



**OPENING REMARKS OF THE HON. THE DEPUTY
CHIEF JUSTICE OF UGANDA**

HON. JUSTICE RICHARD BUTEERA

AT

**THE OPENING CEREMONY FOR THE
INDUCTION/ORIENTATION OF NEWLY
APPOINTED ACTING MAGISTRATES GRADE ONE
2023 COHORT**

HELD AT

COLLINE HOTEL, MUKONO

30TH OCTOBER, 2023

My Lord, The Hon. The Chairperson of the Governing Council (JTI)

My Lord, The Executive Directive of JTI

My Lords, The Hon. Justices & Judges present;

Your Worship, The Chief Registrar;

The Secretary to the Judiciary / Permanent Secretary;

Your Worship The Registrar JTI and Judicial Officers present;

Our distinguished Presenters and facilitators;

Members of the press;

Invited guests;

Ladies and Gentlemen

Good morning to you all!

I have the pleasure to welcome you to this induction / orientation training of newly appointed Acting Magistrates Grade One 2023 Cohort. It is with great honour that I make these opening remarks.

I thank the Chairperson Governing Council-JTI, Executive Director-JTI, and all your Staff, for the timely organization of this induction training and inviting me to officiate at its opening.

To the newly appointed Ag Magistrates Grade One, please accept my heartfelt congratulations upon your recent appointments. I thank you for your willingness to serve the people of Uganda through the Judiciary. I implore you to use your knowledge, skills and talents to advance justice needs of our people whose cries for justice and freedom are ever growing.

This induction is meant to help you appreciate the judicial ethics, values and traditions of your office.

As you all know, the mandate of the Judiciary is well laid under Article 126 of the Constitution of Uganda, 1995 in the following terms:

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 values, norms and aspiration of the people.

The Constitution also directs us to ensure that aspiration of the people are taken care of in our delivery of justice. It is important to appreciate the socio – economic setting in which we operate in our respective magisterial areas for us to hand down orders of Court which make sense in the community we live.

The Top Management of Judiciary is confident that this induction training is just the beginning of many other trainings aimed at equipping you with the necessary skills to enable you to effectively and efficiently administer justice in your respective areas of deployment with peculiar justice needs.

Am aware that this induction training has come at a time when you have already been deployed. For the difficulties or challenges that you might have encountered already, seek guidance from the presenters and organizers of this training. We are all here to offer all the support necessary to help you deliver on your judicial mandate. Ask all the questions. They will be answered. I can assure you there is nothing you have faced or will face that has never happened before.

Therefore, be solution – oriented. What do you propose as answers to those challenges so far encountered at your respective courts / stations of deployment?

We implore you to contribute ideas that will improve the place where you work. There will always be challenges but we should be on the side of solution –givers and not problem-identifiers.

You must have gained some ideas about the justice needs/concerns of the people in your areas. Those needs/concerns may be unique depending on where you are stationed. Judiciary expects you by now to be determined in your minds on how you are going to administer justice mindful of those needs.

The Judiciary is promoting new strategies to reduce case backlog these include Mediation, Plea-bargain, Small Claims Procedure, Diversion of cases for juvenile offenders, Arbitration and Reconciliation among others.

I encourage you to be our ambassadors in promotion of these innovations aimed at case reduction.

I implore you to tap from the expertise of our retired Judicial Officers and Senior Advocates from your respective regions of deployment who will help you in implementing these innovations. This will help you to get more returns in case disposal which will feed into your monthly returns thus reducing on your case work load.

There is public outcry about corruption in the judiciary, both actual and perceived. There are concerns that some judicial officers ask for bribes to give favourable decisions. One of the other areas where there has been immense public outcry is the issue of bail. There are many complaints that getting bail in some courts especially at the Magistrates Courts level is difficult without giving what these days is called “**facilitation**”. This is unacceptable and it must not be heard of in the new Judiciary.

It is absurd that in this day and age, a judicial officer who is well paid and facilitated in Millions of shillings can stoop so low as to require of an impoverished court user to sell his/her only goat or other little possession. Your Worships, we are all duty bound to stamp out this evil out from our court system. Not all Judicial Officers are engaged in this evil its a few that spoil the good name of the Judiciary. We appeal to all members of the public to come out and expose these few rotten apples in our Court system.

While officiating at court open days and opening of Court of Appeal Criminal Sessions Country wide I receive complaints from public and justice actors. Among them, long stay on remand and prison congestions. This is partially caused by some of the remand prisoners charged with petty offences and their bail applications are not attended to for a long time by Magistrates.

The accused under Article 23 (6) of the Constitution of the Republic of Uganda has a right to apply for bail. It is a discretion of Court to grant

or deny bail. But bail application must be dealt with in a short time as provided under the Constitution (Bail Guidelines for Courts of Judicature) (Practice) Directions, 2022.

The accused has a right to apply for bail. However, it is the discretion of the Judicial Officer to grant or deny bail. To this effect, no delays should arise in hearing such applications.

*Judicial Officers should attend to these bail application in time as stipulated under **Rule 8** of the above mentioned guidelines, it provides that the court shall consider and dispose of an application for bail expeditiously and in any case within thirty (30) days from receipt of the application.*

The cases filed in court should be heard and resolved in time. With the increased numbers of Judicial Officers, there should be no backlog in most stations. Hear and conclude your cases quickly. Unjustified delayed trials of cases is a denial of justice. Endeavour to deliver justice in a fair and timely manner. Let justice always flow like a river in your Courts.

The Judiciary has strengthened its Inspectorate department. This is aimed at improving performance assessment mechanism. It has through entrenching the Inspectorate department embarked on drafting of Inspectorate of Court Rules which are now in advanced stages. Once these Rules are passed, Regional Inspectorate Offices will be put in place to track performance and discipline of Judicial Officers and Judicial Staff.

