish a Judiciary Advisory Council to advise the Chief Justice in the administration of the Judiciary and justice;
- To strengthen the independence of courts in accordance with the Constitution;
- To streamline the administration of courts;
- To facilitate a judicial process that is committed to the expeditious determination of disputes; and
- To establish a Judicial Training Institute.

Judges' retirement age: Proposal to amend article 144 of the Constitution intended to have the retirement age of High Court judges raised from 65 to 70 years, and that of the Justices of the Court Appeal/Constitutional Court and the Supreme Court increased from 70 to 75. Parliament noted that since the retirement age for all civil servants is 60 years, senior judicial officers need to retire from the strenuous judicial work when they are still relatively energetic to enable them pursue other work in private or public life. Most stakeholders who were consulted supported the view against alteration of judges' retirement age. Parliament therefore voted to maintain the status quo on grounds that increasing the retirement age would make growth in the Judiciary more difficult for young lawyers.

Changes in Supreme Court Quorum:

Parliament discussed the amendment of article 131 of the Constitution to fix to seven justices the panel of Supreme Court Justices to hear appeals from decisions Constitutional Court. The Constitution originally required the sitting of a full bench, and where one of them is unable to attend, the president would appoint an acting justice. Parliament approved the amendment saying it would enhance the independence of the Supreme Court by establishing the quorum of the Supreme Court on second appeals. The amendment effectively abolished the position of acting justice in Uganda.

Judiciary staff recruitment by Judicial Service Commission (JSC):

The House also discussed the amendment of Article 147 of the Constitution to empower JSC to determine the terms and conditions of service of both the judicial and non-judicial staff of the Judiciary appointed in accordance with the Constitution. The amendment was overwhelmingly supported by both members of Parliament and other the stakeholders that were consulted. Operationalising the arrangement would, however, require the amendment of Section 5 of the Judicial Service Act, Cap 14 to insert Article 148A amending the functions of JSC. Parliament further approved the insertion of article 147A into the Constitution to grant JSC powers of appointment, discipline and removal of staff of the Judiciary. This also requires the amendment of Section 7 of the Judicial Service Act, Cap 14 to determine the management of the non-judicial staff to be transferred from the Public Service to JSC. 



Judiciary will miss **Roy Milton Byaruhanga**

Tributes started flowing on Sunday July 12, 2015 when news about the passing of Roy Byaruhanga, the Supreme Court Registrar was relayed. The human rights champion and devotee Christian succumbed to a stroke at his home in Kiwatule, a Kampala suburb. In his 53 years, Mr Byaruhanga had been a dedicated officer who never let illness or difficult work stand before him at the table of service. Even when confined to a wheel chair, Byaruhanga's disability did not dampen his resolve to dispense justice, his legal mind was truly unsurpassed.

Here are various posts celebrating his life and work.

"Such a brave and dedicated officer. May his soul rest in eternal peace," **Bart M. Katureebe.**

"My deepest condolences. He was such a gentle and kind person and dedicated to his work as a public servant. It's a week or so when he came to my chambers to say farewell to me after being transferred from the Supreme Court. I never imagined at that time that he had a few days left in this world. May his soul rest in peace," **Justice Jotham Tumwesigye.**

"He was in pain which he courageously suppressed. May his soul rest in eternal peace," **Principal Judge.**

"It's a tragic loss for Roy's family and the Judiciary. We shall surely greatly miss his humility and gentle character," **Justice Stephen Musota.**

"It's a tragic loss for Roy's family and the Judiciary. We shall surely greatly miss his humility and gentle character," **Justice Andrew Bashaija.**



"I will miss his love and faith in the Lord. Rest in peace Roy, May God welcome you in his restful embrace," **Justice Elizabeth Alividza.**

"Roy you have fought a good fight. May our God, whom you diligently served, receive you and keep you in eternal peace," **Justice Henry Kaweesa.**

Terrible news. We pray for his family. May he RIP," **Justice Mike ELubu.**

"Roy was such an honest and dedicated person. He trusted in the Lord even against hope. I know his good deeds

will follow him. May his soul rest in peace," **Justice Margaret Mutonyi.**

He put the Judiciary above self. Surely his unprecedented service deserves our support even after his demise. A cold can keep some of us away from office, but no amount of pain stopped him from work. He was a very good ambassador of Jesus Christ.

Oh dear! My deepest sympathies upon Roy's death. It's a tragic loss to those young children.

About Milton Byaruhanga?

He was born on September 8, 1963 in Hoima District.

He was appointed Magistrate Grade One in 1992 and posted to Masaka Magistrate's Court. In 1999, he was appointed Acting Chief Magistrate and posted to Fort Portal. In 2001, he was confirmed Chief Magistrate and was posted to Jinja Chief Magistrate's Court.

He was later transferred to Masindi Chief Magistrates Court, before being appointed Acting Deputy Registrar in 2004. He was later appointed acting deputy chief registrar and posted to High Court Kampala Criminal Division.

He was confirmed Deputy Registrar in 2007 and in 2008, he was transferred to the registry of research and training. A year later, he was appointed as registrar of courts of judicature. In 2013, he was posted to the Supreme Court as registrar, a position he held up to the time of his death. 🕯️



New Chief Justice Bart Katureebe receives a copy of the Constitution from the Chief Justice Emeritus, Benjamin Odoki during the handover ceremony at the High Court in Kampala, April 9.



The Judiciary Headquarters,
High Court Building
Plot 2, The Square,
P. O. Box 7085, Kampala-Uganda
Tel: +256-414-344-1116 | Fax: +256-414-344-1110
Email: info@judicature.go.ug
www.judicature.go.ug

