

REMARKS BY THE HON. THE CHIEF JUSTICE HON. BART M. KATUREEBE AT THE SWEARING IN CEREMONY OF NEWLY APPOINTED MAGISTRATES GRADE I HELD ON THE 26TH FEBRUARY 2016 AT HIGH COURT, KAMPALA

The Principal Judge,

The Chief Inspector of Courts,

The Secretary to the Judiciary,

The Chief Registrar,

Your Worships present,

Ladies and Gentlemen.

It gives me great pleasure to speak to you and congratulate you upon your appointment as Magistrates Grades I. You are welcome to the Judiciary family, a closely-knit family, which is known for nurturing staff and empowering them to excel in life. You have started on a professional judicial career.

You are joining the Judiciary at a critical time when we are in the process of transforming the Institution from a process driven institution into a result oriented and accountable institution. Presently, we are collectively working with our stakeholders to administer justice with a

human face and contribute towards building Uganda into a democratic and peace loving country that respects the rule of law as the foundation of sustainable justice and development.

I am cognisant that the future of the Judiciary lies in abandoning traditional practices of work, which are process driven, manual and time wasting to embracing people centric policies, supported by modernising the handmaidens of justice and automating court processes to cut down on delays and promote greater transparency in the administration of justice, as well as empowering litigants to use the court system with ease. Consequently, we have prioritised reforming the Civil Procedure Rules to make legal proceedings predictable and fast.

We are automating most of the court processes, first by providing computers to judicial officers and expanding court recording equipment from the courts of record to Magistrates Courts. We are also in the process of developing a comprehensive programme for mandatory continuous training of judicial officers to bring them to speed with modern methods of adjudication and change of attitudes for increased productivity. Other interventions include restructuring of the Judiciary, providing working tools and improving the conditions of work.

I look upon you, young and fresh, to join hands with us in energising and modernising the Judiciary into an institution of excellence and justice.

The mandate of the Judiciary is laid out in Article 126 (1) of the Constitution of the Republic of Uganda which provides that:

Judicial Power is derived from the people and shall be exercised by the Courts established under this Constitution in the name of the people and in conformity with the law and with the values, norms and aspirations of the people.

Clause 2 of the same Article provides that:

In adjudicating cases of both a civil and criminal nature, the courts shall, subject to the law, apply the following principles-

- a) Justice shall be done to all irrespective of their social or economic status;**
- b) Justice shall not be delayed;**
- c) Adequate compensation shall be awarded to victims of wrongs;**
- d) Reconciliation between the parties shall be promoted; and**

e) Substantive justice shall be administered without undue regard to technicalities.

The Constitution, therefore, directs Judicial Officers to administer justice from a value laden perspective to give purposeful interpretation and meaning to the values, norms and aspiration of the people.

As we move towards reducing delay in handling of cases, lowering the high cost of justice and raising public confidence in the administration of justice, I have decided to prioritise the following strategic interventions to turn around the Judiciary. These interventions include:

- Strengthening integrity in the Judiciary;
- Promoting functional access to justice;
- Developing new products of justice to broaden and deepen access to justice especially for the vulnerable; plea bargaining; mediation.
- Institutionalizing a culture of performance and accountability;
- Improving the remuneration and working conditions of Judiciary staff; and
- Promoting public engagement in the administration of justice.

I am confident that if these pillars are implemented in a sequenced manner within the medium and long term, we shall have positive impact on the Judiciary. As we engage Government and Development Partners to raise resources to finance the proposed interventions, we should not lose sight of achieving targets that we have set for all Judicial Officers to promote accountability and value for money in the Judiciary; for instance, the target for New Magistrates Grade I of less than 3 years standing is 300 cases per annum.

I urge you to work smart to achieve your targets without compromising the quality of justice through rushed decisions and premature dismissal of cases. I encourage you to use modern case management principles that focus more on the outcome of the case by putting the case in the hands of the Judge or Magistrate from the beginning to the end of the case and eliminating of redundancy in the trial process. You should use reconciliation and alternative dispute resolution to expedite civil cases especially land cases, which are worst affected by delay.

As foot soldiers and frontline judicial officers for the Judiciary, you will be faced with very high expectations from the public amidst temptations of getting rich quickly. These threats and temptations will come from

people who are close to you, court staff, bailiffs, advocates and politicians, who will tempt you with bribes and other inducements to tilt the scales of justice. I urge you to resist the cancer of corruption for your own good and that of the profession and the country.

You should bear in mind that your conduct and performance at the grassroots will greatly influence the public perception about the Judiciary. I therefore call upon you to safeguard the independence and the public image of the Judiciary through adherence to the Uganda Code of Judicial Conduct. I wish to direct your attention to the six principles in the Uganda Code of Judicial Conduct, which are summarised as follows:

Principle 1 – Independence

An independent judiciary is indispensable to the proper administration of justice. A judicial officer therefore should uphold and exemplify the independence of the Judiciary in its individual and institutional aspects.

Principle 2- Impartiality

Impartiality is the essence of the judicial function and applies not only to the making of the decision but also to the process by which the decision is made. Justice must not merely be done but must also be seen to be done.

Principle 3- Integrity

Integrity is central to the proper discharge of the judicial office. The behaviour and conduct of a judicial officer must re-affirm the peoples faith in the integrity of the judiciary.

Principle 4- Propriety

Propriety and appearance of propriety are essential to the performance of all the activities of a judicial officer. A judicial officer shall avoid impropriety and the appearance of impropriety in all judicial and personal activities.

Principle 5- Equality

All persons are entitled to equal protection of the law...

Principle 6- Competence and Diligence

Competence and diligence are prerequisites to the performance of the judicial office. A judicial officer shall give judicial duty precedence over all other activities.

I am aware of the financial constraints within which judicial officers operate and we are doing our best to improve the terms and conditions of service for all judicial officers and staff.

Recently, we increased the salaries of the lower Bench by 10%. We are also working on providing housing and transport for Magistrates, to improve their work.

I urge Government to urgently address the plight of the Judiciary and appreciate that providing financial security to judicial officers is an essential part of ensuring a competent and independent Judiciary. I must, however, caution you that the meagre pay you earn should never be an excuse to justify corrupt practices. I urge you to do your job bearing in mind that judicial service is a noble duty to humanity. Think of it as a professional career. Be firm in court but courteous.

With these remarks, I wish to thank the Judicial Service Commission for making these appointments and once again I congratulate and welcome you to the Judiciary.

I wish you a very successful career at all times and at levels you will reach eventually, in the Judiciary.

Bart M. Katureebe

CHIEF JUSTICE