As new Judicial Officers, I implore you to read the provisions of the Ugandan Judicial Code of Conduct and apply it in its entirety to avoid landing into the hands of the disciplinary authorities which might shorten your career in the Judiciary.

The Magistrates Grade One now cover 301 Courts, this level of Magistracy is in close contact with the ordinary public as the first Justice Centre in the line with Court's hierarchy compared to the Chief Magistrates Court and Appellant Courts which are situate in far distant stations that are not easily accessed by the ordinary person. To this effect, Magistrates Grade Ones are the face and image of Judiciary. You should endeavor to be our good ambassadors in promotion of Judiciary's image.

As Magistrates Grade One you hold an important place in the chain of the administration justice as a first Court of instance since the Magistrates Grade Two Courts are being phased out and only a few Grade II Magistrates are remaining in our system. To this end, endeavor to understand your role in chain of administration of justice.

The geographical and monetary jurisdiction of a Magistrate Grade One provided for under Sec. 207 (1) (b) of Magistrates Court Act Cap 16. A Magistrate Grade 1 has jurisdiction where the subject matter doesn't exceed twenty million shillings and under 161 (1) (b) of the same Act a Magistrate Grade One may try any offence other than an offence in which the maximum penalty is death or imprisonment for life.

The Judiciary is putting bits and pieces together to enhance your pecuniary jurisdiction from 20 million shillings to about 100 million. Research and consultations are still going on, but that is one of the proposals. This means that you must be ready to shoulder a lot of responsibilities especially during this transition to the new Judiciary ushered into by the enactment of the Administration of Judiciary Act 2020.

Like other Institutions the Judiciary has a hierarchy where Senior Judicial Officers supervise Junior Judicial Officers.

Under Section 221 of the Magistrates Act, A Chief Magistrate has general powers of supervision over all Magistrates' Courts within his or her Area of Jurisdiction.

Under 221(2) A Chief Magistrate may call for and examine the record of any proceedings before a Magistrate's Court inferior to his or her Court and satisfy himself or herself as to the correctness, legality or propriety of any finding, sentence, decision, Judgment or order and the regularity of the proceedings.

Under Section 221(3) The Chief Magistrate may forward the record to the High Court with such remarks therein as he or she thinks fit.

Under Section 170 and 171 of the same Act, a Chief Magistrate has powers to transfer cases from one Magistrate to another within the

Magisterial Area of the Chief Magistrates Jurisdiction or to himself or herself.

Surprisingly, some Magistrates Grade One seems not to recognize this power bestowed upon the Chief Magistrate. You should learn these supervisory powers of the Chief Magistrates to enable you know who your supervisors are. This will direct not only your assessment for confirmation in service but also streamline your career growth.

You need to recognize the supervisory role and guidance of your Chief Magistrates and other supervisors. This is necessary for your mentorship as well as enabling you to learn from your peers to avoid obvious mistakes.

These roles are highlighted in the Schedule of Duties and key Performance Indicators for Registrars and Magistrates Manual. I encourage you to read this manual. It will guide you greatly in execution of your duties as Magistrates.

A Magistrate Grade One has also supervisory roles to appraise staff under him / her. He / she should also spend time to know the staff and other justice actors in his / her area of Jurisdiction.

He/she should know the workloads and make a good work plan to facilitate his/her performance and since all of you are acting Magistrates you will be accessed before confirmed in service. This, therefore, demands the best of yourself.

This duty of being a Judicial Officer requires commitment and dedication.

Be good examples amongst your own peers and consult them, it is then that you will be singled out of the crowd professionally.

Avoid all forms of indiscipline such as corruption, absenteeism, late coming, leaving duty early from work, laxity in management of Court Registries, archives and Court property, incompetence, arrogance to Court Staff and Court Users, Laziness like failure to deliver Judgments in 60 days from the date of completion of hearing, false accountabilities of Government funds or misappropriation to mention but a few.

The good news is that the Judiciary's Top Management is committed to avail resources and other logistics you require to perform your tasks in your respective stations which include; Transport, decent Court buildings, locus funds, operational funds and staff allowances.

The Chief Registrar as your Chief supervisor will always provide guidance and support services to you endeavor to always consult her whenever you face administrative or adjudication challenges. You could also do consultation on a number of your social issues that affect your work. She will guide you.

Am glad that the Executive Director of Judicial Training Institute and her team came up with an elaborate program for this retreat. She also selected an indomitable team of facilitators of all whom are versatile and widely knowledgeable in the subjects / topic selected for discussion during this retreat. I implore you to ask them candid questions so that you will be able to understand the topics discussed as per the lineup of the programme.

After these 2 weeks of your intensive training, I encourage you to go back ready to apply the knowledge, skills and best practices learnt here. This will improve your performance at your respective work stations.

Allow me to refer to the wise words of **Wendell Berry**, a celebrated American Novelist and farmer, who is quoted to have said: **"It is not from ourselves that we learn to be better than we are."** Hearing from other people and listening to the modelling experiences of one another is the best way to learn; therefore, facilitating this exchange of knowledge is the best way we can help ourselves as Judicial Officers to improve on the justice service delivery techniques to our people. Moreover, learning never stops till you die.

I finally call upon you all to take this induction seriously. Use this platform to share experiences and best practices. Commit to implement what you have learnt. This will bring a milestone in the performance of our Magistrate's Courts which are in close contact with the population.

With those few remarks, I now take this honour to declare this induction / orientation training for the newly appointed Acting Magistrates Grade One 2023 cohort officially opened.

For God and my Country.

Thank you for listening to me.

Richard Buteera

DEPUTY CHIEF JUSTICE